



**Town of Wareham
Board of Health**

Meeting Minutes

December 1, 2010

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Members Present:

Diane Allen, R. N., Chairman
Charles S. Gleason, M. D., Member
Thomas L. Gleason, M. D., Member
Lisa T. Irish, Associate Member

Robert Ethier, Health Agent

**Tape picks up with 32 Carver Road – E. Morrow - Order to Appear – Chapter II
Extension Granted for Thirty Days**

Viverios: remove. That's an example of what it looked like. I always try my best to go back. I did and Mister Morrow had made a dent in cleaning up all the rubbish and debris that was there. On October 20th we got a complaint about rubbish and debris on Carver Road, same address. It did get cleaned up pretty well. I went down and it was just about like it had been originally. Mister Morrow tells me that you have to take into consideration that he is a fisherman and fishermen have all this stuff that they need for their livelihood and it has to be kept on the property. It doesn't have to be kept like that. This is harborage for rodents, insects, etc.

Morrow: I have been going since 3:30 this morning. I spent \$300,000 on the house to be able to store my pots and everything else. I then spent \$3,000 on a fence to put it around the property. The neighbor that is calling makes it a point to call the fire department every time I light a match on my property.

Allen: But some of the pictures

Morrow: That's my back yard.

T. Gleason: That doesn't give you the right to leave it like that.

Allen: It has to be cleaned up.

Morrow: I had it cleaned up. He came to the house. The whole yard was cleared up.

T. Gleason: How come it's back that way then?

Morrow: I work by myself. I go away a month at a time and then come back. I work 15 hour days. I do the best I can. The other neighbor has pallets stacked sky high in the yard.

Allen: Mister Viveiros, do you recommend that we give him another 30 day extension?

Viverios: Well, I think he seems serious and the reasons I would recommend a 30

day extension is that he was able to clean it up the first time.

Allen: Our question to you though sir, is that if we give you a 30 day extension, do you think you can clean it up?

Morrow: Yes. I can clean it up.

Irish: I think you have to get it organized. It looks like a grill was tipped over.

Allen: If it was neat, it wouldn't look as bad.

Morrow: I will get it straightened up.

Viverios: What you have to remember is that, if I go back and it is like it was the first time, don't expect me to send out another 30 day letter. What I will be doing then is asking the Board for a court date.

Allen: I make a recommendation that we grant a 30 day extension Mister Viverios.

4:35p.m. – 10 Agawam Lake Shore Drive – McKinnon & Keese Engineering, Variance to Local & State Regulations – Upgrade

Variance Granted

Keese: What we are asking is just a Variance from the Wareham local codes from size of the additional bedroom. It is a very tiny rather odd shaped lot located on Agawam Lake Shore Drive and Regis Avenue. We have met all the criteria otherwise from the Wareham regulations and with that we are requesting the Variance on the system itself. The existing is the cesspool. We are coming out of the house here with pipes into a 1500 gal. tank. We were able to keep 21 feet off this crawl space. There are 2 concrete chambers surrounded by stone.

Ethier: So, you are asking not to design for the extra bedroom? That is basically it?

Keese: Right Bob.

Ethier: We did review the plan and everything on the plan looks good. I would suggest that we grant the Variance not to design for the extra bedroom and then she could get this in with no problem.

T. Gleason: So the Variance is to grant the plans for the extra bedroom. Is that correct?

Keese: No, the lack of design (129).

Ethier: This plan here, under our regulations, under Title V, she meets the Title V requirements but under our regulations for this particular plan, she can't design for the extra bedroom. We do give that Variance quite often.

T. Gleason: So, you are not designing for the extra bedroom?

Ethier: Not designing. Put that on the plan, not to exceed 3 bedrooms.

Keese: Absolutely Bob.

T. Gleason: All right. So, I would move that we grant the Variance requested at 10 Agawam Lake Shore Drive with regard to designing an extra bedroom.

Allen: I second the Motion.

4:40p.m. - 53 Warren Point Road, McKinnon & Keese Engineering – Variance to Local Regulations – Upgrade

Further information needed

Keese: The next project that we have is located on Warren Point Road for A Doctor (Randolph). He uses it during the summer months. It is an existing cesspool. It is the highest point on the bluff. We are just 32 gals, shy of that 11 hundred threshold. We have met all of Title V requirements. This is voluntary upgrade of the system. The house is only used 3 or 4 months of the year. With that we are requesting a Variance on this very expensive system for a 50 thousand dollar addition. We are requesting a Variance on an additional bedroom because it would trigger having to contend with an additional septic tank once you go over the 1,000 gallons. And you have to have a secondary tank which would be at least 1500 gallons.

