

Board of Health Meeting Minutes
July 16, 2014

The Lakeville Board of Health held a meeting on **July 16, 2014** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Health Agent Lawrence Perry was present, as well as Administrative Assistant Jo Lima as Recording Secretary.

Chairman Garvey called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Administrative Assistant Jo Lima and LakeCAM, to be televised at a later date.

8 Race Course Road

(015-005-006A)

Paul & Kim Hunt

Homeowners Paul and Kim Hunt were present for discussion. A letter dated June 30, 2014 was received by the Board of Health requesting a new private stable to house one horse. Board Members reviewed the new application for Frugal Endeavors Farm and a sketched plan submitted on July 24, 2014. An email dated July 16, 2014 was received from Animal Inspector Jared Darling who conducted an inspection. He stated that everything appeared to meet stable regulations and that they had a manure management plan from the USDA. Abutter cards were received.

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

VOTED: To approve the request for a private stable permit to house one horse. Unanimous vote in favor.

29 County St.

(006-002-001)

Patricia Nye

Engineer Nyles Zager from Outback Engineering, Inc. was present for discussion. A letter dated June 16, 2014 was received by the Board of Health requesting a reduction in the minimum separation to groundwater from 4' to 3' in soils with a recorded perc rate of 13 minutes per inch. Some discussion was held. Board Members decided that they didn't have enough information in order to approve or deny the septic groundwater variance requested. They suggested having the engineer re-submit and discuss with Agent Perry to determine if raising the proposed SAS an additional 10" to avoid the need for a variance would alter drainage significantly to cause a hardship. Chairman Garvey stated that the plans as submitted did not prove significant hardship and if the engineer cannot prove that hardship, a redesign with pump would be necessary. Board Members stated they would approve groundwater reduction only if demonstrated to Agent Perry that a pump with a slight mound would cause drainage problems with dwellings, otherwise a redesign with pump is needed to avoid variance which Agent can review and approve without a variance. The owner of this property showed toward the end of the discussion.

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

VOTED: That they would approve groundwater reduction only if demonstrated to Agent Perry that a pump with a slight mound would cause drainage problems with dwellings, otherwise a redesign with pump is needed to avoid variance which Agent can review and approve without a variance. Unanimous vote in favor.

5 Hollis Ave.**(042-007-003)****Amy Vermette**

Professional Land Surveyor Jon Pink from AZOR Land Sciences, Inc. was present for discussion. Two abutter receipts were submitted. An after-the-fact variance request letter dated June 30, 2014 was received by the Board of Health. Health Agent Perry said that a well report was received but it was high in nitrates and the water was going to be retested. Chairman Garvey asked if the house was occupied to which Pink and Health Agent Perry responded, yes. Pink said that they had installed two replacement tanks because their suspicion was they were leaking and it was causing problems with the field, but it has been fine ever since. He said he was at the meeting mainly for the tanks, and that the field was installed in 2004. Board Members reviewed the letter requesting the approval of three after the fact local upgrade approval divergences and one after the fact local variance as related to septic and well components.

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

VOTED: To approve the setback for septic tank be only 7' to the property line rather than 10'; the setback for pump chamber be only 8' to the property line rather than 10'; the setback for the leaching field be only 9' to the property line rather than 10'; and the setback for the well be only 6' to the front property line rather than 20'. Unanimous vote in favor.

50 Staples Shore Road**(058-007-002U)****Donovan**

A letter dated July 11, 2014 requesting an out of season perc was received from Engineer Azu Etoniru from E.T. Engineering Enterprises, Inc. New construction percolation test are performed and witnessed during the normal wet season, which is December 1st through May 31st.

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

VOTED: To deny the request for an out of season perc. Unanimous vote in favor.

2 Bedford St.**(024-008-001)****Donald Reddington**

Donald Reddington, President of R&V Ventures, Inc. dba Buppa's Place, (former A-Frame Restaurant) was present for discussion. Applications were received for a "New" Food Establishment, Common Victualler and Sale of Milk and Cream License. Board Members reviewed the applications and voted to approve them. Member Poillucci asked Mr. Reddington if the seating occupancy set for 34 would work for him and he said he was fine with it. Health Agent Perry stated if the board would like to reassess in the near future, they can mandate a Title V Inspection be done, to which they said was not necessary. Mr. Reddington said he was also working on getting his anti-choking certification.

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

VOTED: To approve the Food Establishment, Common Victualler and Sale of Milk and Cream Licenses subject to pre-op inspection and written approval from DEP that the public well has been properly re-commissioned and is back into compliance. Unanimous vote in favor.

