

Board of Health Meeting Minutes
August 17, 2011

The Lakeville Board of Health held a meeting on **August 17, 2011** in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci and Terrence Flynn. Board Member William E. Garvey was absent from this meeting. 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.

2 Woodland Ridge Dr. **031-002-019/31** **Long Built Homes**
Engineer Jaime Bissonnette was present from Prime Engineering, Inc. on behalf of Long Built Homes to request the following:

Lakeville Board of Health Regulations Variance requests:

1. A variance from Section 4.4 of the Lakeville Board of Health Regulations which requires that “the system shall not exceed 24” to the top of the SAS above the natural elevation at the location where percolation test was performed”. A variance from 24” to 64” was requested.
2. A variance from Section 2.7 of the Lakeville Board of Health Regulations which requires that the “lowest floor elevation must be a minimum of 24” higher than the agreed high groundwater elevation as determined at percolation testing/soil evaluation between CSE and Town witness or as documented with additional soil/HGW forms for additional test holes by CSE at foundation location(s)”. A reduction from 24” to 12” was requested.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second, then back up to vote, the Board

VOTED: To approve the variances as requested. Unanimous vote in favor.

18 Spruce Road **042-004-024** **Frideriki Zigouras Trustee**
Engineer Linda Pinto was present from CSN Engineering, Inc. on behalf of the homeowner to request the following:

Local Upgrade Approval Variance Requests:

1. 310CMR 15.405(1) (b) – SAS not to be more than 36” below finish grade; 19” (deeper) variance was requested.
2. 310CMR 15.405(1) (d) – SAS to be 100’ from onsite private well; 45’ variance was requested. To allow the SAS to be only 55’ away from the onsite well.

Board member Flynn noticed that the well had high nitrate, nitrogen according to the water analysis taken on the well. Pinto agreed with Flynn. She said they were at 9.47 but didn’t have any other information on the well as far as how deep it was or anything else. She stated that the next door neighbor was hooked up to seasonal water, but otherwise than that they are all wells and septic systems there.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To approve the variances as requested subject to the following stipulations:

1. A deed restriction 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.
2. The onsite well must be definitively found and shown on the final drawing (As-Built).
3. The onsite private well must be tested bi-annually for nitrate/nitrogen and a copy of the analysis must be submitted to the Board of Health Office for approval by the Health Agent.

Unanimous vote in favor.

15 South Ave.

042-025-008

Martin Conway

Jonathan Pink was present from Azor Land Sciences, Inc. on behalf of the homeowner. Pink stated that this property has always been a “seasonal” property; it’s never been year round and they have no intention of making it year round. Pink said he was requesting the following variances for the installation of the “tight tank”:

State Variance Requests:

1. Elevation of tank invert above water table varied from 12” to 0”. Variance of 310CMR 15.227(5).
2. Reduction of the setback of a tight tank from a surface water supply from 100’ to 60’. Variance of 310CMR 15.211.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To approve the variances as requested with the following stipulations:

1. All Title V (State) variances need to be submitted to the Department of Environmental Protection (DEP) for their approval for use of the “Tight Tank”.
2. A deed restriction must be recorded at the Plymouth County Registry of Deeds stating that the dwelling will remain a “Seasonal” (2) two-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.
3. A 9’ strip out is required to insure bearing capacity of soil under the new tank.

Unanimous vote in favor.

8 Anderson Way, Lot #10

007-004-005/005

Leo & Michelle Bisio

Jonathan Pink was present from Azor Land Sciences, Inc. on behalf of the homeowners to request the following variance:

Local Board of Health Regulations Variance Request:

1. Reduction of basement slab above water table reduced from 2’ to 1’.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To approve the Local Board of Health Regulations variance for 10 Anderson Way for the reduction of the basement slab above the water table to the 1’.

Unanimous vote in favor.

16 Priscilla Dr.

055-001-026

Pamela Robidoux

Darren Michaelis of Foresight Engineering, Inc. was present for this meeting. Buyer Kerry Bennett was present for discussion. Bennett said they were taking down the (2) two existing cottages and the mobile home. Bennett said she was requesting the following variances for the installation of a new two compartment septic tank and a new leaching trench for the new proposed three bedroom dwelling:

Local Upgrade Approval Variances:

1. A reduction of the setback of the existing leaching trenches from a surface water supply from 400' to 141' per Section 15.405(1)(g)
2. A reduction of the setback of the proposed septic tank from a water supply from a surface water supply from 400' to 155' per Section 15.405(1)(g)

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To approve the two Local Upgrade Approval variances as requested for 16 Priscilla Drive.

Unanimous vote in favor.

419 Bedford St.

065-004-019

Wayne F. Costa

Wayne Costa of 419 Bedford Street was present at the meeting requesting a Stable Permit (Personal Use) for (3) three horses, but said he would really like to be approved for (4) four horses. Inspector of Animals, Jared Darling was present at this meeting. Also present were several abutters; who were in favor of Costa's request. Costa submitted revised plans and a request for (3) three variances from the Lakeville Board of Health Stable Regulations. A statement was also received from Inspector Darling recommending that the stable permit be granted and they be allowed the (4) four horses. Costa said he was asking for three variances. The first one, according to Costa, was to be allowed a setback from the required 20' to 5' on both sides, which he said he had permission from the neighbors. Costa said he was going to keep the 20' regulation for the back property. He said he was asking for a variance from the lot size requirement of 60,000 square feet because he was asking for two additional horses and because of the size and kind of lot that they have. Costa said he would have 39,000 square feet of turnout. Costa noted that the manure storage would be removed twice a month, and the bunk that he would put it in would be three jersey barriers 6" below grade and a layer of 6mm poly-barrier for septic systems to slow any run off from manure. Costa stated that the barn would be 15'x 24' with two run in sheds side by side. Costa said he meets all the setbacks to the abutting wells – the state regulation is 50'. Costa said that the closest one to him was 155' going from the furthest corner of the fence line. Chairman Poillucci asked how many horses would be allowed for the size of his property according to their regulations, and Costa replied "two". Costa said he spoke with Darling and Darling told him that the property could easily support four horses without a problem. Costa felt that four horses spread out over his property would not cause a nitrogen loading problem. Chairman Poillucci stated that normally neighbors don't come in favor of it, but this is the opposite, everyone wants the horses there. Poillucci said he might consider the three horses, giving them one extra, but he did not think he would go with the four. Board Member Flynn said he would be okay with the four, except for the grandfathering part of it, what happens when the neighbors move? Board Member Flynn asked Agent Perry if there's

any way to eliminate the grandfather part of it; that if a neighbor complains they have to go back down to three? Agent Perry told Board Member Flynn that he's been told that there's no grandfathering for public health. Darling said the Board of Health would have the right to address any type of nuisance at that time. Darling said Costa has a sizable area fenced in for turnout. Member Flynn said they go with the size of the lot, but they're using part of the lot. Discussion was then held on the size of the lot and what part of it would be used for the horses. After further discussion, Chairman Poillucci said maybe they should start looking at that regulation, maybe change it to how much is going to get used for the horses, and then change it so it's fair across the board for everyone. Member Flynn agreed with Chairman Poillucci.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To approve the stable application for the four horses at 419 Bedford Street.

Unanimous vote in favor.

6 Morrison Way

040-004-006

Christopher LaPlante

John Delano from John W. Delano and Associates, Inc. was present for discussion along with homeowner Christopher LaPlante requesting three Local Upgrade Approval variances for the installation of a "Tight Tank" at 6 Morrison Way. Board Member Flynn asked how big was the lot and DeLano replied 6,840 square feet. Discussion was held relative to the existing well and its location on the property. Poillucci believed a tight tank had to have a seasonal deed restriction on it. Under Local Upgrade Approval, Perry stated that if it's a seasonal deed restriction they can do it, but he believed they were planning on going to the State with this. DeLano stated that the homeowner will be submitting applications to the Building Dept. to renovate the structure because it really is a cottage at this point. He wants to raise the foundation which did not get flooded out during the storms but he water did come up close to the porch. Delano stated that LaPlante was going to raise the foundation; the foundation is currently on posts right now, so he wants to make it solid, renovate the cottage, and put in a modern system. DeLano stated the reason why LaPlante didn't want the seasonal restriction on it was because he wants to go to the Department of Environmental Protection (DEP) for the variance is not necessarily because he plans to live in it year round, but just feels at this point in time that it may hurt marketing if he decides to sell it in the future. Chairman Poillucci noted, "Yes, but just because he doesn't plan on using it as year round right now, if he goes and sells it as year round in the future, then it can be used as year round." Chairman Poillucci asked Delano if he knew when the well went in. Member Flynn asked if the dwelling was an existing one bedroom right now. DeLano relied in the affirmative and stated that it would be remaining a one bedroom. According to Delano, if they go to the Department of Environmental Protection (DEP) for the variance, they'll require the deed restriction on the one bedroom as part of their approval, but it all depends on this Board. Member Flynn asked if they had looked into any other type of system. Delano said they started out doing percolation tests on the property but immediately hit the water table and peat down to a depth of 81"; which wasn't too drastic, but then they started hitting something like compacted loamy sand that would bump up the size of the system to a point where they felt that excavating it out may compromise the stability of the abutting properties being such a small lot. Discussion was then held relative to ongoing discussions with different Boards regarding the "seasonal" property list and wells installed in the past without pulling the proper permits. Board Member Flynn asked what the downside was to having the "tight tanks". He asked if it was very expensive to pump the tight tanks monthly. Perry said it's the maintenance cost; it could be costly. Flynn noted, but there's no reason why it only works

for half a year; it's just too expensive to use it for the whole year. Perry replied in the affirmative. Perry noted that the only real downside the Board of Health had on this (tight tank) was when people started renting out their properties year round. He said that if it wasn't part of their (tenant) rental agreement to pump the tank, and the people couldn't afford to pump it every week or every two weeks it wouldn't get done; causing the sewage to overflow and cause a problem. Chairman Poillucci said he was not comfortable voting on a tight tank for year round use; at least until they had time to review how they were going to handle this. Board Member Flynn then stated, "So we vote tight tank for seasonal use; he can do that if he wants to and can go to the Department of Environmental Protection before he starts building." Chairman Poillucci then stated, "But he doesn't want the seasonal restriction." Board Member Flynn said to let the Department of Environmental Protection take it off, not them. Chairman Poillucci asked DeLano if this property had a deed restriction on it right now. DeLano replied, "Not right now, it will when they get the Department of Environmental Protection's approval because of a tight tank." Health Agent Perry told the Board that this property was on the "seasonal" list right now. DeLano asked if it was the Board of Health who put it on the list, and Perry replied in the negative. Poillucci stated that a lot of these houses before had seasonal water; which made them seasonal houses. Poillucci told DeLano the Board of Health doesn't have any records of that well going in, we don't know if it's a deep well, shallow well, or if it was put in illegally. Poillucci said they (owner) may have the documentation, as to when the well got put in, but this is starting to become a common thing; people want to move in, buy something really cheap because it's seasonal, and then find a way to get people in year round. Poillucci said the third Board member wasn't here tonight so they could continue it if they wanted them to, but he wasn't going to vote to use the tight tank for year round use. DeLano asked if the Board had the authority to remove it from the seasonal list after the cottage is renovated with modern heating, plumbing and insulation. DeLano said he knows the water is good because they had it tested. Chairman Poillucci replied, "If it meets Title V, if he has a Title V septic system in there." Member Flynn stated, "If we approve this tonight it's seasonal, unless you come in with another plan." Flynn also mentioned voting it seasonal tonight starts the clock ticking so he can start building something, but also saves them from coming back next month if he decides he wants to be seasonal. DeLano said he would like to ask his client how to proceed. He told LaPlante what the situation was right now; the Board would approve a tight tank system tonight but it would have a seasonal restriction on it. DeLano told LaPlante, in this way, he would be able to get his building permit, continue with the renovations, use it, and then they would have to figure out in the future how he might want to address the seasonal use. LaPlante replied, "And that includes a possible re-design to make it Title V compliance?" DeLano replied in the affirmative. LaPlante said he didn't have any problem with that. The following Local Upgrade Approval variances were requested for the installation of a Tight Tank:

Local Upgrade Approval Variances

1. Allow the use of a tight tank for a one-bedroom dwelling.
2. Allow set back variance from tight tank to tributary to a surface water supply from 200' to 147' for tank #1.
3. Allow set back variance from tight tank to tributary to a surface water supply from 200' to 164' for tank #2.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To approve the variances as requested with the following stipulations:

1. This approval needs to be submitted to the **Department of Environmental Protection (DEP)** for their approval for use of the “Tight Tank”.
2. A deed restriction must be recorded at the Plymouth County Registry of Deeds stating that the dwelling will remain a “Seasonal” (1) one-bedroom dwelling.

Unanimous vote in favor.

Wee Little Munchkins, LLC 26 Main St. (062-003-013)

A discussion was held in regards to the use of portable sinks being used at the daycare establishment.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second and back up to vote, the Board

Unanimous vote in favor.

VOTED: To approve the use of the portable sinks subject to the following stipulations:

1. Fresh jugs of bottled water are used each time
2. A written plan regarding cleaning and protection of water supply hose
3. A 30-45 day re-inspection

Year 2011 Board of Health License Renewals

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second and back up to vote, the Board

VOTED: To approve the following licenses as noted on memo from Board of Health Clerk Lima dated August 17, 2011:

Septage Pumper License – Mr. Cesspool LLC
Portable Toilet Pumper License – Mr. Cesspool LLC

Unanimous vote in favor.

Board of Appeals Petition for Hearings

4 Violet St. **042-015-015** **Stephen Melanson**
Board Members reviewed the Petition for Hearing for Stephen Melanson for 4 Violet St.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To send a letter to the Board of Appeals stating they saw no health issues involved with this petition. A proposed septic plan for a “Geo-flow Pipe Leaching System was approved on July 20, 2011 and is being installed.

Unanimous vote in favor.

225 Bedford St. **026-003-011** **Nancy Adams**
Board Members reviewed the Petition for Hearing for Nancy Adams for 225 Bedford Street.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second and back up to vote, the Board

VOTED: To send a letter to the Board of Appeals stating they had no health issues, as long as the issues on the existing well were addressed and resolved.

Unanimous vote in favor.

Old Business-Meeting Minutes

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To accept the minutes of the meeting of July 13, 2011 as typed.

Unanimous vote in favor.

Discussion regarding abutter Notifications

The Certified Mail-Return Receipt Requested green abutter cards are required.

2 Shore Avenue

(041-015-001

Nancy H. Bastien

A communication was received from Nancy H. Bastien inquiring about the status of the Title V septic inspection performed by Bay State Sewage Disposal, Inc. on July 29, 2010 found to be satisfactory. Health Agent Perry stated that the Title V inspection requires further evaluation by the Board of Health since the soil absorption system is with the Zone 1 of both a private abutting well and the public well. According to Perry, the soil absorption system is conventional and untreated and only about ten years old. Perry stated that Prime Engineering, Inc. permitted it through the Board of Health and the Department of Environmental Protection may have also approved it, however the paper trail for the system that went in was very sketchy; none of the plans really show everything. The Board reviewed the plans and discussion arose about the private abutting well, public well location, and the well house. Member Flynn wondered if they could possibly put in a valve, use it as a tight tank, and test one of the wells nearby. Perry told Flynn he didn't know what the groundwater flow was there. Chairman Poillucci asked when the closing was for this property. Board Member Flynn replied October 15th according to the letter. Poillucci said they probably need the Title V to close. Perry said she wanted clarification, according to the letter, as to whether we consider it failed or not. Perry believed the engineer that brought this to their attention recommended they turn this into a tight tank because it was seasonal anyway. Further discussion ensued relative to a possible tight tank and what would be needed for the change. After further discussion, Member Flynn asked Agent Perry to contact the Clark Shores Water Corp. to find out when the new public well was scheduled to be installed. Health Chairman Poillucci asked Perry to also find out, if the corporation had any records, as to when the seasonal water supply was shut off over the past few years for the residents who were on the public water supply. Poillucci said this would help the Board with the well issue; knowing when people put in wells and they can cross reference them. Perry said he would check with them tomorrow.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To contact the Clark Shores Water Corp. to find out the schedule of the new well

and contact 2 Shore Avenue and let them know if it is acceptable for the short term duration or not acceptable for the long term duration and the Board would approve a tight tank or an acceptable well test.

Unanimous vote in favor.

Seasonal Properties

There was a brief discussion regarding seasonal properties, but the discussion will be continued when the third member is present.

Communications

116 Hackett Avenue

(051-005-002)

David & Suzanne Rebeiro Trustees

A communication dated August 9, 2011 was received from Town Administrator Garbitt stating that on August 8, 2011 the Board of Selectmen removed the property at 116 Hackett Avenue from the 2006 Preliminary Summer/Seasonal Homes Inventory list dated March 31, 2006, subject to the Board of Health and Building Department approval. Chairman Poillucci stated the property has a Title V septic system approved by the Board and a well with potable water; they did not have a deed restriction on the property, but they wanted to come off that list. Poillucci stated the list was set up years ago based on a lot of different criteria which happened back then; the dwellings were used as seasonal, different people knew they were used as seasonal, or they were on the seasonal water. Poillucci then explained what transpired at the Board of Selectmen's meeting relative to seasonal properties.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

VOTED: To remove 116 Hackett Avenue from the seasonal list, even though it's not our seasonal list.

Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

Upon motion made by Member Flynn and Chairman Poillucci stepping down to second then back up to vote, the Board

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

Unanimous vote in favor.