

REGULAR MEETING OF THE FAIRHAVEN BOARD OF HEALTH  
July 23, 2012

A Regular Meeting of the Board of Health was held at the Town Hall on Monday, June 25, 2012 at 6:30 PM. The meeting was duly posted. Board members present: Barbara Acksen, Jeannine Lopes and Peter DeTerra. Also present: Laurel Carlson, MassDEP Deputy Regional Director and Patricia Fowle, Health Agent.

The Chairman called the meeting to order at 6:30 PM and asked that the minutes of the meetings of June 25, 2012 be amended or approved.

Ms. Lopes motioned to approve the minutes. Ms. Acksen seconded. The vote was unanimous.

The Chairman welcomed MassDEP Deputy Regional Director, Laurel Carlson who was present to provide details of the Fairhaven wind turbine noise study that she will be conducting over the next few weeks. Ms. Carlson delivered the written protocol in hand to Mr. DeTerra along with a letter of explanation from Martin Suuberg, MassDEP Acting Regional Director. The letters are part of this record. Audience members also received copies of the protocol. Ms. Carlson discussed the protocol which is the same as the one she used in the Falmouth wind turbine sound study. Data collection will be from 4 sites based on the compiled complaint log maintained by the Board of Health: 3 Teal Circle, 16 Mill Road, 3 Shawmut Street and 12 Little Bay Road with more sites added if needed. Upon further discussion with the audience, 7 Peirce's Point was also added. Data will be gathered from outside only, no interior of homes will be used. The State does not perform pressure change studies, or infrasound, because at present there are no standards. The DPH is looking into this matter. The sound study will be performed based on weather conditions, wind speed and wind direction starting at the quietest time of the day from 1:00 AM to 4:00 AM. Fairhaven Wind, LLC will cooperate with the study and will turn the turbines on or off as requested by Ms. Carlson. A representative may be accompanying her through the study. Louise Bartow, Windwise, requested if a member of their organization could also accompany. Ms. Carlson stated yes, as long as the individual can remain exceedingly silent so as not to interfere with the sound readings. The State regulation on sound allows no more than 10dB over the ambient air level. If there is no exceedance over the 10dB during the quiet time (1:00 AM to 4:00 AM) the study will cease. The study will take some time to complete due to weather conditions, data collection, data download and analysis. The first step will be to scope out the selected sites. The site owner, Board of Health and Fairhaven Wind, LLC will be informed up to 48 hours ahead of when each site will be studied. The Board of Health will get periodic updates.

Questions from the audience:

Ms. Perry, 20 Timothy Street, asked if the foliage will interfere with the study. Ms. Carlson said summer is not the best time to do the study because of foliage, calm-non windy nights and summer storms which all interfere with the study. If asked she will return later in the year.

Mr. Methia, 3 Shawmut Street, asked if the Fairhaven Wind, LLC can be trusted to provide correct data. Ms. Carlson stated she uses cross-references from the New Bedford airport and ML Baron on West Island for wind speed and output data. She also carries a hand held wind meter. Mr. Methia is anticipating the flicker issue to become greater in the fall and winter. Ms. Carlson said DEP and DPH are now reviewing. Mr. Devlin, 252 Main Street, asked if the State would be studying human annoyance complaints. Ms. Carlson responded the DPH and DEP are currently reviewing all the latest data on the matter. This study is not part of it.

Ms. Young, 7 Peirce's Point, noted there are less birds and bats near her home and questioned if that has been studied. Ms. Carlson said she will look into it. There are no regulations regarding it.

Mr. Ferreira, 45 Weeden Road, questioned if barometric pressure affected sound. The sound is louder on wet, heavy days. Ms. Carlson stated the WoodsHole Institute did a study but did not find a correlation.

Mr. Ferreira raised the issue that the Board of Health had the responsibility to site assign the turbines under the Noisesome Trades Regulation, specifically M.G.L. Chapter 111, Section 143. Ms. Carlson

stated the regulation is very old and was used initially to site piggeries. However, case law shows it is used to site trucking industries such as large rock and gravel activities. Mr. Ferreira stated it should have been used to stop the turbines prior to their construction. Ms. Carlson stated her experience indicated it would be a wrong application of the law. She added should Mr. Ferreira wish to discuss this further, it would best be done with the DEP legal division.

Mr. Aubut, 16 Mill Road, stated the sound is very bad on the 2<sup>nd</sup> floor of his home and questioned how Ms. Carlson could sample there if she is not inside. Ms. Carlson stated that is why scoping each site is very important. She will find the right area once the scoping is done.

Ms. Isherwood, 3 Teal Circle, stated her health is being affected by the turbines and would like to see changes regarding health annoyance issues. Ms. Carlson recommended she contact the State Office of Research and Standards.

Ms. Garcia, 24 Timothy Street, said she has not complained before and was sorry she had not. She cannot sleep with the noise and wants it to stop.

Mr. Rosa, 1 Teal Circle, asked if flicker would be studied. Ms. Carlson said the same DPH and DEP team were looking into the matter.

