



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of January 5, 2017

Board Members Present:

Lucy Burton, Co-Chair
Brian Baumgaertel, Clerk

Member Absent:

Kalliope Egloff, Chair

Also Present:

Glen Harrington, Health Agent

Co-Chair Lucy Burton called the meeting to order at 7:04 PM.

APPOINTMENTS

7:15 PM – Title V Variance – 36 Wilson Grove.

Glen Harrington stated that the proposed design plans have been submitted for the septic repair at 36 Wilsons Grove. The property only contains 3,376 square feet of land so the main variances are setback related. As part of the technical review, Mr. Harrington recommended that the Soil Absorption System have a deeper effective depth so it would have more storage capacity. The plan was originally designed with low profile plastic chambers, but they only have a three inch effective depth. Mr. Harrington suggested a 1' drop to groundwater, from 5' to 4' under maximum feasible compliance, as he felt this would be a better design where the other system would not have enough storage.

Matt Tavares of BSS Design, representing 36 Wilsons Grove, introduced himself to the Board.

Mr. Tavares commented that there are no added bedrooms, and the property will remain as a 3-bedroom system. The existing septic system failed due to a septic inspection for the purpose of a property transfer. The proposed site will contain a 1500-gallon septic tank, a DB5 distribution box, 16 high capacity H-20 infiltrators, and an impervious 40 mil barrier between the house and the septic system.

Mr. Tavares is requesting six variances:

1. An 8' variance from the south abutter to the proposed septic tank.
2. An 8' variance from the southern abutter to the proposed Soil Absorption System.
3. A 15' variance from the existing house to the proposed Soil Absorption System.
4. A 1' variance from the existing bulkhead to the proposed Soil Absorption System.
5. A 5' variance from the existing house to the proposed Soil Absorption System in the back yard.
6. A 5' variance from the northwest abutter to the Soil Absorption System in the back yard.

Mr. Tavares provided Mr. Harrington with the certified green cards that were returned by the abutters.

Mr. Harrington requested that the variance for the 1' drop to groundwater, from 5' to 4', be indicated on the plan.

Brian Baumgaertel commented that he would like to see a liner on the abutting south side to prevent gas migration particularly if there is a full basement since the 20' requirement to a cellar wall cannot be met. Mr. Harrington stated that there is a cesspool on the abutting property and would not be impacted by the septic tank. Mr. Harrington would prefer not to incase the entire leaching with the liner because it prevents the effective use.

Gerhard Wagner and Elizabeth Wagner of 40 Wilsons Grove, the abutters on the south side, introduced themselves to the Board. Mr. Wagner remarked that he does not have a cesspool but a 1500-gallon septic tank with a leaching field.

Mr. Harrington commented that the plan needs to be updated showing the septic tank and leaching facility on the abutting property. Since it is a septic tank, there is less of a chance of a cesspool collapsing during construction.

Lucy Burton made a motion that the Board of Health continue the variance request for 36 Wilsons Grove until further information is provided on the abutter's septic system. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

7:20 PM – Nitrogen Aggregation Loading Plan Request – 32 Marway.

Matthew Costa of Cape and Islands Engineering, representing the applicant of 32 Marway, introduced himself to the Board.

Mr. Costa commented that he is requesting approval of a facility aggregation plan for nitrogen loading purposes for the facility property located at 32 Marway. Credits are transferred to obtain a minimum of 30,000 square-feet for a 3-bedroom system. The Nitrogen Restriction and Easement documents for the credit property and facility property with the accompanying plans have been submitted.

As previously requested by the Board of Health, Mr. Costa provided an overview of the credit area maps. Mr. Costa has been displaying the credit land on the map that has been transferred to the facility property for the purpose of increasing the number of bedrooms.

Brian Baumgaertel made a motion that the Board of Health approve the Nitrogen Aggregation Loading Plan Request for 32 Marway with the condition that the property be restricted to three bedrooms and the septic permit shall not be issued until the Grants of Title V Nitrogen Loading Restriction and Easement documents are recorded at the Registry of Deeds and copies are provided to the Board of Health. Lucy Burton seconded the motion. The motion was unanimously approved.

7:25 PM – Septic Inspection Regulation Variance – 11 Cape Drive.

Glen Harrington stated that during a septic inspection for a property transfer at 11 Cape Drive it was discovered that the bull-run valve and leaching pits did not have manholes within 6" of grade or at grade in the paved parking area. The owner, Geoff Willis, is requesting a variance to not install the risers as the leaching pits are 10 feet down and would create more damage to the property. The septic inspection did reveal that the one leaching pit receiving the flow is operating. However, the bull-run valve could not be turned to allow access for the camera to inspect the other leach pit.

This septic system is actually a pump chamber that handles the lower level and then the second and third floor flow gravity to the existing septic tank. There was a bull-run valve to two leaching pits which were installed in 1985. The inspection was performed and considered a pass since it was operational. However, it could not be determined that the manholes were brought up to grade. Access to the bull-run valve is needed in order to inspect the other two leach pits.

Geoff Willis, owner of 11 Cape Drive, introduced himself to the Board.

Mr. Willis commented that a second floor addition was added to the back of the building in 2005. There is a 1500 gallon pump chamber with covers pumping to the existing tank in the front of the property.

The Board and Mr. Harrington discussed on how to locate the manholes and bring them up to grade without damaging the pavement. The operation of the system is not in question. The system needs to be compliant for the purpose of the property transfer.

Brian Baumgaertel made a motion that the Board of Health approve the variance for 11 Cape Drive with the following conditions:

1. Require the bull-run valve to be located and brought to grade.
2. Require the evaluation of the manholes to the leaching pits to see if they are below the pavement and could be raised without total devastation of the parking area. If the manholes are within 4', then have them brought to grade.

Lucy Burton seconded the motion. The motion was unanimously approved.

NEW BUSINESS

1. Sign Expense Warrants. The Board members signed the expense warrants.

2. Review/Approve BOH Public Session Minutes: December 15, 2016.

Brian Baumgaertel made a motion that the Board of Health approve the Public Session minutes of December 15, 2016, as amended. Lucy Burton seconded the motion. The motion was unanimously approved.

3. Sanitary Code Violation – Septic: Unit #74 Lakeside Estates, 300 Nathan Ellis Highway.

Glen Harrington commented that this is merely a compliance review of the Sanitary Code violation for the failed septic system at Unit #74 Lakeside Estates. The septic has been repaired, but the sanitary code violation letter that contained specific dates was not acknowledged. The Department of Environmental Protection had to approve the design plan and issue the Certificate of Compliance for the septic system. However, pumping within 24 hours and retaining a professional engineer within 7 days was not attained in that timeframe. The engineer was hired 11 days beyond the deadline.

Brian Baumgaertel made a motion that the Board of Health fine Lakeside Estates for Sanitary Code Violations related to the septic system connected to Unit #74. The violations are failure to pump within 24 hours as required by the Board of Health with a \$300 fine and for failure to hire an engineer within the given timeframe of 7 days with an 11-day lapse at \$300 per day for the 11 days would be \$3,300 plus the \$300 for a total of \$3,600 in fines for both violations. Lucy Burton seconded the motion. The motion was unanimously approved.

OLD BUSINESS

1. Sanitary Code Violation: Deer Crossing Condominium Unit U-137.

Glen Harrington remarked that he forwarded the "For the Record" document for Unit U-137 Deer Crossing Condominium written by the Assistant Health Agent, Veronica Warden to the Board of Health. Mr. Harrington stated that the occupant's outlook and behavior have improved. This is credited to the assistance and support of the case worker. There is progress, albeit slowly. Mr. Harrington suggested revisiting this situation in another month and to continue with the weekly visits.

ADDITIONAL TOPICS

None.

DISCUSSION

1. Asher's Path Landfill Monitoring Report.

Glen Harrington commented that after reviewing the Asher's Path Landfill Monitoring Report the monitoring has been moving forward and there have been no issues. The work is performed in the field and reported correctly, but the reports have not been submitted in a timely fashion.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, January 19, 2017, at 7:00 PM. As there was no further business, Brian Baumgaertel made a motion to adjourn the Public Session Meeting of the Board of Health at 7:56 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments