

Approved 2.28.13

Town of Topsfield Board of Health
Meeting of Thursday, November 15, 2012 ~ 7:30 pm
Town Hall, 8 West Common Street

Pursuant to MGL Chapter 30A, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Topsfield Board of Health Thursday, November 15, 2012 at 7:30 pm in Town Hall Conference Room.

With a quorum present, in the absence of the Chair, Ms. Knutsen called the meeting to order 7:34 pm
Board of Health Members present: Chairman William Hunt Esq. (A 9:10 pm); Vice Chair Sheryl Knutsen, RN; Wade Goldman, P.E.; Vincent Guerra MD; Gerry Topping, P.E.
Also present: John Coulon, Health Agent; Catherine Tinsley, Minutes Secretary; Selectman Richard Gandt

Abbreviations used:
BOH Board of Health
GPD Gallons Per Day
PE Professional Engineer

Public Information
Agenda
BOH Regulations

Ms. Knutsen stated that Chairman Hunt was delayed and the agenda would be taken out of order.

Ms. Knutsen opened the public hearing scheduled for 7:30 pm.
VOTE: Mr. Guerra moved to continue the hearing when the Chair arrived. Mr. Goldman seconded and the motion carried unanimously.

MINUTES
VOTE: Dr Guerra moved to accept the BOH meeting minutes for October 2, 2012 and October 11, 2012. Mr. Goldman seconded and the motion carried unanimously.

HEALTH AGENT REPORT

Emergency Preparedness

Mr. Coulon reported that the BOH Office is preparing for the Centers for Disease Control audit in January. There is a meeting regarding the Emergency Dispensing Site Plan on December 6th. This will include both the primary and the back up teams for the 14 communities the site will service in the event of an emergency. Ms. Knutsen requested an update regarding the training be on the next meeting agenda.
Mr. Coulon reported that during Hurricane Sandy, an emergency operating center was opened at the fire station; Topsfield was well prepared for emergencies.

Medical Reserve CORP

There is a vaccination clinic planned during the Topsfield Holiday Walk on December 1st. The clinic will be located in the vacant store front of what was the corner café.

Mr. Coulon gave summary of the three-day conference he recently attended regarding emergency preparedness, review of food born outbreaks, and upcoming changes to the food code. Mr. Coulon is involved in updating the 1999 State Food Codes. Mr. Coulon identified The Massachusetts Environmental Health Association is sponsoring an update/review of the past year regarding West Nile Virus and Eastern Equine Encephalitis. Mr. Coulon has been invited to participate and plans to do so.

Mr. Coulon informed the Board that the Board of Health Office received an anonymous letter, dated November 7, 2012 alleging toenails were being cut in a public room at Little Brook Village. The Health Agent said that although the BOH is not required to act on anonymous letters, he would speak with the manager of the complex.

Mass Associations of Health Boards

Ms. Knutsen stated she attended an emergency preparedness presentation. This included clearly defining terms used i.e. a tidal wave means life threatening waves/walls of water. The BOH plays a supportive roll in emergency preparedness, and is the lead agency for emergency dispensing in the case of a biologic attack.

Mr. Coulon acknowledged a November 9th memo from the BOS stating that inspections for Common Victualler licenses are done and signed off by all five of the town's inspecting entities. Seven establishments hold such a license in Topsfield.

The Board requested a discussion regarding the Government Review Committee's report be on the next meeting agenda.

APPOINTMENTS

7 Parsonage Lane: Local Upgrade Approval Request for reduction of design flow from 200 GPD to 110

Present: Jim Scanlon, P.E. representing homeowners, Peter and Gail Newcomb

This is a septic upgrade to an existing five-bedroom home with a failed system. The proposed system has a leaching field with infiltrated chambers. Due to shallow ledge on the property, the only location for the system is the rear of the property 50 feet from the wetlands. This has been approved by the Conservation Commission.

VOTE: Mr. Topping moved to grant the variance for 7 Parsonage Lane to reduce the flow from 200 GPD to 110 GPD. Dr. Guerra seconded and the motion carried unanimously.

34 Bare Hill Road: Variance Request for reduction in setback between foundation and septic tank

Present: William Hodges, homeowner

Mr. Hodges explained the intention is to add a room onto the house. The proposed location of the addition is less than the required 10-foot setback from the septic tank.

It was determined that the waste line and tank (1000 gallons) are original to the 1971 construction of the house. The leach field was redone in 1998.

After a lengthy discussion, it was the consensus of the Board to not grant the request. The applicant withdrew his request for a variance. The BOH took no action.

