



BERRIEN COUNTY HEALTH DEPARTMENT

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BERRIEN COUNTY SEWAGE APPEALS BOARD

VIRTUAL MEETING (via Zoom & Streamed on YouTube)

3/3/2021 Approved Minutes

Present: Peg Kohring (Berrien County Board of Health), Dr. Gleiber (Great Lakes Scientific), Ezra Scott (Berrien County Commissioner, District 9), Dan Versaw (Versaw Earthworks, representing Rich and Shelley Zeiger), Rich Zeiger (Parcel owner), Shelley Zeiger (Parcel owner), Nick Margaritis (Manager of Environmental Health, BCHD), Brian Murphy (EH supervisor, BCHD), Drew Dean (EH, BCHD), Matt Derby (Attorney on behalf of Judge Dewane as Corporate Counsel for County)

10:51 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 Chikaming Twp.; Dan Versaw: Virtual from Galien Twp.; Rich Zeiger: virtual from village of Three Oaks; Shelley Zeiger, virtual from village of Three Oaks; Nick Margaritis, Brian Murphy, Laird Willard, Drew Dean, and Matt Derby: physically present at BCHD office.

Approval of 2/9/2021 Minutes: Ezra Scott made a motion to approve the minutes, motion was seconded by Dr. Gleiber, motion passed and approved.

Owner/Installer Presentation: Mr. Dan Versaw representing Rich and Shelley Zeiger, both virtually present. Presentation regarding proposed 2 acre split of parcel on Flynn., Three Oaks Twp., Section #25; 2 Acres; Tax ID# 11-07-0025-0001-02-6

Versaw: Proposing two acre split off original farmstead. Currently, the original farmstead with the exception of the two acres in question in the far southwest corner is in a conservation easement. It is one of the higher points on the property. This property will have approximately 165' of road frontage and approximately 400' of depth. There is a floodplain on the far east end of the property, currently being used as farmland likely with tile underneath.

The proposed system is a longer, more narrow 4' sand mound type system parallel with the south property line maintaining isolation distance from the south property line and the road right of way. The home would be set back 190' off the road, roughly matching the distance of the neighboring properties. Nick Margaritis and I met a few weeks ago and agreed the area we are proposing is the best area for the system. There is natural slope which we are able to use to our advantage by utilizing the natural drainage of the property as we maintain our 7:1 slopes and required 900 sq. ft. area. The replacement system is to be incorporated into the original system in the event of failure by using the slope sand as part of the replacement system.

We will still have two septic tanks, 1000 gallons each, and a 500 gallon dosing tank which will be used to pump up into the mound system. The home will have a basement sitting up a little higher which will help incorporate the system aesthetically as more of a natural berm.

We did some backhoe pits with the health department in mid-November, there were two or three dug; I was not present for these but my employees were while doing this due diligence work with the county. Nick can elaborate more on the soils but my employees said they were a heavy clay type soils and no sand was ever found which is why we're going with the mound-type system. No well has been drilled on the property yet.

Rich Zeiger: Nick was there when we dug the large backhoe pits, he saw it and Mr. Versaw's presentation covers everything.

Berrien County Health Department Presentation:

Margaritis: Soil borings were performed on 10/16/20 and revealed clay soils down to 5' and a seasonal high water table right below the topsoil layer. Subsequently backhoe cuts were performed with Dan's [Versaw's] crew and unfortunately those field notes are unable to be located, but that

occurred on 11/23/20. We did dig some extra deep holes and if I remember correctly the holes broke into some water sand about 9' or 10' deep which is still not a soil we can approve as it's a water-bearing sand. We couldn't approve to deep cut into that either as part of a sewage system. We denied the property again for a conventional type system and presented the option of splitting an additional amount of acreage we could go with some sort of alternative system under a variance clause but unfortunately because of the way the farm conservation easement is written they could not do that, so here we are at the appeals meeting today.

I met with Dan and he laid out the system they were going to be proposing and he did pick out the highest part on the 2 acre property. There is a swale on the property we want to avoid getting into because it does carry a lot of water through there during the wet parts of the year. This system is far enough away from it that it should not have an impact. The hard part was squeezing the reserve area in there and if we had a completely separate area that everything wouldn't fit. I advised Dan that the reserve area could be about 5' away utilizing part of the slope from the original system as part of the base of the secondary system if needed. That proved to be fine with regards to the available space that the system occupies for both the primary and the reserve area.

Our recommendation is that this system is adequate; we would do the same type of system if we were to be planning a replacement on an existing home. It's more advantageous that there isn't a house on the property already, as we were able to plan and use the highest area for the system and utilize the natural topography and drainage for the system so the system is not being saturated with surface water. The other general sanitarians in our office were in agreement with this.

Appeal Board Discussion:

Dr. Gleiber: Who represents the party involved with the conservation easement and are they involved with this in any way?

Shelley Zeiger: I have worked with Ryan at Chikaming Open Lands the last several months and explored our options, which was why our initial application was for a different piece of property. We found we were not able to switch our easement without an enormous amount of time and

energy which wasn't likely to be approved anyway. We decided to go back to our original split set aside for us. They are fully aware of what we're doing and explored all our potential options including splitting off additional acreage which we weren't able to do. He knows we're building on these two acres and there are no issues or requirements with the easement as this split is not part of the easement.

Dr. Gleiber: Where is the replacement area? On the drawing it shows that the system and the replacement area are in the same location, is that correct?

Versaw: That is correct. The system will have 7:1 sand slopes. Typically when a system fails it's due to biomat, and when Nick and I were onsite he felt comfortable that if we did move the original system and moved over an additional 5' we would be able to utilize the sand underneath and still get that 5' barrier so we will utilize that north slope as part of the replacement area. Basically, when and if the system were to fail we would remove the topsoil on the north slope, fill it back in with sand, push the slope further to the north and build a new system on top. We're kind of cannibalizing the initial system to an extent but it will be in the same basic area.

Dr Gleiber: If this system is approved, where would you put the well?

Versaw: East of the septic, more toward the northeast area because the lot is long and narrow. As long as we can meet that 50' isolation distance, on the northeast of the lot. Finding water isn't an issue in this area.

Appeal Board Decision:

Peg Kohring: Motion to approve a conventional mound system with 10' isolation distances from the property line and the road, 7:1 slope, two septic tanks of 1000 gallons each with an effluent filter on the second tank, a 500 gallon dosing tank with an alarm, and there will be no building on the reserve area adjacent to the initial mound system. Ezra Scott supports the motion. All votes for, none opposed. Motion carried.

11:15 am Meeting Adjourned