

**Board of Health Meeting Minutes**  
**April 3, 2013**

The Lakeville Board of Health held a meeting on **April 3, 2013** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Health Agent Lawrence Perry was present, as well as Administrative Assistant Jo Lima as Recording Secretary.

Chairman Garvey 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).

**Reorganization of Board of Health Members**

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

**VOTED:** Member Garvey as Chairman. Unanimous in favor.

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

**VOTED:** Member Poillucci as Second Member. Unanimous vote in favor.

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

**VOTED:** Member Flynn as Third Member. Unanimous vote in favor.

**3 Cherry St.**

**(042-012-014)**

**Harold Tynning III**

Steve Rumba From Collins Engineering Group, Inc. was present for discussion. Abutter cards were submitted. He stated this was a septic repair that was done and approved back in 2003 and was never put in. He said they redesigned it based on the old perc information and decided to go with chambers instead. He stated that he forgot the green abutter cards and the revised plans, but would submit them before the end of the meeting. He was requesting the following:

1. Variance from Section 310 CMR15.211 – requiring a minimum 10’ setback from a crawl space to a leaching facility. A variance allowing a reduction from 10’ to 8’ is requested.
2. Variance from Section 310 CMR15.211 – requiring a minimum 100’ setback from a private drinking water supply to a leaching facility. A variance allowing a reduction from 100’ to 71’ is requested.
3. Variance from Section 310 CMR15.102 – requiring a minimum of two deep observation holes. A variance allowing one observation hole is requested.

Chairman Garvey asked if there was a three bedroom deed restriction to which Agent Perry replied that there was one in the property folder.

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

**VOTED:** To approve the three requested Local Upgrade Approvals subject to receipt of the green certified mail abutter cards and revised plans. It was a stipulation of the Board that an additional test hole (soil evaluation) be performed by a Certified Soil Evaluator at or prior to the Open-Hole Inspection. Unanimous vote in favor.

**7 Bristol St.**

**(051-001-019)**

**Patricia Corbett**

Steve Rumba From Collins Engineering Group, Inc. was present to request an extension on the septic and well previously approved by the Board of Health on February 8, 2012.

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

**VOTED:** To approve the request for an extension on the septic providing the system is installed by October 3, 2013. The well must be installed and completed within one year, (by April 3, 2014). Unanimous vote in favor.

**325 Pond Lane**

**(047-005-005)**

**Owen Richards**

Discussion was tabled from March 5, 2012 meeting. Steve Rumba From Collins Engineering Group, Inc. was present for continued discussion on the local upgrade approvals and variance request for two new wells. Also present at the meeting were multiple residents on the Cedardale Public Water Supply and their Certified Water Operator, Robert Bouchard. Water results were discussed at the meeting along with distribution line issues that a resident (and plumber) was working on. Chairman Garvey asked the residents about their water. One of the residents said she had no water at this time. He then asked before they had no water, how was the quality of the water. One of the residents answered, acceptable. Mr. Richards stated that have this water quality problem intermittently. Chairman Garvey said that a hardship needs to be proven for this issue to go before the Board of Appeals and that if a new well is drilled; they could end up with the same problem. Mr. Richards stated that over the past several years, three people have been allowed off of the PWS well and that he doesn't understand the distinction between the hardships that they showed compared to the hardship that he has to show. He stated that this has been going on for years. He said the well is old and has been fracked and repaired, they've had electricity issues, and they've replaced the pump and done a number of things over the years. He said that the water tests that were submitted do not match because the samples were taken at different times and that the problem is episodic. Bouchard said there was another shallow well that is a standby PWS well and can be used if necessary, but needs to be tested beforehand. However, Mr. Bouchard also stated that in his opinion, additional money should not be spent on this PWS for these issues and that it may be better spent by residents on their own new wells. Member Poillucci was concerned that some residents may not want to go off of the public well, but as a result of this approval, they may have to. Or they may incur more burdens fixing the shared PWS well. Chairman Garvey stated that 12 bedrooms are required for a community well, but a public water supply well is 25 people. One resident stated that the distribution system had leaks and stated it may be quite costly to find and repair such leaks, especially if they had to remove and replace pavement within the roads.

It was also discussed that granting these variances and allowing these two wells may cause DEP to de-commission the existing public water supply well and there may be

additional applicants applying for private wells. Agent Perry reminded the Cedardale residents that engineered proposed well plans would be required for any new wells and that Board of Health Regulations require approved sanitary septic systems for new wells (i.e. #323 Pond Lane will need to upgrade their cesspool in conjunction with the new well). It was also noted that if a Title V leaching system cannot be permitted under State and Local Regulations, a tight tank (minimum size 2000 gallons) may be permitted, providing a seasonal deed restriction is recorded on the property. Mr. Rumba stated that applicants own all applicable properties and any necessary easements will be provided by said owners/applicants.

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

**VOTED:** To approve the requested variances for two new private wells (one for 325 Pond Lane, and one for 323 Pond Lane) both to be located on accessory lot 3 (garage parcel for 213 Cedar Drive, map 47, block 13) requiring the water services for which to be run through Map 47, Block 8, Lot 6, and across both Cedar Drive and Pond Lane, as shown on proposed well plan by Collins Engineering Group, Inc. dated November 19, 2012. The existing distribution system for the PWS well must be fixed (all leaks sealed) as there may be some residents who cannot or will not be able to permit their own private wells and therefore, may need to stay connected to the PWS well, regardless of its remaining a PWS in the future. A copy of the approval letter is to be sent to all residents currently connected to the Cedardale PWS. Unanimous vote in favor.

### **2013 Board of Health License & Permit Renewals**

As stated on memo from Administrative Assistant Jo Lima, to renew the Common Victualler and Food Establishment Licenses for J & J's Seafood Drive-in.

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

**VOTED:** To approve the Common Victualler and Food Establishment Licenses for J & J's Seafood Drive-in, pending the pre-operation inspection. Unanimous vote in favor.

### **Nomination of Inspector of Animals**

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

**VOTED:** To approve the nomination of Jared Darling as the Inspector of Animals and the nomination of Laurice Hedges as Alternate Inspector of Animals. Unanimous vote in favor.

### **Discussion on Food Establishment Fees**

Member Poillucci began the discussion by stating that there were some concerns from local retail food establishments about the fee that was being charged for their license. Currently they are charged the same as a fully fledged food establishment that would take an hour or more to inspect. They don't feel the inspection justifies the \$200 annual fee. Member Poillucci asked Agent Perry how many retail establishments he thought there were and he replied possibly a dozen. He asked Larry to put a list together categorizing the food establishments in town.

**VOTED:** To table the discussion until more information is compiled. Unanimous vote in favor.

**MEHA Education Seminar on Mobile Food Trucks**

Chairman Garvey asked Health Agent Perry if he wanted to attend this seminar. Agent Perry thought it would a good idea to send Health Inspector Bernardo because we do license mobile food trucks and he has been handling the inspections.

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

**VOTED:** To send Health Inspector Bernardo to this seminar. Unanimous vote in favor.

**Announcement of Rabies Clinic**

Member Garvey announced the Rabies Clinic will be on Saturday, April 13, 2013 at the highway barn, from 1:30 – 3:00 for dogs, and 3:00 – 3:30 for cats and the fee is \$10.

**Batty-129 South Pickens St. (015-003-008) – Decision on Stable Permit**

The Board of Health had mailed a letter to the Campbell's and the Batty's stating that a decision was going to be made on the Batty's stable permit. Engineer John Delano was present for discussion as well as Mr. & Mrs. Batty. They were here to update the Board on the status of the Batty's moving of the barn that is on the Campbell's property. Engr. Delano began the discussion by stating that a notice of intent was filed with Conservation February 25, 2013 and was heard on March 19, 2013. The Order of Conditions was issued on March 27, 2013. He said the only thing the Batty's need to do now is record the order with the Registry of Deeds and get the erosion control barrier in because of the wetlands, which Mr. Batty said would be done this week. He showed them a plot plan that he prepared and showed them where the barn was being moved to. He advised the Board that the court case was going to be heard on May 29<sup>th</sup>, 2013, (which was postponed from February 13, 2013). His thoughts were that if the Batty's are showing progress that the judge would most likely continue the case again so that they could get it all finished. Engr. Delano respectfully asked the Board to hold off on their decision on their stable permit until the next court date.

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

**VOTED:** To continue this discussion once the court case scheduled for May, 29, 2013 has been heard. Unanimous vote in favor.

**Not on Agenda**

**8 Oak St.**

**(041-007-007)**

**Chris Couture**

Homeowner Chris Couture was present as well as Dimitri Costa for discussion regarding a proposed septic design at 8 Oak Street for the existing two bedroom dwelling that is in the process of renovation. The plan submitted by an engineer from ThompsonFarland Professional Engineers was for a proposed three bedroom Presby mounded with retaining walls. Mr. Couture also discussed the possibility of acquiring an additional 20,000 SF of acreage from abutters in August, which would be needed to

meet nitrogen loading for an increase from two to three bedrooms. In addition, a local variance would also be needed for the increase in flow from the 30 mpi maximum percolation rate to the State maximum of 60 mpi. Board Members did agree to approve the variances including a vertical reduction to groundwater for a two bedroom system at this time, this would allow the health agent to approve it for three bedrooms providing revised plans are submitted and they meet all other previously mentioned stipulations. The building permit can be signed off on at this time. The occupancy permit will only be signed by this office when a Board of Health approved septic design is installed and an approved water supply is confirmed. Mr. Costa asked if he could do 2/3 of the system at one level and then 1/3 at a higher level to change it to a three bedroom, and re-route the d-box. Agent Perry stated he thought he read that the State of Mass doesn't allow multi level Presby Systems, but he would look into it. Mr. Costa also asked if they could use boulders instead of concrete blocks to make it look nicer esthetically. The Board didn't have a problem with that if it could be tiered. Agent Perry said a P.E. would have to certify the wall design.

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

**VOTED:** To approve the variances including a vertical reduction to groundwater for a two bedroom system at this time. Unanimous vote in favor.

**20 Shore Ave.**

**(041-008-004)**

**Louis Vermette**

Homeowner Louis Vermette was present to discuss and seek preliminary approval from the Board Members for a plan (previously approved by BOH in December of 2012) modifications before returning to DEP for additional negotiations regarding the previously denied (by ConComm & DEP) plans. Board Members reviewed a preliminary redesign (submitted earlier today by AZOR Land Sciences), that showed the footprint of the proposed dwelling reconstruction at 20 Shore Avenue in a different location on the site plan. The discussion at that meeting included the new proposed well (which location also changed on the submitted modified plan) with respect to nitrogen loading. Board Members indicated that a new proposed well could be approved if a DEP approved "Denitrification" septic technology was utilized (the previous Presby design is not approved for Denitrification) and if the revised plans were submitted, the agent could preliminarily approve on behalf of the board for re-submittal to DEP for necessary State variances. In addition to discussing technologies approved for Denitrification (i.e. treatment tanks like FAST or Singulair in lieu of conventional) it was also discussed as to further reducing the footprint of the leaching facility through use of alternative soil absorption systems like BSF technology. Board Members understood that Mr. Vermette would meet again with DEP and the Lakeville Conservation Commission and expect another revised plan and variance request letter from him or his engineer in the near future, once conservation issues have been settled and a decision on the right I/A technology for this site has been made.

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

**VOTED:** To approve the well subject to the installation of a DEP approved Denitrification system. Unanimous vote in favor.

### **Acceptance of Meeting Minutes**

Board Members reviewed the minutes from the meeting held on March 6, 2013.

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

**VOTED:** To accept the Board of Health Minutes for March 6, 2013 as typed.  
Unanimous vote in favor.

### **Woods Edge Condos**

#### **Ebony Farm Rd**

**(063-002-003/2)**

Consultant Nick Lanney reviewed and approved revised plans from Outback Engineering dated March 18, 2013 for Woods Edge Condos on April 1, 2013.

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

**VOTED:** To authorize approval of plans reviewed by Consultant Nick Lanney for Woods Edge Condos. Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

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

**VOTED:** To adjourn the meeting at 7:10 p.m. Unanimous vote in favor.

Accepted as typed 5/15/13 JL
---------------------------------