

Board of Health Meeting Minutes

December 8, 2010

The Lakeville Board of Health held a meeting on December 8, 2010 in the Lakeville Town Office Building. Present at this meeting were Board Members William E. Garvey, Terrence Flynn and Robert Poillucci. Also present at this meeting were Health Agent Lawrence Perry, Board of Health Supervisor Nancy M. Teser, Board of Health Clerk Jo Lima, and Christine Weston, Recording Secretary.

Chairman Garvey stated the meeting was being recorded and would be televised at a later date by Comcast. Chairman Garvey called the meeting to order at 6:27 PM.

19 Shore Avenue

041-009-004

Francis & Lorraine Sullivan

Terry McSweeney of McSweeney Associates, Inc. was present for discussion. McSweeney presented the certified mail cards (abutter notification) to Supervisor Teser. McSweeney said they were looking to replace a failed cesspool currently servicing the dwelling on the site with a "Tight Tank". He stated that the existing cesspool was closer to Long Pond than the proposed installation. McSweeney said he was requesting (3) three Local Upgrade Approval Variances for the installation of a "Tight Tank" at 19 Shore Avenue. (1) Tight tank to cellar wall setback distance. Proposed 9' – Required 10'. (2) Tight tank to surface water supply setback distance. Proposed 73' – Required 400'. (3) Tight tank to wetland bordering a surface water supply. Proposed 60' – Required 100'. McSweeney stated that the Clark Shores Association and the Clark Shores Water Realty Trust have been notified of this request. Chairman Garvey asked if they've gone before the Conservation Commission relative to the Notice of Intent needs to be filed with the Conservation Commission. The Board of Health Office records show this property as an existing "Seasonal" two-bedroom dwelling on the seasonal water supply; and would require a recorded deed restriction. Upon a motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the (3) three Local Upgrade Approval Variances as requested subject to the Conservation Commission's approval. Unanimous vote.

52 Harcourt Avenue

059-002-038

Harcourt Realty Trust

Jason Youngquist of Outback Engineering, Inc. was present for discussion. Youngquist said he was requesting a Local Upgrade Approval Variance per 310 CMR 15.405(1)(h) a reduction in the minimum separation to groundwater from 5' to 4' in soils with a recorded perc rate of two (2) minutes per inch. He said this would allow for a gravity fed system and would eliminate the need for a pump and also prevent the need for a mounded system, enabling the existing drainage patterns to remain unaffected. It was also noted by Health Agent Perry that an (After-the-Fact) Variance from the Lakeville Board of Health Regulations under 12.1 Siting of Well – "No well shall be permitted within 20' of a street layout line or 10' of a side or rear line" (Requested – 11' setback reduction from 10' to 1') would be needed. Youngquist stated once upon a time this was a shared shallow well between the two properties (50 Harcourt Avenue), but since then they put in their own well and have an existing easement for that. Health Agent Perry stated there was a history of bacterial contamination awhile back on that well. Chairman Garvey said they could make the motion subject to a well test. Supervisor Teser said a copy of the easement was received yesterday. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the Local Upgrade Approval Variance as requested and the Lakeville Board of Health Regulations Variance subject to a satisfactory well test on the on-site well. Unanimous vote.

21 Hitching Post Road

063-003-001/21

Robert & Lisa Barboza

Darren Michaelis of Foresight Engineering, Inc was present for discussion. Michaelis said the "SludgeHammer" was a new technology approved by the (DEP) Department of Environmental Protection and basically what it does is add oxygen and food to the organisms and disintegrates the bio mass so the system functions properly. According to Michaelis, the system usually has a three month period to show that it's

working properly; if it's not working properly after the three month period, they already have an approved plan in place for replacement and will just have to put the new leach field in. If it is working properly after the three month period, Michaelis stated they then have a two year money back guarantee period. Michaelis said the gentleman was not selling his house at this time, but if the Board wanted something in writing; such as if he did sell the house they wanted a Title V inspection done at the time of the sale to make sure the system was working properly they could, but the homeowner would have to prove it anyway. Chairman Garvey said they would absolutely require a Title V inspection at the time of sale. Board Member Flynn asked how they were going to inspect the distribution box. Michaelis said the distribution box was already grade so they were basically going to check the distribution box levels and make sure they are not above the distribution box like they are right now. Member Flynn asked how they treat the system. Michaelis told Flynn that the effluent goes through and it doses it every time the effluent goes out. Member Flynn asked if it has bacteria when you put it in. Michaelis replied in the affirmative; it's all contained, so it's all a self contained unit. Michaelis said the SludgeHammer itself eats all the bacteria in the air. Member Poillucci remarked, according to your notes (Health Agent Perry) here, the Department of Environmental Protection said that if the failure was due to solid carryover into the leaching facility then it's not approved for this application. Health Agent Perry said the Department of Environmental Protection's recommendation on this is that it's not approved for a solid carryover; that's why we have to look at it because we don't know the history of the property and what caused the failure but some of the evidence points to solid carryover. Perry said it would be somewhat of a judgment call by the Board to decide on this. Chairman Garvey said they would be looking at this in three months so what difference would it make. Perry said the only difference would be that they would have a three bedroom deed restriction as opposed to a four bedroom if they do a remove and a replace. Perry noted that if the owners were okay with a three bedroom deed restriction and they want to try it that would be more pertinent. Member Flynn said it must be more than a three bedroom house. Michaelis said it was only a three bedroom house believe or not; because they walked through it. Michaelis said it was because of the way they laid it out, the room above the garage is wide open staircase, wide open hallways, six foot openings, so it is legitimately a three bedroom home. Member Poillucci asked how much does one of these systems cost, and Michaels replied about \$5,000 installed. Member Poillucci noted, so they are going to risk \$5,000 to see if it works or not. Michaelis again noted that it's a money back guarantee, so if it's not working right in three months they'll pull the SludgeHammer out and they will go forward with the new plan. Michaelis noted that if the SludgeHammer was working properly after the three months, they still have up to two years on the guarantee to prove that it is still working properly and the leach field is still functioning properly. Member Flynn stated that he (owner) knows that the Department of Environmental Protection doesn't think it's going to work. Michaelis noted, if it's completely a solids failure; we dug down and there's a bio-mat, the sand is completely gray all through the over dig, so it has been in failure for quite some time. Michaelis said they did have a garbage grinder at one point in time but they did remove that; they have multiple laundries in the house, so that might not allow for settling time too. Michaelis said the owner was basically trying to save his yard because it's a beautiful yard and this is minimum disturbance. Michaelis said they were requesting a waiver of the requirement of a two compartment septic tank for the time being. The existing one compartment tank is proposed to be utilized for the SludgeHammer unit installation. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the variance for the one compartment tank instead of the two. Unanimous vote.

