

Board of Health Meeting Minutes
December 5, 2012

The Lakeville Board of Health held a meeting on **December 5, 2012** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk Jo Lima as Recording Secretary.

Chairman Garvey called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Clerk Lima.

119 Hackett Ave.

047-001-002

Karim Khudairi

Engineer Jaime Bissonnette from Prime Engineering, Inc. and homeowner Karim Khudairi were present for discussion requesting the following:

Required Local Upgrade Approval:

1. A local upgrade approval from section 310 CMR 15.211 of title v which requires the soil absorption system to be at least 400' from a surface water supply or tributary thereto. A reduction from 400' to 200'+ is requested in accordance 310 CMR 15.405 (1)(g).
2. A local upgrade approval from section 310 CMR 15.211 of title v which requires the septic tank to be at least 400' from a surface water supply or tributary thereto. A reduction from 400' to 100'+ is requested in accordance 310 CMR 15.405 (1)(g).
3. A local upgrade approval from section 310 CMR 15.211 of title v which requires the pump chamber to be at least 400' from a surface water supply or tributary thereto. A reduction from 400' to 100'+ is requested in accordance 310 CMR 15.405 (1)(g).

Required Lakeville Board of Health Variance:

1. A variance from section 2.7 of the Lakeville Board of Health Regulations which requires the lowest floor elevation to be a minimum of 24" higher than the agreed high groundwater elevation. A reduction from 24" to 6" is requested.

Certified Mail Cards were submitted. Engineer Bissonnette stated that the property is an existing single family dwelling that they are doing a septic repair on and noted that the homeowner is also having an addition put on, but the bedroom count would remain the same. He said the house is serviced by a well and a cesspool. They are proposing a two chamber septic tank, a pump chamber and an ADS ARC 36 leaching bed across the street giving over 200' of separation from Long Pond to the leaching facility and over 100' to the abutting wells. He said the slope continues down on a pretty consistent manner until you get to the stone wall and they are trying to catch grade on the Hackett Ave. side. They are doing a schedule 80 force main under the road with the part under the road incased in concrete for protection. They will be piping underneath the drainage alongside of the road, but don't plan on altering the drainage at all, and that some of the abutters had some concerns about that. Typically Jaime said they don't ask for anything less than a foot for separation from the groundwater table to the slab, but in this case they are already picking this top of foundation up 7 ½ feet above the existing top of foundation so he was hoping the Board would allow them to just stay with one full house set of stairs instead of picking it up even more. Chairman Garvey asked if there was an association there to which Jamie replied yes. Chairman Garvey said they should have been notified. He said if the road is being dug up and

the association maintains, the road, you're affecting the maintenance. Mr. Khudairi said that the Association was notified at their last meeting by his son, but Chairman Garvey said he would prefer that they notify them because we don't have anything on file stating that. Member Poillucci said the President of the Association can give Health Agent Perry a call.

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

VOTED: To approve the variances as requested subject to receipt of a phone call to the Board of Health from the President of the Cedardale Water Association confirming he has been notified. Unanimous vote in favor.

20 Shore Ave.

041-008-004

Louis Vermette

Tabled from September 19, 2012 meeting. It was voted at that meeting to table the discussion until revised plans were submitted showing revised wetland line. Jon Pink from Azor Land Sciences, Inc. and homeowner Louis Vermette were present for discussion requesting the following:

STATE VARIANCE REQUESTS:

1. Reduction of the separation of a soil absorption system from high groundwater table in soils with a perc rate less than 2 mpi from 5' to 3'. Variance of 310CMR 15.212 (1).
2. Reduction of the lateral extent of replacement material beyond the soil absorption system from 5' to 3'. Variance of 310CMR 15.255(5).
3. Reduction of the 4' layer of naturally occurring pervious material to 3'. Variance of 310CMR 15.240(1).

LOCAL UPGRADE REQUEST:

1. Sieve Analysis performed in lieu of percolation test per 310CMR 15.405(1)(i).
2. Only one hole performed in proposed disposal area per 310CMR 15.405(1)(k).
3. Reduction of the setback of a soil absorption system to a surface water supply from 400' to 193' per 310CMR 15.405(1)(g).
4. Reduction of the setback of a soil absorption system to a foundation from 20' to 17' per 310CMR 15.405(1)(b).
5. Reduction of the setback of a soil absorption system to a wetland bordering a surface water supply from 100' to 21' per 310CMR 15.405(1)(e).
6. Reduction of the setback of a septic tank to a foundation from 10' to 8' per 310CMR 15.405(1)(b).
7. Reduction of the setback of a septic tank to a surface water supply from 400' to 205' per 310CMR 15.405(1)(g).
8. Reduction of the setback of a septic tank to a wetland bordering a surface water supply from 100' to 24' per 310CMR 15.405(1)(e).

