

**Town of Dartmouth
Board of Health
Minutes of the Meeting of
17 April 2013**

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DARTMOUTH TOWN CLERK

The meeting notice was duly posted.

This meeting was called to order at 6:10 p.m.

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

At this time, Lynne Brodeur nominated Thomas Hardman as Chair. Therefore, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding the Board voted unanimously to reorganize and reappoint as follows:

Thomas W. Hardman	Chair, Board Member, Health Agent, Representative to Soil Board (term expires April 2014)
Leslie E.J. McKinley	Board Member, Health Agent, (term expires April 2015)
Lynne Brodeur	Board Member, Health Agent (term expires April 2016)
Wendy W. Henderson, R.S.	Director of Public Health/Health Agent, Animal Inspector
Christopher Michaud, R.S.	Health & Sanitary Inspector/Health Agent, Animal Inspector
Janice Young	Health & Sanitary Inspector/Health Agent
Patti DeMello	Administrative Clerk
Donna Farias	Administrative Clerk
Kerri Mason	Senior Clerk
Dr. Gail Davidson	Board Physician
Sandra J. Gosselin	Animal Inspector/Rabies Control Agent
Lori Biggs	Assistant Animal Inspector/Rabies Control Agent
Stacy Rebelo	Assistant Animal Inspector/Rabies Control Agent

The Minutes of the meeting of April 03, 2013 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 -The Board discussed a complaint relative to dust at SRCB facility. The complaint came from John Wheaton at 11:30 a.m. on April 09, 2013 stating that he has dirt and dust on picnic table and that SRCB is not watering down stockpiles. Mr. Wheaton also claimed they were selling block through the winter. Mr. Wheaton inquired if the roof has been swept. Mr. Wheaton also stated that he "will get his snoop thing going". An inspection was conducted on April 09, 2013 @ 1:50 p.m. by Christopher Michaud, Health and Sanitary Inspector. The inspection revealed yellow silt accumulation at the Wheaton property located at 14 Connecticut Avenue. In addition, Mr. Michaud noted that the parking lots were not being wetted down and the sand and stone stock piles were not covered.

Therefore, the Board will be sending a reminder letter to SRCB reminding them that, in the interest of avoiding air quality violations, they assess the situation and address any necessary maintenance, including keeping travel areas and sand

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stockpiles damp to avoid dust from blowing off site. Again reminding them to continue to prevent dust and noise from impacting offsite properties.

RE: Public Information Meeting Sponsored by D.E.P. Relative to Clean Communities (Cecil Smith Landfill) Capping and Closure/Plat 72, Lot 6 Old Fall River Road – Wendy Henderson, Director of Public Health, Thomas W. Hardman, Chair met with Boston Environmental, David Cressman, Town Administrator, Michael O'Reilly and Town Counsel earlier in the week to discuss Cecil Smith Landfill. The Board also perused the draft letter to be sent to D.E.P. from the town relative to the town's concern regarding the BEC closure proposal. However, since it was just received the Board would like to email their comments to Ms. Henderson.

The Board noted that they would like noisesome trades noted in the letter so that D.E.P. and Boston Environmental is aware that the Board of Health would be able to condition the ongoing capping if D.E.P. approves the plan. It was noted that there is case law showing this.

Once the town is ready for the letter to be sent to D.E.P., Lynne Brodeur motioned that the Chair sign the letter for the Board of Health and Leslie E. J. McKinley seconded, therefore it was unanimous decision of the Board that Thomas W. Hardman will sign the final copy.

In addition, Ms. Henderson and Gloria Bancroft would like an LSP representing the town to be required.

RE: Compost Situations & Complaints/Wilfred Francis Plat 37, Lots 36 & 27 Fisher Road – At this time, Thomas W. Hardman recused himself from the discussion. Wendy Henderson, Director of Public Health informed the Board that she had spoken to Summer Martinson from D.E.P. last week and he was supposed to visit the site. There was a question if Mr. Francis has a61A. Mr. Francis's property may not be an active farm which then would require him to comply with the nuisance regulations. No additional information is available.

RE: Dartmouth Lodging Regulation – Draft – 01/09/2013 – The Board perused the Draft Regulations (5) – Wendy Henderson, Director of Public Health had some issues that she wanted to address with the Board for input as follows:

Coffee pots: Does the Board want to allow coffee pots in rooms where there is no food service permit and facilities to wash, rinse and sanitize the appliances safely. The Board discussed this and did not want coffee pots in any rooms where the establishment does not have a food service permit.

Grandfathering establishments currently permitted – The Board discussed this and did not want any grandfathering, however would like the Director of Public Health to discuss this issue with Town Counsel.

Food Establishment permits to the Innkeeper Regulations – The Board agreed that the food service establishment permit requirements need to be included in the Select Board's Innkeeper Regulations.

Variance section – The Board may consider variances on a case by case basis.

Cori/Sori check for employees – The Board did not want to pursue this issue.

Non-Criminal fines – Non criminal citations will be included in the Lodging Establishment regulations in keeping in line with the Dartmouth Housing Code.

A revised copy of the draft lodging regulations will be submitted to Town Counsel for final review. Once approved by Town Counsel, a public hearing will be held to adopt these regulations.

RE: Adelino Cordeiro/Plat 138, Lot 182 Gorham Street – Animal Complaint – 10/04/12 – The Board was informed that Mr. Cordeiro has hired Ferreira Engineering to delineate the wetlands within 100' proximity of the proposed animal housing and corrals. It is the Board's understanding that an A-1 form has been filed for the Conservation Commission to review the wetlands line. Based on this information, the animals on site may remain until the Conservation Commission's determination is made. At that point, this office will contact Mr. Cordeiro in writing with the Board's decision.

RE: Dartmouth Supplemental Regulations 12/17/2011 – Ms. Henderson informed the Board that she has not received any review comments from Town Counsel.

RE: Community Nurse & Hospice Care/Stetson Family Trust/ Quarterly Payment Ending March 31, 2013 – The Board perused the free care visits billed by the Community Nurse & Hospice Care from the Stetson Family Trust. The total amount of reported free care for Dartmouth is \$54,823.18 in which they requested \$5,282.50 from the Stetson Family Trust.

RE: Complaints: - The following complaints were investigated by Sandra Gosselin, Animal Inspector and reviewed by the Board:

278 West McCabe Street – Rooster Crowing – The Board perused a complaint made on March 29, 2013 by Mr. Chet Ovesen of 210 Sharp Street relative to Mr. Fernando Mendes rooster crowing. At the Board of Health meeting held on January 09, 2013, the Board approved Mr. Mendes an animal permit to have 20 Rabbits with a maximum of 3 Clutches, 20 Chickens. No roosters. Mr. Mendes was required to remove the rooster from his property by January 17, 2013. Inspection was conducted on April 2, 2013 by Animal Inspector, Sandra Gosselin who saw no evidence of a rooster. On April 3, 2013, Ms. Gosselin spoke to Mr. Ovesen and informed him no roosters on site. On April 03, 2013 at 1:00 p.m., Dartmouth Police Department dispatched Ms. Gosselin to Mr. Ovesen's address relative to a rooster complaint. Upon arriving on site, Ms. Gosselin heard the rooster crowing from the direction of 278 West McCabe Street. Ms. Gosselin then went to Mr. Mendes residence and noted that the rooster was there. Ms. Gosselin informed the owner that he had lied to her about not having the rooster. At that point Mr. Mendes turned belligerent and stated that he was unable to get rid of the rooster. Ms. Gosselin informed him he should have applied to keep the rooster. Mr. Mendes son stated that the rooster will go to auction that evening. He then put the rooster in the back yard in a cage.

The Board would like Ms. Gosselin to verify that the rooster is gone.

26 Bliss Street – Odor from Dog Feces - The Board perused a complaint received by the office on April 09, 2013 from Susan Chase relative to dog feces odor coming from 26 Bliss Street. Animal Inspector went to the site and spoke to John

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Gibb, resident. Ms. Biggs noted that the house was clean, the dogs were clean and well behaved. Ms. Biggs noted about ten piles of feces in the back yard and noted that the yard was extremely large. Ms. Biggs did not see an issue.

RE: Septic Plans - The following septic plans were reviewed by Health and Sanitary Inspector, Christopher Michaud and approved by the Board.

John & Lisa Amaral/Plat 25, Lot 10, 125 Rock O'Dundee Road - Repair w Waiver/Variance - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following waiver and stipulation:

Section	Waiver
15.211	Minimum setback distance of 20' from wetland to subsurface soil absorption system. 100' required.

- A deed restriction limiting the home to three (3) 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.

Leo Vigeant/Plat 80, Lot 1-20, 409 High Hill Road - Repair w Waivers - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following waivers and stipulation:

Section	Waiver
15.405 (1) (i)(k)	Sieve analysis in lieu of perc test due to saturated conditions - Class 2 soils
15.212	Minimum vertical separation of 3' between the bottom of the soil absorption system and the estimated seasonal high groundwater elevation. 4' required.

- Prior to release of the plans and before commencing with construction of the subsurface sewage disposal system, the Operation & Maintenance Agreement/Contract must be submitted to the Board of Health for the yearly cleaning of the outlet tee filter in accordance with the general use approved for effluent tee filter.

A deed restriction limiting the home to three (3) 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: Discussion of any item not know 48 hours in advance-

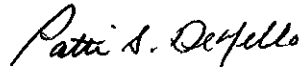
RE: Board Signatures - the Board signed the bill for \$5,282.50 for the Community Nurse and Hospice Care for free care from the Stetson Family Trust.

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At 7:40 p.m. Thomas W. Hardman, Chair motioned to close the regular Board of Health Meeting. Roll call vote -Thomas Hardman - yes, Leslie E.J. McKinley - yes, Lynne Brodeur - yes.

With no further business to discuss, the Chair adjourned the meeting at 7:40 p.m.

Respectfully submitted,



Patti S. DeMello
Administrative Clerk

6:00 P.M. COMMENCE MEETING

Minutes of the Meeting of 03 April 2013
Reorganization of the Board of Health
Reappointment of the Board of Health & Staff

Old Business:

- A. State Road Cement Block/Plat 164, Lot 46, #656 State Road – Dust Complaint – 7/21/2010
- B. Cecil Smith Landfill Capping and Closure – Plat 72, Lot 6 Old Fall River Road –Proposal
02/06/2013
- C. Compost Situations & Complaints 02/06/2013
Wilfred Francis/Plat 37, Lot 36 Fisher Road
Wilfred Francis/Plat 37, Lot 27 Fisher Road
- D. Dartmouth Hotel, Motel & Guest Cabins Regulation – Draft – 1/9/2013
- E. Adelino Cordeiro/Plat 138, Lot 182 Gorham Street – Animal Complaint – 10/4/13
- F. Dartmouth Supplemental Regulation Update – 12/7/2011
Coastal Bank Setback
15.290 Shared System
D-Box
Aquifer Requirement from Zoning By-Law

New Business:

- A. Community Nurse & Hospice Care/Stetson Family Trust/Quarterly Billing
- B. Complaints:
278 West McCabe Street – Rooster Crowing
26 Bliss Street – Odor from Dog Feces
- C. Septic Plans
John & Lisa Amaral/Plat 25, Lot 10, 125 Rock O'Dundee Road – Repair w Waiver/Variance
Leo Vigeant/Plat 80, Lot 1-20, 409 High Hill Road – Repair w Waivers
- D. Discussion for Any Item Not Known 48 Hours in Advance
- E. Board Signatures

Appointments: