

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

Present: William M. Harkins, Chairman
Karl W. Santos, Vice-Chairman
John J. Colletti, Secretary
John R. Swartz, Health Agent

MINUTES

1. Dec. 12, 2016-reg. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. Dec. 20, 2016-sp. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Harkins. Mr. Santos abstained.
3. Dec. 22, 2016-sp. **MOTION** by Mr. Santos to approve. Seconded by Mr. Santos. Unanimous.

AGENT INSPECTION/REPORTS

1. John Swartz – Daily Log 12/16/2016 – 1/05/2017. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
2. Ray Belanger – Daily Log 11/30/2016 – 1/04/2017. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
3. Agents' Inspections & Complaints.
 - a. Mr. Harkins asked Mr. Swartz to report regarding Pinewood Avenue and pigs on site - he stated that when he went to investigate, there was no one home. Mr. Harkins asked Mr. Swartz to also check with the Animal Control Officer.
 - b. Mr. Harkins noted the complaint regarding burning of an outdoor wood stove at 594 Drift Road. **MOTION** by Dr. Colletti to ask the owner to come in before the Board to discuss. Seconded by Mr. Santos. Unanimous.
 - c. Mr. Harkins read through the remainder of the reports.

MOTION by Dr. Colletti to file Agents' Inspections & Complaints. Seconded by Mr. Santos. Unanimous.

SIGNATURE'S NEEDED

1. Bills - Signatures rendered.
2. Appointment of Special Agent. **MOTION** by Dr. Colletti to appoint Fred Ponte as Special Agent. Seconded by Mr. Santos. Unanimous.
3. Principal Clerk Compensation. **MOTION** by Dr. Colletti to increase her compensation retroactive to the date the Senior Agent resigned and in effect for 90 days until after a new Senior Agent is hired. Seconded by Mr. Santos. Unanimous.

CORRESPONDENCE-Needing No Action

1. National Grid/re: Annual Notice of Application of Herbicides Along Power Line Rights-of-way. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. Prime Eng./re: Phase I-Initial Site Investigation Report & Tier Classification Submittal, 5 & 17 Adamsville Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

CORRESPONDENCE

1. Len Potter/re: 19 Beaulieu Street Emergency Repair with Variances. **MOTION** by Dr. Colletti to allow an emergency repair. Seconded by Mr. Santos. Unanimous.

OLD BUSINESS

1. Tripp Farm Complaint. Present was Mark Sousa of 195 Old Pine Hill Road stated that solid waste was buried and capped for the storage tank. Dr. Colletti stated that from what they understand, the tank has been sold. Dr. Colletti suggested rescheduling for the next meeting and ask Mr. Tripp to appear before the Board. Dr. Colletti stated he went out to visit the site and saw nothing. Mr. Sousa stated that the garbage pile is visible from the north side of the property and from Hix Bridge Road. **MOTION** by Dr. Colletti to to perform a site visit before the next meeting and to request the owner come before the Board. Seconded by Mr. Santos. Unanimous.
2. Pedro Farm Complaint Follow Up. Mr. Swartz did not make a site visit. Dr. Colletti asked that Mr. Swartz speak to Mr. Ponte and to then draw up a letter of intent.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. Principal Clerk Compensation - see above.
3. Nurse/re: Activity Report for November & December 2016. **MOTION** by Dr. Colletti to accept. Seconded by Mr. Santos. Unanimous.
4. Fred Ponte/re: Appoint as Special Agent. See above.
5. BOS/re: Remote Access Participation. **MOTION** by Dr. Colletti to not accept use of remote participation. Seconded by Mr. Santos. Unanimous.
6. February Schedule Issue. **MOTION** by Dr. Colletti to make February 22, 2017 the second meeting date. Seconded by Mr. Santos. Unanimous.
7. Tipping Fee Increase. Mr. Santos spoke with Scott at Crapo Hill and they would get back to him. Mr. Santos stated that he said that it would be unlikely that they could take any more on as they are maxed out during the summer.
8. Sr. Agent Job Vacancy. No progress was made. Donna Perrillo of Watuppa Road stated that she suggested they contact a person she researched from the MA Association of Boards of Health. Mr. Harkins stated that he was going to await work from the BOS for approval of the job description for the Director of Public Health.
9. Capital Planning for New Truck. They will discuss with the CIPC
10. 246 Howland Road, Building Issue.
Abutter, Mr. Dan Kraft of 3 Hillside Road and abutter, Mr. William O'Donnell of 252 Howland Road both representing the other abutters about the increase in flow for a 2 bedroom dwelling on a lot less than 10k sq.ft.

Mr. Harkins stated this was approved for a 4 bedroom flow, mistakenly. He does not know what can be done but would send plans to Town Counsel. Dr. Colletti stated that the Board is not in favor of the increase in flow. Mr. O'Donnell stated that he will be repairing his 2-Br system and wanted to know if there would be any issues. The Board stated he would have to have an engineer draw that plan to gauge the distance to abutting wells.

Mr. Kraft asked if the 4 Br system was wrong, will it be allowed to exist.

Attorney Blake did not want to opine at this time, without an application before them.

OUTGOING

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

PLANS REVIEWED BY AGENTS

1. 6 Brookside Avenue (M-28/L-29) Carl Dias, 3B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
2. 227 Reed Road (M-32/L-35) Troy & Frances Vincent, 3B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
3. 79 Conserve Avenue (M-17/L-594-597) Carol Novo, 3B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
4. 34 Whistler Point Road (M-88/L-29K) Arthur & Cynthia Sweetser, 6B Repair. **MOTION** by Dr. Colletti to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.
5. Sycamore Lane (M-61/L-15T/SL-1) Bristol Pacific Homes, 4B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
6. Black Oak Circle (M-65/L-1F/SL-2) Black Oak Hill LLC, 3B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
7. Hix Bridge Road (M-43/L-33A) Michael Bready, 4B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:15pm-Hearing-Atty. Benson for Update on Nuisance Violation at 465 Amer. Leg. Hwy.

Jeff Blake, Town Counsel was present as was Attorney Benson representing Mr. Medeiros, the property owner.

Attorney Benson stated that the exterminator has returned and has baited and trapped. She stated that she has asked for photographic evidence of what has transpired on site. Dr. Colletti asked if continued site visits were possible. Ms. Benson stated that she would like to coordinate that since Town Counsel is present.

She respectfully asked, to avoid confusion, that all that is provided to the BOH be then forwarded to Town Counsel rather than she having to provide to Counsel directly.

Attorney Benson suggested that the BOH go directly to the DEP for the information Mr. Harkins asked for because of the reasons that it is a matter of public record and that for her to supply these would generate an expense for her client. She proposed using photos as evidence.

Attorney Blake suggested the BOH go out to inspect.

She summarized the dates thus far:

- 12/7/16, superior court hearing stipulation that they report to BOH

- 12/8/16, partial site visit to 8+ lots. Mr. Blake, stated that the Town was denied significant access.
- 12/18/16, Atty. Benson did not have access to the tenants' area until this date.
- 12/22/16, the last visit: 9 lots and site visit circumnavigating the entire property.

She said, their position is that a lot has been done, no public access or trespassing is being tolerated. She stated that her client is going out there to assure there are no 3rd parties on the property.

Mr. Santos asked how often Thortech Pest Control would go to the property. She stated that they have agreed to return in 30 days.

Attorney Benson asked to coordinate with Town Counsel about visiting the site.

Attorney Blake asked that progress is consistently be made.

Mr. Harkins asked to know about the burn pile found; he would like to know what was burned there. Attorney Benson stated that DEP will at some point advise if this needs to go out as batch samples or as designated.

Attorney Blake stated that they would like to schedule a site visit for one week. She asked for the courtesy to coordinate with her as she needs to be on site. Both attorneys met outside the meeting room for discussion/coordination.

MOTION by Mr. Santos to adjourn at 8:30 pm. Seconded by Dr. Colletti. 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
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
John R. Swartz, Health Agent

MINUTES

Jan. 09, 2017. Tabled to next meeting.

AGENT INSPECTION/REPORTS

1. John Swartz - Septic Plan Issue: 1702-H Drift Road. Members discussed the request to increase a system to 3 bedrooms from two in the velocity zone. **MOTION** by Mr. Santos to deny based on this being in a V-zone and also percs are not allowed in V-zones. Seconded by Dr. Colletti. Unanimous.
2. Agents' Inspections & Complaints. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

SIGNATURE'S NEEDED

1. Bills - Signatures rendered.
2. Sr. Clerk Time Used Change. Signatures rendered.

CORRESPONDENCE-Needing No Action

1. Edge Env.(copy)/re: Phase V Status, Immediate Response Action Status and Remedial Monitoring Report. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. DEP/re: Notice of Audit Findings/Notice of Non-Compliance, 536 Old County Road. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. Sr. Clerk Time Used Change. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
3. Schedule a Near Future Executive Session. **MOTION** by Dr. Colletti to post the executive session meeting on Friday, January 27, 2017 at 12:00 noon. Seconded by Mr. Santos. Unanimous.
4. Sr. Agent Job Vacancy-Update. **MOTION** by Dr. Colletti to post the job announcement once the corrections are made. Seconded by Mr. Santos. Unanimous.
5. Capital Planning for New Truck-Update. Truck approved for FY'18 at \$160K.
6. 465 American Legion Hwy-Update. Mr. Harkins stated that there has been improvement but there remains a fair amount of construction debris. Donna Perrillo asked if the BOH was allowed to take photos and Mr. Harkins stated that they have not yet been allowed to.
7. Pedro Farm Nuisance-Update. Mr. Swartz and Fred Ponte went to the site last Friday and the owner is applying rat poison and seems to be effective. Mr. Harkins asked to monitor the situation in 60 days with a follow-up inspection. Mr. Santos recused himself from discussion.
8. Budgets-TA Recommendations - FY'18 BOH & TS Budgets.

MOTION by Dr. Colletti not to cut stipends based on the amount of work the members do. Seconded by Mr. Santos. Unanimous.

MOTION by Mr. Santos to approve BOH & TS budgets with changes as annotated on the 2 budget print outs. Seconded by Dr. Colletti. Unanimous.

Transfer Station: **MOTION** by Dr. Colletti to accept as submitted except for the reduction to OT as noted; increase to professional services to 11,500; increase gasoline to 10k, other charges reduced to 1,200 and additional equipment to remain at \$1,000.00. Seconded by Mr. Santos. Unanimous.

OUTGOING

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

PLANS REVIEWED BY AGENTS

1. Hix Bridge Road (M-43/L-33A) Michael Bready, 4B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
2. Westport Lakes Road (M-31/L-3E/SL-11) Andrew Digiammo, 3B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
3. Westport Lakes Road (M-31/L-3F/SL-12) Andrew Digiammo, 3B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
4. Westport Lakes Road (M-31/L-3G/SL-13) Andrew Digiammo, 3B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
5. Drift Road (M-58/L-177A) Holly Borges, 3B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
6. Monroe Street (M-12/L-15B) Andrew Soares, 3B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
7. Taber Lane (M-57/L-8C/SL-3) Ted Menezes, 4B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
8. 845 Sodom Road (M-60/L-4D) Weatherlow Farms, LLC, NC Commercial. Mr. Swartz stated that the plan is acceptable, but does not know if it will be zoning wise. The plan is to have a banquet hall. Mr. Harkins asked for clarification of the different types of systems. Members need more information on the number of persons serviced and usage. **MOTION** by Dr. Colletti to table for further information. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:15pm-Var. Hearing: Len Potter for 19 Beaulieu St., Michelle Cordeiro.

Variances requested for failed system, which is backing up and requiring pumping every 2-3 days:

- Distance from SAS to basement wall, 18.5 ft. vs. 20 ft.
- Setback to wells less than 100 feet:
 - Site well, 72 feet
 - 13 Beaulieu St., 61 feet
 - 25 Beaulieu St., 74 ft. from shallow well and 84 feet to artesian well. Due to this being a summer cottage, it cannot be tested until water is turned on in the spring.

MOTION by Dr. Colletti to grant the variances, with a hold harmless and 3 years of well testing. Seconded by Mr. Santos. Unanimous.

7:20pm-Var. Hearing: Len Potter for 12-14 Lakeside Avenue, Paul Marion

Failed septic with the following requested variances:

- Setback from septic tank to property line, 6 feet vs. 10 feet.
- Setback from water line from septic field, 9 feet vs. 10 feet.

MOTION by Dr. Colletti to grant the variances, subject to ConCom approval and a hold harmless agreement. Seconded by Mr. Santos. Unanimous.

7:25pm-Violation Issue: Kevin Sousa, 12 Sodom Road, add'l bedroom/rental

Mr. Sousa called to ask if the meeting could be rescheduled to the next meeting because he could not make it.

7:35pm-Complaint Issue: Jay Tripp of Tripp Farm on Hix Bridge/Old Pine Hill Road.

Brian Corey Jr. representing Jay Tripp regarding a complaint from Mark Souza of Pine Hill Road. Dr. Colletti conducted a site visit and found nothing. Mr. Swartz and Mr. Ponte also conducted a site visit and found a few areas with plastic, Mr. Swartz stated it seemed to be in the process of being picked up. Also observed was the sludge from the bottom of the tank.

The plastic according to Mr. Corey, is later picked or screened out, it is a hand job not a machine job and this concerns the large piles. The tank will be dismantled, and the Department of Agriculture is aware of it because Mr. Tripp has a nutrient management plan for his fields. Attorney Corey stated that the testing of the tank contents was submitted on November 21, 2012. The original report by AgriResouce was submitted to the BOH and showed no heavy metals or contaminants. This part of the Nutrient Management Plan will see the sludge/solids spread over the fields at several times. Attorney Corey stated that as the soils need to be supplemented, the nutrient will be applied. Mr. Harkins requested to keep the photos Attorney Corey presented to indicate the removal of non-organic materials. Attorney Corey stated all is being done in conformance of best agricultural practices. The plastic has been removed, and will be continued to be removed.

Mark Souza at 185 Old Pine Hill Road was present to state that the trash is in the back of the hill. He stated the photos they are submitting, are from the different angle. Attorney Corey stated that Mr. Souza has complained every time something is done at the farm. He stated that any one is welcome anytime to inspect at the farm and that it is clean. Mr. Souza had previously complained about cranberries, shellfish and rotten produce resold to other farms and the cows were fed chickens, hams and salami.

Dawn Tripp asked about some of the pictures being so old and since then, there's been improvement. She stated that Mr. Souza is telling people that he is harassing the Tripp's.

Attorney Corey stated that as the material is spread over the fields, the plastic will be picked or screened out.

MOTION by Dr. Colletti to have Mr. Swartz to record the situation at the farm over the next 6 months, once a month. Seconded by Mr. Santos. Discussion ensued.

Mr. Souza stated that does not include what is buried; the material that was spread out and then covered with material from the tank.

Attorney Corey stated that what was spread was compost. Once it is spread, it can be picked through. Some of the composting has been fully screened. He stated this can be verified by Ronnie Potter who brought in the machinery. The remains of the tank are solids and must be spread – it's sprayed on the field. He stated that he understands Mr. Sousa's concerns.

Members voted unanimously in favor.

Donna Perrillo of 70 Watuppa Road asked about a director of Public Health position, which will leave the BOH without a Health Agent. She noted that the Towns of Marion and Rochester share a public Health Director and offered some ideas to help.

MOTION by Mr. Santos to adjourn at 8:30 pm. Seconded by Dr. Colletti. 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: William M. Harkins, Chairman
Karl W. Santos, Vice-Chairman
John J. Colletti, Secretary
John R. Swartz, Health Agent

MINUTES

1. Jan. 09, 2017-RS. **MOTION** by Mr. Santos to approve as corrected. Seconded by Dr. Colletti. Unanimous.
2. Jan. 23, 2017-RS. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. Jan. 30, 2017-ES. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
4. Jan. 30, 2017-RS. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

AGENT INSPECTION/REPORTS

1. John Swartz – Daily Log 1/06/2017 thru 2/01/2017. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
2. Ray Belanger – Daily Log 01/05/2017 thru 02/01/2017. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. Agents' Inspections & Complaints:
 - a. Inspections: **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
 - b. Complaints: Chairman reviewed for members. **MOTION** by Dr. Colletti to keep on file. Seconded by Mr. Santos. Unanimous.

SIGNATURE'S NEEDED

1. Bills - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. Atlantic Env.(copy)/re: Remedy Operation Status & Remedial Monitoring Report, 251 Forge Road, Jan. 2017. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

CORRESPONDENCE

1. BBC/re: Extraordinary MassDEP Delay in Total Maximum Daily Loads Required for Buzzards Bay Estuaries. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. Landfill Monitoring Reduction. Mr. Harkins explained the process to the members and the implications to reduce the budget for alternate year monitoring. **MOTION** by Dr. Colletti to apply to the State to reduce testing to every other year and not reduce budget funding until this information is received from the State. Seconded by Mr. Santos. Unanimous.
3. Vaccine Revolving Account Issue. Mr. Harkins explained the item and that the vaccines are donated. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
4. East Beach Trailer Season 2017. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
5. 246 Howland Road-Additional Information. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

6. 1702-H Drift Road, Revised Plans Received, Previously Denied. **MOTION** by Dr. Colletti to deny. Seconded by Mr. Santos. Unanimous. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
7. Sr. Agent Job Vacancy-Update. Mr. Harkins reviewed the description and the chain of authority. Donna Perrillo asked a question if the field work being done by a non-union employee will be an issue with the union. Mr. Harkins explained that the Director would only be able to do field work only if the agent is not available but that the Town Administrator would be dealing with the union for clarification. Mr. Harkins responded to a question from the audience that they would advertise the position once the details are worked out with the Board of Selectmen.

OUTGOING

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

PLANS REVIEWED BY AGENTS

1. 634 American Legion Hwy (M-30/L-25A) Gulf Holdings Westport LLC, Commercial Repair. Mr. Ponte explained the proposed Advantix system; there is no variance requested for this plan. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
2. 415 Old County Road (M-51/L-21) Antonio Gracia Estate, 2-3B Upgrade. Mr. Ponte stated there were no issues and it was approved by Mr. Swartz. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. 423 Old County Road (M-51/L-22) Antonio Gracia Estate, 4B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
4. 16 Cook Lane (M-87/L-39A&G) Lee Rudolph & Patricia Cummings, 3B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
5. 980 American Legion Hwy (M-29/L-4D) Route 6 Enterprises, 3B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
6. 1216 Drift Road (M-55/L-7-) James Karam, 5B NC. **MOTION** by Dr. Colletti to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:15pm - Complaint: 594 Drift Road, Noquochoke Orchards.

George Smith, Owner, and Sandra Thurston, Secretary/Treasurer of Noquochoke Orchards. George Smith the IV was also present as he was the complainant.

Mr. Harkins read the complaint on file dated 12/15/16, which stated there was burning in an outside furnace at 594 Drift Road of which included oil cans and other debris according to Mr. Smith IV. Mr. Smith Sr. stated that he did not burn trash. Mr. Smith IV stated that Mr. Smith Sr. was caught on camera putting rubbish on the pile. These images were shared with the BOH. The interim Health Agent, Fred Pontes stated that upon visiting the site and upon review of the photos, it was inconclusive. Mr. Harkins stated that the complaints go back to 2014. Mr. Smith Sr. stated that on the complaint of burning after 4pm that he would not do that as it is not permitted and does not want the firemen to waste their time coming after that hour. Mr. Harkins stated that there is a report by the fire department stating that the claim of burning oil was unwarranted. Mr. Smith IV stated that he submitted photos with persons

holding trash bags near the furnace. Mr. Ponte stated that the other complaint from Mr. Smith IV, was that there was sewage coming out of the ground but he found nothing. Ms. Thurston stated that they do not burn trash; they have ABC Disposal pick up trash and recycling. They are also working with DEP for an oil issue. All they are burning is brush and wood.

MOTION by Dr. Colletti to have the agent periodically check the site. Seconded by Mr. Santos. Unanimous. Mr. Santos made a finding that the photos were inconclusive. Mr. Smith Sr. and Ms. Thurston said the Board of Health agent is welcome anytime.

Mr. Harkins asked that Mr. Smith Sr. supply a copy of any DEP report. He said he would bring a copy to the office.

7:25pm - Var. Hearing: Len Potter for 17 E. Briggs Road, Todd Benevides.

The leaching area is in the water table and is a failure. For the repair of a 3-bedroom house, the variances requested are:

- Setback from basement wall to SAS, 16 feet vs. 20 feet
- Setback from Basement bulkhead to SAS, 9 feet vs. 20 feet
- Setback from SAS to site well, 64 feet vs. 100 feet
- Setback from SAS to Westport Credit Union Plaza well, 70 feet vs. 100 feet

MOTION by Mr. Santos to approve the variances conditional on hold harmless agreement and well testing. Seconded by Dr. Colletti. Unanimous.

7:30pm - Discussion: Sitec for 493 Old County Road, WRWA.

Steve Gioiosa from SITEC. Inc. was present. He noted he was asked to return with a plan showing a conventional system at this site.

He described the alternative composting system and the grey water holding tank for peak periods for temporary water storage thus eliminating discharge to the environment. It is a zero-discharge system. Mr. Gioiosa said the Board asked at the last presentation to see if there is possibility to place a Title-V system on the site should the alternative system be not desirable in the future.

He stated that they tested soils and were not able to run perc test but instead conducted soil evaluations on the south east side of the parcel. Based on the soils, tests showed that a usable perc rate was feasible. Mr. Gioiosa noted that they have a Zoning Board of Appeals determination that this is a commercial use and the applicants will continue the commercial use.

He noted the design of a septic system on the plan before the Board: he stated that he met with the ConCom agent this morning and made changes to the plan that is before the Board this evening as a result of that meeting today. The changes include 2 lines – the wetland buffer zone and resource area: the septic design proposed on the plan is not within 50 feet of the resource area. Based on the vegetation flagging, the system as it was presented several weeks ago, meets the proper setbacks and statutory placement meets Title-V requirements.

The constructed stormwater system is not considered wetlands according to Conservation Agent and there is no prohibition to Wetlands Protection Act or statutory requirements to make alterations. A portion of the stormwater system would be altered to accommodate the system. Therefore a conventional system that meets Title V can be sited on the site.

Because the Watershed Alliance wants to peruse the composting system, there will be zero discharge into the environment. Mr. Gioiosa stated that if the Board requires a conventional system, he would strongly disagree since the system would not have enough nutrients and flow/use to keep it in good working order. They would like the recycling plan, which is zero discharge and better for the environment so no nitrogen is being introduced into the environment.

Mr. Santos stated that since they only received these plans this afternoon, they have not had the time to look at them.

He said this is new construction and a sieve analysis is not permitted. Mr. Gioiosa stated that firstly, there is a question whether this is considered new construction. Secondly, he stated that if the Board says that they need to go with a conventional system, they would not do a sieve analysis but rather a de-watering test or a dry season test for the percolation rate. They went with the sieve analysis because at this time of the year they did not want to create a huge excavation because to get the water artificially below where they would do the perc test would create a rather large excavation hole on site. In the end, the information would not be different; it is clearly an inch in 2 to 4 perc material. He stated this is an existing commercial site and not considered new construction.

Mr. Santos stated that under Title-V it is considered new construction. Mr. Gioiosa did not agree.

Mr. Santos asked if permission was obtained from the installer of the storm water system. Mr. Gioiosa stated that they are at a point where they are looking for the Board's direction. He stated that there may be other reviews but the first step is to arrive at a septic and waste water design that this Board is comfortable with so they can move to the next step and they cannot take the next step with either Conservation or if there is a need to go back to the agency that may have provided funding for that stormwater system to see if there is a need to reimburse them upfront or to find an alternate means for improving the stormwater from Old County Road. He asked the Board to keep in mind that the stormwater system was not installed to deal with runoff from this site specifically; that stormwater system was intended to provide additional filtering to help the river through this site here that was previously developed with a basketball court. Its sizing is not set by any regulatory standard; it is as big as they thought they could make it at the time. In fact, by making it a little bit smaller, does not affect its benefit to the river by providing a buffering of the flow. He stated that anytime one can take stormwater and direct it into an upland area, letting it silt until the materials settle and then have it outflow, one has improved the water quality of the river. He said, even if they reduce or possibly reshape the size, because it can be reshaped. He did not provide a re-sized design because they did not think this would be the design to go forward. What he thought would go forward would be the zero discharge plan which is a much better plan for the river.

Mr. Santos stated that the BOH cannot give the Watershed the permit, it would have to be the owners of the property and the Watershed does not own the property. Mr. Gioiosa stated that if the zero discharge plan is approved, the tank would be contained in the leased parcel in their property for which they have rights to make improvements. They have met with the Landing Commission and received their approval of this design. The Landing Commission has been a party to every application they have made and have been involved in every process of this design application.

Tony Millham, a Town of Westport Landing Commissioner, stated that the Landing Commission voted in a meeting this afternoon that the Watershed Alliance be able to present this design. Harkins asked that

for legal reasons, he would have to have the Landing Commission or the Town sign off on the actual application. Mr. Millham stated that this is certainly possible.

Mr. Harkins stated that according to the letter from ConCom, there was no identification of the existing coastal bank requiring a 50' setback for citing on site sewage disposal system. Mr. Gioiosa stated he spoke with Mr. Capone about it but had not seen the letter so he did not know what the issues were. What had been expressed to him was: did they have the ability to fill in the stormwater system and were there wells on the eastern side. He said he spoke to Mr. Capone about the coastal bank issue and when they had that discussion earlier today, the limit of the coastal bank is further than originally thought and is further away based on grade and slope than the actual wetland area; therefor they do have a 50 foot separation. He pointed to the coastal bank on the plan corresponds with the wetland line because there is a drop off at that point. Then at that point the slope does not exceed the statutory requirement. He stated he can add that to the plan.

Mr. Harkins would like to have the BOH consultant review the plan and to also ask DEP to review the plan to find out their recommendations. He stated that there are some issues that need to be clarified. The application signature is one; the constructed stormwater system needs to have some type of release from DEP which should state that it is okay to fill in or resize and also if any money is required to be repaid in recompense for the alteration. Mr. Gioiosa stated that if there is someone that wants a portion of that money refunded that would be the cost of construction and the Watershed Alliance is aware there is a dollar value associated with that and they may have to accept that is part of the development cost. They will decide that the zero discharge, no nitrogen into the environment is worth the investment. Their preliminary costs for the composting toilets and grey water system will be costing more than a conventional septic system. They are not taking the cheap route but rather the environmentally sensitive approach and hopefully we can find a way to make that work. He said the BOH obviously has to enforce the regulation so within the context of the regulation, they believe that the zero discharge system can be approved but he knows the BOH needs to get comfortable with both plans. Mr. Gioiosa stated that from a comfort level of these plans, the only change to the last plan the Board reviewed to the plan before them tonight is the addition of the ConCom Agent's wetland line and the associated 50 foot setback line. All else stayed in the same spot. All that was added were those two lines.

Mr. Harkins stated that he Board will look over the plan and talk with the consultants. Mr. Harkins stated that they will check with DEP and it may be in as little as two weeks' time the applicant can return. Mr. Gioiosa stated he will check back periodically with the office.

7:40pm - Title 5 Violation: 12 Sodom Road, Kevin Sousa, Tenant Issue.

Mr. Sousa was not present. Mr. Belanger, agent was present to stated that Mr. Sousa requested a hearing. He will now make an inspection to see if the tenant is still occupying the illegal apartment and file a report.

7:50pm - Var. Hearing: Greg Nicholas for 32 O Drive, Antonio Estrella Estate.

For the failed system, leaching pit is in the water table. The variance requested is:
- Setback of proposed SAS to site well, 54 feet vs. 100 feet.

A new tank will be installed at a level for the d-box elevation. He would like to leave that open until the actual installation so he can verify installation.

MOTION by Mr. Santos to approve the variance conditional on hold harmless agreement and well testing and continuing with the existing tank if the agent finds it suitable. Seconded by Dr. Colletti. Unanimous.

MOTION by Dr. Colletti to adjourn at 8:25p.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: William M. Harkins, Chairman
Karl W. Santos, Vice-Chairman
John J. Colletti, Secretary
Fred Ponte, Interim Agent

Absent: John R. Swartz, Health Agent

MINUTES

1. Feb. 06, 2017 reg. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
2. Feb. 13, 2017 sp. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

AGENT INSPECTION/REPORTS

Agents' Inspections & Complaints. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

SIGNATURE'S NEEDED

Payroll – signatures rendered.

OLD BUSINESS

G. Smith, IV/re: Ongoing Burning Trash Issue.

Mr. Smith the IV was present and provided additional photos taken on 2/26/17 to the Chair.

He said that he called ABC Disposal and they are not their client. He said they are burning trash. He said that they are saying that they are bringing their trash to the daughter's house but they are taking it out to the back to burn instead. Mr. Harkins stated that there is nothing definitive or evidence to go on based on the photos. Mr. Santos asked if he called the Fire Department when he sees burning. Mr. Smith IV stated that the Fire Department will not respond and referred him to the Board of Health. Mr. Harkins stated that the BOH cannot ask the daughter who she uses for disposal.

The photos do not show black smoke either. Mr. Harkins stated that Mr. Smith IV needs to have proof of the black smoke and poor air quality. Mr. Santos stated that he does not have pictures of actual trash on fire. Mr. Smith IV stated that the brush he burns is mixed with trash. The BOH suggested that if there is burning going on, he needs to call for someone to go out there to see what is being burned. The yard appears to have piles of brush to burn and other debris that is found on a farm. Mr. Santos stated that he is sure DEP has inspected the property and would have noted if something was in appropriate. Mr. Smith IV stated that DEP has not seen this. Mr. Ponte only saw a golf cart with trash in it when he went there last week. Mr. Ponte stated that the owner will not allow anyone to come back without a court order. The members encouraged him to call when there is something happening so that someone can go and inspect.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. March Schedule. Members agreed upon March 6 and 20, 2017 as the next meetings.
3. Betterment Program-Update. Members reviewed the submitted information.
4. Ray Belanger/**re**: MEHA Education Seminar. Dr. Colletti asked that Mr. Belanger come to the next meeting to explain this better.
5. Ray Belanger/**re**: Proposed Regulation Changes. Members requested that Mr. Belanger come to the next meeting to also explain this,
6. Sr. Agent Job Vacancy-Update. Job description is before Personnel Board for review and approval. Once approved, they will be able to advertise for the position.
7. Noquochoke Village-Discussion. Mr. Harkins stated that there was a notification that the construction was to begin in April this year. The DEP has approved the septic plans.
8. WRWA Project-Discussion.

Sean Leach of SITEC and Tom Schmitt from the WRWA were present.

Mr. Harkins reviewed the outcome from the DEP meetings. There is a pilot program that they can apply for within a certain time.

Mr. Leach stated that they are not building a new building as it is already there. They have researched the site and there have been other buildings with septic systems in the past on this site.

Mr. Leach stated that the applicant has several ways to meet Title-V and how to dispose of waste water. He suggested they go over the bridge to the landing property. The zero discharge system is a good solution to anything else that gets put into the ground. He stated a perc test can be done and he is familiar with the sandy soils there.

Mr. Harkins is interested in the pilot program and what it has to offer. He said that he spoke with Brett Rowe at DEP and he indicated that there is no issue with pump outs and toilets because of the exemption of the composting toilets but there is with the grey water. Mr. Rowe stated that the sieve analysis would not work. He also noted that there is a grey water piloting program. He is waiting for a letter with a final determination this week but has not received it. Mr. Harkins stated the application is made directly to Boston.

Mr. Harkins stated that the Board will have to have discussions to determine what will the uses be day by day. He also said that Mr. Rowe had sent him some information but it had not arrived yet. Mr. Schmitt is confident that they will fall well below the numbers of anticipated use. Mr. Schmitt stated they will never have 25 people more than 60 days a year in that building. Mr. Leach reminded the Board that this is an office building that is not open to the public but designed for persons who are using the office and Title-V has the ratios worked in. Mr. Leach stated that it is an office for the WRWA and to do business. Mr. Schmitt explained that they do not expect the public to walk in to use their offices. Mr. Schmitt is also awaiting further information and once that is received, they will plan to return before the Board.

OUTGOING

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

PLANS REVIEWED BY AGENTS

1. Black Oak Circle (M-65/L-1/SL-3) Black Oak Circle LLC, 3B NC. No variances. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous
2. Black Oak Circle (M-65/L-1/SL-1) Black Oak Circle LLC, 4B NC. No variances. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous
3. 742 Sodom Road (M-69/L-4C) Doris Fiego, 3B NC. No variances. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous
4. 473 Hix Bridge Road (M-44/L-3) Katie Ide/Todd Vinovrski, 3B to 5B system Upg. No variances. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous

APPOINTMENTS

7:15pm – Two variance hearings for Len Potter:**1) Variance Hearing: Len Potter for 16 Deacon Road, Paul Hamel.**

Failed septic system. Existing well to be disconnected. Leaching field will be set back 90 ft. to well.

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

2) Variance Hearing: Len Potter for 2034 Main Road, Jeff Wade.

Failed septic system. New well will be setback 73 ft. from leaching field

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

7:20pm – Discussion: David Davignon, 1702-H Drift Road, Wayne Seaman.

The revised plans now show a reduced number of bedrooms for the future proposed addition from 3 to 2 after the BOH did not approve the plan, however, it is still shown as designed for 330/gal per day. The sub-sized lot is from the 1950's and it is currently a 2-bedroom home. The addition on the plan is to give more living space. Mr. Santos asked what proof the applicant has that this will remain a 2 bedroom home. The engineer stated that they would file a deed restriction for a 2 bedroom. This is in a velocity zone and no increase in flow is permitted. The engineer stated that the minimum design flow is 330 gallons. No increase of flow in a velocity zone requires 220 gal/day as what was in existence. The engineer stated that the minimum design flow is 330 gal per day. The Board required that there is a deed restriction and less than 300 gallons/day flow. The engineer presented a draft deed restriction and the members looked it over. They will need to re-submit a new set of plans that comply with a design flow less than 300 gal/day and a deed restriction.

7:25pm – Sitec: 80-E Cummings Lane for Richard Mobley, Shared System.

Sean Leach from SITEC Inc. was present for the applicant. The two existing 2-bedroom houses will be razed and a 4 bedroom home will be built. The plan is to extend a line to the existing cottage on the parcel owned in common ownership which removes the need for any variances or setback reductions. The house will be more than 150 ft. from the river and all septic design will be more than 200 ft. from the river. The cottage currently has a septic tank. The design is for a 5 bedroom system. Mr. Leach stated that removing two existing cottages would be less costly than building a new home and the added value is that the new home system will be placed further away from the river.

Mr. Leach presented the easement document and the DEP construction permit application form, fillable by the Board of Health for shared systems. Part of the BOH approval will require an inspection every 3 years. The intent is to combine all three existing lots once Building, ConCom and BOH approve the plans. He noted the disturbance will be reduced by 33% on all three lots.

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

7:30pm – Discussion re Site Design-Dan Malloy 845 Sodom Road, Weatherlow Farm was present before the Board.

He stated that a plan was provided to the Board for the facilities with a 5 gallon per person per day calculation. The BOH then requested 15 gallons as the calculation. Mr. Malloy asked the Board if they are willing to consider placing restrictions on the uses and frequency. He stated that they are looking at a rare occasion of an event with 100 or more people with a gap of up to 3 months until the next event. He is concerned that the design of the system is not designed to fail under these conditions. He noted that the pump chamber is for 3000 gallons a day, but the pumps will come on once every 2-weeks because there is no-flow.

He asked that the Board make a ruling restricting the event to a non-kitchen event over a certain number of people and for numbers under a certain amount of people, it functions as a kitchen. Mr. Santos asked for clarification on the number of events. Mr. Malloy stated that on average for 6-9 months out of the year, no more that 12-15 events per year. He does not anticipate winter usage. The system is currently designed for 200 people at 5 gallons each per day. He said if it were pulled back to 15 gallons per person per day, the number of people would be 77. He asked if the Board would consider any event over 75 people would have a non-functioning kitchen and anything under that number is with a kitchen. Mr. Harkins stated that DEP has called this a function hall that uses 15 gallons per person per day. Mr. Malloy noted that it is not a function hall and they could not generate enough flow to tax the system that currently does not generate 20 gallons per day total at this time.

They are trying to makes sense rather something realistic and which wouldn't work. He noted that beyond septic, the permitting goes beyond to kitchen and functions overseen by the Board of Health. Mr. Harkins stated this is a function hall. Mr. Malloy would be willing to bring in additional port-a-jons as a legitimate legal solution, but the system is capable for this building. This is not a function hall, with daily use. Dr. Colletti suggested bringing back a plan with all the details.

Mr. Malloy stated the plan is already before the Board. The only difference is the terminology and change in numbers as just discussed but he would like to know what the Board wants so he can make those changes. He reminded the Board they will have the option to police the place at any time.

Mr. Harkins asked to table this to the March 20, 2017 meeting so he can get some more information. Mr. Harkins stated the Board would contact Mr. Malloy in the next week or so and let him know what should be on the plans when he returns.

MOTION by Dr. Colletti to adjourn at 7:33 p.m. Seconded by Mr. Santos. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

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

PRESENT: William M. Harkins, Chairman
Karl W. Santos, Vice-Chairman
John J. Colletti, Secretary
John R. Swartz, Health Agent

MINUTES

1. Feb. 27, 2017 reg. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
2. March 8, 2017 sp. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

AGENT INSPECTION/REPORTS

Agents' Inspections & Complaints.

Ray Belanger noted the complaint was about a single family home with an apartment in the basement. This extra bedroom was in violation of the existing septic design. The landlord has since evicted the tenant. The Court also was involved and the owner will no longer use the basement as an apartment. Mr. Belanger will perform a re-inspection to determine that the basement will no longer be used as an apartment.

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

SIGNATURE'S NEEDED

1. Bills - Signatures rendered.
2. Letter to D. Kraft - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. Bristol County Mosquito Control/re: Notice of Aerial Larval Control Application. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. Edge Env./re: Phase V Remedial Monitoring Report for 162 State Road. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

CORRESPONDENCE

DEP/re: Complaint Received at DEP, Referred to Local BOH-Trash Burning Issue. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. Kathy Burns/re: Vacation Request. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
3. Nurse/re: Activity Report for January and February 2017. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
4. Ray Belanger/re: Family Type Campground Permits. Mr. Belanger was present and the Board asked him for details. The topic was the application form that he created for the permit. He stated that there was none in existence and he felt the need to create one for the permit. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
5. Sr. Agent Vacancy-Position of Director Has Been Advertised, App deadline 4/19/17. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
6. WRWA Project-Discussion-Scheduled for April 3, 2017 Meeting. Mr. Harkins stated that the meeting has been rescheduled for April 3, 2017. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
7. Transfer Station: Easter Sunday Closing. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
8. Shared System for 80-E Cummings Lane Correction. The members revisited this application from the last meeting to clarify the vote they want on record. It was not clear from the last meeting.

MOTION by Dr. Colletti to approve septic as proposed with change to add well note "to be abandoned" on plan dated 1/30/17 submitted by Sitec Inc. showing Lots 124, 125 & 136A on Map 71 are combined. Seconded by Mr. Santos. Unanimous.

MOTION by Dr. Colletti for system not to be installed until proof is received that the lots are combined, if not, the septic system will be considered a shared system and all the requirements under Title 5 for a shared system will have to be met.. Seconded by Mr. Santos. Unanimous.

9. Weatherlow Farms-Discussion. Dan Malloy was present two weeks ago and said he was asked to return to see if the Board had any thoughts as to which way the Board would like to make a decision.

Mr. Harkins asked for something in writing stating how often the events will happen and what will be the max number of people. Mr. Malloy stated there would be 15 events per year and no more than 77 people per event with a 15 gallon flow per person. Mr. Malloy wanted to be clear about what they are asking for: either leave design as is with no restriction or

reduce design by restricting flow to 15 gallons a day with a maximum of 77 people. He noted that anything beyond that head count, would require bringing in port-a-jons. These buildings are barns and not set up to accommodate 12 bathrooms. There are 1-3 employee bathrooms. He also noted that the port-a-jons would be permitted through the BOH and therefore the BOH would have a record of the activities at the site. He would like to do whatever is easier for the Board.

Mr. Malloy stated that he does not see that number of people using the existing bathrooms, and the applicant will most likely need to bring in port-a-jons thus not over taxing the expensive system.

Mr. Santos wanted to know how many people the bathrooms on site will accommodate.

Mr. Swartz stated that there is a concern that by adding port-a-jons, it would set a precedent for other places. Mr. Swartz stated that this would be for each and any event.

Mr. Harkins stated he would discuss with Town Counsel. Mr. Malloy will draft something in writing and submit it.

OUTGOING

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

PLANS REVIEWED BY AGENTS

1. 54 Hix Bridge Road (M-54/L-40) Westport Police, Commercial Building, NC. **MOTION** by Dr. Colletti to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.
2. Jo-Ann's Way (M-34/L-48L/SL-2) 2 Jo-Ann's Way LLC, 4B NC. **MOTION** by Dr. Colletti to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.
3. Washington Street (M-6/L-8) Tony Medeiros, 4B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
4. Soules Way (M-57/L-18) Lori A. Robertson, 4B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
5. 16 Dias Avenue (M-28/L-139) Michele Koppelman, 4B Repair. **MOTION** by Dr. Colletti to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.
6. 426 Highland Avenue (M-6/L-11B) Louis Pires Est., 3B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
7. 14 Washington Street (M-6/L-8) Washington Street Trust, 2B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.

8. 837 Sanford Road (M-22/L-19E) Deborah Laurendau, 3B Repair - Option #1 with pump.
MOTION by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
9. 837 Sanford Road (M-22/L-19E) Deborah Laurendau, 3B Repair - Option #2 w/o pump.
MOTION by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:15pm – Discussion: Ray Belanger, Health Agent, Seminar Follow Up.

Mr. Belanger was present to explain that he attended a seminar on wastewater at DEP.
MOTION by Dr. Colletti to keep on file. Seconded by Mr. Santos. Unanimous. The second item was regarding the food code, tanning regulations and recreational camp regulation which are all up for updating. The state is adopting the most recent codes. For the food code - the last date was 2015. The camp regulation concerns floatation devices. No final date has been adopted. The tanning regulations has to do with the operator and no date for adoption has been set.

7:25pm – Var. Hearing: Alex Gorodetsky, 21 Lakeshore Avenue, Manuel Lindo.

Failed cesspool; repair is on a small lot. The house is inhabited year round and this would be an improvement. The existing cesspool bottom is below high ground water elevation, 60 feet from the South Watuppa Pond and within 10 feet from the shallow shared well.

The shared well serves the subject property and 15 Lakeshore Avenue. 15 Lakeshore Avenue is serviced by a tight tank for the sewage disposal and 21 Lakeshore Avenue lot area is under 4,000 sq. feet. All property is within 100 feet from the well on the abutting 23 Lakeshore Ave. The neighborhood is not serviced either by public sewer or public water supply.

Based on the above information, given lot area, very close proximity to the private water supply and to the tributary to the public surface water supply, installation of a tight tank is the most feasible option.

Variances requested:

- Setback from property line to tight tank: 5 ft. vs 10 ft.
- Setback from well to tank 16 ft. vs. 50 ft.

MOTION by Dr. Colletti to approve variances subject to a hold harmless agreement and well testing and ConCom approval. Seconded by Mr. Santos. Unanimous.

7:30pm – Var. Hearing: Len Potter for 252 Howland Road, William O'Donnell.

Upgrade cesspool to a Title 5 compliant system. Site well will be impacted; no other wells will be impacted.

Variances requested:

- Setback from SAS to existing well, 67 ft. vs. 100 ft.

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

7:35pm – Var. Hearing: Len Potter, 162 Atlantic Avenue, Florida Industrial.

Failed septic system. This is a 7 bedroom home with an 8th bedroom on the premises.

Variance requested:

- Setback from SAS to site well, 84 ft. vs 100 ft.

MOTION by Dr. Colletti to approve variance subject to a hold harmless agreement and well testing and a deed restriction. Seconded by Mr. Santos. Unanimous.

7:40pm – Discussion: Allen & Major, Noquochoke Village, American Legion Hwy.

Phil Cordeiro from Allen & Major was present. He stated that he has had some side discussions with the Chairman. The septic system is fully approved and ready to move forward. They have an approved septic plan from DEP for a nitrogen reduction system. DEP wanted to have a documentation showing there was enough land to accommodate this. Discussion ensued.

Mr. Harkins stated that there will be no approval until all the information is provided to the BOH.

The members stated they have not seen the plans. Mr. Cordeiro stated that in May 2016, they submitted a set of plans to the BOH. The plans were approved and signed off on by James Walsh pending approval from DEP. They went forward to DEP after that and DEP approved the plans as well. This is pilot program as well.

Mr. Harkins questioned the land which was not eligible for aggregation. Mr. Cordeiro stated that the only area that cannot be counted is the radius zone around the drinking water well; it is excluded from the aggregated nitrogen area. The lawn area is included however because the regulations allow this area.

Mr. Harkins asked about the Community Center if it will be used for laundry. There are no washers in the units. Mr. Harkins asked for the floor plan stating they would need to look at it to establish a flow for the building. Mr. Cordeiro stated that flow was discussed at the time of approval and the washers and dryers, while not in the units are in the common area. The community facility is a closed loop and in discussions with DEP, these have been counted as part of the units. The office rest room and rest rooms in the building were also counted. Mr. Cordeiro stated that it is a net zero system and DEP has approved the plans. Mr. Cordeiro wants to be cautious here because he does not want to open a closed book on the flows; all parties agreed on these plans and they are proceeding with DEP approvals. They are on the precipice of building and to revisit the flow would put this project in jeopardy.

Bob Alves, an abutter to the project stated that the washer and dryers were not part of the original plan. Mr. Cordeiro stated that at the time the agent was concerned that this would become a

laundromat but DEP allowed the washers that were in the units to be moved to the center. Mr. Cordeiro stated they removed a bedroom to stay below the 10K gallon per day flow. Mr. Cordeiro stated to be clear, it was always their intention to have washers and dryers in the community center. Mr. Walsh only was concerned that the flows were accounted for properly. DEP approved these as long as these are for the residents.

Mr. Cordeiro stated that his position is very clear, they have an approval and they are proceeding. The well is in the ground and awaiting approval from DEP on water testing.

Mr. Santos asked if this was a pilot program. Mr. Cordeiro stated that it is and is approved for that.

Mr. Harkins asked if they will be adhering to the conditions of the Planning Board decision. Mr. Cordeiro stated they will and he had a meeting with department heads last week: the Planner, Building Inspector and Fire Chief to begin the process.

Mr. Alves stated once the system is built and it fails, it is next to the Westport River and is of great concern. Mr. Harkins stated that is why they are looking at this carefully so that it does not fail.

Mr. Harkins reviewed the packet he received from Mr. Cordeiro containing the draft documents that will be endorsed by the applicants as for example a conservation agreement etc.

Mr. Cordeiro is before the Board of Health not for an approval, per say, but the ability to move forward with the building application process so that when it goes through the Health Department, it will be stamped and proceed.

Mr. Harkins will not put a stamp on it until they see the results of the water testing. Mr. Cordeiro stated the well is under the state jurisdiction because it is a state permitted well. Mr. Santos stated that they want to see the DEP approval. Mr. Cordeiro's stated that he would like to maintain the time line on the project. The approved septic is under local jurisdiction and the approval is a closed book. They need approval from DEP to draw water for the development. They will have 20K gallon underground potable water tanks as well as 80K gallon fire prevention

Mr. Santos asked for the layout of buildings on the site and a layout of site plan. Mr. Cordeiro stated that for clarification, the Board should already have a layout of the property. He can supply the building layout, but the septic design and layout of the property was already submitted to the office through Mr. Walsh. Dr. Colletti asked for a copy to be supplied. Mr. Swartz stated he has never seen a plan. Mr. Cordeiro stated he could get them another copy.

Mr. Cordeiro asked now that the building permit is going to pass through their office, can he expect the Board to move on it? Dr. Colletti stated that once a copy of the plans are received they will look it over. Mr. Cordeiro stated he was at a loss, as to the whereabouts of those plans that were approved by the BOH agent.

Mr. Harkins said he would ask the office staff to look through the records for the plans.

MOTION by Dr. Colletti to adjourn at 8:33 pm. 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: William M. Harkins, Chairman
Karl W. Santos, Vice-Chairman
John J. Colletti, Secretary
John R. Swartz, Health Agent

MINUTES

MOTION by Mr. Santos to accept as submitted. Seconded by Dr. Colletti. Unanimous.

AGENT INSPECTION/REPORTS

Agents' Inspections & Complaints. Mr. Harkins brought one correspondence to the members' attention regarding a recall on nuts. Members asked that this information be posted on the scroll. Mr. Harkins reviewed agents' reports. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

SIGNATURE'S NEEDED

Bills - Signatures rendered.

CORRESPONDENCE-Needing No Action

South Coast Rail/re: Notice of Availability for the South Coast Rail's Notice of Project Change. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.

CORRESPONDENCE

1. Mr. & Mrs. Evan/re: Request for Extension on Repair of Septic for a Vacant House under renovation. **MOTION** by Dr. Colletti to grant another 18 months to repair the septic system. Seconded by Mr. Santos. Unanimous.
2. J. Harrington/re: Annual Request to Share Tight Tank on East Beach Lot. **MOTION** by Dr. Colletti to grant the request to share the tight tank.. Seconded by Mr. Santos. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Dr. Colletti to file. Seconded by Mr. Santos. Unanimous.
2. Ray Belanger/re: Vacation Request. **MOTION** by Mr. Santos to grant the request. Seconded by Dr. Colletti. Unanimous.
3. April/May Meeting Dates. Because of Monday holidays falling on regular meeting nights, members agreed upon Tuesday April 18, 2017 in the office upstairs and then again on Tuesday May 30, 2017 in the office upstairs.
4. Noquochoke Village-Community Center Flow, Full Project Plan Provided. No one was present from the project. Mr. Harkins stated that since there was no one present, there is nothing to discuss. Since the applicants have met the criteria and depending on the results of the public water supply test, they will be going forward.

5. Nancy Paquet/re: Burning Trash Issue. Mr. Harkins stated there were new pictures submitted and there is no indication what is being burned other than what is being used to start the fire which produces a different colored smoke. He has directed the Principal Clerk to write to the land owner requesting they provide proof of trash disposal.
6. Complaint-Odor Issue at 115 Narrow Avenue. Mr. Swartz stated that the odor can be detected from the front of the property. A truck is parked in the rear and the owner will not allow agent to access property for inspection. There is no indication if there are any shells. Jennifer Mello of Pine Hill Road asked how is that the agent is not allowed on private property. Mr. Swartz stated that the property owner can refuse an inspection. Mr. Harkins stated that if it is a public health issue, the BOH can act faster. Mr. Swartz suggested asking Town Counsel how to proceed. Mr. Swartz stated the police will not enter either.

