

Board of Health Meeting Minutes
June 30, 2010

The Lakeville Board of Health held a meeting on June 30, 2010 in the Town Office Building. Chairman Garvey called the meeting to order at 6:00 p.m. Present at this meeting 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.

6 Race Course Road **Jaclyn Mary Gould** **(015-005-005)**

Jaclyn Mary Gould and Paul H. Gould were present at the meeting for discussion relative to their application for a stable permit at 6 Race Course Road. Jared Darling the Inspector of Animals was also present. Abutters Ann Goldman of 90 Highland Road, Richard Dubee of 88 Highland Road, and Paul Hunt of 8 Race Course Road were present with concerns. A revised plan was submitted at the meeting by Mr. Gould (Stamped June 30, 2010) Discussion was held on the actual lot size of the property; 1.72± or 2 acres. Chairman Garvey said they would have to have the land surveyed. Goldman and Dubee voiced concerns relative to surface water flowing onto their property; whereas they were in a nitrogen sensitive area. According to Paul Gould, they were going before the Conservation Commission, so there wouldn't be any problems or issues. Goldman stated they shouldn't be allowed to have any horses there; that the quality of their water should be protected. Gould told the Board that he has also spoken with the neighbors about removing the manure; trucking it out twice a month. Richard Dubee had questions regarding surrounding property elevations, smells, flies, rodents, and questioned if everything, such as the house, pool, septic, and well on that property was counted into the total square footage allowed for the stable permit. Garvey said the land was suitable per their regulations; but the Board of Health did not adopt zoning regulations. Dubee wanted to know what would happen if they (Gould) didn't keep their promises. Garvey said the permit could be revoked or they may not renew it at the end of the year when it comes up for renewal. Gould stated that the horses would be keep at the highest point of their property. Paul Hunt had concerns about his water quality and water runoff onto his property. Dubee asked why they needed six horses. Garvey said they may be allowed allow four horses because of their lot size, but it would be over crowded; he couldn't speak for the Board, but they shouldn't take any action on this until the Conservation Commission looks at it. Garvey wanted one contact person to notify when this would be back on the agenda for discussion, and Paul Hunt said he could be the one. Board Member Poillucci said he would like to know the exact lot size of this property before voting on the Stable Permit. Garvey told Gould to look for this information on his deed; whereas they just purchased the property. The Board continued this matter until approval is received from the Conservation Commission.

9 Shore Avenue **David & Theresa Krijger** **(041-014-003)**

Fred Fish of Raggs Septic Service, Inc. d/b/a E. A. Comeau Septic was present for discussion. Fish submitted a revised variance letter and revised plans dated June 26,

2010 at the meeting. Fish stated they were proposing to install a **“Tight Tank”** at this location and were requesting (4) four State Variances and (2) two Local Upgrade Approval Variances for this installation. According to Board members, this dwelling would require a “Seasonal” (1) one-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. Also, a Notice of Intent must be filed with the Conservation Commission for this repair. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the State and Local Upgrade Approval Variances as requested and revised septic plans dated June 26, 2010; subject to receiving the Department of Environmental Protection’s approval for the “Tight Tank”, a deed restriction being recorded at the Plymouth County Registry of Deeds stating this dwelling will remain a “Seasonal” (1) one-bedroom dwelling with no further expansion and no increase in flow to the septic system and that it houses a “Tight Tank”, and a Registered Land Surveyor (RLS) stamp is stamped on the “As Built” plan confirming the minimum setback distances. Unanimous vote.

5 Birch Street

David & Theresa Krijger

(042-012-003)

Fred Fish of Raggs Septic Service, Inc. d/b/a E. A. Comeau Septic was present for discussion. Fish stated they were proposing to install a **“Tight Tank”** at this location and was requesting one Local Upgrade Approval Variance – Use of a Tight Tank in lieu of a Soil Absorption System. Fish stated that the property was a “Seasonal” (2) two-bedroom cottage and they would be a tying into the Clark Shores Water Supply. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the requested variance and plans; subject to a deed restriction being recorded at the Plymouth County Registry of Deeds stating that this dwelling will remain a ”Seasonal” (1) one-bedroom dwelling with no further expansion and no increase in flow to the septic system and that it houses a “Tight Tank” Unanimous vote.