Ethier: Madam Chairman and members of the Board, I did a plan review and I spoke with Ms. Keese about this. I have some issues with the design, the total number of gallons is over a thousand and I spoke with Sandy about this and she says, well, actually the system does not reach a thousand gallons but the design

Keese: The design flow is 990

Ethier: But I asked the D.E.P. and they said that it is the total design flow that you designed on. So, that would actually not fly. The other thing is....

Keese: That is incorrect, Bob. The design flow is based on 110 gallons per bedroom per day and if you look at Title V (182). The design flow for 1 bedroom is 110 gallons and what we have here are 9 bedrooms according to the assessors map for 990 gallons.

Ethier: But on the plan it says, leaching provided, 1 hundred

Keese: That's the leaching. That's the leaching provided. It is a little bit extra because you can't design obviously with these components or any type of components (186)..

Ethier: Right. I realize that but their contention is that the leaching provided, that's what you base that on.

Keese: That is incorrect.

Ethier: It is.

Keese: That is incorrect. I have it in here in Title V. I can read it to you if you want me to.

Viverios: One of the things that it doesn't say is what the design flow is. You are correct in saying that at 9 bedrooms, 110 gallons a day per bedroom would be 990. You know, depending on how you determined the bedrooms. I don't know what you did there.

Keese: Right. It says the daily flow is 990 gallons which I quickly (847). Just so we can differentiate what is Title V and what is here with the 9 room system. Number of bedrooms – 9. Daily flow – 990. Leaching (857).

Viverios: Although it doesn't say that here, the design flow is less than ...

Keese: The ten, seventy-eight.

Viverios: Is less than the ten, seventy-eight.

Keese: Yes, which is less than the thousand.

Viverios: Bob is correct when he says the flow is 990. The flow could be anything. What is the design flow on these 10 gallons a day per bedroom?

Keese: 990 gallons. It was kept specifically under the thousand so we didn't have to jump to the secondary tank.

Ethier: But you see where I am deceived? When I look at this it says a

thousand, seventy-eight. That's over a thousand, requires two tanks.

Keese: Right, but it is based on design flow. It is number of gallons per bedroom, 990 gallons.

Viverios: But nowhere on the plan does it say design flow, x number of gallons per day and based on 110 gallons

Keese: It does, right here. It is number of bedrooms, 9. Top of the design criteria. The daily flow is 990 gallons per day.

Viverios: That should say design flow at 110 gallons a day with a little cross, x marked and totaling 990. That's the way it should be put on the plan.

Keese: That's the daily flow.

Viverios: The daily flow, you don't know what the daily flow is. You would have to have a

Keese: Well, there is a water meter reading. Until they give us something different. You know, they tell us 110 gallons per day.

Viverios: Yes, right but this is a plan and it should say 9 bedrooms at 110 gallons a day per bedroom is 990. So that Bob wouldn't have to look at this and say, which is correct, it's over 1000, so it is going to need a two compartment tank or two tanks in a series and it doesn't have it.

Keese: Leaching is different than daily flow.

Viverios: It is. Yes.

Keese: I thought if I put on the plan itself a number of questions (867). There's 9 bedrooms and 110 gallons per bedroom which I have clearly in that design criteria. The daily flow is 990 gallons based on 9 bedrooms and the leaching that we provided is just a

Viverios: I know what you are saying but it is usually done by saying design flow is so many gallons per day. Like a restaurant, 35 gallons per day per seat times ten seats is 350. This should say the design flow and designed for 110 gallons a day and 9 bedrooms.

Keese: daily flow was design flow.

Ethier: No. It isn't.

Viverios: No. It isn't. The daily flow, when you do Title V, it is actually overkill. The daily flow from the meter readings is always going to be less

Keese: But we are not going by meter readings.

Viverios: No. But the plan does not say design flow.

Allen: Can you change the plan?

Keese: Of course, basing it on a nine bedroom.

Allen: Yes. Change

Keese: I will do anything to make this as clear to the Board as possible. This is the first time in 25 years of business that no one can understand what the design flow was as compared to the 9 bedrooms.

Ethier: I understand what it is. I am just telling you that it looks here like it is over a thousand gallons and over a thousand gallons, I go by the code.

Keese: You have never questioned this on any of my plans before. I don't understand Bob. It is always been (881). We always try to put as much as we can within practical limits in the leaching.

