

**Town of Dartmouth  
Board of Health  
Minutes of the Meeting of  
16 April 2014**



**Public Health**  
Prevent. Promote. Protect.

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The meeting notice was duly posted. This meeting was called to order at 7:00 p.m.

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

The Minutes of the meeting of March 12 and March 26, 2014 and April 09, 2014 were approved as amended.

**Appointment 7:00 PM RE: Anthony Savastano, Town Counsel -  
Nuisance/NoisomeTrade - MGL, Chapter 111, Section 122 proposal, section 143 - Comm97 soils -**

Ms. McKinley stated that the Board had asked Town Counsel, Anthony Savastano to draft regulations addressing COMM-97 soils both as a Nuisance Trade pursuant to MGL, Chapter 111, Section 143 and for a complete ban as a nuisance pursuant to MGL, Chapter 111, Section 122. Ms. McKinley informed the audience that this is a discussion among the Board and counsel and is not a public hearing.

Draft regulations had been provided to, and discussed by, the Board at its last meeting. Based on questions and comments by the Board, Attorney Savastano and the Board agreed that Attorney Savastano would conduct one last review and provide an updated draft for the meeting. Attorney Savastano stated that only very minor changes were made, provided an updated draft, and explained the changes. These final draft regulations were discussed by the Board.

The Board thanked Attorney Savastano for his time and hard work on drafting these regulations. Ms. McKinley asked the Board members what were their wishes.

➤ Mr. Hardman made a motion to adopt the regulations as written. Ms. Brodeur seconded the motion. Ms. McKinley asked Ms. Brodeur to read the regulations for the record, which she did. A vote was taken, which vote was unanimous 3-0 to approve the motion and adopt the regulations.

**Appointment 7:20 PM meeting with Christopher Michaud Health and Sanitary Inspector -**

Leslie E.J. McKinley, chair noted this appointment had been cancelled.

**RE: Cecil Smith Landfill Capping and Closure - Plat 72, Lot 6 Old Fall River Road -02/06/2013-  
a) Administrative Consent Order with Penalty and Notice of Noncompliance b) Administrative  
Consent Order-**

Ms. Henderson, Director of Public Health read and gave an overview of the Draft Potable Water Testing. The Board discussed the cost for test and made the recommendation of adding certified laboratories. Ms. Henderson will also correct a grammatical error in the first paragraph.

➤ Ms. McKinley, chair, entertained a motion to accept the Recommendations for Potable Water Testing as amended. After the motion was made by Mr. Hardman to accept Recommendations for Potable Water Testing as amended and seconded Ms. Brodeur. It was voted 3-0 to accept Potable Water Testing recommendations.

Members of the public expressed concern about finding deceased wildlife and wondered if it had anything to do with recent rodent baiting of the property.

## Board of Health Minutes of the Meeting 16 April 2014

There was a brief discussion on the public comment timeframe. Gloria Bancroft commented she had spoken with Senator Montigny's office and was told public comment period is now. Ms. Henderson will contact the Town Administrator.

No further discussion at this time.

### RE: Mary Mehri/Plat 1, Lot 5 1176 Horseneck Road - Loose Chickens -

Ms. McKinley, chair after reviewing Ms. Henderson's case review timeline mentioned that she has changed her mind, since the last meeting.

Ms. McKinley, chair, entertained a motion to revoke Ms. Mehri's animal permit and send Ms. Mehri a letter to meet with the Board of Health on May 7, 2014. After a motion was made by Ms. Brodeur to revoke Mary Mehri's animal permit, removing the animals within 60 days, and sending a letter to meet with the Board and seconded by Mr. Hardman. It was voted 3-0 to send a letter revoking Ms. Mehri's permit.

### RE: State Road Cement Block (SRCB)/Plat 164, Lot 46, 656 State Road - Dust Complaint - 7/21/2010 -

Ms. Henderson, Director of Public Health updated the Board that Paul Bono from State Road Cement Block would like to meet with the Board on May 21, 2014, about the abutter who keeps complaining about his business. Nothing further at this time.

### RE: Public Health Nursing/Brandon Woods - Bullard Center - proposal-

Ms. Henderson, Director of Public Health informed the Board that Brandon Woods will be looking into hiring an experienced Public Health nurse. Ms. Henderson has done some research on how Brandon Woods can advertise for a Public Health Nurse through the Massachusetts Association of Public Health Nursing. Ms. Henderson said Brandon Woods would like to start on June 1, 2014, but Ms. Henderson hasn't had an opportunity to speak Jane Stankiewicz, CEO of Community Nurse since she has been on vacation.

