

**Halifax Board of Health  
Meeting Minutes  
Wednesday, November 17, 2010**

The meeting of the Halifax Board of Health was held at the Halifax Town hall.  
Meeting was opened at 7:00 p.m.

**Present at the meeting were:**

John DeLano – Chairman  
John Weber – Co-Chairman  
Jeff Anderson – Clerk  
Cathleen Drinan – Health Agent

Meeting was opened at 7:00 p.m.

**1. Open Forum 7:00-7:15**

a. **None Tonight**

**2. 7:15 – 7:30: Disposal Works Permits : Recommended for approval:**

a. **None tonight**

**3. Requiring Local Upgrade(but otherwise recommended for approval):**

a. **4 Rich view Avenue**

- i. Waiver to allow a septic/pump tank within 10' of a crawl space area.
- ii. Waiver to allow a septic/pump tank to be installed greater than 36" below grade.
- iii. Waiver to allow reduction of the separation of the proposed leach field from groundwater table from 5' to 4'.
- iv. Use of a sieve analysis in lieu of a percolation test due to saturated conditions at time of testing.
- v. Waiver of the second deep observation hole due to limited area.
- vi. Request for guidance/approval for wall surrounding SAS to be within 5", so that it is not over the septic tank

**A Motion was made to approve local upgrades with requested waivers accepted as submitted.**

**Motion:** John Weber  
**Second:** Jeffrey Anderson  
**Unanimous vote on the motion**

**4. Disposal Works Permit for Recreation Field:**

a. See request in mail folder. Can they reduce the design flow?

**A formal vote was made to that the Board cannot accept the request to reduce the design flow without documented support that shows evidence of how the numbers were calculated.**

**Motion:** John Weber

**Second: Jeffrey Anderson**  
**Unanimous vote on the motion**

**5. 7:30 – 9:00: Discussions**

- a. **7:30pm** - Fieldstone Farm: Hearing Continued
  - i. Expert opinion of berm safety & legal standing according to CMR's.
    1. See Engineer's report from Kevin Grady
    2. See Health Agent's response and reminder of CMR's and DEP's comments
- b. The Fieldstone Farm hearing opened at 7:35pm. The Chairman opened stating "As noted in the past meetings, Mr. Clawson has a right to build a well constructed and safe berm on his property. The Board of Health will either allow a safe berm to be built or it will require a berm to be unsafe to be removed."
- c. The Chairman stated that the Board did receive written confirmation from Kevin Grady, Grady Consulting that his services were retained by Mr. Clawson and that the Board had also received a copy of Mr. Grady's expert opinion report of the berm.
- d. The Chairman asked Attorney Galvin and Mr. Clawson if it was alright for him to begin asking Mr. Grady the questions the Board had for him
  - i. Attorney Galvin stated that it was.
- e. The Chairman asked Mr. Grady "Did Mr. Clawson or Attorney Galvin provide you with a copy of the Health Agent's inspection report and her findings that she sent to Mr. Clawson prior to your preparation of your report?"
  - i. Mr. Grady responded that he did not receive a copy of the Health Agents report.
- f. The Chairman asked Mr. Grady if it would have been helpful to have the agent's report prior to your preparation of his report.
  - i. Mr. Grady stated "Yes it would have been helpful to know the context of how it began."
- g. The Chairman asked Mr. Grady "Did you receive from Mr. Clawson or Attorney Galvin the Boards instructions to follow DEP's CMR's for solid waste?"
  - i. Mr. Grady responded that he did not.
- h. The Chairman stated "The Health Agent's inspection report states she saw materials being constructed into the berm, why did your report not mention the materials."
  - i. Mr. Grady replied "I had a week to put this all together; you wouldn't have found another engineer to do so."
- i. The Chairman stated "Your report indicates no borings or soil samples were taken for the analysis of the berm, it's the third to last sentence of the second paragraph. Why was there no systematic analysis of the material within the berm?"
  - i. Mr. Grady replied "He wasn't asked too."
  - ii. Attorney Galvin stated "I didn't ask him to do that."
- j. The Chairman asked Mr. Grady "How did you come to your conclusions, were you acting on your professional knowledge or according to what the attorney wanted?"

- i.** Mr. Grady stated he didn't investigate because he was limited on time, he didn't have the borings and no soil samples were taken."
- k.** The Chairman asked Mr. Grady "Could you have hired a backhoe to do a test pit and if not, could you have within the week's time?"
  - i.** Mr. Grady stated "We could have, but we'd had a lot of rain and I was busy analyzing the drainage patterns."
- l.** The Chairman asked Mr. Grady "The does not create a safety hazard according to its structural integrity?"
  - i.** Mr. Grady responded "I traversed it."
- m.** The Chairman asked Mr. Grady "Are there boulders or rocks buried inside the berm?"
  - i.** Mr. Grady replied "Yes."
- n.** The Chairman asked Mr. Grady "Are there voids around the boulders and rocks?"
  - i.** Mr. Grady replied "I didn't see any, not anything significant."
- o.** Chairman asked Mr. Grady "Are there stumps buried inside the berm?"
  - i.** Mr. Grady replied "Outside, yes I saw some, inside, I don't know."
- p.** Chairman asked Mr. Grady "Are there voids around the stumps?"
  - i.** Mr. Grady replied "Not anything significant."
- q.** Chairman asked Mr. Grady "Is there manure, hay, wood shavings or other organic material buried inside the berm, and are there any voids in this material?"
  - i.** Mr. Grady replied "I didn't see any."
- r.** Chairman asked Mr. Grady "What is the engineer's term for classifying these materials?"
  - i.** Mr. Grady replied "I call it an earthen berm because that's what I saw a majority of."
  - ii.** Chairman asked Mr. Grady "Is there a loss of strength and structural integrity in the fill if it's constructed with unconsolidated material?"
  - iii.** Mr. Grady replied "Yes, sure."

- s. Chairman asked Mr. Grady “Will the voids fill in?”
  - i. Mr. Grady replied “Yes.”
- t. Chairman asked Mr. Grady “Did you find that a portion of the berm is supported by a makeshift wall of logs supported by tree?”
  - i. Mr. Grady replied “Yes, I believe Mr. Clawson was ordered to stop.”
- u. Chairman asked Mr. Grady “What is your opinion of the construction of such a wall or the viability of the trees supporting it?”
  - i. Mr. Grady replied “It does not pose any immediate safety concerns.”
- v. Chairman asked Mr. Grady “Did you calculate the static load on the wall from the berm behind the wall in making your findings on the report?”
  - i. Mr. Grady replied “No.”
- w. Chairman asked Mr. Grady “Are you aware of what the MA Arborist Association Does?”
  - i. Mr. Grady replied “Yes.”
- x. Chairman asked Mr. Grady “Are you aware that some arborists are certified, did you consult with an arborist to make your findings in this?”
  - i. Attorney Galvin responded “He wasn’t asked to, nor did the Board of Health ask him too.”
- y. Chairman asked Mr. Grady “Does decomposition of stumps and other organics in the fill material create voids and weaken the structural integrity of the berm?”
  - i. Mr. Grady replied “If there are minimal amounts, no, not significantly. If there are large amounts, yes”
- z. Chairman asked Mr. Grady “Does the normal procedure of fill construction require compaction of fill and what is the standard tested?”
  - i. Mr. Grady replied “You don’t necessarily have to compact; it will settle over time. It will become more stable as roots are generated through it. We’re not driving machinery or anything over it.”
- aa. Chairman asked Mr. Grady “Is it a Landscaping feature only?”
  - i. Mr. Grady replied “No.”
- bb. The Chairman asked Mr. Grady “Does it hold water?”
  - i. Mr. Grady replied “No.”
- cc. The Chairman asked Mr. Grady “Can you access the top?”
  - i. Mr. Grady replied “Yes.”
- dd. Chairman asked Mr. Grady “To your knowledge, was any of this done to construct the berm, does it need compaction for stability?”
  - i. Mr. Grady replied “It depends on the height and side slopes, it’s a good idea to compact.”
- ee. Chairman asked Mr. Grady “Was any compaction done?”
  - i. Mr. Grady replied “Not to my knowledge.”
    - 1. Attorney Galvin stated “That doesn’t mean it wasn’t done.
- ff. The Chairman asked Mr. Grady “Are you aware of what an attractive nuisance is?”
  - i. Mr. Grady replied “No.”
    - 1. Attorney Galvin replied “Yes, I do.”

- gg.** The Chairman asked Mr. Grady “Are you aware of the use of Mr. Clawson’s property, the general public events, and activities during the day etc...?”

  - i.** Mr. Grady replied “No, I have limited knowledge.”
- hh.** The Chairman asked Mr. Grady “Are you aware of the use of Ms. Harmon’s property?”

