

TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp received & posted:

ROUD 2023 JAN 30 AMS:56

48-hr notice effective when time stamped

Notice of every meeting of a local public body must be filed and time-stamped with the Town Clerk's Office at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays) and posted thereafter in accordance with the provisions of the Open Meeting Law, MGL 30A §18-22 (Ch. 28-2009). Such notice shall contain a listing of topics the Chair reasonably anticipates will be discussed at the meeting.

Name of Board or Committee:	BOARD OF HEALTH
Date & Time of Meeting:	Wednesday, February 1, 2023 @ 6:00p.m.
Location of Meeting:	Lakeville Police Station 323 Bedford Street, Lakeville, MA
Clerk/Board Member posting notice:	Fran Lawrence
Cancelled/Postponed to:	(circle one)
Clerk/Board Member Cancelling/Postpo	oning:
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AGENDA

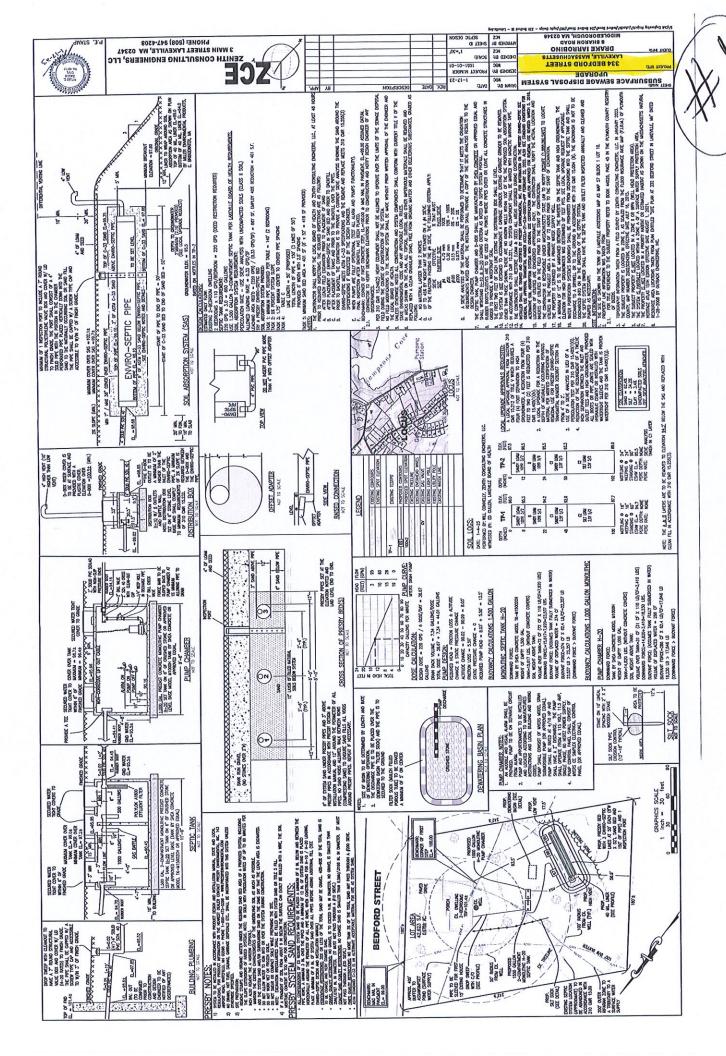
- 1. <u>334 Bedford Street</u> Meet with Zenith Consulting Engineers, LLC to discuss requested Local Upgrade Approvals
- 2. <u>7 Azalea Street</u> Continued discussion from January 18, 2023, regarding nitrogen loading with Zenith Consulting Engineers, LLC
- 3. Approve meeting minutes
 - November 16, 2022
- 4. Discuss available Betterment Funds
- 5. Discuss recent BOH Agent pending items

