



BERRIEN COUNTY HEALTH DEPARTMENT

better health. stronger communities.

BERRIEN COUNTY SEWAGE APPEALS BOARD

Approved Minutes 03/02/2022

Present: **Sewage Appeals Board Members:** Peg Kohring (Berrien County Board of Health), Dr. Gleiber (Great Lakes Scientific), Thaddeus Hackworth (Berrien County Corporate Counsel), Ezra Scott (Berrien County Commissioner)

Guy Miller, (Acting Health Officer) Nick Margaritis (Manager of Environmental Health, BCHD), Brian Murphy (EH Supervisor), Brian Chambers (Registered Sanitarian, EH), Angela Reeves-Price (Program Support Specialist, EH)

10:30 a.m. Meeting called to order by Peg Kohring

Approval of Agenda: Dr. Gleiber made a motion to approve the agenda, a second was made by Ezra Scott, motion passed and approved.

Kohring: Any discussion? All in favor?

Board of Health: Aye

Kohring: Motion Carried.

Approval of 02/02/22 Minutes: Ezra Scott made a motion to approve the minutes. Dr. Gleiber seconded the motion for approval of minutes. The vote is unanimous.

Introductions (1): Peg Kohring (Berrien County Board of Health), Dr. Gleiber (Great Lakes Scientific), Thaddeus Hackworth (Berrien County Corporate Counsel), Nick Margaritis (Manager of Environmental Health, BCHD), Brian Murphy (EH Supervisor), Ezra Scott (Berrien County Commissioner), Guy Miller, (Acting Health Officer) Nick Margaritis (Manager of Environmental Health, BCHD), Brian Chambers (Registered Sanitarian, EH), Angela Reeves-Price (Program Support Specialist, EH), Janis Kanter (Owner), Mr. Dan Versaw (Owner Versaw Earthworks)

Kohring: There will be the owner/installer presentation, then the Berrien County Health Department presentation. Board members ask questions from discussion. We had the option of visiting the site, but we know it pretty well. I don't see the public so likely we will make a decision.

Owner/Installer Presentation: Dan Versaw (Owner Versaw Earthworks; on behalf of Mrs. Janice Kanter(Owner) for Wee Chik R., Tax I.D. # 11-07-0012-0019-02-1, Parcel A, 9.93 acres; and Wee Chik Rd., Tax I.D. # 11-07-0012-0019-01-2, Parcel B, 9.94 acres, Chikaming Twp.;Section #12

Versaw: Parcel A. This lot is just shy of 10 acres at 9.93 acres. Janis is in the process of purchasing the property for a possible spec home. I was on-site with Nick and Brian Chambers and dug a few holes. A rejection letter was then sent by the Health Department for unsuitable soils on December 8th. The soils did not meet current code.

There are topography differences in the property. There is a lower area at the north end of the road. The property drains to the southwest. A couple of perc holes were made in the middle of the property where a ridge exists. This is 400 feet off the road.

There is another "draw" on the property about 200 feet north of the wood line. If approved, Janice would like to place the house along the wood line at the back part of the lot. That is why we are proposing to place the septic system and reserve area as it's drawn on plan, 400 feet off Wee Chik road. With the edge of the septic system, 20 feet west of the east property line.

We do not know exactly the size per bedroom of the house we can potentially build on the property.

We are proposing an area that is 125 by 280 linear feet. The area designated for the septic system and reserve area would be for the largest septic system that may pursue. This would be for a 5-bedroom mound system with a reserve area in same location. Since we already designated this area for the "worst case" scenario, if we can also have approval for this spot to fit a three and four bedroom house in the same area.

The drawing submitted support a "water-loo" type system option. The options for a three-bedroom Waterloo-

Scott: Wait a minute. Backup. You are asking for a three bedroom and a four bedroom septic system together?

Versaw: Not together. It would be separate.

Margaritis: I think it is a misunderstanding. Dan is proposing alternative systems with the possibility of building a three bedroom house vs a four bedroom vs a five-bedroom house. So it will be only one house and it can be as low as three bedrooms up to five bedrooms. Adjusting the size according to those possibilities.

Scott: I understand.

Gleiber: All on Parcel A?

Margaritis: Correct

Hacksworth: But the request would be for the largest appropriate system. Five would be preferred?

Kohring: They would be requesting the idea building a spec house with a potential buyer. The buyer would present the need for a four-bedroom house. A four-bedroom house can fit, since this is the "largest spot" for a five bedroom, it can be readjusted to fit a four bedroom.

You as a department should be aware and know the approval would be set for either of the three, four, and five-bedroom house depending on the permits that what would be assigned to it for the size.

Scott: Thank you, that helps a little bit.

Versaw: We're asking for some latitude for a three, four, or five bedroom, but the area is designated for worst-case scenario for a five bedroom, so all sizes would fit since this is not a tight fit lot.

The lot is a deep and narrow lot, so ideal spot to put the house would be near the wood line. This is not drawn in there yet, it is "to be determined".

McCarty Well drilling has visited site and was able to find water. The well was sunk close to the property line between parcel A and parcel B approximately 50 feet south from Wee Chik road.

We did a similar project like this in New Buffalo Twp. that is why we would like a little latitude on this one. We did an original appeal on this property I believe in 2017. On this project, a 5-bedroom house was approved, and the

owner only built a three-bedroom house with a three-bedroom house on site. Like I said, this is not a small piece of property so I believe there is room there.

Kohring: I just know that the Waterloo and mound systems takes up more property. I believe in having as much land as you possibly can. The opportunity to have more land not being taking over the septic system is the smart way to go. Can you step through the specs of the three, four, and five bedroom designs?

Versaw: The 3-bedroom house Waterloo would be 20 X 52, with a reserve area of an Allegan type mound would be 104'X29', Three-bedroom house would require two 1000-gallon tanks with dosing tank. Four bedroom house Waterloo system would have a footprint of 22'X60', with a reserve area of an Allegan type mound system at 114'X124'. Four-bedroom house would require two 1500-gallon septic tanks with dosing tank. A five bedroom house Waterloo system would be 24'X70' with a reserve area of an Allegan mound at 114'X134'. Five-bedroom house would require two 2,000-gallon septic tanks with dosing tank. The drawing reflects septic tank sizes go up with size of each system.

Scott: Is there a reason why you turned the two 1000 gallon tanks sideways (drawing)?

Versaw: I ran out of room on my drawing.

Kohring: I suggest we discuss these individually. Anything else to add?

Versaw: No

Berrien County Health Department Presentation:

Margaritis: Brian Chambers did the first site visit on October 26, 2021 with Janice. Several soil boring were made. The soils were topsoil, followed by sandy loam and clay with a very high water table 6-10" below natural grade. The soils were not approved and decision was made to get a backhoe to examine soils deeper than 5 feet.

The second visit was made on November 12, 2021 with Brian Chambers. Soil pits were made to about 19 feet. Soils revealed heavy clay and high water table that did not meet local ordinance. Rejection letter sent December 8th 2021, by Brian Chambers. Option was given for an appeal on this property.

The ground is heavy clay soil with a few natural waterways and draws that influence the property like Dan described. These go from the northeast side to the southwest of the property close to the wood-line.

Distances of 400 feet have not been verified. The area is on top of a crown, which is the most ideal spot where water is shed away from it and not indicated from surface water.

Kohring: The proposal is not for two Allegan mounds, but a Waterloo and Allegan mound backup. Where does the Health Department stand on that?

Margaritis: We are fine with the Allegan type mound system. We have accepted the Waterloo and in the past. I did not have my manufacturer guideline book to determine specifications on system. The one discrepancy I saw was for the 3-4 bedroom homes, the Waterloo was 16ft wide with stone, and for the 5-bedroom Waterloo, it was 18ft wide with stone. I did not understand why the difference in width. I would need the manufacturer's specs to see if that matches. That is the one question I would have. It changes the entire width of the sand bed, 20ft vs 22ft.

Another thing would be the slopes on the top view (drawing) do not define the distance.

Discussion regarding Waterloo 5 bedroom system distances.

Ezra Scott (Berrien County Commissioner), Nick Margaritis (Manager of Environmental Health), Dan Versaw (Owner Versaw Earthworks), Peg Kohring (Berrien County Board of Health).

Discussion involved distances between each Waterloo "unit" and total length vs the width of the entire system. Understanding was reached that Nick Margaritis was referring to width of system in the earlier discussion of 24feet. Nick Margaritis further explained if width increase of a 5-bedroom Waterloo system meets specification.

Versaw: When I was laying the system out on the site, I oversized them by 15% of Waterloo requirements. I spoke with Marianne, and she stated it never hurts to have more stone and sand with the system.

Margaritis: That sounds reasonable.

Kohring: Any appeals board comments or questions for site Plan A.?

Gleiber: I have a question for legal counsel. We never done this where we have a range of sizes. How do we do this?

Hackworth: Nick, if soils were not an issue, would the Health Department have been able to approve this application?

Margaritis: We would have approved the application, but not issued a permit. We would have issued a letter of future devolvement that specifies that soils are approved, and when ready to build, provide specification of home. Then a permit is issued accordingly to bedrooms.

Thaddeus: If a variety of alternatives are approved, we would have to spell out each authorized alternative.

Scott: So by doing this would save your client \$1200 dollars. You are trying to get three approved for \$600. It says you shall submit for appeals for \$600 "each". You are going for three.

Kohring: That is not why we are trying to do this. I recognize this is the first time this has been done. If in fact the Berrien County Health Department feels this needs to be structured as three we can do that.

Scott: If we approve a five bedroom, they can build a three or a four. They can always downsize since this is not approval for permit.

Kohring: My understanding is you cannot downsize, you still have to stick with the same until you come back.

Margaritis: If the owner decides to build a 3-bedroom house. We will still require them to install a five-bedroom system or whatever is approved by the board. The Health Department does not have authority to change the board's approval of the system.

Scott: So this really isn't a permit then?

Margaritis: Your approval is not the "permit". Your approval is for us to issue the permit.

Scott: Just wanted for the record this is not approval for permit on this.

Margaritis: The permit will be based on whatever size house they come back to us for design.

Gleiber: What is the depth of the well?

Kohring: It is 102 feet depth.

Scott: Is there any well on the property next to it?

Versaw: We were told there is no well on the second property (parcel B)

Kohring: Any more questions.

Appeal Board Decision:

(Trial Resolution)

Kohring: We are approving a three, four, and five, bedroom house for this site. Three- bedroom Waterloo system would be two 4'x8' Waterloo biofilter flatbeds with two 1,000- gallon septic tanks that includes effluent filter and baffle. A dosing tank with pump and visual alarm and no garbage grinder.

Four-bedroom house will have two 1,500-gallon septic tanks with baffle, 100-gallon dosing tank with pump and visual alarm. Waterloo system will have two, 4'X10' bio filter flatbeds.

Five bedroom will have two-2,000 gallon septic system with baffle, effluent filter, and 100-gallon dosing tank with visual alarm. Waterloo will have three-4'X8' bio filter flatbeds.

In all three systems, there will be a reserve area of an Allegan mound type system.

Hackworth: We need to say we are approving one system from all three of these alternatives.

Gleiber: Can we include the model number for each one?

Kohring: Three bedroom is model 16, four bedroom is model 20, and the five bedroom is model 24. This is for approving one system. Any changes?

Gleiber: Meeting all the isolation distances and 7:1 slope.

Kohring: Ok, meeting all isolations distances and 7:1 slope.

Margaritis: You mentioned no garbage grinder. The size can accommodate a garbage grinder.

Kohring: I'm fine, Ok for all three for garbage grinder.

Gleiber: A pre-construction meeting?

Kohring: Ok. So it is one system we are approving no matter size of house. A pre-construction meeting, isolations distances, alternative site for Allegan mound, and the sizes we went through.

Margaritis: And our typical Health Department inspections for the system. Open hole, sand quality, sand height, second tank and Waterloo inspection, and finish grade/slopes.

Gleiber: What time is the mound size is determined?

Margaritis: When they notify us to issue permit.

Versaw: We will stake it out prior to the pre-construction meeting so there is no issues.

Kohring: So the pre-construction meeting, open hole, sand quality, height, septic tank, Waterloo, finish grade and slope inspection.

Appeal Board Decision:

Ezra Scott seconds, motion approved for parcel A

11:10 a.m. Parcel A motion approved.

Kohring: No moving to Parcel B. We have change of location from what was originally submitted.

Mr. Versaw we really need a topo map on this. We also need Waterloo specs for each system for a formal process when you make a presentation.

Owner/Installer Presentation:

Versaw: For Parcel B, test hole was done at southwest corner of property to 20 feet revealing clay. There is an area we are proposing to install septic system near a natural ridge. (Pointing to possible septic locations on map). We are proposing to place system toward back corner where it is dryer.

Dan Versaw continued discussing topography of property using map provided.

Parcel B will be the same septic system design for each house size as parcel A.

Scott: Where is house going to be built on parcel B?

Versaw: Just north of wood line. (Directs attention to map drawing)

Kohring: Why did you do the change from original?

Versaw: Aesthetics.

Kohring: What is the topography on parcel B at wood line?

Margaritis: We do not have topo map either. The whole property slopes toward wood line. Everything seems to drain from North to south. Health Department would not approve this location. Not a flat area. We want septic system placed on a flat high and dry area. We do not take in consideration aesthetics when designing system.

Kohring: (Discussed location of parcel B system and topography)

I am not comfortable approving this and not having the topographic map. Need specs on Waterloo and topographic map. That is my opinion.

Scott: I am afraid of that Parcel A is higher. When you change the natural topography of soil, you change water flow. You may get parcel A water draining on parcel B. Then we would parcel B water drain. We cannot approve something that changes topography that effects the neighbor's property.

Margaritis: At least to the North of the woods there was some sand. Sand will be better.

Scott: Changing topography will direct water off that area toward the end of the low property line. This seems to be exacerbating the problem with a system. Leaving us for liability.

Glieber: How many mature trees are being removed?

Janice: What if we went back to original proposal?

Kohring: I would be interested to hear what Health Department thinks about this.

Margaritis: Little confusion on area where middle property line is between parcel A and B as far as high part location.

Versaw: (Discussed the ideal location of septic system as it related to the high and dry locations between both parcels).

Margaritis: The length of the high ridge is in question according to the rectangle drawn out on map.

Kohring: Can you determine this in the pre-construction meeting?

Margaritis: Yes.

Kohring: The site will be staked out for the septic system in the pre-construction meeting.

Scott: There is no date on proposed septic system.

Margaritis: Would the board like to include pages that are being presented with identifying markings. My suggestion is to identify which pages our for approval for today's date.

Discussion regarding page numbers for approval

Ezra Scott (Berrien County Commissioner), Nick Margaritis (Manager of Environmental Health), Peg Kohring (Berrien County Board of Health).

Page 1- Parcel B septic and well location map. .Page 2- (3 bedroom), Page 3- (4 bedroom), Page 4-(5 bedroom), Page 5-(Allegan Mound for three bedroom), Page 6-(Allegan mound for 4 bedroom), Page 7-(Allegan for the 5 bedroom).

Scott: Just remove first four pages.

Appeal Board Decision:

Kohring: Motion is for one home on the high ridge indicated on page 1 parcel B. System will be staked out for pre-construction meeting. There will be an open hole inspection, sand quality, sand height, septic, Waterloo, finish grade and slope inspection. Pages 2-7 will be followed for specifications for septic tank, dosing tank, bio filters, model numbers, including isolation distances. T

Hackworth: We are approving one system and whether this is contingent on the result of the pre-construction meeting?

Margaritis: If pre-construction meeting does not pass, we come back to you.

Hackworth: If it is determined by pre-construction meeting, it cannot be done.

Kohring: Correct it cannot be done.

Amended Resolution:

Kohring: An acceptable pre-construction meeting is needed. If pre-construction meeting does not pass, owner has ability to determine alternate location without another paid sewage appeal meeting.

Appeal Board Decision:

Dr. Gleiber seconds the motion, motion approved for Parcel B.

11:41a.m. Meeting Adjourned

Minutes Submitted by B.Murphy 3/10/22