

Town of Lakeville
Board of Health
March 17, 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.

4 Old Powder House Rd - Chairman Maxim said that the Board of Health had requested a continuance to the April 7th meeting. Zenith Consulting Engineers submitted a written request to continue.

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

Voted: to continue to the April 7th meeting.

Unanimous approval.

43 Main St – continued discussion from March 4, 2021 meeting, approval of proposed septic. Brittany Gesner from VHB was present for discussion. Agent Cullen said one revision had been made, to move the lamp post and a request for a waiver for three-feet of cover over the tanks had been requested. Member Poillucci said no variances were being asked for on the septic system. One waiver is being requested for extra cover over the tank. He explained that it was something the Board wouldn't normally vote on, it's something the Agent can do. They have the right to do this, they're upgrading the tank and meeting the conditions needed to install the septic system. He wanted residents to understand that if the Board said no, they could raise the building and parking lot 1 1/2'-feet and still put their septic system in, but the end result would be the same as cutting 1 1/2 -feet off the top of their fence. This would be less protection for abutters. Normally, if this wasn't such a hot topic in town, this wouldn't even come to the Board, the Agent Cullen would have signed off and sent the plan out. There is nothing out of the ordinary, nothing special to vote on. Member Poillucci also wanted to address some topics. For noise, the Board has noise regulations and the State has noise regulations. A review engineering company was hired for noise and was paid for by the applicant. The results have come back and say that it meets not only the State regulations, but the Town regulations as well. Member Poillucci said he would like to see a small bond or some agreement with the applicant that would say for up to two years, if the Board gets a noise complaint, they would pay for the same engineer who's certifying it meets everything, to have them deal with it. He didn't think the Board could vote to add that condition, but if all members agreed, that maybe they would consider making that a condition of this project, especially considering we don't know what's going there. Another issue residents are complaining about is the asbestos. DEP went there and looked at the problem and are going to handle this and make their own set of conditions and requirements. Member Spratt said he concurred with Member Poillucci. Chairman Maxim also agreed with Members Poillucci and Spratt that if a recommendation could be made for noise complaints in the future, that the Board would have the engineering firm available. Agent Cullen commented on the asbestos stating the Board of Health had never been in those buildings, it's not their position to inspect those. The only time the Board gets involved in asbestos is during the abatement process, when they're tearing the building down or doing a major renovation. That hasn't happened yet. Brittany Gesner responded to abutter Dick Scott's question about one of the comments on the MEPA filing. She said on the MEPA filing, DEP had commented that any industrial waste cannot be disposed of in the on-site septic system. The response

from the applicant was that this project is proposed to be a dry warehouse facility and they did not anticipate the generation of any industrial waste at this facility, just sanitary waste that is appropriate for a septic system. Member Poillucci wanted to make a clarification regarding adding a kitchen. It is not allowed under this current plan, if they wanted to add a kitchen in the future, there's no reason they couldn't make the septic a little better or bigger and put in a grease trap as required or whatever they needed to do. There's no kitchen proposed so the Board isn't approving one but that doesn't say they can't put one in down the road. A question posed to the Board was is that something that could change with tenants or consistent for the building. Member Spratt said he thought the resident was asking with the industrial tank, could that be something that changed, but it would have to come back to the Board to be changed. Ms. Gesner said it would stay separate and the water would likely go into a holding tank and be shipped off site to an appropriate facility. She added that it is not proposed now, and if that were to be something the tenant or owner would like in the future, they would have to come back for additional approvals, along with adding a cafeteria or requiring a bigger septic system. Another question posed was if the land banked parking spaces could be used for something else down the road, such as diesel fueling. Member Spratt said that was a whole different permitting process for fueling on that site and would be a State issue. He did not think there will be fueling on that site, but they would have to apply for that separately.

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

Voted: to approve the septic system at 43 Main St. on the plan dated March 2, 2021 with the one waiver for additional cover over the tank.

Unanimous approval.

Nomination of Inspector of Animals (for the period of May 1, 2021 through April 30, 2022) Nomination of Jared Darling. Chairman Maxim said the Board has to nominate him and then it goes to the State and they approve him as Animal Inspector.

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

Voted: to nominate Jared Darling to be Animal Inspector in the Town of Lakeville for the period of May 1, 2021 through April 30, 2022.

Unanimous approval.

Betterment approval: 60 Sherwood Lane in the amount of \$26,604.00.

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

Voted: to approve the betterment for 60 Sherwood Lane in the amount of \$26,604.00.

Unanimous approval.

Recent BOH Agent pending items - Member Poillucci wanted to discuss the well regulations. Title 5 does not require a well test if it's 100' or greater but the Lakeville regulations require it for any well. If you want to fix your septic or make a repair, we're requiring people to have their well tested even if it's 150-feet away. Member Spratt said we require a test for a Title 5. Chairman Maxim said per Title 5 requirements, it says any well within 100-feet you have to test. Our local regulations say any well on the property needs to be tested for Title 5, also any septic repair in Lakeville, we require a water test. That has nothing to do with Title 5, it is local regulation, put on by the Board, it's not required by the State. Agent Cullen said the water test is good for 2-years, so if your system fails and you end up

putting in a septic, it's covered under the first one as long as you do it within 2-years. Most of the septic systems being repaired are because of a sale of the home. So, when a new person comes in, they're assured that the water has been tested. Chairman Maxim asked if a well test was required for the sale of a home through any other entity other than the Board of Health. Agent Cullen replied that he didn't believe so. Chairman Maxim said there are two separate items we're discussing. You have to have a Title 5 for a sale of a home. Member Spratt said it's really the people that aren't moving and just want to upgrade their system. There have been three systems that failed in the past six months under seven years old, those people aren't moving, the system just failed. They have to put in a new septic, so their complaint is they're not selling and we're making them test the well. It's not required by Title 5, it's just a local regulation that you have a well test in Lakeville to pull a septic permit, any well on the property no matter where it's located. Member Poillucci said people are paying to fix their septic systems but they're nervous about what happens if the well is bad. Then we're going to require them to fix it. That could be another 5-8 thousand dollar bill that they don't want to incur. We found arsenic, so we make people test for it, that's reasonable. We find gross alpha in a new house, so we make people test for it. Chairman Maxim said he agreed with the Title 5 one, even though other towns don't require you to, but if the house is being sold, it's a way the Board of Health can make sure the well is tested and is ok for the new buyer, to protect the new buyer. He did not know why someone would buy a home without a water test. Agent Cullen said Title 5 says 100-feet because Title 5 is for septic systems only. They're concerned with nitrates, nitrites, coliform. What we're testing for is arsenic, manganese, lead. Definitely, manganese and arsenic are very common in Lakeville. That's not Title 5's responsibility whether you have arsenic in your well, that's a separate issue. So, the water test covers other contaminants which are harmful in your well. Member Poillucci said if we're saying that after that test it's safe, we know a lot of wells in Lakeville have gross alpha, we're not making people test for those. It almost has to be all or nothing. Agent Cullen said it's no guarantee when you get a water test it's completely fine. There are just too many things that could be in your water. Our analysis covers a lot, but not 100%. Chairman Maxim said he understood the point on testing, but septic and well are two separate items for the Board of Health and no other towns are requiring that test at the time of septic repair. He agreed with the one on Title 5, but the one he's stuck on is the one to pull a septic permit. Member Poillucci said a lot of this came up during the floods, when there were a whole bunch of wells that got flooded, the water was up over the well cap. We didn't know what got in there, they could have had a gas tank next to their house and we started making everyone pump them to move back into their houses and then do tests. We had a couple of people that tested more including arsenic and a couple other things, and all of a sudden it started coming back with a lot of people with arsenic. There was a discussion about the regulations and a public hearing.

Review and approve meeting minutes –

- December 3, 2020 – 43D meeting
- December 17, 2020 – 43D meeting
- January 7, 2021 – 43D meeting

(There were no meeting minutes distributed in the meeting packets)

COVID-19 Update - Agent Cullen said that Lakeville is doing better but we're considered a "yellow" in category. Overall in the State, deaths have come down, hospitalizations have come down. Agent Cullen urged residents that are high risk to still take precautions. Member Poillucci said 14 states went

up and went “red” including Rhode Island, New Hampshire and Maine. Agent Cullen said on March 22, people over 60 will be eligible for the vaccine and essential workers. Two weeks later it would be over 50 with one comorbidity. Two weeks after that, it’s everyone. Member Spratt said it’s just getting ahead of those variants and if we stay ahead of them, a couple more months we could get out of this. Agent Cullen said that with the variants, even if you’ve had Covid, a lot of people think they have immunity, these new variants you don’t have the immunity, you can still get Covid again because it’s a new variant. Chairman Maxim asked if Agent Cullen could clarify what the “essential worker” is. Agent Cullen explained there is a list on the website, but a rough idea would be obviously teachers, anyone in the food sector (cooks, waitresses, bartenders) and in retail, grocery store workers, anyone who is face to face in retail, public works employees (highway and sanitation). For the full list residents can go to the mass.gov website. There is also a link to it on the Lakeville Board of Health’s website. Member Spratt asked if residents could get into the system ahead of time. Member Poillucci replied that everyone can log in now and put themselves on the list and they will be called as their time comes up.

Adjournment – (7:03pm)

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

Voted: to adjourn.

Unanimous approval.