

**Board of Health Meeting Minutes**  
**July 13, 2011**

The Lakeville Board of Health held a meeting on July 13, 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 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 Clerk Lima and Comcast, and would be televised by at a later date.

**10 Keene Shore Road**                      **058-007-045**                      **Ronald D. Mello Trustee**

Board members received a request from Design Engineer Darren Michaelis of Foresight Engineering, Inc. requesting the following State Variances for the septic system upgrade at 10 Keene Shore Road. Kevin Walker was present at this meeting for Mr. Michaelis.

**State Variance Requests:**

1. A reduction of the setback of the proposed septic tank from a drainage ditch tributary to a surface water supply from 100' to 10'.
2. A reduction of the setback of the proposed pump tank from a drainage ditch tributary to a surface water supply from 100' to 15'.

It was also noted at the meeting that the following Local Upgrade Approval Variances would be required for this upgrade:

**Local Upgrade Approval Variances:**

1. 400' to 120' proposed septic tank to surface water supply.
2. 400' to 130' proposed pump chamber to surface water supply.

Discussion also arose regarding another existing building on the property to the North which appeared to be a (1) one-bedroom efficiency apartment. Since no additional septic ties were proposed, the Board stipulated that all waste plumbing would need to be removed from this additional apartment and any associated non-conforming septic system would need to be properly abandoned. Board members stated the state variances need to go to DEP for approval.

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

**VOTED:** To approve the above State and Local Upgrade Approval Variances subject to the following stipulations:

1. Removing all waste plumbing from the existing (1) one-bedroom efficiency apartment and any associated non-conforming septic system and properly abandoning it.
2. Receiving the green certified abutter notification cards; which were not submitted at the meeting.

Unanimous vote in favor.

Board members received a request from Design Engineer Darren Michaelis of Foresight Engineering, Inc. requesting the following Local Upgrade Approval Variances and State Variance for the installing of a “**Tight Tank**” at 42 Shore Avenue. Kevin Walker was present at this meeting for Mr. Michaelis.

**Local Upgrade Approval Requests:**

1. To allow a sieve analysis in lieu of a percolation test due to saturated conditions at time of testing per 310CMR Section 15.405(1)(i).
2. A waiver of the second deep observation hole due to limited area available on site per 310CMR Section 15.405(1)(k).

**State Variance Requests:**

1. A reduction of the proposed Tight Tank from a surface water supply (Long Pond) from 100’ to 50’ due to limited area.
2. A reduction of the separation of the Tight Tank inlet from the groundwater table from 12” above the water table to 8” below the groundwater table.

It was stated at the meeting this was an existing (3) three-bedroom “Seasonal” dwelling and it would remain a seasonal dwelling with a deed restriction. The Board members stated that the on-site well would need to be tested per Title V parameters and that the state variances would need to go to the DEP for approval.

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

**VOTED:** To approve the above Local Upgrade Approval s and State Variances requested; subject to the following stipulations:

1. A deed restriction (Restrictive Covenant) must be recorded at the Plymouth County Registry of Deeds stating that the dwelling will remain a **(3) three-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.**
2. The onsite well needs to be tested per Title V parameters.
3. Receiving the green certified abutter notification cards; which were not submitted at the meeting.

Unanimous vote in favor.

Board members received a request from Design Engineer Darren Michaelis of Foresight Engineering, Inc. requesting the following (16) Local Upgrade Approval Variances, (4) State Variances and (1) Lakeville Board of Health Regulations Variance. Kevin Walker was present at this meeting for Mr. Michaelis.

### **Local Upgrade Requests:**

1. Reduction of the setback of the proposed leach field from the property line (private ROW) from 10' to 1' per 310CMR Section 15.405(1)(a). The ownership is to the centerline of the ROW and 11' from the leach field.
2. Reduction of the setback of the proposed pump tank from the property line (private ROW) from 10' to 3' per 310CMR Section 15.405(1)(a). The ownership is to the centerline of the ROW and 13' from the tank.
3. Reduction of the setback of the proposed Singulair tank from the property line (private ROW) from 10' to 9' per 310CMR Section 15.405(1)(a). The ownership is to the centerline of the ROW and 19' from the tank.
4. Reduction of the setback of the proposed leach field from the garage slab from 10' to 1' per 310CMR Section 15.405(1)(b). A 40 mil liner is proposed.
5. Reduction of the setback of the proposed leach field from the foundation wall from 20' to 2' per 310CMR Section 15.405(1)(b). A 40 mil liner is proposed.
6. Reduction of the proposed pump tank from the foundation wall from 10' to 4' per 310CMR Section 15.405(1)(b).
7. Reduction of the proposed Singulair tank from the foundation wall from 10' to 3' per 310CMR Section 15.405(1)(b).
8. Relocation of the existing on-site well from within the basement of the dwelling to area shown on plan per 310CMR Section 15.405(1)(d). Proposed well is greater than 50' from all existing septic systems.
9. Reduction of the setback of the proposed leach field from a tributary wetland to a surface water supply from 100' to 55' per 310CMR Section 15.405(1)(g). A Singulair treatment system with a pressure dose leach field is proposed.
10. Reduction of the proposed pump tank from a tributary wetland to a surface water supply from 100' to 52' per 310CMR Section 15.405(1)(g). A monolithic tank is proposed.
11. Reduction of the setback of the proposed Singulair tank from a tributary wetland to a surface water supply from 100' to 48' per 310CMR Section 15.405(1)(g).
12. Reduction of the setback of the proposed leach field from an abutting well (43/6/2) from 100' to 71' per 310CMR Section 15.405(1)(g).
13. Reduction of the setback of the proposed leach field from an abutting well (43/8/16) from 100' to 58' per 310CMR Section 15.405(1)(g).
14. Reduction of the setback of the proposed leach field from the new proposed well from 100' to 58' per 310CMR Section 15.405(1)(g).
15. 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).
16. Waiver of second deep observation hole due to limited area available on site at time of testing per 310CMR Section 15.405(1)(k).

