

Board of Health Meeting Minutes  
June 7, 2011

The Lakeville Board of Health held a meeting on Tuesday, June 7, 2011 in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci, Terrence Flynn and William Garvey. Also present at this meeting was Board of Health Supervisor as Recording Secretary. Health Agent Lawrence Perry was absent from this meeting.

Chairman Poillucci called the meeting to order at 6:00 p.m. and asked if anyone was recording this meeting. No one was recording this meeting.

**87 Lakeside Avenue**

**053-001-012**

**Chris Darcy**

Mr. and Mrs. Darcy were present at this meeting. The applicants are requesting local upgrade approval to site a conventional tank and Soil Absorption System (**Geo-Flow Pipe Leaching System**) for an existing 3-family apartment house on Lakeside Avenue. It was also noted that a vertical 1' reduction to groundwater is being requested along with a sieve analysis in lieu of a percolation test due to saturated conditions. Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve a reduction of the separation of the proposed leach field from the groundwater table from 4' to 3' per 310CMR Section 15.405(1)(h), and to allow the substitution of a sieve analysis in lieu of a percolation test due to saturated conditions at time of testing per 310CMR Section 15.405(1)(i) with the stipulations that a deed restriction (restrictive covenant) be recorded at the Plymouth County Registry of Deeds; stating that the dwelling must remain a (6) six-bedroom dwelling in total with no further expansion and no increase in flow to the septic system, and that the existing septic tank is to be monitored as a "Tight tank" until the new septic system is installed and completed.

Unanimous vote in favor.

**48 & 50 Montgomery Street**

**(017-004-008 & 8A)**

**Tracy P. Powderly**

Present at this meeting were **Athanasios G.** and **Chrysavge M. Poullas** of **44 & 46 Montgomery Street (017-004-015 & 15A)** and **Tracy and John Powderly** of **48 & 50 Montgomery Street**. According to Health Agent Perry, he received a follow up complaint (June 1, 2011) from Mrs. Poullas about human sewage coming from the Powderly property (Attachment #1). In Agent Perry's notes to the Board, he stated that he was directed by Chairman Poillucci to perform a site visit at the Powderly Meadows with Animal Inspector Jared Darling relative to the complaint. Chairman Poillucci then read the following report:

"On June 2, 2011, Jared and I went to 48/50 Montgomery Street at approximately 5:30 p.m. Jared visited the barns, stables and kennels (horses and dogs) and associated paddock areas, while I walked the site near the septic area for 48 Montgomery (residential dwelling) Street with Tracy and her husband.

At that time, I did not smell any (human) septic odors nor did I see any septic effluent ponding or breaking out anywhere near the septic components at #48. There were two concrete covers flush with gravel/dirt driveway grade that I was told were leaching pits. That area was not wet, nor did it smell. Closer to the dwelling, out of the driveway, there was another concrete cover above grade over the septic tank. This cover was not secured, nor watertight and I would recommend to the board (as I did to the owner at that time) that this cover be replaced with a watertight and secured frame and cover. I was told by Tracy and her husband that the abutter (46 Montgomery) had previously installed drainage that added surface runoff over the property line into the driveway at 48 Montgomery, and would impact their septic system. I had been previously told this by John Powderly a few weeks ago just after a verbal complaint had been received by telephone and it seemed apparent that this appeared to be a civil dispute regarding drainage and had since evolved to public health, zoning, conservation, noise, odor, etc. as can be inferred from the written email complaint from Chris Poullas. I would also recommend that if surface runoff is being added to/near the septic system at 48 Montgomery, some type of swale or berm should be constructed to deflect all drainage away from that septic system.

Since these allegations were made that involved multi-department jurisdiction, I forwarded the written complaint as necessary to the BOS, Zoning Enforcement officer, Conservation Agent, etc. Although, I have not yet heard back officially from these other departments, I have heard that Bob Iafrate and/or the selectmen's office may be dealing with the zoning issue and may require a kennel permit.

Jared stated that his inspection, of all the animals and their stables, paddocks and kennels, revealed conditions were more than adequate for the proper care of said animals. He also stated that he believed the property currently meets our stable regulations and that all the existing odors were normal of farms and agricultural areas with these types of animals and that he saw no problems from his perspective." This report becomes part of the records.

