

REGULAR MEETING OF THE BOARD OF HEALTH  
March 24, 2014

A Regular Board of Health Meeting was held at the Town Hall, 40 Center Street, on Monday, March 24, 2014, at 6:30 p.m. The meeting was duly posted. Board of Health members present: Ms. Lopes, Mr. DeTerra and Ms. Acksen. Health Agent Patricia Fowle was also present. Mr. William Roth, Jr., Fairhaven Planning & Economic Director was in attendance.

Chairman Lopes called the meeting to order at 6:30 p.m. and asked for a motion to amend or approve the minutes of February 24, 2014. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

Chairman Lopes asked for a motion to amend or approve the minutes of the Regular Meeting of March 10, 2014. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

Chairman Lopes asked for a motion to amend or approve the minutes of the Executive Session of March 10, 2014. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

Chairman Lopes stated she had received a written request from Mr. Roth, a copy of which is part of this record, to continue the temporary use of space in the Board Office for the Planning Department's Administrative Assistant (AA) who, due to a broken foot, cannot access the second floor Planning Department Office. The AA has occupied the space since late January and it is unknown how much longer the need will be. Discussion ensued. Mr. DeTerra motioned to allow the temporary but continued use of the Board Office; Ms. Acksen amended the motion to include that the Board be kept informed of any anticipated date the use will no longer be required. The vote was unanimous with the amendment. A letter of response will be written to Mr. Roth with a copy to the Board of Selectmen. Mr. Roth then left the meeting.

The Board reviewed septic system repair plans for 74 Nakata Avenue prepared by Timothy Santos, PE of TMS Engineering, Somerset. The lot contains a three-bedroom dwelling and garage. The repair includes a new 1500 gallon septic tank, 1000 gallon pump chamber, d-box and a 26'x32' leaching field. Local upgrade approvals are requested to 310 CMR 15.212: 1' waiver of the bottom of the leaching facility to the required 4' to groundwater, and 15.211: setback waivers of leaching facility of 4' to garage slab, and 4' to the north and west property lines of the required 10' setbacks. Motion to approve the waivers to 310 CMR 15.000 was made by Ms. Acksen; seconded by Ms. Lopes. The vote was two in favor, none opposed, with Mr. DeTerra abstaining having operated the backhoe during the percolation test.

The Board reviewed septic system repair plans for 109 New Boston Road prepared by Al Ewing, PE of Al Ewing Engineering, Inc. of Fairhaven. The lot contains a four-bedroom dwelling. The repair includes a 1500 gallon septic tank, d-box and a 38'x29' leaching facility comprised of 16 contactor 100 units. Local upgrade approval is requested to 310 CMR 15.212: 1' waiver of the bottom of the leaching facility to the required 4' to groundwater. Motion to approve the waiver to 310 CMR 15.000 was made by Ms. Acksen; seconded by Ms. Lopes. The vote was two in favor, none opposed, with Mr. DeTerra abstaining having operated the backhoe during the percolation test.

Health Agent Report:

1. The Board reviewed the Planning Department's submitted site plan review for Compassionate Care-Registered Marijuana Dispensary (RMD), proposed for 2 Pequod Road. Discussion ensued about interior

room flow and security of product and patients. The Board was informed the hearing date of April 8, 2014, for the site plan review has been postponed to a date to be determined.

2. The Board received information regarding local Board of Health and zoning regulations gathered by the Health Agent from the 19 Massachusetts communities that have Registered Marijuana Dispensary (RMD) "provisional certificates" from the Massachusetts Department of Public Health (MassDPH). Of the 19 communities, 2 have local health regulations and 3 having zoning regulations, 4 communities expressed they are not intending to adopt any new regulations or zoning. Upon discussion, the Board required the Health Agent to draft a "minimum" regulation regarding an Operation Permit, Designated Agent(s) Permit and kitchen premise permit which would allow for access and inspection of that premise.

3. The Health Agent submitted a proposed "New Septic Installer's Test" for septic system installers who are new to Fairhaven. Presently there is an old test that is based on Title 5 that is basically engineering and not plan reading and installing. Having been to a recent seminar on Title 5 updates, the proposed test is similar to what is being proposed across the State but is in its infancy. In checking with other local communities, it was found that each community does have either a plan review test or a field test- Dartmouth and Westport respectively. Discussion ensued with Ms. Acksen stating though this is not her area of expertise she would like to see what other towns are doing. Upon further explanation it was the consensus of the Board to adopt the New Septic Installer's Test as proposed. A grade of 75% or higher is passing and along with the existing requirements the Board has in place, only then can an Installer's Permit be issued

4. The Health Agent stated that a septic installer new to Fairhaven was granted an Installer's License and a Construction Permit for a new septic system in November, 2013. The construction should have been completed but as yet due to a number of issues the installer is not near done. Since this is the only installation the installer will be doing, would it be allowable for him to continue using the 2013 permit? Discussion ensued. The consensus is that all installers will be treated equally and there is no hardship for this construction site particularly, therefore a new 2014 Installer's License with applicable fee must be secured by the installer. The Health Agent will notify the individual.

5. The Board of Public Works has not yet voted to accept the ABC Disposal, Inc. proposal for Curbside Trash collection for fiscal 2015 through fiscal 2020, therefore the Board of Health will wait until next week and then take its vote whether or not to accept the ABC Disposal, Inc. proposed Curbside Recycling contract for fiscal 2015 through fiscal 2020.

Ms. Acksen stated she would like to discuss a statement made by Ms. Lopes during a campaign debate regarding Ms. Acksen's role in resolution of complaints against Fairhaven Shipyard on Water Street. Ms. Lopes made a statement that the lead role for resolution of complaints against the shipyard was given to Ms. Acksen and the Board had not received any information back on the matter from Ms. Acksen. Ms. Acksen stated indeed she had reported to the Board that she had spoken with one of the owners, Ms. Gail Isaksen who informed Ms. Acksen that a co-owner, Mr. McLaughlin, would be meeting with the Selectmen. Further, the Department of Environmental Protection (DEP) was looking into the complaints on sound and particulate matter. Ms. Lopes stated it was the Board, with Ms. Lopes as Chairman particularly, that has persisted in having the DEP review the abutters' requests for soil sampling.

There being no other business before the Board, motion to adjourn was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous. The Meeting adjourned at 7:30 p.m.

Respectfully submitted,  
Patricia Fowle, Health Agent