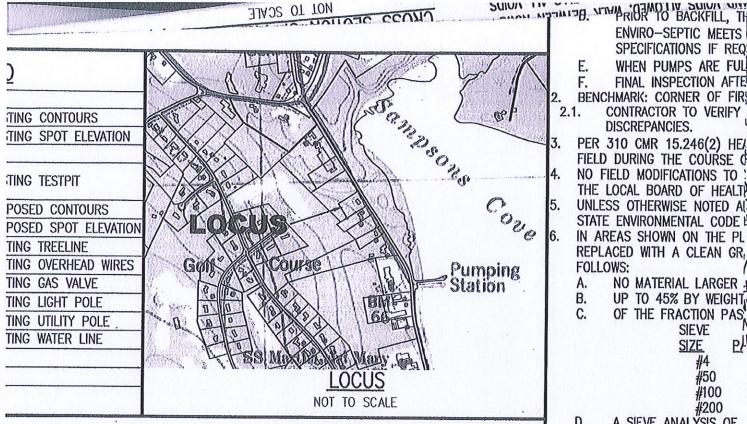
CORRESPONDENCE

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.





Y, ZENITH CONSULTING ENGINEERS, LLC. AKEVILLE BOARD OF HEALTH

DEPTH (INCHES)	TP-2	ELEV. (FEET) 97.5
12	SANDY LOAM 10YR 3/2	96.5
24	B SANDY LOAM 10YR 5/6	95,5
50	C1 SANDY LOAM 2.5Y 5/3	93.3
50 .	C2 SILT LOAM 2.5Y 5/2	30.0
102		89.0

MOTTLING @ WEEPING @ 24" STANDING @ 90" ESHW EL .= 95.5 PERC DEPTH: NONE

LOCAL UPGRADE APPROVALS REQUESTED:

A LOCAL UPGRADE APPROVAL FROM SECTION 310 CMR 15.212 OF TITLE V WHICH REQUIRES A FOUR (4) FOOT SEPARATION TO HIGH GROUNDWATER. A REDUCTION FROM FOUR (4) FEET TO TWO (2) FEET IS REQUESTED PER 310 CMR 15.405(1)(h).

A LOCAL UPGRADE FOR A REDUCTION IN THE DEPTH OF NATURALLY OCCURRING PERVIOUS MATERIAL PER MIDIFIED CERTIFICATION OF REMEDIAL USE FOR PRESBY ENVIRO-SEPTIC TRANSMITTAL NUMBER X283867 SECTION 36 FROM 4' TO 2'.

USE OF A SIEVE ANALYSIS IN LIEU OF A PERCOLATION TEST PER 310 CMR 15.405(1)(i).

REDUCTION OF THE REQUIREMENT OF A TWELVE INCH SEPARATION BETWEEN THE INLET AND OUTLET TEES AND HIGH GROUNDWATER, PROVIDED ALL BOOTS OR PIPE JOINTS ARE SEALED WITH HYDRAULIC CEMENT OR INSTALLED WITH WATERTIGHT SLEEVES AND THE TANK IS PROVEN WATERTIGHT PER 310 CMR 15.405(1)(j).-

> SOIL CLASSIFICATION SAND = 62.4%SILT = 34.2%CLAY = 3.4%UNCOMPACTED SOILS

ENVIRO-SEPTIC MEETS (SPECIFICATIONS IF REQU WHEN PUMPS ARE FULL

F. FINAL INSPECTION AFTE BENCHMARK: CORNER OF FIR! \

CONTRACTOR TO VERIFY 2.1. DISCREPANCIES. PER 310 CMR 15.246(2) HEATS

FIELD DURING THE COURSE (Id NO FIELD MODIFICATIONS TO THE LOCAL BOARD OF HEALT) O UNLESS OTHERWISE NOTED A(3d)

STATE ENVIRONMENTAL CODE 132 IN AREAS SHOWN ON THE PL :C REPLACED WITH A CLEAN GR. FOLLOWS:

> A. NO MATERIAL LARGER 49 UP TO 45% BY WEIGHT B.

OF THE FRACTION PASNER

SIEVE ENYA SIZE #50 #100 M(

#200 A SIEVE ANALYSIS OF REQUIREMENTS NOTED DESIGN ENGINEER.

THE SEPTIC TANK, PUMP CHAIR S SHALL WITHSTAND H-10 & 1/2 1

8. RUBBER BOOTS/SLEEVES ARE ORDER TO PROVIDE A WATER

9. THE FIRST TWO FEET OF EAC THIS SYSTEM IS NOT DESIGNI

10. OTHER THAN THOSE SHOWN. --

IN ACCORDANCE WITH 310 CH 12.

THE CONTRACTOR SHALL RES

INSTALLER SHALL BE TRAINED A GENERAL USE APPROVAL TRANSHO ! ALTERNATIVE SOIL ABSORPTION S...

15. LOCATION OF UTILITIES ARE (INVERTS OF UTILITIES IN THE S

THE CONTRACTOR IS RESPON UTILITIES IN THE PROJECT AR

17. THE PROPERTY IS SERVICED JIAN

18. A MINIMUM OF 12" IS TO BE. ELEVATION FOR HIGH GROUN(2) &

WATER PURIFICATION SYSTEM DISCHARGE TO A DRYWELL OF DISCHARGED INTO OR IN THE

20. THE SEPTIC SYSTEM OWNER DNA PUMPED AS NECESSARY.

SITE INFORMATION:

THE SITE IS SHOWN ON THE PROPERTY LINE INFORMATION

FOR TITLE REFERENCE T OF DEEDS.

TOPOGRAPHY INFORMATION T/

THE SUBJECT PROPERTY IS I COUNTY, MAP NUMBER 2502

5. THE SUBJECT PROPERTY IS SYSTEM IS PARTIALLY LO 6.

ROBERT J. MATHER, ESQ. ATTORNEY AT LAW

(#)

One Lakeville Business Park Suite 1A Lakeville, MA 02347

E-Mail: rjmather@rjmatherlaw.com

Tel (508) 946-0066

Fax (508) 946-4474

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.

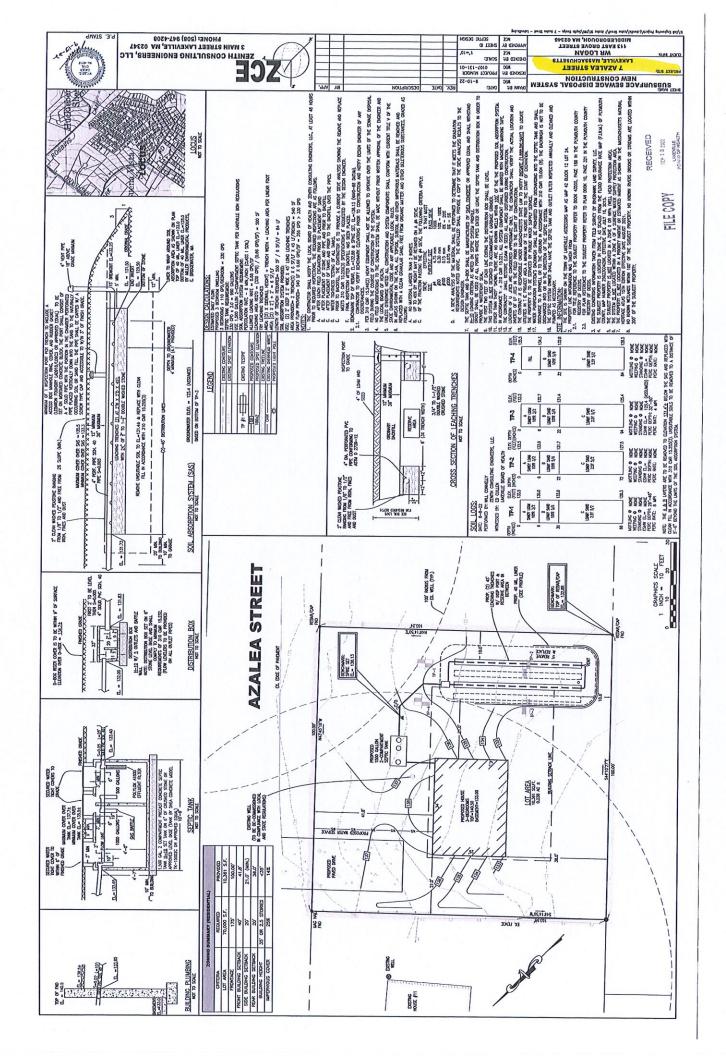
I have seen an opinion that you received from Brett Rowe at DEP, but I think that the way the issue was framed to him it presumes that the property is located in a nitrogen sensitive area, so I do not think his response is applicable for our situation. If you feel it is necessary, I would suggest that 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 <u>private well areas</u>.

