

# Board of Health Meeting Minutes

## August 18, 2010

The Lakeville Board of Health held a meeting on August 18, 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 and Board of Health Supervisor Nancy M. Teser, as recording secretary. Chairman Garvey called the meeting to order at 6:10 p.m.

**7 Hiltz Avenue**                      **(059-004-005)**                      **Eduardo & Maria Pereira**

Darren Michaelis, Design Engineer of Foresight Engineering, Inc. was present for discussion. Michaelis stated he was requesting one Local Upgrade Approval Variance and one Variance from the Lakeville Board of Health Regulations for a septic system upgrade at 7 Hiltz Avenue. Due to the location of the surrounding wells and the existing deep well on the property, Michaelis stated that these reductions are required. According to Michaelis, the locus well is the only well affected by the proposed leach field. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the requested variances and plans; subject to receiving an approved water test for nitrates and arsenic. Unanimous vote.

**28 Central Avenue**                      **(042-024-002)**                      **Sharon Gonsalves**

Darren Michaelis, Design Engineer of Foresight Engineering, Inc. was present for discussion. Mr. Gonsalves was also present for discussion. Michaelis stated that due to the location of the lot on a surface water supply, the well location, and site limitations, they were requesting a multitude of State and Local Upgrade Approval Variances for this septic system upgrade for the existing two-bedroom dwelling with a proposed garage addition. Michaelis gave the Board the abutter notification cards. The two abutting wells would need to be tested for potability and arsenic or waivers from the home owners would be required according to the Board. Board members also noted that a two-bedroom deed restriction would need to be recorded at the Plymouth County Registry of Deeds, and approval would be needed from the Department of Environmental Protection and the Conservation Commission. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve all the requested Local Upgrade Approval Variances, State Variances, and septic plans; subject to the two abutting wells being tested for potability and arsenic or waivers from the home owners, approval of the Department of Environmental Protection, approval from the Conservation Commission and a two-bedroom deed restriction being recorded at the Plymouth County Registry of Deeds.

Gonsalves asked if a letter could be sent to the Board of Appeals letting them know that they came before the Board of Health this evening; because they were returning to the Board of Appeals on August 19, 2010. A memo will be sent to the Board of Appeals.

**202 County Street****(034-003-002 & 008)****Nancy Lunnin**

George R. Collins of Collins Civil Engineering Group, Inc. was present for discussion. Collins stated that they were requesting a multiple of Local Upgrade Approval Variances and State Variances for the proposed installation of a “**Presby Enviro-Septic**” design. Collins stated that he was submitting revised plans tonight; whereas the other ones didn’t have the Registered Land Surveyor Stamp (RLS) on them. Collins explained the seven (7) Local Upgrade Approval Variance requests and the two (2) State Variance requests that they were asking for. Discussion was held on the need for a third State Variance – “Vertical reduction from 5’ to 3’ from a Soil Absorption System to groundwater for soils >85% sand, allowable with Presby Enviro-Septic I/A system.” Chairman Garvey said the omitted variance would be included in their motion and revised plans would be required. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the “Presby Enviro-Septic” design with the seven Local Upgrade Approval Variances and the three State Variances; subject to receiving revised septic plans with the third variance on them, pending approval from the Department of Environmental Protection (DEP) for the “Presby Enviro-Septic” system, subject to receiving approval on a Notice of Intent filed with the Conservation Commission, and subject to a deed restriction (restrictive covenant) being recorded at the Plymouth County Registry of Deeds stating that this dwelling will remain a (4) four-bedroom dwelling with no increase in flow to the septic system, and that it is to be made known that this dwelling house a “Presby Enviro-Septic” system. Unanimous vote.

**13 Twin Oaks Road****(065-002-004)****Elizabeth Yeatts**

George R. Collins of Collins Civil Engineering Group, Inc. was present for discussion. Collins stated they were requesting four Local Upgrade Approval Variances for the upgrade of this septic system. Discussion was held on the location of abutting wells and the on-site well. Board members stated that a current on-site well analysis would need to be done, and that would be part of their motion. It was also noted that a RDA (Request for determination of Applicability) has to be filed with the Conservation Commission. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the four Local Upgrade Approval Variances requested and plans; subject to receiving a current well analysis for potability; including volatile organic compounds (VOC’s) and arsenic on the on-site well. Unanimous vote.

**3 Hollis Avenue****(042-007-002)****Lucjan & Alicia Barys**

Brian J. Hughes of Brennan, Recupero, Cascione, Scungio & McAllister, LLP was present for discussion. Mr. & Mrs. Barys were also present at this meeting. Previously, at the Board of Health meeting held on June 2, 2010, the Board reviewed a Petition For Health for this property. The Brief to the Zoning Board of Appeals was – “To allow the construction of a farmer’s porch on the dwelling” and “to demolish and rebuild a portion of the single-family seasonal dwelling and construct a deck appurtenant thereto”. After

reviewing those plans, the Board of Health voted to send a letter to the Board of Appeals; stating they would recommend approval of the petition, as long as the deck was no closer than 5' to the leaching field, but if it was, then the Petitioner would need to come back before the Board of Health for a variance. Whereas the furthest end of the proposed farmer's porch comes approximately three feet from the nearest corner of the septic system's leaching field, Hughes stated that Mr. and Mrs. Barys was now coming before the Board for an After the Fact Variance requesting that the Board of Health vary the provisions of Section 2.6 requiring that all structures be no closer than five feet from any component of the septic system. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the After-the-Fact variance for a proposed deck to be (3') three feet; instead of the required (5') five feet from the existing Soil Absorption System ±. Unanimous vote.

**47 Nelson Shore Road**

**(055-001-011)**

**Gail Chournard**

William J. Clymer, President of Olde Stone Land Survey Co., Inc. was present for discussion. Clymer submitted a Well As-Built & Water Line Variance Plan (Date: 7/15/10) with a request for a variance After-the-Fact for a Local Upgrade Approval divergence for a water/sewage line crossing which was mitigated by a 6" sleeve. According to Clymer, there was a 6" sealed PVC pipe encasing the well line for protection from contaminates where the separation was less than 10'. Board of Health records showed that an emergency replacement well was installed recently that required a new water service to cross the existing force main installed in 1999 for the existing septic system, and both the existing water service and the existing force main travel under Nelson Shore Road to the larger parcel on land across the street where the existing Soil Absorption System and new well are now located. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the After-the-Fact Variance requested. Unanimous vote.

**16 Village Road**

**(031-002-019/15)**

**David & Stacey Dixon**

Darren Michaelis of Foresight Engineering, Inc. was present for discussion. David Dixon was also present for discussion. David Dixon stated again that he was requesting a waiver from the requirement to have his site contractor sign off on the Certificate of Compliance for the new septic system at 16 Village Road. Messages were previously left for Marcelino Raposo of M & M Concrete Construction informing him of this waiver request should he wish to attend the meeting or submit something in writing. Health Agent Perry told the Board he personally spoke with Mr. Raposo several weeks ago and Raposo told him that he would put something in writing, or contact this office to set up an appointment prior to this meeting, but he has not received any call or anything in writing as yet. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve Mr. Dixon's request for a waiver from the required "licensed installer" signature on the Certificate of Compliance for the new septic system installed at 16 Village Road by M & M Concrete Construction of Dartmouth, MA last year. Unanimous vote. Chairman Garvey will sign off on the Certificate of Compliance.

**1 Patrick Thomas Court**

**(062-001-011)**

**Michael Dyksinski**

Michael Dyksinski of 1 Patrick Thomas Court was present for discussion. Dyksinski previously submitted an Application for a Stable Permit and a rough plan of the property, for five animals housed in a building measuring 5' x 4' containing six stalls. Health Chairman Garvey noted that the submitted plan did not appear to show all the required stable regulations and proposed plan parameters; that it was not an engineered plan as required. Dyksinski said he had about 40,000 s.f. of land. Garvey asked what was going to be done with regard to the manure. Dyksinski stated that he was going to haul it off the property. Dyksinski's original and previous stable permits were only for three horses. Garvey told Dyksinski they (Board) have to know exactly how much land he actually (not including State land) owns. Dyksinski was also told that abutters would need to be notified, if he planned on having five horses and the Board definitely needs a better set of plans before approving any stable permit. No action was taken at this time. Dyksinski was told to submit plans for the next meeting.

**Board of Appeals**

**211 Old Main Street**

**058-001-005**

**Scot Servis**

Board members received a Petition For Hearing for Scot Servis at 211 Old Main Street from the Board of Appeals. The Brief to the Board: "Remove existing garage and replace with a two story garage, great room and bathroom with porch", and the Nature of Relief Sought was "Special Permit under Section(s) 6.1.3 of the Zoning Bylaws". It was brought to the Board's attention that a replacement well went in off the property and requires a town easement to be in the road layout in addition to a variance from the Board's local well regulations. The plans that were submitted with the Board of Appeals package appeared to be in conflict, as one plan (titled plot plan showing addition) shows the well on the property, and one plan (titled well and dwelling as-built) shows it in the road layout. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To send a letter to the Board of Appeals stating that as far as they were concerned the new well was not on their lot; that it was on Town property and the Board of Appeals should postpone their decision on this Petition until that is corrected because they don't have a legal water supply. Unanimous vote.

**25 Nachaomet Road**

**(065-004-024/25)**

**Jamie Maher**

Board members received a request from Jamie Maher of 25 Nachaomet Road for a variance for the location of their swimming pool from 20' to 10' from their house. Per

the Town of Lakeville Board of Health – Residential Swimming and Wading Pool Regulations – “A pool shall be located no closer than twenty feet from a dwelling and twenty feet from the septic system or any soil absorption system component”. Chairman Garvey said he would step down and make the motion. Upon motion made by Chairman Garvey and seconded by Member Poillucci, the Board

VOTED: To approve the requested variance of 20’ to 10’ from the dwelling. Board Member Flynn abstained from this vote.

**Harding Street**                      **(022-002-009)**                      **High Rock Harding Street,LLC**

Board members received a communication from Sitec, Inc. on behalf of High Rock Harding Street, LLC for a waiver for addition Board of Health witnessed test pits at Harding Street location. According to Project Engineer Daniel S. Gioiosa, they did additional test pits on the property in the vicinity of the proposed leaching field, and the pits indicated consistent soil characteristics to the test pits that were witnessed by Health Agent Perry. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To waive the additional test pits. Unanimous vote.

**Septage Pumper License** (New Application)

Board members received an application for a Septage Pumper license from **Raggs Septic Service, Inc. d/b/a E.A. Comeau Septic** of Concord, MA. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the Septage Pumper license for Raggs Septic Service, Inc. d/b/a E.A. Comeau Septic. Unanimous vote.

**2010 Milk & Cream License Renewals**

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

VOTED: To approve the Milk & Cream licenses for Camp Joe Hooker, Inc.; J & J Seafood Drive-In and Lakeville Fraternal Order of Eagles. Unanimous vote.

**Minutes of Meeting**

The Board of Health minutes of the meeting of June 2, 2010 were tabled to the next meeting (September 15, 2010) whereas the Board members didn’t have the chance to review them.

### **Clark Shores Water Corporation**

Board members received a communication dated July 27, 2010 from the Clark Shores Water Company Board of Directors asking that they be notified when the Board approves any work that may be within ten (10') feet of the roads in Clark Shores. According to the Directors, they have water lines and service lines in every road throughout the neighborhood, therefore, they were requesting notification incase they need to mark the lines in the event a homeowner needs to excavate in the area. Board Member Flynn asked if "Dig-Safe" notified the people. Health Agent Perry told Flynn that it falls under the installer and the excavator. Board members told Perry to notify the engineers that they have to notify the Clark Shores Water Corporation when they do work there. Notification will be sent to all the engineers and septic installers that do business in Town.

### **57 Long Point Road                      (071-001-002)                      Island Terrace Nursing Home**

Board members received the July 2010 Monthly Status Report on the progress of the wastewater remediation project at the Island Terrace Nursing Home from Norfolk-Ram Engineering Solutions. Chairman Garvey noted that this was an on going project. The communication was placed on file.

### **Not on Agenda**

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

VOTED:            To approve a **One-Day Common Victualler** license for **Aurora Marim, Owner of Aurora's Gypsy Café** for an event on September 12, 2010 from 9:00 a.m. to 5:00 p.m. at the Ted Williams Camp. Unanimous vote.

### **Not on Agenda**

A communication was received from **Gary Kettell**, owner of **Plainville Pump & Excavating, Inc.** regarding a septic system he installed two weeks ago at Lot 3 Cedar Pond Road. Kettell stated that Health Agent Perry did the open-hole inspection, the hole was filled with septic sand and the system installed. Kettell noted that the engineer was then called to do the as-built plan and Perry did another inspection. At that time, Kettell said he was not aware that his installer's license was not up to date or the permit had not been issued (apparently because the builder owed back taxes). According to Kettell, he paid the taxes then and renewed his license and obtained the permit. Kettell apologized for the mix-up, asked if the Board would waive the additional \$300 fee, and assured the Board that this would never happen again. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED:            To waive the \$300 fee. Unanimous vote.

### **Not on Agenda**

Discussion was brought up by Chairman Garvey regarding the signing of bi-weekly payroll sheets. Garvey said he may not be available at all times to sign them, so he would entertain a motion; that any other Board member could sign the payrolls in his absence. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: That in the absence of Chairman Garvey, any other Board member could sign the payroll sheets. Unanimous vote.

### **Not on Agenda**

Chairman Garvey said he would like to bring up discussion relative to the threat of Eastern Equine Encephalitis (EEE) in Town and area towns. Garvey stated, even though the aerial spraying was completed; they didn't know how effective it was, so as a precautionary measure, he would like the curfew they recommended for the Town parks remain in effect at this time. Board members Flynn and Poillucci agreed with the Chairman.

### **Not on Agenda**

Board Member Poillucci told fellow Board members that there's a Wage & Personnel Board meeting tomorrow night (August 19, 2010) at 7:00 p.m. to discuss compensation time for Town employees. Poillucci said he would be attending this meeting; whereas he was appointed as the Board of Health representative. No other action taken at this time.

Vendor warrants were signed by the Board.

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

VOTED: To adjourn the meeting at 7:32 p.m. Unanimous vote.