### **State Variance Requests:**

1. Relocation of locus well within 100' of the proposed leach field. (58')
2. Relocation of the locus well within 50' of an existing tight tank. (40')
3. Reduction of the setback of the proposed Singulair tank from a tributary wetland to a surface water supply from 100' to 48'.
4. Reduction of the separation of the proposed leach field from the groundwater table from 4' to 2' with a 50% reduction in required leach field area. A Singulair treatment system with a pressure dose leach field is proposed.

### **Board of Health Regulations Variance Request:**

1. Relocation of the locus well within 20' of an existing road layout to 10'.

It was stated at the meeting that an **additional State Variance** would be required for this installation:

#### **State Variance:**

1. Reduction of separation of the proposed Singlair tank from the proposed new well from 50' to 38'. This variance needs to be submitted to the **Department of Environmental Protection (DEP)** for their approval.

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

**VOTED:** To approve the above State, Local Upgrade Approval, and Lakeville Board of Health Regulations Variances with the following stipulations:

1. Receiving the green certified abutter notification cards that were not submitted at the meeting.
2. A deed restriction (restrictive covenant) must be recorded at the Plymouth County Registry of Deeds; **stating that the dwelling will remain a (2) two-bedroom dwelling with no increase in flow to the septic system, and that it is to be made known that this dwelling houses a "Singlair Biokinetic Wastewater Treatment System" which needs to be contracted and maintained by a Grade II (or higher) Massachusetts Operator for the life of the system per the State remedial use approval letter.**
3. The **proposed well** will need to be installed by a licensed well driller prior to the installation of the Singlair system. A copy of the yield report and water analysis for potability, volatile organic compounds (VOC's) and arsenic will need to be submitted to the Board of Health Office for the Health Agent's approval.

Unanimous vote in favor.

### **105 Staples Shore Rd**

**064-003-025 & 064-004-011**

**Mr. Steven Barnicoat**

Board members received a request from Design Engineer Darren Michaelis of Foresight Engineering, Inc. requesting the following (9) Local Upgrade Approval Variances, (5) State Variances and (1) Lakeville Board of Health Regulations Variance for the installation of a Geo-Flow Pipe System Design (Remedial Use). Kevin Walker was present at this meeting for Mr. Michaelis:

### **Local Upgrade Requests:**

1. A reduction of the setback of the proposed leach field from the private right of way from 10' to 2' per 310CMR Section 15.405(1)(a).
2. A reduction of the setback of the proposed leach field from the abutting property from 10' to 5' per 310CMR Section 15.405(1)(a).
3. A reduction of the setback of the proposed leach field from the existing building slab from 10' to 4' per 310CMR Section 15.405(1)(b).
4. A reduction of the setback of the proposed leach field from an abutting well from 100' to a minimum of 90' (64/3/24) per 310CMR Section 15.405(1)(g).

5. A reduction of the setback of the proposed septic/pump tank from the private way layout from 10' to 3' per 310CMR Section 15.405(1)(a).
6. A reduction of the setback of the proposed septic/pump tank from the existing foundation slab from 10' to 8' per 310CMR Section 15.405(1)(b).
7. A substitution of a sieve analysis in lieu of a percolation test due to saturated conditions at time of test per 310CMR Section 15.405(1)(i).
8. A waiver of the second deep observation hole due to limited area on site per 310CMR Section 15.405(1)(k).
9. A reduction of the setback of the proposed leach field from a bordering vegetated wetland from 50' to 35' per 310CMR Section 15.405(1)(e).

**State Variance Requests:**

1. A waiver of the 5' over dig surrounding the system due to limited area available for the system on the site and proximity of system to the right of way and existing dwelling.
2. A reduction of the setback of the proposed leach field from a Surface Water Supply from 100' to a minimum of 80'.
3. A reduction of the setback of the septic/pump tank from a Surface Water Supply from 100' to a minimum of 50'.
4. Installation of a new deep well within 100' of the proposed leach field.
5. A reduction of the separation of the proposed leach field from the groundwater table from 5' to 3' per remedial use requirements and further review by the Department of Environmental Protection.

**Lakeville Board of Health Regulations Variance Request:**

1. A reduction of the setback of the proposed well from property lines from 10' to a minimum of 5' as shown on the plan.

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

**VOTED:** To approve the above State, Local Upgrade Approval, and Lakeville Board of Health Regulations Variances with 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 system because of the particular State Variance that was requested.
2. Receiving the green certified abutter notification cards that were not submitted at the meeting.
3. A deed restriction (restrictive covenant) must be recorded at the Plymouth County Registry of Deeds; **stating that the dwelling will remain a (2) two-bedroom dwelling with no increase in flow to the septic system, and that it is to be made known that this dwelling houses a "Geo-flow Pipe Leaching System" which requires a Renewable Inspection Contract for Annual Inspections and associated documentation with a Certified "Advanced Drainage System, Inc." (A.D.S.) Inspector. This restriction cannot be removed from the Chain of Custody of the deed without written approval of the Board of Health.**

4. The **proposed well** will need to be installed by a licensed well driller prior to the installation of the Geo-Flow system. A copy of the yield report and water analysis for potability, volatile organic compounds (VOC's) and arsenic will need to be submitted to the Board of Health Office for the Health Agent's approval.
5. An RLS (**Registered Land Surveyor**) stamp must be on the "**As-Built**" plan confirming the minimum setback distances.

Unanimous vote in favor.

### **2011 Board of Health Licenses:**

#### **1-Day Common Victualler License**

Fall River Municipal Credit Union

#### **License to Operate a Recreational Camp**

Mass Premier Soccer LLC (**New Application**)

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

**VOTED:** To approve the above listed licenses. Unanimous Vote in favor.

#### **Appointment to the Wage & Personnel Board**

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

**VOTED:** To approve the appointment of Chairman Robert Poillucci to the Wage & Personnel Board. Chairman Poillucci abstained from this vote.

#### **Old Business:**

#### **Meeting Minutes**

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

**VOTED:** To accept the minutes of the meeting of June 15, 2011 as typed. Unanimous vote in favor.

#### **Lakeville Fraternal Order of Eagles Update**

A discussion was held by Board Members and Health Agent Perry as to the status of the Lakeville Eagles septic repair. Agent Perry advised the Board that their system needs a re-inspection which they haven't called for yet and also advised the Board that they have not scheduled the pre-operations food establishment inspections. Chairman Poillucci asked that Agent Perry send the Eagles a letter stating that they need the required inspections prior to the next Board of Health meeting being held on August 17<sup>th</sup>.

#### **Seasonal Properties**

Board Members reviewed and discussed Agent Perry's draft on seasonal properties. Discussion will be continued at next meeting.

**Informational:**

**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 for May 2011

**Not on Agenda**

**Raggs Septic Service, Inc.** – Some discussion was held as to the reputation of the owner of Raggs Septic Service, Inc., Fred Fish. Mr. Fish was found guilty on some legal issues dating back to year 2001 and Member Garvey was questioning whether any future permits should be issued. To be continued at next meeting.

Member Garvey motioned to put a hold on two pending septic permits. Motion died due to a lack of a second.

**Middleboro/Lakeville Cesspool Service-Statements on pumping records**

It was noticed recently that pumping records from Middleboro/Lakeville Cesspool Service contained comments under “Condition of System” pertaining to Title V evaluations of the system rather than pumping.

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

**VOTED:** To send a letter to Middleboro/Lakeville Cesspool to omit the term “failure” or any other term implying or suggesting that a system is failed or in need of replacement. Unanimous vote in favor.

**Septic Systems in Non-Compliance**

A discussion was held on two properties that have been in non-compliance for approximately ten years. Chairman Poillucci stated that a request was received by the Selectmen’s Office requesting legal funds to pursue legal action on these properties and any others with the same issue. Member Garvey suggested that the Board of Health begin with the properties that have been in failure the longest. Agent Perry stated that fines were issued to these two particular properties back in November 2010 and the homeowners failed to either request a hearing or pay the fine, so now it becomes criminal. So now it’s a question of whether we pursue criminal charges or do something different. Member Garvey stated that we should do whatever legal counsel recommends. Chairman Poillucci stated he would like to see what Kopelman and Paige suggests because ultimately, if we pursue this and the homeowner does nothing, it comes down to eviction and he wants to ensure that we’ve done everything possible before we begin evicting people from their homes. Member Garvey also stated if this was going to be costly that we don’t want to go that route either.

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

**VOTED:** To seek advice of legal counsel and see what they recommend. 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 the meeting at 6:50 p.m. Unanimous vote in favor.