

TOWN OF LAKEVILLE
Board of Health Meeting Minutes
September 7, 2016

The Lakeville Board of Health held a meeting on September 7, 2016 at the Lakeville Town Office Building. Board of Health Members present: Robert Poillucci and Derek Maxim. Also present: Health Agent Lawrence Perry. Member Christopher Spratt was absent.

Chairman Poillucci called the meeting to order at 6:00 pm and noted that this meeting was being recorded by Board of Health and LakeCAM.

Chairman Poillucci announced that one of the board members was absent so he wanted to tell people that were present for Ledge Street that he has never voted to approve the type of variance being requested. The request was for a proposed well on an undersized lot that has never had a well, and doesn't meet nitrogen loading for which. He suggested they wait until the third member is present. He said the lot is already undersized, people come and get approval for septic with a 2 bedroom seasonal deed restriction, and then they come back and want a well so they can make it year round, but the lot is still undersized. He said if they want to be heard tonight the answer would definitely be no. He said abutters would not need to be re-notified because this meeting was being televised and some of the abutters were present. So they will continue this to the next meeting to September 21, 2016.

3 Ledge St. – Tristan Wallace from Prime Engineering was present on behalf of his client Julio Johnson to discuss request for multiple State & Local Variances for a proposed well and septic. Abutter cards were submitted. Also present were abutters from 4 & 6 Dale Street and 5 Ledge St. Plans and associated variance request letter dated August 22, 2016 were submitted previously for review. The abutters present were frustrated and voiced several concerns they had about the owner of this property and its condition. Chairman Poillucci said the Board of Health can only control the septic portion on this property. Continued to September 21, 2016.

17 Parkhurst Dr. – Jamie Bissonnette from Zenith Consulting was present on behalf of his clients Mr. & Mrs. St. Don to discuss request for multiple State & Local Variances for a septic upgrade. Abutter cards were submitted. Plans and associated variance request letter dated August 8, 2016 were submitted for review. One abutter was supposed to be present but did not show. They are proposing the additional vertical state variance be 2 feet closer to groundwater. Jamie said there is a repair in place but it is under a driveway where a bottomless sand filter really can't go. He said they are very limited as to where they can put it. He went over the plan with members. He said they were looking to construct this system pretty much in place of where there was a failing field and upgrading to a Presby which is considered an I/A system. He felt that a Presby system with treatment is a drastic improvement from what is there now. Member Maxim agreed it is an improvement, but his feeling on Presby was there is really no treatment. Chairman Poillucci said he would be in favor of the Presby, but he would prefer the abutter be present to discuss further because she has had problems over the years with water in her driveway. A lengthy discussion ensued. Chairman Poillucci prefers not to vote and to wait until the third member is present. Jamie said he would meet with his client to discuss and return for the next meeting.

Zoning Board of Appeals Petition - Paul McGillis Re: Appeal of Building Commissioner's August 5, 2016 Decision Not To Enforce the Zoning By-Laws @ 10 Fern Ave. - Morse Ready Mix

Chairman Poillucci said it really has nothing to do with the Board of Health. Health Agent Perry said a noise wall was installed years ago after initial involvement and noise assessment by himself and the Board of Health. He said after the wall was designed and DEP took over oversight of the construction. The Petitioner is looking for a taller wall to be built. Members recommended Health Agent Perry write up a letter and send to the ZBA stating they did not see any specific public health issues involved with this particular petition and therefore not necessary to make recommendations at this time.

New License Applications for Review and Approval

A Well Dressed Dog – Mobile Food Truck operating out of Muckey's Liquors Parking Lot, 12 Harding St.

Upon a motion made by Chairman Poillucci and seconded by Member Maxim, the board:

VOTED: To approve Food Establishment License. Unanimous in favor.

Baldies Pizzeria Inc. – 40 Main St. (New Location) – Applying for Food Establishment License

Upon a motion made by Chairman Poillucci and seconded by Member Maxim, the board:

VOTED: To approve the Food Establishment License. Unanimous in favor.

Poquoy Brook Golf Club LLC DBA Poquoy Brook Pub – 20 Leonard St. – Applying for Food Establishment License, Milk & Cream License and Tobacco and Nicotine Delivery Product Sales Permit

Upon a motion made by Member Maxim and seconded by Member Poillucci, the board

VOTED: To approve the Food Establishment, Milk & Cream License and Tobacco and Nicotine Delivery Product Sales Permit pending required inspections. Unanimous in favor.

Not on Agenda

Lakeville Golf Club – Application for new Tobacco and Nicotine Delivery Product Sales Permit – Chairman Poillucci said he didn't think this new application needed to be posted. Inspector Bernardo had gone to the establishment to do an inspection and found cigars were being sold without the required permit.

Upon a motion made by Member Poillucci and seconded by Member Maxim, the board:

VOTED: To approve the Tobacco and Nicotine Delivery Product Sales Permit subject to a re-inspection if the inspector deems it's necessary. Unanimous in favor.

Chairman Poillucci said he would like to attend the MAHB meeting being held on November 5, 2016 and would like Agent Perry reach out to other members and Building Commissioner Nate Darling in case they are interested in going. He asked him to check to see if the coalition would pay for any of it.

Chairman Poillucci said a few different things were voted over the last six months and were getting bottle necked some place past Building Commissioner Nate Darling who was given authority over the Board of Health. He said he felt it was necessary to meet with the Selectmen and discuss these issues. Member Maxim asked about one specific issue that was discussed back in April 2016 with regard to enforcement where the Board of Health would be given authority to issue non-criminal citations that could become criminal if ignored. There was some confusion as to whether or not a hearing was required to adopt those regulations, but members had already voted to adopt them at that time and were told a hearing was not necessary by Health Inspector Bernardo, but that their vote did have to be advertised in the newspaper. Agent Perry advised the board that the ad was going in next week's edition of the Middleboro Gazette.

Member Maxim wanted to discuss an email that Health Agent Perry was copied on regarding private hauler regulations. Superintendent of Streets Jeremy Peck had suggested in this email that at least one member of the board attend a meeting being held by Mass DEP on September 29, 2016 to completely understand their responsibilities regarding private hauler regulations with regard to recycling. Chairman Poillucci is not in favor of what is being proposed because he feels like it would make everyone's trash bills go up would run local haulers out of the town that don't do recycling. Members did not feel these regulations should be adopted unless they are mandated by the state. Member Maxim said he would reach out to Member Spratt to see if he would attend the meeting.

Health Agent Perry said there is a meeting regarding mosquitoes being held on September 12, 2016 by the Mass Dept. of Agriculture. He asked the board if Member Maxim should go as backup Arbovirus Coordinator or if they want to delegate him to go. Member Maxim said in his opinion someone should be present. He said he is in favor of spraying in the areas mentioned and doesn't understand why the Mass Audubon Society doesn't want to allow it especially since this is where the mosquitoes are testing positive. Chairman Poillucci said if it's a couple of hours, he would like Agent Perry to go, but if it's an all day thing, the Nurse could go and inform them that the Board of Health is in favor of the spraying.

Upon a motion made by Member Maxim and seconded by Member Poillucci, the board

VOTED: To adjourn the meeting at 7:08 pm. Unanimous in favor.

Accepted as Typed 9/22/16JL
