

Town of Lakeville
Board of Health
March 18, 2020 6pm

Present were: Chairman Maxim, Member Spratt, Agent Cullen, and Town Counsel Gregg Corbo. Member Poillucci was absent. The meeting was called to order at 6:00pm. LakeCam was present to record.

Coronavirus Update - Agent Cullen updated the residents with the number of cases in Plymouth County (5). He reminded residents that they should practice social distancing, staying 6 feet apart, and avoid large gatherings. Use hand sanitizer or wash your hands frequently. The number of cases is only confirmed cases, the actual number of cases is probably much greater. He urged people with questions to dial 211 which is the Massachusetts information line for Coronavirus or the State website. Member Spratt reminded residents that they can also go to the Town website where they can also get information and updates. Residents can sign up and get email notifications for updates. Chairman Maxim said that for residents that may have a fever and aren't feeling well, they should call their doctor rather than going to their office and do not go to work and notify your employer. Gregg Corbo spoke about the State's emergency order for closures of public spaces.

20 Third Ave - Darren Michaelis from Foresight Engineering was present for discussion regarding a local upgrade request. This property currently has a cesspool that the owner is looking to upgrade to make a year-round house. The owner is planning to re-plumb the house to the other side. The tanks will be placed near the parking area and a pump will be needed due to the high-water table. The system is 7' from the property line with walls on either side and maximum height of 3' in the corner. There was a brief discussion regarding the site. Agent Cullen said he felt nine of the variances were acceptable however, he questioned the reduction in separation to groundwater from 4' to 3'. There was a discussion on the variance and about the overdig. Agent Cullen said that if they got rid of the shed, they would be able to put in a longer thinner field. Mr. Michaelis said if the Board wanted to deny that one variance, he would still need the others and he could submit revised plans based on a discussion with the homeowner.

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

Voted: to approve the septic upgrade at 20 Third Ave. with nine variances and not approving the variance for separation of high ground water table from 4 to 3. A new plan is to be submitted based on what the homeowner decides for walls all around or a reconfiguration of the system and remove the shed.

Unanimous approval.

13 Woodland Drive - Bob Mulleins was present for discussion for local upgrade requests for the distance from leaching field and the surface water supply from 400' to 350', and the number of deep holes for the percolation test. Agent Cullen said that Title 5 does not allow a flow of less than 220 gallons per day. He did feel the system was being placed as far away from the pond as possible and felt there was no need to do a second test pit. The plan would need to be redesigned to a two-bedroom design.

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

Voted: to approve the subsurface sewage disposal system upgrade at 13 Woodland Drive with two variances and the caveat that a revised plan expanding the system from 137 gallons per day to 220 be submitted to the Agent.

Unanimous approval.

Process of Betterment Approval – 20 Third Avenue in the amount of \$33,965.00.

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

Voted: to approve the Betterment in the amount of \$33,965.00 for 20 Third Ave.

Unanimous approval.

Nomination of Inspector of Animals -

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

Voted: to nominate Jared Darling as Inspector of Animals for the Town of Lakeville for May 1st 2020 through April 30, 2021.

Unanimous approval.

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

Voted: to nominate as Assistant Inspector of Animals, Lisa Podielsky for May 1st 2020 through April 30, 2021.

Unanimous approval.

57 Long Point Rd. - Tabled from 3/4/20, continued discussion with Stantec Engineering to discuss local upgrade requests. Kevin Kline from Stantec, Bill Pezzoni, and Jon Delli Priscoli were present for discussion. Chairman Maxim asked Mr. Kline if he had any comments on the latest report. Mr. Kline said he had three minor comments. On condition number 2, on the number of bedrooms, its 132 or two bedrooms per unit. The Board agreed. Condition number 7, an Operations and Maintenance Manual is required to be submitted within 30 days of the permit. The second Administrative Consent Order from the Department of Environmental Protection required the manual within 30 days of the permit, however, the first ACO required it submitted prior to operation. Mr. Kline added, that is really when it is finalized. The second ACO had Operations and Maintenance Manual required within 30 days of the permit because it was already in operation. The Board has already been given a draft, they would like the condition changed to a final Operations and Maintenance Manual prior to operation of the system or even 30 days prior to operation of the system, so if they do make any little tweaks along the lines, its all caught there. Mr. Corbo suggested that it be changed to 30 days prior to issuance of the Certificate of Compliance. Mr. Kline agreed. Condition 14C, Mr. Kline wanted to make sure, it says the treated effluent discharge will be maintained at the current nitrogen annual loading and will not exceed 480lbs per year. They were fine with the 480, he just wanted to make sure that everyone is aware that the current effluent is what it has been, not what it is today without the building there. Mr. Kline asked if it could be changed to the previously approved level. Mr. Corbo asked if there was a number for that. Mr. Kline answered it was 480lbs. Mr. Corbo recommended they remove "at the current nitrogen annual loading" and just leave it at "will not exceed 480lbs per year". Condition 18, Mr. Kline had two issues. The first, was the bond. The Board requested \$100,000, they would like it changed to \$66,000, or \$1,000.00 per unit. The other part that they would like to discuss was that the Board is looking for the

bond prior to the start of construction. They would like to request that it be prior to occupancy. The Board agreed to the bond prior to issuance of a Certificate of Compliance. Agent Cullen addressed the bond amount. He stated that this is a complex system, and it is getting older. It does contain tunnel tanks and there have been issues with tunnel tanks where they do tend to separate. If something like that happens, we would want that fixed immediately and the Board was given a cost of about \$100,000. Mr. Delli Priscoli said he would like to see the \$66,000, but would agree to \$99,000, which would be \$1500.00 per unit. Mr. Corbo said at this time you could make this security in the form of a bond, but you could always come back and ask for an amendment to that if there is some other arrangement that provides the same protection for the Board. The Board agreed to \$99,000 and at issuance of the Certificate of Compliance. Chairman Maxim asked if the testing of the monitoring wells was added in. Condition 14E was for the monitoring wells. Mr. Kline said he was fine with that. There will be five monitoring wells on site. Mr. Corbo said on page three of the agreement under the heading "decision", the date of March 18, 2020 needs to be added. On page five, an email is needed for the notices sent to the town (Agent Cullen gave his email address). Lastly, the status of the lawsuit between the Zoning Board of Appeals and the City of New Bedford. Mr. Corbo said they would like the issuance of the approval contingent upon the final dismissal of that lawsuit. Mr. Pezzoni asked if they could go to the piloting program if this isn't issued. He said they can't occupy it until they get rid of the ZBA lawsuit. Chairman Maxim said he just didn't want to make another decision of approval and have them appeal our decision and then we're in another dispute with them rather than the ZBA. Mr. Corbo said that it's the Board's understanding that your settlement with New Bedford and Taunton, would foreclose them from being able to appeal this as well. The Board's concern is that they don't want to issue a decision and then end up in court, not only on the ZBA issue, but also on the septic issues. Chairman Maxim said he would refer to Town Counsel, he would feel more comfortable with contingent upon. He doesn't like making an approval seeing it's already appealed. Mr. Corbo said that the concern is that we don't want to have the Town tied up in court over this. He said they could put a clause in that you agree to indemnify and defend the town should there be any appeal of the decision. Mr. Pezzoni agreed to that. Mr. Corbo said they will add a Condition 24; the applicant will indemnify and defend the town with respect to any appeal of this decision. Member Spratt asked if the new construction versus the pre-existing non-conforming was going to be included in this or something separate, just to clarify. Mr. Corbo said they did not address that in the decision but they can if you think it needs to be. He said in his opinion, the Board has made the proper findings that the variance criteria have been met. He felt that covers the issue of whether its new construction or pre-existing use. Trying to address too many of those finer points might call some of this into question. He thought it was better left the way it is.

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

Voted: I move that the Board find that the criteria set forth in 310CMR 15.410 have been met and that the variance and change-in-use applications be granted based on the facts and subject to the conditions set forth in the Notice of Decision; provided, however, that the approval will not take effect and no disposal system construction permit shall be issued unless and until the Department of Environmental Protection approves the system in accordance with 310CMR 15.280-15.281.

Unanimous approval.

Mr. Corbo said they will make the changes and print it out on Board of Health letterhead and then they can come in and sign it.

Pending Board of Health Agent items:

Next Board of Health meeting - Chairman Maxim said he would like to continue to have meetings unless the State mandates they cannot. Member Spratt agreed and thought they might see a slowdown. Mr. Corbo said that if the Board is prevented from having meetings or they are not comfortable doing so, the Governor's directive now allows you to conduct meetings by electronic means. Members no longer need to be in the same room as long as there is a way of broadcasting that meeting to the public or keeping a record of it. Chairman Maxim asked how abutters would be able to speak on issues. Mr. Corbo said it would work the same way. For example, if there is a conference call, you could post the number in your agenda posting any member of the public could call in. Video conference calls would work in the same way. Jose Invencio from LakeCam said that the town has reached out to him to look into video conference software or audio. Maureen Candito and Lorraine Carboni are working to make that happen. LakeCam would then broadcast that on cable television or Facebook.

Town Hall - Currently the Town Hall is closed to the public. Town employees are still working, answering phones and emails. Agent Cullen said most of our forms are on our website and can be downloaded and mailed in. We are still operating, just not on a face-to-face basis.

Perc tests - Chairman Maxim wanted to make sure perc tests are still being done. Agent Cullen said we are still scheduling perc tests and inspections.

Rabies clinic - The rabies clinic that was scheduled has been cancelled.

Closures due to Coronavirus - The restaurants in town are closed with the exception of takeout and all bars are closed. Daycares will be closed as of Monday. Schools will be closed until April 7th.

Adjournment – (7:14)

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

Voted: to adjourn.

Unanimous approval.