

Board of Health Meeting Minutes
January 10, 2013

The Lakeville Board of Health held a meeting on **January 10, 2013** in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci and Terrence Flynn. Health Agent Lawrence Perry was present, as well as Administrative Assistant Jo Lima as Recording Secretary. Chairman William Garvey was absent with prior notice.

Vice-Chairman Poillucci (as voted April 12, 2012), called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Administrative Assistant Jo Lima.

Board of Appeals Petition tabled from December 5, 2012

16 Old Powderhouse Road-(030-004-024)-Weydemeyer

Jon Pink from AZOR Land Sciences, Inc. was present for discussion. Board Members reviewed the revised plan dated January 2, 2013 showing the septic components and their relative location to the pool and cabana.

Upon motion made by Member Flynn with Vice-Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To send the Board of Appeals a letter stating they saw no health issues involved with this petition providing the cabana remains in its current location. Should any other department or board require this structure to be moved, the Board of Health would require that it be kept to at least 20' minimum from the septic components now shown on the revised plan. The applicant should return to the Board of Health and request variances (if needed) for any proposed relocation. Unanimous vote in favor.

54 Main St.-(063-002-003/004)-Panettieri Family LLC

Jon Pink from AZOR Land Sciences, Inc. was present for discussion to request the following:

1. Variance of 310CMR 15.211(1)[1] disposal facilities shall be at least 18" below water supply lines. Whenever sewer lines must cross water supply lines both pipes shall be constructed of class 150 pressure pipe. (It is assumed the water line(s) for this facility crosses the sewer line(s) a minimum of 4 times)
2. Variance of 310CMR 15.211(1) minimum setback of water supply line (pressure) to a soil absorption system of 10'. (Reserve Area)
3. Variance of 310CMR 15.211(1) minimum setback of a pump chamber from a subsurface drain of 5' varied to 3.5'.

Board Members reviewed plans and After-the-Fact Variances.

Upon motion made by Member Flynn with Vice-Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To approve the multiple After-the-Fact Variances listed below:

310CMR 15.211(1)[1] - whereas it appears that (3) three existing onsite water services cross (2) two existing wastewater lines (one gravity one force main), within the existing parking lot under

the pavement but not definitively shown on plan nor definitively identified as to material type of piping. (Could be considered up to six different LUA divergences).

310 CMR 15.405(1)g - (two LUA divergences) whereas (2) two water services appear to have been run through the originally proposed onsite reserve area (should the reserve be needed in future, the existing water services will have to be relocated ten feet away from said reserve area)

310CMR 15.405(1)g - (one LUA divergence) whereas the plan shows that a subsurface drainage pipe was located only 3.5' from the existing sewage pump chamber (required setback is 5' minimum) and only 1.5' from the existing sewage force main.

310CMR 15.223(1) - one to three LUA divergences from required 200% settling tank capacity for one to three septic tanks (no plumbing plan submitted to verify actual individual flows to each septic tank) as board agreed to allow installation of (3) three commercial effluent filters (one for each tank) to mitigate as well as to meet current State and Local Requirements, in addition to requiring decreasing the sewage dose volume to increase storage capacity within the pump chamber.

Board Members also stipulated a deed restriction stating "no increase in flow" above approved capacity (1802 gpd) and no further change in use without written approval from the Board of Health or its Agent. Unanimous vote in favor.

113 Bedford St.-(025-003-020)-Jan Drake

Homeowner Jan Drake was present for discussion. Certified mail cards for abutters were submitted prior to meeting. Mrs. Drake was requesting the addition of two horses to her current stable permit which was previously approved for two horses. Member Flynn asked about the manure pile and Mrs. Drake said it gets spread in a field in a wooded area with a manure spreader where it breaks down. Board Members reviewed the stable plan submitted by Mrs. Drake.

Upon motion made by Member Flynn with Vice-Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To approve the addition of two horses for a total of four horses. Unanimous vote in favor.

131 So. Pickens St.-(015-003-009)-David & Annette Campbell

Homeowners David and Annette Campbell were present for discussion, as well as Mrs. Batty from 129 So. Pickens St. (015-003-008). Board Members reviewed the complaint letter dated December 20, 2012 submitted by the Campbell's. The letter stated that their neighbor at 129 South Pickens St. owns a barn and horses that is and has been on their property for several years. Their request was that the Board rescinds their permit for the horses. Vice-Chairman Poillucci began the discussion by mentioning because the barn has been on their property for over 20 years, he wasn't sure if the court could award the land to the Batty's under adverse possession. He stated he wasn't clear on that and that he wasn't an attorney. Mrs. Campbell said that it doesn't apply to registered land and that they had already looked into it and had already been to land court. She advised the Board that a complaint regarding the location of the barn structure is going to be heard in court on February 13, 2013. Mrs. Batty spoke and advised the Board that they were just coming out of bankruptcy and pleaded with the Board to let the courts decide

before they make a decision. She said they have already had their wetlands plotted and are going to get the land surveyed. She said they just don't have the funds right now. After a lengthy discussion, Board Members were not comfortable making a decision at that time and voted to table the discussion until a decision is made by the court. Member Flynn said that whether or not the court gives the Batty's a time frame to move their horses, the Board will issue a deadline as to when the horses need to be moved and housed on their property. Vice-Chairman Poillucci agreed and said that this simply cannot continue.

Upon motion made by Member Flynn with Vice-Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To table the discussion until a decision is made by the court. Unanimous vote in favor.

Continued Discussion on Seasonal Properties

On December 10, 2012, a draft copy of Board of Health proposed regulations for year round dwellings was sent to several departments, (Building, ZBA, BOS, Planning, ConCom and Fire), asking that they provide any feedback or comments to the Board. Board Members reviewed the comments submitted. Conservation Committee Member Linda Grubb was also present. A lengthy discussion was held. Vice-Chairman Poillucci stated that he would like to have a department head meeting with all the departments so that various questions can be answered. He would like to see this process more structured. Grubbs concern is protecting the resources and the amount of variances that could be issued by the board. Member Flynn said he would be willing to give several variances if it means getting rid of a cesspool. He stated that most of our variances are granted due to neighbors' disputes and not for environmental issues. Vice-Chairman Poillucci said he would like to see all departments on the same page so we can provide people with sufficient and correct information. Member Flynn agreed that we weren't ready to implement a sign-off procedure at this time. Board Members agreed they would like to have Chairman Garvey present at the next discussion in regards to seasonal properties.

Upon motion made by Member Flynn with Vice-Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To table this discussion. Unanimous vote in favor.

2013 Board of Health License & Permit Renewals

Common Victuallers

MFH Acquisition of Lakeville LLC d/b/a Dunkin Donuts

Food Establishments

CVS/Pharmacy #5407

MFH Acquisition of Lakeville LLC d/b/a Dunkin Donuts

Septage Pumpers

Middleboro/Lakeville Cesspool, Inc.

Mr. Cesspool (includes portable toilet pumping)

Stables (in order by address)

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| Joan M. Morton | 74 Highland Road |
| Jeffrey S. Mills | 1 Hitching Post Road |
| Louise DeMoranville | 87 Kingman Street |
| Ruthann Saraiva | 22 Lang St. |
| Cory Veilleux | 21 Nelson Shore Road |
| Michael Dyksinski | 1 Patrick Thomas Court |
| David Frates | 101 Precinct Street |
| Paul Gould | 6 Race Course Road |
| Golden Spur Ranch/Trudy Sena | 29 Staples Shore |
| Persis White | 35 Taunton Street |
| Gene Bartlett | 2 Tyler's Way |

BOARDING

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| Shawn Conway, Hickory Knoll Farm | 33 Southworth St. |
| Holloway Brook Farm | 6 Barstow Street |

Tobacco

CVS/Pharmacy #5407

Trash Haulers

Hiller Disposal Inc.
New England Recycling, Inc.
Twin Coach Estates, Inc.
Waste Management of MA, Inc.

Misc.

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| Inspiration Body Art Studio | Body Art Establishment |
| Inspiration Body Art Studio, Robert M. Pike | Body Art Practitioner |
| JNL Dry Cleaners, Inc. | Dry Cleaning Establishment |
| Twin Coach Estates, Inc. | Mobile Home Park |

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To approve all licenses and/or permit renewals as submitted on the memo from Administrative Assistant Lima dated January 10, 2013. Unanimous vote in favor.

Acceptance of Meeting Minutes

Board Members reviewed the minutes from the meeting held on December 5, 2012.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To approve the Board of Health Minutes for the meeting held December 5, 2012 as typed. Unanimous vote in favor.

2013 Middleborough Health Department Contract Review

Board Members reviewed the contract.

Upon motion made by Member Flynn with Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To accept the 2013 Middleborough Health Department Contract for the Board of Selectmen's approval. Unanimous vote in favor.

DPH 2013 Local Health Internship Program

Board Members asked Health Agent Perry if he would be interested in obtaining an intern to help the department in the undertaking or completing of public health projects. Health Agent Perry felt it would be helpful if the intern had background in the legal area to help with enforcement issues or possibly a project to study nitrate contamination of well water.

Project Review Committee – 43D Expedited Permitting Program

A memo dated January 10, 2013 was received from Town Administrator Garbitt requesting that a member of the board serve as a representative to serve on this committee.

Upon motion made by Member Flynn with Vice-Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To appoint Board of Health Member Robert Poillucci as the representative to serve on this committee. Unanimous vote in favor.

South Coast Rail 5 Year Update on Community Priority Areas

A memo dated January 10, 2013 was received from Town Administrator Garbitt inquiring as to whether or not any Board of Health Members would be interested in working on this update. No member was interested at this time.

FY14 Budget Discussion

Board Members reviewed and discussed the Fiscal Year 2014 Maintenance Budget. No changes were made, but there were two additional requests totaling \$700. The Board is requesting these additional funds to cover syringe disposal and any additional licenses that may be required by the state, (Soil evaluator, Osha, Certified Pool Operator, etc.)

Upon motion made by Member Flynn with Vice-Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To approve the FY14 Maintenance Budget Request with an additional request of \$200 for syringe disposal under Contracted Professional Services and \$500 for additional state required licenses under Dues and Subscriptions. Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

Upon motion made by Member Flynn with Vice-Chairman Poillucci stepping down to second and back up to vote, the Board:

VOTED: To adjourn the meeting at 7:30 p.m. Unanimous vote in favor.

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| Accepted as typed 02-06-13 JL |
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