Acceptance of Meeting Minutes

Board Members reviewed the Board of Health meeting minutes from June 18, 2014.

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

VOTED: To approve the Board of Health meeting minutes from June 18, 2014 as typed. Unanimous vote in favor.

Board Members reviewed the Board of Health executive session meeting minutes from June 18, 2014.

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

VOTED: To approve the Board of Health executive session meeting minutes from June 18, 2014 as typed. Unanimous vote in favor.

Discussion regarding Seasonal Conversions

Chairman Garvey began the discussion by saying that Clark Shores Association received a grant for water lines to go in. He was told that the President of Clark Shores, Jim Silva, had come into the BOH requesting one of the board members attend a meeting being held on Sunday. Chairman Garvey didn't feel the BOH should get involved just yet. He said the BOH doesn't even know how much they received or how far it would take them or if they are going to do an assessment, etc. Member Flynn was present when the Mr. Silva came into the office. Member Flynn told him that he would find the old reports from 1977 and 2006 that stated how they were going to implement it. Member Poillucci said if Clark Shores gets water that would change the whole discussion on seasonal properties. Chairman Garvey said he had received the zoning by-law from Building Commissioner Darling and it states that you need a special permit to convert to year round. Chairman Garvey said people apply to the ZBA, then to the BOH. He said both he and Commissioner Darling feel that a special permit should not have to be requested from the ZBA. Member Garvey then said a letter should be sent to the Board of Selectmen requesting a change to the by-law that states any change from seasonal to year round should be approved by the BOH and the Building Dept. He feels that people are just spending money to file with the ZBA when the petition requires input by the Board of Health anyway and because they only meet once a month, it will just delay the whole conversion process for people that want to do so. Member Poillucci asked Chairman Garvey if he had spoken to ZBA Chairman Foster, and he said no, that he doesn't feel it's a ZBA issue. Chairman Garvey then said if the water line goes in, there are going to be a lot of contractors down there and the ZBA has enough to deal with. Member Poillucci agreed. He said the BOH is the dept. that decided on the lot size square footage and it being big enough for Title V requirements. He added that a few months ago the BOH did meet with the ZBA to try to work something out and he felt that just out of respect the BOH should at least meet with them to let them know how we feel. Member Flynn said it seems like no other depts. have regulations, that most of them are BOH Regulations, except for "indoor space" and asked Agent Perry if he knew what that meant. Agent Perry said there is a Title V definition for a bedroom and that he really didn't know what that meant. He said that even back in 1980 Title V didn't state if you live there 6 month or less, that it is considered a seasonal property. Member Poillucci said that the people who had

seasonal deed restrictions put on their property through the ZBA will have to go through them to have them removed. Chairman Garvey said he will speak to Building Commissioner Darling to set up a meeting with the ZBA.

Loon Pond Lodge, 28 Precinct St. (027-002-028)

Discussion regarding New Food Establishment License

Member Poillucci said that Dan Hopkins, Chairman of the Park Dept. asked him what he thought about the bartender being willing to hold the license for the Lodge and be the responsible person. He said he told Hopkins that he felt as long as one person was going to be responsible for everyone that worked out of the Lodge and got all the proper licenses and insurances that the Board would probably be ok with it, but he wanted to discuss it with other board members first. Agent Perry asked if the bartender was going to get certified as a food safety manager. Member Poillucci said yes. Chairman Garvey said as far as he is concerned, as of right now, there are only two caterers, that can work out of the Lodge, Pasta House and All Friend's, and said maybe we should send a letter to the Parks Dept. stating that. He said we have been continuously asking for information on the caterers. Member Poillucci said that he told Hopkins to make sure the bartender is aware of all the responsibility he is taking on should there be an issue. Chairman Garvey said whoever is there representing his company and is overseeing the lodge, must be certified in food handling. He said that most bartenders sit behind the bar and serve people they aren't walking around checking on things. He's not sure if this is the right thing to do. The food will be going in the kitchen. Chairman Garvey said it sounds like a good idea, but it's like we are just making it convenient and not making it right. Someone has to be responsible for that building and when you have different caterers, it's a catch 22. Member Poillucci said maybe the Agent Perry, Inspector Bernardo, Dan Hopkins and the Bartender should get together and discuss and ensure that the bartender knows the level of responsibility he is taking on.

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

VOTED: To adjourn the meeting at 6:50 p.m. Unanimous vote in favor.

ACCEPTED AS TYPED 9-17-14JL
