

Board of Health Meeting Minutes
August 15, 2012

The Lakeville Board of Health held a meeting on **August 15, 2012** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk 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 Clerk Lima.

8 Edgewater Drive

055-001-035

Bertrand/Lundin

Jon Pink from Azor Land Sciences was present for discussion and requested the following:

After-the-Fact State Variance Request:

310CMR 15.211(1) – To allow reduction of the setback of a septic tank/pump chamber from a private well (previously granted on June 30, 2010 from 50' to 30') **but installed to only 27'**.

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

VOTED: To approve the After-the-Fact Variance as requested. Unanimous vote in favor.

103 Staples Shore Rd

064-003-026

Sena

Jon Pink from Azor Land Sciences was present for discussion as well as homeowners Donald & Susan Sena. They requested the following:

STATE VARIANCE REQUESTS:

1. Reduction of the setback of a septic tank from a surface water supply from 400' to 56'. Variance of 310CMR 15.211(1).
2. Reduction of the setback of a soil absorption system from a surface water supply from 400' to 75'. Variance of 310CMR 15.211(1).
3. Reduction of the lateral extent of replacement material beyond the soil absorption system from 5' to 2'. Variance of 310CMR 15.255(5)
4. Reduction of a separation of a soil absorption system from high groundwater table in soils with a perc rate of 2 mpi or less from 5' to 3'. Variance of 310CMR 15.212(1).
5. Elevation of a septic tank invert above water table varied from 12" to -6". Variance of 310CMR 15.227(5).
6. Elevation of pump chamber invert above water table varied from 12" to -9". Variance of 310CMR 15.227(5).
7. Reduction of the setback of a pump chamber from a surface water supply from 400' to 75'. Variance of 310CMR 15.211(1)

LOCAL UPGRADE REQUESTS:

1. Sieve analysis performed in lieu of percolation test per 310CMR 15.405(1)(i).
2. Only one hole performed in proposed disposal area per 310CMR 15.405(1)(k).
3. Reduction of the setback of a soil absorption system to a private well from 100' to the following distances per 310CMR 15.405(1)(g). ~ 68' (41/9/18) – Sena
~ 82' (41/9/17) – Whipple
4. Reduction of the setback of a soil absorption system to a wetland from 50' to 15' per

- 310CMR 15.405(1)(e).
5. Reduction of the setback of a septic tank to a property line from 10' to 0' per 310CMR 15.405(1)(a).
 6. Reduction of the setback of a septic tank to a crawlspace from 10' to 5' per 310CMR 15.405(1)(b).
 7. Reduction of the setback of a pump chamber to a property line from 10' to 8' per 310CMR 15.405(1)(a).

Local Board of Health Waiver:

1. Waiver of effluent filter requirement (Lakeville BOH Regulation 2.8).
(Due to use of Presby System)
2. A lot less than one half acre shall be deemed too small for both a water supply and sewage disposal. (Lakeville BOH Regulation 2.0).
3. No septic components of any kind shall be constructed or installed in a roadway or a right-of-way. (Lakeville BOH Regulation 2.1)

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

VOTED: To approve the multiple variances requested **with the following stipulations and exceptions:**

1. A supplemental Wall Detail/Design stamped by a P.E. must be submitted prior to release of the septic permit;
2. The local BOH regulation for waiver of effluent filter was not granted and therefore an effluent filter must be installed on the outlet tee of the 2nd compartment of the tank.

Unanimous vote in favor.

5 Pine Haven Lane

037-001-009

Biss

Jon Pink from Azor Land Sciences was present for discussion and requested the following:

Local Upgrade Request:

1. Reduction of the 400' setback(s) from a surface water supply to the following:
Septic Tank 101' & Pump Chamber 101'.

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

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

37 Bedford St.

024-004-001

MJSN Realty Trust

Jon Pink from Azor Land Sciences was present for discussion. Agent Perry noted that the applicant had proposed to utilize an existing water service between 35 and 37 Bedford Street temporarily until the business at 35 gets their own dedicated water service (from municipal main in street). This existing water line, to be only temporarily used, previously took water from the private well on 37 Bedford which was recently abandoned as required due to close proximity to the newly installed septic system. This existing water service is non-conforming and crosses a sewer line at one point and is within 5 feet of a septic system (State required setback is ten feet) in other areas.

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

VOTED: To allow this temporary water service for a period not to exceed one month, effective from the date of the August 15th meeting. Unanimous vote in favor.

Board of Appeals Petition for Hearing

25 Loon Pond Rd

027-002-008

Janice Talbot

Board Members reviewed the Petition for Hearing.

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

VOTED: To send a letter to the Board of Appeals stating they saw no issues involved with this petition providing it remains a three bedroom dwelling with no increase in flow. Unanimous vote in favor.