### RE: Cedars Pump Station update 3/26/14-

Ms. Henderson, Director of Public Health updated the Board that Peabody Properties Cedar's have made compensation to the affected owner. Ms. Henderson would like to leave this on the agenda for further updates. The Board reiterated from their previous meeting that surrounding homes don't have to connect to this private sewer system, and should be made, aware of the conditions of this private sewer system.

### RE: Letter of support for Braiden Norton tumor treatment-

The Board discussed briefly to whom to send the letter of support for Braiden Norton. It was agreed to send Mr. Hardman's letter as previously written to all listed on the letter, as well as, the Senator from Maine.

### RE: Director of Public Health position-

Ms. Henderson, Director of Public Health stated there is no real update. She has spoken with Melissa Medeiros from Human Resources asking her to have the salary study for the Director position and a sample of the Director of Public Health advertisement for the Board's next meeting.

### RE: Assistant Animal Control Officer Discussion/Budget proposal - 12/11/2013-

## Board of Health Minutes of the Meeting 16 April 2014

Ms. Henderson, Director of Public Health updated the Board that Sandra Gosselin, Animal Control Officer is out until this Friday, and we will know more because she sees the doctor on Friday.

### RE: Septic Plans -

The following septic plans were reviewed by Health and Sanitary Inspector, Christopher Michaud and acted on by the Board.

### Patrick & Ute Prevost/Plat 97, Lot 57, 59 Nonquitt Avenue- waiver & deed restriction-

Mr. Hardman recused himself from all discussion and voting on this matter.

Ms. McKinley and Ms. Brodeur reviewed Health and Sanitary Inspector Christopher Michaud's comments the setbacks from 10' to 5' for the proposed garage, and perused the sewage disposal plan. After a brief discussion, Ms. Brodeur and Ms. McKinley would like to have the applicant's representative Alan Heureux from Boucher and Heureux present to discuss the requested setback waiver.

- After a motion was made by Ms. Brodeur to have the applicant's representative from Boucher and Heureux meet with the Board of Health to discuss this issue and seconded Ms. McKinley. It was voted 2-0 with 1 abstention Mr. Hardman, to have the engineer meet with the Board.

### RE: Septic Plans -

The following septic plans were reviewed by Health and Sanitary Inspector, Christopher Michaud and approved by the Director of Public Health, Ms. Henderson.

Mario Ribeiro /Plat 29, Lot 59-6, Highbridge Lane - Presby - Innovative/Alternative System

### RE: Complaint Log -April 4, 2014 through April 11, 2014 -

The Board perused a copy of the complaint log for the aforementioned dates.

- Michelle Silva 6 Cardinal Circle - odor
- Sharon Crooks 538 Old Fall River Road - animal complaint

Ms. Henderson, Director of Public Health informed the Board about a composting operation on Highland Avenue the Health and Sanitary Inspector Christopher Michaud has been working on with the Department of Environmental Protection Department of Agricultural Resources and the property owner.

No action required at this time.

### RE: Community Nurse & Hospice Care/Stetson Family Trust - Quarterly billing-

The Board reviewed the letter for payment.

- Ms. McKinley entertained a motion to sign the bill for payment. After the motion was made by, Ms. Brodeur to sign the bill and seconded by Mr. Hardman. A vote of 3-0 was taken to sign the Quarterly bill.

### RE: Allendale Country Club - proposal-

Ms. Henderson, Director of Public Health informed the Board Allendale would like to have the three establishments, but only one Food Service Permit. Ms. Henderson understands the regulation to read that all three establishments need to have their own Food Service permit, trained personnel, insurance etc.

## Board of Health Minutes of the Meeting 16 April 2014

- Ms. McKinley, chair entertained a motion to send a letter informing Allendale Country Club that each establishment needs their own Food Service permits to operate at the Allendale facility. After the motion was made by, Ms. Brodeur to send a letter as stated by the chair and seconded by Mr. Hardman. It was voted 3-0 each establishment needs their own Food Service Permit for this location.

### RE: Health and Inspector's report - Christopher Michaud -

The Board perused the Health inspector's report. No action at this time.

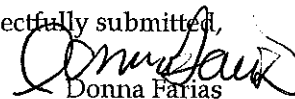
### RE: Board Signatures -

Members signed a Community Nurse and Hospice Care Stetson Trust Quarterly billing, and Dartmouth Board of Health Contaminated Soils Regulation.

At 8:15 p.m. Leslie E.J. McKinley, Chair entertained a motion to close the regular Board of Health Meeting. Roll call vote -Thomas W. Hardman - yes, Lynne Brodeur - yes, Leslie E.J. McKinley-yes.

With no further business to discuss, the Chair adjourned the meeting at 8:15 p.m.

Respectfully submitted,



Donna Farias  
Administrative Clerk

# Dartmouth Board of Health Contaminated Soils Regulations

## Section 1: Purpose

These Regulations are adopted by the Board in order to protect the public and the environment from the deleterious and harmful effects of certain contaminated soils that may be imported into, transported through, or used within the Town. These Regulations shall not apply to any contaminated soils that are disposed as solid waste at an active lined landfill, or that are transported through the Town for such disposal, as these activities are subject to regulation solely pursuant to Massachusetts General Laws, Chapter 111, Sections 31A and 31B.

## Section 2: Definitions

Each of the following terms as used in these Regulations are defined as follows. Any terms that have not been defined specifically herein shall have their normal English meanings, unless the context indicates otherwise.

**Active Lined Landfill** – a landfill that is currently operating and permitted in accordance with Massachusetts General Laws Chapter 111, Section 150A, and 310 CMR 19.000 et seq., and which is accepting solid waste for disposal.

**COMM-97 Soils** – refers to any contaminated soils as defined and discussed in Massachusetts Department of Environmental Protection Policy # COMM-97-001, entitled “Reuse and Disposal of Contaminated Soil at Massachusetts Landfills”.

**Daily Cover** – shall be as described in 310 CMR 19.130(15)(c).

**Dispose(d)/Disposal** – means the dumping and abandoning of solid waste at an active lined landfill, without said solid waste being reused as daily cover, intermediate cover or grading and shaping material pursuant to 310 CMR 19.130(15).

**Grading and Shaping Material** - shall have the definition for that term as provided in the Massachusetts Department of Environmental Protection’s July 6, 2001 Memorandum entitled “Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites”.

**Inactive Unlined Landfill** – shall have the definition for that term as provided in the Massachusetts Department of Environmental Protection’s July 6, 2001 Memorandum entitled “Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites”.

**Intermediate Cover** – shall be as described in 310 CMR 19.130(15)(d).

**Solid Waste** – shall have the definition as provided in 310 CMR 19.006.

## Section 3: Public Health Issues with Contaminated Soils

COMM-97 Soils, including their importation into, transport through, and use within the Town, constitute a public nuisance that may be harmful and dangerous to persons and property, and may be injurious to public health and the environment, including, without limitation, through the creation of airborne dust and particulate, and by leaching into public and private drinking and groundwater supplies.

## Section 4: Prohibition of Contaminated Soils

In order to protect the public health and environment, pursuant to the authority that is found in Massachusetts General Laws, Chapter 111, Sections 31 and 122, the importation into, transport through, and use within the Town of COMM-97 Soils is prohibited. This prohibition applies to any use of COMM-97 Soils, including, but not limited to, as daily cover, intermediate cover or grading and shaping material at any landfill.

**Section 5: Prohibition of Nuisance Trade**

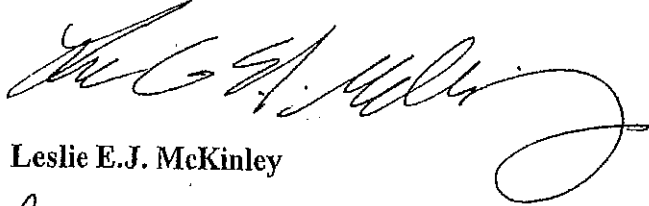
Any for-profit business that utilizes COMM-97 Soils may result in public nuisances, may be harmful to the inhabitants of the Town, may be injurious to their property, and may be dangerous to the public health and the environment. Therefore, any such business is considered to be a nuisance trade and, pursuant to the authority that is found in Massachusetts General Laws, Chapter 111, Sections 31 and 143, is prohibited from being established, operated or undertaken in any manner within the Town. This prohibition applies, without limitation, to any for-profit business that either is engaged by the owner of an inactive, unlined landfill, or purchases such a landfill, in order to cap and close the same, where any portion of said capping and closure activities, including the grading and shaping of any such landfill, utilizes COMM-97 Soils.

**Section 6: Severability**

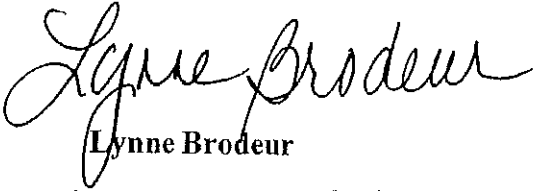
The provisions of the regulation are severable. If any court of competent jurisdiction determines that any provision is in violation of the laws, constitutions or regulations of the Commonwealth of Massachusetts or the United States of America, the remaining provisions shall not be affected thereby and shall continue in full force and effect.

**Section 7: Effective Date:**

These rules and regulations shall be effective as of April 23, 2014.



Leslie E.J. McKinley




Lynne Brodeur



Thomas W Hardman

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A True Copy,  
Attest:  
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