

**Board of Health Meeting Minutes  
October 6, 2010**

The Board of Health held a meeting on October 6, 2010 in the Lakeville Town Office Building. Present were Health Chairman William E. Garvey, Board Member Robert Poillucci, Health Agent Lawrence Perry, and Board of Health Supervisor Nancy M. Teser, as recording secretary. Board Member Terrence Flynn was absent with prior notice. The meeting was called to order by Chairman Garvey at 6:00 p.m.

**112 Nelsons Grove Road**

**057-004-001**

**Nadine Moore**

Brad Fitzgerald, P. E. of Senna Fitzgerald Gilbert Associates, Inc was present for discussion. Ms. Nadine Moore (owner) was also present for discussion. Fitzgerald stated they were requesting nine (9) Local Upgrade Approval Variances and one (1) Lakeville Board of Health Regulations Variance for the repair of this septic system. Discussion was held relative to the crawl space, a retaining wall and the installation of an impervious barrier to prevent water backup towards the house. It was also stated that a (2) two-bedroom deed restriction would be required, along with an annual Maintenance and Inspection Contract for this system. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To approve the septic plans, the (9) nine Local Upgrade Approval Variances, and the (1) one Lakeville Board of Health Regulations Variance as requested; subject to receiving a stamped copy of a recorded deed restriction stating that the dwelling will remain a (2) two-bedroom dwelling with no increase in flow to the septic system. Unanimous vote.

**44 Precinct Street**

**029-002-001**

**Ruth Correia-Four C's Properties LLC**

George R. Collins P.E. of Collins Civil Engineering Group, Inc. was present for discussion. Collins stated that a septic plan was originally approved by the Board back in 2005; the system was never put in and the plan has since expired. Collins said he was now resubmitting the plan for Four C's Properties LLC. Collins said they were requesting (2) two Local Upgrade Approval Variances for the upgrade of this system. Board Member Poillucci asked if anyone was living there. Collins said he didn't know for sure but they were putting on a new garage there, so maybe someone was living there. Chairman noted that the property changed hands without a Title V Inspection. It was stated that a RLS (Registered Land Surveyor) stamp must be on the "As Built" plan confirming all the minimum setback distances.

Board members reviewed the property files. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To approve the septic plans and the (2) two Local Upgrade Approval Variances as requested; subject to receiving a stamped copy of a recorded deed restriction stating that the dwelling will remain a (3) three-bedroom dwelling with no increase in square footage and no increase in flow to the septic system. Unanimous vote.

**116 Hackett Avenue**

**051-005-002**

**Josephine M. Alphonso**

Jason Youngquist P. E. of Outback Engineering, Inc. was present for discussion. Youngquist stated that they were requesting (5) five Local Upgrade Approval Variances for the repair of the septic system at 116 Hackett Avenue. Discussion was held relative to the existing shallow well on the property. Chairman Garvey stated that the on-site shallow well water would need to be tested annually for full volatile organic compounds (VOC's), potability and arsenic and copies of the well water analysis submitted to the Board of Health Office for the Health Agent's approval. It was also stated that a deed

restriction would need to 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. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To approve the (5) five Local Upgrade Approval Variances as requested and the septic plans subject to the on-site shallow well being tested annually for full volatile organic compounds (VOC's), potability and arsenic, and receiving a stamped copy of a recorded deed restriction 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. Unanimous vote.

**26 Spruce Road**

**042-005-012**

**Sarah Sullivan**

Evan Watson of Prime Engineering, Inc. was present for discussion. Watson said the Board of Health previously approved a septic plan but the plan has since expired. He said they were now submitting a new plan and were requesting (2) two Local Upgrade Approval Variances, (1) one State Variance, and (2) two Variances from the Lakeville Board of Health Regulations for a permit for a new septic system and a proposed new well on the property. According to Watson, the property was currently served by a shared well. Kris and Stephen Newcomb (abutters) of 19 Spruce Road were present and stated that the dwelling had been vacant for years. Kris Newcomb believed that Alice Petrelli at 21 Spruce Road was the shared well. Chairman Garvey stated that a Cease & Desist Order was issued in 1999 because the septic system was overflowing in 1998. According to Town records the owner Sarah Sullivan lives in Florida. Town records also show that in 1997 this property was on the Seasonal Water Supply (Clark Shores Association and Water Corporation). According to Town records, several years ago, a court order required the owner to upgrade the septic system at this address before anyone could re-occupy the seasonal cottage, but since then, a renter was permitted to occupy said cottage on a year round basis. Health Agent Perry asked Watson if he had any abutter notifications. Watson gave the notices to Perry. Chairman Garvey said he wouldn't have any problem with approving the septic system repair but was not in favor of issuing a well permit; they would need to tie into the seasonal water supply. Garvey told Watson there were only two Board members present here tonight. Garvey said the dwelling had an adequate water supply (Clark Shores Association and Water Corporation); the apparent tie in to the abutter's well wasn't legal. Member Poillucci asked how they could handle this. Garvey said they could table this matter to the next meeting incase Prime Engineering, Inc. wanted to talk to their client. Some discussion was then held relative to housing inspections and rental properties. Kris Newcomb told the Board their biggest concern was the closeness of their well. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To table this matter until the next meeting. Unanimous vote.

**5 Halcyon Farm Road**

**012-002-002L**

**Debra Lawton**

Board members reviewed a communication dated September 14, 2010 from N. Douglas Schneider & Associates, Inc. requesting (1) one Local Upgrade Approval Variance from Title V of the State Environmental Code for the property located at 5 Halcyon Farm Road. Chairman Garvey said that the existing septic system for this property was designed in 1988 for a (4) four bedroom dwelling, and now the proposed septic system design states this is an existing (6) six bedroom dwelling. As far as Garvey was concerned, this was an increase in flow to the house and not a repair. Health Agent Perry stated

that a "Walk-thru" of the premises on August 24, 2010 at the time of the percolation test found six bedrooms in actual use. After further discussion on the "Walk-thru" and design of the house, upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To disapprove this plan; whereas it was an increase in flow to the house and not a repair. Unanimous vote.

**87 Vaughan Street**

**064-001-002**

**Richard Slavick & Joan Swales**

Darren Michaelis, Design Engineer of Foresight Engineering, Inc. was present for discussion. Michaelis said they were requesting (3) three Local Upgrade Approval Variances for the upgrade of the septic system at 87 Vaughan Street. Richard Slavick was also present at the meeting. After some discussion and review of the plans, upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To approve the septic plans and the (3) three Local Upgrade Approval Variances as requested. Unanimous vote.

**127 Hackett Avenue**

**047-001-006**

**David & Doris Voye**

Carmelo Niclosi of Charon Associates, Inc. was present for discussion. Niclosi stated that the proposed plans are for a "Presby" I/A system with a retaining wall and they were requesting (3) three State Variances and (5) five Local Upgrade Approval Variances for this system. Chairman Garvey said that the engineer would also need to inspect and certify the retaining wall. Chairman Garvey stated that another Lakeville Board of Health Regulation Variance is required under Local Regulation 3.0 for the proposed plan. Health Agent Perry explained that a RLS (Registered Land Surveyor) stamp is required for any plan with a lot that is less than 70,000 s. f. if any local divergences and/or state variances exist, or if any minimum setbacks are proposed (horizontal or vertical), but they could approve it provided that it was stamped on the "As Built" plan. Agent Perry said another variance would also be needed for the septic force main/water service crossing; which is technically a Local Upgrade Approval. It was stated that the Department of Environmental Protection's approval would be required for this system, as well as a Conservation Commission filing and associated approvals with both. Upon motion made by Member Poillucci and seconded by Chairman Garvey the Board

VOTED: To preliminary approve the plans and variances requested subject to the following stipulations: 1. Receiving written approval from the Department of Environmental Protection (DEP) for the "Presby" Enviro Septic System. 2. Receiving a stamped copy of a recorded deed restriction stating that the dwelling will remain a (3) three-bedroom dwelling with no increase in flow to the septic system and it is to be known that this dwelling houses a "Presby" Enviro Septic System which requires a Renewable Inspection Contract for Annual Inspections and associated documentation with a Certified "Presby" Inspector for the life of the system. 3. A signed copy of an Operation and Maintenance Contract. 4. A current on-site well analysis for potability; including volatile organic compounds (VOC's) and arsenic. 5. The retaining wall design needs to be inspected, certified in writing, and stamped by the Professional Engineer who submitted the design. 6. An RLS (Registered Land Surveyor) stamp must be on the "As Built" plan confirming the minimum setback distances. 7. Sleeving the force main for 20'

continuously where it crosses the water line and under the blacktop driveway. 8. Approval is subject to the Conservation Commission's approval of the revised plans received on September 25, 2010 and previously filed Notice of Intent. Unanimous vote.

**28 Precinct Street**

**027-002-028**

**Ted William Camp**

Glenn Edington Lakeville Haunted House Committee President was present for discussion. A communication was received from Edington on September 30, 2010 requesting to be on the agenda to discuss the dates and time of their business operation and any concerns or questions that the Board may have of them. Edington said they got approval from the Board of Selectmen and the Park Department to hold the Haunted House affair. Edington said they knew about the EEE risk and they were going to hire someone to come in to spray the parameters and 100' outside. He said they planned on spraying two hours before opening and will provide mosquito spray to the residents and notify them of the risk. Chairman Garvey said his biggest concern was the liability to the Town; mosquitoes can kill someone. Glenn Edington said a notice will also be posted at the entrance. Chairman Garvey told Edington he would like to check with Town Counsel first on the liability to the Town. Edington said they were planning to open on October 15, 2010. Garvey again stated that he would like to check with Town Counsel on the liability. Member Poillucci said he would go along with it as long as Town Counsel says it's okay. Edington said Gail Evirs (Fire Department) would get the Plymouth County Mosquito Control person to come out to spray. Garvey again said he wasn't comfortable with giving an okay yet because of the EEE risk. Member Poillucci said they could make a motion subject to talking to Town Counsel. Poillucci said he would give Garvey permission to talk to Town Counsel and make the decision if necessary. Chairman Garvey told Supervisor Teser to post a meeting for Tuesday, October 12, 2010 at 6:00 p.m. to discuss this further. A meeting will be posted for October 12, 2010 at 6:00 p.m.

**Board of Appeals - Petitions For Hearings (4)**

**1. 43 Shore Avenue**

**041-009-016**

**Lea Vermette/Louis Vermette**

Board members reviewed the Petition For Hearing for Lea Vermette/Louis Vermette for property located at 43 Shore Avenue. The Brief to the Board: "My home was destroyed due to the floods and I would like to tear down existing and rebuild a new two bedroom home with a new well and septic system". Health Agent Perry stated that the Board preliminarily approved (July 21, 2010) a new well and a "Presby" Enviro-Septic system design for a two bedroom dwelling with stipulations but they were still waiting on the Department of Environmental Protection's (DEP) approval. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To send a letter to the Board of Appeals stating they were still waiting on the Department of Environmental Protection's approval. Unanimous vote.

**2. 5 Waterview Drive**

**038-003-001**

**Ken Betts/Dave Peck**

Board members reviewed the Petition For Hearing for Ken Betts/Dave Peck for property located at 5 Waterview Drive. The Brief to the Board: "Requesting demolition of existing two bedroom unlivable structure and construction of new 24' x 36' foundation with two bedroom cape style home with approximately 864 sq. ft. of living space as shown on plan." Board members noted that the lot only contained 7,300 sq. ft. and there was no well water test in the files. Health Agent Perry said they did a Title V inspection on September 29, 2010 but there was no water flow to the house because the house has to come down. After some discussion, Board members felt that the existing Soil Absorption System

was only adequate for a one-bedroom dwelling, and they did not know if the existing well could provide an approved water source. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To send a letter to the Board of Appeals stating that the existing Soil Absorption System is only adequate for a one-bedroom dwelling. A Title V inspection was performed on September 29, 2010 by Aubin's Building Inspection, but the Board has not received a report from them as yet to know if the system passes or not, nor does the Board know if the existing well can provide an approved water source. Unanimous vote.

Board members said they may be able to make a further judgment on this matter after they receive the completed report from the Title V inspector.

**3. 10 Main Street**

**062-003-006**

**Jack Conway**

Board members reviewed the Petition For Hearing for Jack Conway for the property located at 10 Main Street. The Brief to the Board: "Relocate the existing sign 5' back of new side walk; whereas there was no other viable space to put the sign". It was noted that the partial plan provided did not clearly delineate the sign position, as relating to the existing locations of any onsite septic and/or water utilities. The Board members said they would like to know exactly where the water lines are verses the new sign to make sure there wouldn't be any interference with the water lines before a sign permit is issued. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To send a letter to the Board of Appeals stating they would like to know exactly where the water lines are verses the new sign so that there wouldn't be any interference with the water lines before a sign permit is issued. Unanimous vote.

**4. 113 Nelsons Grove Road**

**057-005-006**

**Geoff Davis**

Board members reviewed the Petition For Hearing for Geoff Davis for the property located at 113 Nelsons Grove Road. The Petitioner is requesting to construct a 24' x 26' detached garage at 113 Nelsons Grove Road. Health Agent Perry noted that a "Singulair" septic system was approved for this property on November 21, 2003 and the Certificate of Compliance was signed off on September 29, 2004. According to Perry, the system requires cleaning and inspection reports for the pressure distribution and the Singulair unit. According to Board of Health records these inspection reports have not been received since 2006 and the system has been in non-compliance. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To send a letter to the Board of Appeals stating that since the "Singulair" septic system has been in non-compliance since 2006 and no reports have been received, the Board of Health recommends that a Title V inspection be done on the system to see if the pump is working correctly, otherwise, the Board of Health could not give a favorable recommendation on this proposed project. Unanimous vote.

**Certificate of Compliance for Private Wells**

Health Agent Perry submitted a draft for a "Certificate of Compliance for Private Wells" for the Board's review. Board members put this draft on hold for now to do more research on it.

**217 County Street****037-001-002****Lakeville Fraternal Order of Eagles**

Health Agent Perry said the Department of Environmental Protection recently issued a Notice of Noncompliance to the Lakeville Fraternal Order of Eagles on their Public Water Supply. Agent Perry said he also sent a Notice of Noncompliance to the Lakeville Fraternal Order of Eagles regarding their septic system back in March of 2010 for violations found during a food establishment inspection. Discussion was held regarding the violations. Upon motion made by Member Poillucci and seconded by Chairman, the Board

VOITED: To send a certified letter to the Lakeville Fraternal Order of Eagles informing them to contact the Lakeville Board of Health Office, before the next meeting or they will be assessed daily fines, or revocation of their food establishment license. Unanimous vote.

**Haskell Circle****060-009-001****Twin Coach Estates, Inc.**

It was brought to the Board's attention that Twin Coach Estates, Inc. (Mobile Home Park) has been operating without a license since January 2009 and has not provided us with their current Rules & Regulations approved by the Attorney General's Office. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To send a certified letter to Twin Coach Estates, Inc. stating they must submit their current Rules & Regulations (acceptable to the State Attorney General's Office) along with their license application by the next meeting, or they will be fined \$100/day until they comply and a lien put on the property. Unanimous vote.

**1 Patrick Thomas Court****062-001-011****Michael Dyksinski**

Discussion was held regarding the horses kept at 1 Patrick Thomas Court. At the August 18, 2010 meeting Michael Dyksinski was told that the Board needed to know exactly how much land he actually owned and he needed to submit a better set of plans before the Board would approve any stable permit. Dyksinski was told to submit the plans for the next meeting. It was noted that two meeting have passed and no plans have been submitted. Board members stated that Dyksinski has no right to have horses there without a permit. Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To send a letter to Michael Dyksinski requesting his presence at the next meeting on November 3, 2010 and submit the previously requested plans or explain as to why the horses have not yet been removed, or he will be fined. Unanimous vote.

**Meeting Minutes**

Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To approve the minutes of the meeting of August 18, 2010 as typed. Unanimous vote.

**57 Long Point Road****071-001-002****Island Terrace Nursing Home**

Board members received the August 2010 Monthly Status Report for the wastewater remediation project at the Island Terrace Nursing Home. This report was placed on file.

**Housing Issues**

Chairman Garvey said he would entertain a motion that Board Member Poillucci take over and handle any housing issues for the Board whereas he was more familiar with them. The motion was made by Member Poillucci and seconded by Chairman Garvey. Unanimous vote.

Chairman Garvey said he would entertain a motion that Health Agent Perry go to Housing Court for the Board of Health on the two properties which had issues. The motion was made by Member Poillucci and seconded by Chairman Garvey. Unanimous vote.

**Budget review**

Some discussion was held on the Board of Health budgets.

Vendor warrants were signed by the Board.

Upon motion made by Member Poillucci and seconded by Chairman Garvey, the Board

VOTED: To adjourn the meeting at 8:10 p.m. Unanimous vote.

