

**Scituate Board of Health Meeting  
December 19, 2016  
Scituate Town Hall- Selectman's Hearing Room  
6:00 P.M.**

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

**OTHERS PRESENT:** Ms. Jennifer Keefe, Director; Public Health

**Mr. Pansey called the meeting to order at 6:00pm**

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

**SCHEDULED ITEMS**

*Discuss/Vote: 91 Humarock Beach Road: Title 5 Septic System Public Hearing Regarding Variance Request, Ross Engineering*

Paul Mirabito, Ross Engineering, attended the meeting. Mr. Mirabito is representing the applicant/property owner, Jackie Murphy, of 91 Humarock Beach Road for a variance request associated with installation of a Septic System.

Mr. Mirabito presented the plans for the dwelling, which is in a velocity zone and was recently razed for reconstruction. There are two 10 foot wide passage ways on each side of the home. The variance requested is for a 6.7 foot setback from the property line to the reserve trench. There is a passage way to get to the beach. Next to the property is vacant land owned by the Town of Scituate and two adjacent homes owned by the same person. The piles have been driven and the project has been before the Conservation Commission. There is an Order-of-Condition to install the septic system and reconstruct the home.

The location of the proposed septic system is being dictated by the pilings for the house and also the separation between the reserve and the active trenches. It is 3.3 feet shy of the 10 foot requirement and abuts the 10 foot passage way. They have not done a title search and the owner may own a section of the passage way. The owner cannot use that passage way for the proposed system because it is for public use. The Town has been notified and Ms. Keefe has received the letter from the Board of Selectman's office.

The Board members asked why it was coming to the Board of Health now when the house had been torn down. Mr. Mirabito explained that they could not do the percolation test until the house was torn down because the owner had wooden decks over the existing system. The owner has a shed and small garage. Mr. Mirabito has been to the Zoning Board and the Conservation Commission.

Ms. Keefe wanted to clarify that a portion of the property is in the B Zone and the other portion of the property is in the AE Zone and Mr. Mirabito confirmed that is correct. Mr. Mirabito pointed to the velocity zone which is 16 on the November 4<sup>th</sup> 2016 FEMA map to indicate that the grade of the sea wall but the sea wall is actually 15 ½. Mr. Mirabito indicated that the map is incorrect. The entire property area is 6,000 square feet.

The Board asked if they are going to build the reserve at the same time as the primary system so if there is a failure they can turn the valve. Mr. Mirabito will make the recommendation to the home owner. The machine would not be able to get under the house after it is built and can now get in between the pilings. This is the owner's primary residence. The owner is applying for an accessory dwelling over the garage where the owner's daughter will live. The house will have a total of four bedrooms.

The Board made a motion to accept the variance request and it was seconded with all in favor with the condition that the reserve is built at that same time as the primary system.

*Discuss/Vote: Grease Causing Blockages in the Town Sewer Line on the Driftway and at Herring Brook Pump Station, CP's Wood Fired Pizza and Rivershed*

Chris Patrick of CP Wood Fired Pizza was not in attendance. Ms. Keefe gave an update from last month's Board of Health meeting during which Chris Patrick was asked to increase the maintenance of his grease trap to monthly. Mr. Patrick has supplied a copy of the new contract to the Board. The Board made a motion and seconded with all in favor of accepting the new contract for monthly maintenance of the grease trap at CP Wood Fired Pizza.

Kara Tondorf and Michael Tondorf from the RiverShed attended the meeting. Since the last Board of Health meeting Kara had been working on the requirements. In the meantime, Rick Mosca from the Town informed them that there was a blockage in the sewer and it needed to be addressed immediately. Kara stated that Mr. Drain was there within thirty minutes and jetted all the lines from manhole one to the Rivershed and also from manhole one to two both of which were clean lines.

Kara called Araco Sewer & Drain Services, who is contracted with the Town to do some drain and sewer work. They came to clean out the dry well and diagnose next to the kitchen door and determined that there was no inlet or outlet and it was just a dry well.

Araco also did dye testing to make sure everything was tied into the sewer line correctly. It is now clean. About six months after they purchased the Rivershed, they had water build up after it rained and could not enter thru the back kitchen door because it was on a pitch and not draining. The owners called the Town and they had Rosano Davis come out. When Araco dug out that entire area, there was about two inches of ground water at the bottom. Araco indicated that it was never cleaned out and not sure if it was pre-existing. Mike Tondorf noticed there was a lot of coagulation in that area. Mike Tondorf could not comment on what was done before they took over the restaurant.

Kara Tondorf provided a copy of the DVD of the camera inspection. Kara indicated that the DVD showed some sort of additional line. Araco could not tell if it was a stub out or another line coming into the sewer line. Kara said she spent two hours in the sewer department looking at the sewer lines on Country Way that all go down to Ford Place where the post office is located that abuts the Rivershed back parking lot. Araco did the diagnostic test at Riva Pizza and grease was not coming from that establishment. Ms. Keefe asked if Araco showed it on the map and Kara indicated that Araco did not but it was clear on the DVD. Ms. Tondorf stated that diagnostic testing indicated that the catch basin does not have exits and is not tied to the sewer.

The Sewer Department commented on the mystery service line that it is all part of the private line and the Sewer Department is not sure what was tied in when it was built. Manholes that were opened and inspected had a lot of grease in them. There was two feet of grease at the pump station from the last time it was cleaned out in August. There was a concern that the manhole is still receiving grease.

Kara indicated that the plumber came in and she gave the Board members a plumbing diagram. Kara gave a description of the lines and indicated that the company that maintains the grease lines told them that they are in compliance and it should not be Rivershed but they still do not know. The restaurant is on a slab and the plumbing is underneath. They would have to jack hammer up the kitchen floor to redo the plumbing for installation of an external grease trap and Kara does not want to put in new external grease trap if they do not know if this is the issue. The owners want to do the right thing and want to work with the Town and if needed, install an external grease trap but don't want to spend the money if it will not cure the problem. Kara got permission from the Building Department to block the floor drains to try that first.

The Board understands, however moving forward the owners are delaying the inevitable that an external grease trap is needed. Kara indicated that she is okay with the inevitable but wants to know what she needs to do to make the inevitable efficient so they do not have to go back and redo something. Kara indicated that there is no access to the plumbing since it is underneath the slab.

The owners want to fix the issue but they just want to know where the grease is coming from. The Board noted that if they close the floor drains, but the ice machine may be impacted by allowing it to drain to the mop sink and employees will need to follow the rules regarding grease disposal. Mike indicated that they are all over their employees and conscientious. The owners want to cover up the floor drains and first want to see if this will solve the problem before they install an external grease trap. The Board indicated that the inevitable may happen and they may need to go to the external grease trap. The owners would have to do some plumbing if this does not work. Ms. Keefe recapped that multiple Scituate departments have to deal with the grease if it leads to discharge to the creek when the pump station overflows, including State and Federal reporting on the overflow.

Kara and Mike know they will likely have to install a grease trap and are in the process of getting plans. They have two scenarios for the plumbing so they want to try this plan first to see what they will need to do for a future plan. Ms. Keefe indicated that there are bathrooms from two establishments in the building that are tied together. It could be that the kitchen could be on one line and the bathrooms from a separate line. The other possibility is that one could be coming from the Rivershed restaurant kitchen and bathroom together and the other bathroom could be separate.

Ms. Keefe wants to review the report from Mr. Drain and look at the Araco DVD with the Scituate Sewer Department. Kevin Cafferty, the Department of Public Works Director attended and the Board asked him if he was sure it was cooking grease. Kevin indicated that it is grease. Kara asked if there was anyway of testing it. Kevin described how it gets to the pump station from the restaurants. Kara indicated that because they have no basement they cannot go in to look at the plumbing. Kevin indicated that if the line is full of grease then it is coming from the Rivershed.

Kevin spoke with the owner of the dance studio located in front of the Rivershed. The owner was concerned because on occasion they get overwhelming odors in the building. Mike indicated that he was unaware of any concerns. Kevin was hoping that one line from the building was a sanitary connection and one line was a food service connection. Kevin does not have the plumbing drawings to determine the connections. Kara asked why the plumbing drawings were not on file with the Town for the building. Kara was unable to locate plumbing plans at Town Hall and only received the building plan which had no plumbing information. Kevin indicated that the sewer was put in with the previous owners. The Board indicated that the previous restaurant owners were told at that time that they should do the right thing. It was brought up to them again when they were going to sell the business. The Board feels that they are where they were two years ago.

The Board asked Kevin for a time line. Kara indicated that they are having the grease company come bimonthly to see if they get grease build up. Mike indicated that they are being proactive by sealing off the floor drains and asked if an inspection can take place in two weeks or a month to see if the Town is observing grease before there is any build up and go to the next plan. Mike is not 100% sure it is coming from the Rivershed. They want to fix the problem and work with the Town to fix the problem. Kara said there are no building plans for the Rivershed; there are only plans for Raymond's Paints. The Board asked if there are any plumbing plans for the building. Ms. Keefe indicated that she checked with the building department and the planning department. The only plan on file was the building plan that was given to Kara with no plumbing key codes. Mike indicated that before they move forward with the plumbing and external grease trap they want to first try blocking the floor drains instead of digging up the floor.

The Board asked for Kevin's input. Kevin indicated that he was concerned about the amount of grease in the pump station but that has been cleaned out. The pump station also gets discharge from Dunkin Donuts and the nursing home. They are both direct feeds and their lines all looked good. Kevin stated he would like to be fair about the issue.

The Board asked the Town to check the lines on January 23<sup>rd</sup> for the Board of Health meeting. Rivershed will pick up the cost of the inspection and bring back the results to January 23<sup>rd</sup> meeting.

A motion was made and seconded with all in favor of accepting for the following:

- The Rivershed floor drains are to be covered on December 20, 2016.
- The Sewer Division and the Board of Health will review information provided by Mr. Drain.
- Ice machine connections and the hand sink will be checked by the owner to be in compliance with the plumbing
- Inspection the morning of January 23<sup>rd</sup>, with Araco, the Sewer Division and Rivershed weather permitting and report back to the Board of Health meeting on January 23<sup>rd</sup>.

*Discussion: BOH Fees, Steve Bjorklund*

Stephen Bjorklund, of 38 Ladds Way; Greg Morse, of Morse Engineering and 167 Tackfactory; Paul Mirabito, of Ross Engineering and 131 Winter Street, attended the meeting.

Mr. Bjorklund indicated that he went to the Board of Selectman six to eight months ago to get a little bit of help for the Health Department. Mr. Bjorklund is a developer and builder in the town and very involved in permitting. There are a lot of other builder's that call him if they are having issues because they think he can help get them addressed. Many builders are trying to get Title 5 plans reviewed quicker and other towns send out the plans to an engineer for review. Mr. Bjorklund indicated that Ms. Keefe is under enormous amount of pressure and more and more things added to her plate. Mr. Bjorklund does not know what the down side would be for this new review process that he would like the Board to consider.

The Board indicated that they are in favor of taking work off Ms. Keefe's plate; however, other towns Mr. Bjorklund is referring to may not have as many septic systems as Scituate. The Board asked how quick a turnaround time Mr. Bjorklund is looking to get. Mr. Bjorklund is not pressuring the engineer to do it faster, but looking to take the burden off of Ms. Keefe. The Engineer may send the review back faster with a statement of compliance. As developers and builders, they are willing to pay to have an engineer review the plans for Title 5 to get them reviewed quicker. The developers and builders would have the option to not pay an additional fee and be willing to wait for the review from Ms. Keefe. The Board realizes that as a developers and builders a faster review is better for them. Mr. Bjorklund stated that everyone is aware the law is 45 days and Ms. Keefe meets those deadlines.

Mr. Bjorklund was just looking to stream line the process and make it easier for all. They want to get the plans back quicker and are willing to pay for it. Mr. Mirabito and Mr. Morse do work for Mr. Bjorklund. Mr. Bjorklund spoke with other towns that send them out for review and do not have the Board of Health agents do them at all. Mr. Bjorklund indicated it was not going to be a change in any of the regulations.

The Board asked Mr. Bjorklund what response he received from the Board of Selectman. Mr. Bjorklund indicated that he has not heard back. He determined that it is not for the Board of Selectman to decide but for the Board of Health. There are other Boards that pay to have these reviews done with a fee.

Mr. Bjorklund indicated that this would take the burden off of Ms. Keefe to do other things. Greg Morse informed the Board that he designs septic systems for other towns and it is a common practice to have outside engineers review the plans. For example, Plympton, Halifax, Hanson, Hanover and Pembroke automatically send plans out for review. The turnaround time depends on the town.

Greg primarily does work for the home owners and realtors and does not do as much for the builders. It gives them a better sense of planning and scheduling for home owners moving, and closing real estate transactions. Anything to expedite a review, complete revisions and then get the plan approved would be a tremendous help.

The Board asked what the current turnaround time is for other towns. Mr. Morse indicated that Plymouth is a week, Hanover is about every two weeks, Hanson is two weeks, Halifax is about three weeks and Marshfield is about a week.

The Board asked what engineering firm would be used for the Town. Mr. Morse indicated that the Town would have an opportunity to pick them. The engineers used around Scituate are Jim Donovan for Hanover, David Primer for Pembroke and Halifax, and Phil Spath for Hanson. The Board wondered if this would put a burden on these engineers when and if they would be receiving Scituate's plans for review.

Ms. Keefe indicated she believed it would have to go through procurement process since the contract would be greater than \$5,000.00 which would be sent out to three parties to submit proposals for review, with the low bidder getting the contract. Mr. Morse said he is not an expert on procurement but indicated that it is usually decided based on qualification as opposed to cost. He said the Town could upgrade to a fee schedule. Hanover has a \$300 fee for up to 5 bedroom house and then pays the consultant out of that fee. Plympton has a separate fee of \$150.00 and separate \$85.00 check for the consultant. Pembroke's fee is \$75. Most towns will charge between \$75 -\$100.

The Board asked about fees on changes and structure changes. Mr. Morse indicated that most towns use a standard form check list. When the Board of Health agent gets it they will see notes at the bottom of the checklist if additional information is needed or revisions are needed. When the engineer gets the plans back with comments, they can resubmit the revised plans for review. The Board of Health agent does not review the revisions, and the agent may request another fee if the revisions need to go back to the engineer. Mr. Bjorklund indicated that he resubmits any changes highlighted in yellow to make it easier for the Board of Health to review. If there is a design problem then a design re-review is needed. It makes review easier by highlighting in yellow the revisions on the new plan and simplifies the process.

The Board indicated that they may be okay with the process if the engineer provides appropriate information regarding their qualifications and that they will review it to Scituate requirements. The burden then falls on that engineer if there is a mistake. The Board of Health agent at these towns probably have been involved with issues and mistakes from engineers and further indicated that the Board of Health agent is still the one to sign off on the design.

Ms. Keefe gave an example that she is currently involved with a concern from an abutter, who called about a system that was designed and installed before she arrived and she is still addressing the concerns of the abutter. It has been Ms. Keefe that has had to work on the concerns and not the design engineer. When people have concerns they want to go to someone who was not necessarily involved in the process, which is usually the Board of Health agent. Ms. Keefe then contacts the design engineer. Mr. Bjorklund made note that it is usually not the system in place but the water being redirected. This would be up to the design engineer and not the review engineer.

The Board asked for Ms. Keefe's opinion. Ms. Keefe indicated that any help from a trustworthy source would be appreciated. Ms. Keefe indicated she would need to determine if it would need to go through procurement, if the department would need to set up a revolving fund to separate the review fee, and, if it needs to go through Town Meeting. It would require a lot of logistics administratively.

For example, Perc testing has a revolving fund. There is a \$40.00 non-refundable fee that goes into one account and the hourly cost goes into another account, with the Town's witness paid out of that revolving fund. It was set up at Town Meeting long ago and Ms. Keefe would have to look into it.

Ms. Keefe is currently working on annual permitting and would have to work on it after the permitting is complete. Mr. Bjorklund is not asking for it to be put in place right away but would like to see the process move forward.

The Board asked if the engineers from other towns would be willing to take on other work. The volume is higher in Scituate than two or three years ago with Title 5 inspections and real estate transactions. Mr. Morse had indicated that he did not know. Mr. Bjorklund suggested the cost be \$100 and developers and designers would not have a problem with that amount. They can ask in other towns to see if they can do it for Scituate. The Board would like to look at it again after Ms. Keefe does some homework.

The Board asked the engineers what Scituate's volume is compared to other towns and they could not answer. Ms. Keefe indicated that to date they have approved 106 plans with three additional plans being revised and two new plans just submitted. In theory, it could be 110-112 plans this year which would be about the same as last year. Mr. Morse indicated that he is seeing more system redesigns and repairs this year, which is an increase in all of the towns.

## **NEW BUSINESS**

### *Director's Report*

#### *Administrative report*

Ms. Keefe informed that Board that Sue Tice, her valuable assistant, over the past two years has left effective December 16th. She has made the office inviting to people and Ms. Keefe thanks Sue for the good work and wishes her well. The Board also said that Ms. Tice will be missed and she has been valuable to the office. The Board asked if the search to fill the position is in place. Ms. Keefe indicated that the position was posted for five days internally and then if there are no internal applicants it gets posted externally. The Board was hoping that Ms. Keefe had someone in place to help with permitting. Ms. Keefe indicated that the permitting process will be completed soon.

#### *Permitting for the Board of Health*

Ms. Keefe informed the Board that there are approximately 200 annual permits to review and issue in the month of December. Sue set up as much as she could for review before she left. There are many food, installers, inspectors, rubbish removal, and pump and hauler permits. The Town permits 11 entities and most have been completed. There are many packages that were received that are still incomplete. It would be helpful if the applicants use the checklists provided in the packet and include all the required items with their application. The office is constantly following up with people that have submitted incomplete packages. Twenty out of 100 food establishments have incomplete packages and two of them to date have not applied for their new permit. There is a lot of follow up needed.

#### *Housing cases*

There are currently six active housing cases that are ongoing and four housing nuisances which are external yard conditions.

*Flu Clinic update* The public health nurse, Eileen Scotti, has twenty flu shots still available and would like to use up the supply if anyone still needs a flu shot.

### *Food Inspections*

Nelly, the Town's food inspector, is ready for 2017 and the January food inspection schedule. If anyone calls with concerns, Nelly will follow up with the complaint.

The Board asked how many complaints in Scituate are legitimate or just disgruntled customers. Ms. Keefe noted that in the 2 ½ years since she has been working in the Town it is about 50-50.

The office also gets called for foodborne illness complaints and the department try to identify what was eaten and where. The office works with DPH on clusters of foodborne illnesses. An example was a recent event this past summer on the Cape. They had a shellfish related outbreak and DPH worked with the Town to identify the source.

### *2017 Board of Health Meeting Schedule*

Ms. Keefe drafted the 2017 Board of Health Meeting Schedule. There was motion made and seconded with all in favor of accepting the schedule.

### *Septic System Abandonment Policy*

Ms. Keefe noted that part of the Title 5 requirement is to abandon systems that have either connected to municipal sewer or had a newly designed system installed. Ms. Keefe has noticed that this piece needs follow up. Ms. Keefe is getting documentation from the Sewer Division when a house is connected to Town sewer but confirmation of the abandonment of the septic system has been lacking. Ms. Keefe noted that tanks and cesspools can create a health and safety concerns if not abandoned according to Title 5 requirements.

Ms. Keefe informed the Board that there are many out there and it is a concern that home owners in the future would not even know that there was a system on their property and an accident may occur with a caved in septic system.

Ms. Keefe set up a policy as a guide with the Title 5 regulations on how to get from point A to point B. The policy describes how the homeowner applies for a permit, who applies for the permit, what Title 5 requires for abandoning an old septic system, and how a homeowner will get a certificate of compliance. The documentation is needed from the pump and hauler and installer that the Title 5 regulations for abandonment have been followed so the Board of Health can sign the certificate of compliance.

This policy is being presented to the Board of Health members and to the supervisors of the Town's Sewer Division for review. Once approved by all, Ms. Keefe's intent is that the property owners requesting information connecting to the municipal sewer will be given this policy from the Sewer Division and/or the Board of Health.

One of the requirements is to get an as-built drawing of the sewer connection so the Board of Health knows that the residence is connected to the sewer system and the old septic system is no longer needed. Documentation needed from the pump and hauler and installer that the abandonment procedures have been followed are provided to the Board of Health. Then a certificate of compliance can be given for the property.

The Board members reviewed the policy and have nothing to add and thought that the Sewer Division would have more feedback on the policy. The Board members asked if the \$25.00 fee was enough to charge to cover the costs. Administratively, Ms. Keefe indicated that the pump and hauler and installer need to complete the documentation and it would cover the cost. Ms. Keefe hopes it will go smoothly and her intent is to send the policy by mail to all of the drain layers and installers so they are aware that the department is now enforcing this

since apparently it has not been consistently done in the past. Ms. Keefe already receives sewer connection confirmation from the Sewer Division.

A motion was made and seconded with all in favor of accepting the *Septic System Abandonment Policy*.

### **OTHER BUSINESS**

*Administrative, Invoice Approvals*- The Board signed the invoices for approval

*Meeting Minutes Approvals*- There may be a delay on the future meeting minutes for the Board but will be able to go back and create the minutes from Scituate TV. Ms. Keefe noted that administrative assistants from other departments have provided her help with invoices, PO's and other items since Sue Tice's departure.

### **ADJOURNMENT:**

A motion was made and seconded with all in favor. 7:40pm

### **LIST OF DOCUMENTS:**

Meeting agenda

Meeting Minutes

Administrative Invoices