

Board of Health Meeting Minutes
July 21, 2010

The Board of Health held a meeting on July 21, 2010 in the Lakeville Town Office Building. Present at this meeting were Board Members William E. Garvey, Terrence Flynn, and Robert Poillucci. Also present at this meeting were Health Agent Lawrence Perry, and Board of Health Supervisor Nancy M. Teser, as recording secretary. Chairman Garvey called the meeting to order at 6:00 p.m.

12 Malbone Street **004-002-008** **William & Lisa Podielsky**

Lisa Podielsky asked to meet with the Board regarding her stable permit at 12 Malbone Street. Her 2010 stable permit was approved by the Board for three equines. She asked that it be amended to four; whereas the fourth horse is only there temporarily. Inspector of Animals Jared Darling submitted a report which was placed on file. Upon motion made by Chairman Garvey and seconded by Member Poillucci, the Board

VOTED: To approve three full-time equines and one part-time equine; up to six months throughout the year. Unanimous vote.

43 Shore Avenue **041-009-016** **Louis Vermette**

Jonathan J. Pink, P.L.S. of Azor Land Sciences, Inc. was present at the meeting for discussion. Louis Vermette was also present for discussion. Pink stated they were requesting a multiple of State, Local Upgrade Approval, and Lakeville Board of Health Regulation variances for the proposed installation of a “**Presby Enviro-Septic**” design and a **new well**. Board members were told that the existing cottage was a three-bedroom cottage; which was inundated by the Spring flood waters, but the **new proposed dwelling** would be for only **two bedrooms**. The new well, according to Pink, is proposed to be on the other lot (2,200 s.f.) across the street; whereas the dwelling and the “Presby” system would be on the 43 Shore Avenue lot which is only 4,900 s.f. Board members stated that two variances were omitted and would be required for the installation of this system – **Lakeville Board of Health Regulations** – Local Reg. 2.0 (well and septic on lot less than 20,000 s.f.) and Local Reg. 2.7 (lowest floor elevation to be 12” above high groundwater elevation and not 24’ as required). Garvey stated that revised septic plans and a revised variance request letter would need to be received; showing these two additional variances on them. Discussion was held on the proposed retaining wall design which needs to be stamped and certified by the Professional Engineer in accordance with the Board’s policy. Board members also stated they may need an easement from the Clark Shores Water Corporation; depending on who owns the road, because they were crossing the road with the water line. Approval would also be need from the Department of Environmental Protection (DEP) and the Conservation Commission before any permit would be released. A two-bedroom deed restriction (restrictive covenant) would also need to be recorded at the Plymouth County Registry of Deeds for the proposed new dwelling. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the “Presby” system subject to receiving a revised variance

request letter and revised plans with the two additional variances listed on them and the retaining wall design being stamped and certified by the Professional Engineer. Unanimous vote.

2 Devon Drive

(050-001-003)

John Kuketz

Chairman Garvey brought up discussion regarding a septic plan previously approved (February 24, 2010) by the Board for the upgrade of the septic system at 2 Devon Drive; showing a proposed concrete patio over a large portion of the proposed septic tank. Garvey told the Board that according to Appeals Board Chairman Foster Kuketz told him that he couldn't move the tank. The Zoning Board of Appeals architectural plans which came in after the Board approved the septic design showed footings with a roof ; which the engineer's site plan did not show; nor were they granted variances from the Board's regulation 2.6 – to have a tank within five feet of a sono-tube. Garvey noted, when they put the tank in, they would have to come before the Board of Health. Chairman Garvey said they didn't want it (patio) with a roof over it. No other action was taken at this time.

106 Highland Road

(014-005-024)

David & Lisa Liolios

David and Lisa Liolios were present for discussion. Board members previously received a communication from P.E. Paul Patneau of Taunton, MA stating that Mr. and Mrs. Liolios were requesting a Local Upgrade Approval Variance – Use of a sieve analysis as a substitute for a percolation test – for the upgrade of their septic system. According to Town records, Eleanor and George Liolios are the owners of the existing three-bedroom dwelling. David Liolios said the couple were elderly and were having relatives move in to assist them, so they were planning an addition to the dwelling, not an in-law apartment, just an addition. Board members stated they would need a deed restriction for a four-bedroom dwelling with no increase in flow to the septic system if approved. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the Local Upgrade Approval Variance requested; subject to a deed restriction (restrictive covenant) being recorded at the Plymouth County Registry of Deeds stating that the dwelling will remain a four-bedroom dwelling with no increase in flow to the septic system.
Unanimous vote.

16 Village Road

(031-002-019/15)

David & Stacey Dixon

David Dixon was present for discussion Dixon said he was requesting a waiver from the required licensed installer's signature on the Certificate of Compliance for the new septic system which was installed. Dixon stated he has contacted his site contractor on several occasions, but he has not responded. Dixon said he had an issue with this contractor during the course of the project; he did not grade the site per the site plan resulting in standing water in his back yard following the rain showers. M & M Concrete Construction of Dartmouth, MA was the installer. Health Agent Perry stated he called the installer and left a message on the answering machine; informing him of the waiver request that would be addressed at tonight's meeting should he wish to attend. Garvey

stated that the installer would need to be contacted by this office to hear his side of the story, before they could grant the waiver. Health Agent Perry was instructed to call the installer again, give him a week, then to send him a certified letter, if no response. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To have Health Agent Perry or Chairman Garvey talk to the contractor, then they could make a decision on the waiver. Unanimous vote. Garvey told Dixon they should have an answer by their next meeting; which will be on August 18, 2010.

Board of Appeals – Petition For Hearing - Marcus Baptiste, Southbrook Development, Inc. Off of Precinct Street-behind 100-106 (018-003-024R)

Board members reviewed the Petition For Hearing for Marcus Baptiste, Southbrook Development, Inc. The Nature of Relief Sought: “Variance from Section(s) 5.1.3 of the Zoning Bylaws”. Brief to the Board: “Per Section 5.1.3 drainage easements shall not be included in the required lot frontage or area.” “The Town Highway Superintendent has requested an easement, which I wish to grant on a lot that has 70,000 s.f. and 175’ of frontage.” “I cannot grant the easement without a variance.” Board members reviewed the information and the “Drainage Area Plan of Land” submitted by the Petitioner. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To send a letter to the Board of Appeals stating there weren’t any health issues involved with this Petition, so they were not recommending approval or denial on it. Unanimous vote.

Milk & Cream License Renewal

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

VOTED: To approve the Milk & Cream License for **Reservoir Heights, Inc. d/b/a Lakeville Country Club at 44 Clear Pond Road**. Unanimous vote.

One Day Common Victualler License

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

VOTED: To approve a one day Common Victualler License for the **Fall River Municipal Credit Union at 290 Bedford Street** for their event on Saturday, September 11, 2010 with a Rain Date of Sunday, September 12, 2010. Unanimous vote.

328 Bedford Street

(057-002-003)

Lewis Gammons

No one was present for discussion. Board members received and reviewed a variance request letter and revised plans dated June 20, 2010 for the installation of a “Geo-Flow” septic system design at 328 Bedford Street from Foresight Engineering, Inc. for Lewis Gammons. After some discussion on the reduction of the separation of the proposed leach field from the groundwater table, the Board stated that they would only grant one foot to groundwater. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: That revised plans with an (RLS) Registered Land Surveyor stamp on them would be required prior to the next meeting or a fine would be imposed, and if the revised plans were correct, then the Health Agent could approve the plans. Unanimous vote.

Meeting Minutes

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

VOTED: To approve the minutes of the meetings of **February 24, 2010** and **March 24, 2010** as typed. Member Poillucci abstained from this vote whereas he was not on the Board of Health at that time.

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

VOTED: To approve the minutes of the meeting of **April 7, 2010** as typed. Unanimous vote.

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

VOTED: To approve the minutes of the **meetings** (Town Office Building at 12:00 noon) (Lakeville Public Library at 1:00 p.m.) of **May 8, 2010** as typed. Member Flynn abstained from this vote whereas he was not present at these meetings.

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

VOTED: To approve the minutes of the meeting of **May 12, 2010** as typed. Unanimous vote.

57 Long Point Road

071-001-002

Island Terrace Nursing Home

Board members reviewed the June 2010 Monthly Status Report for the wastewater remediation project at the Island Terrace Nursing Home from Norfolk-Ram Engineering Solutions. This report was placed on file.

Not on Agenda - Discussion on Emergency Well Policy

Discussion was brought up by Chairman Garvey relative to an emergency well policy. Garvey felt that seasonal homes should not fall under this category; they should have priorities, or maybe access the situation themselves. Garvey said they could make a policy right now then fine tune it later. After further discussion, upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: That the Emergency Well Policy would not be for seasonal homes and they would need to submit a well plan prepared and stamped by a Professional Engineer or Registered Sanitarian. Unanimous vote.

Not on Agenda - 30 Cross Street (022-003-003D) Domenic & Evelyn Folco

Discussion was brought up by Health Agent Perry relative to a two compartment tank for the septic system upgrade at 30 Cross Street. Upon motion made by Poillucci and seconded by Flynn, the Board

VOTED: To allow the use of the contractor built baffle wall with specifications. Unanimous vote.

Vendor warrants were signed by the Board.

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

VOTED: to adjourn the meeting at 7:00 p.m. Unanimous vote.