

Town of Lakeville
Board of Health
November 1, 2023 5:45pm

Members present: Chairman Spratt, Member Maxim, Member Poillucci, and Health Agent Ed Cullen. Chairman Spratt called the meeting to order at 6:00 pm. LakeCam was present to record.

40 Lakeside Avenue - Meet with Foresight Engineering to discuss Lakeville Regulation Variance Request. Darren Michaelis from Foresight was present for discussion. Mr. Michaelis said they had a steep slope to deal with as far as the water table. They tried several different layouts, putting the house behind the septic, which gets the house almost 4-feet out of the ground on the back corner. The site has a perched water table. In the summer, usually there is no water, mainly a slow weep or muddy layer or mottles. The homeowner would like to put the house in the ground, which would require a variance. This would put the front of the house 18-inches below the perched water table, and the back of the house would be 18-inches above the perched water table. They can add a basin down gradient and foundation drain under the slab to take care of the perched water when it comes down the hill. Member Maxim asked if this property was for sale. Mr. Michaelis said this was the owners request and he would be fine with a deed notice so anyone that bought the property later on realizes that a variance was granted, and if there is water in the basement, its at your own peril. Mr. Michaelis said he would not expect any water in the basement. Member Maxim said with the other ones, the variances were granted, but he was not in favor of it. There was some continued discussion about the site. Jeff Deterra from Deterra Excavations said he would probably be doing the site work. He said the precautions they were going to take would be to rubberize the foundation with seal coating. Also, the interior wall would be closed cell spray foam insulation. They also were going to do a stone French drain around the outside of the house as well as the inside with a 6-inch drain pipe. Member Poillucci said he didn't think this was a good idea and Member Maxim agreed. There was continued discussion.

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

Voted: to approve 40 Lakeside Ave. regulation variance request to the water table with the foundation basement elevation to 130.5, which is 1-foot below the water table at the highest elevation. A deed restriction must be recorded showing there is a drain and it was lowered into the water table and must be maintained.

Unanimous approval.

63 Kingman Street - Meet with Zenith Consulting Engineers, LLC to discuss requested Lakeville Board of Health Waiver. Nyles Zager from Zenith was present for discussion. Mr. Zager said they were able to meet all setback requirements for wells and property lines. They were also able to meet the separation of water table. There is a local regulation that doesn't allow a tank over 20 years old. Currently, there is an existing 1500-gallon tank that is 20 years and two months old. They are proposing to keep that tank and put another 1000-gallon tank in series so it still meets the requirement for the two compartments. It will need to be pumped and inspected during construction to confirm that it is watertight. Chairman Spratt said he didn't see any extreme hardship other than trying to save some money on the cost of a new tank. They have to buy one tank, might as well spend a little extra money and put in the full-size tank. He asked if they were selling. The owners said they were. Chairman Spratt said this is protection for the next homeowner. Agent Cullen verified that their as-built was from October 3, 2002, so the tank

is 21-years old. Mr. Zager said in the past they have added a commercial filter to eliminate putting in a new tank. That is an option that would be a huge cost savings, but it wouldn't eliminate the issue with the age of the tank. The property owner said they do have a wall along the side of the in-law that has to be removed along with fencing. She also thought she only needed a 500-gallon tank installed, she wasn't aware of the 1000-gallon. Mr. Zager explained there isn't a septic tank that is 500-gallons, the minimum is 1000. She said the added expense would be to remove the existing tank as well. All members agreed that the cost savings wasn't a big enough number to allow the current tank to stay, especially since the property is being sold. It could also be a safety hazard if the old tank collapsed.

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

Voted: to deny leaving the existing septic tank on the proposed plan at 63 Kingman Street, and require at 1500-gallon two-compartment new septic tank.

Unanimous approval.

8 Second Avenue - Meet with Zenith Consulting Engineers, LLC to discuss requested Local Upgrade Approvals. Nyles Zager from Zenith was present for discussion. Mr. Zager said he was before the Board a few years ago with this plan, but it's since expired. He verified that everything was the same on the site and the upgrades that they are requesting are exactly the same. They are asking for a reduction from two holes to one hole, a reduction from 100-feet to 80-feet from the well on the property to the rear, a reduction from 20-feet to 10-feet from the existing building foundation to the septic. They are proposing a liner along that side to ensure there's no breakout. Lastly, they are asking for a reduction from the septic tank to the crawl space from 10-feet to 7-feet. Member Poillucci asked when the original approval was given. Mr. Zager said it was January 2022. Agent Cullen explained the deadline was two-years from the time of failure, which was September of 2021. They went over the two-year Title-5 time limit. Member Poillucci asked if they were going to do the upgrade this time. Mr. Zager said he believed they were going to. Member Poillucci said he didn't want to approve this and give them another year or two. At some point it has to get fixed; he doesn't want to just approve it every two-years and nothing is done. A resident asked if it was already approved, why is it here again. Member Maxim explained that the system was never installed and the plans run out. There's a time limit once the plans are approved and stamped. The resident asked what happens in the meantime. Member Maxim said they keep using the system. Member Poillucci said that's why he said he didn't want to give them another year or two. If they don't do it in whatever time they approve, that's when they will start to condemn the house. Mr. Zager said it wasn't occupied. One of the residents said it was an Airbnb. Chairman Spratt asked if the Board members wanted to put a date on this. Member Poillucci said he was good with giving the owner 6-months, and if not, then start to have it condemned. Agent Cullen said typically they give a year, if it hasn't been done, an extension can be requested. An extension on this plan wasn't requested, so the plans expired. Member Maxim agreed with a 6-month deadline.

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

Voted: based on the fact that it wasn't installed for two-years after approval of the last one, they are going to approve this one for 6-months to give them the opportunity to get it installed, and if not, they will start the condemnation procedure at 8 Second Ave.

Unanimous approval.

348-350 Bedford Street - Meet with Zenith Consulting Engineers, LLC to discuss requested Local Upgrade Approvals. Nyles Zager from Zenith was present for discussion. He said he was asked to take

at look because they were having an issue. According to the plumber, they couldn't get the plumbing to work internally with the existing tanks. From what Mr. Zager understood, due to the elevations, they couldn't get it to the pipe internally. There was a brief discussion regarding the tanks. Mr. Zager said there's a long gravity run to the existing 4,000-gallon tank, 150-200-feet. It is right at 1%. They kept it as high as they could so they didn't need a pump. The plumber said to get this to work, he needed 2-3 feet lower in elevation to be able to make it work. The proposal is to add a 3,000-gallon two-compartment tank and a 1,500-gallon pump chamber, both H-20 monolithic since they are under the pavement. They will decommission existing tanks and cap off the existing line, put in new tanks, pipe the force main over to the other existing 4,000-gallon two-compartment tank. That allows them to drop everything a few feet and allow everything internally to work. They are able to get over 200-feet with the 1,500-gallon pump, and just under 200-feet with the septic tank. Member Poillucci asked if he was talking about the grease trap tanks, or if he was talking about changing all the septic tanks. Mr. Zager said this would just be the 3,000-gallon tank and the 1,500-gallon pump. There will be an internal grease trap at the bar, because it was asked for, but besides that there's no grease trap. There's no proposal for an external grease trap. Member Maxim said the internal grease trap would be under the plumbing code. They aren't doing any food so that's why they are getting rid of the external grease trap. When they originally came to the Board to put the new tanks in, it was supposed to be a restaurant. When the brewery came before the Board they were going to have a food truck, they weren't doing any food. The internal grease trap was suggested by Agent Cullen. Agent Cullen said he realized they weren't cooking inside, but to say there's no food at all in the building, a lot of drinks have fruit. It's very possible there will be food. Member Maxim said there won't be any plates or silverware, they will just be washing the glasses. Shawn Donnelly confirmed there would be no plates, inside dishwashing would be for glasses only. Everything from the food truck will be Styrofoam or something like it. Member Maxim said his other question was, it doesn't look like the original tank was a 3,000-gallon. Did we up the gallons on that tank for some reason? Mr. Zager explained they had called to find out what the flow rate was. There was an approved flow rate of 960-gallons per day. If you three-times that, it puts you at a 3,000-gallon tank. There was a brief discussion on the calculations. Member Maxim asked what they were going to do with the decommissioned tanks. Mr. Zager said he would recommend they at least minimum fill them with sand and crush them. Member Maxim thought as long as they decommissioned them, they could do it however they wanted.

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

Voted: to approve the plan for 348-350 Bedford Street, to replace the existing septic tanks in a new location, with the local upgrade approval of the reduction of the required setback between the septic tank to a surface water supply from 400-feet to 185-feet, and 400-feet to 205-feet on the pump tank.

Unanimous approval.

19 Johnson Drive - Discuss with owners a requested 4-bedroom deed restriction. Jeff and Carrie Bailey were present for discussion. They would like to add an in-law apartment to their home. The current septic system was upgraded in 2018. One of the current bedrooms is being used as an office. They did not want to have to expand on the septic that was just put in 5-years ago. Agent Cullen had spoken to the builder to come up with an alternative solution. Member Poillucci asked how many bedrooms were in the home now. Ms. Bailey said there were four. The bedroom that they are using as an office is a small room with a 300-lb desk in it. The in-law addition would have a kitchenette, dining, living room area with a bedroom. That would put them at 5-bedrooms. Mr. Bailey said they understood that when

they go to sell, they would need to list it as a 4-bedroom. Chairman Spratt explained that the Board's concern is whatever you list it as, people are going to use it as a 5-bedroom, and the septic can't handle that. He asked Agent Cullen if it was an oversized 4-bedroom system. Agent Cullen answered that it was right at 4. Even with 5, you would have to go to a 2,000-gallon tank. Member Poillucci said they used to have people take the closet out to have it not be a bedroom anymore. Member Maxim said closet doesn't come up under Title 5 to define a bedroom, it's 70 square feet, ceiling over 7-feet, and has to have a door. Ms. Bailey said the closet in the room was very small. They had a filing cabinet in it. It's not traditional, it's appropriate for the size of the room. Member Maxim's thought was they would only be failing their own system. It's not hurting anyone else if it's deed restricted to 4-bedroom. You'd only fail your system quicker if you stick people in 5-bedrooms. As long as it doesn't get sold, and years down the road a realtor didn't list this as a 5-bedroom. The Assessors might take a different view of this 4-bedroom deed restriction, they might tax for a 5-bedroom.

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

Voted: to approve the variance request for 19 Johnson Drive to have a 4-bedroom deed restriction put on the property.

Unanimous approval.

Two-day temporary food permit - Jeffrey's House of Pizza event at John Paun Park on November 11th and 12th. Agent Cullen said they will be doing this out of the snack shack. The food will be cooked at their restaurant. They will be bringing the pizzas in the warm bags. They will be refrigerating some things. On the Thursday before, he will go out and inspect the snack shack, make sure the fridge is up to temperature and everything is clean and tidy. If they will be having coffee, that will be brought in from Dunkin Donuts. Nothing is really being made in the snack shack.

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

Voted: to approve the temporary 2-day food permit for Jeffrey's House of Pizza at John Paun Park November 11th and 12th.

Unanimous approval.

Discuss recent BOH Agent's pending items - Agent Cullen said there was one more case of West Nile, that is number 6 for the year. He said with the freeze tonight, we should be in good shape.

Adjournment - (6:57pm)

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

Voted: to adjourn.

Unanimous approval.