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.	

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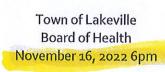
COMMONWEALTH OF MASSACHUSETTS

Board of Health, Lakeville, MA.

APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

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

Location 7 Again St.	Owner's Name 1200 1
	Owner's Name UR
Map/Parcel#	Address 13 E. brove 64
Lot# 12 - 24	Telephone# D.M.A. Od 3.46
Installer's Name	Designer's Name Zenith Cons Em UC
Address	Address 3 Door S. Calcalle TA
Telephone#	Telephone# (508) 947 - 4208
Type of Building Besidential - St	Lot Size 10, 36 sq. ft. Garbage grinder ()
Dwelling - No. of Bedrooms	Garbage grinder ()
Other - Type of Building	No. of personsShowers (), Cafeteria ()
Other Fixtures	
Design Flow (min. required)gpd Calculated d	esign flow 335 Design flow provided 355 gpd
Plan: Date Number of sheets 1	Revision Date
Title Schroden Singe Dispos	ator Will County Date of Evaluation 8-8-38
Description of Soil(s) Local South	
Soil Evaluator Form No Name of Soil Evalua	ator Will Connelly Date of Evaluation 8-8-38
DESCRIPTION OF REPAIRS OR ALTERATIONS	
further agrees to not to place the system in operation until a Certification of the system in operation of the system in operation until a Certification of the system in operation until a Certification of the system in operation until a Certification of the system in operation of the system in operation until a Certification of the system in operation of the system in operation until a Certification of the system in operation	Trigger Civil No. 48717
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No COMMONWEALTH (OF MASSACHUSETTS
Board of Health,	, <i>MA</i> .
CEDTIEICATE O	F COMPLIANCE
Description of Work: Individual Component(s) Individual Component (s) I	
The undersigned hereby certify that the Sewage Disposal System; Co	
by:at	
has been installed in accordance with the provisions of 310 CMR 15 application No, dated Approved	.00 (Title 5) and the approved design plans/as-built plans relating to I Design Flow(gpd)
Designer Inspector	Date:
The issuance of this permit shall not be construed as a guarantee tha	
The issuance of this definit shall not be constitued as a sparance tha	





Members present: Chairman Spratt, Member Poillucci, and Health Agent Ed Cullen. Members absent: Member Maxim. Chairman Spratt called the meeting to order at 6:00pm. LakeCam was not present to record.

<u>43 Beechwood Ave.</u> - Meet with Charon Associates to discuss requested variances. Rick Charon was present for discussion. The owner of the property has purchased 39, 41, and 43 Beechwood Avenue to rehab the properties. All three lots were perc tested at the same time. They are asking for a reduction to ground water down to 3-feet. The property owner will be extending the water line and tying into Clark Shores Water. This will be a standard septic system with a 1,500 gallon, two-compartment tank, with a Zabel filter, and a standard stone and pipe field. This will be a two-bedroom home and deed restricted to two-bedrooms.

Upon a motion made by Member Poillucci, Chairman Spratt stepped down to second, it was: Voted: to allow a 1-foot reduction for the leaching field. Unanimous approval.

