

**Scituate Board of Health Meeting  
Monday, December 18, 2017, 2017  
Scituate Selectman Hearing Room  
6:00 P.M.**

**MEMBERS PRESENT:** Mr. Doug Whyte, Chairman  
Mr. Steve Pansey, BOH Member  
Mr. Russell Clark, BOH Member

**OTHERS PRESENT:** Ms. Jennifer Keefe, Director, Public Health,  
Ms. Joan Schmid, Administrative Assistant

**6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA**

**Mr. Whyte called the meeting to order at 6:02 p.m.**

**Acceptance of the Agenda-** A motion was made and seconded with all in favor of accepting the agenda.

**SCHEDULED ITEMS**

*Discuss/Vote: Septic System Design Hearing – 17 Kings Way - Morse Engineering representing homeowner request for installation of a septic system requiring local upgrades/variances*

Mr. Greg Morse, professional engineer with Morse Engineering, attended the meeting for the property owner, Carl Joost, of 17 Kings Way. There is an upgrade project in place for the septic system. The owner is requesting a local upgrade for the setback reduction between the septic system to the property line. Mr. Morse made note that he had notified the abutter, Ms. Emily Grant, who was in attendance. Mr. Morse gave the proof of the mailing to the Board.

Mr. Morse said that the original plan was submitted to the Board of Health and the abutter had reviewed that plan. Mr. Morse noted that the abutter, Mr. Grant, sent an email to Ms. Keefe and she shared that email with Mr. Morse regarding their concerns with that septic system plan. Mr. Morse informed the Board that he revised the plan for this meeting and presented them the new septic system repair plan. He indicated that he moved the septic system an additional two feet from the lot line. Mr. Morse noted that this is a repair and not a new construction project, and there is a failed septic system in the back. The proposed septic system design includes a new 1,500 gallon tank flow with gravity flow to the distribution box with a series of leaching chambers on the right side of the home. He also noted that a portion of the project is in the buffer zone to the wetlands, and has already been approved by the Conservation Commission pending Board of Health approval.

Mr. Morse stated that they analyzed all four sides of the home. In order to stay away from the wetlands, they designed the system on the right side of the home. There is no room in the immediate front of the home, since it needs a 20 foot setback from the foundation and a 10 foot setback from the road and there is a waterline that runs through the front yard. He noted that the left side would need added fill and there is substantial vegetation along the lot line that would be required to be cleared, as well as a gas line. Mr. Morse noted that they did two test pits on the right side and found suitable soil for the septic system. The septic system requires a 10 foot setback to the property line and the request is for a 7.1 foot minimum setback from the property line. He noted that in Title 5, 310 CMR15.405, sections A thru K, is the local upgrade. Mr. Morse indicated that the Board is required to look at the upgrade approvals in order they are listed.

Mr. Morse stated that the first one listed is the setbacks to property lines and the Board is to waive setbacks to property lines first before they waive setbacks to wetlands and foundations and before they consider any of the other setbacks.

Mr. Morse noted that Mr. Grant's email had concerns about the arborvitaes planted along the lot line and presented photographs of them to the Board. He noted that he did not think that the system in this area would have a negative impact on the plantings and the arborvitaes would remain intact. He did not think the root structure for the arborvitaes would have expanded significantly onto the lot.

The Board asked Ms. Emily Grant, the abutter at 21 Kings Way, if she wanted to speak about the proposed plan. Ms. Grant noted that the original plan was for a five foot setback from the property line. She noted that they have been there for 11 years and they have been taking care of the trees. She is concerned that the digging for the leaching field will impact the root system and her husband is also concerned that the arborvitaes may collapse, since the septic system is proposed so close to their property line. Ms. Grant indicated she was not clear why the left side didn't take priority even though there is vegetation on that side. She noted that there is a wider spot for the septic system. Ms. Grant noted that if it is on the right beside them, the plantings may be impacted by the septic system. She also noted that there have been a lot of issues with water and drainage. Ms. Grant further indicated that they have been in small claims court associated with the old septic system for her property since the electric system was not installed properly. The Board asked Mr. Morse to show them where the old septic system is on the proposed plan. Mr. Morse noted the greyed out section on the plan. She also noted that her septic system abuts the property line, and it should be noted on the plan, since it is so close to the lot line and she thinks it will affect their septic system. The Board asked Ms. Keefe if engineers are required to show the neighbors septic system on the septic plan if it is on the property line. Ms. Keefe does not recall that there is a requirement showing the neighbor's septic system. Mr. Morse does not know what the Town regulations are but noted that Title 5 indicates that you cannot put a septic system within 10 feet of the abutting system. Mr. Morse indicated that he looked at the as-built for 21 Kings Way and that system complies with the 10 foot setback. He noted that with the proposed septic system plan for 17 Kings Way, there will be 17 feet between the systems. He noted that it complies with the Title 5 requirement.

The Board asked Mr. Morse why it would not be feasible to put the septic system in the front of the home. Mr. Morse pointed out on the plan that a portion of the house in the front has a full basement under it and the plan would need a 20 foot setback from the foundation. Mr. Morse noted that there needs to be a 10 foot setback from the property line and the house is 34 feet from the front street and therefore you would only have 4 feet to fit the system and it would need the same local upgrade. Mr. Morse also noted that it is unlikely to have the flow by gravity in the front yard due to the topography, the gas service is on the left side in the front, and the water service is in the middle of the front yard.

The Board asked why not split the difference on the septic system plan being presented between the slanted 7.1 feet to 7.8 foot walk way and paved driveway. They also noted that there is 11 feet to the edge of the home. The Board asked if they could give 10 feet from the house.

Mr. Morse noted that it would be encroaching on the driveway but they can cut 2 feet into it to keep it as a standard driveway. The Board noted that if they located the system on the other side of the property, it would be approaching the wetland buffer, and they would have to relocate the gas service, and the vegetation on the left side would be too impacted. Mr. Morse noted that the arborvitae plantings have a ball and burlap with a smaller root system. He also noted that if they put the septic system on the left side it would still be a local upgrade approval for setback on the property line and it would have to be the same decision by the Board. Ms. Grant asked if they could get 10 feet off the property line on the left side. Mr. Morse noted there is 20 feet needed off the foundation and therefore that leaves only a 10 foot strip. The Board noted that due to the wetland line in the buffer zone, they would like to keep the septic system as far away from the wetlands as possible. The gas line is not the issue, since it can be moved. Ms. Keefe noted that it is required to keep the septic system out of the 50 foot buffer zone but ideally it is better to stay beyond the 100 foot wetland buffer zone.

Mr. Morse also noted that there is a significant dip on the left side on the lot line and, therefore, would be required to be graded and filled.

The Board noted that it makes sense to them where Mr. Morse has proposed to install the septic system. The Board asked if they can do four rows of twelve chambers and change the leaching field. Mr. Morse indicated it would need a setback to the street and in the back it would be taking down the existing shed. He noted that the plan would have to add three rows lengthwise and then would be right up against the 50 foot buffer and up against the street.

Mr. Morse noted there is a 5 foot overdig and they are required to show it on the plan. Ms. Grant noted that her husband is concerned with the over dig and being so close to their property line. Ms. Grant also asked if the Board is concerned with the two septic systems being so close to each other. The Board noted that there is 17 feet between the septic systems. The Board is trying to do the best they can with what they have to work with on this property.

The Board asked Mr. Morse if the lot lines are staked and Mr. Morse noted it was done today. The Board asked if anyone is living in the home. Mr. Morse noted that no one is living in the home since it is being renovated. Mr. Morse noted that the trees are on the abutter's land. The Board indicated to Ms. Grant that they cannot guarantee it; but, they think the trees will be fine. Ms. Grant asked if they have any ramifications if the trees are not ok or if they are killed. Ms. Grant noted that she realizes that the Board is in a bind. The Board noted that they are not attorneys and they do not know property rights and where the liability lies. Ms. Grant noted that is why there is a setback to prevent digging right on the property line. Mr. Morse pointed out on the plan to Ms. Grant where they would start to dig.

The Board asked if the difference can be split and the septic system plan be readjusted. They noted that no one is living in the home, since it is under renovation. Mr. Morse indicated that the owner is trying to keep the driveway.