42 Shore Ave.

041-001-003

Vareika

Engineer Jaime Bissonnette from Prime Engineering, Inc. was present on behalf of Darren Michaelis of Foresight Engineering, Inc. A discussion was held and the following was requested:

Local Upgrade After-the Fact Variance:

Per 310CMR Section 15.405(1)(a) – To allow less than 9’ of cover over the installed Tight Tank with a minimum of 6” cover.

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

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

9 Island View

050-003-006

Hamel

Engineer Jaime Bissonnette from Prime Engineering, Inc. was present for discussion. He stated that the base of this lot is small. They currently have an existing system that failed a Title V, and has a shared well on the adjacent lot. He said they are putting in a Fast System because of the size reduction. Member Flynn asked if there was any plan to put in a new well and not have it shared. Jamie said he didn’t believe so. Member Garvey asked if the well was a deep well because he wanted to know if there was enough water and recommended testing to make sure. Jamie submitted the certified mail abutter cards and requested the following:

Local Upgrade Approvals

1. A local upgrade approval from section 310 CMR 15.211 of Title V which requires the soil absorption system to be at least 10' from a property line. A reduction from 10' to 6' is requested in accordance 310 CMR 15.405 (1)(a).
2. A local upgrade approval from section 310 CMR 15.211 of Title V which requires the septic tank to be at least 10' from a property line. A reduction from 10' to 6' is requested in accordance 310 CMR 15.405 (1)(a).
3. A local upgrade approval from section 310 CMR 15.211 of Title V which requires the pump chamber to be at least 10' from a property line. A reduction from 10' to 1' is requested in accordance 310 CMR 15.405 (1)(a).
4. A local upgrade approval from section 310 CMR 15.211 of Title V which requires the soil absorption system to be at least 20' from a cellar or crawl space. A reduction from 20' to 9' is requested in accordance 310 CMR 15.405 (1)(b).
5. A local upgrade approval from section 310 CMR 15.211 of Title V which requires the

- soil absorption system to be at least 400' from a surface water supply or tributary thereto. A reduction from 400' to 100'+ is requested in accordance 310 CMR 15.405 (1)(g).
6. A local upgrade approval from section 310 CMR 15.211 of Title V which requires the septic tank to be at least 400' from a surface water supply or tributary thereto. A reduction from 400' to 100'+ is requested in accordance 310 CMR 15.405 (1)(g).
 7. A local upgrade approval from section 310 CMR 15.211 of Title V which requires the pump chamber to be at least 400' from a surface water supply or tributary thereto. A reduction from 400' to 100'+ is requested in accordance 310 CMR 15.405 (1)(g).
 8. A local upgrade approval from section 310 CMR 15.211 of Title V which requires the soil absorption system to be at least 100' from a private water supply well. A reduction from 100' to 60' is requested in accordance 310 CMR 15.405 (1)(g).
 9. A local upgrade approval from section 310 CMR 15.212 of Title V which requires the soil absorption system to be at least 4' above the high groundwater elevation. A reduction from 4' to 3' is requested in accordance with Microfast approval W 072367 dated January 23, 2008 section iii (2)(a)(i).
 10. A local upgrade approval from section 310 CMR 15.104 & 15.242 of Title V which requires a percolation test to be completed on site. A sieve analysis in place of the percolation test is requested in accordance 310 CMR 15.405 (1)(i).
 11. A local upgrade approval from section 310 CMR 15.102 of Title V which requires two deep observation holes. A reduction from 2 to 1 is requested in accordance 310 CMR 15.405 (1)(k).

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

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

1. The existing non-conforming shared well must be tested for both yield (gpm) & quality as defined by BOH parameters
2. Water quality sample should be taken & tested by DEP certified laboratory (or sample may be taken by certified person performing yield test).

Unanimous vote in favor.

Ted Williams Volley Ball League/Jamie Velazquez

Ms. Velazquez who runs the Volley Ball league was present for discussion. She was requesting a waiver from the EEE Curfew. Board Members were not comfortable granting the waiver due to the high risk alert in Lakeville. Chairman Garvey stated if they granted them permission, they would have to do it for everyone, and that they weren't willing to take that risk. He stated that last year they made the mistake of granting permission to the Haunted House. Ms. Velazquez asked Chairman Garvey what would happen if they went ahead regardless of the Board's decision to deny her request. He stated that this would be police enforced.

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

VOTED: To deny the request of a waiver from the EEE Curfew. Unanimous vote in favor.

110 Lakeside Ave.

050-001-008B

Sheerin

Engineer Richard Charon from Charon Associates, Inc. was present for discussion and requested the following:

Local Board of Health Regulation Variance

To allow a single compartment septic tank.

Local Upgrade Approval

Per Section 15.211 – To allow dosing tank less than 400 feet from Long Pond.
Upon a motion made by Member Flynn and seconded by Member Poillucci, the Board:

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

Complaint against 12 Malbone St. (004-002-008)

Agent Perry noted that a verbal then written complaint from 10 Malbone about excessive noise and animals at 12 Malbone St. was received. One or more non-conforming setbacks (paddock is right on the property line between 10 & 12 according to file) for grandfathered stable. Board approved them for three full-time and one part-time animal back in 2010. Complainant alleges there are four f/t animals, two of which have been stated to be loud braying donkeys. In addition it is alleged they are boarding animals and giving lessons as well. Basically the complainants are alleging that they are expanding use on a non-conforming permit which is creating excessive noise and traffic and disturbing their peace. The folder does not contain a plan to show existing conditions but there was a similar complaint in folder from 2010.

Ann Zelandi and John Dudley from 10 Malbone St. (004-002-008A) were present for discussion as well as Lisa Podielsky, stable owner from 12 Malbone St. There was a lengthy discussion held. Ms. Zelandi began the discussion by stating that her neighbor was adding more animals to her property at 12 Malbone and said they were only permitted for two horses. She stated she wasn't against the neighbor having horses or animals it's that they are just so close to the property line and she is concerned with her well water. She said there are also more flies and mosquitoes. They also had an issue with the integrity of the neighbors' fence and were concerned with the horses breaking through it. Chairman Garvey scanned the paperwork in the property file and noticed that they were notified of a Board of Health Meeting on July 13, 2010, where abutters (them being one) were to be present if they had any concerns with additional horses possibly being permitted. They did not attend this meeting nor did they send in a letter. She was questioning the grandfathering of the fence. She wanted to know the setbacks that are in effect now for the fence. Member Garvey said it was 20 ft. He said if there is an issue with the integrity of the fence, it will be addressed, but as far as the number of horses, there were no objections at the July meeting, and therefore, they are grandfathered. Inspector of Animals Jared Darling was present at this meeting. Chairman Garvey asked him if he had been out to look at the fence. Darling said when he received the complaint he didn't realize there was an integrity issue, he understood the complaint to be just where the fence was placed. He said he would go out tomorrow.

Lisa Podielsky addressed the Board and stated that she was present to answer the complaint filed by Ann Zenaldi and John Dudley. She said she does not have four horses. She said that since July 26, 2012 she has had a horse and a nursing donkey with a one month old baby. Previous to that she had one horse, and the pony she had has been gone since July 7th. She said the fence was broken by the animals, but when she arrived home, all three animals were inside the fence, and she repaired the fence. She stated she believed her neighbors well is an artesian well. If they have an issue with their water, they would need to prove it's because of her animals. She stated her well is 12 feet deep (shallow) and right next to her house. Ms. Podielsky then showed Chairman Garvey pictures of the fence. Member Garvey asked Darling to go out and inspect the fence and to advise the Board of his findings.

Darling told Ann and John that he would be out tomorrow at 4:45. The Board Members advised them in the future if they have an issue, to at least send a letter notifying the Board of their concerns.

28 Spruce St. (042-005-013) – Possible Condemnation

Agent Perry provided Board Members with a written timeline of events. In his notes he stated that the daughter of Patricia Agnew (legal owner) came into The Board of Health with her counselor to meet with him to discuss all past/current issues and to get copies of past violations. To date no one has initiated any repairs or corrective actions at 28 Spruce. She explained that her mother was not doing well and in a rest home. She is currently pregnant and residing here but cannot afford to make any repairs on the home or the septic system. She and her counselor both agreed she needs to move. They asked for at least 30 days. Agent Perry also noted the property is more than ten years out of compliance with water and septic issues. He said that once the property is vacated, he and Building Inspector can officially condemn the dwelling. Chairman Garvey recommended the Board of Health give her 45 days, until September 28, 2012 to vacate the property. Agent Perry said he would send her a letter stating such.

Acceptance of Meeting Minutes

Board Members reviewed the minutes from meetings held on July 18, 2012 and August 13, 2012.

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

VOTED: To approve the Board of Health minutes for the meeting held July 13 and August 13, 2012 as typed. Unanimous vote in favor.

Part-Time Board of Health Clerk and Health Inspector

Chairman Garvey announced that Fran Lawrence accepted the position of Part-Time Board of Health Clerk and will be starting Monday. She will be working Monday and Wednesdays and occasionally changing her hours to cover meetings on Wednesday nights or when necessary. The position of Part-Time Health Inspector was offered to Kevin Bernardo, but his hours were still being discussed and what exactly he would be handling once we were caught up on restaurant inspections. Member Garvey said Bernardo could be taught to witness Title V Inspections. Board Members agreed that Member Poillucci would contact Kevin to discuss his hours and come to an agreement that would work for both parties.

Vendor Warrants were signed by the Board Members.

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

VOTED: To adjourn the meeting at 7:20 p.m. Unanimous vote in favor.

Accepted as typed 9-19-12 JL
