

TOWN OF LAKEVILLE
Board of Health Meeting Minutes
May 4, 2016

The Lakeville Board of Health held a meeting on May 4, 2016 at the Lakeville Town Office Building. Board of Health Members present: Robert Poillucci, Derek Maxim and Christopher Spratt. Also present: Health Agent Lawrence Perry. LakeCAM was recording for community broadcast.

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

Member Maxim read the legal notice published in the Middleboro Gazette on April 7th and 14th:

Public Hearing – New Construction Percolation Season, (Local Reg. 4.0), the local maximum percolation rate for new construction, (Local Reg. 4.1), the 2' mounding rule, (Local Reg. 4.4a) and the Title V Inspection Requirements and applicable fee, (Local Reg. 1.1).

Upon a motion made by Member Poillucci seconded by Member Maxim, it was:

VOTED: To open the hearing to discuss New Construction Percolation Season, (Local Reg. 4.0), the local maximum percolation rate for new construction, (Local Reg. 4.1), the 2' mounding rule, (Local Reg. 4.4a) and the Title V Inspection Requirements and applicable fee, (Local Reg. 1.1). Unanimous in favor.

New Construction Perc Season

Member Maxim said the Board of Health said would to change the new construction percolation to year round rather than seasonal, (June 1st to December 1st). He said Title V has changed and the water table is determined by soil evaluators. He said there have been several discussions on this and that there is no town to his knowledge that has seasonal new constructions percs. Agent Perry said he was fine with it. There was no one present in opposition.

Upon a motion made by Chairman Poillucci seconded by Member Maxim, it was:

VOTED: To **delete** Local Regulation - 4.0 Percolation tests shall not be performed during the period from June 1st extending to December 1st except when the Board of Health determines that such a test is necessary in order to repair or replace an existing sewage system and therefore apply to new construction as defined in Title V. Unanimous vote in favor.

Local Maximum Percolation Rate for New Construction

Member Maxim said currently the perc rate is 30 minutes per inch for new construction. He said the state had allowed you to go to 60 minutes per inch back in 2006. He said other towns are at 60 minutes per inch. He said it has been discussed with Health Agent Perry and engineers who saw no issue with it. He said variances have been issued on a site specific basis. There was no one present in opposition.

Upon a motion made by Member Poillucci seconded by Member Maxim, it was:

VOTED: To **delete** Local Regulation 4.1- “Soil with a percolation rate over thirty minutes per inch is considered impervious and unsuitable for the subsurface disposal of sewage for new construction”. Unanimous vote in favor.

Two Foot Mounding Rule

Member Maxim said he wasn't sure why this was voted into the Board of Health Regulations. He said he has also discussed this with engineers and that site specific variances have been granted in the past.

Upon a motion made by Member Maxim seconded by Chairman Poillucci, it was:

VOTED: To **delete** Local Regulation 4.4 – “Systems to be designed requiring a leaching system will require deep observation holes in the following manner:

- a. The system shall not exceed 24” to the top of the SAS above the natural elevation at the location where percolation test was performed”.

Unanimous vote in favor.

Title V Inspection Requirements and applicable fee

Member Maxim said in his opinion he didn't see the need for Agent Perry to go out and witness Title V Inspections. He said the inspectors are licensed by the state and all the obligation is on them. Members agreed that if an inspector requests that he witnesses an inspection they have no problem with it. Chairman Poillucci said the office is not to accept incomplete Title V Reports. Members Agreed. The fee of \$50 was also discussed. Members felt it was reasonable for the review.

Upon a motion made by Member Maxim seconded by Member Maxim, it was:

VOTED: To **revise** the regulation 1.1 removing:” inspections shall be witnessed by an agent of the Lakeville Board of Health” and also state “incomplete reports will not be accepted.” Unanimous in favor.

Upon a motion made by Member Poillucci seconded by Member Maxim, it was:

VOTED: To close the hearing at 6:18 pm. Unanimous in favor.

7 Hilltop Acres – Members reviewed a request letter dated April 19, 2016 listing six local upgrade requests and associated plans dated April 12, 2016 for a septic upgrade. Darren Michaelis from Foresight Engineering was present. A brief discussion was held regarding the number of existing bedrooms. The Assessor's Office and the Board of Health records state that there are two bedrooms. Darren stated he had been in the house and there were three bedrooms that meet the State Title V definition of a bedroom and therefore he designed for the three bedroom flow of 330 gpd.

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

VOTED: To approve the plan and associated variances for 7 Hilltop Acres. Unanimous vote in favor.

Old Business – 2 Morrison Way

Homeowner Lisa Grant-Coffin was present for discussion. She is applying for a betterment loan to upgrade her septic system and had submitted a power of attorney for the co-owner of the property who resides in England. Town Administrator Garbitt

entered the meeting and said that town counsel reviewed the document. She advised Lisa to have her attorney draw up a new document as the POA only applied to the purchasing of the property. Health Agent Perry provided Lisa with an email received from town counsel to give her an idea of some of the language that should be included. Lisa asked for two weeks to submit it; members agreed and tabled further discussion to the next meeting.

Approval of New Tobacco Vendor Permit

Vape-Cod LLC, 12 Harding St. – Agent Perry said that Inspector Bernardo visited the establishment but nothing was set up so he plans to do a re-inspection on Friday, May 4th. He also needs to check with an attorney because the business owner wanted to do sample vaping on the premises and Inspector Bernardo believes it goes against state regulations.

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

VOTED: To approve the Tobacco Vendor Permit pending pre-operation inspection and response from attorney regarding vape sampling on the premises. Unanimous vote in favor.

WITHDRAWN - Request for Temporary Retail Only Food Establishment License for Gym Hutt Booster Club – Health Agent Perry stated that they withdrew their request as they have stated this event meets the States Potluck definition which is exempt from Board of Health permitting.

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

VOTED: To approve the Tobacco Vendor Permit pending pre-operation inspection and response from attorney regarding vape sampling on the premises. Unanimous vote in favor.

2016 Milk and Cream License Renewals

Corporate Chef's Inc.(Talbots)
Gulf Resources, Inc. (Joe's Gas)
Hawaii Corp d/b/a Orchid of Hawaii Restaurant, Inc.
Island Terrace, Inc.
J & J Seafood Drive-In
Lakeville Golf Club, Inc.
MFH Acquisition of Lakeville LLC d/b/a Dunkin Donuts
Savas Liquors, Inc.
Tand, Inc. d/b/a Subway

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

VOTED: To approve the Milk & Cream License renewals as typed on the memo dated May 4, 2016. Unanimous vote in favor.

Acceptance of April 6, 2016, Board of Health Meeting Minutes – Members reviewed the minutes.

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

VOTED: To approve the Board of Health Meeting Minutes from April 6, 2016 as typed. Unanimous vote in favor.

Acceptance of the April 11, 2016, Board of Health Meeting Minutes – Members reviewed the minutes.

Upon a motion made by Member Maxim and seconded by Member Spratt, the Board:

VOTED: To approve the Board of Health Meeting Minutes from April 11, 2016 as typed. Unanimous vote in favor.

Appointment of Inspector of Animals

On April 6, 2016, Jared Darling was nominated as the Inspector of Animals for the Town of Lakeville. His Certificate of Appointment was received from the State Department of Agricultural Resources.

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

VOTED: To approve the appointment of Jared Darling as the Inspector of Animals from May 1, 2016 through April 30, 2017. Unanimous vote in favor.

Enforcement Issues - 38 Pickens Street -Tabled from April 6, 2016

Health Agent Perry said he thought the homeowner was going to be present for the meeting. He said the homeowner has not given him one legitimate pumping record and he is up to \$600 in fines and has not paid any of them. Members asked Agent Perry to advise the homeowner that he has two more weeks to respond or they would proceed with further action. Tabled to next meeting.

Appoint new representative from Board of Health to Emergency Planning Committee – Tabled from April 6, 2016. Member Maxim asked if Director or Inspectional Services Nate Darling could serve as the Board of Health's representative. Chairman Poillucci said yes that he had spoken to Nate.

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

VOTED: To designate Director of Inspectional Services Nate Darling to serve on the Emergency Planning Committee as the Board of Health's representative. Unanimous vote in favor.

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

VOTED: To adjourn the meeting at 6:43 pm. Unanimous vote in favor.

Accepted as Typed
05/18/16JL