

Board of Health Meeting Minutes
September 19, 2012

The Lakeville Board of Health held a meeting on **September 19, 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.

Nelson's Isle

045-001-001

Shanley/Osborn

Engineer Jason Youngquist from Outback Engineering, Inc. was present for discussion as well as homeowner's uncle Kevin St. George. He said he took pictures, submitted the as-built and inspected system to make sure everything was working properly, and was just waiting to be issued the Certificate of Compliance. Board Members reviewed requests regarding the subsurface sewage disposal system previously installed on Nelson's Island by Site Prep (Joseph Abbanato) in 2008. The as-built and Title V Inspection Report was just recently received as well as a request letter from the owner, Karen Osborne-Shanley, for After-the-Fact waiver requests.

The Board had previously approved (2007) similar requests with stipulations regarding annual pumping of septic tank along with an impervious barrier installation to mitigate the decreased water service & sewer line setback. The Board was told that the sewer line was double sleeved rather than utilize the impervious barrier. Also, when the proposed plan was previously approved in 2007, the State required annual pumping for that type of tank installed, however, the State has since modified that to no longer require annual pumping. Based on that State modification and the fact that this property is not a primary residence and only utilized seasonally, the Board voted to approve the divergences with the previously mentioned sleeving and without the annual pump out requirement. They did however, state that their rescinding of the annual pump out requirement did not mean that the tank never needs to be pumped, and the owners need to insure they find means to have waste solids removed from their septic tank as often as necessary and according to State and Local Regulations. Therefore, they then voted that the tank should be inspected annually to determine if pumping is necessary and the outlet filter needs to be cleaned annually.

In addition, local regulations changed in 2009 (after installation and permit expiration) and now require a two compartment tank so technically since only a one compartment tank was installed, the Board would now also have to vote a variance from the Local Board of Regulation requiring a two compartment tank, before a compliance could be issued. All requests were voted and approved with respect to the as-built plan and all required divergences and variances.

There was also some discussion regarding why the as-built was only recently submitted after the disposal works construction permit had expired. The Certificate of Compliance was never signed by the licensed installer so therefore the Health Agent could not sign the compliance nor issue it. The Board requested that the installer be contacted for input and/or to determine if there are any liens or legal issues against property prior to voting to issue the compliance without the installer's signature, which is normally required for all Certificates of Compliance.

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

VOTED: To approve the After-the-Fact Variances as requested (split tank and sewer-line sleeve). It was also voted that the tank should be inspected annually to determine if pumping is necessary and the outlet filter needs to be cleaned annually. Unanimous vote in favor.

158 Staples Shore Rd

064-002-014

Bourgeois

Darren Michaelis from Foresight Engineering, Inc. was present for discussion as well as homeowner Paul Bourgeois. Darren said the property currently has two failed cesspools right next to the tributary in the back yard. They are proposing an Advantex Treatment System that feeds into a pressure dose bottomless sand filter. He said by using this system they are gaining a big reduction in the field size and also a lowering of the system just by what they are approved for by DEP with no further variances being requested. With the limited amount of area they are trying to keep the walls as low as possible and keep the system as small as possible. He said this would be going to DEP for approval. Abutter cards were submitted and Darren said he copied the new homeowner as well. They requested the following:

Local Upgrade Requests:

1. A reduction of the setback of the proposed leach field from the property line from 10' to 5.5' per 310cmr 15.405(1)(a).
2. A reduction of the setback of the proposed septic tank from the property line from 10' to 5.5' per 310cmr 15.405(1)(a).
3. A reduction of the setback of the proposed pump tank from the property line from 10' to 5.5' per 310cmr 15.405(1)(a).
4. A reduction of the setback of the proposed Advantex Unit from the property line from 10' to 5.5' per 310cmr 15.405(1)(a).
5. A reduction of the setback of the proposed leach field from a surface water supply (Assawompset Pond) from 400' to 140' per 310cmr 15.405(1)(g).
6. A reduction of the setback of the proposed septic tank, pump tank and Advantex Unit from a surface water supply (Assawompset Pond) from 400' to 160' per 310cmr 15.405(1)(g).
7. A reduction of the setback of the proposed leach field from the locus well from 100' to 50' per 310cmr 15.405(1)(g).
8. A waiver of the second deep observation hole due to limited are at time of testing per 310cmr 15.405(1)(k).

State Variance Requests:

1. A reduction of the setback of the proposed septic tank, pump tank, and Advantex Unit from a surface water supply from 100' to 50'.
2. A reduction of the setback of the proposed leach field from a surface water supply from 100' to 60'.
3. A reduction of the separation of the septic tank and pump tank inlets and outlets from the high groundwater table from 12" to a maximum of 4" below the groundwater table.

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

VOTED: To approve the multiple variances as requested **with the following stipulation:** The proposed pump chamber must be re-sized to allow for the state required 24 hour emergency storage volume since it was not exempted with the DEP Advantex Remedial Use approval letter.

The Engineer, Applicant and Installer can make the change in field (without revised proposed plans being submitted to BOH prior to permit issuance) however, the as-built plan must show a larger chamber and any related changes (i.e. storage volume & buoyancy calculations) &/or any additional variances or elevation changes. Unanimous vote in favor.

8 Plymouth St.

051-001-009

Mastrangelo

Jon Pink from Azor Land Sciences was present for discussion. The following was requested:

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 separation between the inlet and outlet tees reduced from 12" to 5"(septic tank) and 4"(pump chamber), per 310 CMR 15.405(1)(j)

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

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

The approval of the Board is for a maximum of 4 bedrooms of flow, and no increases in flow and/or number of bedrooms can then be allowed under 310CMR 15.00 since this septic system does not meet all of the minimum requirements of the State Environmental code nor does it meet nitrogen loading.

20 Shore Ave.

041-008-004

Vermette

Jon Pink from Azor Land Sciences was present. Abutter cards were submitted. Member Poillucci asked if the plans had been approved by the Conservation Dept. Mr. Pink said no and that the variances could change to the wetlands a little and didn't know how far the Board wanted to go with this tonight. Chairman Garvey suggested they table the discussion.

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

VOTED: To table the discussion pending submittal of revised plans showing revised wetland line. Unanimous vote in favor.

75 Lakeside Ave

053-001-006

Abel

Jon Pink from Azor Land Sciences was present for discussion. Board Members reviewed one "After-the-Fact" Variance. The septic tank and pump chamber were both installed much closer to the existing onsite private well than the approved proposed plan and subsequent approval had shown. The installed pump chamber met the state minimum setback of 50 feet to a well, however, the septic tank went in only 43 feet from the property's well. Member Flynn asked Agent Perry about the barrier and he replied that they only did a barrier on one end instead of all around and that once he received the as-built he could review it to ensure it meets break out on the other side.

State Variance Request:

Per 310CMR 15.211(1) - Reduction of the setback of a septic tank from a private well from 50 feet to 43 feet.

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

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

Lakeville Haunted House

Committee Members Glenn Edington and Kelly Mahoney for the Lakeville Haunted House were present for discussion. They were 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 said that at this time it didn't look good, and although the Board can't predict the weather, Lakeville is in the highest EEE risk alert ever. Edington said they were shooting for the last three weekends in October and planned on taking precautions. He said they will have signs posted, will offer bug spray, they have a private sprayer come out and spray and said they also spray before they open. Chairman Garvey said that the Volleyball League came in looking for a waiver and they were denied. He said that the Board's main concern is the welfare of the people. He said he can't speak for the Board, but for him personally, he will not approve it. He said that the committee should not plan on the frost because it may not come and said no matter how you look at it, it is town property. Ms. Mahoney asked what if they utilize their own insurance and Chairman Garvey replied that it wouldn't matter. Member Flynn added that he didn't think the risk would go down from "High" to "Moderate". Chairman Garvey said the Board's job is to protect the public. Ms. Mahoney said that if they aren't able to open this year, then she doesn't see them opening next year. Edington said it's tough to restart once they've been closed for a year. Member Poillucci said if you watch the news half the towns in the state aren't having Friday night football games anymore and the state has put out an advisory not recommending evening activities. Ms. Mahoney stressed they would only be having this for six nights. Chairman Garvey said the Board understands the good that they do, but they are here to protect the public. He said they allowed them to have it last year because the risk wasn't as high. Ms. Mahoney asked if there was a frost would they be able to do it. Chairman Garvey said the Board will only go by the states definition of a "hard frost". Member Poillucci said they weren't saying they couldn't have it, just that it could not be held on town property. The Board apologized and Mr. Edington said he understood.

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.

21 Nelson Shore Road

055-005-016D

Veilleux

Stable owners Kimberly and Cory Veilleux were present for discussion. They were requesting a temporary addition of a third equine to their current stable permit which was issued for two. Ms. Veilleux said that hospice was coming because the horse is ill and she doesn't believe the horse will survive that long. Member Poillucci said if in the future they wanted to increase the number of equine on their property, they would need to notify any affected abutters and come before the Board.

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

VOTED: To approve the third equine for up to six months, (March 19, 2013).
Unanimous vote in favor.

Hiller Disposal – Trevor Doehler

Trevor Doehler owner of Hiller Disposal requested to be on agenda to discuss the dumpster fee collection by licensed trash haulers in the Town of Lakeville. Mr. Doehler did not show for this appointment.

A discussion was held in regard to **Health Agent Perry approving certain Local Upgrade Divergences**. The Board didn't have a problem with this. Chairman Garvey said as long as

an affected abutter is not involved. Member Poillucci suggested that any member can be contacted if Agent Perry has any questions. The Board agreed.

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

VOTED: To allow Agent Perry to approve all Local Upgrade Requests and Local Board of Health Waivers that that he feels comfortable with, providing no abutters are affected.

Acceptance of Meeting Minutes

Board Members reviewed the minutes from meetings held on August 15, 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 August 15, 2012 as typed. Unanimous vote in favor.

Chairman Garvey began a discussion in regard to Clerk Jo Lima's current position and her added responsibilities since the retirement of the Board of Health Supervisor. A Selectman's meeting is scheduled for Monday night and this topic is on the Agenda, therefore, Chairman Garvey suggested they should take a vote for a temporary pay increase until the new position is posted. He also said that once the new position is posted there is a chance that if someone from within the Town Hall who has more seniority applies for and gets the position; unfortunately Jo would be out of a job.

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

VOTED: To approve a temporary wage increase in pay for Board of Health Clerk Jo Lima by \$1.25 per hour, from \$16.22 to \$17.47 retroactive from July 30, 2012. Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

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

VOTED: To adjourn the meeting at 7:14 p.m. Unanimous vote in favor.

Accepted as typed October 24, 2012, JL
