

BOARD OF HEALTH AGENDA
Wednesday January 18, 2023 6:00 P.M.

Please ask if anyone is recording the meeting and announce that LakeCAM is taping (if present)

1. **17 Shore Ave** - Meet with Dean's Point Survey Consultants to discuss requested local upgrades
2. **7 Azalea Street** - *Continued discussion from December 21, 2022*, regarding nitrogen loading with Zenith Consulting Engineers, LLC
3. **Approve meeting minutes, as typed**
 - November 2, 2022
4. ***Discuss recent BOH Agent pending items***

CORRESPONDENCE

Covid19 update

Any other business that may properly come before the Board of Health

Please be aware that this agenda is subject to change. Should other issues arise requiring immediate attention by the Board of Health after the posting of this Agenda, they may be addressed at this meeting.

Dean's Point Survey Consultants
7 First Avenue
Lakeville, MA 02347
Phone 508-813-3069
Professional Land Surveyors

1

RECEIVED

December 16, 2022

DEC 21 2022

Re: Septic System Upgrade at 17 Shore Avenue, Lakeville, MA

LAKEVILLE
BOARD OF HEALTH

Dear Abutter,

Per the Massachusetts Title V Code 310 CMR 15.000 we are notifying you of a septic system upgrade within 400' of a surface water supply, Long Pond. We have located the Septic Tight Tank as far, as is practical, from all existing wells and the water body itself.

Local Upgrades Requested:

SOILS AND HIGH WATER ELEVATION TAKEN FROM #19 SHORE AVENUE DESIGN PLAN.
310CMR 15.405(1)(k) At least one deep hole has been performed in the proposed disposal area and it has been determined by the Approving Authority that the deep hole adequately characterizes the soils for the purpose of designing the soil absorption system.

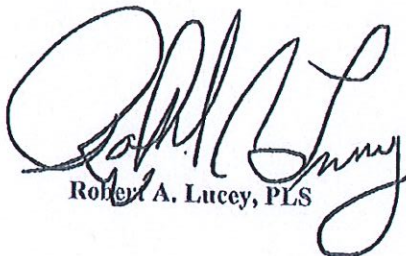
INVERT INTO TANK 1.5' BELOW GROUND HIGH WATER ELEVATION.
310CMR 15.405(1)(j) Reduction of the requirement of a 12 inch separation between the inlet and outlet tees and high groundwater,...

State Variance Requested:

DISTANCE FROM SEPTIC TANK TO A SURFACE WATER SUPPLY, REQUIRED 400' / PROVIDED 75' (EXISTING 60').
310CMR 15.211

If you should have any questions, please contact my office or the Lakeville Board of Health for hearing information.

Sincerely,


Robert A. Lucey, PLS

Taunton Water Department
91 Precinct Street
Lakeville, MA 02347

New Bedford Water Department
1 Negus Way
East Freetown, MA 02717

Dean's Point Survey Consultants
7 First Avenue
Lakeville, MA 02347
Phone 508-813-3069
Professional Land Surveyors

RECEIVED

DEC 21 2022

LAKEVILLE
BOARD OF HEALTH

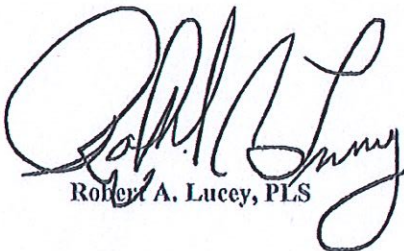
December 16, 2022

Re: Septic System Upgrade at 17 Shore Avenue, Lakeville, MA

Dear Board Members,

As supplementary information to the filing at 17 Shore Avenue, please let it be known that entirety of the site falls within the FEMA Flood Zone, as shown of the provided FIRMette.

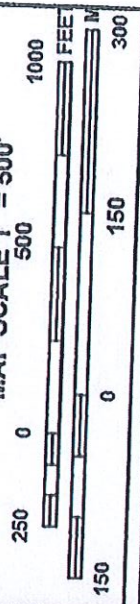
Sincerely,



Robert A. Lucey, PLS



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0429K

FIRM FLOOD INSURANCE RATE MAP Plymouth County, Massachusetts (ALL JURISDICTIONS)

PANEL 429 OF 650
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
COMMUNITY LAKEVILLE, TOWN OF
NUMBER 250271
PANEL 942P
SUFFIX K

