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DARTMOUTH TOWN BOARD OF HEALTH
DARTMOUTH TOWN HALL - ROOM 315 - 6:30 P.M.
MEETING MINUTES - Wednesday, February 18, 2015

The meeting notice was duly posted. The Board of Health meeting was called to order at 6:30 P.M. on February 18, 2015 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 February 04, 2015 were approved as amended by Leslie E.J. McKinley, chair, Lynne Brodeur and Thomas W. Hardman.

7:10 P.M. Attorney Michael Kehoe/Cumberland Farms on 144 State Road- Fuel Storage- Attorney, Michael Kehoe representing Cumberland Farms explained they plan to raze the building and build a new store. This has already received Planning Board approval. They will have to come back before the Board of Health for the demolition and Food/Retail permitting. Attorney Kehoe disclosed they would not need to seek a zoning variance because the square footage of the new building will be smaller. The plan is to remove and replace the fuel storage tanks with two new 20, 000 gallon double walled tanks. Attorney Kehoe introduced William E. Baird, PE, LSP who explained to the Board the new proposed underground storage tank system (UST) will have two 20,000 gallon tanks one for premium and one for diesel fuel. Mr. Baird explained about the proposed monitoring system of the underground fuel storage tanks.

➤ ***Thomas W. Hardman motioned to grant a variance from the Fuel Storage regulations to allow two new 20,000 gallon double wall underground fuel storage tanks to be installed at Cumberland Farms on 144 State Road, Dartmouth, MA. per plan dated January 20, 2015, and seconded by Lynne Brodeur, motion made unanimous by Leslie E.J. McKinley.***

7:24 P.M. Jesse Powers/Famous Tattoo/Tattoo apprentice application- Mr. Michaud addressed the Board with some concerns with Mr. Powers application as they relate to the Body Art Regulations. The following were brought to the Board's attention: Mr. Powers health report was from a nurse practitioner and not by a physician as outlined in the regulations, no proof of Hepatitis B titer submitted as required, Mr. Powers had submitted a certificate of training from the Quincy Health Department titled Skin Course for the Body Artist dated January 2015, in lieu of the college class for Anatomy and Physiology, and no prior "logged hours from prior permitted apprenticeship-actual experience in performing tattooing procedures."-Section 13.(C) 1. After a brief discussion the Board agreed to waive the last two items on the Director's list, but would require Mr. Powers to comply with the first two items. Mr. Powers stated that he has been observing at Famous Tattoos since November 2014, and has been keeping track of those hours.

➤ ***Thomas W. Hardman motioned to waive a copy of the full transcript of school course and grades - Section 13. (C)(4)-Full course in anatomy and physiology, and logged hours from prior permitted apprenticeship-actual experience in performing tattooing procedure-Section 13.(C)(1) and seconded by Lynne Brodeur, motioned made unanimous by Leslie E.J. McKinley.***



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➤ ***Thomas W. Hardman motioned the Board of Health to allow Mr. Powers to become an Apprentice Body Art Practitioner once the Board of Health receives a written health report (physical) from a physician and proof of Hepatitis B titer and seconded by Lynne Brodeur, motioned made unanimous by Leslie E.J. McKinley.***

8:02 P.M. Livestock Regulations - revisions discussion - Joint meeting with Agricultural Commission - Vincent Frary, and Derek Christianson were present to represent the Agricultural Commission. Sandra Gosselin, Dartmouth Animal Control Officer was also present.

Mr. Michaud reported he had met with the Agricultural Commission and due to their comments he had edited the draft Livestock Regulations to address the concerns of the Agricultural Commission. Mr. Michaud had a few more changes to the feed stations and would like additional input from the Agricultural Commission regarding the recent edit.

