



# BERRIEN COUNTY HEALTH DEPARTMENT

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## BERRIEN COUNTY SEWAGE APPEALS BOARD

### VIRTUAL MEETING (via Zoom & Streamed on YouTube)

#### 4/7/2021 Approved Minutes

**Present:** Peg Kohring (Berrien County Board of Health), Dr. Gleiber (Great Lakes Scientific), Ezra Scott (Berrien County Commissioner, District 9), Judge John Dewane (Berrien County Corporate Counsel), Dan Versaw (Versaw Earthworks, representing Mr. Marcus Arnold), Marcus Arnold (representative of the Schultz Estates), Nick Margaritis (Manager of Environmental Health, BCHD), Saunya Bowie (Program Support Specialist, BCHD)

**10:31** 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.

**Introductions:** Ezra Scott: virtual from New Buffalo Twp.; Dr. Gleiber: virtual from Chikaming Twp.; Peg Kohring: virtual from Navajo County Arizona; Dan Versaw: Virtual from Galien Twp.; Marcus Arnold: virtual from Galien Twp.; Judge John Dewane: virtual from St. Joseph Twp.; Nick Margaritis & Saunya Bowie: physically present at BCHD office.

**Approval of 3/3/2021 Minutes:** Ezra Scott made a motion to approve the minutes, motion was seconded by Judge Dewane, motion passed and approved.

**Owner/Installer Presentation:** Mr. Dan Versaw representing Mr. Arnold who is a representative of the Schultz Estate located at 8745 Kruger Rd., Three Oaks Twp., Section #32. Tax ID #11-20-0132-0011-04-2 for a 6.22 acre split from parent parcel.

Versaw: Proposing 6.22 acre split from parent parcel which has been surveyed. Currently the parcel does not meet code due to unsuitable soils on

the property. Last week a backhoe cut was done. Location was about 80 feet from the west boundary between the road and the wood line, which is the highest portion of the property. Far East side of the property does typically have standing water, so our proposed location will be substantially away from that low area.

Arnold: The estate is selling the property to gain money for the upkeep of the remaining property. Hoping that someone will build residentially, but no potential buyers as of yet.

Versaw: per my site plan we know potential builders will want to have the home on the higher portion of the land for the view, and that will be best are for potential sewage system and potential replacement system as well. We've designed an Allegan Style Mound System, 4 foot of sand with a 15ft x 60ft bed for a 3 bedroom house, I have the replacement system designed to mirror on the existing mound to save on space and use the topography to our advantage. Will still meet all our isolation distances from the road, right of way to the property lines and not have to get into the woods and have to remove a lot of trees. North of the wood line the soils tend to get a little more wet so I discussed it with Nick and we staked it out and discussed potentials of the land and that's what we came up with. We are going with the 7:1 slopes as you can see on the site plan, with two 1000 gallon septic tanks and a 500 gallon dosing tank. No work has been done in regards to a well location, as the property hasn't been sold. Purposed new owners will be able to place the house and well location to meet all requirements. Proposing that before a permit is issued we have a pre-construction site visit with the builders and Berrien County Health Department to ensure all isolation distances are adequate. I feel we are using the natural topography to our advantage with this piece of property as we are utilizing the highest point of the land.

### **Berrien County Health Department Presentation:**

Margaritis: we first visited the site on August 11<sup>th</sup>, 2020 when a potential buyer ordered the evaluation. We dug several holes at this time, during our testing we found fairly sandy soils down to 2 ½ – 3 ½ feet, switching to clay and clay loam to 5 feet. The seasonal high water table was noted at just below top soil, maybe 12' below grade. March 30<sup>th</sup>, 2021 was when Dan asked to meet us out there for the backhoe cuts. Typically we do soil pits before we come to the board of appeals to see if we can find more suitable soils that we could potentially utilize. We dug a hole close to the wood line, we dug down to 20 feet and found only heavy clay type soils. Water was

seeping into the hole at various depths. That's why the property was rejected for a traditional sewage disposal system, Berrien County Sewage Disposal Ordinance #17 does not approve typical systems for these types of soils.

**Appeal Board Discussion:**

Kohring: I was on site and saw the water pouring into the hole and it was quite the water hole out there. So what is the recommendation?

Margaritis: a couple questions; I think there was a misunderstanding possibly on Dan's side about submitting the paperwork. We didn't have a chance to have an internal discussion about this proposal but what I did discuss with Dan on site was maybe doing a mound system that would be high enough and in an acceptable location. The one question that was answered was how big the system is and how many bedrooms for a proposed house and I think Dan you said up to a 3 bedroom house without a garbage grinder. So we would want to restrict potential new home to that. The other concern that I have is the location [of the system], pushing it close to where the excavation happened and so that there would be more room between the road and the slope. Right now the end of the slope is at 15 feet, which our county code requires 10 feet from a property line but I feel that in this parcel there is not a very good ditch that carries surface water away from the property. And by being closer to that ditch I would recommend that system be pushed back, and I understand not wanting to remove more trees but pushing it back a little bit would be to your advantage, to push it back further and take advantage of higher elevation and more distance away from the road. Otherwise I believe the design is standard design that we would do for a replacement system for an existing house, with the 4ft of sand above grade and having the system above that.

Dewane: how far back would you want it?

Margaritis: I would say about another 20 – 30 feet back

Dewane: so total of 35 feet set back from Krueger rd.

Margaritis: 35-40 feet would be plenty good

Versaw: with that being a county ditch, could we possibly dig the ditch out to help with drainage as well as the set back.

Margaritis: typically we try to maintain a better separation between ditches that potentially flow into a creek or some kind of body of water. If there is

standing water there is a separation of 50 feet but this is more of a seasonal thing. I still don't feel comfortable myself having a system that is that close to the front yard ditch. The idea is to have no sewage leaking and potentially finding its way into a creek or river, that's my recommendation.

Dewane: what about any potential impact to the lake that seems to be on the East side of the neighboring property?

Margaritis: the east dimension to the lot line is fine with us, as the neighboring well sits on the south west corner of that east neighboring lot. Being 128 feet, that is fine for the edge of the slope.

Scott: clarification as you (Nick) said 15 feet is too close, but on the drawing I have it says 15 feet until the mount slope and another 20 feet to the system so technically that is 35 feet. For the primary system location. We just set that in there for a replacement but this system could last 20-30 years and we're basing our decision on a potential failure in order to put another 15x60 replacement. So if we set it back another 20-30 feet it would actually set back at 55 feet, is that correct?

Margaritis: the primary is set at 35 feet but eventually every system will fail, that's part of the design flaw, no system lasts forever. So you are correct.

Gleiber: if a more defined ditch is dug out more along the road, what happens to the two boundary lines where it is not as well defined? Is that something for the road commission?

Versaw: that is correct. We've done some ditch work in the past working with the county and that is something I can coordinate with them.

Gleiber: should that be a requirement

Margaritis: as long as there is somewhere for it to go, I believe it wants to flow to the west?

Versaw; that is correct, there is a little driveway where the Schultz homestead is currently and that does empty into the ravine by the house on the west. I don't see a problem getting the proper flow.

Kohring: ditches are temporary and it's a temporary solution

Gleiber: when is this going to be built? You suggest there is no buyer yet so will the septic be built first and then the home?

Versaw: potential homeowners would have to walk through those steps and determine what will go where and following all guidance of the health department as to the location of the septic. I put the house where I thought the potential buyers would want to build as it seems to be the best location for the lot.

Gleiber: so they will be restricted as to where the sewage system will be based upon our meeting and our decision.

Versaw: correct

Margaritis: the only other thing for distances is that we did the backhoe dig at the highest part which is closer to the wood line. And we did not notice current survey stakes that we noticed, as I see we now have a copy of the survey but at the time we did not have that information. So where we took our measurements, were from the utility pole to the east, we were at 190ft west of the pole and 105ft into the property. That is why I keep pushing the fact that this mound, realizing the foot print and how much it extends out, I don't know that the center of the mound is where it needs to be.

Arnold: the property line is about 10 feet east towards town, there is a marker there.

Kohring: I need a clarification on the ordinance, I don't recall that we can require a ditch to be cleaned out.

Dewane: It's up to the road department.

Kohring: Dr. Gleiber are you ok that we don't add that since we don't have the authority on that.

Gleiber: yes, we don't have the authority, but I do see it as an advantage.

Kohring: trial resolution- recommending a 4 foot sand base above grade with the option of a replacement system next to what would be the new system, 15ft x 60ft, up to 3 bedroom house with no garbage grinder, 7:1 slopes, two 1000 gallon tanks with a 500 gallon dosing tank with alarm, requirement of a preconstruction meeting with the new owners to ensure all isolation distances, recommending distance between 35-40 feet from the road.

Dewane: definitive required 35 feet from Kruger road.

Margaritis: from property line, road right of way or center of the road?

Scott: it has to be from property line as we have no authority from the road as that is county jurisdiction. In my opinion because this is a personal system on a personal piece of property.

Kohring: so amendment is 35 feet from the property line, that's my resolution

Gleiber: maybe it should say 35 feet from the south property line.

Scott: I'll support that

**Appeal Board Decision:**

Peg Kohring: Motion to approve- a 4 foot sand base above grade with the option of a replacement system next to what would be the new system, 15ft x 60ft, up to 3 bedroom house with no garbage grinder, 7:1 slopes, two 1000 gallon tanks and a 500 gallon dosing tank with alarm. Requirement of a reconstruction meeting with the new owners to ensure all isolation distances. Requiring 35 feet from the south property line on Kruger road to the slope.

Motion passed and approved.

Post meeting recommendation: Kohring suggested additional member who can participate on zoom meetings for future sewage appeals meetings, particularly someone who resides in the north county area as we are lower on members who are from that area. We have issues meeting quorum and have cancellations because of this. Asking Nick Margaritis to take potential recommendations to the board to resolve this issue.

**11:05 am Meeting Adjourned**

Minutes Submitted by S. Bowie 4/7/2021