

Town of Lakeville  
Board of Health  
February 19, 2020 6pm

Members present: Chairman Maxim, Member Spratt, and Member Poillucci. The meeting was called to order at 6:04pm. LakeCam was present to record.

**67 Main St.** - Update on septic system upgrade. Dave Rose was present for discussion. He received a letter from the Board as a reminder of the 5/3/20 septic upgrade deadline. He is planning a construction project for the site and would like an additional 24 months to make the upgrade. The office is being used for appointments only and there is a single person renting the rest of the house so he feels the septic use is minimal. Mr. Rose said he hates to put in a system now only to have to junk it later for the project he is planning. Member Poillucci asked why he thought that he would need to junk the system. Mr. Rose said he thought for a project of this size, the system that they will put in for the house will not meet the needs of the new building, and they don't know where the new system will go. He has not been in contact with an engineer as of yet. He said if the Board wants him to put a system in, he can put in the minimum needed. The new plan is for a garage space with 5 rental units, each with a bathroom. Member Poillucci said that septic design will go by the square foot, not the number of bathrooms and not a lot of load is needed for a garage. He said Mr. Rose could go to an engineer and put a septic system in now that would be about the same size needed for the new building. Member Spratt said without a perc test they won't know where the building or the septic can go. Member Poillucci said he didn't know why they would go with two more years. Since nothing has been done for two years, he would like to see him come back in six months with an engineered plan. Chairman Maxim said they could also allow a tight tank to be installed just to cover the house. He may also be able to reuse the tank with the new building.

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

Voted: to extend the time for performance at 67 Main St. another six months from the time it will run out (5/3/2020) to November 3<sup>rd</sup>.

Unanimous approval.

**7 Dale St.** – Meet with Jason Eichinger and Danielle Camboia to discuss Clark Shores Water. Ms. Camboia said that they received a letter from the Board stating they were living in their house without water. She said they purchased their house with tanks 14 years ago and were told they could live there and have their water trucked in. She said they are not the only residents living in Clark Shores that way. Ms. Camboia said there are issues with the quality of the water and they have had to replace their water heater 5 times in 14 years, they have also had to replace faucets even more than that. Mr. Eichinger said the water lines were breaking all last summer. Chairman Maxim said that shouldn't happen with the new water line that has already been installed on their street. Member Poillucci said that the approval for the water system bypassed the Board of Health and went through DEP. He said that when they bought the house, whoever told them those tanks were legal, lied to them. The Board went through steps to get funding so people could upgrade their septic and tie into the water system and can make their houses legal year-round houses. Ms. Camboia felt that the water corporation was using the

Board of Health as a collection agency. Mr. Eichinger said that when he was cleaning out his tanks a member of the Clark Shores Water corporation came by and told him to stop what he was doing, that he was stealing. Ms. Camboia said a few weeks later, they received a letter from the Board. She said they have been paying the seasonal water bill, but haven't been keeping up with the new one. Chairman Maxim said that he didn't think the seasonal water would be turned back on for their street. Ms. Camboia said they got a bill for it. Mr. Eichinger said they want the homeowners to pay for the service but they aren't going to provide the service. Member Spratt asked if they had contacted the Department of Environmental Protection with their concerns. There was supposed to be an on-site supervisor to inspect and address any concerns. They had not contacted DEP. Chairman Maxim said to have water stored in a tank is just unsafe. It's not treated, it's not tested. Ms. Camboia asked if the Board was going to kick them out of their house. Member Poillucci said eventually they would. Once they made it possible so people could get water, they have an obligation to make sure people have safe water. Member Poillucci also said the water trucked in is not legal in Massachusetts, it's allowed in Rhode Island. The homeowners said their water does come from Rhode Island. A brief discussion followed.

#### **5 Azalea** – Process of Betterment Approval.

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

Voted: to approve 5 Azalea's betterment in the amount of \$19,120.50.

Unanimous approval.

**Bountiful Farms**- New Establishment Marijuana Operating Permit-Grow Facility- Chairman Maxim said they did an inspection there. This building is at 200 Kenneth Welch Drive and is solely occupied by Bountiful Farms. Member Poillucci asked if it was a medical use facility. Chairman Maxim said it was a medical grow facility.

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

Voted: to approve the license for Bountiful Farms at 200 Kenneth Welch Drive.

Unanimous approval.

*\*Member Poillucci recused himself and left the meeting.\**

**57 Long Point Rd** - Continued discussion with Kevin Kline from Stantec regarding local upgrade request sought by 1 Fitzgerald Drive LLC. Mr. Kline said he was before the Board about a month ago and had received a letter from the independent reviewer, Nick Lanney. There had also been a meeting with MassDEP which was attended by Lakeville Town Council, Nate Darling, Chairman Maxim, Member Spratt, Mr. Kline, as well as Bill Pezzoni, attorney for the applicant. The meeting was informational, what needed to be done, and what can be done, information about the release of the ACO (administrative consent order) by MassDEP, and then MassDEP releasing the site to the Board of Health for permitting. The existing site which is 12,540 gallons per day with an MBBR treatment system, permitted in the Zone-A. They have worked with DEP to re-permit the water supply for the development, and as a condition of that, they had to reduce the flow for the treatment system to less than 10,000 gallons per day. After meeting with the Zoning Board of Appeals, they have reduced the number of units to 66, over 55 and older with a design flow of 9,900 gallons per day. The intent is to remove all the collection system in Zone-1, remove the old buildings, re-use the MBBR treatment system, and re-use a portion of the existing leaching field and construct more further away from the

reservoir. The original proposal was to take out four of the leaching trenches closest to the reservoir, they are now proposing to remove six. Two will stay as reserve, and six more will be built further away. This is per Nick Lanney's recommendation, which also included an additional sewer manhole. The service has been moved outside the Zone-1. All of the sewage collection system has been removed that was in the Zone-1, and then the MBBR treatment system will pump it up to the leaching system. In the letter to the Board, the system was described as an existing non-conforming system. The proposed system will be better due to separation from the distance to the reservoir and removal of the old collection system, but also by reducing flow by 25% (from 12,540 gallons per day down to 9,900). They also had to look at, will this system provide similar protection to a conventional system fully compliant with Title V. They believe it does since a conventional system can be built 400' from the water, this system also provides additional treatment with the anaerobic and anoxic treatment. Also, instead of 5' of unsaturated soils under the leaching system, there will be more than 20. This system will also have a licensed operator. They will do in-house weekly testing, and monthly compliance monitoring. They are also planning to add two down-gradient monitoring wells and two up-gradient monitoring wells. The tanks will be water tested, the collection system will be vacuum tested, vacuum testing on the manholes, pressure testing on the gravity collection system and on the force main, and testing of the monitoring wells.

Mr. Kline said one more issue has come up that they are working on, they have proposed two industrial strength holding tanks. There was one existing tank that was used for the beauty salon, they are proposing two, one for each of the parking garages, however DEP doesn't think it will be possible. The next option would be to let it drip, the second would be flow by gravity to an oil-water separator to they hydro-dynamic separator and then into the storm water system, the third option would be to collect the storm water and pump it to an above ground holding tank. However, DEP is still working on this, since this will require their approval in the Zone-A. Chairman Maxim said if they do approve the tank in the ground, the Board of Health requires an inspection at installation if the tank does go in. The old tank (previously used for the beauty salon) is a 1,500-gallon concrete tank inside a 2,500-gallon concrete tank. It has water level monitoring and moisture detection between the tanks.

The other permitting issue is that this system would be permitted as a pilot program of an I/A system. Mr. Kline said the draft application form has been filled out which would go to the Board of Health and DEP for piloting approval. He explained that the piloting approval would be after they get through the Board of Health. Chairman Maxim said he has received an email from DEP stating that they would approve this system into the pilot program once approved by the Board of Health. Other modifications made included an added clean out of the back end of the trenches. A clean out can be added on every one of the trenches per recommendation from Nick Lanney. Chairman Maxim asked about the 3-feet of cover. Mr. Kline said they will still require a variance for the depth because in the back they are a little over 3-feet. Chairman Maxim said this variance would be allowed since it was a pre-existing non-conforming system. He also said that the Board was looking for DEP to take control of the system, but they said they cannot take control of it, and the Administrative Consent Order does not go with the transfer of property. Chairman Maxim said they also discussed connecting the buildings but DEP wasn't offering any help with that. Chairman Maxim said he asked DEP if they could send him something in writing that said this was a pre-existing, non-conforming system. They said they could not comment on that. Chairman Maxim said he still felt this was two new buildings. He asked if connecting the buildings was still an option. A brief discussion followed.

Chairman Maxim asked where they stood with the cities of Taunton and New Bedford. Mr. Pezzoni said that they already have a sign off from Taunton, but they are still waiting for New Bedford. Nick Lanney has been reviewing the plans thus far, but no longer feels that this is within his scope, approving a piloting system and treatment system. There was a discussion regarding the monitoring of the system.

Chairman Maxim said that he would like the buyer's deeds to reflect there is a well and septic on-site in a Zone-A with flow restriction. Mr. Kline agreed that the condo documents need to reflect that as well. There was a discussion regarding start-up of the system. Mr. Kline thought part of the past problem was above ground pipes, which they have gotten rid of. He said they would bring in waste (if it could be kept viable) and get it in the system and start up the system slowly. Mr. Kline said they could write a start-up procedure to go with the operation and maintenance manual.

There was a recommendation of a bond to go with this project. An agreement still needs to be reached on what the bond should be. A Change in Use application will be submitted. There was a discussion about a public hearing with Town Counsel.

In the 2015 ACO it was suggested that a mixer be added, Chairman Maxim asked if there was documentation that one was added. Mr. Kline said they took out a mixer and added an air-lift system. He said when the operator goes out he can verify if it was done. Member Spratt asked about the demo, if there were any hazardous findings. The Board would need documentation of any findings and removal. Member Spratt also asked if there was anything in writing that shows why it would be manifest unjust to deny this project. Chairman Maxim added that Nick Lanney was looking for something in writing that said that this system was safer than a conventional system. Mr. Kline said it was in the reply letter, that this was better than the existing, and better than a conventional. Member Spratt said as far as the deed restriction for the 55-plus, it needs to be in perpetuity. Mr. Kline said yes, and it was also a requirement of the ZBA. Chairman Maxim said in the Board's approval it will be deed restricted to 55 and over. It needs to be under the Board of Health as well as ZBA in case the ZBA takes it off down the road.

Health Agent Cullen said he recently talked with Nick Lanney and he said the application that was submitted for DEP was a 61B, but it should be a 64B. Mr. Kline said he would check that. Agent Cullen said Mr. Lanney expressed that it was not the approval of a pilot, it's the approval of an installation of a particular system. Mr. Kline said he would look and see if they had already done one or needed to. Town Counsel (Gregg Corbo) commented that any approval given by the Board would be contingent upon, and subject to anything DEP says. Agent Cullen asked if with limits set on the Nitrogen with the MBBR system is it possible to get below the level of 19 and get down to 10? Is it possible to go above and beyond what's there now? Mr. Kline said it was very difficult. If additional components were added afterwards, filters and chemical feed systems. Typical I/A systems do 25, and what they were originally permitted at was 25mg/l, when they went back for the second ACO they agreed on 19. To get below 10, you would need a wastewater treatment plan, not an I/A treatment system. Mr. Kline said possibly by adding a de-nitrification filter on the back end, but it's difficult.

Chairman Maxim stepped down to make a motion, seconded by Member Spratt, it was:

Voted: to continue 57 Long Point Rd. to the March 4, 2020 meeting.

Unanimous approval.

#### **Discuss recent Board of Health Agent items -**

Clark Shores Water - Member Spratt asked if there was a list of outstanding properties with water tanks. Chairman Maxim said they will all be getting the same letter that water storage tanks are not allowed. Conservation Agent Bob Bouchard asked if they had a certified water operator and did testing on the water as required by DEP, if it could be allowed on a temporary basis. Chairman Maxim said that the Board would need to grant a variance to do that, but if there is already a stub on the property, it's tough to argue. There was a brief discussion regarding water the water tie-in.

**Review and Approve Meeting Minutes from January 22, 2020 as typed –**

Chairman Maxim stepped down to make a motion, seconded by Member Spratt, it was:

Voted: to approve the meeting minutes from January 22, 2020 as typed.

Unanimous approval.

**Review and Approve Meeting Minutes from February 5, 2020 as typed -**

Upon a motion made by Member Spratt, Chairman Maxim stepped down to second, it was:

Voted: to approve the meeting minutes from February 5, 2020 as typed.

Unanimous approval.

**Announcements –**

The rabies clinic will be held on Saturday April 4, 2020 at the Lakeville Highway Barn (6 Montgomery St). The cost is \$10.00 per dog or cat. The time for dogs is 1:30-3, and cats from 3-3:30. It is sponsored by Lakeville Board of Health and the Lakeville Animal Hospital. Dogs and cats must be at least 3 months old and dogs must be on leashes and cats in carriers. The animal shelter will also be open for adoptions. The announcement will be posted on the Board of Health website.

**Adjournment – (7:47)**

Upon a motion made by Member Spratt, Chairman Maxim stepped down to second, it was:

Voted: to adjourn.

Unanimous approval.