

Board of Health Meeting Minutes
May 18, 2011

The Lakeville Board of Health held a meeting on May 18, 2011 in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci, William E. Garvey and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk Jo Ann 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 Jo Ann Lima.

30 Fuller Shores

044-001-009

Joanne Alderman

Brad Fitzgerald, Engineer from SFG Associates was present for discussion. Fitzgerald stated that the homeowner is proposing to replace the existing septic system with a Title V system composed of a "JET" treatment plant, pump chamber, and pressure distribution leaching field and is requesting approval of the following Local Upgrade Approvals, State and Lakeville Board of Health Regulations Variances:

Local Upgrade Approval Variance Requests

Under Title 5, Section 15.405(1), the following local upgrades are requested:

(g) To allow the s.a.s. to be approximately 54' from the locus well, instead of the required 100'.

(g) To allow the s.a.s. to be approximately 71' from the abutting well of Demello, instead of the required 100'.

(g) To allow the s.a.s. to be approximately 93' from the abutting well of Humphrey, instead of the required 100'.

(g) To allow the s.a.s. to be approximately 101' from a surface water supply (Long Pond), instead of the required 400'.

(i) To allow the use of a sieve analysis, in lieu of performing a percolation test.

Title 5 State Variance Requests

The following variances are requested to Title 5, Section 15.211:

To allow the septic treatment tank to be approximately 35' from the locus well, instead of the required 50'.

To allow the pump chamber to be approximately 43' from the locus well, instead of the required 50'.

To allow the septic treatment tank to be approximately 84' from a surface water supply (Long Pond), instead of the required 400'.

To allow the pump chamber to be approximately 92' from a surface water supply (Long Pond), instead of the required 400'.

Lakeville Board of Health Regulations Variance Request

The following variance to the Lakeville Board of Health Regulations Section 2.0 is requested:

To allow a lot of less than one half acre to have a water supply and sewage disposal.

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

The following after the fact variance to the Lakeville Board of Health Regulations Section 12.1 is requested:

To allow the existing locus well to be approximately 5' from the property line, instead of the required 10'.

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

VOTED: To approve the variances as requested subject to the following stipulations:

1. The Title V (State) variances need to be submitted to the **Department of Environmental Protection (DEP)** for their approval for the State Variances prior to this office issuing a septic permit to the licensed installer.
2. The Jet system requires a **Renewable O & M Agreement /Contract (Operation & Maintenance)** for no less than one year with a certified wastewater operator. The O & M (Operation & Maintenance) Agreement /Contract is required because of the variances requested and shall be required for the life of the septic system and is the responsibility of the homeowner. The Board of Health Office must receive a signed copy of said contract.
3. An **annual Inspection & Maintenance Agreement/ Contract for Pressure Distribution** with a licensed septage installer and/or wastewater operator is also required and shall be renewed as required to maintain this system.
4. A deed restriction (**Restrictive Covenant**) must be recorded at the Plymouth County Registry of Deeds; stating the dwelling will remain a (3) three bedroom dwelling with no increase in flow to the septic system, and that the dwelling houses a “Jet” 500 treatment system that requires a O & M Contract for the life of the system and that this property has a pressure distribution leaching system that requires an annual inspection and maintenance contract for the life of that system.
5. Because the analytical report (on-site shallow well) showed high nitrate nitrogen, the Board of Health is requiring a retest on this well no later than one year from the previous test (2/23/2011) and a copy of that report needs to be submitted to the Board of Health Office for further evaluation by the Health Agent.
6. The abutting wells at (Demello) **27 Fuller Shores Road** (044-003-005) and (Humphrey) **28 Fuller Shores Road** (044-001-008) must be tested per **Title V perimeters** (coliform bacteria, ammonia nitrogen, and nitrate nitrogen) prior to issuance of the septic permit. All well testing will be at **Joanne Alderman’s expense**. A copy of all water analysis tests must be submitted to the Board of Health Office for approval of the Health Agent.

Unanimous vote in favor.

