

**Board of Health Meeting Minutes  
September 2, 2015**

The Lakeville Board of Health held a meeting on in the Lakeville Town Office Building. Present at this meeting were Board Members, Robert Poillucci, Terrence Flynn and Derek Maxim. Health Agent Lawrence Perry and recording secretary Jo Lima were also present.

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

**187 Rhode Island** – Engineer Nyles Zager from Outback Engineering, Inc. was present for discussion. Board members reviewed an email dated August 17, 2015 requesting that *expired* soil evaluation and percolation testing done back on June 27, 2001 be allowed to be utilized for a proposed new construction septic design. Board Members voted to allow (re-validate) the expired percs and allowed Nyles to utilize the previously considered expired perc tests and soil evaluation for design purposes only with the stipulation that additional soil evaluation is performed at open hole inspection, and witnessed by current health agent, to confirm the field work performed in 2001 by other parties. It was also discussed that although the soil evaluation and percolation testing were performed to state standards at that time, they did not meet local standards (now or then) and no groundwater adjustment had been utilized as required under State standards since not performed during the wet season and no adjustment indicated on submitted form 11. As a result the high water determination for this site may need to be adjusted, and can be determined by comparison to adjacent sites approved information on file, the future soil evaluation information to be obtained by Outback and agent at open hole, and any other pertinent groundwater information or adjustment that is allowed by State regulations and/or agreed upon between the Board of Health Agent and the Outback Certified Soil Evaluator.

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

**VOTED:** To allow the expired perc tests and soil evaluation for design purposes only with the stipulation that additional soil evaluation is performed at the open hole inspection, and witnessed by the current health agent. Unanimous vote in favor.

**9 Charbonneau Ave.** – Homeowner Lyman Lokken was present for discussion. Board Members reviewed a letter dated September 1, 2015 requesting additional minor setback reductions and an installation deadline extension for the previously approved septic upgrade plans dated August 7, 2013 and approved at meeting on September 17, 2014. After a brief discussion, the board voted to approve the additional variance for the septic to the well to only 88' and to extend the permit for 90 days.

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

**VOTED:** To approve the variance for the distance to the locus well and extend the permit for 90 days. Unanimous vote in favor.

**19 Reed Farm Rd** – Board members reviewed a variance request letter dated August 28, 2015 from Darren Michaelis. Due to miscommunication and an assumption by the installer that the Health Agent was on vacation that entire week, the final inspection was not performed by the Board of Health prior to backfilling. Design Engineer Darren

Michaelis was called to perform both inspections and did the final assuming that the Board of Health office was notified and that it was acceptable. It was mentioned that if the Board wanted, the installer would dig up the system. Chairman Poillucci asked Agent Perry how the installers work has been in the past. Agent Perry said it was good quality and Member Maxim stated he felt comfortable with this particular installers work. After some discussion, members voted to grant the request for the following:

To waive the requirement of a final inspection by the Approving Authority priority prior to back fill as required by 310CMR Section 15.021(2).

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

**VOTED:** To approve the variance request to waive the requirement of a final inspection by the Approving Authority priority prior to back fill. Unanimous vote in favor.

### **Board of Appeals Petitions**

**7 Water St.** – Petitioner requests a Comprehensive Permit pursuant to G.L. c40B to construct 14 – three bedroom apartment units in two buildings.

Chairman Poillucci recused himself from the discussion as this is his project. Board Members Terrence Flynn and Derek Maxim reviewed the Petition for Hearing received on July 22, 2015. Septic systems with design flows over 2,000 gallons per day are required to be reviewed by a professional engineering consultant.

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

**VOTED:** To send the Board of Appeals a letter stating that the septic plan dated July 10, 2015 was sent to consulting engineer Nick Lanney from HML Associates for review on August 16, 2015 and to attach his review/comment letter dated August 17, 2015 to their letter. Unanimous vote in favor.

### **138R County St.**

Board Members reviewed the Petition for Hearing for Malloch Construction Company, Inc.

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

**VOTED:** To send the Board of Appeals a letter stating that they saw no health issues involved to recommend or deny this petition at this time. Unanimous vote in favor.

### **2 Somerset Lane**

Board Members reviewed the Petition for Hearing for Hilary Wood to place a sign on her property.

**VOTED:** To send the Board of Appeals a letter stating; that they saw no health issues involved to recommend or deny this petition providing the sign is not placed over any septic components. Unanimous vote in favor.

### **39 Shore Ave.**

Board Members reviewed the Petition for Hearing for William and Susan Furtado. Agent Perry stated the septic plans were already approved.

**VOTED:** To send the Board of Appeals a letter stating that they saw no health issues involved to recommend or deny this petition and to attach a copy of the Board of Health septic approval letter dated August 3, 2015. Unanimous vote in favor.

### **7 Main St.**

Board Members reviewed the Petition for Hearing for Marcus Baptiste.

**VOTED:** To send the Board of Appeals a letter stating that they saw no health issues involved to recommend or deny this petition. Septic plans have not yet been received to the Board of Health for review. Unanimous vote in favor.

**Revisit Discussion Regarding Percolation Test Season** – Chairman Poillucci advised Member Flynn who was not present at the last meeting, that there was some discussion with regard to this. He said that if they do agree to rescind this regulation, a public hearing process would have to be followed. Member Flynn stated he never understood why there was a new construction perc season and that he wouldn't have a problem rescinding it. Member Maxim addressed Agent Perry and said so if they do decide to perc in the dry season, they would have to use the frimpter method and as soon as the wet season comes you don't have to? Agent Perry said it sounds like there are four different ways in Title V to determine groundwater and one of them is to observe a deep hole during the wet season. Chairman Poillucci said that he will work with Administrative Assistant to coordinate.

### **Zoning By-Law Advisory Committee**

Chairman Poillucci said he is on this committee and they met for the first time last week. He said there was a general discussion held about departments possibly reviewing some antiquated regulations and by-laws to update them or rescind them if necessary. He said some of the regulations were added when they really have nothing to do with Board of Health. He brought up Swimming Pool Regulations as an example and said he feels it's more of a building department issue, but it should be discussed before making any changes. He said the discussion was a very general one but hopes it could streamline or simplify procedures within departments that work together.

**Discuss letter received from Town of Middleboro Health Dept. regarding agreement for Nursing Services with Town of Lakeville expiring on January 28, 2016** - Chairman Poillucci asked Agent Perry if he had found anyone to take over for Middleboro once their contract expires. The Town Administrator had suggested contacting the Visiting Nurses Association but Agent Perry said that they had dropped us previously and that's how we ended up going with Middleboro. He said he wasn't sure of the process and whether he should go through the Town Administrator and the Selectmen since they negotiate the contracts. He said most towns have public health nurses and the ones that don't, contract them out, but he will check with the VNA first. Chairman Poillucci said this position has to be filled and this dept. knows what we need, but we would need some guidance on the process.

**Acceptance of the regulations entitled "Regulation Restricting the Sale of Tobacco Products and a "Regulation Prohibiting Smoking in Workplaces and Public Places" voted July 15, 2015.** – Members reviewed the regulations.

**VOTED:** To approve the above tobacco regulations as typed. Unanimous vote in favor.

**Acceptance of August 12, 2015 Board of Health Meeting Minutes** – Members reviewed the minutes.

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

**VOTED:** To approve the minutes from August 12, 2015 as typed. Member Flynn abstained from the vote due to his absence from this meeting.

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

**VOTED:** To adjourn the meeting at 6:35 p.m. Unanimous vote in favor.