



Cynthia A. Coffin
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x 1
Fax (508) 759-0679



MINUTES April 24, 2013

Members in attendance: Kathleen Peterson, Chairman; Stanley Andrews, Vice-Chair; Donald Uitti, Secretary; and Carol Tinkham

Excused: Galon Barlow

Support Staff in attendance: Cynthia Coffin, Health Agent; Zack Seabury, Health Inspector; Lisa Groezinger, Acting Secretary

Meeting was called to order at 7:01 P.M.

- 1. 144 CLAYPOIND RD – Jeff Bailey – Discuss and Possible Vote re: request decision from BOH on whether horse license on property will be allowed if property is sold** – Ms. Coffin – In 2009 Mr. Bailey came in before the board due to complaints. The board granted Mr. Bailey with variances with the stipulation, at the time, inspections to be done two times a month for a number of months. One complaint was called in the Fall during a lot of rain. The water accumulated where the horses were and sand was brought in to rectify. Mr. Bailey would like to sell the property with the stipulation that horses could be on the property. Ms. Peterson asked for green cards due to past issues. Ms. Coffin didn't send out notices to abutters as the variances were already granted. Mr. Andrews said the variances were granted to continue with the stipulations and were adhered. No complaints received. If we allow, he would like to re-open and as part of the process he would like to include in the recording on the deed restriction with all variances so new owners understood what requirements were adhered to and also would be responsible for. He would like a public hearing to do this and feels abutters should be included in the hearing. Once the variances and conditions of the variance are recorded on the deed, any new owners would know about and be held to them. Ms. Peterson said if we were to allow and record restrictions at the registry, new owners would have to come before the board even though the property is sold with this license. Mr. Bailey asked if the property is grandfathered. Mr. Andrews said the variances are for Mr. Bailey only. Ms. Peterson would like to have Town Counsel's opinion. We need to know if something came up and something happened, do we have the right to say anyone who buys the house (he can't pick and choose who purchases the house) has the

variances. Ms. Coffin said she thought the variances went with the property. If someone does come in, keeping the property clean is a condition of their horse license. Mr. Andrews said these are conditions for Mr. Bailey. Ms. Coffin said this is why she brought this to the board's attention. Mr. Andrews requested Ms. Coffin to seek Town Counsel's opinion and report back to the board. Also, to invite Mr. Bailey to apply for the stipulation to transfer the horse license and variances. Ms. Peterson said Mr. Bailey can formally request a hearing after the ruling by Town Counsel. Ms. Coffin will request Town Counsel opinion through Tom Guerino first by email tomorrow (4/25/13). Mr. Andrews requested to put on the agenda for the next meeting. Ms. Coffin asked if the board would like to notify abutters. Ms. Peterson said to ask Town Counsel if we have to notify abutters. Mr. Andrews said this protects Mr. Bailey as well. Mr. Bailey will wait until he hears from Ms. Coffin. If the ruling on transferring the variances doesn't come back in his favor, he asked what his other options are. Mr. Andrews said that Town Counsel's ruling will only be on whether the variances can be transferred so that a new buyer would have the right to have horses on the property. Ms. Peterson stated that the ruling has nothing to do with how many horses you have or the fact that you have had restrictions on the existing license. Mr. Bailey asked if there would be a ruling on whether the use was grandfathered because there had been horses on that property for years. Ms. Coffin, for clarification, said that this is what the board is asking Town Counsel, 'can the use and variances granted by the board be transferred from owner to owner?' Ms. Coffin told Mr. Bailey if he doesn't hear from her by mid-week of next week, to call her office. Ms. Peterson said if Mr. Bailey doesn't hear from Ms. Coffin she would direct Mr. Seabury to contact Mr. Bailey. **Ms. Peterson said the board will take no action at this time and will wait for Town Counsel ruling.**

2. **290 SHORE RD – Don Bracken, Bracken Engineering – Request variances for the installation of an upgrade to the system at the Lobster Trap** – Mr. Bracken appeared before the Board representing the applicant, David Delancey. Mr. Bracken explained this is the third time for replacing the septic system. The system was replaced back in 2001 and in 2007. The applicant is here today as the system needs to be replaced again. Mr. Delancey found out that the system failed while doing regular maintenance, and had it inspected. The existing system is a pressure distribution system, but maybe the biomat and grease sealed and failed the system. In 2001, a grease trap was installed when the new field was put in. When the system failed in 2007, it was discovered that the plumbing hadn't been changed. For this new proposed system, the plumbing also will be changed. They used the best technology at that time of the 2007 system. They added another grease trap and pressure distribution to plastic contactors. Now they are looking at the system and wanted to figure out what else is out there to try to get a longer lasting system. In 2007, the design did not include an IA (Innovative Alternative) system. The proposed system will have an IA which gives the benefit, under State approval, to reduce ground water separation from 5 feet to 3 feet. The existing system had a 4 foot separation. The new proposed system will have a reduction from 4 feet to 3 feet. The new leaching system will be a Presby Enviro Septic which requires pre-treatment. The State allows the system with

pre-treatment to go from 5 feet to 3 feet GW separation. The old plan calls for a 4.5 Microfast system. The updated plan is a High Strength Fast system. They came up with this system because they worked with the Fast people and tested the existing effluent in the pump chamber and gave the company the results so they could design a system that would meet the State requirements that allows the reduction in the separation to groundwater. The total nitrogen from the pump chamber was 65 ppm. This new system is supposed to meet 25 ppm. The TOD was 164 and the new system should meet 30 ppm. The TSS in the tank was 270 and the new system should me 30 ppm. The TSS is a factor of the fines getting in to the system. The other test was for oil and grease which showed 13 parts per million, which wasn't too bad, but almost any amount over time will build up and help clog the system. That is why there is a proposal for an additional grease trap. The High Strength Fast will also help to filter out the grease. The system will have to have an operation and maintenance agreement. This approval would be under general use. The system will be monitored as we go forward. There was also a control valve box designed for the system , but this has been removed. The effluent will go from the pump chamber to the d-box and then will go to the field by gravity. The goal was to try and keep the leaching system the same size. The design flow for the 80 seat site is 1,655 GPD. The approved system was for around 1200 gallons as a reduction in the design was approved before. The new leaching is 10% bigger and is almost double the flow from what is there now. Mr. Bracken said that he spoke with the Presby representatives and that they stated that they have a long history of their systems working well with restaurants. Only those certified to install the system will be able to do that installation. He has been certified in the installations of the Presbys. If an installer is not certified, Presby will have to be on site during the installation and they will train on site. Using the Presby units the effluent will run through a series of pipes. There are connected pipes and then there is a manifold. There is maximum soil contact and maximum treatment. These system can be used for systems in place of pressure dosing, where pressure dosing is required as in the case of systems over 2,000 gallons per day. This system also has a patent for being considered a sand filter for the treatment of effluent. The effluent is filtered through the sand and then goes to the ground. Mr. Bracken explained the Presby system using a cross section of pipe. This system works by using pipe ridges, a mat of random coarse fibers and a geo-textile fabric to retain sludge within the corrugated plastic pipe and to provide a large surface area to promote growth of a bacterial layer that provides treatment and protects the sand from surface clogging. There is always 6 inches of sand below the pipe. The separation to ground water is measured from the bottom of the 6 inches of sand, not the bottom of the pipe. The sand is considered part of the system. The biomat is created along the Presby pipe. The Presby system has an overall size of 1,909 SF (28.5' by 67'), providing 1,170 linear feet of feet of pipe with design capacity of 2,340 GPD. Mr. Andrews said water in the manhole gives a lot of residual time in the system. Mr. Bracken said the groundwater separation is based on monitoring which is higher than the actual test. With the system proposed having a high strength fast system, it still has a better treatment with 3 feet than with the required 5 foot system. Mr. Bracken explained the venting of the system. There will always be an exchange of air in the system. There is an

also an end cap on the top and bottom of the system. The bottom goes into a manifold so that it can be inspected. If the system ever failed there is a way to pump out the entire system. The effluent will go all the way through the first trench the level will have to build up before it goes to the next trench. There will always be water in the manhole. Mr. Bracken stated that the groundwater separation is based on a monitoring well and was higher than what was found during the perc test. Mr. Bracken discussed the peer review of the system by Norfolk-Ram. The report basically says that there with this system there is still better treatment even with the 3 foot separation than would be achieved with a regular title 5 and a 5 foot separation to groundwater. Ms. Coffin is concerned the system is designed for a fast food restaurant. She doesn't consider the Lobster Trap a fast food restaurant. The issue is the system should be 35 gallons per day and not 20 gallons per day. The restaurant is continually putting in septic systems and she doesn't know if pumping is diligent enough. She asked the applicant if he has a high temp dishwasher. Mr. Delancey said he never has had one but does have a low temp one. Ms. Coffin said low temp dishwashers still can be used incorrectly and grease can be liquefied and go into the septic. Ms. Coffin mentioned that an applicant cannot ask for a reduction in the size and a reduction in the separation to groundwater with the Presby system. You can ask for one, but not both. Ms. Peterson asked what Ms. Coffin thinks of the system. Ms. Coffin said there she doesn't have a lot of data with this type of system in restaurants. Mr. Bracken said there are several restaurants, but he has not received the testing data. That is something he could get. The filter (media) on the system will be required to be cleaned and or replaced. Ms. Peterson is pleased with the system. She said they are putting in a fairly large grease trap. Ms. Coffin brought up the fact that in checking with their pumping records, she sees a lot from 2012 but in prior years there was less. Mr. Delancey addressed this by saying in the summer the system is cleaned twice a month and in the winter it is once a month. Ms. Coffin thinks that the reduction in separation to groundwater is a good idea. The Board has never allowed this before. Mr. Delancey said he will use Bio-Microbics as a professional monitor. Mr. Andrews asked what the new design will do that the old design failed to do. Mr. Bracken said the difference is the size, the IA system and the increase in the leaching field area. Mr. Andrews asked how often will the media (filter) be replaced. Mr. Bracken if grease is discovered in the system there is a way to fix. If it is discovered that the pipes clog up, they will be dug up and replaced. Mr. Delancey is spending \$40,000 - \$45,000 in additional cost for this system. Mr. Andrews is concerned about the system failing every 5 years or so. Mr. Bracken said he believes reason was that the grease was getting into the system. Mr. Andrews asked what Mr. Bracken would recommend before there was another failure – some type of procedure adhered over time to prevent another failure. Mr. Bracken said the last system didn't have written inspection. Mr. Andrews would like to a manual for the maintenance procedure. Mr. Bracken said the board can include this as a condition, with the inspection report included. Mr. Andrews asked how this system got more area. Mr. Bracken explained gaining 10% by shifting the tank further down to the right. No further questions from the board. No questions from the public. Ms. Peterson asked Health Inspector Zackary Seabury if he had any further comments. He said no. Ms.