Ethier: Well, I can tell you that when you submit a check for me to review a plan, that's what I do. I review the plan. If I think there is something wrong with the plan, I will bring it up to you. And that's what I am doing. The other thing is, on the soil log here..

Keese: There is nothing wrong with this plan. It's 9 bedrooms. It's 990 gallons which is the daily flow of (882). Gallons per day, GPD.

T. Gleason: It is the design flow. That's what you are designing the thing for.

Viverios: I understand what you are saying now. You have got 9 bedrooms, 110 gallons a day. Are there more than 9 bedrooms someplace?

Keese: No. There are 9 bedrooms. That's what we go by. We go by the assessors records and the assessors records show 9 bedrooms.

Viverios: But total rooms is more than that?

Keese: Oh, yes.

Ethier: Do you know how many total rooms there is?

Keese: No. I don't.

Ethier: Because you might be able to put in a smaller system than this.

Keese: True but I would put 9 bedrooms, given the size of that house is more than adequate and the doctor wanted to put in 9.

Ethier: Right and you can do that but under definition of number of rooms, you might be able to cut this down a couple bedrooms.

Keese: Census records Bob, as we have always been instructed to do and that's what I went by.

Viverios: I think what Bob is saying is that it would only help you as let's say hypothetically that there was 12 total rooms. Nine of them were bedrooms and there was 12 total rooms. As I am sure you know, Title V says you take that figure of 12, you cut it in half and you go down to the next lowest number, in this case it would be six, and you can design it just for 650 gallons per day and if you could do that, you wouldn't be infringing on the coastal bank.

Keese: We are not infringing on it as it is. From the distance of the coastal bank, if you look at the distance that was created, it is 170 feet difference.

Viverios: Yes. Right. I saw that.

Ethier: Well, what he is saying is if this system costs 60 thousand dollars and you used the definition under number of rooms under definitions, you might be able to put in 6 bedrooms and cut this down to 40. Designed for 6 bedrooms.

Keese: I realize that but the doctor is quite happy with this 9 bedroom design based on the number of bedrooms that are actually here as seen by the assessors office. (904) the year before.

Viverios: That's fine and that's good. But you have to remember if there is 12 bedrooms, there's 12 rooms, nine of them were bedrooms and the total number of rooms is 12, including the bedrooms, you could go to 6, (907). So this system is over designed by quite a lot, which is fine. Good. It's over designed, good. Bob just stated if he had done it that way, he probably would have eliminated a lot stuff. Certainly the 1000 gallons two compartment tanks or two tanks in a series wouldn't be an issue. It is not now with the 990. But a lot of things could have been eliminated.

Keese: A lot of things are here for a very good reason.

Viverios: Oh, okay.

Allen: So, can we change, from what I am hearing, change the plan to design flow 110 gallons per day?

Keese: You want to change the daily flow to daily design flow?

T. Gleason: No, just design flow.

Ethier: The design flow is the 990 and that would solve this problem.

Allen: And that would solve that Variance.

Keese: Sure. I can do that.

Allen: Oh, thank you.

Ethier: The other thing is that the soil, we talked about this too Sandy. It is a class two soil and with 8 minutes per inch, you needed a design of .60.

Keese: Actually, no, we don't. This perks out at 8 minutes per inch. It was a modified, you look through that soil report. There was 20% gravel in there as a modifier. When I (textured) it out, the (920) was very close to sandy loam or loamy sand. There is like a 1 minute difference between a loamy sand and a sandy loam. And when this perked out at 8 minutes per inch, that was the tell tale deal as to how you design your system. (925) classification. Only when you (926) the analysis are you to design for that particular class soil. That's how that works. I mean, I am soil evaluator. So....

Viverios: Well, I am a soil evaluator too and as you just said, if I was the permit granter authority and I am not, it's Bob, you hit on a good point, considering the fact that a lot of this was (928) and what you said, you know. The testing and all of that.

Keese: Yes. It was the (930).

Viverios: I would say if you are going to use that long term acceptance rate that you want to use there, that I would require Now, I am not part of the Board actually. I would require a (932) analysis as part of this.

Keese: It is ridiculous. We did a perk test. I mean a perk test

Viverios: A perk is not a (933) analysis.

Keese: True.

Viverios: We are talking about distribution of the ...

Keese: You only do a (935) when you can't do a perk test.

Viverios: No. No. No, it's not. You do a (sieve) analysis when you want to see the distribution of the particles and how much space there is between the particles. That's what a sieve analysis is, to see it the sieve analysis is in concert with the perk test.

