

Board of Health Meeting Minutes  
November 3, 2010

The Lakeville Board of Health held a meeting on November 3, 2010 in the Lakeville Town Office Building. Present at this meeting were Board Members William E. Garvey, Terrence Flynn and Robert Poillucci. Also present at this meeting were Health Agent Lawrence Perry, Board of Health Supervisor Nancy M. Teser and Board of Health Clerk Jo Ann Lima as recording secretary. Chairman Garvey called the meeting to order at 6:00 p.m.

**42 Shore Ave.**

**(041-001-003)**

**Robert & Julie Vareika**

Darren Michaelis, Design Engineer of Foresight Engineering, Inc. was present for discussion. Michaelis stated he was requesting eight Local Upgrade Approval Variances and five State Variances for a septic system upgrade at 42 Shore Ave. Michaelis gave the Board the abutter notification cards. He stated that the property is very limited due to existing well locations and the surface water supply on both sides. It was brought to the Board's attention that this property was formerly on a (Clark Shores Water Realty Trust) seasonal water supply, but now the proposed plans show a private well for which the Board of Health Office has no plans, permits, or well reports on. Board members said they would require a current yield report on the well. The Board said they would also **require a current and annual water test** done on the well for potability, volatile (which includes but not limited to) organic compounds (VOC's) and arsenic, whereas it appeared this property had an illegal well installed without applying for the permits and filing the proper reports. A deed restriction is also required for this installation. The Board members stated they would still consider this property a "Seasonal" home because it was on the seasonal water supply, and technically it would require a "Year-Round Conversion" from the Zoning Board of Appeals to be removed from the "Seasonal List". Chairman Garvey stated that the Board believes this is a seasonal home, hooked up to a season water supply. He stated that the property has an illegal well which is not allowed in the Town of Lakeville and that it passed state sanitary code. Due to lack of information in property file, the installer of the well is not known nor is the yield. Health Agent Perry stated that a Title V is not necessary. Chairman Garvey stated that the Board would approve the septic, but it would still be considered a seasonal home and that the property owner would have to perform annual well tests.

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

VOTED: To approve the requested variances and plans, subject to a walk through.  
Unanimous vote.

**26 Spruce St.**

**(042-005-12)**

**Sarah Sullivan**

A letter was received from Project Engineer, Jaime Bissonnette from Prime Engineering requesting discussion on 26 Spruce St. variance requests be continued to the next Board of Health meeting scheduled for December 8, 2010.

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

VOTED: To table to December 8, 2010 meeting. Unanimous vote.

**328 Bedford St.**

**(057-001-014)**

**Lewis Gammons**

Levitz, Lyons, Kesselman, P.C., attorneys for Lewis Gammons were invited, but were not in attendance, nor was a letter received by Mr. Gammons. Chairman Garvey stated the system has been in failure for over a year.

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

VOTED: To reinstate the \$200 fine, and if no progress is made by the date of the next Board of Health meeting scheduled for December 8, 2010, a fine of \$100 a day will be instituted. Unanimous vote.

**Not on Agenda**

Warrant Article – That five percent (5%) of the Town of Lakeville's budgeted allotment for legal counsel and services be allocated to the Board of Health, only if deemed necessary, to engage legal counsel and institute court proceedings for the purpose of enforcing the state sanitary code or the provisions of the Code of Massachusetts Regulations, in its discretion, without prior approval from the Town of Lakeville Board of Selectmen. Further, that the Board of Health is hereby authorized to engage counsel of their choice to accomplish the foregoing.

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

VOTED: To submit a warrant article to the Board of Selectmen for inclusion on their November 29, 2010 meeting. Unanimous vote.

**5 Waterview Drive**

**(038-003-001)**

**Ken Betts/Dave Peck**

Appointment was scheduled for 6:15. No one was present for discussion at this time.

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

VOTED: To inform the Board of Appeals of the Board of Health's recommendation to either put in a new two bedroom septic system or keep it a one bedroom house. Unanimous vote.

**Not on Agenda**

**330 Bedford St.**

**(57-1-12) (57-1-13)**

**Savas Realty**

Engineer Dick Pastore was present for discussion. Chairman Garvey stated that Board of Health approval would be subject to DEP approval. Mr. Pastore asked the board to waive doing the test pits.

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

VOTED: To approve the variances as requested on plan dated November 3, 2010, Sheet 1. Unanimous vote.

**5 Waterview Drive****(038-003-001)****Ken Betts/Dave Peck**

Ken Betts and Dave Peck arrived late (7:00) for discussion relative to 5 Waterview Drive. Mr. Betts stated that the property has always been taxed as a two bedroom house and that the plot plan states the same. Chairman Garvey stated he was skeptical about the septic system because it had not been being used and would not want it to fail on the next owner. He stated that Mr. Betts and Mr. Peck would have to prove to the Board that the system works properly by running a flow of 220 gallons a day for the next two weeks. They would need to advise Health Agent Perry when they start and finish.

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

VOTED: That subject to Title V passing after running daily flow for two weeks, the Board would approve the property as a two bedroom house. Unanimous vote.

**OLD BUSINESS****1 Patrick Thomas Court****(062-001-011)****Michael Dyksinski**

Michael Dyksinski of 1 Patrick Thomas Court was invited but was not present for discussion. Mr. Dyksinski was advised in a letter dated October 27, 2010 to appear at this meeting with engineered plans to renew his stable permit and/or an explanation as to why the equines have not yet been removed from the property. Member Flynn suggested that Animal Inspector Jared Darling inspect the property to see if the equines are still there and if so to fine Mr. Dyksinski \$500.

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

VOTED: That Animal Inspector Jared Darling inspects the property by December 1, 2010 to see if the equines are still on the property and if so, to fine Mr. Dyksinski \$500. Unanimous vote.

**COMMUNICATIONS:**

Norfolk-Ram Engineering – Re: Island Terrace Nursing Home, 57 Long Point Road (071-001-002) September 2010 Monthly Status Report reviewed and placed on file.

**Not on Agenda**

A discussion was held regarding the Lakeville Fraternal Order of Eagles who was invited to attend this meeting, but no one was present. Chairman Garvey stated that the Eagles have been in violation for several months now and never replied to any non-compliance notifications.

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

VOTED: To revoke the following licenses issued by the Lakeville Board of Health to the Lakeville Fraternal Order of Eagles: Common Victualler, Food Establishment, Milk & Cream, and Sunday Ice Cream. Unanimous vote.

**Not on Agenda**

Discussion was held relative to a policy for septic plan revisions by Health Agent Perry. Engineers would need to submit revised plans within 45 days of notification or pay another \$300. Chairman Garvey will check with the Town Administrator to see if they can do this or put a lien on the property.

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 7:38 p.m. Unanimous vote.