

Town of Lakeville  
Board of Health  
July 15, 2020 6pm

Present were: Chairman Maxim, Member Spratt, Member Poillucci, and Agent Cullen. Chairman Maxim called the meeting to order at 6:00pm. This was a remote meeting and was recorded by LakeCam.

**Reorganization of Board of Health members** - Chairman Maxim said that Member Spratt was just voted on to the Board for another three-year term. Currently, Derek Maxim is Chairman, Chris Spratt is second member, and Bob Poillucci is third member. Member Poillucci said he was fine leaving the Board the way it was. Member Spratt said he was fine with the way things are as well.

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

Voted: to make Derek Maxim Chairman of the Board of Health.

Two in favor (Poillucci, Spratt), one abstained (Maxim).

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

Voted: to make Christopher Spratt the second member of the Board of Health.

Two in favor (Maxim, Poillucci), one abstained (Spratt).

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

Voted: to make Bob Poillucci the third member of the Board of Health.

Two in favor (Spratt, Maxim), one abstained (Poillucci).

**4 Old Powder House Rd** – meet with Zenith Consulting Engineers to discuss local upgrade approvals. Chairman Maxim said that the posting for this item was incorrect. It read “meet with Zenith Consulting Engineers to discuss local upgrade approvals” but should have read “meet with Zenith Consulting Engineers to discuss variances”. This is a State variance that is needed, not a local upgrade approval. Chairman Maxim said he did not want to discuss anything but would open up the meeting, but continue for the next meeting, August 5<sup>th</sup> at 6pm.

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

Voted: to continue to the next meeting.

Unanimous approval.

*Discussion:* Member Poillucci thought that maybe they didn’t have to continue since the meeting was posted improperly, maybe it should just be a new hearing. He asked that someone check at the Town Hall to clarify. One of the abutters mentioned that in the letter sent to abutters, it identified the property as 4 Old Powder House Drive. Mr. Bissonnette said they could re-issue the letters and change them to “Road”. Chairman Maxim asked if they were going to re-notify abutters. Mr. Bissonnette said he would check with counsel and see if that was required.

**27 Shore Ave** – meet with Zenith Consulting Engineers to discuss variances and local upgrade approvals. Jamie Bissonnette from Zenith Consulting Engineers was present for discussion. This is currently a two-bedroom dwelling serviced by two tight tanks and Clark Shores Water. The new owners plan on using the house more than the previous owners, so they would like to replace the tight tanks with a system that will

require less pumping. The new owner contacted Zenith after seeing a similar system constructed at 39 Shore Ave. In order to get 100' from the pond and 50' from the wetland across the street, a bottomless sand filter system has been proposed. A test hole was dug next to the shed and a large depth of peat was found. The bottom of the peat was at 152" and the bottom of the tight silt-loam layer was at 174", then it was a loamy-sand. A sieve analysis was done resulting in 88.9% sand. They were unable to verify 4' of material, so a variance was requested (#14) from a requirement of 4' of naturally occurring pervious soil before the entire soil absorption area, down to 2'. They are hoping to install an advanced treatment system with a bottomless sand filter to maximize the gallons per day per square foot of infiltration back into the ground to maximize the separation to any resource. A concrete block wall is proposed around the system (7'x21'). This two-bedroom home is to be razed and rebuilt, but will remain at two bedrooms. Mr. Bissonnette said there is currently a deed restriction on the property with a section that states "no increase in square footage", he is looking to get that portion removed and would like the "seasonal" portion removed if the owner is able to tie into Clark Shores Water. Chairman Maxim said that Agent Cullen noted the elevation of the basement at 2' above the water table. Mr. Bissonnette stated that it wasn't technically a basement, it was going to be a walk-out. There was a discussion about the grade of the property. An addition variance will be added to allow the basement elevation to be 1.9' above the water table instead of 2'. This will make a total of 15 variances. There was a review of the deed restriction. Agent Cullen asked about the recirculation ratio of the Advantex treatment unit. Mr. Bissonnette reviewed the process of the unit. Chairman Maxim asked if there were any wells located within 100'. Mr. Bissonnette said the only one was across the street at 20 or 22 Shore Ave. (which is outside the 100' radius). One of the abutters asked about grading for neighboring properties and waterflow and if that would be covered under the Board of Health. Agent Cullen said it was Board of Health and part of putting in a leach field is to make sure the water goes to the appropriate place. The abutter also asked about the run off from the house. Mr. Bissonnette said right now they are not proposing any grade changes, but that doesn't mean they can't look at trying to aim this more towards the pond with the roof run-off. He explained that they need to go to the Zoning Board of Appeals prior to the new build, he would like to see what way the roof angles and then they could talk about down spouts and discharge points. They will also need to go before Conservation as well, so this issue can be addressed with those two Boards better than with the Board of Health for the roof run-off. Mr. Bissonnette didn't see there being any run-off from the septic system. Chairman Maxim asked what the inspection process is for the system. The Department of Environmental Protection (DEP) sets the criteria for each manufacturer and how frequently it will be tested.