  - i.** Mr. Grady replied “No, I’m unsure.”
  - ii.** The Chairman stated “I ask these questions because it could cause an attractive nuisance. Someone visiting either property could be intrigued and climb on to the berm and fall into a void, if there is any and the agent has concerns that it is not safe.”

    - i.** Attorney Galvin responded by objecting to the subject of an attractive nuisance.
- jj.** The Chairman stated “If asked to look at this from your point of view, do you believe not seeing the agents report puts you at a disadvantage.”

  - i.** Attorney Galvin responded “That’s not appropriate to ask the engineer.”
- kk.** The Chairman stated “I think it is unfair that Mr. Grady didn’t get to see the health agent’s report before forming an opinion of the berm.”
- ll.** The Chairman stated “The Board of Health has a duty to protect the public health and safety from a dangerous condition when either brought to its attention by a person or by witnessing such a condition on its own. The Board can’t permit the existence of a known safety defect. The Board of Health can’t assume it’s able to protect the public from all unsafe conditions and the Board can’t allow this berm to exist without it having been built to a minimum standard of safety and without defects such as stumps, boulders, voids and unstable surfaces.”

  - i.** Attorney Galvin responded “Let us produce evidence before you form an opinion.”
- mm.** The Chairman informed the room the Board is open to questions, does anybody have any?”
- nn.** Attorney Galvin asked the Board “Have you already formed an opinion or conclusion of the berm?”

  - i.** The Chairman replied “No, I want to hear what you have to say first.”
- oo.** Attorney Galvin asked the other Board members” Have you already formed an opinion or conclusion of the berm?”

  - i.** The Co-Chairman and the Clerk replied “No”
- pp.** Attorney Galvin asked Mr. Grady “Did you have adequate time to form an opinion of the berm?”

  - i.** Mr. Grady replied “Yes.”
- qq.** Attorney Galvin asked Mr. Grady “In your opinion is there any reason for construction or safety concerns of the berm?”

  - i.** Mr. Grady replied “No.”
- rr.** Attorney Galvin asked Mr. Grady “In your opinion, do you believe the berm as it exists structurally may cause harm to anyone?”

  - i.** Mr. Grady replied “No, I walked it myself; I do not see any safety hazards and do not have any concerns.”

- ss. Attorney Galvin asked Mr. Grady “Do you have any drainage concerns?”
  - i. Mr. Grady replied “No.”
- tt. Attorney Galvin asked Mr. Grady “You made certain recommendation to Mr. Clawson on how to improve the structural integrity when removing the earth away from the trees?”
  - i. Mr. Grady replied “I made recommendations as to the structure and integrity of the berm, yes that is correct.”
- uu. Attorney Galvin asked Mr. Grady “Have you seen this photo?”
  - i. Mr. Grady replied “Yes, I saw it in the hallway.”
- vv. Attorney Galvin asked Mr. Grady “Are you familiar with the area in the photo?”
  - i. Mr. Grady replied “Yes, I know the area.”
- ww. Attorney Galvin asked Mr. Grady “Before I hand this photo to the Board of Health, as an engineer is this what you expect Mr. Clawson to do?”
  - i. Mr. Grady replied “Yes, it looks like a reasonable shaped berm.”
  - ii. Attorney Galvin gave the photo to the Board to look at.
- xx. The Chairman asked “Who took this photo?”
  - i. Scott Clawson replied “I did.”
- yy. The Chairman asked “When did you take this photo?”
  - i. Scott Clawson replied “Today.”
- zz. The Chairman asked Mr. Clawson “Other than the seeding, is this what the Board of Health should expect to see when the berm is complete?”
  - i. Mr. Clawson replied “Yes.”
- aaa. The Chairman asked Mr. Grady “Is this the expected size and shape for berm in MA?”
  - i. Mr. Grady replied “Yes, it’s reasonable.”
- bbb. Attorney Galvin asked Mr. Grady “Is it fair to say that prior to the meeting tonight you were aware of Wood Waste Landfill?”
  - i. Attorney Galvin requested Mr. Grady look at his letter dated November 17, 2010.
  - ii. Mr. Grady replied “Yes.”
- ccc. Did you review the Wood Waste Landfill CMR’s?”
  - i. Mr. Grady replied “Which ones?”
- ddd. Attorney Galvin asked Mr. Grady “Do you agree this was professionally engineered and not a Wood Waste Landfill?”
  - i. Mr. Grady replied “Correct.”
- eee. Attorney Galvin asked Mr. Grady “Do you agree it is authorized as an exemption of the 310 CMR’s?”
  - i. Mr. Grady replied “yes.”
- fff. Attorney Galvin asked Mr. Grady “Do you believe the berm was done in a good and workmanlike manner before the cease and desist was issued?”
  - i. Mr. Grady replied “yes.”
- ggg. Attorney Galvin asked Mr. Grady “Do you believe the berm is not causing or causing the minimal in pollution?”
  - i. Mr. Grady replied “yes.”

- hhh.** Attorney Galvin asked Mr. Grady “Do you believe the decomposition of the stumps contributes to air, land or water pollution?”
  - i.** Mr. Grady replied “Not in the volumes I saw.”
- iii.** Attorney Galvin asked Mr. Grady “Do you believe there are more than 200 cubic yards of stumps?”
  - i.** Mr. Grady replied “No.”
- jjj.** Attorney Galvin asked the Board if they had a chance to review his letter dated November 17, 2010.
  - i.** The Board reviewed his letter.
- kkk.** Attorney Galvin stated “Had I known the questions you were going to ask Mr. Grady I would have brought someone to video the meeting. You asked me last time if I was an expert in 310 CMR’s. Since then I have educated myself on these specific provisions and spoken several times with Mark Daker’s, DEP and the Health Agent.
- lll.** Attorney Galvin stated “I reviewed the Health Agents letter dated November 15, 2010 in response to Mr. Grady’s report and I believe my response letter you just reviewed is very clear and easy to understand, a farm/wood waste is exempt from site assignment 310 CMR section 19.120 (1) (b) (1) and my questions to Mr. Grady, for his professional opinion go to show good management practices. The 200 cubic yard limit is exempt under the other exemption 310 CMR section 19.120 (1) (b) (2).”
- mmm.** Attorney Galvin stated “I asked Mark Daker’s if these activities fall within the provisions of DEP and we have not heard from him yet, I was hoping to hear from him today.”
- nnn.** Attorney Galvin stated “that he tried several cases of attractive nuisance and it is okay that the Board wants to protect Ms. Harmon. However, the berm does not violate any Zoning, DEP or Conservation regulations. I spoke with the Building Inspector, Mr. Millias and he had only one (1) concern and that was the signage. Once that was removed the issue was resolved.
- ooo.** The Chairman asked Attorney Galvin “Are there any more pictures or anything else you want to present to the Board?”
  - i.** Attorney Galvin “Just the photo I gave you”
- ppp.** The Clerk asked “Was the berm re-constructed?”
- qqq.** The Chairman asked Mr. Clawson “the berm in the photo, when was it constructed?”
  - i.** Mr. Clawson replied “Over the weekend.”
- rrr.** The Chairman asked Mr. Grady “Were you aware of this reconstruction?”
  - i.** Mr. Grady replied “No.”
- sss.** The Chairman asked Mr. Clawson “Can you come up and show me on the plan where this section of the berm is?”
  - i.** Mr. Clawson came forward and showed the Board the section.
- ttt.** The Chairman asked Mr. Clawson “What are your plans?”
  - i.** Mr. Clawson replied “To continue to rebuild the berm over the next six (6) months and build it higher until it’s finished completely.”

- uuu.** The Chairman asked Mr. Clawson “Why six (6) months?”
  - i.** Mr. Clawson replied “I have time constraints.”
- vvv.** The Chairman asked Mr. Grady “With what you just heard about the structure, would you recommend your client remove that section as well, are you concerned about the materials against the trees? I hope Grady Consulting analyzed the section with the log walls. This is not optional, even though you say there is no immediate structural failure.”
  - i.** Mr. Grady replied “I believe it is safe and fairly stable, it would not fall quickly, and it would slump slowly over time.”
    - 1.** Attorney Galvin stated “We plan on doing the completion the same way, and building it like this section.”
- www.** The Chairman asked Mr. Grady “Have you seen this picture?”
  - a.** The Chairman gave Mr. Grady the picture to look at.
  - ii.** After the Chairman gave Mr. Grady the picture, Mr. Grady replied “No.”
    - 1.** Attorney Galvin asked “Can I see that picture?”
    - 2.** Mr. Grady showed Attorney Galvin the picture.
- xxx.** The Chairman asked Mr. Grady “This before picture looks like the same area as the after picture, yes?”
  - i.** Mr. Grady replied “It looks similar as the area in the after photo.”
- yyy.** The Chairman asked the Health Agent “You took this before photo, do you know what area this is on Mr. Clawson’s property?”
  - i.** The health Agent replied “I think it’s the northerly back section. Then she added “Yes, it is the northerly section, that’s where it began and had the most branches and stumps. It was looser. As Mr. Clawson turned the corner and went southerly, he used more dirt after he got past the logs.”
- zzz.** The Chairman asked the Health Agent “Is there anything else you would like to share or say?”
  - i.** The health Agent replied “I believe the most important document is #8 from the November 3, 2010 meeting, in Mr. Daker’s October 27, 2010 response. He makes it very clear that Mr. Clawson has choices.
  - ii.** I spoke with Mr. Daker’s and informed him of the several CMR laws bouncing back and forth between the health department and Mr. Clawson’s attorney, and that I am aware there are a lot of exemptions for agriculture but that I was worried Mr. Clawson and his attorney believe I misquoted him (Mr. Daker’s) in regard to the CMR regulations. Mr. Daker’s stated he was sorry for any misunderstanding and made it absolutely clear that the structure is either an earthen berm or a composting area. If Mr. Clawson is building a permanent structure/earthen berm, it must be engineered. He cannot incorporate stumps into the berm and he must get a permit from DEP if he wishes to do that. If Mr. Clawson is building a composting area, DEP has concerns with the property line. Mr. Clawson should pull away and reconstruct the composting in an area away from the property line where he can then bury stumps, and reclaim as loam. I did not send Mr. Dakers a



copy of Grady Consultant's report on the berm because he did not mention CMR regulations in the report at all."

- aaaa.** The Chairman asked Mr. Clawson "Did you supervise the construction or reconstruction of the berm?"
- i.** Mr. Clawson replied "I build it. There are no stumps, I removed the stumps and compacted the soils."
- bbbb.** The Chairman asked Mr. Clawson "What did you do to prepare the berm after the removal of the stumps, trees, earth and loam?"
- i.** Mr. Clawson replied "I used some gravel; most of the material was already there."
- cccc.** The Chairman asked Ms. Harmon "Is there anything you would like to add?"
- i.** Ms. Harmon replied "Mr. Grady is welcome to come on my property to look around and see the photos I have."
- dddd.** The Chairman asked Mr. Grady "How did you survey?"
- i.** Mr. Grady replied "I used a scan station from on top of the berm. It's a 360 degree laser scanner that scans in a circle and overhead, it produces point cloud from three (3) different set ups combining the images from any angle, the software allows you to get that angle."
    - 1.** The Health Agent asked Mr. Grady "Can you click on a spot and get elevation numbers or is it just a visual?"
    - ii.** Mr. Grady replied "Yes it can extract a number."
- eeee.** Ms. Harmon stated "I have a question. Mr. Clawson says there are no stumps, I have evidence there are stumps, I have pictures of them."
- i.** Ms. Harmon replied "Mr. Grady is welcome to come on my property to look around and see the photo's I have."
    - 1.** The Health Agent replied "I also saw stumps in the berm, they were covered up but some of them were still used."
  - ii.** Ms. Harmon stated "It's not true that there are no stumps, I will supply the Board of Health with the pictures."
- ffff.** The Chairman asked Mr. Clawson "Did you cut down the trees and remove the stumps and cover with soil?"
- i.** Mr. Clawson replied "Yes. The logs and stumps were taken out by Ms. Harmon's pen."
    - 1.** The Health Agent replied "Yes, I saw that. I still have concerns about the safety of the existing berm, drainage and the ditch."
- gggg.** The Co-chairman asked Mr. Clawson "Were the stumps stored and used for structural reasons?"
- i.** Mr. Clawson replied "Yes."
- hhhh.** The Chairman stated "I am still concerned about the section that is not done."
- i.** Mr. Clawson responded "Give me a year to finish it like the reconstructed berm."
- iiii.** The Chairman replied "A year gives me no comfort. What could you do to ease the discomfort of the Board of Health and our opinion of the berm's safety and structure? I

commend you on the work you've done, there has been a big improvement on the reconstruction of the berm and it looks good. It would be ideal if all the berm was like that."

i. Mr. Clawson replied "I still need a year to finish. Winter's also coming."

**jjjj.** The Clerk asked Mr. Clawson "How long did it take you to do the reconstructing of the berm in the after photo?"

i. Mr. Clawson replied "It was a weekend project."

**kkkk.** The Clerk asked Mr. Clawson "Then why do you need a year?"

i. Mr. Clawson replied "The finances are not there, sorry."

**llll.** Attorney Galvin stated "Mark Daker's from DEP said he will come out and take a look, I sent him a copy of the report."

i. The Health Agent responded "I still believe what is most important is Mark Daker's response I mentioned earlier."

**mmmm.** Attorney asked the Board "In the Board of Health's opinion, what is a reasonable amount of time Mr. Clawson can give so the Board of Health ends up with a reconstructed berm?"

**nnnn.** The Chairman responded "I would like the report and opinion from Mark Daker's, DEP, and there are other things to consider while waiting. The sections that the Board of Health is worried about, puts us in a concerned position. Knowing the berm was like this is a burden to the Board of Health."

i. Attorney Galvin replied "Mr. Clawson will commit to making the rest of the berm look like the berm in the after photo by April 15, 2010."

**oooo.** The Chairman stated "I am concerned about the logs against the tree section. We've heard the opinions from the consultant, and he indicated that he made a good effort, with not a lot of time and in a small time frame, and admitted he didn't have time to walk the whole thing. There is no doubt in my mind a thorough investigation of the berm could be done in a week. It is reasonable that our safety concerns can be addressed within the week."

i. Mr. Clawson responded "That's not reasonable, I have other obligations."

**pppp.** The Chairman asked Mr. Clawson "Did you have someone do the work for you?"

i. Mr. Clawson responded "No, it's my work, I did it myself."

**qqqq.** The Chairman asked Mr. Clawson "Are the machines yours?"

i. Mr. Clawson responded "No, I rented the machines."

**rrrr.** The Health Agent asked "Did you do it all yourself or did you have at least one person help you with the shoveling?"

i. Mr. Clawson responded "I had one person, a worker of mine help with the shoveling."

**ssss.** The Chairman asked Mr. Clawson "In the section that the Board of Health is concerned with, if you pull the soils away from part of the trees, why not pull it away from all of the trees and begin the rebuilding? We are then still left with the safety concerns of the westerly trees, and stacked logs against the trees and voids northerly."

i. Attorney Galvin responded "Mr. Clawson was specifically told to remove the trees."

- ii. Mr. Grady asked “The trees stacked on each other?”
    - 1. The Chairman replied “Yes.”
  - iii. Mr. Grady stated “Keeping the logs there does not create or interfere with the immediate structural integrity of the wall.”
- tttt. The Chairman showed Mr. Grady the picture of the concerned area and with the wall of logs and asked “In this area, are there pollutants or are they a problem, or are there any areas that are a problem?”
  - i. Mr. Clawson responded “I’ll put up mesh fencing.”
- uuuu. Mr. Grady replied “By April 15, 2010 the Board will have a reasonably sound berm.
- vvvv. The Chairman stated “What if we insist Mark Daker’s, DEP come to the site with anyone else that wants to come and do a walkthrough and identify the areas of concern. With no blame on Mr. Grady, Mark Dakers can make the decision whether or not the berm complies with DEP’s CMR’s. Then the Board of Health will be able to pin point and discuss on how to handle it.”
  - i. Attorney Galvin responded “I have no concerns if DEP comes, but I think Mr. Clawson might a financial concern.”
  - ii. Mr. Grady responded “I have no immediate concerns.”
- wwww. The Chairman stated “I don’t think DEP will have too much concern with the berm that has already been reconstructed.”
  - i. Attorney Galvin responded “I think it’s a good idea to invite Mark Daker’s, I have no issue at all.”
  - ii. The Health Agent responded “My concern is that his comments will be limited to his field of expertise.”
  - iii. Attorney Galvin responded “I think it’s a good idea to invite Mark Daker’s, I have no issue at all.”
- xxxx. Attorney Galvin replied “You could or we could apply for a “Request for Determination” from DEP and then we will get a written recommendation from them.”
  - i. Mr. Clawson responded “I will reconstruct that section of the berm by January 15, 2011 if that is your concern.”
- yyyy. Mr. Grady asked Mr. Clawson “That will be the first section you work on?”
  - i. Mr. Clawson responded “Yes.”
- zzzz. The Chairman stated to Mr. Clawson “I applaud you; the after part of the berm looks good, if you had pulled the dirt away, it would have been ok.”
  - i. Attorney Galvin replied “Mr. Clawson and I didn’t understand clearly the Board of Health’s concern on the section with the logs against the trees.”
  - ii. Mr. Clawson replied “You specifically told me to remove the trees and stumps from the edge. Did we talk about the trees? I don’t remember; I could have done that.”
- aaaaa. Ms. Harmon stated “Besides the logs being there against the living trees, there is tons of material behind the trees and the new berm is encroaching on the logs there.”
  - i. Mr. Clawson responded “By January 15, 2011 I will complete that section.”

- bbbb.** The Health Agent responded “At the last meeting I attended we talked about the weight against the living tree and our concerns with the trees toppling or breaking because they can’t sway as they naturally would because they have been altered with the weight on them.”
- i.** Attorney Galvin replied “The trees are on Mr. Clawson’s property.”
    - 1.** The Health Agent responded “I’m not talking about the trees; I’m talking about the weight on and against them.”
- cccc.** The Chairman stated “After looking at the minutes just now, they show that we did discuss this section of concern.”
- i.** Attorney Galvin replied “I agree we clearly discussed these concerns. We should have a condition plan. We could circle on the plan what portion should be completed by what date and sign it.”
  - ii.** The Chairman responded “That’s a good plan.”
  - iii.** Attorney Galvin came up to the table and circled the area that was already completed over the weekend, and printed TBD (To be done) the Board of Health’s section of concern with the April 15, 2010 completion date.
    - 1.** Mr. Clawson responded “Give me until May 1, 2010 and I could have it done.”
- dddd.** The Chairman asked Mr. Clawson “How long did it take you to get it done when you started the berm?”
- i.** Mr. Clawson replied “Just to pile it up, 2-3 days, then I was told to stop. Give me until May 10, 2010, two (2) more weeks and I could have it done.”
- eeee.** The Chairman asked Mr. Clawson “Did you rent the equipment?”
- i.** Mr. Clawson replied “The small machine is mine, the large machine I rented; the small machine will probably be able to pull away the logs.”
- ffff.** The Health Agent asked Mr. Clawson “Why if you rent the equipment again wouldn’t you pull away the unsorted material on the northerly side that is unsafe and has voids and concrete in it? I saw the pictures and it shows voids, there is no sense in dragging out the timeline when it can be so easily pulled away. I’ve seen how quickly this is done at perc tests.”
- i.** Attorney Galvin replied “The northerly side is 25’ off the lot line.”
  - ii.** The Health Agent responded “This is not a lot line issue. It’s a safety issue.
  - iii.** Attorney Galvin replied “I was there the other day and my son climbed on it.”
  - iv.** The Health Agent responded “That doesn’t change my mind on the safety concerns I have.”
- ggggg.** The Clerk stated “At the first meeting you called it a compost berm and it was admitted that the stumps, materials and dirt was there. Now you call it a permanent berm, which needs to be built as one. The main issue is the material used in the berm.”
- hhhhh.** The Chairman stated “I have a suggestion. The Board of Health has specific concerns regarding the area on the plan labeled TBD (To Be Done) and also the northerly area that needs to be at least temporarily made safe. If we were to walk and determine which areas the Board has specific concerns with and put it on the plan we discussed, it would be more useful to do that. It’s up to you Mr. Clawson.”

- i. Mr. Clawson replied “If you want to come out and specifically specify the few areas of concern the Board of health has, you are welcome to, but within reason. If there is something large that the Board would want me to do, it is going to take bigger machinery to do it with which in turn will take more time because of finances, I have to rent the bigger machinery.”
- iiii. The Chairman asked the other Board members what their opinion was of a site inspection.
  - i. The Co-Chairman and the Clerk both agreed that a site inspection was a good idea and should be done.
- jjjj. Attorney Galvin stated “A person can be delegated to go to the site but there can be no deliberating.”
  - i. The Health Agent responded “Yes, the deliberating took place here; the site inspection is only to specify the areas of concern by the Board of Health that will need immediate attention.”
  - ii. Attorney Galvin replied “We would agree that the areas of concern could be fixed immediately.”
- kkkkk. It was determined and agreed that two (2) Board members will meet Mr. Clawson on Friday November 19, 2010 at 7:00am to inspect and identify safety concerns the Board of Health has with the berm for immediate repair.

**A Motion was made to continue the Fieldstone Farm hearing on December 1, 2010 after two (2) Board members meet Mr. Clawson on Friday November 19, 2010 to inspect and identify safety concerns the Board of Health has regarding the berm, and that once these areas of concern are specified to Mr. Clawson, immediate action will take place in repairing/reconstructing said areas of concern.**

**Motion:** John Weber  
**Second:** Jeffrey Anderson  
**Unanimous vote on the motion**

**A Motion was made to adjourn the Fieldstone Farm hearing at 9:15 p.m.**

**Motion:** John Weber  
**Second:** Jeffrey Anderson  
**Unanimous vote on the motion**

- a. **Admin Report:**
  - i. None Tonight
- b. **Agent Report - Agent updated Board**
- c. Odor Complaint. Possible grease tank odor
- d. Heads up on caffeinated alcohol drinks.
  - ii. If Mass. doesn't move fast enough to ban product, would like to talk about town banning.
  - iii. Manure complaints: storage, disposal & fly issues alleged
  - iv. CDC funding for five years for regionalization
  - v. Increase in MRC funding
- e. **The agent report items listed below have been retabled:**
  - vi. Violations fees appeal requested

- vii. Food at outdoor events: will be requiring “Sanitation Plans” for all outdoor events. Agent will provide checklist for guidance to be included with permit renewal and/or application
- viii. Food Violations
  - ix. Testing wells near BFI: Begin again?
    - x. Information on Walnut address originally on list for water testing paid for by BFI: Found and provided to homeowner.
  - xi. Request/inquiry to build bakery in space previously used by small retail business.
    - 1. Look at water records
    - 2. Plumbing code: under sink grease trap
    - 3. Title V: Grease tank
    - 4. Any variance on grease tank?, prospective client wants to know
- xii. Flu Prevention Clinic went well
  - 1. Small “flu clinics” at future well clinics
  - 2. Trying different locations for well clinics: Go where the crowds are!
- xiii. Have ordered more Sodium Sulfite for Lead Determination
- xiv. Update on current Lead Abatement case: Deadlines not being met
- xv. Walmart Organics container

**6. The Following to be signed: - Board Signed**

**a. Payroll for the Week Ending 11/25/10**

- i. Cathleen Drinan
- ii. Margaret Selter
- iii. Judy Anderson

**b. Meeting Minutes: - Board Signed**

- i. November 03, 2010 Meeting Minutes

**c. Permits: - Board Signed**

- i. James J. Schilling - James J. Schilling General Contractor – 2011 Installer’s Permit.
- ii. Glenn Priolo – Hanson Pallet Co., Inc. - 2011 Installer’s Permit.
- iii. Fran Murphy – Twin Lakes Liquor and Convenience – 2010 Establishment and tobacco permit.

**d. Expense Account# 01-512 – FY 11-08 - Board Signed**

- i. Cathleen Drinan - Reimburse for postage for two certified mailings: \$11.08.

**e. Revolving Account# 25-513 – FY 11-09 - Board Signed**

- i. Spath Engineering - Plan Review- 4 Richview Avenue - Invoice# 110810-743 - \$85.00
- ii. Arthur Bloomquist – Bottom Hole Inspection – 121 Holmes Street- \$30.00
- iii. Arthur Bloomquist – Final Inspection – 121 Holmes Street- \$30.00

**f. Landfill Capping Account# 30-519 – FY 11**

- i. None Tonight

**g. Landfill Engineering Account# 01-519 – FY 11**

- i. None Tonight

- h. Nursing Services Account# 01-522 – FY 11**
  - i. None Tonight
- i. Gift Account # 26-514-4830 – FY 11**
  - i. None Tonight
- j. PHER Account# 21-520 - FY 11**
  - i. None Tonight
  
- k. Mail Folder: - Board Read**
  - i. Shared Services Survey= “Regionalization”
  - ii. Recreation Field septic system: request for reduction in design flow.
  - iii. Coler & Colantonio:
    - 1. Response action outcome statement oil release 13 Jordan Rd.
  - iv. Cyn Environmental Services:
    - 1. Response action outcome statement oil release, near Grove St in Plympton

**Adjournment**

**A Motion was made to adjourn the Board of Health meeting at 9:50 p.m.**

**Motion:** John Weber

**Second:** Jeffrey Anderson

**Unanimous vote on the motion**

Typed by,  
Peggy Selter  
Administrative Assistant

Signed By:  
John DeLano – Chairman  
John Weber – Co-Chairman  
Jeffrey Anderson – Clerk

~You can receive an official signed copy of meeting minutes at the Board of Health office~