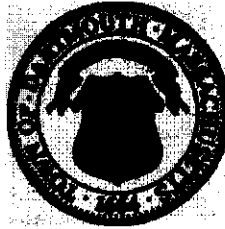




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DARTMOUTH BOARD OF HEALTH
DARTMOUTH TOWN HALL - ROOM 315 - 5:00 P.M.
MEETING MINUTES - Wednesday, October 07, 2015

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The Board of Health meeting was called to order at 5:00 P.M. on October 07, 2015 in Room 315.

Leslie E.J. McKinley, Chair, and Lynne Brodeur were present to open the Board of Health meeting. Christopher Michaud, Director of Public Health, was also present. Thomas W. Hardman was absent from the meeting.

The following administrative items were approved as amended or signed by Lynne Brodeur, and Chair, Leslie E.J. McKinley.

- The minutes of the meeting of September 18, 2015
- Leslie E.J. McKinley, chair, and Lynne Brodeur signed the Betterment Release for 21 Idlewood Avenue

5:30 p.m. Westport Environmental Design, for James Gammans/Map 33, Lot 78, 963 Russells Mills Road -variance 310 CMR 15.405 (1) (A) (B)- A Public Hearing was held with Leonard Potter, from Westport Environmental Design, Inc. representing the owner James Gammans who was also present to request a waiver to allow the subsurface sewage disposal system to be placed 6' from the property line and 6.3' from the house foundation. The Board perused the plan submitted and voted to approve the aforementioned septic plans and pursuant to the provisions of 310 CMR 15.000, Title 5:

- 6' setback from property line, 10' required
 - 6.3' setback from septic tank to foundation, 10 required
- ***Lynne Brodeur motioned and seconded by Leslie E.J. McKinley to approve the waiver to allow the Subsurface Sewage Disposal System to be placed 6' from the property line and 6.3' from the house foundation, 10' required for Plat 33, Lot 78, 963 Russells Mills Road, Designed by Westport Environmental Design, Dated October 20, 2014.***

Tobacco and Nicotine Delivery Devices Regulations Revisions - update-Coalition for Responsible Retailing letter dated July 17, 2015- Mr. Michaud informed the Board there are new developments, and the revising the regulations will need to wait until fiscal 2016. The letter from the Coalition was included for informational use by the Board.

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



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Piggery and Animal Regulations Revisions - update and review- Mr. Michaud updated the Board that Assistant Town Counsel is looking into abutter notification because animal permits are a by-right permit. The Board would like to table this matter until October 21, 2015, so that Mr. Hardman who wasn't present at this meeting could have opportunity to comment on the changes to the proposed regulations.

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

Flu Clinics- Ms. Farias updated the Board that Rite Aid will be sponsoring another flu clinic at the Dartmouth High School on Tuesday, October 20, 2015, from 5 P.M. to 7 P.M., prior to the start of Town meeting. Mr. Michaud informed the Board that there was a small flu clinic held at the James Quinn Elementary School on September 29, 2015, from 6 P.M. to 7:30 P.M. The Town nurse inoculated thirty children between the ages of three to eighteen at this flu clinic. Mr. Michaud explained there are approximately five doses remaining. He is trying to put the word out to encourage parents to call and make an appointment with the Town Nurse.

Septic Plan(s) requiring no action of the Board of Health-

- D&H Real Estate/Map 29, Lot 36, 256 Bakerville Road - proposed 2000 gallon 2 compartment septic tank and pump chamber to serve a proposed office bathroom in an accessory building
- Ronnie Oliveira/Map 24, Lot 87-1 (portion), Lot 6, Potomska Road
- City of New Bedford/Map 33, Lot 19, 100 Woodcock Road

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

Septic Plan(s) requiring action by the Board-

Michael Camara/Map 25, Lot 1-6, Ledgemont Lane- new construction - After reviewing and discussing the proposed plan, Mr. Michaud informed the Board this is a new construction design. There had been a previously approved design in full compliance. The applicant had the engineer utilize the fastest rate on the lot to size the primary area in contrast to the requirements set forth in 310 CMR 15.104(5) that obliges the slowest rate on the lot to be used in designing the system. Mr. Michaud also brought to the Board's attention the following other issues:

- Distribution box does not conform to the Supplemental Regulations Section 15.232



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- A new application and fee must be submitted with the design which was not. A permit to construct the system as noted in 310 CMR 15.020 cannot be issued without an application.
 - Finished grade is listed at a higher elevation than is reasonably expected.
 - Benchmark is located at a greater distance than specified in 310 CMR 15.220(q).
- ***Lynne Brodeur motioned and seconded by Leslie E.J. McKinley to deny the Subsurface Sewage Disposal Plans for Plat 25, Lot 1-6, Ledgemont Lane, designed by Sitec, Inc., dated November 18, 2015, revised December 12, 2014, January 7, 2015 and August 31, 2015, as submitted due to the above aforementioned concerns.***

Animals permit request

Jeremy Wilson/Map 31, Lot 13, 115 White Oak Run- Mr. Michaud brought to the Board's attention that the applicant's engineer Alan Heureux, from Boucher and Heureux had contacted him to explain that the survey work needed was delayed. The plan could not be completed and submitted to Conservation for approval by the deadline. Mr. Heureux would like to get the opinion of Michael O'Reilly, Environmental Affairs Coordinator, for the Dartmouth Conservation Commission before submitting it to the Conservation Commission.

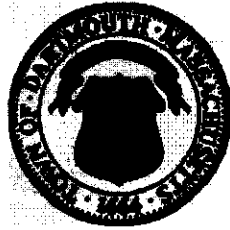
Carrie Wilson, owner of 115 White Oak Run, as well as, her parents Gail and Robert Parker was present. It was explained that prior to the purchase of the home they were told that Dartmouth was an Agricultural Community and there would be no issue with having animals. Otherwise, they would have looked elsewhere if they couldn't have the animals on the premises. Ms. Wilson stated she has been working with Boucher and Heureux who will be filing for the necessary permits with the Dartmouth Conservation Commission within the week.

The Board explained to Ms. Wilson after she obtains her permit with the Dartmouth Conservation Commission, the Board will then be able to act on her animal permit request. Furthermore, the Board realizes that Ms. Wilson is making a good faith effort to comply with the Dartmouth Board of Health Animal Regulations.

- ***With Lynne Brodeur motioning and seconded by Leslie E.J. McKinley voted to table this matter until Wednesday, November 18, 2015, to give***



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the engineer enough time to file the necessary permits with the Town, and because of attempts make a good faith effort.

Humberto Bolarinho/Map 133, Lot 31, 88 Russells Mills Road- Mr. Michaud informed the Board that the applicant had submitted an updated plan, relocated the pigeon coop, clarified the number of pigeons, and provided a better manure storage plan.

John Barba an abutter who lives on 11 Davis Street has concerns because he has observed dead and alive rodents and fisher cats in his yard. Ms. Barba has experienced having a fisher cat walking between her legs.

The Board asked if the applicant had given an exact number of pigeons. Mr. Michaud replied they would like 180 pigeons. Furthermore, the Assistant Animal Control Officer had been to the site to verify the coop had been moved, and didn't notice any rodents. Mr. Michaud didn't receive a negative report from the Assistant Animal Control Officer. Mr. Michaud explained there is a higher rodent population from August to October.

Anna Bolarinho, owner of 88 Russells Mills Road explained the pigeons are not used for racing or consumption. The pigeons are strictly for her husband to enjoy when he is home from fishing.

Ms. Brodeur commented that she would be more inclined to vote for a lower number of pigeons to make it more manageable. Ms. Brodeur suggested 25 pigeons. Ms. Bolarinho really would like to keep the amount they have, but offered going down to 30 to 40 pigeons. Ms. Bolarinho hasn't noticed any rodents on her property, and explained to the Board how the pigeon coop is constructed with netting, so rodents can't get in. The pigeon feces fall onto a board and not onto the ground.

Mr. Michaud read from the Dartmouth Animal Permit Regulations that the Board could issue a permit on a trial basis. Mr. Michaud informed the Board that they couldn't act on 180 pigeons. The applicant had applied to have 100 pigeons.

- ***Lynne Brodeur motioned and seconded by Leslie E.J. McKinley voted to grant a temporary permit for a three (3) month trial basis with twenty-five (25) pigeons on the premises. The applicant will need to reduce the number of pigeons by November 1, 2015, and contact this office, so an inspection can be conducted by Dartmouth Animal Control to verify that***



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the remaining pigeons have been removed from the premise. Another inspection will be conducted on or around January 7, 2016, to confirm that there are no issues.

Complaint log from 09/18/2015- 10/01/2015 - Complaints were reviewed by the Board.

The Board briefly discussed odor complaints and the Standard Times article dated October 6, 2015, regarding Dartmouth Songbird Acres Neighborhood Complains of Nasty Odors. Discussion ensued on the Department of Environmental Protection (DEP) and Massachusetts Department of Agricultural Resources (DAR) involvement. Mr. Michaud commented he will be meeting with both DEP and DAR on Friday, October 9, 2015, for inspections at King Fisher and Highland Avenue.

The Board did discuss the ongoing issues at State Road Cement Block. Mr. Michaud had been out to the site around noon time, and could see that the area had not been watered. In Mr. Michaud's opinion, the Board of Health has become quality control for State Road Cement Block. The Board suggested that if any complaints come into the office, and are confirmed to issue non-criminal citations.

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

Garbage Hauler's permitting requirements 2016 - insurance permit- Mr. Michaud brought to the Board's attention that during the process of reviewing applications for renewals it has come to his attention that there is a requirement in the Solid Waste Disposal/Recycling Regulations for Garbage Hauler's to carry Public Liability Insurance. Mr. Michaud asked the Board their thoughts on an amount Garbage Hauler's need to carry for Public Liability Insurance.

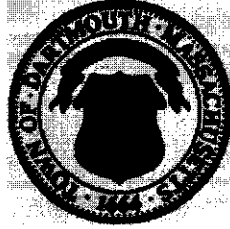
➤ ***Lynne Brodeur motioned and seconded by Leslie E.J. McKinley that Garbage Hauler's will need to provide \$500,000, in Public Liability Insurance before the Board of Health will issue their Garbage Hauler's permit.***

Soil Waste Disposal/Recycling regulations-Mr. Michaud explained the draft regulations before them contain revised definitions and subsections. The draft regulations have been submitted to Town Counsel for review. If the Board has any further comments to let him know, and he will submit them to Town Counsel.

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



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Septic Abandonment Permit - administrative fees - verbal- Mr. Michaud explained there have been a number of Septic System Abandonments issued to Drainlayers who have not completed their Certification. Mr. Michaud asked the Board to impose an administrative late fee if the Drainlayer fails to submit their Septic Abandonment Permit Certification. The Board agreed to impose an administrative late fee of sixty dollars for not submitting the Septic Abandonment Certification after thirty days from the time the Drainlayer filed for the Septic Abandonment Permit.

- ***Lynne Brodeur motioned and seconded by Leslie E.J. McKinley to impose an administrative late fee of sixty dollars for Septic Abandonment Certifications that are not submitted within thirty days from the date the Drainlayer filed for the Septic Abandonment Permit.***

2016 revisions to fee schedule - verbal- Mr. Michaud has been reviewing the renewal applications for 2016, and it was brought to his attention that the correct fees were not charged for certain permits. Some of the fees the Board of Health charges are governed by State law. Mr. Michaud would like to reduce the fee for Trailer Parks to fifty dollars.

- ***Lynne Brodeur motioned and seconded by Leslie E.J. McKinley to reduce the permit fee for Trailer Parks to fifty dollars, in keeping with the requirements of Massachusetts General Laws.***

Department of Health & Human Services letter dated September 21, 2015 - Healthy People 2020- The Board felt it would be a good idea to participate in taking the survey for the Healthy People initiative. The Board felt if Mr. Michaud didn't have time to take the survey; he could delegate to someone in the office.

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

Monthly Rabies Report - September 1 to September 30, 2015 - verbal- 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 -

Mr. Michaud expressed to the Board that the MHOA Annual Conference is scheduled October 21, and 22, 2015. Mr. Michaud will be attending so he may acquire necessary Continuing Educational Units (CEUs) for his Registered Environmental Health Specialist (REHS) license. Due to lack of funding Mr. Michaud didn't sign up the Health Inspectors.



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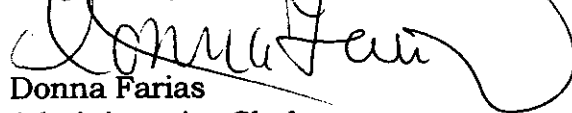
Mr. Michaud articulated to the Board that Ms. Farias and Jennifer Cabral, Dartmouth Youth Advocate attended the Teen Substance Abuse Summit in Taunton on Friday, October 2, 2015.

Mr. Michaud had spoken to Meghan Long from Greater New Bedford Vocational Technical High School about starting her work placement with Dartmouth Animal Control in November 2015. There is another student that would like to sign up for the second half of the year.

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

At 6:25 P.M. Leslie E.J. McKinley, Chair entertained a motion to close the regular Board of Health Meeting. Roll call vote -Lynne Brodeur - Leslie E.J. McKinley - yes.

Respectfully submitted,



Donna Farias
Administrative Clerk