

Board of Health Meeting Minutes
April 6, 2011

The Lakeville Board of Health held a meeting on April 6, 2011 in the Lakeville Town Office Building. Present at this meeting were Board Members William E. Garvey, Robert Poillucci, and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk 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 and would be televised by Comcast at a later date.

Board of Health Reorganization

Chairman Garvey stepped down and motioned to nominate Member Poillucci as Chairman of the Board of Health. Member Flynn seconded the motion, and the vote was unanimous in favor.

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

VOTED: Member Garvey as Second Member and Member Flynn as Third Member.
Unanimous in favor.

The Board congratulated Member Flynn on his re-election as a Member of the Board of Health.

17 Pilgrim Road

040-001-006

Jeffrey Holmes

Steve Rumba was present from Collins Engineering. Mr. Rumba submitted revised plans showing well variances. He stated that the well use to be shared. He said they were staying away from wetlands and that it has already been approved by Conservation. Mr. Rumba presented two abutter notification cards.

Local Upgrade Approval Requests:

1. Variance from Section 310CMR 15.211 of the State Sanitary Code which requires a minimum 100' setback from a private well to a leaching facility.
 - a. A variance allowing reduction from 100' to 60' is requested.
 - b. A variance allowing reduction from 100' to 72' is requested.
 - c. A variance allowing reduction from 100' to 89' is requested.
2. Variance from Section 310CMR 15.211 of the State Sanitary Code which requires a minimum 20' setback from a foundation wall to a leaching facility. A variance allowing a reduction from 20' to 12' is requested. (Liner Provided).

State Variance Request:

1. Variance from Section 310CMR 15.211 of the State Sanitary Code which requires a minimum 50' setback from a private well to a septic tank. Variance from 50' to 46' is requested.

Lakeville Board of Health Regulations Well (ATF) Variance Request:

A variance that will allow a 10' to 0' existing well to be located on a lot line is requested.

Upon motion made by Member Garvey and seconded Member Flynn, the Board

VOTED: To approve the four Local Upgrade Approval Variances, one State Variance and one after-the-fact Local Board of Health Well Variance pending a passing water analysis. Unanimous vote in favor.

12 Village Road, Lot #17 **031-002-019/17** **G.M. Real Estate Investments**

Jason Youngquist was present from Outback Engineering requesting a Board of Health regulation variance of separation of groundwater down to 1'. Even with the 1' separation the foundation is 11' above the centerline of the road. Will be installing foundation drains to get any water that might be above the ground water elevation. Youngquist stated has a perimeter drain around the back of the lot that ties into the underlying drain of the road to keep any water out. Member Poillucci stated that he was waiting for comments from the Planning Board regarding any drainage issues, but that they hadn't met yet. Member Garvey stated they have given many variances over there in that subdivision. Member Flynn asked if a separation from the system to the drain should be shown. Youngquist said he will definitely show it on the as-built.

Upon motion made by Member Garvey and seconded Member Flynn, the Board

VOTED: To grant the request for a variance of 2.7 of the Lakeville Board of Health Regulations requiring a two (2') foot separation to groundwater from the cellar floor to one (1') foot. This is subject to the drainage components being shown on the "As Built" plan. Unanimous vote in favor.

3 Apponequet Drive **056-004-042** **Sandra Peterson**

Jon Pink was present from Azor Land Sciences, Inc. requesting three Local Upgrade Approval Variances for a septic repair bordering Long Pond. He stated that the house is an 8 bedroom house and asked rather than putting in a 3000 gallon tank with two compartments, if they could put in two tanks, (2000 and 1000) in series.

Local Upgrade Approval Requests:

1. Reduction of the setback of the soil absorption system to a surface water supply from 400' to 260' per 310CMR 15.405 (1) (g).
2. Reduction of the setback of 2000 gallon septic tank to a surface water supply from 400' to 260' per 310CMR 15.405 (1) (g).
3. Reduction of the setback of 1000 gallon septic tank to a surface water supply from 400' to 260' per 310CMR 15.405 (1) (g).

Upon motion made by Member Garvey and seconded Member Flynn, the Board

VOTED: To approve the three Local Upgrade Approval variances as requested. Unanimous vote in favor.

2011 Board of Health License & Permit Renewals

Upon motion made by Member Garvey and seconded Member Flynn, the Board

VOTED: To approve the following licenses as noted on memo from Board of Health Clerk Lima dated April 6, 2011.

MFH Acquisition of Lakeville LLC d/b/a **Dunkin Donuts**

Royal Pizza

Somethin's Brewin' Book Café, Inc.

Joseph R. Starr d/b/a Starr's Country Market

Tamarack Wine & Spirits, Inc.

Unanimous vote in favor.

Informational

Memo from Town Administrator Garbitt – Re: Articles for the Special Town Meeting

Memo from Town Administrator Garbitt – Re: Postponement of Annual Town Meeting

Memo from Town Administrator Garbitt – Petition for Hearing-Panettieri-54 Main St. –

Chairman Poillucci is expected to attend.

Old Business-Meeting Minutes

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

VOTED: To accept the minutes of the meeting of January 5, 2011 as typed. Unanimous vote in favor.

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

VOTED: To accept the minutes of the meeting of February 16, 2011 and March 23, 2011 as typed. Member Garvey was absent for these meetings.

4 Woodland Ridge Drive, Lot #30

031-002-019/30

Long Built Homes, Inc.

Engineer Jaime Bissonnette was present from Prime Engineering, Inc. requesting the following two variances from the Board of Health Regulations. We tried to do some test holes up front and got 2 minute per inch rate and it popped the system way out of the ground, so we are asking for the greater than 24" to the top of the system. The house way up at the front we are asking for a reduction to 1' to ground water from the basement floor. We feel pretty confident that we are going to be a minimum of a foot or greater to the water table. When Long Built Homes builds houses they always put the stone underneath the slab and they bury a five gallon bucket upside down in a specific corner so everything is ready to go in case they do run into a situation. Chairman Poillucci asked if they put the stone into the footings and then around them and then fill up on the inside with the stone to which Mr. Bissonnette replied yes.

Local Board of Health Regulation Variances requested:

1. A variance from section 4.4 which requires that "the system not exceed 24" to the top of the SAS above the natural elevation at the location where percolation test was performed". A variance from 24" to 48" is requested (to be 2' higher).
2. A variance from section 2.7 which requires that 'lowest floor elevation must be a minimum of 24" higher than the agreed high groundwater elevation as determined at percolation testing/soil evaluation between CSE and town witnessed or as documented with additional soil/HGW forms for additional test holes by CSE as foundation location (s). A reduction from 24" to 12" is requested.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the two Local Board of Health Regulation Variances as requested. Unanimous vote in favor.

40 Shore Ave.

041-001-004

Pamela Rocharz

Homeowners Pamela & John Rocharz were present for discussion. They are requesting to add a second floor to their current home that was flooded last March. They will only be using the downstairs until a time that they have the funds to finish the second floor. They will be complying with building codes. Their home is currently a two bedroom. After current and future construction their home will continue to be a two bedroom residence. Member Flynn asked Agent Perry about DEP. Agent Perry stated that because of the nature of the variances, it actually had to go to DEP for the state variances and because of the way they worded the language back then they said “no increase in square footage”, but now it’s worded “no increase in square footage that would result in an increase in flow”.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the second floor addition. Unanimous vote in favor.

9 Flintlock Lane

015-005-019C

Gary Myers

Homeowner Gary Myers was present for discussion. Myers said he is requesting two variances from the Board of Health Residential Swimming and Wading Pool Regulations to erect an above ground pool 16’ from the septic system and 17’ from the foundation. Mr. Myers stated that he would like the pool closer to the deck and that it’s mainly for convenience. Member Garvey asked Mr. Myers if he knew exactly where the septic components were and he replied yes.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the two variances from the Board of Health Residential Swimming and Wading Pool Regulations to erect an above ground pool 16’ from the septic tank and 17’ from the dwelling foundation. Unanimous vote in favor.

14 Bells Brook Road

012-004-004L

James Boyadjian

Matthew Collins from Apollo Pools & Spas was present for discussion. He is installing an 18’ diameter above ground pool and is requesting a variance from the Board of Health Residential Swimming and Wading Pool Regulations to erect a pool 14’ from the septic tank. Member Flynn stated that he could go closer if he wanted to and the Board would be fine with that.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the above ground pool variance from the Board of Health Residential Swimming and Wading Pool Regulations to erect a pool 14’ from the septic. . Unanimous vote in favor.

Board of Appeals Petition for Hearings

67 County Road

007-004-006 & 007-004-006B

DeGrazia/Bento

Board Members reviewed the Petition for Hearing for DeGrazia/Bento. It was noted that test holes and percolations tests were performed and witnessed by the Board of Health and found to be suitable for the design of a subsurface sewage disposal system.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To send a letter to the Board of Appeals stating the Board of Health has no reasons to deny or approve this Petition. Test holes and percolation tests were performed and witnessed by the Board of Health and found to be suitable for the design of a subsurface sewage disposal system. Unanimous vote in favor.

Staples Shore Road, Lot 1D **058-008-001A** **Lions Club of Lakeville, Inc.**

Board Members reviewed the Petition for Hearing for the Lions Club of Lakeville, Inc. It was noted that test holes and percolation tests were performed and witnessed by the Board of Health and found to be suitable for the design of a subsurface sewage disposal system.

Upon motion made by Member Garvey and seconded by Member Flynn, the board

VOTED: To send a letter to the Board of Appeals stating the Board of Health has no reasons to deny or approve this Petition. Test holes and percolation tests were performed and witnessed by the Board of Health and found to be suitable for the design of a subsurface sewage disposal system. Unanimous vote in favor.

Not on Agenda

Island Terrace Nursing Home update - Agent Perry informed the Board that Norfolk Ram has submitted plans and DEP has approved a permit to install a temporary new leaching system and new grease trap as an interim solution until they can get a new wastewater treatment facility permitted and installed. This is in response to the DEP's latest ACO for this historically failed large system that had been previously hoping to utilize new developing pumping technology for moving composted waste to a compost farm in addition to a large greywater SSDS but that technology has run into a lot of issues and they may be buying time to design a treatment facility instead. Agent Perry asked the board if they wanted our contract Nick Lanney, Professional Engineer to review & inspect the temporary system components going in or would the board want him to perform any inspections. He stated that since this is only temporary he would recommend that the Board simply allow the DEP to retain total oversight as they will be permitting this and any future system going in, as he understood it. That being said, he would be happy to perform inspections there, should any board member not be comfortable with DEP retaining total oversight in this critical area.

A discussion was held and the Board stated that the DEP should do the inspections not Larry and we should leave all oversight to DEP.

217 County St. **37-1-2** **Lakeville Fraternal Order of Eagles #3994**

A letter dated April 5, 2011 was received from Deborah Anderson, Chairperson for the Lakeville Eagles requesting a 30-day extension on the septic repair deadline of April 1, 2011 that was voted on at a Board of Health meeting held on February 16, 2011. Agent Perry gave the Board an update on the progress being made and stated that the system may be finished by the end of the week.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To grant them a 30 day extension on the septic repair deadline of April 1, 2011 to May 1, 2011. Unanimous vote in favor.

Stable Permit Renewal (PRIVATE)

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the following stable permit:

Pamela Smedberg 446 Bedford St.

Unanimous vote in favor.

There was a discussion held on the Title V Witnessing Fee and that it should possibly be changed to a review fee. Applications and appointments would still be made with the Board of Health, only Agent Perry would do a review of the Title V Report and only do occasional witnessing if he felt it was necessary.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To change the Title V Inspection Witness Fee to a Title V Inspection Review Fee. Applications and appointments continue to be made with Board of Health but the fee would be for review of the Title V Report with Agent Perry doing occasional witnessing when he feels it is necessary. He no longer has to be present at the Title V Inspections. Unanimous vote in favor.

Member Flynn asked Larry for his comments to which he replied that he was wondering about the Regulations and whether this should be advertised. Member Flynn stated we do not have the funds in the advertising budget to do so.

Update on Dumpster Permit Restructuring Process

Chairman Poillucci updated the Board on the status of Dumpster Permit Restructuring process and stated that all the letters to the trash haulers have been mailed out along with the letter that they should be mailing to their customers. He also informed the Board that he will be pulling a dumpster permit for the Bridge St. Construction and wanted to make them aware prior to doing so in case there were any issues.

Employee Performance Evaluation System

Member Flynn said that he spoke to Administrator Garbitt and was told that the evaluations can't be done in executive session or by the three board members together. He suggested they each complete an evaluation on each employee and submit them. Member Garvey said he also spoke to Administrator Garbitt and told her he felt Supervisor Teser should conduct Clerk Lima's evaluation because she is her Supervisor. He said that the Board Members are not in the office forty hours a week and don't have an understanding of exactly what each employee does. Member Flynn said that the Board needs to do something. Member Garvey said that he's just not comfortable doing the evaluations. He wants to discuss this with Administrator Garbitt again. Member Flynn's concern is when it comes down to pay rates for next year and there is nothing in the files for the employees of the Board of Health, will they lose out on their raises. Member Garvey said he doesn't know and wants to look into it some more. Chairman Poillucci said the Wage & Personnel has been working on this for the last four meetings. They are trying to bring more conformity into the building. Member Garvey said he can understand that, but it's putting a lot on Board of Health Members. Member Flynn said he agreed and was just not comfortable doing them. Member Garvey said neither is he. Member Flynn said he didn't want the Board of Health employees to be ineligible for a raise because the evaluation forms weren't completed.

Chairman Poillucci said there may be an exceptional employee and an employee not pulling their weight. He stated he wasn't basing his examples on the BOH employees. He said an example they're considering is taking a department percentage and dividing it up amongst the employees based on performance. It was decided that Chairman Poillucci would bring this discussion up at the next Wage & Personnel Board meeting and inform the Board Member of the outcome.

Vendor Warrants were signed by the Board Members.

Upon motion made by Member Garvey and seconded Member Flynn, the Board

VOTED: To adjourn the meeting at 6:50 p.m. Unanimous vote in favor.