

Town of Lakeville
Board of Health
January 6, 2021 6pm

Present were: Chairman Maxim, Member Spratt, Member Poillucci, and Agent Ed Cullen. Chairman Maxim called the meeting to order at 6:00pm. This was a remote meeting and was recorded by LakeCam.

205 Hemlock Shore Rd – Meet with Outback Engineering, Inc to discuss requested local upgrade approvals. Kyle Devenish was present from Outback for discussion. Mr. Devenish said this site is on Long Pond with a few outbuildings (one with a bedroom, tied into the failed septic) and then a 3-bedroom house right on the pond. The septic tank and pump chamber are located just outside the existing paved driveway. Due to well locations, the existing field is located toward Hemlock Shore Rd. They are proposing putting it in the same spot since they are pinned down by the well radii. They are requesting a reduction in the distance from the garage slab and property line. Because of the size of the lot and location, they will need a local upgrade approval from 400' to a surface water supply (they would be at 223'). The reasoning for doing the test pit off the location of the field was the homeowner mentioned an underground electric line that ran diagonally across the existing field. The last request is for the depth of tanks is greater than 36" maximum. The plumbing for the house comes out two-feet below the top of the foundation so they couldn't raise it too much and to keep a 2% slope for solids flowing from the house to the tank they had to keep the tank where it was. That puts one tank 50" below grade rather than the required 36. Chairman Maxim asked if the depth of 50 was not over the field, just the tanks themselves. Mr. Devenish confirmed that it was the tanks. Chairman Maxim asked if he was going to keep the contour elevation at 73 or did he plan to cut it down to 72 maximum. Mr. Devenish responded it would be a 72 maximum. Chairman Maxim said he thought those chambers were rated up to four feet of cover. There was a brief discussion regarding the tanks. Chairman Maxim said the electric line was not marked on the proposed plan and should be noted that it does go over the field. Mr. Devenish said they tried to get the location but all they had was that the homeowner said he thought it crossed the field. They did do a digsafe on the site. But they couldn't find any information on where that line may be. Chairman Maxim asked if it was the primary power. Mr. Devenish said he thought it was the power to the garage. Chairman Maxim said he thought it should be noted on the plan. He also wanted a new set of plans showing H2o tanks so it doesn't get missed at time of installation. The original plan was for a three-bedroom and a one-bedroom so the flow will not be increased. Member Poillucci said it was all overhead wiring and unless it's a line the homeowner ran himself, but when they did the dig safe they should be able to find the main. They know where the pole is, they can see where it goes into the garage. They should have been able to figure it out. Mr. Devenish said he would do a little more homework on this.

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

Voted: to approve the subsurface sewage disposal system upgrade at 205 Hemlock Shore Rd. Lakeville with five local upgrade approvals and adding a sixth one for the

distance from the tanks to the surface water supply, making them H₂O, verifying the electric, and verifying the soils when they dig it up.
Unanimous approval.

16 Fourth Ave. – continued discussion from December 16, 2020 meeting with SFG Associates, Inc to discuss requested variances for an existing well which was not permitted. Brad Fitzgerald from SFG was present for discussion. Mr. Fitzgerald said that the last thing they discussed was whether the well was shallow or not. He and Agent Cullen went to the site and determined it is a 15-foot deep dug well with about a 5-foot water table. Chairman Maxim said he looked back in the meeting minutes that were approved by the Board in 2002. In those minutes it does say there was an existing well on that property, but on the plan, it did not show an existing well, but at the location they were talking about, they proposed a new well that was denied at 77-feet from the neighbor's septic. The motion from the 2002 read "to deny the request for an artesian well without prejudice at this time because of the water situation in the Clark Shores area". Chairman Maxim said it clearly says the waiver to allow an artesian well to be installed as the existing well is only 77-feet. He said that changes his opinion on it. He was under the impression there was no well on this property. This property is a double lot, it goes all the way from Fourth Ave to Fifth Ave. Chairman Maxim said he wasn't sure what the other members thought about allowing them to put in an artesian well. The well that is there is not able to be used, it's not a deep well, it's not safe to drink out of and cannot be used. That was out of the question in his opinion. He would be willing to grant a well permit for a new deep well if the homeowner would like to go that route to make it year-round, but he would have the stipulation that when the water comes down Fourth Ave, that the well must be abandoned and they must tie into the new water system since they did not meet the 100' setbacks. He said he would also like to see a deed restriction or something on the deed that states this well must be abandoned within one year of the Clark Shores year-round water coming down Fourth Ave. Member Spratt said he would agree to that. He thought it was a hefty price tag to tide you over until the water comes. Member Poillucci said he was still not for it, but if the other two members wanted to approve they could go ahead. Chairman Maxim clarified that in 2002 there was a well in the same location according to the meeting minutes of 2002. He said the well had been dug up and replaced and they were assuming the original well from 1955 probably went dry and he dug it up with a backhoe and put well tile in and put in this newer one, illegally, because he was told not to. What changed his mind was there was a well at this location according to the meeting minutes. They just denied him from taking out the shallow well and putting in an artesian well. Agent Cullen said it is confusing because when you look at the meeting minutes there is a well, but the plan doesn't say there's an existing well. If they had an existing well, it's unusual for a Board to deny a new safer well when you have an existing. Mr. Fitzgerald said he would like to point out on the plan that was done in 2009, it showed the proposed well at 77-feet which is actually more than that, it's more like 89 because that cesspool is behind the house. The minutes also mention that 77-foot distance so he thought that was where the well was. They just wanted to replace in place with an artesian well. Having been turned down, he thought if the existing well went dry, why wouldn't they have just dug it down so they could get water, illegally without a permit, but it appeared they just dug down in the same place to re-energize the well. On the plan it does say proposed well

but the distances match up. There was a discussion on area wells. Mr. Fitzgerald will submit a new plan showing a proposed well to replace the existing shallow well.

Chairman Maxim stepped down to make a motion, seconded by Member Spratt, it was:

Voted: to approve a new well permit with a new plan showing the variance listed. The new well will be used until year-round water comes down Fourth Ave. from Clark Shores Association and within 1-year of that water being stubbed onto the property, this well must be abandoned and the Clark Shores water must be used year-round for this property. Also, a deed restriction showing this well can only be used until the water comes down and has one-year to be abandoned and tied in.

Two in favor (Maxim, Spratt), one abstain (Poillucci)

9 School St. – Meet with SFG Associates, Inc to discuss requested local upgrades. Brad Fitzgerald from SFG was present for discussion. Mr. Fitzgerald said this is a septic repair that they are looking to replace the system in the same location. The reasoning is there is an interceptor trench that runs between the system and the road and goes down the side of the house. This system has been collecting water to keep it from getting into the existing septic. They are proposing to replace in place so they can take advantage of that interceptor trench and not disturb it. The local upgrade they are requesting is to allow the base of the wall of the SAS to be 3-feet above the water table instead of the required four. And to allow the use of a sieve analysis, in lieu of a percolation test to determine the soil classification and perc rate. They would be removing 5-feet around the proposed system, removing the existing system and any contaminated soils replacing with sand and putting the system 3-feet above the water table which is a perched water table. This will be a pump system and it will be vented and they will be using monolithic tanks. There was a discussion about changes to the proposed system. Agent Cullen said he thought there would be other options. Taking out one of the rows gives a little room to do grading or a 1-foot retaining wall. He thought they could still get the 4-feet and still be able to grade it away from the house. Member Poillucci said he has never given this variance and didn't want to unless they really had to. Member Spratt agreed with removing a row where they already have the infiltration trench there. With more space between the field and the tanks, a yard drain could be added and let it run into the interceptor trench to try to capture any water coming back from the field towards the house. There was a discussion about the proposed plan. The members were in agreement that they would rather not grant this variance. Mr. Fitzgerald asked if the Board would rather he request a continuance or did they want to deny. Member Poillucci said he was fine with continuing and see if they could come up with something better. Mr. Fitzgerald requested a continuance until the next meeting.

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

Voted: to continue to the January 20, 2021 meeting.

Unanimous approval.

43D Meeting update/discussion - Chairman Maxim said they would be attending the next 43D meeting (January 7, 2021 @ 7pm). He asked if there was anything the Board needed to discuss prior to the meeting. Member Spratt said it was just the noise that would be for the Board of Health. He said there were some revisions based off Scott Turner's review that Rhino had submitted. Chairman Maxim asked if anyone had any comments to send to the review engineer. He said he wasn't in favor of the tunnel tank they have proposed. It does meet Title 5 and he wouldn't deny it because it does meet Title 5, but he would rather not see a tunnel tank. There is no water table issue or well issue, not in a Zone A or B, so if it did happen to leak it wouldn't be the end of the world. Title 5 recommends two percent, and allows to go to one percent minimum per Title 5, they have it at half a percent which is plumbing code. The sewer is allowed to go to half a percent but this is not a sewer, it's a septic system. Chairman Maxim wanted to send it to the review engineer to see if that could be changed or a tank could be moved closer to get at least one percent per Title 5. They are worrying about the three-feet max cover over a tank without a variance. He would rather give them a cover over a tank because that's just an arbitrary rule from Title 5. The tanks could be put six to ten feet underground or an H2O tank, it affects nothing. He would rather give them a waiver to four-feet and have over one percent pitch. They are trying to do this without any waivers. Member Poillucci agreed the half a percent is nothing, if it settles a little bit they're going to have nothing but problems.

Covid-19 update – Agent Cullen said this is the worst time for Lakeville since the pandemic began. We're getting a lot of cases, eight or ten every day. If you are going out, be very careful, this is the highest risk time to do anything right now. Take precautions over the next couple of weeks.

Review and approve meeting minutes from October 21, 2020 -

Upon a motion made by Member Spratt, seconded by Member Poillucci, it was:
Voted: to approve the meeting minutes from October 21, 2020 as typed.
Unanimous approval.

Adjournment – (7:02pm)

Upon a motion made by Member Poillucci, seconded by Member Spratt, it was:
Voted: to adjourn.
Unanimous approval.