

**Board of Health Meeting Minutes**  
**October 23, 2013**

The Lakeville Board of Health held a meeting on **October 23, 2013** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Also present was Administrative Assistant Jo Lima as Recording Secretary. Health Agent Lawrence Perry was absent with prior notice.

Chairman Garvey called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Administrative Assistant Jo Lima and LakeCAM, to be televised at a later date.

**10 Pilgrim Road**

**(040-002-011)**

**Ernest Silvia**

Steven Rumba from Collins Civil Engineering Group was present for discussion on behalf of the homeowner Ernest Silvia. Abutter certified mail cards were submitted. Rumba began discussion by stating that the variances are for a septic repair and they are proposing the installation of a new point well. Board Members reviewed the plans. Chairman Garvey said he was not in favor of a shallow well, no one has ever requested a point well, and that the board can't guarantee that a deep well will even work. Member Flynn questioned the catch basin shown on the plan. Although letters were received from installer Glenn Chistolini and the homeowner in regards to the basin, Chairman Garvey said there is nothing the Board of Health can do because it is in the road and the Board of Health does not have jurisdiction over private roads. The following Local Upgrade Approvals were requested:

1. LUA FROM SECTION 310 CMR 15.211 OF THE STATE ENVIRONMENTAL CODE WHICH REQUIRES A MINIMUM 100' SETBACK FROM A PRIVATE WELL TO A PROPOSED LEACHING FACILITY. DIVERGENCES ALLOWING REDUCTIONS (2) FROM 100' TO 95' (40-2-10) AND 96' (PROPOSED LOCUS DEEP WELL).
2. LUA FROM SECTION 310 CMR 15.211 OF THE STATE ENVIRONMENTAL CODE WHICH REQUIRES A MINIMUM 20' SETBACK FROM A FOUNDATION WALL TO A LEACHING FACILITY. DIVERGENCE ALLOWING A REDUCTION FROM 20' TO 12' (WITH LINER).
3. LUA FROM SECTION 310 CMR 15.211 OF THE STATE ENVIRONMENTAL CODE WHICH REQUIRES A MINIMUM 10' SETBACK FROM A FOUNDATION WALL TO A SEPTIC TANK. DIVERGENCE ALLOWING A REDUCTION FROM 10' TO 6' IS PROPOSED.
4. LUA IN ACCORDANCE WITH 310 CMR 15.405(1)i. ALLOWING A PERCOLATION RATE TO BE ESTABLISHED VIA GRAIN SIZE DISTRIBUTION WITH SIEVE ANALYSIS.
5. LUA FROM SECTION 310 CMR 15.029 OF THE STATE ENVIRONMENTAL CODE WHICH REQUIRES A MINIMUM 100' SETBACK FROM A PROPOSED PRIVATE WELL TO LEACHING FACILITIES. DIVERGENCES (2) ALLOWING REDUCTIONS FROM 100' TO 88' (40-2-3), & 90' (40-2-12) ARE PROPOSED.

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

**VOTED:** To approve the above five referenced variances as requested. Unanimous vote in favor.

A local BOH waiver to allow the installation of a point (shallow) well was also requested.

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

**VOTED:** To deny the request for the installation of a point drinking water well.  
Unanimous vote in favor.

After further discussion and to eliminate the need for the homeowner to come before the board again:

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

**VOTED:** To approve the installation of a deep well (>25 feet) to be installed in same location with same setbacks as proposed for the point well if desired. Unanimous vote in favor.

**24 Third Ave.**

**(041-009-008)**

**Pauline Murphy**

Darren Michaelis from Foresight Engineering, Inc. was present for discussion on behalf of the property owner. Due to the fact that the dwelling is currently serviced by a seasonal water supply, they are proposing a tight tank system with the condition that the dwelling be deed restricted to seasonal use. He stated they have performed deep holes on the abutting lot to the rear and found high groundwater table. He feels this system will provide adequate storage for the existing dwelling and will be a vast improvement over the existing cesspool that is in the groundwater table. The following variances were requested on a letter dated September 24, 2013:

**From Section 310CMR 15.405(1)(i) of the State Environmental Code:**

**Local Upgrade Request**

1. To allow the inlet of the tight tank to be within 12' of the high groundwater table due to existing conditions on site.

**State Variance Request**

2. To allow the inlet of the tight tank to be below the documented high groundwater table rather than 12" above the groundwater table due to existing conditions on site.

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

**VOTED:** To preliminarily approve the above variances as requested pending DEP approval. A two bedroom *seasonal* deed restriction must be recorded at the Plymouth County Registry of Deeds and a 2 year renewable contract shall be required for inspection and maintenance of the tight tank for the life of the tight tank. Unanimous vote in favor.

Darren Michaelis from Foresight Engineering, Inc. was present for discussion on behalf of the property owners to request variances listed on a letter dated September 24, 2013. Due to the fact that the dwelling is currently serviced by a seasonal water supply, they are proposing a tight tank system with the condition that the dwelling be deed restricted to seasonal use. He stated they have performed deep holes on the lot to the rear and found high groundwater table. He feels this system will provide adequate storage for the existing dwelling and will be a vast improvement over the existing cesspool that is in the groundwater table. Chairman Garvey said he can't see putting in a tight tank and then putting a well in if they plan on converting to year round. He would prefer to see a well go in when a *septic system* goes in. Darren said he understood and said he would notify the homeowner that there is a condition that if a well goes in, it could only be when a septic system goes in. Board Members agreed. The following variances were granted:

**Local Upgrade Request & State Variance Request**

1. To allow the inlet of the tight tank to be in (approximately 20 inches into) the high groundwater table due to existing conditions rather than the required 12 inches above.

A Local BOH Regulation for a reduction of the required setback for a proposed private well from a road layout from 20' to 10' as shown, to a private way was also requested but was denied.

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

**VOTED:** To approve the above variance for LUA & State Variance for tank inlet but to deny the Local BOH regulation variance for the proposed well. A three bedroom *seasonal* deed restriction must be recorded with the Plymouth County Registry of Deeds and a two year renewable contract shall be required for inspection and maintenance of the tight tank for the life of the tight tank. Unanimous vote in favor.

Professional Engineer George Protasowicki submitted was present for discussion as well as abutter Robert Somerville from 23 Shore Ave. Abutter cards were submitted. Chairman Garvey asked Mr. Protasowicki if he had been through Conservation Dept. He said they denied him an RDA and said he had to file an NOI which he was going to question. The following variances were requested on a letter dated October 16, 2013:

1. Sieve analysis performed in lieu of percolation test per 15.405(1)i
2. Only one test hole on facility lot per 15.405(1)k
3. Vertical reduction from water table to tank inlet invert from required 12" per 15.405(1)j
4. Vertical reduction from water table to tank outlet invert from required 12" per 15.405(1)j
5. Horizontal reduction from SWS to leaching system from 400' to 100' per 15.405(1)g
6. Horizontal reduction from SWS to tank/pump chamber from 400' to 72' per 15.405(1)g
7. Horizontal reduction from property line to leaching system from 10' to 5' per 15.405(1)a
8. Reduction from private water supply line to sewer piping from 10' to 3' per 15.405(1)g

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

**VOTED:** To approve the above eight referenced variances as requested pending DEP or ConCom approval whichever is required, and a *seasonal* two Bedroom deed restriction. Unanimous vote in favor.

**23 Shore Ave.**

**(041-009-006)**

**RJG Realty Trust**

Professional Engineer George Protasowicki was present for discussion as well as Robert Somerville from RJG Realty Trust. Abutter cards were submitted. The following variances were requested on a letter dated October 16, 2013:

1. Sieve analysis performed in lieu of percolation test per 15.405(1)i
2. Only one test hole on facility lot per 15.405(1)k
3. Vertical reduction from water table to tank inlet invert from required 12" per 15.405(1)j
4. Vertical reduction from water table to tank outlet invert from required 12" per 15.405(1)j
5. Horizontal reduction from SWS to leaching system from 400' to 106' per 15.405(1)g
6. Horizontal reduction from SWS to tank/pump chamber from 400' to 70' per 15.405(1)g
7. Horizontal reduction from property line to leaching system from 10' to 5' per 15.405(1)a

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

**VOTED:** To approve the above seven referenced variances as requested pending DEP or ConCom approval, whichever is required, and a *seasonal* two Bedroom deed restriction. Unanimous vote in favor.

#### **Acceptance of Meeting Minutes**

Board Members reviewed the minutes from the meeting held on September 18, 2013.

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

**VOTED:** To accept the Board of Health Minutes for September 18, 2013 as typed. Unanimous vote in favor.

Board Members reviewed the minutes from the meeting held on September 23, 2013.

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

**VOTED:** To accept the Board of Health Minutes for September 23, 2013 as typed. Unanimous vote in favor.

Board Members reviewed the minutes from the meeting held on September 26, 2013.

Upon motion made by Member Poillucci and seconded by Chairman Garvey stepping down to second and back up to vote, the Board:

**VOTED:** To accept the Board of Health Minutes for September 26, 2013 as typed. Unanimous vote in favor. Member Flynn abstained from the vote due to his absence.

Homeowners **Mr. and Mrs. George Bebis** of **16 Pine Bluff, (065-004-011)**, joined the meeting. Mr. Bebis stated that he was called by Health Agent Perry in regard to his

property and the pipe that runs under the street to connect 17 and 18 Pine Bluff. He prefaced by saying that 10 years ago they gave the current owner of 17 & 18 Pine Bluff permission to put a pipe between those two properties thinking that 17 Pine Bluff would be seasonal with minimal use. He and his wife want to know if the pipe was to rupture or fail, how they would be impacted as far as liability with the town and/or state. Chairman Garvey said the problem is that it's not known whether or not the pipe was sleeved and that no one has presented anything to the board as of yet. He said if and when the Board of Health receives something showing this information, they will be notified. The Bebis's said that that 17 and 18 Pine Bluff shared a septic system. Member Poillucci said that the Board of Health records don't show that. Chairman Garvey said a Title V would have to be done to clarify. He said that when they voted years ago, they were told, and believed that the properties would not be divided, but that's not what is happening now. He said they should have put restrictions on the property. Chairman Garvey said everyone needs to work together and suggested that the Bebis' approach their neighbor and ask them to indemnify them should anything happen in regards to that pipe. No further discussion.

Homeowner **Ernest Silvia** from **10 Pilgrim Road, (040-002-011)**, arrived for the meeting. Chairman Garvey told him that he was first on the agenda and that the board had already voted on his request and that the point well wasn't granted. When Mr. Silvia questioned why the board didn't approve the point well, Chairman Garvey said that the well is too close to the septic and that they don't approve point wells. They discussed a deep well with a submersible pump and PVC piping. He also explained to Mr. Silvia how the Board of Health has no jurisdiction over private roads in regard to the catch basin. There was some discussion about him possibly having a civil matter with the Churchill Shores Association because of their failure to fix the drainage problem. Chairman Garvey said he would get some information together regarding submersible pumps with 4" PVC piping for him should he decide to go with the deep well. No further discussion.

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

**VOTED:** To adjourn the meeting at 7:11 p.m. Unanimous vote in favor.

<p><b>ACCEPTED AS TYPED</b> <b>11-20-13 JL</b></p>
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