

Board of Health Meeting Minutes
January 11, 2012

The Lakeville Board of Health held a meeting on **January 11, 2012** in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci and Terrence Flynn. Member Garvey was absent from this meeting with prior notice. Also present were Health Agent Lawrence Perry and Board of Health Clerk Jo Lima as Recording Secretary.

Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Clerk Lima and Comcast, and would be televised by at a later date.

22 Coombs St.

059-003-015

Zinta Betts

Steve Gilbert from SFG Associates, Inc. was present for discussion requesting the following Local Upgrade Approval Divergences and Lakeville Board of Health Regulations After-the-Fact Variances:

Local Upgrade Approval Divergences

1. Section 15.405(1)(e) – To allow the S.A.S. to be approximately 31’ from the edge of the bordering vegetated wetland, instead of the required 50’.
2. Section 15.405(1)(g) – To allow the S.A.S. to be approximately 75’ from the abutting well at 26 Coombs St. instead of the required 100’.
3. Section 15.405(1)(g) – To allow the S.A.S. to be approximately 75’ from the locus well, instead of the required 100’.

Lakeville Board of Health Regulations After-the-Fact Variance Requests

1. To allow the existing locus well to be approximately 1’ from the abutting property line of 26 Coombs St. instead of the required 10’.
2. To allow the existing locus well to be approximately 15’ from the road layout instead of 20’.

Certified Mail abutter cards were submitted by SFG Associates, Inc.

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

VOTED: To approve the variances as requested. Unanimous vote in favor.

17 Heritage Hill Drive

030-002-029

The Back Nine Club

Jaime Bissonnette from Prime Engineering, Inc. was present for discussion regarding a request to change one of the seating flow parameters at the Back Nine Club from 35 gpd per seat to 20 gpd per seat. Board Members reviewed the request to modify flow calculations with respect to the existing septic system and seating as correlating to current and past water meter readings. In 2008 the Board had reviewed and approved a septic upgrade for the facility with septic flow calculations that were submitted under 310 CMR 15.203 for restaurant seating at 35 gpd per seat. After reviewing last year’s actual water meter readings for the PWS well at this facility, it appears that a “country club with dining room” flow of 10 gpd per seat may better reflect actual daily flows. However, as it was stated, being more conservative, they have opted to propose to use 20 gpd per seat as the modified flow per seat with respect to their subsurface sewage disposal permit, rather than the ultra conservative 35 or the minimum 10.

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

VOTED: To approve the request to change the seating flow calculation parameter from 35 gpd per seat to 20 gpd per seat. Unanimous vote in favor.

15 Pheasant Run

064-001-005

Jim Marra

Homeowner Jim Marra was present for discussion regarding a request to reduce the required setbacks from his proposed in-ground pool to existing foundations.

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

VOTED: To approve the requests to allow the pool to be as close as 9' to his foundation, rather than the required 20'. Unanimous vote in favor.

330 Bedford St.

057-001-002

Savas Plaza

No one was present for discussion regarding adjustment from engineering consultant review/inspection fees with respect to BOH policy for systems over 2,000 gpd. Discussion was tabled. Member Poillucci stated that tax payers should not have to pay for this.

130 County St.

014-004-006

Elmer Wing

Stable Owner Elmer Wing was present for discussion regarding renewal of his stable permit. Inspector of Animals Jared Darling submitted a letter stating that Mr. Wing's stable was adequate, but they he would need to submit a manure plan. Abutters were notified and certified mail cards were submitted by Mr. Wing. Mr. Wing explained that he spreads the manure out in a large field on his property and was going to submit this in writing.

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

VOTED: To approve the requested setback reduction from 20' to 7' from paddock to property line & stipulation of written manure plan to be submitted. Unanimous vote in favor.

8 Woodland Ridge, Lot #28

031-002-019/028

Weaver/Verissimo

Engineer Jason Youngquist from Outback Engineering was present for discussion regarding new construction local variance from regulation 4.4 for system to be built higher than 2 feet (actual top of system to be about 3.4' to 4.2' higher than existing grades whereas existing grade to proposed is approximately 5' higher with cover fill.

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

VOTED: To approve the variance as requested. Unanimous vote in favor.

189 Rhode Island Road

026-001-002E

Jonathan White

Engineer Jason Youngquist from Outback Engineering was present for discussion. He is requesting a waiver for expired percolation testing and soil evaluation for new construction.

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

VOTED: To approve the waiver request but stipulated an additional confirmatory test hole & percolation test to be performed at the Open Hole Inspection by Engineer & witnessed by the Health Agent. Unanimous vote in favor.

13 Summit St.

042-015-005

Cheryl Thibault

Property owner Cheryl Thibault and tenant Donald Furtado were present for discussion. Agent Perry noted this was a deed restricted seasonal property owned by Cheryl & Cecile Thibeault who have been renting to Mr. Furtado who is applying for after the fact variances for the utility shed he constructed for a large storage tank that he is in the process of tying into his plumbing system. The shed is right at the edge of the SAS according to his plan and therefore he would need a divergence from title V under LUA to allow a structure with a concrete block foundation from 10 feet to 0 feet. In addition, he explained that he would have to pull the required plumbing

permit and have the town plumbing inspector verify a legal connection was performed. Agent Perry had also explained that the BOH is required under the housing code to insure he has a safe water supply and that his dwelling meets all the minimum habitation requirements through our COI that he needs to schedule with us. He also told him that the BOH would need a plan and request letter and he should notify the Clark Shores Water Corporation and the DEP drinking water section as they would be considered affected parties. Even then he explained there is no guarantee he will receive the requested variance as it could enable him to occupy the dwelling year round whereas at this time the dwelling is considered seasonal with the associated seasonal deed restriction that was recorded for this property at the registry of deeds a few years ago. If DEP and the plumber inspector deem the tank legal in its connection, it would still be up to the BOH to determine if a water truck (assumed to have potable water from a legitimate source certified by DEP or EPA but would also have to be confirmed with appropriate documents) delivering water at whatever intervals necessary, would be considered adequate and safe, and if the method of filling the tank would be considered sanitary.

Mr. Furtado stated that there are 15-20 people that have the same set up that he has and they all use the same water company. Member Flynn said that may be the case, but it is not legal. Mr. Furtado said he had no problem getting a letter from Clark Shores Association. He said that the water goes straight into his house. Since there is currently a seasonal deed restriction on the property Member Flynn doesn't think the DEP would approve this. Member Flynn asked Agent Perry if there was any way they could put a well on the property. Ms. Thibault said she approached the Board in 2007 and they were denied. Member Poillucci said this is a problem that needs to be addressed and that the Board isn't trying to single him out. Member Flynn asked what the shed was built on and Mr. Furtado said it was on concrete blocks. Member Flynn believes the Board can approve the shed variance being 0' to the S.A.S, but they cannot approve the storage tank nor can they get the seasonal restriction removed, at this time as they would have to follow the proper steps. Agent Perry stated that technically, without an approved water supply, no one should not be living there at this time since the approved public water supply is presently shut off. Chairman Poillucci explained that he knows there are issues down there that need to be addressed, but that the Board cannot supersede the DEP's regulations, but they can work with them on well variances if they meet the minimum setbacks. He said the Board cannot approve something that may end up affecting someone else.

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

VOTED: To approve the request for a shed to be 0' to the S.A.S. Unanimous vote in favor.

Member Poillucci also stated that it was the homeowner's responsibility to follow-up on the other issues in regards to the well. Agent Perry said that if they did want to apply for a well, that they would probably have to modify the interior floor plan down to a one bedroom to meet nitrogen loading, otherwise it would be considered an increase in nitrogen loading and nonconforming with respect to having a well and septic system on the same lot. There was a discussion on shared septic systems and shared wells. Member Poillucci stated that the Board was planning a meeting strictly to discuss seasonal properties.

2012 Board of Health License & Permit Renewals

Common Victuallers

Tutto Italiano

Food Establishments

CVS/Pharmacy #5407

Private Stables (in order by address)

Virginia V. Burnham	1	Coach Lane
Stephen & Laurice Hedges	97	Highland Road
Jeffrey S. Mills	1	Hitching Post Road
Ruthann Sensabaugh	22	Lang St.
William Podielsky III	12	Malbone St.
Jeroen Bongers	7	Quail Run
Donna Cabral	1	Rhode Island Rd

Septage & Portable Toilet Pumpers

Mr. Cesspool

Tobacco Vendors

CVS/Pharmacy #5407

Trash Haulers

ABC Disposal Service, Inc.
E.L. Harvey & Sons, Inc.
Mass Waste Systems, Inc.
New England Recycling, Inc.
United Site Services Northeast, Inc.

Misc.

JNL Dry Cleaners

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

VOTED: To approve the Common Victualler, Food Establishment, Private Stable, Septage & Portable Toilet Pumper, Tobacco Vendor, Trash Hauler and Miscellaneous License and/or Permit Renewals as submitted on the memo from Board of Health Clerk Lima dated December 7, 2011. Unanimous vote in favor.

Acceptance of minutes of meeting of December 7, 2011 and December 21, 2011

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

VOTED: To approve the Board of Health minutes of meeting of December 7, 2011 and December 21, 2011 as typed. Unanimous vote in favor.

Lakeville Eagles Non-Compliance Notice – Agent Perry stated that it was nothing major. They put some type of treatment system on without DEP approval. They have until March 2012 to comply.

Member Flynn inquired whether or not the licenses for Poquoy Brook and Starrs Country Market had been issued – Agent Perry stated that we were waiting on revised plans for Starrs Country

Market and that he wasn't really concerned with Poquoy Golf Course because he was told they Were not open yet and would not until they got their PWS into compliance. He recommended that licenses for Starrs County Market and Baldies Pizza be issued as they are pumping as needed and we are just waiting on some minor revisions on plans before they can be approved to allow the repair to commence. Poquoy Golf Course and Lakeville Golf Club need not be issued yet, as they aren't open.

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

VOTED: To issue the Common Victualler and Food Establishment licenses for Starrs Country Market and Baldies Pizzeria, with the stipulation that they continue pumping as needed until the septic plan is approved. Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

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

VOTED: To adjourn the meeting at 7:05 p.m. Unanimous vote in favor.