

TOPSFIELD BOARD OF HEALTH
Meeting of Tuesday, February 14, 2012 ~ 7:30 pm
Town Hall, 8 West Common

With a quorum present, Mr. Hunt called the meeting to order at 7:39 pm

Board of Health Members present: William Hunt, Chair; Sheryl Knutsen; Gerry Topping; Wade Goldman; Dr. Vincent Guerra (9:55 pm)

Also present: John Coulon, Health Agent; Catherine Tinsley, Minutes Secretary

Abbreviations used

BOH Board of Health

GPD Gallons Per Day

Public Information

Agenda

APPOINTMENTS

VOTE: 41 Cross Street (Meredith Farm)

Present: Christopher Nash, property owner

Mr. Coulon reported that Hancock Associates Plan Dated 2.9.12 was submitted to the Health office today.

This is a five-bedroom home constructed with a 2006 BOH approved seven-bedroom Title V septic system. The intention of the extra capacity was to include the tack/lunch room in the barn for one to two employees. The plan submitted to the BOH office February 14, 2012 incorrectly states this is for a five-bedroom system, not the seven-bedroom system as built.

He informed the Board, the engineer used design calculations for Title V 110 GPD repair; Topsfield Regulations do not consider repair vs new construction in this situation.

Mr. Coulon further stated that the Engineer failed to file proper paper work at this time; there is no notations, letter, or form attached to the plan for a variance. The engineer Vaclav Talacko, was not present.

Mr. Nash was informed the Board is under no obligation to consider this plan citing the errors in the plan.

Mr. Coulon stated he is familiar with the property and is comfortable that there would not need to be property line set back.

Mr. Hunt stated he was against the rushed decision and that the proper paperwork and plans should be before the board.

Mr. Nash informed the BOH that the property can handle the 200 GPD and does not need a variance, and that this was a mistake and a corrected plan will be resubmitted. The Board noted that the plan needs to include the history details, and any variances approved.

Mr. Topping reviewed that after all calculations, whether it is a five or seven bedroom home, the system still has excess capacity.

Original plans included a variance request from 200 to 110 for a seven-bedroom system. Mr. Coulon will verify the information and if there are no variances, this does not come before the Board.

The Board talked about a policy for a deadline to submit plans before a meeting.

Health Agent's Report

Emergency Preparedness / Medical Reserve Corp (MRC)

Mr. Coulon is attending FEMA training in *Pandemic Planning* in Alabama next week. Others from Massachusetts are also attending.

He noted other upcoming trainings including a state wide Steering Committee meeting.

Mr. Coulon reported that the MRC provided a volunteer with first aid training for the open gym night at Masco Field House; the MRC will do it again in March.

Mr. Coulon will speak at North East Agricultural on March 28 on "How To Get A Kitchen Permitted".

Mullin Rule

The Board was provided a copy of the Mullin Rule.

Topsfield Town Meeting voted to accept "Mullin Law" to allow a board member who is unable to attend a meeting can invoke the rule and review evidence and vote outside the meeting after reviewing transcript or recordings.

New Business

Vote: January minutes – Held; No action was taken

Old Business

Discussion: Review of existing Topsfield Septic Regulations

Mr. Topping provided copies of the Topsfield Board of Health Regulation Review, December 8, 2011. He summarized the process saying if the updates/ changes are accepted by the Board, a public hearing needs to be held before the Board can vote to accept them.

Mr. Topping noted there are no recommendations to change the perc rate.

The original document was included with suggestions offered by Mr. Topping followed in italics. Mr. Topping reviewed each section, his recommendation and fielded questions from the Board.

Goal: To update and consolidate the Title V supplemental regulations.

1. Regulation: R:1-2.3, Section 3. (h)---All available soils capability maps and data pertaining to the site (accompanied by information necessary for their full interpretation), including those prepared for Essex County by the U.S. Soil Conservation Service.
- 1.1. Recommendation: R:1-2.3, Section 3. (h)---delete section. Onsite soil testing provides the soil profile information required to determine whether or not a site is suitable for the construction of a subsurface sewage disposal system.
2. Regulation: R:1-2.3, Section 3. (i)---Except for plans of septic systems serving existing buildings, plans shall show elevations of ground surface at test pit, bottom of test pit and any rock formations or other impervious strata, and observed ground water encountered. Ledge outcrop locations and bounds shall be shown. Elevations shall be reference to a USGS elevation datum.
- 2.1. Recommendation: R:1-2.3, Section 3. (i)---delete requirement for USGS elevation datum, because site specific datum as outlined in Title V is sufficient to ensure correct vertical (elevation) relationship of septic system components. Revised Text: Except for plans of septic systems serving existing buildings, plans shall show elevations of ground surface at test pit, bottom of test pit and any rock formations or other impervious strata, and observed ground water encountered. Ledge outcrop locations and bounds shall be shown.
3. Regulation: R:1-2.3, Section 8.---Volume of Sanitary Sewage. (a) The determination of a minimum daily sewage flow to be used for design of systems for residential or boarding and lodging house shall be calculated at the rate of one-hundred (100) gallons per person, with a minimum calculation of two (2) persons for each bedroom. Rooms, other than living room, dining room, bathroom and kitchen may be considered as bedrooms for computing septic system size. The Board of Health shall make the decision whether or not to consider a room a bedroom for the purpose of these regulations. The disposal of laundromat and carwash wastes, which are considered industrial wastes, requires both Board of Health and D.E.Q.E. approval. (b) If a proposed addition increases the number of bedrooms, the septic system shall meet the requirements of the State Environmental Code and the Topsfield Supplemental Rules and Regulations in effect at the time of application. (c) Where a portion of a dwelling is altered to make a separate apartment or dwelling unit(s), even if there is no increase in the number of bedrooms, the septic system shall meet the requirements of the State Environmental Code and the Topsfield Supplemental Rules and Regulations in effect at the time of application.
- 3.1. Recommendation: R:1-2.3, Section 8.---delete section. Title V requires 110 gallons per bedroom, and deleting section would result in applicants no longer seeking variance requests for a local requirement that the Board regularly waives. The Board has voted to waive the 200 gallon per bedroom requirement because actual water usage for dwellings is significantly less than 200 gallons per bedroom per day. Board Member, Gerald Topping, has noted that the water usage for his house over the past four years is below the Title 5 requirement of 110 gallons per bedroom per day. Note: Mr. Topping's wife stays at home with their two children.
4. Regulation: R:1-2.3, Section 14. Deep Observation Holes---There shall be at least four (4) deep observation holes, two (2) in the primary and two (2) in the reserve area. The holes shall be located so as to present a reasonable representation of the soils in the entire leaching area. In no case shall the holes be closer than twenty-five (25) feet from each other. A soil profile (a vertical cross-section of the soil strata from the surface down through the parent material) shall be submitted to the Board in a form approved by the Board. The U.S. Dept. of Agriculture Soil Conservation Service soil classification shall be used. The Board may require a mechanical grain size analysis to confirm the observed soil classifications. Groundwater elevation shall be determined only during the months when ground water is at maximum elevation. Actual open and closing dates for groundwater elevations shall be determined annually by the Board of Health, and generally will be during the months of March and April, unless the Board of Health deems that conditions warrant a change. When the Board of Health determines that there has been inadequate precipitation to demonstrate maximum ground-water elevations. Such observations shall be postponed until the next year that the Board of Health determines to have adequate precipitation, except that adjusted ground-water elevations may be derived and submitted for the Board of Health's consideration. Oxide markings alone may not be used to determine maximum ground-water elevations. More deep observation holes may be required at the discretion of the Board of Health or its Agent.

The Board of Health may require an adjustment factor to the measured groundwater elevations to account for period of below average precipitation. Said Adjustment factor, however, shall not exceed the differential elevation between actual and average ground-water elevation as measured at gauge wells maintained in Topsfield.

The Board of Health shall be under no obligation to determine adjustment factors. With or without such a determination by the Board of Health, said Board will consider adjusted ground-water elevations derived by a Registered Professional Engineer specializing in geohydrology, and submitted with the application for a DWCP. The Board of Health will determine the ultimate acceptability of such an adjustment.

- 4.1. Recommendation: R:1-2.3, Section 14---delete section. Title V requires two deep test holes per proposed location, one in the primary and one in the reserve. Title V includes the option for the inspector to require additional test(s) as needed to adequately define the soil conditions in the proposed location. The seasonal high ground water table is determined by observing redoximorphic features if present, or calculated by using one of the two approved Frimpter (Cape Code Commission Technical Bulletin 92-001) methods.

5. Regulation: R:1-2.3, Section 16. Number of Percolation Tests--At least three (3) percolation tests shall be performed on each lot; two (2) in the primary and (1) in the reserve. In the primary area, the percolation tests shall be a minimum distance of twenty-five (25) feet apart. More tests may be required at the discretion of the Board of Health or its agent. The percolation rate shall be the time in minutes for the water to drop from seven (7) inches to six (6) inches and the maximum allowable percolation rate shall be twenty (20) minutes per inch. Should any one inch exceed twenty (20) minutes, the percolation test shall be considered a failure, with the following exception. The percolation rate for tests comprised of a four (4) hour soak, followed by an overnight swell, shall be determined by averaging the rate for the last three (3) inches. (Adopted by vote on Nov. 17, 1988)
- 5.1. Recommendation: R:1-2.3, Section 16--revise text. Title V requires two percolation tests for the proposed system, one test in the primary location and one test in the reserve area. Over night soaks are no longer required or performed. Revised Text: The maximum allowable percolation rate shall be twenty (20) minutes per inch. The title for Section 16 would change to Percolation Tests.
6. Regulation: R:1-2.3, Section 17. Percolation Test Safety Precaution--Percolation test shall be made in holes that have been dug the day the tests are to be conducted or, if overnight soaking is required, the previous day.
- 6.1. Recommendation: R:1-2.3, Section 17--delete section. Title V requires that percolation tests are performed the same day the percolation hole is dug. Overnight soaks are no longer performed.
7. Regulation: R:1-2.3, Section 18. Leaching Area Requirements--A minimum of six hundred (600) square feet for three (3) or fewer bedrooms and an additional two hundred (200) square feet for each additional bedroom of primary leaching area and an equal amount for the reserve area shall be provided for all new construction.
- 7.1. Recommendation: R:1-2.3, Section 18--delete section. The leaching area requirement is calculated in Title V by dividing the total daily flow by the long term acceptance rate (LTAR) corresponding to the percolation test value. Requiring a minimum leaching area is a redundant factor of safety because the LTAR already includes a factor of safety to account for the long term performance of the soil absorption system.

Note: The Board of Health Agent has discovered regulations that exist, but were never officially incorporated into the Topsfield Regulations available on the website or from the Town Clerk. The regulations require two compartment tanks, venting of system components, etc. I did not comment on the pseudo regulations because I question their legitimacy.

It was the consensus to support all the changes as identified by Mr. Topping except # 3 -To delete deep hole observation. Mr. Goldman will research this further to provide additional information to the Board.

Mr. Topping noted that the BOH Agent has discovered regulations that exist, but were never officially incorporated into the Topsfield Regulations available on the website or from the Town Clerk.

Mr. Coulon noted that when the BOS adopted these regulations (2003) to be written into the regulations when reprinted.

It was questioned how to hold residents to this regulation and the need for this to be available for the public.

Financials

The Board reviewed and signed the Bill Warrant

Executive Session (ES)

Ms. Knutsen moved to enter into ES at 9:40 pm (1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual and that the Board adjourns directly from executive session. Mr. Topping seconded and the motion carried unanimously by roll call vote.

Respectfully submitted by

Catherine Tinsley