

MEETING OF THE FAIRHAVEN BOARD OF HEALTH
April 19, 2011

A Reorganization Meeting of the Board of Health was held at the Town Hall on Tuesday, April 19, 2011 at 6:30 PM. The meeting was duly posted. Board members present: Peter DeTerra, Dolores Caton and Jeannine Lopes. Also present: Patricia Fowle, Health Agent.

Mr. DeTerra, Chairman, called the meeting to order at 6:30 PM and requested nominations for the position of Chairman of the Board. Ms. Lopes nominated Mr. DeTerra as Chairman; Ms. Caton seconded. Vote was unanimous. Mr. DeTerra is Chairman of the Board of Health.

Mr. DeTerra, Chairman, requested nominations for the position of Vice-Chairman of the Board. Ms. Caton nominated Ms. Lopes; Mr. DeTerra seconded. Vote was unanimous. Ms. Lopes is Vice-Chairman of the Board of Health.

Motion to close the Reorganization Meeting was made by Ms. Caton; seconded by Ms. Lopes. The Reorganization Meeting closed at 6:35 PM.

A regular meeting of the Board of Health was held at the Town Hall on Tuesday, April 19, 2011 at 6:30 PM. The meeting was duly posted. Board members present: Peter DeTerra, Dolores Caton and Jeannine Lopes. Also present: Patricia Fowle, Health Agent.

Mr. DeTerra, Chairman, called the meeting to order at 6:35 PM and asked for the minutes of the meeting of March 21, 2011 be amended or approved.

Motion to approve the minutes was made by Ms. Caton; seconded by Ms. Lopes. Vote was unanimous.

A septic system inspection report for 242 New Boston Road was received from Andy Gomes, Inspector of A. Gomes Equipment, Acushnet. The report indicated the septic system meets the minimum requirements as set forth by the Department of Environmental Protection (DEP), Title 5. The Board reviewed the report.

Motion to accept the report as written was made by Ms. Lopes; seconded by Ms. Caton. Vote was unanimous.

A written request from Gary Hathaway, owner of Scuttlebutt's, 407 Main Street was received. Mr. Hathaway would like to add seating for 18 people at his seasonal ice cream store in Scuttlebutt's and this would require one male and one female bathroom on site. Mr. Hathaway also needs to comply with the plumbing code for handicap bathrooms. The cost is prohibitive and he is requesting the Board allow one unisex bathroom that will be handicap compliant. Motion to approve the request with the conditions that the ice cream shop only be opened seasonally (less than six (6) months per year) and the seating capacity be less than or equal to 18 patrons was made by Ms. Caton; seconded by Ms. Lopes. Vote was unanimous.

An above-ground 15' pool application for 15 Rodman Street was received. Waivers are required for property line setbacks of 6.5' on the west side and 6' on the south side. Both affected abutters, Ms. Ostiguy at 138 Chestnut Street and Mr. Bartlett at 141 Laurel Street, agree in writing to the request. The agreement is part of this record. The yard is fenced in.

Motion to approve the waivers for the setbacks shown on the application was made by Ms. Lopes; seconded by Ms. Caton. Vote was unanimous.

The Board reviewed a plan for a two-story, two-car garage structure at 182 Ebony Street. The proposed structure is 28'x33'11", contains a two-car stall garage, a workshop and entry foyer on the first floor and a craft room, wood shop, mechanical room and storage area with cathedral ceiling on the second floor. The Board reviewed the proposal in relation to the West Island Sewer Enterprise Zone Regulations which restrict water use and wastewater flow to the West Island treatment plant.

Motion to approve the proposed plan with the condition that there be no water or sewer connection to the structure and further, that there is a restriction placed on the deed at the Registry of Deeds stating there is to be no water or sewer connection to the structure was made by Ms. Caton; seconded by Ms. Lopes. Vote was unanimous.

The Board received a written engineering report from Ralph Penney, LSP of Penney Engineering, Inc., Mansfield, MA on the groundwater study at the new Cancer Care Center, 206 Mill Road. A request was made by Mr. Penney as to what the Board requires for future testing on site per the June 17, 2009 Special Permit Conditions for Southcoast Hospitals. Mr. Penney also provided in writing both his and the State DEP's recommendations for future analysis. Upon review by the Board, motion to continue to test MW-3, MW-4, MW-8 and MW-9 quarterly (one per season) for the first two years of operation then bi-annually if the tests indicate no impact by the Cancer Care Center for VPHs, EPHs with targeted PAHs along with total and dissolved cadmium, chromium, copper and lead in the groundwater was made by Ms. Lopes; seconded by Ms. Caton. Vote was unanimous.

Ms. Fowle reported on the following:

173 Green Street yard is now clean and in compliance.

27 Magnolia Avenue had a food/yardwaste compost pile on the south property line and rodent trails and holes were observed by the abutter on Veranda Avenue. The compost pile has been removed and the complaint has ceased.

295 Huttleston Avenue is rental property and a tenant is keeping chickens on site with no permits. The property owner has been made aware of the situation in writing and told to remove the chickens immediately.

Two complaints were received on Fairhaven Shipyard and their practice of power washing commercial vessels at the Water Street property line vicinity which abuts residences. The complaints are of dust and dirt. The chairman will speak to the Shipyard owners who in the past have been very compliant with requirements.

Two complaints were received regarding Town Hall employees smoking in the front archway of the Town Hall. The Board acknowledged that there were very few smokers at the Town Hall and required the health agent to bring the complaint notices to the smokers seeking their compliance.

Food establishment inspections were reviewed.

Invoices and payroll were reviewed and signed by the Board.

In other business Ms. Lopes stated she received a complaint of feral cats being fed by neighbors in the vicinity of 52 Manhattan Avenue. The health agent will send a notice to abutters in this regard.

The schedule for Board of Health meetings will be May 2, 16 and 31 and June 13 and 27, 2011 all at 6:30 PM.

There being no other business before the Board, motion to adjourn the meeting at 7:45 PM was made by Ms. Caton; seconded by Ms. Lopes. Vote was unanimous. The next meeting is Monday, May 2, 2011 at 6:30 PM.

Patricia Fowle, Health Agent