

REGULAR MEETING OF THE FAIRHAVEN BOARD OF HEALTH
May 22, 2013

A Regular Meeting of the Board of Health was held at the Town Hall Wednesday, May 22, 2013 at 6:30 PM. The meeting was duly posted. Board members in attendance: Mr. DeTerra, Ms. Acksen and Ms. Lopes. Health Agent Patricia Fowle was also in attendance.

The Chairman called the meeting to order at 6:30 PM and asked that the minutes of the meeting of May 8, 2013 be amended or approved.
Motion to approve the minutes was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous.

Appearing before the Board was Richard Riccio, P.E., Field Engineering of Mattapoisett. A septic system upgrade for 21 Shaw's Cove is proposed. All impacted abutters have been notified by certified mail. It is a one bedroom dwelling with a two bedroom flow design. There will be a deed restriction placed on the property so that it will remain a one bedroom dwelling. The system is raised, field formation using 6 C4 chambers, has a membrane surround and stone retaining wall on the north and northeast corner. Local upgrade approvals required are: 4' to groundwater instead of the required 5'- 310 CMR 15.212; 6' setback septic tank to west property line instead of the required 10'-310 CMR 15. 211; 7.4' leaching field to east property line instead of the required 10'-310 CMR 15.212 and 51' to wetlands instead of the required 100'-Board of Health Regulations, Chapter 5. The system currently is a septic tank to a leach pit in the groundwater. The proposal has been approved by the Conservation Commission.
Motion to approve the requested variances to Title 5, 310 CMR 15.000 and the Board of Health Regulations, Chapter 5 was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous.

At the request of the design engineer, Kevin Silva, P.E. of Ferreira Engineering, New Bedford, the hearing for a septic system upgrade for 162 Weeden Road was postponed to the next Board meeting.

Appearing before the Board were Judith Paradise-Alden and her husband Tom Alden, 46 Gilbert Street, to petition the Board for the keeping of 12 chickens. Abutters were notified and present at the meeting was Mr. & Mrs. Ryan, 50 Gilbert Street. Ms. Paradise-Alden stated she has had chickens for a while and did not have a problem with her neighbors. The complaints began late last summer and early fall when she bought 6 turkeys and was given 5 roosters. She believes the problem was the turkeys are quite dirty and smelly and the roosters crowing. Upon notice of the complaint from the Board of Health office she had the turkeys slaughtered and sent the roosters back. She now has 12 chickens, has moved the pen and cages away from her abutters, keeps the feed in watertight barrels, cleans the manure at least weekly and composts it for her garden, uses d-con rat poison in traps proactively but away from animals and neighbors. She presented pictures. Mr. Ryan presented a petition signed by 8 abutters against the request. A copy is part of this record. Mr. & Mrs. Ryan disagreed with what the Alden's represented stating there have been long standing problems and they did not want another summer like last year. Ms. Lopes read the Animal Control Officer's report which is part of this record. After much discussion Mr. Alden noted that Mr. Ryan had recently stated to him that Mr. Ryan would not object to 6 chickens. Mr. Ryan agreed. Mrs. Ryan did not.

Motion to approve the keeping of 6 chickens on the condition that the area is maintained free of objectionable conditions was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous. The Ryan's were asked to notify the Board office of any complaints as soon as they occur.

Appearing before the Board was Ruth Ann Martin, owner of 36 Winsegansett Avenue and Andy Gomes of Gomes Equipment, Acushnet. On March 27, 2013 the Board office received a call stating the septic system at 36 Winsegansett, rental property, was overflowing to the marsh. The health agent did observe the overflow and pictures were taken. Ms. Martin was notified in writing that the system had failed and

she had to immediately get the system pumped and hire an engineer to begin making the necessary upgrade/repairs. Ms. Martin was aggrieved by the finding and asked for a hearing with the Board. She hired Andy Gomes, a Massachusetts licensed septic system inspector to check the system. Pictures of the septic tank were reviewed. Mr. Gomes was asked if he had done a full Title 5 inspection. No. Motion to require a Title 5 inspection with the health agent present was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous. Mr. Gomes will contact the health agent for an appointment for the inspections.

Mr. DeTerra removed himself from this portion of the meeting stating he does snow plowing at Fairhaven Shipyard, 32 Water Street. Ms. Acksen acted as chairman. Neighbors to Fairhaven Shipyard, 32 Water Street met with the Board to discuss their complaints and ask the Board for its assistance in abating the nuisances. They presented a letter of concern which is part of this record. Ms. Beth Luey, 31 Middle Street, reviewed the letter with the Board. She would like a collaborative meeting with the Department of Environmental Protection (DEP) on this matter. The DEP has done and continues to do sound monitoring at the site but it appears to be based on complaint and the DEP is in Middleboro, clearly at least 40 minutes away. Complaints are on-going for noise and particulate matter. There are health concerns. Ms. Faye Bartling, 12 Middle Street, stated the company works early to late, 6:30 AM to dark, up to 7 days a week, she cannot enjoy her home. There is flash welding at Reidar, Water Street and they use the sidewalks as if they are part of their businesses. Diesel engines idle for 2-4 hours. When it was Fairhaven Boatyard before it was Fairhaven Shipyard, it was less busy, less noisy and the business fit in with the existing neighborhood. Now with the new owners the operation has been ramped up enormously and it is affecting the neighborhood and those who live and work here. Something needs to be done to begin to control this issue. It is unbearable.

Marsha Fernandes, 36 Main Street, lives and owns a business here for 13 years. Noise is often loud, there is dust and she has stopped growing a vegetable garden for fear of the dust and there sometimes is a strong, strange odor that she fears is fiberglass or something not healthy. All she asks is a healthy environment. They are willing to live and work together but issues need to be addressed.

Garth Rowe, 16 Middle Street, said since the new owners took over 2 years ago the shipyard has changed. Noise, dust, grinding, welding, spraying, power washing and yes, sand blasting, are extreme. He has lived here 6 years and he now feels he is in the middle of an industrial complex. The business must be made to re-fit into the area. There is no control, even the traffic patterns with large trucks and trailers entering and leaving and blocking streets is overwhelming at times. Ms. Fernandes concurs.

Mr. Luey, 31 Middle Street, said the activities need to be better controlled which take capital investments but the business must be made to conform.

Ms. Fernandes asked how Ms. Acksen could act as chairman when she is friends with one of the shipyard owners. Ms. Acksen stated she is a Board member and she is there for health and nothing else. Ms. Acksen encouraged the group to continue to make their complaints. The Board office is compiling the complaints and sharing all the complaints with the DEP, specifically the Compliance and Enforcement Division. The Board instructed the health agent to seek a collaborative meeting with the DEP C&E Division as soon as possible to discuss what can be done and the mechanisms to abate the complaints.

The health agent reported on the final scope of the regulation for medical marijuana. A copy of the proposed regulation was given to each member.

Invoices were reviewed and signed.

The next meeting of the Board will be June 10, 2013 at 6:30 PM. The proposed joint meeting of the Selectmen and Board of Health to discuss the wind turbines is not yet determined.

There being no other business the meeting was adjourned at 8:15 PM.

Patricia Fowle, Health Agent