

Scituate Board of Health Meeting
May 1, 2017
Scituate Town Hall- Selectman's Hearing Room
6:00 P.M.

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

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health; Mr. Phil Spath, Spath Engineering; Mr. Sean Harris, Board of Selectman; Mr. William Hale, owner of 810 Country Way; Ms. Joan Schmid, Administrative Assistant

Mr. Pansey called the meeting to order at 6:01pm

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 - 810 Country Way – Spath Engineering representing home owner requesting multiple local upgrades and variance

Mr. Phil Spath, Spath Engineering, attended the meeting on behalf of the property owner, Mr. William Hale, of 810 Country Way. Mr. Spath presented the Board with a septic system repair design for 810 Country Way. The proposed upgrade will include an I/A technology system, including a HOOT tank, pump chamber, and 446 s.f. leaching field with a GEOFLOW drip system. The drip system is the shallowest system you can use. The system only needs two feet of separation from the groundwater. In this case three feet of separation from the groundwater is needed because of the sand and only 6 inches of cover. Mr. Spath indicated it is similar to water irrigation system for lawns. The current system, located in front of the home, will be filled in. Mr. Spath is assuming it is a cesspool. The new system cannot go underneath the driveway. Mr. Spath was looking for a number of variances and upgrades to be granted for the design.

Mr. Spath stated that the required set back reductions between the property line and leaching field is from 10 feet to 7.2 feet, from the wetlands to the leaching field reduced from 50 feet to 10.2 feet, from the foundation to the HOOT tank reduced from 10 feet to 5 feet, from the foundation to the pump chamber reduced from 10 feet to 5.5 feet. The property abuts Bound Brook and the wetlands and is in the flood plain. Mr. Spath was also asking to use a sieve analysis; reduce the required separation of 12 inches between the HOOT tank and the pump chamber T inverts and the groundwater to zero inches. Mr. Spath further requested a variance to reduce the required 5 foot separation between the bottom of the SAS and the groundwater from 5 feet to 3 feet. A variance is needed when a reduction in setback between the system and wetlands is requested.

The Board asked Ms. Keefe if she had any issues with the design plan. Ms. Keefe completed her initial review and sent her initial comments and questions to Mr. Spath. They both went over the variance requirements. The Board asked if she have seen this type of design technology often. Ms. Keefe noted that she has seen this about a half dozen times. Mr. Spath indicated that this type of drip system is installed to address high groundwater. The Board noted that the house has wetlands and the design puts the system closer to river side and away from the wetlands.

Ms. Keefe noted that the HOOT provides treatment before allowing waste to the drip. The Board thanked Mr. Spath for giving the explanations.

The Board asked if it needs a deed restriction. Ms. Keefe informed the Board that it does need a deed restriction and a maintenance contract. The deed restriction and maintenance contract will go into effect before issuing the certificate of compliance. Ms. Keefe informed the Board that the Conservation Commission is reviewing the plan at their meeting on Wednesday, May 3, 2017.

A motion was made and seconded with both members in favor of accepting the requested variances and local upgrades.

NEW BUSINESS:

Directors Report

Ms. Keefe gave an update on the following items:

- There are two private well applications.
- There were three new complaints - one foodborne related concern and two nuisance complaints, which have been addressed.
- There are currently ten open housing cases with a new one opened today.
- The summer related permits have begun for temporary food permits, food trucks and getting ready for the farmers market. Nelly is getting ready for these inspections. Ms. Keefe has been working with the Board of Selectman to ensure they receive their hawker peddler licenses.
- The office is currently working on five nuisance cases and five environmental release reviews.
- There are fifteen septic system failures with four being fixed; three have been connected to public sewer and a new system is being installed for a fourth.
- To date the office has given out thirty three septic system permits. Ms. Keefe informed the Board that last year the office was at this number on June 30th. The office is ahead of last year's scheduled permits.
- There have been no new food inspections since the last Board of Health meeting. The inspections will be convening this week.

OLD BUSINESS

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

Ms. Keefe gave the Board the updated revised draft Private Well Regulation from the last meeting on May 1, 2017. A revised draft was given to the Board on May 1, 2017 which had changes made from the Board meeting several months ago, Ms. Keefe also gave the Board a clean draft version. Based on the Board's conversations on May 1, 2017, Ms. Keefe incorporated the latest information from Mass DEP's proposed guidelines. Ms. Keefe provided the revised draft with an appendix, which includes a set of tables for sampling analysis requirements. As the private well guidelines get updated by Mass DEP, subsequent to the Board's adoption of these regulations, Mass DEP's regulations will super cede the tables attached. The Board will not have to come back to update the regulation every time Mass DEP changes their guidelines. The Board can come back to review and update for other reasons.

Ms. Keefe provided the revisions discussed at the last meeting in red and additional revisions items since the last meeting are in red and highlighted in yellow. The entire Appendix A is new. The Board asked the difference between this meeting revisions and the last meeting on May 1, 2017. Ms. Keefe noted that the difference is the added setback on page five for the separation to the water supply lines and sewer lines, which was absent in the previous draft regulations. On page six, Ms. Keefe added the Title 5 requirement about septic systems in failure if they are too close to leaching fields, which was not included in the previous draft. The Board asked for clarification. Ms. Keefe explained that a septic system is considered in failure if it is between 50 and 100 feet from the private well unless the private well water tests are acceptable.

This is also recommended in the Mass DEP private well guidelines, and the current draft regulation did not capture it. Ms. Keefe indicated it is a Title 5 inspection requirement. For example, if a property owner was having a Title 5 inspection and the inspector finds a septic system and a private well, the inspector is required to conduct sampling of the well and if the well does not meet related sampling regulation requirements, the septic system would be considered in failure. The Board made note that if the well is removed, then the septic system would be okay. Ms. Keefe confirmed that is correct. Ms. Keefe noted that it is the Board of Health and the engineer's responsibility to make sure that someone is not installing a new private well next to an existing system. This would be eliminated from happening with the existing setbacks. The Board noted that the well would have to be sampled prior to a property transfer. Ms. Keefe indicated that this type of requirement has already been adopted by several communities and it is highly recommended by the Mass DEP. However, Mass DEP recommends it for potable wells and the regulations drafted for Scituate would not distinguish between a potable well and irrigation well. The Board requested that all private wells would be tested to meet sampling requirements for potable well guidelines. Any property owner with a private well will need to have the well tested within one year before the transfer of the property. Mass DEP is recommending that moving forward. The Board asked if the house sells, would it be up to the Board of Health to monitor. Ms. Keefe noted that in Appendix A, on page 17, Table 1, the requirement is for an initial water sample testing and also on an annual basis for specific parameters; Table 2 provides requirements for an initial water sample testing and then sampling every ten year for other parameters. Ms. Keefe gave an example if someone put in a private well based on the new regulation, water would be sampled and an analysis done for chemicals in Table 1 and Table 2. If the property was going to sell in two years, the well would only need to be sampled for chemicals in Table 1 because the timeframe for chemicals listed in Table 2 are for every ten years. The new homeowner can decide if they want to go beyond the requirements. The Board asked for an estimated average cost of the test sampling. Ms. Keefe noted that it can be a few hundred dollars. The most costly would be those items in Table 2.

Ms. Keefe noted that there are a couple of references made to rental properties.

Several references have been made including analysis in Table 1 and Table 2. When Mass DEP updates their private well guidelines, and subsequent to the adoption of these regulations, the recommended parameters in Mass DEP's guidelines become Scituate's requirements. Mass DEP's guidelines for sampling will supersede Scituate's regulation for sampling requirements and, therefore, the Scituate Board of Health would not have to update the sampling requirements when Mass DEP updates the guidelines.

The Board asked about treatments for failed tests from the sampling. Ms. Keefe noted that a baseline sample is conducted and those results determine the treatment needs.

Ms. Keefe also added in Section 13 that the Board has the ability to suspend or revoke any permit based on findings of inappropriate actions.

Ms. Keefe asked the Board to look at the regulations and give feedback at the May 15, 2017 meeting. Ms. Keefe noted that legally a summary of the regulations will need to be published in the local newspaper prior to the adoption of the regulation. The Board will discuss and plan to vote on the adoption of the new regulation at the May 31, 2017 Board of Health meeting.

Ms. Keefe noted that she will update the associated private well application form, which requires revisions based on the new regulation including installation, repair and decommissioning. Ms. Keefe will send the updated form to the Board for review. Ms. Keefe also will update the checklist for the permit and certificate of compliance, which is similar to what the Board did for the septic system abandonment policy.

OTHER BUSINESS:

The meeting minutes for April 19, 2017 will be reviewed and approved at the next Board of Health meeting.

ADJOURNMENT:

A motion was made and seconded with all in favor. 6:25 pm

LIST OF DOCUMENTS:

Meeting agenda

Meeting Minutes- April 19, 2017

Private Wells- Draft Policy

Administrative Invoices