Mr. Frary noted a concern on behalf of the Agricultural Commission is the grouping of "Piggery" with "Livestock". There was discussion on how to regulate "Livestock" nuisances, concern with using feeding "Livestock" term in regulation, in general having a "Livestock" regulation, and the reason why it should be kept separate from "Piggery" regulations. The Board asked the Agricultural Commission if they had any suggestion for alternative terminology. There was a suggestion of regulating livestock feeding practices separately by calling it human feed waste, and trying to keep it really broad. The regulations would still need Town Counsels review before they would go into effect.

Ms. Gosselin commented that she can understand the concern with the titling but from an Animal Control perspective she can see a need for regulating the practices addressed in the draft.

Extensive discussion ensued on abutter notification, the Natural Resource Conservation Service (NRCS) plans, and mobile piggeries took place. Currently, abutters within three hundred feet are notified. The Board discussed the possibility of not requiring abutter notification in the revised regulation. The members of the Agricultural Commission feel the NRCS plan is a good resource. There is growing interest of utilizing swine to help with land management by clearing invasive plant species. Once the swine have removed the invasive plants they would be moved back to the farm.

Mr. Frary stated the Agricultural Commission will be meeting on February 19, 2015, and will be discussing Mr. Michaud's edited draft regulations. They know the Board would like to move quickly on this matter. The Board thanked the Agricultural Commission for their assistance with the draft "Livestock" regulations. Mr. Michaud will make some additional changes to the draft "Livestock" regulations resulting from these discussions, and forward them to Agricultural Commission for comments.

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



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Nitrogen Loading and Aggregation Plan for the Enclave at the Reservoir subdivision for Long Realty by Prime Engineering - Mr. Michaud informed the Board that this request is similar to applications the Board has approved in the past. The request has been reviewed for nitrogen loading area suitability and the proposal is in compliance with the overall limits of the land areas. Mr. Michaud further explained that the supporting grant of restrictive covenants have been reviewed and meet the requirements to allow the application to be approved in accordance with 310 CMR 15.216(5). This application was forwarded to the other departments as a courtesy. The open space will be donated to the Dartmouth Conservation Commission and a homeowner's association.

- **Thomas W. Hardman motioned to approve the Nitrogen Loading Plan with conditions the Nitrogen Loading Grant of Title 5 Nitrogen Loading Restriction and Easement statement noted on each subsurface sewage disposal design plan and proof of recording of the Grant of Title 5 Nitrogen Loading Restriction and Easement must be provided to this office within thirty (30) days of the approval before release of the subsurface sewage disposal plans are released and seconded by Lynne Brodeur, and motion made unanimous by Leslie E.J. McKinley.**

Inspection Runaway Farm on February 12, 2015, in regards to agricultural practices and piggery permit application filing - Ms. McKinley opened the meeting by stating this was a courtesy and proactive meeting. The Runaway Farm had been before the Board previously, and withdrew their piggery application, so they could apply for the correct number of swine. There have been some issues that have been brought to the attention of the Board, since the last meeting that the Board may consider when a new application is filed.

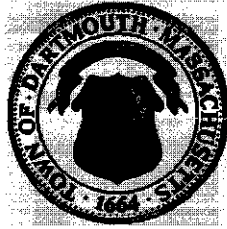
Mr. Hardman spoke with Sandra Gosselin, Dartmouth Animal Control about the issues, and understands that the Runaway Farm has experienced some issues with the weather. The Board needs to be careful not foster poor husbandry practices by authorizing more swine on this site.

Ms. Brodeur said she is aware of the issue, and is concerned with Runaway Farm asking for more animals.

Adrian Fulk and Claudia Arsenio owners of Runaway Farm addressed the Board that since the most recent inspection they have been working really hard to make improvements. They have been dealing with sickness and weather issues. They have purchased troughs for feeding the animals.

Ms. Brodeur stressed some time life happens and who knows what that will be, and she does not want to see Runaway Farm get in over their heads with additional swine.

Sandra Gosselin, Dartmouth Animal Control informed the Board that she had been out to the site on Tuesday with the Massachusetts Department of Agricultural Resources, Boston



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Animal Rescue League, the Massachusetts Society for the Prevention of the Cruelty to Animals. According to Sandra Gosselin, improvements have been made, but there is still room for improvements. In Ms. Gosselin's opinion, Runaway Farm should get situated before asking for more animals.

Ms. Arsenio offered that the Board could put them on probation with the number of swine that they have now, and if they meet the standards Runaway Farm could apply for additional swine. Ms. Arsenio feels the last three weeks is not a representation of how they run their farm.

A brief discussion on how the new regulations will address how to permit the total combined units of piglets and swine. Also discussed was a realistic number of swine Runaway Farm should request because the Board doesn't want consider a permit in excess of their limitations.

Ms. Arsenio informed the Board that they will submit a new piggery permit application for the amount of swine they currently have including piglets.

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

Land Use/Development Services function & Select Board - verbal update- Ms. McKinley inquired if there has been any new developments. Mr. Michaud informed the Board the committee has not been meeting because the design is complete and the project needs funding to address outstanding matters. The Board was in agreement that the issue of funding and appropriation is not a Board of Health matter. There was a question on the cost per square foot. Finance Committee has recommended this with one Finance Committee member against the project.

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

61 Milton Street - Mr. Michaud reiterated from the previous meeting a review of the performance requirements for the release at 61 Milton Street has been completed. A response letter to the Massachusetts Department of Environmental Protection will be edited to incorporate the dynamics of the project and misrepresentations of the compliance surrounding the remediation. The letter will need to be reviewed by Town Counsel before it will be sent and the draft will be complete for the next meeting.

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



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Septic System Plans

Septic System Plans - requiring no action of the Board

- Roger Scoville, Plat 100, Lot 3-1 & 3, 40 Nonquitt Avenue
- 29 Paskamansett Street Real Estate, Plat 103, Lot 5, 10 Pokanoket Lane
- Joseph W Isherwood, Plat 65, Lot 4-3, Old Fall River Road

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

Director's Report - topics for discussion - The Board reviewed the Director's report and briefly discussed the opening of Fiesta Mexican Restaurant, a market, flu occurrences brought to the Director's attention, and a meeting the Director had with a group of nurses serving the Dartmouth community on topics on how to deal with potential outbreaks. Mr. Michaud noted that a Market would be opening around March 1, 2015, but the restaurant will not be ready at this time.

➤ ***No action required by the Board at this time.***

Dartmouth Power Associates, L.P./One Energy Road - Administrative Consent Order with Penalty and Notice of Noncompliance- The Board briefly discussed fines due to waste oil storage. The Board inquired whether or not the Select Board had been notified of this document. Mr. Michaud confirmed they have been.

➤ ***No action required by the Board at this time.***

Monthly Rabies Report - January 1 to January 31, 2015- This document was included for information use by the Board.

➤ ***No action required by the Board at this time.***

Brandon Woods Home Care of Dartmouth/Dartmouth Public Health Statistics January 2015 - This document was included for informational use by the Board.

➤ ***No action required by the Board at this time.***

Complaint log from 01/30/2015 - Complaints were reviewed by Board.

➤ ***No action required by the Board at this time.***

Discussion for any item not know 48 hours in advance -

➤ ***Nothing at this time.***



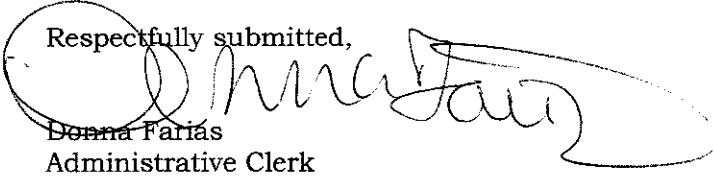
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Board Signatures- Leslie E.J. McKinley, chair signed two Employee Absentee Reports for Christopher Michaud, Director of Public Health.

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