Keese: But if you use that sieve analysis and it is classified as a particular type of soil, you have to use that last number as

Viverios: That is correct.

Keese: Whereas if you go by a rate minute to minute to minute, you can exactly set up in that long term analysis. And it was an 8 minute perk. It was witnessed by Dave Flaherty, who is also a soil evaluator.

Ethier: Right. He reviewed the plan and told me it was wrong.

Keese: Oh, he reviewed it?

Ethier: Yes. He reviewed the plan because I was out.

Keese: Well he didn't dispute this when we had this in the field Bob.

Ethier: Well, I am telling you he disputed it now and he wrote some notes to me and when I got back I reviewed it, checked Title V. When I talked to you, I said I would check with some Title V people. John was in the room. You talked with John about some guy you knew. And I said, John, I want to be fair here but And let me put it this way. I am not picking on your plan. We send people out of here from some other end of the area with issues.

Keese: I don't care about that. It's a (948).

Ethier: No. I know but I am just telling you. The Board has never, never granted a waiver on any of that stuff. If we find something wrong, that doesn't meet Title V,

the Board doesn't give a waiver. We have never given a waiver for a two compartment tank. We have never given a waiver for a soil analysis that didn't seem right. I have looked in the soil triangle and if you look at that, the way you have what is it, sandy soil, sandy loam, which is a class two soil and 8 minutes per inch meets a

Keese: Sandy loam is at 9 minutes an inch, a loamy sand is at 8 minutes an inch. With the modifier in it, and you know what a modifier is?

Ethier: Yes. I do.

Keese: A gravity, 20%, 20% of that. That allowed for an 8 minute perk. So that's why I classified it as a class one soil. It satisfied the perk test rate and the modifier within that made that viable, crushable and very loose material. And the long shot of it is, it is going to be stripped out anyways because there is 9 million boulders out there.

Viverios: That is true but I don't think that you can use that rational that you said to take it out of that classification and put it in another one. That's why if I think it was my call, I would want to see a sieve analysis....

Keese: Well, the perk test. The perk test rate was 8 minutes and 8 minutes is a class one soil.

Allen: So

Ethier: You don't want to explore the extra bedroom, I mean the number of bedrooms and cut down the system

Keese: No. What we have here is viable. It's ridiculous.

Ethier: Okay. I am just offering you a suggestion. In that case, I would say that she has to modify the plan so she doesn't put in the extra tank but we would ask for a sieve analysis as Mister Viverios

Keese: That is ridiculous. You've got a viable witnessed perk. You are putting a (968) financial burden on Doctor Randolph. He is doing this as a voluntary update.

Ethier: It doesn't matter if it is voluntary or not, Sandy.

Viverios: I (970) and I will let it go at this. I think that there are too many people, not just us, think that a sieve analysis is done if we can't do (972).

Keese: No. Not at all.

Viverios: That is not the case. You are doing the sieve analysis when you want to find out the distribution of the particles, the space between the particles and whether or not it can go in this particular class or not. Now, after having said that, I can't even recommend to anybody because I am not really part of the Board of Health as such, but I am just telling Bob as somebody that who has been in the business for a long time, if it goes like this it should have a sieve analysis along with it. As far as the bedrooms are concerned, if Sandy doesn't want to, that's good. Because that is even overkill. What you are really doing is, your designing it for nine bedrooms. You are designing it for more than Title V requires. You are not cutting it in half and going down to the next (987). The other thing is, you can do it under local upgrade approval. Under local upgrade approval, the Board can require up to 25% reduction in the leaching facility. That's allowed. So, there are a lot of things in here. And as far as the design flow saying 110 gallons a day times 9 bedrooms was a design flow of 990, I don't think that's a matter of semantics. I think that is something that should be on the plan.

Ethier: You know, I don't see anything wrong with the design. The design is nice. It is going to accommodate this house perfectly. I mean, you can take it under advisement. I can check with Brett (Rowe) at the D, E, P and see what they think about it. But....

Keese: I wish you would and have him get in touch with me because if you base the whole process of doing the percolation test on any lot.

T. Gleason: Well, I think we should get it settled and have an opinion.

Keese: I mean, this is ridiculous. I have been doing this forty three years. I have been seventeen years as a soil evaluator, fifteen as a soil evaluator, seventeen years on my own Board of Health and I would never, ever make another engineer do this. This is ridiculous and you know damn right it is.

Ethier: I am not making you do anything yet. I am going to check with the D, E, P, first.

Allen: So, what we recommend is that the plan gets changed to the design flow for 110 gallons per day for nine bedrooms.