8 Edgewater Drive

Kathleen Bertrand & Linda Lundin

(055-001-035)

Jonathan J. Pink, P.L.S. of Azor Land Sciences, Inc. was present for discussion. Pink stated a **“Presby Enviro-Septic”** design was proposed for this upgrade and they were requesting approval for four State Variances, five Local Upgrade Approval Variances, and one Variance from the Lakeville Board of Health Regulations. Pink also stated they were proposing to install a new well on the property to service the two dwellings on this one undersized lot; one existing two-bedroom dwelling and one existing one-bedroom apartment. Discussion was held on two compartment tanks and commercial effluent filters. Upon reviewing the plans, the Board noticed that one State variance was omitted

and would be required for this installation. The Department of Environmental Protection's approval and the Conservation Commission's approval would also be needed before release of a permit to the licensed installer. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the "Presby" system; subject to receiving a revised variance request letter and plans showing the omitted State variance on them, receiving approval from the Department of Environmental Protection and the Conservation Commission, and a deed restriction being recorded at the Plymouth County Registry of Deeds stating that one dwelling on this lot will remain a (2) two-bedroom dwelling and one apartment will remain a one-bedroom apartment with no increase in flow to the septic system, and it is to be made known that these two dwellings on one lot houses a "Presby Enviro Septic System". Unanimous vote.

36 Old Main Street **Joseph Urbanski** **(058-005-003)**

Board members met with Joseph Urbanski of 36 Old Main Street to discuss noise issues. Urbanski said he may have a possible solution to the noise issues that the Town may be facing during these tough economic times. According to Urbanski, the Board had very good noise regulations, but maybe due to a lack of funds to buy the equipment needed to record the levels, train the personnel, do retraining, and pay Town Council to enforce the existing noise regulations, it would be very hard to enforce them. Urbanski felt that home owners should be able to come home from work and relax and not be assaulted by unnecessary noise. He said that he would be willing to work with the Board on this issue. Garvey said maybe they could set up a sub-committee to address the noise issue, but some issues may fall under the Building Department. Garvey told Urbanski to come up with a list of activities that could be potential noise issues, present it to Health Agent Perry for review, then, the Board may appointment a committee to research into them further. No other action was taken at this time.

Board of Appeals – Petitions for Hearings (3)

1. **16 Fuller Shores Road** **Tom & Carolyn McGrath** **(044-001-003)**

Board members reviewed the Petition for Hearing for Tom and Carolyn McGrath for property located at 16 Fullers Shores Road. The Brief to the Board: "Applicant seeks to construct a 14' x 14' three season porch and the Nature of Relief South was a "Special Permit under Section 6.1.3 of the Zoning By-Laws." A plan was submitted displaying a 16' side yard line. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

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

Board members reviewed the Petition for Hearing of William Adams, 1 Daniel Road (Applicant) relative to property located at 1 Fern Avenue. The Nature of Relief Sought: “Appeal from Decision of the Building Inspector/Zoning Enforcement Officer”. The Brief to the Board: “I am appealing the Building Commissioner’s decision to grant grandfathered status, property has not been used as a business for last 15 years”. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

3. 325 Pond Lane Julie Smith & Owen Richards, Julowen,LLC (047-005-005)

VOTED: To send a letter to the Board of Appeals stating that they had no problem recommending approval of this Petition, as long as the dwelling remains a two-bedroom dwelling with a recorded two-bedroom deed restriction.
Unanimous vote.

Board members received a communication from Nick Lanney of HML Associates regarding the proposed retail building on Harding Street for High Rock Harding Street LLC. Lanney stated that he reviewed the septic system design plans and design calculations prepared by Sitec dated February 4, 2010. Lanney noted that the calculated design flow for the system was 3,000 gpd based on 60,000 sf retail building, however, the engineer designed the entire system to accept 7,548 gpd to accommodate a potential higher consumption user. Lanney also noted that the nature of that user is not known at this time. Along with this communication were Lanney's comments on the plans and calculations for the Board's review. Board members will review the comments. No other action was taken at this time.

Year 2010 Board of Health License and Permit Renewals

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

VOTED: To approve the Milk & Cream License (Store) renewal for Somethin's Brewin Book Café. Unanimous vote.

Meeting Minutes

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

VOTED: To approve the minutes of the meeting of June 16, 2010 as typed. Unanimous vote.

Lot #4, 200 Kenneth Welch Drive Kevin P. Realty, Tr. (060-008-014A)

Discussion resumed relative to Daniel M. Smith's (Consulting Engineer & Land Surveyor) (Tabled from meeting of June 16, 2010) request for a waiver – to allow percolation testing for new construction for Lot #4, 200 Kenneth Welch Drive outside of the high groundwater season. (December 1 to June 1). Chairman Garvey stated no out-of-season percolation tests are allowed for new construction under the current Lakeville Board of Health Regulations. No other action was taken at this time.

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

Board members reviewed the May 2010 Service/Maintenance Report of Clivus New England Incorporated for the recycling composting waste treatment system at the Island Terrace Nursing Home. This communication was placed on file.

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

Board members received the May 2010 Status Report and related documents on the progress of the wastewater remediation project at the Island Terrace Nursing Home. This report was placed on file.

Fiscal Year 2010 Expense Accounts

Discussion was held regarding the Board of Health line item accounts that were over; Postage and Education & Training. After further discussion, upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To take the money out of any Board of Health Expense accounts they could for the shortage. 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 7:40 p.m.