

Board of Health Meeting Minutes

June 2, 2010

The Lakeville Board of Health held a meeting on June 2, 2010 in the Lakeville Town Office Building. Present were Health Chairman William E. Garvey, Board Member Terrence Flynn, Board Member Robert Poillucci, Health Agent Lawrence Perry, and Board of Health Supervisor Nancy M. Teser, as recording secretary. The meeting was called to order at 6:00 p.m. by Chairman Garvey.

(014-005-023)

Philip Lanciano

Brad Fitzgerald, P.E. of Senna Fitzgerald Gilbert Associates, Inc. was present for discussion. Fitzgerald stated they were requesting two (2) Local Upgrade Approval Variances for the upgrade of this system – To allow the base of the Soil Absorption System to be 3.5’ above the water table, instead of the required 4.0’. – To allow the use of a sieve analysis in lieu of performing a percolation test. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the septic plans and Local Upgrade Approval Variances as requested. Unanimous vote.

(015-005-005)

Jaclyn Mary Gould

Board members received an **application and a plan** from **Jaclyn Gould** for a **Stable Permit** at **6 Race Course Road**. Paul and Jaclyn Gould were present for discussion. The application received was for (6) six animals with a building measuring 26' x 31' containing (6) six stalls. After reviewing the plan of the property, Garvey stated another plan would have to be submitted to the Board; showing where all abutting wells were on their properties and the applicants would have to ask for a variance for the other two (2) horses. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the Stable Permit; pending submittal of another plan showing all the proper dimensions on it, all of the other abutting wells, asking for a variance for the other (2) two horses, and a letter from the other (2) two neighbors stating they had no problem with the horses and well distances. Unanimous vote.

(022-003-003D)

Domenic & Evelyn Folco

Darren Michaelis, Design Engineer of Foresight Engineering, Inc. was present for discussion. Michaelis stated they were requesting three (3) Local Upgrade Approval Variances for this upgrade – (1) A reduction of the separation of the proposed leach field from the groundwater table from 4' to 3'. (2) To allow the substitution of a sieve analysis in lieu of a percolation test. (3) To allow the septic tank and pump tank inverts to be less than 12" from the groundwater table but no less than 1" above the groundwater. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the plans and variances as requested. Unanimous vote.

390 Bedford Street**(056-007-004)****Gary Lincoln**

A variance request letter and proposed septic plans were received from George R. Collins, P.E. of Collins Civil Engineering Group, Inc. for 390 Bedford Street. Collins stated they were requesting a Local Upgrade Approval Variance of the State Sanitary Code which requires a maximum 36" of cover over all system components. A local upgrade approval allowing up to 48" of cover over the Soil Absorption System was requested with a double vent provided. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the plans and variance as requested. Unanimous vote.

125 Staples Shore Road**(064-003-015)****Andrew & Yvonne Corsini**

Jason Youngquist, P.E. of Outback Engineering, Inc. was present for discussion. Also present were Andrew and Yvonne Corsini of 125 Staples Shore Road, Tom Barron and Elinor Foster (abutter) of 123 Staples Shore Road. Youngquist submitted **revised plans (GeoFlow Septic)**(6/2/2010), a revised variance request letter, and Certified Mail abutter green cards at this meeting. A letter from the City of Taunton Water Treatment Facility was also received and placed on file. Youngquist stated they were proposing to put in a Geo-Flow system and were planning to raise the house about 5 1/2'. This re-submittal would replace a previously approved Singulair system in the side yard along the property line. Discussion was held relative to the revised plans and variances requested. Agent Perry noted that another variance would be needed - a waiver from the Board's denitrification requirement when three or more abutting wells are within 100'. Chairman Garvey said he would also like to see the retaining wall above grade, and a swale put in to divert any water runoff towards the pond and not onto an abutting property. Revised plans and a revised variance request letter would need to be submitted to the office. Board members also stated that this re-design would need to be submitted to the Department of Environmental Protection for their approval and the Conservation Commission's approval. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve this system subject to submittal of revised plans and a revised variance letter showing the swale, asking for the omitted Lakeville Board of Health Regulations Variance and Health Agent Perry reviewing the revised plans. Unanimous vote.

16 Captain's Way**(060-007-043)****Ruth C. Hall**

A Title V inspection was performed and witnessed on May 17, 2010 by Dubord & Son and was considered a Conditional Pass. Ruth C. Hall was present for discussion. Hall said she was selling the house to her daughter and was requesting a variance for the pre-existing garbage grinder; which was installed in the early 1970's, and a variance for the existing septic system, and existing deck that is less than 5' apart. Agent Perry told the Board their existing Title V inspection policy for houses with garbage grinders was that the system could not pass unless the garbage grinder was properly removed with the

appropriate electrical and plumbing permits, or the system is upgraded to incorporate current Title V design requirements for both the tankage (two compartment or two tanks in serial) the first having 200% of flow, the second having 100% of flow) and the soil absorption system (150% of flow) requires non-conforming garbage grinders to be removed or designed for an upgraded for per current Title V parameters. Perry stated that the existing tank was more than twenty years old. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve leaving the pre-existing garbage grinder in, but stipulated that a regular residential effluent filter is put in the septic tank. Unanimous vote.

427A Bedford Street

(065-004-042A)

Linda Obuchon

Linda Obuchon of 427A Bedford Street was present for discussion. Obuchon stated the well was installed, but she is now looking for a waiver to proceed with the septic installation. At a previous meeting held on February 24, 2010, the Board voted to approve the septic plans and variances from the Lakeville Board of Health Regulations with stipulations; that 427A Bedford Street would need to go to the Department of Environmental Protection for their approval whereas it would require a one-bedroom deed restriction rather than the two-bedroom minimum, and pending approval from the Department of Environmental Protection for the remediation for 427 Bedford Street (Neil Pelletier (Son) septic system re-design; which had not been submitted as yet. The properties currently share a failed septic system. After some discussion, Board members felt she should not be held up with the installation of her septic system, but a letter should be sent to her son, Neil Pelletier; advising or instructing him to fix his system within a certain time frame or he would be fined. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To release the Disposal Works Construction Permit to install the system at 427A Bedford Street pending approval from the Department of Environmental Protection for the one bedroom deed restriction and the recording of the one bedroom deed restriction at the Plymouth County Registry of Deeds. Unanimous vote.

103 Hackett Avenue

(051-003-019)

Lawrence Perry

Board members reviewed a communication from Jonathan J. Pink, Project Manager of Azor Land Sciences, Inc., requesting an after-the-fact State variance – Distance of septic tank/pump chamber to Kenny's private well varied from 50' to 27'. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the requested after-the-fact State variance with the stipulation that the well at 103 Hackett Avenue be tested annually (per 19) Well Analysis Specifications). Unanimous vote.

11 Pine Bluff**(065-004-003)****Jan Phillips**

Board members received a request from Jan Phillips, owner of property at 11 Pine Bluff, for a one year extension of the Disposal Works Construction Permit. Discussion was held relative to the Board's approval of the septic plan on June 14, 2006 with stipulations. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the request for a one year extension of the Disposal Works Construction Permit until June 2, 2011. Unanimous vote.

Not on Agenda**116 Hackett Avenue (051-005-002)****David & Susan Ribeiro**

Discussion was brought up by Health Chairman Garvey relative to property located at 116 Hackett Avenue. According to office records, a "Presby" Enviro-Septic design was approved for Josephine Alphonse on February 27, 2008 with stipulations but was never installed and the approval has since expired. Agent Perry stated the new owners didn't want to do a Title V inspection because they believe the system's not in failure. Garvey felt a letter of Non-Compliance should be sent to the new owners of the property and a copy to the Building Department; stating they could fix the house but the septic system would have to be repaired before occupancy. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To send a Title 5 Letter of Non-Compliance to Josephine Alphonse c/o David and Suzanne Ribeiro; stating their septic system was deemed in failure and needs to be repaired (designed, installed and a Certificate of Compliance issued) in accordance with Local Regulations and Title V before occupancy. Unanimous vote.

Reappointments - Board Members, Staff, and Appointment of David Goodfellow

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

VOTED: To reappoint Lawrence Perry as Board of Health Agent and Inspector of Milk, until June 30, 2011. Unanimous vote.

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

VOTED: To reappoint William E. Garvey, Jr. as Assistant Board of Health Agent, until June 30, 2011. Chairman Garvey abstained from the vote.

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

VOTED: To reappoint Terrence Flynn as Assistant Board of Health Agent, until June 30, 2011. Board Member Flynn abstained from this vote.

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

VOTED: To reappoint Robert J. Poillucci as Assistant Board of Health Agent, until June 30, 2011. Board Member Poillucci abstained from this vote.

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

VOTED: To reappoint David G. Goodfellow as Board of Health Agent, until June 30, 2011. Unanimous vote.

Year 2010 Board of Health License and Permit Renewals

A Stable Permit renewal application for Michael Dyksinski of 1 Patrick Thomas Court was not renewed at this time because Board members were notified by the Commonwealth of Massachusetts that his equine operation was encroaching onto the Commonwealth's property and was a violation of State law. Dyksinski must remove the equine from the property.

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

VOTED: To approve the Stable Permit (Boarding) renewal for Holloway Brook Farm, LLC at 6 Barstow Street. Unanimous vote.

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

VOTED: To approve the Milk & Cream License (Store) renewals for BBP, Inc. d/b/a Muckey's Liquors; MFH Acquisition of Lakeville, d/b/a Dunkin Donuts; Gulf Resources, Inc., d/b/a Joe's Gas; Hawaii Corp., d/b/a Orchid of Hawaii Restaurant, Inc.; Island Terrace, Inc.; Poquoy Investment Group, Ltd, d/b/a Poquoy Brook Golf Course; Unidine Corporation @ Ocean Spray Cranberries; Savas Liquors, Inc.; Tand, Inc., d/b/a Subway; Corporate Chefs, Inc. @ Talbot's Lakeville; The Back Nine Club, LLC; Tamarack Wine & Spirits, Inc.; Tutto Italiano and Walgreens Eastern Co./Walgreen's #10269. Unanimous vote.

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

VOTED: To approve the Milk & Cream License (Mobile) renewals for Danish Dogs and Mick's Munchies. Unanimous vote.

57 Long Point Road (071-001-002) Island Terrace Nursing Home

Board members reviewed the April 2010 Monthly Status Report on the progress of the wastewater remediation project at the Island Terrace Nursing Home from Norfolk-Ram Engineering Solutions. This report was placed on file.

33 Southworth Street**(025-001-015B)****Arthur Conway**

Board members reviewed a Zoning Board of Appeals Petition for Hearing for 33 Southworth Street. According to the Petition, the Applicant is seeking a “Variance from Section(s) 5.1 of the Zoning Bylaws” and “Appeal from Decision of the Building Inspector/Zoning Enforcement Officer”. The Brief to the Board: “Petitioner wishes to remove existing stairs and landing and construct a porch along the front side of the dwelling”. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To send a letter to the Board of Appeals stating they found no health issues involved with this petition to recommend approval or denial of this petition. Unanimous vote.

2 Devon Drive**(050-001-003)****John Kuketz**

Board members reviewed a Zoning Board of Appeals Petition for Hearing for 2 Devon Drive. According to the Petition, the Applicant is seeking a “Special Permit under Section 6.1.3. of the Zoning Bylaws” and “Appeal from Decision of the Building Inspector/Zoning Enforcement Officer”. The Brief to the Board: “Petitioner seeks to alter existing structure, but will not make structure any closer to property lines.” Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To send a letter to the Board of Appeals stating they found no health issues involved with this petition to recommend approval or denial of this petition. Unanimous vote.

3 Hollis Avenue**(042-007-002)****Lucjan & Alicja Barys**

Board members reviewed a Zoning Board of Appeals Petition for Hearing for 3 Hollis Avenue. According to the Petition, the Applicants were seeking a “Special Permit under Section(s) 7.4.1/6.1.3 of the Zoning Bylaws, “To allow the construction of a farmer’s porch on the dwelling” and “to demolish and rebuild a portion of single-family, seasonal dwelling and construct a deck appurtenant thereto.” Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To send a letter to the Board of Appeals stating they would recommend approval of this petition as long as the deck is no closer than 5’ to the leaching field, if it is, then the petitioner would need to come before the Board of Health for a variance. Unanimous vote.

Not on Agenda**103 Hackett Avenue****(051-003-019)****Lawrence L. Kenney**

Board members reviewed revised plans and a communication from Azor Land Sciences, Inc. dated May 17, 2010 for Lawrence Kenney at 103 Hackett Avenue. The Board also received a communication from Azor Land Sciences, Inc. requesting an after-the-fact State Variance – Distance of septic tank/pump chamber to Kenney’s private well varied from 50’ to 27’. Upon motion made by Member Flynn and seconded by Member

Poillucci, the Board

VOTED: To approve the requested after the fact State Variance with the stipulation that the well at 103 Hackett Avenue be tested annually, and to send a letter to the Board of Appeals informing them of this vote. Unanimous vote.

Vendor warrants were signed by the Board.

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

VOTED: To adjourn the meeting at 7:45 p.m. Unanimous vote.