17 Pilgrim Road

040-001-006

Jeffrey Holmes

Steve Rumba of Collins Civil Engineering Group, Inc. was present for discussion. A request letter was received requesting the following Local Upgrade Approval Variances and an After-the-Fact Variance from the Lakeville Board of Health Regulations:

Local Upgrade Approval Variances Requested

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 variance allowing a reduction from 100’ to 65’ to the on-site well is requested.
2. 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 variance allowing a reduction from 100’ to 66’ to the well located at 19 Pilgrim Road is requested.
3. 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 variance allowing a reduction from 100’ to 93’ to the well located at 16 Pilgrim Road is requested.

VOTED: To approve the request for the above Local Upgrade Approval Variances and Lakeville Board of Health Regulations Variance. Unanimous vote in favor.

7 Shore Ave.

041-014-002

David & Cheryl Rogers

Fred Fish of Raggs Septic Service, Inc. was present for discussion. Mr. Fish stated that the homeowners are proposing to install a “**Tight Tank**” and are requesting the following State Variances:

State Variance Requests

1. 310CMR 15.211(1) Placement of a Tight Tank within 100’ of a Surface Water Supply (66’ setback proposed).
2. 310CMR 15.211(2) Placement of a Tight Tank within the Zone 1 of a Public Water Supply Well (189’ setback proposed).
3. 310CMR 15.227(5) Placement of a Tight Tank inlet invert 18” below the high groundwater elevation.
4. 310CMR 15.260 Use of a Tight Tank

According to the Board members, this dwelling would require a “Seasonal” (2) two-bedroom deed restriction, the Department of Environmental Protection’s approval for the State variances requested, and a Registered Land Surveyor’s (RLS) stamp on the “As Built” plan. An **Order of Conditions** has already been issued by the **Conservation Commission** for this repair.

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

VOTED: To approve the above requested variances; subject to the following stipulations:

1. All Title V (State) variances need to be submitted to the **Department of Environmental Protection (DEP)** for their approval for use of the “Tight Tank”, and approval must be received by this office; prior to issuing a septic permit to the licensed installer.
2. A deed restriction (Restrictive Covenant) must be recorded at the Plymouth County Registry of Deeds stating that the dwelling will remain a “**Seasonal**” (2) two-bedroom dwelling with no further expansion and no increase in flow to the septic system, and it is to be made known that this dwelling houses a “Tight Tank” that requires a Renewable Inspection and Maintenance Contract for the life of the system
3. A **Two Year Renewable Service Contract** with a “**Town of Lakeville Licensed Septage Pumper/Hauler**” needs to be submitted to the Board of Health Office before the issuance of the Certificate of Compliance for the septic system.
4. An **Quarterly Inspection Agreement** acceptable to the Board of Health needs to be submitted to the Board of Health Office prior to the issuance of the Certificate of Compliance for the septic system. (Both contracts can be combined into one when a Licensed Pumper/Hauler is also a Certified Inspector.

5. An RLS (**Registered Land Surveyor**) **stamp** must be on the “**As Built**” plan confirming the minimum setback distances.

Unanimous vote in favor.

8 Rush Pond Road

060-007-006

Michelle Hecht

Homeowner Michelle Hecht was present for discussion relative to a deteriorating deck on her property. She is requesting a variance from Lakeville Board of Health Regulations 2.6 permitting her to reconstruct the deck as a three season porch within 5’ of any component.

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

VOTED: To approve the request to rebuild the current deck as a three season porch providing that the septic tank is pumped and inspected prior to reconstruction. Unanimous vote in favor.

Not on Agenda

27 Hill St.

016-005-010B

Matthew Bosari

Homeowner Matthew Bosari was present for discussion regarding his request for a variance from the Lakeville Board of Health Regulations 2.6 to install a pool 15’ from a dwelling foundation.

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

VOTED: To approve the request to erect an above ground pool fifteen feet (15’) from the dwelling foundation. Unanimous vote in favor.

Board of Appeals Petition for Hearings

40 Shore Ave.

041-001-004

Pamela & John Rocharz

The Board suggested a copy of the Board of Health approval letter from the April 6, 2011 meeting be mailed to the Board of Appeals.

2011 Board of Health Licenses and Permits

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

VOTED: To approve the following licenses and permits as noted on memo from the Board of Health Supervisor Teser dated May 18, 2011:

(New Applications)

- CVS/Pharmacy #5407 – Food Establishment License
- CVS/Pharmacy #5407 – Sale of Milk & Cream (Store License)
- CVS/Pharmacy #5407 – Sunday Ice Cream License
- CVS/Pharmacy #5407 – Tobacco Vendor Permit

MILK & CREAM LICENSE RENEWALS

Annelise Dexter d/b/a **Danish Dogs**

Aramark Educational Services LLC

* Apponequet High School

* Freetown Lakeville Middle School

* George R. Austin Intermediate School

Assawompset Elementary School

Assawompset Golf Co. LLC d/b/a **LeBaron Hills Country Club**

BBP Corp. d/b/a **Muckey's Liquors**
The Back Nine Club LLC
Camp Joe Hooker, Inc. (Lion's Club)
Cisco's Corp. d/b/a **Cisco's Pizza**
Corporate Chefs, Inc. (**Talbots**)
Gulf Resources, Inc. (Joe's Gas)
Hawaii Corporation d/b/a **Orchid of Hawaii Restaurant, Inc.**
Island Terrace, Inc.
Joseph R. Starr d/b/a **Starr's Country Market**
MFH Acquisition of Lakeville d/b/a **Dunkin Donuts**
Poquoy Investment Group LTD (Poquoy Brook Golf Course)
Savas Liquors, Inc.
Sedell, Inc. d/b/a **Sedell's Pharmacy**
Somethin's Brewin' Book Café
The Sunshine Café
Tand, Inc. d/b/a **Subway**
Tutto Italiano, Inc.
Walgreens #10269

SUNDAY ICE CREAM LICENSE RENEWAL

The Sunshine Café

Unanimous vote in favor.

Appointment of Inspector of Animals

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

VOTED: To approve the appointment of Jared Darling as Inspector of Animals.
Unanimous in favor.

Vote to sign Payroll Sheets

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

VOTED: To authorize any one of the Board Members to approve/sign payroll. Unanimous
vote in favor.

Discussion on BOH staff benefits in regards to scheduled leave

A discussion was held on what procedure should be followed when office staff is requesting time off. Upon a motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: That the office staff should notify Chairman Poillucci for approval of any time off.
Unanimous vote in favor.

Old Business

Twin Coach Estates

Agent Perry's notes- Units 5,7, & 9 Local Upgrade Approval for divergence form 310 CMR 15.254(2) was granted by the Board previously for 4 units (3,5,7 & 9) back in 2009 with the

stipulation that the upgrade was performed within one year. We have received these revised plans which now omits unit 3 from the upgrade since that unit passed a Title V inspection last month. The current plans propose three new tanks with a shared conventional leaching chamber SAS to replace failed systems for those three units. Agent Perry would recommend approval with a two month deadline for installation which would be the maximum state deadline for these systems deemed in failure almost two years ago. The plans were submitted as revised and he advised engineer that the state deadline would remain in effect and if anyone wanted to dispute that, they should show up for the meeting. The installer and engineer both said they understood and would inform their client but doubted anyone would show up to dispute the deadline.

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

VOTED:

Unanimous vote in favor.

328 Bedford St.

(057-001-014)

Lewis Gammons

Agent Perry's notes – Multi-use commercial business whose owner had expanded use of his property against Board of Health orders for a year now while making financial excuses for delay of repairs. Agent Perry recommends weekly fine for every deadline missed.

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

VOTED: To have Agent Perry send letter to Mr. Gammons stating that documents must be submitted and stamped by Registered Land Surveyor by June 1, 2011 or be fined \$200 a week beginning June 2, 2011. Unanimous vote in favor.

Informational

- Plymouth County Mosquito Control-Re: Notification of mosquito adulticide applications
- Communication from Town of Middleboro – Re: unpaid water bills
- **Norfolk-Ram Engineering Solutions** – Re: Island Terrace Nursing Home, 57 Long Point Road (070-001-0020 Monthly Status Report Norfolk Project No. 986.001.02 Task 3

Vendor Warrants were signed by the Board Members.

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

VOTED: To adjourn the meeting at 7:20 p.m. Unanimous vote in favor.