

RECEIVED

2015 APR 2 PM



Public Health
Prevent. Promote. Protect.

DARTMOUTH TOWN CLERK

DARTMOUTH BOARD OF HEALTH

DARTMOUTH TOWN HALL - ROOM 315 - 6:00 P.M.

MEETING MINUTES - Wednesday, March 04, 2015

The Chair polled the Board at 5:30 P.M. for a roll call vote to convene into Executive Session with Anthony Savastano, Town Counsel regarding 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 6:15 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 6:15 P.M. on March 04, 2015 in room 315.

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

The minutes of the meeting of February 18, 2015 were approved as amended by Leslie E.J. McKinley, chair, Lynne Brodeur and Thomas W. Hardman.

7:00 P.M. Livestock Regulations revision discussion/Joint meeting with Agricultural Commission - Vincent Frary, Derek Christianson, and Susan Murray were present to represent the Agricultural Commission. Round the Bend Farm was also present for the discussion, as well as, Sandra Gosselin, Dartmouth Animal Control Officer.

Mr. Frary went through the draft regulations making points that the Agricultural Commission thought needed addressing in the Swine Keeping and Feeding Practice Regulations, as follows:

- what does control mean in the definition of "Facility"
- the term other useful animals under the definition of "Livestock"
- Section 4 Livestock Feed, Storage and Feeding Stations:
- found #2 under Sub Section (C) Livestock feeding too restrictive
- striking #3 under Sub Section (C) Livestock feeding stations and area
- keeping Natural Resources Conservation Service (NRCS) plan confidential or removing requirement for a plan
- under Location Section E) strike; i) Off facility swine keeping shall not occur between November 1 and April 19
- suggested a right to appeal process

After a lengthy discussion about each of the above aforementioned it was decided that Mr. Michaud will work on the language, however, it cannot be ambiguous. The Board also discussed removing abutter notification from the regulations.

It was the Board's feeling that they would like the abutter notification provisions to be removed from the entire document.



Public Health
Prevent. Promote. Protect.

DARTMOUTH BOARD OF HEALTH
DARTMOUTH TOWN HALL - ROOM 315 - 6:00 P.M.
MEETING MINUTES - Wednesday, March 04, 2015

Mr. Michaud commented that once the NRCS plan is submitted to the Board of Health it becomes part of the public record. The Board will consider removing this requirement from the regulation as well. The appeals process was discussed and Mr. Michaud commented the appeals process is through Superior Court.

A lengthy discussion ensued on how to incorporate an appeals process. Mr. Michaud will make the necessary changes and submit them to Town Counsel for his comments.

Mr. Michaud informed the Board that the draft regulations will streamline the permitting process and this will allow the Board of Health to adjust the piggery fees.

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

6:24 P.M. Round the Bend Farm/Elizabeth Wiley/Piggery Permit- Thomas W. Hardman recused himself from all discussion, and voting on this matter.

Ms. McKinley addressed the audience explaining the process, regulations, and limitations for the audience in regards to this piggery application.

Geoff Kinder, Co-Visionary, Farm Manager & Social Entrepreneur and Desa Van Laarhoven, Co-Visionary & Director, and Elizabeth Wiley, Program Manager were present to represent Round the Bend Farm a Center for a Restorative Community. Ms. Van Laarhoven explained Round the Bend Farm is an affiliate program of the non-profit, Marion Institute. Ms. Van Laarhoven further explained they would like to educate people through food and farming at Round the Bend Farm which would like to house 60 pigs including piglets. Geoff Kinder, was mentored by the previous operator Antone Vieira, and now is the operator of the farm.

Mr. Michaud stated upon discovery Round the Bend Farm approached the Board of Health by applying voluntarily for a piggery permit. Enforcement action by the Board did not precipitate the filing of this application. Mr. Michaud went on to state that under the current piggery regulations there is no option to condition a piggery permit. Mr. Michaud has visited the site numerous times to conduct percolation testing, and the soil has good drainage that is suitable for livestock. There is no evidence of over keeping, and over pasturing. Mr. Michaud explained the previous piggery permit had lapsed, which was an over site, but the current owner came forth. During Mr. Michaud's inspection he didn't detect odors, the pigs are fed grain, and the Board of Health regulations wouldn't interfere with the issuance of this permit.

Sandra Gosselin, Dartmouth Animal Control has conducted yearly barn inspections at this site dating back before Mr. Kinder's operation. Ms. Gosselin explained the pigs are grain fed and there would be different, and unique odors if the pigs were fed garbage. Furthermore, Ms. Gosselin stated the pigs are rotated properly and she has no issues.

Ms. McKinley asked if anyone in the audience had any comments.

- Russell Carey 115 Allen's Neck Road - asked who owns the farm and if there was a restrictive covenant



Public Health
Prevent. Promote. Protect.

DARTMOUTH BOARD OF HEALTH
DARTMOUTH TOWN HALL - ROOM 315 - 6:00 P.M.
MEETING MINUTES - Wednesday, March 04, 2015

- Mr. Michaud explained that he reached out to Massachusetts Audubon to see if there was any private restriction on this property. Restrictive covenants are only enforceable by the assignee. Ms. McKinley asked Town Counsel and he reiterated enforcement by whomever holds the restriction.
 - Ted Franklin – 704 Horseneck Road – commented that he feels this is a model on how animals are being taken care of, never heard or smelled the animals and is in favor of this application
 - John Meldon – 101 Allen’s Neck Road – doesn’t want this to smell like the piggery off of Division Road; asked about the applicant and the property owner
 - Ms. Van Laarhoven explained that Round the Bend Farm leases the farm from the Marion Institute; Ms. Brodeur mentioned that the piggery has been there for a number of years; Mr. Meldon disputed this; Ms. Wiley commented that Antone Vieira had a permit for 100 pigs; Mr. Michaud explained there was a permit in 2008-2009
 - Attorney Daniel Perry was present to represent Susan Sargent and Tom Peters – 90 Allen’s Neck Road – Attorney Perry stated that his clients aren’t against this application, but would request the Board to condition that pigs not be placed on a certain portion of the property. Attorney Perry handed the Board a plan depicting his clients request because of potential nuisances and visual impacts.
 - Ms. McKinley explained the existing regulations don’t allow the Board to place conditions on piggery permits
 - Attorney Perry disagreed
 - Town Counsel briefly read through the regulations and no provisions are contained in the regulations for conditions.
 - Mr. Michaud asked if Attorney Perry had spoken with Round the Bend Farm; Attorney Perry had and they declined.
 - Ms. Van Laarhoven explained that this particular area was going to be used as an orchard, but due to the inclement weather they have decided not to put the orchard there.
 - Geoff Kinder explained a permanent fence would be placed in this area, pigs work best in restrictive areas, and then plant vegetation or possibly sunflowers.
 - Susan Murray, Apponagansett Farm/Agricultural Commission – 644 Elm Street – commented Dartmouth is a Right-to-Farm Community and is in favor
 - Gina Purtell, for Mass Audubon- commented that Mass Audubon depends on livestock for land management and appreciate this resource
 - Derek Christianson, Agricultural Commission – 1 Seth Davis Way – spoke in favor
- ***With nothing further on this matter, Lynne Brodeur motioned to grant Round the Bend Farm a piggery permit to keep a combination of pigs and piglets totaling 60 swine, and seconded by Leslie E.J. McKinley.***

Land Use/Development Services function & Select Board – verbal update- No further discussion on this matter and the Board asked that this item be taken off the agenda.

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



Public Health
Prevent. Promote. Protect.

DARTMOUTH BOARD OF HEALTH
DARTMOUTH TOWN HALL - ROOM 315 - 6:00 P.M.
MEETING MINUTES - Wednesday, March 04, 2015

61 Milton Street/Edited draft letter – The Board is in agreement that the letter was appropriate, and once reviewed by Town Counsel should be sent.

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

“The Herald News”/Westport bans synthetic marijuana – The Board perused the article from the “The Herald News” and it was a consensus of the Board when amending the Tobacco Regulations to incorporate synthetic marijuana into these regulations if possible.

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

Septic System Plans

Septic System Plans – requiring no action of the Board

- DDM Realty/Plat 101, Lot 14, 720 Smith Neck
- Martin and Laura Batt/Plat 23, Lot 14-1, 147 Horseneck Road

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

Director’s Report – topics for discussion –

- Maria Vazquez – UMass Dartmouth – intern project- Mr. Michaud had met with Maria Vazquez from UMass Dartmouth. Mr. Michaud discussed with Ms. Vazquez utilizing the nursing students to develop action and management plans for communicable disease.

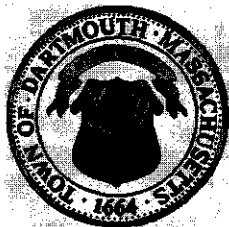
Ms. Brodeur mentioned that her mother Patricia Bethell is a register nurse is looking to volunteer. Mr. Michaud suggested having Ms. Brodeur’s mother doing blood pressure clinics and making telephone calls assessing the current status of Emergency Preparedness plans in major cities. Ms. Brodeur mentioned that her mom maybe giving up her license. Ms. Brodeur will have her mother stop by the office to meet with the director.

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

- Guest Establishment – occupancy tracking-Mr. Michaud updated the Board about recent inspections with the Health and Sanitary Inspector, Courtney Cohen at Guest Establishments. There was one Guest Establishment that didn’t have the records on site, and Mr. Michaud has been in touch with the owner about obtaining these records.

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

- Updating local regulations –Discussion as needed on updating priorities of the Board.



Public Health
Prevent. Promote. Protect.

DARTMOUTH BOARD OF HEALTH
DARTMOUTH TOWN HALL - ROOM 315 - 6:00 P.M.
MEETING MINUTES - Wednesday, March 04, 2015

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

- Dartmouth Emergency Management sheltering-Mr. Michaud informed the Board that there is a strong interest from the chain of command that mass sheltering is not the primary focus with planning being centered around the Council on Aging. Mr. Michaud has been involved with meetings for the sheltering of animals. There are issues with providing areas to keep the animals, as well as, Animal Control services that need to be addressed. Furthermore, Mr. Michaud has concerns that there is no one Serve Safe Certified who volunteers at the shelter. Mr. Michaud has been invited to attend a civil preparedness meeting on March 5, 2015, and more information may follow.

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

- Brazilian Grill- Mr. Michaud notified the Board that the Brazilian Grill held a mock opening this past weekend.

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

Dartmouth Plastic Bag Reduction Article- The Board discussed the Dartmouth Plastic Bag Reduction - warrant article for Spring Town meeting, which names the Board of Health as one of the enforcing agents of the by-law.

After an extensive discussion on this matter, the Board feels this is not a public health issue, but more of an environmental concern as noted in the explanation portion of the draft Article. Therefore, it is the opinion of the Board, that the Environmental Affairs Coordinator would be the appropriate enforcing agent for this environmental issue, since he is already involved with household hazardous waste day, and other environmental quality issues.

➤ **Thomas W. Hardman motioned and seconded by Lynne Brodeur that the enforcing body should be with the Environmental Affairs Coordinator due to the suitability of the position's interest in environmental quality issues that are expressed in the explanation section of the draft article motion made unanimous by Leslie E.J. McKinley.**

MT Environmental Restoration/Tier Classification Submittal - Response Action and Release Abatement Measure Plans for 10 A Bridge Street - RTN 4-15870-This document was included for information use by the Board.

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

Complaint log - No complaints received at times.

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



Public Health
Prevent. Promote. Protect.

DARTMOUTH BOARD OF HEALTH
DARTMOUTH TOWN HALL - ROOM 315 - 6:00 P.M.
MEETING MINUTES - Wednesday, March 04, 2015

Discussion for any item not know 48 hours in advance -

➤ ***Nothing at this time.***

Board Signatures- No signatures needed at this time.

At 8:45 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