

Town of Lakeville
Board of Health
February 16, 2022 6pm

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

In-person meetings - Agent Cullen announced the number of Covid cases in Lakeville has dropped. All of our public meetings have gone remote over the last month or so and now we are eligible to go back to in-person meetings. Not every board will choose to do that but Board of Health has chosen to go back to in-person meetings in March. Meetings will be held at the police station.

113 Staples Shore Rd. - meet with Zenith Consulting Engineers, LLC to discuss requested variance and local upgrade approvals. Jamie Bissonnette with Zenith was present for discussion. The proposed plan is for a septic system repair which will require several variances and local upgrade approvals. This is an advanced treatment system with a bottomless sand filter leaching area. Mr. Bissonnette said several years back they designed the adjacent septic system at 115 Staples Shore Rd. This was also an Orenco system with a bottomless sand filter. The proposed plan is for an 8x24 bottomless sand filter, treatment tank and septic tank. A pump chamber will be located near the driveway, pumping up and around to the bottom of the sand filter itself. To give a brief overview, waste comes from the house into the tank. There will be a drop to provide for the 3' cover that's required with the tank to get the treatment unit to fit over it. So, a drop sweep is proposed to the clean out to grade as required. In this configuration they are going with a mode 1B where the Board is used to mode 3B, which is used in most cases. Mode 1B is where the treated effluent from the treatment unit comes back into the outlet side. Orenco has recently switched over to 1B, instead of 3B unless specific numbers need to be met for denitrification. They are finding that the TSS numbers that get into the bottomless sand filter are much better when you use 1B as opposed to 3B. You're still getting a tremendous amount of denitrification happening, but you're getting much better TSS removal. So, for mode 1B, after specific doses go through the treatment unit, the balls in the splitter valve will rise up and cause the effluent that's treated to bypass and go into the pump chamber. The pump chamber is then set at 7" to dose the bottomless sand filter unit; and it doses it several times a day at a specific measurement. This allows the bottomless sand filter to treat prior to hitting the water table. They had class 1 sandy soil. They are required to provide 5' minimum separation of estimated seasonal high ground water. They have provided 5.1 to allow for the contractor to be off half an inch so they don't have to come back for an after-the-fact variance. The proposed top of the bottomless sand filter is concrete block. The wall isn't that high overall, 3.7' is the maximum height that will be exposed, and it gets closer to 3' on the low side. They are requesting several variances, some are duplicative. Assawompset is a surface water supply, there is a wetland that borders the surface water supply. The variance requests are: 1) a reduction from 10' to 5' to a property line. 2) a reduction from 100' to 85' to the well at 115 Staples Shore Rd. 3) a reduction from 100' to 60' for their own well (they are providing about 62'). 4) a reduction in the number of deep holes from 2 to 1. 5) a reduction in the separation of the soil absorption to the surface water supply from 400' to 85'. 6) a reduction in the separation of the septic tank to the surface water supply from 400' to 50'+. 7) a

reduction in the separation of the pump chamber to the surface water supply from 400' to 50'+. 8) a reduction in the separation of the treatment unit to the surface water supply from 400' to 50'+. 9) a reduction in the separation of the soil absorption system to a wetland bordering a surface water supply from 100' to 65'. 10-12) For the outlet inverts on the tank, pump chamber, and treatment unit to all be below seasonal high ground water, with ground water being at about 32". Chairman Maxim asked if the only way the treatment systems were designed was with the treatment system on top of the tank. Were there any internal ones to get these higher out of the ground. Mr. Bissonnette said there were a number of treatment systems they could use and there are also different mechanisms where the treatment pod can be placed further away so it's not on top of the system. He thought the best way was to keep it compact since he was trying to maximize the separation from the pond. There are two categories of treatment. The Orenco AX20 has the highest level of treatment, so it gives the best credit for using a system like this. You can reduce the size of the footprint to the maximum extent with the bottomless sand filter. If it is switched to an internal mount system, they would most likely have to increase the size of the bottomless sand filter. Chairman Maxim asked if they were confident the tank would be water tight if installed so far under the water table. Mr. Bissonnette replied that they had the exact same thing next door at 115 Staples Shore Rd. The proposed plan noted that the well line would be sleeved. Chairman Maxim asked if they knew where it went into the house. Mr. Bissonnette said they didn't and prior to construction, they would have to locate it. The line would be sleeved if it was within 10' of a component, with the exception of under the leaching field. Chairman Maxim asked if the wells across the street were sleeved. Mr. Bissonnette said he believed they had casings, but he had not confirmed if they were drilled wells or not. There was a brief discussion regarding the soils. Member Poillucci said these are the best systems currently available for around the lake. Agent Cullen asked if they could somehow seal the risers to the tank since the ground water will be over it. Mr. Bissonnette said note 7 on the plan talks about that. An example is all tank risers are to be Orenco ultra-rib access risers. It will be a seamless watertight set up by Orenco. There was a discussion about watertightness. Abutters were notified. One abutter was present but only commented that she was glad the system was being upgraded.

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

Voted: to approve the septic design at 113 Staples Shore Road with the 12 requested variances.
Unanimous approval.

55 Long Point Rd. - continued discussion from February 2, 2022. Meet with Foresight Engineering to discuss variance request. Darren Michaelis from Foresight was present for discussion. Member Poillucci disclosed that he had called Mr. Michaelis earlier to better understand the reasoning for the request. He said it was a few thousand dollars to put in a pump tank and an extra 100' of 2" pipe. The reason for the request was the property is in land court. Mr. Michaelis said that Mr. Maksy (property owner) purchased this property and the two abutting properties. The abutting properties both have dwellings on them and the septic systems have been upgraded. Mr. Maksy would like to convert the barn on this property into a dwelling. They have provided proof to the Board that the barn was used in the past by the Town and did have some flow, it had a privy. It has an existing well with a well house, so it had water. They are presenting this as new construction and asking for a variance from the Board. They are within the 400' setback of the pond and approximately 20' above the pond. Since this is in land court, Mr. Michaelis said it could take up to 2-years to get this project through. Environmentally, they feel that this provides adequate protection since they are outside the 200' buffer from everything. Mr. Michaelis

gave a brief overview of the plan. On the back of the abutting lot to the west, they have done some percs and show a reserve area there for possible use if they have to go that route of doing an easement. The property can be inhabited either way, they would need to come back to the Board and ask for a variance for the tank to be within the 400'. Chairman Maxim said the biggest problem he has on this as far as the variances is this lot was created in 2001 and divided off. In 1995, this was already fully a Zone-A, 400' from the pond. They divided this lot into fully a Zone-A when they could have made it outside the Zone-A. Mr. Maksy purchased this in 2021, knowing full well it was in a Zone-A. He didn't disagree there was a privy on site since it probably went with the barn, but at the time that privy went with this whole property. The well that was on this lot also fed the other two houses. Mr. Michaelis said he agreed and that's why this is in land court now. They could go back and reverse the process and do it properly, what should have been done. They would still have to ask for the tank within the 400 since there is no way they can get the tank outside. The easement could have already been created. Chairman Maxim said the other two properties came before the Board and they approved them, but there was already a house there with a well, it wasn't new construction adding flow. They have no idea what the flow is out of the barn, so it's definitely new construction. One of the requirements is it has to be a hardship. It's not like this was created after it was purchased and they just mapped this in a Zone-A. This was clearly a Zone-A when it was purchased so that argument is out. Chairman Maxim felt he couldn't approve it knowing it was divided like that. The lot was divided because they had the frontage in the Zone-A, it shouldn't have been divided like that in his opinion. Member Poillucci said he had first hand experience with land court. It's not cheap, between the lawyers and the engineering. He wasn't saying that was an excuse or a reason to do this. But, it made him respect the question that they brought to the Board. Member Spratt's thoughts were that you'd want to do the land swap, so you can't sell the lot next door right away. The new construction thing, they've been down that road before. It's opening up Pandora's box with other things. Each case is a standalone, but it doesn't stop anyone from coming before the Board and trying to push other things through. There was continued discussion. Chairman Maxim asked how far could they get this system on this lot up in the corner with a pump system. Mr. Michaelis said it's not that much further away, 300' would be the maximum and he's at 265 now. Chairman Maxim said he would definitely be up for granting a variance for the tank and a pump tank in a Zone-A. He still didn't think they met the requirements for a hardship to grant it in a Zone-A. Mr. Michaelis said he understood. If they are denied he would probably advise his client to talk to his attorney and figure out the land court issues and the surveying before they submit anything to the Board. Agent Cullen said the 400' setback is there for a reason. That's how reservoirs are protected, by keeping them 400' away. There's no house there, no one is living there so there's no hardship. It's unfortunate that it has to go through land court, but it doesn't look like this project is going to happen tomorrow. There's a lot of work to be done, whether it's an easement or going through land court, and also fixing up the barn. Member Poillucci said no one would want to fix up the barn if they didn't know if they can put a septic there. Mr. Maksy said he did appreciate the Board taking a look at this. He wanted to bring it to the Board and see what the best route to go is. Chairman Maxim said he was fine with the variance for tanks in the Zone-A. It's a sealed tank, there's no harm in the Zone-A to have a tank. But the field, right on the water, even though it's 20' above it. DEP doesn't have anything in their regulations about elevations above. Member Poillucci asked if they would rather continue for two weeks so they have time to find out about the easements and at least give them the okay for the tank within the 400 at the next meeting. Or, would they rather the Board just vote and then they could refile after they talk with the attorneys. Mr. Michaelis said he thought the cleanest way would be for the Board to deny it because they'll have to submit a new plan no matter what. Mr. Maksy asked if they could ask for a continuance and try to revise this plan by doing the septic on the second lot. Chairman

Maxim said he had no problem with that. Member Poillucci said that if they draw it, they don't have to file again. If the Board tells them, after they go through land court, that they can do this, at least they know how to move forward. Maybe they can just do an easement for now and tie up that land and then they could sell the other lot, then they wouldn't have to file again and get on another agenda.

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

Voted: to continue to the next meeting on March 2nd.

Unanimous approval.

Yatra Corporation dba Lakeville Smoke Shop - 56 Main St. - Approval of new smoke shop. Agent Cullen said all the paperwork is in and there has been a pre-inspection done and everything checked out. They just need the approval and then another inspection when they start operation.

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

Voted: to approve the license for the smoke shop at 56 Main St. subject to the Agent's final inspection.

Unanimous approval.

Review and approve meeting minutes, as typed - December 15, 2021

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

Voted: to approve the Lakeville Board of Health meeting minutes from December 15, 2021 as typed.

Unanimous approval.

Covid 19 update - Agent Cullen said the number of cases of Covid in Lakeville has dramatically decreased over the past several weeks. With the at-home testing there are still a lot of people with Covid, but they're not being reported through the State system so the numbers are a little skewed. It's definitely improving considerably over the past couple of weeks, which is why they have made the decision to go back to in-person meetings in March. Covid is not gone, there are still cases out there and we should still take precautions, but it's considerably better than it was a week or two ago. Member Poillucci asked about handing out test kits to residents. Are there more test kits and are they planning another date to hand out more kits? Agent Cullen said on February 19th between 8am and 12pm, they will be distributing kits at the senior center. Two boxes of at-home Covid tests will be given to each address. Two boxes is a total of four tests and will be given out free of charge while supplies last.

Adjournment - (6:56pm)

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

Voted: to adjourn.

Unanimous approval.