LOCAL BOARD OF HEALTH WAIVER:

1. Waiver of effluent filter requirement (Lakeville BOH Regulation 2.8).
(Due to use of Presby system)

Conservation Agent Nancy Yeatts was also present. Board Members reviewed the revised plans.

Chairman Garvey said that Conservation denied their request. Agent Yeatts asked Chairman Garvey if the Board could wait before they make any decisions at all. She said that the appeal needs to be looked at independently. She said it is flagged for Title V. Member Poillucci said they cannot approve this until they get a vote from the Board of Health. He said until the Board votes on what they are willing to approve for local upgrades, DEP can't approve or deny them. Chairman Garvey asked if Concom was stating that the property was all wetlands. Mr. Pink said no and Agent Yeatts said yes. Mr. Pink believed that the property was refused as a year round property. Agent Yeatts said no, they said the entire lot is wet, that what Pink is proposing a substantially more use of that land and that Concom has no problems putting back what was there. She said that didn't include a foundation going into the ground. The consultant said that the entire lot was wetlands. Chairman Garvey said Pink would still have to go through BOH for an upgrade to the septic, regardless. Mr. Pink did not understand if it's all wetlands, what counter proposal would there possibly be. Mr. Vermette said there was structural damage and the foundation would need to come out anyway due to the flood. Mr. Pink said he didn't know how DEP could act on an appeal if they didn't have a decision from the BOH. Chairman Garvey said all the BOH can do is vote to approve an upgrade to the septic, but they can't approve the dwelling. He said the homeowner has that right, because he currently has a cesspool. Member Flynn asked if the wetland line is being questioned, how the BOH can approve any of the upgrades because they all reference the wetland lines. Member Poillucci asked Mr. Pink that first there was one line and then it got changed. Then he asked how there a changed line if none of the property is wetlands. Mr. Pink said the consultant said to extend it towards the road down the side. Agent Yeatts said that was another problem they had because the consultant said to extend it to the road, and they did not. She felt it would be prudent to see what DEP says first. Chairman Garvey said whatever they do there, if they can put it back the way it was, the BOH still has to approve a septic system. Agents Yeatts said yes, but not necessarily that one. She said it could be a tight tank and on the seasonal water so there is no more impact to the land. Chairman Garvey said that's another thing the DEP issue, because the last resort is a tight tank, and if you can do something other than a tight tank, it's mandatory that we do it. Agent Yeatts said her opinion was she didn't think anything other than a tight tank can be done. Member Poillucci said if the BOH approves the septic system the way it's being proposed, then it goes to DEP, if DEP determines it's not supposed to be a septic, it needs to be a tight tank, they are going to deny it. Agent Yeatts feels that in an appeal it works against Concom if the BOH was to approve the septic system. She said she wants to go in on even grounds to the Appeals Board and she doesn't think it's fair. Chairman Garvey said it's not fair to the homeowner either because he has a right to upgrade the cesspool which he used year round. Agent Yeatts said that BOH records show that the property was never approved for year round use. Mr. Vermette said that it was never denied either. To which Agent Yeatts said it was, according to BOH records, and Zoning Board of Appeals. Mr. Pink said it was probably based on the fact that the property had an unpermitted well and a cesspool. Mr. Vermette said it really has nothing to do with him because he didn't own the property when that was done. Chairman Garvey said he is now the owner, so it does. Member Flynn asked Health Agent Perry what happens if the plans are approved and the wetland line changes to which Agent Perry said the plans would have to be resubmitted due to changes to the variances. Agent Perry said it would all depend on what the change is. Mr. Pink, Chairman Garvey and Member Poillucci had subsequent discussion regarding the Shore Ave. area which may have been all wetland at one time before it was dredged out.

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

VOTED: To approve the plan submitted pending DEP's review for the local upgrade

approvals 1-8, and the local BOH waiver Reg 2.8 for the waiver of the effluent filter requirement. He stipulated this approval is not for the new proposed well shown on plan since it did not include a local variance for a well and septic on a lot with less than 20,000 sq. ft. of upland, (Local Reg. 2.0). Unanimous vote in favor.