Chairman Poillucci then asked if anyone wanted to speak. Mrs. Poullas said they haven't smelled anything recently because it's been very dry lately, but there was a sewage smell last year in November or December of 2010 when she emailed the Health Agent. According to Mrs. Poullas, after the snow melted, she walked her property and there was a distinct human sewage smell coming from the Powderly property. She also stated that there is a smell after a race. Mrs. Poullas went on to describe her property and the Powderly property regarding wetlands and flooded areas, a 16" equalizer pipe, large stones that were moved, and paddock areas.

Chairman Poillucci stated that Health Agent Perry went out there and according to his report, he did not find any odors. Mrs. Poullas felt that the septic system should be inspected to see if it was working correctly. Poillucci told her that if she called when it smelled they would go down there and check it out. He didn't feel it was right to have the neighbors pay around \$500 to do a Title V if not needed. Mrs. Poullas stated that the Board of Health Office is closed on Sundays if they need to call. Board Member Garvey said they have an answering machine on 24/7. He said they sent their Health Agent out there and he did not smell any septic odor, and Animal Inspector

Darling also stated that everything was fine. Garvey said they could only go out there for those two items; the septic system and the stable – not the kennel because that was not under their jurisdiction.

Mrs. Poullas stated that Powderly added a paddock last year. She said they also have added large rocks and an electric wire on her borders. Poullas said they (Powderly) are supposed to be 20' from our borders according to the Stable Regulations. John Powderly said he did not make any changes except for the fencing. Board Member Garvey noted, according to Darling, it was the same as before. Mr. and Mrs. Poullas stated that the stones were moved. Mr. Powderly said the stones were moved about fifteen years ago. Board Member Flynn said they could go to Mass GIS Google pictures for some aerial views of the properties. Board Member Garvey stated that the stones have nothing to do with the Board of Health. Mr. Poullas asked who would have jurisdiction over that. Board Member Garvey told him that that would be a civil matter. Mrs. Poullas said that she will come up with pictures of the properties; that that 20' setback distance has to be met. Member Garvey told her that he (Powderly) can put an electric fence on his line, but not the paddock. Garvey said that someone would have to show him a site plan. Garvey said that every new stable permit application has to have a plan; before the new stable regulations (Voted 10/22/08 – Effective 11/6/08) everyone is grand-fathered. Garvey said that it would be a civil matter if on their property. Chairman Poillucci not there weren't any monies in the budget for legal counsel. Board Member Garvey told Poullas that Prime Engineering, Inc. could bring up that survey. Mrs. Poullas stated that the stakes were pulled up and moved. Garvey told Poullas the only issue would be if the paddock was put in after the 2008 regulations. Mrs. Poullas asked about the barn that was built and any conservation issues. Garvey told her that everything has to go through the Building Department first and any conservation issues would go through the Conservation Commission. Mrs. Poullas said that everything has to comply with the Town's by-laws and zoning.

Some discussion was held on the need for kennel regulations. Board Member Garvey asked Powderly if he was inspected by the State. Powderly told the Board that he was inspected for the horses but not for dogs. Garvey said they would have to come up with something for dogs.

Chairman Poillucci told Mr. and Mrs. Poullas to call when there is a smell during the week. Board Member Garvey said that a septic system doesn't fail in one day – the smell doesn't go away in one day – there will be some evidence on it. Mrs. Poullas said she will call on that. Mr. Powderly also stated that Health Agent Perry didn't find any smell out there in November when he did the site visit. Board Member Garvey and Chairman Poillucci said they would check with Agent Perry on that. Mrs. Poullas said she would get some pictures of the changes. No other action was taken at this time.

Discussion was held regarding line item transfers on the FY2011 budget. The Board members said to order whatever was necessary for the office and for Health Agent Perry to look into any training necessary or available Board members or staff.

Discussion was held regarding the FY2012 Board of Health budgets as received on May 31, 2011 from Town Administrator Garbitt. Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the budgets for FY12 as submitted.  
Unanimous vote in favor.

Vendor warrants were signed by the Board.

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

VOTED: To adjourn their meeting at 6:55 p.m.  
Unanimous vote in favor.