

Town of Lakeville
Board of Health
October 5, 2022 6pm

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

348-350 Bedford St. - Meet with Outback Engineering, Inc to discuss proposed septic system design flow changes to lakeside Landing Plaza to accommodate Red Hand Brewing. Jim Pavlik from Outback Engineering and Sean Donnelly from Red Hand Brewing were present for discussion. Mr. Pavlik explained that Mr. Donnelly was looking to open a brew pub at the former bank at 348 Bedford Street. They looked at the existing sewage design flow for the existing plaza, which was designed in 2018 with a new denitrification system. They would like to reallocate the flows for the complex to accommodate up to 48-seats for the tavern. The brewing wastewater will be discharged into a holding tank which would be separate from the septic system. The holding tank would be within 210' of a surface water supply. Member Maxim asked if there would be an addition where the drive-through is located. Mr. Donnelly said that would be the brewing area and storage. Member Maxim said the septic system can handle the flow for the 48-seats, but there was talk about 20-seats outside on a seasonal basis which the system couldn't handle. Mr. Pavlik said they were proposing to have a portable toilet facility outside the building that would accommodate the outdoor seating. Member Maxim referred to the plan and asked about the outdoor venue which looked like it would be fenced in. Mr. Donnelly said it would be stanchions to keep people in a designated area for drinking. The full 8-foot fence would be where the outdoor bathroom would be as well as the dumpsters. They were planning on having picnic tables with umbrellas and maybe a pop-up tent. The food truck will also be in the enclosed area. There would be waiters and waitresses coming out through the side doors to take orders. Member Maxim said his concern was the people outside, the additional seating, using the indoor bathrooms rather than the portable toilets. He was concerned with adding the extra flow of those 20-seats to the system. Member Poillucci agreed with that concern. There was a discussion about higher end portable toilets. Mr. Donnelly said right now they were only planning on being open Wednesday through Sunday. Member Maxim said the sinks will need to be tied into the new grease trap because currently nothing is plumbed into it. Mr. Pavlik said they would be losing 10-parking spaces by the outdoor venue which they will add back in other areas of the parking lot. Member Poillucci said his biggest issue was the portable bathroom. Not just at this site, but other restaurants that can't meet the flow adding portable toilets. He was a little nervous about setting that precedent. There was continued discussion. Member Maxim said this was a unique circumstance with the food truck. Member Poillucci said with the food truck there will be no cooking or cleaning, which is not being done like in a regular restaurant.

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

Voted: to approve the holding tank at 348 Bedford St. which will be 210' from the pond and 122' from the bordering vegetated wetlands and will be 1,000 gallons, for the brew pub. Also, the proposed outdoor toilets for the 20 outdoor seats will have running water and sink and will be used for the seasonal outdoor seating, and will be fenced in.

Unanimous approval.

22 Pierce Avenue - Discussion regarding private cemetery for the Leonard Family. Chairman Spratt asked what the plan for the cemetery was. The representative said they hadn't finalized anything yet, but thought one of the green plans would be appropriate. This property is under a conservation restriction and can never be subdivided or developed and will never be sold. It would not be open to public burials, just for the family. Chairman Spratt asked who held the conservation restriction on the property. The representative said it was held by Wildland's Trust and then followed up by Audubon. Chairman Spratt asked if they had any objections to this and did they have control over the property. The representative explained they had an agreement and as long as they abide by that agreement, the holders of the restriction were comfortable with whatever is done. What is being proposed would in no way interfere with the environmental significance of the property. Chairman Spratt said the state is recommending buffers from wells and surface waters. They would also need to record the cemetery on their deed. There was a discussion about the property.

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

Voted: to approve the cemetery as proposed for 22 Pierce Ave.

Unanimous approval.

2 Mayflower Road - Discuss with Michael J Koska and Associates, Inc requested waivers. Michael Koska was present with property owner Michael Reilly. This is a proposed septic upgrade using a Singulair denitrification system. Mr. Koska reviewed the waivers that were requested. Chairman Spratt said with the use of the denitrification system, the size of the field can be reduced, but it hasn't. Mr. Koska said he can make the 330 gallons per day. Chairman Spratt said reducing the field size by 50%, they would be further away from the wells. Mr. Koska said it could be done, but it would be a very small system. Member Poillucci said that system with a regular field should never fail. Since the only well they're really close to is their own, you're only going to save 2-3' to a couple of abutter's wells. There was a discussion regarding the installation. Agent Cullen said he would prefer to keep it the same elevations because then they will reduce the over dig. Member Maxim said 2'. Mr. Koska said that was acceptable. The dimension is going to get wider so it will get pushed closer to the house. That's how the variance to the well is going to change. Mr. Koska said he would investigate whether the shallow well was replaced with a drilled well because it might be 14' beyond, which would make the variance of 67 more stringent. Agent Cullen suggested when the Board gives the waivers that they give a couple of extra feet before the setbacks. A revised plan will be submitted to show the shift but the waivers for the setbacks can still be approved.

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

Voted: to approve the septic repair at 2 Mayflower Road with the six waivers requested. Three of the waivers will be changed. The well distance for 2 Mayflower Road will be changed to 63'. The well distance on 29 Churchill Road will be changed to 96' and the distance to the well at 32 Bliss Road will be changed to 93'. A 2' over dig will be done on the system on all the way around.

Unanimous approval.

17 Baker Lane - Meet with River Hawk Engineering to discuss requested Local Upgrade approval. Bob Rego from River Hawk Environmental was present for discussion. This is for an existing 4-bedroom house with an existing failing system that was installed in 2006. They are proposing to replace the entire system including a new 1500-gallon dual compartment tank and then 30 plastic chambers and field

configuration. There is a drainage swale that runs from north to south on the eastern side of the property. The drainage swale connects, or is a tributary, to Long Pond. They are requesting a few variances related to that. The distance of the septic tank to the tributary from 200' to 51'. A variance for the soil absorption system from 200' to 65' to the tributary. And, since they only did one test hole due to the location of the system, they are requesting a variance for 1 hole instead of 2. Chairman Spratt said there should be one for both tanks, the pump chamber and the tank. Mr. Rego explained what they originally had on the plan was the reuse of the existing septic tank. But since it wasn't a two-compartment tank, Agent Cullen suggested it should be changed. They will add a variance for the septic tank. Member Maxim said the one on the plan should say pump tank and then another for the septic tank can be added.

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

Voted: to approve the septic repair at 17 Baker Lane with four requested variances. Variance 1) needs to be changed to say requires the pump tank to be 200' away from the tributary to a surface water supply reduced to 51'. 2) From section 310 CMR 15.211 of Title 5 which requires a septic tank to be 200' away from a tributary to a surface water supply, a reduction from 200' to 60'. 3) the system to be from 200' from a tributary to a surface water supply to 65'. 4) a minimum of 2 deep observation holes down to one.

Unanimous approval.

7 Azalea St. - Discussion of nitrogen loading with Zenith Consulting Engineers, LLC. Nyles Zager from Zenith was present for discussion. This is currently a vacant lot with just over 10,000sf. There is an existing well which they will be decommissioning. It was servicing an abutting property, which has now tied into the Clark Shores water main. They are proposing a 34x26 single family home with a septic system. After plans were submitted, there was concern regarding nitrogen loading. Mr. Zager said his understanding has always been, if you are tied into water and not within a Zone-2 or an IWPA (Interim Wellhead Protection Area) you are not in a nitrogen sensitive area and therefore do not need to meet the one-bedroom per 10,000sf for a minimum of three-bedrooms. The concern is that there are abutting private wells that impact the lot and would be considered nitrogen sensitive areas. Mr. Zager read the regulation "No system serving new construction in areas where the use of both on-site systems and drinking water supply wells is proposed to serve the facility shall be designed to receive or shall receive more than 440 gallons of design flow per day, per acre. Residential uses except that is set forth in 310 CMR 15.216 aggregate flows refer to enhanced nitrogen". Mr. Zager said what they were basically talking about, is if you do an advanced treatment system. But, that would still make this system non-compliant because you wouldn't be able to meet the three-bedrooms on a site this size. Mr. Zager said the way he reads this is, if you are proposing on your lot a well and a septic, then you need to meet that requirement. He didn't feel that because it didn't mention abutting wells, that the requirement would need to be met. Agent Cullen said although he respected Mr. Zager's opinion, his interpretation is different. At the beginning, the regulation says "no system serving new construction in areas". He said "areas" is a key word for him. It doesn't say in lots, it's in area. He thought the intent of the regulation was to prevent too much nitrogen going in the ground. So, you had to have fewer bedrooms. That was the idea, to regulate the number of bedrooms per square foot. Agent Cullen said what the DEP nitrogen aggregation plan says is areas of new residential construction as defined in Title 5 are both on-site system and outside wells proposed. These areas are so-called private well areas, which is most of Lakeville. Agent Cullen added that there are areas in Lakeville that are on Taunton water or

Middleboro water, and this does not apply. He completely agreed with that in those areas. But to say that Clark Shores area is not a private well area when there are over 170 private wells, was the part he had a problem with. A lot of the residents there do not want to hook into the water system. Member Maxim asked if the state map designating nitrogen sensitive areas showed this as a nitrogen sensitive area. Agent Cullen said this is considered a private well area and they do not map private well areas. Member Maxim asked if to get under the clean drinking water of 10 parts per million, is a treatment system an option on any of these lots. Agent Cullen said on this lot it would be difficult, but in general, yes if you have a 30,000sf lot and you want to put a four-bedroom, you can put in a Fast system or Singulair system. There was continued discussion about treatment systems. Member Poillucci said it was probably good to ask DEP how this was meant to be interpreted. He said the Town of Middleboro Board of Health Regulation says no septic on lots under 20,000sf for public health. To start saying that everywhere there's a water line, people can start putting three-bedroom houses on 10,000sf lots; the common sense is what Agent Cullen is saying, that that's not the intent. To not put any more nitrogen in there than needs to be there. Chairman Spratt said he leans toward Agent Cullen's interpretation because of this neighborhood. It has a history of septic being piled into that area with the wetlands and the high-water table. Member Poillucci said if they combined lots there to get more area, he would be for that. Agent Cullen said he called DEP before the meeting and they are still looking into it so they really haven't given us an answer. Member Maxim asked Agent Cullen about his interpretation. If all houses around a property are tied in, does it make that one not the nitrogen sensitive area or do you feel it's all of Clark Shores, no matter who's tied in where. Agent Cullen said it wouldn't be all of Clark Shores, but given the location of this one, where it's at the top of Clark Shores and the effluent is going down through probably over 60-70 lots, you're going to hit a lot of wells. It's really a case-by-case basis. Anthony Silveira from 5 Azalea Street said in 1987 he owned 2 Barberry Street, when he put the well in across the street it was never inspected. He said he signed a paper that the lot wouldn't be divided and converted into year-round residences. What happens in Clark Shores is people buy small pieces of property, they come for variances and put up houses, make the money and run. There was continued discussion regarding the area. Member Maxim said once submitted, they only have so many days to approve. Agent Cullen clarified that once they submitted the plan, from that day they only have so many days to approve it. And if DEP doesn't respond in time, then it would get approved. He suggested asking for a continuance to stop the clock and when DEP responds they can continue. Mr. Zager asked if he could be copied on the email that was sent to DEP. Member Poillucci said he could, it was all public record.

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

Voted: to continue the discussion on 7 Azalea Street of the nitrogen loading with Zenith Consulting Engineers to wait for DEP to get back to the Board on the definition of nitrogen loading limitations to October 19th 2022.
Unanimous approval.

Betterment Loan Approval - review and approve betterment loan for 7 Charbonneau Avenue in the amount of \$29,547.60.

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

Voted: to approve the betterment loan for 7 Charbonneau Avenue in the amount of \$29,547.60.
Unanimous approval.

Approve Board of Health meeting minutes for August 3, 2022 as typed. -

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

Voted: to approve the meeting minutes of August 3, 2022.
Unanimous approval.

43 Main St. discussion - Agent Cullen said some questions on the solid waste had been asked. Member Maxim asked if the wells were getting tested and if they inspected the property since the cleanup. Agent Cullen said they don't have access to the monitoring well information. He will check up on the solid waste.

Discussion regarding the proposed Open Space Residential Development - There was no new information to discuss. Agent Cullen said they were supposed to send revisions based on the Board of Health comments. He said he would check on this. There was a brief discussion regarding the warrant for the Town Meeting.

Covid 19 and West Nile update - Agent Cullen said the cases are starting to tick up some. It really starts to spike after the holidays. At-home tests are available for Lakeville residents at the Board of Health, the library, and the COA. Agent Cullen urged residents to get a flu shot. There have been five human cases of West Nile in Suffolk and Middlesex counties. There have been some mosquitoes tested in this area, but no human cases. There are no cases of EEE.

Adjournment - (8:00pm)

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

Voted: to adjourn.
Unanimous approval.