6 Third Ave.

041-012-003

Ernest Cataloni

Homeowner Ernest Cataloni and his Attorney, Thomas Doherty was present for discussion. Mr. Cataloni had an agreement with the previous owner (current owner is Thomas McDonnell who was not present) of 42 Clark Avenue that allowed the dwelling at 42 Clark to share the well at 6 Third Avenue. According to Mr. Cataloni and documents submitted to the Board, the shared well agreement expired when the previous owner of 42 Clark moved or passed away which prompted Mr. Cataloni to terminate the water supply. There was a civil court case regarding this and Mr. Cataloni lost his request for a temporary injunction. Attorney Doherty believes it may have gone differently in court with the Board's support. There was a discussion of police involvement but Attorney Doherty said they do not have jurisdiction, nor should the police be involved in a civil matter. Health Agent Perry had issued non-compliance notices to Mr. McDonnell over the past year regarding alleged illegal renting and non-conforming housing issues at 42 Clark Avenue. It is unclear who is actually residing at 42 Clark Ave. at this time although Agent Perry has sent requests to current owner to address housing issues there or to vacate premises if the dwelling cannot be made to meet minimum standards for habitation. The deadline is up January 2013, and Mr. Perry said he can pursue enforcement of the non-compliance orders issued at that time.

325 Pond Lane

047-005-005

Owen Richard

Tabled from October 24, 2012 meeting. Engineer Steve Rumba from Collins Engineering Group, Inc. and homeowner Owen Richard were present for discussion. The owner has concerns about the quality of the water and is proposing to put in two new wells at 323 and 325 Pond Lane. They are presently tied into a community well. Mr. Richard said the water is discolored and produces sediment in the system. Chairman Garvey said they need to go to DEP but first have to prove a hardship through the BOH. He said there is nothing in the BOH file that states the water has bacteria in it and he wants something to prove that there is a hardship. The homeowner said it doesn't happen all the time, that it's more of an episodic event. Chairman Garvey said maybe he should have a water test done on his property. Member Flynn suggested taking the filter off get a clean sample and test for turbidity and color as there is a limit where the water is no longer aesthetically pleasing. Chairman Garvey said there was nothing the Board could do right now.

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

VOTED: To table this discussion until water results are received. Unanimous vote in favor.

Inspector of Animals Jared Darling presented Board Members with a draft copy of Farm/Stable Guidelines for their review. He mentioned that Piggeries have a different set of regulations. Some discussion was held.

Inspector Darling also asked the Board to approve a *temporary* stable permit for 3 Taunton St.

once they submit application. One of their horses has a rare disease and is supposed to be on a special diet to build its weight back up, but the permits holders have not been maintaining its diet and it's in very poor health. The vet rated the horses' health a two on a scale of 1-10. Darling said he contacted the vet who will be out in a month to take another look at the horse. Member Poillucci asked at what point it would be considered cruelty to animals. Darling stated since there is a vet involved and she is willing to take it under her care, it would be up to her. He said the vet would be making monthly visits to follow up on the horses' condition. Administrative Asst. Lima made the Board aware that the application and fee has not yet been received.

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

VOTED: Not to approve the Stable Permit for 3 Taunton St. if the horse is deemed unhealthy by the vet at the next visit. Unanimous vote in favor.

Board of Appeals Petition – William Weydemeyer, 16 Old Powderhouse Road (030-004-024)
Re: Petitioner seeks variance to allow construction of a cabana within 20' setback of property line.

Board Members reviewed the plan submitted. Chairman Garvey stated the plan did not show any septic components or their relative location to the pool and cabana and that the Board of Health files do not show any indication of a permit ever being approved or reviewed for the pool or cabana. The applicant should have his plan revised as necessary or hire a Title V Inspector to locate their existing septic components if necessary.

VOTED: To send the ZBA a letter stating that in order for Board of Health Members to review this petition for public health issues, they need to know where the septic system is in relation to the pool and the cabana, and re-submit pertinent documents for BOH review.
Unanimous vote in favor

2012 Common Victualler License (NEW)
Kool Moose Café, Inc.

2012 Food Establishment Licenses (NEW)
Lillian Ferreira d/b/a Cape Cod Cannoli's (App'd temporarily on 10/24/12)
Kool Moose Café, Inc.

2013 Board of Health License & Permit Renewals

Common Victuallers

Aramark Educational Services LLC / Apponequet High School
Aramark Educational Services LLC / Assawompset Elementary School
Aramark Educational Services LLC / Freetown Lakeville Middle School
Aramark Educational Services LLC / George R. Austin Intermediate School
The Back Nine Club LLC
Baldies Pizzeria, Inc.
Lakeville Virtual Entertainment Group, Inc. d/b/a The Broken Tee
Cisco Corp., Inc. d/b/a Cisco's Pizza

Corporate Chefs, Inc. (Talbots)
Kool Moose Café, Inc.
Lakeville Aerie No. 3994 Fraternal Order of Eagles, Inc.
Lakeville Golf Club, Inc.
Assawompset Golf Co. LLC d/b/a LeBaron Hills Country Club
Hawaii Corp. d/b/a Orchid of Hawaii Restaurant, Inc.
Poquoy Investment Group LTD d/b/a Poquoy Brook Golf Course
Royal Pizza
Somethin's Brewin' Book Café, Inc.
Tand, Inc. d/b/a Subway
The Sunshine Café
Tutto Italiano, Inc.
Unidine Corporation (@ Ocean Spray Cranberries)

Food Establishments

Amazing Cakes, Inc.
Aramark Educational Services LLC / Apponequet High School
Aramark Educational Services LLC / Assawompset Elementary School
Aramark Educational Services LLC / Freetown Lakeville Middle School
Aramark Educational Services LLC / George R. Austin Intermediate School
The Back Nine Club LLC
Baldies Pizzeria, Inc.
Cisco Corp., Inc. d/b/a Cisco's Pizza
Corporate Chefs, Inc. (@ Talbots)
Gulf Resources, Inc. / Joe's Gas
Island Terrace, Inc.
Kool Moose Café, Inc.
Lakeville Aerie No. 3994 Fraternal Order of Eagles, Inc.
Lakeville Golf Club, Inc.
Lakeville Virtual Entertainment Group, Inc. d/b/a The Broken Tee
Assawompset Golf Co. LLC d/b/a LeBaron Hills Country Club
Life Resources, Inc. (Bishop Ruocco House Treatment Center)
BBP Corp. d/b/a Muckey's Liquors
Nature's Pantry
Hawaii Corp. d/b/a Orchid of Hawaii Restaurant, Inc.
Poquoy Investment Group LTD d/b/a Poquoy Brook Golf Course
Royal Pizza
Savas Liquors, Inc.
Sedell, Inc. d/b/a Sedell's Pharmacy
Somethin's Brewin' Book Café, Inc.
Joseph R. Starr d/b/a Starrs Country Market
Tand, Inc. d/b/a Subway
The Sunshine Café

Tamarack Wine & Spirits, Inc.
Tutto Italiano, Inc.
Unidine Corporation (@ Ocean Spray Cranberries)
Walgreen Eastern Co., Inc. (#10269)

Septage Pumpers

Bay State Sewage Disposal, Inc.
Claude Dubord & Son, Inc.
Flowmaster Corp.
Patriot Services, Inc. - Grease Traps Only
Russell Frade d/b/a Russ Frade Enterprise
Soares Sanitation Pumping, Inc.
Southeast Septic Services
Wind River Environmental, LLC
United Site Services Northeast, Inc.

Stables (in order by address) **(PENDING INSPECTIONS BY ANIMAL INSPECTOR)**

Newell & Ann Wambolt	5	Barstow Street
Janice Leigh Drake	113	Bedford Street
Katherine Bures	127	Bedford Street
David A. Goble	209	Bedford Street
Wayne & Jessica Costa	419	Bedford Street
Gina A. Perruzzi	421	Bedford Street
Cindy Wines	11	Clark Road
Virginia V. Burnham	1	Coach Lane
George Smith III	105	County Road
Henry Van Laarhoven	165	County Road
Ann Gredler	6	Fieldstone Drive
Mark L. Faulkner, Sr.	9	Freetown Street
Rochelle J. Dextraze	11	Freetown Street
Andrew Mastrodomenico	12	Galfre Road
Christopher J. Travis	23	Galfre Road
Robin Fielding	28	Highland Road
Laurice Hedges	97	Highland Road
Harry W. Fisher/Grouse Ridge Farm	12	Hill Street
Daniel B. Cripps	35	Hill Street
Mary Flaherty	8	Lakeside Ave.
Sharon Booker Cabral Rielly	1	Lang Street
Joseph Daiute	17	Leonard Street
Richard S. Tripp/Windy Hill Farm	134	Main Street
Doris Santos	14	Margeaux Drive
Christine Lefebvre	22	Mill Street
Nancy Kitchen	30	Montgomery Street

Karen Corbett	54	Montgomery Street
Wendy Amaral	17	Nelson Shore Road
Debora Sukeforth	51	Old Main Street
Susan Ross	2	Old Stonewall Road
Kerri E. Belken	42	Pierce Ave.
Jeroen Bongers	7	Quail Run
Raymond L. Smith	200	Rhode Island Road
Arnold Burnham	202	Rhode Island Road
Donna L. Cabral	204	Rhode Island Road
Judy M. Batty	129	South Pickens Street
Ernest Burgeson	8	Southworth Street
Bonnie Calari	69	Southworth Street
Katherine Januse	71	Southworth Street
Karen Moroz	74	Taunton Street
Bradily Valente	66	Vaughan Street
<u>BOARDING</u>		
D. Barry/Hallamore Clydesdales	138	Bedford Street
Alice Smith, A & D Stable	444	Bedford Street
Beland Stables, Inc.	17	Montgomery Street
Powderly Meadows, Inc.	50	Montgomery Street
Hazel Dooley, Dooley's Stock Farm	51	Montgomery Street

Tobacco

Gulf Resources, Inc. (Joe's Gas)
BBP, Inc. d/b/a Muckey's Liquors
Poquoy Investment Group, Ltd. d/b/a Poquoy Brook Golf Course
Savas Liquors, Inc.
Sedell, Inc. d/b/a Sedell's Pharmacy
Joseph R. Starr d/b/a Starr's Country Market
Tamarack Wine & Spirits, Inc.
Walgreen Eastern Co., Inc. #10269

Trash Haulers

ABC Disposal Service, Inc.
Allied Waste Services of Mass LLC
CJ Rubbish Removal, Inc.
E. L. Harvey & Sons, Inc.
Frade's Disposal, Inc.
Gorden Rubbish Removal, Inc.
Lakeville Disposal Service
MA Waste Systems LLC
Plymouth Rock Rubbish Removal

Misc.

Allure Day Spa, Inc.	Sun Tanning Booths
Assawompoett Golf Co., LLC (Pending Inspection by CPO) d/b/a LeBaron Country Club	Operate a Semi-Public Pool
Eliot L. Francescon	Hog Farm
Eliot L. Francescon	Trash over town lines
Hazel F. Dooley	Hog Farm Permit
Lakeville Athletic Club (Pending Inspection by CPO)	Operate a Semi-Public Pool
Lakeville Athletic Club (Pending Inspection by CPO)	Operate a Spa
Lakeville Athletic Club (Pending Inspection by CPO)	Operate a Wading Pool

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

VOTED: To approve the Common Victualler, Food Establishment, Private Stable (pending inspections), Septage & Portable Toilet Pumper, Tobacco Vendor, Trash Hauler and Miscellaneous Licenses and/or Permit Renewals as submitted on the memo from Board of Health Clerk Lima dated December 5, 2012. Unanimous vote in favor.

Acceptance of Meeting Minutes

Board Members reviewed the minutes from the meeting held on October 24, 2012.

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

VOTED: To approve the Board of Health minutes for the meeting held October 24, 2012 as typed. Unanimous vote in favor.

Approval of Sanitarian License for Health Agent Lawrence Perry

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

VOTED: To approve the 2013 renewal application and fee of \$66 for the Sanitation License for Health Agent Perry. Unanimous vote in favor.

Discussion on proposed policy regarding self-serv hot dog stations

Some discussion was held. Board Members decided to have Agent Perry draft a letter to send to food establishments notifying them of requirements related to self-serv hot dog stations.

Discussion-Grouse Ridge Farm – 2012 & 2013 Food Establishment License Status

Chairman Garvey began the discussion by saying that he spoke to the Building Dept. and they have not issued any permits as of yet, but as far as he knows Mr. Fisher is operating the business. He asked Health Agent Perry or Asst. Health Inspector Bernardo to visit the site to check on their status.

Discussion in regard to new Board of Health Position

Member Poillucci said that the Selectmen negotiated with the union that the position of Administrative Assistant did not have to be posted.

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

VOTED: To appoint Board of Health Clerk Jo Ann Lima to the position of Board of Health Administrative Assistant. This position will be a Classification Level II, Step 1. Unanimous vote in favor.

Approval of 2013 MHOA Membership for Health Agent Lawrence Perry

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

VOTED: To approve the 2013 MHOA Membership fee of \$60 for Health Agent Perry. Unanimous vote in favor.

FY2014 Budget Discussion

A short discussion was held. Board Members discussed the transferring of appropriate funds to the Administrative Assistant Account. Member Poillucci suggested notifying the Town Accountant to handle this.

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

VOTED: To notify the Town Accountant to transfer funds appropriately. Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

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

VOTED: To adjourn the meeting at 7:50 p.m. Unanimous vote in favor.