

Town of Lakeville
Board of Health
May 4, 2022 6pm

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

Maher Removal and Disposal - New residential trash hauler. Chairman Spratt asked Agent Cullen if all the paperwork was in. Agent Cullen replied that all the paperwork was in order. He only has a few customers in town, but everything is in order and all required applications have been received.

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

Voted: to approve the trash haulers license for Maher Removal and Disposal Incorporated.
Unanimous approval.

7 Vaughan St. - Meet with Zenith Consulting Engineers to discuss requested Local Upgrade Approval. Nyles Zager from Zenith was present for discussion. This is a septic upgrade for an existing three-bedroom home. Currently, the septic system is in the rear and the well is inside the house. They are proposing to decommission that well and drill a new well up front. They were able to get everything over 100' away from abutting wells. There are no other septic systems located within 100' of the proposed well. They are asking for a reduction from 5' to 4' because of the perc rate. They did adjust the water table about 2' in elevation based off the USGS wells. Agent Cullen commented that it's a huge improvement, drilling a new well. The existing well is in bad condition.

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

Voted: to grant the request to lower the field from 5' to 4' at 7 Vaughan Street.
Unanimous approval.

47 Baker Lane - Meet with Foresight Engineering to discuss a Local Board of Health Regulation Variance Request. Darren Michaelis was present from Foresight Engineering for discussion. They are proposing a pool house with a restroom for an in-ground pool. In order to do this, they are asking for a waiver from the Lakeville regulation for a 1500-gallon tank to a 1000-gallon and 500-gallon pump chamber since it's only a toilet and sink. They have done a Title 5 inspection on the system and everything looked great. Chairman Spratt asked if the systems were a little higher on that side of the neighborhood. Mr. Michaelis said this is the downhill side, on the back side, so they hit a high-water table. It's 4-4 ½ feet then as you go further down on the cul-de-sac it goes even higher. Member Maxim said it's only a pool house that's used about three-months a year. Member Poillucci agreed and added that it's only one system and the same amount of flow, he's adding capacity by adding a tank. Member Maxim added that this was a local regulation, not Title 5. Mr. Michaelis said they are fighting to stay 50' away from the well. They will make sure the water line is far enough and if it gets any closer they will sleeve it before they backfill. He said they would make sure it's staked out and they keep that 50'. Agent Cullen asked if they were putting in a 't'. Mr. Michaelis said yes, they would be putting a 't' or an elbow. There's a baffle there, but they'll put either a 't' or an elbow in.

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

Voted: to approve the variance at 47 Baker Lane to allow a single compartment tank instead of the two compartments per regulation section 2.8.

Unanimous approval.

Meeting Minutes -

- February 2, 2022

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

Voted: to approve the minutes as typed for the February 2, 2022 meeting.

Unanimous approval.

- January 5, 2022

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

Voted: to approve the meeting minutes from January 5, 2022 as typed.

Unanimous approval.

Savage Inc - Agent Cullen said Savage Inc is a tattoo place that got approved not too long ago. They have one tattoo artist, and a second one has come in now. There is an inspection scheduled for Saturday, so rather than waiting until the next meeting, Agent Cullen asked if the Board would want to approve this pending the inspection. Member Maxim asked if they were already operating and if it has all been approved. Agent Cullen said that was correct, the establishment is approved, one artist is approved, this is just for a second artist. There was a brief discussion about the approval.

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

Voted: to give Agent Cullen the authority to temporarily add the second artist until the following meeting as long as they have met all the requirements.

Unanimous approval.

Open Space Bylaw - Agent Cullen said there is a proposal before the town for an open space bylaw that would concern the Board of Health with nitrogen loading. Member Maxim said he would like to discuss it; the vote is on May 16th and there isn't another meeting prior. Our next scheduled meeting is the 18th. Agent Cullen said Title 5 has nitrogen loading limitations and one of those is 440 gallons per acre. That's a four-bedroom house. The proposal is for 30,000sf lots. Currently, Lakeville requires a 70,000sf lot which allows up to seven bedrooms. This isn't really an issue because no one really builds seven-bedroom homes. To build a house on 30,000sf where you have a septic and well, is considered a nitrogen sensitive area because of the septic and well. In the nitrogen loading bylaw from the state, they allow basically 10,000sf per bedroom. So, this would allow for three-bedroom houses. A lot of new houses are four bedrooms so we would be above and beyond. They would still have to go through both the town and the state for final approval. Agent Cullen said he would recommend four bedrooms or 40,000sf. By having a 30,000sf lot with a four-bedroom house, it's going beyond the state's limitations for nitrogen loading. The other concern is for open space. What can be determined as open space. If it's agriculture, for nitrogen loading, agriculture takes a lot of fertilizer. Nitrogen is the main

component of fertilizer. So, if there is agriculture and housing, both have nitrogen going into the ground. There is no benefit to the open space if there is nitrogen going into the ground. Member Poillucci said that this could allow more houses to be built with no benefit to the town. The whole idea is if you have 100 acres, so you can get 50 houses on it. They should have to prove they could get those 50 houses. Draw a design, and get at least one perc on every lot in that design. Every lot should be proven that it's feasible before the reduction is given. In theory, the other half of the land is given to the town for free, and we don't have to keep spending tax dollars on buying it. This needs to be done right or it can get manipulated. He added that this was his opinion, not the Board of Health's opinion. Chairman Spratt said under 7.10.4 of the bylaw, number one, says the number of building lots may not exceed the number of building lots of the tract as permitted by the Board of Health, and Conservation Commission regulations existing zoning and a conventional subdivision. People wouldn't be able to get too much of a bonus. Member Poillucci said it wasn't saying they have to prove those lots. You can build a lot on a cranberry bog, you can't build a lot on ledge. So, for example, you could have 100 acres and 75 of it is ledge, you'd get credit but it would never perc and you'd never be able to get a house there. They should have to prove with at least one perc on every one of those lots. Member Maxim asked about the open space, if it went to the neighborhood or the town. Agent Cullen said the bylaw states Conservation Commission, Select Board, or a non-profit. Member Maxim said his concern was the undersized lot with a well and a septic, unless it's limited to three bedrooms. And if anyone comes in for a variance after the fact; someone is going to want to put an in-law in. Member Poillucci said they could put a deed restriction on that it has to stay three bedrooms. The Board would have to put deed restrictions on before they approve anything. Member Maxim said there was a note that they would need to go to the Board of Health for setbacks, but that doesn't help the nitrogen loading. Agent Cullen said you have to stay 100' away, but when you get a cluster of so many four bedroom houses the amount of nitrogen in the groundwater will definitely increase, that's the concern. Member Maxim added that where there are so many tributaries in town, if it's near there, the nitrates don't break down, they travel. You'd get a large concentration of nitrates, and it could be on the edge of a tributary. Agent Cullen said for a lot of towns this regulation would be great, but for Lakeville, most lots have both a well and a septic, plus there are so many reservoirs in town. There are different considerations you have to take into effect. Member Poillucci said the lot frontage can be reduced to 50'. You may be able to meet well setbacks, but it won't meet septic setbacks. Chairman Spratt said the good thing is that we have buffer zones that have to be met for new construction that they may not meet when it comes to the ponds. Member Poillucci said there was a committee set up for big changes like this. There were representatives from all the other Boards, there was an attorney, a few people from the public, the building inspector. They used to talk these things out. It seems these types of things should have some conversation. It shouldn't be a last-minute thing that we're all going to have to try and make points at a meeting. There should have been discussion, have all the Boards represented and let them talk about the best way to do it. Member Poillucci said it's not a bad thing, in his opinion, as long as it's done properly. Chairman Spratt said stuff like this should be brought to us as a whole, not just to Ed, but to all of us, much earlier in the process so we can have input and make sure it's good.

Water testing - Agent Cullen said there's a group called RCAP, it's a rural community partnership. They do a lot with groundwater and wells. They want to do some well sampling in town. Forty samples in parts of Lakeville that were at risk. It's free water testing. There was free testing for PFAS, but this is a broader thing where they're testing for coliform, arsenic, uranium, things like that. It gives a better indication of how safe your water is. This is free testing, they're not trying to sell anything. They've done it in other areas and found that 27% of the wells they tested were harmful. They did a lot in

central Massachusetts and that's where they do most of their work. Member Poillucci asked if this was a private company. Agent Cullen stated it was a non-profit. They only want 40 samples from private wells. The testing isn't through the Board of Health, so if a well gets tested and it's bad, we aren't going to make them put in a system. They will get advice from RCAP, there won't be any restrictions from the Board of Health. Member Maxim asked if the Board of Health gets a copy of the well report that can go into the file so everyone is aware. Agent Cullen said he wasn't sure, they aren't required by law to do that.

Covid update - Agent Cullen said the number of cases is still increasing. The hospitalizations and deaths are still fairly low. Our bigger concern is when it spikes quickly. This is a gradual increase so it's less of a concern. There are a lot of options for treatment if you get it, but you need to do it within the first five days of getting Covid. If you get Covid and you're at high risk, call your doctor and ask if they can advise a treatment.

Adjournment - (6:45pm)

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

Voted: to adjourn

Unanimous approval.