**To:** Mendon Board of Health

**From:** Tom Ryder

**Date:** June 24, 2020

**Re: Mendon Board of Health Plan Review**

**8 Hastings Street-Variance**

The applicant is requesting a Variance for the proposed septic system repair at the above referenced property. Under Title 5, a variance has more restrictions than a Local Upgrade Approval. The extended requirements for a Variance approval are: Notification to all the abutters within 10-days prior to the meeting, a description that not approving the variance would be manifestly unjust, and description that the proposed repair will have the same environmental protection as a compliant constructed system. If approved, the Board of Health will need to post the variance in a conspicuous place for 30-days after the meeting.

Title 5 requires that the Soil Absorption System (SAS) have at least a 4-foot offset to estimated seasonal high groundwater; a 3-foot offset is allowed for repairs under a Local Upgrade Approval from the Board of Health. The SAS is also required to be 100-feet from a private well, 50-feet is allowed for repairs under a Local Upgrade Approval. If these requests are combined, the upgrade request becomes a Variance from Title 5. The applicant is requesting the proposed soil absorption system have a 3-foot offset to seasonal high groundwater table and 53 feet offset from their neighboring well at 4 Elm Street and 58 feet from their neighboring well at 6 Hastings Street. The applicant is also requesting alternative to percolation testing using the DEP approved sieve analysis method.

It was reported that while the owner at 4 Elm Street received a 10-day notification the owner at 6 Hastings Street did not receive a notification until last Thursday. In addition, the notification did not properly provide the information of the variance sought. I asked the applicant’s representative to follow up with the owner at 6 Hastings and further explain the plan and personally request that the variance continue considering the current failed system and the current events of Covid-19 in terms of coordination efforts; the Board of Health at the meeting will consider voting as long as all the neighbors have proper time to review the request and that the neighbors are okay with proceeding despite the shorten notification. The plan was also revised on Friday to show the well at 6 Hastings will also be within 100-feet of the SAS.

As this is a repair, and the site limitations create constraints to upgrade to Title 5 new construction standards the Board should consider relief for the applicant. However, considering the concerns already addressed by the neighbor at 4 Elm Street through an email, the applicant should at least redesign so that the system is a minimum of 4-feet from the estimated seasonal high groundwater or consider I/A technology in the design. That way the request becomes a Local Upgrade request only and they do not have to describe the system being manifestly unjust or describe equivalent environmental protection. In the past, the Board of Health has required well sampling be conducted by the applicant prior to construction and several times thereafter as part of the condition.