Coffin is concerned with the 20 gallons a day and believes it should be 35 gallons per day for the system design. Mr. Delancey said about 30% of his business is takeout. Ms. Coffin added that alcohol has been added to the establishment and that can increase patronage and increase design flow. Mr. Andrews asked for clarification and maintenance stipulations. Ms. Tinkham also stated where the Lobster Trap is located is a very sensitive area. Ms. Coffin said the maintenance company will have to report to Carmody. Ms. Peterson asked for that report to be sent to the office. The applicant could ask the board to approve a less expensive system. There are a couple of grey areas, but on the other hand the applicant is being up front and doing everything to address the situation. Mr. Andrews said this is a sensitive area and doesn't want applicant back in another 5 years. Ms. Coffin was given pumping records after the last system was installed and there was some off time when the restaurant changed from a seasonal to year-round restaurant. Mr. Bracken explained that Mr. Delancey is willing to go into a pumping schedule. Ms. Coffin added the new system will provide access to grease traps. Before it gets to the tank, they can check the pump or the primary D-box every couple weeks. If there are signs of grease in the D-box, then there is an issue. She suggested every couple of weeks to pull the cover off the distribution box. Mr. Andrews suggested having a couple of months of alternative testing by a professional tester. He also would like to see that in the maintenance manual. Mr. Bracken said the grease wouldn't contribute to the nitrogen loading. Ms. Peterson suggested having the applicant back before the board in December or a letter submitted for the system. Mr. Bracken said there would be data 30 days after full operation. Mr. Andrews suggested having a couple of quarters of data. Ms. Peterson feels having the applicant before us again in December would give the system 2-3 inspections and more data. **Mr. Andrews moved to approve the new system modification for a subsurface disposal system for Parcel 17, Map 26.4 with the following Board of Health variances requested: 1) SAS to Salt Marsh required 150', proposed 8', variance 142'; SAS to Coastal Bank required 150', proposed 52', variance 98'; SAS to River Edge required 150', proposed 76', variance 74' 2) and under Local Upgrade Approval, variances for SAS and septic tanks to property line required 10' and proposed 0.4'; Groundwater separation using secondary treatment required 4', proposed 3'. The septic plan of record is dated 4/18/13 to reference a High Strength 4.5 Fast system for denitrification. The reasons for the variances are to allow the upgrade of a failed septic system with the use of an Alternative Technology system. In addition Mr. Andrews stated that there is reference to a letter from Brian Dudley of DEP on the second sheet of the design plans, stating that a design flow for a fast food restaurant is allowed, and that there will be a complete operations manual describing the inspections and what to look for to maintain the system. This system will conform to the Board's Alternative Testing Policy. There will also be an initial report to the Board on January 1, 2014 to review the data obtained to that point. Mr. Uitti seconded the motion. Ms. Coffin raised the issue of Mr. Sala's memo from the DPW dated 4/24/13 requesting that the little stones from the parking area be cleaned up daily due to the equipment coming in and out of this parking area. Mr. Andrews amended**

his motion to include to remove stones from the parking lot be cleaned up daily to abide by the DPW Superintendent's request. Uitti seconded the amended motion. Mr. Andrews amended the motion again to include allowing the ground water separation of 3 feet because of the use of the Alternative Technology system and the Presby units. Mr. Uitti seconded the amended motion. All in favor and the motion passes unanimously.

- 3. Approve corrected minutes of 03/27/2013 – Mr. Andrews made a motion to accept the corrected minutes as amended for 3/27/2013. Mr. Uitti seconded the motion. All in favor, with one abstention.**

Mr. Andrews made a motion to adjourn. Mr. Uitti seconded. It was unanimous. The meeting adjourned at 8:25 P.M.

Respectfully taped and typed by

Lisa A. Groezinger, sec.

Reviewed and approved by

Cynthia A. Coffin
Health Agent

Kathleen Peterson_____

Stanley Andrews_____

Galon Barlow_____

Don Uitti_____

Carol Tinkham_____

cc Board of Selectmen/Town Clerk