

Board of Health Meeting Minutes
September 15, 2010

The Lakeville Board of Health held a meeting on September 15, 2010 in the Lakeville Town Office Building. Present at this meeting were Board Members William E. Garvey, Jr. Terrence Flynn and Robert Poillucci. Also present at this meeting were Health Agent Lawrence Perry and Board of Health Supervisor Nancy M. Teser, as recording secretary. Chairman Garvey called the meeting to order at 6:00 p.m.

9 Shore Avenue

041-014-003

David & Theresa Krijger

Board members reviewed revised septic plans dated August 28, 2010 and a revised variance request letter dated September 3, 2010 from Raggs Septic Service, Inc. d/b/a E. A. Comeau Septic for 9 Shore Avenue. The Board previously voted on June 30, 2010 to approve a tight tank with a one bedroom seasonal deed restriction for the existing two-bedroom seasonal cottage because the engineer mistakenly represented it as a one bedroom. Anthony L. DelGaizo, P. E. was now requesting that the Board approve the revised septic plans and variances with a (2) two-bedroom deed restriction. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the revised septic plans and variances subject to a deed restriction being recorded at the Plymouth County Registry of Deeds stating that the dwelling will remain a "Seasonal" (2) two-bedroom dwelling with no further expansion and no increase in flow to the septic system and it is to be made known that this dwelling houses a "Tight Tank"; an RLS (Registered Land Surveyor) must be on the "As Built" plan confirming the minimum setback distances, and the Title V (State) variances need to be submitted to the Department of Environmental for their approval for use of the "Tight Tank".
Unanimous vote.

Discussion with Board of Selectmen relative to flooding issues

Chair Yeatts called the Selectmen's meeting to order at 6:03 p.m. Present were Selectman Derek Maksy and Selectwoman Nancy Yeatts. Also present were Town Administrator Rita A. Garbitt and Tracie Craig, Executive Assistant. Selectman Olivier entered the meeting at 6:06 p.m. Building Commissioner Robert Iafrate was also present. Chair Yeatts said the Selectmen were called by several seasonal homeowners regarding the Board of Health telling them they had to put in a new septic system due to the flooding. According to Yeatts they were upset because the year-round property owners could access FEMA monies to help them pay for new septic systems, but the seasonal people could not. Yeatts said some people have been seasonal residents for over 50 years and lived there only during the summer, but now they were obligated to put in a Title V septic system. According to Yeatts if it weren't for the flood (and the ownership of title was not changing hands), the Board of Health wouldn't have had any right to go onto a property to inspect their septic system. Maksy said they were talking about the seasonal residents who could not occupy their homes and could not get any assistance from FEMA. Maksy said a letter was received from a couple from Spain asking them what they could do to help them. Maksy said they gave the seasonal residents an opportunity to meet with them to discuss the Title V septic issues.

Robert and Susan Dunn, owners of property at 143 Staples Shore Road, said they had a well issue in addition to the Title V issue. Mr. Dunn said he was previously told they needed to do a well water test for bacteria, which he said they did, but now the Health Department wanted a VOC (Volatile Organic Compounds) test done on the well. Mr. Dunn wanted to know why this changed and why weren't they notified before of this change? Chairman Garvey stated that the issue of testing for (VOC's) Volatile Organic Compounds was brought up at the Library meeting. Robert Dunn said nothing was brought up

about seasonal properties until he asked; all that was spoken about was the FEMA process. Garvey said they passed out a brochure explaining how the water must be tested. According to Chairman Garvey when the Board of Health found out that there were gasoline cans floating in the waters and some gasoline could be leaking from them, the wells needed to be tested for VOC's, not just nitrates. Garvey stated that nitrates are bacteria, but VOC's are volatile. Garvey also stated that they were seeing arsenic in some of the well tested; five wells came back with arsenic in them, so they added arsenic to their parameters also. Garvey said the Board of Health's intent is to protect the drinking water of Town residents and they were doing the best they could. Robert Dunn said he could understand that but the people that were targeted were the seasonal people whose homes were tagged by the Building Commissioner. According to Mr. Dunn there were three homes up the street from his year-round home (18 Montgomery Street) that were completely surrounded by water. Dunn said these homes were not required to have the same testing done. Robert Dunn said some of the owners of seasonal dwellings in Lakeville didn't have any means of reimbursement from FEMA. Garvey told Dunn they were not FEMA, the Board of Health treats everyone the same. Dunn said he would take exception to that. According to Chairman Garvey there were twenty-one failed systems inspected by the Board of Health; eleven of them were year-round properties and ten were seasonal, and the year-round residents needed to fix their systems too. Dunn said he had a tight tank which didn't fail; but he was talking about his water tests.

Selectman Maksy said it was his understanding that when they had the meeting with the Department of Environmental Protection (DEP) they said not to use the flood as a tool to do anything from stopping these people from moving back into their homes. Maksy acknowledged, if the flood had never happened, the Board of Health would never have had the opportunity to go onto people's properties. Health Chairman Garvey said they never used the flood as a tool. Garvey said the Board of Health developed some parameters, they went out to the properties, inspected the properties, and asked for a well water test. Garvey said the only properties they inspected were the ones they received a call on from the residents; they did not go out there unless they were called to assess their systems. Garvey said they failed a system if it was failing. According to Garvey the Board of Health's job was to say if their systems were working or not. Garvey said they didn't treat anyone differently and they did not go anywhere without a phone call. Maksy again said if this flood hadn't happened the Board of Health wouldn't have received a call and wouldn't have gone out there. According to Maksy the State and Federal representatives told them not to do this. Maksy knew it was the Board of Health's job to enforce public health and it put them in a tough predicament because of FEMA, but the State said not to use the flood as a tool. Garvey asked Maksy, if a cesspool was polluting the groundwater, are they suppose to ignore it? Chair Yeatts asked why were the residents told to call the Board of Health. She asked if they were forced to call the Board of Health Office because the properties were tagged by the Building Commissioner.

Robert Dunn said they were told there were three conditions which needed to be met for occupancy: the well water tests showing potability, the ability to flush the toilet, and the structure was structurally sound. Dunn said he fulfilled all those requirements but he still had a yellow tag on the house because the Building Department referred him to the Board of Health. Health Member Poillucci said Commissioner lafrate was the one who tagged the houses and if his house wasn't structurally sound you would have had to fix it, but not having safe water didn't concern you? Robert Dunn said he had safe water and he wouldn't have any problem drinking it. According to Dunn his neighbors were year-

round residents, they had their water tested and theirs came back fine also. Robert Dunn said he had a tight tank and lives there (143 Staples Shore Road) less than three months a year. Again, Dunn said they met all the other requirements originally asked for. Dunn said he's been a resident of Lakeville for 36 years, but it seemed that if people just ignored what the Town wanted they were fine. Dunn felt he was being penalized. Garvey asked if they did a water test on their well. Dunn said it was not required by the Building Department.

Susan Dunn said they did everything in accordance with the Building Department's letter. Chairman Garvey said there was pollution found in the waters because of the flooding, so they (BOH) wanted to protect the people from drinking any bad water. Garvey said he couldn't tell Dunn that his water was safe to drink because it might not be. Mr. Dunn asked if the jurisdiction, regarding the tagging of the properties, was under the Building Department's jurisdiction. Dunn noted, if the Board of Health didn't want to sign off on his water sample he didn't have a problem with that but his issue was not being able to use his property. Garvey told Dunn he could use his property. Garvey said he wasn't sure if there was any law in the State of Massachusetts that could force anyone to test their water.

Selectman Maksy told Dunn that the yellow tag was an ID tag for the Building Department and it didn't mean that the property was condemned. Robert Dunn said the tag said restricted use. Maksy noted that if the tag said that it probably shouldn't have. According to Chairman Garvey they didn't stop anybody from using their property and they could not force Dunn or anyone else to test their water. Garvey said maybe a lot of people didn't want to call the Board of Health Office because they knew their systems were in failure before the flooding. He said the Board of Health couldn't chase everyone. Susan Dunn said they already pumped out their tight tank but because of the water level, but they leave their tank somewhat full. Robert Dunn said telling them to pump the tight tank was stupid. Robert Poillucci said he was new to the Board of Health when the flooding occurred. He said letters were sent out to the homeowners telling them to pump their systems. Poillucci said he didn't think of tight tanks at that time, maybe they should have been excluded, he was just thinking of regular septic systems. Poillucci said their intent was to pump the tanks to see if the groundwater was filling them back up.

Building Commissioner Iafrate said a simple program was instituted at that time, the houses were tagged in yellow and no homes were condemned (orange stickers). Iafrate said the stickers were issued to him by the State and at no time was anyone told they couldn't go back into their residence. Iafrate also said no one was policing that. Iafrate said the green stickers were issued once the residents had potable drinking water and they could use their bathroom. Iafrate felt it was safe at that in time. After the June 2, 2010 meeting with the Selectmen, Iafrate said the residents brought their well tests to him, but he didn't know how to read them. Iafrate said the residents needed to go to the Board of Health Office with the water analysis for review by Health Agent Perry, then, the Building Department could issue a green sticker. Iafrate felt this process worked well. Unfortunately, according to Iafrate, this process didn't work out well for some seasonal property owners because they couldn't receive any money from FEMA and the property owners had to pay for the water testing themselves. Iafrate said they just wanted potable water. Iafrate said some people with yellow stickers were still using their homes. He said he would like to get rid of the yellow stickers and continue on with this process.

Selectman Olivier believed the process was flawed. He said the Board of Health mentioned that they did not have the authority to force residents to test their water, but if someone called them the Board of Health would have the authority to go onto their property. Some homeowners felt that the yellow

stickers were bad and needed to get to the green ones. Selectman Olivier said it was the homeowner's responsibility to get potable water; they shouldn't feel compelled to come through the Board of Health to get the water. Chairman Garvey told Olivier that he did not say at any time that they had to do a Title V inspection. Garvey stated that when the Board of Health Office received a call they went out to inspect the system, if the system failed, it failed, and if it passed, it passed. Selectman Olivier replied, yes, when you got called. Chair Yeatts wanted to know just why Town residents were calling the Board of Health Office. Garvey said it was to get the yellow stickers removed. Health Member Poillucci said the Board of Health has the responsibility to insure that all Town residents have safe drinking water. Poillucci noted that for some reason there was a problem with us telling them to test their water, but they had no problem with anyone telling them that their house wasn't safe. Olivier stated that if their water and septic system were fine before the flood, when the water recedes, it would work again. Olivier said it would be up to the homeowner to say if it's not working properly after the flood. Olivier said the Board of Health would need to test every single house in the Town of Lakeville because each house was impacted by the flood. He said a lot of houses had water in their basements and yards but the Board of Health didn't test them.

Selectman Maksy asked if Building Commissioner lafrate required the residents to bring their homes up to code. lafrate said they wanted to make it safe to rehab their houses, but they did not have to bring their homes up to code. To be safely habitable, lafrate said you have to make sure that your toilet works, your water is safe to drink, and your home is structurally safe. Commissioner lafrate stated taking away the Title V issue they had a good process: flushable toilets, safe water and safe environment. lafrate stated residents go through the Board of Health Office to have safe water and to flush their toilet, and once that was achieved his department would go out there and a green sticker was issued.

Robert Dunn said the only places tagged were the homes that were evacuated. Building Commissioner lafrate said they concentrated mostly on those homes but he could have probably tagged about 40% of the homes in Lakeville; basically waterfront properties were tagged. According to Dunn there were two homes on Staples Shore Road that were not tagged. Dunn said he had to comply with one set of rules; while the houses across the street didn't. Garvey said the only ones they went out to check were the ones they were called for; it was not because they were seasonal or year round dwellings. According to Garvey if the systems failed they were still polluting the groundwater and the ponds. Garvey said they couldn't just turn their heads!

Town resident Joseph Beneski stated, under the Massachusetts General Laws, the Board of Health has the right and responsibility to inspect a system if they suspect any pollution happening around a water source or property. Beneski said it was the Board of Health's responsibility to get it systems fixed, if they turn their heads, it's their fault; the flood happened and a lot was brought to the Board's attention. Maksy asked Beneski if he was requested to do a Title V. Beneski said his neighbor had arsenic in his water but he didn't, and he didn't have any problem with his septic system. Beneski said Shore Avenue was completely flooded. He said those properties should all have tight tanks. Beneski said no one was forcing the people to fix their failed systems, nature did that. Beneski again said that the Board of Health was made aware of the problems and it was their responsibility to make sure that everyone's drinking water was safe. Beneski said the Board of Health added more parameters to the well test. He said he had his well tested for potability, (VOC's) Volatile Organic Compounds and arsenic.

Olivier said if the Board of Health had been made aware of the problem; such as a neighbor calling them saying the neighbor's septic system was overflowing or if someone called to say they had a problem with their septic system, yes, the Board of Health is responsible, but not just because the flood happened. Garvey told Olivier that the Board of Health did not go on anyone's property unless they were called. Maksy said he would then apologize, as a Selectman, for allowing the Building Commissioner to come here for their assistance; he should have just told Building Commissioner Iafrate to go out to the property, flush the toilet and look at the well test. Maksy said the last time they discussed this issue they voted and told Iafrate to get the people back into their homes. Maksy said he didn't know this was happening until they started getting the calls.

Health Member Poillucci said there was a meeting with Mr. Iafrate, Health Agent Perry, Fire Chief Daniel Hopkins, the Department of Environmental Protection (DEP) and FEMA to figure out what they were going to say at the Library meeting to make sure they were all on the same page. Poillucci said they never deviated from that process. Poillucci said that if someone had a problem with it they should have met on this again, instead of just saying you can't do this. Poillucci said they received advice from the people whose job it was to handle it; they did exactly what they all decided to do at that meeting. Town Administrator Garbitt said it was her understanding that the State Inspector met with the local Building Commissioners and this process was recommended by them. Garbitt said they (State Inspector) did not want anyone's home condemned; the yellow tags meant enter at your own risk. Building Commissioner Iafrate said that was what happened. Joseph Beneski stated that the Board of Selectmen have their responsibilities and the Board of Health have theirs, if the Selectmen see something happening that could affect public health, they should notify the Board of Health, not say we aren't going to bring them into it. He said that the Building Department handles building issues and the Board of Health handles health issues. Beneski felt that the two departments have worked very well together in the past.

Susan Dunn asked, in regard to the Board of Health being called out to inspect the systems, were the people calling them to get their green sticker or for health issues? She asked the Board, if the various boards met and had come to the conclusion that it was the Building Commissioner's process, then why weren't residents referred to the Building Department? Mrs. Dunn said they were sent to the Board of Health when they went to the Building Department. Garvey told Dunn that when someone comes in for a building permit, they go to Mr. Iafrate. Susan Dunn said people were calling the Board of Health Office to get their green stickers. On the day they met at the Library, Garvey said they set up some guidelines; the well needed to be tested, the septic had to be inspected, and the building needed to be inspected. Garvey said a pamphlet was given out at this time regarding water testing for (VOC's) Volatile Organic Compounds, arsenic came in later when some wells came back with arsenic in them, so they told people to check their water again in six months. Garvey said the Board did not say to just flush their toilets because the system may still not be working correctly. He said they presented the guidelines that day. According to Chairman Garvey if a system is in the water table it's in failure and it needs to be fixed because it is polluting the ground. Garvey said that the Board of Health just can't look away and say your toilet flushes. Robert Poillucci said they didn't go looking for problems, even if it was a cesspool and it was working properly before; they didn't tell people they had to bring it up to Title V code. Poillucci noted that if a system failed now, after the flood waters went down, then it's in failure. He said they were in a State of Emergency at the time of the flooding. Poillucci acknowledged when they met with the Department of Environmental Protection (DEP) and FEMA they were advised what requirements were needed to get those stickers off and they did the best they could.

Chair Yeatts said she attended that meeting and didn't remember anyone saying a Title V inspection had to be done. All three Selectmen remembered the same thing; a Board of Health member said they were not going to use the flood as an excuse to fail the systems. Yeatts said she wanted to protect the pond. Health Chair Garvey told them they never asked or told anyone to do a Title V inspection, if it was a cesspool it needed to get pumped out and if it refilled with water it's in failure. Again, Garvey said they couldn't turn their heads. Garvey said no one spent \$500 to do a Title V inspection. Yeatts asked if the residents had to spend money to have their systems pumped. Health Chair Garvey replied, yes, if they had a cesspool, to see if it was working properly. Garvey said they told everyone in the beginning; just what they were going to do. He said they weren't picking on anyone. Chair Yeatts said the people felt tricked because they were forced to call the Board of Health. Garvey said the Board of Health couldn't say if the systems were working fine or not; if they didn't call they didn't go out there. Building Commissioner Iafrate said he didn't know how to read the water test reports so he sent them to the Board of Health Agent for review. Iafrate told Mr. Dunn, in order to get rid of his yellow sticker, so they could put this whole nightmare behind them, they would need a flushable toilet, potable water and a structurally sound structure.

Selectman Maksy said the big thing here was that the year round folks had the opportunity to get funding, so it was easier for them to do this. Maksy said a lot of people didn't have the money to fix their systems. Garvey said the people have two years to fix it. Maksy said they still have to meet Title V. Garvey told Maksy, yes, but we aren't here to make people spend more money. Garvey stated, when they found chemicals in the water, they told people they had to test for more parameters. Garvey said they were just trying to protect people. Garvey said they can't treat people differently seasonal or year round, even though FEMA failed them; they have two years to fix their systems. Dunn read some of his water report to the Board; his test said bacteria and chemicals meet the maximum standards for potable water. Garvey told Dunn they could not force him to test his water for more parameters if he didn't want to, to drink it if he wanted to, but he could be drinking gasoline or arsenic because he didn't test for that. Health Agent Perry noted, on the water analysis in parentheses it says "for the parameters tested", it doesn't say what else could be in your water. Perry said the lab was only saying it was safe for what they tested for which was misleading. Chairman Garvey again said they tried to make people aware of what could be in their drinking water. Garvey told Dunn his water was drinkable for what they tested it for.

Robert Dunn said that he still had a yellow sticker. In terms of the septic, Dunn said he didn't have any problem with what they were saying. Dunn said they didn't need to put in a tight tank but they did. Dunn felt it was unfair because he had to conform to certain specifications from the Board of Health because he was on one side of Staples Shores Road and the others were flooded just like him. Chairman Garvey told everyone that his first recommendation was to test all the flooded wells in Lakeville and they would pay for them, but then found out that there weren't any monies. Selectmen Maksy noted that they had a list of failed systems and they have two betterment programs to fix the septic systems. Building Commissioner Iafrate said the yellow tags were put on houses that were most adversely affected by the flooding; totally surrounded by water. He said that some streets like Shore Avenue were completely tagged. Iafrate said there were approximately 115 houses that could not be accessed, so he avoided doing more tagging. Chairman Garvey told Iafrate that he did a great job. At 7:00 p.m. the Board of Selectmen left the Board of Health meeting and continued their meeting in their office.

211 Old Main Street**058-001-005****Scot Servis**

Scot Servis was present for discussion regarding the replacement well that went in off the property which requires an easement to be in the road layout in addition to a variance from the Board's local well regulations. (A replacement well recently went in 2' off of the property; 9' northeast from where it was previously approved to be located). Servis said the well drilling truck and Jonathan Pink of Azor Land Sciences, Inc. were out at his property and now it appears that his house moved. Servis said he went to a Board of Selectmen meeting to discuss this problem and brought a copy of the original deed dated 1043 for the property. Servis stated that the well is in the road layout and it would be a County easement. According to Servis, Town Administrator Garbitt said that the Town didn't have any issue with it, nor Superintendent of Streets Peck. Servis said he was now coming back before the Board because he wanted the Zoning Board of Appeals letter rectified. Chairman Garvey told Servis that they never granted an easement before. Garvey told Servis that if he sells his house, say in ten years from now, and the well is polluted then the new owner could sue the town; it would open a Pandora's Box. Board member Poillucci believed that all wells should be staked before drilling. Health Agent Perry agreed with Poillucci. Servis asked what would be needed to correct the situation. Chairman Garvey said maybe a recorded document stating that you would not sue the Town if the well gets polluted. Servis said he wouldn't have any problem with doing that; he just wanted to go to the Zoning Board of Appeals and tell them that the issue has been resolved. After further discussion on the need for an easement from Plymouth County, upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To grant the After-the-Fact Variance from the Lakeville Board of Health Regulations – 1. Reduction of well to street line setback from 20' to -2'; subject to receiving a recorded deed restriction stating that Scot Servis has approval from Plymouth County, and if the new well gets polluted in any way, he will move it and not hold the Town of Lakeville liable in any way. Unanimous vote.

51 Pierce Avenue**008-001-005A****Freddie Mac/Tabitha Hobbs (potential buyer)**

Tabitha Hobbs the potential buyer was present for discussion. The Board members received a communication from Anders Christensen of Edgar D. Fulton Realtors on behalf of Freddie Mac and the potential buyer Tabitha Hobbs regarding 51 Pierce Avenue. The communication stated they were requesting two (2) After-the-Fact Variances. One Variance was for the distance from the septic tank to the house – 310CMR 15.405(1)(b) Reduction of system location in relation to the cellar wall from 10' to 3'. The second Variance requested was for the distance from the septic tank to the private well – 310CMR 15.211 Reduction of system setback to private well from 50' to 42'. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the two (2) requested After-the-Fact variances as requested. Unanimous vote.

Board of Appeals – Petitions for Hearings (2)**1. Ram Island (Goat Island)****049-001-001****Jerry Velozo, Twin Boys LLC**

Board members reviewed the Petition for Hearing for Jerry Velozo, Twin Boys LLC for property located at Ram Island (Goat Island). According to Chairman Garvey, Velozo previously came before the Board on October 14, 2009 and wanted to construct some kind of habitation there to prevent all the littering and

vandalism which was happening there. Garvey said the Board had no problem with him having a camp there, but they could not grant him permission to stay there overnight because there wasn't any running water or septic system on the island. Garvey said they signed off on the Building Department Form, but the "sign-off" would be no overnight stay. The Petition for Hearing received September 2, 2010 now says that Mr. Velozo is requesting permission to construct a bunk house 32' x 24' and a 6' x 6' building to house compost or incinerating toilet no discharge allowed (per site plan submitted) on Ram Island and seeking a Variance from Section(s) 5.1 (minimum lot size), 5.1.2 (upland circle) and 6.3 (accessory uses) of the Zoning Bylaws. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To send a letter to the Board of Appeals stating the Board of Health had no problem with a day structure there, but the Board of Health would not allow any overnight stay there (i.e. no "Bunk" house) nor any toilet facilities. Unanimous vote.

Health Agent Perry stated that compost or incinerator toilets are not allowed unless it is first demonstrated that they could permit a conventional subsurface sewage disposal system, through the Board of Health and the Department of Environmental Protection.

2. 11 Main Street

062-004-002A

CVS/Station Street Development

Board members reviewed the Petition For Hearing for CVS/Station Street Development at 11 Main Street. The Petition was for a proposed signage plan and the applicant was requesting a Variance from the number, size and setback of the proposed CVS signs under Section(s) 6.6.3 and 6.6.4 of the Zoning Bylaws. Health Agent Perry showed the Board a revised utility plan (Sheet #C3) which was recently received in the office. According to Chairman Garvey, CVS moved two water lines and one force main. Board members viewed the utility plan and discussion was held on the changes. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To send a letter to the Board of Appeals stating there were no health issues involved with this Petition, but the Zoning Board of Appeals may want to make sure that their plans show the latest revisions dated September 3, 2010. Unanimous vote.

Energy Advisory Committee

Health Chairman Garvey stepped down as Chairman of the Board and said he would like to make a motion to put Terrence Flynn as a member of the Energy Advisory Committee. Board Member Poillucci seconded the motion. Member Flynn abstained from the vote. A letter will be sent to Town Administrator Garbitt letting her know of the Board's vote.

Massachusetts Maritime Academy-OSHA Hazwoper Refresher Course

Health Agent Perry said he would like to attend the OSHA Hazwoper Refresher course at the Massachusetts Maritime Academy on September 24, 2010. The fee for this course is \$175.00. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve Health Agent Perry's attendance at the OSHA Hazwoper Refresher Course on September 24, 2010 and pay the \$175.00 fee. Unanimous vote.

5 Birch Street**042-012-003****David & Theresa Krijger**

Board members received a request dated September 3, 2010 from Anthony DelGaizo, P. E. of Raggs Septic Service, Inc. of Concord, MA requesting approval of a (2) two-bedroom deed restriction for the installation of the "Tight Tank" at 5 Birch Street owned by David and Theresa Krijger. Previously, on June 30, 2010, plans were approved for the installation of a Tight Tank and a Local Upgrade Approval Variance (310CMR 15.260 Use of a Tight Tank in lieu of a Soil Absorption System); subject to receiving a deed restriction (restrictive covenant) stating that the dwelling would remain a "Seasonal" (1) one-bedroom dwelling with no further expansion and no increase in flow to the septic system, and it is to be made known that this dwelling houses a "Tight Tank" that requires a Renewal Inspection Contract for the life of the system. According to Mr. DelGaizo of Raggs Septic Service, Inc. the homeowners are maintaining that this property was formerly (2) two-bedroom, and although it was a one bedroom now, they were requesting that the Board revoke this one bedroom seasonal as approved for a two bedroom seasonal dwelling; which would allow them to put back the wall that was formerly taken down. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To amend their motion of June 30, 2010 and approve the request for a "Seasonal" two bedroom dwelling with the stipulation that a deed restriction be recorded at the Plymouth County Registry of Deeds stating that the dwelling will remain a "Seasonal" (2) two-bedroom dwelling with no further expansion and no increase in flow to the septic system, and it is to be made known that this dwelling houses a "Tight Tank" that requires a Renewable Inspection and Maintenance Contract for the life of the system. Unanimous vote.

Discussion on Emergency Well Replacement Regulations & Policy

Discussion was held regarding the Lakeville Board of Health Regulations pertaining to Subsurface Disposal Systems & Water which were voted and adopted on June 10, 2009 and effective on June 18, 2009. Under the Table of Contents, **Wells - Emergency Well Replacement** - "When an existing well servicing an existing dwelling needs to be replaced on an Emergency Basis, the Board of Health can release a Well Drilling Permit with a letter of waiver from the owner. This well permit would be released on the assumption that the existing well is located in compliance with all setbacks, and that the replacement well should be in compliance as well. The letter of waiver will also document an "understanding" by the owner, that the responsibility to research and document (after the fact) the new well location by a certified person with a certified as-built plan, will still be required "within 30 days of the permit release date" in lieu of the proposed well plan to expedite an urgent need for potable water within an existing occupied dwelling. Should the new well be constructed in Non-Compliance with any or all required setbacks, it is also the Applicant/Owner's responsibility to insure that this new well is properly permitted after the fact with any required variances, or if necessary, capped and relocated and re-drilled so that it does comply with all state and local regulations", Chairman Garvey said he would entertain a motion to rescind the Emergency Well Replacement Regulation #21 under Wells immediately. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To immediately rescind the following regulation under Lakeville Board of Health Regulations "Pertaining to Subsurface Disposal Systems & Water" that were effective on June 18, 2009 – Wells – 21. Emergency Well Replacement Regulation. Unanimous vote.

All other previously adopted Lakeville Board of Health Regulations "Pertaining to Subsurface Disposal

Systems & Water (voted and adopted June 10, 2009, effective June 18, 2009 and reformatted May 2010) will remain the same and in effect.

Meeting Minutes

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the minutes of the meeting of June 2, 2010 as typed. Unanimous vote.

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the minutes of the meeting of June 30, 2010 as typed. Unanimous vote.

Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the minutes of the meeting of July 21, 2010 as typed. Unanimous vote.

Communication from Joseph Urbanski – Re: Noise Regulations

Joseph Urbanski of 36 Old Main Street was present for discussion. He submitted a rough draft of some possible noise issues that the Town may have. Board member Poillucci told Urbanski they have to go by decimal meters and not the source of the noise. Urbanski said they also need someone trained to use the decimal meter. Urbanski also felt that a buffer zone was need for residential properties. Chairman Garvey agreed with Urbanski. Some discussion ensued relative to dog kennels; which are no longer allowed in residential areas anymore and gravel permits that are issued by the Board of Selectmen's Office. Mr. Urbanski asked the Board how they could refine the noise regulations. Garvey told Urbanski they would have to have a public hearing on this and get the Board of Selectmen involved. Garvey told Urbanski they would take his draft under advisement and do more research on it. Garvey thanked Urbanski for his time and input.

Vendor warrants were signed by the Board.

Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To adjourn the meeting at 7:43 p.m.