

BOH Meeting Minutes 11/15/2017

Members present: Members Maxim & Spratt, & Chairman Poillucci. Chairman called the meeting to order at 6:00pm. LakeCam was present to record.

Chairman Poillucci announced that at the Town Meeting on Monday, residents passed the increase to increase funds for septic repair loans. The loan is attached to residents deeds, there is no credit check. Residents can just come in and apply.

211 Hemlock Shore Rd – removal of seasonal deed restriction. Member Poillucci recused himself since he was the one who told them of the rule change so they could get the seasonal portion of their deed restriction removed since tight tanks are no longer restricted. Member Maxim asked if they had year round water. The homeowners said it did. Member Spratt asked if the tight tank had been inspected and pumped. The inspection and pumping took place in August.

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

Voted: to remove the word “seasonal” from the deed restriction for 211 Hemlock Shore
Unanimous approval.

3 Hidden Ridge - reduction in setback to 10’ from the foundation. Member Maxim asked if there was a bulkhead and would it be 10’ from the bulkhead. The representative from the pool company said that the pool will probably be 15’ away, but he wanted to put 10’ to give them the option to go a little closer. He explained that there was a large hill that would need to be dug out if they pushed the pool further out. There was a discussion about pools and regulations.

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

Voted: to approve the variance for a swimming pool to be closer than 20’ from a foundation to 10’ on 3 Hidden Ridge Rd.
Unanimous approval.

315 Pond Lane - Meet with Site Design Engineering, LLC to continue discussion regarding proposed plans. Thomas Hardman from Site Design was present as well as Jane McGraw and Alan Silliker owners of the property. Chairman Poillucci said that the problem with the plan was the 4 bedroom, because it said it was a 3 bedroom. Agent Bernardo did a site visit and there were 4 bedrooms. Tom said it has always been 4 bedrooms. He said there is a piece of paper on file with the Board of Health that was signed by Brant Haworth that showed it as a 3

bedroom. He said the house was the same then as it is now. This is a voluntary upgrade, the owners have had this property for a long time, they've been on a septic system that's been limping along, they are being proactive in wanting to get it up to grade. Chairman Poillucci said that in the 7 or 8 years that he's been here, this happens probably monthly, and they never got to the Board because Larry nipped these in the bud. He said he never doubted the client that there was a 4th bedroom, but we don't know when it got there, if it was legally added, we have no way of knowing. So when we get something from an engineer saying it's a 3 bedroom...its 3 bedrooms. An increase in flow can't even be given on an undersized lot per regulations. Tom said this isn't an increase in flow and that Larry walked through before he left. Chairman Poillucci said he's sure it's there, he's not denying the 4th bedroom is there, but we don't know when it was added and who added it and if it was done legally. He said we have a lot of houses in town with extra bedrooms and we let them upgrade if the lot is big enough. All we have is from a civil engineer that says its 3 bedrooms. Member Maxim said for nitrogen loading you're supposed to have 10,000 per bedroom for Title V. This is only an 11,000 square foot lot. Tom said whether we call it a 3 or a 4, it's going to get the same flow. He said there's no reason the owners couldn't overdesign the system and put a deed restriction on for 3 bedrooms. Member Maxim said that is an issue that used to always come up because you're asking for variances. So now you're getting closer to the pond, and over sizing a system when you shouldn't be. So now you're asking for a variance for a closer setback to the pond. You're supposed to have 400 feet. By making it bigger, you're making it closer. Tom said they were asking for a variance to upgrade what is there, that's been there for 70-80 years. If the Board is not going to approve it that way, they will design it for 3 bedrooms and that's what it will have to be. There was a discussion regarding bedrooms and lot size. He said they would go back and redesign for 3 bedrooms. There was another discussion regarding bedrooms and system size.

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

Voted: to continue 315 Pond Lane to the next meeting or whenever the homeowners are ready.

Unanimous approval.

Review and approve meeting minutes from 11/1/17 as typed -

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

Voted: to approve the Board of Health meeting minutes for 11/1/17 as typed.

Unanimous approval.

Review and approve meeting minutes from 11/6/17 as typed –

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

Voted: to approve the Board of Health meeting minutes for 11/6/17 as typed.

Unanimous approval.

Appointment of Jim Aguiar as per-diem part-time Health Agent –

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

Voted: to approve Jim Aguiar to be appointment by the Selectmen as a per-diem part-time Health Agent to conduct perc tests and inspections as needed.

Unanimous approval.

Chairman Poillucci excused himself from the remainder of the meeting.

Clark Shores Water - Agent Bernardo spoke with Charlie Kanecki who recommended a systematic review and develop a checklist to identify areas affecting public health. Member Spratt said that there are some people that are under the impression they can get a well and a septic with the Betterment fund. There was a discussion regarding a public information meeting.

Discussion regarding regulations - Agent Bernardo said he spoke with Charlie Kanecki about adopting a well regulation that the Board of Health may, but will not be required to grant a private well construction permit only where it finds that connection to a public water system is not feasible, would create extreme financial burden for the applicant, and that the construction, operation and use of the proposed private well proposes no reasonable risk to the quality and yield of potable water in the town of Lakeville and poses no reasonable risk to the health and safety of the general public. Charlie said this should be in place with the other well regulations. There was a discussion regarding regulations that are under review: Definition for seasonal, water not supplied year round to a facility. Leaching pits, inspected the same as a cesspool. Elimination of pre-rental inspections. Raze and rebuilds, is the as-built good enough or does a Title V inspection need to be done. Does an inspection need to be done for increase in flow, change in use, expansion of use, raze and rebuilds or if the dwelling has been vacant a certain amount of time. Member Maxim said he felt with Clark Shores adding year round water that would be a change of use. There was a discussion regarding change of use and Title V. Remove the foundation setback. Lowest floor elevation must be a minimum of 24" higher than the agreed height of the water table. Water treatment system backwash should be a conditional pass – it should just be noted it could have an adverse effect and should not be tied into the septic. Removal of finished grade inspection. Well casings shall extend a minimum of 8" – should be 12". Agent Bernardo asked if there should be a regulation stating that there is an approved year round water source for any dwelling. There was a discussion regarding water sources and setbacks.

Adjournment –

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

Voted to adjourn the meeting

Unanimous approval