

Town of Lakeville  
Board of Health  
December 2, 2020 6pm

Present were: Chairman Maxim, Member Spratt, Member Poillucci, and Agent Ed Cullen. Chairman Maxim called the meeting to order at 6:00pm. This was a remote meeting and was recorded by LakeCam.

**16 Fourth Ave** - Meet with SFG Associates to discuss requested variances for an existing well which was not permitted. Brad Fitzgerald from SFG was present for discussion. A plan was presented of the property with location of the existing well and adjacent septic systems, wells and water services. There is one septic system and one cesspool within 100' of the existing well. Mr. Fitzgerald is asking for variances to Title 5 for the existing well to be 89' from the septic system at 14 Fourth Ave, and to be 90' from the existing cesspool at 17 Fourth Ave (across the street and one lot south). All other leaching areas are greater than 100' from the well. They are also requesting a variance from Lakeville Board of Health regulations to allow the existing well to be 9' from the road and 5' from the side lot line instead of the required 10' for the road and 20' from the side lot line. Agent Cullen said in 2002 there was a proposed plan for a new septic system and well. The plan was approved for the septic and denied for the well. The meeting minutes noted that *"the artesian well was denied without prejudice at this time because of the water situation in the Clark Shores Area"*. Agent Cullen pointed out that at 17 Fourth Ave. the cesspool is in the front and is at 77'. However, this is incorrect, and Mr. Fitzgerald's plan is accurate showing the cesspool in the back. Agent Cullen wasn't sure if that was the reason the well was denied. The previous owner installed the well in 2002, and it was discovered in 2007 and the Board of Health asked that it be abandoned, which they did. The new owner would like to reuse the well since they don't have water in the winter. They are hooked into the Clark Shores Water system and plan to tie into the year-round system when it becomes available. There was no documentation as to which well driller installed the well illegally. There was a discussion regarding the seasonal water line and depth of the lines. Member Poillucci asked if the home was seasonal. Mr. Fitzgerald said he thought it was. Member Poillucci said maybe that is why it got denied, if a well and septic are allowed to be legal, it becomes year-round. Member Spratt was curious if it was being rented out. It could be a concern with a lack of water. He also stated that it was bank owned when the current owners bought it. Agent Cullen said the main two lots that are of concern are 17 Fourth Ave, who could put in a septic system in the back. The only one that could really be prevented from doing something is 14 Fourth Ave., he doesn't have a lot of space so he would probably end up doing a remove and replace. Chairman Maxim said this was a tough call for him, after being denied and then putting it in. It wasn't this owner, but the well had been clearly denied by a previous Board and then put in illegally and now they're asking to use it. He didn't want people thinking you could put in an illegal well and then come to the Board and it will get approved. Member Spratt asked if there is no one living there over the winter, could they table this until spring and see when they will be tied into the new water. Chairman Maxim said he thought the new owners wanted to use it year-round. He added that they could do stipulations if they did agree to something, that they must tie in to the association water and abandon this well at the time it becomes year-round is an option. Going forward, the people coming in for the septic repair and agree to tie in within a year, they put the system in and then sell the house to people that don't know the previous

owner agreed to that, and then when the water comes down the road, we have to send the new buyer a letter saying they have to tie in to association water and abandon the well. There may need to be a deed restriction recorded at the Registry so if it is sold, they will be aware that it was one of the stipulations. There was a discussion regarding the current owner's recourse and options for approval. Mr. Fitzgerald thought they should maybe continue the discussion to the next meeting and have the owners present to answer any questions the Board may have. Agent Cullen said that in 2008 the Board of Health sent the current owners a letter stating they had to abandon the well, so they were using it in 2008. Since the current owners bought it from the bank, it is not known if the bank told them about the well.

Upon a motion made by Member Spratt, seconded by Member Poillucci, it was:

Voted: to continue 16 Fourth Ave to the next meeting on December 16<sup>th</sup>.

Unanimous approval.

**14 Violet St.** – Meet with Grady Consulting, LLC to discuss local upgrade requests. Kevin Grady from Grady Consulting was present for discussion. The existing system failed a Title 5 inspection and the owner would like to upgrade the system. Due to the size of the lot, they will require variances. The proposed system is for a 3-bedroom house. Based on the size of the system and the undersize of the lot, some local upgrades will be needed to fit the system on the lot. The proposed system is to be located at the front of the house. The new water service line will need to be moved to accommodate the system. Chairman Maxim asked if this property was outside of Zone A and B. Agent Cullen said it was in Zone B and well outside Zone A. Chairman Maxim explained that usually the Board has been sticking to what has been there, if it was a two-bedroom. Mr. Grady said he did a walk through and it was three-bedrooms. There was a brief discussion regarding the number of bedrooms. Chairman Maxim asked about the water line, usually if it's within 10', it's sleeved or encased in concrete. Mr. Grady said they don't need to be sleeved, but they do need to be pressure tested. He said they could propose a sleeve if the Board wants to make that a condition. Member Poillucci said he was going to mention the sleeve as well and also wanted to have confirmation that there were three-bedrooms, if they're going to approve three-bedrooms or he had no issue approving it with a two-bedroom deed restriction. Member Spratt asked what the existing system was. Mr. Grady said there is a tank and possibly a pit. Agent Cullen's only issue was the tank and the chambers being right next to each other. He asked Mr. Grady if they could slide from 8' off the street to 6' so there will be at least 2' between the tank and the chambers. Mr. Grady said he had no problem with that on his end. Chairman Maxim asked if there was any way to approve without a walk through or does it need to be continued. Member Poillucci said he would approve as a two-bedroom now, and if they come back with evidence it was a three, they can come to another meeting and vote to take the restriction off. There was a discussion regarding the bedrooms and deed restriction.

Upon a motion made by Member Poillucci, seconded by Member Spratt, it was:

Voted: to continue to the next meeting on the 16<sup>th</sup>.

Unanimous approval.

**43D Committee Update** – Member Spratt said the first public hearing would be tomorrow night for all the Boards. Chairman Maxim said he hadn't totally reviewed the septic plan, but did have a few questions and issues with a tunnel tank. He said Agent Cullen thought they should wait to bring up points to the review engineer and see if he had already brought up that point so they would all be in one

to submit to their engineer. Member Spratt said tomorrow's meeting will be to open the hearing and get a project overview, and all Boards who have a stake in this should be present. It is also the public's first chance for comment. They will not be discussing the details of the septic system at the first meeting. Agent Cullen said the plan does not show an existing system there, he agreed they shouldn't go into the details of the new septic at this meeting, but could they ask them to show some of where the existing system is and how they will deal with it. Member Poillucci said it used to be tied into Middleboro sewer out on Main Street. Member Spratt said there is also a field across the street where one of the old systems is. Agent Cullen asked if there were any tanks on site. Member Spratt replied there were none that he knew of. Member Poillucci said the sewer lines ran to most of the buildings. Chairman Maxim said there is a pump station out front which looks like where one of the drainage basins is going, so that will need to be addressed. There are quite a few buildings on site. The concern is all those buildings were tied into that pump station and that there aren't any abandoned septic tanks or pits somewhere on this property because they're not showing it. The other concern is what pipe material is that sewer line made out of going to the pump station, seeing as it was gravity to the pump station. Back then they were using asbestos concrete pipe, which if that is the case, they need a DEP permit to remove the pipe and disposal. Member Spratt wondered if that would fall under the DEP clean-up portion. He had asked Building Commissioner Nate Darling if they had filed with DEP for the clean-up, but the town has not been notified that the filing had been done.

**Covid 19 Update** - Agent Cullen said they are still getting a lot of cases in Lakeville. There have been over 40 in the last two weeks. People who had Thanksgiving outside of their immediate families need to think about getting tested. Those people should take precautions. Another spike in cases is expected in the next week or so.

**Review and approve meeting minutes as typed** – continued from November 18, 2020 meeting. To be approved in Executive Session only.

Upon a motion made by Chairman Maxim, seconded by Member Poillucci, it was:

Voted: to enter Executive Session now and not return to the open meeting. Executive Session is to approve the meeting minutes as typed from October 28, 2020.

Unanimous approval.