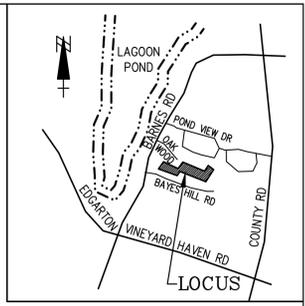


LAGOON RIDGE FORM C FILING 2017

APPENDIX C

1. Shared System Plan (Septic) 11-11-2016
2. Board of Health Minutes - July 19, 2016
3. Lagoon Ridge Septic Permit - July 19, 2016
4. 310 CMR Wastewater Covenant Draft



**LOCUS MAP**  
NOT TO SCALE

**APPLICANT/OWNER:**  
LAGOON RIDGE SUBDIVISION  
C/O DAVID DANIELSON  
126 NASH HILL ROAD  
HAYDENVILLE, MA 01039

**NOTES**

- ASSESSOR'S NUMBER: MAP 35/LOT 3
- ZONING DISTRICT: RESIDENTIAL R3  
PROPERTY IS PARTIALLY LOCATED WITHIN LAGOON POND DISTRICT.
- FLOOD HAZARD ZONES: X
- BENCHMARK TO BE PROVIDED PRIOR TO CONSTRUCTION
- TOPOGRAPHIC INFORMATION COMPILED FROM PLAN TITLED: GRADING AND UTILITY PLAN LAGOON RIDGE - LUPC 05.11.14 - MVC 09.02.14 PREPARED BY: ROBERT M. FITZGERALD, PE
- PROPERTY LINES AS COMPILES FROM: PLAN OF LAND IN OAK BLUFFS, MASSACHUSETTS SURVEYED FOR LAGOON RIDGE, LLC AUGUST 26, 2016 SCALE 1 in. = 80 ft. PREPARED BY: GREGORY MARCELLA, P.L.S.
- PROPERTY IS PARTIALLY LOCATED IN A DEP APPROVED ZONE II.

**PROPOSED SYSTEM DESIGN CRITERIA**

RESIDENTIAL SUBDIVISION (310 CMR 15.203 (2))  
Lots 1 to 4: 3 bedroom Single Family Dwellings:  
12 bedrooms @ 110 gpd/bdr  
Equivalent to 1,320 gal./s/day  
Lots 5 to 19: 2.5 bedroom average for 17 Dwelling Units:  
43 bedrooms @ 110 gpd/bdr  
Equivalent to 4,730 gal./s/day  
Total Proposed Flow: 6,050 gal./s/day  
Garbage disposal unit: NO  
Leaching area - capacity required: 6,050 gal./s/day  
Total bed area proposed: 8,928 sq. ft.  
Proposed leaching capacity: 6,607 gal./s/day  
Water supply: Town  
Precast concrete units: H-20 loading design  
See Amphidrome design criteria below for tank size design.

AMPHIDROME WASTEWATER TREATMENT SYSTEM  
DESIGN CRITERIA  
MassDEP General Use Certification Transmittal Number W106451  
Design Parameters:

Constituent	Influent	Constituent
Flow	6,100 gpd	
BOD	250 mg/L	≤30 mg/L
TSS	250 mg/L	≤30 mg/L
TKN	60 mg/L	
Ammonia	45 mg/L	
TN		≤14 mg/L

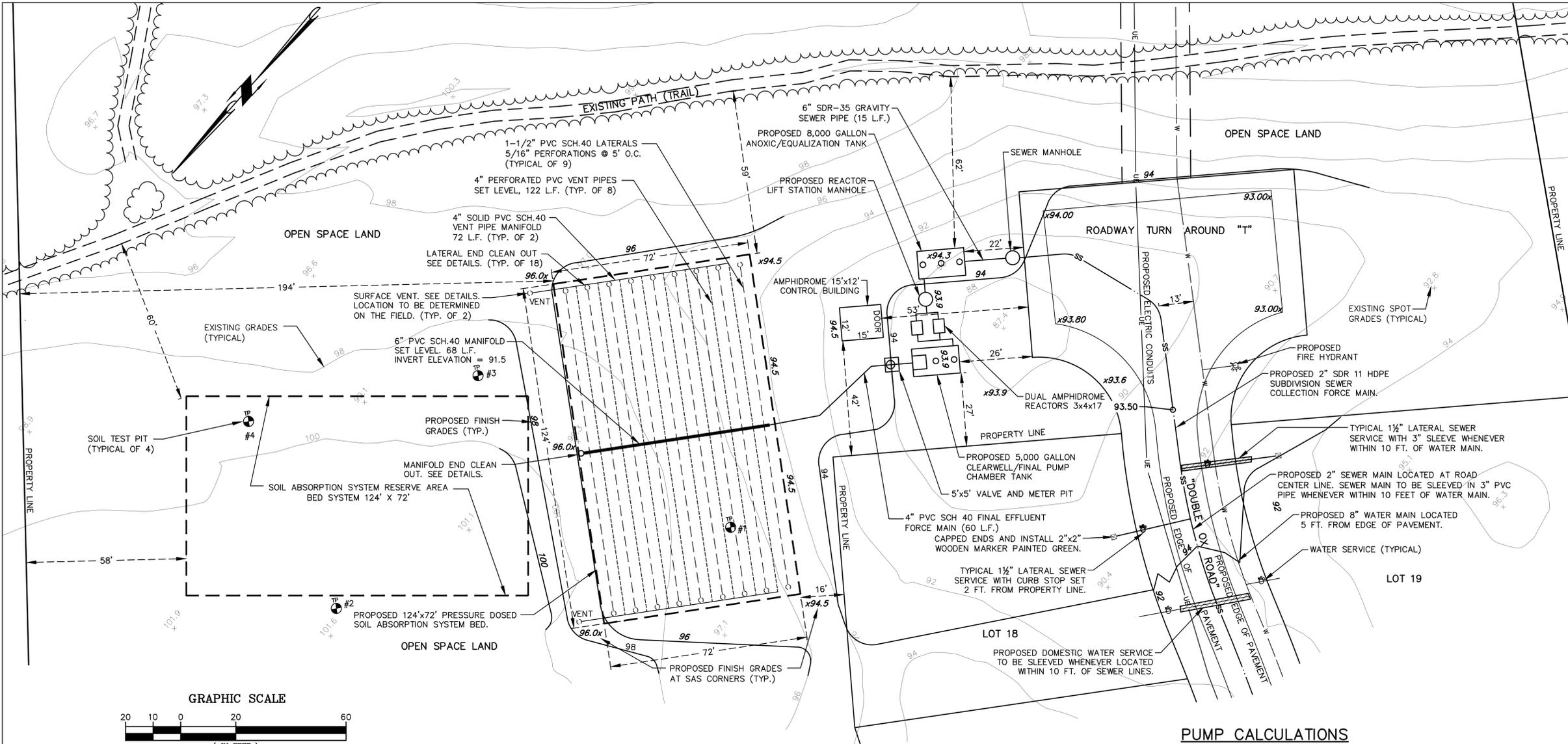
Anoxic/Equalization Tank: 100% daily flow + 1 backwash volume  
6,060 gal/s + 1,100 gal/s = 7,160 gal/s minimum  
Proposed Anoxic/Equalization Tank = 8,000 gal/s  
Clearwell Tank: 25% daily flow + 2 backwash volume  
(1/4) 6,060 gal/s + (2) 1,100 gal/s = 3,715 gal/s minimum  
Proposed Clearwell Tank = 5,000 gal/s

DATE	DESCRIPTION	Drawn	Checked
5/2/16	REVISE PUMP CALCULATIONS, ADD GENERAL NOTES UPDATE TEST PIT LOCATION AS SURVEYED.	RLR	
3/17/16	ADD AMPHIDROME SEPTIC DESIGN	RLR	TMS

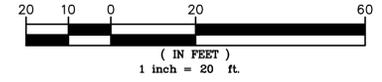
**REVISIONS**

**PLAN OF PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM**  
PREPARED FOR  
**LAGOON RIDGE**  
FOR LOTS 1 THROUGH 19 OFF DOUBLE OX ROAD  
IN  
MAP 35/LOT 3 **OAK BLUFFS** MA

SCALE: 1" = 20'	DATE: JAN. 14, 2016
holmes and mcgrath, inc. civil engineers and land surveyors 205 worcester court, suite A4 (508) 548-3564 (PHONE) falmouth, ma. 02540 (508) 548-9672 (FAX)	
DRAWN: RLR	CHECKED: TMS
JOB NO: 215299	DWG. NO.: 88-5-57
	SHEET 1 OF 4



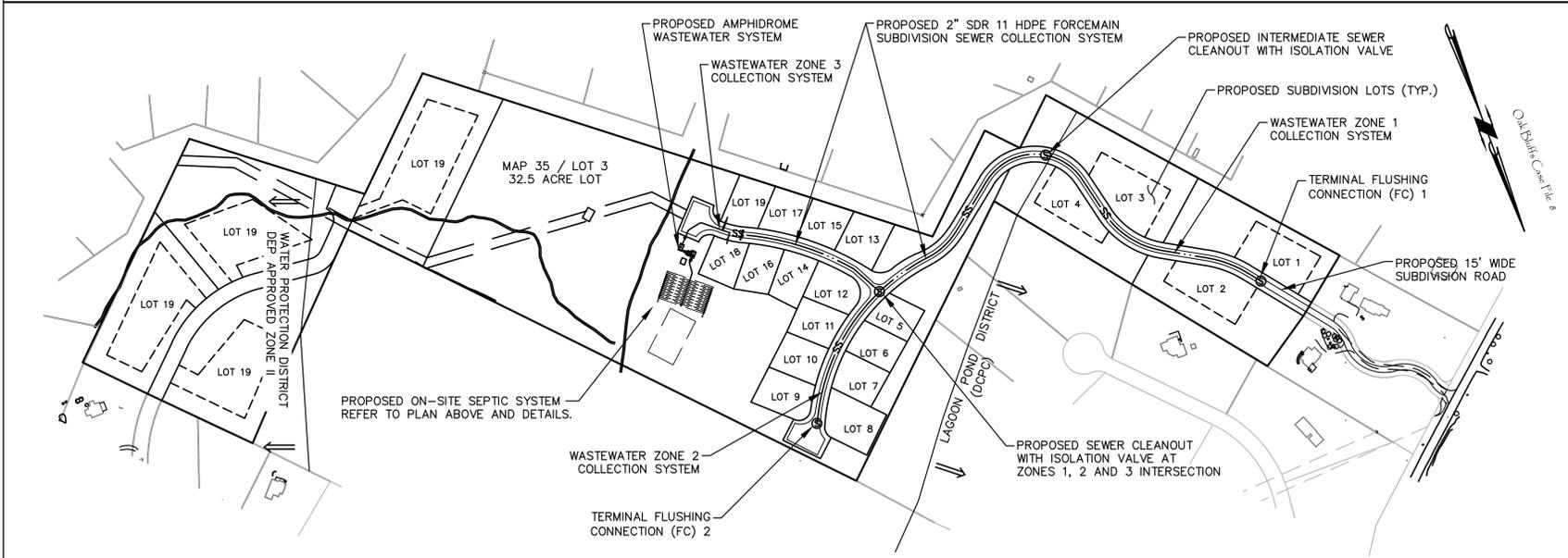
**GRAPHIC SCALE**



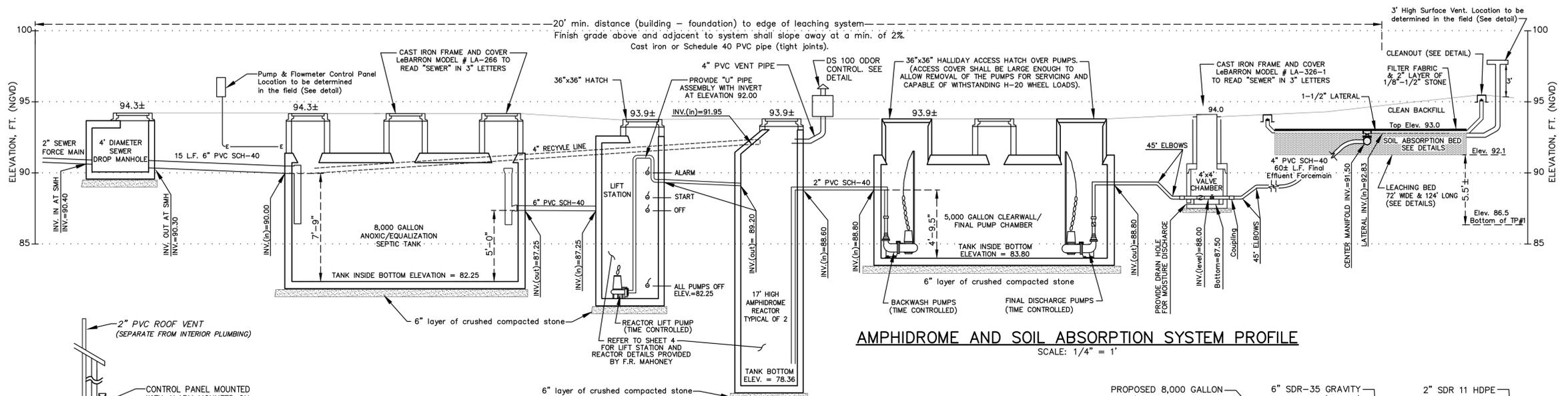
**PUMP CALCULATIONS**

PROPOSED FACILITY (RESIDENTIAL SUBDIVISION)	
DESIGN FLOW - PRESSURE DOSE FIELD =	6,050 GPD
PROPOSED DOSED VOLUME, 4 DOSES PER DAY =	1,513 GALLONS
<b>PUMP RATE:</b>	
PROPOSED NUMBER OF LATERALS, N =	18
PROPOSED NUMBER OF PERFORATIONS PER LATERAL, n =	12
PROPOSED LATERAL HOLE DIAMETER, h =	5/16 IN.
IN-LINE DISTAL PRESSURE (DESIRED MIN. AT END, hd) =	2.50 FT.
PERFORATION DISCHARGE RATE, q = (11.79 x h <sup>2</sup> x hd <sup>0.5</sup> ) =	1.82 GPM
LATERAL DISCHARGE RATE (PER LATERAL), (q x n) =	21.84 GPM
REQUIRED PUMP DISCHARGE RATE, Q = (N x q x n) =	393 GPM
PROPOSED LATERAL PIPE SIZE =	1-1/2 IN.
PROPOSED MANIFOLD PIPE SIZE =	6 IN.
<b>TOTAL DYNAMIC HEAD:</b>	
STATIC HEAD:	
PROPOSED LATERAL INVERT ELEVATION, L inv =	92.8 FT.
PROPOSED PUMP CHAMBER BOTTOM ELEVATION, C bot =	78.6 FT.
STATIC HEAD, Hs = (L inv - C bot) =	14.2 FT.
EQUIVALENT LENGTH FROM FITTINGS, Lf =	133 FT.
DELIVERY PIPE (FORCE MAIN) LENGTH, L =	60 FT.
TOTAL EQUIVALENT LENGTH OF PIPE, Lt = L + Lf =	190.4 FT.
FRICTION/FT OF PIPE, Rf =	0.0763 FT./FT.
FRICTION TOTAL HEAD LOSS, Hf = (Lt x Rf) =	14.5 FT.
NETWORK LOSSES, Hn = (1.31 x hd) =	3.3 FT.
TOTAL DYNAMIC HEAD	32 FT.
<b>PUMP REQUIREMENTS:</b>	
DISCHARGE FLOW =	393 GPM
TOTAL DYNAMIC HEAD(TDH) =	32 FT.
CONTRACTOR SHALL PROVIDE PUMP SPECS AND WORKING CURVE FOR APPROVAL	

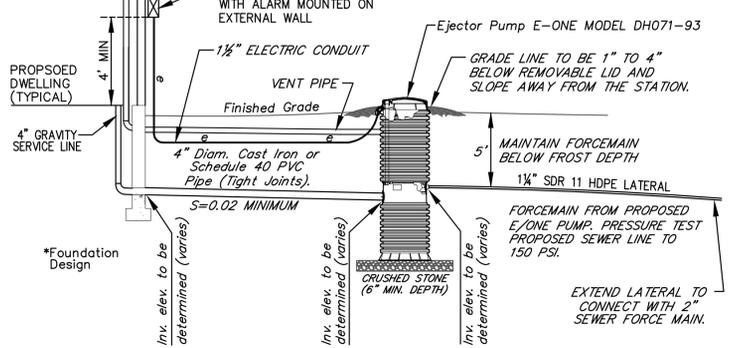
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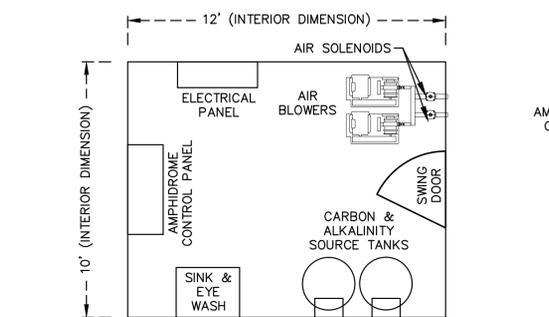
**KEY MAP (MAP 35 / LOT 3)**  
1" = 200'



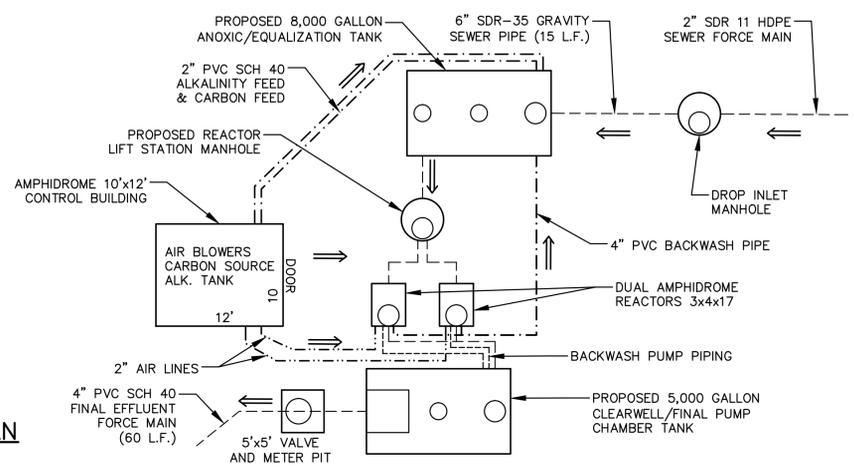
**AMPHIDROME AND SOIL ABSORPTION SYSTEM PROFILE**  
SCALE: 1/4" = 1"



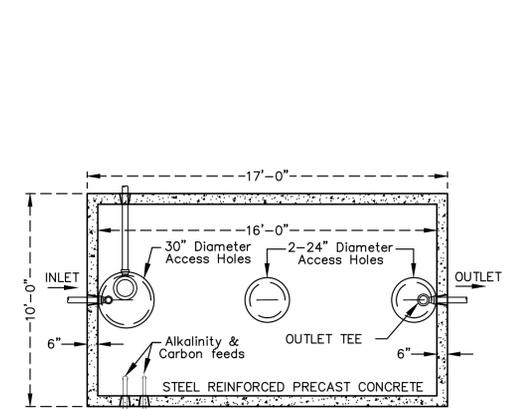
**TYPICAL RESIDENTIAL E-ONE EJECTOR PUMP SETUP**  
SCALE: 1/4" = 1"



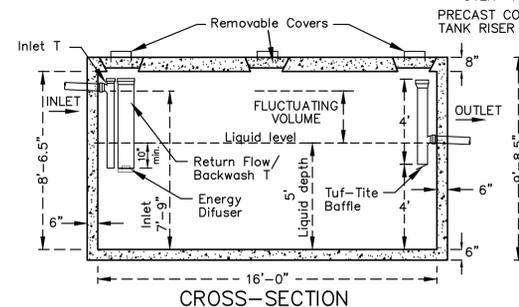
**AMPHIDROME CONTROL SHED FLOOR PLAN**  
NOT TO SCALE



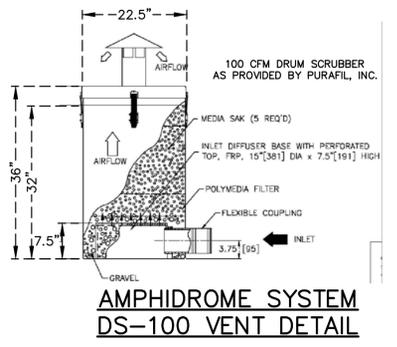
**AMPHIDROME WASTEWATER SYSTEM DIAGRAM**  
SCALE: 1" = 10'



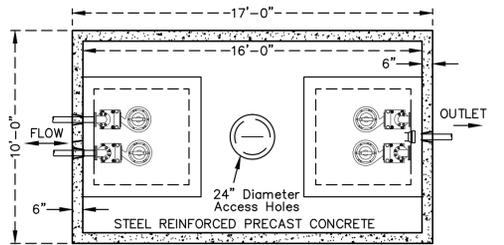
**PLAN VIEW**



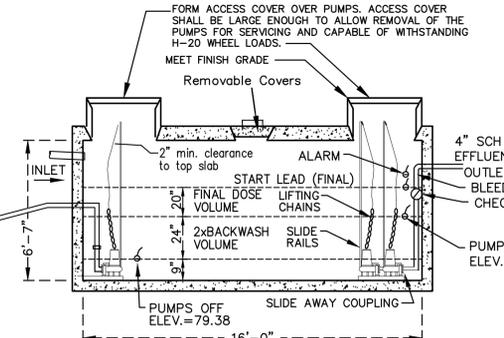
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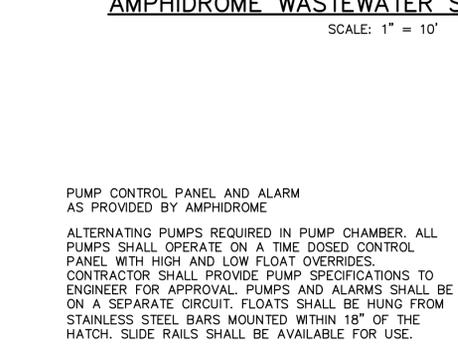
**AMPHIDROME SYSTEM DS-100 VENT DETAIL**  
NOT TO SCALE



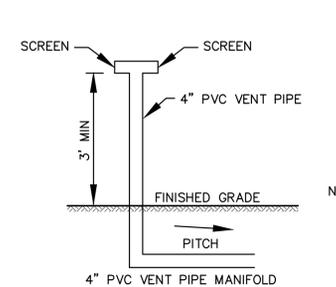
**PLAN VIEW**



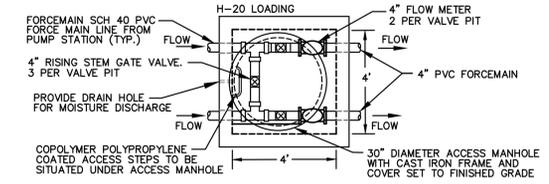
**CROSS-SECTION**



**END-SECTION**



**LEACHING BED (SAS) SURFACE VENT PIPE DETAIL**  
NOT TO SCALE



**VALVE & FLOW METER CHAMBER-PLAN VIEW**  
NOT TO SCALE

**GENERAL NOTES**

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- 2) Subject to inspection during construction by the Board of Health and holmes and mcgrath, inc.
- 3) Heavy construction equipment shall not travel over disposal system during or after construction.
- 4) Disposal system to be constructed in accordance with Title 5 of the State Environmental Code.
- 5) A copy of these plans must be kept on the site during the time of construction.
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**DEEP OBSERVATION HOLE LOG NO. 1**

DEPTH	ELEV.	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (Munsell)	SOIL MOTTLING	OTHER (STRUCTURES, STONES, Boulders, CONSISTENCY, & GRAVEL)
0"	96.5±					
0"-7"	95.9	A	SANDY LOAM	5 YR 5/3		
7"-24"	94.5	B	LOAMY SAND	7.5 YR 5/8		FRIABLE 5% GRAVEL LOOSE
24"-120"	86.5	C	MEDIUM SAND	7.5 YR 6/8	NONE	

NO GROUND WATER ENCOUNTERED

**DEEP OBSERVATION HOLE LOG NO. 2**

DEPTH	ELEV.	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (Munsell)	SOIL MOTTLING	OTHER (STRUCTURES, STONES, Boulders, CONSISTENCY, & GRAVEL)
0"	101.6±					
0"-4"	101.3	A	SANDY LOAM	5 YR 5/3		
4"-28"	99.3	B	LOAMY SAND	7.5 YR 5/8		FRIABLE 5% GRAVEL LOOSE
28"-120"	91.6	C	MEDIUM SAND	7.5 YR 6/8	NONE	

NO GROUND WATER ENCOUNTERED

**DEEP OBSERVATION HOLE LOG NO. 3**

DEPTH	ELEV.	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (Munsell)	SOIL MOTTLING	OTHER (STRUCTURES, STONES, Boulders, CONSISTENCY, & GRAVEL)
0"	99.0±					
0"-5"	98.6	A	SANDY LOAM	5 YR 5/3		
5"-32"	96.3	B	LOAMY SAND	7.5 YR 5/8		FRIABLE 5% GRAVEL LOOSE
32"-120"	89.0	C	MEDIUM SAND	7.5 YR 6/8	NONE	

NO GROUND WATER ENCOUNTERED

**DEEP OBSERVATION HOLE LOG NO. 4**

DEPTH	ELEV.	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (Munsell)	SOIL MOTTLING	OTHER (STRUCTURES, STONES, Boulders, CONSISTENCY, & GRAVEL)
0"	99.0±					
0"-5"	98.6	A	SANDY LOAM	5 YR 5/3		
5"-33"	96.3	B	LOAMY SAND	7.5 YR 5/8		FRIABLE 5% GRAVEL LOOSE
33"-123"	88.8	C	MEDIUM SAND	7.5 YR 6/8	NONE	

NO GROUND WATER ENCOUNTERED

**PERCOLATION TESTS**  
TEST PIT #1:  
DEPTH: 35" TO 53" IN C LAYER  
LESS THAN 2 MINUTES PER INCH  
TEST PIT #2:  
DEPTH: 41" TO 59" IN C LAYER  
LESS THAN 2 MINUTES PER INCH

**SOIL TEST**  
Date of soil test: JANUARY 12, 2016  
Test performed by: RAUL LIZARDI-RIVERA  
Results witnessed by: ADE SOLARIN  
Percolation rate: LESS THAN 2 MPI  
Ground water ELEV. 9.6 FT (NGVD),  
MONITORING WELL OBW-36

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DATE	DESCRIPTION	Drawn	Checked
11/11/16	REVISIONS PROFILE, ADD SHEET 4	RLR	
5/2/16	REVISIONS TO PROFILE DETAIL	RLR	TMS
3/17/16	ADD AMPHIDROME SEPTIC DESIGN	RLR	TMS

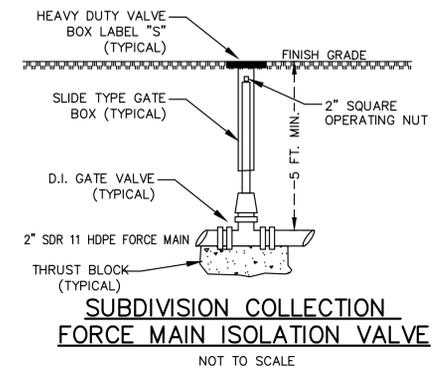
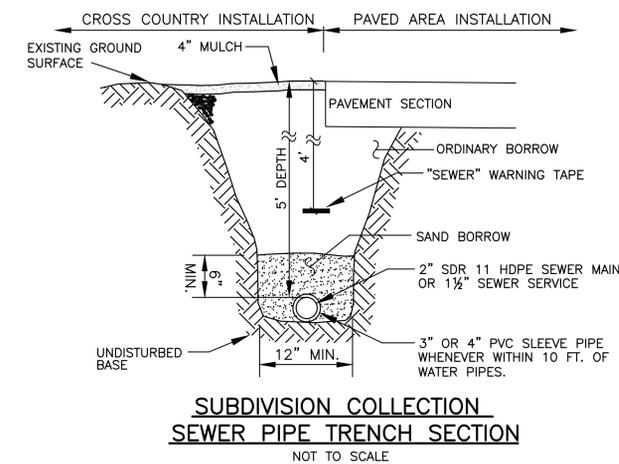
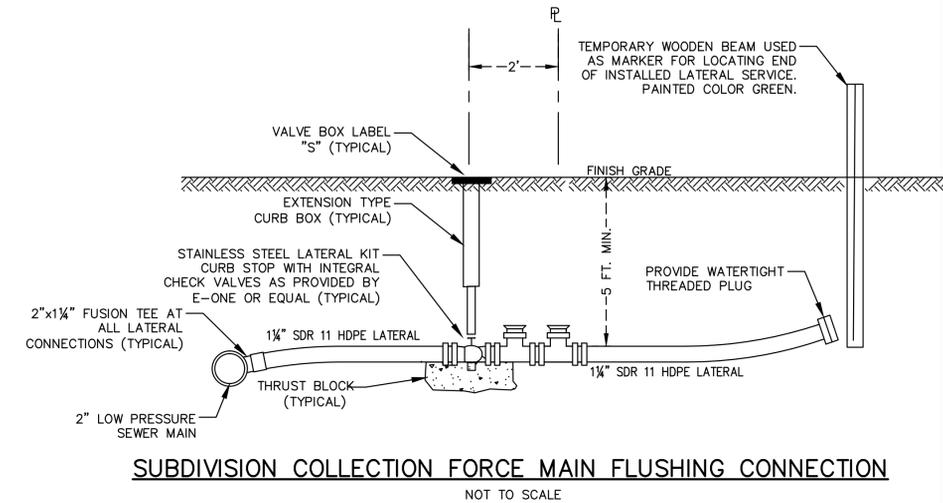
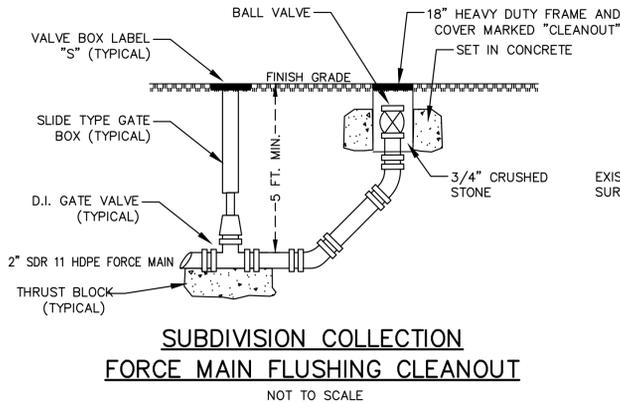
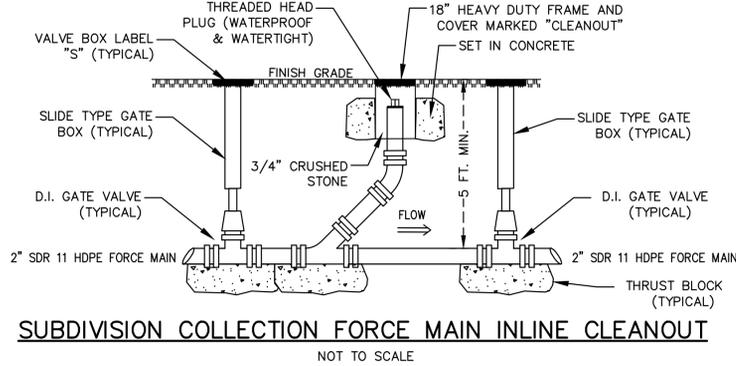
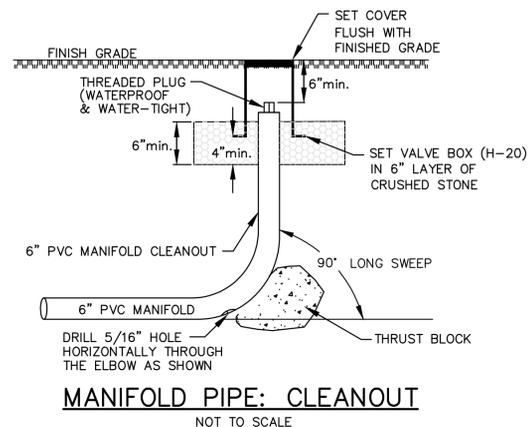
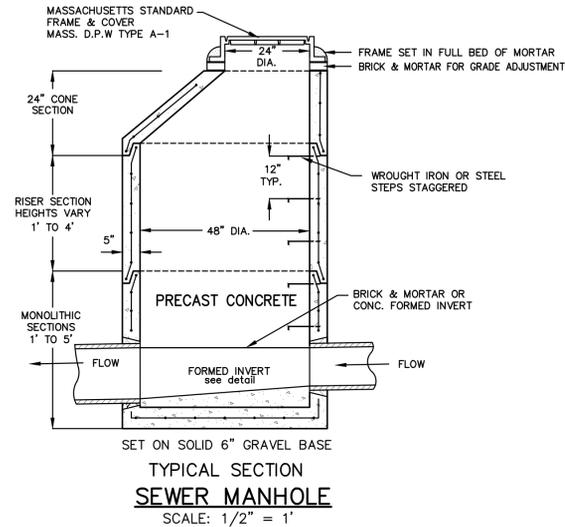
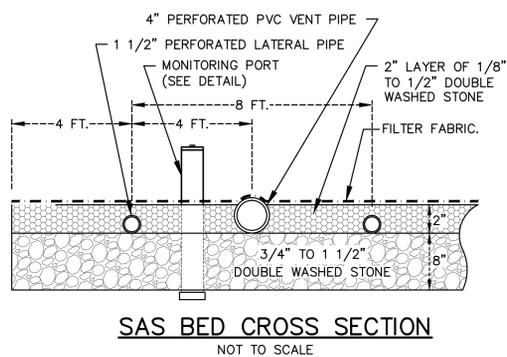
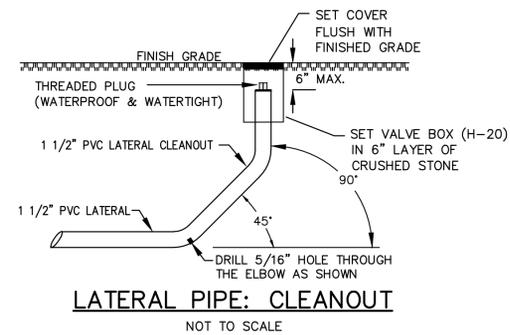
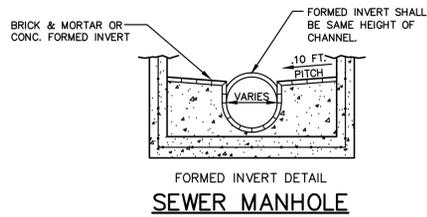
**REVISIONS**

**CONSTRUCTION DETAILS OF PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM**

PREPARED FOR  
**LAGOON RIDGE**  
FOR LOTS 1 THROUGH 19 OFF DOUBLE OX ROAD  
IN  
**OAK BLUFFS** MA

SCALE: 1" = 20'	DATE: JAN. 14, 2016
holmes and mcgrath, inc. civil engineers and land surveyors 205 worcester court, suite A4 (508) 548-3564 (PHONE) falmouth, ma. 02540 (508) 548-9672 (FAX)	
DRAWN: RLR	CHECKED: TMS
JOB NO: 215299	DWG. NO.: 88-5-57

SHEET 2 OF 4



**GENERAL NOTES**

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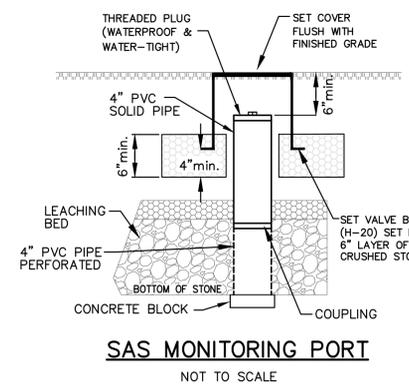
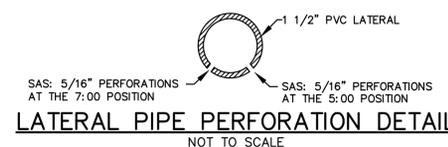
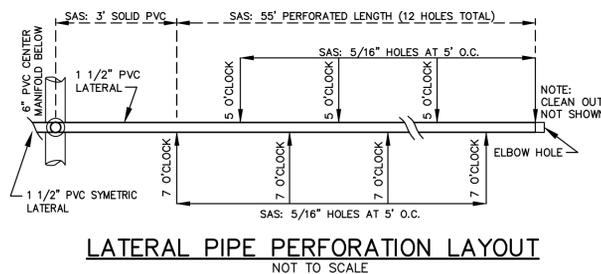
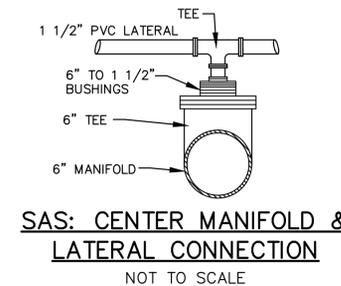
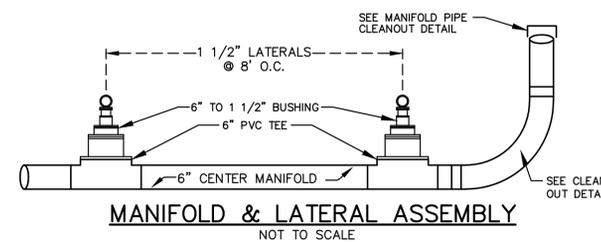
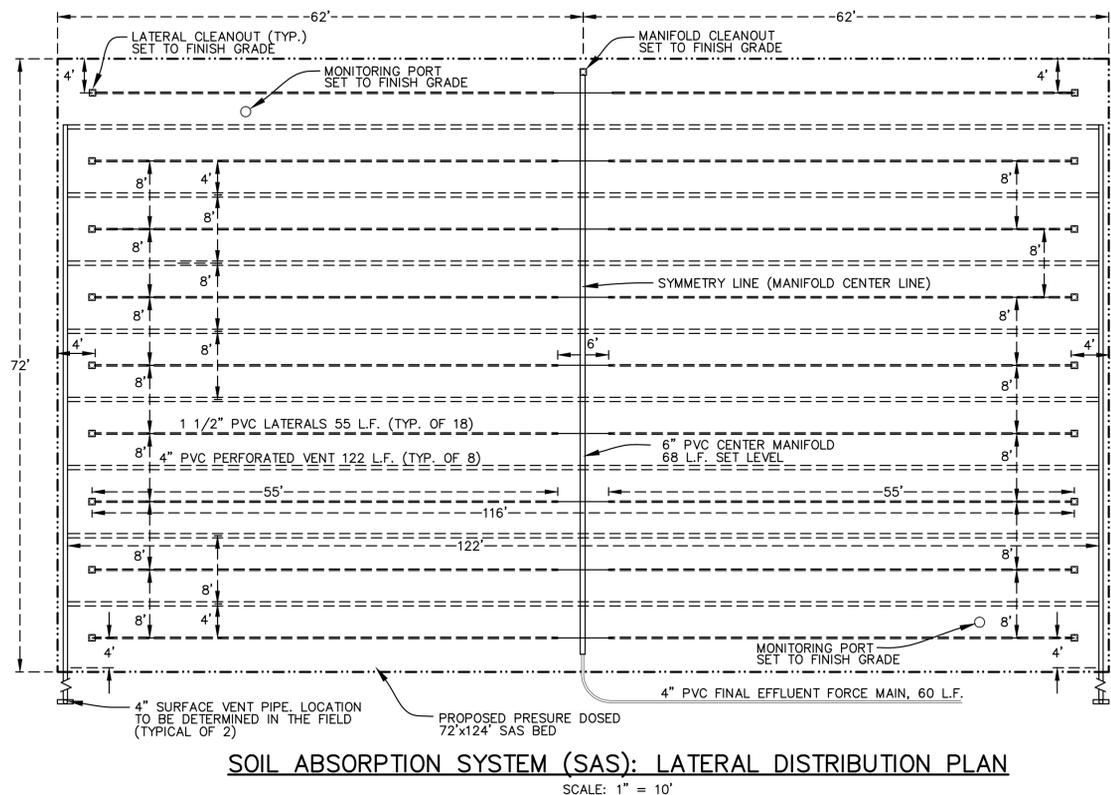
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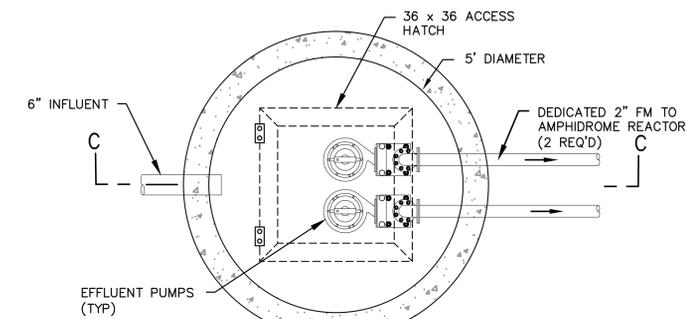
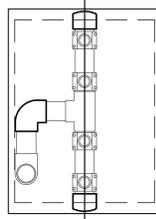
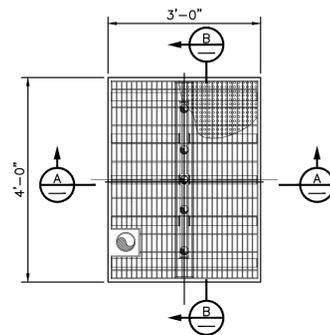
5/2/16	REVISIONS TO SAS DETAILS	RLR	
3/17/16	ADD AMPHIDROME SEPTIC DESIGN	RLR	TMS
DATE	DESCRIPTION	Drawn	Checked

**REVISIONS**

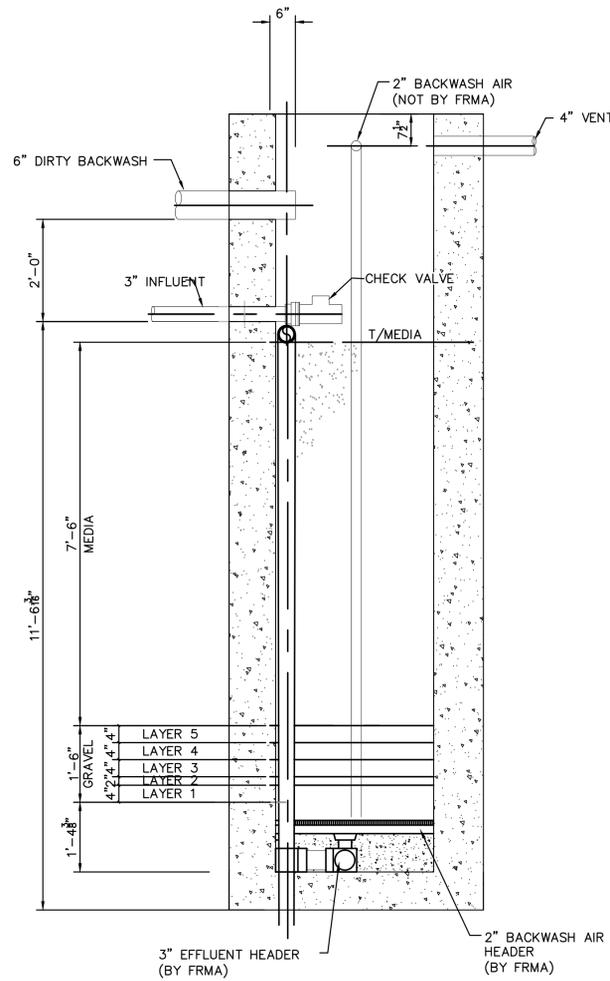
**CONSTRUCTION DETAILS OF PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM**  
PREPARED FOR  
**LAGOON RIDGE**  
FOR LOTS 1 THROUGH 19 OFF DOUBLE OX ROAD  
IN  
MAP 35/LOT 3 **OAK BLUFFS** MA

SCALE: 1" = 20'	DATE: JAN. 14, 2016	
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DRAWN: RLR	CHECKED: TMS	
JOB NO: 215299	DWG. NO.: 88-5-57	SHEET 3 OF 4

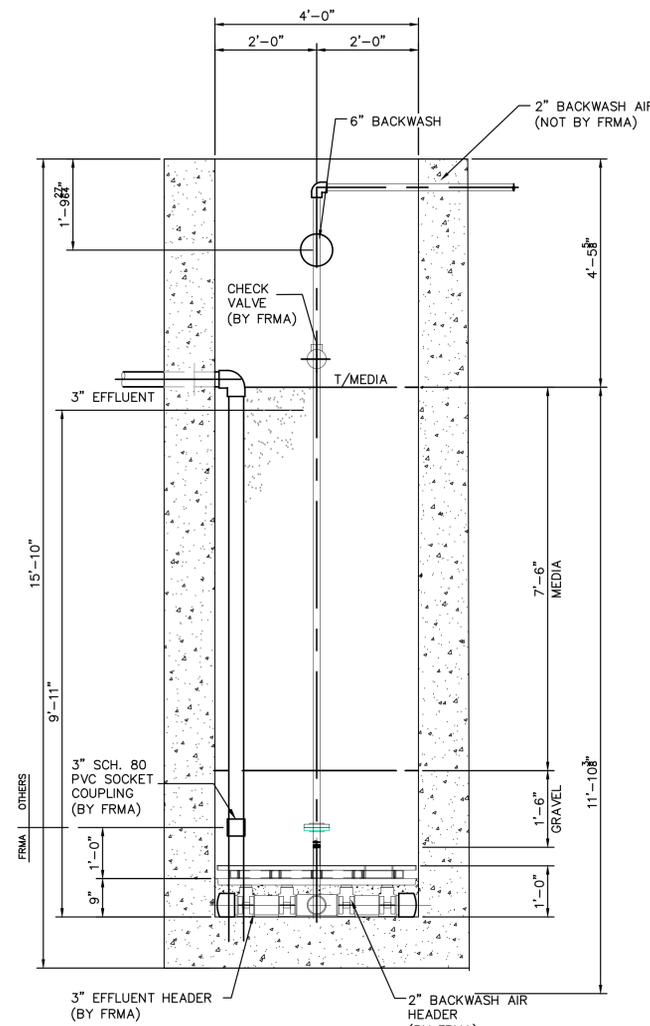




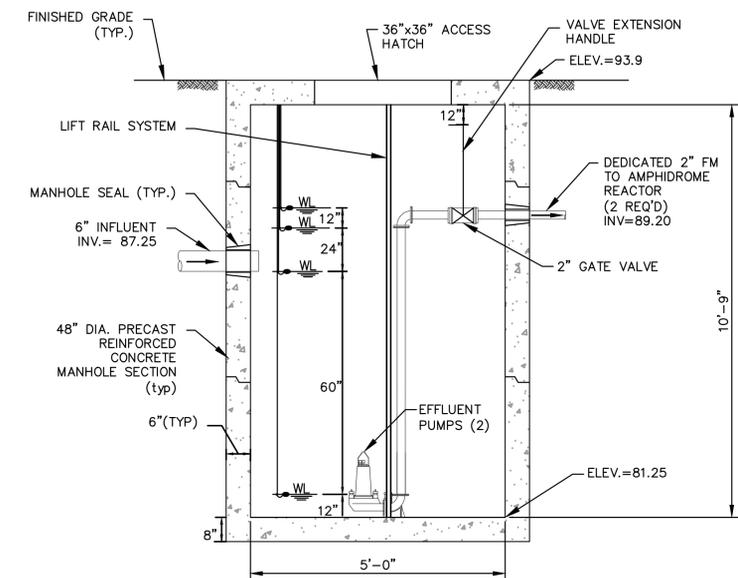
**PLAN VIEW**



SECTION A-A  
SCALE: none



SECTION B-B  
SCALE: none



**SECTION C-C**

**5 FT. DIAMETER PUMP STATION (H-20 LOADING)**  
NOT TO SCALE

**AMPHIDROME REACTOR TANK (H-20 LOADING)**  
NOT TO SCALE

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DATE	DESCRIPTION	RLR	Checked
11/11/16	ADD REACTOR AND LIFT STATION DETAILS	RLR	
			Drawn
			Checked
<b>REVISIONS</b>			
<b>CONSTRUCTION DETAILS OF PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM</b>			
PREPARED FOR <b>LAGOON RIDGE</b> FOR LOTS 1 THROUGH 19 OFF DOUBLE OX ROAD IN MAP 35/LOT 3 <b>OAK BLUFFS</b> MA			
SCALE: 1" = 20'	DATE: JAN. 14, 2016		
holmes and mcgrath, inc. civil engineers and land surveyors 205 worcester court, suite A4 (508) 548-3564 (PHONE) falmouth, ma. 02540 (508) 548-9672 (FAX)			
DRAWN: RLR	CHECKED:		
JOB NO: 215299	DWG. NO.: 88-5-57		SHEET 4 OF 4



## BOARD OF HEALTH MEETING

**July 19, 2016: Minutes**

**Members Present:** Patricia Bergeron, James Butterick, William White

**Others Present:** Ade Solarin-Health Agent, Frank Daly, James and Deborah Brown, Eric Peters, Ted Vangerven, Mike Santoro

### APPOINTMENTS:

10:00: Minute approval for 6/7/2016, 6/21/2016 and 7/5/2016 meetings

*Member White motioned to approve minutes for 6/7/2016.*

*Member Butterick motioned to approve minutes for 6/21/2016 with noted changes.*

*Member Butterick motioned to approve minutes for 7/5/2016.*

*Motions were unanimously approved.*

10:05: Review with a Health Agent

*Health agent reviewed the agenda with the Board of Health and suggested to proceed to the next appointment.*

10:10: 117 County Road M. 12 P.64

*Ms. Brown is seeking permission to make her house a 2 bedroom house and to create a 1 bedroom lot*

- **James Brown:** We subdivided our lot into three different parcels after DCPC regulations were adopted. That regulation restricts us from building on two of those lots. We are here to seek permission to remove one bedroom from existing house and build 1 bedroom dwelling on one of the created lots.
- **Health Agent:** That issue was presented to the Board of Health before. Previous Health Agent asked for Towns Council's guidance on that matter. I would advise Board of Health Members to stick with previous decision by Town Council.
- **James Brown:** Last time we asked whether Lagoon Pond DCPC regulations permit construction of an additional one bedroom house. Michael Goldsmith responded that Lagoon Pond DCPC Regulation limits the maximum number of bedrooms on the site to three, whether it is one lot or three lots. Based on that response we believe that we should be permitted to create a one bedroom lot by removing one of the bedrooms from the main house.
- **Member Bergeron:** This request seems different from the one before. I think we should ask for Town Council's opinion and clarification of previous decision.

*Member White motioned to seek Town Council's guidance on this matter.*



10:20: 13 Maple Avenue M 8 P.47: Re Variance Request

*Update on septic plan presented to BOH during previous meeting*

- **Health Agent:** On July 7<sup>th</sup>, Board of Health members motioned to approve presented variances on following conditions: Plan will be turned in for the revision and surveyor's stamps will be required or not required based on the Code. I would like to present quote from the code: "Every plan for a new system or plan for the upgrade or expansion of an existing system which requires a variance to a property line setback distance, must also reference a plan which bears the stamp and signature of a Massachusetts Licensed Land Surveyor in accordance with M.G.L. c. 112, § 81D"
- **Member Bergeron:** According to the Code the septic plan for 13 Maple Avenue must include a surveyor's stamp.
- **Health Agent:** I would recommend Board of Health Members to withdraw conditional approval and review corrected plans and application after it is been resubmitted.
- **Member White:** I think it will be the right decision.
- **Member Bergeron:** We will be expecting you to submit a revised plan that does not include any handwritten remarks. Plan must be stamped by a licensed land surveyor.

***Member Butterick motioned to rescind previous conditional approval of variances for 13 Maple Avenue. Motion was unanimously approved.***

10:25: 240 Newton Road M.13 P. 34.1

*Amy R. Goldson would like to appeal Health Agents denial of building proposal for property stated above*

- **Amy R. Goldson:** I'm the owner of 240Newton Road. Since I bought the house in 1992 no structural changes have been done to it. My building application got denied because my current septic capacity can only accommodate 4 bedrooms. I have letter of certification stating that my property met the conditions to comply with sale and transfer wastewater regulations. This letter indicates that it is a 6 Bedroom Dwelling.
- **Health Agent** I would recommend Board of Health Members to deny this appeal. A septic upgrade is required. The property is fully located in Lagoon Pond DCPC, fully located in Coastal District and partly in Flood plain. It is a 6 bedroom house with a 4 bedroom septic capacity. I won't be able to sign off on building application.
- **Member White:** How can we resolve this issue?
- **Health Agent:** Septic System Upgrade.
- **Member Butterick:** Considering location of property I think it would be problematic.



- **Amy R. Godson:** I relied on BOH when I was buying this house and would not want to make any changes to it.
- **Member White:** I would be fine signing off on building application.
- **Member Bergeron:** I'm fine with it too. However, you should be pumping your septic system every 2-3 years as it says on letter of certification.

***Member Bergeron motioned to sign off on building application for 240 Newton Road.  
Motion was unanimously approved.***

10:35: Ducharme & Dillis 27 Winthrop Avenue; Re: Variance Request  
*To allow the leaching system to be less than 10' from garage slab.*

- **Health Agent:** This is a revised plan with a variance request that was previously approved.

***Member White motioned to approve the requested variance for 27 Winthrop Avenue.  
Motion was unanimously approved.***

10:40: 10 Namas Avenue M. 1 P.22; Re: Variance Request  
*To reduce the required separation between the proposed sanitary disposal facility and several neighboring sanitary disposal facilities from 300' down to a minimum 50'± (closest)*

- **Health Agent:** This is also a revised plan with a variance request that was previously approved.

***Member White motioned to approve the requested variance for 10 Namas Avenue.  
Motion was unanimously approved.***

10:45: MVC Re: Lagoon Ridge Project  
*Review of MVC's written decision on Lagoon Ridge Subdivision Development and signing of on-site sewage disposal system plan prepared for Lagoon Ridge*

- **Member Bergeron:** During a previous meeting, we agreed to review and sign septic plans for Lagoon ridge Project based on the final decision of MVC.

***Member Bergeron motioned to approve the on-site sewage disposal system plan prepared for Lagoon Ridge based on MVC conditions.  
Motion was unanimously approved.***



11:00: 90 Forest Avenue M. 22 P.41.1

*Zone II violation: Lot can only have a one bedroom sewage disposal system according to 105 CMR 310*

- **Health Agent:** The septic application for this property was approved by previous Health Agent. The plan that was approved was designed for a 1 bedroom house with septic capacity for 4 bedrooms. During recent septic inspection I observed different system from what was approved. Number of infiltrators did not match. Usually for this type of change you have to turn in a revision to the Board of Health for approval. No revision was turned in. This property is located in Zone 2, its 10,000 sq.f. Septic capacity should not exceed a 1 –bedroom capacity. This is a state violation which can carry a huge fine.
- **Member Bergeron:** If what we have on record is different from what was installed it is a violation.
- **Ted Vangerven:** According to Title 5 there is minimum size leaching field that is what I'm installing.
- **Health Agent:** In Zone 2, a one-bedroom house can have only a one-bedroom septic system. Please feel free to contact DEP Representative Brian Dudley if you need clarification on this regulation.

***BOH Members advised Mr. Vangerven to obtain written statement from Brian Dudley regarding regulations on installation of septic system with more than one bedroom capacity in Zone 2 for 11,000 s.f. lot.***

11:10: MV Sharks Baseball Complaint

*Egregious food code violations reported at facility. Possible closure*

- **Health Agent:** We received multiple complaints regarding sanitary conditions at the facility.
- **MV Sharks General Manager:** We are fixing some of those violations as we speak. Hand sanitizers are being installed at this moment. Food truck has running water and employees are able to wash their hands. We have a three bay sink and handwashing sink.
- **Mike Santoro:** I would like to say that MV Sharks is doing everything possible to address all existing and possible issues. I hope BOH will keep working with them.

***BOH Members instructed MV Sharks General Manager to keep working on fixing those violations and contact BOH office with any questions.***



**HEALTH AGENT:**

VNA contract for New Fiscal Year

*BOH Members reviewed and signed VNA contract for Fiscal Year 2017.*

*Member White: Motioned to adjourned*

Respectfully submitted by,  
Alexandra Kral, Administrative Assistant

No. 16-54

THE COMMONWEALTH OF MASSACHUSETTS

FEE 100.00

RECEIVED  
MAY 24 2016

BOARD OF HEALTH  
TOWN OF OAK BLUFFS

**PAID**  
Sheet # 3/5

APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

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

<u>0 Barnes Road (Double Oak Rd)</u> Location	<u>David Damrelson/Lagoon Ridge LLC</u> Owner's Name
<u>Map 35 Lot 3</u> Map/Parcel #	<u>126 Nash Hill Rd Haydenville MA</u> Address
<u>3</u> Lot #	<u>413 320 2395 01039</u> Telephone #
Installer's Name	<u>Holmes &amp; Mcgrath, Inc</u> Designer's Name
Address	<u>205 Worcester Court, Unit A4, Falmouth MA</u> Address
Telephone #	<u>508-548-3564</u> Telephone #

Type of Building: Residential Subdivision Lot Size \_\_\_\_\_ Sq. feet  
 Dwelling — No. of Bedrooms \_\_\_\_\_ Garbage Grinder ( )  
 Other — Type of Building \_\_\_\_\_ No. of persons \_\_\_\_\_ Showers ( ), Cafeteria ( )  
 Other fixtures \_\_\_\_\_

Design Flow (min. required) \_\_\_\_\_ gpd Calculated design flow \_\_\_\_\_ gpd Design flow provided \_\_\_\_\_ gpd  
 Plan: Date Jan 14, 2016 Number of sheets \_\_\_\_\_ Revision Date \_\_\_\_\_

Title Plan of Proposed On-Site Sewage Disposal System

Description of Soil(s) 0-7" O/A topsoil; 7-33" B subsoil; 33-120" C medium sand  
 Soil Evaluator Form No. \_\_\_\_\_ Name of Soil Evaluator Lizardi Rivera Date of Evaluation 1/12/2016

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 not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Inspections \_\_\_\_\_

*[Handwritten signatures and dates: 1/19/16, 1/19/16]*

FORM 1 - APPLICATION FOR DSCP DEP APPROVED FORM 5/96

No. \_\_\_\_\_ THE COMMONWEALTH OF MASSACHUSETTS FEE \_\_\_\_\_

OAK BLUFFS BOARD OF HEALTH  
**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 certificate shall not be construed as a guarantee that the system will function as designed.

FORM 3 - CERTIFICATE OF COMPLIANCE DEP APPROVED FORM 5/96

No. \_\_\_\_\_ THE COMMONWEALTH OF MASSACHUSETTS FEE \_\_\_\_\_

OAK BLUFFS BOARD OF HEALTH

**DISPOSAL SYSTEM CONSTRUCTION PERMIT**

Permission is hereby granted to Construct ( ) Repair ( ) Upgrade ( ) Abandon ( ) an individual sewage disposal system at \_\_\_\_\_ as described

in the application for Disposal System Construction Permit No. \_\_\_\_\_, dated \_\_\_\_\_.

Provided: Construction shall be completed within three years of the date of this permit. All local conditions must be met.

Date \_\_\_\_\_ Board of Health \_\_\_\_\_

FORM 2 - DSCP DEP APPROVED FORM 5/96

GRANT OF TITLE 5 COVENANT AND EASEMENT

FOR LAGOON RIDGE SUBDIVISION AS PROVIDED BY 310 CMR 15.290(2)(e)

This GRANT OF TITLE 5 COVENANT AND EASEMENT is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017, Dukes County, Massachusetts by Lagoon Ridge LLC, a Massachusetts Limited Liability Company, with a principal place of business at 37 Stetson Avenue, Plainfield, MA 01070 (“Grantor”).

WITNESSETH

WHEREAS, Grantor being the owner in fee simple of that certain parcel of vacant land located in Oak Bluffs, Dukes County, Massachusetts, pursuant to a deed from David A. Danielson, Trustee, to Grantor, dated September 23, 2014, and recorded with Dukes County Registry of Deeds in Book 1361, Page 397, said parcel of land being the subdivision plan shown on a plan entitled: " "Lagoon Ridge" Plan of Land in Oak Bluffs, Massachusetts Surveyed for Lagoon Ridge, LLC August 26, 2015 Scale 1 in. = 80 ft. Gregory Marcella P.L.S. P.O. Box 6 Oak Bluffs, MA 02557 774-521-5400", recorded with County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_ (the “Plan” and the “Property”); and

WHEREAS, there is appurtenant to and the Property has the benefit of a Shared System, as defined in 310 CMR 15.002, said Shared System being an easement area entitled “Shared System Easement” and located within and shown as a portion of the parcel of vacant land styled “Open Space 10.45” on the Plan and lying northeasterly of the terminus of “Double Ox Road” all as shown on the Plan; and

WHEREAS, the Property has the benefit of a Shared System Covenant and Easement, being more particularly described in the “Declaration of Protective Covenants and Agreement for Lagoon Ridge” executed by the Grantor and dated \_\_\_\_\_, 2017 recorded with Dukes County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ (the “Shared System Easement”); and

WHEREAS, the Shared System has been approved by the Approving Authority, as defined in 310 CMR 15.002, in accordance with Title 5, 310 CMR 15.000, as amended (“Title 5”); said approval being based upon the agreement by Grantor to incur certain obligations regarding the construction, inspection, maintenance, upgrade and expansion of the Shared System and to grant to the Approving Authority a perpetual easement to construct, inspect, maintain, upgrade and expand any component of the Shared System and in connection herewith a perpetual easement to pass and repass over the Property via Double Ox Road and the parcel shown as “Open Space 10.45 acres” on the plan to and from the Shared System Easement for purposes of inspecting the Shared System to insure compliance with and fulfillment of the terms of this Covenant/Easement as hereafter set forth;

NOW, THEREFORE, pursuant to the provisions of 310 CMR 15.290, Grantor does hereby

GRANT to the Town of Oak Bluffs, a Massachusetts municipal corporation situated in Dukes County, Massachusetts, acting through its Board of Health (the "Oak Bluffs Board of Health") for nominal, non-monetary consideration, with *QUITCLAIM COVENANTS*, a TITLE 5 COVENANT AND EASEMENT ("Covenant/Easement") in, on, upon, through, over and under the Shared System Easement, the terms and conditions of which are as follows:

## OBLIGATIONS AND EASEMENT

1. Inspection and Pumping. Grantor agrees to have the Shared System inspected at least every three years by a System Inspector, as defined in 310 CMR 15.002, and pumped on an as needed basis, but in no event shall the Shared System be pumped less than every three years. The System Inspector shall submit the results of the inspection to the Oak Bluffs Board of Health and to the Department of Environmental Protection ("DEP") within 30 days of the Shared System's inspection. Grantor shall provide the Oak Bluff's Board of Health and DEP with a copy of the receipt obtained from the duly registered septage hauler upon pumping of the Shared System within 30 days of the Shared System's pumping.
2. Financial Assurance Mechanism. Grantor agrees to provide the Oak Bluffs Board of Health and DEP with the financial assurance mechanism, naming the Oak Bluffs Board of Health and DEP as additional beneficiaries, which shall provide for upgrade of the Shared System in the event the Shared System fails to protect public health and the environment pursuant to the criteria established in 310 CMR 15.303.
3. Maintenance. The Grantor agrees to construct the Shared System such that the Sanitary Sewage, as defined in 310 CMR 15.002, from any Facility, as defined in 310 CMR 15.002, owned by Grantor may be denied access to the Shared System in the event Grantor fails to pay its proportionate share of the construction, inspection, maintenance, upgrade and expansion costs incurred by said Shared System.
4. Easements. In creating this Covenant/Easement, Grantor hereby grants to the Oak Bluffs Board of Health, its agents, contractors, subcontractors and employees, a perpetual EASEMENT to enter upon and the right to bring equipment onto the Shared System Easement to do any and all acts deemed necessary to construct, install, lay, operate, maintain, inspect, upgrade, repair, remove, excavate, replace, and expand any component of the Shared System, together with a right to pass and repass by foot and by vehicle over the Shared System Easement for said purposes, including the removal and trimming of crops, vegetation, trees, or shrubs therefrom, and for purposes of inspecting the Shared System Easement to insure compliance with and fulfillment of the terms of this Covenant/Easement.
5. Lien Authority of Local Approving Authority. For purposes of enforcing a lien against the Property and the Shared System Easement, Grantor hereby agrees that the phrase "...land upon which the structure is or was located..." as used in the second paragraph of M.G.L. c. 111, §127B shall include the Property and the Shared System Easement, thereby authorizing the Oak Bluffs Board of Health to impose a lien on either or both the Property and the Shared System Easement in the event the Oak Bluffs Board of Health has incurred debt in accordance with the provisions of M.G.L. c. 111, §127B.

6. Severability. If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

7. Enforcement. Grantor expressly acknowledges that a violation of the terms of this instrument could result in the following:

(i) upon determination by a court of competent jurisdiction, in the issuance of criminal and civil penalties, and/or equitable remedies, including, but not limited to, injunctive relief, such injunctive relief could include the issuance of an order to modify or remove any improvements constructed upon the Shared System Easement in violation of the terms of this Covenant/Easement; and

(ii) in the assessment of penalties and enforcement action by the Local Approving Authority and DEP to enforce the terms of this Covenant/Easement, pursuant to Title 5; M.G.L. c. 111, §§17, 31, 122, 124, 125, 125A, 127A through 127O, and 129; and M.G.L. c. 83, §11.

8. Provisions to Run with the Land. This Covenant/Easement sets forth rights, liabilities, agreements and obligations upon and subject to which the Shared System Easement or any portion thereof, shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, or conveyed. The rights, liabilities, agreements and obligations herein set forth shall run with the Property and the Shared System Easement, as applicable thereto, and any portion thereof and shall inure to the benefit of and be binding upon Grantor and all parties claiming by, through or under the Oak Bluffs Board of Health or Grantor. The rights hereby granted to the Oak Bluffs Board of Health, its successors and assigns, constitute the perpetual right of the Oak Bluffs Board of Health to enforce this Covenant/Easement and Grantor hereby covenants for itself and its successors and assigns, to stand seized and hold title to the Property and the Shared System Easement, as applicable thereto, and any portion thereof, subject to this Covenant/Easement, provided, however, that a violation of this Covenant/Easement shall not result in a forfeiture or reversion of Grantor's title to the Property or the Shared System Easement, as applicable thereto.

9. Concurrence Presumed. It being agreed that Grantor and all parties claiming by, through or under Grantor shall be deemed to be in accord with the provisions herein set forth and to agree for and among themselves and any party claiming by, through or under them, and their respective agents, contractors, sub-contractors and employees, that the Covenant/Easement herein established shall be adhered to and not violated and that their respective interests in the Property and the Shared System Easement, as applicable thereto, shall be subject to the provisions herein set forth.

10. Incorporation into Deeds, Mortgages, Leases and Instruments of Transfer. Grantor hereby agrees to incorporate this Covenant/Easement, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which

an interest in and/or a right to use the Property and the Shared System Easement, or any portion thereof, is conveyed.

11. Recordation. Grantor shall record this Covenant/Easement with the appropriate Registry of Deeds within 30 days of the latter of: receipt from the Oak Bluffs Board of Health of the approved Covenant/Easement or the expiration of the 60-day constructive approval period granted to DEP pursuant to 310 CMR 15.293. Grantor shall file with the Local Approving Authority and the DEP a certified Registry copy of this Covenant/Easement as recorded within 30 days of its date of recordation and/or registration.

12. Amendment and Release. This Covenant/Easement may be amended or released only upon approval by the Oak Bluffs Board of Health and DEP. Any such amendment or release shall be recorded with the appropriate Registry of Deeds.

13. Term. This Covenant/Easement shall run in perpetuity and is intended to conform to M.G.L. c. 184, §26.

14. Rights Reserved. This Covenant/Easement is granted to the Oak Bluffs Board of Health in connection with the approval of a Shared System pursuant to 310 CMR 15.290 through 15.293. It is expressly agreed that acceptance of this Covenant/Easement by the Oak Bluffs Board of Health or constructive approval of the Shared System by DEP shall not operate to bar, diminish, or in any way affect any legal or equitable right of the Oak Bluffs Board of Health or DEP to issue any future order with respect to the Property and the Shared System Easement, as applicable thereto, or in any way affect any other claim, action, suit, cause of action, or demand which the Oak Bluffs Board of Health or DEP may have with respect thereto. Nor shall acceptance of this Covenant/Easement serve to impose any obligations, liabilities, or any other duties upon the Oak Bluffs Board of Health.

This Covenant/Easement shall become effective upon its recordation with the appropriate Registry of Deeds.

WITNESS the execution hereof under seal this \_\_\_\_ day of \_\_\_\_\_, 2017.

Lagoon Ridge LLC

by: \_\_\_\_\_  
David A. Danielson, its Manager

COMMONWEALTH OF MASSACHUSETTS

Dukes, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared David A. Danielson, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of Lagoon Ridge LLC.

[seal]

\_\_\_\_\_  
Notary Public - Eric L. Peters  
My commission expires:

The Oak Bluffs Board of Health hereby approves this Grant of Title 5 Covenant and Easement.  
(as to form only)

Oak Bluffs Board of Health  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

[Note: Upon recording, mail to the Bureau of Resource Protection Department of Environmental Protection, One Winter Street, Boston, MA 02108]