

**Board of Health Meeting Minutes
December 2, 2015**

The Lakeville Board of Health held a meeting on December 2, 2015 in the Lakeville Town Office Building. Present at this meeting were Board Members, Robert Poillucci, Terrence Flynn and Derek Maxim. Health Agent Perry was also present.

Chairman Poillucci called the meeting to order at 6:05 p.m. and noted that this meeting was being recorded by LakeCAM.

7 South Ave. – Engineer Jamie Bissonnette from Prime Engineering was present for discussion to request State and local upgrade approval variances to permit a 2,500 tight tank. Abutter cards were submitted. Member Maxim recused himself from the discussion as he is employed by the company installing the system. Members Poillucci and Flynn reviewed a plan dated November 5, 2015 and associated variance letter dated November 10, 2015. Jamie began the discussion by stating they were proposing a tight tank. He said across the street on South Ave. there is a well that services a couple of the houses right now. With the 100' radius and the setback from the pond, it's kind of a tight situation. The anticipation is, when water does eventually run down through Clark Shores they will be looking to put in some type of system on their parcel across the road and abandon the existing well. The one thing that is a little bit different as opposed to most tight tanks is they are not asking for seasonal deed restriction because it does have a year round water source now. Jamie said he considers this to a repair/upgrade to the system but in the future they want to be able to put the leaching field on to it. Member Flynn asked Agent Perry what has to be done differently because it wouldn't be considered seasonal. Health Agent Perry said for now it's considered a tight tank and once it's considered a year round system then the Board of Health can change their restriction. Health Agent Perry said that Title V states tight tanks are for seasonal use only. Jamie said this was something that he and Agent Perry don't see eye to eye on. He said from reading the regulation and the way he interprets it, he gave an example, he said: a person could be living in a house for a long time, on a small lot and have a system that fails, and have no other alternative but a tight tank, is the board going to tell him that their house has to be seasonal because he can't fit a leaching field on that lot? He said the answer is no. He said you make the best upgrade or repair that you have available. He said what they are doing is trying to bide some time until the water line goes in which seems to be a common sense approach; and then put a leaching field across instead of having it closer to a well that multiple properties are sharing. Agent Perry asked Jamie if he could design a different system and he said yes, so Agent Perry said, then the tight tank is not a last resort.

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

VOTED: To approve the four requested variances listed on the plan dated November 5, 2015 and granting a five year non-seasonal allowance for the tight tank for 7 South Ave. Two in favor. One recusal. Chairman Poillucci made a motion to amend this vote to include: an independent soil evaluator may be hired should the town not yet have someone designated. Motion seconded by Member Flynn.

51 Shore Ave. – Engineer Jamie Bissonnette from Prime Engineering was present for discussion. Abutter cards were submitted. He met with the board to discuss multiple variances to site a tight tank. Board members reviewed a revised plan dated November 10, 2015 and associated variance request letter. Jamie said the owners want to keep

the property listed as seasonal. After some discussion, the board:

VOTED: To approve the six variance requests on the November 10, 2015 request letter pending the change to move the second cover up to grade and require an RLS stamp on the as-built plan. Unanimous vote in favor.

Not on Agenda – 17 Dunbar Ave.

Homeowner Keith Hollenbeck was present. He said he is moving here from New York State and has no running water. He said he had a well driller who was willing to start drilling a well for him but that he himself didn't have what he needed from his engineer. He said he would like running water by Christmas. Chairman Poillucci felt that it was an emergency and invited him up to the table for more discussion. Mr. Hollenbeck said he spoke to Jon Pink from AZOR Land Sciences who said the way he would propose it would be a slight improvement. He said Agent Perry said it may make other property owners systems even more non-conforming. He said supposedly there is an existing drilled well on the property that he can't find. The bank that owned it before him had plumbers go out to the property, who also could not find it. He said there is also a point there that he tried getting water from and a cistern type well about 12' deep that has a point in it and all he got was some water and some clay. Chairman Poillucci wanted to know if he could get further away from the other properties. Agent Perry said the problem is that the plan they were looking at was 20 years old so he doesn't know exactly where everything is or what the distances are. Mr. Hollenbeck said he spoke to all his neighbors and they told him nothing has changed on their properties. Member Maxim asked if there was a Title V Report. Agent Perry said it was submitted as a pass, but there was no water test attached. He said if the board is willing he would recommend that they grant Mr. Hollenbeck a permit with a stipulation that he has a land surveyor do the research and legally notify abutters then it could all be done as after-the-fact variances. Further discussion ensued. Board Members agreed 50' from the property line is the safest way to go.

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

VOTED: To approve an emergency well permit pending submittal of an After-the-fact letter stating any variance requests and a well as-built plan stamped by a land surveyor. Unanimous vote in favor.

Acceptance of November 18, 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 November 18, 2015 as typed. Unanimous vote in favor.

Nursing Services Update – Agent Perry provided Board Members with copies of two resumes received for review. He said he could run the resumes by Joan Stone, the Middleboro Public Health Nurse for her input and discuss her comments at the next meeting. Members agreed and said they could invite both applicants to a future meeting.

Food Handlers Certifications – A memo from Administrative Asst. Lima dated November 30, 2015 was reviewed by Board Members as well as an email from

Inspector Bernardo dated November 27, 2015 regarding food handler's certifications that have not been received. Members had given a couple of extensions and the office had sent out a notice to all the food establishments with their 2016 applications stating that all their handler certifications should be received by December 31, 2015 or it may constitute a fine or revocation of their food establishment license. Members agreed Agent Perry should follow up with Inspector Bernardo and Administrative Assistant Lima to discuss and have them contact establishments they have not submitted them. Chairman Poillucci felt that if these establishments were notified several times, their permit should not be issued until they comply and if there is an issue they can come to a meeting. Members agreed.

457 Bedford St. Complaint – Chairman Poillucci asked Agent Perry for an update. He said that Building Commissioner Nate Darling had sent out a letter. He said he, Nate and Animal Inspector Jared Darling are going out for a site visit. He said a petition was received with ten names on it and spoke to Nate who said there were other issues there as well, including legal and zoning. He provided the members with the nuisance complaint regulations and said a specific order needs to be given to the owner of the rooster. Chairman Poillucci said that state law says they need five acres to be considered a farm and they don't meet the criteria, and Lakeville doesn't have farm regs. Agent Perry said he could get a noise meter and go out there if the board wanted. Chairman Poillucci asked when they were planning on going out there to speak to the owners of the rooster. Agent Perry said they hadn't gotten a response to the letter that was sent so he didn't know. Member Flynn asked him if the complainant had been advised that the three of them were planning a site visit. He said yes and that the complainant could come in to a future meeting when more information is obtained. Chairman Poillucci read a section from a public health nuisance document that stated "If the condition unreasonably interferes with the enjoyment of a residential property". Agent Perry said he agrees it's a violation but the only question is what is the Board of Health going to tell him to do, remove the rooster? They need to be given something specific. Chairman Poillucci suggested Agent Perry tell them they currently aren't in compliance and that there are rooster houses that control the sound, there are other options, but they need to get the sound in compliance. He just doesn't want the neighbor to have to listen to the rooster crowing all day.

Resignation of Member Terrence Flynn – Board Member Terrence Flynn submitted his letter of resignation dated November 23, 2015 effective December 17, 2015. Chairman Poillucci made this announcement and thanked him for his nine years of service and wished him good luck. Member Maxim mentioned if anyone watching is interested in this position, they may submit their letters of interest to the Selectmen's Office or the Board of Health. Chairman Poillucci said the position will be an interim appointed position until the April 2016 election. Members are hoping to find someone with some knowledge of septic systems and wells, engineering, construction in general, nursing or food and restaurant service. Chairman Poillucci said unlike other boards the Board of Health has a very narrow scope of things that they deal with that can be very complex. He said if anyone is interested and feels they may have the experience to please submit a letter of interest.

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

VOTED: To adjourn the meeting at 7:04 p.m. Unanimous vote in favor.

Accepted as Typed 12-2-15JL
