

**Town of Dartmouth
Board of Health
Minutes of the Meeting of
15 May 2013**

RECEIVED

The meeting notice was duly posted.

2013 JUN - 7 P 4: 14

This meeting was called to order at 6:01 p.m.

DARTMOUTH TOWN CLERK

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

The Minutes of the meeting of April 17, 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 -Wendy Henderson, Director of Public Health informed the Board that on April 22, 2013, Mr. John Wheaton had come into the office for the staff to make note that the town only used salt on Connecticut Avenue this winter, no sand. This was relative to Christopher Michaud report from March 26, 2013 relative to Mr. Wheatons complaint on March 25, 2013. In addition, Mr. Wheaton stated that they are not cleaning the roof weekly. The wind on April 22, 2013 was northeast. On April 25, 2013, Delores Wheaton called the office to inform the staff that SRCB still has not cleaned the sand from the roof and she would also like a copy of the notes that Ms. Henderson wrote on April 22, 2013 when Mr. Wheaton spoke to her. On May 7, 2013 at 8:30 a.m., Christopher Michaud received a call from Mrs. Wheaton to advise the staff that SRCB is not wetting down the driving areas and the piles were left uncovered last evening. Mrs. Wheaton said she does not think they have been watering as they could not hear the sprinklers. On May 7, 2013 at 12:15 p.m., Health and Sanitary Inspector Christopher Michaud went to SRCB. Mr. Michaud observed large puddles and the ground was wet between the back of the plant and northern most material bunker/bin. The material bins nearest the Wheaton property were covered or partly covered except for one empty bin. Mr. Michaud walked up to the top of the loading ramp to observe the roof and it appeared to be clean. Cleaning tools were on the roof. Richard Bono informed Christopher Michaud that it was cleaned within the last couple of days and he reminds employees to check it frequently.

The Board discussed this matter and would like Mr. Michaud to drive by on a weekly basis and document his findings.

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 - The Board perused letters from the Select Board to Governor Patrick, Buzzards Bay Coalition to D.E.P. and John and Kathy Costa to Wendy Henderson relative to concerns at the landfill. The Board also perused a letter from Haley & Aldrich to D.E.P. relative to proposed observation well installation and sampling at the Cecil Smith Landfill. D.E.P. Transmittal No X255925. Haley & Aldrich proposed to coordinate the installation of six observation wells installed to an approximate depth of 15 feet below existing grade. There will be one upgradient well and 5 wells positioned around the landfill perimeter. The wells will be monitored and samples will be drawn. Accordingly eight existing wells will also be sampled. Following well installation, the elevation of all observation wells and groundwater elevation and the stream channel

will be surveyed. This data, along with gauging data from the well sampling will be used to calculate overburden groundwater flow.

Wendy Henderson also informed the Board that Boston Environmental will be flying balloons on Friday and Saturday of this week at the height of the proposed cap for residents can get an idea of the height. Also Ms. Henderson informed the Board she would be meeting with D.E.P. at the Cecil Smith Landfill on May 22, 2013.

The Board discussed this matter and still feels a comprehensive site assessment is necessary before approving a capping plan.

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 Sumner Martinson from D.E.P. last week and he was supposed to visit the site. To date, he has not informed the staff of a visit. In addition, Glen Francis came into the office and made allegations about King Fisher being a dumping ground. Furthermore, the Board perused a letter sent to Rome Packing Company. On March 20, 2013 this office received an application from Rome Packing Company to transport and dispose of garbage, offal and other offensive substances in the Town of Dartmouth. On April 3, 2013 a letter was sent from the Board of Health advising Rome Packing Company that their application was incomplete as the "Francis property off Fisher Road" is not recognized as an approved disposal facility as no authorization has been submitted to this office that allows the property to accept any waste materials. Rome Packing Company was informed in the letter that the application was incomplete and a permit could not be issued until the specified information was submitted to the Board of Health office. Rome Packing Company was advised that hauling, collecting or dumping within the town was prohibited and non-compliance by continuing to haul or dump would result in additional non-criminal citations. On May 3, 2013 at approximately 9:00 AM a white box truck with Rome Packing Company name on the door was observed hauling and dumping seafood by-products at the Francis property off Fisher Road in Dartmouth. A non-criminal citation in the amount of \$250.00 was issued.

The Board discussed this matter and with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of this Board to deny Rome Packing Company a permit to haul garbage/offal in the Town of Dartmouth because they have not provided an approved disposal site. In addition, a letter is to be sent to Mr. Glen Francis requesting he provide the pictures and clarification of the specific dumping site on a plan to enable further investigation. Furthermore, deny the application of Rome Packing

RE: Capri Motel/Plat 163, Lot 52, 741 State Road – Inspector's Report 1-9/13 – Present for this part of the meeting was Scott Wiesel. The Board perused a report from Janice Young and Christopher Michaud, Health and Sanitary Inspectors. On May 8, 2013, Janice Young and Christopher Michaud, Health and Sanitary Inspectors made an unannounced inspection to the Capri Motel. They were accompanied by Sam Barot, Manager. Out of seventy one rooms at the Capri, forty were rented out and seventeen were available. According to Mr. Barot, the remaining rooms were clean but not yet inspected. The Inspectors passed a room with an open door and noticed that the room was trashed. Upon entering the room, drug paraphernalia was observed. The Police were called. Of the seventeen rooms available for inspection, three were inspected. One no violations were found, and the

other two minor violations. In addition, four rooms were checked that had not been inspected by the manager and only minor violations were found, Minor violations include missing sink stopper, carpet seam separating, ceiling fan not working and ashes on night stand. It was further noted that there are now twenty eight rooms with long term rentals. The laundry building was also inspected. No violations found.

The Inspectors are concerned that Mr. Barot inspects rooms at unspecified times and questions if rooms get rented without being inspected.

The Board discussed the aforementioned and was concerned that without proper inspections, things will fall back to the way they were. In addition, concerns that Mr. Barot is allowing "partying" in rooms for additional fee. No action required.

RE: Dartmouth Lodging Regulation - Draft - 01/09/2013 - The final draft is not ready yet. Health and Sanitary Inspector, Christopher Michaud has suggested changes which need to be incorporated.

RE: Adelino Cordeiro/Plat 138, Lot 182 Gorham Street - Animal Complaint - 10/04/12 - The Board was informed that Michael O'Reilly, Environmental Affairs Coordinator for the Conservation Commission visited the site. Mr. O'Reilly submitted a map showing the uplands on site. This Board determined, based on the map and required setbacks, that there is not enough uplands on the parcel to house the animals.

Mr. Cordeiro indicated to the office staff that Edward Diogenes would allow him to house the animals on his abutting parcel. Therefore, based on this information, the Board will be sending Mr. Cordeiro a letter if he chooses to pursue this option. The following requirements must be met if this option is chosen.

- Provide a notarized letting agreement from Edward Diogenes endorsing any proposal
- Apply for and obtain authorization from the Conservation Commission to construct animal enclosures, shelters and other modifications applicable to a revised Animal Permit Application
- Re-apply to this Board with revised plans once authorization has been granted by the Conservation Commission

The Board also wanted the correspondence to advise Mr. Cordeiro to speak to the neighbors about his intent. The Board will take into consideration neighbors' concerns in review of the permit application. The Board would also like to remind Mr. Cordeiro that this could become costly to him with no guarantee of an animal permit approval by this office. Mr. Cordeiro will have thirty days to either remove the animals from the site or submit the aforementioned.

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

RE: Massachusetts Department of Public Health - 2013 Local Public Health Mini-Grant - 02/20/2013 - Notice was received from D.P.H. that the Board of Health proposal "Tobacco Merchant Sales Education/Compliance" was approved for funding in the amount of \$500.00.

RE: King Fisher Property at Plat 32 Lot:42, Plat 37, Lots 37,39,40,41 & Plat 33, Lot 71 Fisher Road-Solar Farm - Leslie E. J. McKinley and Lynne Brodeur reviewed the draft comments to be sent to the Building Department relative to the Solar Farm at the aforementioned location. Thomas W. Hardman abstained from any discussion on this issue. Therefore, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, it was the 2-0-1 decision of the Board to send the following recommendations to the Building Department.

In accordance with item 6 of the Board of Appeals decision (#2012-11) for the permitting of the proposed solar array on the King Fisher Property at Plat 32 Lot:42, Plat 37, Lots 37,39,40,41 & Plat 33, Lot 71 Fisher Road per comments to the Board of Appeals (see below)

6. Board of Health recommendations shall be implemented to prevent a noise nuisance as defined by law. The Director of Inspectional Services shall inform the Petitioner and/or subsequent owner of the Board of Health recommendations prior to the issuance of a building permit.

1. **Transformer siting:** Transformer to be sited so as to minimize the impact of any noise from this equipment on proximate residences. This would presumably be along the northern portion of the facility.
2. **Dust control:** 1. There shall be a water truck or other water misting facility to provide and utilize to prevent dust from the start of land clearing until the site is stabilized with vegetation or other non-dust generating surfaces such as crushed stone roadways. 2. Minimize off site tracking of dust onto town roadways with a crushed stone exit lane adequate to prevent tracking large volumes of silt and sand onto town roadways.
3. **Hours of operation:** Construction that could produce noise or dust impacts shall be limited to 8:00 am - 5:00 pm Monday - Friday and there shall be no construction activity that could produce noise or dust on Saturdays, Sundays or legal holidays.

RE: Appointment of Nicholas Charest as Special Health Agent for Tobacco Control - With approval of the D.P.H. Mini Grant that will pay for compliance checks in retail stores that sell tobacco, the Board, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, voted unanimously to appoint Nicholas Charest as Special Health Agent for Tobacco Control. Mr. Charest will visit retail establishments and do education visit and also one compliance check before the end of FY2013 - (June 30, 2013).

RE: Community Nurse & Hospice Care - Public Health Statistics for February & March 2013 - The Board perused the February & March 2013 statistics received by the Community Nurse & Hospice Care.

RE: Diabetes Boot Camp - Community Nurse & Hospice Care (CNHC) - CNHC is holding for four consecutive weeks sessions to discuss insurance coverage for diabetic testing supplies, diet, living with diabetes and medications - oral and injectable with residents who have diabetes.

RE: American Cancer Society - Cancer Prevention Study (CPS-3) - The American Cancer Society is inviting men and women between the ages of 30 and 65 to

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participate in a research study provided that they have never been diagnosed with cancer. Dates for enrollment are June 4th & 5th, 2013.

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.

Alice Rebelo/Plat 160, Lot 86, 136 Lexington Avenue - 2 Chickens - The Board discussed the aforementioned and with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to approve the Animal Permit for the following: 2 Chickens.

RE: Animal Permit Application - The following application for an Animal Permit was reviewed by the Animal Inspector.

Maria Amaral/Plat 33, Lot 22, 20 Woodcock Road - 150 Chickens and 2 Roosters - Abutters were notified and the following abutters attended the meeting to voice their concerns: Judith Sarmento of 26 Woodcock Road - chickens on her property, Jennifer Medeiros - 18 Woodcock Road - chickens on her property & garage, odor, Tony & Lenora Thomas representing Erik Thomas of 47 Woodcock Road - odor & noise, Melissa Dick of 14 Woodcock Road - chickens on her property. All are concerned with the amount of chickens and that they are being used for her retail store in New Bedford.

Therefore, the Board will visit the site and a public hearing will be held relative to the aforementioned at the next Board meeting of June 6, 2013.

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

Leonel Amaral/Plat 33, Lot 77, 749 Chase Road - An anonymous complaint was received on April 10, 2013 relative to odor from goats and number of goats on Mr. Amaral's property. Mr. Amaral is permitted for 5 Goats and 6 Chickens. On April 13, 2013, Sandra Gosselin, Animal Inspector went to the site. There was a Billy Goat, 3 Females and 5 babies. The Billy goat will be slaughtered within the next couple of days according to the Eric Amaral, son. The babies will be leaving within a couple of weeks. Odor was not intolerable. The Amaral's were in the process of cleaning. A follow up inspection on April 16, 2013 revealed Billy Goat was gone and 1 female and 2 babies would be gone within two weeks.

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

Lucardi Trust/Plat 66, Lot 22, 958 Hixville Road - Repair - O & M - The Board discussed the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, the Board of Health voted unanimously to approve the aforementioned plans with the following stipulations:

- The residence is a three bedroom dwelling and was designed without a reserve area and provides for a design flow of 710 gallons per day. Additional soil testing and disposal area in accordance with the current edition of the General

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Use Approval for the ADS Arc 36 Chambers will be required in the future if any additional bedrooms are proposed.

- 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.

Alexandra Whitney/Plat 6, Lot 21, 50 Barneys Joy Road – Repair – Presby – Deed Restriction and O & M - The Board discussed the aforementioned septic plans. 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 pursuant to Title 5, 310 CMR 15.000 and the Modified Approval for Remedial Use, Transmittal Number X233395, Dated August March 19, 2013 with the following waiver and stipulations.

Section	Waiver
15.405 (1) (i)(k)	Sieve analysis in lieu of perc test due to saturated conditions - Class 1soils

Furthermore, in accordance with D.E.P. Remedial use Approval, Transmittal Number X233395, the system was designed with a two foot reduction to the estimated seasonal high groundwater.

In accordance with the provisions of the remedial use approval and the Board of Health approval the following conditions apply:

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

Furthermore, prior to the subsurface sewage disposal permit being released, stipulations 1-5 must be addressed, and all other conditions must be followed by the system installer:

1. Copy of the Operation and Maintenance Agreement signed by owner and maintenance contractor for the effluent tee filter.
2. Installer must provide the required certification of training to install the system before a permit is released.
3. Installer must provide a sieve analysis for C-33 sand used around the Presby Enviro Septic Leaching System. If soil conditions are wet as described in manual, work must stop until conditions allow.
4. Complete System Installation Form and forward a copy to the manufacturer and the Board of Health.

In addition, the A-1 Wetland Site Inspection is expired and needs to be redone prior to issuance of the subsurface sewage disposal plans.

RE: Discussion of any item not know 48 hours in advance-

6 Hathaway Road LLC/Sam Karam/Plat 168, Lot 26, 6 Hathaway Road - Plumbing Code Variance from the Uniform State Plumbing Code 248 CMR 10.09 - The Board discussed a variance request from the State Plumbing Code for Sam Karam located at the aforementioned address. Specifically, a request for relief from the provisions of 248 Code of Massachusetts Regulations: Board of State Examiners of Plumbers and Gas Fitters Section 10.09 to allow use of an alternative method for a gas/oil separator in a storage unit for a small commercial business which will be used for gutter production.

Therefore, with Lynne Brodeur motioning and Leslie E.J. McKinley seconding, it was the unanimous decision of the Board to endorse the requested variance to allow use of an alternative method for a gas/oil separator as specified in 248 CMR 10.09 and on behalf of Sam Karam of 6 Hathaway Road LLC. A letter will be sent to Joseph A. Peluso, Jr., Executive Director for the Board of State Examiners of Plumbers and Gas Fitters respectfully requesting they consider this request.

Vision Development/Plat 48, Lot 28, 29 and 39, 498 Old Westport Road - Proposed Student Housing - Wendy Henderson, Director of Public Health informed the Board of the aforementioned proposal. Ms. Henderson's comments to the Board of Appeals are as follows: That the processing of ABC material on site requires D.E.P. permission. In addition, dust and noise from crushing and construction will be required to be controlled so as to not impact neighbors. If food will be prepared and or provided on site, a food establishment permit will be required. A bike/pedestrian path thru the proximate UMA property would provide safe access to the UMA campus and reduce traffic on Old Westport Road. A recycle area must be located on site with trash (both enclosed on sides). The proposed swimming pool must be permitted as a semi-public pool through the Board of Health in accordance with 105 CMR 435.00. If ponds are to be promoted for swimming, they must be permitted and water quality tested and adhere to 105 CMR 445.00.

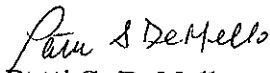
Board members were concerned with having a semi public pool on site.

RE: Board Signatures - No signatures required.

At 8:10 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 8:10 p.m.

Respectfully submitted,


Patti S. DeMello
Administrative Clerk

6:00 P.M. COMMENCE MEETING

Minutes of the Meeting of 17 April 2013

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. Capri Motel/Plat 163, Lot 52, 741 State Road – Inspector’s Report -1/9/2013
- E. Dartmouth Hotel, Motel & Guest Cabins Regulation/Draft -1/9/2013
- F. Adelino Cordeiro/Plat 138, Lot 182 Gorham Street – Animal Complaint – 10/4/13
- G. Dartmouth Supplemental Regulation Update – 12/7/2011
Coastal Bank Setback
15.290 Shared System
D-Box
Aquifer Requirement from Zoning By-Law
- H. Massachusetts Department of Public Health – 2013 Local Public Health Mini-Grant – 02/20/2013

New Business:

- A. Appointment of Nicholas Charest as Special Health Agent for Tobacco Control
- B. Board of Appeals Decision/Kingfisher Solar Farm –Board of Health Conditions
- C. Community Nurse & Hospice Care/Public Health Statistics – February & March 2013
- D. Diabetes Boot Camp
- E. American Cancer Society – Cancer Prevention Study – 3 (CPS-3)
- F. Animal Permit Application
Alice Rebelo/Plat 160, Lot 86, 136 Lexington Avenue – 2 chickens
Maria Amaral/Plat 33 Lot 22, 20 Woodcock Road – 150 chickens, 2 roosters
- G. Complaint:
Leonel Amaral/Plat 33, Lot 77, 749 Chase Road – Odor from Goats
- H. Septic Plans
Lucardi Trust/Plat 66, Lot 22, 958 Hixville Road – Repair – O & M
Alexandra Whitney/Plat 6, Lot 21, 50 Barneys Joy Road – Repair – Presby -Deed Restriction & O&M
- I. Discussion for Any Item Not Known 48 Hours in Advance
6 Hathaway Road LLC/Plat 168, Lot 26, 6 Hathaway Road – Plumbing Code Variance
- J. Board Signatures

Appointments: