

Town of Lakeville
Board of Health
May 19, 2021

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.

36 Clark Road - Meet with Foresight Engineering to discuss proposed plans. Darren Michaelis from Foresight was present for discussion. He said this property was new construction and that they did a reserve area. What they are asking from the Board on all these properties are the nitrogen enhancement rules where they can ask for an additional bedroom with the fact that they put in a denitrification system. The Board's approval doesn't mean that they are ready to have a permit to install, the approval means that they then have to meet all the nitrogen requirements (15.214) and submit to DEP for final approval before they can get a permit. They are looking for the Board to approve the plans with zero impact to all the abutting wells rather than limit these properties to two-bedrooms and have a two-bedroom impact on nitrogen loading for all the properties. There were perc tests done and there were no water tables. There are no variances required, this is simply requests of the Board to consider this nitrogen enhancement system. Otherwise, the systems will all remain exactly the same size, the FAST systems would be removed and they would all be 2-bedroom conventional leach fields. Louis Vermette (property owner) said three out of the four houses were approved for 3-bedrooms previously and then there's the one building that's still up that has the two bedroom which is basically a brand-new system. He wanted to know if it would be considered new construction when there have been houses on the lots and he's taking them down and putting a new one. They have made the lots bigger than what they were. Mr. Michaelis said this is the only lot that is new construction. This lot never had a house on it, the other two are houses that are repairs and the fourth is an existing house with an existing system. They feel that the denitrification system is the way to go and doesn't set a precedent for the Board in any way. Member Poillucci asked if they already had Zoning Board and Planning Board approval on the new lot sizes. Mr. Vermette said they did. Agent Cullen said of all the other lots to give you 3-bedrooms there are already houses there with existing bedrooms, so that would not be new construction. But as Mr. Michaelis said, 36 Clark is new construction and as well on 26 Spruce, you have a 2-bedroom system and you're going with a 3-bedroom house. So, although it's an existing house, it's new construction because it's an increase in flow. That is why you'd go into the category of new construction and that's what triggers going to DEP because the Board of Health is not allowed to approve that. Only DEP can approve new construction. If you chose to go with the existing number of bedrooms, the Board would consider whether it was okay to divide up the old bedrooms into the new ones and divvy them up so that you have the same amount. The previous account that Agent Cullen and the Zoning Board looked at was 11 bedrooms. Since they are going for 12, it would be considered new construction. Member Poillucci asked if they just did a three, three, three, and a two, would it be fine for Board of Health to approve. Agent Cullen said they would not have to go to DEP. Member Poillucci asked if they would have to go to DEP for all four or just the one that's being increased. Mr. Michaelis said if the true bedroom count was 11, then it would just be that one Spruce and if that's the case he believed Mr. Vermette would probably just keep it as a 2-bedroom and not do a denitrification system on that one, or the Board could ask him to do a

denitrification system on that one as a granting of all the other denitrification systems, that would be a condition of the Board. They are offering up denitrification systems on all of them. Agent Cullen said the existing leach field is within 90-feet of an existing well. Mr. Michaelis said that's why he thought the denitrification system would be a better situation for that neighbor. Even though we would be asking for a bedroom increase, but if that would trigger DEP, he thought Mr. Vermette would eliminate that. But, he still thought requiring the denitrification system for that system would definitely help those two abutters across the street who are going to have at least two other septic systems within 100-feet of their own well because their lots are so small. Member Poillucci asked if they knew when the year-round water would be available. Mr. Michaelis said the owner has no interest in connecting. All the wells are shown with no variances. The existing home and existing approved system is less than 100', it's all there so if that stays a 2-bedroom home with an existing 2-bedroom system, no increase in flow. He would just recommend to the Board that it may be in their best interest to ask for the denitrification system on that one since it is within 100-feet of someone else's well. And that other person's well will have at least two other septic systems within 100-feet of it. Chairman Maxim said he thought there was already association water there. Mr. Vermette said he didn't think they had gone down Spruce Street yet. Chairman Maxim asked if the wells on these properties affects any abutters across the street with replacing their systems. Mr. Michaelis said no, no one is affected by anything they are doing. If anything, that treatment system would just help out the abutters. Chairman Maxim asked if the 90-foot well that's on the existing septic was a shallow well. Mr. Michaelis said those are probably shallow. That's a concrete cover to grade, those old concrete covers. Chairman Maxim thought that since there were 11-bedrooms with all these lots that are combined, it would be his preference to stay with that and divide them up between the lots instead of trying to add that last one. Especially on that septic, it's already a 2-bedroom and it's 90-feet to a shallow well. With denitrification it will be better but you're adding a bedroom 90-feet to a shallow well. Member Spratt asked if the FAST system was the only option. Mr. Michaelis said that's the better one that's out there, there are Advantex systems which are more money. FAST is the least expensive, best option, Singulair would be the next cheapest option. Member Spratt said he worries about the blowers being shut off and disconnected down the road. Mr. Michaelis said that's part of the inspection, even if they shut the blower motor off, there is still a full-size leach field. There was a discussion about leach field size. Member Poillucci said he preferred the denitrification systems as long as they stay plugged in. He asked if they could require, like smoke detectors, that they're tied into a lighting circuit in the house so you can't shut the breaker off. Agent Cullen said they can set something up at the Board of Health to make sure that all the inspection reports are coming in and all of them are followed up on as well.

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

Voted: to approve the FAST system for 36 Clark Shores with the FAST system wired into a lighting circuit.

Unanimous approval.

26 Spruce Rd. - Meet with Foresight Engineering to discuss proposed plans. Mr. Michaelis proposed that they revise this back to a two-bedroom dwelling, keep the denitrification system and a two-bedroom deed restriction attached to the denitrification system. The only variance is an existing variance to the abutter's well at 90-feet which was approved by the Board when the system was installed.

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

Voted: for 26 Spruce Street, to put a two-bedroom deed restriction, approve the well location as shown, and approve a FAST system wired into a lighting circuit.

Unanimous approval.

1 Evergreen Rd. - Meet with Foresight Engineering to discuss proposed plans. Mr. Michaelis said they are looking for approval for the well location and the denitrification system. Chairman Maxim explained that these are all combined lots that have been reconfigured and they are taking the bedroom count of the lots.

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

Voted: to approve a denitrification system that is hard-wired into a lighting circuit and the well location shown on the plan at 1 Evergreen Road.

Unanimous approval.

3 Evergreen Rd. - Meet with Foresight Engineering to discuss proposed plans. Mr. Michaelis said this was the same situation. This one had an existing home so there's a new well going in and the denitrification system to be hard-wired. They aren't affecting any abutters, all the wells around are already installed and lots are built on. Member Poillucci asked if they should be approving the reduction in the field size on the couple that are smaller. Mr. Michaelis said that goes with the approval of the denitrification as part of the approval. That's part of the allowance of putting in the denitrification. Chairman Maxim said he wanted to make a comment on the wells they are approving. They are approving the new wells because they are more than 100-feet from the septic, so they meet Title 5. There have been some people that wanted to put new wells in within that 100-feet and the Board has not allowed that and made them tie into the Association water. The reason for these is they meet Title 5, they have 100-feet from their system.

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

Voted: to approve a denitrification system that is hard-wired into a lighting circuit and the well location shown on the plan at 3 Evergreen Road.

Unanimous approval.

Fasano's LLC dba Fasano's Catering - Temporary one day event - high school prom on June 3, 2021.

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

Voted: to approve the one-day event for the high school prom for Fasano's LLC dba Fasano's Catering on June 3, 2021.

Unanimous approval.

Continued discussion regarding water test regulations for septic repair or upgrade - Chairman Maxim said they were maybe going to make some changes to our local regulations. At the last meeting he wanted to continue until the Board was meeting in public. Member Poillucci agreed that it would be better to wait until they can have an in-person meeting. Member Spratt also agreed. There was a discussion about meeting space.

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

Voted: to continue the discussion on the water test regulations and setting up a hearing to the next meeting, at which time hopefully, we will have an in-person meeting location so we can advertise it properly.

Unanimous approval.

Discuss recent BOH Agent pending items -

Member Poillucci said there was some confusion at town meeting. When the whole right to farm community came up, and he said the Board wasn't notified, he researched it and what they said is true. They asked if we had anything to put on the meeting and we said no. Then an email came out that said they were having a review, which usually is if we put something on the meeting, we would go and discuss it. For some reason they couldn't attach the agenda, but it was at the town hall. He said in the past when something like that came in, we would have just gotten cc'd to our office. If it was going to change one of our regulations we would have gotten it. Chairman Maxim said they were sending something to the Selectmen tomorrow, maybe we should just add one line if they could send us anything that pertains to Board of Health. Member Spratt said he saw the email but it probably should have been a little bit clearer. He glanced at it and didn't realize it was an invitation. The warrant had gone out in a separate email prior.

Review and approve meeting minutes as typed -

- December 16, 2020 -

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

Voted: to approve the Board of Health meeting minutes for December 16, 2020 as typed.

Unanimous approval.

- January 6, 2021 -

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

Voted: to approve the Board of Health meeting minutes for January 6, 2021 as typed.

Unanimous approval.

Plymouth County Mosquito Control - Agent Cullen said now is the time to try to prevent mosquitoes, try to prevent water ponding. If residents have ponding they can't eliminate, let the Board of Health know and we can put tablets in the ponding water. The Plymouth County Mosquito Project will start ground spraying on June 1st. Currently, they do not have any aerial spraying planned.

COVID-19 - Agent Cullen said Lakeville is staying the same we're not decreasing the number of cases. The State is opening up on May 29th so it's important we get our numbers down before then. He urged residents to try to take whatever precautions they could from now until then. Unvaccinated people should be wearing masks and those who have been exposed should still quarantine. Member Poillucci asked about restaurants with distancing and occupancy limits. Agent Cullen said they will be at 100% and there will be no more go-minute time limit. Bars will be open and you can order a drink and you won't have to order food. Chairman Maxim asked if local businesses could still have their own mask policy posted. Agent Cullen said the local businesses can ask that people wear masks. The few places

where masks will be mandatory whether you are vaccinated or not are public transportation, schools, and healthcare settings. Chairman Maxim wanted to clarify if a business has it posted that masks are required and people refuse, the Board of Health has no authority to get involved. In the beginning when masks were mandated, the Board of Health would be called for the complaints. Agent Cullen said that was correct, it is less of a Board of Health issue and more of a police issue. Just like if someone is unruly in a bar and the owner says they want that person out of their establishment, they call the police and the police will escort the person out.

Member Spratt wanted to ask a question about the mosquitoes. Has a time frame been given for when they will start testing the pools for mosquitoes and levels. Agent Cullen said he believed they were starting to test now. Usually, we only hear about it when they actually come back with a EEE positive.

Adjournment - (7:07pm)

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

Voted: to adjourn.

Unanimous approval.