

TOWN OF LAKEVILLE
Board of Health Meeting Minutes
March 16, 2016

The Lakeville Board of Health held a meeting on March 16, 2016 at the Lakeville Town Office Building. Board of Health Members present: Robert Poillucci, Derek Maxim and Christopher Spratt. Health Agent Lawrence Perry was also present.

Chairman Poillucci called the meeting to order at 6:05 p.m. and noted that this meeting was being recorded by Board of Health as LakeCAM had some technical difficulties.

36 Bliss Road – Abutter cards were submitted. Engineer Jaime Bissonnette was present as agent for Foresight Engineering. Members reviewed plans dated February 17, 2016 and associated request letter dated February 24, 2016. The board voted unanimously to approve all the following variances as requested:

- 1) Setback reduction from proposed SAS to an abutting private well on 2 Mayflower Road from the required 100 feet to only 60 feet;
- 2) Setback reduction from proposed SAS to an abutting private well on 26 Churchill Road from the required 100 feet to only 80 feet;
- 3) Setback reduction from proposed SAS to an abutting private well on 28 Churchill Road from the required 100 feet to only 80 feet;
- 4) Setback reduction from proposed SAS to an abutting private well on 38 Bliss Road from the required 100 feet to only 60 feet;
- 5) Setback reduction from proposed SAS to the onsite private well on 36 Bliss Road from the required 100 feet to only 60 feet;
- 6) Setback reduction from proposed SAS to the surface water supply (SWS) from the required 400' to 340';
- 7) Setback reduction from proposed septic tank to the SWS from the required 400' to only 350';
- 8) Setback reduction from proposed pump tank to the SWS from the required 400' to only 350';
- 9) A reduction from the State required two deep test holes for soil evaluation to only one;

Upon motion made by Member Maxim and seconded by Member Spratt, the Board:

VOTED: To approve the nine Local Upgrade Approval Variances. Unanimous vote in favor.

3 Court Circle – Abutter cards were submitted. Engineer Jamie Bissonnette from Zenith Consulting was present representing Prime Engineering and homeowner Mr. George Damato. Members reviewed revised plans dated March 14, 2016 listing five variance requests. There was considerable discussion regarding the treatment tank and the associated pressure distribution required as shown on plan, versus gravity distribution which the board felt would be more prudent at this site. Chairman Poillucci recused himself from the vote at which time Members Maxim and Spratt voted to approve the following requests along with one additional variance to allow gravity distribution rather than pressure distribution:

- 1) Local Upgrade Approval (LUA) to allow the pump/treatment unit to have a horizontal setback reduction from 400' to 150' to the secondary surface water

supply.

- 2) LUA to allow the septic tank to have a horizontal setback reduction from 400' to 150' to the secondary surface water supply.
- 3) LUA to allow a sieve analysis in lieu of a percolation test
- 4) LUA to allow the soil absorption system to have a horizontal setback reduction from 400' to 175' to the secondary surface water supply.
- 5) A variance from the required vertical groundwater separation from 5' to only 3'.
- 6) A variance to allow gravity distribution in leaching system rather than State required pressure distribution with advanced treatment.

The plans would need to be revised once again to show gravity distribution but the applicant would not have to come back to another meeting and the Health Agent can review and approve for the board when they are submitted. The variance request letter had not been revised nor re-submitted with the plans to reflect the vertical groundwater change from 1' to 2', however the variance listed on the plans did reflect the correct modification. It was also discussed that the AX-20 treatment tank approved is required to have an operation and maintenance contract with a State licensed wastewater operator, for the life of the system, and the dwelling is restricted to the existing 4 bedrooms with "no increase in flow", (which the owner stated he understood and did not object to which). Engineer Bissonnette also asked members if they could waive the \$25 revised plan fee.

Upon motion made by Member Maxim and seconded by Member Spratt, the Board:

VOTED: To approve five Local Upgrades Approvals along with one additional variance to allow gravity distribution rather than pressure distribution. Members also voted to waive the \$25 plan revision fee. Two in favor, one abstention, (Chairman Poillucci).

Planning Board Review & Comment

44 Clear Pond Road, Lakeville Country Club – Board Members reviewed a Proposed Golf Cart & Maintenance Building Location Plan dated February 19, 2016 to rebuild structures damaged in a recent fire. They also discussed a DEP communication previously received regarding hazardous waste runoff from the fire. Chairman Poillucci stated a letter should be sent that there were no Board of Health issues with the proposed reconstruction. Chairman Poillucci said in the future Health Agent Perry can review and comment on these petitions on behalf of the board and only put them on the agenda if he deems necessary.

Mobile Home Park License Renewal

Twin Coach Homeowner's Association – In a letter dated July 2, 2016, the Attorney General's Office had objected to the Community Rules for Twin Coach Estates. In a memo to Board Members from Administrative Assistant Jo Lima dated March 14, 2016, she stated that because Twin Coach Homeowner's Association had not renewed their license to operate, she contacted the Attorney General's Office for clarification. In an email to her dated March 8, 2016 she was advised by Legal Analyst Andrew Shealy that Twin Coach had provided revised proposed rules for review back in October 2015 but that the AGO had not yet reviewed them. He stated that at this time, it appears that the rules may be used for application purposes, but also stated that the AGO may review those proposed rules in the near future and a copy of their review response letter will be mailed to the Board of Health at that time. Chairman Poillucci asked Agent Perry to send Twin Coach a letter stating that their license was approved for this year, but for

them to correct any issues they may have with the Attorney General's Office in time for the 2017 renewal.

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

VOTED: To approve the renewal of the Mobile Home License for Twin Coach Estates Homeowner's Association. Unanimous Vote in Favor.

Nomination of Inspector of Animals

In accordance with the Massachusetts General Laws Chapter 129, sections 15 and 16, nominating authorities of each city and town are required to nominate one or more inspectors to the Director of the Division of Animal Health, Dept. of Agricultural Resources.

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

VOTED: To approve the nomination of Jared Darling as the Inspector of Animals for the year starting April 1, 2016 and run until April 30, 2017. Unanimous vote in favor.

Acceptance of March 2, 2016, 2016 Board of Health Meeting Minutes – Members reviewed the minutes. Tabled by Chairman Poillucci.

Revised Memo from Town Administrator Garbitt RE: Annual Town Meeting Article Submission - Not addressed

Enforcement Issues tabled from March 2, 2016 meeting – Not addressed

Memo from Town Administrator Garbitt dated March 11, 2016 RE: Proposed Warrant Article for an Agricultural Commission and a Right to Farm By-Law – A lengthy discussion was held. Members are concerned that the right to farm might supersede certain state and local public health requirements and/or create public health nuisances. Further discussion will be required and Town Counsel may need to be consulted.

Discussion on Rental Property Inspections – Chairman Poillucci stated this discussion somewhat coincides with the contract that members are trying to put in place with Charlie Kaniecki who is a retired District Health Officer from the Mass Dept of Public Health. Agent Perry said he had sent Administrator Garbitt two emails regarding Charlie as a consultant for the BOH. He said she had not yet given him a definitive response. Chairman Poillucci said he would try and speak with Administrator Garbitt to see if he could get it squared away. He then brought up the question about pre-rental inspections based on an inquiry about a potential landlord through Building Commissioner Darling. Health Agent Perry explained the Certificate of Inspection requirements under BOH Local Regulation 1.5 which states a Title V Inspection (which includes a water test and a septic and housing inspection) is required before a dwelling can be rented. Discussion ensued which included the fact that it was up to the Board's discretion whether or not they wanted to waive this regulation.

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

VOTED: To waive Title V Inspections and any other requirements with respect to BOH Local Regulation 1.5, based on Agent Perry's review on a site specific basis to his discretion, excluding the required well water analysis. Unanimous vote in favor.

Letter dated March 1, 2016 from vhb RE: Public Notification Requirement, Notice of Application for Special Project Designation for South Coast Rail Improvements Project, Release Tracking #4-25663

Chairman Poillucci asked Member Spratt for his input on this letter since is employed by vhb. Member Spratt said this letter was just informational and they are required to notify all area towns when there is a release of hazardous materials. No action required.

Rabies Clinic Reminder – Chairman Poillucci announced the clinic will be held Saturday, March 26, 2016 at the Highway Barn. Vaccinations will be administered from 1:30-3:00 for dogs, 3:00-3:30 for cats.

Chairman Poillucci suggested scheduling a hearing on April 20, 2016 to discuss and possibly vote on rescinding the new construction perc season (Local Regulation 4.0), which ends May 31, 2016, the local maximum perc rate (Local Regulation 4.1), the 2' mounding rule (Local Regulation 4.4a). Members also discussed changing the Title V Inspection (Local Regulation 1.1). Chairman Poillucci said they had voted in the past to have the Health Agent only witness the inspection if the Agent felt it was necessary. Health Agent Perry said this was never officially removed from the regulations and asked members if they wanted to change the fee from \$50 to \$25. Chairman Poillucci said to add this for discussion as well.

Member Maxim mentioned that Administrative Assistant Lima and Clerk Lawrence are working on a system to begin notifying homeowners of past due Innovative/Alternative System and Tight Tank Inspections.

Member Maxim brought up inspection tight tank inspections and how he just doesn't see people doing four inspections. He said most of the properties with tight tanks are seasonal properties. Agent Perry said the state (Title V) requires quarterly inspections and the BOH is supposed to enforce it and also has the right to require monthly inspections.

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

VOTED: To adjourn the meeting at 7:40 PM. Unanimous vote in favor.

Accepted as Typed
04-06-16JL