

Town of Lakeville
Board of Health
May 3, 2023 6:00pm

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 present to record.

2 Rachel's Way - Meet with Foresight Engineering to discuss requested variance. Darren Michaelis from Foresight was present for discussion. This is a proposed new home construction on a steep sloped property with a perched water table, about 4-feet below grade. They are asking for a variance from the 2-foot above ground water. They are proposing a foundation drain. To raise the house up another 2-feet causes a lot more grading in the backyard and a retaining wall would probably be needed so they would have some yard. They put the tanks behind the house so they could have a walk out with plumbing in the basement and pumping up to the septic. Member Maxim said he had gone out to the site and there's definitely a perched water table. He asked if this lot was sold. Mr. Michaelis said they were building a spec house. Member Maxim asked if the contour grades represent what the road is, or before it was done. Mr. Michaelis said they were grades from before the road was done. The property grades were accurate. There was a brief discussion. Member Maxim said it's a spec house, so you would be granting a variance on something someone is going to buy and he wasn't really in favor of it. There was continued discussion regarding the grades. Member Poillucci said he was ok with something in the middle, not making it a full 2-feet. Member Maxim said it would work with a drain, but it's just a maintenance thing. Leo Bisio (the builder), said they can pick it up a foot, to 133. He can pick up the garage and slab up also, that will help the grading. Member Maxim said where it's not sold, they would like a notation on the deed that a variance was given.

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

Voted: to give 2 Rachel's Way a 1-foot variance rather than a 2-foot variance to groundwater with the stipulation that there is a deed restriction stating the Board gave that variance. The Health Agent will inspect the drainage system before it's covered up.
Unanimous approval.

26 Rush Pond Rd. - Requested waiver for sonotube within 5-feet of a septic tank. Agent Cullen said a farmer's porch was being added, they saw the outlet cover and it was more than 10-feet away. To the edge of the tank was less than 4-feet, and it should be 5. The footings are going down to about 4-feet and the bottom of the tank is about 6 ½ feet. Member Poillucci asked if they would be able to change the tank when the time comes. Agent Cullen said yes. Chairman Spratt asked if a building permit had been pulled. Agent Cullen said they went through the Zoning Board of Appeals and he had to comment on the petition. He explained that it was a paper road so he was actually within the frontage as well, he doesn't have the 40-feet. If you're looking at the road, it's like 80-feet away, but there's a paper road there. The sonotubes are in, but they haven't started building anything.

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

Voted: to allow sonotubes up to 3-feet away from the septic tank at 26 Rush Pond Rd.
Unanimous approval.

7 Hollis Avenue - Continued from April 19, 2023. Meet with SFG Associates to discuss the requested Local Upgrades. Steve Gilbert from SFG Associates and Chris Chapin, the property owner, were present for discussion. Mr. Gilbert said there had been some concerns about the water. Mr. Chapin said it was suggested that he tie into the year-round line, and he would have to put it in. He said monetarily, that would be an enormous undertaking. He had spoken with Water Filtration and had come up with an amenable solution. He had an estimate to install a system to treat the pH and a reverse osmosis system. The nitrates were below 10, but above the level of 5. There isn't a water hook-up for the seasonal water in the street, there's a deep drilled well that's there. Agent Cullen asked if he knew the depth of the well. Mr. Chapin said he did not know the depth. He showed the Board pictures of the well cap in the front yard and explained it goes into the basement to a pump system. Member Maxim said there was no record of that ever being drilled. Chairman Spratt said usually when there is no record, it isn't a deep well with a casing. Mr. Chapin said it's never been connected to Clark Shores Water. To put the water line in himself it would be upwards of 40-50 thousand dollars from the quotes he has received. There could also be overages if they hit ledge. Agent Cullen asked who had given him bids. Mr. Chapin said he had spoken to Mark Moran and Bryant Hill Farms. Member Poillucci said the Board has been having residents tie-in when water becomes available. At the last meeting, the Board was told it was available. Mr. Chapin said what is required as a homeowner, is to pay \$5,000, do all the installation and pay for all the materials, then he would be required to maintain the road and anything that happens there for a 3-year period. A representative from Clark Shores Association and Clark Shores Water was present and said he would be responsible for a 2-year period. She said a contract was developed between Clark Shores Association, private homeowners, and the water corporation. The construction company that does the work is required to put a bond on for a certain percentage of the job to maintain any damage that might happen to the roads in the next few years, from the job. There was more discussion on the existing well. Chairman Spratt said there was already some contamination. Member Maxim said the nitrates were at 8. Chairman Spratt added that the well next door was a 15. Agent Cullen said the vacant house on the street was at 9 and if someone does flip that, then it will probably increase quite a bit. There's no way they can put a septic system in and not be within the 100-foot radius of your well. Mr. Chapin said he couldn't speak to what may or may not happen in the future, but he would be required to pay to tie in, but also pay to do the work that's supposed to be provided for the tie in. There's already a deep well that's in place that has been utilized for generations. Member Poillucci said they didn't know if it was a deep well. Member Maxim said they have all these water mains that dead-end at some point and there's maybe 40 houses within 100' of where a water main stops. It isn't stubbed like the association pays for. So, the homeowner will be paying to run the water line down the street when they should only have to pay for a tie-in. There was more discussion about the water lines. Member Poillucci said if you buy the property, it should be upgraded. We're telling everyone to hook up to water when it's available, and it's available. Chairman Spratt asked if there was seasonal water available on this road. Agent Cullen said yes. Mr. Chapin said this was a full-time residence. Member Poillucci said they probably put the well in illegally so they could live there all year when the water got shut off. Mark Rogers from Bryant Hill Farms commented that if the water line was available, Mr. Chapin would tie in. To have the homeowner bear the cost of putting the line in and expect him to pay the \$5,000.00 tie in fee is crazy. From an environmental standpoint, Mr. Rogers thought the denitrification system makes sense. He thought there were maybe 5 septic systems within 75-80 feet that aren't on denitrification systems so they don't really know where the contamination is coming from. Agent Cullen said they were just concerned with the quality of the water coming out of the well. Even if you put reverse osmosis in there, which has high maintenance fees, you waste a lot of water and a lot of people don't use them. Once people realize how much water they're wasting and the cost, a lot

of people say it isn't worth it. They start drinking the water high in nitrates, and that's when you get cases of pediatric brain cancers and birth defects. Chairman Spratt said they have to think about the next owners. Mr. Rogers asked if nothing is done with this property and someone moves in tomorrow, where does that leave everybody. Member Poillucci said the property was already transferred so they have to upgrade it, no matter what. Mr. Rogers asked what the time frame was. Agent Cullen replied that with this one you would have to do it before you can get an occupancy. The cesspool is within 50 feet of that well, no occupancy will be allowed, that's just unsafe. Mr. Chapin said if there's a requirement to tie into the line when it becomes available in the street, that's a whole different thing. That's fair, but to require the homeowner to run it through the street, whether it's 100 feet or 1,000 feet, that's putting it on homeowners. Member Poillucci said they have the option to tie into the seasonal water line and be a seasonal house. The member from Clark Shores Association asked if you can't occupy it, how can it be sold as a full-time home, how could it be sold other than as a seasonal home without the water. Agent Cullen said it could be sold as a seasonal home if it was hooked into seasonal water. The Association representative said can it be sold otherwise if it's not hooked into the water? Agent Cullen explained that it couldn't with a cesspool within 50-feet of a well. Chairman Spratt asked about work on the water lines. The Association representative said the water corporation is looking to increase the rates to almost double in an attempt to pay back funding that they defaulted on. They did replace some seasonal lines, but other than that, she didn't think there were any plans of doing work. There was continued discussion on the water line. Agent Cullen explained the Title 5 code. If you are less than 100 feet from a well and your nitrogen is over 5 parts per million, that is a failure. If you move into that house and do a Title 5 one day after and the nitrogen is still above 5, that brand new Title 5 system is failed. Member Maxim said even if they drilled a new well, it would still only be 70 or 80 feet. Member Poillucci said it's either hooked up to seasonal water and it's a seasonal home or you hook up to make it year-round. Member Maxim explained that the seasonal water line is shallow and freezes, it's only about 18-inches deep. It comes down to what your opinion is of "available". Is it available at the homeowner's cost or is it available that there's a stub out front.

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

Voted: to deny the plan at 7 Hollis Ave.

Discussion: Chairman Spratt said the Board would require to tie into the new water system, and they choose not to right now.

Two in favor, one against (Maxim).

Meeting Minutes - February 15, 2023 (continued from April 19, 2023).

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

Voted: to approve the meeting minutes from February 15, 2023.

Unanimous approval.

Discuss Board of Health Agent pending items: Agent Cullen said there is a restaurant in town that had their septic system built in 1982. At that time, you could use 2 ½ times the square feet for the side wall. It was originally sized for 120 seats, but under today's standards it would be 95 seats. They are claiming 179 seats in the building. He thought they got that number from the Fire and Building Departments. They do yearly inspections for occupancy, and the actual occupancy is 179, but that's not what the septic system can handle. So, they have to put in a new system, and should it be designed for 95 seats,

120 seats, or 179 seats. There's a public well on the property, it's not tied into Taunton water. Member Poillucci said if it was 120 then, he would be ok with it staying 120 now. Member Maxim said he agreed.

Agent Cullen said there was also a new 40B planned, Rocky Woods, located off Freetown Street. Member Poillucci asked how many units. Agent Cullen replied there were 200. Member Poillucci explained that a 40B supersedes Zoning and Planning. It does not supersede Board of Health or Conservation. Whatever they are proposing, they have to meet Title 5.

Adjournment - (7:00pm)

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

Voted: to adjourn.

Unanimous approval.