T. Gleason: For nine bedrooms. 110 gallons per bedroom per day.

Allen: And Mister Ethier is going to check with the D, E, P on this soil analysis.

Ethier: And by the way, Bret would be the one to check with.

Keese: Yes, he would.

Ethier: (978).

Viverios: You don't have to go to D, E, P anymore.

Ethier: You know I just run everything by him if I have a question. I just didn't have time to run this by him and you came in when Sandy and I were talking on the phone.

Keese: Well, how many other people do you run through this analysis without a valid purpose? How many time has that happened on this Board?

Ethier: I have never seen rates assigned according to soils like that at an 8 inch perk. I haven't. It should be .60. I have run it by a dozen people....

Keese: Do you want me to change that to a loamy sand? Would you feel more comfortable with that?

Ethier: Yeah. We talked about this on the phone. I thought that that's what you were going to do and we were going to resolve this.

Keese: I know. Bob, I mean, once again, loamy sand, sandy loam, you and I both know this is a fine line of one minute between the two (?).

Ethier: Right. It is just my job, Sandy. We are working now to get net zero regulation for new construction and we hope to make that more strict for upgrades and residential.

Keese: Oh, I know it's your job but this is (?). It is not just me doing this plan. (Dick O'Keefe), who is thirty -three years Health Agent, registered Sanitarian for the Town of Plymouth. And he felt very comfortable with this. We went back and forth with this and when I brought up the issue of, you know, what do we call this, sandy loam or a loamy sand? He said, call it what you (?) as and he said, what was the rate and I said it was an 8 minute rate and he says, well that (?).

Ethier: You can't fault me for getting an opinion from Bret.

Keese: No. Not at all.

Ethier: All right. I have two plan reviews here real quick like. Site plan reviews. Rose Brook Solar Energy Site. This is Makepeace. This is that big place.

T. Gleason: This is the solar site. That's where I am going. The office is up

Ethier: Oh yeah. You are going to be up in the new office building.

T. Gleason: Yeah.

Allen: It is really getting big. I am surprised.

Ethier: This is just the Rose Brook entrance. It doesn't show us much yet. I don't see any sites. This is going to be the site of wind. It's a wind farm to generate electricity.

T. Gleason: Solar site.

Ethier: Solar, I am sorry.

C. Gleason : Where is this?

Ethier: In that new.....

T. Gleason: Up beyond that, up in back.

Allen: Isn't your building going to be near the highway?

T. Gleason: Not that close to it. Here's 28. The office building, I think, is right in here and this is right up in back here. That's where this is. So, it is kind of in between where the office building is and the highway.

Allen: They are doing this....

Ethier: Just as a way to generate electricity on the site there.

Allen: Nice.

Ethier: I would just make a statement regarding this because it really has nothing to do with what we do. John, you did a great job. Thank you.

Viverios: Thank the Board for your support on these housing things.

Allen: Yeah, but everybody was improved.

Ethier: Yeah, you got them all here. You did a good job.

Viverios: I might have overstepped my bounds when I said, you know, if it happens again, I will be asking them to take you to court.

Ethier: Here's the next one. Cape Cod Choppers. This is on Cranberry Highway. I think it is on sewer. So, it really has nothing to do with us. But it is going to go in this industrial park on Cranberry Highway I mean. This is the Water Department Office. It is going to the left of that. This is the nursing home. This is the gas station at the corner. So, that is on sewer. So, this plan here, we wouldn't have any comment regarding that, right?

Allen: Right.

Ethier: I don't have much on equipment. You probably have read the Health Agent's report. Not much there. Nitrogen Consensus Workshop, we have had two meetings.

Irish: I don't know how Diane did at the Town Meeting.

Allen: I didn't do anything because by the time they got to that article, I was in Florida and he wasn't given the opportunity basically to speak up.

Ethier: DeFelice got up and he said, I want to know if the Board of Health is there. They are already having meetings. And he kept asking. So, I got up and I said, yes, to answer the question. We had a meeting last Friday and we are working on these regulations without having some by-law that is going to pass, they tried to pass the other night. Then Bruce Savinauge almost got up and then Jane Donohue before anybody could speak on it.

Allen: Can I turn this off?

Ethier Yes.

[Recording Ends]

Prepared by: J. Reed
Date: January 10, 2011

Signed and dated: _____

Diane E. Allen, R. N. Chairman

Diane E. Allen

Charles S. Gleason, M.D., Member

Thomas L. Gleason, M. D., Member

Lisa T. Irish., Assoc. Member

