

Town of Lakeville  
Board of Health  
June 21, 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.

**24 Stetson Street** - Meet with SFG Associates, Inc. to discuss requested local upgrades. Brad Fitzgerald from SFG was present for discussion. This is a septic repair. There is an issue with the brook and wetlands that are tributaries to Assawompset Pond. They are requesting local upgrades for the leach field: to allow it to be 80' from the bordering vegetated wetland, to allow it to be 150' from the brook, and to allow for 1 deep hole instead of two. There was a discussion about the site. Mr. Fitzgerald said they still have to get Conservation approval. There was 1 additional upgrade discussed, but Mr. Fitzgerald said he couldn't ask for that upgrade because he was too close to the wetlands and brook.

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

Voted: to approve the 4 waivers, the three that were requested and one for the pump chamber to be 195' from a tributary.

Unanimous approval.

**7 Hollis Ave** - Meet with SFG Associates, Inc. to discuss requested local upgrades. Brad Fitzgerald from SFG was present for discussion. Mr. Fitzgerald said the previous plan was denied due to circumstances with the well and water service. Since then, they have tied into the seasonal water supply. Currently, the temporary service goes into the well and picks up the water service going into the house, but when the new water service goes in, they will fully abandon that well. Some of the local upgrade requests have changed. They are asking for: the septic tank to be 2' from the easterly property line instead of 10'; to allow the soil absorption system to be 8' from the westerly property line instead of 10'; to allow the septic tank to be 3' from the crawl space instead of 10'; to allow the soil absorption system to be 8' from the crawl space instead of 20'; to allow the soil absorption system to be 71' from the well to the east instead of 100'; to be 87' from the well to the west instead of 100'; to be 88' from the well to the north instead of 100'; and to allow for 1 deep hole instead of 2. The lot is very small, 50x100 which is why they need setbacks to property lines and wells and only 1 deep hole. Agent Cullen asked why they were waiting to decommission the existing well until they tied into the year-round water line. Mr. Fitzgerald said he thought it was to have the equipment there. He explained that the plan is to fill it with sand, dirt or stone, but an excavator will be needed to fill it. Member Maxim said it was a drilled well and they would need a certified well driller to decommission it. He asked Agent Cullen if we had records of it. Agent Cullen said he originally thought it was a dug well because the cap was buried, but the picture shows there is a casing. He explained to decommission the well they would fill it with sand and seal the top. Member Maxim said the well is only 48' from the neighbor's cesspool which can't be allowed. The neighboring house is abandoned. If it got passed down to family members who didn't do a Title 5, they could technically start using that. Agent Cullen said he didn't think the well was that deep, the one next door is only 29' deep so it wouldn't take a lot of sand. When you're going 300' deep, that's a big expense. Mr. Fitzgerald said the owner has every intention of decommissioning it. They plan on bringing the water line down and tying in full time because he can't sell the property until it's tied in full time. The Certificate of Compliance could be held until the well is decommissioned. A representative

from Clark Shores Water said there were some concerns. The house is already listed for sale and he does plan to hook up to the full-time water, but no one else on the street was informed that the project was going forward until yesterday when they spoke with him. There are more people on the street that are looking to tie in as well. Also, what would stop people from living there year-round. He has sold other houses in the neighborhood as a seasonal house but with tanks to be used in the winter. There are people living in houses that he has sold, and they're living there year-round even though it's a seasonal home. Member Poillucci said if a list was provided to the Board, they could follow up. The representative said he wasn't sure why he hooked up to the seasonal water, weeks before the full-time water is available, but they were working on getting a contract set up. Member Maxim said he would like to not issue the Certificate of Compliance even with a deed restriction. Chairman Spratt said he thought they were all in agreement on that. Member Poillucci explained that one of the problems is that a lot of the houses down there didn't have seasonal restrictions on them because they didn't have year-round water. By the definition from DEP, if you don't have year-round water, it's not a year-round house. Then, as the water started coming in, the Board thought they'd be able to clean up a ton of tanks. But, if they're still going forward and using tanks, we want to know so we can get on that because that's not acceptable. Another Clark Shores Water representative said a lot of houses are being sold with the promise of water and a lot of them are told it is full-time water. Agent Cullen said according to the Mass Housing Code, if someone is renting a house and the owner is not providing potable water, in this case the only water provided is from a storage tank, that's illegal. The owner would pay for them to move or either go to a hotel or another apartment. But it's the landlord's responsibility.

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

Voted: to approve the septic repair at 7 Hollis Ave with the 9 variances requested and adding that the Certificate of Compliance will not be issued until the on-site well is decommissioned by a certified well driller and a report is given to the Board of Health.

Unanimous approval.

**24 Beechwood Ave** - Meet with SFG Associates, Inc. to discuss requested local upgrade approvals. Mr. Fitzgerald said at the last meeting the Board had approved this plan subject to the system being moved to within 5' of that southwest property line. After the meeting, they discovered that the abutter needed to be notified. So, he has been notified, he did return the certified card. So, they did what the Board requested and moved the system over to 5' off the property line. He did the change that the Board asked for and showed a two-compartment tank and removed the valve from the outlet on the plan. Member Poillucci asked if it had the high vent. Mr. Fitzgerald replied that it was through the house stack. Agent Cullen said if you use a house stack, you have to do a bypass from the d-box to the inlet of the tank. There was continued discussion.

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

Voted: to approve the one variance for 24 Beechwood Ave, for the soil absorption system to be moved 5' off the southerly property line. The abutter was notified.

Unanimous approval.

**Discuss changes to the Lakeville Board of Health Regulations Pertaining to Subsurface Disposal Systems and Water**

- Agent Cullen said the regulations say that if you have 3 or more abutting wells within 100', you would need a denitrification system. The change would be rather than having 3 wells

within 100', it would just be 1 within 100'. That's one option. Another would be to use the state DEP regulation of 440 gallons per acre, so 10,000 per bedroom. So, if you have a 20,000sf lot and you have a 2-bedroom house, you would be compliant. If you have a 10,000sf lot and a 2-bedroom house, when you go to sell it, you would have to upgrade with a denitrification system. Those were the 2 options that were most obvious to him. Member Maxim asked if he had checked any other towns to see if there's anything on the books. The new DEP regulation is, which is per town, but if you have a repair a year from now, you will have to go to a denitrification system. That's the regulation they're coming out with. They did testing in certain areas and they're trying to protect Buzzards Bay, which is Massachusetts. Lakeville is part of Narragansett Bay, which is Rhode Island. That's why we aren't under that DEP restriction that they're implementing. Member Poillucci said if they took every excavator and stuck them on the Cape for the next five-years, you're not going to change every single septic system down there. What they're proposing isn't feasible. Chairman Spratt said each town on the Cape is looking at this differently. Some are looking at it as a TMDL (Total Maximum Daily Load) where areas that are part of the watershed but not contributing as much as other areas can stay more conventional, different applications for different parts of town. There's also a group that wants to do a regional municipal maintenance agreement. Where they would function as a utility and residents would pay a quarterly fee as if you were on sewer or water. They would repair your septic and take care of all the maintenance. Agent Cullen said the advanced treatment lasts longer. When you have someone maintaining it every year, they last longer. The chambered systems are going after 15-20 years. To get a system that's going to protect your neighbor's well and last longer, it's a benefit to the homeowner. In the long run, it's helping the whole community. Member Maxim said he didn't want this to fail someone's Title 5 because they adopted this regulation that you need denitrification if you don't have 10,000sf per bedroom. If you need a new system, that's the time to do it. Member Poillucci agreed, if it's failed anyway and the lot is small and doesn't meet the requirement, or the well is too close, then you could do it. If it's failed and they're going through the expense of putting in a new system, he was fine with being proactive. There was additional discussion. A resident asked for some clarification. Agent Cullen explained that the system would have to fail first. Then, if the criteria aren't met, a denitrification system would be needed. Member Poillucci added that the Board wouldn't fail something that hasn't already failed. Cesspools fail automatically, then if your upgrading and the lot's undersized, you add denitrification. That will bring the amount of nitrogen way down, it may not get down to today's code, but it will make it better. It will help the lake a lot.

**Recent Board of Health Agent pending items** - Agent Cullen said they will be spraying for mosquitos at John Paun Park and Clear Pond Park tonight. They have been testing for West Nile and EEE. We would get notified if it was found, and so far nothing has been found. They've only been testing for about two weeks.

### **Adjournment** (6:51pm)

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

Voted: to adjourn.

Unanimous approval.