

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Senior Health Agent

### **MINUTES**

December 15, 2014. **MOTION** by Mr. Santos to approve as corrected. Seconded by Mr. Leach. Unanimous.

### **AGENT REPORTS/INSPECTIONS**

Inspections. **MOTION** by Mr. Santos to approve and file. Seconded by Mr. Leach. Unanimous.

### **SIGNATUREES NEEDED**

Bills. None.

### **CORRESPONDENCE**

1. Jonathan Abreu/re: Request for a Fee Waiver for New Establishment-All Friends Smokehouse. **MOTION** by Mr. Leach to issue a new permit on the stipulation that he pay one quarter of the fee for 2015 (3 months). Seconded by Mr. Santos. Unanimous.

2. Brenda Weis/re: Collaboration Request with New Bedford on Outreach and Education to Curb the Flow of Alcohol Access to Minors. **MOTION** by Mr. Leach to sign on as a collaborative or this program. Seconded by Mr. Santos. Unanimous. Mr. Walsh will notify Ms. Weis.

### **OTHER BUSINESS**

1. Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

2. Nurse/re: Nurse's Activity Report for Nov. & Dec. 2014. Dr. Colletti asked Mr. Walsh to inquire with the Nurse if she could use more flu vaccines. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

3. Anonymous Complaint Against Betterment Loan Applicant. Mr. Walsh noted that this loan has no debts to the Town. The BOH does not have the authority to act upon this. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach recused himself.

4. Articles Due Jan. 16, 2015. **MOTION** by Mr. Leach to forward the articles as written. Seconded by Mr. Santos. Unanimous.

5. Finance Committee Appt. Jan. 20 2015. Dr. Colletti is working on a draft and will circulate to the other members before the meeting next week. Members agreed to ask for the uncut BOH budget. Mr. Walsh presented the results of the last two department head meetings with the Town Administrator. Mr. Walsh stated that the Board of Selectmen voted to cut an additional 400k from the budget and the Police, Fire and Highway would not be cut and that the Highway would be allowed to hire an additional person. The figure of \$33,736,000 is the latest town budget not including a cut in the management pay increases. This cut proposes to reduce the BOH budget to 192K, eliminating one

clerk, one agent and the BOH stipends. Members will meet on Saturday, Jan. 17, 2015 at 9:30 a.m. in the Annex and would like this posted for the purpose of discussing the budget.

6. Discussion: Nov. 24, 2014 Minutes. Mr. Walsh has no objection to Dr. Colletti having Ms. Paquet place a letter into the BOH file as was discussed but Dr. Colletti will call the BOS office to notify them that the BOH will maintain the letter in the BOH files and not in their files.

7. Discussion: Vehicle Repair-TS. Dr. Colletti stated that the BOS Chairman Vieira took issue with the repair on the diesel equipment and stated that the Highway Dept. should have done it. Mr. Walsh stated that the Highway Dept. is not a diesel certified. He also stated that Len Potter took the vehicle to the repair shop and was more cost effective. Mr. Potter only charged the town 2 hours each way and their usual charge is 4 hour minimum one way. He noted, it takes more than 2 hours to load, travel and unload. Mr. Santos stated that the same Selectman complained about paying Mr. Walsh overtime for working at the Transfer Station. Whoever fills in there for absent employees would have to get overtime no matter what. If it had not taken so many weeks before they hired the summer help, it would have saved more.

8. Marilyn Edge/re: Proposed Synthetic Regulation. Place on the Feb. 09, 2015 agenda for a Public Hearing.

#### **OUTGOING**

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**MOTION** by Mr. Leach to file the outgoing correspondence. Seconded by Mr. Santos. Unanimous.

#### **PLANS REVIEWED BY AGENTS**

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1. Sycamore Lane (M-61/L-17BJ/SL-73) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

2. N. Breault Street (M-12/L-3D/SL-2) David Marchand, 4B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach recused himself.

3. 181 Charlotte White Road (M-67/L-1) Rich Evan, 2-3B Upgrade **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

4. 257 & 259 Old County Road (M-51/L-10) David Azevedo, 5B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

#### **APPOINTMENTS**

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**7:15pm – Var. Hearing: Wendy Henderson for 14 Summer Ave., Kim Grandmaison.**

Abutters Cindy Dumond and Mrs. Constance Santos of 9 Conserve Avenue were present. Ms. Dumond had concerns if this is a raised system water will then run into their shed. Mr. Leach agreed that would be the case. Mrs. Santos stated that when their system was put in they had to test the wells. Members informed her that their wells are at 103 feet but the owner will have to test his own. Mr. Leach suggested that the system could be moved south west, closer to the house so that there is more space between the drainage and the shed in order to provide a swale that takes water around the system and away from the shed.

The following variances are requested:

-Setback from SAS to property line (was 7) now 10 feet vs. 10 feet.

- Setback from SAS to cellar wall (was 12) 16 feet vs. 20 feet.
- Setback From SAS to site well (was 53) now 51 feet vs. 100 feet.

**MOTION** by Mr. Leach to approve the variances requested subject to a change in plans that shows a swale and a reduction from the SAS to the well at 51 feet (not 53); a reduction from cellar wall at 16 feet (not 12 feet) and a reduction to the property line at 10 feet (not 7 feet) plus a Hold Harmless Agreement and 3 years of well testing. Seconded by Mr. Santos. Unanimous.

**7:15pm – Var. Hearing: Wendy Henderson for 30 River Road, Mary Louise Kennedy.**

Local upgrade approval is requested for a failed system with the following variances:

- Sieve analysis in lieu of perc test (very pervious, Class 1 soil was below water table at time of inspection).
- Setback from leaching area to bordering vegetated wetlands 33 feet vs. 50 feet.
- Setback from Leaching area to west property line, 5 feet vs. 10 feet.

Mr. Leach asked that there be a notation on the plan stating that if the Town would have to install drainage, a retaining wall and grading may be needed.

**MOTION** by Mr. Leach to grant the variances conditional on Hold Harmless Agreement, and 3 year well testing and that there be a notation on the plan indicating if the Town should install any drainage, a retaining wall and grading may be required. Seconded by Mr. Santos. Unanimous.

**7:20pm – Var. Hearing: Len Potter for 1 Osprey Lane, Linda Lawson.**

Len Potter was present from Westport Environmental Design. Abutters Don Hadfield and Judith Turner were present. These two abutters share one well.

Repair of septic system. Variances requested:

- Setback from cesspool to site well, 52 feet vs. 100 feet - currently at 49 feet.
- Setback from cesspool to well at 35 East Shore Road, 56 feet vs. 100 feet - currently at 60 feet.

**MOTION** by Mr. Leach to approve variances subject to a Hold Harmless Agreement and 3 year well testing. Seconded by Mr. Santos. Unanimous.

**MOTION** by Mr. Leach to take the 7:35 p.m. appt. for Diane's Place out of turn. Seconded by Mr. Santos. Unanimous.

**7:35pm – Var. Hearing: Discussion-Fee Waiver for Diane's Place-Diane Ponte.**

Diane Ponte was present. **MOTION** by Mr. Leach to waive the late fee and prorate the fee to 1/12 for the yearly permit. Seconded by Mr. Santos. Unanimous.

**7:25pm – Var. Hearing: PMP Assoc. for 596 State Road, Cumberland Farms.**

The 1999 system failed and is substantially deeper than the proposed system and may be the problem for why it failed. It is not for a lack of maintenance. The tanks will be upgraded to a two tank system. The system from 1999 is not the same as what is needed with the current store and services offered.

Requesting the following variances:

- Allow an increase in depth of the septic tank & pump chamber from 36" to 72" due to depth of the existing building sewer below the building slab. H-20 structures are specified on the plan.
- Reduction of 4 foot separation from the bottom of the system to seasonal high groundwater to 3 feet to maintain surface grades in the existing paved parking area.
- Request to allow for one deep observation hole for the repair of the existing failed septic.

**MOTION** by Mr. Leach to approve variances as requested. Seconded by Mr. Santos. Unanimous.

**7:30pm – Var. Hearing: 1.) Len Potter for 108 Sylvia's Lane, Lorrie Rezendes.**

Len Potter was present from Westport Environmental Design. Abutters John & Barbara Fazzina of 104 Sylvia's Lane were present.

Failed system. Variances requested:

- Setback from SAS to owner's well, 72 feet vs. 100 feet.
- Setback from SAS to Abutter's well at 104 Sylvia's Lane, 57 feet vs. 100 feet.
- Setback from tank to site well, 32 feet vs. 50 feet.
- Setback from proposed pump chamber to site well, 26 feet vs. 50 feet.

Mr. Fazzina asked why a tight tank can't be put in and if he had to move his well, there is no place to put it. His well is in the garage in a heated area and goes underground under the slab and laneway to the house. If his well would get contaminated, he wants to know who would repair it and said he would sue everyone involved.

Len Potter stated that a tight tank could not go in unless there is no solution to the problem. The water movement is towards the river and he feels there would not be any lateral movement towards his property. Mr. Fazzina stated that there is an unused structure on 108 Sylvia's Lane and he is concerned that the well testing take place once the house is fixed and occupied. Discussion ensued and this proposed system is an improvement over the existing conditions.

**MOTION** by Mr.Santos to approve the variances conditional on a Hold Harmless Agreement and 3 years of well testing and one additional test year after a the house is occupied. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach recused himself.

**7:30pm – Var. Hearing: 2.) Len Potter for 112 Sylvia's Lane, David & Lorrie Rezendes.**

Len Potter was present from Westport Environmental Design. Replacement of existing cesspool.

Variances requested:

- Setback from SAS to site well at #112 Sylvia's Lane, 78 feet vs. 100 feet.
- Setback from SAS to abutter's well at #104 Sylvia's Lane, 97 feet vs. 100 feet.
- Setback from SAS to abutter's well at #108 Sylvia's Lane, 65 feet vs. 100 feet.
- Setback from septic tank to site well and well at #112 Sylvia's Lane, 28 feet vs. 50 feet.
- Setback from pump chamber to site well and well at #112 Sylvia's Lane, 28 feet vs. 50 feet.
- Setback from septic tank to site well, 25 feet vs. 50 feet.
- Setback from pump chamber to site well, 22 feet vs. 50 feet.

**MOTION** by Mr.Santos to approve the variances conditional on a Hold Harmless Agreement and 3 year well testing. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach recused himself.

**MOTION** by Mr. Leach to adjourn at 8:47 p.m. Seconded by Mr. Santos. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Senior Health Agent

### **MINUTES**

Jan. 12, 2015. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.

### **AGENT REPORTS/INSPECTIONS**

Inspections. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

### **SIGNATUREES NEEDED**

Bills. Signatures rendered.

### **CORRESPONDENCE - Needing No Action**

1. Edge Env./re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
2. PROUD Southcoast Coalition/re: FYI: Partnership Agreement for Westport as Collaborator of the PROUD (Prevent, Reduce, & Opt out of Underage Drinking) Southcoast Coalition. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
3. Planning Board/re: Education Workshop 4 on Feb. 07, 2015. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
4. DEP(copy)/re: Return to Compliance, 500 Adamsville Road. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

### **CORRESPONDENCE**

1. Planning Board/re: Upcoming Joint Meeting on Feb. 12, 2015. Meeting has been cancelled and postponed to March with the date TBD.

### **OTHER BUSINESS**

1. Pump Reports. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
2. Kathy Burns/re: Vacation Request. **MOTION** by Mr. Leach to grant the request. Seconded by Mr. Santos. Unanimous.
3. Jim Walsh/re: Vacation Request. **MOTION** by Mr. Leach to grant the request. Seconded by Mr. Santos. Unanimous.
4. Marilyn Edge/re: Unappoint Special Agent for Tobacco Control, No Longer with Program. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
5. Ray Belanger/re: DPH Regulation for Requirement of Hot Water in Food Est. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
6. Finance Committee Appt./Budget Discussion. The Board has a 2/17/15 appointment with the FinCom. Mr. Leach plans on preparing some charts with the last few years budgets. From his research he was not able to find any legislation that requires 15% withholding and so he proposes that a memo be sent to the BOS, Accountant and FinCom to stop the withholding or make it a revolving fund. This 15% is not showing as revenue and should be. The 15% is used to pay for part of the monitoring of the Transfer Station and has to do with the landfill. Mr. Leach stated that 15% should go into the Transfer Station budget so it can be used for necessary repairs or expenses.

Discussion ensued over the BOS suggested budget vs. department suggested budget that includes two part-time agent positions and one full time agent along with two full-time office staff. Mr. Leach may not be able to go but will provide charts.

## **OUTGOING**

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**MOTION** by Mr. Leach to file the outgoing correspondence. Seconded by Mr. Santos. Unanimous.

## **PLANS REVIEWED BY AGENTS**

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1. 32 Glenwood Avenue (M-25/L-86&126) Jeff Riley, 3B Upgrade. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
2. 181 Gifford Road (M-29/L-39-43) David Gardner, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
3. Charlotte White Road (M88/L-1,1A,1B/SL-3) Jim Harrington, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
4. Seabury Lane (M-87/L-23B/SL-3) Andrew Reilly, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
5. Private Acres (M-34/L-48D/SL-1) Palmer River Dev. LLC, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

## **OTHER**

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Mr. Walsh reported on a small oil spill on Lakeside Avenue; the cylinder is under investigation; there is some heating oil under the slab and sump pump spilled it into the yard, DEP was on site. Not known if the pipe or tank leaked.

## **APPOINTMENTS**

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**7:15pm – Variance Hearing: Alan Heureux for 41 Grand Pine Way, Marie Cordeiro.**

Septic repair. The following variances are requested:

- Separation to groundwater, 3 feet vs. 4 feet;
- Sieve analysis in lieu of percolation test

**MOTION** by Mr. Leach to grant variances for Seive Analysis and reduction in ground water from 4 feet to 3 feet as shown on the plan. Seconded by Mr. Santos. Unanimous.

**7:20pm – Variance Hearing: Wendy Henderson for 38 R Drive, Stephen Santos.**

Septic repair on a lot where there is no other room to work. The following variances are requested:

- Separation from leaching area to bordering vegetated wetlands, 20 feet vs. 50 feet;
- Separation to groundwater 4 feet vs. 5 feet;
- Sieve analysis in lieu of percolation test, the result was a sandy fill Class 1 soil below the water table at time of testing.

**MOTION** by Mr. Leach to grant the variances as requested subject to approval by Conservation Commission. Seconded by Mr. Santos. Unanimous.

## **PUBLIC HEARING**

**7:30pm – Proposed Synthetic Marijuana Regulation.**

No comments from audience or Board.

**MOTION** by Mr. Leach to approve the proposed regulation effective March 17, 2015. Seconded by Mr. Santos. Unanimous.

**MOTION** by Mr. Leach adjourn at 7:45 p.m. Seconded by Mr. Santos. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk



The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
John R. Swartz, Health Agent

**Absent:** Karl W. Santos, Secretary

## **MINUTES**

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February 4, 2015 Special meeting. **MOTION** by Mr. Leach to approve. Seconded by Dr. Colletti. Unanimous.

February 9, 2015 Regular meeting. **MOTION** by Mr. Leach to approve. Seconded by Dr. Colletti. Unanimous.

## **AGENT REPORTS/INSPECTIONS**

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Inspections. **MOTION** by Mr. Leach to invite Mr. M. V. Patel from Westport Liquors and Redemption at 151 State Road to discuss the repeated violations. Seconded by Dr. Colletti. Unanimous.

**MOTION** by Mr. Leach to file agent reports. Seconded by Dr. Colletti. Unanimous.

## **SIGNATURES NEEDED**

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Bills. Signatures rendered.  
Synthetic Marijuana Regulation. Signatures rendered.

## **CORRESPONDENCE - Needing No Action**

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1. DEP(copy)/re: IRA Plan Approval with Conditions, 10 E. Sunset Avenue.
2. AtlanticEnv(copy)/re: ROS & Remedial Monitoring Report, 251 Forge Road.
3. CommonSenseEnv./re: Filing of Permanent Solution Statement, 11 Division Road.

**MOTION** by Mr. Leach to file 1-3 above. Seconded by Dr. Colletti. Unanimous.

## **OTHER BUSINESS**

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1. Pump Reports. **MOTION** by Mr. Leach to file. Seconded by Dr. Colletti. Unanimous.
2. Nelia Williams/re: Betterment Grant Update. Dr. Colletti noted that from the report that there are 3 SAS under construction and one under contract. **MOTION** by Mr. Leach to file. Seconded by Dr. Colletti. Unanimous.
3. Finance Committee Appt./Budget Discussion. After much discussion about the current budget shortfall with BOH and TS, **MOTION** by Mr. Leach to cut 3 hours from each employee at the Transfer Station and to spread out their shifts and to cut all expenses possible as suggested by Ms. Paquet. Seconded by Dr. Colletti. Unanimous.

## **OUTGOING**

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**MOTION** by Mr. Leach to file the outgoing correspondence. Seconded by Dr. Colletti. Unanimous.

**PLANS REVIEWED BY AGENTS**

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1. 612 Drift Road (M-53/L-16A) Doris Mills, 5B Repair. **MOTION** by Mr. Leach to approve.  
Seconded by Dr. Colletti. Unanimous.
2. Horseneck Road (M-76/L-69C/SL-2) Ronald Small, 4B NC. **MOTION** by Mr. Leach to approve.  
Seconded by Dr. Colletti. Unanimous.

**APPOINTMENTS**

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None.

**MOTION** by Mr. Leach to adjourn at 7:35 p.m. Seconded by Dr. Coletti. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 7:02 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Senior Health Agent

### **SIGNATUREES NEEDED**

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Revised Budgets (include 1% increase). Signatures rendered.

### **OTHER BUSINESS**

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1. Pat Kershaw/re: Vacation Request. **MOTION** by Mr. Leach to grant the request. Seconded by Mr. Santos. Unanimous.
2. MDAR/re: Animal Inspector Nominations. **MOTION** by Mr. Leach to nominate the following as Animal Inspectors: Jim Walsh, Wayne Parisee, John Colletti, Sean Leach, Karl Santos and Donna Lambert. Seconded by Mr. Santos. Unanimous.
3. Beach Testing/re: Extend Sampling Variance: East Beach & Yacht Club/Town Beach. **MOTION** by Mr. Leach to extend the sampling variance for East Beach & Yacht Club/Town Beach. Seconded by Mr. Santos. Unanimous.
4. Discussion/re: FinCom Appt. 3/24/15 Budgets, Revised Budget with 1% increase. Members discussed the BOH budget and the need to keep all personnel. They endorsed the budget for the BOH and Transfer Station at level Services for FY'16. BOH \$262,758 and Transfer Station \$261,809. They discussed the duties of animal control as being covered mostly by BOH Agents. They suggested they reduce the ACO hours by 10, but did not. They discussed possibly raising the cost of the sticker, but the increase would be minimal and they estimated a loss of income from people who would not buy it due to the price increase. Discussion also covered the collective bargaining obligation going forward. Members agreed to present the full budget to the FinCom on 3-24-15 in the amounts as noted above.

### **PLANS REVIEWED BY AGENTS**

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1. 1794-D Drift Road (M-58/L-183A) Phil Adams & Anne Westcott, NC-Garage/Workshop. Members reviewed the plan and Mr. Leach was concerned that the proposed workshop would become a dwelling due to the fact that it is being tied into the existing septic system. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach voting nay.
2. 95 Banner Avenue (M-17/L-255-280) James Sabra, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.

### **APPOINTMENTS**

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None.

**March 16, 2015**

**Westport, Massachusetts  
Special Budget Meeting of the Board of Health**

**Page 2 of 2**

**MOTION** by Mr. Leach adjourn at 8:20 p.m. Seconded by Mr. Santos. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Senior Health Agent

## **MINUTES**

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1. Feb. 23, 2015. Dr. Colletti asked if the hours that were to be cut were cut from the transfer station employees. Mr. Leach stated the FinCom Rep. Bob McCarthy wanted to have a bottom line figure of what the BOH needs. The motion made at the 2/23/15 meeting was to close out this fiscal year. The BOH was supposed to be meeting with the FinCom tomorrow evening to discuss the budgets but it would appear that the meeting was changed to next week. Dr. Colletti will verify tomorrow. Mr. Leach stated that Ms. Paquet is working on putting the numbers together. **MOTION** by Mr. Leach to approve. Seconded by Dr. Colletti. The vote was 2 in favor with Mr. Santos recusing himself.
2. March 16, 2015. Dr. Colletti noted regarding Animal Inspector nominations that were made. The Town Administrator e-mailed the Chairman that he requests that the Animal Control Officer be removed from nomination. Members reviewed the ACO Job Description and it clearly states that the ACO must be willing to be appointed as an Animal Inspector. Dr. Colletti will discuss with the Administrator and hold the nomination as is. **MOTION** by Mr. Leach to approve the minutes. Seconded by Mr. Santos. Unanimous.

## **AGENT INSPECTIONS/REPORTS**

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1. James Walsh/re: Daily Report 12/05/14 – 03/02/15. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
2. John Swartz/re: Daily Report 12/11/14 – 3/02/15. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
3. Ray Belanger/re: Daily Report 12/11/14 – 2/25/15. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
4. Ray Belanger/re: Inspections Reports. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous. Dr. Colletti asked that all reports for the past year be pulled so that the members could take them to the FinCom meeting.

## **SIGNATUREES NEEDED**

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1. Bills - Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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1. Edge Environmental(copy)/re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

2. FST(copy)/re: Immediate Response Action Completion Report of a Permanent Solution Statement Submitted to DEP. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
3. EPA Grant - Dr. Colletti received an e-mail notification of the grant opportunity and asked that Mr. Walsh contact the WRWA and ask they work on this grant and that the BOH will do whatever is needed to help.

#### **CORRESPONDENCE**

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1. Joseph Harrington/re: Annual Request for East Beach Lot 67 & 68 for Tight Tank Use. **MOTION** by Mr. Leach to approve the request. Seconded by Mr. Santos. Unanimous.
2. Mark Walker & Merri Cyr/re: Special Request on Past Due Septic Repair. **MOTION** by Dr. Colletti for Mr. Walsh to write a letter to the owners that they are required to repair the system at 1230 Main Road and that there are options they can look at and to explain the options that are available. Seconded by Mr. Leach. Unanimous.

#### **OTHER BUSINESS**

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1. Pump Reports. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
2. Jim Walsh/re: Vacation Request. **MOTION** by Mr. Leach to grant the request. Seconded by Mr. Santos. Unanimous.
3. Nurse/re: Activity Report for January and February 2015. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous. The members asked Mr. Walsh to get a summary of the nurses' reports from last year for the Board to take to the FinCom.
4. Schedule for April 2015. Members chose to meet on Monday, April 6, 2015 and on Tuesday, April 21, 2015, only if there any appointments for this 4/21/15.
5. Finance Committee Appt. on March 24th Budget Discussion. Dr. Colletti will ask about the correct date they are to meet with FinCom tomorrow. He was under the impression that the meeting may have been changed to next week.

#### **PLANS REVIEWED BY AGENTS**

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1. Wildberry Way (M-35/L-12K/SL-3) Walter Korzeniowski, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach recused. Unanimous.
2. Wildberry Way (M-35/L-12J/SL-4) Walter Korzeniowski, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach recused. Unanimous.

3. Wildberry Way (M-35/L-12H/SL-5) Walter Korzeniowski, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach recused. Unanimous.

#### **APPOINTMENTS**

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#### **7:15pm – Variance Hearing: Wendy Henderson for 9 Milk Avenue, Robert Faltus Estate**

The Certified Return Receipt notification of hearing was returned without a signature from Everett & Tina Marques addressed to 10 Banner Avenue.

Variance requested is for the setback of the well that serves the property, which is actually located on property of 10 Banner Avenue but is not a shared well. The well setback to the SAS repair will be 88 feet. A Sieve Analysis approval is also being requested.

**MOTION** by Mr. Leach to grant the variance for a sieve analysis in lieu of a perc test and for set back from leaching area to well servicing the property to approximately 88 feet conditional on a Hold Harmless Agreement. Seconded by Mr. Santos. Unanimous.

**MOTION** by Mr. Leach adjourn at 7:45 p.m. Seconded by Mr. Santos. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman (Arrived at 7:07pm)  
Karl W. Santos, Secretary  
John R. Swartz, Health Agent

## **MINUTES**

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March 23, 2015 Regular Meeting. **MOTION** by Mr. Santos to accept. Seconded by Dr. Colletti. The vote was two in favor as Mr. Leach had not arrived yet.

## **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Santos to file agent reports. Seconded by Dr. Colletti. Unanimous.

## **SIGNATUREES NEEDED**

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Bills. Signatures rendered.

## **CORRESPONDENCE - Needing No Action**

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1. Vineyard Engineering/re: Release Notification Form & Immediate Response Actions, No. 2 Fuel Oil Release, 15 Lakeshore Avenue. **MOTION** by Mr. Santos to file. Dr. Colletti seconded the motion and the vote was unanimous with two in favor. Mr. Leach had not arrived as of this time.

2. Edge Env./re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Santos to file. Dr. Colletti seconded the motion and the vote was unanimous with two in favor. Mr. Leach had not arrived as of this time.

## **CORRESPONDENCE**

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Dawn Liss/re: Equine Permit Issue. The request is to allow her to retain her horses until the house is sold this spring. Mr. Santos asked if there should be late fees. Dr. Colletti asked that Mr. Walsh communicate with her again to get more clarification and to ask what she is proposing to do about the cost of the permit.

**MOTION** by Mr. Santos for Mr. Walsh to contact as stated above. Dr. Colletti seconded the motion and the vote was unanimous with two in favor. Mr. Leach had not arrived as of this time.

## **OTHER BUSINESS**

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Budgets. Dr. Colletti reported that the meeting with the FinCom was positive and he felt confident that the BOH would be taken care of regarding the issues they discussed.

Mr. Leach arrived at this time: 7:07 pm.



Mr. Leach stated that he was under the understanding after talking to the office staff, that the Transfer station was going to be fine budget wise. This was confirmed because they will be using a line transfer.

Mr. Leach stated that the Planning Board and the Water Resource Committee are going to be planning a joint meeting to include the BOH to discuss water, waste water and stormwater.

