

**Board of Health Meeting Minutes**  
**August 21, 2013**

The Lakeville Board of Health held a meeting on **August 21, 2013** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Also present was Health Agent Lawrence Perry and 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.

**103 Staples Shore Rd**

**(064-003-026)**

**Donald Sena**

Septic Installer Glenn Chistolini from Lakeville Plumbing, Heating & Excavating was present for discussion as well as homeowner Donald Sena. They were requesting an extension from the August 15, 2013 deadline previously voted on to complete installation of a septic system. Chistolini stated that the reason for the delay is the water level has been really high. He said last year he put in an emergency tank to start system and was going to use the fiberglass tank for a pump chamber, but asked if need be, could he seal outlet on the fiberglass tank to prevent anything going into the septic system until he can get the leach field constructed. He said the water has been exceptionally high in the last couple of months and is beginning to recede now.

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

**VOTED:** To waive the extension fee and approve a three month extension until November 21, 2013 to complete septic installation. Unanimous vote in favor.

**27 Shore Ave.**

**(041-009-008)**

**Francis O'Neill**

Engineer Jamie Bissonnette from Prime Engineering, Inc. was present for discussion on behalf of homeowner Francis O'Neill. Abutter cards were submitted. He stated this property is a seasonal dwelling on Long Pond and currently has a cesspool style system in front of the dwelling on the Shore Ave. side. He said the system is in failure. He is requesting approval to put in two plastic 1060 gallon tanks in series. They will be using concrete ballasts on the tanks to keep them in the ground.

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

**VOTED:** To approve the following multiple State and Local Variances to include a two bedroom seasonal deed restriction:

**LUA Divergences**

- 1) Use of a tight tank for a seasonal dwelling per 310 CMR 15.260(8)
- 2) Setback reduction for water supply line from 10' to 5' per 310 CMR 15.405(1)g
- 3) Waiver for soil evaluation deep test hole to be performed at open hole inspection

**State Variances**

- 1) Setback reduction for a septic (tight) tank to surface water supply from 400' to 75'
- 2) Waiver for septic (tight) tank pipe invert to be in high water table & not 12" above

### **Local Board of Health Variance**

- 1) Setback reduction from local reg.2.5 for tank to deck from 5' to 2'.

Unanimous vote in favor.

### **7 Shore Ave.**

**041-014-002**

**David & Cheryl Rogers**

Engineer Jamie Bissonnette from Prime Engineering, Inc. was present for discussion on behalf of homeowners David and Cheryl Rogers. He stating this septic system was originally designed by another engineering firm and that Prime was working on the as-built to finish up the job. He said they inspected the system and had the owners make some modifications to the system itself.

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

**VOTED:** To approve the following After-the-Fact Local Variances:

### **Local Upgrade Approval**

1. Per Section 310CMR 15.211 – An After-the-Fact variance which requires a holding tank (tight tank) to be 400' from a surface water supply. A reduction from 400' to 63±' requested.

### **Local Board of Health Variance**

2. Lakeville Board of Health Regulation 3.0 requiring an RLS stamp.

Unanimous vote in favor.

### **Acceptance of Meeting Minutes**

Board Members reviewed the minutes from the meeting held on July 17, 2013.

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

**VOTED:** To accept the Board of Health Minutes for July 17, 2013 as typed.

Unanimous vote in favor.

### **Orchid of Hawaii**

**(026-004-017)**

There was a short discussion regarding the Orchid of Hawaii Restaurant and food safety training. Sam Wong from MD Consultants will conduct the training on August 26, 2013. Health Inspector Bernardo provided Board Members with an update on the establishment, noting that while slow, they have shown some improvement.

### **21 Nelson Shore Rd**

**(055-001-016D)**

**Cory & Kim Veilleux**

Private stable owners Cory and Kimberly Veilleux were granted permission on September 19, 2012 to house a temporary third horse on their property until March 19, 2013, due to the horse being ill. The horse was then boarded at Holloway Brook. A call was made to the BOH office by Kim Veilleux requesting approval of a temporary permit from the Board for one month to bring the horse back to their property as it has gotten much better. They will be re-applying for a stable permit at the next Board of Health

Meeting scheduled for September 18, 2013 to house the third horse permanently.

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

**VOTED:** To approve a temporary stable permit for three horses for one month.  
Unanimous vote in favor.

**25 Twin Oaks**

**(065-003-003)**

**David Denison**

Jon Pink from AZOR Land Sciences, Inc. was present on behalf of homeowner David Denison. Abutter cards were submitted. A short discussion was held and

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

**VOTED:** To approve the following State & Local Variances pending DEP approval, a two bedroom deed restriction and current water analysis that shows acceptable results for all BOH potability parameters:

**State Variance Request:**

- 1) 310 CMR 15.221 – Reduction of setback from a septic tank/pump chamber to a private well from 50 feet to 42 feet.
- 2) 310 CMR 15.211 Reduction of the setback for a septic tank/pump chamber to a surface water supply from 400 feet to only 41feet.

**Local Upgrade Approval:**

- 1) Waiver for second required test hole per 310 CMR 15.405(1)k
- 2) Reduction of private abutting well setback from 100 to 75 feet per 310 CMR 15.405(1)g.
- 3) Reduction of septic tank/pump chamber setback to foundation/crawl space from 10 to 6 feet per 310 CMR 15.405(1)b.
- 4) Reduction of setback of a soil absorption system from a surface water supply from 400 to 101 feet per 310 CMR 15.405(1)g.

**Local BOH Regulation Variance**

- 1) Waiver from local regulation 2.8 two compartment septic tank requirement

Unanimous vote in favor.

**45 Nelson Shore Rd**

**055-001-010**

**Robert McKinnon**

Jon Pink from AZOR Land Sciences, Inc. was present on behalf of homeowner Robert McKinnon. Abutter cards were submitted. Member Poillucci asked Health Agent Perry if he ever found out where the pipe was going. Agent Perry said he didn't think it was going anywhere. He said he could see it was plugged on the inside, but that Installer Chistolini (who was present for another property) may know. Chistolini said he didn't know where it was going. He said he put the tank in a couple of years back. He said he went down there and saw it was patched and dug it up to show homeowner it wasn't leaking. He pumped the tank down, and nothing came in. Buoyancy calculations worked out and as far as he was concerned it looked fine to him. He also said he and

Jon Pink shot all the elevations and said it looked good to him. Chairman Garvey said he would like to compare the two plans, but Pink said because this was done as an emergency repair, there was no plan. A short discussion was held and:

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

**VOTED:** To approve the following After-the-Fact Variances approval is pending DEP and ConCom approval, a seasonal two bedroom deed restriction and current water analysis that show acceptable results for all BOH potability parameters.

**After-the-Fact State Variances Request:**

- 1) 310 CMR 15.227(5) – To allow the inlet pipe invert of the tight tank to be *within* the high water table rather than meeting the state requirement of 12” minimum above high water.
- 2) 310 CMR 15.211 Reduction of the setback for a septic (tight) tank to a surface (secondary) water supply from 400 feet to only 35 feet.
- 3) 310 CMR 15.260(2)a – reduction of the minimum tank volume of 2000 gallons for a tight tank to only 1500 gallons (500% storage capacity met).

Unanimous vote in favor.

**11 Nelson Shore Rd**

**055-005-013**

**Richard & Lori Chisholm**

Richard and Lori Chisholm were present requesting approval of a private stable permit to house three horses on their 4+ acre property. Abutter cards were submitted. A letter was received from Inspector of Animals Jared Darling stating that he inspected the property and has no issues with the permit being granted. Mrs. Chisholm said she contacted the USDA and they were going to provide her with a manure management plan. She said she will be spreading the manure out in a hay field and any excess will be hauled away.

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

**VOTED:** To approve a private stable permit for three horses at 11 Nelson Shore Road. Unanimous vote in favor.

**Discussion with Board of Appeals Members regarding Season Conversion**

At 6:25 p.m. Chairman Don Foster from the Board of Appeals called the meeting to order. Also present from the BOA was Mr. Gouveia, Mr. Curtis, Mr. Urbanski and Mr. Beneski. Mr. Foster began the discussion stating that he applauded BOH request that was sent regarding the conversion and just wanted to share some thoughts. One thing he wanted to point out was that in the Zoning By-Laws, seasonal to year round conversion is mentioned in three places. Chairman Garvey then asked for Interim Building Inspector Nate Darling to join the meeting. Foster said early in the by-laws in the definitions of seasonal it reads “*Seasonal Summer Residence - A dwelling with sub-standard septic system not meeting Title V for year round residence*”. He said later in the by-laws under section 7.4.6 it reads “*Subject to Board of Health approval must demonstrate adequacy of water supply, sewage disposal, indoor and outdoor space*”

*without over loading the capacity of land or endangering water quality. Lot size, as well as soils and topography, shall be considered, and engineering analysis may be required. Conditions and limitations may be imposed etc.*" He stated that this by-law was adopted 1980. He said it's more specific and he feels that what needs to be done is to align the definition with what it says in the by-law about the conversion. He felt that if we were faced with a difficult decision and an attorney became involved it could cause an issue because the definition doesn't define it the way the by-law states it. He said the wording probably needs to be amended so the wording in the definition includes the verbiage or to at least make reference in the definition to look at the specifics as described in Section 7.4.6. He said it is also mentioned in Section 4.1.1 merely to say *"the conversion is permitted by special permit in residential business zones subject to Board of Health approval."* He said the Board of Appeals has kind of come to a conclusion, but wanted to make sure his colleagues on the Zoning Board agree with him, (although Member Beneski was not present during that discussion), they discussed what they thought might be the need for even more scrutiny for a dwelling to be properly converted, it maybe should have a safety inspection, it should perhaps conform to some kind of building code inspection, maybe an occupancy permit. He said not that he thinks all seasonal dwellings are like that, but that there may still be a few shacks out there that were really truly built for really only a couple of weeks in the summer on the lake and still don't have heat or proper indoor plumbing and so forth. He thinks that as the Board of Health deliberates further and begin to craft the words for an improved by-law, they might look at how define maybe what the building inspector and fire chief need to look at to confirm that the heating plant in the building is adequate and safe. He said that he's not even sure if he's covered all the bases, but he thinks there is more that needs to be done. Foster said he would be more than happy to work with the BOH. Chairman Garvey began speaking and said that the Board of Health can handle the water and the septic. He said he couldn't speak on behalf of the Building Dept., or electrical and plumbing inspectors. That's why the Board of Health devised the sign-off sheet. Member Poillucci spoke and said it needs to be understood that homeowners can't be expected to update a whole house to today's building code. There needs to be some leeway with all the inspectors. He felt was time to clean some of these properties up and give people tools to where they can try and get money to finance improvements and at least take the first step in trying to make things better. Foster said that the thing that needs to be focused on is how suitable occupancy characteristics are defined on this converted summer dwellings. Interim Building Inspector Darling said that as far as he stood, for the inspectors to go out and an inspection on a property that doesn't have an active permit is very difficult. Most of the properties are closed up and one wouldn't be able to verify the electric, etc. This lengthy discussion continued, and ultimately it was decided that a series of checklists should be compiled from all departments involved to approach the Planning Board to change the definition of seasonal with respect to the Zoning By-Laws. Chairman Foster adjourned the meeting at 7:15 p.m.

Chairman Garvey felt it may be a conflict for him to be on the seasonal by-law committee because his property has a tight tank, although it is a different type of system. Member Poillucci felt whenever there is a meeting both he and Chairman Garvey may attend, as long as it's posted. Members agreed people are going to need guidance. Member Flynn said that more than the checklist, it's the cycle one gets into

to do it. Member Poillucci said people need a general yes or no before they go ahead and spend a lot of money.

**Letter from Dr. Manley regarding request for EEE/WNV Curfew**

A letter dated August 17, 2013 was received to the Board of Health Office from Dr. Maribeth Manley in regard to setting a curfew for Ted Williams Camp due to EEE / WNV. Chairman Garvey stated that a curfew will be instituted only when the Dept. of Public Health advises our department that Lakeville is at "high" risk. Health Agent Perry stated our risk has not been elevated. He said we are currently at "moderate" for EEE and "low" for WNV.

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

**VOTED:** To adjourn the meeting at 7:25 p.m. Unanimous vote in favor.

ACCEPTED AS TYPED 09-18-13 JL
----------------------------------