

**Board of Health Meeting Minutes**  
**August 12, 2015**

The Lakeville Board of Health held a meeting on **August 12, 2015** in the Lakeville Town Office Building. Present at this meeting were Board Members, Robert Poillucci and Derek Maxim. Member Terrence Flynn was absent with prior notice. Health Agent Lawrence Perry and recording secretary Jo Lima were also present.

Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by the Board of Health and LakeCAM.

**22 Beechtree Dr.** – Board Members met with Builder Tony Raposo and Jon Pink from AZOR Land Sciences, Inc. They reviewed the request letter dated July 28, 2015 that was submitted on behalf of their client John Lens. The purpose was to discuss the possibility of modifying the existing septic system (that was designed and restricted to three bedrooms in 2006) to accommodate an increase in the number of bedrooms from three to four at the above referenced property and to discuss the existing restriction of “no further expansion of use that would result in an increase in flow” as associated with proposed additions regarding living spaces, but not necessarily bedrooms. After significant discussion regarding flow and the evolution of the dwelling footprint, stories, and living spaces, the board voted to allow an expansion of use in the form of living space only (3<sup>rd</sup> floor dormer, game room and sunroom) with the addition of an advanced treatment system into the existing septic tank, but not for an increase in actual bedrooms. The existing dwelling which is under construction must be modified so that only three rooms meet the Title V definition of a bedroom, and if the additional living space is constructed treatment system must be installed. A walk thru must be conducted by a Board of Health Agent for the architectural modification, prior to any occupancy, in order to remain in compliance with Title V.

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

**VOTED:** To allow Agent Perry to sign off on the building permit for an expansion of use in the form of living space only, with the addition of an advanced treatment system utilizing the existing septic tank. Unanimous vote in favor.

**139 Main St.** - Board members met with Jon Pink from AZOR Land Sciences, Inc. and John and Karyl Hart to reviewed and discuss proposed and revised septic upgrade plans and associated variance request letter dated August 10, 2015. After considerable review regarding the existing shared contaminated well, they voted to approve the plans and setback reduction to that existing well, along with local variance 2.0 to allow a new onsite well and septic on a lot less than 20,000 sf. The board did stipulate that the existing water service from #139 must be properly disconnected and sealed so as not to cause any issues for the existing shared well which will cease to be shared once the new onsite well is connected to #139. It was also discussed with Ken O'Shea (agent for owner of #137) that in order for the existing shared well to be continued to be utilized as sole water supply for #137, it would need to be sealed, sanitized and the necessary treatment system installed to make the water acceptable to Board of Health standards. By approving the new well for 139 and continued use of the old well by #137, members also granted an after the fact variance from the local regulation for the existing well to be less than 10 feet to a property line whereas it is actually on the line with no setback.

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

**VOTED:** To approve the setback reduction to the existing well, along with local variance 2.0 to allow a new onsite well and septic on a lot less than 20,000 sf. The existing water service from #139 must be properly disconnected and sealed. Members also granted an after the fact variance from the local regulation for the existing well to be less than 10 feet to a property line. Unanimous vote in favor.

**9 Third Ave.** – Board Members met with Michaela Matheson to discuss the Title V Inspection evaluation and relocation/rebuild at 9 Third Ave. As part of the Title V Inspection conducted on June 9, 2015, a water analysis was done which showed the water high in nitrates. The Title V Report was submitted to the Board of Health as “Needs Further Evaluation by the Local Approving Authority”. Board Members reviewed her request letter dated July 28, 2015 proposing whole house Nitrate Reduction cartridge filters. They approved use of this type of filter for both properties (includes 7 Third Ave) tied into the well at 9 Third Avenue with the stipulation that both properties must tie into the Clark Shores water corporation public water supply (PWS) once it becomes a *year round* approved PWS. After filters are documented installed, retested, and reported <5ppm for nitrate nitrogen, the filters must be changed as often as necessary to maintain nitrates below the MCL. Depending on gallons utilized in each given house and depending on nitrate contaminate level in well (which will most likely be greater than present level documented once house is rebuilt and normal wastewater flow is resumed/discharged subsurface) required filter change may be as often as weekly, or as infrequent as quarterly. Actual filter change interval will probably be somewhere in between (and may be different for each house) because of this unknown variable, and it is the responsibility of each home owner to test their water accordingly (recommended at least monthly until such time that homeowner can accurately determine actual flow and related filter change interval) to insure safe for human consumption for nitrate nitrogen. Pregnant mothers and babies are most susceptible to nitrate toxicity and therefore we would not recommend either ingest this well water until such time that owners have established the actual flows for each house and what the actual contamination level will be after house rebuilt and septic system in use, to allow a more conservative and effective testing and associated filter maintenance plan. This cartridge plan is approved for both households for existing owners only, and may need to be re-evaluated and/or modified with recorded deed restrictions if either property is to be sold in future if Clark Shores Water Corporation *year round* PWS still not available and/or not connected to at that time.

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

**VOTED:** To approve use of this type of filter for both properties (includes 7 Third Ave) tied into the well at 9 Third Avenue with the stipulation that both properties must tie into the Clark Shores water corporation public water supply once it becomes a *year round* approved PWS. Unanimous vote in favor.

**Discussion Regarding Percolation Test Season** – Chairman Poillucci said that because we go by high ground water, most towns have gotten rid of perc seasons and he felt it was something that should be discussed if we are considering doing the same. He said a hearing would have to be held because it is a Board of Health Regulation. Member Maxim said he was asked by several engineers as to why this is still a regulation. He said that perc season was voted back 1984 and has been amended a couple of times to make the season shorter and shorter. He said they also go by the

wet season. He said he believes that Lakeville and Berkley are the only towns that have seasonal percs. Chairman Poillucci said that it definitely affects the office having the Health Agent present to work on other things. Bob Rego from Prime Engineering was present and said that he feels most towns got rid of the perc season in 1995 when Title V was revised and when soil evaluation came into effect. He said when you go out and do a perc the high water is nine out of ten times based on mottling or redoximorphic features in the soil not the apparent ground water table. He said he doesn't feel that it would result in any lower water tables. Chairman Poillucci asked Agent Perry how it felt about it. Agent Perry said that he didn't have a problem with it, but felt that it would make it a little more challenging to do adjustments if mottles are not present and that they would probably have to employ frimpter or they may have to dig a little deeper. Both Chairman Poillucci and Member Maxim don't know of any reason why there would be a perc season and would like it to be repealed. More discussion will be held when the third member is present. Tabled to September 2, 2015.

### **Board of Appeals Petitions**

**225 Hemlock Shore Road** - Board Members reviewed the Petition for Hearing site plan received July 22, 2015. Agent Perry stated the septic plan was already approved and that that members had previously approved septic plans and associated ZBA petition for an addition about eight years ago that included a three bedroom septic design with associated three bedroom deed restriction. It was also stated during discussion that the engineer had recently informed the Board of Health that updated proposed plans for the septic tanks relocation and any associated permit and variance requests will be submitted to the Board of Health for review soon. He said if project is similar to what was approved eight years ago there should be no issues assuming the existing septic system passes an official Title V inspection and the report would need to be submitted to the Board of Health prior to building permit sign-off and/or release of any Board of Health permits.

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

**VOTED:** To send the Board of Appeals a letter stating that with the limited information they were given, they saw no health issues and that plans for the septic and water will be reviewed once they are submitted to the Board of Health. Unanimous vote in favor.

**7 Water St.** - In a memo from the Board of Appeals dated July 21, 2015, the Board of Health was asked to review and comment on **Water St. Crossing - 40B Comprehensive Permit**. Board Members were not able to comment due to a lack of quorum. Property is owned by Chairman Poillucci who could not comment. Continued to next meeting until third member is present.

Approval of **"New"** Septage Pumper Application – Waste Water Services, Inc., Bridgewater, MA – Members reviewed the application.

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

**VOTED:** To approve the application. Unanimous vote in favor.

### **Discussion on Body Art Establishment Inspections**

In a memo dated August 4, 2015 from Administrative Assistant Jo Lima, Board Members were advised that Donna Palmer, R.N. who is currently under agreement with

the Town of Lakeville to conduct the Body Art Establishment inspections will not be renewing her agreement which expires on August 15, 2015. Ms. Lima stated that she did ask Nurse Palmer to conduct one more inspection before the contract expires. Board Members were fine with Inspector Bernardo conducting the inspections providing it's not a state law that they are done by a nurse. Chairman Poillucci said it may be a better idea to try and find a nurse from another town in the meantime to conduct the inspections.

**Acceptance of the regulations entitled “Regulation Restricting the Sale of Tobacco Products and a “Regulation Prohibiting Smoking in Workplaces and Public Places” voted July 15, 2015.** – Members agreed to wait until the next meeting until the third member is present to vote and sign the regulation. Tabled to next meeting.

**Acceptance of July 15, 2015 Board of Health Meeting Minutes** – Members reviewed the minutes.

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

**VOTED:** To approve the minutes from July 15, 2015. Unanimous vote in favor.

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

**VOTED:** To adjourn the meeting at 7:20 p.m. Unanimous vote in favor.