

**Town of Dartmouth
Board of Health
Minutes of the Meeting of
06 June 2013**

Approved
BOH Meeting
06/20/2013

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DARTMOUTH TOWN CLERK

The meeting notice was duly posted.

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

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 May 15, 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 - No new complaints were received. The Board perused a memo from Christopher Michaud, Health and Sanitary Inspector informing the Board that Since May 20, 2013, he has been monitoring the dust abatement controls at State Road Cement Block each morning between 8:00 and 8:15 am. Except for the days when it was raining or had rained the evening before sprinklers were observed in operation every time. The location of the sprinklers has not changed and they are located in the vicinity of the aggregate bins and conveyor behind the manufacturing building.

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 an Environmental Notification Form from Sitec Environmental on behalf of Boston Environmental Corp., an update from Boston Environmental Corp., Notice from D.E.P. to the Town of Dartmouth relative to the Public Records Request, Update from D.E.P. relative to the Cecil Smith Landfill and abutter comments from Theresa Brum of Hixville Road Dartmouth.

The Conservation Commission will be holding a continued public hearing on July 30, 2013. No action required at this time. Wendy Henderson also informed the Board that she spoke with D.E.P., they will hold two public hearings. Discussions about water test and water quality, traffic and mitigation and elements of the preform document. Public hearings will likely be the end of June and two weeks after that.

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 there is no new information from Mr. Francis or Sumner Martinson at D.E.P.

RE: Capri Motel/Plat 163, Lot 52, 741 State Road - Inspector's Report 1-9/13 - The Board was informed that there was another electrical fire at the Capri. No action required.

RE: Dartmouth Lodging Regulation - Draft - 01/09/2013 - The final draft is not ready yet.

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RE: Adelino Cordeiro/Plat 138, Lot 182 Gorham Street – Animal Complaint – 10/04/12 – To date, no new information has been received from Mr. Cordeiro relative to the placement of the animals.

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 – The Board was informed that the office had received the check for \$500.00 and Nicholas Charest is expecting to start education outreach.

RE: Wendy W. Henderson, Director of Public Health – Summary – The Board perused a summary of Board of Health issues that have occurred and been addressed by Wendy W. Henderson from May 15, 2013 to May 30, 2013.

RE: Janice Young, Health and Sanitary Inspector - Summary - The Board perused a summary of Board of Health issues that have occurred and been addressed by Janice Young from May 15, 2013 to May 30, 2013.

RE: Animal Permit Application - The following applications for an Animal Permit were reviewed by the Animal Inspector. Abutters were notified and comments were received.

Antone DeMello/Plat 123, Lot 60, 96 Prospect Street – 4 Chickens - No Roosters - The Board discussed the aforementioned and with Leslie E.J. McKinley motioning and Lynne Brodeur seconding, it was the unanimous decision of the Board to approve the Animal Permit for the following: 4 Chickens – No Roosters.

Paul Gaspar/Plat 149, Lot 121, 304 Slocum Road – 18 Rabbits, 4 Doves & 5 Pigeons - The Board discussed the aforementioned and Board members were concerned with the numbers of rabbits in such a small area. Therefore, with Leslie E.J. McKinley motioning and Lynne Brodeur seconding, it was the unanimous decision of the Board to approve the Animal Permit for the following: 10 Rabbits, 4 Doves and 5 Pigeons.

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

Leonel Amaral/Plat 33, Lot 77, 749 Chase Road – Two more complaints were received from the same caller relative to odor at Mr. Amaral's property. On May 29, 2013, Lori Biggs, Animal Inspector visited the site, noted that Mr. Amaral has exceeded his permit for the goats and needs to reduce the number to five or apply for an amendment. The goat area was clean, there was clean water and feed. In addition the outbuilding was clean. Ms. Biggs did not detect an overbearing odor. An additional complaint was received on June 06, 2013 relative to the odor.

The Board discussed this issue and would like a reinspection by the Animal Inspector to see if the number of goats have been reduced and to see if the odor is not overbearing. Part of the odor may be the remnants of the Billy Goat.

RE: Complaint Log - April 08, 2013 to May 31, 2013 – The Board perused the copy of the complaint log from April 08, 2013 to May 31, 2013. No action required.

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RE: Open Meeting Law (OML) – Memo from Town Counsel – Notice was received from Town Counsel relative to Open Meeting Law requirements. As the Board of Health is complying with the OML no action required.

RE: NALBOH – News Brief 2nd Quarter 2013 – The Board received a news brief from NALBOH. No action required.

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

Jonathan Mikutowicz/Plat 98, Lot 23-3, 7 Stonebridge Lane – At this time, Thomas Hardman abstained from discussion. Therefore, Leslie E. J. McKinley and Lynne Brodeur 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 2-0 to approve the aforementioned plans with the following stipulation:

- 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.

William Rebello Estate/Plat 32, Lot 60 & 61, 748 Fisher Road – Repair - 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 stipulation:

- The residence is a three bedroom dwelling and was designed without a reserve area and provides for a design flow of 466 gallons per day. Additional soil testing and disposal will be required in the future if any additional bedrooms are proposed.

RE: Discussion of any item not know 48 hours in advance- None

RE: Board Signatures – The Board signed two bills for a betterment repair at 1058 Fisher Road for AVT Associates in the amounts of \$750.00 and \$250.00. The Chair signed three personnel sheets.

Maria Amaral/Plat 33, Lot 22, 20 Woodcock Road – 150 Chickens and 2 Roosters – A public hearing was held for Ms. Amaral relative to her request for an animal permit. Mrs. Amaral and her daughter were present. Abutters were notified and the following abutters attended the meeting to voice their concerns: Judith Sarmiento of 26 Woodcock Road – Concerns about health issues, chicken droppings and carrying diseases and Ms. Amaral is burning. Jennifer Medeiros – 18 Woodcock Road – stated that Mrs. Amaral has done work in anticipation of this meeting, there is an excess of 100 chickens on the property and trash and food everywhere and what recourse will she have. Tony and Lenora Thomas representing Erik Thomas of 47 Woodcock Road – concerned about manure storage, wells and wetlands, rodent situation, coyotes and aquifer., Melissa Dick of 14 Woodcock Road – , concerned that it is a residential zone, coyotes, vultures, hawks and chickens on her property. Ms.

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Dick questioned how many chickens. Mrs. Amaral states that she has 120 chickens and 1 rooster. Ms. Amaral puts out rat poison and is continuously cleaning pens out. Ms. Amaral has had the chickens approximately three years. Lynne Brodeur asked Ms. Amaral why she needed that many chickens. Mrs. Amaral stated that she gives chickens to family members, sells eggs at her store in New Bedford, and takes rooster to the auction. Ms. Amaral stated that she only has one rooster who is blind. Thomas Hardman noted that Dartmouth is agricultural and is a right to farm community. As far as coyotes and other wildlife they are everywhere in Dartmouth per Leslie McKinley who explained that there is no direct correlation because of the chickens. Thomas Hardman stated that he was at the Medeiros home and he saw the chickens roaming loose although they were on the Amaral property. All are concerned with the number of chickens and that they are being used for her retail store in New Bedford in addition to free roaming chickens which destroy abutter properties with their droppings. Leslie McKinley also informed the abutters that Ms. Amaral has an adequate manure management plan and a rodent prevention plan in place. Ms. McKinley went on to state that with proper manure management there should be no effect of private wells.

Leslie E.J. McKinley motioned to approve the permit for 150 Chickens and 1 Rooster. Motion was not seconded. Lynne Brodeur then motioned to reduce the number of Chickens to 75 and 1 Rooster. Thomas Hardman seconded the motion. The Board voted 2-1 to approve the permit for 75 Chickens and 1 Rooster with the following conditions:

- Fencing and housing must be contiguous to prevent chickens from roaming onto abutters properties
- All grain & food must be stored in covered barrels to prevent rodent attraction
- Chicken coop area cleaned daily of uneaten produce to prevent rodent attraction
- No open burning
- Chickens in excess of the 75 permitted must be removed from site within thirty (30) days

In addition, Thomas W. Hardman stated that a good faith effort must be made based on past performance in response to abutter concerns.

RE: Kathleen Bohan, Public Health Nurse and Kathleen Rodrigues, Dartmouth Public School Nurse – School Nursing Situation – Postponed until June 20,2013.

At 7:25 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 7:25 p.m.

Respectfully submitted,

Patti S DeMello
Patti S. DeMello
Administrative Clerk

6:00 P.M. COMMENCE MEETING

Minutes of the Meeting of 15 May 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. Wendy W. Henderson Director of Public Health – Summary
- B. Janice Young – Health & Sanitary Inspector - Summary
- C. Animal Permit Application
Antone DeMello/Plat 123, Lot 60, 96 Prospect Street – 4 chickens
Paul Gaspar/Plat 149 Lot 121, 304 Slocum Road – 18 Rabbits, 4 Doves & 5 Pigeons
- D. Complaint:
Leonel Amaral/Plat 33, Lot 77, 749 Chase Road – Odor from Goats – 2nd Complaint
Copy of Complaint Log from April 08, 2013 to May 31, 2013
- E. Open Meeting Law – Memo from Town Counsel
- F. NALBOH – News Brief 2nd Quarter 2013
- G. Septic Plans
Jonah Mikutowicz/Plat 98, Lot 23-3, 7 Stonebridge Lane
William Rebello Estate/Plat 32, Lot 60 & 61, 784 Fisher Road - Repair
- H. Discussion for Any Item Not Known 48 Hours in Advance
- I. Board Signatures

Appointments:

- 6:15 p.m. Maria Amaral/Plat 33, Lot 22, 20 Woodcock Road – Animal Permit Application for 150 Chickens including Chicks & 2 Roosters
- 6:45p.m. Kathleen Bohan, Public Health Nurse and Kathleen Rodrigues – Dartmouth Public Schools – School Nursing Situation – **Postponed until next B.O.H. Meeting**