

Board of Health Meeting Minutes
October 7, 2015

The Lakeville Board of Health held a meeting on October 7, 2015 in the Lakeville Town Office Building. Present at this meeting were Board Members, Robert Poillucci, Terrence Flynn and Derek Maxim. Health Agent Lawrence Perry and recording secretary Jo Lima were also present.

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

332 Bedford St. – Engineer Jason Youngquist from Outback Engineering, Inc. was present for discussion. Board members reviewed a request letter dated September 24, 2015 requesting new construction out of season soil evaluation and percolation testing. This vacant lot had two test holes performed back in January 2004 by Soil Evaluator Darren Michaelis and witnessed by the Board of Health Agent, which are still good. Health Agent Perry mentioned if groundwater is encountered it should be properly adjusted so as to be conservative (at same elevation or higher) with respect to groundwater previously documented in 2004.

Upon motion made by Member Flynn and seconded by Member Maxim, the Board:

VOTED: To approve the variance request for an out of season perc test. Unanimous vote in favor.

Lot #1, Woodland Ridge Dr. – Engineer Jason Youngquist from Outback Engineering, Inc. was present for discussion. Board members reviewed your letter dated September 25, 2015 requesting out of season soil evaluation and percolation testing. This is the vacant lot to be known as Lot 1, being created from the mother lot at #1 Woodland Ridge Drive in Lakeville. Since there were no previous test holes done on this lot during the wet season, the board stipulated that if neither mottling nor groundwater is encountered for high groundwater determination, a frimpter adjustment may be necessary to compensate, in which case the bottom of the hole elevation could be utilized for assumed water elevation base to be adjusted, unless high groundwater elevation can be agreed upon (using other means) between the Board of Health Agent and Certified Soil Evaluator for Outback. Member Maxim stated that he didn't agree with the new construction perc season. Chairman Poillucci agreed but said that he was concerned because the regulation is still in place and other people were denied in the past. Member Flynn said that a lot of the percs that were done were old holes that were done without anyone being there watching them anyway. Board members agreed there needs to be more discussion on rescinding the new construction perc season regulation.

Upon motion made by Member Flynn and seconded by Member Maxim, the Board:

VOTED: To approve the variance request for an out of season perc test utilizing the frimpter adjustment if mottling is not found. Unanimous vote in favor.

26 Dunbar Road – Darren Michaelis from Foresight Engineering, Inc. was present to discuss multiple variance requests for a septic system upgrade. Board Members reviewed a request letter dated September 8, 2015 and associated plan dated August 28, 2015. Darren stated this was Engineer Brant Haworth's old property and it was a

nightmare because he pretty much did what he wanted. He explained what was there for septic and that two houses were both connected to the same tank at one point. He said when Brant purchased all the properties down there he built another building which had an office and he added apartments to it. Darren said the Assessor's Office has the property listed as a three bedroom house and basically two apartments and an office space which could be considered a bedroom. He said that a potential buyer was speaking to the Building Inspector who told him that he was willing to accept one of the apartments but not both. He explained to the members what he was proposing. Since the Board of Health file folder for 26 Dunbar did not have any historical permits nor plans within it, which is the typically the basis for any proposed repairs. The absence of which is why this had to be on the agenda, so as to determine how this project will be permitted, and for what site flow will be allowed. The proposed repair plans had to be revised by a registered land surveyor since both the initial three bedroom dwelling for 26 Dunbar and septic components for 24 Dunbar were found to be over the property lines. The revised plan shows new property lines (on 24 Dunbar side) to make structures and associated lot lines and setbacks more conforming. The discussion also entailed the lack of building permits for this property and the associated structures, according to the building department records for 26 Dunbar, as was stated to have been told to Chairman Poillucci previously by the Building Inspector Nate Darling. Mark Haworth was also present and brought in three old documents. These historic documents did not contain enough information to tie them to any specific structure or component. Chairman Poillucci stated his opinion which was the fact that this was all done illegally with no permits, and that he had a problem rewarding someone with an apartment when he broke that many laws, especially when he is supposed to be professional who lived in the town. He wanted to give them the benefit of the doubt and because he didn't have the submitted documents prior to the meeting he wanted copies to be given to the building department to see if they could investigate further. As a result, and after considerable discussion with Darren and Mark Haworth, the board voted, to allow time to review and investigate and hopefully give a better understanding of what was (or wasn't) permitted with respect to the multiple buildings and uses on the lot(s) in question. Health Agent Perry said that even if the building was permitted properly, proper permits for the septic were not obtained or the apartment rental inspections by the Board of Health were never done. Agent Perry said he wasn't sure how to permit this, as a repair or as an increase in flow. He said the design is good for a six bedroom, but only if it's being treated as a repair. Title V requires the Board of Health to determine whether it is considered a repair or an expansion. This would determine what flow the Board of Health can grant variances for with a conventional system.

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

VOTED: To continue the discussion to the next meeting on October 21, 2015. Unanimous vote in favor.

26 Pilgrim Road - Board members reviewed a request letter dated October 6, 2015 requesting an extension of the septic permit which is due to expire on January 7, 2016. Chairman Poillucci said the property has been vacant, and the owner knows he won't be ready to install by January 2016.

Upon motion made by Member Flynn and seconded by Member Maxim, the Board:

VOTED: To grant a one year extension to January 7, 2017. Unanimous vote in favor.

40 Main St. – Member Maxim recused himself as he believes he will be installing this septic system. Board Members reviewed a letter from Consulting Engineer Nick Lanney dated September 26, 2016 regarding his review of revised septic plans dated September 11, 2015. His recommendation to the board was to approve the plans and grant the Disposal Works Construction Permit with the condition that the Certificate of Compliance not be issued until the State required deed notice has been recorded at the Plymouth County Registry of Deeds to disclose the existence of this type of system on the property and all associated requirements.

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

VOTED: To approve Nick Lanney's recommendations. Two votes in favor. (Member Maxim recused himself).

71 Main St. – Carousel Candies – New Food Establishment License Approval

Owner Kerry Peroni was present for discussion. A pre-operation inspection was done by Inspector Bernardo on September 30, 2015. He approved a temporary license pending a passing water test. Because the water sample was not done at the local lab that is familiar with Lakeville's potability parameters, a few of the parameters were not tested for. Because it was for a retail only establishment and they aren't preparing any food, the board considered it low risk and after some discussion members agreed to approve the license. Health Agent Perry recommended the water be tested at least annually. Member Flynn said he was comfortable with what the Barnstable Lab tested for because it was things that could be filtered out.

Upon motion made by Member Flynn and seconded by Member Maxim, the Board:

VOTED: To issue the annual license for 71 Main St., Carousel Candies. Unanimous vote in favor.

450 Bedford St. Board of Appeals Petition

Board Members reviewed the Petition for Hearing. Health Agent Perry said that according to the file, no well reports were ever submitted when the well went in. Members felt that even though they weren't requesting any increase in flow, a water analysis should be done. Members stated that they should test for the same parameters as for a Title V Inspection.

Upon motion made by Member Flynn and seconded by Member Maxim, the Board:

VOTED: To send a letter to the Zoning Board of Appeals stating that they saw no health issues involved, but that the Board of Health would not sign off on a building permit until a current water analysis for Lakeville Potability parameters is received for the existing well on this property. Unanimous vote in favor.

Announcement of Yearly Animal Inspections

Chairman Poillucci announced that the yearly animal inspections will be proceeding and will be conducted by the Lakeville Animal Inspector, Jared Darling from now until the end of the year.

Discussion regarding domestic animal defecation on public / private streets

Chairman Poillucci wanted to have this discussion because there were a few complaints that came into the office with regard to horses defecating on town roads. He said that some towns have a regulation that states if the horses make a mess on town roads, they have to be cleaned up after. He said that he had the support of two of the selectmen should this need to become a by-law at town meeting. Health Agent Perry stated that this could be addressed as a nuisance complaint, but it's difficult to identify the person. Member Maxim he is not in favor of adding more and more regulations and didn't feel that this was going to become a widespread problem. Member Flynn agreed and said that he felt it should be handled as a nuisance complaint. Member Maxim said while he agrees something should be done about it; they really had nothing to go on. Chairman Poillucci said there was only one person on that street with a stable permit. Member Maxim didn't feel that proved anything, it was just assuming it was that person. Health Agent Perry said he could write up a policy stating it would be considered a public health nuisance. Administrative Assistant Lima stated license renewals were being mailed out and Member Flynn suggested the policy be mailed with the applications. Member Maxim did not feel comfortable singling anyone out, especially since an official complaint wasn't submitted in writing.

Discussion regarding Nursing Services

Agent Perry had been in touch with a Red Cross nurse who wanted to get into Public Health. Unfortunately she was looking to get a minimum of ten hours from the town which is not in the budget. Agent Perry stated he spoke to another health agent who has someone interested. Chairman Poillucci asked Agent Perry to talk to this person within the next two weeks to see if he can make it work.

Acceptance of September 16, 2015 Board of Health Meeting Minutes – Members reviewed the minutes.

Upon motion made by Member Flynn and seconded by Member Maxim, the Board:

VOTED: To approve the minutes from September 16, 2015 as typed. Unanimous vote in favor.

Chairman Poillucci had to recuse himself from the next item on the agenda, but asked the board if they had anything else they wanted to discuss. Member Maxim mentioned discussion with regard to the elimination of new construction perc season. Chairman Poillucci said there would still have to be a hearing, but would put that on the next agenda for discussion. He asked Administrative Assistant Jo Lima to invite anyone who does a lot of work in the town who may be interested in giving their input.

Water St. Crossing

Chairman Poillucci recused himself from the discussion as this is his project. Professional Engineer Kevin Walker was present to represent Water Street Crossing LLC. He gave board members an overview and went over comments from a letter dated September 30, 2015 from Consultant Engineering Nick Lanney from HML Associates, with regard to a revised plan dated September 23, 2015. Engineer Walker said this was a proposed Comprehensive permit site which will consist of 14 units, 42 bedroom Presby leaching system design. A lengthy discussion was held.

Upon motion made by Member Flynn and seconded by Member Maxim, the Board:

VOTED: To grant the following variances:

Sec. 2.6: To allow structures (such as sonotubes, decks, sheds, etc.) within five feet (5') of any septic system component. It was further agreed to by the applicant to not cover any sewer lines with any of the above.

Sec. 2.8: To waive the requirement for an effluent filter on all systems at the outermost tee of a septic tank as the DEP approved Presby System design requirements do not allow for an effluent filter.

Sec. 3.5.0.6: To waive the requirement for field location of all wells within 100 feet of the leaching facility for a Title V System Inspection. All existing abutting wells have been located prior to submitting a plan to the Board of Health and there are no wells within 100' of the property line of this site. The reason for this request is should a well be installed illegally or should the Board of Health, in error, approve a well to be installed within 100' of the leaching area, this project proponent should not be held accountable in any way.

Sec. 4.2: To allow percolation tests to be performed directly adjacent to deep observation holes.

Sec. 18.3: To revise the portion of this section that currently reads "and the regulations and by-laws of the Town of Lakeville" to now say "and the regulations and by-laws of the Town of Lakeville except where waived by the Zoning Board of Appeals".

Two Votes in favor. (Chairman Poillucci recused himself).

Upon motion made by Member Flynn and seconded by Member Maxim, the Board:

VOTED: To adjourn the meeting at 6:58 p.m. Unanimous vote in favor.

Accepted as typed 11-7-15JL
