



BERRIEN COUNTY HEALTH DEPARTMENT

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BERRIEN COUNTY SEWAGE APPEALS BOARD

VIRTUAL MEETING (via Zoom & Streamed on YouTube)

2/9/2021 Approved Minutes

Present: Peg Kohring (Berrien County Board of Health), Judge John Dewane (County Corporate Counsel), Dr. Gleiber (Great Lakes Scientific), Ezra Scott (Berrien County Commissioner, District 9), Dan Versaw (Versaw Earthworks, representing Tom Hemingway), Tom Hemingway (Potential purchaser of parcel in question), Scott Ponegalek (Parcel owner), Nick Margaritis (Manager of Environmental Health, BCHD), Brian Murphy (EH supervisor BCHD), Laird Willard (EH, BCHD), Drew Dean (EH, BCHD)

10:30 Meeting called to order by Peg Kohring

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

Introductions: Ezra Scott: virtual from New Buffalo Twp.; Dr. Gleiber: virtual from Chikaming Twp.; Judge John Dewane: virtual from the city of St. Joseph, Michigan; Peg Kohring: virtual from Chikaming Twp.; Dan Versaw: Virtual from Galien Twp.; Tom Hemingway: virtual from city of Palm Springs, California; Scott Ponegalek, virtual from city of Escanaba, Michigan; Nick Margaritis, Brian Murphy, Laird Willard, and Drew Dean: physically present at BCHD office.

Approval of 1/6/2021 Minutes: Dr. Gleiber made a motion to approve the minutes, motion was seconded by Ezra Scott, motion passed and approved.

Owner/Installer Presentation: Mr. Dan Versaw representing Mr. Tom Hemingway, both virtually present. Presentation regarding parcel on

Canterbury Rd., Chikaming Twp., Section #29; 2.21 Acres; Tax ID# 11-07-0029-0034-00-0

Versaw: Proposing Waterloo cedar shed Model 16 biofilter unit. No quality soils found in test holes dug; soils found were mainly clay with no substantial sand. System would be located in southeast corner of the two-acre lot in a naturally drained, higher elevation area to prevent ponding of water. The plan also includes a reserve area for a six-foot sand mound system in the event the Waterloo type system fails. All isolation distances can be met in keeping at least 50' from the flowing creek and 10' from the property line. No city water is available on the property and no well has been installed yet but there is ample room on the property to isolate it from all parts of the Waterloo system and reserve area for the mound. The septic system would be need to be installed first.

Hemingway: Installer and potential property purchaser made multiple site visits to property to plot out potential locations. BCHD made multiple visits and provided useful information.

Versaw: The location where the Waterloo system is to be placed is on one of the higher points of the property and any draws and swales located on the property can be navigated. Waterloo system and reserve area for mound system fits on the property with ample room.

Berrien County Health Department Presentation:

Willard: BCHD has made multiple site visits to property. Proposed Waterloo system would be placed behind an existing garage. A conventional mound system can be installed as a replacement in the event the Waterloo type system fails. At this time BCHD has no objections to approval of the owner/installer proposed plan.

Margaritis: During the initial site visit, the soils that were discovered were clay in nature with a fairly high water table and BCHD was unable to located proper soils which would meet the requirements of the code. Mr. Hemingway and Mr. Versaw reached out to BCHD to collaborate to find a solution, we all worked together in locating the area for the proposal, and we feel that this is the best location for the system. We fully support the proposal but it should be noted we had to deny the parcel initially due to the high water table and unacceptable soils.

Appeal Board Discussion:

Dr. Gleiber: How many large, mature trees will be removed and will that have any impact on drainage or is the clay layer so thick that it wouldn't make much of a difference?

Margaritis: The area chosen for the Waterloo will not require but one or two large trees, mostly medium trees, and one dead tree leaning on another tree which would be removed anyway. If the reserve area were to be used, a lot of large trees would need to be cut and removed. There is a small sandy layer right below the topsoil where the water table was found. The Waterloo system cleans the water pretty well, we've been keeping track of these systems for eleven years and have not noted any leakage from outside of the system.

