

Town of Dartmouth
Board of Health
Minutes of the Meeting of
09 January 2013 RECEIVED

Approved
BOH Meeting
02/06/2013

The meeting notice was duly posted.

2013 FEB -8 P 12:06

This meeting was called to order at 6:06 p.m.

DARTMOUTH TOWN CLERK

Lynne Brodeur, Thomas Hardman and Leslie E.J. McKinley were present. Wendy Henderson, Director of Public Health was also present.

The Minutes of the meeting of December 06, 2012 were accepted as corrected by Thomas Hardman, Leslie E.J. McKinley and Lynne Brodeur.

RE: State Road Cement Block/Plat 164, Lot 46, 656 State Road - Dust Complaint - 7/21/2010 - No new complaints were received.

RE: Capri Motel/Plat 163, Lot 52, 741 State Road - Housekeeping Issues - 8/22/12 - The Board perused a memo dated December 28, 2012 from Janice Young, Health and Sanitary Inspector informing the Board that a reinspection was conducted on December 26, 2012 by Christopher Michaud and Janice Young at the Capri Motel. Also present for the inspection was Scott Weisel, Sam Barot, Manager, Joe - The Maintenance Worker and other Capri employees.

Inspection of all sixty (60) empty rooms was conducted. Inspection revealed a few minor repairs were still needed in some of the rooms which were corrected as they inspected other rooms. The Health and Sanitary Inspectors then reinspected the rooms in which the repairs were made. No violations of 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation were found with the exception of two rooms where minor repairs needed to be made and although under 105 CMR 410, the rooms are rentable, Sam Barot agreed not to rent them until the cosmetic repairs were completed.

Room 139 - Shower floor has a small chip in the tile

Room 137 - New had a run in it which will get worse each time it is vacuumed.

Ms. Young asked Sam Barot - Manager for a housekeeping check list and he provided one from the Holiday Inn in Swansea. The Holiday Inn is also owned by Jayanti Patel and many of the items do not apply to the Capri Motel.

The Inspectors stressed to Sam Barot that he must follow up on housekeeping staff to ensure each room is clean and in a sanitary condition before re-renting.

The Board perused another memo dated January 07, 2013 from Janice Young, Health and Sanitary Inspector informing the Board that a reinspection was conducted on January 07, 2013 by Christopher Michaud and Janice Young at the Capri Motel of rooms 137 & 139. Also present for the inspection was Sam Barot, Manager.

Room 139 - Shower floor has a small chip in the tile - Cracks in shower floor repair (tools still in room)

Room 137 - New carpet was installed but has a run in it which will get worse each time it is vacuumed. - Carpet repaired - not replaced

Cleaning is being done by family members and a friend of Sam Barot. Best Western housekeepers are on call if needed according to Sam Barot. The Inspectors

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were not able to inspect any rooms rented on January 06, 2013 because check out time is 11:00 a.m.

The Board discussed the aforementioned and although this repair is acceptable by 105 CMR 410.000 – Minimum Standards of Fitness for Human Habitation, the Board would like to remind Mr. Barot that to repair and not to replace the carpet may end up to be with another violation in the future if the repair is not maintained.

The Board received a copy of an inspection sheet which Mr. Barot stated that he will use for his cleaning crew. The Board is requiring this list must be revised and be applicable to the Capri Motel. A copy of the amended inspection sheet must be submitted to this office for review. The Board reiterated that rooms rented and then vacated must be cleaned and meet 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation regulations before being reoccupied.

Furthermore, in light of the numerous historic violations, when an inspection is conducted at the Capri Motel and any violations are found, the Board has given the Health and Sanitary Inspectors authority to automatically close the establishment.

RE: Director of Public Health Job Description – 8/22/12 – The Board perused information relative to Board of Health from MAHB Legal Handbook. The Board is still waiting for additional information.

RE: John Bettencourt/Plat 4, Lot 1-3, 928 Horseneck Road – Proposed Well Location 9/20/12 – The Board perused a memo dated January 07, 2013 from Health & Sanitary Inspector, Christopher Michaud informing the Board that the proposed well location this time on the revised site plan for 928 Horseneck Road has been located in the best possible site given all of the limitations both on and off site.

The Board perused the well variance request for the aforementioned site. The variance requested was for a 5' setback from the proposed well to the property line. Dartmouth Well Requirements are 15' from well to property line. The Board discussed this matter and is satisfied with the proposed well location submitted by the engineer.

Therefore, with Thomas W. Hardman motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to grant a variance from Dartmouth Well Regulations for a 5' setback from the proposed well to the property line.

RE: Noise By-Law – Noise Regulation Comments – 4/17/12 – The Board perused the draft letter dated December 06, 2012 to be sent to David Cressman, Executive Administrator and the Select Board. The letter stated that at the request of Mr. Cressman, the Board of Health researched the feasibility of changing the Noise By-Law. Matthew Vangel, a town resident volunteered to compile information for a Noise By-Law. After extensive research and effort, Mr. Vangel presented his suggestions to the Board of Health in the form of a by-law. The proposed by-law is comprehensive and well written but to the Board of Health's view, unenforceable. Notice was forwarded to other town departments for their input on the proposed Noise By-Law. Police Chief Lee and Deputy Chief Soares felt this by-law enforcement would fall primarily on the Police Department and be difficult to enforce. The cost of the equipment and training to the town would be excessive. In addition; residents of Dartmouth were asked for input. Comments received from residents suggested including noise regulations for mowing lawns, bans on leaf blowers, chainsaws, outdoor parties, loud motorcycles and any construction work on weekends. Neither the Board of Health nor the Police

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Department has the man power or equipment to monitor such activities to the extent the proposed by-law requires.

The Board with Thomas W. Hardman motioning and Leslie E.J. McKinley seconding voted unanimously to send the letter to Mr. Cressman and the Select Board.

RE: Bristol County Mosquito Control (BCMC)- Memo from David Cressman - Wendy Henderson, Director of Public Health informed the Board that she will meet with the Finance Committee and Bristol County Mosquito Control on January 17, 2013 and the Board is invited to attend. Lynne Brodeur spoke to Ms. Henderson and stated that she would like to remind BCMC that she is still interested in being a Board member.

RE: Saul J. Friedman/Plat 20, Lot 8, 384 Smith Neck Road - Septic Repair issues -10/04/12 - Thomas Hardman and Leslie E. J. McKinley discussed the aforementioned subsurface sewage disposal system repair, Lynne Brodeur abstained. This office was informed by Mr. Friedman's installer Nathanyl Gomes that the subsurface sewage disposal system would be completed before January 31, 2013 and a request that the deadline of January 01, 2013 be extended and to forgo the non-criminal fines which should have been instituted on January 02, 2013.

The Board discussed the extended deadline request along with the request to forgo the non-criminal citations and with Thomas W. Hardman motioning and Leslie E.J. McKinley seconding, the Board voted 2-0-1 to extend the deadline no later than January 31, 2013 and to waive the non-criminal citations if the subsurface sewage disposal system is completed by that time.

RE: Saul J. Friedman/Plat 29, Lot 43, 233 Bakerville Road - Title 5 System Inspection - 10/4/12 - Thomas Hardman and Leslie E. J. McKinley discussed the aforementioned septic plans, Lynne Brodeur abstained. Pursuant to the provisions of 310 CMR 15.000, Title 5, with Thomas Hardman motioning and Leslie E.J. McKinley seconding, the Board of Health voted 2-0-1 to approve the aforementioned plans with the following waiver:

Section	Waiver
15.212	Minimum vertical separation of 3' between the bottom of the soil absorption system and the estimated seasonal high groundwater elevation. 4' required.

A deed restriction limiting the home to two bedrooms with no additional flow must be notarized and recorded at the Bristol County Registry of Deeds, and returned to the Board of Health before a disposal works construction permit can be issued.

RE: Dartmouth Supplemental Regulations 12/17/2011 - The Board perused the draft copy of the amended Supplemental Regulations to Title 5. After discussion and removal of new construction, Thomas W. Hardman motioned and Leslie E.J. McKinley seconded, it was the unanimous decision of the Board to send it to Town Counsel for review. Once reviewed by Town Counsel, legal notice will be posted for a public hearing.

RE: Septic Plans - The following septic plan was reviewed by Health and Sanitary Inspector, Christopher Michaud and approved by the Director of Public Health, Wendy W. Henderson.

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Shawn Westgate/Plat 45, Lot 20, 234 Chase Road The Board discussed the aforementioned septic plans. Pursuant to the provisions of 310 CMR 15.000, Title 5, with Thomas Hardman motioning and Leslie E.J. McKinley seconding, the Board of Health voted unanimously approve the aforementioned plans with the following stipulation which will be placed on the plan:

- Existing two bedroom dwelling to be serviced by a three bedroom design. Additional perc and soil evaluation with reserve area required to increase flow beyond the existing flow.

Joseph Conroy/Plat 24, Lot 54, 315 Rock O'Dundee Road - The Board discussed the aforementioned septic plans. Pursuant to the provisions of 310 CMR 15.000, Title 5, with Thomas Hardman motioning and Leslie E.J. McKinley seconding, the Board of Health voted unanimously approve the aforementioned plans with the following stipulation which will be placed on the plan:

- Existing one bedroom dwelling to be serviced by a three bedroom design. Additional perc and soil evaluation with reserve area required to increase flow beyond the existing flow.

RE: Community Nurse & Hospice Care – Public Health Statistics for November 2012 – The Board perused the November 2012 statistics received by the Community Nurse & Hospice Care.

RE: Animal Permit Application - The following application for an Animal Permit was reviewed by the Animal Inspector. Abutters were notified and no comments were received.

Joseph Goulart/Plat 149, Lot 147, 271 Slocum Road – 3 Chickens & 4 Red Neck Pheasants - The Board discussed the aforementioned and with Leslie E.J. McKinley motioning and Thomas Hardman seconding, it was the unanimous decision of the Board to approve the Animal Permit for the following: 3 Chickens and 4 Red Neck Pheasants.

However, the Red Neck Pheasants require a permit from the Massachusetts Division of Marine Fisheries and Wildlife (DMFW). That office will be forwarding Mr. Goulart an application. Once the application is completed and approved by the DMFW, Mr. Goulart will need to provide a copy of the permit to this office. In the meantime, Mr. Goulart must come into the office to permit the chickens.

RE: Barn Book Summary Sheet – The Board perused the Barn Book Summary Inspection Report from Sandra Gosselin, Animal Inspector. 241 properties were inspected.

RE: Memo from Sandra Gosselin-Animal Inspector Relative to Louie Machado/Plat 72, Lot 6, 452 Old Fall River Road #12 – Inspection – The Board perused a memo dated December 13, 2012 from Sandra Gosselin, Animal Inspector relative to the large amount of large hooved animals in a 50 x 90 sq. ft. area and an additional 50 x 50 sq. ft. area along with housing and sanitary conditions as well as the close proximity to wetlands and a stream. The animals are standing in mud. Furthermore, Mr. Machado has over 300 pigeons and not enough pigeon loft to accommodate the amount.

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The property belongs to Mary Robinson and is over the five acre requirement for the Animal Regulations therefore does not require a permit from the Board of Health. The State Animal Inspector – Glen Harris has been to the site with Ms. Gosselin. Mr. Harris recommended to Mr. Machado reduction in the amount of large hooved animals and pigeons and suggested placing hay bales to avoid runoff. Mr. Machado agreed to place the hay bales and reduce the number of animals. Sandra Gosselin will reinspect to see if Mr. Machado reduced the number of animals and placed the hay bales.

The Board discussed this matter and will refer the wetland issue to the Conservation Commission and also inform the Agricultural Commission of the conditions on the site. The Board would like to be kept apprised of the situation.

RE: MEHA Education Seminar – Onsite Wastewater for Local Environmental Health Officials – The Board perused a flyer from MEHA relative to a Education Seminar to be held on January 23, 2013 for Onsite Wastewater for Local Environmental Health Officials. Wendy Henderson, Director of Public Health along with Christopher Michaud, Health and Sanitary Inspector will be attending. The Board was invited to attend.

RE: Memo from David Cressman – Executive Administrator – Town Newsletter – The Board perused the memo from David Cressman relative to a quarterly town newsletter. The Board of Health will need to submit their information by May 01, 2013. Wendy Henderson, Director of Public Health asked the Board for suggestions. The Board suggested to include mosquito information and animal permit information.

RE: Dartmouth Hotel, Motel & Guest Cabins Regulation – Draft – The Board perused a partial draft of Dartmouth Hotel, Motel & Guest Cabin Regulations. Additional information needs to be included in the regulations. The Board would like input from other departments. Ms. Henderson also asked the Board if they wanted to include Bed & Breakfast permittees. The Board will await further information before acting on this regulation.

RE: FY2014 Operational Budget/Annual Town Report – Wendy Henderson, Director of Public Health informed the Board that it is that time of year to start working on the budget and annual report. Ms. Henderson asked the Board what they would like included in the Town Report. Again the Board felt that something about animals should be included. The Board also looked at the chart Income by Category for FY2013. The Board would like fines to be included in the chart for Animal Inspector.

RE: Fernando Mendes/Plat 143, Lot 212, 278 West McCabe Street/Public Hearing for Animal Permit – 20 Rabbits w 3 Clutches a Year, 20 Chickens & 1 Rooster – Mr. Fernando Mendes along with his son Paul Mendes met with the Board to discuss Mr. Mendes request for an animal permit. Also present was James & Aida DaCosta of 274 West McCabe Street and Chet & Carolyn Ovesen of 210 Sharp Street.

Discussion ensued relative to the rooster. The Board has received complaints and concerns about the rooster crowing early in the morning disturbing residents sleep. The Board suggested to Mr. Mendes to put the rooster in a dark box during the night. Mr. Mendes was not receptive to that idea. Mr. Mendes claims there is another rooster in the area that makes noise also. The abutters stated that it is Mr. Mendes rooster that is disturbing their rest. The Board told Mr. Mendes if he could pinpoint where the other rooster is coming from the Animal Inspector would visit the site.

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The Board discussed the aforementioned and with Leslie E.J. McKinley motioning and Thomas Hardman seconding, it was the unanimous decision of the Board to approve the Animal Permit for the following: 20 Rabbits with a maximum of 3 Clutches, 20 Chickens.

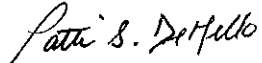
The rooster must be removed from the property within seven days. A reinspection by the Animal Inspector will be conducted on or about January 17th.

RE: Board Signatures - The Chair signed three personnel sheets.

At 7:30 p.m. Lynne Brodeur, Chair motioned to close the regular Board of Health Meeting. Roll call vote - Lynne Brodeur - yes, Thomas Hardman - yes, Leslie E.J. McKinley - yes.

With no further business to discuss, the Chair adjourned the meeting at 7:30 p.m.

Respectfully submitted,



Patti S. DeMello
Administrative Clerk

6:00 P.M. COMMENCE MEETING

Minutes of the Meeting of 06 December 2012

Old Business:

- A. State Road Cement Block/Plat 164, Lot 46, #656 State Road – Dust Complaint – 7/21/2010
- B. Capri Motel/Plat 163, Lot 52, 741 State Road – Housekeeping Issues –
- C. Director of Public Health Job Description – 8/22/12
- D. John Bettencourt/Plat 4, Lot 1-3, 928 Horseneck Road – Proposed Well Location – 9/20/12
- E. Noise By-Law – Noise Regulations Comments - 4/17/2012
- F. Bristol County Mosquito Control – Memo from David Cressman – 12/09/12
- G. Saul J. Friedman/Plat 20, Lot 8, 384 Smith Neck Road – Septic Repair Issues – 10/04/12
- H. Saul J. Friedman/Plat 29, Lot 43, 233 Bakerville Road – Title 5 System Inspection – 10/04/12
- I. Dartmouth Supplemental Regulation Discussion – 12/7/2011
 - Coastal Bank Setback
 - 15.290 Shared System
 - D-Box
 - Aquifer Requirement from Zoning By-Law

New Business:

- A. Septic Plans
 - Shawn Westgate/Plat 45, Lot 20, 234 Chase Road
 - Joseph Conroy/Plat 24, Lot 54, 315 Rock O'Dundee Road
- B. Community Nurse and Hospice Care – Public Health Statistics – November 2012
- C. Animal Permit
 - Joseph Goulart/Plat 149, Lot 147, 271 Slocum Road – 3 Chickens & 4 Redneck Pheasants
- D. Barn Book Summary Sheet
- E. Memo from Sandy Gosselin-Animal Inspector Relative to Louie Machado/Plat 72, Lot 6, 452 Old Fall River Road, #12 - Inspection
- F. MEHA Education Seminar – Onsite Wastewater for Local Environmental Health Officials
- G. Memo from David Cressman – Executive Administrator – Town Newsletter
- H. Dartmouth Hotel, Motel & Guest Cabins Regulation - Draft
- I. Board Signatures

Appointments:

- 6:30 p.m. Fernando Mendes/Plat 143, Lot 212 Kraseman Street – Animal Permit for 20 Chickens, 20 Rabbits with 3 Clutches & 1 Rooster