**OUTGOING** \_\_\_\_\_

**MOTION** by Mr. Leach to file the outgoing correspondence. Seconded by Mr. Santos. Unanimous.

**PLANS REVIEWED BY AGENTS** \_\_\_\_\_

100 Plymouth Blvd. (M18A/L43-45) Jack Armstrong, 3B Repair.

This plan required a variance hearing but was an oversight on the engineers part. The variance requested is for a reduction in setback from site well to SAS of 53 feet vs 100 feet.

**MOTION** by Mr. Leach to approve subject to a hold harmless agreement and well testing. Seconded by Mr. Santos. Unanimous.

**APPOINTMENTS** \_\_\_\_\_

None.

**MOTION** by Mr. Santos adjourn at 7:15p.m. Seconded by Mr. Leach. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 pm at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Senior Health Agent

### **RE-ORGANIZE**

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No Vote Taken.

### **MINUTES**

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1. April 06, 2015 regular. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
2. April 21, 2015 special. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous. Dr. Colletti noted that there was a complaint phoned in about the same individual. He suggested that the caller put something in writing in the future. Other issues at the Transfer station have been addressed.

### **AGENT REPORTS/INSPECTIONS**

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1. James Walsh: Daily Log (3/03/15 – 4/15/15) **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
2. John Swartz: Daily Log (3/03/15 – 4/21/15). **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
3. Ray Belanger: Daily Log (2/26/15 – 4/16/15) Westport Liquors: as a result of an inspection on 4/3/15, corrective actions were taken but this location has had multiple violations in the past. Dr. Colletti requested Mr. Walsh to ask Mr. Belanger for a status. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
4. Ray Belanger Food Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.

### **SIGNATUREES NEEDED**

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1. Bills. Signatures rendered.
2. Beach Testing Agreements. Signatures rendered.

### **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

2. Budgets Discussion. Mr. Walsh stated that the FinCom Rep. stated that they have funded the BOH and the full amount of the request was transferred to the Transfer Station. His concern is the final vote for ATM budgets and Article 39, which gives the Town Administrator authority over all employees, boards and department heads.
3. Transfer Station Discussion. A favorable vote was made by FinCom for funding the Transfer Station. The members await results of Town meeting. Members also discussed hiring a 3rd person at reduced hours but also requesting sufficient hours to cover vacations of other employees. Mr. Walsh stated that there are only 40 hour/week positions at the Transfer Station. Mr. Santos asked if the employee's hours were reduced by 3 hours a few weeks ago. This was not done as it is a union issue and requires follow through with the BOS. Funding was made available by the FinCom for the rest of this fiscal year. Mr. Walsh would inquire about hiring with reduced hours. He also stated he has worked out the schedules for the current employees to take vacation this summer.
4. BOH posted for ATM May 5, 6, 7th for 6:45pm at WHS. Noted.
5. Town Nurse Activity Report for March and April 2015. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

#### **OUTGOING**

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**MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

#### **PLANS REVIEWED BY AGENTS**

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1. 1869 Drift Road (M-58/L-176) Christopher Leonard, 4B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
2. 57 Washington Street (M-11/L-1039-46) Lisa Medeiros, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
3. Cahoon's Lane (M-2/L-45) Joaquim Carvalho, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
4. Cahoon's Lane (M-2/L-45A) Joaquim Carvalho, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

#### **APPOINTMENTS**

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#### **7:15pm – Discussion: Wendy Henderson for 68 Old Harbor Road, Clayton Emery.**

Damaged cesspool needs to be upgraded. The applicant proposes expanding to an advanced alternative treatment system for a 5 bedroom system, which would reduce the leaching field by 17% with a 40% reduction in nitrogen in comparison with a conventional repair. Maintenance is documented regularly with the proposed nitrogen removal system. The applicant is willing to install such a system. Ms. Henderson asked if the Board would be open to approve the alternative system or the conventional. The owners are also proposing in demolishing the existing house which is in disrepair and is currently 3 bedrooms. Mr. Walsh stated that the engineering looks fine. Previously the Board asked they repair the failed system. Ms. Henderson stated that to address the well with regard to increase of flow, they would be willing to move the well. Discussion ensued over Title V and increase in flow not permitting the increase in bedrooms. Mr.

Walsh suggested performing a perc closer to the road. That area should be out of the flood zone which is the other issue. Mr. Leach felt that the Board would need an opinion for using these systems but currently could not approve under the current regulations. Ms. Henderson will follow-up with DEP and return again.

**7:25pm – Discussion: Lenny Potter for Forge Road M-28/L-20M, Carlos Ferreira.**

Mr. Leach recused himself.

Mr. Potter asked the Board to discuss a proposed variance from the wetland setback regulation. He stated he hoped to move the well (to alleviate the issue with lot 20M) on the property at 50 Forge Road (abutter) at Mr. Ferreira's expense.

Mr. Ferreira hopes to build a 2 bedroom home on his lot but cannot meet the BOH requirements for setback to the wetlands. Mr. Potter suggested a compromise to allow Mr. Ferreira to install an alternative system using advanced effluent treatment discharging to a bottomless sand filter. The distance from an 8 x 16 foot filter to wetlands is 86 feet from wetlands with reserves at 78 feet. Mr. Potter stated in his letter that it is doubtful that the reserve would ever be used as the record for these filters used in Tiverton and Little Compton tight soils is excellent and if it ever fails, it would be rebuilt in place. This is an Advantax System and does not reduce nitrates, but produces a very clean effluent in regards to bacteria content. There are 2 systems that reduce nitrates and they are recirculating sand filter and the FAST system which could require a larger disposal field. The Advantax system is much more commonly used in this area.

Mr. Walsh asked when this subdivision was created. Mr. Potter stated that it was after 1987. The regulations are clear and this could not be approved. Dr. Colletti and Mr. Santos stated that this would need to fall under the regulations and could not be done.

**MOTION** by Mr. Santos adjourn at 8:05p.m. Seconded by Mr. Leach. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 pm at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman (arrived at 7:10 pm.)  
Karl W. Santos, Secretary  
James J. Walsh, Senior Health Agent

### **REORGANIZATION**

Members passed this item over as not all members were present when the meeting began. Members did not return to address this item before the end of the meeting. Table to the next meeting.

### **MINUTES**

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May 05, 2015. With regards to reviewing of the minutes, Dr. Colletti asked if Mr. Walsh spoke with Ray Belanger. Mr. Walsh stated that Mr. Belanger is tentatively planning to bring the person to the next meeting.

Dr. Colletti asked about hiring for reduced hours for the Transfer Station. Mr. Walsh stated this is on the agenda at a later point.

**MOTION** by Mr. Santos to approve the minutes. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach was not present at this time.

### **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach was not present at this time.

### **SIGNATUREES NEEDED**

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1. Bills. Signatures rendered.
2. Beach Testing Agreements. Signatures rendered.

### **CORRESPONDENCE - Needing No Action**

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1. NB Waste/re: Fee Increase Effective July 1, 2015. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach was not present at this time.

### **CORRESPONDENCE**

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1. PlanningBrd/re: Free Decision Makers Workshop on Nitrogen & Septic Systems. Dr. Colletti and Mr. Santos would like to attend and ask the office to RSVP for them so they can attend.

### **OTHER BUSINESS**

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1. Monthly Pumping Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach was not present at this time.
2. BOS/re: 2015 Annual Appointment/Attendance Records. Noted. Members did not make any appointments.
3. Principal Clerk/re: Tier 3 Status Extension for Beach Testing Variance. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

4. Principal Clerk/re: TS Job Description Revision. Mr. Walsh made minor edits to the description and requirements. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
5. Principal Clerk/re: Water Sample Collectors. Members were in agreement.
6. Budgets Discussion. The department was replenished based on Town meeting vote.
7. Transfer Station Discussion. Members discussed having the option to have the position work 30 to 40 hours as needed. Mr. Walsh suggested negotiating with the union to do this. There is funding available to fund the 40 hours. **MOTION** by Mr. Leach to change the position for a 30 hour position with a possibility of 40 hours. Seconded by Mr. Santos. Unanimous. Members hoped to make this reasonable attempt to be fiscally responsible.

**OUTGOING**

**MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

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**PLANS REVIEWED BY AGENTS**

1. 2 Fallon Drive (M-52/L-38) Roger McAvoy & Lisa Macphee, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
2. 1 Daisy Lane (M-63/L-19S) Norman St. Germain, 3-4B Upgrade. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach recusing himself.
3. 70 High Ridge Road (M-42/L-1R) Peter Pietraszek, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
4. Drift Road (M-55/L-62D) Harold Cooper, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
5. Sycamore Lane (M-61/L-16U/SL-2) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
6. Hobbitt Hill (M-67/L-16D) Michael Cook, 4B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach recusing himself.
7. Cahoon's Lane (M-2/L-45A) Joaquim Carvalho, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach recusing himself.
8. White Oak Run (M-43/L-3F) Eduarda Nunes, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

**APPOINTMENTS**

**7:15pm – Variance Hearing: George Ayoub for 57 Washington Street, Lisa Medeiros.**

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Repair of a failed cesspool. The cesspool will be pumped and removed.

**MOTION** by Mr. Leach to grant setback to well to 88 feet as shown on the plan conditional on well testing and a hold harmless agreement plus conditional on an approval by ConCom. Seconded by Mr. Santos. Unanimous.

**7:20pm – Variance Hearing: Wendy Henderson for 259-C Tickle Road, Ranald Arntz.**

Variance requested is setback to leaching area to well at abutting property at 259-D Tickle Road at 75 feet vs. 100 feet.

Ms. Denise Cadieux was present - the resident at 259-D Tickle Road with concerns over what would be the contingency plan if her well tests as contaminated. Dr. Colletti explained that if there is contamination after years of well testing that prove no contamination, it would be up to her to prove where the contamination is coming from. She asked then what the purpose of testing the well at all is. The members explained that the regulations require all upgrades to have well testing. They explained that this plan is an improvement over what is there and that in the future, the burden is on her to prove where the contamination is coming from, if there is any. The improved plan puts the system farther away and replaces a cesspool that was more problematic being located closer to her well. The new plan now incorporates a leaching field above the water table, unlike the cesspool. Well testing was collected on May 8 for the initial sampling.

**MOTION** by Mr. Leach to grant the variance as requested subject to a hold harmless agreement and well testing and copies of well testing results are to be forwarded to Mrs. Cadieux. Seconded by Mr. Santos. Unanimous.

**7:25pm – Variance Hearing: Sitec for 173 Cherry & Webb Lane, Jim Mullin (Tight Tank).**

Mr. Leach recused himself.

Daniel Gioiosa from SITEC Inc. was present. The cesspool has failed and the variance requested is for installation of a Tight Tank as per Title-V due to the severe restriction caused by the size of the lot and proximity to environmentally sensitive areas.

Mr. Walsh asked if this were a year round or seasonal dwelling. Mr. Gioiosa stated that it was a year round dwelling. Mr. Walsh stated that the State imposes the limitation to a one-bedroom home and a deed restriction. The system would only be 63 feet from the marsh. **MOTION** by Mr. Santos to grant the variance conditional on a one-bedroom deed restriction. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach recused.

**7:30pm – Variance Hearing: TMS for 145 American Leg. Hwy., James Raposa Estate.**

Canceled.

**7:35pm – Discussion/Complaint: Tom Lemieux Regarding Jay Tripp Farm, Old Pine Hill.**

Mr. Lemieux was present to complain about the amount of cranberries on the fields abutting his property. The birds that were attracted have left droppings in layers on his property. This is an ongoing issue and they have been here before with the complaint. He noted that a previous BOH meeting, Mr. Tripp was asked to move the operation across the street, but it did not last very long. Mr. Lemieux stated that this is a health issue and the warmer weather is coming.

Attorney Brian Corey was present and represented Mr. Tripp. He presented photos of bird feeder boxes on neighboring properties. He stated that many people move to the country and know that they are moving next to a farm when they do. He stated that there is another farm opening not far for pasture

land for the first time in 35 years. He said this is unfortunately what happens when one lives near a farm.

He acknowledged that the Tripps are taking in cranberries as feed and not for replenishing the fields. The hay is grown on the farm and the cranberries are in addition to the hay. The ability and right of the farmer means by law that the farmer has the right to fertilize the fields and this will continue. It is not an unknown that the Tripp farm was there; it predates the homes built there. Mr. Corey stated there will not be any more cranberries accepted for fertilizer. He noted that the Tripp farm cannot be blamed for the bird problem since there was another farm nearby. He added that with a harsh winter there were hungry birds and many died looking for food. He stated that they will be placing noise cannons for the feed area and that they are motion sensitive. Mr. Leach stated he would like to know if there is another solution as in, can the feed be covered or stored? Mr. Corey stated the Tripps have been trying to please the neighbors but Mr. Corey stated that if it is not one issue it will be another.

Mark Sousa stated that if they are using it for feed then why are they storing a whole tractor trailer full when it is not going to be used. Mr. Sousa said that he was asked by the State to take notes and photos so he can demonstrate all of this. Mr. Corey stated that as a farmer, Mr. Tripp is allowed and entitled to sell decaying feed if it cannot be used. Discussion ensued. Mr. Leach will consult with Town Counsel regarding what the BOH's responsibilities are if the State is involved. Mr. Sousa stated that the issue of the cranberries leaving the Tripp property and ending up on his is an issue. Mr. Corey asked to have a copy of any legal correspondence. Mr. Leach will cc all the neighbors as well.

Mr. Santos noted that as far as he was informed, the State has been in and are beginning to get fed up with the neighbors' complaints. He stated that birds don't go after cranberries. It's possible they did this due to an unusually harsh winter. The birds this winter were migratory birds.

**MOTION** by Mr. Santos adjourn at 8:40 pm. Seconded by Mr. Leach. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk



The Regular Meeting of the Board of Health convened at 7:00pm at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leah, Vice Chairman  
Karl W. Santos, Secretary  
John Swartz, Health Agent

### **REORGANIZATION**

**MOTION** by Mr. Leah to nominate Dr. Colletti as Chairman. Mr. Santos seconded the motion and the vote was 2 in favor with Dr. Colletti abstaining.

**MOTION** by Dr. Colletti to nominate Mr. Leah as Vice-Chairman. Mr. Santos seconded the motion and the vote was 2 in favor with Mr. Leah abstaining.

**MOTION** by Dr. Colletti to nominate Mr. Santos as the Secretary. Mr. Leah seconded the motion and the vote was 2 in favor with Mr. Santos abstaining.

### **MINUTES**

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May 18, 2015. With regards to the transfer station position discussed at the last meeting, **MOTION** by Mr. Leah to change the position description to read 30-40 hours as needed. Seconded by Mr. Santos. Unanimous **MOTION** by Mr. Leah to approve the minutes. Seconded by Mr. Santos. Unanimous.

### **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Leah to file. Seconded by Mr. Santos. Unanimous.

### **SIGNATUREES NEEDED**

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1. Bills. Signatures rendered.
2. BOH Annual appointments (See Other Business #2 below for voting). Signatures rendered.

### **CORRESPONDENCE - Needing No Action**

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1. MDAR/**re:** Cease & Desist Order for Pine Hill Dairy, 272 Pine Hill Road. **MOTION** by Mr. Leah to file. Seconded by Mr. Santos. Unanimous.
2. Mosquito Control Project/**re:** Start Date is June 1, 2015, weather permitting. **MOTION** by Mr. Santos to file. Seconded by Mr. Leah. Unanimous

### **CORRESPONDENCE**

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1. MDAR/**re:** Cease & Desist Order for Pine Hill Dairy, 272 Pine Hill Road. **MOTION** by Mr. Leah to file. Seconded by Mr. Santos. Unanimous.

**OTHER BUSINESS**

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1. Monthly Pumping Reports. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
2. 2016 Annual Appointments for BOH. **MOTION** by Mr. Leach to make the appointments as listed. Seconded by Mr. Santos. Unanimous. **MOTION** by Dr. Colletti that each year persons are to be contacted prior to the meeting and asked if they are still interested in being appointed. Seconded by Mr. Leach. Unanimous.
3. Principal Clerk/re: Water Sample Collections. Members would like to know if the Principal Clerk has suspicions of something going on and if not, then to leave it as it is.
4. Transfer Station Discussion. Members asked to run the ad; they are aware the union is holding it up.

**OUTGOING**

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**MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

**PLANS REVIEWED BY AGENTS**

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1. American Legion Highway (M-21/L-2) Norbert Morais, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

**APPOINTMENTS**

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**7:15pm – Variance Hearing: Wendy Henderson for 259C Tickle Road, Ranald Arntz.**

The members reaffirmed the vote taken at the May 18, 2015 meeting as the address was not posted correctly at the time.

**MOTION** by Mr. Leach to grant the variance as requested subject to a hold harmless agreement and well testing and copies of well testing results are to be forwarded to Mrs. Cadieux. Seconded by Mr. Santos. Unanimous.

**7:15pm – Variance Hearing: TMS for 145 American Legion Highway, James Raposa Estate.**

Tim Santos was before the members to make the presentation for a repair to a failed septic system.

The variances requested are:

- separation to groundwater reduction from 4 to 3 feet
- sieve analysis in lieu of a perc.

The cost to install it at 4 feet of separation is cost prohibitive. Members stated that the stamp from ConCom is required on the plans.

**MOTION** by Mr. Leach to grant the variances for the 3 foot separation and a sieve analysis conditional on a hold harmless agreement. Seconded by Mr. Santos. Unanimous.

**7:20pm – Variance Hearing: Len Potter for 22 Greenwood Avenue, Kerri Levesque.**

Failed septic system with the following requested variances:

Setback from SAS to site well, 69 feet (22 Greenwood Ave.)

Setback from SAS to abutting well, 65 feet (17 Oakland Ave.)

**MOTION** by Mr. Leach to grant the variances as requested subject to a hold harmless agreement and well testing. Seconded by Mr. Santos. Unanimous.

**MOTION** by Mr. Leach adjourn at 7:55 p.m. Seconded by Mr. Santos. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** Sean M. Leach, Vice-Chair  
Karl W. Santos, Secretary  
James Walsh, Jr., Sr. Health Agent

**Absent:** John J. Colletti, Chairman

### **MINUTES**

June 1, 2015. **MOTION** by Mr. Santos to approve the minutes. Seconded by Mr. Leach. Unanimous. A final copy was not available to be signed.

### **AGENT REPORTS/INSPECTIONS**

Inspection Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

### **SIGNATUREES NEEDED**

1. 1. Bills. Signatures rendered.
2. 2. Beach Testing Agreement. Signatures rendered.
3. 3. Article Form: retain/return funds. Signatures rendered. See item 2 in Other Business below.

### **CORRESPONDENCE - Needing No Action**

1. Edge Env.(copy)/**re:** Phase V Remedial Monitoring Report, 162 State Road.
2. DEP(copy)/**re:** Notice of Non-Compliance, 10 E. Sunset Avenue.
3. Applied Env./**re:** Notice of Availability of a Phase 1 Report & Tier Classification.

**MOTION** by Mr. Leach table 1-3 to the next meeting. Seconded by Mr. Santos. Unanimous.

### **OTHER BUSINESS**

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
2. Article Retain or Return Form, Due June 30, 2015. **MOTION** by Mr. Santos to retain all as listed. Seconded by Mr. Leach. Unanimous.
3. Vacation Rollover Request. **MOTION** by Mr. Santos to grant the request. Seconded by Mr. Leach. Unanimous.
4. Year End Transfer for TS Payroll. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
5. Transfer Station Discussion. **MOTION** by Mr. Santos to approve the minor changes in the job description. Seconded by Mr. Leach. Unanimous. **MOTION** by Mr. Santos to make the position full-time at 40 hours and to advertise. Seconded by Mr. Leach. Unanimous.
6. Legal Counsel Access Issue. Mr. Leach stated he was able to submit a request through the Town Administrator in writing. He is awaiting written response to the questions.

### **OUTGOING**

**MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

### **PLANS REVIEWED BY AGENTS**

1. 194 Sanford Road (M-16/L-76) Jose Sousa, 1B NC. Discussion by members that this property was for discussion several years ago. Mr. Walsh stated that this can meet the requirements of Title V for new construction. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.

2. 1237 American Leg. Hwy. (M-33/L-64A) US Bank Trs, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous. **MOTION** by Mr. Leach to approve pending ConCom approval. Seconded by Mr. Santos. Unanimous.

#### **APPOINTMENTS**

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##### **7:15pm – Variance Hearing: Len Potter-1) 255 Briggs Road, Maria Goodwin**

Failed cesspool and new well being installed. Variance requested: Setback from SAS to owners well 70 feet vs. 100 feet.

The plan needs the variance listed upon it. This is missing on the existing plan.

**MOTION** by Mr. Santos to approve as requested. Seconded by Mr. Leach with discussion. Mr. Leach added that it is approved conditional on a Hold Harmless Agreement and well testing. Unanimous.

##### **7:15pm – Variance Hearing: Len Potter-2) 22 Main Road, Debra Silvia**

This is a duplex adjacent to the gas line. There will be a new tank replacing a failed system and it will be a pump system.

Variance requested: Setback to wetland 30 feet vs 50 feet and reduction to separation of ground-water distance to 3 feet vs 4 feet.

**MOTION** by Mr. Santos to approve as requested conditional on ConCom approval. Seconded by Mr. Leach. Unanimous.

##### **7:20pm – Discussion: R. Russell-Westport Vineyard Sunset Music Series, Port-a-Jon Permit**

Mr. Russell was a no show.

**MOTION** by Mr. Leach to adjourn at 7:45 p.m. Seconded by Mr. Santos. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl W. Santos, Secretary  
James Walsh, Jr., Senior Health Agent

### **MINUTES**

June 15, 2015. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.

### **AGENT REPORTS/INSPECTIONS**

1. Jim Walsh – Daily Report 4/16 through 6/25/15. **MOTION** by Mr. Santos to approve and file. Seconded by Mr. Leach. Unanimous.
2. John Swartz – Daily Report 4/22 through 6/25/15. **MOTION** by Mr. Santos to approve and file. Seconded by Mr. Leach. Unanimous.
3. Ray Belanger – Daily Report 4/15 through 6/18/15. **MOTION** by Mr. Santos to approve and file. Seconded by Mr. Leach. Unanimous.
4. Ray Belanger - Inspection Reports. **MOTION** by Mr. Santos to approve and file. Seconded by Mr. Leach. Unanimous.

### **SIGNATUREES NEEDED**

1. Bills. Signatures rendered.
2. 6/01/15 minutes - Signatures rendered.

### **CORRESPONDENCE - Needing No Action**

1. New Bedford Waste/re: Effective June 17, 2015, Per Ton Rate Increased by \$10. Noted.

### **OTHER BUSINESS**

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
2. Jim Walsh/re: Vacation Request. **MOTION** by Mr. Leach to approve and file. Seconded by Mr. Santos. Unanimous.
3. Nelia Williams/re: Betterment Grant Update. Dr. Colletti stated that there were 4 completed systems and one application being reviewed now.
4. Ray Belanger/re: Info on Wood's Ice Cream Water Supply. Dr. Colletti stated that the report indicated that they have an alternate water supply.
5. Year End Transfer for TS Payroll. This was approved through the BOS.
6. Transfer Station Discussion. Members asked if the ad had been placed. Dr. Colletti will call the office to ask.
7. Legal Counsel Access Issue. Mr. Leach will follow up once more.
8. Dr. Colletti stated that the Ferry farm received a certificate to re-open.

Mr. Leach asked that there be a discussion item placed on the next agenda regarding pesticides and herbicides in Westport. People are spraying haphazardly. He feels that this is a worthy discussion and asked that this be put on the agenda when he will be present which would be in 4 weeks.

### **OUTGOING**

**MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

**PLANS REVIEWED BY AGENTS**

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1. 41 Jiggs Street (M-6&7/L-98&118) Damase & Yvonne Giguere, 3B Repair
2. 23 Monroe Street (M-11/L-87-107) Paul Audette, 3B Repair
3. 671 Old County Road (M-40/L-12) Albert Grundy, 3B Repair
4. Cardinal Lane (M-55/L-62N) Nicholas Focchiano, 3B NC
5. 32 Cortney Drive (M-21/L-10BK/SL-68) Briggs Landing LLC, 3B NC
6. 3 Sherman Ct (M-21/L-10BZ/SL-83) Briggs Landing LLC, 3B NC
7. 8 Sherman Ct (M-21/L-10BU/SL-78) Briggs Landing LLC, 4B NC
8. 9 Sherman Ct (M-21/L-10BW/SL-80) Briggs Landing LLC, 3B NC
9. 10 Sherman Ct (M-21/L-10BV/SL-79) Briggs Landing LLC, 4B NC

**MOTION** by Mr. Leach to approve items 1-9. Seconded by Mr. Santos. Unanimous.

**TABLED**

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1. Edge Env.(copy)/re: Phase V Remedial Monitoring Report, 162 State Road.
2. DEP(copy)/re: Notice of Non-Compliance, 10 E. Sunset Avenue (off Sanford Road).
3. Applied Env./re: Notice of Availability of a Phase 1 Report & Tier Classification.

**MOTION** by Mr. Leach to file items 1-3. Seconded by Mr. Santos. Unanimous.

**APPOINTMENTS**

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**7:15pm – Variance Hearing: Len Potter for 1919 Drift Road, Richard Brewer.**

The system is a failed system and is a small lot.

Variances requested:

- setback from SAS to basement wall - 9 feet vs. 20 feet
- setback to well at 1919 Drift Road - 52 feet vs. 100 feet (Site Well)
- setback to well at 1874 Main Road - 83 feet vs. 100 feet.
- setback to well at 1913 Drift Road - 52 feet vs. 100 feet.

Robert Randall, an abutter was present to ask how samples were taken at Mr. Ellsworth's home. The sampling report stated it was taken from the kitchen sink. The water also meets drinking water standards.

**MOTION** by Mr. Leach to grant the variances requested conditional on a hold harmless agreement and well testing. Seconded by Mr. Santos. Unanimous.

**7:20pm – Variance Hearing: Mark Rodrigues for 19 Bassett Avenue, David Walker.**

Voluntary upgrade on a poorly repaired system.

The variance requested is:

- Vertical separation from 4 to 3 feet .

This allows the system to be moved to the north. It is a pump system and the existing tank was intact and the cost is an issue.

**MOTION** by Mr. Leach to grant the variance requested conditional on a hold harmless agreement. Seconded by Mr. Santos. Unanimous.

**OTHER:**

Len Potter: Discussion on Forge Road, Lot 1, Carlos Ferreira. Mr. Potter stated that he would propose an Advantax System and he is asking if this would be acceptable given it is 100 feet away from the wetlands area. Members said it would be.

**MOTION** by Mr. Leach to adjourn at 7:55 p.m. Seconded by Mr. Santos. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk



The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Karl W. Santos, Secretary  
James Walsh, Jr.-Senior Health Agent

**Absent:** Sean M. Leach, Vice-Chairman

## **MINUTES**

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1. June 29, 2015. **MOTION** by Mr. Santos to approve as corrected. Seconded by Dr. Colletti. Unanimous.

## **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

## **SIGNATUREES NEEDED**

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1. Bills. Signatures rendered.

## **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Nurse/re: Activity Report for may & June 2015. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. MDPH/re: Arbovirus Report for 6/22, 6/29 & 7/06. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
4. BOS/re: Request for a BOH Alternate for the Water Resource Committee. **MOTION** by Mr. Santos to table to the next meeting. Seconded by Dr. Colletti. Unanimous.
5. Pat Kershaw/re: Vacation Request. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
6. Transfer Station Discussion (Application deadline is July 20th at 3pm). After being posted in-house, the job was advertised and there have been 5 applications submitted thus far.
7. Legal Counsel. **MOTION** by Mr. Santos to table to the next meeting. Seconded by Dr. Colletti. Unanimous

## **OUTGOING**

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**MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous

## **PLANS REVIEWED BY AGENTS**

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1. 519 Horseneck Road (M-73/L-61) Elizabeth Meyer, 5B Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
2. 327 Beeden Road (M-34/L-43B) Long Built Homes, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. 91 Davis Road (M-5/L6E&G) Janice Oliver, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

4. 1546-B Drift Road (M-57/L-48-49) Phyllis Ainsworth Estate, 2 B to 3B Upgrade. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
5. 7 Holly Lane (M-87/L-33J) Mary Berg, 4B to 6B Upgrade. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
6. Washington Street (M-6/L-7E) Melissa Leandro/Emanuel Ferreira, 4B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Dr. Colletti. Unanimous.

**OTHER**

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Dr. Colletti asked if Mr. Walsh recalls if picking up road kill was written into the Dog Officer's job description. He suggests a joint meeting between the BOH, Police and BOS to have it put back in and to address the 24/7 hours the ACO actually works. Members felt it should be the ACO's job and not primarily Mr. Walsh's even though he has voluntarily been performing this duty. Dr. Colletti is interested in the effects on this Board because of the substantial calls that come in on the weekends. Dr. Colletti will review the job description and contact the BOS.

**APPOINTMENTS**

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**7:15pm – Variance Hearing: Len Potter for 2 Faulkner Street, Ronald Santos**

Repair septic system of existing two sewage pits. Water tests have been taken.

Variance requested: Setback from SAS to abutting well at 8 Faulkner St., 79 ft vs 100 ft.

**MOTION** by Mr. Santos to approve conditional well testing and a hold harmless agreement. Seconded by Dr. Colletti. Unanimous.

**MOTION** by Mr. Santos to adjourn at 7:45 p.m. Seconded by Dr. Colletti. Unanimous

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:03 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice-Chairman (arrived 7:30 p.m.)  
Karl W. Santos, Secretary  
John R. Swartz, Health Agent

## **MINUTES**

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July 13, 2015. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

Dr. Colletti noted that since the last meeting he has contacted the Town Administrator twice and has not received a call back.

## **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

## **SIGNATUREES NEEDED**

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Bills. Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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1. Edge Env.(copy)/re: Immediate Response Action Status, Remedial Monitoring & Phase V Status Report. **MOTION** by Mr. Santos to file. Seconded By Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.
2. DEP(copy)/re: Plans Submitted for the Installation of a Manganese Treatment System at Macomber School. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

## **CORRESPONDENCE**

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1. Planning Board/re: Impact of New Developments Along Bread & Cheese Brook. Noted. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.
2. CPC/re: Information hearing on September 10<sup>th</sup> at 7:30pm. Noted. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

## **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

2. MDPH/re: Arbovirus Report for 7/13, 7/20. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.
3. BOS/re: Request for Fee Increases for Collective Public Hearing. Mr. Leach suggested that Mr. Walsh and Mr. Swartz and Ms. Paquet make recommendations for the Board's next meeting.
4. TS Application Review and Interview Setup. Three applicants do not have all qualifications and were eliminated: Sousa, McGuire and Choquette do not have CDL licenses. Meeting to be scheduled next Monday at 7 pm giving 10 minutes to each applicant.
5. Discussion: Pesticides & Herbicides. Mr. Leach suggested that there be a policy or a regulation so that the BOH has a record what is being done. Mr. Leach will research and provide a draft.
6. Marilyn Edge/re: Latest Regulation Sample, Appt. Scheduled Aug. 10th. Members agreed to the meeting date and time at 7:30-7:45 p.m.

**OUTGOING**

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**MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

**PLANS REVIEWED BY AGENTS**

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1. 968 American Leg. Hwy. (M-28/L-4G1) Gilbert Souza, Jr., 4B Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.
2. 36 Goodwater Street (M-19/L-11D) Robert Goulet, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.
3. 336 Robert Street (M-62/L-40) Carol Santos Trustee/D & E. Buker, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded By Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.
4. 237 Gifford Road (M-29/L-22C) Tiago Sousa, 4B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

**TABLED**

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1. BOS/re: Request for a BOH Alternate for the Water Resource Committee. Mr. Walsh is the appointed representative. He asked that one of the Board members be the appointed member of that committee and the he be the alternate. Mr. Leach would prefer to be on that committee so that he could speak to septic issues. Dr. Colletti stated that a letter be sent to the BOS explaining that any policies regarding the BOH be brought to the BOH prior to the public. Seconded by Mr. Leach. Unanimous.
2. Legal Counsel. Mr. Leach stated he spoke with Attorney Blake. The BOH has the right to regulate anything under the nuisance regulation. But, if it is farming, then the BOH cannot. If it is non farming, then the BOH can. If the BOH deems a nuisance, as in letting cranberries sit on

a field for weeks, the BOH has the right to ask them to remediate the situation. Or, for example, bring in a mountain of cranberries and claiming to feed only 2 pigs. The cranberries in that volume would be a nuisance.

## **APPOINTMENTS**

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### **7:15pm – Variance Hearing: Mark Rodrigues for 4 Acushnet Avenue, Maurice Gagne.**

Green cards were submitted for abutter Ainsworth but not for abutter Kershaw.

Failed system in a small lot. The system will be a 2 compartment 1,500 gallon tank.

Variances requested:

- Setback to site well 50 ft. vs. 100 ft. and
- Setback to NW property line to SAS 7 ft. vs. 10 ft.

**MOTION** by Mr. Santos to approve conditional on a Hold Harmless Agreement and well testing. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

### **7:20pm – Variance Hearing: Prime Engineering for 128 Pettey Lane, Phil Beauregard**

Small lot requiring the following requested variances:

- Setback from SAS to property line 4 ft. vs. 10 ft.
- Setback from Tank to property line 4 ft. vs. 10 ft.
- Setback from pump chamber to property line 2+ ft. vs. 10 ft.
- Setback from SAS to cellar/crawl space 10+ ft. vs. 20 ft.
- Setback from Tank to cellar/crawl space 4+ ft. vs. 10 ft.
- Separation of septic tank 6 ft. below finish grade vs 3 f.t max.
- Separation of pump chamber 6 ft. below finish grade vs. 3 ft. max.
- Setback of SAS to site well 80 ft. vs. 100 ft.
- Reduction from 2 to 1 deep observation hole in disposal area.
- Reduction of secondary treatment area 50% vs. 100% for remedial use for LTAR deigned SAS design.

**MOTION** by Mr. Leach to approve conditional on a Hold Harmless and well testing. Seconded by Mr. Santos. Unanimous.

### **7:25pm – Variance Hearing: Greg Nicholas for 16 Arlington Ave., Nation Star Mortgage Co.**

Green cards for abutter notification were previously submitted.

The current well is in the center of the property. The system will be a Presby System to reduce nitrogen and the site well will be moved to accommodate the new system. Based on the size of lot and property lines as shown and areas to work with, the requested variances are as follows:

Reduction in offset-edge of system to wells

- 1. 81.6' vs. 100 ft. to 15 Greenwood Avenue
- 2. 67.4' vs. 100 ft. to Site well (proposed well) 16 Arlington Avenue
- 3. 54.3' vs. 100 ft. to 10 Arlington Street.

Reduction in offset-edge of system to property line

- 1. 8.6 ft. vs. 10 ft.

Brenda Hamil of 15 Greenwood Street stated that she wanted a written guarantee that the new system will not ever affect her well. She is opposed to this. Mr. Maurice Hamil from 1080 Sodom Road was also present and was opposed. Members explained that what is there now poses a greater threat to the wells in the area. This is a better solution.

**MOTION** by Mr. Santos to approve conditional on well testing and a Hold Harmless Agreement. Seconded by Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

**7:30pm – Variance Hearing: Len Potter for 31 Second Street, Herbert Wells**

Septic repair. Owner's well will be filled and a new well drilled and will be 53 ft. from the proposed system. Four abutters' wells will be less than 100 ft. from proposed field.

Variances requested:

- Distance of basement wall to septic tank, 5 ft. vs. 10 ft.
- Distance from basement wall to leach area, 13 ft. vs. 20 ft.
- Distance to abutters' wells: 57 ft. vs. 100 ft. to 32 Second St.; 67 ft. vs. 100 ft. to 35 Second St.; 60 ft. vs. 100 ft. to 28 Second St. 94 ft. vs. 100 ft. to 27 Second St.

**MOTION** by Mr. Leach to approve conditional on a Hold Harmless and Well testing. Seconded by Mr. Santos. Unanimous.

**MOTION** by Mr. Leach to adjourn at 8:30 p.m. Seconded by Mr. Santos. Unanimous

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:03 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman (arrived 7:09 p.m.)  
Karl W. Santos, Secretary  
James Walsh, Jr.-Sr. Health Agent

## **MINUTES**

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1. July 27, 2015. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.
2. Aug 3, 2015 – tabled. **MOTION** by Mr. Leach to approve. Seconded by Dr. Colletti. Mr. Santos abstained and the vote was two in favor.

## **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Santos to file. Seconded By Dr. Colletti. Two voted in favor. Mr. Leach was absent at this time.

## **SIGNATUREES NEEDED**

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Bills. Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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Edge Env.(copy)/re: Phase V Remedial Monitoring Report for 162 State Rd. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.

## **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.
2. MDPH/re: Arbovirus Report for 7/27, 8/03. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.
3. Betterment Septic Grant Update. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.
4. BOS/re: Request for Fee Increases for Collective Public Hearing. **MOTION** by Mr. Santos to not increase any of the fees at this time. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.

Mr. Leach arrived at this time: 7:09.

5. Water Resource Committee Alternate. **MOTION** by Mr. Santos to make Mr. Walsh the primary with Mr. Leach as the alternate. Seconded by Dr. Colletti. Unanimous.
6. Letter to BOS Regarding BOH Policies (See 7/27 minutes). Members discussed with Mr. Walsh and he will draft a letter.
7. Pesticides & Herbicides: Policy/Regulation - tabled to the next meeting.
8. Communication from Town Counsel regarding nuisance. Mr. Leach asked to keep Town Counsel's advice on file and to implement it when needed. Mr. Leach would also like to have the abutters notified.
9. Transfer Station employee voting: **MOTION** by Mr. Leach to offer first choice to Frederick Jordan and if anything should happen in 6 months the Board is to hire Jordan Costa. Seconded by Mr. Santos. Unanimous.

#### **OUTGOING**

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**MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

#### **PLANS REVIEWED BY AGENTS**

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1. 191 Old Pine Hill Road (M-43/L-20) James Tripp, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
2. Old Harbor Road (M-87/L-2) Bruce Meachem, 4B NC. Mr. Leach recused himself. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was recused.
3. Sanford Road (M-18/L-4C/SL-3) Natalie Caetano, 6B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

#### **APPOINTMENTS**

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##### **7:05pm - TS Job Vacancy Interviews**

Jeremy Bernardo was present for the interview. Members explained the job requirements.

Jason Costa was present for the interview. Members explained the job requirements.

Applicants described their qualifications and posed questions.

##### **7:15pm - Variance Hearing: George Ayoub for 12 Washington Street, Jean Santos.**

Failed Septic System with a variance requested to site well. New leaching field to replace cesspool. Setback to well 70.9 feet vs. 100 feet.

**MOTION** by Mr. Leach to approve conditional on well testing and a hold harmless agreement. Seconded by Mr. Santos. Unanimous.



**7:20pm - Variance Hearing: Mark Rodrigues for 10 Hebert Way, Jill Zajac**

Failed system; new system designed for a seasonal one bedroom cottage at 220 gallons per day.  
Variance requested: SAS to bordering vegetated wetlands, 44 feet vs. 50 feet.

**MOTION** by Mr. Leach to approve conditional on approval from Conservation Commission.  
Seconded by Mr. Santos. Unanimous.

**7:30pm - Discussion: Marilyn Edge (Tobacco Control) FY'16 Work Plan & New Sample of Regs.**

Ms. Edge brought her community assistant, Kathy Wilbert. She distributed the latest Tobacco Community Fact Sheet indicating how Westport rates in comparison to other communities of the same kind.

Data sources are mostly from medical reporting. She asked if there were any questions to let her know. Dr. Colletti asked if there were any help for providing smoking cessation in Town. Kathy Wilbert stated they have the "84 movement" self-started by their peers in high school helping to avoid embarrassment.

Ms. Edge provided a checklist indicating what is already in the existing regulation. There are some new initiatives since the Regulation went into effect in 2013. The only communities that have gone to age 21 are Foxboro and Mansfield is next. Attleboro is looking at the age - either 19 or 21 and once changed, North Attleboro will fall in.

The new item on the new checklist is that no new permits to be allowed within 500 feet of a school. This also includes flavored products of certain types for 18 year olds (not "Adult Only" unless that age is changed). Ms. Edge has also provided a packet of information of other issues.

They will be performing a compliance check in October and any violations will be checked within 3 months. Ms. Wilbert also distributed other literature that identifies what kids see at eye-level and how tobacco companies are targeting them and equating tobacco products to candy. Ms. Edge discussed helping to rewrite the regulation and the Board was agreeable.

**MOTION** by Mr. Santos to adjourn at 8:10 p.m. Seconded by Mr. Leach. Unanimous

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:04 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman (departed at 7:17 p.m.)  
Karl W. Santos, Secretary  
James J. Walsh, Jr., Senior Health Agent

## **MINUTES**

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Aug 10, 2015. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.

## **AGENT REPORTS/INSPECTIONS**

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1. James Walsh – Daily Log 6/26 thru 8/19/2015.
2. John Swartz – Daily Log 6/26 thru 9/19/2015.
3. Ray Belanger – Daily Log 6/24 thru 8/19/2015.
4. Ray Belanger - Inspection Reports.

**MOTION** by Mr. Santos to approve all reports. Seconded by Mr. Leach. Unanimous.

## **SIGNATUREES NEEDED**

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Bills. Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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1. Edge Env.(copy)/**re:** Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
2. DEP(copy)/**re:** Notice of Non-Compliance Haz. Material Cleanup, Rte. 24 South. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
3. Atlantice Env.(copy)/**re:** Remedy Operation Status & Remedial Monitoring Report, 251 Forge Road.

**MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

## **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
2. MDPH/**re:** Arbovirus Report for 8/10 & 8/17. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
3. Letter to BOS Regarding BOH Policies Draft. **MOTION** by Mr. Santos to approve the draft and to send the letter. Seconded by Mr. Leach. Unanimous.
4. Meeting Schedule for September. Members unanimously agreed the next meeting to be on September 21 unless there are any pressing issues that come up sooner.
5. Capital Improvement Planning. Members asked that the staff consider this request and propose any ideas.

## OUTGOING

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**MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

## PLANS REVIEWED BY AGENTS

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1. Brookwood Dr. Ext. (M-70/L-11) Brook Meadow Westport, LLC, 12 houses with 3B ea. ***TABLED***.
2. Charlotte White Road (M-65/L-1B/SL-2) Michael Brimbau, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

## TABLED

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Pesticides & Herbicides: Policy/Regulation. **MOTION** by Mr. Leach to table to the next meeting. Seconded by Mr. Santos. Unanimous.

**NOTE:** Mr. Leach left the meeting at 7:17 p.m.

## APPOINTMENTS

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### **7:15pm – Variance Hearing: Wendy Henderson for 387 Hix Bridge Rd., Jameson Chace.**

Local upgrade for repair of existing cesspool with the following variances requested.

Setback from leaching area to street property line, 6 feet vs. 10 feet.

Setback from leaching area to foundation, 11 feet vs. 20 feet.

**MOTION** by Mr. Santos to approve the variances as requested. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.

### **7:20pm – Variance Hearing: George Collins for 12 Velvet Ave., Carolyn Lessa.**

Peter Lyons was present before the Board.

Local upgrade with the following variances requested:

Separation of SAS from groundwater, 3 feet vs. 4 feet

Separation of lowest tank invert from ground water separation at 1 inch vs. 12 inches.

Sieve Analysis in lieu of perc test.

**MOTION** by Mr. Santos to approve the variances as listed on the plan and to install two cleanouts along the septic line as suggested by Mr. Walsh. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.

**Taken out of order was the 7:30pm appointment at 7:20 p.m.**

**Variance Hearing: Sitec, Inc. for 135-S Cadmans Neck Road, Patricia Casey, Trustee.**

Repair of septic system with the following variance requested:

Setback from proposed SAS to site well, 90 feet vs 100 feet.

**MOTION** by Mr. Santos to approve the variances as requested. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.

**7:25pm – Variance Hearing: Leonard Potter for 13 Beaulieu St., Pierrette Powers Est.**

Repair of failed system with the following variance requested:  
Setback of SAS to site well 86 feet vs. 100 feet.

**MOTION** by Mr. Santos to approve the variance requested conditional on well testing, a hold harness agreement and approval from ConCom. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.

**NOTE.** At 7:30, the members called upon anyone in attendance for the 7:30 appointment and there was no one present. They then read the motion into the record again: **MOTION** by Mr. Santos to approve the variances as requested. Seconded by Dr. Colletti. The vote was unanimous with two in favor; Mr. Leach was absent at this time.

**OTHER**

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Mr. Walsh informed the Board that the Administrator received a complaint of a RI plated vehicle using the Transfer Station. He responded that the Board had voted several years ago to allow anyone to utilize the Transfer Station to increase their customer base and revenues. This was explained to the Administrator who replied that he wanted to know the number of the Transfer Station sticker. Mr. Walsh explained that the staff time in searching the books going back to May would not be good use of their time and that the staff at the Transfer Station will be asked to make note of it the next time that vehicle is seen there.

**MOTION** by Mr. Santos to adjourn at 7:39 p.m. Seconded by Dr. Colletti. Unanimous

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:03 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**PRESENT:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl w. Santos, Secretar  
James J. Walsh, Jr. - Senior Health Agent

## **MINUTES**

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Aug. 24, 2015. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.

## **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.

## **SIGNATUREES NEEDED**

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1. Bills - signatures rendered.
2. T&B Eng. Services Proposal (See #8 Other Bus.) - Signatures rendered.
3. Revised Appointments for FY'16 (See #6 Other Bus.) - Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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1. Edge Env.(copy)/re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
2. DEP(copy)/re: Notice of Responsibility for Release of Hazardous Material at 9 Mt.Pleasant St. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
3. DEP(copy)/re: Notice of Responsibility for Release of Hazardous Material at 698 Pine Hill Road. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
4. DEP(copy)/re: Notice of NonCompliance of Hazardous Material Release Cleanup at 509 State Road. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
5. Applied Enviro-Tech(copy)/re: Notice of Availability of a Phase II/III Report & IRA Plan for 660 Main Road. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

## **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
2. MDPH/re: Arbovirus Report for 8/24 & 8/31 & 9/07. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
3. Nurse/re: Activity Report for July & August 2015. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
4. John Swartz/re: Vacation Request. **MOTION** by Mr. Leach to grant. Seconded by Mr. Santos. Unanimous.
5. Citizens Betterment/re: 2015 Ronald Desrosiers Memorial Fund Grant Application. Mr. Walsh will discuss with office staff. **MOTION** by Mr. Leach to table for Mr. Walsh to discuss with staff. Seconded by Mr. Santos. Unanimous.
6. Marilyn Edge/re: Request for New Tobacco Agent Appointment. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

7. Marilyn Edge/re: New Attorney General's Regulations on E-Cigarettes. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
8. Tighe&Bond/re: FY2016 Landfill/Tran. Sta. Engineering Services Proposal. **MOTION** by Mr. Leach to accept the proposal and they continue to monitor the landfill. Seconded by Mr. Santos. Unanimous.
9. GNBReg Refuse/re: Follow Up Proposal-Trash Disposal Request-10/31/15 deadline. The proposal will be for 3 years (\$7 less/ton than current) with a written contract. **MOTION** by Mr. Leach to accept the proposal once the contract is received and reviewed. Seconded by Mr. Santos. Unanimous.

## **OUTGOING**

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**MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

## **PLANS REVIEWED BY AGENTS**

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### **Septic Application/Plan:**

1. 248 State Road (M-13/L144C&E) Route 6 Enterprises, 3B Repair-Emergency. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
2. 105 Cornell Road (M-82/L-35A) Robert Maltais, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
3. 33 Briar Drive (M-22/L-136) Brian Andrews, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
4. 35 Perch Rock Road (M-89/L-108) Prescott Family, 4B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
5. 181 Atlantic Avenue (M-89/L-14&15) David Pierce Trust, 2B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
6. 1175 State Road (M-28/L-21,22A&54-58) Gilbert Souza, Jr., Commercial Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach recused himself.
7. 1681 Drift Road (M-57/L-35) Robert Leary, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
8. 473 Hix Bridge Road (M-43/L-3/SL-10) Jane Bernardo, 2B Upgrade. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
9. Highland Avenue (M-6/L-10,11) Kim Pacheco & Myles Lucier, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
10. 145 Mouse Mill Road (M-31/L-13) Ken Novo, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
11. Riverview Drive (M-36/L-6) Jeff Riley, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
12. Upland Trail (M-56A/L-28/SL-2) Bruce Kowal, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Leach recused himself.
13. Hickory Lane (M-61/L-17Z/SL-38) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
14. Cooks Lane (M-39/L-39C-1) Carol Knapp, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

**Building Application/Plan:**

1. 248 Sodom Road (M-65/L-3P) James Coleman, 4B Rebuild, 1972 Septic, T-5 Pass 2008. The applicant is proposing demolishing and rebuilding a 3 bedroom. This is not a 4 bedroom rebuild despite the posting. The Title V report passed. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

**TABLED**

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1. Pesticides & Herbicides: Policy/Regulation. **MOTION** by Mr. Leach to table to the next meeting. Seconded by Mr. Santos. Unanimous.
2. Brookwood Dr. Ext. (M-70/L-11) Brook Meadow Westport, LLC, 12 Houses 3B ea. **MOTION** by Mr. Leach to approve under the statues of 40B. Seconded by Mr. Santos. Unanimous.

**APPOINTMENTS**

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**7:15pm – Variance Hearing: Alex Gorodetsky for 141 Pettey Lane, Thomas Valton.**

## Variances requested:

- reduction in septic tank setback from foundation wall 7 feet vs. 10 feet.
- reduction in SAS setback from foundation wall 13 +/- feet vs/ 20
- reduction in SAS setback to property line to 10' to 1'+ (143 Pettey Lane, west and 137 Pettey Lane, east).
- variable width over-dig reduction from 5 to 0 ft.
- reduction in leaching area and number of GSF Eljen units from 600 sf to 400 sf and from 24 units to 20 units respectively.

**MOTION** by Mr. Leach to grant the variances as requested conditional on a hold-harmless agreement. Seconded by Mr. Santos. Unanimous.

**7:20pm – Tobacco Violation Hearing: Marilyn Edge – Cumberland Farms on Main Road and State Road, 2nd Offense for Both.**

This being the 2nd offense, the fine is \$200 and a mandatory 7 day suspension. General Manager was present and he stated that the register queues a question to be asked. It is an oversight because the 17 year old male had facial hair and there was no question to the cashier in this case. The 2nd offense penalty cannot be waived. The last violation was August 2014 for a 16 year old female who purchased an e-cigarette. The violation before that was in 2005. They will receive a 10 day notice after which they must suspend cigarette product sales. Each store will be suspended. Ms. Edge will respond to the Board in writing; the closures will be: Oct 5-11 on Main Road and Oct 13-20 State Road.

**7:35pm – Complaint: Melody Nardolillo, 9 Mt. Pleasant Street, Chap. II Issues vs. Sr. Agent**

No one was present for this. Mr. Walsh submitted a time line and the reasons for his actions. It is his understanding that the events have gotten worse. Mr. Walsh stated that these issues are with the court system and there is nothing further for the Board of Health to do.

**MOTION** by Mr. Leach to file for the record. Seconded by Mr. Santos. Unanimous.

**7:45pm – Discussion: Dave Divignon for 1702-H Drift Road, Wayne Seaman.**

Request for a waiver for a 3rd bedroom. He suggested changing the leaching field to a FAST system. There is a sea wall and with the fast system, will not need stricter requirements under local approval and add a 3rd bedroom. Dr. Colletti preferred a 2 bedroom deed restriction. Mr. Leach stated that the denitrification system for a 3 bedroom system would be similar to a 2 bedroom system in this location. The attempt was to comply but the easement in the field did not materialize.

One grey area - the prior engineer stated that the "coastal bank" and the "sea wall" need to be clarified. Mr. Leach stated that it is a condition of the ConCom and the BOH approval would be conditional on their approval. He feels that it would be approvable based on ConCom approval.

**7:50pm – Variance Hearing: Mark Rodrigues for 352 Old Bedford Road, Kelli Towers.**

There is an existing septic in the front yard and there is a need to ARC low profile system in a small lot and based on this there is a need for a well variance;

Variances requested:

- Setback between SAS and site well 61 feet vs 100 feet
- Sieve analysis in lieu of a percolation test.

**MOTION** by Mr. Leach to approve conditional on a hold harmless agreement and well testing.  
Seconded by Mr. Santos. Unanimous.

Mr. Rodrigues asked if he could begin before well testing. Mr. Walsh stated that he could start with some of the process (backwards) until the water is sampled.

**7:55pm – Variance Hearing: Lenny Potter for 80-A Cummings Lane, AGR Trust.**

Small lot 90 x 90 and based on the dimensions, all other setback were met.

Variance requested:

- Setback from SAS to owner's well 61' vs 100'

The design was based on the premise that the owner owns to the center line of the right of way, which is 60 feet wide in front of his home. The system will be 23 feet from the center line of the right of way. Cummings Lane, a paved roadway, is built on the northern half of the right of way. The existing system is presently in the right of way.

Mr. Leach suggested that the association be notified. Mr. Potter stated that there is no association any longer and that it was dissolved.

The SAS is 20 feet from the right of way.

**MOTION** by Mr. Leach to grant the variance as requested conditional that there is a hold harmless agreement and that there is a note on the hold harmless stating that the system is in the right of way..  
Seconded by Mr. Santos. Unanimous.



**Also regarding a property on Atlantic Avenue.** - Mr. Potter asked about this property that it lies on a coastal bank. The system was repaired and the system was 2.5 feet above ground and is distanced 140 - 160 feet away from the water. He stated that he will need to file a full notice of intent with the ConCom

**MOTION** by Mr. Leach to adjourn at 8:10 p.m. Seconded by Mr. Santos. Unanimous

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:06 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Jr. - Senior Health Agent

## **MINUTES**

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Sept. 21, 2015. No minutes were in the member's packets and they requested these be placed on the next meeting.

## **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

## **SIGNATUREES NEEDED**

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1. Bills - Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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1. Sitec Env./re: Permanent Solution Statement with No Conditions, 509 State Road.  
**MOTION** by Mr. Santos to File. Seconded by Dr. Colletti. The vote was two in favor with Mr. Leach recusing himself.

## **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Santos to File. Seconded by Mr. Leach. Unanimous.
2. MDPH/re: Arbovirus Report for 9/21 & 9/28. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
3. Nancy Paquet/re: Special Agent Appointment for Tobacco Control Program. **MOTION** by Mr. Leach to appoint Ann Pollock as a special Agent. Seconded by Mr. Santos. Unanimous.
4. Marilyn Edge(copy)/re: Self Service Display Issue at 151 State Road. Ann Pollock was nominated. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
5. Tabled items were not brought forward from the last meeting.
6. Mr. Walsh stated that he heard back regarding a grant he applied for and decisions will be rendered soon. He also stated that as a heads up, the Special Town Meeting is scheduled for December 1 and the staff is looking at what articles they may want to bring to it.
7. Mr. Walsh reported to the Board about a complaint at the Transfer Station. The complaint was unfounded per Mr. Walsh's findings.

## **OUTGOING**

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**MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.

**PLANS REVIEWED BY AGENTS**

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1. Horseneck Road (M-44/L-2) Robert Lamoureux, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
2. 246 Howland Road (M-88/L-150) Angela Scott, 4B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
3. 21 Stagecoach Road (M-41/L-9AD) Randall Ustinovich, 5B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
4. 49 Grand Pine Way (M-30/L-25H&25J) Kathryn Cordeiro, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.
5. 183 Brayton Point Road (M-88/L-50A&51) 7B Upgrade. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous.

**APPOINTMENTS**

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**7:15pm – Discussion: Atty. Perry-68 Old Harbor Road, David Gilmour, 3B to 5B.**

Attorney Perry and Wendy Henderson for Mr. Gilmour. The applicant had a repair for 3 bedroom. Mr. Gilmour would like to upgrade to 5 bedrooms. The new design will have less impact on groundwater than a 3 bedroom system. Attorney Perry explained the technical concerns of the Board. 1. Title V states that if a system is placed in a Velocity zone, flow can be increased as long as there is a second resource area. This is neither in a velocity zone or a coastal zone, therefore, Title-V would not apply to these. Attorney Perry explained that there are other criteria regarding resource areas that would not apply either.

The house will be a 5 bedroom and the system design would be better than a conventional design. Mr. Leach's concern is (the 100' setback is not applicable but) the increase in flow and the regulation was drafted specifically to address expansion of a system because other areas of small lots in velocity zones were expanding without any resource areas. Ms. Henderson also explained the benefits. Mr. Walsh cautioned to explain the hardships incurred. The members felt that to make sure the Board would be doing the right thing, they would feel more comfortable running this by Town Counsel. Mr. Leach would prefer a Sand filter over the Advantex system and maximum feasible compliance; some type of treatment system and maximum setbacks. Mr. Leach will contact Town Counsel and relay that information. Attorney Perry will send the info to Mr. Leach so that he can forward to Town Attorney. Mr. Santos asked to know what part of the property is in the velocity zone and how much of the property that is. Also is there no other option, the Board would like to have as much information. Also, the system would have to be approvable in RI.

**7:25pm – Variance Hearing: Lenny Potter for 10 First Avenue, Joaquim Fernandes.**

Repair of 2 bedroom system on a small lot. Variances requested:

Setback from SAS to garage slab 6 feet vs 10 ft.;

Setback from SAS to drainage swale 17 ft vs. 50 ft. (because it intercepts ground water);

Setback from SAS to site well 69 ft. vs 100 ft.

No other wells are impacted.

**MOTION** by Mr. Leach to grant the variances as requested conditional on a hold harmless agreement and well testing. Seconded by Mr. Santos. Unanimous.

**MOTION** by Mr. Leach to adjourn at 8:00 p.m. Seconded by Mr. Santos. Unanimous

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:02 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Sean M. Leach, Vice Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Jr. - Senior Health Agent

## **MINUTES**

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1. Sept. 21, 2015. **MOTION** by Mr. Leach to accept. Seconded by Mr. Santos. Unanimous.
2. Oct. 05, 2015. **MOTION** by Mr. Santos to accept. Seconded by Mr. Leach. Unanimous.

## **AGENT REPORTS/INSPECTIONS**

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1. James Walsh: Daily Log 8/18/2015 – 10/09/2015. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
2. John Swartz: Daily Log 8/17/2015 - 10/14/2015. **MOTION** by Mr. Santos to approve. Seconded by Mr. Leach. Unanimous.
3. Ray Belanger Daily Log 8/20/2015 – 10/09/2015. **MOTION** by Mr. Leach to accept. Seconded by Mr. Santos. Unanimous.
4. Ray Belanger - Inspection Reports. **MOTION** by Mr. Leach to accept. Seconded by Mr. Santos. Unanimous.

## **SIGNATUREES NEEDED**

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1. Bills. Signatures rendered.
2. Recycling Dividend Program Contract. Sustainable Materials Recovery Program will award additional funds to the Town: \$200 for each point earned. Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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1. Rubin & Rudman LLP/**re:** Abutter's Concern on 497 Old County Road, Town Landing. Mr. Leach recused himself. There is no official action. **MOTION** by Dr. Colletti to send the Attorney a letter stating the fact that no perc tests have been done as of yet. Seconded by Mr. Santos. Two voted in favor with Mr. Leach recused.
2. Atty. Perry/**re:** Copy of Appeals Court Case Referenced at Last Meeting for 68 Old Harbor Road, David Gilmour. Tabled.

## **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
2. MDPH/**re:** Arbovirus Report for 10/12. **MOTION** by Mr. Santos to file. Seconded by Mr. Leach. Unanimous.
3. Kathy Burns/**re:** Vacation Request. **MOTION** by Mr. Leach to grant. Seconded by Mr. Santos. Unanimous.
4. Nelia Williams/**re:** Septic Betterment Update. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

5. Discussion for Additional Animal Inspector. **MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.
6. Discussion on Out-of-State Plated Vehicles at TS. Members discussed the circumstances; no action required.
7. DEP/re: Awarded Recycling Dividends Funds & Small-Scale Initiative Funds Under the Sustainable Materials Recovery Program. Discussed above under signatures rendered.
8. Transfer Station MSW Fee Match with NB Waste Services. Mr. Walsh summarized the current fees and Crapo Hill's offer of less per ton. New Bedford Waste matched the offer. Members agreed to remain with New Bedford Waste Services.

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**OUTGOING**

**MOTION** by Mr. Leach to file. Seconded by Mr. Santos. Unanimous.

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**PLANS REVIEWED BY AGENTS**

1. 201 Briggs Road (M-23A/L-213) Robert & Joan Burt, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
2. 162 American Legion Hwy (M-21/L-2AS&2U) Francis & Joy Frain, 3B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
3. 21 Stage Coach Road (M-41/L-9AD) Randall Ustinovich, 5B Repair. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
4. E. Morency Street (M-18A/L-109/SL-1) Lakeview Park, Inc., 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
5. Thomas Street (M-18A/L-109/SL-2) Lakeview Park, Inc., 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
6. Thomas Street (M-18/L-35/SL-1) Lakeview Park, Inc., 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
7. Kelsey's Way (M-67/L-7D) Jeffrey Stockwell, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
8. Kyle Jacob Road (M-24/22R/SL-3) Jose & Maria Brasil, 4B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
9. Upland Trail (M-56A/28/SL-3) Bruce Kowal, 4B NC. Mr. Leach recused himself. **MOTION** by Mr. Santos approve. Seconded by Dr. Colletti. Two voted in favor with Mr. Leach recused.
10. Sycamore Lane (M-61/17AM/SL-50) Bristol Pacific Homes, 4B NC. . **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous
11. Pine Hill Road (M-38/L-17A/SL-2) Jeff Dias, 3B NC. **MOTION** by Mr. Leach to approve. Seconded by Mr. Santos. Unanimous

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**TABLED (from 9/21/15 meeting)**

1. Pesticides & Herbicides: Policy/Regulation. Mr. Leach stated there is something before the state house and would like to see how this works out. Mr. Leach stated he received 2 complaints about someone spraying the South Watuppa Pond killing the cat-o-nine tails. Mr. Leach stated that the Stated is looking at making legislation less stringent than the EPA.
2. Citizens Betterment/re: 2015 Ronald Desrosiers Memorial Fund Grant Application-No Requests from Staff.

**APPOINTMENTS**

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**7:15pm – Variance Hearing: Owner to Appear on behalf of Engineer, Alex Gorodetsky re: 123-125 Briggs Road, Warren Messier.**

Mr. Messier was present and described the septic located the rear of the property. The abutter built an addition and in doing so filled the backyard and stopped the normal outflow. The basement is a full walk out.

**MOTION** by Mr. Leach to grant the variances: setback from basement to SAS: 15 feet vs. 20 feet and setback from site well to SAS is 60 feet vs. 100 feet, conditional on a hold harmless agreement and well testing. Seconded by Mr. Santos. Unanimous.

**MOTION** by Mr. Santos to adjourn at 7:32 p.m. Seconded by Mr. Leach. Unanimous

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:03 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Senior Health Agent

## **MINUTES**

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Oct. 19, 2015. **MOTION** by Mr. Santos to approve as written. Seconded by Dr. Colletti. Unanimous.

## **AGENT REPORTS/INSPECTIONS**

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Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

## **SIGNATUREES NEEDED**

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Bills - Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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1. Vineyard Eng.(copy)/re: Permanent Solution Statement, 15 Lakeshore Avenue. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Edge Env.(copy)/re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

## **CORRESPONDENCE**

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1. Little Compton Hazard Mitigation Committee/re: Request for Comments/Concerns on Risk Management for their Hazard Mitigation Plan. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

## **OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous
2. MDPH/re: Arbovirus Report for 10/19/15. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
3. Nurse/re: Activity Report for Sept. and Oct. 2015. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
4. Nancy Paquet/re: Vacation Request. **MOTION** by Mr. Santos to grant. Seconded by Dr. Colletti. Unanimous.
5. Budgets & Articles Submitted. **MOTION** by Mr. Santos to approve budgets. Seconded by Dr. Colletti. Unanimous.

## **OUTGOING**

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**MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.



**PLANS REVIEWED BY AGENTS**

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1. 19 Third Avenue (M-24/L-8A,34) Nancy DiNardo, 3B Repair. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Dr. Colletti. Unanimous.
2. Forge Road (M-28/L-20M) Carlos Ferreira, 3B NC. **MOTION** by Mr. Santos to disapprove as submitted because it does not conform with existing by-law. Seconded by Dr. Colletti. Unanimous.

**TABLED**

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Atty. Perry/re: Copy of Appeals Court Case Referenced at Oct. 05, 2015 Meeting for 68 Old Harbor Road, David Gilmour. **MOTION** by Mr. Santos to table to the next meeting. Seconded by Dr. Colletti. Unanimous.

**APPOINTMENTS**

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**7:15pm – Variance Hearing: Len Potter for 181 Atlantic Ave., David Pierce Estate.**

Applicants request to lower the height of the leaching field from 31" to a lower number. Variance requested to lower the height from 4 to 3 feet using an Oaksun Perc-Rite Drip System to total height would be reduced to 7" above grade. This lot is in a velocity zone. Mr. Potter said the Board allowed this on Straker's Lane. Mr. Walsh stated that it would be better to not have a raised leaching field, so storms do not rake it out. Mr. Potter proposes to replace with good sand.

**MOTION** by Mr. Santos to grant the variance from 4 to 3 foot separation. Seconded by Dr. Colletti. Unanimous.

**7:20pm – Discussion: Len Potter re: Septic vs. Velocity, 314 Brayton Point, Louis McBride**

Applicant is adding a bedroom and creating additional flow. A narrow area exists for expanded leach field but may be necessary to fill in flood zone to remain outside per the by-law for systems in the flood zone which is a V-Zone Elev. 21. The Board took no action.

**MOTION** by Mr. Santos to adjourn at 7:38 p.m.. Seconded by Dr. Colletti. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:07 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Jr. - Senior Health Agent

## **MINUTES**

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Nov. 02, 2015. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

## **AGENT REPORTS/INSPECTIONS**

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1. Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.  
Senior Agent Verbal Report:
  - Mr. Walsh stated that the notification came awarding a grant for mattress recycling. This includes a dedicated container from the vendor. The Town will be able to keep the collected fees.
  - Mr. Walsh reported that he met with Mr. King regarding the budget and are exploring reducing tipping fees and fuel cost at Mr. King's request.
  - Mr. Walsh stated that the re-write of the By-Law of the sewage disposal systems is done. He noted there are a few typos and it can be modified at Town Meeting.
  - Mr. Walsh will go look at the area that Dr. Colletti stated that there was a complaint of a smell on Blueberry Lane.

## **SIGNATUREES NEEDED**

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Bills - Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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1. MDAR/re: Highly Pathogenic Avian Influenza response Plan for Poultry Owners. **MOTION** by Mr. Santos to file and to post on the scroll. Seconded by Dr. Colletti. Unanimous.
2. Sitec/re: Notice of Availability-Phase I Initial Site Investigation & Tier Classification Resident, 10 Sunset Avenue East. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
3. Omni Env.(copy)/re: Notification: Release Abatement Measure, 500 Adamsville Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

## **CORRESPONDENCE**

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1. Rubin& Rudman LLP/re: Proposed Project at Town Landing, Old County Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Planning Board/re: Review and Comment Request for Proposed 43D Priority Development Site Permitting Guide Book. **MOTION** by Mr. Santos to approve as presented. Seconded by Dr. Colletti. Unanimous.

**OTHER BUSINESS**

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1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous
2. Vacant BOH Seat. **MOTION** by Mr. Santos to to not fill the vacancy until the next regular election. Seconded by Dr. Colletti. Unanimous.
3. ACO/re: Three Requests for Assistance of the Animal Inspector. Mr. Santos will join Mr. Walsh for this as he is the Animal Inspectors, which the ACO is not. Mr. Walsh and Mr. Santos will coordinate and go to the area to investigate.

**OUTGOING**

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**MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

**PLANS REVIEWED BY AGENTS**

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1. 365 Old County Road (M-51/L-17A) Breck Marshall, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
2. 307-309 Mouse Mill Road (M-35/L-6A) Joseph Rego, Jr., 5B Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

**TABLED**

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1. Atty. Perry/re: Copy of Appeals Court Case Referenced at Oct. 05, 2015 Meeting for 68 Old Harbor Road, David Gilmour. **MOTION** by Mr. Santos to table until correspondence is received from Town Counsel. Seconded by Dr. Colletti. Unanimous.

**APPOINTMENTS**

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**7:15pm – Variance Hearing: Len Potter for 56 Almada Street, John Shea.**

Variance to repair the system with no other area.

Request for setback to wetlands at 44 feet vs. 50 feet.

**MOTION** by Mr. Santos to grant the variance subject to ConCom approval. Seconded by Dr. Colletti. Unanimous.

**7:20pm – Variance Hearing: Len Potter for 291 State Road, Jose Almeida.**

Repair with no other area to put the system.

Request for setback to wetlands at 34 feet vs. 50 feet.

**MOTION** by Mr. Santos to grant the variance subject to ConCom approval. Seconded by Dr. Colletti. Unanimous.

**7:25pm – Discussion: Wendy Henderson for Richmond Pond Road, M-88/L-118, William Flynn**

With the changes to the flood maps in 2009, this lot no longer has adequate area to construct a Title V system in conformance to Westport regulations.

Ms. Henderson distributed a plot plan sketch by the engineer showing the velocity zone (elevation 19) limit on the lot. Because of the velocity zone aspect, the Board did not feel comfortable allowing a system in this area despite the heavy till soil of the area. Water tables are 11 & 10 feet on each side. Mr. Walsh suggested waiting for the Gilmour opinion from Town Counsel as it is also related. Members would not be in favor due to the general location and the amount of land that is available. There is plenty of land available but it is still in the velocity zone, which 10 years ago was not considered such. Ms. Henderson asked for something in writing.

**MOTION** by Mr. Santos that the members are not in favor of placing a septic system in the velocity zone. Seconded by Dr. Colletti. Unanimous. Mr. Walsh will draft the response.

**MOTION** by Mr. Santos to adjourn at 8:05 p.m. Seconded by Dr. Colletti. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:03 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Karl W. Santos, Secretary  
James J. Walsh, Jr. - Senior Health Agent

### **MINUTES**

Nov. 16, 2015. **MOTION** by Mr. Santos to approve as amended. Seconded by Dr. Colletti. Unanimous.

### **AGENT REPORTS/INSPECTIONS**

Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

### **SIGNATURES NEEDED**

Bills - None.

### **CORRESPONDENCE-Needing No Action**

1. DEP(copy)/re: Notice of Audit, Request for Site Inspection, 698 Pine Hill Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Edge Env.(copy)/re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
3. MDAR(copy)/re: Reinstated Raw Milk Sales at 76 Drift Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
4. NB Waste/re: Increase by \$5 in Tipping Fees, Effective Dec. 1st (\$64-msw/\$90-c&d). **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

### **OTHER BUSINESS**

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. December/Jan. Meeting Schedule. **MOTION** by Mr. Santos to schedule the next meeting on Dec 28<sup>th</sup> so the future meetings will be on schedule. Seconded by Dr. Colletti. Unanimous.
3. Kathy Burns/re: Vacation Request. **MOTION** by Mr. Santos to grant the request. Seconded by Dr. Colletti. Unanimous.
4. Town Counsel Follow Up Since Member Resignation. **MOTION** by Mr. Santos to pass over. Seconded by Dr. Colletti. Unanimous.

### **OUTGOING**

**MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

### **PLANS REVIEWED BY AGENTS**

1. Plymouth Blvd. (M-18A/L-53-54) Eduardo Costa, 3B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Dr. Colletti. Unanimous.
2. 651 River Road (M-89/L-125) Goose Green, Inc., 4B Upgrade. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

### **APPOINTMENTS**

**7:15pm – Variance Hearing: Jay Raposa, 833 Amer. Leg. Hwy., Tight Tank.**

Mr. Raposa is proposing a 2,000 gallon tight tank on his commercial property. He has met all setbacks and has a contract arranged for pump outs. He needs local BOH approval for commercial activity - the tank will intake refuse from busses. The State may require a special permit and local approval is required first.

**MOTION** by Mr. Santos to approve the request. Seconded by Dr. Colletti. Unanimous. Mr. Walsh suggested he come to the office to review state requirements and what his next steps are.

**7:20pm – Variance Hearing: Greg Nicholas, 283 Briggs Road, Richard Wallace.**

Failed system. Proposed Presby system to be installed.

Variance requested: reduction in offset from edge of system to well 50.9 feet vs 100 feet.

There is a secondary well at 116 feet for a backup. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

**7:25pm – Discussion: Eduardo Vultao, 1-4 Pig Permit Request at Medeiros Property.**

Mr. Walsh explained that there is a discrepancy in the regulation. There are currently pigs on the Medeiros property and were given permits in the past but there was no knowledge of a residency requirement. Staff stated that the piggery permit regulation may have been copied inadvertently carrying over the residency requirement. Dr. Colletti would like to bring this up at the next meeting.

**MOTION** by Mr. Santos to look at the pig permit less than 5 regulation at the next meeting. Seconded by Dr. Colletti. Unanimous.

Mr. Santos recused himself from the request to allow the permit.

Mr. Walsh has the authority to grant or not grant a permit with discussion with the Chairman. Mr. Walsh will include all regulations for review by the Board.

**7:35pm – Discussion: Sitec-Dan Aguiar for Forge Road, Carlos Ferreira, Plan Denial.**

Attorney Mark Levin was present with Dan Aguiar from Sitec, Inc. The State has eliminated the definition of watercourse and he stated that he uncovered a letter from Carlton Lees from 1995 stating that "the 100 foot restriction refers to a watercourse defined by Title V and does not refer to wetlands or buffer zones as defined or regulated by the Conservation Commission the same". The discussion is only about wetlands and not waterways.

Mr. Walsh noted that the letter from Mr. Lees had to do with the Conservation Commission claiming jurisdiction for making a determination. The word watercourse is further defined as ...bogs or area where surface standing water ...for at least 5 months of the year. By skipping the title and following the definition, Mr. Ferreira's property falls into several of the categories. So, the definition is still consistent with what was originally stated.

Mr. Walsh read the actual by law into the record: “No new sewage disposal system shall be constructed or located within one hundred (100) feet of any watercourse as defined in Title 5, section 15.01. “ and then he also read the definition of a water course within the Title 5: “Watercourse – Any natural or man-made stream, pond or lake, wetland, coastal wetland, swamp or other body of water and shall include wet meadows, marshes, swamps, bogs and areas where ground water, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year.”

Mr. Aguiar stated that the definition in 1995 has changed since then and did not agree with Mr. Walsh.

Mr. Walsh again stated that the letter from 1995 from Mr. Lees had to do with the challenge of authority of the ConCom over the BOH and did not pertain to the definition of a watercourse.

After discussion, Attorney Levin requested if possible, to have his letter and the information he provided forwarded to Town Counsel for an opinion.

Dr. Colletti asked Mr. Walsh to address this to the Town Attorney.

Mr. Walsh specified that Mr. Ferreira’s plan was a routine submission and as such did not meet the requirements of the by law when it originally came in. Mr. Walsh stated that the application did not come in as a variance nor for a hearing at the time.

**MOTION** by Mr. Santos to adjourn at 7:55 p.m.. Seconded by Dr. Colletti. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** John J. Colletti, Chairman  
Karl W. Santos, Secretary  
John R. Swartz, Health Agent

### **MINUTES**

Dec. 07, 2015. **MOTION** by Mr. Santos to as amended. Seconded by Dr. Colletti. Unanimous.

### **AGENT REPORTS/INSPECTIONS**

Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

### **SIGNATUREES NEEDED**

Bills - signatures rendered.

### **CORRESPONDENCE-Needing No Action**

BBC(copy)/re: BBC & WFA Request Final Approval DEP for the Westport Rivers Total Maximum Daily Loads for Total Nitrogen. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

### **CORRESPONDENCE**

1. Head of Westport Community/re: Concerns Regarding the Proposed Development of the Head Town Landing. Dr. Colletti read the letters into the record. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Lester Hartman/re: Looking for More Towns/Cities to Raise the Age of Tobacco Purchase to 21. Dr. Colletti will call to ask more information. **MOTION** by Mr. Santos to table. Seconded by Dr. Colletti. Unanimous.

### **OTHER BUSINESS**

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. John Swartz/re: Vacation Request. **MOTION** by Mr. Santos to grant the request. Seconded by Dr. Colletti. Unanimous.
3. Town Counsel Response to BOH Request of By Law and Regulation. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
4. FY'17 Budget Update. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
5. Annual Town Meeting Article Deadline: 2/05/16. **MOTION** by Mr. Santos to put items as suggested forward and to file. Seconded by Dr. Colletti. Unanimous.
6. Pig Less than 5 Regulation and Piggery Regulation Review. **MOTION** by Mr. Santos to table until the next meeting. Seconded by Dr. Colletti. Unanimous.

### **OUTGOING**

**MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

### **PLANS REVIEWED BY AGENTS**

1. 518-524 Old County Road (M-34/L-3A) Beverly DosVais Trust, 10B Repair (2 houses on one lot). No variances needed. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.



2. 45 Pine Street (M-7/L-171-189) Connie (Torres) Pavao, 3B Repair. No variances needed. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. 198 Old Harbor Road (M-86/L-22H) Dawn Liss, 3B Repair. No variances needed. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
4. 12 Maple Street (M-25/L-55C) H&K Properties Inc., 2B Repair. No variances needed. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
5. 484 Briggs Road (M-19/L-71) Steven Moniz, 4B Repair. No variances needed. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
6. 36 Jennings Way (M-21/L-10AN/SL-60) Briggs Landing LLC, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
7. 38 Jennings Way (M-21/L-10AM/SL-59) Briggs Landing LLC, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
8. 25 Jennings Way (M-21/L-10AS/SL-64) Briggs Landing LLC, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
9. 27 Jennings Way (M-21/L-10AT/SL-65) Briggs Landing LLC, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
10. 29 Jennings Way (M-21/L-10AV/SL-66) Briggs Landing LLC, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

**TABLED**

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Town Counsel correspondence has been received. Previous action regarding Atty. Perry's correspondence re: Copy of Appeals Court Case Referenced at Oct. 05, 2015 Meeting for 68 Old Harbor Road, David Gilmour.

Dr. Colletti requested that Mr. Swartz forward Town Counsel's review to Attorney Perry and to Attorney Mark Levin regarding property at Forge Road for Ferreira. **MOTION** by Mr. Santos to send letter as suggested. Seconded by Dr. Colletti. Unanimous.

**APPOINTMENTS**

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No Appointments Scheduled.

**MOTION** by Mr. Santos to adjourn at 7:25 p.m. Seconded by Dr. Colletti. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk