

**Board of Health Meeting Minutes  
February 8, 2012**

The Lakeville Board of Health held a meeting on **February 8, 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 at a later date.

**47 Loon Pond Rd**

**027-002-018**

**Mark Knox**

Darren Michaelis from Foresight Engineering submitted a letter requesting the following Lakeville Board of Health Regulations After-the-Fact Variance:

**Lakeville Board of Health Regulations After-the-Fact Variance Request**

Reduction of the setback of the tight tank to a tributary of a surface water supply from 200' to 40' per 310CMR Section 15.405 (1)(g). A 42' setback had been previously approved by the Board (December 3, 2008).

Board Members had a brief discussion regarding the quarterly inspections on this property and possibly changing them to bi-annual due to the fact that this property was only utilized on weekends in the summer. Member Flynn recommended that the homeowner submit a letter requesting bi-annual inspections due to the property's minimal usage. There was discussion regarding the well previously installed needing an After-the-Fact Variance for it to be less than the required 8" above grade. No action taken at this time.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

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

**20 Old Powderhouse Rd**

**030-004-002**

**Theodore Badgio**

Engineer Steve Rumba from Collins Engineering Group, Inc. was present for discussion requesting the following Local Upgrade Approval Requests

1. DIVERGENCE IN ACCORDANCE WITH DEP POLICY #BRP/DWM/PEP-POO-1, ALLOWING A PERCOLATION RATE TO BE ESTABLISHED VIA GRAIN SIZE DISTRIBUTION (SIEVE) ANALYSIS.
2. DIVERGENCE FROM SECTION 310 CMR 15.212 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 4' VERTICAL SEPARATION BETWEEN THE HIGH GROUND WATER ELEVATION AND THE BOTTOM OF THE SOIL ABSORPTION SYSTEM WITH A PERCOLATION RATE GREATER THAN 2 MINUTES PER INCH. A VERTICAL REDUCTION FROM 4' TO 3'.

Abutting neighbor Roy and Frada Marvel of 22 Powderhouse Road were also present. Mr. Marvel had a lengthy discussion with Board Members. He expressed concerns he had and questioned the property line and the wetlands.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To approve the variances as requested pending review by the Conservation Dept. and a 2 week delay for owners of 22 Old Powderhouse Road to perform their own land survey and associated property line confirmation. Unanimous vote in favor.

**7 Bristol St.**

**051-001-019**

**Patricia Corbett**

Engineer Steve Rumba from Collins Engineering Group, Inc. was present for discussion requesting the following:

**LOCAL UPGRADE APPROVALS (WITH RESPECT TO SEPTIC REQUIREMENTS UNDER 310 CMR 15.405):**

1. LUA DIVERGENCE IN ACCORDANCE WITH DEP POLICY #BRP/DWM/PEP-POO-1, ALLOWING A PERCOLATION RATE TO BE ESTABLISHED VIA GRAIN SIZE DISTRIBUTION (SIEVE) ANALYSIS IN LIEU OF A STANDARD PERCOLATION TEST.
2. LUA DIVERGENCE FROM SECTION 310 CMR 15.212 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 4' VERTICAL SEPARATION BETWEEN THE HIGH GROUND WATER ELEVATION AND THE BOTTOM OF THE SOIL ABSORPTION SYSTEM WITH A PERCOLATION RATE SLOWER (GREATER) THAN 2 MINUTES PER INCH. A DIVERGENCE ALLOWING A VERTICAL REDUCTION FROM 4' TO 3'.
3. LUA DIVERGENCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 400' SETBACK FROM A SURFACE WATER SUPPLY (LONG POND) TO A SEPTIC TANK. A HORIZONTAL REDUCTION FROM 400' TO 350'.
4. LUA DIVERGENCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 400' SETBACK FROM A SURFACE WATER SUPPLY (LONG POND) TO A SAS. A DIVERGENCE ALLOWING A HORIZONTAL REDUCTION FROM 400' TO 315'.

**LAKEVILLE BOH REGULATIONS VARIANCES (WELL):**

1. VARIANCE FROM LOCAL REGULATION 12.1 WHICH REQUIRES A MINIMUM 10' SETBACK FROM A PROPERTY LINE TO A DRINKING WATER WELL. A HORIZONTAL SETBACK REDUCTION FROM 10' TO 4'.
2. VARIANCE FROM LOCAL REGULATION 12.1 WHICH REQUIRES A MINIMUM 20' SETBACK FROM A STREET LAYOUT TO A DRINKING WATER WELL. A HORIZONTAL REDUCTION FROM 20' TO 4'.

Certified Mail Receipt card for abutter at 9 Bristol St. was received.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To approve the variances as requested providing a deed restriction is recorded at the Plymouth County Registry of Deeds; stating that the dwelling will remain a (3) three-bedroom dwelling with no increase in flow to the septic system. Unanimous vote in favor.

**1 Patrick Thomas Court**

**062-001-011**

**Michael Dyksinski**

Jared Darling, Inspector of Animals was present for discussion and stated that this was an ongoing issue with Mr. Dyksinski and having to chase his money at the end of the year. He added that he was the one using state property for his horses, but when he did his inspection in the fall, the horses had been moved back onto his property. Mr. Dyksinski was sent four letters in regards to his stable permit, which expired December 31, 2011. He was told in the last letter to appear before the Board with an explanation as to why he hadn't submitted his application and fee, but he did not show. Jared mentioned that the barn and box trailers were still on state property but since there were no animals, he believed it would be an issue with the state. Jared confirmed three horses on his property and with the fee doubled, he would owe \$260. Chairman Poillucci asked if he could comply without the grandfathering to which Jared stated he would still have six months to comply. Agent Perry stated Dyksinski had .83 acres, which would mean the property would not even be adequate for one horse if the grandfathering expired should he try to reapply. Board Members agreed that they should begin fining him. Member Flynn suggested a monthly fine instead of weekly fine. When discussing how much he should be fined, Clerk Lima mentioned the schedule for Violation of Board of Health Regulations listed on the fee schedule; first offense \$100, second offense \$200, third offense and thereafter \$300. Member Flynn suggested \$100 a month. Chairman Poillucci said that if he doesn't pay by June 30, 2012, they would re-address the issue and get the attorneys involved, like other non-compliant concerns.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To send Mr. Dyksinski a letter stating that if his stable fee is not received before March 1, 2012, he will be fined \$100 a month. If fees and fines are not paid by June 30, 2012, he will lose his grandfathering, no longer be eligible to obtain a stable permit for his property, and therefore, would have to remove all associated animals. Unanimous vote in favor.

Inspector Darling mentioned that he is working on the farm regulations and will present them to the Board shortly.

**Review of 2011 Board of Health Town Report Draft**

Board Members reviewed the draft.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To approve the 2011 Town Report as typed by Supervisor Nancy Teser. Unanimous vote in favor.

## **2012 Board of Health Permit Renewals**

### **Private Stables** (in order by address)

Pamela & David Smedberg	446	Bedford St.
Lawrence Pittsley	91	Kingman St.
Randall Damon, Jr.	3	Taunton St.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To approve the Private Stable Permit Renewals as submitted on the memo from Board of Health Clerk Lima dated February 8, 2012. Unanimous vote in favor.

### **MHOA/MassDEP Annual Winter Seminar**

Agent Perry stated that he attends this seminar every year along with other area Health Agents. Changes to Title V Regulations are discussed.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To approve the \$35 fee and the attendance of Health Agent Perry. Unanimous vote in favor.

### **Town of Randolph-Food Borne Illness Seminar**

Agent Perry stated he has never attended one of these seminars, but believes it would be helpful. Member Flynn suggested Clerk Lima attend as well, depending on office coverage.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To approve the \$60 fee for the attendance of two people. Unanimous vote in favor.

### **Acceptance of meeting minutes from January 11, 2012**

Board Members reviewed the minutes.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To approve the Board of Health minutes for the meeting held January 11, 2012 as typed. Unanimous vote in favor.

### **Parking Plan for The Back Nine Club Building Expansion**

Prime Engineering submitted a letter to the Planning Board regarding their review of the parking plan for The Back Nine Club building expansion. Member Poillucci asked Larry if the parking lot plan had anything to do with the Board of Health and Agent Perry said it was a Planning Board issue. He said the septic has already been reviewed so we know that is adequate. He doesn't believe it encroaches on any setbacks or septic components. Member Poillucci asked if

the kitchen was also being expanded, to which Agent Perry stated that was the plan. Agent Perry stated in his notes his recommendation to send a letter to the Planning Board and the Back Nine stating that their system has adequate capacity for the expansion as determined at our January meeting, however DEP approval is required for any expansion on a facility serviced by one or more public wells. Member Flynn suggested that Agent Perry add in that the Board will review the plans for the kitchen once they are submitted. Chairman Poillucci asked if the new parking was right next to the building. Agent Perry said he hadn't looked at the parking plan, just the closest corner to the septic. He said all the tanks should be H20 if they are commercial, but he wasn't sure if the pipes were H20 or Schedule 40. Chairman Poillucci was concerned whether or not the tanks were H20 with the parking lot being so close. Agent Perry said he would check into that.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** Subject to Agent Perry's confirmation of the H20 tanks and his determination of whether pipes should be upgraded: To send a letter to the Planning Board stating that the Board of Health has no issues with the expanded parking. Their system has adequate capacity for the expansion. DEP approval is required for any expansion on a facility serviced by one or more public wells. Note that the Board will review the plans for the kitchen once they are submitted. Unanimous vote in favor.

#### **Plymouth County Mosquito Control Project-Declaration of Support or No Support of Mosquito Control Funding**

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To send a Declaration of Support to the Board of Selectmen for the Plymouth County Mosquito Project. Unanimous vote in favor.

#### **Community Innovation Challenge Grant**

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To send the Local Support Documentation Form to the Middleboro Board of Health. Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second the motion, the Board:

**VOTED:** To adjourn the meeting at 7:40 p.m. Unanimous vote in favor.