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

Voted: to approve the septic design for 27 Shore Ave. with the 14 requested, plus 1 additional variance (a reduction from 2' to 1.9' from foundation to ground water), subject to Agent Cullen approving the Operations & Maintenance plan.

Unanimous approval.

**7 Forest Park Drive** – meet with Outback Engineering to discuss local upgrade request. Kyle Devenish from Outback /engineering was present for discussion. This is an existing 3-bedroom house with a failed system. The lot was flagged for wetlands by Elyse Tripp. There was a man-made ditch to collect run-off from the neighboring lot which was flagged. There is a concrete block foundation over the existing pump chamber. They are proposing a new tank and pump chamber both H-20 monolithic. The invert out of the house comes out below the existing slab with a finished basement so the plumbing can't be raised from inside. They are requesting an upgrade approval for the depth of the components from 36" to 72" below finish grade. Due to the soils being silt-loam, there are a lot of chambers to the system. This is a tight lot and this is really the only spot the it can be placed. They are also asking for a reduction in the setback

between the proposed leaching field and wetlands from 50' to 40.1', to allow a sieve analysis in lieu of a percolation test, and a reduction in the 12" separation between inlet and outlet and high groundwater. No abutters were notified since they are further than 100' from the wells. Chairman Maxim asked if there was a bathroom in the basement, or if the piping was just under the basement floor. Mr. Devenish said he did not know if there was a bathroom, but the basement was finished. Chairman Maxim said they allowed variances for depth of tank but he was always hesitant if there was any way to raise the tank so its not so deep and under the water table. The perc test showed weeping, not just mottling so the tanks will be submerged under water by 8" to 1'. Agent Cullen said they will need a pump chamber regardless. Chairman Maxim said it couldn't be gravity no matter how high you raised the tank, it would still be a pump. Chairman Maxim asked how they were going to rectify the pump chamber under the block foundation. Mr. Devenish said it would be pumped and flowable fill pumped into it and left in place. Chairman Maxim asked that it be added to the plan that it be pumped and filled with flowable fill since there is a foundation built on top of it.

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

Voted: to approve the proposed soil absorption system upgrade at 7 Forest Park Drive with the four local upgrade approvals and the existing pump chamber being pumped and filled with flowable fill.

Unanimous approval.

**Best Life Distributors (CBD Products)** – continued from June 3<sup>rd</sup> 2020 meeting. Agent Cullen reached out to Town Counsel per the Board's request. Agent Cullen said the law is set up so as long as you aren't making a claim that there are medicinal benefits, Massachusetts will allow it. The ones currently being sold in town do not make medicinal claims. They are also not supposed to be called a "dietary supplement" and some of them are. The ones currently selling in Lakeville, none of them are out in the open, they are behind the counter. Agent Cullen said the only question really is, is it okay to call them a dietary supplement when they really aren't certified by the Food and Drug Administration (FDA) to have medicinal benefits and to be called a dietary supplement. He stated that the ones out there do not claim medicinal benefits but they are called dietary supplements and they aren't supposed to do that. Chairman Maxim asked if a letter could be sent out letting the vendors know they can't do that based on the State regulation. Member Spratt wondered if the companies were going to be changing the labels anyway if the federal guidance says that. Agent Cullen said a lot of towns aren't enforcing this State regulation and it would be up to the Board if they wanted to enforce it. Chairman Maxim said since the Board knows about it and it's a State reg then it needs to be enforced. The Board is not allowed to overrule that regulation with a vote by the Board of Health to make it less stringent. He did not feel the Board had an option. Member Spratt asked if this was just for edible products. Agent Cullen said if they're eating it as a food, it's fine, they just can't call it a dietary supplement. Member Poillucci asked if the State had an age limit on it. Agent Cullen said it was 18 which is why it's held behind the counters. It was the Board's decision that Agent Cullen send a letter to the known places selling it, with the State guidelines we received from Town Counsel regarding the regulations.

**Recommend to the Board of Selectmen to appoint Edward Cullen as the Inspector of Milk for the period of July 1, 2020 through June 30, 2021** –

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

Voted: to recommend to the Board of Selectmen to appoint Edward Cullen as the Inspector of Milk for the period of July 1, 2020 through June 30, 2021.

*Discussion:* Member Spratt asked if the Board always recommended to the Selectmen or did the Board always appoint. Member Spratt said at one of the meetings the Selectmen changed the way appointments are done. Chairman Maxim asked if the Board wanted to vote the way the agenda is written and amend it later if it's wrong. It was decided to recommend and amend later if needed.

Unanimous approval.

**Re-appointments of Assistant Board of Health Agents for the period July 1, 2020 through June 30, 2021-**

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

Voted: to appoint Derek Maxim as Assistant Board of Health Agent from July 1, 2020 through June 30, 2021.

Two in favor (Poillucci, Spratt), 1 abstained (Maxim).

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

Voted: to appoint Christopher Spratt as Assistant Board of Health Agent from July 1, 2020 through June 30, 2021.

Two in favor (Maxim, Poillucci), 1 abstained (Spratt).

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

Voted: to appoint Robert Poillucci as Assistant Board of Health Agent from July 1, 2020 through June 30, 2021.

Two in favor (Spratt, Maxim) 1 abstained (Poillucci).

**Plymouth County Mosquito** - Agent Cullen said Plymouth County Mosquito was contacted about a month ago about areas to spray in Lakeville, wanting to get a jump on EEE. They started spraying June 1<sup>st</sup>, some of the fields and some of the buildings in Lakeville.

**43D Committee** - Chairman Maxim said they needed to vote on a member for the 43D Committee. Member Poillucci said he didn't think the Board could take a vote on something that wasn't on the agenda. After brief discussion, Member Spratt will be voted to the 43D Committee. This will be placed on the agenda for the next meeting.

**COVID-19 Update** – Agent Cullen said Lakeville still gets a couple of cases every week, but we are doing well, and Massachusetts as well. While we want everyone to get out and go back to work, we still ask everyone to social distance and wear a mask. We want the kids to be able to go back to school in the fall, so what we do in the next month will determine that. He reminded people that this isn't over yet, we still have a little way to go. Member Poillucci asked if the schools had reached out to him for input about opening up schools. Agent Cullen said the determination of how to open up schools will come from the State, they aren't asking the Board of Health's opinion on that. They will probably make the determination within the next couple of weeks, based on the amount of COVID out there.

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

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

Voted: to approve the Board of Health meeting minutes dated April 15, 2020 as typed.

Unanimous approval.

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

Voted: to approve the Board of Health meeting minutes dated May 6, 2020 as typed.

Unanimous approval.

Adjournment – (7:23pm)

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

Voted: to adjourn.

Unanimous approval.