

Board of Health Meeting Minutes
February 24, 2010

The Board of Health held a meeting on February 24, 2010 in the Lakeville Town Office Building. The meeting was called to order by Board Member Pietro Panettieri at 6:00 p.m. Present at this meeting were Board Member Terrence Flynn, Health Agent Lawrence Perry, and recording secretary Nancy M. Teser. Board of Health Chairman William Garvey was absent with prior notice.

192 County Road

034-003-012

Green

Jaime Bissonnette, P. E. of Prime Engineering, Inc. met with the Board on behalf of Joel and Martha Green. Bissonnette said they were proposing a "Geo-flow" Pipe Leaching System design for this property and were requesting (5) five Local Upgrade Approval and State Variances for this repair. Discussion was held relative to the two existing garbage grinders, and the existing water treatment system that is connected to the septic system, which will need to be removed. Board members told Bissonnette that the State variances will need to be submitted to the Department of Environmental Protection (DEP) for their approval. Upon motion made by Member Flynn and seconded by Member Panettieri, the Board

VOTED: To approve the plans and (5) five requested State and Local Upgrade Approval Variances; subject to the (2) two existing garbage grinders and the existing water treatment system being removed from the premises.
Unanimous vote.

10 Fern Avenue

027-002-029

Morse Sand & Gravel

Paul McGillis of 6 Daniel Road met with the Board relative to the ongoing noise complaint. Selectman Derek Maksy was also present. The Board of Health received two communications; one from the Department of Environmental Protection (Attachment #1) and one from Ronald J. Almeida, VP/GM of Morse Ready Mix, LLC (Attachment #2) regarding the October 2009 follow-up noise reading taken by Health Agent Perry, along with subsequent letters and fines to the Department of Environmental Protection and Morse. According to Perry, the Department of Environmental Protection is saying that the noise readings that he took back then may have included vehicle noise, and this noise could not be considered as part of the total plant noise regulated by the Department of Environmental Protection, nor considered as a violation under the Department of Environmental Protection's air quality regulations. Perry said he could not actually see the noise source, nor could he differentiate the vehicle noise from the plant noise from his remote sampling location back then. Maksy said he did not hear the noise, but was trying to resolve this issue. According to Maksy and McGillis, they were told to contact the D.O.T.; which is still part of the Registry of Motor Vehicles, so maybe a Registry policeman could come out to the site. McGillis also stated that Morse parks their vehicles right at Fern Avenue. He said that he has to run humidifiers to drown out the noise of the trucks idling. Health Agent Perry was then asked to contact the Registry of Motor Vehicles and the Department of Environmental Protection to set up a joint meeting to resolve this matter, and everyone will be notified of the date, time and place.

325 Pond Lane**047-005-005****Owen Richards & Julie Smith**

George Collins of Collins Civil Engineering Group, Inc. was present for discussion. Collins said they received two previous septic approvals before from the Board of Health; the last time for a “tight tank”, but were denied by the Board of Appeals. Collins said they were now proposing a “Presby” Enviro-Septic design for this property and were (4) four Local Upgrade Approval Variances and (3) three State Variances. According to Collins, they would be connecting to the public water supply and abandoning and capping the existing well. Collins stated that the dwelling would remain a two-bedroom house; but they were going to the Board of Appeals for renovations. It was noted that the State variances would have to go to the Department of Environmental Protection (DEP) for their approval prior to issuance of a permit to the installer. Upon motion made by Member Flynn and seconded by Member Panettieri, the Board

VOTED: To approve the septic plans, the (4) four Local Upgrade Approval Variances and the (3) State Variances as requested; subject to the Department of Environmental Protection’s approval, and subject to the decommissioning, abandoning, and capping the existing private well with a tie-in to the Association (Public) Water Supply. Unanimous vote.

2 Water Street**018-003-009****S & S Remodeling**

Jonathan J. Pink, Project Manager of Azor Land Sciences, Inc. was present for discussion. Also present were abutters Mrs. Howard Reynolds and Randy Reynolds of 4 Water Street, and Erin Samways of 208 Rhode Island Road with questions relative to how their wells may be affected. Pink stated that they were proposing a “Presby” Enviro-Septic design for this property and were requesting (1) one State Variance; (4) four Local Upgrade Approval Variances, and (2) two Variances from the Lakeville Board of Health Regulations. It was noted that the State variance would have to go to the Department of Environmental Protection (DEP) for their approval; prior to issuance of a permit to the installer. Discussion was also held on the proposed retaining wall designed by ASAP Engineering & Design Co., Inc. for this system. Board members stated that the retaining wall design will need to be specifically inspected and certified (in writing) and stamped by the Professional Engineer of ASAP Engineering & Design Co., Inc. upon completion; prior to the issuance of the Certificate of Compliance. It was also stated that a larger (than residential) effluent filter be utilized to mitigate the variance for the two compartment tank. Upon motion made by Member Flynn, and seconded by Member Panettieri, the Board

VOTED: To approve the septic plans; the State Variance, the (4) four Local Upgrade Approval Variances, and the (2) two Lakeville Board of Health Regulation Variances; subject to the above stipulations. Unanimous vote.

37 Bliss Road**040-003-015****Wesley & Patricia Wood**

Jonathan J. Pink, Project Manager of Azor Land Sciences, Inc. was present for discussion relative to a proposed septic system design upgrade and the installation of a new proposed well. Pink stated the owners were planning to raze the existing two-bedroom dwelling and were proposing a new two-bedroom dwelling on the site. Pink stated they were requesting (3) three Local Upgrade Approval Variances and (2) two Variances from the Lakeville Board of Health Regulations for this upgrade and new well. Discussion was held relative to the present water table and the tie-in of the proposed well to the new dwelling. Upon motion made by Member Flynn, and seconded by Member Panettieri, the Board

VOTED: To approve the proposed septic upgrade plans with the new well location, the three requested Local Upgrade Approval Variances, and the two requested Lakeville Board of Health Regulation Variances; subject to receiving a copy of the well driller's report and water analysis on the new well, and a stamped copy of a deed restriction stating that (any) dwelling on this property will remain a (2) two-bedroom dwelling, and disallows any further expansion of use or increase in flow with this particular system. Unanimous vote.

2 Devon Drive**050-001-003****John Kuketz**

Jonathan J. Pink, Project Manager of Azor Land Sciences, Inc. was present for discussion. The property owner, John Kuketz was also present. Pink said they were Proposing a "Presby" Enviro-septic system design for this upgrade and were requesting (3) State Variances, (3) three Local Upgrade Approval Variances, and (1) one Variance from the Lakeville Board of Health Regulations. Discussion was held on a proposed retaining wall design, installing a larger than residential effluent filter, and a high vent off of the distribution box. Pink told the Board that Kuketz was going to the Board of Appeals to make the dwelling a two-story dwelling, but no increase in bedrooms. Kuketz said it would be all living space and all kitchen space; that it would remain a (3) three-bedroom. Board members told Pink and Kuketz that the State variances will need to be submitted to the Department of Environmental Protection (DEP) for their approval, and the retaining wall design will need to be submitted by a Professional Engineer. The retaining wall design will need to be inspected, certified (in writing) and stamped by the Professional Engineer who submits the design upon completion; prior to the issuance of a Certificate of Compliance. Upon motion made by Member Flynn, and seconded by Member Panettieri, the Board

VOTED: To approve the septic plans, the three requested State variances, the three requested Local Upgrade Approval variances, and the one requested Lakeville Board of Health Regulation variance; pending the Department of Environmental Protection's approval, the retaining wall design being submitted by the Professional Engineer, a larger (than residential) effluent filter being utilized, a high vent installed off of the distribution box, and a

stamped copy of a deed restriction; stating that the dwelling will remain a (3) three-bedroom dwelling with no increase in flow to the septic system and houses a “Presby” Enviro-Septic system. Unanimous vote.

135 Hemlock Shore Road

045-002-005

John Hancock

Jonathan J. Pink of Azor Land Sciences, Inc. and John Hancock (Owner) were present for discussion. Pink stated that they were requesting (3) three Local Upgrade Approval Variances and (2) two Variances from the Lakeville Board of Health Regulations. Pink also noted that they wanted to utilize the existing (34 year old) septic tank and the (12 year old) pump chamber. Board members stated that an inspection would need to be done at the time of construction to make sure that they were structurally sound for the new system. Upon motion made by Member Flynn and seconded by Member Panettieri, the Board

VOTED: To approve the septic plans and variances requested pending a structural inspection of the existing septic tank and pump chamber. Unanimous vote.

211 Old Main Street

059-001-005

Scot Servis

Scot Servis (Owner) of 211 Old Main Street was present for discussion. A plan was prepared by Jonathan J. Pink, Project Manager of Azor Land Sciences, Inc. for a proposed deep well at that property. The Board also received a letter requesting a Variance from the Lakeville Board of Health Regulations and a Title V - Local Upgrade Approval Variance. Servis noted that he had a shallow point well now which have nitrates in it and he wanted to replace it with a deep well. Board members weren't sure if a deep well would improve the problem. Servis said he had a treatment system in the house now, but has a lot of iron in the water. Upon motion made by Member Flynn and seconded by Member Panettieri, the Board

VOTED: To approve the Lakeville Board of Health Variance requested and the Title V- Local Upgrade Approval Variance requested. Unanimous vote.

24 Heritage Hill Drive

030-003-012

Mark Dunn

Darren Michaelis of Foresight Engineering, Inc. was present for discussion. Michaelis stated that they were requesting (4) four Title V – Local Upgrade Approval Variances for this proposed system. Michael also noted that the increase in depth below grade would allow the existing plumbing to remain, the septic tank and pump chamber are proposed as H2O Monolithic Loading, and there would not be any drainage issues. Michaelis told the Board that there was no where else to go with this system, and all the wells were greater than 100' now. Upon motion made by Member Flynn and seconded by Panettieri, the Board

VOTED: To approve the septic plans and the (4) four Title V- Local Upgrade Approval Variances requested. Unanimous vote.

427A Bedford Street**065-004-042A****Linda Obuchon**

John W. DeLano of John W. DeLano And Associates, Inc.; Linda Obuchon (Owner) of 427A Bedford Street, and Neil Pelletier (Owner) of 427 Bedford Street were present for discussion to discuss the properties at 427 and 427A Bedford Street; which are now sharing the same existing septic system. On behalf of Ms. Obuchon, DeLano stated that he was requesting (2) two waivers of the Lakeville Board of Health Regulations. DeLano gave the Board some background on the properties. DeLano said they went to the Planning Board back in 2006 to split the lots so they could each have their own septic systems. According to DeLano, the Planning Board approved splitting the lots in 2007 under 81L. According to the proposed septic plans, 427A Bedford Street (Obuchon) now has 10,134s.f. and 427 Bedford Street (Pelletier) has 21,094 s.f. Pelletier said that he has been working with the "White Knight" people and the "Sledgehammer" Technology people on a system for his lot. Board members said that they need to find the best solution for these properties, but felt that the two systems should be installed at the same time. The Board also stated that 427A Bedford Street's plan would need to go to the Department of Environmental Protection for their approval; whereas it would require a one-bedroom deed restriction; rather than the two bedroom minimum. Upon motion made by Flynn and seconded by Panettieri, the Board

VOTED: To approve the septic plans and the two requested Lakeville Board of Health Regulation Variances for 427A Bedford Street; pending approval from the Department of Environmental Protection for the remediation system at 427 Bedford Street which has not been submitted as yet. Unanimous vote.

Year 2010 Board of Health License and Permit Renewals

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

VOTED: To approve the Common Victualler, Food Establishment, Dry Cleaning Establishment, Stable Permit (Personal Use), Stable Permit (Boarding) Septage Pumper, Portable Toilets, and Residential Trash Collection Permit (Attachment #3) as detailed in a letter dated February 24, 2010, as prepared by Nancy Teser, Board of Health Supervisor. Unanimous vote.

American Waste Services, LLC – Re: Commercial Trash Collection Permit (New)

Upon motion made by Board member Flynn and seconded by Board member Panettieri, the Board

VOTED: To approve a Commercial Trash Collection Permit (New Application) for American Waste Services, LLC at 1958 Broadway, P.O. Box 172, Raynham, MA 02767. Unanimous vote.

Annual Town Meeting

A communication was received from Town Administrator Garbitt relative to submittal of articles for the Annual Town Meeting. Board members said they had no warrant articles for submittal.

2009 Town Report

Board members received a memorandum from Town Administrator Garbitt relative to the 2009 Annual Town Report that needs to be submitted to the Selectmen's Office by February 25, 2010, and a drafted report prepared by Board of Health Supervisor Teser. Upon motion made by Board Member Flynn and seconded by Member Panettieri, the Board

VOTED: To approve the 2009 Annual Town Report as typed by Supervisor Teser, and submit it to the Selectmen's Office. Unanimous vote.

Communication from Kopelman And Paige, P.C. Re: The New Open Meeting Law

Board members received a copy of communications sent to Town Administrator Garbitt from Kopelman And Paige, P.C. regarding proposed changes in the Open Meeting Law, effective July 1, 2010. The Board members and office staff will review these communications.

Plymouth County Mosquito Control Project

Board members received a communication from the Plymouth County Mosquito Control Project in regards to their Public Notice of Proposed Aerial Pesticide Applications during the 2010 Season. Aerial application of pesticides will be made between the hours of 4:00 a.m. to 9:00 p.m. as conditions permit, to reduce the number of mosquito larvae, and only mosquito breeding sites will be treated. No spraying will be done over residences according to the notice. This communication was placed on file.

Plymouth County Mosquito Control Project

Board members received an Update – "Preparing for 2010" from the Plymouth County Mosquito Control Project. This update was placed on file.

57 Long Point Road

071-001-002

Island Terrace Nursing Home

Board members received the December 2009 and January 2010 Monthly Status Reports for the wastewater remediation project at the Island Terrace Nursing Home. These reports were placed on file.

Memorandum from Town Administrator Garbitt – Re: Energy Conservation Committee

A communication was received from Town Administrator Garbitt requesting the designation of a member to serve on the Energy Conservation Committee. The Town of Lakeville was awarded planning assistance through the Green Communities Program to help ensure that the Town is in compliance with the Green Communities Act. Board Member Panettieri felt Health Agent Perry should attend the meetings if possible.

Memorandum from Town Administrator Garbitt- Re: Capital Budget FY 2011 (July 1, 2010-June 30, 2015).

A communication was received from Town Administrator Garbitt relative to the Capital Budget FY 2011. After some discussion, Board members stated that they did not have any Capital Expenditure Requests at this time. A memorandum will be sent to Town Administrator Garbitt informing her of this decision.

(Not on Agenda) 328 Bedford Street 057-001-014 Lewis Gammons

Agent Perry said there was an expansion of a strip mall in town at 328 Bedford Street. Perry said a spa has been added to an insurance company, engineering company and an apartment was in this complex and he has been chasing them to upgrade the system. Board member Panettieri asked Perry if the system was overflowing. Perry wasn't sure but said the system didn't meet Title V specifications for this complex, so he has been fining Gammons. Board members told Perry to have Gammons come to the next meeting to discuss this matter. No other action was taken at this time.

Vendor warrants were signed by the Board.

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

VOTED: To adjourn the meeting at 8:48 p.m. Unanimous vote.