

**PUBLIC NOTICE POSTING REQUEST
TO OFFICE OF TOWN CLERK**

TIME STAMP

ORGANIZATION: Board of Health

MEETING X PUBLIC HEARING (Please circle/check appropriately)

DAY and DATE: Thursday, November 16, 2023 **TIME:** 4:30 p.m.

LOCATION: Townhall 2nd floor meeting room

PURPOSE: Board of Health Meeting/Hearing

REQUESTED BY: Virginia Bacon, Health Inspector

**ALL MEETING NOTICES MUST BE FILED AND TIME STAMPED IN THE
TOWN CLERK'S OFFICE AND POSTED ON THE MUNICIPAL BULLETIN
BOARD 48 HOURS PRIOR TO THE MEETING.
(in accordance with Chapter 303 Acts of 1975)**

AGENDA

Health Director's Report's:

1- Septic system review with waivers:

- **43 Pond Street** - Residential (repair/replacement), Erin E. Pallazola owner/applicant, requesting the waivers to Title 5 and local BOH regulations as noted below:
 - o Waiver for system setback of leach area to front property line from 10' to 5', requires a boundary survey to mark the lot line.

CODE:

Under Section 15.211(1) a system is required to be located 10' horizontally setback from all property lines.

Under section 15.401 thru 15.403 Local Upgrade Approvals (LUA) the local Board of Health can waive the requirements of Title 5 only when such regulation cannot be met due to conditions on the property that prevent full compliance with the code.

Pursuant to Title 5 Section 15.404 (1) Maximum Feasible Compliance the goal of Title 5 is FULL compliance; however, under Section 15.404 (3) (a-e), when full compliance is NOT POSSIBLE, the BOH may waive the requirements of the regulations, using the guidelines of Section 15.404, 15.405 and 14.406, to obtain Maximum Feasible Compliance.

Section 15.405 provides a list of the sections of the regulations and code that the Local Board can waive and the order of least impact and maximum compliance in which they should consider the requested waivers.

Under Section 15.405 (1) (a) – a waiver of system setbacks to property lines provides the least impact to public health and is highest on the list of waivers allowed.

Given that the area on the property available to replace the failed system is very limited, I would recommend approval of the request for the system setback to the property line, with a condition that a property line survey be performed to mark the front property line, and that the system be staked by the engineer/surveyor prior to construction.

- Waiver for system setback of leach area to foundation wall from 20' to 8', requires an impervious barrier be installed between the leach area and foundation.

Under Section 15.405 (1) (b) – a waiver of system setbacks to the existing foundation wall provides the second least impact to public health and is second highest on the list of waivers allowed.

Given that the area on the property available to replace the failed system is very limited, I would recommend approval of the request for the system setback to the foundation wall, with a condition that an impervious barrier be installed between the leach area and the building foundation as shown on the design plan.

- Waiver for reduction in groundwater separation, per Section 15.212 (1)(a), from bottom of bed to seasonal high water table from 4' required to 3' provided.

Under Section 15.405 (1)(h) – a waiver of system separation from four feet to three feet to seasonal high groundwater can be granted under an LUA by the Board of Health.

Given that the area on the property available to replace the failed system is very limited, and the closeness of the system to the property lines and foundation walls, there is limited area to grade the system within the property boundary, therefore I would recommend approval of the request for the reduction in groundwater separation with the use of the Presby Enviro septic pipe in conformance with the DEP Presby approval.

- Waiver of local regulation from a 2000 gallon (2 compartment) tank, to a 1500 gallon tank.

Chapter 462-8 (C) for repair and upgrades of failed systems, allows the Board to waive the above tank and or system design flow, leach area requirements upon demonstration of a hardship or need which may include lot size limitations, grading issues, setbacks to wetlands/lot lines, construction or access issues.

Given that the area on the property available to replace the failed system is very limited, I would recommend approval of the request for the use of a 1500 gallon septic tank which is compliant with Title 5.

- Local waiver for system design flow from 495 GPD (165 GPD per bedroom) to the Title 5 design flow of 330 GPD (110 GPD per bedroom). .

Chapter 462-8 (C) for repair and upgrades of failed systems, allows the Board to waive the above tank and or system design flow, leach area requirements upon demonstration of a hardship or need which may include lot size limitations, grading issues, setbacks to wetlands/lot lines, construction or access issues.

Given that the area on the property available to replace the failed system is very limited, I would recommend approval of the request for the reduction in local design flow of 495 GPD to the compliant Title 5 design flow of 330 GPD) with a

condition that a deed restriction be filed with the registry of deeds and referenced on the deed to the property, that prohibits the installation of a garbage grinder disposal in the dwelling.

- **141 A North Street** - Residential (repair/replacement), Daniel Signor owner/applicant requesting the following waivers from Title 5 and local BOH regulations:

BACKGROUND:

The most recent Title 5 inspection was performed in 2018, for the previous owner prior to the sale of the property. The report indicated that two conditions existed that needed further evaluation by the BOH:

- the leach area (leach pit) was at a significant depth and the Inspector could not adequately determine the groundwater elevation, therefore a soil test to determine the water table elevation near the system was required.

An excavation contractor and Engineer/Soil Evaluator was obtained by the previous owner on September 25, 2018 to determine the water table elevation.

Based upon those results the Inspector determined that the existing leach area was located below the seasonal high water table as established by the Engineer, therefore, the system was determined to be in failure pursuant to Title 5 regulations and the report amended in 2019.

- In addition, the existing well was determined to be located within 100 feet, but greater than 50 feet to the existing well located on the property serving the dwelling. This is not an automatic failure, however; Title 5 requires that the well be tested, to determine if the water is potable and not contaminated. If the well test is negative for contamination then it can remain in service, and it is recommended that the owner test it yearly. If it tests positive for contamination it will need to be replaced.

The well was never tested because the system failed. Despite the fact that the new soil testing is more than 100 feet from the existing well and the replacement leach area will also be more than 100 feet from the existing well, the well needs to be tested prior to the sale. If it passes and the system is relocated there will be no requirement to retest yearly.

In 2022 the owner contracted with Jim Scanlan, PE to perform soil testing and to design the replacement system, and is requesting the following waivers:

- A waiver from a three (3) bedroom minimum requirement required by 310 CMR 15.203 (2); to allow the design flow provided be for the existing one (1) bedroom home.

CODE:

Under Section 15.203 (2) a system is required to be designed for a three (3) bedroom home under Title 5 (daily flow of 330 GPD); however, a note states that a system may be design for no less than a daily flow of 220 GPD (Title 5 flow for a two (2) bedroom); if the owner records a Title 5 Bedroom Count Deed Restriction that limits the home to a maximum of two (2) bedrooms. It is understood that this provision applies to both new and repair/replacement systems.

DISCUSSION:

The are no records of a system design plan or application to construct a system on file with the BOH, that indicate a design flow or the number of bedrooms. There have been no permit applications to replace the system prior to 2022.

The current assessor's data lists the home as 1 bedroom with 4 total rooms built approximately 1920. With a permit to perform major renovation to the dwelling (\$63,600) applied for on July 7, 2019. The most recent assessment was performed in 2020 by the Assessors Dept.

Based upon the local BOH regulations Chapter 462-7 (C)(19) and Chapter 462-14, Definitions Bedrooms; "for design purposes shall mean the number of bedrooms taken from the most recently approved design plans available, OR the total number of rooms divided by two rounded down if not a whole number, whichever is greater".

Based upon the definition in the local regulations, and the Assessor's total rooms, the dwelling has four (4) rooms divided by two (2) equals two (2) bedrooms. Therefore for full compliance under Title 5, the replacement system should be designed for minimum of three (3) bedrooms (330 GPD Title 5 flow, 495 GPD local flow requirements).

The request to allow the system to be sized for the design flow of one (1) bedroom (165) GPD, requires a waiver from the local BOH regulations, and would also require a waiver from the minimum Title 5 flow of three (3) bedroom (330 GPD) (or two (2) bedroom (220 GPD) with a deed restriction).

Any reduction from Section 15.203 of the Title 5 requirements for a minimum of a three 3 bedroom design would; under Sections 15.402 Local Upgrade Approvals, and Section 15.404 Maximum Feasible Compliance;, require a finding or determination by the Board that a fully compliant system could not be constructed on the property for reasons stated by the applicant.

Should the Board grant such a waiver for such a reduction, a Deed Restriction for the reduced number of bedrooms would need to be recorded prior to the sale of the property.

The Board should discuss the site conditions with the applicant and his engineer to determine if the they warrant the approval of the LUA waiver requested.

- Waiver from a 2000 gallon (2 compartment) tank, to allow the use of the existing 1000 gallon tank.

CODE:

Under Section 15.223 (1) the septic tank for a single family home shall have a minimum size of 200% of the design flow. In no case shall the effective liquid capacity of the tank as measured below the outlet invert elevation be less than 1500 gallons.

Section 15.404 (3) (a) if full compliance is not attainable, allows the Board of Health to grant a LUA waiver to allow an existing 1000 gallon tank to remain in use provided it has the capacity for 24 hours retention time. For a three bedroom system under Title 5 flows (330 GPD) and local bylaw flows of (495 GPD), an existing 1000 gallon tank would have the minimum 24 hours retention time.

Local BOH Regulations Chapter 462-8 (B), requires the tank be size to accommodate a garbage grinder disposal, with a minimum size of 2000 gallon two compartment (1500/500) monolithic tank be installed. the home to a maximum of two (2) bedrooms. It is understood that this provision applies to both new and repair/replacement systems.

Chapter 462-8 (C) for repair and upgrades of failed systems, allows the Board to waive the above tank and or system design flow, leach

area requirements upon demonstration of a hardship or need which may include lot size limitations, grading issues, setbacks to wetlands/lot lines, construction or access issues.

DISCUSSION:

The existing tank is a round 1000 gallon septic tank likely installed prior to 1978 when round tanks were commonly used. The original dwelling was supposedly constructed in 1920 according to the Assessor's records, although it is likely that the current tank was installed sometime after that.

The Title 5 inspection report from 2018, revised 2019 identifies the tank as being a 1000 gallon round tank.

The Title 5 report indicates that the inlet baffle is in "fair" condition, no outlet baffle or tee, structural integrity is good, liquid level was level to bottom of outlet invert, no evidence of leakage.

Given that the size and condition of the existing 1000 gallon tank are adequate for the proposed 1, 2 or 3 bedroom design flows, I have no objection to the request for this waiver and would recommend approval of the request for the use of a existing 1000 gallon septic tank which is compliant with Title 5, with the condition that the tank be reinspected for structural integrity and water tightness prior to installation of the new leach area, and that the inlet and outlet baffles be replaced with "tees" in accordance with Title 5 specifications, and that an effluent filter/gas deflector flap be installed on the outlet tee.

2 - Update Request for Bid – Septic Installation for 14 Larch Road

Prepared project specifications, scope of work and bid documentation for the septic installation for the Georgetown Housing Authority property located at 14 Larch Road

3 - Updates:

Discuss extension of installation/soil test deadline date pending weather conditions

Body Art application pending - tentative location the King Davis building.

Gtown Smoke shop - status

207 West Main – loan – installation – added waiver to property line 10' to 5'.

PHEP Grant – update Inter Municipal Agreement (IMA) and Shared Services Coordinator

4- Adjourn: