

Town of Lakeville
Board of Health
August 18, 2021

Members present: Chairman Maxim, Member Spratt, Member Poillucci and Health Agent Ed Cullen. Chairman Maxim called the meeting to order at 6pm. This meeting was recorded by LakeCam.

Public Hearing - for proposed changes to Lakeville Board of Health Regulation Pertaining to Subsurface Disposal Systems and Water. Chairman Maxim read the legal notice into the record.

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

Voted: to open the public hearing.

Unanimous approval.

Chairman Maxim said this public hearing is to change and/or delete some regulations from the local Board of Health regulations. All changes have been posted in the newspaper ahead of time. The first change is to regulation 3.7 which reads: existing 1,000 gallon septic tank, existing properties with existing 1,000 gallon septic tanks can ask for a waiver, local variance request, during the repair or upgrade process to retrofit and continue using the existing tank provided the tank is documented to be less than 20-years old, and is certified structurally sound in writing by a design engineer, is constructed of DEP approved materials and can be made to conform to State water tightness parameters and manhole area requirements. Otherwise, compliance with 310 CMR 15.223 in every respect shall be incorporated into the design process requiring a new 1,500 gallon minimum or 200% tank to be installed and compartmentalized with outlet filter as required for 2.8 and 2.9. Chairman Maxim said they will be changing that to: existing properties within existing non-compliant tanks or tanks older than 20-years can ask for a waiver, local variance request, during the repair upgrade process to retrofit and continue using the existing tank, provided the tank is certified structurally sound in writing by the designer, is constructed of DEP approved materials and can be made to conform to State water tightness parameters and manhole area requirements. Otherwise, compliance with 310 CMR 15.223 in every respect shall be incorporated into the design process requiring our new 1,500 gallon minimum or 200% tank to be installed, compartmentalized with outlet filter as required per 2.8 and 2.9.

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

Voted: to replace the existing 3.7 with the proposed 3.7 on existing tanks as Chairman Maxim just reviewed.

Unanimous approval.

The next regulation is sections 9.1 to 9.4 on municipal water connections will be removed from the Lakeville Board of Health regulations pertaining to subsurface disposal systems and water. The current regulation under section 9 reads: prior to the connection to municipal water main, the Lakeville Board of Health will require a proposed water supply plan submitted. Section 9.1 reads: The plan shall include any pertinent features and basic lot identification information including the structure being connected to (but not limited to) and all pertinent easements. The plan shall specify the location (from street shutoff to building), depth, and type (material specification including pressure rating) of supply line and distances to all septic components and reserve areas within 50'. Section 9.2 reads: if there is no

engineered as-built plan on file, a Title V inspection (unless a valid Title V inspection has been done within 3 years and accurately shows all components including the leaching facilities) shall be required prior to plan submittal in order that all of the septic components can be located, including the leaching area, and shown accurately on the appropriate report page with the proper swing ties to permanent reference points. This will allow the engineer to properly show the required setbacks to the proposed water supply line for proper plan review. On the plan there should be a note to specify proper abandonment of any existing well(s). Section 9.3 reads: the plan should also specify magnetic marking tape to be attached to the water supply line unless the specified line already has metallic component or if the engineer is going to be locating the line prior to backfilling in order to accurately show the location on the as-built plan which should be submitted within 30 days of the completed connection. If there is an engineered plan on record, it may behoove the applicant to have the same engineering company provide the above-mentioned plans since they would probably have most of the required information on file. Section 9.4 reads: if any onsite wells are desired to be kept as non-potable and/or irrigation wells, all plumbing connections to the dwelling are required to be disconnected (with the appropriate plumbing permits through the building department), the as-built plan shall properly identify the well as irrigation or specified other, and distances shown to all septic components and reserve areas within 50' of the converted non-potable well. Member Poillucci said all they are doing is really getting rid of anything Taunton water department does. They have all the as-builts. Plans need to be submitted to them for their approval, then your engineer does the as-builts to be kept on file. Chairman Maxim added that there is Middleboro water in town, very little, but they do the same thing. They know where their water lines are.

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

Voted: to remove sections 9.1 to 9.4 from the Lakeville regs and not to be replaced with anything.

Unanimous approval.

Chairman Maxim said regulations 18 and 18.1 will be replaced. The current 18.0 regulation reads: Any Well Only permit must have a current Title V inspection or Certificates of Compliance (up to 2 years old) can be submitted to show sewage disposal facility adequacy. This will be replaced with: any well only permit must have a well plan showing the location of the proposed well and existing septic system or septic system as-built can be submitted to show location of sewage disposal facility. Chairman Maxim said they won't be requesting a Title V anymore for a well. Member Poillucci added that residents are not required by law to upgrade their septic systems until the property is transferred. The current 18.1 reads: any septic repair or upgrade permit must have a current water analysis (up to two years old) submitted to show water adequacy, provided they include all potability parameters including nitrates, volatile organic compounds and arsenic, provided they have been collected objectively by a DEP certified lab employee or Certified Water Operator. The new 18.1 regulation which reads a septic repair upgrade permit that requires a Certificate of Compliance must have a current water analysis (up to 2 years old) can be submitted to show water adequacy, provided they include all potability parameters including nitrates, volatile organic compounds and arsenic, provided they have been collected objectively by a DEP certified lab employee or Certified Water Operator. A waiver from the Board of Health is also accepted to get a Certificate of Compliance. Regulations 18.2 and 18.3 will stay the same.

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

Voted: to replace regulations 18.0 and 18.1 as read by the Chairman.

Unanimous approval.

Chairman Maxim said on page 20 under well water analysis for Title V septic repairs, upgrades, and property transfers, under septic repairs and upgrades it reads, a required water analysis for Lakeville potability parameters to do a septic repair or upgrade. The proposed change to that wording is septic repairs and upgrades that require a Certificate of Compliance, require a water analysis for Lakeville potability parameters. The water analysis may be waived by a local variance request during the repair or upgrade process by the Board.

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

Voted: to revise the proposed regulation on page 20 for the septic repairs and upgrades.

Unanimous approval.

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

Voted: to close the public hearing at this time.

Unanimous approval.

Chairman Maxim opened the Board of Health meeting August 18, 2021 at 6:25pm.

460 Bedford St. - meet with Zenith Consulting Engineers to discuss local upgrade approval request. Jamie Bissonnette from Zenith was present for discussion. The proposed plan is for a septic upgrade that has a wetland with a tributary to a water supply at the rear of the property and an existing well. They are asking for a reduction to the wetland border to the tributary and the actual setback to the tributary itself.

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

Voted: to approve the subsurface sewage disposal system local upgrade approval request for 460 Bedford St. with the two local upgrade approval requests.

Discussion: Member Poillucci said this is with the strong recommendation that they stake the tank in the hole because they don't intend to give an after the fact variance.

Unanimous approval.

26 Johnson Drive - *continued* discussion from August 4, 2021 meeting with Outback Engineering to discuss local upgrade request. Jason Younquist from Outback was present for discussion. They are asking for a reduction to ground water. They are over 200' from the neighbors well, the locus well is 164'. This isn't a zone-two area or any surface water protection area, so there aren't impacting any environmental concerns here. They are trying to keep everything far enough away so this reduction in separation to groundwater would not have any adverse impact environmentally. They are asking for the reduction because they have a gravity system, the existing tank is behind the house and the plumbing comes out the back of the house.

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

Voted: to approve the subsurface sewage disposal system upgrade at 26 Johnson Drive with the one local upgrade approval of a reduction of required separation between the bottom of the proposed soil absorption system and the adjusted high groundwater elevation from 5' to 4'.

Unanimous approval.

4 Devon Drive - continued discussion from August 4, 2021 meeting, with Foresight Engineering to discuss local upgrade requests. Darren Michaelis from Foresight was present to update the Board.

Mr. Michaelis said they will be knocking down the house but they proposed keeping the existing septic which has past Title V, and replacing the tanks. They have notified the abutters and notified the surface water supply departments. The owners have since decided to upgrade the system. They have done a perc test and they will be able to fit a system out front by the garage outside the 100-foot buffer zone. There was a discussion about tank location. Mr. Michaelis asked for a continuance to the next meeting.

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

Voted: to continue to the September 1st meeting.

Unanimous approval.

31 Stetson St. - meet with Foresight Engineering to discuss variance request. Darren Michaelis from Foresight was present for discussion. There was a brief discussion about the abutting property and the location of its septic system. When it was built in 2008, it was an outstanding resource water, and Stetson was the beginning of the tributary. This is a controlled water supply with upland bogs, so at the time, this was not considered part of the tributary. The perc tests were exactly 100-feet from the reservoir. They submitted the plans which were approved, unfortunately, the permit was not pulled. The entire property is now zoned as a Zone-A. This also makes the abutting property entirely in a Zone-A, which is where the septic system is. They are proposing a system that will be more than 150' away. There was a discussion regarding the property. Member Poillucci said, this was approved, but the permit was never pulled? Agent Cullen said the Board didn't approve the plan. Mr. Michaelis said the former Health Agent approved the plan because there was no variance. They were outside the 100-foot and they thought that was the setback. Chairman Maxim said he had a copy of the expired approved plan that was signed by the former Health Agent and it didn't show the system in the Zone-A. There was no variance. Mr. Michaelis said he didn't know if was in a Zone-A and neither did the property owner. Chairman Maxim said they had asked DEP and they said nothing had been remapped since 2017. Mr. Michaelis said sometime during his client's owning the property, DEP decided to make this property unbuildable now with the mapping and no notice to his client. Member Poillucci said that he didn't think people knew that if you didn't pick up your permit, you weren't part of the extension act. Chairman Maxim asked if there were any working bogs on this lot. Mr. Michaelis said all working bogs are on the other lot. Member Spratt said he would like to see a revised set of plans so everything is up to date. Agent Cullen said there's a pipe that's not shown on the plan, he thought it should be shown on the plan since there is a flow going under Stetson. Mr. Michaelis said the flow of Stetson is on the other side of the irrigation canal. You can see the end of the irrigation canal past the proposed driveway, where it squares off, there's a pipe right there that crosses over. On the plan to the right side of the proposed driveway there's a light blue line which is the crossing pipe. Member Poillucci said what would make them comfortable if they showed that pipe on the plan, showed that it's not wetlands or whatever the maps show and then how it's wrong. Mr. Michaelis said there are wetlands, abutting a tributary. The

abandoned bog is wet. The only place water leaves this site is way out front. If they are considering that ditch on the other side as part of the tributary, then they can't get 200' from it, only a maximum of 100', so he would still need the variance. There was a continued discussion about the property. Chairman Maxim said he wasn't sure how to proceed, if they don't agree it's a Zone-A. Agent Cullen said he thought they could approve it, if it's not a true tributary, which is what the map indicates. They could have justification for the variance since it's not as detrimental to the reservoir, it's not free flowing. To make it not a Zone-A is a lot of work with a lot of revisions through DEP, so you're better off just making a waiver to this, but you'd have to grant that waiver to anyone else working in this area as well. Chairman Maxim said he thought the Board was in agreement that they were allowed to approve this. Agent Cullen said there were some unknowns, but as long as someone from the Board of Health has gone out to verify what's actually out there was his big concern. Based on the map, he couldn't make a clear determination as to where the tributary was. Chairman Maxim said they will still be at that same distance to the canal unless they want to try to get further. Mr. Michaelis said he'd still be within 200'. He said he had no problem sliding the system over 10' and making the grade work, and making the 100' to the ditch on the other side. He said he would agree that's a wetland that abuts a tributary. Member Poillucci said they weren't supposed to approve new construction in a wetland, so if they could push it out 10' and get it out. Chairman Maxim asked if they could push it 200' from the actual pump house where the actual tributary is. The house would need to be moved. They need 40', so they would have to slide the whole system. There was more discussion regarding the site. Agent Cullen asked if they had considered a Presby system that's sloped so they could get the reduction in field size. Mr. Michaelis said the Presby is the same reduction as this is, so it wouldn't buy him much. It would just get deeper on one side than the other. He didn't know why that bog would be any different than the irrigation canal, it's all man-made, it's man controlled. It's all the same body of water, it's all connected, it's all fed by the same thing. He considered it a body of water and not truly part of the tributary because it's controlled. It's not a natural flowing stream, it's all man made and can be shut off at any time. Chairman Maxim said the bog is abandoned, they aren't using it, so they're trying to get 100' from something that isn't even being used. The canal is used to feed the bogs further down. Mr. Michaelis said that was his main concern, how the Board felt about the canal, if they agreed that it's mapped incorrectly and not really part of the reservoir or tributary, then he thought they could ask for this variance. If the Board didn't feel that way, he won't get 100' from the irrigation canal no matter what unless he goes off the property.

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

Voted: to approve based on 15.415, to allow this to be less than 200' to what may be a tributary. Approval will be subject to the field being moved, we believe an additional 10' or so, so it gets outside the other 100'. A new plan is to be reviewed by the Health Agent and will show that it's a Zone A and will state the variance that has just been given. At the time of install, a deep hole will be done to confirm the water table there or the mottle whatever they find.

Unanimous approval.

Announcements -

EEE - there are no human cases of EEE.

Covid-19 - The Delta variant is causing a number of new cases. Massachusetts is doing better than a lot of states. We are definitely getting an increase in cases, an increase in hospitalizations and an increase in deaths as well. At the end of June, we were doing great, and now that's all changed. That's why there are new mask mandates out there, you see more people wearing masks. Vaccinated people can test positive, they are less likely to transmit it than an unvaccinated person. That's why they are recommending masks now, even for vaccinated people. Booster shots are being offered for people that are immunocompromised. People should consult their doctor to find out if they should get a booster. They may eventually do booster shots for everyone. It is recommended that whatever brand of vaccine you had, you stick with it. If you need to change, consult your doctor.

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

Voted: to continue the meeting into executive session under MGL 30 A § 21, to discuss reputation, character, physical, conditional mental health rather than professional competence of an individual or discuss the discipline or dismissal of or complaints or charges against a public officer, employee, staff member or individual and that we will not be coming back to an open meeting.

Unanimous approval.