

**Board of Health Meeting Minutes
November 9, 2011**

The Lakeville Board of Health held a meeting on **November 9, 2011** in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci, William E. Garvey and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk Jo Lima as Recording Secretary.

Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Clerk Lima and Comcast, and would be televised by at a later date.

19 Shore Ave.

041-009-004

Paul & Cheryl Flynn

Homeowners Paul and Cheryl Flynn were present for discussion. They were requesting that the word "Seasonal" be removed from their deed restriction. The property has a seasonal water supply and would be considered uninhabitable six months out of the year. The property houses a tight tank and according to 310 CMR 15.260 (8), the property should have a seasonal two bedroom deed restriction. A long discussion ensued but ultimately it was agreed the property should only be utilized seasonally due to limitations of existing utilities (under State Sanitary Code the dwelling is not habitable when the approved water supply is off, which in this case is mid-October until mid-April) however the question remained, legally does the property have to have a written seasonal deed restriction at this time? The board was split on this & therefore asked the Health Agent to consult with the Department of Environmental Protection for a clarification of 310 CMR 15.260(8) to determine whether the seasonal part of the deed restriction should be retained in this case.

Upon amended motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To remove seasonal part of deed restriction if DEP agrees we can do that for a seasonal property; and in conjunction whereas one will may/may not allow the other.
Unanimous vote in favor.

Upon amended motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: For Health Agent Perry to contact DEP regarding a clarification of 310 CMR 15.260(8) to inquire if BOH can approve a seasonal property tight tank without a deed restriction. Unanimous vote in favor.

82 Pierce Ave.

007-001-005

John Doyle

Buyer John Doyle was present for discussion along with Darren Grady from Grady Consulting, LLC. They were requesting Local Upgrade Approval for the use of a sieve analysis in lieu of a standard perc test. Existing system is failed and in high groundwater. There were questions and discussion regarding the existing well, testing of the well, and future plans for it to become a shared well with the Gym Hutt as it once was when the Gym Hutt was formerly this dwelling, but only if the existing Gym Hutt owner was to buy this dwelling which may occur.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the Local Upgrade Approval Variance subject to the following stipulations:

1. Subject to receipt of a passing "Potability" well test of the on-site well as defined in the Lakeville Board of Health Regulations.

2. Subject to the granted Local Upgrade Approval Variance being listed on the “As-Built” plan.

1 Kyles Way

022-002-004/3

Kevin Fredette

Homeowner Kevin Fredette was present for discussion. Board members received a request for a variance from the previous Lakeville Board of Health Regulations which mandated a two year expiration date on soil evaluation and percolation tests, to allow the soil evaluations and percolation tests on this lot to remain valid. The percolation testing and soil evaluations for this lot were performed in 2002 and witnessed by former Health Agent Manual Mello. There were questions and discussion regarding conflicting textures and soil classes inconsistent with percolation rates as shown on soil logs and on proposed plans. Board assuaged applicant regarding the process and why additional percolation testing is necessary to verify design parameters.

VOTED: To grant the requested waiver; subject to re-confirming the percolation rate and verifying that the soil and hydrology conditions meet State and local requirements at the time of the Open Hole Inspection for the installation of the system. Unanimous vote in favor.

Board of Appeals Petition for Hearings

1-8 Cicero Drive & 1,2,3,4,5,7 Blueberry Dr.(059-007-020)

RPI Blueberry LLC

Board Members reviewed the Petition for Hearing for RPI Blueberry LLC.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To send a letter to the Board of Appeals stating that if the Petition is approved by them; it should be subject to doing a Title V inspection on the entire property. Unanimous vote in favor.

Current EEE Ban

There was a discussion regarding the current EEE threat with respect to arborviruses transmitted by mosquitoes. Health Agent Perry stated that the State has not changed/reduced the risk (threat) assessment map for Massachusetts (Lakeville is still shown as moderate) for arborviruses although they do acknowledge that most areas of Massachusetts have had hard frosts and those areas could be considered to have little or no risk. It was also discussed that not all areas of Lakeville have had “hard frosts” which is typical in areas near wetland and/or water bodies that would have a warming effect and could preclude frosts until sustained colder temperatures are reached.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: Not to lift the restrictive hours pertaining to recreation at the town parks and properties until it is no longer a risk. Unanimous vote in favor.

Acceptance of minutes of meeting of October 12th and October 26, 2011

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To approve the Board of Health minutes as typed. Unanimous vote in favor.

Continued discussion relative to “Seasonal Properties”

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To table this discussion to the December 7, 2011 meeting. Unanimous vote in favor.

Informational:

Norfolk-Ram Engineering Solutions – Re: Island Terrace Nursing Home, 57 Long Point Road (070-001-002) Monthly Status Reports – Norfolk Project No. 986.001.02 Task 3 September 2011

Other Business:

Southeast Mass Region’s Public Health Enhancement/Shared Services Initiative Summary Proposal – All Members signed Proposal.

Vendor Warrants were signed by the Board Members.

Upon motion made by Member Garvey and seconded by Member Flynn, the Board

VOTED: To adjourn the meeting at 6:40 p.m. Unanimous vote in favor.