

Town of Lakeville
Board of Health
February 1, 2023 6pm

Members present: Chairman Spratt, Member Maxim, Member Poillucci, and Health Agent Ed Cullen. Chairman Spratt called the meeting to order at 6:00pm. LakeCam was not present to record.

334 Bedford St - Meet with Zenith Consulting Engineers, LLC to discuss requested local upgrade approvals. Jamie Bissonnette from Zenith was present for discussion. This is a septic system repair on Bedford Street. Across the street are some woods and then the pond. There is a wetland located on the other side of the driveway along with a perennial stream. They are able to stay out of the Zone-A, 100' buffer zone, and riparian zone. They are asking for a reduction to 3' to the water table, a reduction in the requirement of 12" separation between the inlet and outlet tees and high groundwater, the use of a sieve analysis in lieu of a percolation test, and a reduction in the depth of naturally occurring pervious material. Member Maxim asked if there was municipal water on the property. Mr. Bissonnette said he wasn't sure if it was stubbed. Member Maxim asked if they would be doing poured in risers since there is water above the top of the tank. Mr. Bissonnette said that could be added as a condition of the approval. There was a brief discussion.

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

Voted: to approve the septic system repair at 334 Bedford Street with a revision to the septic plan on the septic tank and pump tank to reflect made in concrete risers on top of the tank.
Unanimous approval.

Documents: septic design plan

7 Azalea St - Continued discussion from January 18, 2023 regarding nitrogen loading with Zenith Consulting Engineers, LLC. Jamie Bissonnette was present for discussion. Member Poillucci said he had spoken to Mr. Bissonnette and that he wanted to ask the Board a few questions and if they wanted to continue the discussion, they could. Mr. Bissonnette said as an update, he had spoken with Brett Rowe from DEP about 4 weeks ago. Mr. Rowe asked if Mr. Bissonnette would put his questions in the form of a letter. He also said they would review it, but did not guarantee they would give an answer. He would like to request a continuance for six more weeks. There was a discussion regarding the request and the letter sent to DEP. Agent Cullen read the response that he had received from Brett Rowe at DEP. It stated- "if a developer proposes to construct on an undeveloped lot in the area where the surrounding homes are serviced by private wells and septic systems, then the developer must comply with the nitrogen loading requirements. MassDEP understands the lot in question, 7 Azalea Road Lakeville, is not in a nitrogen sensitive area as stated by Attorney Mather. However, the property is subject to the nitrogen loading requirements of 440 gallons per day, due to it being in an area where other homes are serviced by wells and septic". Mr. Bissonnette said when he spoke with Brett Rowe, he told Mr. Bissonnette he was unaware there was any type of public water supply in the area. He was also unaware that the property in question would be serviced by it, or that any of the abutters have it. Agent Cullen said Mr. Rowe did reach out to him and ask if there was a public water supply. Agent Cullen did reply that there was Clark Shores Water Corporation and gave him information on it. Mr. Bissonnette said he had requested all the files of properties in the area within a 400' radius. He found whether each

lot had water or well. They then plotted a map of each one, pulled septic information on each one and overlaid it, found the densities, found the locations of each one. What they found was roughly one well for every 1.4 acres, surrounding 400', evenly dispersed. Agent Cullen said you could take a radius and go upgradient, there aren't a lot of houses. The concern is the two houses right there, within 110'. Your overall average of 400' is taking into consideration a lot of land that isn't developed. But in this dense area where very high nitrogen levels have been found, that's the area of concern. Mr. Bissonnette said there was no bias to the 400', he just picked a number. He said if they had an additional 20,000sf of property behind them, there wouldn't be a problem. The septic could go right where it is, and this wouldn't be a discussion. The 110' and 101' wouldn't be an issue. It's the square footage of the lot, and the way DEP regulates nitrogen is by square footage and gallons per day. Looking at how many gallons per day, how many wells, how many acres, was the next reasonable step. Member Poillucci said he is not in favor of the plan, unless DEP sends a letter that says they have to vote for this, he's not going to. The only reason he thinks they should continue is to give them every option to get an answer so there'd be no reason to appeal. Member Maxim agreed. A resident from Clark Shores asked how many wells are within 400' of this property. Mr. Bissonnette answered there were 13. Member Poillucci said he had been in contact with Senator Mike Rodrigues. He explained that the state needed to fix this problem and he wanted to see the Army Corps of Engineers to look at what was done there. He also wanted the Attorney General to look into the accounting of the water corporation. DEP informed Member Poillucci that they were working on the problem. RCAP and DPU have become involved as well. A resident asked how many homes were in Clark Shores and how many were hooked up to the water service. Agent Cullen said there were roughly 382 homes and 111 were hooked up to water. There are only 63 homes on the water service year-round. Agent Cullen added that there are a lot of wells in Clark Shores that are off the books. Those are of the most concern since they are usually shallow wells. There was a continued discussion about illegal wells. Mr. Bissonnette said what isn't being presented to DEP is that the two wells in question are 51' from their own septic systems. DEP says that 100' is enough of a safeguard for a well and they will be that or greater. The septic closer than 100' have a higher likelihood of having an impact. Agent Cullen said that DEP does have the 100' rule, but they also have the 440 gallons per day per acre rule. He said 100' is not safe when you have a cluster of houses. There's a big problem here and another house, a 3-bedroom house on a 10,000sf lot is going to make it a lot worse. There was a discussion about responses from DEP. Member Maxim explained that the lot met Title V regulations, there were no variances requested. Agent Cullen saw there were wells in the area, it's an undersized lot. It's also a grandfathered lot and is buildable. It meets all of Title V regulations except for nitrogen loading. If the plan is denied based on DEP's answer, it should be cut and dry. There was a discussion about getting the opinion of town council. Member Poillucci said he was willing to give the six-week continuance that was requested but not anymore continuances after that. He would like town council to give an opinion on the letter received from Attorney Mather.

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

Voted: to continue until March 15th and at that time the Board will vote.

Unanimous approval.

Mr. Bissonnette asked that he be given a copy of the opinion.

Documents: letter from attorney, septic plan, DEP regulation on Areas Subject to Nitrogen Aggregation, application.

Approve meeting minutes - November 16, 2022

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

Voted: to approve the meeting minutes as typed for November 16, 2022.

Two in favor, 1 abstention (Maxim)

Documents: meeting minutes 11/16/22.

Discuss available Betterment Funds - Chairman Spratt said he had Agent Cullen to add this to the agenda and find out what the balance available was. The Select Board's office had asked for warrant articles for town meeting. Member Poillucci said getting betterment funds doesn't have to go to town meeting. The program that gives us funding goes through the Board of Health, it doesn't have to go through the Select Board or town meeting, the Board just needs to ask for money. He thought the Board should ask for more money. Agent Cullen said that interest rates have gone back up. Our rate is 5% and when the banks were at 3%, people were getting their loans from the bank. Since rates are up people will probably be looking at betterment loans. There is currently about \$250,000 in the betterment account. We loaned out about \$150,000 last year.

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

Voted: to request another \$500,000 for the betterment fund.

Unanimous approval.

Documents: email from Town Accountant.

Covid 19 update - Agent Cullen said all the numbers were going down. There is a new variant, but it's not causing increased hospitalizations. The expiration dates on the test kits has been moved out to May 6, 2023.

Adjournment - (6:59pm)

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

Voted: to adjourn.

Unanimous approval.