OUTGOING

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

PLANS REVIEWED BY AGENTS

1. Forge Road (M-28/L20M) Carlos Ferreira, 2B NC (easement recording required, deed restriction required, wetland line approval required). **MOTION** by Dr. Colletti to approved conditional on a recorded easement, a 2-bedroom deed restriction, a hold harmless agreement and conditional on the wetland line approval by ConCom. Seconded by Mr. Santos. Unanimous.
2. Sycamore Lane (M-61/L-17T) Leslie & Christopher Roberge, 4B NC. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
3. 93 Union Avenue (M-28/L-2T) Chartier Building Co., 3B Repair. **MOTION** by Dr. Colletti to approve. Seconded by Mr. Santos. Unanimous.
4. 1702-H Drift Road (M-186/L-58) Wayne Seaman, 2B Repair (design less than 300 gallons per Board's requirement and deed restriction required, not done yet). **MOTION** by Dr. Colletti to approve design less than 300 gallons conditional on a deed restriction, hold harmless and approval by ConCom. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:15pm – Public Hearing: Piggery Application for Up to 8 Pigs. Applicants: Jennifer & Rupert Grantham, 16-N Mullin Hill Road

Mr. & Mrs. Grantham were present. The BOH agent recommendation states the area is adequate and would require inspection prior to permit, if additional shelter is provided as suggested.

Kathy Wattles 43 Rock Bridge Drive, Little Compton was present and as an abutter asked for details of the requirements of holding a permit. She is in agreement with the Granthams but just wanted to know what recourse she would have if it becomes a problem. Mr. Swartz stated that a BOH agent will periodically inspect. Dr. Colletti stated that if there is a problem, to let the BOH know.

Mr. Schmitt, president of the WRWA asked if the stormwater retention plan is because the site is near stream and wetlands. Mr. Grantham stated that the pig area is not near any of the streams and that there would not be runoff based on the layout of the land.

Mr. Harkins asked about manure disposal. Mr. Grantham stated that they have areas where they would plant for the pigs to root out and rotate. He is aware that smell will be a problem and Mrs. Grantham stated that the by-law stipulates it must be buried, which is what they intend to do. Mrs. Grantham was asked if there would be more than one sow and she stated that they will only have one sow.

MOTION by Dr. Colletti to grant the permit for 8 pigs. Seconded by Mr. Santos. Unanimous.

7:25pm – Discussion: Sitec, Inc: WRWA-Head of Westport Project.

Mr. Schmitt, president of the WRWA was present and stated that the WRWA has tentatively decided to move forward with the composters, which is option 3 on the letter he referenced that the BOH has received. This would require DEP approval for a PILOT program with prior approval from the Board of Health. He asked the Board how extensive the plan should be and what they would need. Dr. Colletti stated that they would need an engineer familiar with the BOH requirements to provide the information the Board of Health needs and to include specs for all components. Mr. Harkins stated that once the BOH gets this, the applicant can apply and get approval from DEP and then lastly approval from the BOH for its installation.

Mr. Harkins was mainly concerned with the water supply. He did not know how to limit usage since it is not a public restroom facility. Mr. Schmitt stated that the rules for retail would apply.

7:35pm – Discussion: Dan Malloy for Weatherlow Farm, Ryan Wagner.

Dan Malloy and Ryan Wagner were present. Mr. Harkins stated he has received the letter of correspondence and will now pass this along to Town Counsel for their input since it would require a legal document. Mr. Malloy suggested that when the BOH issues their permit, the BOH can issue it with any conditions because they would like to move this along. Mr. Harkins stated that town counsel may have further stipulations. Mr. Malloy stated they will be waiting for feedback from Counsel.

MOTION by Dr. Colletti 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 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

Re-Organization

MOTION by Mr. May to nominate Mr. Harkins as Chairman. Seconded by Mr. Weinberg. The vote was 2 in favor. Mr. Harkins abstained.

MOTION by Mr. Harkins to nominate Mr. May as Vice-Chairman. Seconded by Mr. Weinberg. The vote was two in favor. Mr. May abstained.

MOTION by Mr. May to nominate Mr. Weinberg as Secretary. Seconded by Mr. Harkins. The vote was two in favor. Mr. Weinberg abstained.

MINUTES

April 03, 2017. **MOTION** by Mr. Harkins to approve the minutes. Seconded by Weinberg. Unanimous.

AGENT INSPECTION/REPORTS

1. John Swartz – Daily Log 3/06/17 thru 4/10/17. **MOTION** by Mr. Weinberg to file. Seconded by Mr. May. Unanimous.
2. Ray Belanger – Daily Log 02/02/17 thru 04/07/17. **MOTION** by Mr. Weinberg to file. Seconded by Mr. May. Unanimous.
3. Fred Ponte – Daily Log 2/2/17 thru 4/03/17. **MOTION** by Mr. Weinberg to file. Seconded by Mr. May. Unanimous.
4. Inspections & Complaints. **MOTION** by Mr. Weinberg to file. Seconded by Mr. May. Unanimous.

SIGNATURE'S NEEDED

Bills - signatures rendered.

CORRESPONDENCE-Needing No Action

1. Atlantic Env (copy)/re: Phase V Completion Statement, Permanent Solution Statement (PSS) with Conditions, 251 Forge Road. **MOTION** by Mr. Weinberg to file. Seconded by Mr. May. Unanimous.
2. Edge Env.(copy)/re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.

CORRESPONDENCE

1. Mr. & Mrs. Evan/re: Request for Extension on Repair of Septic for a Vacant House Under Renovation. **
2. J. Harrington/re: Annual Request to Share Tight Tank on East Beach Lot. **

****These items were posted and addressed at the previous meeting.**

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.
2. Ray Larner/re: Vacation Request. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
3. Fred Ponte/re: Vacation Request. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
4. Nancy Paquet/re: Application for Extension of Sampling Variance for Tier 3 Status Beach-Elephant Rock Club and Baker's Beach. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
5. Nancy Paquet/re: Beach Sampling Process & Sampling Collection Issue. **MOTION** by Mr. May that Mr. Ponte perform Beach sampling and collection. Seconded by Mr. Weinberg. Unanimous.
6. Complaint: 201-203 Davis Road Follow Up. A court order to evict is pending. No vote needed or taken.
7. Complaint: Odor Issue at 115 Narrow Avenue-Follow Up. Mr. Swartz stated that there have been no further complaints. Brian Tripp was present and stated that he is a commercial fisherman and that he has lobster pots and sometimes bait. He also stated that he has no neighbors in his proximity. He stated that the complainant stated that he was burying shells. He said the complainants; Scott Boyd and John Bell live 3/4 of a mile away. He noted that the Ferry Farm is spreading manure all the time, but there is no complaint. He stated that the shells he does have are already seasoned. He stated what fired up his neighbor Mr. Bell was that he had a delivery of shells that on the following day were re-sold and removed. This was a one-time occurrence. He said that the neighbor thought it was all stockpiled on the farm. Mr. Harkins thanked Mr. Tripp for coming by.
8. Set a Date to Review Applications. Members were encouraged to stop by the office to review the file and then come up with a date. The Chair asked to tentatively meet next Monday at noon. He will ask that it be posted.

OUTGOING

MOTION by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.

PLANS REVIEWED BY AGENTS

1. Sycamore Lane (M-61/L-15T) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. May to approve pending ConCom approval. Seconded by Mr. Weinberg. Unanimous.
2. Jo-Ann's Way (M-34/L-48N/SL-6) Victor Sousa & Melanie Rache, 4B NC. **MOTION** by Mr. May to approve pending ConCom approval. Seconded by Mr. Weinberg. Unanimous.

3. Jo-Ann's Way (M-34/L-48P/SL-7) Over the Hill, LLC, 4B NC. **MOTION** by Mr. May to approve pending ConCom approval. Seconded by Mr. Weinberg. Unanimous.
4. Jo-Ann's Way (M-34/L-51/SL-5) Christopher & Kerri Carreiro, 4B NC. **MOTION** by Mr. May to approve pending ConCom approval. Seconded by Mr. Weinberg. Unanimous.

APPOINTMENTS

7:15pm – Discussion: Dan Malloy for Weatherlow Farm, Ryan Wagner.

Dan Malloy and Ryan Wagner were present. They filed new plans last week. Mr. Swartz reviewed the plan and all was as was agreed upon. Mr. Harkins stated that he has not heard back from Town Counsel and is not prepared to make a decision. The kitchen function pertains to a function hall - not a restaurant and 15GPD are required calculations. Mr. Harkins stated that if this is a restaurant its requirement is 35GPD. There was a disagreement with Mr. Malloy. Mr. Harkins stated that the function hall does not include the kitchen and according to DEP the flow without a kitchen is 15GPD and with a kitchen it is 35GPD. Mr. Malloy stated that what they agreed to was the function hall including a kitchen at 15GPD; he stated that there was no discussion about 35GPD. There was also disagreement with the number of people.

Mr. Malloy stated that they increased the size of the system to accommodate 100 people and 15GPD. The original proposal accounted for 75 people which they increased. He stated it was never a restaurant discussion at 35GPD.

Mr. May stated that Title-V is clear and requires 15GPD for a function hall; Mr. May asked for clarification about the request to Town Counsel.

Mr. Weinberg summarized that the applicant would have fewer events to accommodate the current system for up to 100 people. Should there be more people they would rent port-a-jons to accommodate more people. They do not have the ability to accommodate this many people because they do not have the number of bathrooms needed.

Discussion ensued. Members advised the applicant to wait to hear from the BOH.

7:25pm – Discussion: Dan Kraft re: 246 Howland Road Project, Angela Scott.

Mr. Kraft of Howland Road and Attorney Arthur DiAscentis on behalf of Mr. Kraft and other residents from the subject property introduced themselves.

Mr. Harkins stated that there will be no determination made tonight and that he is awaiting a reply from Town Counsel for their advice.

Mr. Kraft stated that he has nothing against the owners of the subject property. He read his statement into the record. His concern is that the flow is being doubled and this with the potential to contamination to well water.

Mr. Kraft read letters from other abutters who were concerned of the increase in flow on the 9,000 sq. ft. lot from a 2 bedroom house to a 4 bedroom house and the increase of stormwater flow in an area that already has stormwater issues.

Diane Larson of 239 Howland Road read her letter into the record.

All abutters asked that the septic approvals over the years from 2 to 3 bedroom and again 3 to 4 bedroom be reviewed due to health issues.

Len Potter of 604 Main Road was present and he was representing the Scott's of 246 Howland Road. He was in contrast to what was being stated. He designed the system in 1998. He stated all the other houses were on a public water supply. He stated that many of the lines were required to be updated. Consequently, the cost would have increased and many decided to drill their own wells. Mr. Potter stated that number 19 Hillside attempted but got salt water. Most lots are under 10k sq.ft. and he said that most homes were 2 bedrooms. With the public water supply, the number of bedrooms has no bearing.

Mr. Harkins stated that in 1998 the 2 bedroom home was increased to 3-bedroom and it was approved for a 4-bedroom system more recently because they do not have a well and are on a public water supply. If there is an increase in flow, the owners are required to file with DEP for the increase in flow for a lot under 10k sq.ft. Mr. Harkins stated that the BOH stormwater regulation is applicable post construction.

Kit Wise, architect representing the Scotts' stated the square footage is being incorrectly represented as well as the increase in footprint.

Mr. Harkins asked if the ZBA had made a ruling. Mr. Wise stated that they withdrew their application because the advertising listed incorrect square footage. He stated that they have filed a repair plan to redesign and re-orient the septic system to accommodate the new footprint of the house. Mr. Wise also stated that the Scott's plan to use the house now that their careers are coming to a close and they do not intend to rent it out although they have in the past, the quality of the proposed home is not for rental. He said that the neighbor is orchestrating this because he would lose his view to which he has no right to unless he has a view easement.

Attorney DiAscentis stated that the septic system is being pushed to the maximum remaining area of the lot. He noted that the 2015 septic permit was a mistake. There are 2 and 3 bedroom houses on either side of this property. The lot is clearly in the well head protection zone and that does not allow for 4 bedroom system upgrade. This qualifies as a new construction. He said that the Board has considered repairs and these plans are not repairs but rather upgrades. This is not a repair - there is nothing that represents as anything that is broken. This is an attempt to increase the flow. The mistake was that the plans came in as a repair in 2015 and was not, and consequently was approved with the BOH agent's recommendation.

Mr. Harkins stated the system is in place was approved some time ago and now they are looking to reconfigure it.

Mr. Weinberg noted that the prior plan is different in that the number represented was 440 vs 452 now. From a technical point of view, he said that if it is believed that Mr. Potter's plan is not addressing those issues they should have an engineer with the expertise lay it out.

Attorney DiAscentis stated that in 2015, it was considered new construction and the lot is too small for de-nitrification. Attorney DiAscentis provided a copy of a memorandum he prepared for Town Counsel to the members and asked if Mr. Harkins would share it with Town Counsel.

He presented that the abutter, Mr. Clark has a well that was not represented on the plan by Mr. Potter in 2015. This is based on the plan submitted by Wendy Henderson for 19 Hillside Ave. The attorney stated that the house has always been a 2 bedroom home and there is a distinction between design and flow.

Alvin Scott, Ms. Nanni's husband, told the neighbors that they are not trying to be deceitful or disrespectful to them. He has been mindful that they won't have overflowing effluent or runoff. He has taken many of the letters to heart. This system has been in place since 1999 and an approved plan of 2015. Of all the objections, only one person, Mr. Kraft, objects to the 2015 system. Everyone else is concerned with the system being compliant with current systems. He stressed that they are trying to make the lot better for septic and runoff. And he asked for a copy of the memorandum.

Mr. Harkins stated that once the BOH hears back from Town Counsel, they would get in touch with them.

MOTION by Mr. Weinberg to adjourn at 9:11 p.m. Seconded by Mr. May. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Special Meeting of the Board of Health

The Special Meeting of the Board of Health convened at 12:00 p.m. at the Town Hall Annex.

Present: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
Frederick Ponte, Special Agent
Raymond Belanger, Health Agent

1. Review Employment Applications:

After review of applicants, members felt that Mark Taylor and Kevin Bernardo have the certifications the Board is looking for. Both applicants are certified soil evaluators. Mr. Weinberg stated that the applicants have to provide references. Members carefully reviewed applicants' qualifications. Discussion ensued over requesting the applicants to appear for an interview and also to formulate and field questions to be posed to each candidate and then to be able to compare answers. Generally, the responsibility of the director would be to know what the agents are doing to be able to attend the BOH meetings and respond to board questions. Most of the other applicants responded to the public health aspect of the application, but not to the other responsibilities of the department. The members did mention that they would like to see if there is more that can be done for public health through the Town Nurse and Council of Aging. The largest portion of the work will involve Title-V because the community is based on Title-V.

MOTION by Mr. May to interview these two candidates. Seconded by Mr. Weinberg.
Unanimous.

2. Martin Cheese Pig Permit & Goat Milk Issue:

Members reviewed information from last week and what was submitted today. Cease & Desist from the BOH was served by the Constable on the goat milk.

The first issue is for the BOH to follow-up on the cease & desist order which was done. The second issue was concerning the piggery permit.

Mr. Pontes was present. There were an estimated 100 pigs and one dead sow reported. The 4/20/17 report of Mr. Pontes reported seeing 4 pigs in an enclosure with others supposedly in the woods. There was nothing in the report to document that he had contacted the Animal Control Officer, Mr. Weinberg noted. He said that his expectation of Mr. Ponte is to make observations of any violations of the piggery permit.

Mr. Harkins noted that he had been in contact with the ACO from the onset. The BOH has a piggery permit issue; anything else reverts to state regulations. Mr. Pontes confirmed the observations and with regards to this, Mr. Harkins assured BOH responsibilities were covered and a report was made to the ACO. Mr. Weinberg stated that he understands that the BOH does not want to take on more responsibilities but does not want the inspectors feel that they are so compartmentalized that when they see something not in their purview, they don't feel as if "it is not their job". Mr. Harkins felt that if it is an emerging situation, the Board needs to communicate with each other. Mr. Weinberg suggested constructing a checklist for when any inspection is made to observe any violations of the permit that may be present at the time of inspection.

Special Meeting of the Board of Health

Mr. Weinberg read Mr. Pontes' report and asked him that when he does perform another inspection to record any non-compliance to the permit and to state any other violations. Mr. Pontes stated that the pig farm is far enough away from other properties. He stated he was there to verify the number of pigs. There were 4 in an enclosure by the barn. Mr. Martin stated that he had about 50 in the woods. Mr. Pontes stated that Mr. Martin has had difficulty keeping the fences in place. The members discussed that the permit has been enacted for at least two years and the violations have been in place for at least that long considering the number of pigs. Mr. Pontes and the members agreed that Mr. Martin has lied on the application. Mr. Harkins suggested that he remove all the pigs and pull his permit and allow him to reapply for a new permit. Mr. Weinberg suggested that the BOH suspend his permit and allow him to bring all into compliance. Members discussed the appropriate fines in light of the last 2-years of not being truthful. Mr. May stated that it is not his intent to put Martin Chees out of business.

Ray Belanger was also present and asked the members to consider two items: first if there is a non-criminal disposition which is in the form of ticketing capability, then the BOH has the ability to issue the ticket and fine. If the BOH does not have that ability, a certified notice of violation would be served by constable, giving the violator a certain amount of time to correct the violation, ie. 24 hrs. or what the board decides, and if the violator does not do it, the BOH will have to take the matter to court and it is the court that levies the fine.

Mr. Harkins noted that the MDAR will quarantine the area. Once the quarantine is up, the BOH will have had suspended the permit and require removal of the pigs in a reasonable period of time.

3. Westport Sand & gravel 21E Reassessment:

Mr. Weinberg stated that DEP completed an audit in January of the LSP's determination of the site and the case was resolved. DEP found substantial errors in the analysis that was conducted. Proper tests for site contamination and wells were not done. The DEP has reopened the process and have a new LSP on board. The reason he thought it was important to discuss is that they will most likely test residents' wells as part of the process and thought worthwhile bringing it up.

4. 246 Howland Road - Next Steps:

Mr. Harkins called Attorney Jeff Blake, Town Counsel and was placed on speakerphone. Mr. Blake stated that there is no application before the BOH. There would need to be an application before the BOH for the Board to act. Mr. Harkins explained that the neighbors were concerned that the new construction that is being planned is based on a set of plans from 2015 that were approved erroneously and they would like the Board to stop that action and prevent the owners from building. Mr. Blake asked if Mr. Harkins felt that the 2015 plans were done erroneously and that there is public safety concern based on that. Mr. Harkins responded no.

Mr. Harkins explained to the two new members that the original plan was approved in 1998 increasing the system from 2-4 bedroom septic system. He said that in 2005 a 4-bedroom septic system was then installed. No building was started at that time. He said a year or so ago, the owners returned to address the project, and the abutters started complaining and the office started to take a look, thinking that there may have been an error back in 1998 because the size of the lot was too small for a 4 bedroom house. Mr. Harkins explained that at that time, the engineer noted

Special Meeting of the Board of Health

that there was public water supply for this property and that would exempt them from any constraints for 4-bedrooms on this small lot. He said that the abutters are pursuing stopping the project. Mr. Harkins stated that there is a public water supply exempting the owners from the constraints of a 4-bedroom system, there is already a 4-bedroom system in place, they are starting new construction and the owners have to re-locate the existing 4-bedroom system to accommodate the new construction and so have categorized it a repair and the 4-bedroom septic system plan was approved in 2015. Mr. Blake asked Mr. Harkins if there was no further action to taken. And he said no.

Mr. Weinberg said he had a different perspective on this relating to the fact that the property is served by a public water supply. This location is in a well head protection area, by information confirmed on the Town mapping and DEP. One of the concerns by the neighbors was that by increasing the number of bedrooms in the house they would be increasing the draw on the public water supply. He noted that Title-V states that if in an Interim Wellhead Protection area (IWPA), it is considered a nitrogen sensitive area and this system is not designed to take that into account. He stated that this is a fundamental problem not only for Title-V but he feels that DEP will not allow a connection to the public water supply if this violates the nitrogen sensitive provisions of Title-V. Mr. Harkins stated that the 2015 plan indicated that the IWPA was far enough away that it would not be affected and the owners have the responsibility to file with DEP for increased flow and DEP will allow or disallow. Mr. Weinberg stated that if it's not an issue with the IWPA, then he is in agreement with the outcome, however it is a larger question if this were a repair. Mr. Harkins stated that any further action on an installed system is considered a repair. Mr. Weinberg noted that a dispute would arise if this were in the IWPA. Mr. May stated that the secondary well is in the IWPA.

Mr. Blake stated that the BOH is being asked to nullify a decision by a prior Board three years later. Mr. Harkins stated that the Building inspector denied the application and the owners filed with ZBA but they were allowed to withdraw their application without prejudice because it was not advertised properly. Attorney Blake stated the applicant would then need to file again with the Building inspector and at this point there is nothing to indicate what will happen next. Mr. Harkins is also waiting to hear from Brett Rowe regarding the amount of disturbance that is measurable. Attorney Blake stated that it is an extraordinary request to rescind the 2015 permit, and the BOH should not prescribe to it. The good news is that the owners have not spent anything on construction. Mr. Harkins did not want to set a precedent either. He stated that he prefers to state that all seems to be in order. The Town is covered for an erroneous issuance of a permit. Attorney Blake noted the very vocal group of neighbors. If the house is not in the IWPA, Mr. Weinberg is willing to let sleeping dogs lie. However, if they are tearing down the existing house and rebuilding the BOH can invite the neighbors to submit information that would demonstrate or contest the IWPA area and then take action. The public health considerations are from allowing more nitrogen from entering the wellhead.

Mr. Harkins stated that the BOH has nothing to offer and does not feel that any mistake was done by the past BOH and that the Board will look at the stormwater issue amongst themselves.

Members further discussed the issue amongst themselves. Mr. Weinberg noted that the 440 rate was per acre; this parcel is much less than an acre. Also if in the IPWA, they have to meet the nitrogen loading. Mr. Harkins noted that the abutter's recourse would be to appeal to DEP.

Special Meeting of the Board of Health

Members were advised by Counsel that there was nothing before them, therefore there was no action needed.

5. Oversight/Inspecting Animal Husbandry Operations:

Mr. Weinberg wanted to discuss the animal inspections and forms that are used by food inspection- these forms are comprehensive and there should be something like this for animals. Mr. Harkins stated that the BOH will not get involved or interfere with animal inspections that do not fall under the purview of the BOH. He supports Mr. Weinberg development of a form that the Agents can take with them on an inspection. Mr. Weinberg did not want to overstep anyone, but the info would be basic as part of the assignment pertaining to the issued permit. He was concerned that it appears that the BOH does not do enough. Discussion ensued. Mr. Harkins stressed the importance of not allowing information leak out before the BOH can address it. As in the pig case, the information was leaked to social media over the weekend.

Mr. Weinberg had wanted to discuss these items, but not necessarily in this meeting:

- Clarifying Communications and procedures Under Open Meeting Law
- Understanding Current Operations.
- Strategic Planning and priorities.

MOTION by Mr. May to adjourn at 2:36 p.m. Seconded by Mr. Weinberg. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

April 18, 2017. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

AGENT INSPECTION/REPORTS

Inspections & Complaints: Mr. Harkins read through the Inspections and Complaints.

MOTION by Mr. Weinberg to issue a cease and desist to Grampy Paul's at 758 State Road. Seconded by Mr. May. Unanimous.

MOTION by Mr. May to file inspections. Seconded by Mr. Weinberg. Unanimous.

Susan Wallis of 15 Longwood Drive requested the Sunset Avenue issue put on a subsequent agenda so that it can be discussed. Mr. May would see that it is placed on the next agenda.

Discussion ensued over the pig issue and Mr. May noted that five Town Representatives went to the site.

MOTION by Mr. May to file complaints. Seconded by Mr. Weinberg. Unanimous.

SIGNATURE'S NEEDED

Bills - Signatures rendered.

Beach Testing Agreements. Signatures rendered.

CORRESPONDENCE-Needing No Action

1. DEP(copy)/re: Prescribed Burn Units, Air Quality Control at 34 Barneys Joy Road. **MOTION** by Mr. Weinberg to file. Seconded by Mr. May. Unanimous.
2. TEC Assoc.(copy)/re: MA Coastal Railroad 2017 Vegetation Control Program. **MOTION** by Mr. Weinberg to file. Seconded by Mr. May. Unanimous.

CORRESPONDENCE

1. Planning Board/re: Request for Updates for the 2016 Master Plan. Members asked to table this to the next meeting for further discussion.
2. Wendy Henderson/re: Request Board's Interpretation of BOH Regulation "Septic System Location". Because the BOH cannot render the pre-existing lot unbuildable, if the system can fit outside of the A-zone, it would be preferable to place outside of it. They can place it in the A-zone because the lot existed prior to the regulation.

OLD BUSINESS

1. Sandra Thurston & George Smith/re: Proof of Trash Disposal for 594 Drift Road.

Proof was provided of trash disposal after BOH agents, police and fire all made visits to the site and found nothing. All efforts by the BOH were made. Mr. Weinberg stated that the complainant should have access to this information. The complainant may ask for copies of any documentation. **MOTION** by Mr. May to close this case. Seconded by Mr. Weinberg. Unanimous.