78A Alderbrook Lane: Variance Request for reduction of separation from groundwater from Title V 4 ft to 3 ft

Present: Gerald MacDonald, PE; HL Graham Associates, Inc.

This is an existing three-bedroom home with a failed Title V system. The proposed system is a two compartment, 2000 gallon tank with a gravity system. Only a small portion of the leach field requires a variance.

Mr. MacDonald confirmed two test holes were done.

The Board observed there are other options and noted concern that there may be contamination to ground water with the variance.

VOTE: Mr. Topping moved to reject the variance request for 78A Alderbrook Lane as listed on form 9A dated November 7, 2012.

Mr. Goldman seconded and the motion carried unanimously.

COMMUNICATIONS

Notification of Oil Release from Coneco November 9, 2012 Pursuant to 310 CMR 40.1403 of Mass Contingency Plan Mineral Oil Dialectic Fluid Release Pad Mounted Electrical Transformers 224A Boston Street, Topsfield.

PUBLIC HEARING – Topsfield Supplemental Regulations

Ms. Knutsen opened the public hearing at 9:10 pm and the legal notice was read.

Public Hearing regarding proposed changes to the Topsfield Board of Health Supplemental Regulation to 310 CM R 15.00 Title V of the State environmental code, notices were duly posted in the Tri Town Transcript on October 26, 2012, and November 2, 2012.

Notice is hereby given that the TBOH will hold a public hearing in the first floor Conference Room of Town Hall, 8 West Common Street

Chairman Hunt arrived.

Topsfield Board of Health Regulations R:1-2.3 - December 8, 2011

1. Section 3 (h) Soil Map

Regulation: 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.

Recommendation: delete the requirement to put the soil survey information on the septic plan. The referenced survey is still required on the application to the BOH as (DEP) Form 11, which is part of the file for the property.

The Chair opened the hearing for comment and seeing none called for a vote.

VOTE: Mr. Topping moved to delete Section R:1-2.3 Section 3 (h) of the local regulations. Ms. Knutsen seconded and the motion carried unanimously.

2. Section 3 (i)– USGS Datum Facilities

Regulation: 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.

Recommendation: delete requirement for USGS elevation datum. The data as outlined in Title V is sufficient to ensure correct vertical elevation relationship of septic system components. Title V allows the option to chose which verifiable benchmark to use. USGS is usually used in new construction vs. a benchmark for repairs is a fixed point i.e. foundation.

The Chair opened the hearing for comment and seeing none called for a vote.

VOTE: Mr. Topping moved to delete Section R:1-2.3 Section 3 (i) of the local regulations and default to the State standard of Title V. Dr. Guerra seconded and the motion carried unanimously.

3. Section 8 - Volume of Sanitary Sewage

Regulation: (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.

Recommendation: to reduce from 200 GPD per bedroom to Title V 110 GPD per bedroom; this uses less water due to changes to state plumbing code mandating low flow plumbing.

The Chair opened the hearing for comment.

Dick Gandt asked the Board consider no less than 165 GPD per bedroom to allow for garbage disposals to be legally installed at time of construction or in the future.

A debate followed if all homeowners should be required to incur the additional expense of a larger system, even if there is no plan for a garbage grinder.

The P.E. clarified that the GPD regulation is not related to garbage grinders. Grinders require a 50% greater size of the leaching field, and a two-compartment tank. It was also noted that there are provisions for garbage grinders in Title V.

VOTE: Mr. Topping moved to delete Section R:1-2.3 Section 8 of the local regulations and default to the State standard of Title V.. Dr. Guerra seconded and the motion carried unanimously.

4. Section 14 - Deep Observation Holes:

Regulation: 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.

Recommendation: delete section 14 and default to Title V.

Local regulations require for two deep holes at system location, and two deep holes in the reserve area. Title V also requires same deep test holes in primary and two in the reserve area, but Title V allows when trenches are used that only two test holes are dug. Local regulations require the bottom of the bed inspection by the Health Agent. This allows for the determination by the Board of Health Agent for additional Deep Observation Holes, if needed. This would not change the way the testing is done.

The Chair opened the hearing for comment and seeing none called for a vote.

VOTE: Mr. Topping moved to delete R:1-2.3 Section 14 of the local regulations and default to the state standard of Title V. Ms. Knutsen seconded and the motion carried unanimously.