202 County Street

034-003-002 & 008

Nancy Lunnin

Board members received a request from Collins Civil Engineering Group, Inc. requesting after-the-fact variances for this property. It was noted that this property was an existing four bedroom dwelling that recently had a "Presby" septic system installed with multiple state and local variances. Richard Chaves of Bay State Sewage Disposal, Inc. was present for discussion. Chaves told the Board that the original plumbing was taken out and was moved further down in the house, so they had to flip the tanks the other way to make it work in the

house. Chaves said if they flip the tanks the other way they would be too close to the wetlands. Discussion was held relative to the tank and pump chamber going in closer than what was previously approved and they changing the tanks from H-10 with a slab over to combat buoyancy to H-20 with only 3 to 4 inches of fill. Chaves said he was under the impression that they needed nine inches of cover over the top of the tank; there's concrete over the top of tank, so they have four inches plus the concrete. Chairman Garvey said Title V requires nine inches of cover over the tank. Chaves asked if they get to count the concrete and Garvey replied no, that's not a cover, dirt is a cover. The Board members were informed that the following After-the-Fact Local Upgrade Approval Variances are now required for completion of the system: 1. (a) Minimum 50' setback from a septic tank to a drinking water well required; 39' actual. (b) Minimum 50' setback from a pump chamber to a drinking water well required; 33' actual. 2. Minimum cover from 9" to 4" on both tank and pump chamber. After reviewing the "As Built" plan upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the above variances as requested. Unanimous vote.

26 Spruce Road

042-005-012

Sarah Sullivan

Board members received a "Concept Plan" and details for a "Shared System" for 26 and 28 Spruce Street from Prime Engineering, Inc. Jamie Bissonnette, Project Engineer of Prime Engineering, Inc. was present for discussion. Member Poillucci stated he's currently using Prime Engineering, Inc. for a job; not this engineer, but wanted to clarify this for disclosure purposes. Bissonnette said they've come before the Board awhile back for a septic repair on this property at 26 Spruce Street and they were proposing a repair and a new well with some variances. Bissonnette said that the Board looked at it with concerns and were not favorable about the well. Bissonnette stated that since then they've come across the abutting lot which also has a septic problem and includes the shared well proposal to wetlands, so with talking this over, they've come up with a concept of proposing a shared system for the two houses and keeping the shared well for both houses, one on each lot. Bissonnette said it was kind of clever in the fact that the regulations state that one lot cannot, if it's under 20,000 square feet cannot contain both a well and a septic but in this case they're putting a well on one lot and the septic on the other, therefore, meeting the regulation definition lines. Bissonnette said they were putting in either an ADS Geo-Flow or a Presby to reduce the size of the footprint of the system but also to provide the higher level of treatment for the system. Bissonnette said that each tank would also have the two chamber septic tanks as opposed to what they have right now; right now they both have failing cesspools. Bissonnette said they consider this to be a winning solution for everybody; for the abutters, for the homeowners and for the town. Bissonnette noted that the reason for the concept for the shared system design is a little more intricate than the standard one because they didn't want to spend the client's money until we got a favorable review from the Board to move forward. Discussion was held on the need for a deeded easement for these two properties if this shared system was approved by the Department of Environmental Protection and the Board. Chairman Garvey said an easement would need to be written up by their attorney(s) and recorded at the Plymouth County Registry of Deeds if the Board grants the shared system. Member Poillucci said he didn't have a problem with the shared system if it was okay with the Department of Environmental Protection and the lawyers can write up and record the easement the right way. Board Member Flynn questioned the setbacks of the lots. Bissonnette explained the surrounding properties and setbacks somewhat to Board Member Flynn. Chairman Garvey then noticed there were separate lots on the concept plan. Bissonnette said they were in the same name but technically she bought them at different times. Chairman Garvey said they were still supposed to be combined if they're touching; the Assessors' Office is still supposed to combine them because it's a by-law that's been on the books for quite a while. Bissonnette said they drew up the concept plan like the Assessors have it listed and the deeds have it; they still have it broken down. Garvey said they are incorrect then. Member Poillucci asked if they would still need a variance if the lots were combined. Chairman Garvey said they would still need a variance. Chairman Garvey said he didn't believe anyone had a problem with the concept. Bissonnette said that's all that he was looking for, so he would move forward with the design. Bissonnette thanked the Board for their time and left. No other action was taken at this time.

37 Bedford Street

024-004-001

MJSN Realty Trust (Mark Evans Trustee)

Jonathan Pink, Project Manager of Azor Land Sciences, Inc. was present for the discussion. It was noted that this property was formerly a business/office building and they were proposing to change the use to residential and remodel the structure into a three bedroom dwelling requiring a new three bedroom septic design (with no variances). The applicant was also proposing to install a new well on the property; which requires a local variance from the Lakeville Board of Health Regulations – (1) Waiver of the 400’ setback of a tank used for the storage of saleable petroleum products to a well; 365’ requested. Mr. Pink stated they were zoned business but they were going before the Zoning Board of Appeals for a Special Permit to convert an office building back into a single family dwelling. Pink noted that prior to 1984 this building served as a single family dwelling. Chairman Garvey noted that Joe’s Gas well is about 50’ from his storage supply. Pink stated that in no way would they be able to get the 400’. Upon motion made by Member Poillucci and seconded by Member Flynn the Board

VOTED: To approve the plan and variance (waiver) of the 400’ setback distance of a tank used for the storage of saleable petroleum products to a well; 365’ requested. Unanimous vote.

35 Bedford Street

024-004-001A

JSN Realty Trust (Mark Evans Trustee)

Jonathan Pink, Project Manager of Azor Land Sciences, Inc. was present for discussion. Pink stated that right now 35 and 37 Bedford Street share a shallow well and the client does not want to deal with a shared well if he sells the business. Board Member Poillucci asked if they could get public water up there. Pink stated that they couldn’t get it up there; that it’s a dedicated water line. Chairman Garvey said the water line passes right by there but it goes directly to Bridgewater prison. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the well at 35 Bedford Street and grant the variance (waiver) of the 400’ setback distance of a tank used for the storage of saleable petroleum products to a well; 204’ requested. Unanimous vote. Health Agent Perry stated that a Title V inspection would still need to be done before the well goes in; that’s the Board’s policy unless they ask for a waiver from that.

6 Race Course Road

015-005-005

Paul & Jaclyn Gould

A new plan for a Stable Permit was received from Paul and Jaclyn Gould of 6 Race Course Road. Mr. and Mrs. Gould were present for discussion. Also present at this meeting were abutters Ann and Terry Goldman of 90 Highland Road and Richard Dubee of 88 Highland Road. Chairman Garvey said this was the one that went to the Conservation Commission. Mr. Gould said they had to determine just how much land was actually there because on one of the original plans one of the boundary markers had been missed on the as-built plan and when they went back one of the other abutters had had their property re- surveyed. Gould said the company which did the as built plan at that time found that they had missed one of the property markers which gave us ¼ acre more. Member Poillucci remarked so now we have a certified plan updating what’s exactly there and that’s the 86,041 square footage listed on the plan. Mr. Gould said that was correct. Gould stated the Board’s regulations state you need 80,000 sq. ft. for three (3) horses on any lot of land and any additional horses after that is up to the Board. Chairman Garvey asked if Jared Darling, Inspector of Animals was out there to inspect the property. Paul Gould said he was out to the property back in August and before that in June (June 30, 2010) when he wrote out a report. Chairman Garvey asked how long has the paddock area been there. Gould told Garvey that Darling already knew that the paddock was there. Gould said the only thing new on the plan was the drainage system that was being installed. According to Gould when he told the Conservation Commission about it they said that it helped them. Chairman Garvey asked if groundwater was collected. Gould responded in the affirmative. Chairman Garvey asked Gould if Inspector Darling had viewed the groundwater and Gould responded in the negative. Paul Gould said he called Conservation to come out but they never returned his phone call to come out. Gould told the Board that Mr. Hunt knows about it though; he lives at 8 Race Course Road. Gould stated that the water runs towards Mr. Hunt’s property and at the lowest point; that’s why they

installed that water crossing. Ann Goldman of 90 Highland Road asked exactly where does the surface water go, and Paul Gould said he could show her. Gould noted, (view plan) this is your property over here, this is the Dubee property, and this is Mr. Hunt's, the water direction runs this way; they had Ms. Martin (Conservation Agent) come out to the property to verify it, as we had heavy rain storms, the water travels this way so we have a 4 x 6 pit that goes about 3' down through crushed gravel, and as soon as the ground thaws we can put in those nitrogen absorbing plants that Conservation told them about. Terry Goldman of 90 Highland Road asked how was the lot size determined; are we deducting buffer zones, are we deducting setbacks, are we deducting the house, to come up with the appropriate suitable land that the horses can actually use; isn't that what the by-law states – suitable land. Chairman Garvey stated when they wrote the regulations they only took in square foot size; they didn't take into consideration a house, barn, pool, or shed; that was their interpretation. Ann Goldman asked how the Board came up with 40,000 square feet of suitable land for a new stable for a single horse; what did you base that on? Chairman Garvey replied that it was nitrogen and what other towns go by. Chairman Garvey said they didn't have any regulations before. Member Flynn said they had someone who put the paddock at the corner of their property nearer to the neighbor's property and that started problems. Garvey again stated they didn't have anything before about horses; you could have a hundred horses on the property before they adopted these regulations two years ago. Ann Goldman noted that in 2007 you had to have 20,000 square feet of upland for the first horse and you had to be 400' away from the water or 200' away from a tributary. Ann Goldman said she was honestly concerned with all these issues of the wetlands of how we are all down slope of the shallow well and I would really like that taken into consideration, this is not a normal piece of property. Chairman Garvey noted, first of all everybody can't be down sloped. Ann Goldman said they all were down sloped. Garvey stated that you can't have four neighbors and be all down sloped because it doesn't work that way. Ann Goldman said they have three neighbors that are down slope. Goldman said they don't have any topography there. Ann Goldman said Mr. and Mrs. Gould are at the highest point and if he had the topography in front of him he would see that. Chairman Garvey stated that he has to go by what he has here in front of him. Member Flynn thought they were going beyond what the Board originally asked for and what the Conservation Commission was asking for and that was to deal with the surface water runoff from the horse manure. Flynn felt the applicants met all their regulations. Paul Gould said they made the recommendation to the Conservation Commission and they approved it; they didn't ask us to do it. Jaclyn Gould said they had the land surveyed by an environmental planner and said that she had a record of the water flow marks. Again, Chairman said they go by square footage of the lot just like they do for a septic system; you don't deduct the square footage of the house. Discussion was then held about nitrogen loading and what horses produce. Again, Mrs. Goldman stated they were all down slope, had a shallow well at the bottom, have wetlands, and no one did a study on the water flow. Mrs. Goldman said she also attended the Conservation Commission's meeting and the only thing the applicant had to meet was the 100 foot buffer zone, so you really don't know which way the water is going. Goldman said she was just trying to stress the cumulative effects of this that causes the problem, once this (nitrogen loading) is in the ground you cannot get it out because it travels through the moisture of the soil and that's what I'm trying to explain, this is not a normal set of circumstances. Ann Goldman asked that they (Board) take this matter into consideration. Chairman Garvey asked fellow Board members for their opinion on this. Board Member Flynn said the applicants were looking to have six (6) horses when they first came in to meet with the Board. He asked if they were still looking for six (6) horses. Jaclyn Gould said they now wanted four (4) horses. Mrs. Gould said Inspector of Animal Darling's report said that their lot size was suitable for three (3) horses but the property could adequately handle four (4) horses. Member Flynn stated, when they came in the first time they had enough land for three (3) and we would have to give them a variance for the 4th horse. Flynn asked if they wanted him to make a motion to approve the request for four (4) horses. Chairman Garvey asked if there was a second on this motion. Board member Poillucci stated, under the circumstances right now he didn't believe he could go over the three horses so he could not second that motion. Chairman Garvey said Mr. and Mrs. Gould have done more than what was requested of them, but he would rather see just three horses there right now to see how it works out. Paul Gould asked if they could reapply for the fourth horse at a later date. Chairman Garvey responded in the affirmative. Board Member

Flynn asked if the barn had been built yet. Mrs. Gould said they built a six stall barn. She said they've spent a lot of money on this project to appease their neighbors and they've gotten rid of a horse. Right now, Mrs. Gould said she was boarding her horses forty-five minutes away and taking care of a 20 stall barn which she got approved by the State for nitrogen loading, and they remove the manure bi-weekly and have a dumpster and a manure plan. Garvey again said they have to be good neighbors. Terry Goldman again said he could not understand how they could determine the lot size for an animal if there was a house or swimming pool on it; the regulations say suitable land. Chairman Garvey again stated they did not deduct any buildings or structures from a lot size when they wrote the regulations; what is suitable is square footage whether it is right or wrong. Richard Dubee of 88 Highland Road asked what if their water did end up contaminated would he be covered in any way. Garvey told Dubee any well could get contaminated at anytime, but if the water analysis came up with high nitrates and it was horse urine then maybe yes. Dubee gave the Board a copy of his well water report. He said it was a good report. Dubee also stated whereas they were at the bottom of the hill the water leaches through the soil and comes their way. Dubee said there was also a reservoir in back of the Gould's property which feeds a cranberry bog, goes across the street towards Ian Ward's property, and then it comes back around their way from the reservoir. Garvey told Dubee a septic system has nitrates in it, the Department of Environmental Protection says a septic system has to be put in four (4') feet above water, so the State was telling them what goes in through your system in four (4') feet is purified before it gets into the water. Member Flynn asked Dubee if he puts nitrates on the cranberries with the fertilizer. Dubee said they use organic, nothing has been put on it for six years, but they use other kinds of disinfectants. Dubee said it wasn't an operable bog. **Upon motion made by Board Member Poillucci and seconded by Board Member Flynn, the Board**

VOTED: To approve a stable permit for three (3) horses at 6 Race Course Road. Unanimous vote.

Ann Goldman asked if the water could be tested to keep an eye on it. Paul Gould said when they went through the Conservation Commission, the Conservation Commission told him there have been several tests done relative to the collection of surface water over the years at that same location for the cranberry bogs, and since Chris-Jenn Brooke Lane was put in, they've seen a rise over the last several years and they've seen a continuous rise coming from their septic systems and their over fertilization. Paul Gould said the water sample information was listed by Tara Martin and the Conservation Commission and were already on file with them. Member Poillucci told Mr. and Mrs. Goldman that by right they can have three (3) horses there; they didn't give them anything extra. Chairman Garvey stated, actually all they were doing was approving their stable. Dubee said he just had one more question for clarification; on the piece of paper that they submitted as a lot size, where did that come from. Chairman Garvey said that it was stamped by a registered land surveyor. Dubee asked who surveyed it. Mr. and Mrs. Gould said it was surveyed by Alpha Engineering, Inc. on July 22, 2010 based off the deed. Chairman Garvey said they can do it right off the deed; the plan has a registered land surveyor stamp and that is an actual plan. Chairman Garvey also noted that all stables are inspected yearly by Animal Inspector Darling. Further discussion ensued with respect to drainage, ground water, surface water runoff in the spring, possible contamination from horse urine, and appropriate square footage for horses. Chairman Garvey stated that the motion was made to approve the stable permit for three (3) horses only.

211 Old Main Street

058-001-005

Scot Servis

Scot Servis owner of 211 Old Main Street was present for discussion. Board members reviewed a communication from Attorney Marc R. Deshaies of Perry, Hicks And Deshaies, LLP representing Scot and Katie Servis in reference to 211 Old Main Street; which is situated at the corner of the northerly side of Old Main Street and the easterly side of Crooked Lane, and provided facts and an opinion on the present well site. At the Board of Health meeting held on September 15, 2010, Chairman Garvey stated the Board reviewed a request from Servis asking for a (After-the-Fact) Variance from the Lakeville Board of Health Regulations – "Reduction of well to street line setback from 20' to -2', and after discussion regarding the location of the new well and the need for an easement from Plymouth County, the Board voted to grant the After-the-Fact Variance

subject to receiving a recorded deed restriction stating that if the new well got polluted in any way, Servis would move it and not hold the Town of Lakeville liable in any way. Board members again addressed this issue and after further discussion, upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the After-the-Fact Variance for a reduction of well to street line setback from 20' to -2'; subject to Scot Servis agreeing to the following Restrictive Covenant, signing it, and recording it with the Plymouth County Registry of Deeds:

Restriction

1. Servis agrees, that in the event that Crooked Lane is expanded to its full forty (40') foot width, they shall cause the well to be relocated within forty-five (45) days of notice of such expansion; and
2. Servis agrees, that as a material condition of the grant of the variance by the Lakeville Board of Health, to save and hold the Town of Lakeville, its boards and commissions harmless from any and all damages to the well head; and
3. Servis further agrees that as a material condition of the grant of the variance by the Lakeville Board of Health, they will save and hold the Town of Lakeville, its boards and commissions harmless from any and all damages to the well including environmental pollution from potential surface run off from Crooked Lane. Unanimous vote.

Chairman Garvey told Servis this recording would need to be recorded at the Plymouth County Registry of Deeds and a copy of the recording submitted to the Board of Health Office, if he agreed with it. Chairman Garvey told Servis it would be a registered variance on the well, not an easement. Servis said he was scheduled to meet with the Zoning Board of Appeals on December 16, 2010 and asked if a letter could be sent to them relative to this meeting. Chairman Garvey said a letter would be sent to the Zoning Board of Appeals stating they approved the variance for the well with restrictions. Servis thanked the Board and left.

Old Business - Chainsaw Complaint

78 Main Street

059-006-001

Joseph Starr d/b/a Starr's Country Market

Chairman Garvey said the Board received several complaints from abutters of Starr's Country Market about someone using a chainsaw at the corner of Main and Vaughn Streets at various times of the day. Garvey said DeMoranville came to the last meeting and asked him if he could go back cutting. Garvey said that he told him to go and talk to the neighbors across the street and see if they could work something out, and all of a sudden we find out that he is out there chain sawing again and he told Joe Starr that he got permission from the Board of Health. After some discussion Chairman Garvey felt they should send a letter to Joe Starr saying that he (DeMoranville) should cease and desist any wood carving out there. Upon a motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To send Joe Starr a letter stating that the Board of Health does not want anyone carving with a chainsaw at that location. Unanimous vote.

Old Business – Stable Permit

1 Patrick Thomas Court

062-001-011

Michael Dyksinski

Michael Dyksinski was present for discussion. Supervisor Teser told Chairman Garvey that Inspector of Animals, Jared Darling called her this evening and told her that did not inspect the property at 1 Patrick Thomas Court today because it was too dark, but he would possibly inspect it tomorrow. According to Supervisor Teser, Darling said he was told by Mr. Dyksinski that he has a 10' x 20' building with doors that looks like a

carriage house, and there's a building on the side of the house which is 12' x 12' and that he has three (3) horses. Chairman Garvey asked if the horses were all on Dyksinski's property; that's what he wanted to know. Supervisor Teser told Chairman Garvey that Darling said he wasn't sure about that. Chairman Garvey asked Dyksinski if the horses were all on his property. Dyksinski said the horses were on his property and he had spoken with Darling about it. Supervisor Teser said Darling told her that the box trailer and fence was still on the state property. Chairman Garvey said that was the State's problem, not the Board of Health's, he just wanted the horses on the owner's property. Chairman Garvey said they could approve this subject to a favorable report from Jared Darling, if the Board wanted to do that. Chairman Garvey explained the situation to Member Poillucci; Dyksinski previously had a stable permit; we received a letter that his horses were on the state property, we pulled his permit, and now he is reapplying to have the horses there. Chairman Garvey said Dyksinski was grandfathered to have three (3) horses there according to his original permit. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve a stable permit for three (3) horses subject to an approvable report from Jared Darling. Unanimous vote.

Supervisor Teser told Dyksinski that a new stable permit application and the proper fee would need to be submitted whereas the check and original application were returned to him.

Board of Appeals – Petition For Hearing

37 Bedford Street

024-004-001

Mark Evans

Board members reviewed a Petition For Hearing from the Zoning Board of Appeals for Mark Evans for property located at 37 Bedford Street. The "Petitioner seeks to covert an office building into a single family dwelling." "The building served as a single family dwelling prior to 1984." Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To send a letter to the Board of Appeals informing them that the Board of Health approved a new well and a septic system repair this evening for 37 Bedford Street. Unanimous vote.

2011 Board of Health License & Permit Renewals (see list below)

COMMON VICTUALLER LICENSES

Chairman Garvey said he would entertain a motion to approve the following Common Victualler license renewals, per memo submitted by Board of Health Clerk Lima, with the exception of the Lakeville Fraternal Order of Eagles, Inc. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the following Common Victualler licenses per memo from Board of Health Clerk Jo Ann Lima, with the exception of the Lakeville Fraternal Order of Eagles:

A-Frame LLC

Aramark Educational Services, LLC

*Apponequet High School

*Freetown Lakeville Middle School

*George R. Austin Intermediate School

Assawompsett Golf Co. LLC, d/b/a LeBaron Hills Country Club

Baldies Pizzeria, Inc.

Camp Joe Hooker, Inc.

Cisco Corp., Inc., d/b/a Cisco's Pizza

Corporate Chefs, Inc. (Talbots)

Gulf Resources, Inc. d/b/a Joe's Gas
Hawaii Corp., d/b/a Orchid of Hawaii Restaurant, Inc.
Lakeville Fraternal Order of Eagles, Inc. Aerie #3994 ** (Hold -Not approved at this time)
Lakeville Virtual Entertainment Group, Inc. d/b/a The Broken Tee
MFH Acquisition of Lakeville LLC d/b/a Dunkin Donuts
Nature's Pantry
Poquoy Investment Group LTD
Royal Pizza
Savas Liquors, Inc.
Sedell, Inc. d/b/a Sedell's Pharmacy
Somethin's Brewin' Book Café, Inc.
Joseph R. Starr d/b/a Starrs Country Market
Tamarack Wine & Spirits, Inc.
Tand, Inc. d/b/a Subway
The Back Nine Club LLC
Tutto Italiano, Inc.
Unidine Corporation @ Ocean Spray Cranberries

Unanimous vote in favor.

FOOD ESTABLISHMENT LICENSES

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

VOTED: To approve the following Food Establishment license renewals as listed on the memo from Board of Health Clerk Jo Ann Lima, with the exception of the Lakeville Fraternal Order of Eagles:

A-Frame LLC
Aramark Educational Services, LL
*Apponequet High School
*Freetown Lakeville Middle School
*George R. Austin Intermediate School
Assawompsett Elementary School
Assawompsett Golf Co. LLC, d/b/a LeBaron Hills Country Club
BBP Corp., d/b/a Muckey's Liquors
Baldies Pizzeria, Inc.
Camp Joe Hooker, Inc.
Cisco Corp., Inc., d/b/a Cisco's Pizza
Corporate Chefs, Inc. (Talbots)
Gulf Resources, Inc. d/b/a Joe's Gas
Hawaii Corp., d/b/a Orchid of Hawaii Restaurant, Inc.
Island Terrace, Inc.
Lakeville Fraternal Order of Eagles, Aerie #3994 ** (Hold-Not approved at this time)
Lakeville Virtual Entertainment Group, Inc. d/b/a The Broken Tee
Life Resources, Inc. (Bishop Ruocco House Treatment Center)
MFH Acquisition of Lakeville LLC d/b/a Dunkin Donuts
Nature's Pantry
Poquoy Investment Group LTD
Royal Pizza
Savas Liquors, Inc.

Sedell, Inc. d/b/a Sedell's Pharmacy
Somethin's Brewin' Book Cafe', Inc.
Joseph R. Starr d/b/a Starrs Country Market
Tamarack Wine & Spirits, Inc.
Tand, Inc. d/b/a Subway
The Back Nine Club LLC
Tutto Italiano, Inc.
Unidine Corporation @ Ocean Spray Cranberries
Walgreen Eastern Co., Inc. #10269

Unanimous in favor.

TOBACCO VENDOR PERMIT

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

VOTED: To approve the following Tobacco Vendor Permits, as listed on the memo:
BBP Corp., d/b/a Muckey's Liquors
Gulf Resources, Inc. d/b/a Joe's Gas
Poquoy Investment Group LTD
Savas Liquors, Inc.
Sedell, Inc. d/b/a Sedell's Pharmacy
Joseph R. Starr d/b/a Starr's Country Market
Tamarack Wine & Spirits, Inc.
Walgreens Eastern Col, Inc. #10269

Unanimous in favor

OPERATE A SEMI-PUBLIC POOL

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

VOTED: To approve the permit to Operate a Semi-Public Pool for Assawompsett Golf Co., LLC d/b/a
LeBaron Hills Country Club

Unanimous in favor.

HOG FARM PERMIT

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

VOTED: To approve the Hog Farm Permits as listed on the memo:
Hazel Dooley
Eliot L. Francescon

Unanimous in favor.

TRANSPORT OF GARBAGE OVER TOWN WAYS PERMIT (Relative to Hog Farm)

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

VOTED: To approve the Transport of Garbage over Town Ways (Relative to Hog Farm) for
Eliot L. Francescon.

Unanimous in favor.

RESIDENTIAL TRASH COLLECTION PERMIT

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

VOTED: To approve the Residential Trash Collection Permits as listed on the memo:
Allied Waste Services of Mass LLC
Frade's Disposal, Inc.

Unanimous in favor.

COMMERCIAL TRASH COLLECTION PERMIT

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

VOTED: To approve the Commercial Trash Collection Permits as listed on the memo:
Allied Waste Services of Mass LLC
American Waste Services LLC
C. J. Rubbish Removal, Inc.
E. L. Harvey & Sons, Inc.
Frade's Disposal, Inc.
Gordon Rubbish Removal, Inc.

Unanimous in favor.

SEPTAGE PUMPER LICENSE

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

VOTED: To approve the Septage Pumper Licenses as listed on the memo:
Bay State Sewage Disposal, Inc.
Claude Dubord & Son, Inc.
Flowmaster, Corp
Middleboro/Lakeville Cesspool Service, Inc.
Patriot Services, Inc.
Soares Sanitation Pumping, Inc.
Southeast Septic Services, Inc.
United Site Services Northeast, Inc. (Formerly Handy House, Inc.) Portable Toilets Only
Wind River Environmental LLC

Unanimous vote in favor.

Discussion on the Coalition Correspondence

Chairman Garvey said that the next thing on the agenda was the coalition correspondence. Health Agent Perry stated that there were a number of deliverable items that the Department of Public Health is requiring the local boards to submit and one of them is the IRAA (Individuals Requiring Additional Assistance) and they want to know if we've addressed any of this stuff and if we haven't we can just send them a blank form and they'll assign one of their DPH contractors to help us with it. Health Agent Perry said he had another correspondence from the MAHB regarding the unexpended PHER funds. Perry said they have to decide if they're going to do anything else with the money they've received last year prior to the flu clinic or they have to give it back. After further discussion Chairman Garvey told Health Agent Perry to send a letter to the Selectmen and David Goodfellow; whereas he was in charge of the clinics regarding these unexpended funds. Health Agent Perry said they have a deadline of January 1, 2011 to get back to them.

Discussion on Liability Insurance for license issue or trench permits

Board Member Poillucci said he was in the office the other day and someone came in for a trench permit. Poillucci said he wasn't aware of this but the Board of Health doesn't have anywhere in their regulations requiring them to have worker's compensation and liability insurance. Poillucci said he checked with the Building Department and they require worker's compensation and liability to pull a permit. Chairman Garvey believed it was the homeowner's responsibility to have the liability insurance. Garvey told Poillucci the septic

installer has to be licensed with the Board of Health and he has to provide us with a copy of his worker's compensation and liability insurance, and as far as the trench permit they have to call dig safe for a dig safe number. No other action taken at this time.

Discussion on Irrigation Wells

Health Agent Perry said Board of Health Clerk Lima had some questions about irrigation wells and if there was a required analysis. Perry said there's nothing in writing that says they have to do or don't have to do an analysis for irrigation wells. Chairman Garvey felt they shouldn't have to do one because it was only for irrigation purposes. Perry stated that there was nothing in our regulations so technically they would have to have the full analysis. Perry stated that the question was should they have to do an analysis in itself, what do you want done to do it. Perry stated that some towns require placards and lock out devices on irrigation just to prevent the public from ingesting water that wasn't properly tested. Chairman Garvey suggested Board members table this matter for now to do more research on it. Board members agreed with the Chairman.

Discussion on Monitoring Wells

Health Agent Perry said people have called and asked if they needed a permit for monitoring wells. This topic was also tabled for the time being to do more research on it.

Discussion on a Shared Services Survey & the Regionalization Grant RFR

Board Member Poillucci said when he went to the MAHB conference a few weeks ago he was told there were monies set aside by the federal government for the State to get towns to work cooperatively together. Poillucci said they are meeting again on this next Monday. He said Jeanne Spaulding, the Health Officer of Middleborough approached him on this, and she believes that Lakeville, Middleborough and possibly the Town of Carver would meet all of the criteria necessary for this grant money, and with doing the shared services they may be able to give us a full time employee to help organize, regulate, and make the changes with 100% State funding for three years. Poillucci said the Town of Lakeville would not be able to take this employee away from the Board of Health to offset itself. Some of the duties would be to help us with updating our computers, share resources and coordinate activities in order to improve the scope, quality and effectiveness of local public health services for the combined towns. Poillucci said he would be willing to be the contact person and go to the meetings with Ms. Spaulding and see if we can get any of this money for our Board. Poillucci said he wanted to clear this with the Board first. Upon motion made by Member Flynn and seconded by Mr. Poillucci, the Board

VOTED: To allow Member Poillucci look into this Shared Services. Unanimous vote.

Discussion on Special Municipal Employees

Member Poillucci stated that the Board of Selectmen voted Monday night on this and the Board of Health members are now all special municipal employees.

Haskell Circle

060-009-001

Twin Coach Estates, Inc.

Discussion was held relative to Twin Coach Estates, Inc.'s failed septic system, their Rules and Regulations for the Mobile Home Park, and a current application for a Mobile Home Park License. The Board members received a letter from Attorney Gerard S. Marsan representing Twin Coach Estates in Lakeville regarding an issue that he thought had been resolved some time ago. Marsan said he was addressing a letter sent to Twin Coach Estates dated November 17, 2010 by Health Agent Perry. The letter dated November 17, 2010 stated, according to the latest town records; Twin Coach Estates was operating without a license since January of 2009 because the rules and regulations which they had submitted to the State Attorney General's Office were not acceptable. Chairman Garvey said the failed septic system is shared by buildings 3, 5, 7 and 9 Haskell Circle. According to Board of Health records, their septic plans were approved on August 5, 2009 but the system has not gone in yet and the plans have expired. Garvey said new plans would need to be submitted for this repair.

Chairman Garvey felt the Board shouldn't approve anything until the he fixes that septic system. Health Agent Perry remarked, unless they approve it (Mobile Home Park license) subject to a Certificate of Compliance for a whole new septic system being put in to address that. Garvey said the problem with that is that these plans were stamped approved and have since expired because it's been over a year; they can go back to the same engineer but they have to come back in with new plans and a new application. Garvey said he would say to send them another letter stating that their septic system servings buildings #3, 5, 7, 9 has been in failure over a year and they have not addressed it. After further discussion on the septic system, Chairman Garvey said he would entertain a motion to send Twin Coach Estates, Inc. a letter stating that the Board cannot approve their Mobile Home Park license and Rules and Regulations until the failed septic system is addressed. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To send a letter to Twin Coach Estates, Inc.; informing them that the Board of Health cannot approve their mobile home park license until they address the failed septic system. Unanimous vote.

Meeting Minutes

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

VOTED: To accept the minutes of the meeting of September 15, 2010 as typed. Unanimous vote.

57 Long Point Road

071-001-002

Island Terrace Nursing Home

Board members received the October 2010 Monthly Status Report on the Wastewater Remediation Project for Island Terrace Nursing Home from Norfolk-Ram Engineering Solutions. Chairman Garvey stated this project was supposed to be completed this past July; which was the cut-off date with the Department of Environmental Protection because it has been going on for about 7-8 years. This communication was placed on file.

Software Programs

Board Member Poillucci told fellow Board members that he has been looking into some software programs for this office; Vision and BMSI, to see what program would be compatible for the office and what training they offer. Chairman Garvey said it would be good if they were tied into a program with the Building Department. Member Poillucci said he would look further into this and let the Board know.

Septic System Risers

Board Member Poillucci brought up several questions relative to risers for septic systems, and asked if a permit was required to work on them. Agent Perry told Poillucci that they require a permit to work on them to make sure that the risers are in compliance; because the risers are available in all different types and sizes and may not be the right ones. Chairman Garvey said the Board needs to make sure they install the right ones. No other action taken at this time.

217 County Street

037-001-002

Lakeville Fraternal Order of Eagles

Chairman Garvey brought up discussion regarding various ongoing issues at the Lakeville Fraternal Order of Eagles. At the November 3, 2010 Board meeting, Board members voted to revoke the Common Victualler, Food Establishment and Milk & Cream licenses held by the establishment due to various ongoing issues and violations over the last several months. Health Agent Perry stated that their (PWS) Public Water Supply was still out of compliance and the office still hasn't received any call to schedule a septic inspection. Supervisor Teser said someone from Bay State Sewage Disposal, Inc. came in today and said they would be scheduling a Title V soon. Member Poillucci stated a representative from the Lakeville Eagles went to the Selectmen's Office to renew the establishment's liquor license whereas it would be expiring at the end of the year. Poillucci said he asked the Board of Selectmen if a Board of Health sign-off was needed, but they said no they just wanted to make us aware of it. Poillucci said he didn't know how they could get a license without

potable water. Health Agent Perry explained why a Title V inspection was needed. He said he didn't know exactly what repairs would be needed because he just did some notes at the Food Establishment inspection. Perry noted, as a Town Official he can order a Title V inspection at any time because a restaurant cannot be open to the public without a public water supply and septic system in compliance. Chairman Garvey pointed out that these violations began in March. Perry told the Board he also told the representative from the Lakeville Eagles that he could not give them a permit for their upstairs facilities because they were completely substandard. Chairman Garvey said they need to get something into this office by December 15th. Perry said he has spoken to four or five different people from the Lakeville Eagles in the past two weeks. Board Member Poillucci said Tracie Craig of the Selectmen's Office has all the new and current contract numbers for the Lakeville Eagles. Chairman Garvey said the Lakeville Eagles may have more violations since the last inspection that need to be fixed. Garvey told Perry to tell them that the violations needed to be corrected and he would be inspecting the establishment. No other action taken at this time.

Wage & Personnel Meeting

Board Member Poillucci said he went to the Wage & Personnel Board's meeting and some discussion was brought up regarding the Board of Health Agent's job description and the Board of Health Supervisor's job description. Chairman Garvey said he had no problem with the job descriptions staying the way they are; that's the way the Board approved them. Poillucci said the issue came up the other night at the Wage & Personnel Board meeting that there was a conflict from what was proposed on the job descriptions, so that's why he was bringing it back before the Board. Garvey told Poillucci that Nancy was supervising three people before, they made the budget cuts and got rid of the people, and they were not going to hire anyone else. Again, Chairman Garvey said he didn't have any problem with the way they were written. No other action was taken at this time.

MHOA Membership Dues

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

VOTED: To approve the MHOA (Massachusetts Health Officers Association) membership dues renewal for the year January 1, 2011 – December 31, 2011 and pay the \$50.00 fee. Unanimous vote.

Board members decided to hold their next scheduled meeting on January 5, 2011 at 6:00 p.m.

Vendor warrants were signed by the Board.

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

VOTED: To adjourn the meeting at 8:45 p.m. Unanimous vote.