

**Board of Health Meeting Minutes  
March 19, 2014**

The Lakeville Board of Health held a meeting on **March 19, 2014** in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci and Terrence Flynn. Health Agent Lawrence Perry was present, as well as Administrative Assistant Jo Lima as Recording Secretary. Chairman William Garvey was absent with prior notice.

Acting-Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Administrative Assistant Jo Lima and LakeCAM, to be televised at a later date.

**39 Mill St.**

**(003-002-004/1)**

**Medeiros**

Homeowner Duane Medeiros was present for discussion. Acting-Chairman Poillucci began the discussion by saying that from what he understood a pool was going in the reserve area. He said what he would like to have him do is an observation hole while the excavator is there digging the pool and make sure Health Agent Perry is comfortable that there is a place to put the reserve area. Board Members were fine with him not doing a surveyed plan and just showing an estimated distance on his septic as-built or have whoever is digging do a couple of swing ties for him so he knows where the test holes are located.

Upon motion made by Member Flynn with Acting-Chairman Poillucci stepping down to second and stepping back up to vote, the Board:

**VOTED:** To approve the variance for the pool pending an open-hole inspection. Unanimous vote in favor.

**20 Clear Pond Road**

**(059-002-029)**

**Procaccini**

Present for discussion was homeowner Joshua Procaccini and his father Mike Procaccini. Presently his private stable permit is approved for one horse. He is requesting up to four horses. There were ten abutters notified, but certified mailer cards were only received for eight. Acting-Chairman Poillucci began the discussion by saying that Animal Inspector Darling submitted a letter and didn't appear to have an issue with the addition of the horses. Health Agent Perry said the only issue he had was where the paddock was going and the distance to abutting wells. Paul Martin, abutter from 52 Harcourt Ave. was present and was concerned about the distance to his well. There was some discussion while reviewing the plan.

Upon motion made by Member Flynn with Acting-Chairman Poillucci stepping down to second and stepping back up to vote, the Board:

**VOTED:** To approve the request to increase the number of horses for 20 Clear Pond Road up to four (4) for the existing private stable permit pending contact from the two abutters that were missing receipts. Unanimous vote in favor.

**Vote Ratification from February 12, 2014**

**90 Precinct St. / 1 Fern Ave.**

**(027-002-003 & 028-001-001)**

**Ken Wetherell**

At the last Board of Health Meeting Board Members voted on an item that was not listed on the agenda.

Upon motion made by Member Flynn with Acting-Chairman Poillucci stepping down to second and stepping back up to vote, the Board:

**VOTED:** To grant the six month extension to August 14, 2014 and if not completed by such time, fines of \$300 a day will be instituted. Unanimous vote in favor.

#### **Discussion on Local Upgrade Divergence Approvals**

At the board meeting held on September 19, 2012, Board Members voted *"To allow Agent Perry to approve all Local Upgrade Requests and Local Board of Health Waivers that that he feels comfortable with, providing no abutters are affected."*

Upon motion made by Member Flynn with Acting-Chairman Poillucci stepping down to second and stepping back up to vote, the Board:

**VOTED:** To amend the September 19, 2012 vote to read that each individual board member also has the authority to approve all Local Upgrade Requests and Local Board of Health Waivers as Assistant Board of Health Agents. Unanimous vote in favor.

#### **Discuss Amending Perc Test Regulations**

At the last Board of Health meeting there was mention of amending of the validity of perc tests dates. On September 29, 2004 it was voted to rescind the perc test regulation that was adopted on January 21, 1985 that stated. *"Percolation tests are good for a period of two (2) years from the date of the perc."* Therefore, percs performed after September 29, 2004 would be considered good indefinitely. Health Agent Perry was hired on March 26, 2003 and did witness perc tests leading up to 2004. Acting-Chairman Poillucci believes that because Member Garvey and Agent Perry were both soil evaluators at that time that was the intent.

Upon motion made by Member Flynn with Acting-Chairman Poillucci stepping down to second and stepping back up to vote, the Board:

**VOTED:** To make Perc Tests observed by Health Agent Perry or Board Member Garvey between March 26, 2003 and September 29, 2004 valid indefinitely for septic repairs/upgrades. Unanimous vote in favor.

#### **Discuss Title V's Requiring Further Evaluation by the Local Approving Authority**

Health Agent Perry began the discussion by saying that this comes up a lot when there is a Title V Inspection and there is a well within 100' and the nitrates are high in the well. The state parameters say the inspector cannot pass it and has to submit it as a further evaluation by the local approving authority. He said the state doesn't give any guidance on how to handle this so the Board of Health has to make the call to either make the homeowner upgrade the system, put in a Denitrification system, a new well or a treatment system. He said anyway you look at it it's going to cost people money, i.e. like requiring a hydrologic site assessment, which is going to be expensive. He felt this case (16 Deneise St.) would be a good example to run by the Board. He said they are usually small lots, in this case there is a shallow well, septic is only 12 years old, but it's only 60 feet away from a shallow well. There are nitrates coming up high in the well and they have increased over the years even after the new septic system went in. He said

it's feasible to say that the system is contributing to the nitrate contamination of the well. This is a case where the Local Approving Authority has to make a decision. He said a deed restriction could be placed on the property for well water testing and to make the homeowners aware of the risk if this is not done. Acting-Chairman said this case was interesting to him because originally in the notes Board Members made them put a proposed well on their septic plan and then gave them a permit with the understanding that if it didn't fix the problem, that a new well would have to go in. Agent Perry said the nitrates were 5.5 parts per million, whereas anything over 5 the state says the inspectors can't pass it. So it wasn't terribly high, but the drinking water limit is 10 and anything over 5 is considered an action level which should have increased annual monitoring at a minimum if not more so to make sure it's not creeping up any more. Member Flynn said we can't ask them to put a new well in, because it might not work. Agent Perry said that was true. Acting-Chairman Poillucci said because the nitrates have continually gone up, we don't know if that is the problem or not, so to put a de-nite on a septic, that may not even be the problem. Agent Perry said a treatment system would probably be best. He said there is a property with this issue that is being sold. He is suggesting they put a new deep well in or a water treatment system and then they can retest to prove that the water is better. Board members agreed that a disclosure letter should be sent to homeowners with this same situation suggesting either a new deep well or a treatment system and advise them of the potential risks if their water is not treated or monitored.

### **Tobacco 21**

There was a discussion in regards to a request from Dr. Lester Hartman to support the raising of the tobacco purchase age to 21 years old. Members felt that maybe this was something that should go before town meeting. Acting-Chairman Poillucci felt it wasn't the Board of Health's place to back any laws that we don't have the mechanism to enforce. Board members chose not to consider this at this time and asked Agent Perry to respond to Dr. Hartman's request.

### **Announcement of Rabies Clinic**

Acting-Chairman Poillucci announced the Rabies Clinic will be on Saturday, March 29, 2014 at the highway barn, from 1:30 – 3:00 for dogs, and 3:00 – 3:30 for cats and the fee is \$10.

### **Acceptance of Meeting Minutes**

Board Members reviewed the Board of Health meeting minutes from the February 12, 2014 meeting.

Upon motion made by Member Flynn with Acting-Chairman Poillucci stepping down to second and stepping back up to vote, the Board:

**VOTED:** To approve the Board of Health meeting minutes from the February 12, 2014 meeting as typed. Unanimous vote in favor.

### **Correspondence**

Board Members reviewed a Memo from Plymouth County Mosquito Control - RE: Public Notice of Proposed Aerial Pesticide Applications during the 2014 Season.

**2013 Intern, Brian Weeks**

Health Agent Perry mentioned that he wanted to send a thank you letter to Intern Brian Weeks thanking him for his research and recommendations while he was here in 2013. Agent Perry asked the board if they wanted to adopt any of his recommendations for additional water testing in regards to radio nuclides, although not required by the state. Member Flynn said that he would rather wait six months and see what data we receive on the Gross Alpha testing that we are currently requiring.

Upon motion made by Member Flynn with Acting-Chairman Poillucci stepping down to second and stepping back up to vote, the Board:

**VOTED:** To adjourn the meeting at 6:57 p.m. Unanimous vote in favor.

Accepted as Typed 4-9-14JL
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