

Halifax Board of Health
Meeting Minutes
Wednesday, November 04, 2015

On Wednesday, a meeting of the Halifax Board of Health was held at the Halifax Town hall.

Present at the meeting were:

John DeLano – Chairman
Alan J. Dias - Clerk
Cathleen Drinan – Health Agent
Peggy Selter, Administrative Assistant

The Board of Health meeting opened at 7:00p.m

1. **Applicant for Animal Inspector:** Tracy Noland’s Application for animal Inspector is in the “**Bring to Boards Attention**” folder.
 - a. **7:15pm** - Tracy Noland was the only applicant. She is, however, highly qualified. Please meet her, read her qualifications, interview and please vote as to whether or not you wish to hire her or re-post the job.
 - i. **Ms. Noland summarized for the Board her education, experience and qualifications for the Animal Inspector position.**

A Motion was made to appoint Tracy Noland as the Animal Inspector for the town of Halifax.

Motion: Alan Dias
Second: John DeLano
Unanimous vote on the motion

2. Requests to be on the Agenda:

- a. **7:45pm** - Mold Issue Complaint (*67 Plymouth Street*) – In attendance: Marcia & Steve Orcutt and a friend.
 - i. **Ms. Orcutt gave the Board copies of property damage pictures, emails and correspondence between her and the landlord and gave a summary of her opinion of roof damage and water damage in the house which she believes was caused by last winter’s extreme snow fall & ice dams. She indicated that this caused water damage from ice dams and leaking windows both of which she believes caused mold. Ms. Orcutt stated she contacted the owner, Patty Schneider who was out of the country at the time and Ms. Schneider assured her she would fix the repairs upon her return to Massachusetts. Ms. Orcutt stated that in her opinion, Ms. Schneider did not repair the property. She also stated she had several mold companies come in to inspect for mold and they told her there was mold in the walls throughout the**

downstairs and that one company actually wrote up an estimate for the mold remediation.

1. The Board asked for a copy of the inspection/estimate done by the mold remediation company and Ms. Orcutt commented that she did not have any documentation from these companies because she is not the owner of the property; she is the tenant and the company won't release it to her.
2. Ms. Orcutt stated she contacted the Board of Health, the Health Agent did an inspection and determined that she did not encounter any mold in the areas Ms. Orcutt requested she look at. Ms. Orcutt stated the Health Agent said she sent a letter to the owner and sent a copy to her, she concluded that she is not in agreement with the Health Agent's decision.

The Board commented that the Health Agent has gone to classes and has had years of experience in matters such as these and asked Ms. Orcutt what was her purpose of requesting this meeting. Ms. Orcutt stated her purpose of requesting this meeting is to give the Board of Health this information, to ask who is liable for the damage to their personal belongings and to express their concern that the house will be sold by the owners without disclosure of the mold.

The Board stated to Ms. Orcutt this is a tenant vs. landlord dispute, and you are vacating the property and asked "What do you expect of this Board?" Ms. Orcutt stated "I don't expect you to do anything, I just wanted to bring to your attention how things are done and being handled."

3. A friend of Ms. Orcutt asked to speak and stated that she is a good friend of Marcia's and wanted to tell the Board she too feels the house does have mold. She said she has been in the house and seen and smelled in what in her opinion is mold and has also seen the damage to Ms. Orcutt's and her husband's personal belongings and also wanted to express her opinion that she believes the Board of Health should look out for the wellbeing of the citizens of Halifax.

The Board asked the Health Agent to put everything regarding this matter in writing and commented again that this issue is a tenant vs. landlord dispute and would most likely need to be resolved in housing court. The Board thanked everyone for speaking tonight and stated they would take this matter under advisement and give a decision at a later date.

3. Disposal Works Permits:

a. Ratify Agents Approval:

i. 10 Sherwood Drive

A Motion was made to ratify Agent's Approval.

Motion: Alan Dias

Second: John DeLano

Unanimous vote on the motion

ii. 28 McClelland Road

A Motion was made to ratify Agent's Approval.

Motion: Alan Dias

Second: John DeLano

Unanimous vote on the motion

i. 89 & 91 Beechwood Road

A Motion was made to ratify Agent's Approval.

Motion: Alan Dias

Second: John DeLano

Unanimous vote on the motion

ii. 40 Third Avenue

A Motion was made to ratify Agent's Approval.

Motion: Alan Dias

Second: John DeLano

Unanimous vote on the motion

b. Recommended for approval:

i. 327 Plymouth Street (All Season's) – In attendance: Jack Doucette, owner and Eric Mueller, Title V Inspector.

- 1. [The Board, the Agent, Mr. Doucette and Mr. Mueller discussed the repair of the septic system and the waivers/variances requested.](#)**

A Motion was made to grant the variance for reduction to ground water and approved with the condition that filters be placed at the septic tank outlet and secondary tank, no filter at grease trap, monitoring inspection be done every six (6) month and an annual monitoring contract be in place.

Motion: Alan Dias

Second: John DeLano

Unanimous vote on the motion

ii. 9 & 13 Lake Street

A Motion was made to approve revised plan.

Motion: Alan Dias

Second: John DeLano

Unanimous vote on the motion

iii. 93 & 95 Beechwood Road

1. *15.405*: A reduction in the separation between the bottom of the SAS and the maximum seasonal high water table from 5.0' to 4.0'

A Motion was made to approve with waivers and variances.

Motion: Alan Dias

Second: John DeLano

Unanimous vote on the motion

c. Requiring Local Upgrades: (but otherwise recommended for approval):

i. 110 Brandeis Circle

1. Request variance less than 400' to Silver Lake

A Motion was made to approve with waivers and variances.

Motion: Alan Dias

Second: John DeLano

Unanimous vote on the motion

**d. Requiring Variances: [Soils of Special Concern would require variances.](#)
(See request for variance of local regulations letter dated 10/21/15 by Land Planning)**

i. Old Franklin & Hayward Street (Map 113, Lot 2)

1. *1.06 (10) (a)* minimum lot size of 80,000s.f. {40,000s.f. provided}
2. *1.06 (10) (b)* minimum of 27,000s.f. of open space: {None provided}
3. *1.06 (10) (c)* setback requirements
 - a. Property line setback to SAS – 50': {20' provided} [Title V requirement 10']
 - b. Other open, surface of subsurface drains setback to SAS – 50': {26' provided} [Title V requirement – 10']
 - c. SAS setback to existing downhill slope – 30' {23' provided} [Title V requirement – 10']
4. *1.06 (10) (d)* setbacks on mounded septic system will be measured from the toe of the slope: {impervious barrier used to inhibit horizontal movement of effluent} [Title V setback requirements - measured from limit of SAS]
5. *1.06 (10) (e)* A 50 foot buffer strip of naturally occurring vegetation between edge of system and property line: {no existing vegetation on site except the brush line at Old Franklin Street that will remain undisturbed}
 - a. [Land Planning was unable to attend tonight's meeting, the Health Agent updated the Board on the plan being presented.](#)
 - i. [The Board stated that a hearing is needed and requested information on when the lot was created](#)

and that Land Planning come in with the rundown of the owner, Mr. Brown's land.

4. Discussion Items:

a. 261 River Street, Dunrovin Farm

i. Town counsel reviewing

1. **Conclusion from Zoning.** The sale of dog beds, toys, etc... has to do with the permit with the town, adding the sale of food bumps Mr. Dailey of Dunrovin Farm up to "mixed" use. A permit for mixed use would also require bringing in the fire department for inspections and the possibility of adding a sprinkler system. Mr. Dailey decided he did not want to bump up to the mixed use and both he and the Board of Health agreed that Mr. Dailey could sell bottled beverages only at Dunrovin Farm.

b. Tobacco Regulations

- i. **Renewal of establishment permits for 2016 is soon approaching.** We are hoping to have the Board render a decision on tobacco regulations on or before the 11/18/15 BOH meeting before the 2016 annual permits are due on 01.01.16.

1. **The Board will review the new State regulation updates and prepare for a possible vote at the December 02, 2015 meeting.**

c. Would the Board be willing to consider changing the BOH meeting time from 7-9pm to 6:30-8:30pm, or would this interfere with their regular work hours.

- i. **The Board approved the change of the regular scheduled Board of Health meeting time from 7pm - 9pm to 6:30pm – 8:30pm. Future Board of Health meetings will now begin at 6:30pm.**

d. Agent Report:

i. 395 Plymouth Street.

1. Admin left voice message for Mr. James on 10/08/15 stating that the Board requested at their meeting on 10/07/15 that the revisions for 395 Plymouth Street be submitted for their 10/21/15 meeting. No response.
2. The 10/21/15 meeting was canceled.

ii. Health Agent sent Mr. James an email with the Board's request for the revised plans. No response, still waiting for revisions from Gary James.

1. **John DeLano will send Mr. James an email asking for the answers to the Agent's questions.**

5. The Following to be signed:

i. Meeting Minutes: Alan Dias Signed

- ii. June 17, 2015 Meeting Minutes
- iii. July 15, 2015 Meeting Minutes
- iv. August 19, 2015 Meeting Minutes
- v. September 16, 2015 Meeting Minutes
- b. Expense Account# 01-512 – FY 16-07 - Board Approved**
 - i. Kathleen DeVasto-Piemonte - Kitchen Inspections - Invoice 10/04/15 – 10/10/15
 - 1. Mea’s Dairy – 10/07/15 - \$50.00
 - 2. Br’s Monponsett – 10/09/15 - \$50.00
 - 3. Nessralla Farm Corn Maze – 10/10/15 - \$50.00
 - ii. Kathleen DeVasto-Piemonte – Kitchen Inspections - Invoice 10/14/15
 - 1. Anglers Kitchen – 10/14/15 - \$50.00
 - 2. Tedeschi’s – 10/14/15 - \$50.00
 - 3. Dunkin Donuts – 10/14/15 - \$50.00
 - 4. Mobile Gas Station – 10/14/15 - \$50.00
 - iii. Kathleen DeVasto-Piemonte – Kitchen Inspections - Invoice 10/30/15
 - 1. D’s Grille 58 – 10/30/15 - \$50.00
 - 2. Cumberland Farms – 10/30/15 - \$50.00
 - 3. Subway – 10/30/15 - \$50.00
 - 4. Lindy’s General Store – 10/30/15 - \$50.00
 - iv. NACCHO – Annual Membership Renewal - \$105.00
 - v. MHOA – Educational Meeting - Opioid Use Prevention: Public Health & Law Enforcement Working Together – December 17, 2015 - \$40.00
- c. Revolving Account# 25-513 – FY 16-05 - Board Approved**
 - i. Spath Engineering 1st Plan Review – Invoice# 100815-743 – 327 Plymouth Street - \$85.00
 - ii. Spath Engineering 2nd Plan Review – Invoice# 102615-743 – 327 Plymouth Street - \$85.00
 - iii. Spath Engineering 2Plan Review – Invoice# 103015-743 – Lot 2 Old Franklin & Hayward Street - \$85.00
 - iv. Grady Consulting – Invoice# 6989 – Plan Review – 110 Brandeis Circle - \$85.00
 - v. Grady Consulting – Invoice# 6988 – Plan Review – 10 Sherwood Drive - \$85.00
 - vi. Grady Consulting – Invoice# 7022 – Plan Review – 40 Third Avenue - \$85.00
- d. Nursing Services Account# 01-522 – FY 16-03 - Board Approved**
 - i. Norwell Visiting Nurse Association – Invoice# HBOH0915 – Nursing Services for September 2015 - \$580.00

6. Permits: (Board Voted to Approve)

- a. Mike's House of Pizza – Spiro Spyropoulos - 2015 Mobile Permit – November 2015 Mud Fest
- b. Fried Dough - Julie Pemberton - - 2015 Mobile Permit – November 2015 Mud Fest
- c. Steven Smith – 2015 Septic Installers Permit
- d. David Bruce & Jo-Ann Carlson - 6 Heron Road - 2015 Irrigation Well Permit
- e. Dana Junior – 2015 Title V Inspector's Permit
- f. Dana Junior – 2016 Title V Inspector's Permit

7. Mail Folder: - Board Read

- a. MAHB 20th Annual Certificate Program - Taunton Inn
- b. 23 Richview Avenue – 1 week temporary trailer extension (*Expired 10/20/15*)
- c. 69 Summit Street – Proposed Solar Array
- d. **Zoning Board of Appeals**
 - i. Notice of Public Hearing
 - 1. Request for Special Permit
 - a. In-Law Apartment - Holmes Street
 - b. Renovate Home – First Avenue
- e. Plympton-Halifax Express

Adjournment

A Motion was made to adjourn the meeting at 9:00p.m.

Motion: Alan Dias
Second: John DeLano
Unanimous vote on the motion

Typed by,
 Peggy Selter
 Administrative Assistant

Signed By:
 John DeLano – Chairman
 Alan Dias – Clerk

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