

**Board of Health Meeting
March 11, 2009**

The Board of Health held a meeting on March 11, 2009 in the Lakeville Town Office Building. The meeting was called to order by Chairman Turcotte at 7:02 p.m. Members present were Terrence Flynn and Jennifer Turcotte. Board Member William E. Garvey was absent. Lawrence Perry, Health Agent; Joseph Beneski, Part-Time Health Inspector; Jared Darling, Inspector of Animals; Nancy Teser, Board of Health Supervisor and Jennifer Jewell, recording secretary, were also present.

Vendor Warrants

The Board signed vendor warrants.

105 Staples Shore Road

64-3-25 & 64-4-11

Barnicoat

Darren Michaelis, from Foresight Engineering, Inc. was present for the discussion. There was a review of the plans and the requested variances from Local Upgrade Approvals, the State, and Local Board of Health Regulations. The location of the existing septic system and proposed retaining wall were discussed. It was stated that although the plans reflect two proposed well locations the Conservation Commission approved the location for Option #1 (closer to Assawompset Pond). It was noted that the water lines are already in place to service that location. This proposed system will require approval from the Department of Environmental Protection (DEP). The Conservation Commission requested that an environmental casing be installed around the well. It was stated that the dosing calculations were incorrect and will need to be corrected. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the plans and the requested variances from Local Upgrade Approvals, the State and Local Board of Health Regulations as detailed in the letter dated February 19, 2009 *subject to* receipt of filing a two bedroom deed restriction and receipt of revised plans showing the correct dosing calculations, the removal of the second well, the installation of an environmental casing and the installation of a third manhole cover over the effluent filter. Unanimous vote.

11 Churchill Road

39-7-1

Carey

Darren Michaelis, from Foresight Engineering, Inc. was present for the discussion. There was a review of the plans and the requested variances from Local Board of Health Regulations. The location of the existing septic system was discussed. It was noted that the plumbing would have to be relocated to accommodate the proposed design. The extent of tree removal was discussed. Distances to the locus and abutting wells were reviewed. The requirements for a plan stamped by a Registered Land Surveyor (RLS) were discussed and it was noted that if the RLS stamp is required it will be on the as-built plan. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the plan and requested variances from Local Board of Health Regulations as detailed in the letter dated February 19, 2009. Unanimous vote.

209 Hemlock Shore Road

45-2-12

Poillucci

Jonathan Pink, from AZOR Land Sciences, Inc. was present for the discussion. There was a review of the plans for a “White Knight” system and the requested variances from the State and Local Upgrade Approvals. It was noted that the Board had previously approved a septic plan for this site. The submitted plan reflects a revised tank location. The distance to the well was discussed. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the plan and the requested variances from the State and Local Upgrade Approvals as detailed in the letter dated February 20, 2009 *subject to* receipt of approval from the Department of Environmental Protection, receipt of an Operation and Maintenance Contract and receipt of filing a two bedroom deed restriction. Unanimous vote.

129 & 129A Hemlock Shore Road

45-2-2 & 45-2-2A

Pedranti

Jonathan Pink, from AZOR Land Sciences, Inc. was present for the discussion. There was a review of the plans and the requested variances from the State, Local Upgrade Approvals and the Local Board of Health Regulations. There was discussion regarding the locations of the proposed shared well and septic system. It was noted that both the well and septic would require deeded easements. It was stated that as the well did not fail the water quality test the Board might be disinclined to approve a new shared well and instead might approve a variance to the existing well. It was noted that there

was no distance to the pond referenced on the plan and the depth to ground water figure could be adjusted if necessary. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the plan and the requested variances from the State, Local Board of Health Regulations and Local Upgrade Approvals as detailed in the letter dated March 9, 2009 *pending* receipt of revised plans showing a variance to the existing well and a easement for septic components OR a new well, removal of the existing shared well from the plans and easements for septic components and *subject to* receipt of an Operation and Maintenance Contract, a well analysis, an easement plan filed and recorded with the Registry of Deeds, verification of ground water at the time of construction. If the existing well is to remain in use the Board approved a variance to allow less than 100' to the existing shared well. Unanimous vote.

4 Fuller Shores

45-2-23

Saia

Nyles Zager of Outback Engineering, Inc. was present for the discussion. There was a review of the plans and the request for a revised letter to the Zoning Board of Appeals about this site. Mr. Zager discussed previous Board of Health and DEP approvals. It was stated although there is a proposed increase in square footage the dwelling will have only three bedrooms. A letter from DEP was reviewed that detailed the concern regarding a possible increase in flow due to an increase in square footage. Mr. Perry spoke with Brett Rowe, DEP, who stated that the regulating language was modified during the course of this project. Mr. Rowe noted that the revised wording gives the Board of Health discretion to review possible flow impacts from additions. There was a review of an approval letter from DEP dated January 8, 2009. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To draft a letter to the Zoning Board of Appeals stating that in reference to the letter dated February 13, 2009 from the Board of Health, it's now their opinion that the proposed addition does not result in an increase in design flow and that it is in compliance with the approval letter dated January 8, 2009 from the Department of Environmental Protection. Unanimous vote.

145 Staple's Shore Road

64-3-5 &10

Bosari

George Collins, from Collins Civil Engineering Group, Inc. was present for the discussion. There was a review of the plans and the requested variances from the State and Local Upgrade Approvals. It was stated that the current system has failed and a **Singulaire** denitrification system has been proposed as a replacement. The distances to all neighboring well and the Bordering Vegetated Wetland have been maximized. A Notice of Intent has been filed with the Conservation Commission. It was noted that the block numbers on the plan were incorrect. There was discussion regarding the possibility of sharing the Singulaire system. There was question as to whether the abutters were notified to recommend water quality testing. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the plans and the requested variances from the State and Local Upgrade Approvals as requested in the letter dated February 25, 2009 *pending* approval by the Conservation Commission and *subject to* a three bedroom deed restriction being recorded. Unanimous vote.

325 Pond Lane

47-5-5

Julowen, LLC

George Collins, from Collins Civil Engineering Group, Inc. and Owen Richard were present for the discussion. There was a review of the plans for a proposed **tight tank**, and the requested variances from the State and a Local Board of Health Regulations. There was discussion regarding the previous Board of Health approval for this site, which designated the property as seasonal. It was noted that the tight tank on-site is failing and the Board of Selectmen have listed the property as year-round. Abutter notification was discussed. It was stated that the proposed tank has a 3, 500/gallon capacity, is seal coated and will be out of the water table. The requested State Variance was approved previously. The homeowner must apply for a well permit for the existing well. There was discussion regarding the impact of work on the roadway. It was stated that the Conservation Commission has not approved this plan. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the conversion of use from seasonal to year-round and approve the setback distance from the existing property line to the existing well as detailed in the letter dated March 10, 2009. Unanimous vote.

330 Bedford Street

57-1-2 & 57-1-13

Savas Realty, Inc.

Richard Pastore, from RP Engineering, Inc. was present for the discussion. There was a review of the plans and a letter from HML Associates dated March 9, 2009. It was stated that the majority of the comments from HML have been addressed and the remainder will be addressed during construction. There was question as to the impact of zoning issues on the septic design. There was discussion regarding age of the current system. It was stated that the water line would remain in place and would be sleeved. The relocation of the drive thru loop will be addressed by the Planning Board. There was a review of procedures for tightness testing the tank and force mains, which are also certified by the manufacturer. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the plan *subject to* the applicant addressing all comments in the HML Associates letter dated March 9, 2009 and *waiving* the required stamp of a Registered Land Surveyor on the proposed plan and the as-built. Unanimous vote.

20 Crooked Lane

58-1-11

Hughes

Evida Hughes was present for the discussion. There was a review of the stable license application and attached plan. It was stated that the shed and paddock location have been adjusted. Setback requirements were discussed. It was noted that the Board of Health requires a new plan, drawn to scale and that the Board does not have a septic plan on file. Mr. Beneski stated that a Title V inspection was done on the property in August of 2008 and the system failed but a report was not submitted. A report must be submitted before a decision is rendered. Ms. Hughes stated that she will be renting the property and cannot move in until the report is submitted. It was stated that if the system is working the Board of Health will evaluate the situation further and may possibly allow Ms. Hughes to move in while the repairs are scheduled. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To continue the discussion to the April meeting of the Board of Health. Unanimous vote.

Stable Permits

Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the list of 2009 Stable Permits as detailed in a memo prepared by Board of Health Supervisor Teser dated March 11, 2009. Unanimous vote.

20 Second Avenue

41-13-2

Files

There was a review of a request for an extension of the disposal system construction permit. The status of the system and home occupancy was discussed. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve a one year extension request that will expire on March 12, 2009. Unanimous vote.

2009 Rabies Clinic

Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve April 4, 2009 as the date for the Rabies Clinic and a cost of \$10.00 per animal. Unanimous vote.

Inspector of Animals

Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To nominate Jared Darling as Inspector of Animals. Unanimous vote.

22 Lang Street

Sensabaugh

There was a review of the memo from Mr. Darling regarding 22 Lang Street. One horse has been surrendered to the MSPCA and Mr. Darling has been visiting and inspecting the property frequently. Mr. Darling requested that the requests made in the memo be forwarded to Ms. Sensabaugh. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To draft a letter to Ruthann Sensabaugh from the Animal Inspector and the Board of Health that states that the homeowner will be allowed to maintain the stable permit with the following stipulations: The Animal Inspector will be allowed on the property for inspections at any time; The MSPCA and the Animal Rescue League of Boston can accompany the Animal Inspector onto the property should the horses be kept in a manner inadequate to protect their health. Unanimous vote.

Meeting Minutes

Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To approve the minutes for the December 3, 2008 and February 11, 2009 meetings. Unanimous vote.

LeBaron Residential

It was stated that the Building Department has requested that the Board of Health sign off on the building permit application for Phase 2. Attorney Robert Mather was present. A 56 unit building is proposed and DEP approval has been received. Chairperson Turcotte signed off on the application form.

Clivus Report

Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To accept the monthly report from Clivus New England dated January 16, 2009.

Rental Discussion

Mr. Beneski will forward information regarding rental properties to Mr. Perry for discussion at the April Board meeting.

Trench Safety

It was stated that the Board of Health has been charged with reviewing all trenches related to water and sewer projects. It was stated that there could be multiple departments issuing permits for one job with multiple trench users. A complaint policy will need to be written. There was question as to whether these policies are redundant as some of these safety issues are covered under the disposal works permit. There was discussion regarding trenches left overnight. There was question as to whether the depth of trenches should be required on plans. Upon motion made by Member Flynn and seconded by Member Turcotte the Board

VOTED: To nominate the Health Agent as approver of trench permit applications and accept the twenty five dollar fee and form as prepared by Michelle Forcier, Board of Health Clerk. All interested parties will receive the permit application and a copy of the Board of Health letter dated March 3, 2009 regarding the trench regulations. Unanimous vote.

Next Meeting

The next meeting of the Board of Health will be held on April 8, 2009 at 7:00 p.m. in the Board of Health office. Upon motion made by Member Flynn and seconded by Member Garvey the Board

VOTED: To adjourn the meeting at 9:00 p.m. Unanimous vote.