Mr. Clark, 16 Timothy Street, stated his house is on ledge and he can feel the vibration caused by the turbines in his home.

Mr. Wayne Vieira asked if there are new noise level standards over the next few years will the study stand or have to be done again. Ms. Carlson stated the study will stand as long as the area in general remains the same.

Mr. Tramposh, Falmouth, spoke of sound waves other than the dB levels and asked if vibratory measures will be taken. Ms. Carlson stated the State does not have the equipment and there are no standards as yet to perform such analysis.

Ms. Starr, 15 John Street, spoke of head pressure, ear and jaw pain and headaches affecting her.

Ms. McAfee, 52 Point Street, said she has not complained yet but the noise keeps her up at night.

Louise Bartow, West Island, asked if Ms. Carlson knew what the sound pressure levels for Synovial turbines was and would she be willing to share the information? Ms. Carlson will review her data.

Ms. Bartow asked who would order the turbines shut down if they are not in compliance. Ms. Carlson said she would ask the Selectmen to do so and if not, DEP would.

Ms. McKenna, 7 Teal Circle, asked why not study during the day. Ms. Carlson said the study is a phased approach and she starts at the quietest time of the day, 1:00 AM to 4:00 AM.

Mr. Espindola, 14 John Street, noted there was a meeting two weeks ago with DEP and the turbine owner with a representative from the Selectmen's office and Board of Health present. Were there changes made to the protocol at that time? Ms. Carlson stated no changes to the protocol were made.

There being no further questions, Ms. Lopes motioned for a short recess. Mr. DeTerra seconded. Vote was unanimous to recess at 8:00 PM.

Ms. Lopes motioned to reopen the meeting. Ms. Acksen seconded. Vote was unanimous to re-open the meeting at 8:05 PM.

The health agent reported on the following:

A septic system inspection report done on June 26, 2012, by Andrew Gomes, A Gomes Equipment, Acushnet at 291 Mill Road was received and reviewed by the Board. The system is a 1500 gallon septic tank, distribution box and a 15'x30' leaching field installed in 2004. The property is serviced by a private well located more than 100' from any leaching facility. The inspector found no sign of system failure and the system passed the inspection.

Ms. Lopes motioned to accept the report. Ms. Acksen seconded. The vote was unanimous.

A septic system inspection report done on July 17, 2012, by Ronald Arruda, Fairhaven Honeywagon, Fairhaven at 1 Antone Drive was received and reviewed by the Board. The system is a 1500 gallon septic tank, distribution box and a 24'x32' leaching facility installed in 2007. The property is serviced by a private well located more than 150' from any leaching facility. The inspector found no sign of system failure and the system passed the inspection.

Ms. Lopes motioned to accept the report. Ms. Acksen seconded. The vote was unanimous.

A new pizza eatery is proposed for 121 Sconticut Neck Road. A facility plan was reviewed. The proposal meets all of the requirements of the State and local food codes.

A written complaint was received from 32 Balsam Street regarding noise from Down the Hatch, 56 Goulart Memorial Drive on weekends when the bar stays open and music is played to closing. The letter is part of this record. The health agent will check with the Building Commissioner to see if the new sound barriers have been put in place since the date of the complaint and whether or not the barriers have made a difference.

Recently, Eastern Equine Encephalitis (EEE) has been found in mammal biting mosquitoes in mosquito pools collected in Lakeville, New Bedford, Middleboro, Raynham/Taunton, Rehoboth and Canton. As a result the State DPH in cooperation with the State DAR did aerial spraying the weekend of July 20-22. It is estimated the mosquito population in those areas was decreased by 60%. Fairhaven was not included in the aerial spraying because no EEE mosquitoes have been found locally. However, ground spraying has been increased in Town according to the Bristol County Mosquito Control. The spraying does not eliminate the disease carriers and personal vigilance is required. Information packets on EEE, West Nile Virus, repellents and personal protection have been placed in municipal buildings throughout town for the public to take and use.

Beach water quality reports for June 25, July 2, 9 and 16, 2012, were reviewed. All of the beaches that the Board of Health tests have had good water quality reports and no beach has had to be closed to date.

A Farmers Market is scheduled for August 9 from 2:00-6:00 PM at the AT&T Building rear parking lot, 200 Mill Road. There will be 4-6 vendors with local produce.

Not all of the health agent's annually allotted vacation days have been used and over the next three weeks office coverage will not allow for the health agent to use the days. Request is made to transfer the 2.5 days of this use year to the next use year which will start August 10, 2012. Ms. Lopes motioned to approve the request. Mr. DeTerra seconded. The vote was unanimous.

Invoices and payroll were reviewed and signed by the Board.

The next meeting will be scheduled when data from the wind turbine sound study from Ms. Carson of the MassDEP is received and reviewed. It is anticipated that will occur sometime in August.

There being no other business before the Board, Ms. Lopes motioned to adjourn the meeting at 8:30 PM Ms. Acksen seconded. Vote was unanimous.

Patricia Fowle, Health Agent