

Town of Lakeville
Board of Health
March 3, 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.

44 County St. - Meet with Zenith Consulting Engineers, LLC to discuss requested local upgrade approvals. Chairman Maxim said that the variance had been removed and can be approved by the Board of Health Agent without a vote at a meeting. They removed the variance to the water table. It was to 2', they went to 3'.

4 Old Powder House Rd - continued discussion from February 17, 2021 meeting with Zenith Consulting Engineers, LLC to discuss requested variances for their revised septic design. They are waiting for clarification on an answer from DEP (Brett Rowe) on this property. They have still not received an answer on this. They have requested a continuance again until the next meeting, March 17th. Member Poillucci said every two weeks we say we're not going to continue it anymore and get it all done. He did not think DEP would give them the answer they are waiting for. He said he would vote for a continuance once more, but the next meeting he would not vote to continue. All they did was find an engineer that would say he didn't agree with DEP regulations so it's okay to put the system in there. They didn't do what they were supposed to do and show how they were going to meet or exceed what was required under Title 5. Member Poillucci didn't think they could and that is why DEP told Agent Cullen that it's very hard, if not impossible to do that. Chairman Maxim pointed out that this has been on the agenda for nine-months. Member Spratt asked if there were any comments other than asking for a continuance. Chairman Maxim said no, just that they're trying to get clarification for the last email we had from Brett Rowe that said 65 is closer than 100. Member Poillucci said he reached out to Jamie Bissonnette before he knew this was continued and wanted to know if he had already got an email or letter from DEP so he could see it and be prepared for the meeting. Mr. Bissonnette told Member Poillucci he understood that Brett's not going to say any more than he said and that 65 isn't 100. He also said they were reaching out to someone else at DEP to see if they would say it's ok. Now it sounds like they're shopping DEP people to try to find somebody that will say 65 is as good as 100. Member Spratt said the nitrogen argument, he could have gone even further last time. He could dig up documentation, but it's really not the Board's job to prove them wrong. That whole side of Old Powder House Rd wouldn't be developed under today's standards. Member Poillucci said that's why when he said to Mr. Bissonnette about the 65-feet and asked him, what if it was 20-feet, and his answer was, that would be okay too.

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

Voted: to continue until the March 17th meeting.

Unanimous approval.

Betterment Approval – 98 Highland Rd. in the amount of \$21,432.00.

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

Voted: to approve the betterment for 98 Highland Rd. in the amount of \$21,432.00.

Unanimous approval.

Winginit, LLC – new mobile food truck located at 78 Main St. in the Star Liquor parking lot (pending inspection). Food Establishment license and Milk and Cream license.

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

Voted: to approve pending all inspections, the food establishment license and milk and cream license for Winginit LLC.

Unanimous approval.

43D update/discussion – Agent Cullen said they did get the revised plans and they did make changes. One of the changes was they moved the light posts the Board had asked them to. The cover is still over the tank, that did not get changed so it's still more than 3-feet which requires a waiver. They will send a letter requesting the waiver. One of the abutters wants to know if the Board was going to bring up any noise issues at tomorrow night's meeting. Member Poillucci said he thought the Selectmen's office had hired a firm to review this, so it should be already done and discussed. Member Spratt said the applicant has already addressed a large part of the noise by lowering the building. The waiver for the cover of the tanks, is because of the lowering of the whole building. Agent Cullen said he believed it's because they don't know who the owner is or will be, so you do a worse case scenario. So, wherever the pipe is coming out, you measure what the farthest corner of the building is, and it's a very large building, and you go a quarter inch per foot from that corner in case they put a bathroom in that corner. So, they usually do a worst-case scenario, that's why they put it close to three-feet below grade, just to make sure that any place in the building could have a bathroom. Member Spratt said they did a lot by increasing the berm, adding the soundproof fencing, and adding more trees. He wanted to suggest for conditions for the special permit from our point of view, to have a condition that after hours, say six or seven, all traffic stays to the east side of the building. And then, instead of your typical beep back up alarm type thing, we go with that swish whirly bird whatever you want to call it, like the Amazon trucks. At least to bring the noise down. Chairman Maxim didn't think from a Board of Health standpoint, that it was in their purview. There was a discussion about noise and recommendations. Chairman Maxim clarified that the applicant paid for the review engineer not the town. There was a comment from Facebook asking how you would condition an unknown tenant. Member Spratt said this whole process, they've been planning for, for lack of a better description, worst case scenario. They are asking for maximum build out based on not knowing who the tenant is going to be, then when they figure it out they'll go less. With the parking spaces, they're land banking 'x' amount of spaces, not building them all. There's been talk about all the loading docks, it's like 120 loading docks. That may not be the case, they're asking for the maximum now because it's an unknown tenant. The applicant is asking for one variance from the Board of Health. Member Spratt explained it was a local upgrade waiver and it's due to the abutter concerns wanting more berm, more fence, more height. Chairman Maxim said there is one waiver they would be granting, more than three feet of cover on the septic tanks. Title 5 says three-feet maximum without a variance. The Board of Health will permit the building for the maximum gallons per day for the septic system and they will not be able to change that once it's approved, no matter who the tenant is. There is no kitchen, there is no grease trap, and no cafeteria. Member

Poillucci said that if they came back and wanted to make the septic bigger, as long as they can do it legally, the Board couldn't or wouldn't say no. Chairman Maxim agreed, for what they are approving right now. They would have to resubmit and go to meetings to change that. Member Poillucci wanted to make the point clear to people, if they came back in two years and wanted to make the septic bigger and put a kitchen in, he didn't want people to think that what they were saying tonight was no, they can never do anything else in there. Chairman Maxim asked as far as the septic approval, was everyone in agreement. He asked Agent Cullen if all the comments from the review engineer had been addressed, other than the one variance to the cover over the tank, and everything else is in compliance for approval. Agent Cullen said they had addressed everything. The Board had discussed them as well, for the test pit they would do a thorough bottom of bed inspection in case there are any pockets of filling. It's a large field so just because there's one pocket of fill does not rule it out so it should be a good field, and the rest of the soil is good. It's good separation of groundwater too so that in all other instances, it's a good location for that field. Member Poillucci wanted to clarify that this Board has no knowledge of anybody that's going in there. The Board has not been made aware of anything. Agent Cullen clarified that they weren't asking for a variance, just a waiver. What it's saying in general is they want you to have less than three feet. But, if you have more than three feet, you can have up to six feet if you have H2o loading, you have an accessible manhole cover, and a vent. They do provide all those three, so in that sense it does meet Mass Title 5 regulations. Agent Cullen clarified that this isn't a variance it's a local upgrade approval for 310CMR 15.221(7), from 36 inches to 72 inches, and it's providing you meet those three criteria of: H2o loading, access to manhole covers, and venting. If you meet those three criteria, you're allowed the local upgrade approval. Title 5 clearly says you're allowed to do this providing you meet those three criteria. There was a brief discussion regarding MEPA, which does not apply in this case.

Review and approve meeting minutes as typed -

- November 18, 2020 – continued
- December 2, 2020

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

Voted: to approve the meeting minutes dated November 18, 2020 as typed.
Unanimous approval.

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

Voted: to approve the meeting minutes dated December 2, 2020 as typed.
Unanimous approval.

COVID-19- Agent Cullen said the numbers are still coming down and have leveled off. They have dropped a lot in the last month, but in the past week have been leveling. There was an announcement today that the teachers will be eligible for vaccines at the mass sites on March 11th. Teachers can schedule appointments on CVS's website through a federal program. Lakeville is still unable to get vaccines. Most vaccines are going to larger vaccination sites. Any residents trying to get vaccines, we recommend that you try on one of these sites. Member Spratt said a new mass vaccination site just opened in Dartmouth at the old Circuit City building on Route 6.

Well testing – Member Poillucci asked if they could add well testing to the next meeting’s agenda for discussion.

Adjournment – (7:02pm)

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

Voted: to adjourn.

Unanimous approval.