

BOH Meeting Minutes 1/3/18

Members present: Members Maxim & Spratt, & Chairman Poillucci. Chairman called the meeting to order at 6:00pm. LakeCam was not present to record.

11 Island View - John Mello was present to discuss the building application for proposed garage/demo with living space above. The homeowner explained he wanted to knock down an old cottage and build a garage with living space above. He considered it a cottage. Chairman Poillucci said that originally when that was voted on (to install a septic system and combine lots) the minutes from the meeting stated that the owner was to pull out all the plumbing, kitchen and bathroom of the cottage and it was never done. Mr. Mello said that was before he owned it. He said he bought it as two houses from the realtor. The vote was in 1999; Mr. Mello said he bought it in 2005. Mr. Mello said he was told it was 3 acres with two houses (a cottage and a year round home). The previous owner (Seigfried) in 1999 went for a variance for an upgrade to the system per Agent Bernardo. The condition was, since he was in too close proximity to the pond, to make that garage a "bunk house" and make it inhabitable. The first vote was to remove all the plumbing and raze the building, then that was rescinded and the vote was to make it inhabitable. Agent Bernardo said there were 3 contiguous lots and the middle lot has a structure and one lot has the primary structure. Mr. Mello asked who had said that. Chairman Poillucci said the previous board and owner stated that and the deed restriction states it's a bunkhouse because there is no plumbing. Mr. Mello said the Board will have to show him that deed restriction because he did the research before he bought it. Agent Bernardo said a letter dated August 27, 1999 should have been made available to Mr. Mello for full disclosure. It notates all the conditions, the cottage on the property must be converted into a utility building by removing all plumbing or by razing the existing structure as only one dwelling is allowed on the lot. Later it was rescinded upon condition that the structure will remain an inhabitable outbuilding and the BOH records will reflect the same. In addition, it must be arranged for an attorney to record an easement (which was recorded) at the Plymouth County Registry of Deeds a Certificate of Compliance will not be issued until all conditions are met. Mr. Mello asked if a Certificate of Compliance was issued. Agent Bernardo said it was. Mr. Mello said if there was a deed restriction wouldn't it be recorded? Agent Bernardo had a copy of the deed pulled from the Plymouth County Registry of Deeds that shows the three contiguous parcels. Mr. Mello said that he came in about 10 years ago to get a permit to put all new windows in as well as new roofing for the house. Chairman Poillucci said that they couldn't let him have two houses on one lot. He said they could work with Mr. Mello to let him have something over there, but he couldn't have two houses. Mr. Mello said no one has shown him that something was recorded and he had an attorney do the research. He said at one time someone got a permit to build two houses there. Chairman Poillucci said at that time it was two small lots and the owner then combined it and came and made an agreement that they would make one building not a house anymore. Member Maxim said it was only

designed for two bedrooms and there are already two bedrooms so you can't add another bedroom. It's not designed for it; it's an increase in flow. Mr. Mello asked if he could increase the septic. Member Maxim said it's not allowed because of the variance and the distance to the pond. Agent Bernardo said that there was a variance because it's less than 400' from a public water supply. He said back then the DEP would have approved it. Member Maxim said that's something we can't change. Chairman Poillucci said if Mr. Mello wanted to put a garage and make a man cave over it with a bathroom and there isn't going to be a bedroom and we put something on it that says it's never going to be a bedroom, we could do something like that. There was a discussion regarding what is recorded at the registry and that the property is deeded as one lot. Chairman Poillucci said you can't have two houses, its one lot. Mr. Mello said it already existed as two houses; he bought it as two houses. It was advertised as two houses on three acres of land. Member Maxim said it was false representation it should not have been advertised as that. Agent Bernardo had paperwork from DEP (and meeting minutes) that approved the septic with no increase in flow to the repaired system and no increase in square footage of the existing structure- resulting in an increase to the design flow. They had asked for variances for the perc test and distances to the pond. Mr. Mello asked if there was any option where they could add bedrooms. Chairman Poillucci said the two houses on one property was still the issue. Agent Bernardo said you could do a bathroom with just a toilet and a sink, if you make the other building a dwelling; we have a regulation in town that says no new shared wells. Chairman Poillucci said he and Nate Darling came up with the idea of putting a room over the garage. Neither of them could see any way to let them put another house on the lot. That was all they could come up with was put the garage with a room above it, call it a man cave, it's an accessory structure. It's ok to have a bathroom. It's not to be used as a bedroom, it isn't to increase flow. If you want to make it a real apartment, it just can't be done. The Board doesn't have the authority for that. Member Maxim said this would be a ZBA issue. You could take a bedroom out of the primary residence to add one to the accessory building. He did not think ZBA would approve this. Chairman Poillucci said that's why they came up with the idea of a garage with a bathroom and a pull out couch and you wanted to stay on weekends, no one is going to go down and check on it. Mr. Mello asked if he decided to do that wouldn't it just be pulling a building permit? Member Maxim said with the plumbing and bathroom you'd need a site plan with a septic tank and tie-in. Mr. Mello said that is the most feasible. Right now there is a cesspool there, but if you're putting a new structure he'd tie it in. Chairman Poillucci said that the cesspool should probably have been disconnected since it wasn't supposed to have plumbing. Mr. Mello asked if they came back for another meeting would they be in agreement that they could put the boats in the garage in the winter and they could use it for a bathroom and to have cookouts with a refrigerator so they won't be using the main house (occupied by son). Chairman Poillucci said within reason. We'd have to change that because there isn't supposed to be any plumbing, add some wording that it's an accessory structure of that house (like someone's pool house). Mr. Mello asked if that was something they could do at this meeting. Member Maxim said he would need a plan. There needs to be a design plan. Chairman Poillucci said they can't vote but asked the other members if they would be ok with Mr. Mello coming back to a future meeting for basically a "pool house" that doesn't have a pool. It would be

called an accessory structure; with a bathroom as long as it didn't have a bedroom with wording that it couldn't be a primary residence. Chairman Poillucci said they would have to come up with the wording, but he was ok with it if he wanted to go that route. Mr. Mello said he wanted to enhance the property. Chairman Poillucci said that he would have a good case against the lawyer that did the title and the title insurance company if you bought it as a house and you can prove you bought as a house and it wasn't supposed to be a house since 1999. Agent Bernardo said he could make those meeting minutes available to Mr. Mello if he wished. He said he wanted to talk to his kids first. Mr. Mello said his original plan was to make it a 'day house'. Member Maxim said it would have to be in writing that it's an accessory building. Mr. Mello said what it would be is a gloried pool house or boat house, but you still need an engineered plan to add a bathroom? Chairman Poillucci said to show how the waste is getting to the septic tank; you need the right setbacks to the tank. Since it's not an increase in flow and the field is ok, they will probably just add a tank. There was a discussion of what will be needed for the design plan.

143 Staples Shore Rd – discuss letter received 12/27/17 regarding Tight Tank Inspection. Mr. Dunn said he received a letter from Kevin Bernardo regarding the inspection of the tight tank at his property on 143 Staple Shore Rd. He remembered getting the first letter, but not the second. He said when he got the first letter he assumed that it was more pertinent to year round tight tanks than seasonal. He said he is only down there less than 3 months of the year. When he spoke to Kevin he realized that this was not the case and said he would get it inspected in the spring when it gets pumped out. Kevin said it should be inspected ASAP. Mr. Dunn said he has no plumbing there now; they have been out of there since mid September. Member Maxim asked if everything has been drained. The homeowner said the well pump is out, there is no insulation there. Agent Bernardo said he asked the homeowner to put it in writing and he would present it to the Board. Chairman Poillucci said even seasonal tight tanks were supposed to be inspected four times yearly but no one was doing it. Mr. Dunn said he went around with Larry on this issue since 2010. He said there are only 2 places on his side of Staples Shores that are seasonal, the one owned by the Wills and his place. He spoke with Larry at the time and there was a list made in 2010 of properties around the lakes that had flooding conditions. The BOH at the time was looking to make sure the water and septic systems were alright. At the time the list had those that were in compliance with Title V and those that weren't. He said he was in compliance since he had the Tight Tank the problem was that he was listed as a year round residence. When he got approved, he had to get a seasonal deed restriction. At that time Larry told him that the regulations said that Tight Tanks needed to be pumped three or four times a year and be inspected. He explained to Larry that it didn't make sense for him since nothing was going into the tank for 9 months of the year. At the time he had the Tight Tank installed, the engineer recommended that whatever was in the tank when they closed up the cottage should remain there and have it pumped out in the spring because of the hydraulics. He said he had explained to Larry that there had to be some type of conditions for people that are seasonal. Agent Bernardo said that's why we're now doing March, April, or May. Member Maxim said we're only doing once a year inspections now, which makes sense. Chairman Poillucci said the

inspections were always supposed to be done and that DEP just let them change that a year ago. Those regulations were all DEP, four times a year. When they gave local Boards the authority to change it, was when we went to once a year, as long as it passes and everything stays on schedule. Mr. Dunn said he will get it inspected if he could do it once the plumbing is back in he will get it done as soon as he can. Chairman Poillucci asked what he thought a safe date was. Mr. Dunn said April. Member Spratt said the new letter will be going out before that. Agent Bernardo said that new letter will be going out this week. It's a reminder to everyone else that it's due again. Mr. Dunn said he usually gets it pumped out the end of May or early June, sometimes July depending on what's in there. He said they have a sump alarm and when that goes off they still have about 500 gallons to go. It's a big tank (3500 gallons). Chairman Poillucci said that when things were changed if the only reason your house was seasonal was the Tight Tank you can make it year round again if you want. He said he wasn't interested in that but maybe down the road. He said he has year round water but the place is not insulated. Chairman Poillucci said he just wanted him to know that if the only reason he was seasonal was because of the septic they could take the restriction off once it passes. Mr. Dunn asked what he would need to do to remove the seasonal restriction. Chairman Poillucci said that once it passes inspection he could just come and ask the Board. Agent Bernardo said as long as there is year round water. Mr. Dunn said he has year round water; it's just not hooked up year round. He asked if it was ok to do the tank inspection by the end of April and if it had to be done by a Title V inspector approved by Lakeville. Agent Bernardo said it needs to be a Title V inspector approve by the State.

Upon a motion made by Member Maxim, seconded by Member Spratt it was:
Voted: to extend the Tight Tank inspection at 143 Staples Shore Rd.
until the end of April 2018 since the house is uninhabited currently.
Unanimous approval.

1 Hollis Ave/37 Clark Rd - Agent Bernardo said he wanted to put this before the Board when he checked the file for the ZBA petition and saw a lot of discussion on the acreage and conditions. He said he was going to write them the letter saying the BOH doesn't have any issues with the petition as long as they stay with the conditions that the BOH had originally passed. Chairman Poillucci said that's why he asks if they notified the owner of the road when they notify abutters because sometimes the owner of the road is different. If they never started an association or never deeded the road separate, everyone owns to the middle of the road, and they have a right of way through everybody's properties, which at that point you can say ok. Member Maxim said and that's what this did. He said we just needed the 20,000 to get the area for the septic and well on the lot- by adding the road which they own to the center. Member Spratt said they added the stipulation that when the water came through they would have to tie in to it, so it was only a temporary thing. The way it looks now, they may not even bother putting the well in. By the time he gets it going, he may as well skip the well and tie into the water. Agent Bernardo said he would just write the letter.

New Food Establishment – Get Steamed d/b/a Nonna Bella's. Agent Bernardo said this establishment is a new food truck at Muckey's.

Upon a motion made by Member Maxim, seconded by Member Spratt it was:
Voted: to approve a permit to operate a food establishment for
Get Steamed, Inc. d/b/a Nonna Bella's at Muckey's Liquors parking lot
at 12 Harding St. Lakeville, MA
Unanimous approval.

East Coast Fitness – Agent Bernardo said this is another new establishment. The new owners didn't know they needed a food establishment and tanning permit. Agent Bernardo said they were able to get food certs, the rest of the staff was trained in food handlers, they got the tanning stuff, and they did it all quick.

Upon a motion made by Member Spratt, seconded by Member Maxim it was:
Voted: to approve a food establishment license for
East Coast Fitness at 155 Millennium Circle pending
Agent Bernardo's inspection and approval.
Unanimous approval.

Upon a motion made by Member Spratt, seconded by Member Maxim it was:
Voted: to approve a tanning establishment at
East Coast Fitness at 155 Millennium circle pending
Agent Bernardo's inspection and approval.
Unanimous approval.

Review and approve meeting minutes from December 6, 2017 as typed -

Upon a motion made by Member Maxim, seconded by Member Spratt it was:
Voted: to approve the Board of Health Meeting minutes from December 6, 2017
as typed.
Unanimous approval.

Regulations – Agent Bernardo said that hopefully by the next meeting he will have a final draft and then we can work on posting a public hearing. Chairman Poillucci said that there should be a meeting with just the Board to talk about the regulations and nothing else to make sure everyone agrees. Then there needs to be a vote that the regs are what we want to adopt then it can be advertised. The regulations that are going to be adopted need to be available to the public, and then there needs to be a public hearing.

Adjournment –

Upon a motion made by Member Maxim, seconded by Member Spratt, it was:
Voted to adjourn the meeting
Unanimous approval