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DARTMOUTH TOWN DARTMOUTH BOARD OF HEALTH  
DARTMOUTH TOWN HALL- ROOM 315 - 7 P.M.  
**MEETING MINUTES - Wednesday, December 17, 2014**

***The Chair polled the Board at 6:31 P.M. for a roll call vote to convene into Executive Session with Anthony Savastano, Town Counsel regarding Tobacco Suspension complaint by Attorney Joseph Fingless and BEC vs Dartmouth Board of Health and Town of Dartmouth pursuant to M.G.L. Ch. 30A, Sec 21: Chair Leslie E.J. McKinley, yes; Lynne Brodeur, yes; Thomas W. Hardman, yes***

***At 7:11 P.M. Leslie E.J. McKinley, Chair entertained a motion to close Executive Session and go into the regular Board of Health Meeting by roll call vote -Thomas W. Hardman - yes, Lynne Brodeur - yes, Leslie E.J. McKinley-yes.***

The meeting notice was duly posted. The Board of Health meeting was called to order at 7:11 P.M. on December 17, 2014 in room 315.

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

The minutes of the meeting of December 03, 2014 were approved as amended by Leslie E.J. McKinley, chair, Lynne Brodeur and Thomas W. Hardman.

Lynne Brodeur recused herself from voting on the site visit minutes of December 11, 2014. The site minutes of the meeting of December 11, 2014, were approved as written by Thomas W. Hardman and Leslie E.J. McKinley, chair.

7:10 P.M. Runaway Farm - Piggery permit hearing- Ms. McKinley opened the public hearing by stating that she would want to refrain from discussing alot of the same items from the previous meeting. If anyone has anything new to add, she will give them the opportunity to speak.

Mr. Hardman gave a brief overview of the site visit conducted on December 11, 2014 at 1 P.M. Mr. Hardman would suggest that Tim Tucker from Natural Resource Conservation Services (NRCS) to do an analysis of how many swine would be appropriate for this site.

Daniel and Paula Gill from 123 and 653 Faunce Corner Road spoke on farming practices, and drainage. Mr. Gill would like the contact information for Natural Resource Conservation Services. Colleen Pacheco 249 Old Fall River Road stated she isn't a direct abutter but has concerns about odor.

Claudia Arsenio the applicant, addressed the abutters and the Board expressing how they are trying to fix the home and being good stewards of the land.



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Ms. Arsenio wanted the neighbors to know they are approachable if there are any issues that should arise.

There was discussion of having the unpermitted swine at the site, the applicant making a good faith effort to obtain the necessary permit, and getting the analysis from NRCS for the next meeting. Lastly, the Board doesn't want to obstruct the applicant's goals for farming their property.

- Thomas W. Hardman motioned to continue this matter until January 28, 2015, to give Tim Tucker from NRCS an opportunity to provide the Board with the analysis of the number of swine for 155 Old Fall River Road, seconded by Lynne Brodeur, and motion made unanimous by Ms. McKinley.

Land use/Development Services function & Select Board - verbal update- Mr. Michaud summarized recent meetings with the other departments and the architect. There are some structural issues creating limitations, it was suggested to create a c-shaped counter which would separate the departments. Additionally, there are budgeting issues to be addressed.

- No further action required by the Board of Health at this time.

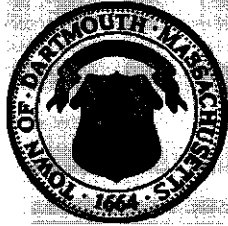
61 Milton Street - The Board reviewed a draft letter done by Mr. Michaud to the Massachusetts Department of Environmental Protection (MA DEP) regarding 61 Milton Street's Phase I Initial Site Investigation Report and Tier Classification. Mr. Michaud has asked Town Counsel to review this letter before it is released.

- Lynne Brodeur motioned after Town Counsel reviews the letter to send it to MA DEP, seconded by Thomas W. Hardman, and motion made unanimous by Ms. McKinley.

**Septic System Plans**

**Septic System Plans - requiring no action of the Board**

- Mad Bull Realty/Plat 100, Lot 4, 7 Pokanoket Lane
  - Ron Oliveira/Plat 59, Lot 17-18, Hixville Road
- No further action required by the Board of Health at this time.



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**Septic System Plans - requiring action of the Board**

Helen Medeiros/Plat 64, Lot 26, 647 Highland Avenue - upgrade- no reserve area and only one test pit - Mr. Michaud advised the Board that four test pits are required for new construction and only one has been performed. There was a building permit sign off done by the Board of Health in 1998, with the understanding that the addition would not be a bedroom because the applicant omitted all windows. A window had been added, and the Assessor's now have the home listed as a four bedroom dwelling. In conclusion, the primary area doesn't have adequate separation to groundwater because the elevation is not calculated from the high end of the system, and the system lacks the required testing evaluation.

- Thomas W. Hardman motioned to deny the revised plan dated November 25, 2014. Furthermore, it was voted to require there to be four test pits due to the additional bedroom making this new construction, seconded by Lynne Brodeur, and motion made unanimous by Ms. McKinley.

Paul Lopes/Plat 31, Lot 13, 115 White Oak Run - reduction in separation to groundwater from 4.0' to 3.7'- The Board members discussed at length the proposed reduction in groundwater separation from 4 feet to 3.7 feet.

- Thomas W. Hardman motioned to approve the reduction from 4 feet to the proposed 3.7 feet between the bottom of the soil absorption system and the estimated seasonal high groundwater elevation as designed, seconded by Lynne Brodeur, and motion made unanimous by Ms. McKinley.

Hixville Road/Lot 4, Aspen Properties - well water analysis results- Christopher Moniz, representative from Aspen Properties was present. A lengthy discussion on lindane and historic uses of this chemical on agricultural land. Mr. Moniz informed the Board that the other homes will have had carbon filters installed as a precaution. In conclusion, it was recommended that the well be retested by a MA DEP with the sample recovery by a lab familiar with environmental sampling, and Mr. Moniz could contact the Director for some companies that are capable of conducting this well retest.

- Lynne Brodeur motioned to have the well retested by a certified DEP laboratory, seconded by Thomas W. Hardman, and motion made unanimous by Ms. McKinley.



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Director's Report - topics for discussion-

Dartmouth Manor - sprinkler system in kitchen discharged - Mr. Michaud brought this matter before the Board to address the Dartmouth Fire Departments having better communication with the Board of Health when instances happen at certain facilities. Mr. Michaud will work on getting in touch with the Fire Department to work out these issues.

- No further action required by the Board of Health at this time.

Bridge Street Café- Restaurant proposal in old café, retail space on first floor, and residential housing above- Thomas W. Hardman recused himself from all discussions on this matter. Mr. Michaud informed the Board the applicant is seeking approval from the ZBA to use the property as a restaurant, retail space and residential housing. Discussions on potential environmental issues at this site were briefly touched upon but no excavation at the site is needed, and MA DEP would have oversight at this point.

- No further action required by the Board of Health at this time.

Linda Davis/796 Old Fall River Road- The Board looked over Ms. Davis' letter. Mr. Michaud stated this came to light because of a recent tank pumping report that indicated a steel tank.

- Thomas W. Hardman motioned to allow the extension request to replace the steel septic tank to be completed by May 31, 2015, seconded by Lynne Brodeur, and motion made unanimous by Ms. McKinley.

Inn Holder's Regulations - Mr. Michaud explained Associate Town Counsel Brian Cruise is working on Inn Holder's Regulations. The only establishments that will be affected by Inn Holder's Regulations would be guest establishments that serve food.

- No further action required by the Board at this time.

Round the Bend Farm- Mr. Michaud informed the Board that Round the Bend Farm will be applying for a piggery permit. In consideration of the revisions to the Piggery Regulations, Mr. Michaud suggested they apply and make a good faith effort to comply, and the staff could hold the application until such time as the regulations have been updated.



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- No action required by the Board at this time.

Piggery Regulations - Revisions discussion- The Board is in support of revising the regulations. There was extensive discussion on the following topics: feeding, abutter radius notification, residency, and definitions. Mr. Michaud will continue to work on the piggery regulations and forward a draft to the Board members.

- No action required by the Board at this time.

Massachusetts Tobacco Cessation and Prevention Program (MTCP)- The Board members perused the Massachusetts Health Officers Association letter dated October 29, 2014. Discussion ensued regarding the agency conducting the tobacco compliance checks for the FDA. The Director would like to take advantage of the Tobacco Retail Trainings that are being offered.

- No action required by the Board at this time.

Assistant Part-time Animal Control schedule - verbal -Mr. Michaud stated the Emergency call out proposal that the union is the only obstacle, and this may not take effect until January 2015. The Town Administrator, David Cressman would like the union on aboard as well.

- No further action required by the Board at this time.

Ana Costa/Plat 44, Lot 9, 647 Old Westport Road - It was explained to the Board that Ms. Costa was not pleased that the Board denied her request to have two roosters. The Board reaffirmed their decision for not allowing Ms. Costa to house roosters on the property. The Board suggested if Ms. Costa is adamant about having the roosters; then Ms. Costa will need to obtain in writing from the abutters their consent to the keeping of roosters on her property.

- Lynne Brodeur motioned that Ms. Costa is to obtain in writing from the abutters, or have the abutters email the Board of Health indicating they will not have any issues with her having roosters on her property. Once the Board receives the abutter responses they will take action, seconded by Thomas W. Hardman, and motion made unanimous by Ms. McKinley.

Lynn Ouellette/73 Gidley Town Road - Animal Permit Amendment-The Board discussed and reviewed Ms. Ouellette's application request for an additional 6 chickens and 4 turkeys. The Board discussed at length the findings of Dartmouth Animal Control, and how the Board should proceed with the request for the additional chickens and turkeys ensued.



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- Lynne Brodeur motioned to table this animal permit amendment request for the additional 6 chickens and 4 turkeys, until such time the applicant notifies the Dartmouth Board of Health that the fence has been erected, and inspected by Dartmouth Animal Control Officer seconded by Thomas W. Hardman, and motion made unanimous by Ms. McKinley.

Complaint log from 11/18/2014 - 12/12/2014 - Complaints were reviewed by Board.

- No action required by the Board at this time.

Monthly Rabies report November 1 - November 30, 2014- This document was included for informational use by the Board.

- No action required by the Board at this time.

Brandon Woods Home Care of Dartmouth/Dartmouth Public Health Statistics November 2014- This document was included for informational use by the Board.

- No action required by the Board at this time.

Discussion for any item not know 48 hours in advance-

- Nothing at this time.

Board Signatures - Leslie E.J. McKinley, chair, Lynne Brodeur, and Thomas W. Hardman signed the Order of Betterment Assessment for Michael & Michelle Gonsalves of 2 Windrush Lane and the Order of Betterment Assessment for Susan Griffin of 20 Hathaway Road. Leslie E.J. McKinley, chair also signed an Employee Absentee Report for Christopher Michaud, Director of Public Health.

At 9:00 p.m. Leslie E.J. McKinley, Chair entertained a motion to close the regular Board of Health Meeting. Roll call vote - Lynne Brodeur - yes; Thomas W. Hardman - yes; Leslie E.J. McKinley-yes.

Respectfully submitted,

Donna Farias  
Administrative Clerk