

Town of Dartmouth  
Board of Health  
Minutes of the Meeting of  
20 February 2013

APPROVED  
BOH MEETING  
03/20/2013

RECEIVED

The meeting notice was duly posted.

2013 MAR 21 1 P 3:36

This meeting was called to order at 6:05 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 February 06, 2013 were accepted as corrected by Thomas Hardman, Leslie E.J. McKinley and Lynne Brodeur.

RE: Ryan Vidinha/75 Spruce Street, Apt. 1North, New Bedford, MA/Body Art Practitioner Application Mr. Vidinha met with the Board to discuss his application to become a Body Art Practitioner in Dartmouth. Mr. Vidinha will be performing body art at Famous Tattoo on State Road in Dartmouth which he owns. Mr. Vidinha's application was complete except for the Anatomy and Physiology, Skin Integumentary Course which Mr. Vidinha will be taking on March 6, 2013 at the Quincy Health Department.

The Board discussed this matter and noted that he has six years' experience. The Board also looked at his extensive portfolio.

Therefore, with Thomas W. Hardman motioning and Leslie E. J. McKinley seconding, it was the unanimous decision of the Board to grant the Body Art Practitioner Permit to Ryan Vidinha.

However, in granting the Body Art Practitioner Permit, the following requirements must be provided to the Board of Health:

- Copy of completion and passing grade for the Anatomy and Physiology, Skin Integumentary Course
- Tattoo Procedure witnessed by the Public Health Nurse
- Written assessment from the Public Health Nurse indicating acceptable practices

In a related matter, Lynne Brodeur, Board Member had concerns about the Hepatitis B Declination Form. Ms. Brodeur concerns were with how would he know if he contacted Hepatitis B which he could possibly expose others to Hepatitis B.

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

RE: Director of Public Health Job Description - 8/22/12 - Wendy Henderson, Director of Public Health informed the Board that the Union has not scheduled a meeting with the Town Administrator yet. Ms. Henderson told the Board she would keep them apprised.

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

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Road - The meeting will be held on March 28, 2013 in Room 304 of the Town Office Building. The Board was informed that this is Holy Thursday in the Catholic Church. The Board would like David Cressman, Town Administrator to be aware of this. The Board of Health members will be attending the hearing.

The Board also looked at 3 RFP's for technical review of the corrective action design for the Cecil Smith landfill. The RFP's were submitted by Tighe & Bond, Weston & Sampson, and East Coast Engineering. After reviewing the three RFP's, the Board would like to recommend to the Select Board that East Coast Engineering be hired as the Town's Representative.

RE: Compost Situations & Complaints/Wilfred Francis Plat 37, Lots 36 & 27 Fisher Road - The Board perused a letter sent to Paul Emond, Section Chief of Bureau of Waste Prevention for D.E.P. relative to Mr. Wilfred Francis. The letter is informing D.E.P. of Mr. Francis' failure to comply with state or local regulations and requesting the assistance of D.E.P. to rectify this matter.

RE: Dartmouth Motel & Guest Cabins Regulation - Draft - 01/09/2013 - The Board was given Draft 4 of the Motel & Guest Cabins Regulation to review. Also, Wendy Henderson, Director of Public Health will give the regulations to David Cressman, Town Administrator for his input.

RE: Dartmouth Supplemental Regulations 12/17/2011 - Ms. Henderson informed the Board that Town Counsel has the regulations but has not yet reviewed them.

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

Long Built Homes/Plat 49, Lot 23 Sub Lot 2 Old Westport Road - Nitrogen Loading - Prior to release of the plans and before commencing with construction of the septic system, a copy of the D.E.P. approval for the Nitrogen Loading Plan must be submitted to the Board of Health.

Ruth & Hope Atkinson/Plat 23, Lot 15, 133 Horseneck Road - Well - Prior to release of the plans and before commencing with construction, connection to the town water service must be completed. In addition, the existing well will be used for agricultural purposes only.

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

Victor Reis/Plat 62, Lot 16, 526 Hixville Road - Repair w Waiver - Pursuant to the provisions of 310 CMR 15.000, Title 5, with Leslie E. J. McKinley motioning and Lynne Brodeur seconding, Thomas W. Hardman abstained, 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 three 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. Furthermore, the subsurface sewage disposal system must be installed no later than June 30, 2013.

RE: Letter from David Cressman – Town Administrator to Wendy W. Henderson – A letter was received by Wendy W. Henderson, Director of Public Health from David Cressman, Town Administrator informing her that Lara Stone, Chair of the Select Board nominated Ms. Henderson for the Dr. Nathan Davis award. Although Ms. Henderson was not selected for the award, the Select Board expressed their thanks for her valuable contribution to the Public Health Sector.

Re: Summary of Buzzards Bay Coalition (BBC) Comments for Slocums and Little River Estuaries – Notice was received that the BBC continue to observe nitrogen related declines in water quality around Buzzards Bay and believes that local governments must take action now to stop and reverse the effects of this urgent and worsening environmental problem. Massachusetts Estuaries Project ("MEP II) reports provide critical information for how to appropriately and efficiently address nitrogen pollution. The MEP report for the Slocum and Little River Estuaries 1 ("Slocums Report") shows that the Slocum River is suffering from nitrogen pollution, which has led to an overabundance of algae and macro algae, periodic oxygen depletion, and a loss of eelgrass. The Little River is functioning as a salt marsh and currently supports a healthy community of bottom dwelling organisms. The Slocums Report describes what the sources of nitrogen to both rivers are and quantifies how much nitrogen each source contributes. This is done with a combination of specific measurements and computer modeling. Looking at historic information and the current state of the Slocums and Little Rivers, the MEP technical team selects restoration targets - maximum levels of nitrogen that will support healthy ecosystems and enable the return of eelgrass to portions of the Slocums River and the proliferation of diverse bottom dwelling organisms throughout the Slocums and Little Rivers.

The Coalition provided technical comments to the MEP team on the Slocums Report. The main comments by the Coalition are summarized below:

- The Coalition believes the target levels of nitrogen selected in the Slocums Report will support good water quality and healthy ecosystems.
- The illustration of the freshwater wetland nitrogen load is confusing. The charts in the Slocums Report need to clarify that the deposition of atmospheric nitrogen from the burning of fossil fuels is the major nitrogen source to freshwater wetlands.
- The ability of freshwater wetlands to filter nitrogen should be explained further given that the wetland nitrogen attenuation factor in the Slocums Report is different than most previous MEP reports.
- Increasing nitrogen needs to be taken into account. Coalition monitoring indicates nitrogen concentrations in the Slocums and Little Rivers have increased since the field work in the Slocums Report (2006), which may mean that greater nitrogen loading reductions will be required to meet the nitrogen targets.

- The Coalition concurs that action is needed in the Slocums River watershed to reduce nitrogen pollution to the targets recommended in the Slocums Report. The points raised above affect what action will be required to meet the nitrogen targets and how the report results are communicated to the community.

The Board discussed this issue and is very frustrated with the results. The Board has worked hard in reducing nitrogen thru upgrading septic systems along watercourses in Dartmouth. The Board did feel that education is a large part of the reason that residents in Dartmouth, along with farms and commercial businesses are using chemicals on their lawns which affect nitrogen loading. The Board suggested that Wendy Henderson, Director of Public Health include this in the next Board of Health newsletter on the Town of Dartmouth's web page.

Re: Buzzards Bay Coalition - Solutions to Nitrogen Pollution Workshop - The Buzzards Bay Coalition is holding mini workshops to offer practical solutions to the problems facing Buzzards Bay and coastal waters: nitrogen pollutions. The mini workshops are Innovations in Wastewater Treatment on March 6, 2013, Landscape Solutions on March 20, 2013 and Planning and Funding Solutions on April 3, 2013. Thomas Hardman will try to attend some of the workshops.

Re: Mary Robinson Farm/ Plat 72, Lot 6 Old Fall River Road - Animal Conditions - Due to pending legal action, this matter will be discussed in Executive Session.

RE: Fall River Herald News - Swansea Board of Health Adopts Vacancy Rules - The Board perused an article relative to vacant, abandoned and foreclosed homes in Swansea. No action required.

RE: Discussion for Any Item Not Know 48 Hours in Advance - The following issues were discussed by the Board:

Submetering of Water Fee - Wendy W. Henderson, Director of Public Health informed the Board that Dartmouth Woods Apartment Complex is in the process of submetering all units. Under the current fee schedule it is \$25.00 per unit. This would be a phenomenal cost to the property owner who is trying to conserve water usage. Therefore, the Board, with Thomas W. Hardman motioning and Leslie E.J. McKinley seconding, voted unanimously to change the fee to \$25.00 per building.

Complaint Relative to Dartmouth Marching Band - Wendy W. Henderson, Director of Public Health informed the Board that she had received a complaint for Mark Gray of 15 Royal Way relative to the noise from the Dartmouth Marching Band. Ms. Henderson has a meeting scheduled to meet with Ms. Gray to discuss this issue.

University of Massachusetts - Dartmouth - Intern - Thomas W. Hardman informed the Board that if the Board of Health staff is interested he knows a student at UMASS that needs to do 140 hour internship. Mr. Hardman asked if the Board of Health would be interested in utilizing him. The Board is very interested and would like to take advantage and use him for research into nitrogen issues.

RE: Massachusetts Department of Public Health - 2013 Local Public Health Mini-Grant - The D.P.H. in collaboration with Massachusetts Association of Health Boards is sponsoring proposal for mini grants relative to Board of Health. The Board

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discussed this and thought this would be a great idea to send out flyers relative to nitrogen issues to homeowners and business. Wendy W. Henderson, Director of Public Health will apply for the grant.

RE: Board Signatures – The Chair signed two personnel sheets.

At 7:15 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 7:15 p.m. to enter into Executive Session.

Respectfully submitted,

*Patti S. DeMello*

Patti S. DeMello  
Administrative Clerk

**6:00 P.M. COMMENCE MEETING**

Minutes of the Meeting of 06 February 2013

**Old Business:**

- A. State Road Cement Block/Plat 164, Lot 46, #656 State Road – Dust Complaint – 7/21/2010
- B. Director of Public Health Job Description – 8/22/12
- C. Public Informational Meeting Sponsored by D.E.P. Relative to Clean Communities (Cecil Smith Landfill) Capping and Closure – Plat 72, Lot 6 Old Fall River Road – Consultants Proposal 02/06/2013
- D. Compost Situations & Complaints 02/06/2013  
Wilfred Francis/Plat 37, Lot 36 Fisher Road  
Wilfred Francis/Plat 37, Lot 27 Fisher Road
- E. Dartmouth Hotel, Motel & Guest Cabins Regulation – Draft – 1/9/2013
- F. 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  
Victor Reis/Plat 62, Lot 16, 526 Hixville Road – Repair w Waiver  
Long Built Homes/Plat 49, Lot 23 Sub lot 2 Old Westport Road – Nitrogen Loading  
Ruth & Hope Atkinson/Plat 23, Lot 15, 133 Horseneck Road – Well
- B. Letter from David Cressman, Town Administrator to Wendy W. Henderson
- C. Summary of Buzzards Bay Coalition Comments for Slocum and Little River Estuaries
- D. Buzzards Bay Coalition – Solutions to Nitrogen Pollution Workshop
- E. Mary Robinson Farm/Old Fall River Road – Animal Conditions
- F. Herald News – Swansea B.O.H. Adopts Vacancy Rules
- G. Discussion for Any Item Not Known 48 Hours in Advance
- H. Board Signatures

**Appointments:**

6:30 p.m. Ryan Vidinha – Body Art Practitioner Application