2. Site Design Eng/re: Follow up-Proposed Septic Design at 845 Sodom Road, Weatherlow Farms.

Mr. Harkins stated that he still has not heard from Town Counsel. Dan Malloy of Site Design Engineering LLC was present and stated that they have been coming since December and they ask that the BOH move on this with conditions as suggested and as they feel Town Counsel will most likely come back with. Mr. Weinberg stated that he did not know what would be gained by a separate agreement and if the BOH felt what was approvable and part of the permit rather than a separate agreement. In the permit context, it would be clearer in context to Title-V.

Mr. Harkins felt that part of the agreement would be a 100 person kitchen with an agreement that the kitchen would not be used more than once per day. Any events larger than 100 people the kitchen would not be used and that they would need to apply for port-a-jons. Mr. Malloy offered a flow meter. Mr. Harkins stated that would be better. Mr. Malloy stated that inspections would only be for the time of visit where as their suggestion of a flowmeter will indicate all flow. Mr. Malloy asked how to go forward.

MOTION by Mr. May to approve the septic system as designed on the plan dated April 12, 2017 subject to following 4 conditions:

- For a maximum of 15 yearly events in excess of 100 persons with no kitchen use subject to BOH Port-a Jon Regulation and
- Install flow meters and have data available to the BOH and
- Hold Harmless Agreement drafted by Town Counsel and
- Endorse Agreement as drafted by Town Counsel.

Seconded by Mr. Weinberg. Unanimous.

OTHER BUSINESS

1. Nancy Paquet/re: Vacation Request. **MOTION** by Mr. May to grant the request. Seconded by Mr. Weinberg. Unanimous.
2. Osprey Kayak/re: Port-a-Jon Application Request for a Seasonal Business. **MOTION** by Mr. May to approve the request. Seconded by Mr. Weinberg. Unanimous.
3. Nancy Paquet/re: Article Return Request for the Backhoe Article to Help Fund New Truck. Approximately 10-12K is available to transfer to fund the New Truck. Mr. Harkins stated that he wants to specify that it can only be used for this purpose. **MOTION** by Mr. May to return the funds to purchase the roll-off truck. Seconded by Mr. Weinberg. Unanimous.
4. Ray Belanger/re: MA Tanning Regulations Amendment Notification. **MOTION** by Mr. May that Mr. Belanger speak to the owners of the only tanning bed in Westport about the amendment to the regulation. Seconded by Mr. Weinberg. Unanimous.

5. Kathy Burns/re: Public Health Nurse Activity Report for March & April 2017. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
6. Monthly Pump Reports. **MOTION** by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.
7. Nancy Paquet/re: List of Needs for the Transfer Station. Discussed gravel for approximately \$300; mobile mechanic to service vehicles - Mr. Harkins will speak to Mr. Pontes. **MOTION** by Mr. May to approve the request for \$300 for the gravel. Seconded by Mr. Weinberg. Unanimous. **MOTION** by Mr. May to use in house expertise to dredge the retention pond and repair the equipment. Seconded by Mr. Weinberg. Unanimous.
8. Budget Review BOH Request vs. BOS Recommendation. Mr. Harkins stated that the Health Director was reduced from 75K to 70K by the BOS. Members reviewed the amounts that should be correct for Town Meeting.

OUTGOING

MOTION by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.

PLANS REVIEWED BY AGENTS

1. Sycamore Lane (M-61/L-18E/SL-22) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.
2. Magnolia Lane (M-61/L-17AG/SL-45) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.

OTHER ITEMS NOT ON THE AGENDA:

Donna Perrillo was present and submitted contact info for the Mass Association for Boards of Health, which is a free resource. Ms. Perrillo stated that she is worried who gets the job and so she offered that if the funds are an issue, perhaps they can work 3/4 time. Also, the organization can post this opening state wide.

Ms. Perrillo asked if the Animal Control Officers get continuing education. Mr. Harkins stated that the BOH does not have a part in that because the BOH agents are for public health and the State is for animal health.

APPOINTMENTS

7:15pm – Hearing: Alan Martin for Less Than 5 Pig Permit Violation, 217 Sodom Road.

Mr. Martin arrived at 7:22 pm. Mr. Harkins reviewed the issue for the members and the audience. He noted that the BOH has nothing to do with the quarantine, but rather the State.

Due to the inability to keep the animals contained, he suggested that the BOH revoke the pig permit and come before the Board to re-instate it. The pigs are under quarantine and thus can not be moved until the quarantine is lifted.

Mr. Weinberg suggested that Mr. Pontes conduct several inspections in the interim.

Mr. Harkins clarified that the State is now in charge of the pigs, which means that the Agent should not be making visits. Mr. Harkins asked if he has done anything to contain the pigs. Mr. Martin stated

that he has already contained 20 and estimated that there may be up to 45. Mr. Weinberg asked if he has always had pigs. Mr. Martin stated that they have always had pigs. Mr. Weinberg asked him why he did not apply for a piggery permit. Mr. Martin said that he didn't know, but he would be willing to pay the \$100 for 50 pigs. Mr. Weinberg asked further questions on how and what is fed to the pigs, housing and if he would give the Agent access. He noted that whey and returns are a by-product for the cheese business and is a superior feed for the pigs. They have a trailer box available for them year round. Mr. Weinberg asked what caused the death of the pig that caused this issue to come to light. Mr. Martin stated that he thinks the sow was older and the boars were too hard on her and she may have had a heart attack.

Jennifer Mello of Pine Hill Road stated she was encouraged with the topic and discussion. She stated that it goes back to people who have more pigs than is on the record. She noted that under these situations she would hope there would be better management. She asked how this would be better managed. Mr. Harkins stated that the barn book is between the farm and the state but he is working on a plan that would be in conjunction with where the animals are and try to bring people into compliance. She asked if they are relying on abutters and complaints. Mr. Harkins stated that is correct; when the BOH is made aware of a violation, then the process of permit violation would be looked into. Mr. Weinberg stated that there is no disincentive in place and that would be something to look at.

7:25pm – Discussion: Civil Eng. for Underwood Farms, Certificate of Compliance Date Issue.

Cancelled by the applicant.

7:35pm – Variance Hearing: Len Potter for 22 First Street, Alan Meneely.

Repair and replacement of failed cesspool. Currently a 4-bedroom home and a small lot and uplands window. The cesspool was 65 ft. away from site well.

Variance requested:

- Setback from site well, 51 ft. vs. 100 ft.

Mr. Weinberg stated that if the property is transferred in 2 years, the new owner will not necessarily understand that a well inspection was required and suggested that this should be filed with the registry of deeds. It was noted that the hold harmless is usually filed with the registry of deeds. His concern was to protect future owners.

MOTION by Mr. Weinberg to approve the variance requested and that the variance will be filed at the registry of deeds, with discussion by Mr. May to clarify what is being filed. Mr. Weinberg withdrew his motion.

MOTION by Mr. May to approve the variance conditional on a Hold Harmless Agreement, Well testing and ConCom approval. Seconded by Mr. Weinberg. Unanimous.

7:40pm – Variance Hearing: Len Potter for 8 Christopher Dr., Richard Brodeur

Repair of existing septic system. The lot is too small with little room for placing the system.

Variances requested are :

- Setback to site well, 60 ft. vs. 100 ft.
- Setback to abutter's well at 16 Christopher Circle, 68 ft. vs. 100 ft.

MOTION by Mr. May to approve the variance conditional on a Hold Harmless Agreement and Well testing. Seconded by Mr. Harkins. The vote was two in favor with Mr. Weinberg abstaining.

MOTION by Mr. May to adjourn at 9:00 p.m. Seconded by Mr. Weinberg. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
John R. Swartz, Health Agent
Absent: Philip M. Weinberg, Secretary

MINUTES

1. April 24, 2017-sp. **MOTION** by Mr. May to approve. Seconded by Mr. Harkins. Unanimous.
2. May 01, 2017-reg. **MOTION** by Mr. May to approve. Seconded by Mr. Harkins. Unanimous.

AGENT INSPECTION/REPORTS

1. Inspections & Complaints. **MOTION** by Mr. May to file. Seconded by Mr. Harkins. Unanimous.

SIGNATURE'S NEEDED

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

CORRESPONDENCE-Needing No Action

1. DPH(copy)/**re:** DPH Opiod-Related EMS Incident Data Reporting. **MOTION** by Mr. May to file. Seconded by Mr. Harkins. Unanimous.
2. USEPA/(copy)/**re:** Approval of the Final Westport River Estuarine System TMDL for Total Nitrogen. **MOTION** by Mr. May to file. Seconded by Mr. Harkins. Unanimous.
3. Edge Env.(copy)/**re:** Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. May to file. Seconded by Mr. Harkins. Unanimous.

CORRESPONDENCE

1. BOS/**re:** 2017 Annual Appointments/Attendance Records. Mr. Harkins would contact the staff to communicate the assignments. **MOTION** by Mr. May to file. Seconded by Mr. Harkins. Unanimous.

OTHER BUSINESS

1. Kathy Burns/**re:** Vacation Request. **MOTION** by Mr. May to grant the request. Seconded by Mr. Harkins. Unanimous.
2. Patricia Kershaw/**re:** Vacation Request. **MOTION** by Mr. May to grant the request. Seconded by Mr. Harkins. Unanimous.

3. Monthly Pump Reports. **MOTION** by Mr. May to file. Seconded by Mr. Harkins. Unanimous.
4. Fred Ponte/**re**: 30 YD Roll-Off Deterioration Issue. **MOTION** by Mr. May to file. Seconded by Mr. Harkins. Unanimous.
5. Fred Ponte/**re**: Sunset Avenue Tenant Farm Update. Mr. May gave the chair the details about the cleanup. The Town knows there is a problem. The BOH and the Building Department are monitoring it and there is evidence that progress of cleanup is being made.
6. Phil Weinberg/**re**: Recommendations of Changes to Piggery Regulations. Donna Perrillo asked to see a draft of what is being worked on. Mr. Harkins suggested she stop by the office for a copy. Tabled for next meeting.
7. Phil Weinberg/**re**: Draft Piggery Inspection Form. Tabled for next meeting.
8. Nelia Williams/**re**: Betterment Grant Update. **MOTION** by Mr. May to accept the update. Seconded by Mr. Harkins. Unanimous.
9. Nancy Paquet/**re**: Recommendation for Fred Ponte to Take "Foundations for Local Public Health Practice Course". **MOTION** by Mr. May to permit Mr. Ponte to attend and to cover mileage to travel to Devens, MA. Seconded by Mr. Harkins. Unanimous.
10. Police & Building Report on 212 American Legion Hwy. Noted. Susan Rawlings of Longwood Drive asked what the property was and what the issue was. Mr. Harkins stated that there were pigs and when inspected, other violations were found.
11. Director Position-Posted on MAHB, Discuss Applicant Selection & References. Noted.
12. Mr. Gauvin was present and asked for a status of the piggery across the street from where he lives on Fisher Road. Mr. Harkins stated that the BOH is in the process of asking the owner to come in because he was supposed to be phasing out the operation but had already gotten his permit.

OUTGOING

MOTION by Mr. May to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 56 Monroe Street (M-11/L-292-331) Life Estate of Clair Battles, 3B Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Harkins. Unanimous.
2. 27 Stevens Avenue (M-28/L-83) Duncan Albert, 3B Repair. **MOTION** by Mr. Harkins to approve pending on ConCom approval. Seconded by Mr. May. Unanimous.
3. Gifford Road (M-24/L-28C) Jeffrey Reynolds, 4B NC. **MOTION** by Mr. May to approve. Seconded by Mr. Harkins. Unanimous.
4. Maya Way (M-68/L-3G) David & Linda Pineau, 3B NC. **MOTION** by Mr. May to approve pending ConCom approval. Seconded by Mr. Harkins. Unanimous.

5. 99 Fisherville Lane (M-74/L-19&24) Samuel Barnard, 4B Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Harkins. Unanimous.

TABLED

1. Planning Board/**re:** Master Plan Update – table to the next meeting.

APPOINTMENTS

7:15pm – Variance Hearing: Pro-Line Engineering for 1A Union Street, Diane Pelland.

Bob Berube was present for an existing 3-B dwelling there is an existing cesspool 65-70 feet from existing well. The proposal is to place the upgrade system in the back yard with a polly barrier. They were able to get a 100 foot setback from abutter's well but cannot from the site well. The cesspool will be pumped out dry and filled with sand.

Variance requested:

-Setback from SAS to site well, 77 feet vs. 100 feet.

MOTION by Mr. May to approve conditional a hold harmless and three years of well testing. Seconded by Mr. Harkins. Unanimous.

7:20pm – Discussion: WRWA, 493 Old County Road.

Mr. Schmitt and Mr. Appleton were before the Board. They filed a letter a few weeks ago. They asked what action they took with that letter. Mr. Harkins stated that they hear back from DEP and their determination is that WRWA has proved that there is no need for a public water supply at this time. Mr. Schmitt stated they are working on a Title –V system for greywater. There will need to be a new location of the well. Mr. Schmitt stated their engineers are working on it and hope to have the plan by the next BOH meeting. WRWA was penciled in for the next meeting on May 31 – time to be determined

7:30pm – Discussion: Kerrie Mello, In Ground Pool, Small Lot with old system.

Mr. Mello stated that the proposed underground pool was originally going to be sited in another area. He spoke with the Building department as well for the setbacks. The original proposal would be in the reserve area should the septic fail. He has decided to move the rock and place the pool there and make the setbacks. **MOTION** by Mr. May to approve the pool permit plan as amended. Seconded by Mr. Harkins. Unanimous.

7:40pm – Hearing: Piggery Permit Violation, Charles Merrow, 435 Old Harbor Road.

Mr. Merrow was present. He has pigs that are not permitted. He stated that he immediately move the pigs to Little Compton. He was not aware he needed a permit and several weeks ago he had received a letter stating same. He would like to apply for a permit. Mr. Harkins asked him to come to the office and begin the process.

MOTION by Mr. May to adjourn at 8:56 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:01 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent
Raymond Belanger, Health Agent

MINUTES

May 15, 2017. MOTION by Mr. May to file. Seconded by Mr. Harkins. The vote was two in favor. Mr. Weinberg abstained because he was absent at that meeting.

AGENT INSPECTION/REPORTS

Inspections & Complaints.

Mr. May asked for clarification on some of the food inspection processes and Mr. Belanger explained. Mr. Harkins reviewed the information in the packet for the members and the audience. Mr. Weinberg asked what BOH will do post quarantine in regards to the Martin Farm. Mr. Harkins suggested that once the quarantine is lifted the BOH will send him a letter to remove the pigs and then they must apply for a permit in order to have them back.

MOTION by Mr. Weinberg to send a letter regarding the unclean shell issue to the owners to remove the issue and also send them a copy of the regulation. Seconded by Mr. May. Unanimous.

MOTION by Mr. May to file the Inspections and Complaints. Seconded by Mr. Weinberg. Unanimous.

The members asked to hold open the issues that need to be revisited in the future. All others are considered filed since these were already filed with the office.

SIGNATURE'S NEEDED

Bills - Signatures rendered.

CORRESPONDENCE

Common Sense Env./re: Permanent Solution Statement for Threat of Release Tank at M- 66/L-22B, Main Road, Berwyn Field. **MOTION** by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.

OTHER BUSINESS

1. Monthly Pump out Reports. **MOTION** by Mr. Weinberg for staff to contact NE Sanitation and request they provide the BOH the "source" information as other companies do for the current report and reports going forward. Mr. May seconded the motion conditional that the request pertain to future reports only at this time. Unanimous.

2. Nelia Williams/re: Betterment Subordination Request. **MOTION** by Mr. May to deny the request to subordinate the lien. Seconded by Mr. Weinberg. Unanimous.
3. Economic Dev. Task Force-M. May/re: Farmer's Market Permit Fees. Mr. May as the Vice-Chair of the EDTF and Mr. Belanger address the Board. He discussed expanding, promoting and economic development by providing a winter market last year and now a summer market this year. He specifically wanted to discuss fees. Last fall, he requested that fees be waived for participants who has already paid for the summer market at the Town Farm. He is asking this be granted again at this time. Mr. Belanger stated that he did not have any issues with this request and that the Board should consider the amount of time that is spent by staff - clerical and agents - that would be considered the cost of the fee.

MOTION by Mr. Weinberg to approve a single fee for both winter and summer markets held at the Town Hall Annex. Seconded by Mr. Harkins. The vote was two in favor with Mr. May abstaining.

The second item concerns the Food Retail permit, currently a \$75 fee for a seasonal fee. Mr. May would like to lower the fee to \$50.00.

The third item is the Food Service permit of \$100 - i.e. what a cheese vender would pay. Mr. May would like to lower the fee to \$75.00.

Mr. May requested lowering these fees for the summer and winter farmer's markets because these are smaller producers.

Mr. Belanger cautioned giving preferential treatment for a reduced fee - he suggested all fees be reviewed and be compared specifically with regards to a small farm stand and the large supermarket who pay the same fee. Mr. Weinberg felt a change may affect all food operations in town and suggested that there could be ways to subsidize the fees for the vendors. Mr. May explained that the cheese vendors will not pay \$100, it is too steep and hence there have been no cheese vendors at these markets. Discussion ensued.

MOTION by Mr. Weinberg to reduce the Food Retail Permit fee by \$25 and to reduce Food Service Permit fee by \$25 for the summer farmer's market at the Town Hall Annex. Seconded by Mr. Harkins. The vote was two in favor. Mr. May abstained.

4. Annual Appointments for Board of Health Department. **MOTION** by Mr. May to appointment special/burial agents and medical advisors for FY18 as listed. Seconded by Mr. Weinberg. Unanimous.
5. Alan Martin-Pig Situation Update. Noted.
6. Pedro Farm Update. Noted.
7. Sunset Avenue Update. Noted.
8. 201-203 Davis Road Update. Noted.
9. 246 Howland Avenue. Mr. Kraft of 3 Hillside Road was present to ask what the status was. Mr. Harkins stated the last the BOH was aware of, the owners were to go to DEP for the nitrogen

sensitive area and public water supply area. Mr. Harkins stated that he would contact DEP to request a determination on this property. Discussion ensued.

OUTGOING

MOTION by Mr. May to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. Cahoon's Lane (M-2/L-11) Nicholas Ratcliffe, 3B NC. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. Cahoon's Lane (M-2/L-42&43/SL3) Kirk & Brittany Farria, 3B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
3. Long Built homes. Forge Road. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.

TABLED

1. Philip Weinberg/re: Recommendations of Changes to Piggery Regulations. Members discussed the need to make changes. Mr. Gauvin who lives on Division Road across from a problem piggery from him stated he had suggestions because he is a direct abutter. He was asked by the members to provide a copy of his suggestions to the office. Chris Wiley of Forge Road asked that BOH strive to make permitting consistent between the two different applications.
2. Philip Weinberg/re: Draft Piggery Inspection Form. The form was drafted based on the regulations. Also, he wanted to amend the permit itself with specific language reflecting the regulation and the Board's prerogative to suspend it. Donna Perrillo from Watuppa Road asked if the pig permit copy would be given to the Animal Control Officer. Her point is who would be called in the middle of the night when a pig gets loose. Mr. May asked if a copy of the permit approved for Mr. Barreira earlier would be sent to the ACO. Mr. Harkins stated yes a copy would be provided to the ACO.
3. Planning Board/re: Master Plan Update. Mr. Weinberg stated that there is some input that can be given based on water quality.

APPOINTMENTS

7:15pm – Public Hearing: Tim Barreira for a Piggery Application at 566 ALH-Up to 50 pigs.

Mr. Barreira was present. He stated he lives on the property. He has had difficulty keeping them enclosed but has corrected the issue. Mr. Weinberg asked how the pigs were being fed since it was not mentioned in the agent's report. Mr. Barreira stated he is using stainless steel bins.

MOTION by Mr. May to approve the permit. Seconded by Mr. Weinberg with discussion. Avril Andrade stepped up to speak on behalf of Mr. Barreira stating that the animals have never escaped or smell and she has land she leases from him adjacent to the enclosure. The vote was unanimous.

7:25pm – Discussion: George Smith IV & Heather Zanin-Smoke & Odor Complaint.

Mr. Smith from Noquochoke Orchards was not present.

MOTION by Mr. Weinberg to send a letter updating the owner with an explanation of DEP requirements and copy of the regulations to Mr. Smith. Mr. Weinberg will draft the letter for agent's signature. Seconded by Mr. May. Unanimous.

Mr. George Smith, IV approached the Board at 8:10 p.m. He presented additional pictures. Mr. Weinberg stated that the Board must, without exception be the one who can make the observation, not Mr. Smith IV. When pressed by Mr. Smith, IV for an answer to the burning of trash, Mr. Weinberg stated that the Board has decided to address the property owner with letters of compliance because there is no evidence any of the agents have been able to observe.

7:35pm – Variance Hearing: Wendy Henderson, 74 Gifford Road, Rhea Proulx.

Septic repair on a small lot with the following variance request:

- Setback from leaching area to site well, 74 feet vs. 100 feet.

Discussion ensued over the possibility of moving the well to meet the setback. Mr. Swartz stated in this case, it may be an issue with the other abutting property. Ms. Henderson noted the financial hardship of installing a new well when not needed.

MOTION by Mr. May to grant the variance conditional on a hold harmless agreement and well testing. Seconded by Mr. Weinberg. Unanimous.

MOTION by Mr. May to adjourn at 8:53 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

May 31, 2017-reg. Discussion on farmer's market fees motion from prior meeting. Tabled to the next meeting for further discussion. **MOTION** by Mr. Weinberg to approve the minutes. Seconded by Mr. May. Unanimous.

AGENT INSPECTION/REPORTS

1. John Swartz: Daily Log - 4/11/17 through 6/06/17. Noted.
2. Ray Belanger: Daily Log – 4/12/17 through 6/04/17. Noted.
3. Inspections & Complaints. Noted.

MOTION by Mr. May to file items 1-3. Seconded by Mr. Harkins. Mr. Weinberg abstained. The vote was two in favor.

SIGNATURE'S NEEDED

Bills - Signatures rendered.

CORRESPONDENCE

1. MS Sierra Club, Seth Warner/re: No New Natural Gas Pipelines Support. **MOTION** by Mr. Weinberg to take no action. Seconded by Mr. Harkins. The vote was two in favor with Mr. May abstaining.
2. DEP/re: Notice of Availability-New Drinking Water & Waste water Projects Seeking Financing through the State Revolving Fund Loan Program. Noted.
3. Atty. Marsh(copy)/re: Westport Sand & Gravel, 536 Old County Road. Mr. Weinberg stated that DEP reviews release of hazardous materials by having licensed professionals do the work, which is then audited by DEP. Mr. Weinberg explained that there was interest to test wells in the area. He is willing to contact the homeowners to meet and explain what was going on and to let them know that wells would be tested as part of a study. Mr. Weinberg will draft a letter to the abutters.

MOTION by Mr. May to send an informational letter to the abutters. Seconded by Mr. Weinberg. Unanimous.

4. MAHB/re: Seeking Support for Tobacco Legislation. **MOTION** by Mr. May to file. Seconded by Mr. Harkins. Mr. Weinberg abstained.

OTHER BUSINESS

1. Monthly Pump Out Reports. Mr. Weinberg will call any company that does not identify the source.
2. Weatherlow Farm Septic Approval w/Restriction at 845 Sodom Road. Ryan Wagner was present. The conditions in the letter from the BOH to Mr. Wagner are acceptable to him and what was previously agreed upon.

MOTION by Mr. Weinberg that the conditions and restrictions from the letter from Town Counsel be recorded in the registry of deeds and incorporated into the Title -V construction permit. Mr. May seconded the motion and the vote was unanimous.

3. Ray Belanger/re: Lowering 2017 Farmer's Market Fees. The memo suggested that the lowering of the fees would apply to all farmer's markets. Mr. May is trying to show consideration to farmers and giving them an incentive to participate. Mr. Weinberg stated that the results of participation will indicate where interests lie, especially if by lowering the cost would take revenue from the Town.

MOTION by Mr. Harkins to table this for discussion at the next meeting. Seconded by Mr. Weinberg. Unanimous.

4. Marilyn Edge/re: Proposed Changes to Existing Tobacco Regulation, Update. Ms. Edge is scheduled to appear before the Board of Health at the next meeting on June 26, 2017. She will bring the new members up-to-date with what was discussed with the prior board.
5. Burning Complaint-Cover Letter for Copy to Complainant. Mr. Weinberg stated that he intends to send a copy of the letter to the complainant but also to make him aware that owners of the property are responsible for the conditions on the property. This would apply to the aunt's property that the complainant lives on.

Mr. Weinberg will draft a letter to be signed by the agent, including a line informing about the owner's responsibility for the conditions of their own property and sending a copy of the same letter to the complainant.

6. Pig Regulations-Proposed Changes. Mr. Weinberg reworked the draft by including some definitions and expanding information. Discussion ensued. Tabled for future discussion after consulting with the animal committee.
7. Director Vacancy Update. The candidate stepped out because the pay was not going to meet his needs; he needed 80K.

OUTGOING

MOTION by Mr. May to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 33 Fallon Drive (M-52/L-55) Michael & Paulette Jusseaume, 4B Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. 596 State Road (M-7/L-4) Cumberland Farms, Commercial Repair (add 2 soil air systems). **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
3. 262 Drift Road (M-52/L-19) Louis Medeiros, 5B Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
4. 16 J Drive (M-23A/L-21&22) Lorraine Connell Estate, 3B Repair w/SIEVE ANALYSIS. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
5. Jo-Ann's Way (M-34/L-48Q/SL-8) Eduardo & Ann Borges, 4B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.

APPOINTMENTS

7:10 p.m. Atty. Heald/re: Rocha, 284 Sanford Road.

Detached Structure Requires Bedroom Restriction. Use of a 2nd floor over garage as an additional bedroom area.

Attorney Heald stated that the converted garage/dwelling was inspected by several town officials. The first floor was somewhat restrictive. None of the rooms on either floor could be considered bedrooms because of size and ingress/egress restrictions. The kitchen area was intended to be Mr. Rocha's day area as well with a built out bathroom, handicapped handrails and sit down shower. There is no question that the space was intended for Mr. Rocha because of his early onset disability. Attorney Heald discussed the use of the house over the years. She noted the upstairs rooms has been used. She stated that in her discussions with Mr. Harkins, a deed restriction would be able to protect the septic not allowing more than 3 bedrooms in perpetuity.

MOTION by Mr. May to approve a deed restriction limiting the property to 3 bedrooms in perpetuity. Ms. Heald asked if the language was acceptable. Mr. Harkins stated that is was. Seconded by Mr. Weinberg. Unanimous.

7:15pm – Var. Hearing: Alex Gorodetsky for 14 Raymond Street, Kevin Sousa.

Alex Gorodetsky was present before the Board. The plan before them proposes to repair and replace existing tank and SAS with an Eljen System.

Variances requested:

- Reduction from property line, 5 feet vs. 10 feet.
- Reduction in over-dig, 2 feet vs. 5 feet.

MOTION by Mr. Weinberg to approve the variances requested subject to a hold harmless agreement.
Seconded by Mr. May. Unanimous.

7:20pm – Var. Hearing: Sitec for 195 Tickle Road, Michelle Soares.

Dan Aguiar from Sitec was present to present a repair of a 3-bedroom. They will be using a pump from chamber to the SAS. No abutter notifications were required as all setbacks to abutters are met.

Variance requested:

- ground water separation reduction, 3 feet vs. 4 feet.

MOTION by Mr. May to approve the variance requested conditional on a hold harmless agreement.
Seconded by Mr. Weinberg. Unanimous.

7:25pm – Discussion: Greg Andrade, Arrowhead Farm-Update on Status of Piggery.

Mr. Andrade from 191 Division Road was present.

Mr. Harkins stated that the last time he was before the Board, Mr. Andrade was in the process of phasing out the operation. Given that there are still pigs on the property, the Board wanted to know when he plans to conclude. Mr. Andrade stated that he has already removed half and have about 150 more. He should have 50 more pigs gone this coming week pending the truck schedule. He has in the interim gotten a renewal of his permit which is valid through the end of the year. Mr. Weinberg stated that it sounds like the work is well on the way and does not see the need for a formal agreement.

7:35pm – Discussion: Len Potter, re: 246 Howland Road, Angela Scott.

Mr. Potter was present to discuss and asked to come to some resolution.

He presented the original septic plan from 1998. He stated that he has consulted with his clients at this address to reduce the system from a 4 bedroom to a 3 bedroom. He said that he would design it for an advanced treatment such as Advantix with a bottomless sand filter. Mr. Harkins asked that it go through DEP.

Mr. Potter stated that as long as there was a public water supply for this area, the Board should not have allowed some of the private wells to be drilled. For example, 239 Howland Road was drilled in 1996. Mr. Harkins stated that the water company had to give permission for the increased flow of water because it is a private water system. Mr. Harkins requested an opinion from DEP because the whole area is a nitrogen sensitive area. Mr. Potter stated that the BOH can get an answer faster than he can. Mr. Harkins asked Mr. Potter to give him the information. Mr. Weinberg asked to know what the aggregation was for the ratio of number of bedrooms to lot size. Mr. Weinberg is happy to make the

inquiry. Mr. Potter stated he will make the inquiry. Mr. Potter stated that he has made several perc tests and expects the results to be 1" in 20', in general. He will design a system based on this.

MOTION by Mr. May to adjourn at 9:20 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:05 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

June 12, 2017-reg. **MOTION** by Mr. Weinberg to approve as written. Seconded by Mr. Harkins. The vote was unanimous with two in favor. Mr. May had not arrived at this time.

AGENT INSPECTION/REPORTS

1. Inspections & Complaints. **MOTION** by Mr. Weinberg to file. Seconded by Mr. Harkins. The vote was unanimous with two in favor. Mr. May had not arrived at this time.

SIGNATURE'S NEEDED

1. Bills. None.
2. Article Retention Form. **MOTION** by Mr. Weinberg to retain \$1,359 for Transfer Station monitoring and \$11,000 rebuilding retaining wall. Seconded by Mr. Harkins. The vote was unanimous with two in favor. Mr. May had not arrived at this time.

CORRESPONDENCE

1. DEP(copy)/re: Notice of Responsibility, 634 American Legion Hwy.
2. Enviro North American/re: Phase V & Remedy Operation Status Report, 500 Adamsville Road.
3. DEP(copy)/re: Proposed PWS New Source Approval, 845 Sodom Road.
4. Arbovirus Surveillance Program Report w/e 6/17/17.

MOTION by Mr. Weinberg to file items 1-4 above. Seconded by Mr. Harkins. The vote was unanimous with two in favor. Mr. May had not arrived at this time.

OTHER BUSINESS

1. Monthly Pump-Out Reports. Noted.
2. Accountant/re: Vote to Retain or Return Articles. Members voted to retain - see above.
3. Ray Belanger/re: Wine, Cheese & Choc. Festival. Noted.
4. Kathleen Burns/re: Retirement Announcement. Mr. Harkins will be pursuing replacing her vacancy and advertising the position before it is vacated. Noted.
5. Kathleen Burns/re: Massachusetts Virtual Epidemiologic Network (MAVEN). Mr. Weinberg stated that the designated individual is contacted 24/7. He also noted that this responsibility would be ideal for the new director that will be hired.

6. Martin/Pigs-Discussion. Mr. Weinberg performed a site visit and reported that the pigs are enclosed with shelter. The test results are expected in 48 hours. Quarantine would be lifted if nothing is found in the test results. Members were concerned that Mr. Martin had made it clear that the BOH made it clear that he had more than 4 pigs at the time and filed a false application. He would still be required to be permitted if the quarantine is lifted.

Mr. May asked if there will be an agent's report. Mr. Harkins stated that he has made it policy that the agent make a visit to the site when anyone is applying for a permit.

Based on the disposition of the pigs, of which Mr. Martin has 30, he will have two options - permit or dispose. Once results are received, a letter will be addressed to Mr. Martin requesting him to appear before the Board.

Kathy Feininger asked what happened to the other reported numbers of pigs. Mr. Harkins stated that the ACO, the BOH Agent and the DAR were all on site and all pigs were finally captured and accounted for and the total is 30, not 50 or 100 as previously thought. Chris Riley stated that Mr. Martin told the ACO he had 15 pigs and when MDAR first was out there, 100 pigs were reported. She feels the numbers are all over the place and he does not deserve to be permitted. She stated he needs to be the example. Mr. May stated that this is not the case of animal abuse. Mr. Harkins takes all these cases very seriously and will take this discussion up with Mr. Martin.

Ms. Riley also requested that the ACO/AI also be copied on the permit application so the she should know in advance instead of after the fact. Mr. Harkins stated the BOH does inform the ACO for the purpose of updating the barn books. She stated she is working on a central registry for this same purpose.

7. Maury May/re: Animal Action Committee Appointment & Alternates. Mr. May asked to be listed as alternate. **MOTION** by Mr. May to appoint Bill Harkins as the BOH representative to the Animal Action Committee and also to appoint Mr. May & Mr. Weinberg as alternates should Mr. Harkins not be available. Seconded by Mr. Weinberg. Unanimous.
8. Phil Weinberg/re: 1-4 Pig Regulations-Proposed Changes Update. Mr. Harkins stated that he would prefer members go through the edits and comment directly to Mr. Weinberg. He briefly reviewed the edits.
9. Phil Weinberg/re: Buzzard Bay Coaliton, Fee Waiver Request. Attorney Corrine Peterson was present to request fees be waived for 2-4 innovative denitrification system for residential repairs. The fees are \$200 per system and not applicable to cesspools as these are considered upgrades. **MOTION** by Mr. May to waive the fees on the first 2 systems. Seconded by Mr. Weinberg. Unanimous.
10. Phil Weinberg/re: Emergency Planning-PHEP Coalition. Mr. Weinberg discussed the topics covered. He noted that this also would fall under the purview of the the new Director.
11. Director Vacancy-Update. Mr. May received confirmation this afternoon that the candidate interested in this position will be interviewed at 5:30 on Thursday, June 29, 2017. This will be a posted meeting.

Discussion on the period of time a failed system owner must respond to the BOH to confirm compliance with a repair to that failed system. The agent would need to do a follow up on site. **MOTION** by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.

PLANS REVIEWED BY AGENTS

1. 1436 Drift Road (M-56A/L-60) Richard LaFrance, 3B Repair. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.
2. 745 Sanford Road (M-22/L-28A) Joseph Sousa, 3B repair. Request for approval of a sieve analysis, no wetlands and no variances. **MOTION** by Mr. May to approve the plan and a sieve analysis in lieu of a perc and pending ConCom approval. Seconded by Mr. Weinberg. Unanimous.

TABLED

1. Ray Belanger/re: Lowering 2017 Farmer's Market Fees. Mr. May wanted to note that his original request was to apply to all Farmer's Markets. Mr. Harkins stated that he had asked Agent Belanger for information from other towns.

APPOINTMENTS

7:15pm – Discussion: Marilyn Edge-Proposed Tobacco Regulation Changes.

Ms. Edge stated she was before the Board last fall to review. She asked the Board to look at the current regulation and look at the proposed changes and decide if they want to move forward.

Since the BOH regulation went into effect in 2013, there have been changes at the state level. The Town has a cap of 19 licenses. In 2016, the Town had 17 permits issued but only 15 were renewed and two were abandoned/out of business. Since that time, one additional permit was issued for a total of 16. The remaining would be subject to the new language in the regulations with sunset provisions. She stated that Attorney Sbarra would return to help review.

Once the Board decides what to adopt, then a public hearing can be scheduled. She discussed the medical marijuana licensing stating there are currently 11 dispensaries in the state. There is no guidance from the State at this time. She stated that they are enforcing prosecuting drug paraphernalia. With the new law, all tobacco shops can sell these paraphernalia. Members agreed to have Attorney Sbarra return for the review. Ms. Edge will advise the staff which date the attorney will return. Ms. Edge also noted that the BOH will have the option to opt in/out for the renewal of the Tobacco program.

7:30pm – Title 5 Hearing: Prime Eng. for Shared System, 418-G Drift Road, Jonathan Levi.

Rich Rheaume from Prime Engineering was present with home owner, Mr. Jonathan Levi.

Mr. Rheaume stated that the proposal is to demolish one of two 3-bedroom dwellings and to construct a 5 bedroom dwelling. The treatment system is combined with the 3 bedroom dwelling. The two dwellings proposed will have a combined treatment system. A deed restriction is proposed for the 5-bedroom and 3-bedroom lot as well as a 3-bedroom lot on a 3rd parcel.

A shared system was selected in order to keep the leaching field as far as possible from the river and wetlands. In addition, going to a shared system economically justified the cost of an advanced treatment system, which will reduce nitrogen load up-gradient to the Westport River. He has supplied plans indicating that each lot meets the requirements to be able to support a conventional system and a water

supply well. For the system, 660 gallons per day for sewage flow is allowed per acre. Lots 2 & 3 have ample area for the intended design flow, however, lot 1 is slightly undersized (.383 AC x 660 GPD = 253 GPD where 330 GPD is required.). As a result, they have proposed deed restrictions. The three lots have a total area of $(94,836\text{SF}) / (43,560\text{ SF/AC}) \times 660\text{GPD/AC} = 1,437\text{ GPD}$ which will support 13 bedrooms, where only eleven are being requested.

The applicant will still need approval from ConCom.

MOTION by Mr. Weinberg to approve the plan for 418 Drift Rd subject to approval by ConCom and the completion and submission of the conditions as described in the letter submitted by the applicant at this meeting with the understanding that the permit would not be issued until all conditions are submitted and approved. Seconded by Mr. May. Unanimous.

7:40pm – Discussion: Able Engineering for NC Perc Location on Old Harbor Road, 87/24B.

Donald Medeiros for Able Engineering asked if the Board could continue to the next meeting based on the applicant's request for not being able to make this meeting. **MOTION** by Mr. May to continue to July 10 at 7:20 pm. Seconded by Mr. Weinberg. Unanimous.

7:35pm – Discussion: Ralph Urban, Regarding Position of Public Health Director.

Mr. Urban stated that the Board of Health Department had a Health Director once before in the past. He asked what salary and the Board confirmed it is set at \$75K. Mr. Urban asked what this individual will be in charge of since he will not be able to do any of the union work. He did not feel it was justified to spend these tax dollars on this position. He brought up the issue of the imminent loss of a Transfer Station worker and what this department is going to do when that happens. Mr. Harkins noted that there has been no discussion nor will there be on this topic. Mr. Urban stated that he employed for 13 years with the Board of Health and saw that the prior director had limited responsibilities. He wanted to bring these matters to the Board's attention.

MOTION by Mr. May to adjourn at 9:10 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

June 26, 2017-reg. **MOTION** by Mr. May to approve as written. Seconded by Mr. Weinberg. Unanimous.

AGENT INSPECTION/REPORTS

1. Inspections & Complaints. Noted.

SIGNATURE'S NEEDED

1. Bills. Signatures rendered.

CORRESPONDENCE

1. Edge Env.(copy)/**re:** Phase V ROS, IRA Mod & Status, RMR December 2016 to May 2017. Noted.
2. Common Sense Env./**re:** Permanent Solution Statement – Petroleum Release From AST. Noted.

OTHER BUSINESS

1. Monthly Pump-out Reports. Noted.
2. MDPH/**re:** Arbovirus Surveillance Program Report, w/e 6/24/17 & 7/01/17. Noted.
3. Kathy Burns/**re:** Nurse's Activity Report, May and June 2017. Noted.
4. Martin Pigs-Discussion. Mr. Harkins updated the members that the blood testing was done but no results have been received. Usually this takes about 48 hours. The quarantine has not been officially released.
5. Pig Regulations-Proposed Changes Update. Mr. Weinberg stated that he is waiting to get comments from the members and has reached out to AgCom which has a subcommittee to look at the draft. Mr. Weinberg asked if the members wanted to post a separate meeting to discuss the draft.
6. Director Vacancy-Update. Mr. May discussed interviewing the candidates and their knowledge and experience relative to the needs of the department.
7. Public Health Nurse-Upcoming Vacancy. Mr. Harkins was told by the Town Administrator that the position does not need to be filled. Mr. Harkins will discuss why it is necessary to fill the position with Mr. King.

OUTGOING

MOTION by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.

PLANS REVIEWED BY AGENTS

1. River Road (M-89/L-130A) Wendy Nix, 4B NC. **MOTION** by Mr. May to approve plans dated July 5, 2017. Seconded by Mr. May. Unanimous.
2. 347 Tickle Road (M- 21/L-25) Doris Silvia, 2B repair. The house is up for sale and the applicant is requesting approval of the sieve analysis. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

APPOINTMENTS

7:15pm – Title 5 Variance Hearing: Foresight Eng. for 252 Sanford Road, Roberts Assoc.

Upgrade of septic system. Abutter notified on June 27, 2017 and no green acknowledgement card was received. No abutter was present.

A present system is proposed.

Variances requested:

- Reduction of setback of SAS from site well, 70 feet vs. 100 feet
- Reduction of setback of SAS to abutting well, 80 feet vs. 100 feet
- Sieve analysis in lieu of a perc test

MOTION by Mr. Weinberg to approve the requested variances for Plan dated 6/8/17 conditional on 3-years of well testing and a hold harmless agreement. Seconded by Mr. May. Unanimous.

7:20pm – Discussion: Able Eng. New Const. Perc Location, Old Harbor Rd, M-87/L-24B.

Attorney Lori Lucerian for the property's estate and Dan Medeiros from Able Engineering were present.

The request was for the Board to allow a perc found to be within 15 feet of an old well. The reserve area would be 100 feet from abutting well.

Mr. Swartz stated they can try to perc further away because it is a new construction and there is a well 100 feet away on the abutting lot. Mr. Medeiros stated that the well is an abandoned well. Discussion ensued.

Members cannot conclude what the soil is in that area unless there was a soil evaluation. Mr. Medeiros stated that deep hole #2 was done and he is a soil evaluator. The actual perc test did not pass at perc #2 the first time but did the 2nd because the technique was not correct on the first day.

MOTION by Mr. Harkins to deny the request for a variance because the perc was not in the reserve area. Seconded by Mr. May. Unanimous.

MOTION by Mr. May to adjourn at 8:00pm. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

July 10, 2017-reg. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

AGENT INSPECTION/REPORTS

1. John Swartz, Daily Log 6/09/17 through 7/19/17. Noted.
2. Ray Belanger, Daily Log 6/14/17 through 7/15/17. Noted.
3. Agent Inspections and Complaints. Noted.

SIGNATURE'S NEEDED

1. Bills. Signatures rendered.

CORRESPONDENCE

1. **Elvira Cabral/re: 57-59 R Drive, Septic Failure Issue.**

Members discussed the situation and asked that Ms. Cabral continue to regularly pump and inform the office. Ms. Cabral cannot take advantage of the betterment program because of short finances. Mr. Swartz noted that the neighbor just had their system pumped and there is a high water table. Mr. Harkins stated that as long as there is nothing leaching out, he would be ok with her continually pumping the system out and avoiding any leachate breaking out. Mr. Weinberg suggested that there be an agreement about this so there is a record of what Mrs. Cabral agrees to. The other members were agreeable to this. Mr. May asked that John perform another site visit and report to the board.

Mr. Harkins stated that Mrs. Cabral may need to come before the Board. Mr. Weinberg asked if there should be any further inquiry into the finances as noted by Mrs. Cabral. Mr. Harkins stated that would not be needed at this time.

MOTION by Mr. May to inspect the septic and see if there is any overflow and if the pump outs are working. Mr. May asked to place this on the August meeting. Seconded by Mr. Weinberg. Unanimous.

OTHER BUSINESS

1. Monthly Pump-out Reports.
2. MDPH/re: Arbovirus Surveillance Program Report, w/e 7/08/17 & 7/15/17.
3. Ray Belanger/re: Post Westport Fair Update.

4. Phil W/re: Septic Betterment Program Grant Renewal-Board Vote. Mr. Weinberg looked into the status in the ability and process to renew the community septic loan program: there is \$26K left, enough for one more system. The process would be to reauthorize the loan through Annual Town Meeting. **MOTION** by Mr. May to ask Town Meeting to authorize another 500K for the Community Betterment program. Seconded by Mr. Weinberg. Unanimous.
5. Nancy Paquet/re: Equine Application-Wetland Issue. **MOTION** by Mr. Weinberg to send a letter requesting additional information within 10 days of the receipt of the letter to respond to the BOH that the horses are not in the wetlands or they will have to remove them. Seconded by Mr. May. Unanimous. Mr. Weinberg will help draft the letter and speak to the ConCom Agent.
6. Pig Regulations-Proposed Changes Update. Mr. Harkins suggested tabling this to the next meeting. Mr. Weinberg asked Donna Perrillo of the Animal Action Committee if they are looking at an animal registry and if so, should they collaborate. He also had a question because he was not clear if this were for registry issues only or for regulations issues as well. Mr. Weinberg asked the Board if he could go ahead and speak to the AgCom about this. Both Mr. May and Mr. Harkins were agreeable. Donna Perrillo of Watuppa Road asked if she were able to sit with Mr. Weinberg and review what is being drafted because the AAC want to do it right.
7. Director Vacancy-Update. Mr. May shared his conversations with their BOH Directors and what is being offered elsewhere.
8. Public Health Nurse Vacancy-Update. Members discussed the need for a nurse and if the services are being done elsewhere. The Nurse was doing a lot more at the COA with the Sr. Citizens. Mr. Harkins stated it may be time to consider the question if there is no longer a need to fill the position, but he is looking into it.

OUTGOING

MOTION by Mr. May to file. Seconded by Mr. Weinberg. Unanimous.

PLANS REVIEWED BY AGENTS

1. Maya Way (M-68/L-3F/SL-5) Ivo & Cinthia Jorge, 4B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
2. Sycamore Road (M-61/L-18D/SL-21) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. May to approve conditional on ConCom approval. Seconded by Mr. Weinberg. Unanimous.
3. Carvalho Lane (M-65/SL-1) Jack Carvalho, 3B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
4. Sycamore Road (M-61/L-18G/SL-24) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
5. 15 Sunnyfield Drive (M-22/L-105) William Boardman Estate, 4B Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

APPOINTMENTS

7:15pm – Title 5 Variance Hearing: Zenith Engineering for 19 Meadow Rd., Paula Jackson.

Niles Zager from Zenith Consulting Engineers, LLC was present on behalf of the applicant for a local upgrade due to an addition being added.

The water table was high in the leaching table and applicant is requesting the following variance:
-Reduction of 4 ft. separation to 3 ft. separation.

Discussion ensued over the soil evaluator for the high groundwater elevation. Mr. Swartz stated normally he and the engineer agree on the data at the test site.

Mr. Swartz stated that it is a 32 inch water table and raising it would be better.

MOTION by Mr. Weinberg to approve conditional on the execution of a hold harmless agreement. Seconded by Mr. May. Unanimous.

7:20pm – Title 5 Variance Hearing: Len Potter for 76 E. Briggs Road, John Figuerido.

The request is for a septic repair. Variances requested:

- Setback from SAS to site well, 66 feet vs 100 feet.
- Setback from SAS to Abutter well at 72 E Briggs Road, 59 feet vs 100 feet.
- Setback from SAS to Abutter well at 70 Gifford Road, 89 feet vs. 100 feet.

MOTION by Mr. May to approve the variances requested conditional on the execution of a hold harmless agreement and well testing for 3-years. Seconded by Mr. Weinberg. Unanimous.

7:25pm – Pig Permit Violation Hearing: Alan Martin, 221 Sodom Road.

No one was present for this meeting. Mr. Harkins detailed the status of this issue for the listening audience.

The quarantine has now been lifted by MDAR. He suggested the BOH send him a letter. Mr. May suggested that the BOH send out an inspector. If there are no pigs, there is no action. Mr. Harkins stated that if there were any on site, he suggested giving the owner 30 days to remove them.

Mr. Weinberg suggested sending him an order: one part is to remove the pigs because he does not have a license to operate a piggery. He noted that it has been a long time, but for the owner it will be an economic consideration. Mr. Harkins preferred not wasting an agent's time especially since they are shorthanded. Mr. Weinberg noted that this may end up in court. Mr. Harkins stated sending a letter giving Mr. Martin 2-weeks to remove the pigs and then sending the agent to inspect; should there be pigs, Mr. Martin could then be fined.

Mr. Weinberg felt that enough time has transpired and Mr. Martin should be fined for filing a false application and not addressing the dead pig for 3 weeks; these are finable under the regulations. Discussion ensued.

MOTION by Mr. May to have a Health Agent go out tomorrow to inspect the Martin Farm on Sodom Road to see if pigs are still present and depending the outcome, send a letter to Mr. Martin ordering him to remove all pigs in excess of 4 within 10 days. Seconded by Mr. Weinberg. Unanimous.

Mr. Weinberg also noted that there are 5 pigs at 212 American Legion Highway that were fed garbage with meat in it. Mr. Harkins asked that this be placed on the agenda for the next meeting.

7:40pm – Stormwater Reg. Hearing: James & Stephanie Karam, 1216 Drift Road.

Dan Aguiar with SITEC Inc. was present in lieu of the applicant. The applicant received a letter from the BOH regarding the stormwater Quality and Quantity Control Regulation. He stated that BOH and ConCom issued permits on the previously altered site. He noted that one of the BOH conditions of approvals was that the roof runoff would be placed in to subsurface drains.

He stated that the applicant cleared the vegetative area along Drift Road unknowing that he was not supposed to. The applicant stated that he had already had a landscaping plan that included stormwater management. Mr. Aguiar asked the applicant to have the landscape architect detail the plans. He asked the BOH to allow them to submit a full set of plans demonstrating the vegetative area and recharge of roof runoff. He stated the completed lot will have a reduction of stormwater compared to its prior condition. He stated that he would have a survey crew locate the prior tree canopy.

7:55pm – Port-a-Jon Application Hearing: Revolution Lobster, 2065 Main Road.

Sandra Verissimo from Revolution Lobster was present to address the issues at this location. Mr. May stated that today the Building Inspector issued a cease and desist order to remove the picnic tables.

The Westport Point Neighborhood Association also addressed a letter to the BOH requesting all permits be proper. Mr. Harkins stated that Health Agent Belanger performed an inspection and review and determined that since there will be no seating, the applicants are not required to provide bathroom facilities. Traffic issues fall under the jurisdiction of the BOS. Mr. May noted that trash complaints would fall under the BOH's jurisdiction. Mr. May read the letter from the Building Inspector addressed to the applicant that was mailed to them today; the applicant had not yet received it. In the letter it stated they cannot have the tables and that they are required to go before the Westport Historic Commission and also the Zoning Board of Appeals to determine if the activity is more or less detrimental to its pre-existing non-conforming status.

8:00pm – Discussion/re: Carol Foster of Acoaxet Water Co. Concerns of Construction at 246 Howland Road.

Carol Foster was present to stress her concern the quality of water that is being provided and that it stays in the good standing that it currently is in.

The water company is downhill from 246 Howland Road proposed construction. Because of the increased demand of the water, they are now using both summer and winter wells. She asked if the BOH will go to the DEP for recommendations if the site well is changed. She stated that in all prior meetings, the BOH has stated that they would ask DEP. She stated that in her legal Counsel's conversation with DEP, there is nothing before the DEP on this matter. Mr. Weinberg asked if DEP was going to review what was being proposed would be consistent with Rules & Regs concerning public water supply. Ms. Foster is more concerned of the use of septic system. They have never been asked if they could supply enough water. At the time the water system was built, there was one year round residents and there are 9 now in addition to more persons on the system during the summer months. She noted that the system is antiquated and the homeowners depend on the wells owned by Acoaxet Water Co. Mr. Harkins suggested they be in touch with Chuck Shurtleff not Brett Rowe, for public water supply. Brett Rowe is the DEP contact for septic issues. Mr. Harkins suggested she call the office to get the correct phone numbers for DEP.

MOTION by Mr. May to adjourn at 9:22pm. Seconded by Mr. Weinberg. 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: William M. Harkins, Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent
Absent: Maurice E. May, Vice-Chairman

MINUTES

July 24, 2017-reg. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.

Mr. Weinberg noted that the Evelyn Cabral issue was supposed to be discussed this evening. That did not make it to this agenda. Mr. Harkins asked that the issue be carried to the next agenda.

AGENT INSPECTION/REPORTS

Agent Inspections and Complaints.

Mr. Harkins reviewed all the reports. Constance Gee asked what the process was with regard to the Martin Farm. Mr. Harkins stated that the pigs were under quarantine at the time and once that was lifted by the state, he was asked to appear at a hearing. It was after that hearing, that Mr. Martin did not attend that the BOH send out an order to remove the pigs.

SIGNATURE'S NEEDED

Bills. Signatures rendered.

CORRESPONDENCE-Needing No Action

1. Building Dept.(copy)**re:** Westport Stone & Sand, Cease & Desist Use of Property as Sand & Gravel Operation.
2. DEP(copy)**re:** Noquochoke Village LLC, Notification of Administrative Deficiency of Public Water Supply.
3. Building Dept. (copy)/**re:** Follow-up of Sunset Avenue, Map16, Lot 81-95.

MOTION by Mr. Weinberg to file all correspondence. Seconded by Mr. Harkins. The vote was two in favor.

OTHER BUSINESS

1. Monthly Pump-Out Reports. Mr. Weinberg stated he is still working on a cesspool database. Reports were noted.
2. MDPH/**re:** Arbovirus Surveillance Program Report, w/e 7/08/17 & 7/15/17. Noted.
3. Ray Belanger/**re:** Vacation Request. **MOTION** by Mr. Weinberg to grant the request. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.
4. September Meeting Schedule. Tabled to the next meeting so that Mr. May can weigh in.

5. Ray Belanger/**re**: Revolution Lobster Food Manager Certificate Issue Resolved. Item held for discussion during the 7:15 hearing.
6. Ray Belanger/**re**: Farm to Tapas Fundraiser Update. Noted.
7. Ray Belanger/**re**: 2016 Annual Report for MDPH. Noted.
8. Director Vacancy-Update and Public Health Nurse Vacancy-Update. Mr. Harkins stated that he has put a call in to Mr. King to discuss this and the open position for the Town Nurse.

OUTGOING

MOTION by Mr. Weinberg to file. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.

PLANS REVIEWED BY AGENTS

1. 9 James Avenue (M-28/L-91) Jeremy Cote, 3B Repair (System Run Over by Equipment). **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.
2. 5 Fairview Avenue (M-83/L-109,99,100) Robert & Carol Stegeman, 4B Repair. **MOTION** by Mr. Weinberg to approve subject to ConCom review and approval. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.
3. 765 Pine Hill Road (M-38/L-11A) Gilbert & Margaret Bliss, 4B Repair. **MOTION** by Mr. Weinberg to approve subject to ConCom review and approval. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.
4. 38 Highland Avenue (M-12/L-12A) Juliette Parent, 3B Repair. **MOTION** by Mr. Weinberg to approve subject to ConCom review and approval. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.
5. Cypress Lane (M-61/L-17S/SL-77) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. Weinberg to approve subject to ConCom review and approval. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.

APPOINTMENTS

7:15pm – Port-a-Jon Application Hearing: Revolution Lobster, 2065 Main Road.

Attorney Brian Corey was before the Board to request a port-a-jon seasonal permit for the applicant, Mr. Field of Revolution Lobster.

Mr. Harkins clarified that the cease and desist that was issued by the Building Inspector and concerns the picnic tables, which are a zoning issue, does not fall under the purview of the Board of Health. As far as the Board of Health is concerned, the food service portion of the operation fully complies with BOH regulations. The applicant has secured the services of a pump out service. Mr. Harkins read the requirements of the regulations and verified the pump-out contractor includes that in the contract. The business is fully permitted according to Attorney Corey. The cease and desist concerns a zoning violation of there being picnic tables now on the site and the signage on site was not approved by the Historical Commission. Neither are a BOH issue.

Brenda Figuerido, abutter was present to voice her disapproval of the request before the Board. She would take up the issues with the zoning board.

Attorney Corey stated that the first floor was retained in commercial activities over the years, and therefore the commercial aspect has not expired as Ms. Figuerido maintains. Attorney Corey stated that the business continues the maritime tradition for over 200 years.

MOTION by Mr. Weinberg to approve the port-a-jon application for 2065 Main Rd. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.

Members mentioned that the manager is certified as a serve-safe manager. The incorrect sign was mistakenly displayed in the window and that has been corrected since.

MOTION by Mr. Weinberg to adjourn at 8:00 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

August 7, 2017-reg. Tabled to the next meeting.

SIGNATURE'S NEEDED

Bills. Signatures rendered.

AGENT INSPECTION/REPORTS

Agent Inspections and Complaints. Mr. Harkins reviewed all the reports. Reports and inspections noted with no comments.

COMPLAINTS

1. New Complaints-Pending/Completed. Mr. Harkins reviewed complaints and indicated what action(s) were taken.
2. George Smith IV/re: Ongoing Complaint Regarding Trash Piles, Trash Disposal and Burning. Mr. Harkins stated that the complainant stated that there is still trash, bags and the wood stove going on during this summer because they are burning trash. The complainant asked the BOH look into this further. Bill Harkins addressed the listening audience stating that the BOH has written to the owners informing them of the BOH regulations and those pertaining to wood burning stove. Mr. Weinberg stated that he recalls that the owner was no longer going to voluntarily allow inspectors on to the property. He said that the BOH can either take no action or pursue the matter. Within reason, a farm is allowed to have burn piles. The other thing the BOH could try to do is to write the owner and ask him to arrange an inspection with the BOH members. If there are trash piles, then they need to be cleaned. **MOTION** by Mr. Weinberg to arrange to have an inspection. Seconded by Mr. May. Unanimous.
3. Andrade, 248 Sanford Road, Septic Issue. There is septic observed leaching on the surface. The owner has refused any notice from the BOH to make a repair. **MOTION** by Mr. Weinberg to send Mr. Andrade notice that the BOH will commence court action against him for the repair of his septic system. Seconded by Mr. May. Unanimous.
4. 57-59 R Drive, Septic Issue. The owner's septic is actually in the back of property and it was noted that the complaint was for leachate in the front yard where there were trees cut trees. The members feel that there may have been something else that looked like leachate related to the trees and concluded that the owner did not need to continually pump since the system as in the rear of the property and did not show any signs of leaching out. **MOTION** by Mr.

Weinberg to defer action to the spring or until another problem arises sooner. Seconded by Mr. May. Unanimous. Members did not feel the owner would have to continuously pump out if it were not necessary.

5. 40 Oakland Avenue, Trash Issue. The issue is more health related than trash. The police were asked to investigate. There has been no report from the police as of yet. Imposition of a fine will be deferred until more information comes from the police report. Mr. Swartz to follow-up on the police report.

CORRESPONDENCE-needing no action

1. Building Dept. (copy) re: 252 Howland Road, Building Application Denial. Noted.
2. DEP (copy) re: Notice of Responsibility, 162 State Road. Noted.

OTHER BUSINESS

1. Monthly Pump-Out Reports. Noted
2. MDPH/re: Arbovirus Surveillance Program Report, w/e 8/07/17 & 8/15/17. Noted.
3. September Schedule. Members agreed upon Tuesday, September 5 and Monday, September 18, 2017 as the next dates for September meetings.
4. 221 Sodom Road, Martin Pig Issue-Follow Up. Most of the pigs have been removed. There are three more remaining. Mr. Weinberg noted that the BOH needs to decide if the owner should be fined, what should the fine be and talk to Mr. Martin to ask him to agree to pay the fine. Mr. Weinberg stated that all the evidence shows he filed a false renewal, failure to appear before the board or a public hearing and also failure to bury a dead pig for three weeks. He felt the latter was a serious public health risk with the possibility of other pigs consuming the dead pig. The owner, in the end, received a financial benefit. He was operating without a permit from January through April - that fine is \$50 per day for operating without a permit. The fine of \$10 per day would be for the time the dead pig was unresolved, which was for about three weeks. Mr. Weinberg did not feel that the sum total of these fines would not be appropriate but suggested \$300-500 combined – for non-permit and for dead pig. He stated that it is less about the money but more about compliance and the consequences for non-compliance. Mr. Harkins stated that the higher amount would almost guarantee a court action. Mr. Weinberg will draft a letter and use the non-criminal disposition for the maximum fee for \$300.

MOTION by Mr. Weinberg to send a letter to Mr. Martin informing him of why he is being fined. Seconded by Mr. May. Unanimous.

5. 212 American Leg. Hwy., Torres Pig Issue-Follow Up. On July 12, the owner was ordered to remove the pigs within 15 days. The owner is refusing to remove the pigs. He does not reside on the property. Mr. Weinberg stated that the BOH will need to get a court order. Mr. Weinberg suggested fining him each time Mr. Swartz makes an inspection. He currently has 3 pigs and two are pregnant. **MOTION** by Mr. Weinberg to take appropriate steps to initiate court action for the owner to remove the pigs. Seconded by Mr. May. Unanimous.

6. Piggery Regulation-Proposed Changes Discussion. Mr. Weinberg has reached out to with a sub-group of the AgCom to discuss how this regulation would fit into the broader initiative for animal registration. Mr. May suggested that both piggery regulations be combined. Mr. Weinberg also agreed and noted that for the smaller number, there may be some differences and that the Board will also need to consider enforcement. Mr. Harkins suggested the draft go to Town Counsel for the purpose of giving the regulation teeth.

Mr. Weinberg stated that he would like to offer to other pig farmers in similar situations to apply for a pig license, for a period of time. But if it is discovered that after this period of time, that there are violators, the BOH will impose fines. He would much rather have people come in and register and making sure the operation meets the regulations than initiate court proceedings.

7. New Transfer Station Truck. Mr. Harkins stated that they are in the process of procurement.
8. Transfer Station Vacancy Ad Placed-Application Deadline, 8/25/17. Mr. Harkins stated that there have been some applications and these will be reviewed.
9. Nurse Vacancy-Update. Still waiting of approval from BOS to advertise.

OUTGOING

Noted with out comments.

PLANS REVIEWED BY AGENTS

1. 65 Bayberry Drive (M-52/L-16AF) Daniel Barboza, 3B Repair. No Variances or wetlands. The plan was stamped by ConCom. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
2. 1 Ridgeline Drive West (M-65/L-44) Ronald Martel, 3B Repair. **MOTION** by Mr. May to approve pending on ConCom approval. Seconded by Mr. Weinberg. Unanimous.
3. 14 Brookwood Drive (M-70/L-21) Hilda Mano, 3B Repair. **MOTION** by Mr. May to approve pending on ConCom approval. Seconded by Mr. Weinberg. Unanimous.
4. 68 Old Harbor Road (M-85/L-50) David Gilmour, 3B Repair. **MOTION** by Mr. Weinberg to approve conditional on ConCom approval. Seconded by Mr. May. Unanimous.
5. Black Oak Circle (M-65/L-1G/SL-4) Andrew Padinha, 4B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.

APPOINTMENTS

7:15pm – Stormwater Reg. Hearing-Cont'd: Sitec for 1216 Drift Road, Karam.

Dan Aguiar from SITEC was present. He has submitted a drainage analysis to illustrate that they are in conformance with the stormwater regulations. Mr. Aguiar stated that he could not find an application or fee schedule or process to follow for the Stormwater Regulation.

He noted that he submitted a proposed vegetation plan and drainage calculations illustrating existing and after construction runoff conditions for the site. He explained the prior existing site configuration from a plan previously submitted to the ConCom. With regards to the BOH regulation, it pertains to the amount of land that is altered from existing conditions. He noted the driveway (impervious) area was reduced by 1,000 sq. ft. which, drastically reduces runoff of the prior existing conditions. Mr. Aguiar explained in detail the formulas used to calculate runoff over various surfaces. He also explained that the roof of the reconstructed dwelling is required to have underground tanks to take in any roof runoff. This produces zero runoff since it is being recharged. Discussion ensued and members requested that Mr. Aguiar fill out the application and return to the next meeting on Tuesday, September 5th, at 7:15 pm.

7:25pm – Septic Discussion: Sitec for 493 Old County Road, WRWA.

This appointment was cancelled.

MOTION by Mr. May to adjourn at 8:45 p.m. Seconded by Mr. Weinberg. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

1. Aug. 07, 2017-reg. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. The vote was two in favor with Mr. May abstaining because he was absent.
2. Aug. 21, 2017-reg. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

SIGNATURE'S NEEDED

Bills. Signatures rendered.

AGENT INSPECTION/REPORTS

Agent Inspections and Reports. Mr. Harkins reviewed all the reports. Reports and inspections noted with no comments.

COMPLAINTS

New Complaints-Pending/Completed. Mr. Harkins reviewed the information for the members and listening audience.

CORRESPONDENCE-needing no action

Bennett Env.(copy)/re: Phase I Completion Statement/Tier Classification Termination with Post-Audit Completion Statement & Phase II Scope of Work for 536 Old County Road. Attachments Available at the Office. Noted.

OTHER BUSINESS

1. Monthly Pump-Out Reports. Noted.
2. MDPH/re: Arbovirus Surveillance Program Report, w/e 8/21/17 & 8/28/17. Noted.
3. MassRecycle/re: Quarterly Meeting-SE Municipal Recycling Council 9/13/17. Noted.
4. Transfer Station Vacancy: 15 Applications Received. Mr. Harkins noted that the members will be reviewing the applications and that a number of applicants did not meet the required qualifications.
5. Pig issue with Mr. Martin: **MOTION** by Mr. May that Mr. Weinberg approach Mr. Martin to propose the settlement the Board has been discussing since there has been no reply to the BOH letter dated August 28, 2017. Seconded by Mr. Harkins. Unanimous.
6. Mr. Harkins noted to the listening audience that the Board is working on several issues and that they have sent a letter regarding the pig issue to the owners at 212 American legion Highway. He also told the listening audience that letters are public information and anyone can go to the office to request a copy.

OUTGOING

Noted with out comments.

PLANS REVIEWED BY AGENTS

1. 80 Cummings Lane (M-71/L124, 136A, 125 & M-71/L-126) Richard Mobley for Shared System 3B & 2B house Repair. Not all the paperwork has been received for this shared system. Tabled to the next meeting.
2. 110 Christopher Circle (M-19/L-79) Joseph Ciosek, 3B Repair. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
3. Old County Road (M-34/L-46/SL-4) Toufic Raad, 3B NC. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. May. Unanimous.
4. Old County Road (M-34/L-46/SL-3) Toufic Raad, 3B NC. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. May. Unanimous.
5. Beaupre Lane (M-64/L-3E) Dawn Thibault, 3B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
6. Magnolia Lane (M61/L-17A/SL-49) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
7. 681 River Road (M-89/L-123/ANR Lot) Katherine Barnum, 4B NC. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

APPOINTMENTS

7:15pm – Stormwater Reg. Hearing-Cont'd: Sitec for 1216 Drift Road, Karam.

Dan Aguiar Senior Project Manager at SITEC Engineering Inc. was before the members. He is returning from the previous meeting with additional documentation and application checklists. He noted that he added the 100 year storm calculations. He addressed the planned roof runoff of roof drains going into the ground for the entire roof. There will be 16 cul-tech storage tanks for a 25 year storm. For a house of this size, he noted that the water stored will drain within a 72 hour period.

Mr. Weinberg had requested a 100 year storm in the calculations. He stated that the certification and other documentation is included and the submission is in compliance with the regulation. Mr. Aguiar stated that landscaping will be in place before the fall and other erosion control is in place.

Mr. Harkins noted they are working an application and that there is no fee associated.

Mr. Whitin from River Road asked how many square feet of disturbance were created on the site. He stated that denuding the entire lot sets a bad precedent. Mr. Harkins noted that the amount of trees removed will be replaced. Mr. Aguiar stated that the plan was reviewed by ConCom and his client was not aware of the BOH regulation at the time of his cutting of the trees.

MOTION by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.

7:25pm – Variance Hearing: SITEC for 10 McKinley Street, Zoel Ramirez.

This request is for a repair of a 3 bedroom system. The request is to approve a sieve analysis. Mr. Aguiar stated that ConCom gave their approval. The SAS will be behind a retaining wall and impermeable barrier.

The variances requested are:

- Sieve analysis in lieu of perc test;
- Reduction of setback between tank/pump chamber and property line from 10 to 5 feet;
- Reduction of setback between tank/pump chamber and foundation wall from 10 to 5 feet.

MOTION by Mr. May to approve the request for a sieve analysis and variances. Seconded by Mr. Weinberg. Unanimous.

7:30pm – Septic Discussion: Sitec for 493 Old County Road, WRWA.

Members Mr. May and Mr. Weinberg gave their statement of no conflict. They consulted with the state board on ethics and noted that there is no conflict of interest and there is no financial gain to either when acting upon this application before the Board of Health. They both have filed their statements of no conflict with the Town Clerk.

Mr. Harkins stated that the Agent does not agree with the sieve analysis because it was done in disturbed soil and that the 2002 failed perc test is valid because the area is filled with sand for the stormwater system. Mr. Harkins stated he has spoken to Mr. Johnston at DEP and explained this. Because of this they will be required to perform a perc test.

Mr. Schmitt stated the WRWA would perform the perc test. Mr. Harkins stated that they will still need to maintain their 100 foot setback from wells.

Mr. Schmitt asked for the members to vote

MOTION by Mr. Harkins to approve the well at the existing location as long as it maintains the 100 feet from the SAS. Seconded by Mr. Weinberg. Unanimous.

Mr. Harkins stated that the stormwater system needs backup paperwork stating that it is not a federal protected wetland.

MOTION by Mr. May to adjourn at 8:00 p.m. Seconded by Mr. Weinberg. 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: William M. Harkins, Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent
Absent: Maurice E. May, Vice-Chairman

MINUTES

Sept. 05, 2017-reg. Tabled to the next meeting. The Chair asked for a correction which would need to be verified with the recorded meeting.

SIGNATURE'S NEEDED

1. Bills. Signatures rendered.
2. Participating Municipality Agreement. Signatures rendered.

AGENT INSPECTION/REPORTS

Agent Inspections and Complaints. Mr. Harkins reviewed all the reports. Reports and inspections noted with no comments.

COMPLAINTS

New Complaints-Pending/Completed

Mr. Harkins reviewed the information for the members and listening audience.

Ongoing issues:

- 51 Cross road - Agent issues two correction orders for safety of tenants.
- 127 Davis Road still open.
- Westport lobster - anonymous call regarding bad clams. Agents investigated at store but found nothing.
- Well testing at a particular location showed elevated copper. Members wanted to have a follow-up and asked that staff send a letter.

OTHER BUSINESS

1. Monthly Pump-Out Reports. Noted
2. MDPH/re: Arbovirus Surveillance Program Report, w/e 8/21/17 & 8/28/17. Noted.
3. Marilyn Edge/re: Multi-Community Grant Renewal for Tobacco. **MOTION** by Mr. Weinberg to continue with this program. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent. Mr. Harkins signed the agreement.

4. Alan Martin-Pig Issue, Update. Mr. Weinberg had used a consent order that would require him to pay a \$300 fine and to remove all pigs within 60 days and that before he brought any new pigs he would need approval from the Board. Mr. Martin called last Friday and agreed to do so. There are also other daily penalties, if he does not comply with the order.
5. 212 American Legion Hwy., Tenant 1-4 Pig Application. Mr. Torres still has no permit and did not remove pigs because the pigs were pregnant. The Board of Health sent an order to remove the pigs, and he refused. The Board gave him 7 days to respond why. Since that time, they asked the tenant to take out a permit for the pigs. An application was submitted under the tenants' name Roies. The Agent determined the enclosure was inadequate and there are several adult pigs and piglets on site. He will need to comply for the 1-4 pig permit and to make repairs to the enclosure. The owner did not want to sell the pigs because the market price was so low and chose to have them butchered locally for family use. Mr. Weinberg stated that he is operating like a piggery because there are more than 4 pigs. The inspection on 9/12 showed that he added 5 more pigs instead of removing the previous ones for a total of 7 adults and 10 piglets. The shelter also violated **the state sanitary code (this should be state building code)** and is under an order to take it down. Mr. Weinberg suggested inviting him in to discuss what to do. He does not feel that the BOH should retract the penalty assessed already. Mr. Harkins suggested sending a letter granting him 60 days to dispose of pigs there and secondly to appear before the Board to discuss the issues of the enclosure and resolution of the fine issue. Mr. Swartz stated that from his visit with the owner, it is his opinion that he will not cooperate.

Mr. Weinberg will compose a letter requesting the owner to appear before the BOH at the next meeting.

6. Noquochoke Orchards Follow Up-Site Visit Completed. Mr. Harkins stated that letters were sent to Smith II and the IV requesting access to both properties and to talk to both parties regarding the complaints. On 9/7/17, the day before the scheduled visit, Mr. Smith IV wrote to say that he did not want the BOH on his property. However, the BOH visited Mr. Smith II's property escorted by Mr. Smith's son. They observed brush for burning but no burn piles or piles of trash. They looked at the outdoor wood burning furnace and reminded them about the regulations pertaining to this. A copy of the regulations was left for Mr. Smith Sr. The members consider this a closed case. Of note, the refusal by the complainant to allow the BOH to access their property will no longer warrant any further action by the board.
7. Revolution Lobster-Update. Mr. Harkins noted the letter from the Historical Commission. The BOH gave permission for a port-a-jon but being a historic district, they will need to comply with the Historic Commission. Mr. Harkins stated that there is also an issue with DEP. Prior to the current use, the flow was a residence. The new business is an increase in flow and they will be required to go back to DEP for the increase and also to the ZBA for the change of use of the building as well as Historic Commission permission for a port-a-jon on the property. At this time, the BOH will not extend the request for a season use of the port-a-jon. Mr. Weinberg stated a letter was issued last week and this week informing the owners to appear before the Board on October 2.

8. Transfer Station Vacancy: Interview Discussion. Mr. Harkins stated he has reached out applicants to begin interviews.
9. 5 Jeffries St., Jose Salvador and Rosa Botelho. Order to remove horses from property because there is no place for them however, there is an upland area they are working on to move them to. They have to keep the horses out of the wetlands and this requires ConCom oversight. An extension for removal of horses is being sought. **MOTION** by Mr. Weinberg to grant an extension of 90 days with a letter stating this and require the agent to follow-up on the welfare of the horses. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.

OUTGOING

Noted with out comments.

PLANS REVIEWED BY AGENTS

1. 704 Hix Bridge Road (M-43/L-33) Sharon Martori, 3B repair. This plan has already been approved by ConCom. **MOTION** by Mr. Weinberg to approve the repair plan. Seconded. By Mr. Harkins. The vote was two in favor. Mr. May was absent.
2. 5 Holly Lane (M-53/L-49) Walter Belisle, 3B repair. **MOTION** by Mr. Harkins to approve the repair plan subject to ConCom approval. Seconded by Mr. Weinberg. The vote was two in favor. Mr. May was absent.
3. 20 Plymouth Blvd. (M-18/L-47) Ana Costa Trust, 3B Repair. This plan has already been approved by ConCom. **MOTION** by Mr. Weinberg to approve the repair plan. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.
4. Old Harbor Road (M-87/L-24B) Matthew Forbes, 5B NC. **MOTION** by Mr. Harkins to approve the plan for a 5-bedroom new construction subject to ConCom approval. Seconded by Mr. Weinberg. The vote was two in favor. Mr. May was absent.
5. Cadman's Neck Road (M-50/L-8) Robert Russell, II, Utility Building NC. This plan has already been approved by ConCom. **MOTION** by Mr. Harkins to approve the new construction plan. Seconded by Mr. Weinberg. The vote was two in favor. Mr. May was absent.
6. Drift Road (M-57/L-41A) Bart Quillen & Lisa Lacharite, 4B NC. This plan has already been approved by ConCom. **MOTION** by Mr. Weinberg to approve the new construction plan. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.
7. 609 Sodom Road (M-59/L-6) Alan Walter, 4B repair. **MOTION** by Mr. Harkins to approve the repair plan. Seconded by Mr. Weinberg subject to ConCom approval. The vote was two in favor. Mr. May was absent.

APPOINTMENTS

7:15pm – Variance Hearing: 14 Mary Lou Ave., Daniel Alexander.

Mr. Alexander was present. The local upgrade would require 4 foot for separation from ground water.

The variance requested is 3 feet separation vs. 4 feet to lessen the bump in the yard.

It is a regular system with an inch in 3 perc rate. Mr. Weinberg was concerned about there being something wrong with the system. Mr. Swartz stated that the system is just an older system and the owners will be planning to sell it soon.

MOTION by Mr. Weinberg to approve subject to ConCom approval. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent.

MOTION by Mr. Weinberg to adjourn at 8:00 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

1. September 18, 2017. **MOTION** by Mr. Weinberg to accept. Seconded by Mr. Harkins. The vote was two in favor. Mr. May was absent and so abstained from the vote.
2. September 05, 2017-reg (tabled from 9/18/17). **MOTION** by Mr. Weinberg to accept. Seconded by Mr. May. Unanimous.

SIGNATURE'S NEEDED

1. Bi-Weekly Bills - signatures rendered.
2. DEP-Recycling Dividend Program Contract (see Other #6 for details) - signatures rendered.
3. Tighe & Bond Engineering Service Proposal (see Other #7 for details) - signatures rendered.

AGENT INSPECTION/REPORTS

1. John Swartz - Daily Log 8/18 thru 9/28/17. Noted.
2. Ray Belanger - Daily Log 8/17 thru 09/22/17. Noted.
3. Ray Belanger - Inspections. Noted.

COMPLAINTS

1. Well water testing resulted in copper levels. Subsequent testing by owner showed no copper. The Board advised her to have a professional test the water. The owner left a message on 9/27 at the office that she has contacted a lab to collect samples.

OTHER BUSINESS

1. Monthly Pump-Out Reports. Noted.
2. MDPH/re: Arbovirus Surveillance Program Report, w/e 9/18/17 & 9/25/17. Noted; nothing new to report. Mr. Harkins noted that the state has advised to continue using mosquito repellent.
3. Nancy Paquet/re: Vacation Request. **MOTION** by Mr. Weinberg to grant the request. Seconded by Mr. May. Unanimous.
4. Variance Approval Recall, 14 Raymond Street. Mr. Harkins stated a new hearing is set for October 16 due to the engineer not having notified the abutter as part of the process. **MOTION** by Mr. May to rescind the variance. Seconded by Mr. Weinberg. Unanimous.
5. MAHB Certificate Program Attendance Confirmation. Members will discuss with office staff.
6. DEP/BOH Awarded Recycling Dividends Funds Under The Sustainable Materials Recovery Program. Mr. Weinberg asked to look into this. Mr. Harkins said this funding can be used to expand the program.

7. Tighe & Bond Engineering Services Proposal-Review & Vote. **MOTION** by Mr. Weinberg to sign the contract for the post closure testing at the landfill. Seconded by Mr. May. Unanimous.
8. FDA Inspection Violation & Marilyn Edge Follow Up Information. Noted at 7:15 hearing. Ms. Edge to notify the owner to appear before the Board at the next meeting.
9. Deni Phaneuf-PHEP Coordinator/re: Minutes of Meeting to Review BP1 Deliverables. Noted.
10. Revolution Lobster Permit Extension Request. Letter that was issued was noted.
11. Ray Belanger/re: Update on High Copper Level Complaint. Noted.
12. Ray Belanger/re: Update on Complaint of Water Hose Between 2 Dwellings. Correspondence was sent to owner and there has not been a reply yet.
13. Discussion-Title V Violation, 248 Sanford Road. Mr. Harkins will check with staff on how to appropriately respond.
14. Discussion-Title V Violation, 49-55 R Drive. The BOH sent a letter in August giving them 30 days to respond. The first letter was confirmed as received. Mr. Harkins asked Mr. Swartz to check with the assessor's to see if it is still in foreclosure since 2012 and find new owners.
15. Discussion-Title V Violation, 651 & 655 Main Rd-Shared System Not Approved. The two buildings - one a beauty salon the other a dwelling share a system. Mr. Harkins stated that a shared system agreement must be signed. Mr. Harkins would like to have the owners appear in front of the Board to discuss arrangements of the shared system.
16. Alan Martin-Finalized Agreement. Noted.
17. Proposed Pig Regulation Revision. Mr. Weinberg reviewed some of the changes and edits he has made. Mr. May stated that it would be advisable to schedule a hearing before the end of the year so that the revised regulation would take effect January 1. Members asked to place the piggery permit on the next agenda with the understanding that members review for comments and understand the major issues involved.
18. Transfer Station Vacancy Update. Mr. Harkins stated they are still conducting interviews.
19. BOH Director Vacancy Update. Mr. Harkins stated they have a candidate in mind and should be making a decision shortly.

OUTGOING

Noted without comments.

PLANS REVIEWED BY AGENTS

1. 185 Fisher Road (M-40/L-41) Steve Torres, 2B Repair. Sieve Analysis done in lieu of a perc test. **MOTION** by Mr. May to approve sieve analysis in lieu of perc. Seconded by Mr. Weinberg. Unanimous.
2. 572 Sanford Road (M-23/L-21) Russell Hart, 3B Repair. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
3. Kyle Jacob Road (M-24/L-26P) William & Jennifer Aguiar, 4B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.

APPOINTMENTS

7:15pm – Discussion: Marilyn Edge & Cheryl Sbarra-Proposed Tobacco Regulation.

Ms. Sbarra was not able to make it. Sarah McColgan from the MA Health Officer's Association was also present with Marilyn Edge.

Ms. Edge stated that last time she was here the discussion was about looking at updating the current tobacco regulation. At the time, the cap was 19 licenses in town and Mr. Harkins said at the time, that the Town may not need that many and therefore the idea was to sunset those that close/go out of business and expire. Mr. Harkins stated the town is at 18 licenses currently but members must vote to make a decision about reducing a cap. Ms. Edge stated that in her memo of June 2, 2017, she outlined the suggested changes to the tobacco regulation. She noted that since the town regulations went into effect in 2013, the cigar packaging has changed and that it is reflected in her memo with suggested changes. For example regarding cigar sales: single cigars are set at \$2.50; 2-5 cigars are \$5; after 5 cigars would be priced at market rate.

Mr. Weinberg asked about prior discussion about raising the age. Ms. Edge stated that it has not been enacted but could be discussed at the public hearing, when the board decides to execute one.

Mr. Weinberg had questions regarding the reduction and how the proposed language would work. Ms. Edge stated that the sunset language can be enacted, but reducing the cap is not necessary at this time. Discussion ensued.

Mr. Weinberg asked about what is considered a density issue. Mr. Harkins stated that the BOH would look it over and get back to them.

Ms. Edge noted the violation at a local store and Mr. Harkins asked this be scheduled before the BOH. He asked if she could contact the office to set the schedule for November 13 to ask the violators in. Ms. Edge will contact the office to confirm the date with the office and send a letter to the store owner asking the store owner to appear as a warning.

Mr. Harkins asked for any info on recreational marijuana. Ms. Edge stated they are still waiting for guidance from the state.

7:25pm – Discussion: Kerian & Kristin Fennelly-Tight Tank Issue, 2065 Main Road

Kerian Fennelly from 117 Cross Road in Westport was present.

Mr. Harkins asked him if he was aware of the tight tank. Mr. Fennel stated that he met with Mr. Walsh several times in the office before he got any permitting and said that Mr. Belanger calculated the increase in flow. Mr. Walsh suggested reaching out to Jeffrey Gould at the DEP in March of 2016. He called and emailed several times, with no answer. He finally got a phone call in to him and was told that it was approved as long as there was a variance provided by Mr. Walsh. He stated that his attorney, Mr. Corey is in touch with Mr. Walsh and that he is in touch with the state to clear this up. Mr. Fennelly explained the process he went through with all the town departments.

Mr. Weinberg stated he discussed this with Brett Rowe and offered that one thing that DEP is adamant about is any increase in flow. So going from the market to a restaurant is something different and the

Board needs to figure out where to go from here. He asked Mr. Fennelly to provide copies of the correspondence he received from DEP/Jeff Gould that he referred to.

The Board asked him to return on October 30th at 7:15 p.m.

Ms. Figuerido from 2056 Main Road asked how all this came about - she asked how can this be permitted. She repeatedly complained about the activity at 2065 Main Road. The Board noted that the approvals for the business aspect came from the Building Department. Mr. Weinberg stated that it is not unreasonable for the person who is issuing just food licenses to issue one based on the permit issued by the building permit.

Mr. May noted that this new board has yet to see all the information.

Ms. Loos from the Historical Commission noted that their involvement had to do with the approval of a sign. There was nothing presented to the Commission pertaining to the retail operation. Their purview is for anything visible from the public view. They had no knowledge of the picnic tables with BYOB and a port-a-potty.

Mary Ellen Kennedy of 1831 Main Road asked if restaurants are permitted by the BOH. Mr. Harkins stated they are not a restaurant, they prepare food for take out.

No further comments.

7:35pm – Discussion: J & M Torres/J & F Roies-Pigs, 212 American Legion Hwy

Mr. Torres, the owner was present with Ms. Roies who resided at this address.

There are 7 adult pigs and 10 piglets. The reason he has these is because the pigs were pregnant and could not move them. Mr. May asked why he applied for a 1-4 pig license when he had 7. He explained that the auction was very low pricing and the state put them in quarantine in July. He asked to keep 2-3 out of the ones that were supposed to go to auction. The building inspector found that the housing was in appropriate. The quarantine was put on because the pigs were fed food with meat in it. Mr. Weinberg noted that he was fined and then Ms. Roies came in to apply for a permit. Mr. Weinberg asked him to pay the fine \$75 and then advised him that the pigs, after a certain number of days, will put him in violation again.

Both asked to have the piggery license explained, which was explained by the members. It was explained that someone has to be residing on the property who would be responsible.

Mr. Weinberg recommended filing a piggery permit. Mr. Harkins recommended to get things under control separating the males from the females because the other two sows are now pregnant. He also asked him to contact the animal control officer and the building inspector. The pigs under 12 weeks old are not under violation. Mr. Harkins asked him for a schedule of how to bring him into compliance. Mr. Weinberg stated that he would draft an agreement for Mr. Torres who is willing to sign.

Mr. Harkins stated that someone will be working with Mr. Torres. They have submitted an application for a 1-4 permit under Mrs. Roies' name but is not approved yet. With regards to the fine, Mr. Torres is required to pay it.

Jennifer Mello from Pine Hill Road asked how many permits can be issued. Mr. Harkins explained that it is one per address.

Mr. Weinberg summarized that he is planning to remove all pigs by thanksgiving. Ms. Gee asked, if he has all sorts of infractions why is he allowed to continue and that this is the same farm that is humanly uninhabitable. Mr. Harkins corrected her and said this was not the same farm she was referring to.

Mr. Harkins stated that the BOH is trying to help the farmer and bring them into compliance without damaging in the process.

Mr. Weinberg also stated that if you can not reach a reasonable agreement the alternative is to go to court which is not advisable.

Chris Wiley said that they thought that people would come forward with this process; she said she expected situations like this to come up and we owe it to the farmers to work with them.

7:45pm – Discussion: Sitec Inc.-Stormwater Issue, 726 Old County Rd., SL 4, Toufic Raad

Sean Leach from SITEC Inc was present. The applicant was granted remits from other departments and was asked after the fact, to provide an application as per BOH Stormwater Regulations. He provided a plan demonstrating that the applicant is in compliance with the regulation. This was for discussion and if a permit is to be issued, Mr. Leach stated that this is the only thing holding it up from obtaining building permits.

MOTION by Mr. Weinberg to issue a stormwater permit based on documentation provided. Seconded by Mr. May. Unanimous.

7:50pm – Discussion: Sitec, Inc.-Composting/Humus Toilets, State Road, Sousa Family

Mr. Leach from SITEC was present. The applicants purchased the property in order to place a car storage facility on site. This is going to be a two employee operation. It is new construction because old buildings/sheds were demolished. The plan is to have composting toilets and a hand washing station in a self contained gray water system. The retail facility will be used sparingly, hence the request for composting toilets. Because it is for commercial use there is no need for a perc. The Board request Mr. Leach return with the specs for the composting toilet.

8:00pm – Variance Hearing: Leonard Potter for 25 First Street, Mark Wagner

Abutter notifications were presented, no abutters were present.

Failed septic system. Variances requested:

- Setback from leach field to site well: 51 ft vs. 100 ft
- Setback from leach field to well at 22 First St.: 73 ft vs. 100 ft
- Setback from leach field to well at 19 First St.: 83 ft vs. 100 ft
- Setback from leach field to property line at 19 First St. 6 ft vs. 10 ft

MOTION by Mr. May to approve variances as request conditional on well testing, ConCom approval and a Hold Harmless agreement. Seconded by Mr. Weinberg. Unanimous.

MOTION by Mr. Weinberg to adjourn at 10:00 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

October 2, 2017-reg. **MOTION** by Mr. May to approve as corrected. Seconded by Mr. Weinberg. Unanimous.

SIGNATURE'S NEEDED

1. Bi-Weekly Bills - signatures rendered.

AGENT INSPECTION/REPORTS

Mr. Harkins noted that he verified there is no fried food at the Revolution Lobster establishment. Mr. Harkins reviewed reports for the members.

COMPLAINTS

Mr. Harkins reviewed these for the members.

OTHER BUSINESS

1. Monthly Pump-Out Reports. Noted.
2. Raymond Belanger: Bottled Water Permitting. Noted.
3. Revolution Lobster Permit Extension Request Discussion. Mr. May was under the impression that from what the manager told him, their lawyer was supposed to be present this evening, but no one was present. Mr. Harkins stated that they are on the October 30, 2017 agenda. Mr. May stated there are two issues - the tenant and the landlord. The landlord has a the responsibility for maintaining a septic system with in regulations and the tenant has to run a business and he feels these two issues are different and requested that the Board approve the extension request to December 31, 2017. He noted Acme pump-out records indicate they are pumping out the 2,400 gal tight tank regularly and most of the time below the capacity of the tank. He feels this is not a danger to society or the river. Mr. May stated he would approve of the extension for the port-a-jon request this evening.

Mr. Harkins stated he is waiting for a couple more answers from DEP in this issues. He has spoken to DEP and the septic covers the whole building and the business does have bearing on it. Mr. Belanger has spoken to the state regarding the food aspect of the business as well and based on the food business as it is, there is no reason not to extend the permit to the end of the year. Mr. Harkins stated he spoke with Mr. Jim Walsh who was involved, but does not have all the details, and he stated the tight tank was approved by DEP. Mr. Harkins is looking into this for additional information. Mr. Harkins understands that the applicant's attorney is also awaiting notification from DEP. Mr. Harkins stated that he would approve the extension on condition of a final word from DEP.

Mr. Weinberg stated that Tim Field at the time was ok on waiting until the October 30, 2017 meeting and there was an opportunity for people to appear tonight, and no one did and so he does not feel the

urgency to address this tonight since they were not either. He also stated that per the regulations, the port-a-jon should not be used in place of a Title-V systems to supplement existing restricted capacity leaching systems and for tight tanks or for camp sites. Mr. Harkins stated that he felt the tight tank is being used for the use that it is intended, which is to say for the house, but the port-a-jon is not being used to circumvent the system. Discussion ensued. Mr. Harkins stated the owners were not present and the discussion would wait for October 30 when they are expected to be before the Board.

4. Proposed Pig Regulation Revision. Mr. Weinberg stated he put together what he thought to be important. He provided a pro/con list for the members. The members reviewed the document and discussed transferability in depth. They listened to Mr. Weinberg's recommendations for two separate regulations. Mr. Harkins was in agreement also for two separate regulations. They agreed that some rewrite was necessary to address no breeding pairs.
5. Torres/Roeis: Pig agreement Discussion. The letter was received by the owners, but the agreement has not been returned yet. Mr. Weinberg stated that he asked the staff to call. Mr. Weinberg asked if the agent could take a ride to their address to check on this.
6. Composting/Humus Toilet Specs. Specs are on hand and the BOH will wait for a plan for them to approve.
7. Transfer Station Vacancy Update. The Board is still interviewing candidates.
8. BOH Director Vacancy Update. Matthew Brennan, the new Director was approved by the BOS this evening. He has some other requirements for employment to fulfill before coming on board full time.
9. Tobacco Regulation Discussion. Mr. Harkins requested the members look over the proposed changes.

OUTGOING

Noted without comments.

PLANS REVIEWED BY AGENTS

1. 181 Fisher Road (M-40/L-40) Steven Torres 3B repair. **MOTION** by Mr. May to approve conditional that the existing cesspool will be pumped and filled and to approve the request for a sieve analysis. Seconded by Mr. Weinberg. Unanimous.
2. 94 Washington Street (M-11/L-1256-74) William Pariseau, 4b repair. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
3. 824 Drift Road (M-54/l-44C&E) Gustave Geisler, 4B repair. **MOTION** by Mr. May to approve conditional on ConCom approval. Seconded by Mr. Weinberg. Unanimous.

APPOINTMENTS

7:15pm – Variance Hearing: Alex Gorodetsky for 14 Raymond Street, Kevin Sousa.

Alex Gorodetsky was present. Abutter Urban Pariseau of 156 Briggs Road was present.

The proposed leaching field is outside of the 100 foot distance from wells. The variance requested is for a variance to over-dig due to there being an existing fence in place. The abutter states that the fence has been removed around the property and asked how the property lines would be known. Mr. Gorodetsky stated that he knows the property lines from the survey. The abutter was concerned about the current system and wants it taken out. He is also concerned of the 2 foot elevation and any runoff.

Variances requested:

- reduction in setback from property line to the soil absorption system: 5 ft. vs 10 ft.
- Reduction in over-dig is requested: 2+/- ft. vs. 5 ft.

The abutter stated he has no problem with the new system, just with the elevation. After discussion, the abutter was clear on the elevation and agreeable.

The abutter demanded that the old system be removed. Mr. Gorodetsky stated that the old tank would be pumped and filled and replaced with a new system in a different location. He stated there are no records that indicate where the old system is without excavating the entire property.

It was discussed that the old system was not shown on this set of plans. Mr. Gorodetsky stated that he was not able to find any records of the old septic system location but would be able to indicate it on the plan, as agreed in this discussion, once excavation begins.

Mr. Weinberg had a question about the 2nd variance requested. It was explained that the over-dig is the surface distance from the excavated area, not the depth, beyond the system design.

MOTION by Mr. May to approve the plan as drawn for the variances requested with the addition of requiring the pumping and filling of the old beehive cesspool as per Title-V. Seconded by Mr. Weinberg. Unanimous.

7:20pm – Variance Hearing: Alan Heureux for 1634-V Drift Road, Paul Pereira

Alan Heureux was present. The owner has submitted a subsurface sewage disposal plan dated September 20, 2017 for a repair. The cesspool is being replaced with a 1,500 gallon tank and pump chamber.

Variance requested:

- setback from SAS to site well, 72 ft. vs. 100 ft.

The new owner may elect to install a new well in the northwesterly corner of the lot but first verify there are no leaching fields within its 100 foot perimeter thus allowing for a 100 foot setback from site SAS.

Members asked the engineer if the client had considered a de-nitrification system in light of the BOH working on a new Regulation. Discussion ensued.

MOTION by Mr. May to approve the variance requested conditional on ConCom approval, a hold harmless agreement and well testing. Seconded by Mr. Harkins. The vote was two in favor with Mr. Weinberg abstaining.

7:25pm – Discussion: Len Potter for WRWA, 493 Old County Road.

Len Potter was before the Board. Mr. Potter stated that he performed a perc last Thursday. The perc test was successful. He described the fill and strata and other details of the site and what he observed. Mr. Harkins asked where the failed perc was performed in 2002. Mr. Potter indicated south of where the old basketball courts were and before the stormwater retention area. The stormwater retention area is not a protected wetland under state or federal. It is a constructed stormwater management system. Mr. Potter stated that ConCom will have issues to address separately. Mr. Harkins stated that there is no vote being sought tonight - this discussion is just to inform the Board that the perc test on site passed last week.

Mr. Swartz stated he agreed with the perc passing. Mr. Weinberg asked him if it complies with Title-V and he stated that yes it does.

The question, Mr. Potter said, is if the stormwater retention pond is categorized as a retention pond and does it intercept ground water. ConCom will be reviewing this.

Mr. Harkins asked about 2002 perc. Mr. Potter stated that perc passed but it was done before the stormwater retention area. The 2002 test pit is in the peninsula area.

Mr. Tom Schmitt from WRWA was present and addressed the Board. He stated that the technical parts of Title-V have been fulfilled and asked the Board to take a vote on the system as a result of the positive perc test. He asked if the provisions of Title-V have been satisfied. Mr. Harkins stated that they have been.

MOTION by Mr. May to approve the plan conditional on ConCom approval. Seconded by Mr. Weinberg. Unanimous.

MOTION by Mr. Weinberg to adjourn at 9:08 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
Mathew Brennan (Future PH Director)
John R. Swartz, Health Agent

MINUTES

October 16, 2017. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

SIGNATURE'S NEEDED

Bi-Weekly Bills - signatures rendered.

AGENT INSPECTION/REPORTS

Mr. Harkins noted that he verified there is no fried food at the Revolution Lobster establishment. Mr. Harkins reviewed reports for the members.

COMPLAINTS

New Complaints: Pending/Completed. Mr. Harkins reviewed complaint reports for the members. He read the various complaints and updates.

CORRESPONDENCE-Needing No Action

DEP(copy)/re: Sanitary Survey for Acoaxet Water Company P.W.S. Mr. Harkins discussed the system that services a number of homes in a nitrogen sensitive area that is monitored by DEP and also in the vicinity of 246 Howland Road, which came before the Board previously with an increase in flow. Mr. Harkins asked that the residents be informed that they will need DEP approval before coming to the Board of Health. **MOTION** by Mr. May to send a letter to owners of 246 Howland Road informing them that they will be required to obtain approval from DEP before submitting plans. Seconded by Mr. Weinberg. Unanimous. Mr. Weinberg will draft the letter.

CORRESPONDENCE

Livestock Institute of NE Board of Directors/re: Proposed Westport Livestock Regs. This letter was received in response to an animal bylaw draft. Mr. Harkins read the letter to the listening audience. He stated that the regulation will be vetted through Town Counsel as well as other organizations/boards and committees. Discussion ensued.

OTHER BUSINESS

1. Monthly Pump-Out Reports. Noted.
2. Proposed Pig Regulation Revision. Mr. Weinberg and members reviewed the draft regulation. Mr. Brennan stated that he has reviewed the regulations and thought that the ability to grant a waiver

would be important to include. With the large vs. small piggery; the large piggery should have a hearing process and the health agent can address the small piggery. Discussion ensued. Mr. Weinberg will make additional edits and include the grandfather clause.

3. Transfer Station Vacancy Update. Tim Burns was approved by the BOH and has an estimated start date of 11/16/17.

OUTGOING

Noted without comments.

PLANS REVIEWED BY AGENTS

1. 120 Benoit Street (M-18A/L-80) Messias Dias, 3B Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. 499-D Briggs Road (M-19/L-32A) Butler/K. Santos Trustee, 3B Repair with Sieve Analysis in lieu of a perc. **MOTION** by Mr. May to approve the plan and the request for a sieve analysis. Seconded by Mr. Weinberg. Unanimous.
3. 39 Hemlock Street (M-13/L-80C,80D,81A) Edward Nicolau, 2B Repair with Sieve Analysis in lieu of a perc. **MOTION** by Mr. May to approve the plan and the request for a sieve analysis. Seconded by Mr. Weinberg. Unanimous.
4. Narrow Avenue (M-64/4/SL-1) Robert & Jessica McKane, 3B NC. **MOTION** by Mr. May to approve the plan and the request for a sieve analysis. Seconded by Mr. Weinberg. Unanimous.
5. 80D & 88 Cummings Lane (M-71/L-124,125,136A) Richard Mobley, Repair-Shared Septic System with documentation. Mr. Leach stated that he has submitted all the paperwork. The applicants were before the ZBA and were approved for combining 2 of the 3 lots but not all 3 as was originally requested of the ZBA. The BOH is being asked to approve a shared system for two lots. Discussion ensued over the responsibility of the shared facility. **MOTION** by Mr. Weinberg to approve the plan for a shared system subject to the owners providing a letter of credit for \$250.00. Seconded by Mr. May. Unanimous.

APPOINTMENTS

7:15pm – Discussion: Kieran Fennelly, 2065 Main Road, Tight Tank.

No one was present.

Gay Gillespie asked about no one showing up for this appointment and would the BOH reschedule the appointment. Mr. Harkins stated he has not yet heard back from calls he has made to inquire about this subject. He does know that the tight tank was sized for either or both types of uses based on who he has spoken to thus far and who were originally involved. Mr. Weinberg noted that the applicant should have come before the Board and requested a modification to the original variance and he does not want this situation to set a precedent. Mr. Harkins stated that prior to this, the building was always a one bedroom apartment on the second floor and a fish market on the first floor.

7:20pm – Discussion: Sean Leach, Composting Toilet System, 222 State Road.

John Sousa and his engineer, Sean Leach were present. Mr. Leach stated that he was before the BOH a month ago and since then, Mr. Sousa received site plan approval and applied for a building permit for a retail car facility and at that point was told he needed a hand washing sink for grey water. Mr. Leach provided a proposal of a 2,500 gallon-per-day system. Mr. Leach stated that this is not a retail store and this would change the calculations to accommodate a car lot with 2 employees. Mr. Leach asked to have a determination of the use for the purposes of him designing the appropriate system. Discussion ensued over the existence of a system from years ago that has not been used. Mr. Weinberg asked to have evidence that this system has been used elsewhere in the state. Mr. Harkins reminded Mr. Leach that the composting toilet would need state approval. Mr. Leach stated that the toilet requires approval for the modular system. He stated this has been approved by the state.

Mr. Harkins asked if there will be a need for a shallow drain, SAS and/or a well - these are the 3-criteria to be used for a decision. Mr. Leach stated they would need a perc. Mr. May asked for examples where these types of systems have been used.

MOTION by Mr. Weinberg to adjourn at 8:40 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

October 30, 2017-reg. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

SIGNATURE'S NEEDED

Bi-Weekly Bills - signatures rendered.

AGENT INSPECTION/REPORTS

Inspections - Noted. Mr. Harkins reviewed reports for the members.

COMPLAINTS

New Complaints: Pending/Completed. Mr. Harkins reviewed complaint reports for the members. He read the various complaints and updates.

CORRESPONDENCE

Mid-City Scrap/re: Plastic Recycling-Tipping Fee Charge Effective Nov. 1st. Due to China's restrictions on the plastics market, Mid-City Scrap will be charging .10 cent per pound for all full weight loads of plastics. The members have asked that the fees be billed separately rather than deducted as was suggested by Mid-City. Mr. Weinberg suggested looking into there being other plastics markets. Mr. Harkins asked the same, but he is not aware of any other cheaper sources at this time.

OTHER BUSINESS

1. Monthly Pump Out Reports. Noted.
2. Ray Belanger/re: Work Hours-Limitation. Mr. Belanger had to work additional hours over the summer due to the lack of a Senior Agent. He will need to reduce his weekly hours for the next 2 months to remain within the allowable time he can work as a retiree.
3. Ray Belanger/re: Microblading. Mr. Belanger provided information on this cosmetic tattooing, which is required to be permitted under body art licensing which also stipulates that the educational requirements be met. Mr. May suggested updating the tattoo/body art regulation to include "microblading". Mr. Harkins suggested tabling to another meeting to allow time to look into this matter further. Mr. May asked for Mr. Belanger to come to a future meeting to address it. Mr. Harkins suggested waiting until his time is straightened out for the year.

4. Ray Belanger/re: Permitting/Zoning. Mr. Belanger noted the process and the members understand there was no relation of BOH permitting to the picnic tables at Revolution Lobster.
5. Proposed Pig Regulation Revision. Mr. May felt that there is only the need for one piggery regulation and not two. His thought was to consolidate the regulations and he is presenting a 4-page draft of that. He used the section in Mr. Weinberg's draft on definitions that are very useful. He feels that the 1-4 pigs number should be a non-breeding group. He also created 3-reasons for hearings and removed all grandfather rights.

Mr. Weinberg said he retained all the grandfathering items and also talked about the fines and retaining the right to condition the application etc. He stated one thing that come up in discussion with the Agricultural Commission was the setback to surface drinking water supply - there is no setback mentioned to include the river. Mr. Harkins noted those setbacks are set by Conservation setbacks. Mr. Weinberg stated that there are no drinking water-well/surface water supplies. Discussion ensued over drafting a correct and accepted final draft rather than meeting a January deadline. Mr. Harkins will ask Ms. Paquet to send a copy to AgCom of Mr. Weinberg's draft in which he consolidated the two- permits.

6. Noquochoke Village Project. Mr. Harkins stated that he received a complaint about silt from construction running into the river. He was concerned that the development was doing what they needed to do so that it does not happen again. He stated some of the abutters sent letters to DEP. He spoke with the Town Planner who asked Tibbetts engineering to inspect and give the developers some suggestions on what to do. Mr. Weinberg stated that it is a DEP and federal violation for silt to flow out. DEP stated that it is up to the local ConCom to control that activity.

OUTGOING

Noted without comments.

PLANS REVIEWED BY AGENTS

1. West Normandin Street (M-18A/L11/146) Lakeview Park Inc, 4B NC - The plan was not in the packet and therefore, it cannot be acted upon.
2. 3 Greenfield Road (M-22/L-95) Adrien Brodeur, 3B Repair. No variances and no wetlands. All setbacks have been met. The repair is changing the existing 1,000 gal tank, and new leach field; the house is being sold and so it is being upgraded. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
3. 23 Shirley Street (M-71/L-47) Richard Brown, 2B Repair. No variances. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

APPOINTMENTS

7:15pm – Discussion: FDA Sale of Tobacco to Minors Violations

1. **Country Liquor & Variety.**

Marilyn Edge was present and representatives from Country Liquor and Variety, Richard Briere and his lawyer, Attorney Eithier, were present.

Ms. Edge stated that at the last BOH meeting there was discussion about meeting at a subsequent meeting with the violators. Ms. Edge spoke with BOS office and there was an FDA violation earlier this year. Inspections are conducted without notification. Ms. Edge was surprised that the previous inspection by a BOH inspector was back in 2005. Ms. Edge has conducted 25 inspections at this location. She has no information on the FDA violation.

Mr. Briere stated they take this very very seriously. His personnel has been trained and retrained. The State states that if the person looks under the age of 27 they must be carded. Ms. Edge stated that most locations card everyone. She stated that the FDA scheduled checks annually in 2014, 2015, 2016 because they did not have a violation. Now that there was a violation, the FDA will continue to check every three-months and as long as there are no violations in 3 months consecutively, then they will go back to annual checks. If another violation is found again by the state, it counts as one, but the FDA counts it as two. The fines go up progressively up to \$11K, at which point they lose their license.

Mr. Briere provided a copy of a letter he sent to FDA stating what measure they will take. He stated that the person who made that violation was let go. He stated that what they stress the most is to be sure to check IDs - he leaves every day reminding his employees to check IDs. He asked for any more suggested training materials, if available. He asked for any more assistance that may be available.

2. S & H Supreme State Road - (tobacco violation) no one present
S & H Supreme Liquor - (tobacco violation) no one present

Ms. Edge discussed how Mr. Patel was notified and she stated she has not heard from Mr. Patel. She stated that the store has been owned since March and their first FDA violation was sale to a minor. The violation at the State Road location was only 3 days after they opened. The days she inspected, they had not yet opened. She said the issue is, and she is sure Mr. Patel is aware, that the BOH can call them in and ask how this happened but there is no action the BOH can take at this time. She suggested stepping up the frequency of the compliance checks and the FDA will be back within the 3-months to perform inspections. Mr. Weinberg asked if the BOH could let the FDA know that the BOH has reached out to Mr. Patel. He asked if it would have any effect if the FDA knew the BOH has requested Mr. Patel to appear and he failed to show. Ms. Edged stated no, it would not have any bearing, but asked if the BOH wanted her to, she would. Mr. Harkins stated he would like to see the frequency stepped up. She noted that with liquor licenses violations in other towns, the Selectmen are notified because of the language on the license. Any violations are reported to the selectmen, but if it was not a liquor violation, no action is usually taken other than a note is placed in the file noting the activity.

Mr. Harkins asked Ms. Edge to coordinate with Ms. Paquet. She asked if the Board wanted her to let the BOS know that Mr. Patel did not show today. The members agreed for her to do that.

7:25pm – Variance Hearing: Len Potter for 7 Crane Ave., John Medeiros.

Mr. Potter was present for a failed septic system for a 2 bedroom home.

Variances requested:

- SAS setback from site well, 53 feet vs. 100 feet;
- SAS setback to 2 Crane Avenue, 89 feet vs. 100 feet; and

-Tank setback to site well, 33 feet vs. 50 feet

ConCom has approved. There are no wetlands. Mr. Swartz had the returned green cards and no abutters were present.

MOTION by Mr. May to approve as listed above conditional on hold harmless agreement and 3-years well testing. Seconded by Mr. Weinberg. Unanimous.

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting.

Director of Public Health. Matt Brennan sent a letter to the Board resigning. He has accepted better terms at his current position in Weymouth. Therefore, there is no candidate for the Director of Public Health for Westport. Mr. Harkins stated that the Board has spoken to the Chair of the BOS and they would like to take a step back and look at hiring a Senior Agent at this point. They have had to look at dropping the Town Nurse for now to make up the gap for the Director's salary. Mr. Harkins still feels that the Town needs a nurse and he feels the BOH should look to fill a Senior Agent and a Nurse.

Mr. May feels that the Board should try one more time to seek out an Executive Director. There was discussion on the merits of having a director. Mr. Weinberg felt there was no harm in advertising the position as a first step and then look at the position description and identify what they want in it to include the Senior Health Agent aspect. Mr. Harkins stated that the Senior Health Agent has all the criteria the director position will have. He also feels that there is a need for a town nurse. Mr. Weinberg also noted as far as the director, he suggested advertising to see what candidates apply. Mr. May suggested looking for a town nurse as well as the director position. Mr. May suggested one more push too for a director and look at the senior agent position.

Members will look at job descriptions and then call a special meeting at the beginning of the year.

MOTION by Mr. Weinberg to adjourn at 9:00 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Philip Weinberg, Secretary
John R. Swartz, Health Agent
Absent: Maurice E. May, Vice-Chairman

MINUTES

November 13, 2017-reg. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.

SIGNATURE'S NEEDED

Bi-Weekly Bills - signatures rendered.

AGENT INSPECTION/REPORTS

Inspections - Noted.

OTHER BUSINESS

1. Monthly Pump Out Reports. Noted.
2. Pat Kershaw/re: Nurse Position Outsource Information. The members were of the opinion that the services the Town Nurse provides is important and they should do whatever possible to fill the position. Mr. Harkins would press the BOS for advertising the position and filling it.
3. Mattress Recycling Program and New Container. **MOTION** by Mr. Weinberg to accept a 5 year agreement. Seconded by Mr. Harkins. Unanimous.
4. December Schedule. Members agreed upon Monday, December 11 and Tuesday, December 26, 2017 and Monday, January 8 & 22, 2018.

OUTGOING

Noted.

PLANS REVIEWED BY AGENTS

1. 1464 Drift Road (M-56A/L-59A) Lesley Sweeney Denoia, 5B Repair. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.
2. 354 Sanford Road (M-23/L-8) Walter Golembowski, 4B/Commercial Upgrade. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.
3. Fisher Road (M-40/L-39) Robert Silva Jr. & Jeffrey Giovannini, 3B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.
4. Country Club Lane (M-88/L-208B) Jonathan & Katherine Adams. 2B NC. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.

APPOINTMENTS

7:15pm – Variance Hearing: Outback Eng. for 25 Hebert Terrace, Jean-Louis Clapin.

Tom Morris from Outback Engineering was present. Abutters Evelyn Mercier and Richard Lavender of 142 State Road were present and stated they did not have an issue; they were simply interested in knowing where the property lines were in relation to the plan.

The applicant is repairing and upgrading the system by installing a 2,000 gallon monolithic 2-compartment tank with pump in second compartment along with 30 Quick-4 low profile chambers.

The following variances were requested:

- Setback from leaching field to lot line, 6 feet vs. 10 feet
- Setback from septic tank to lot line, 4 feet vs. 10 feet.
- Setback from leaching field to existing foundation, 10 feet vs. 20 feet.
- Setback from proposed septic tank and existing foundation, 5 feet vs. 10 feet.
- Reduction to groundwater separation, 3 feet vs. 4 feet.
- Reduction of deep holes per disposal area, from 2 to 1.

MOTION by Mr. Weinberg to approve subject to ConCom approval and a Hold Harmless Agreement. Seconded by Mr. Harkins. Unanimous.

7:20pm – Discussion: Sitec, Inc for 222 State Road, Sousa-Proposed Septic System

Sean Leach of Sitec Inc was present. He addressed the flow rate as was requested.

They have performed some exploratory testing but the month has been high precipitation and they will need to do a de-watering perc. He explained that as of January 1, there will be no more Class II licenses granted by the Board of Selectmen and they will now need to go before the BOS to request assistance in an extension, if at all possible. Mr. Harkins said he would like to know the status before the next meeting.

Mr. Leach stated that they are hoping to have a 50% reduction, which would also reduce the size of the system. Mr. Weinberg suggested, due to there is no variance for new construction, to allow for a type of agreement document. Mr. Weinberg suggested working out the details with Mr. Swartz so that Mr. Weinberg could draft a document. They would need to meet with the BOS on 12/11/17 and then attend the BOH meeting. Mr. Leach stated they would address the BOS.

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting

Kathy Feininger asked the Board if there was an update for position of the Director of Public Health. Mr. Harkins stated that they would be advertising in search for a Director.

She also asked if Mr. Harkins was given a copy of the animal registry that has been worked on by Darren Mendes and Donna Lambert. Mr. Harkins stated that there is also more info coming from the state DPH and that he has not had a chance to review it.

MOTION by Mr. Weinberg to adjourn at 7:45 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

November 27, 2017-reg. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. The vote was two in favor with Mr. May abstaining because he was absent.

SIGNATURE'S NEEDED

Bi-Weekly Bills - signatures rendered.

AGENT INSPECTION/REPORTS

1. John Swartz: Daily Log Report – 9/29/17 thru 12/05/17 - Noted.
2. Ray Belanger: Daily Log Report - 9/28/17 thru 11/29/17 - Noted.
3. Agent Inspections - Noted.

COMPLAINTS

1. New Complaints: Pending/Completed. Mr. Harkins noted the chicken complaint and suggested a letter should be sent to the owner. **MOTION** by Mr. May to send a letter to the owner asking that they contain the chickens or they should be removed. Seconded by Mr. Weinberg. Unanimous. Regarding the junk cars for Fralik, Mr. Harkins asked for a follow up.
2. 651 & 655 Main Road-Shared System Documents Received, BOH Approval Required. It was noted that there is a shared well on location. Mr. Weinberg noted that there should be a standard minimum balance retained for a pump out for two units. Currently it is set at \$300 for a single. In the future, there needs to be a determined amount that reflects a particular reason for that fee. Members agreed to take this discussion up at a later meeting.

CORRESPONDENCE-Needing No Action

1. DEP(copy)/re: Notice of Responsibility at 37 Charlotte White Road, Release of Motor Vehicle Fluids. Noted.

OTHER BUSINESS

1. **Monthly Pump-Out Reports.** Noted.
2. **John Swartz/re: Vacation Request.** **MOTION** by Mr. May to grant the request. Seconded by Mr. Weinberg. Unanimous.
3. **Special Agent-Vacation Coverage.** **MOTION** by Mr. May to appoint Fred Ponte in the absence of Mr. Swartz. Seconded by Mr. Weinberg. Unanimous.

4. **Three (3) New 30 Yard Containers for the Transfer Station.** The cost is 4,300 each plus 700 for shipping each. **MOTION** by Mr. May to purchase three (3) new 30-yard containers for the transfer station. Seconded by Mr. Weinberg. Unanimous.
5. **Nine (9) Unusable Containers at the Transfer Station.** It was discussed that the containers should be advertised for sale through Muni Bid, however, it would be more fruitful for the town to deal with a local vendor. This could be still done through Muni-bid with local vendors. **MOTION** by Mr. Weinberg to solicit three (3) bids. Seconded by Mr. May. Unanimous.
6. **Community Betterment Grant Program.** Mr. May explained the program. **MOTION** by Mr. May to send the BOS the BOH recommendation for Town Meeting a request to refund the Community Septic Betterment Program by an additional \$500K. Seconded by Mr. Weinberg with discussion. Unanimous.
7. **Proposed Pig Regulation Changes.** Mr. Weinberg and Mr. May met and formulated the current draft. There were two issues that need resolution. First, the intent was including piglets in determining the number of pigs for a piggery permit. Mr. May stated that the current piggery permit for 1-4 pigs, include a large number of pigs because piglets are not included. He would like the permits for 1-4 pigs to include piglets going forward. Mr. Harkins stated that if it's a non-breeding operation, it should include piglets. Mr. Weinberg stated that the regulations currently do not regulate piglets until they become pigs. The intent is to have piglets count in the 1-4 permit.

The second issue concerns the transfers of permits. Mr. May would require the new owner apply for a new permit. Mr. Weinberg agreed that there would be no transfers. Mr. May wants to remove grandfathering altogether. Mr. Harkins does not want to remove grandfathering. Mr. Weinberg stated that following what was done in the prior regulations, the grandfathering was for proximity to well: setback of 100 feet to a well. Mr. Weinberg stated that there are provisions for a variances.

Mr. Weinberg stated that when combining large and small piggery, he identify 3 exceptions to do with large scale piggery are the 250 foot setback; adequate personnel and feeding structure. He also identified, adequate shelter, fencing feeding no meat products and more - and for the purposes of the draft he asked the members to provide any other items that would also apply in their opinion to small operations. He noted large piggeries would be 150 feet from the road and small piggeries 100 feet from the road and both maintain 250 feet from a water supply. He also noted the time set for addressing a violation - the amounts of the fine and intervals. Members were in agreement.

Mr. Weinberg stated that he will begin to draft of the public hearing notice for a December 26 public hearing and will concurrently send a message to AgCom for their feedback. Mr. Harkins stated if timing for advertising the notice fits then it is acceptable.

OUTGOING

Noted.

PLANS REVIEWED BY AGENTS

1. 1634-V Drift Road (var. hearing on Oct.16) Replacement Plans Submitted for Proposed Well Location showing 100 ft away. All members received a copy. Mr. Weinberg asked the applicant return with the correct/new drilled well. **MOTION** by Mr. Weinberg to suspend action on plan before the Board until well is drilled and determined there is potable water. Seconded by Mr. May. Unanimous.

2. 416 River Road (M-87/L-48B) Nathalie Palmer Estate, from 3B to 5B Upgrade. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
3. 9 Grinnell Court (M-21/L-10CD/SL 87) Briggs Landing LLC, 3B NC. Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
4. Pine Hill Road (M-37/L-1A) Anthony & Anne Marie Domagna, 4B NC. Mr. May to approve conditional on ConCom approval. Seconded by Mr. Weinberg. Unanimous.

APPOINTMENTS

7:15pm – Variance Hearing: Alan Heureux for 79 Union Avenue, Webb/Faria.

Mr. Heureux was before the Board. The property is being sold to a family member. The cesspool as noted in the plan has a grey water pit associated with it. The kitchen and laundry conduit to the grey water pit.

The request is to waive the design to allow for a new leaching bed to be 3 feet above seasonal high groundwater for a new single building sewer through the old stone foundation. ConCom has signed off, there are no wetlands within 100 feet.

MOTION by Mr. May to allow the waiver to 3 feet vs 4 feet separation from Groundwater. Seconded by Mr. Weinberg. Unanimous.

7:25pm – Discussion: Sitec Inc. for 222 State Road, Sousa-Proposed Septic System.

This appointment has been tabled at this time to a future meeting.

MOTION by Mr. Weinberg to adjourn at 8:00 p.m. Seconded by Mr. Harkins. 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: William M. Harkins, Chairman
Maurice E. May, Vice-Chairman
Philip M. Weinberg, Secretary
John R. Swartz, Health Agent

MINUTES

1. December 11, 2017-reg. Tabled.
2. December 18, 2017-Special meeting. **MOTION** by Mr. May to approve. Seconded by Harkins. The vote was two in favor. Mr. Weinberg abstained because he was absent.

SIGNATURE'S NEEDED

Bi-Weekly Bills - signatures rendered.

AGENT INSPECTION/REPORTS

Mr. Harkins reviewed the reports for the members.

1. John Swartz: Daily Log Report - Noted.
2. Ray Belanger: Daily Log Report - Noted.
3. Agent Inspections - Noted.

COMPLAINTS

New Complaints: Pending/Completed. Noted.

1. Mr. Harkins reviewed the clam shell odor complaint from Grand Pine Way. Mr. Swartz has visited the site several times and found no odor possibly because it's too cold but nothing is visible either.
2. Roaming chickens complaint results show none.
3. Water pumping out from a cellar on Second Street, which is a private street; Mr. Swartz was asked to check back again.

CORRESPONDENCE-Needing No Action

DEP(copy)/re: Notice of Responsibility/NonCompliance, Oil Release at 830 River Rd. Noted.

CORRESPONDENCE

1. BBC(copy)/re: Inadequacy of Current Regulation Proposal for Nitrogen Reduction. Noted with discussion on the proposed by-law.
2. WPNeighborhoodAssoc(copy)/re: 2065 Main Road Change of Use Zoning Violation. Noted with discussion on the commercial use and non-commercial use.
3. K&K Fennelly/re: 2065 Main Road, Non-Renewal of Lease for Revolution Lobster. Noted with Mr. Harkins reading letter stating the proponents closing this business. Mr. Weinberg stated that this would be a good opportunity to let the Fennelly's know that there is a procedure if they were to enter into a commercial use and he suggested that a letter go to them explaining that the residential use and difference in procedure in commercial use. Mr. Harkins suggested the letter state that they need to obtain from the Building Department and the Zoning Board of appeals in the event they want to

use the apartment for other than residential use. **MOTION** by Mr. Weinberg to send a letter as suggested by Mr. Harkins. Seconded by Mr. May. Unanimous. Mr. Harkins asked Mr. Weinberg to draft the letter.

OTHER BUSINESS

1. Monthly Pump Out Reports. Noted, no comments.
2. 651 & 655 Main Road-Shared System Documents Received, BOH Approval Required. This was discussed at the last meeting but no vote was taken accepting paperwork that was submitted. **MOTION** by Mr. Weinberg to accept the paperwork submitted for the shared system, easements and the financial assurance mechanism. Seconded by Mr. May. Unanimous.
3. Ray Belanger/re: Non-Criminal Disposition. In reviewing the pig regulation and other regulations – there should be a blanket statement referencing a non-criminal disposition. Mr. Weinberg stated that there is a general non-criminal disposition by-law that covers anyone who has authority over a regulation allows that authority to take the non-criminal disposition route. As part of that specific By-law, there is reference to the tobacco non-criminal disposition. He suggested the Board have Town Counsel review. Mr. Weinberg will also confer with the agent and look at what other regulations would apply.
4. Unusable Containers at the Transfer Station. Mr. May stated that several containers are ready to be removed. He spoke with Mr. King and it was suggested the new containers be ordered and then put the surplus out for bids from the 3 local recycling companies. The new containers have been ordered and should be delivered by the 1st of February.
5. Proposed Pig Regulation-Renewal Applications vs. Proposed Revised Combined Pig Regulation. Not Finalized Yet. Mr. Weinberg stated that he proposes that if the draft regulation was going to be applicable to the 2018, the existing permits would just carry over from 2017 and once the new regulation was enacted, the renewals would be processed. There was a small number of renewals that happened anyway. He is suggesting holding any further renewal applications and notifying the applicants that the new regulation is forthcoming. If not, a whole year would be lost. **MOTION** by Mr. Weinberg to hold any renewal applications pending the issuance of the revised pig regulations. Seconded by Mr. May. Unanimous.
6. Nurse Vacancy. Mr. Harkins stated that he has been getting a lot of push back from the BOS in filling this position. He asked the members to weigh in on what they would like to do. For next year's budget, the Town Administrator has removed that line item for \$33,500. Mr. Harkins noted that the BOH does not need approval to hire a Town Nurse. Discussion ensued. The members felt they could vote the budget to include the position and if necessary, defend the position at town meeting. At the moment, they would like to do some research on the position and bring it back to the agenda in 1 or 2 meetings.
7. Roll-Off Truck Bids-Chairman Has Copies. Mr. Harkins is reviewing them and have other people review. Decision is to be made afterwards.
8. Budgets-Review and a Vote of BOH Approval. For the Director position, they would like to retain at \$85K. The other items are the same, which includes keeping the nurse's position. The overtime budget was also discussed. Mr. Harkins also noted that fees will need to be reviewed to cover some of the budget items. Members agreed to the figures before them. **MOTION** by Mr. May to accept the Board of Health budget in the amount of \$314,494. Seconded by Mr. Weinberg subject to looking at the nurse line item. Unanimous. **MOTION** by Mr. Weinberg to accept the Transfer Station budget in the amount of \$266,389. Seconded by Mr. May. Unanimous. Mr. Weinberg asked about the letter to Mr. Torres and asked how to handle the permit. Mr. Harkins stated they were issued a permit for last year. Before a new permit is issued, the issues will be rectified.

OUTGOING

Noted.

PLANS REVIEWED BY AGENTS

1. West Normandin Street (M-18A/L-11,146) Lakeview Park Inc., 4-B NC. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. 1524 Drift Road (M-57/L40) Sandy Brown, Upgrade from 3 to 4 Bedrooms. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
3. 1446 Main Road (M-56/L-4) Jeff Maduro, 3-B Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

APPOINTMENTS

7:15pm – Variance Hearing: Len Potter for 29 Osborn Street, Albert Santos.

Abutter Teresa Dias of 16 School Street was present.

Mr. Potter explained the repair of a failed system on this small lot.

The variance requested is for setback to the abutter's well, 57 feet vs. 100 feet.

Mr. Harkins suggested the system be rotated so that it would be 90 feet from owner's well and approximately 68 feet from the abutter's well. Mrs. Dias objected as her land is lower. The members explained that the proposed system would be an improvement to what is there now. Discussion ensued over well testing and the liability passing the burden to the proponent for any possible future failure. Mr. Potter will return in 2 weeks with a revised plan. The staff is to call Mrs. Dias to let her know when and what time Mr. Potter will be returning.

MOTION by Mr. Weinberg to adjourn at 8:00 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk