

**Scituate Board of Health Meeting**  
**April 19, 2017**  
**WPA Building- North Scituate**  
**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; Gregory Morse, Morse Engineering;  
Ms. Doris Crary and Mr. Denis Badore, home owners of 87 Glades Road;  
Ms. Joan Schmid, Administrative Assistant

**Mr. Pansey called the meeting to order at 6:04pm**

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

**Scheduled Items:**

*Discuss/Vote: Hearing Regarding Septic System Failure/State Sanitary Code, Chapter II, Violations, 87 Glades Road*

Mr. Gregory Morse from Morse Engineering, Doris Crary and Denis Badore, property owners of 87 Glades Road, attended the meeting. At the June 2016 Board of Health meeting, it was discussed that there was septic system overflow OCCURRING fairly regularly at 87 Glades Road. Mr. Morse showed the Board the septic system repair plan that was designed after the percolation test conducted last July. The property owners were reluctant to install a new septic system with one of the tenants living in the building. The tenant has since been evicted and removed from the property. Mr. Morse presented the septic system design plan that has not been submitted to the Board. Mr. Morse identified with a number of issues and indicated that it requires a multitude of variances.

The property has a 10 foot wide right of way that runs across the property. In speaking with the abutters to the property that have rights to the right of way, they did not want a change of the grades inside of that right of way or inhibiting their access over it by putting septic components under that were not rated for vehicle traffic.

Mr. Morse indicated that the septic system design plan is for a large 4,000 gallon tank with a pump chamber built into it and a series of pressure dosed chambers. The septic system would be very close to the lot lines. Mr. Morse indicated that it is about a 1 ½ feet off lot lines in the back, 2 feet off lot line on sides and 5 feet from the neighbor's house and, therefore, it is an extremely tight fit.

Mr. Morse did not go forward with submitted the new septic system design. Mr. Morse indicated that the property owners had a problem with a tenant that since has been evicted and removed from the property. Mr. Morse indicated that this tenant was flushing non disposable baby wipes in the system and leaving water on for extended periods of time. Ms. Cary indicated that it was hundreds of baby wipes and found the boxes. Mr. Morse indicated that the septic system has been pumped and cleaned and he is not aware of any back-ups in the recent past.

Mr. Morse informed the Board that the property owners are considering an application to the Town's Zoning Board of Appeals to raze and rebuild of the property. The property owners have hired an architect, who will be working on the plans, and Mr. Morse will do the civil engineering for the property. The plans should be in place and sent to the Zoning Board within the next 60 days. Razing the dwelling, which exists on the flood plain, and elevating it on pilings would allow the septic system to be designed and installed under the building. It would have greater setbacks to the neighboring property lines as well as the neighboring houses.

Therefore, it would also eliminate the infringement on the right of way. Mr. Morse asked for some latitude as the project moves forward to permitting and suggested putting the current system on a regular pumping schedule.

Mr. Morse indicated that the system was pumped out today. The Board asked if the apartment had been rented. Ms. Cary indicated that the apartment has been rented to a single woman and noted there are now six people in the four apartments. Ms. Cary has indicated that per the Town Water Department there has been a 20% water consumption drop since the problem tenant moved out. Ms. Cary has scheduled another system pump out for August from All Town. The Board asked when the last pump took place. Ms. Cary indicated it was pumped in November when she was in court with the problem tenant. The Board asked Ms. Cary if since the tenant left have there been overflows. Ms. Cary has indicated that there have been no overflow issues since the problem tenant has left the property.

Ms. Keefe noted that there have been multiple incidents over the past year or so where raw sewage was breaking out on the ground surface and this situation has been happening as far back as 2001. Ms. Keefe made note that whether it is one or multiple bad tenants, the septic system has in essence been in failure since 2001. By definition, once the system has breakout the system has failed. Ms. Keefe indicated that regardless of great tenants or less than desirable tenants in the future, this could be perpetual situation.

Ms. Cary indicated that she hopes to get plans to the Town in next three to four months and that once they get permits to raze and reconstruct the dwelling they will be able to fix the problem. Ms. Cary is not asking for an indefinite time frame but asking for time to get it accomplished. The Board asked what Ms. Cary intends to do with the tenants in the building. Ms. Cary indicated that they will have to move out once the house is going to be torn down. The Board asked when they intend to tear the property down. Ms. Cary indicated that once they figure it out, whether they are elevating or tearing down, then the tenants will have to move out. One tenant has a limited period up at the end of June, one is a 30 day tenant at will, the last lease ends August 1, and August or July is the end of the other lease. They all are within the next quarter and Ms. Cary will give them as much notice as possible to coordinate and the plan is to empty the building at the time of doing the work.

The Board asked where the lot line is located. Mr. Morse indicated on the map and they own the property next door and it has its own septic system on it along the right of way. The owners can install a system under it as long as it is a heavier tank for vehicles to drive over. The right of way will be blocked one day for access and the back neighbors would be notified.

The Board noted that it is now ten months after the last hearing. The Board knows the owners did their due diligence in getting rid of their problem tenant but as Ms. Keefe has stated the septic system has been in failure for fifteen years. The Board wants the owners to decide what they will do. Ms. Cary is another four months away from an end date. The Board asked when they decided to either tear down or elevate. Ms. Cary noted that with their age and the bad tenant they decided to move to raise or tear down the dwelling. Ms. Cary would have liked to move the right of way where the small house is but the abutters did not get back to her about the right of way. Therefore, she thinks it means that they don't want anything done and she needs to move forward. Mr. Morse indicated that in 60 dates they will have plans submitted to the Town Zoning Board of Appeals.

The Board put an order with a firm specific deadline with an agreed upon time limit at the June 2016 Board of Health meeting. Ms. Keefe also noted that not until she sent out a letter last month following up on the issue did the Board get this new information. Ms. Keefe noted that the owners failed to follow through. Ms. Cary asked if Ms. Keefe was looking for them come in on a monthly basis and work with the Board. The Board understood that unusual circumstances came up and Ms. Keefe is correct that there was an order put in place with firm deadlines. Now, nine months later the Board is no further along and potentially being told that they will have to wait another 60 to 90 days. The property is in a sensitive area on the marsh and ocean and the beach season is approaching. Ms. Keefe noted that the property owners are not living at the property and are unaware of what happens with the system. It's going to take a call from a tenant to Ms. Keefe and then to the property owners to know there is a problem, which has been happening over the years.

Ms. Keefe is in firm agreement that if in fact the property owners truly are going to tear down the house that putting in the septic system presented at the meeting is not a reasonable option. However, it does not change the fact that there is a failed system serving a four unit rental property, which does not just have Title 5 system violations but also violates the State Sanitary Code, Chapter II; violations that are pretty severe and unaddressed for a long period of time.

The Board asked if the property owners will rebuild or sell the property. Ms. Cary indicated that at this point she does not know and will consider the entire costs and may sell to have someone else develop it. Ms. Cary indicated that they have to look at the structural engineering for the property. The Board indicated that there will be separate conditions by the Town's Zoning Board if it will be torn down or elevated. The conditions run with the land. Ms. Cary feels she can elevate the current structure and indicated that she had another property raised on pilings and it did not take very long. The Board noted there are a lot of contingencies. The Board said it is a matter of the property owners doing the work, tenants being moved out by August, and the problem being fixed.

The Board reminded the property owners that it has been ten months and fifteen years of failure and now the Board is at least four months away from fixing the issue with no plans being filed with the Town. The owners know they can elevate the building and the septic system could be under the building. Ms. Cary apologized for not letting the Board know but would like until September 1<sup>st</sup>. The Board does not know what will be granted by the town and the Town's Health Agent, Ms. Keefe, is not willing to wait for an additional long period of time to get the septic system issue repaired.

The Board informed the property owners 2017 that Ms. Keefe proposed 40 days to fix the problem. The Board is okay with giving a deadline of August 1, 2017 if the property owners do what they have indicated they will do. Therefore, the Board wants all tenants moved out of the property by August 1, 2017.

The Board also informed the property owners that the house can be condemned at this moment due to the failure of the system. The Board wants to work with the property owners but they do not want to be jerked around. Mr. Badore indicated to the Board that they do not jerk people around and the Board can ask down at the Town Hall. Mr. Badore indicated that if they said they are going to do something they will do it; however there have been other problems like heart attacks and cancer and that doesn't count but he is used to being treated like a health veteran. The Board thanked Mr. Badore for his service but indicated that one thing does not have anything to do with the other and the situation stands. Mr. Badore indicated to the Board they are willing to do the work. The Board informed the property owners that when they give the date as August 1, 2017 it does not mean telling the Board on August 15th that they can't do it and the date given will have no discussion with the Board since it has been almost a year in June. Mr. Badore noted that if the Board only knew what the year was for him personally they would understand. The Board made note that we all have rights. The Board thanked Mr. Badore for his service. Mr. Badore informed the Board that if they want to condemn the building, then condemn it.

The Board wants to make it crystal clear to the property owners what is the Board's intent.

Ms. Cary indicated that there is one lease up at the end of June that she will not renew, the rest in July and the new tenant she is not sure. She asked the Board if they would consider September 1, 2017. The Board said it was not going to happen and will only give them until August 1, 2017 to figure out what they want to do with the property. If the property owners decide to use the septic system plan they presented tonight then they need to inform the Board and do it prior to August 1, 2017.

The Board again stated to the property owners that they want all tenants out by August 1, 2017 and the building not occupied. The property owners will have to decide if they will go ahead after the architect's plans with either elevating or tearing down the building and if not then selling. Ms. Keefe suggested that the building's septic system be pumped out monthly and not waiting until it is needed to avoid any overflows.