<u>1 Precinct St.</u> - Meet with Zenith Consulting Engineers, LLC to discuss requested variance and local upgrade approvals. Nyles Zager from Zenith was present for discussion. This is for the house on part of the church property. It currently has an existing system in the front and is on town water. The property does have a few wells that are abandoned. They were able to get 150-feet from the tributary by crossing the driveway. They will also have to cross the water supply line so it will be sleeved. They are requesting: a reduction from 200 to 150-feet from a leach field to a tributary, a reduction from a septic tank and pump to a tributary from 200 to 70-feet, a reduction of 100 to 70-feet from the tank and pump chamber to a wetland. This project will need to go in front of Conservation as well. Chairman Spratt asked about two houses and two systems on one lot. Agent Cullen said it was all one lot, but it was pre-existing. There really was no other place to put the system and it's better to be closer to the wetland than the stream. Chairman Spratt asked if Mr. Zager was comfortable decommissioning the wells. Mr. Zager replied that he thought that really needed to be done. Agent Cullen asked if the pipe under the driveway would be sleeved. Mr. Zager said they were just going to use schedule 80 pipe if they could.

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

Voted: to approve the subsurface sewage disposal system at 1 Precinct St. with one variance request and three local upgrade approval requests with the condition to decommission the two wells on the site. The plan is to show that the pipe is 2" all the way for the force main.

Unanimous approval.

<u>7 Azalea Street</u> - Continued discussion from November 2, 2022, regarding nitrogen loading with Zenith Consulting Engineers, LLC. Mr. Zager asked if they could request one more continuance.

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

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

Discuss proposed changes to septic regulations - (Public Hearing 12/7/22). Agent Cullen said that he copied exactly what Middleboro's regulation stated. But the municipal water would be changed to public water. Chairman Spratt asked if the potability change was just to add lead. Agent Cullen said it was. It had only come up a couple of times. There isn't a lot of lead in ground water, it's mainly in the pipes. A filter could be added to the sink for lead. It doesn't need to be added for the whole house; it's ok to shower with it, just not drink it. Both Analytical Balance and Envirotech already test for lead because it's part of their potability, so residents won't have to pay any extra for it. There was a brief discussion about testing for volatile organic compounds. Member Poillucci asked about the lot sizes in the proposed regulation changes. It's 30,000sf if you don't have water, and 20,000sf if there is water. Agent Cullen said that Middleboro's regulation is 30,000 and 15,000. Member Poillucci said that this should be a discussion with Member Maxim at the hearing, but when it's posted for the meeting they should make it 20,000 not 15,000.

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

Voted: for the posting to make it 30,000 and 20,000 and change municipal to public.

Unanimous approval.

Adjournment- (6:53pm)

Upon a motion to made by Member Poillucci, seconded by Chairman Spratt, it was: Voted: to adjourn. Unanimous approval.

Fran Lawrence, Part time Board of Health Clerk

From:

Lori Canedy

Sent:

Friday, January 27, 2023 10:46 AM

To:

Fran Lawrence, Part time Board of Health Clerk

Subject:

FW: betterment account



From: Todd Hassett, Lakeville Town Accountant <thassett@lakevillema.org>

Sent: Thursday, January 26, 2023 2:09 PM
To: Lori Canedy < lcanedy@lakevillema.org>

Cc: Edward Cullen <ecullen@lakevillema.org>; Erika Correia <ecorreia@lakevillema.org>

Subject: RE: betterment account

Hi Lori,

We have \$281,597 available to spend, after paying the Coache invoices this week.

So please subtract from this amount any approved projects not yet submitted for payment; that should give you a remaining balance for new homeowner loans.

Let me know if I can assist further.

Regards, Todd

From: Lori Canedy < lcanedy@lakevillema.org Sent: Wednesday, January 25, 2023 9:04 AM

To: Todd Hassett, Lakeville Town Accountant <thassett@lakevillema.org>

Subject: RE: betterment account

Thanks, Todd 😂

From: Todd Hassett, Lakeville Town Accountant < thassett@lakevillema.org>

Sent: Wednesday, January 25, 2023 9:03 AM
To: Lori Canedy < lcanedy@lakevillema.org
Cc: Edward Cullen < ecullen@lakevillema.org

Subject: Re: betterment account

Hi Lori,

I am back at Town Hall tomorrow, will send you the balance at that time.

Have a great day, Todd