

Board of Health Meeting Minutes
May 20, 2015

The Lakeville Board of Health held a meeting on **May 20, 2015** in the Lakeville Town Office Building. Present at this meeting were Board Members, Robert Poillucci, Terrence Flynn and Derek Maxim. Health Agent Lawrence Perry was also present.

Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by the Board of Health and LakeCAM.

323 Pond Lane (047-005-004)

Engineer George Collins from Collins Civil Engineering Group, Inc. was present representing the homeowners Owen Richards and Julie Ann Smith. They were requesting multiple variances to permit an Advanced Presby System on an undersized lot. Abutter cards were submitted. Engineer Collins stated he is designing a septic upgrade for very difficult conditions. He stated there was compact material and wet material so they collected a sieve analysis and because the material was compact they had to design a very large system. Board Members reviewed revised plan submitted to the Board of Health Office on April 24, 2015 along with an associated revised variance request letter dated April 17, 2015 requesting the following variances:

REQUESTED LOCAL UPGRADE APPROVALS:

1. VARIANCE IN ACCORDANCE WITH DEP POLICY #BRP/DWM/PEP-POO-1, ALLOWING A PERCOLATION RATE TO BE ESTABLISHED VIA GRAIN SIZE DISTRIBUTION ANALYSIS IS REQUESTED.
2. VARIANCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 10' SETBACK FROM A PROPERTY LINE TO A LEACHING FACILITY. VARIANCE ALLOWING A REDUCTION FROM 10' TO 1' IS REQUESTED (STREET LAYOUT ONLY - PRIVATE WAY).
3. VARIANCE FROM SECTION 310 CMR 15.212 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 4' VERTICAL SEPARATION BETWEEN THE HIGH GROUND WATER ELEVATION AND THE BOTTOM OF THE SOIL ABSORPTION SYSTEM WITH A PERCOLATION RATE GREATER THAN 2 MINUTES PER INCH. A VARIANCE ALLOWING A REDUCTION FROM 5' TO 3' IS REQUESTED.
4. VARIANCE FROM SECTION 310 CMR 15.227 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 12" VERTICAL SEPARATION BETWEEN THE HIGH GROUND WATER ELEVATION AND THE LOWEST TANK INVERT. A VARIANCE ALLOWING A REDUCTION FROM 12" TO A MINIMUM OF 1" IS REQUESTED.
5. VARIANCE ALLOWING A SEWER LINE TO CROSS A WATER SERVICE (SLEEVE PROVIDED).

REQUESTED VARIANCES:

1. VARIANCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 400' SETBACK FROM A SURFACE WATER SUPPLY (LONG POND) TO A SAS. VARIANCE ALLOWING A REDUCTION FROM 400' TO 80' IS REQUESTED.

2. VARIANCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 400' SETBACK FROM A SURFACE WATER SUPPLY (LONG POND) TO A SEPTIC TANK. VARIANCE ALLOWING A REDUCTION FROM 400' TO 66' IS REQUESTED.
3. VARIANCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 400' SETBACK FROM A SURFACE WATER SUPPLY (LONG POND) TO A PUMP CHAMBER. VARIANCE ALLOWING A REDUCTION FROM 400' TO 66' IS REQUESTED.
4. VARIANCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 100' SETBACK FROM WETLANDS BORDERING A SURFACE WATER SUPPLY (LONG POND) TO A SAS. VARIANCE ALLOWING A REDUCTION FROM 100' TO 62' IS REQUESTED.
5. VARIANCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 100' SETBACK FROM WETLANDS BORDERING A SURFACE WATER SUPPLY (LONG POND) 48' IS REQUESTED.
6. VARIANCE FROM SECTION 310 CMR 15.211 OF THE STATE SANITARY CODE WHICH REQUIRES A MINIMUM 100' SETBACK FROM WETLANDS BORDERING A SURFACE WATER SUPPLY (LONG POND) TO A SAS. VARIANCE ALLOWING A REDUCTION FROM 100' TO 48' IS REQUESTED.

Board members were concerned with how close to the road the system would be. Member Maxim asked if there was a bathroom in the garage. Engineer Collins said there was a half bath. A discussion ensued regarding the site flow and the leaching design and associated setbacks to Pond Lane. Specifically the existing one bedroom within the garage came into question. Members requested that the Health Agent meet with the applicant and their engineer onsite to verify if the garage bedroom meets bedroom standards with respect to State regulations/definitions. Engineer Collins requested a continuance to the next meeting to gather more information.

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

VOTED: To continue the discussion to the next meeting on June 10, 2015. Unanimous vote in favor.

4 Jeanine St. (039-002-013)

Zachary Grady and homeowner Nelson Alvarez was present for discussion. A variance request letter dated May 6, 2015 was received to the Board of Health requesting approval for a point of use water treatment system to correct nitrogen MCL levels in the well water as reported on an analytical report dated April 30, 2015. Multiple variances had been previously granted from the Board of Health for a proposed septic repair (including reduction from well to septic from 100' to 50') with the stipulation that a two bedroom deed restriction was recorded and the standard (passing) water test for the locus well. The water results were not satisfactory and showed that the onsite water supply well for this property did not meet the minimum standards for human consumption for Nitrogen. Members reviewed the request and had a lengthy discussion. They stated a "whole house" system for nitrate reduction should be installed and retested after installation to verify nitrate reduction. Members also stated there should be an associated deed reference that identifies the need for the treatment system since raw well water is unacceptable to make the water suitable for human use from all fixtures. Whatever maintenance the manufacturer stipulates should also be

referenced and at least annual testing to verify the system is working as intended. It was also discussed that the compliance for the septic system has not been issued because the Board of Health has not received the required as-built plan or the necessary (after the fact) additional variance request as the septic tank was installed in different location from the approved location on plan and no longer meets the minimum setback from the street layout.

Discussion on Well Water Testing

Chairman Poillucci began the discussion by going over what he felt was discussed and voted on by the Board at previous meetings with regard to Gross Alpha. He wanted to clarify the process because he said he'd been getting calls saying that the Board of Health was holding up occupancy and building permits. He stated that he didn't understand how this happened and felt the process was not being implemented properly by the employees. The seller's realtor, Joanne Drabble and the potential home buyer for 37 Mill St were present. She felt that the Board of Health should sign off on a building permit despite the fact that a water analysis came back showing Gross Alpha was present and argued that other properties had been permitted with the same circumstances. She felt it should be left up to the buyer as to whether or not he wanted to have a treatment system installed. Chairman Poillucci reiterated to her several times that once the Board of Health is aware of the issue, they can't just turn their heads and act like the problem doesn't exist. A lengthy discussion ensued. Members decided to modify the policy to help clarify the process and hopefully have it run more efficiently.

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

VOTED: To modify the Gross Alpha Policy voted on January 1, 2015 for new wells only to read as follows:

Gross Alpha Policy **(Applicable to New Wells Only)**

PLEASE BE ADVISED IF THE WATER SAMPLE IS NOT TAKEN BY THE ENGINEER OR CERTIFIED LAB, THE BOH OFFICE MUST BE NOTIFIED AT LEAST 30 MINUTES PRIOR TO ALLOW THE HEALTH AGENT THE OPPORTUNITY TO WITNESS THE SAMPLING. THE BOH WILL NOT DELAY THE SAMPLING BUT DOES REQUIRE NOTIFICATION PRIOR TO.

<u>Gross Alpha Results</u>	<u>Action Required</u>
≤ 4.9 pCi/L	No further action required / LBOH Agent can sign off
>5 but ≤ 14.9 pCi/L	<ul style="list-style-type: none"> • Requires testing for Ra-226 and Ra-228 • If combined test result is <5 for Ra-226 and Ra-228 Health Agent sign-off is required • If combined test result is >5, a MA PE is required to evaluate and supervise further action • Prior to the Building Permit sign-off by the LBOH the MA PE is required to submit a letter to the LBOH stating that a treatment system can be designed • Prior to the Occupancy Permit sign-off by the LBOH and after treatment system is installed a retest and a letter by same engineer is required

≥15 pCi/L	<ul style="list-style-type: none"> • Requires follow-up testing for Ra-226, Ra-228 & Uranium, by a MA PE who is required to evaluate and supervise further action • Prior to a Building Permit sign-off by the LBOH the MA PE is required to submit a letter to the LBOH stating that a treatment system can be designed • Prior to the Occupancy Permit sign-off by the LBOH and after treatment system is installed a retest and a letter by same engineer is required
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NOTE:

Water sampling reports submitted to the Board of Health must have a Chain of Custody attached as stated in the Lakeville Board of Health Well Regulations, unless the water sample collection is taken by a DEP certified laboratory employee or a MA PE who is hired to supervise and certify all water sampling, testing, treatment system design and follow-up sampling and testing.

Unanimous vote in favor.

2015 Board of Health License & Permit Renewals

Milk & Cream

Aramark Educational Svcs. LLC –Apponequet High School
Aramark Educational Svcs. LLC - Assawompset Elementary School
Aramark Educational Svcs. LLC – Freetwon Lakeville Middle School
Aramark Educational Svcs. LLC – George R. Austin Intermediate School
Assawompset Golf Co. LLC d/b/a LeBaron Hills Country Club
Corporate Chef’s Inc. (Talbots)
CVS Pharmacy, Inc. #5407
Gulf Resources, Inc. (Joe’s Gas)
Hawaii Corp. d/b/a Orchid of Hawaii Restaurant, Inc.
Island Terrace, Inc.
J & J Seafood Drive-In
Joseph R. Starr d/b/a Starr’s Country Market
Lakeville Aerie No. 3994 Fraternal Order of Eagles, Inc.
Lakeville Golf Club, Inc.
Poquoy Investment Group LTD d/b/a Poquoy Brook Golf Course
Savas Liquors, Inc.
The Back Nine Club, LLC
The Sunshine Café
Tamarack Wine & Spirits, Inc.
Tand, Inc. d/b/a Subway
Tutto Italiano, Inc.
Unidine Corporation (@Ocean Spray)
Walgreens #10269

New Food Establishment/Retail Food

Lakeville Market, Inc.

New Permit for Tobacco Location and Sales

Lakeville Market, Inc.

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

VOTED: To approve the Milk and Cream licenses as submitted on the memo from Board of Health Clerk Fran Lawrence dated May 20, 2015. Lakeville Market permits will be issued once pre-operation inspection is conducted. Unanimous vote in favor.

Review for Petitions for Hearings (4)

1. 263 Bedford St. (027-002-025) – Petitioner seeks sideline setback variance from 40' to 29' for proposed office/retail building on property is 9' from same sideline.
2. 3 Court Circle (056-004-021) & 6 Court Circle (056-004-022) – Petitioner is seeking to slight reconfigure the boundaries between two adjacent residences and to permit the construction of an addition to an existing garage at 3 Court Circle.
3. 34 Beechwood Ave. (042-022-008) – Petitioner is seeking a variance from side and front setbacks in a residential zone for a new garage
4. 170 Main St. (058-007-041) & Main St. Vacant Lot (058-007-041) – Petitioner is seeking a special permit to hold “as needed” meetings to discuss/plan service projects or other general club activities, including fundraising.

Board Members reviewed the petitions.

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

VOTED: To send a letter to the Zoning Board of Appeals stating the Board of Health has no issues with 263 Bedford St., 3 & 6 Court Circle and 34 Beechwood Ave. and a letter for 170 Main St. stating that the septic system is designed for three bedrooms (330 gallons per day) which converts to about 100 seats for a meeting house with no food service. Any change in use should come before BOH. Unanimous vote in favor.

Appointment of 2015 Arbovirus and Back-up Arbovirus Coordinators

A questionnaire was received from the MDPH asking that cities and towns appoint a Primary and Back-up Coordinator to receive notification about any WNV or EEE positive specimens within the town.

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

VOTED: To re-appoint Health Agent Perry as Arbovirus Coordinator and Administrative Assistant Jo Lima as back-up coordinator. Unanimous vote in favor

Acceptance of Meeting Minutes

Board Members reviewed the Board of Health meeting minutes from April 16, 2015.

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

VOTED: To approve the Board of Health meeting minutes from April 16, 2015 as typed. Unanimous vote in favor.

Board Members reviewed a Memorandum from Town Administrator Rita A. Garbitt – Re: Articles for the Special Town Meeting on June 15, 2015.

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

VOTED: To adjourn the meeting at 8:29 p.m. Unanimous vote in favor.

Accepted as typed 7-15-15JL
