

Town of Lakeville
Board of Health
December 20, 2023 6:00pm

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

8 Virginia Drive - Continue from December 6, 2023, meet with Zenith Consulting Engineers, LLC. To be continued to 1/3/24.

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

Voted: to continue 8 Virginia Drive to January 3, 2024.

Unanimous approval.

28 Cross Street - Meghan Young - new stable permit. Meghan Young was present for discussion. Agent Cullen said the Animal Inspector had gone out and said everything was ok. The barn is there but the paddock has not been built yet. The Animal Inspector reviewed the proposed plan for the paddock. They are asking for a variance to the property line. The barn is currently only 20-feet from the property line. Ms. Young explained they would need an additional 10 or 11-feet of fence to add a gate to that side of the barn. Member Maxim asked if all the abutters had been notified. Ms. Young said they had and provided certified mailing receipts. Chairman Spratt asked with all the space they have, why did they need the variance. Ms. Young explained it was so that the horses could go in and out of each stall so they could get out of the weather. She said they had met with Conservation and will be installing hay bales and creating a berm. Member Poillucci said he would like to hear the neighbors' views on the plan. Boyd Anderson from 29 Cross Street was present and said he was concerned if they would be running a business and there would be trucks going in and out. Ms. Young said this was only personal, there would be no business. Mr. Anderson asked if there is a limit to how many horses they could have. Ms. Young said she was applying for up to six, but doesn't plan to have more than three or four. They just don't want to have to go through this whole process again. Mr. Anderson said he thought he had heard there was a two-horse limit. Agent Cullen explained that it was so many per acre. They do have the land for the six horses, whether they choose to do it or not. There are boarding permits, and Ms. Young has not applied for that. Mr. Anderson asked how far the horses would be from the street. Ms. Young explained that the fencing would be behind the barn. It was estimated to be about 200-feet. Member Maxim explained that there would be an annual inspection by the Board of Health to renew the permit. The fencing would also need an inspection prior to the issuance of the permit. Member Poillucci asked if the barn was big enough for six horses. Agent Cullen said it was set up for four horses currently and they would have to make modifications if they wanted six. Ms. Young said it was five stalls but she was using one for hay storage. She explained that the paddock would come right to the barn so they could get out of the rain or snow if they wanted. Mr. Anderson asked about getting rid of the manure. Ms. Young said she would be cleaning it up every day and they would have a compost pile. If there is any extra they have a family farm that they can truck it off to. Chairman Spratt explained to Mr. Anderson that having a manure plan was part of the permitting process. Member Maxim added that it was labeled on the plan because it needs to be a certain distance from the property lines and wells. He asked if the abutter from 26 Cross Street was present. The abutter was not present, and Ms. Young explained that she had sent them a letter in October. The people that live at the house are renters.

Member Maxim explained that it was really hard for the Board to grant a variance when the property is 10-acres. There was a discussion about possible revisions. Ms. Young asked if she would have to compromise if the owner of 26 Cross hasn't answered two letters. Member Poillucci explained that legally they can only give a variance if there is a need for it. There really is no need for this variance. There was continued discussion. Member Poillucci said he knows the owner of 26 Cross Street and would like to talk to him before they approve it. He said since they are not supposed to give variances if they aren't needed and the Board was considering granting one, he would like to talk to the owner first. If they didn't want to continue the meeting until January to give him time to speak to the owner, he would be a "no" vote tonight. Ms. Young reluctantly agreed.

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

Voted: to continue until January 3rd.

Unanimous approval.

13 Main Street - Meet with Zenith Consulting Engineers, LLC to discuss requested waiver. Nyles Zager from Zenith was present for discussion. Mr. Zager said they had submitted a plan for a septic design for a couple of apartment buildings totaling 90 bedrooms. Agent Cullen upon reviewing the plan, notified him that the plan doesn't meet the regulation that was just implemented for flow greater than 440 per gallon per acre requiring advanced treatment. They are now asking for a waiver from that requirement. They identified which properties were serviced by municipal water and which ones were not. Everyone in close proximity was on municipal water. Rush Pond Road is entirely serviced by private wells. The closest property is 1237-feet from the corner of the lot to the proposed septic system. Member Poillucci asked if Dewey's was on a public well. Mr. Zager said it was 1181-feet from the Interim Wellhead Protection Area (IWPA). From the actual Zone I, they are almost 1500-feet. Lori Lane is on private wells and they are 1190-feet. Everything is at least 1100-feet away. The Middleboro portion of the trailer park is on an active well, the remainder on municipal water. It's 1060-feet to the IWPA. There was a brief review of the topography and storm water management. Mr. Zager said it meets the Title 5 requirement because it's on town water and it's not in a Zone 2. It is also a conforming lot. In the mixed use overlay district, it needs to be a 3-acre parcel, and it is over 3-acres. There was a discussion about flow rates. Member Poillucci asked how many units there would be. Mr. Zager said all together there would be 40, 20 units per building. Member Maxim said his only other question was about the water main. It looks like they are tying off through the water main of the self-storage, through the fire suppression line. It shows a 6-inch line that runs in and then increasing into an eight, but then you go back down to 6-inch into each unit for fire suppression and a 2-inch tap. It doesn't look like that water main is in that drain easement, it's outside it. Mr. Zager said that was all discussed with the City of Taunton water department. It was changed in the field from when they did the self-storage building. It's already been filed with the City of Taunton and they've allocated the water. The only thing they're still going through is with MassDOT for the curb cut. Member Poillucci said he would like to continue since he still had some questions about 40B and over-55 in an overlay district. It would change the flow rates if it was over-55, so they wouldn't have to give as big of a variance. Agent Cullen said they would still have to get a waiver for the 440 gallons per day, unless they drastically reduce the number of bedrooms.

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

Voted: to continue to the January 3rd meeting.

Unanimous approval.

Review and approve meeting minutes - October 4, 2023, and July 6, 2023.

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

Voted: to approve the October 4th 2023 meeting minutes as typed.

Unanimous approval.

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

Voted: to approve the July 6, 2023 meeting minutes as typed.

Unanimous approval.

Discuss Board of Health Agent pending items - Chairman Spratt asked Agent Cullen for an update on the dumpsters on Rhode Island Rd. Agent Cullen said he contacted the person and he said he wasn't collecting residential trash, it was construction dumpsters. He brings the construction dumpsters to his site and then Win Waste comes and takes them. Agent Cullen informed him that he still needs a permit. Member Maxim had asked if they were zoned to do this. Agent Cullen does not believe he is, so they can't give him a permit if he isn't zoned for it. Member Maxim said he would have to get a special permit through Zoning, and then the Board could give him a permit. Agent Cullen said this was in the same overlay district, so if he had 3 or more acres he could get special permitting, but he only has 1.6 acres. He added that they may be using the neighbor's property as well, which would be the hospital. There was some continued discussion.

Adjournment (6:49pm)

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

Voted: to adjourn.

Unanimous approval.