Dr. Gleiber: How close will the system be to the dip from east to west which drains to the ravine? Will it have to be built up to account for that?

Versaw: Where it slopes on the west side, there's a draw that goes through from the southeast to the northwest. The way the system is designed, we would be going through that area with the toe of our slope. We would still be four feet out of the ground on a 7:1 slope with two feet of washed sand, a one-foot layer of stone, and the Waterloo system above that with everything capped off with topsoil. The system will be close to the draws and swales but it will not inhibit the water in any way, shape, or form.

Ezra Scott: On the drawing, it shows from the back of the reserve area 50' to the water edge but then it shows the edge of the ravine. What is the distance from the reserve area to the edge of the ravine, do we know what that is?

Versaw: I believe right around 25'.

Margaritis: I believe you're right Dan, I think it's at least 25'. We made sure we not only met the 50' away from the water but our county code also requires us to stay at least 15' from the edge of a ravine or a bluff and we took that into consideration when we were measuring to stay at least 50' away from the water. I feel very confident we're more than 15' away and closer to 25' if not even a little bit more.

Ezra Scott: You're 50' from the water when you measured it, but what is the 100-year floodplain in that area and how far does the water flood over the existing creek? If the water rose due to snowmelt or flooding, that would change your 50' from the edge of the water.

Versaw: The ravine, from the edge of the water to the top was at least 18' of elevation and is quite steep on the edges so it would take a very large amount of water to fill the ravine and overflow.

Ezra Scott: If you measured the ravine right now, the water is at a static level and you're required to keep the 50' from the static water line from the edge of the creek, but if the water rose you wouldn't have 50', correct, so how does that affect our requirements of 50' away from open water because right now, you are 50' away but there may be other times when you may not be.

Versaw: There is a little bit of room to play with the reserve area, to move it south and maintain maybe 55' or 60' and still keep that reserve area out of the natural swale. We could shift that reserve area south and maintain that distance without problem.

Hemingway: I hired Dean Ray who works with EGLE and the dunes to come out and look at the high water mark and he assured me our setbacks were fine since I was worried about where to build my house but he was confident that from historic high wet water marks we were fine.

Kohring: Hearing the questions that were raised whether you'd be comfortable taking the system back 50' from the top of the ravine for the reserve mound system would that be acceptable?

Versaw: I think if we moved the reserve area back 50' from the top of the ravine, the south end of the reserve area would be right in a natural draw.

Kohring: So that won't work then.

Versaw: I think we can shift it a little bit, at least 15' but to move it 50' I don't think would be able to happen.

Margaritis: If we keep the dimensions of the mound system long and skinny as we have it now, which was to preserve as many of the trees and as much of the natural topography as possible in the future, if we were to shift the reserve area to 50' from the top of the ravine it would definitely interfere with the natural drainage pattern which would work to our advantage. But if we shifted the system back 10' or 15' I don't think it would be an issue. Scott [Ponegalek], you have lived quite a bit in that

area, have you ever seen that creek overflow or flood?

Ponegalek: When I was a kid and even as an adult I could easily walk across it with mud boots, maybe a foot and a half or two feet at most mainly in the spring or after a torrential rain.

Dr. Gleiber: I assume the driveway is coming straight north off of Canterbury Rd., where is the garage going to be?

Hemingway: There's an existing garage right off Canterbury and I probably will keep that in the meantime, I don't have a design for the quite yet for the house but there could be a garage on the west side of the house.

Dr. Gleiber: Isn't the house pretty close to the west side already?

Hemingway: It's pretty close, but there's probably at least 100' of width to build within. It's only going to be a 1500-1700 square foot home with a single car garage.

Dr. Gleiber: Won't the driveway go across that swale there?

Hemingway: We're going to have to go over that but the swale was created when they installed a drain pipe for the development.

Appeal Board Decision:

Peg Kohring: Motion to approve a Waterloo biofilter shed model 16 with room for a conventional mound system as seen on the certified survey map with no garbage grinder in sink for a 3 bedroom single family home with an alarm system on the Waterloo system. Dr. Gleiber moves the motion. All in favor, none opposed. Motion carried.

11:11 am Meeting Adjourned