

Town of Lakeville  
Board of Health  
June 3, 2020 6pm

Present were: Chairman Maxim, Member Spratt, Member Poillucci, and Agent Cullen. Chairman Maxim called the meeting to order at 6:02pm. This was a remote meeting and was recorded by LakeCam.

**10 Central Ave** - Meet with Collins Engineering to discuss local upgrade request. George Collins was present for discussion stating that this plan had previously been approved in 2011 but the application expired. That plan was a modified version of a 2002 plan. They are requesting two local upgrade requests: a setback to abutting well, and a waiver for a deep observation hole. This is a rental property that is experiencing breakout at the ground surface. They have been pumping regularly. Chairman Maxim said that he had reviewed the plan and had no questions. Member Poillucci asked if the system was in failure why hasn't it gotten replaced in the last 10 years. Mr. Collins said it was probably in failure but they weren't experiencing any hydraulic backup. The owner called a month ago saying he wanted to move forward with the system. Mr. Collins explained to him that the application had expired and he would need to apply for a new permit. This property has tied into the Clark Shores Water supply. Member Poillucci asked how soon they want to install. Mr. Collins said he believed the owner wanted to install as soon as possible since the tenant is complaining. He believes as soon as the plan is approved the owner will secure a contractor and move forward. Member Poillucci wanted Agent Cullen to follow up and if the system doesn't go in, the day after the permit expires, the house would be condemned. Member Spratt asked if the water table was close to the inlet of the tanks. Mr. Collins said the way it's designed now, there is in excess of six feet of separation between the water table and the bottom of the system. The plan is also greater than the 1-foot separation to the invert from the water table. Agent Cullen agreed this was the best that could be done and there was no need for a second test pit with such a small field. It is as far away from the abutter's well as possible. It is closer than the cesspool but there is a septic tank and the chambers will be higher than the bottom of the cesspool and there is ventilation on the chambers. This will provide better treatment before the water table.

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

Voted: to approve the septic system as proposed with two variances requested.

Unanimous approval

**20 Lincoln St** - Meet with Zenith Consulting Engineers to discuss local upgrade request. Will Connolly was present for discussion. This is a proposed repair to a failed septic system. They are requesting four local upgrade approvals: a reduction to ground water from 5' to 3', the reduction in the number of deep holes from two to one, use of a sieve analysis in lieu of a perc test, and a reduction in the 12" separation between the inlet and outlet to the tank and high ground water. The proposed plan is a Presby system to get the reduction from 5' to 3'. Because they had mottling at 34" the system will be out of the ground with the main concern being drainage around the system to the back of the house. They also wanted to reduce the amount of tree clearing needed. They are not able to raise the grade over the tank since they are between the swimming pool and the driveway so there will be using a commercial

tank so they can get 9" of cover. There was a discussion regarding the current system and its placement.

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

Voted: to approve the subsurface sewage disposal system at 20 Lincoln St.  
with four local upgrade approval requests.

Unanimous approval.

**Betterment loan** - approval of a betterment loan for 4 Hollis Ave in the amount of \$16,640.00.

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

Voted: to approve the betterment loan for 4 Hollis Ave in the amount of \$16,640.00.

Unanimous approval.

**Marathon Nutrition LLC** - Approve new Food Establishment license (pending inspection and Servsafe certificates). Agent Cullen said the owners haven't gotten their Servsafe certificates yet, but they have enrolled in a class. They also still need an inspection by Derek Macedo. The opening has been pushed back so it isn't urgent at this time. Agent Cullen said they mainly make shakes so the owners really didn't feel they needed to do the Servsafe but he insisted. In their minds all they're doing is taking powder and mixing it with ice and making smoothies. It's not a full-service restaurant. Member Spratt asked if there was fruit involved. Agent Cullen said they don't use fruit or milk. Member Poillucci asked where this was. This establishment is located on Harding Street where Tutto Italiano used to be.

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

Voted: to approve the food license for Marathon Nutrition LLC pending the Servsafe completion and final inspection by Derek Macedo.

Unanimous approval.

**Best Life Distributors (CBD Products)** – Meet with Jay Bianco to discuss being a potential distributor. Mr. Bianco was not present for discussion. Agent Cullen said their products are non-THC products (over the age of 18). They have provided documentation that their products contain no THC. They claim the products are more medicinal, but they don't have the authorization to sell it as a medicinal product. They are looking to sell products in convenience stores in Lakeville. Member Poillucci said he would like to ask Town Counsel if there is any obligation to license this. Member Spratt asked if Mass DPH had any guidelines on the sale of this, if it is up to the towns, or is it still up in the air. Agent Cullen said there were no clear guidelines yet, but it's being sold in a lot of towns already. Member Spratt and Chairman Maxim agreed with Member Poillucci that they should get an opinion from Town Counsel before they go forward with anything. There was a discussion regarding CBD sales.

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

Voted: to continue to the next meeting after input from Town Counsel

Unanimous approval.

**Review and approve meeting minutes as typed –**

- April 1, 2020

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

Voted: to approve the Lakeville Board of Health meeting minutes from April 1, 2020 as typed.  
Unanimous approval.

- April 15, 2020

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

Voted: to continue to the next meeting.  
Unanimous approval.

**Town meeting** - Member Poillucci expressed his concern for the potential town meeting and what was the best way to hold the meeting. Agent Cullen said the Board of Health wasn't consulted, but it would be held at the school in the auditorium. If there isn't enough space to social distance, some will go to the gymnasium, as well as another room. Residents will only be able to speak in the auditorium, if you are in a different location you will need to let someone know and then go to the auditorium just to speak. A large turn-out is not expected. Jose Invencio from LakeCam said that he had been involved in the planning of the meeting with Town Moderator Katie Goodfellow and the Selectmen. Currently, the plan is to hold the meeting in the gymnasium with 6' separation between every chair, seating 120 voters. The State legislation only requires 10% of quorum (or 10 people of the Town's 100-person quorum). The Town Moderator has asked that the meeting be held at the football stadium. The Selectmen were not in favor of that since an earlier start time would be required due to mosquitos. There is also a date issue since Freetown scheduled their town meeting for the 23<sup>rd</sup> at the football stadium. He suggested the Board contact Town Moderator Katie Goodfellow since it was up to her and the Selectmen to agree on how to hold the town meeting. Member Poillucci asked if that would mean if 10 people show up they can vote whatever they want to have go on. Mr. Invencio said it could possibly be that way, but that isn't how they want it to happen, they would like to welcome as many people as possible. There is also a second issue that the special town meeting requires 100 people, it does not fall under the legislation of 10%. The second part of the special town meeting has issues that need to be brought up so 100 people are needed by 8:00 in order to hold the special town meeting.

**Restaurant re-opening** - Member Spratt asked if the Board needed to do anything for the re-opening of restaurants with outdoor dining. Agent Cullen said that the majority of the restaurants in town already have outdoor seating so there is nothing to do there. Chairman Maxim asked if they were allowed to open on their own if they do all the requirements needed. Agent Cullen said that was correct. Member Poillucci said restaurants were supposed to have a list posted of how they are meeting requirements. Agent Cullen said they are supposed to post those so that customers know they are doing the checklist and can have some oversight on that. People are allowed to go indoors to use the bathrooms but the number of people is supposed to be limited. Chairman Maxim asked about the restaurant inspections done twice yearly. All of the first inspections have been waived and should it be made a priority to have Derek go and do those. Agent Cullen said Derek had done the inspection at J&J seafood (a seasonal restaurant) prior to them opening and he has done the inspections on the new food trucks. He said if the Board feels that inspections should be done prior to re-opening it would be up to the Board. Since

they have been doing take-out they have all technically been open. Chairman Maxim asked if the restaurants at the golf courses have been open for take-out. Agent Cullen said he could find out. Member Spratt said that maybe if a restaurant has been closed down completely they go to the top of the list to make sure they're ready to go for the next phase. Chairman Maxim agreed.

**COVID 19 Updates** - Agent Cullen said that the numbers looked good and are decreasing in Massachusetts as well as Lakeville. He urged people to still social distance.

**EEE** – The EEE season is starting. Stagnant water is an issue and if someone has standing water that can't be dumped, the Board of Health has dunks that can be added to the water.

**22 Pierce Ave** - Chairman Maxim reminded the Board that there was an 80-year old tank that the Board wanted replaced but the owner didn't. This tank still has not been removed and the owner is asking to come to a meeting again. Member Poillucci said that Title 5 says 20 years and you need to replace the tank on a repair. This isn't a local regulation and it's 30, 40, 50 years past the date. They make everyone else change the tank, he didn't think the Board had a choice. Member Spratt said when they looked at the plans, they suggested places to move it that would be less impactful. He thinks it's a great tank and doesn't want to replace it, but it's out of the Board's hands, it's Title 5 not a local regulation. Chairman Maxim said according to the plan, the tank was supposed to be decommissioned and re-piped into a new 1500 2-compartment tank at the d-box, which is in. The owner didn't want to decommission because it was such a far distance between the house and the new septic tank. He was concerned with the solids clogging the pipe. There was a discussion regarding options to prevent clogs. Chairman Maxim asked Agent Cullen to reach out to the owner. Member Poillucci said they had already discussed it all when they were face-to-face and unless anything has drastically changed, or he has gotten a waiver from DEP to keep the 80-year old tank, this was beat to death. There isn't a whole lot more that they can talk about and put on a meeting. Agent Cullen said he didn't feel it should go on another meeting, he would just suggest alternate options rather than keeping the tank there. Chairman Maxim said he agreed, unless something drastically changed or Agent Cullen feels it should be brought to the Board again.

**Adjournment** – (7:10pm)

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

Voted: to adjourn.

Unanimous approval.