The Board asked if it is feasible to split the difference from the 11 feet from the house, since no one is living in the home so Mr. Morse can readjust the plan. The Board also noted that on the proposed plan they are cutting into the driveway anyway so why not give a little more for the neighbor and cut into the driveway a little more. Mr. Morse noted that the owner was trying to keep that piece of the driveway and that was why he revised the plan from 5 feet to 7 feet. Mr. Morse said he can give 10 feet minimum to the house.

The Board asked for Mr. Morse to make the requested variance 8.1 and 8.8 foot, so the neighbor had more of a setback. Mr. Morse agreed to the change on the requested variance to 8.1 and 8.8 feet.

Motion was made and seconded with all in favor to approve the septic repair plan with the following change to the variance and local upgrades requested, as identified on the plan dated 12/18/17: reduction in the required setback between the SAS and the property line from 10 feet to a minimum of 8.1 feet on one side and 8.8 feet on the other side; the reduction in the required separation between the bottom of the SAS and the groundwater from 4 feet to 3 feet; and to allow for a sieve analysis.

The Board thanked Ms. Grant for coming to the meeting. Mr. Morse took a copy of the septic system repair plan and marked it 8.1 and 8.8 feet and gave it to Ms. Grant.

The Board asked Ms. Keefe to look at the Board of Health local regulations. They would like to propose in the future that any property owner requesting variances to setbacks to the property line for septic system repairs also include the septic system of the abutting property on the plan for the Board to review. The Board would also like to include private wells on the plan.

Ms. Keefe noted that she is working on a running list of what to revise on the local regulations and she will add the Board requests.

She noted that she has a checklist to provide to the engineers, so they know what the Board looks at on a plan. In the short term, Ms. Keefe will add this to the checklist, so it is routine for the engineers to include it on the plan.

## **NEW BUSINESS**

*Discuss/Vote: 2018 Board of Health Meeting Schedule-* A motion was made and seconded with all in favor to accept the proposed 2018 meeting schedule dates.

### *Director's Report:*

Ms. Keefe noted that the 2018 permitting application process is still ongoing. There are no formal deadlines for septic installers or Title 5 inspectors but they will have to submit a 2018 application before they want to do work in 2018.

There is one outstanding food permit application and one outstanding pump and haul application. There are three outstanding rubbish removal permit applications. They have all been notified multiply times this week.

Ms. Keefe noted that there are nine housing cases with one new one today. There are three nuisance cases.

Ms. Keefe informed the Board that the office has officially issued more septic system permits this year than last year and they continue to increase every year. Ms. Keefe noted that they are reviewing new and revised plans that have come in since December 6<sup>th</sup> and are trying to get caught up.

There are two outstanding operation and maintenance repairs needed and five outstanding operation and maintenance contracts. Ms. Keefe noted that she sent letters out last week to property owners four of them.

There are sixteen septic systems in known failure or conditionally passing, with follow up needed.

Ms. Keefe informed the Board that the office is beginning to receive applications for the winter's farmers market being held at the end of January at St. Luke's. There are a total of six applications received to date and the office will begin to process these at the beginning of January after annual permitting concludes.

Ms. Keefe noted that in the new year she will be updating the catering documents and education needs so she can get more caterers to register food being served at events.

There are four or five flu shots still available and flu season is very strong currently in Massachusetts. Flu shot are available during the public health nurse hours on Thursday mornings.

Ms. Keefe informed the Board that the public health nurse has asked that the current Town flu revolving fund be expanded so she can offer other vaccines, such as shingles and pneumonia. Ms. Keefe noted that she will attend the Board of Selectman meeting to present the request for the revision for a town warrant meeting article. If they approve it, then it will come back to Board and to be approved and then it will go to the town meeting for a vote.

## **OLD BUSINESS**

None

## **OTHER BUSINESS**

The Board reviewed and signed the administrative invoices for approval.

## **ADJOURNMENT**

A motion was made and seconded with all in favor at 6:36pm.

## **LIST OF DOCUMENTS PRESENTED**

Copy of Ms. Jennifer Keefe's email and pictures from Mr. Jordan Grant of 21 Kings Way  
2018 Board of Health Meeting Dates