

Town of Lakeville
Board of Health
July 6, 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.

10 Halcyon Farm Road - Meet with SFG Associates to discuss a requested local upgrade. Steve Gilbert from SFG was present for discussion. This is a septic repair for a 10-year old failed system. They are proposing putting in a pipe and stone system adjacent to the existing system with a five foot dig out. They are also proposing a poly-barrier around the system where it drops off in grade. They would like to keep the two-compartment tank that's existing. They are asking for a groundwater waiver. They can't quite meet the five feet to keep it to a gravity system. They are asking for a local upgrade to 4.78 feet between the ground water and the bottomless system. Member Maxim said it looked like on the last system they had raised the plumbing. He assumed they had already raised it as much as they could. They are also proposing that at the time of construction they do an observation hole with the Board of Health to witness and make sure the conditions are the same. Member Poillucci thought if they redesign based on the prior calculations, that could have been the problem with the existing system. Would they be putting a new system in material that might fail in 10 more years. There was a discussion about the old system chambers. Chairman Spratt said when they confirm the water table at the open hole, they may be able to gain a little there and it's not an issue. Member Maxim asked if conditions weren't met, would they go with a pump system. Mr. Gilbert asked if the Board wanted to give a waiver to four feet. If they request four feet and it ends up being 4.78, they're good. The exact amount is 4.78. Member Poillucci said it never lands on the exact amount. Agent Cullen said the lot is 74,000sf and there's only a three-bedroom system. From a nitrogen standpoint, he's okay.

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

Voted: to allow 10 Halcyon Farm Rd to go from 5 feet to 4 ½ feet from groundwater.
Unanimous approval.

23 Parkhurst Drive - Meet with Foresight Engineering to discuss after-the-fact local upgrade request. Darren Michaelis from Foresight was present for discussion. Member Maxim recused himself. Mr. Michaelis said that in the middle of installation, Member Maxim found the underground electric to be six feet off. The underground electric was running right where the d-box was and not under the driveway as marked when they surveyed. They slid the system toward the road a couple feet and toward the neighbor's property line. Because the well radius was holding them at 100', they really didn't have anywhere else to go. They were able to keep it over five feet from both property lines. The abutter was notified and sent plans. Mr. Michaelis spoke with her on the phone and she didn't seem to have any issue with it. This doesn't really affect her property since they were still able to keep away from her well and her septic system is on the other side of the house.

Upon a motion made by Member Poillucci, Chairman Spratt stepped down to second, it was:

Voted: to approve the after the fact local upgrade request at 23 Parkhurst Drive for the septic system down to five feet off the property line.
Unanimous approval.

19 Fourth Ave - Meet with Foresight Engineering to discuss local upgrade requests and local Board of Health variances. Darren Michaelis from Foresight was present for discussion. This property was before the Board a few years ago when a tight tank was installed. They did a perc test at that time to make sure they could put in a system on the property if they needed to. They are asking for a sieve due to the soils being saturated. They are also asking for a reduction in the setback to an abutting well from 100 to 75 feet. He discussed this with Agent Cullen and he can slide the system over to get 80 feet from the well if the Board wants. The owners would also like to put in their own well. They have a 16,200sf lot. They were previously on summer water. The proposed well affects no abutters and no septic systems. Member Maxim asked if there was room to turn the system to get 100 feet from the neighbor's well. Mr. Michaelis said he wouldn't get 100, but he might get 85 or 90. Then he could slide the proposed well location down the lot a little. Member Maxim asked if he was over 400 feet to the pond. Mr. Michaelis said he was over the 400 feet. There was a discussion about the property. Member Maxim asked if they could do six chambers wide to shorten a row. Mr. Michaelis said he could do that too. They could do a 7-distribution box and just go with 6 outlets. He could easily gain 10 feet by doing that. They are 7 feet from all property lines, so if the Board wants to grant that, they can go closer to the property line with the walls. Chairman Spratt said they haven't granted any wells under 20,000sf since he's been on the Board. Member Maxim said he thought there was one at 19,600 and they used the center of the road. Mr. Michaelis said if he used the center of the road he could probably get to 20,000sf. The Board discussed the septic, with Member Poillucci stating that he thought if they turned the system it would be really tight to the house. There was a brief discussion about neighboring lots. Mr. Michaelis said if the Board gave him a variance to 80 and he can get 83, that way there's a little wiggle room on the construction too. Member Poillucci asked if they would be at 20,000 if they went to the middle of the road. Mr. Michaelis calculated they would be at 18,000sf. Member Maxim said if they did decide to grant a well it would only be until the waterline went in and they would require that it was on the deed. The property owners said they would agree to a deed restriction regarding the well. Agent Cullen explained they would have 1-year to tie in to Clark Shores Water once the waterline comes past their house. Member Maxim said they would never grant a well if there was a variance for the septic. In this case, there is no variance required. Member Poillucci asked if there was a seasonal deed restriction on the property now. Agent Cullen said there is. If a well is granted, the Board would have to remove the "seasonal" wording. There was more discussion regarding the well. Mr. Michaelis will get some more information for the Board and they will continue to the next meeting.

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

Voted: to continue to the next meeting in two weeks.

Unanimous approval.

Discuss proposed Open Space Residential Development By-Law - Chairman Spratt said he sat down with Agent Cullen, Michelle McEachern (Planning Board), and Nancy Yeatts (Conservation) for a discussion. They hashed out some of the issues the Board had discussed previously. They talked about making sure they can prove conventional lots with at least one deep hole perc on each lot. They discussed the nitrogen loading issue, as far as if they try to use commercial agricultural land as the open space. They discussed 40,000sf lots as opposed to 30,000sf lots. Member Poillucci said he didn't like the ambiguity. It should be if you meet the criteria you can do it, it shouldn't be up to a Board. He said this is the biggest zoning change the town has ever considered adopting since zoning was put into this town. The Zoning By-Law Review Advisory Committee (ZBRAC) would have hearings to hammer things out and

go line by line through by-laws. This doesn't have to be decided next week and he couldn't understand why no one will consider taking this through the correct process. Most of the plans from 35 years ago were ¾ acre lots and they kept having problems fitting in wells and septic systems with neighbors. When these ¾ acre lots come before the Board now, they all need variances. With town water, this is fine, you can do 10 or 15,000sf lots. With proposed lot frontage at 50' wide, if you put your well in the front yard, your two neighbors can't put their septic systems in the front yard. The way this is drafted now, it doesn't work. Member Maxim said he was on the same page as far as having a well on 30,000sf, unless they put in that it needs town water or a public well for the neighborhood with a 400' radius around it. Chairman Spratt said if they say everything has to have advanced treatment, that's an extra cost. And they don't have long-term information on every advanced treatment system's viability. Member Maxim added that advanced treatment systems are supposed to have inspections that are turned in to the Board of Health. Chairman Spratt said advanced treatment is still new enough where we haven't seen one come back to us as a fail. Agent Cullen said there was one Fast system that failed, but the installer drove over it and it collapsed. Chairman Spratt said he agreed, he didn't want to make more headaches for the Board. Member Poillucci said there's no reason to rush this through, there's nothing pending. There's no reason to not take it through the process and to get everybody on board and have everyone ask each other questions, and hammer it out. Member Maxim said he thought they were going to go forward with this regardless. He didn't think they were going to wait for the Board of Health, they didn't before. The Board sent recommendations and they didn't listen. He thought something should be sent over from the Board of Health. Chairman Spratt said he'd like an answer why they can't have a meeting with at least one person from every board with Nate Darling and the Planner. Board members agreed they weren't for the by-law as it is written. They would like to see it go through ZBRAC and get revised.

Discuss criteria for a variance at town properties - Agent Cullen said the Board normally doesn't grant waivers in Zone-A's for increasing flow. The town is considering doing work on one of the town properties and wanted to know under what conditions would the Board grant a waiver. Member Poillucci said this was about increasing flow to the septic so the Fire Department could have more firefighters. The Building Commissioner received a plan and it included adding a meeting room for up to 50 people. That is a different use with a different increase in flow. Variances are never given in Zone-A, especially for a whole new use. Member Maxim said the property is fully in a Zone-A and it should not be an increase in flow, whether it's a town property or not. Member Poillucci said an increase for a few firefighters to sleep there isn't a big increase. Member Maxim said they just moved seven employees to the old library, so now there's seven more seats. Agent Cullen asked what the criteria was. If it's firefighters, that's a public safety issue. Member Poillucci said that was how he felt. Firefighters is not a problem, but if they want a function room in there for 50 people and for meetings, he wasn't for that. There's no reason if they need another meeting room that it doesn't get added to the library or the senior center. There is no need for this function room to get added to the fire station. He said there is some confusion that the increase in flow is just for the septic system currently there. So, if they add another one next to it, then they're okay. Member Maxim said there is no increase in flow in a Zone-A. Chairman Spratt said there was a million-dollar system that went in next door that took six months to go into the ground. Member Poillucci said for a million-dollars we could put an addition on one of the other buildings. They just took seven people out of there, if they have four more firefighters sleeping there, is it an increase in flow?

Review and approve meeting minutes as typed -

- March 16th 2022

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

Voted: to approve the meeting minutes of March 16, 2022 as typed.

Unanimous approval.

- May 4, 2022

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

Voted: to approve the meeting minutes of May 4, 2022 as typed.

Unanimous approval.

Covid 19 update - Agent Cullen said the Covid cases were coming down over the last month, they plateaued and now they're increasing again. Not a rapid increase, but a very gradual increase. With the new, more transmissible variant, cases have picked back up again. There are a lot more tools available, between boosters and antivirals. So, if you do get Covid and you are at risk, notify your doctor.

Adjournment - (7:20pm)

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

Voted: to adjourn.

Unanimous approval.