RECEIVED

DEC 21 2022

LAKEVILLE

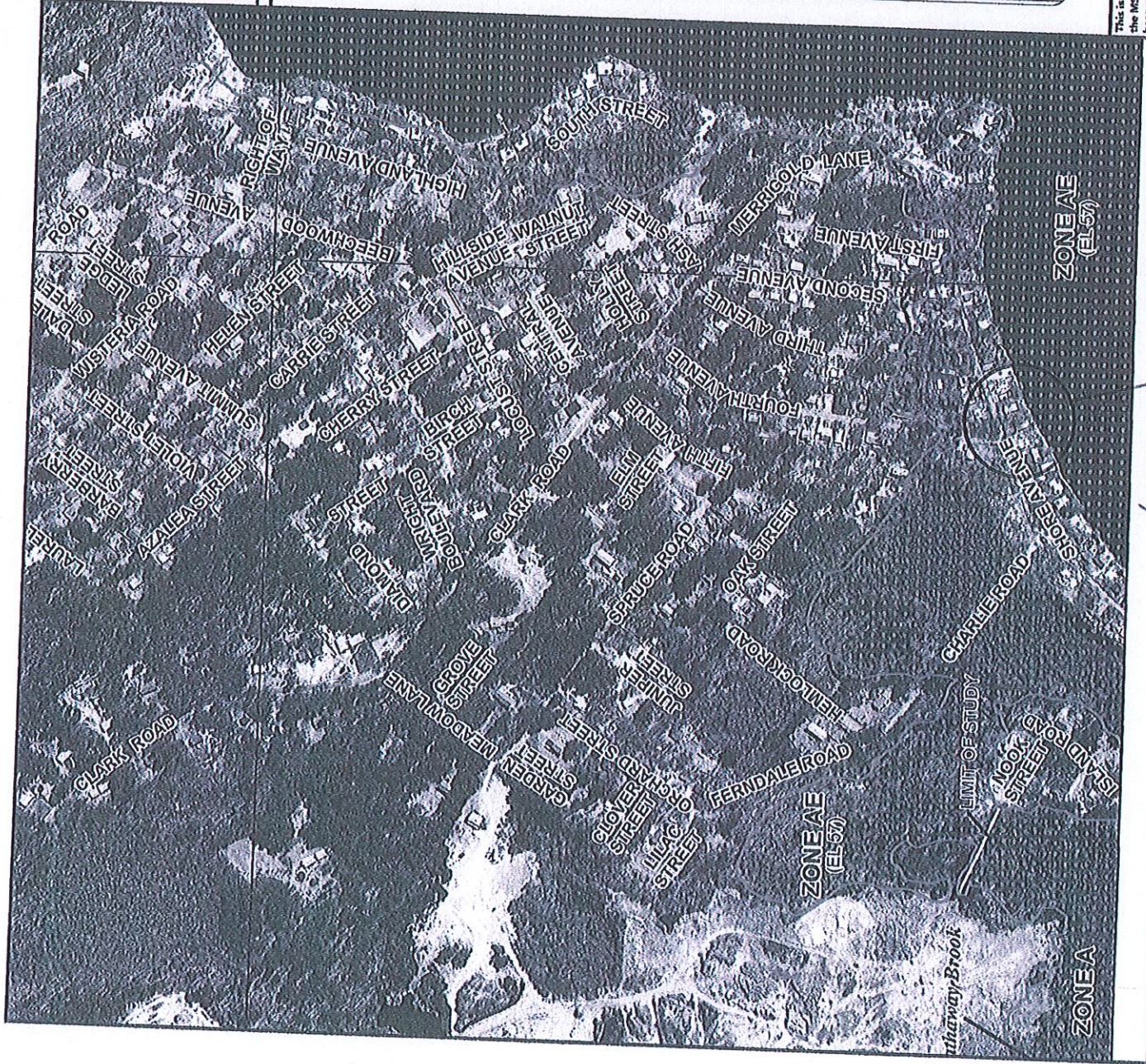
Notice to User: The information shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
25023C0429K
MAP REVISED
JULY 16, 2015

Federal Emergency Management Agency

This is an official FIRMapets showing a portion of the above-referenced flood map created from the MSC FIRMapets Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates: Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



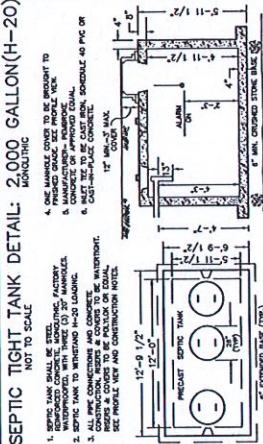
Locals ->

JOINS PANEL 0437

OBSERVATION HOLE DATA

AS TAKEN FROM DESIGN PLAN
 HOLE #1 AT 18 SHORE AVENUE
 DATE: 02/20/2023 MOTTUNG ELEV. = 35.4
 DPTHS MAY VARY.

DEPTH	SURFACE	SOIL	SOIL	SOIL	SOIL	OTHER
FEET	TEXTURE	HORIZONTAL	VERTICAL	COLOR	SMELL	REMARKS
52.9	0-4"	FILL	SIR 2.5/1	N/A	N/A	LAWN
53.1	42-64"	O/A	SIR 2.5/1	N/A	N/A	
48.4	64-96"	C	VERT GRAY SAND	2.5/1	5/1	N/A



BUDYANCY CALCULATIONS

MAXIMUM GROUNDWATER ELEVATION = 36.40

PROPOSED TIGHT TANK ELEV. = 34.8

1. BUOYANCY FORCE ON TANK = 12.37' X 6.79' X 5.98' X 62.4 PCF = 277.95 CF X 6.24 PCF = 1,735.00 LBS

2. WEIGHT OF DISPLACED WATER = 12.37' X 6.79' X 5.98' X 62.4 PCF = 277.95 CF X 6.24 PCF = 1,735.00 LBS

3. NET WEIGHT = 24,000#

4. EXTENDED BASE = 2,000#

5. TOTAL WEIGHT = 26,000#

6. WEIGHT OF SOIL ABOVE TANK = 12.37' X 6.79' X 6.79' X 120 PCF = 608.84 CF X 120 PCF = 73,060.80 LBS

7. WEIGHT OF SOIL BELOW TANK = 12.37' X 6.79' X 6.79' X 120 PCF = 608.84 CF X 120 PCF = 73,060.80 LBS

8. NET WEIGHT = 73,060.80 LBS - 73,060.80 LBS = 0.00 LBS

9. WEIGHT OF SOIL ABOVE TANK = 12.37' X 6.79' X 6.79' X 120 PCF = 608.84 CF X 120 PCF = 73,060.80 LBS

10. WEIGHT OF SOIL BELOW TANK = 12.37' X 6.79' X 6.79' X 120 PCF = 608.84 CF X 120 PCF = 73,060.80 LBS

11. NET WEIGHT = 73,060.80 LBS - 73,060.80 LBS = 0.00 LBS

12. WEIGHT OF SOIL ABOVE TANK = 12.37' X 6.79' X 6.79' X 120 PCF = 608.84 CF X 120 PCF = 73,060.80 LBS

13. WEIGHT OF SOIL BELOW TANK = 12.37' X 6.79' X 6.79' X 120 PCF = 608.84 CF X 120 PCF = 73,060.80 LBS

14. NET WEIGHT = 73,060.80 LBS - 73,060.80 LBS = 0.00 LBS

15. WEIGHT OF SOIL ABOVE TANK = 12.37' X 6.79' X 6.79' X 120 PCF = 608.84 CF X 120 PCF = 73,060.80 LBS

16. WEIGHT OF SOIL BELOW TANK = 12.37' X 6.79' X 6.79' X 120 PCF = 608.84 CF X 120 PCF = 73,060.80 LBS

17. NET WEIGHT = 73,060.80 LBS - 73,060.80 LBS = 0.00 LBS

REVISIONS:

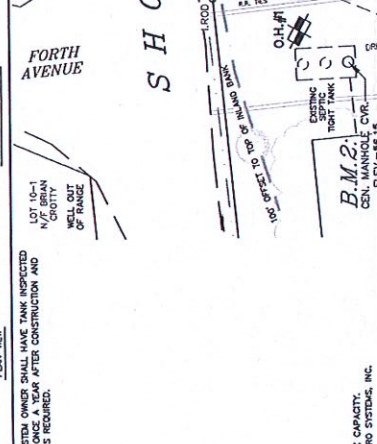
No.	DESCRIPTION	DATE
1	CONSTRUCTION NOTES:	
2	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
3	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
4	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
5	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
6	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
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9	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
10	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
11	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
12	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
13	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
14	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
15	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
16	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	
17	THIS SYSTEM IS NOT DESIGNED FOR A GROUNDWATER TABLE OF 10.00 FEET OR DEEPER.	

CONSTRUCTION NOTES

- CISTERN SEPTIC TANK TO BE AMBROSINO, PUMPER, RUPERT & CO. (OR EQUIVALENT) (SEE SPECIFICATIONS).
- IF REQUIRED RE-PIPE BUILDING AS NEEDED FOR BUILDING SEWER OUT TO PROPOSED SEPTIC TANK.
- REMOVE EXISTING STONE DRIVEWAY & WALK AS REQUIRED TO INSTALL SEPTIC TANK. FILL WITH CRUSHED STONE BED. SAND & GRAVEL LAYER, BACK FILL WITH CRUSHED STONE BED.
- SOIL MATERIAL FROM THE PEAT LAYER IS TO BE REMOVED DOWN TO THE SAND & GRAVEL LAYER, BACK FILL WITH CRUSHED STONE BED.
- ANY DEMOLITION ACTIVITIES TO STAY WITHIN THE LIMIT OF WORK. DEMOLITION BAG OR OTHER EQUIPMENT CARRIED INTO THE GROUND. IN NO CASE SHALL THESE BE USED MATERIALS TO BE KEPT WITHIN THE LIMIT OF WORK.
- ALL WORK SHALL BE COMPLETED BY 10:00 AM ON THE DATE SPECIFIED.
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ADDITIONAL NOTES & SYSTEM NOTES

- RUBBER INLET BOOT AND TANK RISER SYSTEM TO BE PUMPED DIRECTLY INTO TANK CAST.
- TANK WILL BE FITTED WITH AUTO AND MANUAL ALARMS SET TO ACTIVATE AT 3/4 OF THE TANK CAPACITY.
- PLUMBING SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE PLUMBING CODES OF THE STATE OF MASSACHUSETTS.
- CONTROL PANEL, ALARM AND SWITCH BOX TO BE LOCATED WITHIN DWELLING & TO BE HARD WIRED ON SEPARATE CIRCUIT.
- AFTER INSTALLATION AND PRIOR TO USE, THE INTEGRITY OF THE TANK IS TO BE TESTED BY FILLING THE TANK SYSTEM WITH WATER AND JUMPING THE SYSTEM TO THE TANK. TO BE WITNESSED BY THE DESIGN ENGINEER (OR REP.)
- THE TANK IS TO BE PUMPED BY A LICENSED SEPTIC PUMPER UPON ACTIVATION OF THE ALARM SYSTEM.
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DESIGN CRITERIA:

DESIGN FLOW: 2. BEDROOMS AT 110 G.P.D. / 220 G.P.D.

TOILETING: SINGLE FAMILY RESIDENTIAL SEASONAL

REQUIRED SEPTIC TIGHT TANK: 250 ± 5000 - 1,100 GAL

SEPTIC TANK PROVIDED: 2,000 GAL

INVERT ELEVATIONS:

4" INVERT AT SEPTIC TANK (IN)	34.80
SEPTIC TANK AT TOP	34.80
SEPTIC TANK AT INTERIOR BOTTOM	49.25
ELEVATION AT EXTERIOR BOTTOM SEPTIC TANK	48.92
ELEVATION OF ALARM ON	31.75
GROUND ELEV. AT TANK	35.89
GROUND WATER ELEV.	35.9
GROUND WATER ELEV. / MOTTLES	36.4

DESIGN CRITERIA:

DESIGN FLOW: 2. BEDROOMS AT 110 G.P.D. / 220 G.P.D.

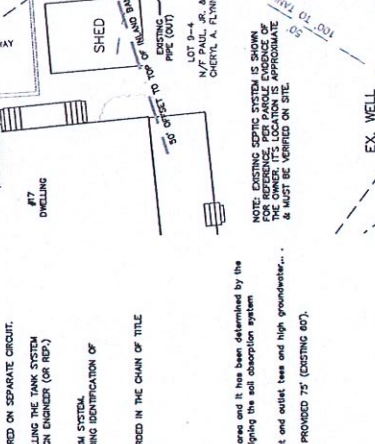
TOILETING: SINGLE FAMILY RESIDENTIAL SEASONAL

REQUIRED SEPTIC TIGHT TANK: 250 ± 5000 - 1,100 GAL

SEPTIC TANK PROVIDED: 2,000 GAL

VARIANCES OR LOCAL UPGRADE APPROVALS REQUESTED

- SOILS AND HIGH WATER ELEVATION TAKEN FROM #18 SHORE AVENUE DESIGN PLAN. UAC: 31000R-15400(10) AT LEAST ONE DEEP HOLE HAS BEEN DRILLED AND SOILS SAMPLED FOR THE PURPOSE OF DETERMINING THE SOIL ABSORPTION SYSTEM.
- INVERT INTO TANK FROM THE DEEP HOLE HAS BEEN DRILLED TO THE WATER ELEVATION.
- DISTANCE FROM SEPTIC TANK TO A TRIBUTARY TO A SURFACE WATER SUPPLY, REQUIRED 200' / PROVIDED 75' (EXISTING 60'). STATE: 31000R-15400



EXISTING CONDITIONS & PROPERTY LINE BY:

OWNER: DONALD & MARY FRANCES DESVERGNES
 676 LINDSEY STREET
 ATTLEBORO, MA 02703

LOCUS IS SHOWN AS LOT 9-3 ON LAKEVILLE ASSESSOR'S MAP 41.

LOCUS IS SHOWN AS LOT 9-3 ON LAKEVILLE ASSESSOR'S MAP 41.

LOCUS IS SHOWN AS LOT 9-3 ON LAKEVILLE ASSESSOR'S MAP 41.

LOCUS IS SHOWN AS LOT 9-3 ON LAKEVILLE ASSESSOR'S MAP 41.

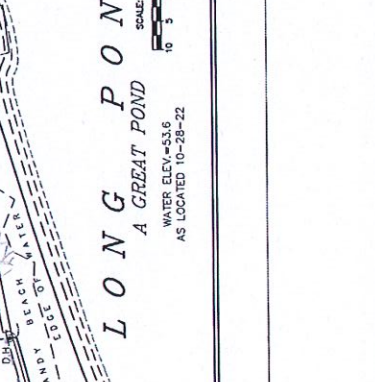
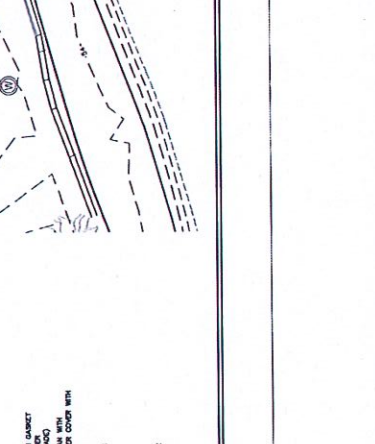
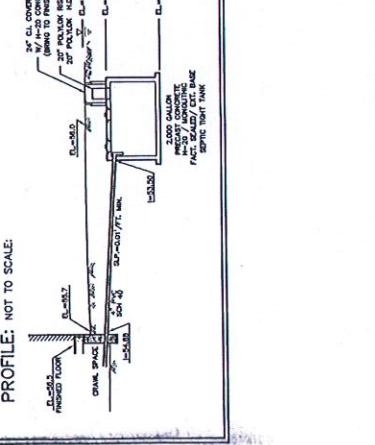
DEAN'S POINT SURVEY CONSULTANTS

PAUL N. COLLIER, P.E.
 7 FIRST AVENUE
 LAKEVILLE, MA 02454
 508-884-3009

PROJECT TITLE:
SEPTIC SYSTEM UPGRADE PLAN
 AT
17 SHORE AVENUE
LAKEVILLE, MA
 LOT 9-3
 ASSESSOR'S MAP 41
 PCL#P-804654-29757642

PREPARED FOR:
 DONALD DESVERGNES
 676 LINDSEY STREET
 ATTLEBORO, MA 02703

DATE: 11-16-2022
 CALC/DES: PNC/PAL
 CHECK: PNC/PAL
 FIELD: PAL
 DRAWN: PAL/PNC
 JOB-DESIGNER: DMC-DESVERGNES
 SHEET 1 OF 1



FILE COPY

KEY MAP = 1" = 200'

WATER ELEV. = 33.6
 AS LOCATED 10-28-22

2

One Lakeville Business Park
Suite 1A
Lakeville, MA 02347

Tel (508) 946-0066
Fax (508) 946-4474
E-Mail: rjmather@rjmatherlaw.com

December 7, 2022

Lakeville Board of Health
241 Main St.
Lakeville, MA 02347
Attention: Edward Cullen, Board of Health Agent

Dear Mr. Cullen:

I have been asked to give a legal opinion on whether or not property located at 7 Azalea Rd., Lakeville, MA is subject to the nitrogen loading limitations set forth in 310 CMR 15.214.

310 CMR 15.214 Nitrogen Loading Limitations in subsection (1) provides as follows:

“No system serving new construction in Nitrogen Sensitive Areas designated in 310 CMR 15.215 shall be designed to receive or shall receive more than 440 gallons of design flow per day per acre except as set forth at 310 CMR 15.216 (aggregate flows) or 15.217 (enhanced nitrogen removal).

It should be noted that 310 CMR 15.214, subsection (2) is not applicable as that section applies only to systems serving new construction in areas where the use of both on-site systems and drinking water supply wells is proposed to serve the facility. The facility at 7 Azalea Rd. will involve an on-site septic system but not an on-site water supply well.

This regulation applies only to “... new construction in *Nitrogen Sensitive Areas designated in 310 CMR 15.215...*”, so it is necessary to determine first if the regulation applies to the property at 7 Azalea Road. The regulation specifically defines “Nitrogen Sensitive Areas”.

310 CMR 15.215 - Designation of Nitrogen Sensitive Areas provides as follows:

“The *following areas* have been determined by the Department to be particularly sensitive to the discharge of pollutants from on-site sewage disposal systems and are therefore designated nitrogen sensitive. The necessity of providing increased treatment of pollutants and reduction in nutrients discharged from on-site sewage disposal systems, including nitrogen, nitrogen as nitrate, phosphorus and pathogens in these areas warrants the imposition of the loading restrictions set forth in 310 CMR 15.214.

- (1) Interim Wellhead Protection Areas and Department approved Zone II's of public water supply;
- (2) Nitrogen sensitive embayments or other areas *which are designated as nitrogen sensitive* for purposes of 310 CMR 15.000 *shall be mapped* based on scientific

evaluations of the affected water body *and adopted through parallel public processes* pursuant to both 310 CMR 15.000 and in the Massachusetts Water Quality Standards 314 CMR 4.00.

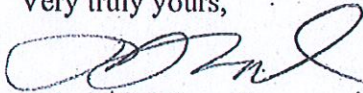
The subject property at 7 Azalea Road does not fit into either of the above two categories. It is not located in Interim Wellhead Protection Areas and Department approved Zone II's of public water supply (No. (1) above). In order to fall under (2) above the property has to be located in a specific area that has been designated as nitrogen sensitive and mapped based on scientific evaluations of the affected water body and adopted through parallel public processes. The Town of Lakeville has not mapped these areas nor have they adopted the map through parallel public processes. Therefore, the property at 7 Azalea Rd., Lakeville, MA is not governed by the provisions of the nitrogen loading limitations in 310 CMR 15.214.

I have seen an opinion that you received from Brett Rowe at DEP, but I think that the way the issue was framed to him it presumes that the property is located in a nitrogen sensitive area, so I do not think his response is applicable for our situation. If you feel it is necessary, I would suggest that you ask him the following question: Do the nitrogen loading limitations set forth in 310 CMR 15.214 apply to a specific parcel of land at 7 Azalea Rd. in Lakeville that is not located in either (1) an Interim Wellhead Protection Area and Department approved Zone II's of public water supply, or (2) in any area that has been designated as nitrogen sensitive and mapped and adopted through parallel public processes.

It appears that the Board of Health is basing its opinion on the belief that, in the board's opinion, the subject property is located in a nitrogen sensitive area. That may or may not be the case but it is not within the purview of the Board of Health determine the location of nitrogen sensitive areas, when 310 CMR 15.215 specifically defines these areas.

If you require any additional information, please let me know.

Very truly yours,



Robert J Mather, Esq.

2. AREAS SUBJECT TO NITROGEN AGGREGATION

Areas subject to nitrogen aggregation are the same areas subject to the nitrogen loading limitation of 440 gallons of design flow per day per acre:

(1) Nitrogen Sensitive Areas (310 CMR 15.215)

- a) Zone IIs³
- b) Interim Wellhead Protection Areas (IWPAs)⁴, and
- c) Nitrogen sensitive embayments
(DEP has not yet designated any nitrogen sensitive embayments. The Department will address, at a later date, nitrogen aggregation in sensitive embayments.)

(2) areas of residential new construction, as defined in Title 5, where both on-site systems and on-site drinking water supply wells are proposed (310 CMR 15.214(2)). These areas are the so-called private well areas.

DEP recognizes that in the case of an IWPA when the Zone II is subsequently delineated and approved by DEP, facility and/or credit land may be determined to lie outside of the nitrogen sensitive area. If that is the case, at that point in time, the facility would no longer be subject to the Title 5 nitrogen loading limitation. However, any deed restrictions on subject lands would remain until released with the approval of the holders of the restriction (*see Section 8 below*).

In order to avoid nitrogen loading limitations imposed on a site within an IWPA, but not actually within the undefined Zone II, the applicant may choose to delineate the Zone II to demonstrate that the proposed facility lies outside of the Zone II and, therefore, is not subject to the nitrogen limitations in 310 CMR 15.214. Persons seeking DEP Zone II approval must follow the procedures set forth in the Department's Drinking Water Program, "Guidelines and Policies for Public Water Systems."

3. A COMMUNITY/REGIONAL AGGREGATION PLAN

A Community/Regional Plan may include nitrogen sensitive areas or private well areas, or both. The goal is to have the flexibility of nitrogen aggregation for more than a single facility, while ensuring protection of sensitive receptors, i.e., public water supply wells, private wells, drinking water reservoirs and tributaries to drinking water reservoirs, from excessive nutrients through local planning and regulatory controls. With the need for local regulatory control as part of the plan, the applicant for a Community/Regional Plan would, typically, be a municipality.

³ Title 5 defines Zone II as: That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can realistically be anticipated, as defined in Massachusetts drinking water regulations, 310 CMR 22.02.

⁴ Title 5 defines Interim Wellhead Protection Area (IWPA) as: An interim well-head protection area, as defined in Massachusetts drinking water regulations, 310 CMR 22.02. Generally, this is a 1/2-mile radius for sources whose approved pumping rate is 100,000 [gallons per day] or greater. For smaller sources, the radius in feet is determined by multiplying the approved pumping rate in gallons per minute by 32, and adding 400.

No. _____

FEE \$300
CR# 4143

COMMONWEALTH OF MASSACHUSETTS

Board of Health, Lakewood, MA.

APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

Application for a Permit to Construct Repair () Upgrade () Abandon () - Complete System Individual Components

Location <u>7 Azalea St.</u>	Owner's Name <u>UR Logan</u>
Map/Parcel# <u>42</u>	Address <u>113 E. Grove St</u>
Lot# <u>12 - 24</u>	Telephone# <u>Dialing MA 02316</u>
Installer's Name	Designer's Name <u>Zenith Cons. Eng. LLC</u>
Address	Address <u>3 Main St. Lakewood, MA</u>
Telephone#	Telephone# <u>(508) 947-4808</u>

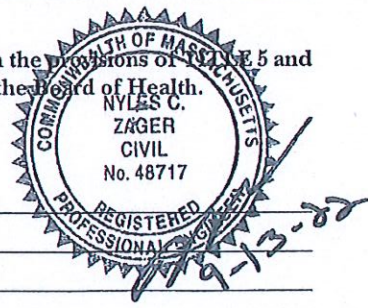
Type of Building Residential - SF Lot Size 10,361 sq. ft.
 Dwelling - No. of Bedrooms 3 Garbage grinder () No
 Other - Type of Building N/A No. of persons _____ Showers (), Cafeteria ()
 Other Fixtures _____
 Design Flow (min. required) 330 gpd Calculated design flow 330 Design flow provided 356 gpd
 Plan: Date 1-10-22 Number of sheets 1 Revision Date _____
 Title Subsurface Sump Disposal System
 Description of Soil(s) Loamy Sand
 Soil Evaluator Form No. _____ Name of Soil Evaluator Will Connolly Date of Evaluation 8-8-22

DESCRIPTION OF REPAIRS OR ALTERATIONS _____

The undersigned agrees to install the above described Individual Sewage Disposal System in accordance with the provisions of Title 5 and further agrees to not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed _____ Date _____

Inspections _____



No. _____

FEE _____

COMMONWEALTH OF MASSACHUSETTS

Board of Health, _____, MA.

CERTIFICATE OF COMPLIANCE

Description of Work: Individual Component(s) Complete System

The undersigned hereby certify that the Sewage Disposal System; Constructed (), Repaired (), Upgraded (), Abandoned ()

by: _____
at _____

has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to application No. _____, dated _____. Approved Design Flow _____ (gpd)

Installer _____

Designer: _____ Inspector: _____ Date: _____

The issuance of this permit shall not be construed as a guarantee that the system will function as designed.

Town of Lakeville
Board of Health

November 2, 2022 6pm

#3

Members present: Chairman Spratt, Member Maxim, Member Poillucci, and Health Agent Ed Cullen.
Chairman Spratt called the meeting to order at 6:00pm. LakeCam was present to record.

Lakeside Baking Co., LLC - New Food Establishment located at 12 Charles St, residential kitchen license, mobile food truck license, milk and cream license. Agent Cullen said this would not be a typical mobile food truck. The applicant would be cooking in her residential kitchen and selling from the trailer. Everything will be prepackaged and there wouldn't be any cooking in the trailer.

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

Voted: to approve the food establishment license for Lakeside Baking Co., LLC.

Unanimous approval.

Documents provided: food establishment inspection report, license application, workers comp affidavit, food safety manager certificate, allergen awareness certificate, well analysis, tight tank inspection, plan review packet, milk & cream application.

RCAP Solutions - Meet with Regional Manager, Jim Starbard to discuss the Lakeville results from RCAP Solutions Private Well Program. Jim Starbard and Madison Welland from RCAP were present for discussion. RCAP is part of a nation-wide non-profit that has recently completed a private well testing program in Lakeville. Out of the 40 well tests they did in Lakeville, 23 (57.5%) came back with either total coliform positive or some other health-based standard. Of the samples with contaminants, 11 were Coliform bacteria which were then screened for e-Coli. Only 1 came back positive for e-Coli. All homeowners were contacted by either email or phone. The homeowner whose well tested positive for e-Coli was contacted by phone and given more information. All others were contacted by email with instructions. One of the largest issues they did find in the sample wells was radon. There were 11 samples that came back with high radon, some exceedingly high. There was one sample with nitrate that was over the drinking water standard of 10mg/liter. They did contact the owner and found out he was on a cesspool, which was most likely the cause, and he probably needs to upgrade the septic system. There were 3 samples with manganese over the standard of 0.3mg. They will be using the data collected over the last 3 years to push for legislation that will give MassDEP the authority to write a minimum standard for private wells. There was a discussion on well testing. Mr. Welland said they started the Coalition for Safe Drinking Water to encourage the state to adopt the legislation that would empower DEP to set private well standards like they do for public wells. They would like to include the Lakeville Board of Health as a supporter on their website, along with other Boards of Health, before they push this legislation forward. Member Poillucci asked if they had been in contact with DEP. Mr. Welland said that DEP has played a big hand in helping this project get started, but they can't be part of anything to do with the legislation.

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

Voted: to support RCAP's initiative and let them use the town seal to back it on their website.

Unanimous approval.

Mr. Starbard mentioned their new program that offers well and septic loans up to \$15,000.00 at a 1% interest rate with a maximum income of \$120,000.00. Member Poillucci explained that the town had a betterment program for septic, but it didn't cover wells, so this would come in handy. Chairman Spratt asked if this was a partnership with the USDA. Mr. Starbard said it was using USDA money. Information regarding loans will be on the Board of Health's website.

Documents provided: email.

6 Taunton St. - Meet with Zenith Consulting Engineers, LLC to discuss requested local upgrade approvals. Jamie Bissonnette from Zenith was present for discussion. This is a septic repair with local upgrade approval requests: a reduction to ground water from 5 to 4+, a reduction in the number of holes from 2 to 1, and a reduction in the separation between the SAS and the foundation. They are proposing a 40ml rubber liner between the edge of the over dig and the foundation. They did consider the front left corner of the property, but that would have required a pump system and would require crossing the water line and cutting the driveway.

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

Voted: to approve the septic repair at 6 Taunton Street with the 3 local upgrade approval requests.

Unanimous.

Documents provided: approval request letter, proposed plan, application.

7 Azalea St. - continued discussion from October 19, 2022, regarding nitrogen loading with Zenith Consulting Engineers, LLC.

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

Voted: to continue to November 16th.

Unanimous approval.

Documents provided: proposed plan.

Approve meeting minutes as typed:

- August 17, 2022
- September 7, 2022

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

Voted: to approve minutes as typed for the August 17, 2022 Board of Health meeting.

Unanimous approval.

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

Voted: to approve the meeting minutes as typed for the September 7, 2022 Board of Health meeting.

Unanimous approval.

Documents provided: meeting minutes.

43 Main Street - Member Maxim said he had gone to the meeting last week which was informative. Chairman Spratt said it was mostly out of the Board of Health's hands. When it comes to the waste, it's a pretty easy answer. Member Maxim said the contamination in the building needs to get addressed and the building needs to come down. Agent Cullen said it's expensive to take down a building, but it's a lot more expensive to take down a building with asbestos. He said there was an abutter that sent comments about noise requirements that he would like to see for new developments. Member Poillucci said with the old plan, the town hired an engineer to do a sound study. The study said the old plan would conform. No matter what goes there, there will be noise calls that come into the office. There should be some money allocated to hire a company to go out and see if it's a legitimate complaint, and if it is, to figure out how to fix it.

Covid-19 Update - Agent Cullen said cases have leveled off. There are new variants out there so we're not sure if it will hold or not. Most of the new variants are omicron-based which is good because it's not as deadly as delta or alpha. There's also a vaccine that specifically targets omicron. Member Maxim asked about EEE. Agent Cullen said there were 4 cases of West Nile, but we haven't had anything in over a month and with the temperatures the last few nights, we're at really low risk for West Nile.

New/Old Business - Member Poillucci said they had talked about scheduling a public hearing to discuss lot size, to see if they wanted to make a minimum lot size for new construction. He provided copies of Middleboro's regulation to review. If there is a municipal water supply, 15,000sf is needed, if you have on site water and septic, 30,000sf is needed. Member Maxim said this would have to be an advertised posted public hearing. Someone could always ask for a variance. He thought this could eliminate the argument over a nitrogen sensitive area that's not mapped. This would address the nitrogen loading for 10,000 per bedroom. He wasn't 100% on 30, but they could discuss it at the public hearing. There was continued discussion. Agent Cullen said if you have a 40,000sf lot, you're limited to 4-bedrooms but a denitrification system allows you a fifth bedroom, even though your lot is 40,000sf. Member Maxim said he thought the whole town of Wareham you had to put treatment systems in. Agent Cullen added that Marion is the same way, on any construction. He said DEP is trying to change their regulations to include denitrification on all new construction no matter what the lot size is. In some areas, they are saying you have to retrofit, if you already have a system. A lot of towns are having a problem with too much nitrates in the ground, and this is the way DEP is addressing it. Member Poillucci added that some towns aren't even doing this on transfers, they're telling people they have 5-years to put a new system in. Member Maxim said the DEP is looking to redo Title 5. Agent Cullen said a lot of the changes are for around the Cape.

Adjournment - (6:50pm)

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

Voted: to adjourn.

Unanimous approval.