The Board agreed with Ms. Keefe and indicated to the property owners that it is now their responsibility to move forward with what was discussed at the meeting.

A motion was made to hold the current septic design plan under advisement until the property owners decide on elevating and/or tearing down the building with new building plans being submitted to the Town Zoning Board of Appeals. All tenants must be vacated from the building by August 1, 2017 with monthly pumping (somewhere near or around May 19<sup>th</sup> and June 19<sup>th</sup> and then by the middle or end of July tenants will be vacated from the building) and on a condition on a new septic system plan or the septic system plan under advisement being installed. The motion was seconded with all in favor of accepting.

## **NEW BUSINESS:**

### ***Directors Report***

Ms. Keefe gave an update on the following items:

- The town's public health nurse, Eileen Scotti, hosted the Dana-Farber's Mammography Van on Thursday, April 13, 2017, from 8 AM to 3:30 PM at St. Luke's Episcopal Church. There were 21 clients, two of whom were walk ins. This is the highest turn out so far with a plan to have the Van return in the Fall. Ms. Scotti and Dana-Farber were very pleased. The Board asked if these are repeat clients from past years and Ms. Keefe said that some of them were repeat clients. Ms. Scotti had also reached out to the public health nurse in Cohasset to help get the word out to the community. The goal may be to have one at the Public Safety building in the Fall and keep one at St Luke's in the Spring.
- There are currently nine open housing cases and five nuisance cases.
- The office is currently working on five environmental releases.
- Initiated the permitting for the camp season and public/semi-public pools.
- Ms. Keefe is coordinating the labs and sampling for the upcoming beach season and also coordinating with the Recreation Department getting the beaches opened and staffed.
- There are currently fifteen failed septic systems which is a slightly higher number from last month.
- There were forty food inspections, including one complaint and eleven re-inspections, conducted between February 7<sup>th</sup> and February 22<sup>nd</sup>. There were potentially hazardous foods stored on top of raw food, no certified allergen person present, inappropriate dishwasher sanitizing temperatures, bare hand contact with food, improper temperatures, ice machine cleanliness, food not labeled with dates and freezer temperatures were not sufficient. The food inspector worked with the owners to correct the problems.
- Between February 22<sup>nd</sup> and April 17<sup>th</sup>, there were thirty two additional food inspections, including two pre-opening inspections for new food establishments and nine re-inspections. Critical violations were similar to the previous month's violations with food not covered and dated, no certified allergen person present, ice machine dirty, and sanitizer temperatures not accurate, lacking cooling temperature knowledge and racks not cleaned.

## **OLD BUSINESS"**

*Private Well Regulations- Ms. Jennifer Keefe, Director; Public Health*

Ms. Keefe informed the Board that she has made changes, per the Board's request, to the current draft private well regulation. She gave the Board a copy of those changes in a draft form. Ms. Keefe changed the regulation per the Board's request regarding all private wells meet potable standards regardless of whether the well is being used for irrigation or drinking water.

This is in response to a Pembroke incident where children were getting sick from irrigation well water used to fill a swimming pool. There have also been incidents of children getting sick from playing in a sprinkler used with well water.

Ms. Keefe still has some outstanding items she is working on. She has been working on the new regulation and has had several conversations with the Department of Environmental Protection (DEP) regarding the state updating the private well guidelines. The state recommends that the abutter notifications be removed. Ms. Keefe has removed it from the draft however; the final decision is from the Board whether they would like to keep that requirement or remove it. The State also recommends that the Town regulation should reference the State guidelines for testing so the local regulation will not have to be updated every time the State makes changes to the testing guidelines. The Board asked if a list of the chemicals and concentrations used for testing can be listed as an attachment to the regulation. It will get superseded each time the State updates the guidelines.

Ms. Keefe asked the Board to review the changes and make any final comments at the next Board of Health meeting on May 1, 2017. The goal is to have the final regulation ready by the end of May. The Board asked if there are current well permits. Ms. Keefe noted that there have been two and they were notified that the regulations are forthcoming.

**OTHER BUSINESS:**

The Board reviewed the December 19, 2016 and March 6, 2017 meeting minutes. The Board requested that SCTV be reviewed for December 19<sup>th</sup> minutes regarding Mr. Mirabito's comment referring to the velocity on the FEMA map as inches and the Board thinks it should be feet. The minutes were approved pending the potential change.

The Board asked for an update on 301 Hatherly Road. Ms. Keefe indicated that the public sewer connection design has not been finalized.

The Board asked the status of Mr. Bjorkland's request to have engineers review Title 5 septic system plans. Ms. Keefe indicated that she needs to set up a draft regulation and she has been working on the Board's first priority of finalizing the private well regulation.

**ADJOURNMENT:**

A motion was made and seconded with all in favor. 6:57 pm

**LIST OF DOCUMENTS:**

Meeting agenda  
Meeting Minutes- December 16, 2016 and March 6, 2017  
Private Wells- Draft Policy  
Administrative Invoices