5. Section 16 - Number of Perc Tests Required

Regulation: 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)

VOTE: Mr. Topping moved to delete section 16 from BOH regulations and default to Title V that requires two percolation tests for a proposed system; one if the primary and one in the reserve area. Mr. Hunt seconded for the purpose of discussion.

During the discussion, Chairman Hunt recognized the public in attendance and allowed participation in the discussion.

It was reviewed that Title V does not allow overnight soak but requires a 15-minute presoak to cause expandable soils to react and expand before testing. Soils subjected to water for 24 hours do not further saturate soils for testing.

It was noted that some states no longer require perc testing but depend on soil observation.

The Title for Section 16 would change to "Percolation Tests" and include the same text "Only the maximum allowable percolation rate shall be 20 minutes per inch". The local agent on site has the authority to require more test holes.

Title V prohibits septic systems to be built in fill. The most restrictive natural layer is used as the start of the test hole.

The Board talked about the effects of increasing the Topsfield Percolation Rate to the Title V rate of 60 minutes per inch for new construction. By increasing the perc rate to that allowed by Title V, is the public's health adequately protected, noting that storm water runoff could affect the perc rate and therefore the performance of a system. There is unknown effects to the change of the perc rate to ground water.

Chuck Johnson, P.E. opined that by increasing the perc rate from 20 to 60 increases the size of the leach field considerably. He went on to say that a pressure distribution system would be required and not gravity to prevent localized "ponding" at the low point of the leach field. Mr. Johnson said he observed that every gravity system drains to the end, ponds and when biomaterials forms it works it's way back to the distribution box regardless of perc rate. This increases the cost of a system considerably. He added that the slower perc rate gives way to smearing (seals the surface by compactions making an impervious barrier; the over dig allows more area for affluent and aeration of soil around leach field) and certain construction techniques should be used.

Title five deals with this by increasing the leach fields.

Mr. Topping observed that other local communities have changed the perc rates. This can be amended at a later date through another public hearing.

VOTE called: the motion failed with Mr. Goldman, Ms. Knutsen, Dr. Guerra, and Mr. Hunt all voting in the negative.

VOTE: Mr. Topping moved to revise text of R:1-2.3 section 16 of the local regulations that the max allowable perc rate remains at 20 minutes per inch and the number of test holes reverts to the State standard of Title V (2 primary / 1 reserve). Mr. Goldman seconded and the motion carried unanimously.

6. Section 17 - Percolation Test Safety Precaution

Regulation: 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.

Recommendation: delete Section 17 and revert to Title V

Title V requires that percolation tests be performed the same day the percolation hole is dug. Overnight soaks are no longer performed.

The Chair opened the hearing for comment and seeing none, called for a vote.

VOTE: Mr. Topping moved to delete section 1-2.3 section 17 of the local regulations and default to the state standard of Title V. Dr. Guerra seconded and the motion carried unanimously.

7. Section 18 - Leaching Area Requirements

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.

Recommendation: delete section 18.

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. Title V has not been around long enough to determine if failure has to do with design alone.

The Chair opened the hearing for comment and seeing none, called for a vote.

VOTE: Mr. Topping moved to delete R1-2.3 Section 18 of the local regulations and default to the state standard of Title V. Mr. Goldman seconded and the motion carried unanimously.

The Board addressed the "pseudo regulations" that were accepted by the BOH in July of 2003 but not included in the current regulations available to the public or with the Town Clerk's Office or on the web site.

VOTE: Mr. Hunt moved to rescind the vote of the BOH taken July 2003 that dealt with changes in BOH regulations. Mr. Topping seconded and the motion carried unanimously.

After the Regulations are changed, they will be provided to the Town Clerk, and posted on the Town's web site.

Chairman Hunt recognized Mr. Johnson's request to provide the BOH with some suggestions for consideration.

Present: Chuck Johnson, C.G. Johnson Engineering, Inc.

Sand fill – modify title V # 4 sieve ASTM C-33 (washed / concrete) coarser and cleaner Presby sand

Sieve Analysis - all sand be tested for compliance

Septic tanks – monolithic (water tight) two compartment tank

Outlet Tees - all outlet tees be equipped with MA DEP effluent filters (require maintenance)

Grease trap/ monolithic tanks

Stone used for leach areas be double washed rounded stone (vs. crushed)

Mr. Johnson was thanked for his suggestions. The Board will take them under advisement.

The Chair recognized Chuck Johnson, Greg Smith, and Dick Gandt for participating in the hearing.

Mr. Topping was recognized for his work over the past year to update the regulations.

VOTE: Mr. Goldman moved to adjourn at 10:43 pm and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley