

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**

December 11, 2017 (corrected). **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

#### **SIGNATURE'S NEEDED**

Bi-Weekly Bills - signatures rendered.

#### **AGENT INSPECTION/REPORTS**

Inspections - Noted.

#### **OTHER BUSINESS**

1. Monthly Pump Out Reports. Noted, no comments.
2. Roll-Off Truck Bids-Chairman Has Copies. Mr. Harkins stated he has reviewed the bids and he will want to choose the 2<sup>nd</sup> lowest bid because it is a better quality. He will review with the Town Administrator next.

#### **OUTGOING**

Noted.

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

1. Macomber Lane (M-89/L-113) Sally Brayton, 2 Bedroom NC. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. 91 Blossom Road (M-2/L-17B) C.I.L. of Mass., 4 Bedroom Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
3. Charlotte White Road (M-65/L-1A) Luis & Stacy Correia, 4 Bedroom NC. Members did not approve pending additional information about the proximity of the tank to a wetland resource.

#### **APPOINTMENTS**

**7:10pm – Variance Hearing Cont'd: Len Potter for 29 Osborn Street, Albert Santos.**

Mr. Potter revised the plans from the last meeting. He cut the number of rows and made leaching field longer to move it farther away from the abutter who was opposed to the prior design.

Variances requested:

- Setback to site well, 90 feet vs. 100 feet
- Abutter at School Street 76 feet vs. 100 feet

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

**7:15pm – Variance Hearing: Mark Rodrigues for 8 Second Street, Nicholas Hannon, II.**

Abutter notifications were present – no abutters were present. The failed cesspool on a small 2 bedroom lot will be replaced by a monolithic tank due to concerns of high water table. They had performed a sieve test.

Variances requested are:

- 12 Second Street well, distance 70.5 ft. vs. 100 ft.
- 4 Second Street well, 82 ft. vs. 100 ft.
- Site well, 71 ft. vs. 100 ft.
- Setback to two property lines to the rear of 7 ft. vs. 10 feet.

**MOTION** by Mr. May to approve conditional on well testing, hold harmless and a 2-bedroom deed restriction. Seconded by Mr. Weinberg. Unanimous.

**7:20pm – Variance Hearing: Wendy Henderson for 278 Howland Road, O'Connor Family.**

Variance requested for failed system: Setback to site well, 72 ft. vs. 100 ft.

**MOTION** by Mr. May to approve conditional on well testing, hold harmless agreement. Seconded by Mr. Weinberg. Unanimous.

**7:25pm – Hearing: Jermias Torres for Pig Issue at 212 American Legion Hwy.**

Present were Jerimias Torres and Faye Roies.

Mr. Harkins stated that the agreement was that the pigs were to be gone by November 30 and that did not happen. The Board had them take a permit out since they never had one to begin with. Mr. Weinberg also stated that there was a concern about the shelter because it did not meet the minimum requirements for safety. The agreement was that the pigs were to be removed. Mr. Torres said the people from the state told him the shelter/box for the pigs was ok.

Mr. Harkins noted that there will be changes in the pig regulation and the Board will be in touch and an agent will inspect. He explained that under the new regulation conditions, Mr. Torres will need to apply for a piggery permit that will require a public hearing.

**7:35pm – Hearing: Greg Andrade (Arrowhead Farm) Pig Issue at 191 Division Road.**

Mr. Andrade was present. Mr. Harkins asked what the status of the farm is. The last time he was before the board he had removed half the pigs. Mr. Andrade stated he now has 50 pigs and will run the farm with this number. Mr. Harkins stated that in a conversation he had with Mr. Andrade in the hall, he felt that there was no reason not to disallow this activity but he would need to have an agent inspect and the building inspector inspect the shelters. Mr. Harkins stated that he would also need to provide a manure plan and move the shelters away from the road. Mr. Andrade stated that he does not intend use those anymore.

Abutter, Mr. Gauvin of 188 Division Road was present and stated that he is not in favor of they being issued a permit. The area is not habitable. He has spoken to DEP and there is an outstanding notice of

non-compliance on this property. The property was abandoned two summers ago and no one noticed until he came to the meeting. He said there is a question of a water source. He also noted that Andrade was supposed to follow the Best Practices and then Mr. Andrade said he was going to shut down the farm. Now he is going to continue and there are unresolved issues.

Mr. Harkins stated this is duly noted. Because he is already a piggery in operation, there is no public hearing requirement. He asked Mr. Andrade to supply a plan and said that an agent would be conducting an inspection.

## **PUBLIC HEARING**

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### **7:45pm – Proposed Consolidation of Pig Regulations with Revisions**

Mr. Weinberg read through the proposed regulation summary. The amended regulation consolidates two into one regulation.

Mr. Gauvin was opposed to grandfathering; dead pigs were found in his yard or the piggery yard because the other pigs might eat it. Mr. Harkins wants a call to be made to the BOH in all these cases.

Constance Gee from River Road asked about the proposed septic system regulation by-law where several reviewers felt that a 200 ft. setback to the river was not enough and so how could the setback from a piggery be appropriate. Mr. Weinberg stated that under Title V, it is different and that none of the other regulations that he looked at related to farms and therefore he included a distance that other communities were using to address the deficiency here.

There were no further questions from the audience.

**MOTION** by Mr. Weinberg to accept the final draft dated 12-12-17 as the new combined piggery regulation. Seconded by Mr. May. Unanimous.

**MOTION** by Mr. Weinberg to adjourn at 8:20 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:00 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**

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1. Dec. 26, 2017 reg. **MOTION** by Mr. May to Approve. Seconded by Mr. Weinberg. Unanimous.
2. Jan. 08, 2018 reg. **MOTION** by Mr. May to Approve. Seconded by Mr. Weinberg. Unanimous.

## **SIGNATURE'S NEEDED**

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1. Bi-Weekly Bills - signatures rendered.
2. Piggery Regulation. **MOTION** by Mr. May to make the new consolidated piggery regulation effective February 1, 2018. Seconded by Mr. Weinberg. Unanimous.

## **AGENT INSPECTION/REPORTS**

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Inspections. Most are being renewed however, there are still some Inspections that are outstanding. Mr. Harkins highly encouraged the listening public who require inspections through the BOH to come in to get their renewals or face being closed down.

## **COMPLAINTS**

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1. Complaints: Pending/Completed.
2. 12/18 Correction Order Follow Up Inspection-201 Tickle Road.

Regarding the matter of the anonymous complaint, Mr. Harkins reviewed for the members, no further information.

## **CORRESPONDENCE-Needing No Action**

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1. DEP(copy)re: Administrative Deficiency-Draft Groundwater Discharge Permit for Edgewater Apartments, 87 Sanford Road. Noted.
2. Edge Env.(copy)re: IRA, ROS Status & RMR Report, Route 6 Gas, 162 State Road. Noted.

## **CORRESPONDENCE**

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1. Flowmaster/re: Request for a Waiver of the Late Renewal Fee. Due to unforeseen circumstances, they are asking for a waiver of the late fee. **MOTION** by Mr. May to approve waiving the \$17 late fee. Seconded by Mr. Weinberg. Unanimous.
2. Strategic Materials/re: Franklin Facility Cease the Acceptance of Glass as of 1/22/18. Noted.

### **OTHER BUSINESS**

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1. Monthly Pump Out Reports. Noted.
2. February & April Schedule for Meetings on Holidays. Members unanimously approved dates as suggested Feb 5 & 20, March 5 & 19 and April 2, 17 & 30.
3. Roll-Off Truck Bids Rejected and Starting the Process Over. Bids were sent out again because of deficiencies. Mr. May noted the 3 new containers were received and the Administrator will auction the remaining 7 containers.
4. Final Articles for Approval-Septic Betterment Program & Vaccine Revolving Account. Noted. Mr. Harkins read the articles that would allow applying to the state for septic betterment loans and to continue the vaccine revolving account. **MOTION** by Mr. May to approve both articles as written. Seconded by Mr. Weinberg. Unanimous.
5. Noquochoke Orchard Complaint & Fire Dept. Report-Discussion. Mr. Weinberg saw black smoke, which is caused by burning vegetative material and plastic containers. He noted that there is a limited amount of material that farmers could burn but there was no burn permit issued. He stated that Fire Fighter Baldwin was on site. The Fire Department spoke to Mr. Smith and there was not enough there to issue an enforcement action. Mr. Weinberg suggested reminding him what is burnable in a letter. The burn pile was below down by the campsite and may not have been a nuisance but not permitted anyway. **MOTION** by Mr. May for Mr. Weinberg to send a letter. Seconded by Mr. Weinberg. Unanimous.
6. Non-Criminal Disposition Discussion. Mr. Weinberg stated that all the BOH regulations that have penalties, these are criminal actions and the alternative is for non-criminal disposition up to \$300 but it requires a town by-law that allows for this and if so if it is sufficient to cover the BOH regulations. He spoke with the attorney for the MA Association for the MA Boards of Health and it was her opinion that it covers all the BOH regulations. Mr. Weinberg can adopt a blanket regulation for purposes of clarity. Mr. Harkins asked if a blanket could be done. Mr. Weinberg stated that if the BOH adopts additional regulations the blanket coverage would cover that.
7. Syringe Disposal-Discussion. Mr. Weinberg stated he has spoken with the Fire department as they have a syringe disposal contract for their EMS. He asked, in the absence of a town nurse, to set up a system to be able to go to the Fire Department. He also spoke with the Chief who asked to know what the volume was coming through the nurse. He also reached out to Kathy Burns to get an idea and also the vendor. He is still awaiting answers and then there is the issue of logistics at least until a nurse is hired.

8. Nurse Vacancy-Discussion. Mr. Harkins stated the town is looking to see if there is a need for a nurse and if there is a possibility of sharing the school nurse. They are awaiting word from the superintendent but there are some issues such as union position at school, non-union at town; 6-8 hours of school nurse, town nurse 20 hours per week. He has asked the cost of their nurse so he can balance it with what is in the BOH budget of \$35K and weigh that with other benefits. Mr. Weinberg stated the school is interested in ways that are community wide services
9. Revised Pig Regulation-Effective Date & Inspections. The effective date is Feb. 1, 2018. Mr. Weinberg stated that before the close of 2017, he suggested holding 2018 renewals until this new regulation was issued but the efficiency of the office sent most of them out. Through changes in the regulations, breeding operations are considered large operations and by including piglets this would cause small piggery permits to now be large piggery permits. He would like to issue an informational memo to all of the permit holders with a copy of the regulation that would change their status and note the setback. Once it is known if it needs to happen for several people or more than that, then the BOH could formulate a strategy. The new regulations would apply regardless if any of them were already issued. He circulated a draft memo and asked the members to approve it. Members were in agreement and stated to proceed as planned.
10. Noquochoke Village Issue. Pam Costa and Bob Alves, abutters to the Noquochoke Village construction site were present. The January 12, 2018 storm created issues with containment of on-site stormwater. Mr. Harkins stated as a result of the breach, the abutters well was impacted. Cloudy water was observed out of their faucet and mud in the toilet. Samples were taken by the BOH and these tested positive for coliform but no VOCs. Mr. Harkins stated that at the 1-16-18 Planning Board meeting, the contractor felt the town was at fault blocking the culvert because there was no problem with containment. Mr. Harkins stated the Planning Board had a video that the berm was breached before that point and the Highway Department built berms on the access roadway to protect the abutter's property. Mr. Harkins stated that this is an indication the contractor is clearly not meeting their responsibility. Mr. Harkins is trying to establish who issued the permits from a legal standpoint before sending a draft letter to town counsel.

Ms. Costa stated that the septic is still being inspected. The distribution box was frozen and it is planned to be inspected tomorrow. The well will also be inspected. It is estimated that the well is approximately 75 feet deep. There is no pump at the bottom, the pump sits on top of the bladder tank.

Mr. Weinberg asked if one or more of their permits was not compliant. Mr. Harkins stated he has a copy of the permit requirements.

Mr. Harkins read the draft letter to the abutter that is planned to be delivered to the contractor. However, once he learns who the issuer of the permits are, these would be addressed more clearly. He would then have town counsel review the draft.

Mr. Alves has a contact at Mass Highway for him after the meeting. He said he spoke to him this week and was told there is no permit in place to discharge at this time though the state culvert.

**OUTGOING**

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Noted.

**PLANS REVIEWED BY AGENTS**

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1. 18 Tripp Drive (M-5/L-1AH) Edward & Joan Podesky, 3B Repair. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.
2. 49-55 R Drive (M-23A/L-401) Double B Capital Group, 8B Repair-Sieve Analysis approval also required. The plans had an error, and will be resubmitted for the next meeting.
3. 581A Drift Road (M-53/L12,12A/SL-2) Joan Amaral, 2B Repair. **MOTION** by Mr. Weinberg to approve subject to ConCom approval. Seconded by Mr. May. Unanimous.
4. 581B&C Drift Road (M-53/L-12,12A/SL-1) Joan Amaral, 2 Dwellings, 3B & 1B Repair. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.

**APPOINTMENTS**

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**7:10pm – Discussion: Sitec (Dan Aguiar) for Charlotte White Road, Luis CORREIA.**

At the 1-8-18 meeting, the Board did not approve tank for new construction because it is within 100 ft. of wetlands, which is not consistent with the by-law.

Mr. Aguiar stated that it was his understanding, in past practice, that the tank has been placed beyond 25 feet of the bordering vegetative wetland. The by-law states that leaching fields cannot be in the wetlands. Mr. Weinberg stated that, independent of this case, he's read the by-law that no sewage disposal system can be constructed within 100 ft. of wetlands. Title V, when written, makes a distinction between leach field, tank and system as a whole and also the types of lots.

He asked how problematic would it be to move the tanks outside the 100 ft. area to avoid the conflict. Mr. Aguiar stated that his concern is not just limited to just this plan as there are other projects. He noted the Town's by-law increased the 50 setback from leach field to wetlands to 100 ft. He does not feel that it's the intention of the by-law as any component within that area could prohibit building a home. Mr. Harkins stated that it was his opinion that the by-law was intended for lot that already had been created and not for new construction. Mr. May noted the BOH is trying to protect the wetlands and asked if this tank would leak. Mr. Aguiar stated that the issue is the water table or ground water that is a concern and as a requirement of Title V, all pipes must be above the water table and not in it due to any possible leakers.

Mr. Weinberg's reluctance is it is a Town By-law not a BOH regulation. Mr. Aguiar stated that what the by-law should have done is made the distinction. Mr. Potter stated that it was a 1987 by-law and the question was how it is going to work. The intent at the time was that any lots in existence were not affected. He does not see the tank as a threat as long as the leaching field is kept out. It has been approved since 1987. Mr. Harkins asked to table the discussion so he can check with Town Counsel for their interpretation. Mr. Potter stated that it was a BOH sponsored

by-law at the time. Mr. Aguiar asked where this lot stands. Mr. Harkins stated that it should not take long to get an opinion from Town Counsel.

Mr. Aguiar asked if the reply from Town Counsel is going to take a long time because the owners were expected to have an approval on 1-8-18 since they have a construction loan that has started already. Mr. Weinberg stated he is not comfortable denying this since he does not know what the result of the review will be.

**MOTION** by Mr. May to approve the plan dated 1-20-18 showing the 25 ft. dimensions. Seconded by Mr. Weinberg. Unanimous.

**7:15pm – Variance Hearing: Len Potter for 550 Adamsville Road, Barbara Texeira.**

Mr. Potter is repairing a failed septic system for a 3-br home. He will need to construct a retaining wall.

Variances requested:

- Setback from SAS to basement wall, 15 ft. vs. 20 ft.
- Setback from SAS to wetlands, 20 ft. vs. 50 ft.
- Setback to owners well, 56 ft. vs. 100 ft.

**MOTION** by Mr. Weinberg to approve the plan with the requested variances subject to ConCom review, well testing and a hold harmless agreement. Seconded by Mr. May. Unanimous.

**7:20pm – Public Hearing: Mike Perry, 592 Sodom Road-Large Pig Permit Application for up to 30 pigs.**

Mr. Perry has demonstrated that all setback and requirements have been met. The Agent performed an inspection to verify all was in order. Mr. Weinberg asked if there were any streams that ran by the manure pile. Mr. Perry stated there were none.

Mr. Perry produced the postal green cards indicating abutters were notified. There were no abutters present. Mr. Weinberg asked when the application was sent out, the BOH was not including piglets in the count and perhaps the piglets need to be included. Mr. Harkins stated the Board needs to discuss. He felt that the piglets are counted if a small or large permit was going to be applicable.

**MOTION** by Mr. May to approve the large piggery permit for Michael Perry at 592 Sodom Road. Seconded by Mr. Weinberg. Unanimous.

**7:30pm – Discussion: Len Potter for 1945 Main Road, Caroline Bolter-Installation of a Sandwich De-nitrification System.**

The system is a failed cesspool that needs repair.

The proposed system is a Geomatrix Unit Sandwich System (approved in Mass). It is a geomat layered over sand and it is dosed with effluent 3 times per day. This is a de-nitrification system.

He stated the Buzzards Bay Coalition is offering a low interest loan to this owner to install this type of system. The applicant was granted a fee waiver on 6-26-17. Mr. Weinberg asked if this



still requires a maintenance contract. Mr. Potter stated that yes it does and that it is passive and a relatively low maintenance.

**MOTION** by Mr. Weinberg to approve the plan conditional that the BOH receive copies of the regular maintenance reports and effluent testing subject to ConCom approval. Seconded by Mr. May. Unanimous.

**MOTION** by Mr. May to adjourn at 8:58 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 7:02 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

### **MINUTES**

Jan. 22, 2018 reg. **MOTION** by Mr. Weinberg to accept as amended. Seconded by Mr. May. Unanimous.

### **SIGNATURE'S NEEDED**

Bi-Weekly Bills - Signatures rendered.

### **AGENT INSPECTION/REPORTS**

1. John Swartz – Daily Log 12/06/17 thru 01/31/18
2. Ray Belanger – Daily Log 12/06/17 thru 01/24/18
3. Inspections.

**MOTION** by Mr. Weinberg to accept. Seconded by Mr. May. Unanimous.

### **COMPLAINTS**

Pending/Completed

1. 148 West Beach Road: **MOTION** by Mr. May to re-inspect septic system once shoring up is finished. Seconded by Mr. Weinberg. Unanimous

### **OTHER BUSINESS**

1. Monthly Pump-out Reports. Noted.
2. Ray Belanger/re: Vacation Request. **MOTION** by Mr. May to approve request. Seconded by Mr. Weinberg. Unanimous.
3. Glass Disposal Issue discussion. Mr. Weinberg stated that the Board of Health received notice that the facility that was processing the glass has closed and there is no other market for the recycled glass at the transfer station. He noted there are 2 roll-offs to hold the glass until something can be arranged. Mr. Weinberg has put a call in to DEP and the manager of the recycling office in Boston to see what can be done. He noted there is a webinar for a group of communities in NH that join forces to recycle glass however, there is a market for someone using the recycled glass. There may be some other options and Mr. Harkins is also looking into.
4. Pig Issue-Torres, 212 American Leg. Hwy. Mr. Harkins noted that the Board had spoken to Mr. Torres several meetings ago. Mr. Harkins reported that the agent took a look and found serious issues. Distances and setbacks were within the parameters of the regulations and also with the cement slab. The issue was cleanliness with the areas inside and outside and it was questioned if there was adequate water for cleaning and staff for maintaining. The inspector found no one home and continued on to inspect the area. He found pig tracks where the animal had escaped the enclosure and saw that it was not adequate fencing for the pigs. The housing was also found to have over a foot deep with fruit and vegetable over an un-cleaned area in certain areas. There are photos by the agent in the record file.

Mr. Harkins suggested writing a letter requiring him to remove the pigs, but would need to determine the date by which the removal should take place and also consider removing the boars to stop any further breeding. Mr. Torres has applied for a 2018 permit, Mr. Harkins told the office to

hold off issuing it until the issues are resolved. Mr. Weinberg suggested that since the BOH has been trying to have Mr. Torres remove his pigs for a long time and if the BOH orders him to remove his pigs before the permit, the Board would have to get a court order to have him remove them. He feels the owner needs to make an investment in his operation. Mr. Harkins said as part of this process, the Building Department will need to look at the structures to make a determination if they are safe. Mr. Weinberg suggested sending a letter and stating that Mr. Torres is in violation of the current regulation and that he needs to come in to show the Board what he has accomplished within a certain amount of time. It's going to cost Mr. Torres in fines or he will have to bring the operation to standards or remove all of the pigs and once this has been tried, the BOH would be in a better position to pursue a non-criminal disposition for Mr. Torres' non-compliance. The Board needs to be very specific with what Mr. Torres needs to meet. Mr. Weinberg will draft a letter to Mr. Torres with a 30 day time limit. Part of the letter will include providing a plan that addresses the need to make any repairs or changes. Mr. Harkins suggested that it be stated clearly that if he is found in violations again, he will be forced to remove the pigs. Mr. Weinberg is not as anxious to collect fines as he is to see the operation brought to compliance. Mr. Harkins asked that Mr. Weinberg include that the boars need to be separated and removed.

Barbara Pontolillo asked if Mr. Torres had his pigs quarantined and for what. Mr. Harkins said it was for possible exposure to raw meat but state testing came back negative.

#### **OUTGOING**

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Noted.

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

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1. 49-55 R Drive (M-23A/L-401) Double B Capital Group, 8B Repair, Apartment Building.

**MOTION** by Mr. May to approve. Seconded by Mr. Harkins. Unanimous. Mr. Weinberg Abstained.

2. 743 Drift Road (M-54/L-3A/SL-1) Claude Levesque, 3B New Construction, Single Family.

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

#### **APPOINTMENTS**

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None Scheduled.

**MOTION** by Mr. Weinberg to adjourn at 7:41 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next meeting to be posted: 2/20/18

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                      Fred Ponte, Agent  
Maurice E. May, Vice-Chairman                      Philip M. Weinberg, Secretary

## **MINUTES**

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Feb 5, 2018 reg. **MOTION** by Mr. May to Approve. Seconded by Mr. Weinberg. Unanimous.

## **SIGNATURE'S NEEDED**

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Bi-Weekly Bills - Signatures rendered.

## **AGENT INSPECTION/REPORTS**

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Inspections. Noted, no other comments.

## **COMPLAINTS**

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Mr. Harkins read the complaints to members and heard comments from Mr. Ponte who further explained his reports.

Discussion ensued over the high amount of stormwater as of late on a private road where a complainant filed a complaint on the abutter's sump pump discharging on his own lawn. Mr. Weinberg suggested sending an informational letter to the complainant that they could have their well tested. **MOTION** by Mr. Weinberg to send an informational letter to the complainant. Seconded by Mr. May. Unanimous.

Mr. Harkins stated on another matter, an abutter to the elementary school is complaining about the runoff and her well. Mr. Harkins stated that ConCom and School Department are looking into it.

Mr. Weinberg stated that a letter was sent out to George Smith but asked the Board if they would want to issue another letter to him asking if he has acquired a transfer station sticker and also follow-up inspecting the kind of wood being burned. Mr. Ponte recommended they perform inspections. Mr. Ponte and Mr. Harkins stated they have gone by the location and found that there was smoke consistent with wood burning and have observed some one and a wood pile.

## **CORRESPONDENCE-Needing No Action**

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1. Mark Schmid/**re:** Note of Thanks to the Transfer Station Staff. Noted.
2. MDAR/**re:** Apiary Program. Noted.
3. DEP(copy)/**re:** Westport PWS ACO, Return to Compliance. Noted.
4. DEP(copy)/**re:** Westport Camping Grounds PWS Sample Schedule. Noted.

## **CORRESPONDENCE**

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1. MDAR/**re:** Notice, Public Hearings for Vegetation Management Plan. MDAR plans Public Hearing for Vegetation plan for maintaining rights of way with pesticides to keep right of ways open; schedule included of what towns will have this. Noted.

2. DEP(copy)/re: Revocation of Laboratory Certification for ETR Lab, Leominster, MA. DEP. Noted.
3. Kerian Fennelly(copy)/re: Request to Building Dept. to Operate an Oyster Tasting Room at Lees Wharf, 2065 Main Road. Copy of letter to Building Department regarding Fennelly requesting an oyster tasting at Lees Wharf. Members discussed the tight tank that was installed only for residential use. Mr. Weinberg summarized where the Board had left off last year on this very matter of residential vs. commercial. He suggested discussing this with the Building Inspector on how he will treat this letter from the zoning point of view. However, if this is agricultural in nature this would be looked at differently. There is mention of small events and Mr. Weinberg was concerned as to what this means exactly. Mr. Harkins stated that any more than 25 persons, they will need a public water supply. He also suggested that they be asked to come to the next meeting to discuss. Mr. Weinberg wants to make it clear that they need to apply to make their variance from residence to commercial use. Mr. Weinberg noted that the Town's right to farm by-law must be in conformance with local regulations and in terms of zoning, they would be covered however, also subject to Title-V. Mr. Harkins asked Mr. Ponte to request the office reach out to Mr. Fennelly to come discuss with the Board.
4. Roberts Assoc./re: Issue with Water Sample Collection for a Variance Approval. Roberts well testing at 248 Sanford Road for a repair at 252 Sanford Road. Roberts has not been allowed to perform any well testing at this address by the owner. The applicant cannot complete the repair of the system. Mr. Harkins stated that the abutter should receive a letter stating there will not be any further testing and that if there are any issues, the abutter making repairs and the Town will not be held responsible. **MOTION** by Mr. May to address a letter to abutter. Seconded by Mr. Weinberg. Unanimous. Mr. Weinberg will draft the letter.

## **OTHER BUSINESS**

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1. Monthly Pump-Out Reports. Noted.
2. Transfer Station Schedule-Easter Sunday Schedule. Employees use a vacation/personal day to spend Easter with their Families. **MOTION** by Mr. Weinberg to close the transfer station on Easter Sunday and to post on the web and at the location. Seconded by Mr. May. Unanimous.
3. Transfer Station rising costs. Mr. May stated he is looking into the economics of the transfer station. He asked to discuss this in 2 weeks. He said the rising costs are due to recycling costs of plastics and glass. Discussion ensued over the current situation. **MOTION** by Mr. Weinberg to write a letter to coordinate other towns in the area to recycle together. Seconded by Mr. May. Unanimous. Mr. Weinberg will draft the letter.
4. Septic System By-law. Mr. Harkins stated he has brought it up to the Board of Selectmen and the next step is to have Town Counsel to review. Mr. Weinberg distributed a draft and said this would be limited to the soil absorption system. He reviewed the document with the members. **MOTION** by Mr. Weinberg to accept the proposed by-law. Seconded by Mr. May. Unanimous. Mr. Harkins will provide a copy to town counsel.
5. Nurse Vacancy. The Board of Selectmen have requested the number of hours and duties that the person would perform. Mr. Harkins will be discussing the position with a nurse at the hospital for assistance. The individual is not interested in the part-time position. Discussion ensued over having someone come in to review the operation as a consulting service to understand what is needed to get up and running. Members will look at the BOH mandate for this position.

## **OUTGOING**

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Noted.

**PLANS REVIEWED BY AGENTS**

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1. 201-203 Davis Road (M-5/L-portion of 4B/SL-1) Aspen Property Holdings, 3-B NC. **MOTION** by Mr. May to approve Lot 1. Seconded by Mr. Weinberg. Unanimous.
2. 201-203 Davis Road (M-5/L-portion of 4B/SL-2) Aspen Property Holdings, 3-B NC. **MOTION** by Mr. May to approve Lot 2. Seconded by Mr. Weinberg. Unanimous.
3. 26 Old County Road (M-35/L-1) Thomas R. Egan, 3-B Repair, no variances required. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
4. 18 Briar Drive (M-22/L-131) Jason Sowersby, 3-B Repair, no variances required. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.
5. 527-527A Main Road (M-69/L-13-14A) Jamie Cory, 4-B Upgrade, no variances. There was an upgrade by one bedroom to the system. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.
6. Briggs Road (M-29/L-15B) Dream Homes LLC, 3-B NC. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

**APPOINTMENTS**

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**7:15 pm – Variance Hearing: Len Potter for 13 Lakeshore Avenue, Yvette Gagnon Est.**

Mr. Potter stated that there is only one abutter at 11 Lakeshore. The septic has to be replaced to repair a failed cesspool. The perc test came out with a 1in in 20min. Mr. Harkins asked why it's considered a 2-bedroom but the realtor has reported it as a 1 bedroom. Potter stated that he checked the Assessor's records and the realtor's listing and found that it was reported as a 2-bedroom.

Mr. Harkins stated that the back porch was converted to a bedroom and it does not qualify as a bedroom because it has an egress to the outside. The building inspector found one bedroom and bath upstairs. Mr. Harkins stated that the Board would not make a ruling this evening as there are too many unanswered questions.

Mr. Weinberg stated that the request for the distance from site well to the SAS is a variance and not just waiver. The variance standards are much higher and there are 2 criteria that the regulations set - the applicant has to demonstrate what is manifest injustice in not complying with standard Title-V conditions in which case it would be a 50 foot vs. 100 foot setback to well. Secondly, that there is an equivalent level of environmental protection and was a procedural part of this because the notice that needs to go out to the abutters is supposed to have a statement that address both of those issues. Mr. Weinberg does not believe that the statement that went out did that. He also feels that on the face of the information that is in the letter, it does not address those issues sufficiently. Mr. Harkins stated that the DEP recommendation would be to have them use a tight tank and a deed restriction for a one-bedroom.

Mr. Weinberg stated that if the applicant is willing to do the study stating that the groundwater from the septic system would not intercept the well, which could be a way to work around it. But Mr. Weinberg felt that the tight tank is required under the circumstances. Mr. Potter asked to speak to the executor of the estate. Mr. Weinberg stated another alternative option would be to move the well away. Mr. Potter stated that it may impact the quality of the abutter's well at 11 Lakeshore. Mr. Weinberg stated they could default to the tight tank, but Title-V allows this when there is really no alternative. He feels that besides the bedroom number issue, they applicant should consider moving the well. Discussion ensued on the value of a tight tank to the value of the home. Mr. Potter will speak with the executor and let them know that the Board is leaning to a tight tank, the number of bedrooms is being questioned and the

well would need to be moved. Mr. Potter stated that Mr. Ciano, the abutter was supposed to be present tonight to express his concerns, but Mr. Potter has done so in his absence. Mr. Potter asked this be continued to the next meeting.

**MOTION** by Mr. May to adjourn at 8:58 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

Next meeting to be posted: 3/05/18

The Regular Meeting of the Board of Health convened at 7:30 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** William M. Harkins, Chairman                      John Swartz, HealthAgent  
Maurice E. May, Vice-Chairman                      Philip M. Weinberg, Secretary

## **MINUTES**

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Feb 20, 2018 reg. Not available.

## **SIGNATURE'S NEEDED**

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Bi-Weekly Bills - Signatures rendered.

## **AGENT INSPECTION/REPORTS**

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Inspections. Mr. Harkins read the reports and noted there were many restaurant inspections this cycle.

## **CORRESPONDENCE-Needing No Action**

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1. BC MosquitoControl/re: Annual Notice of Aerial Larval Control Application. Noted.
2. Mrs. Susan Smith/re: Response to Letter Received About the Burning Violation. Noted. Members stated that wood was being burned lawfully and that trash is being picked up by a disposal service. Mr. Weinberg stated that the DEP has not taken any action at this point as it is considered a private nuisance and the complainant has been advised of it. Mr. May noted that the fires are under the purview of the Fire Department. Mr. Weinberg stated that the complainant is looking for the town to take action for this private matter.

## **OTHER BUSINESS**

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1. Monthly Pump-Out Reports. Noted.
2. 212 American Leg. Hwy.-Torres Correction Order Follow-Up Inspection. Members discussed the need to correct the inspection form for clarity and request that Mr. Ponte review his information and correct the inspection form after Mr. Weinberg revises it by removing "no" from category lines. Mr. Harkins stated that the office may have received an application for the piggery permit and will check with the office.
3. Noquochoke Village-Discussion. Mr. Harkins noted that the drainage system has been manned and has been operating properly and all stormwater is being contained on site. Mr. Harkins said he noted that some sediment is still making it to the river and that the BOH letter was issued ordering they control stormwater and not be a nuisance to the abutter.
4. Director Vacancy-Discussion. Mr. May noted that BOH is in contract negotiations and a decision will be made soon.
5. Transfer Station-Rising Costs Discussion Continued. Mr. May stated he gathered 5-years of data noting that in 2013 there was a positive net at the transfer station. He has been considering ways to increase revenues through possibly increasing punch cards and sticker fees. The members also discussed glass not being able to be recycled for payment and now



the cost of recycling plastics. Mr. Harkins did not want to raise these fees until the entire fee schedule is revised and the hearing is done through the BOS in May or June.

## **OUTGOING**

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Noted.

## **PLANS REVIEWED BY AGENTS**

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1. 82 Tickle Road (M-21/L-11Q) Shawn Thomas, 3-B Repair. **MOTION** by May to approve. Seconded by Mr. Weinberg. Unanimous.
2. 122 Beechwood Drive (M-62/L-48) Seth Guinen, 3-B Repair. **MOTION** by May to approve. Seconded by Mr. Weinberg. Unanimous.
3. Jo-Ann's Way (M-34/L-48M) Ronald Oliveira, 4-B New Construction. **MOTION** by May to approve. Seconded by Mr. Weinberg. Unanimous.
4. River Road (M-87/L-57) Sandra Niles, 6-B New Construction. Members stated that according to the plans before them, the well is less than 100 feet from wetlands. They will reserve their decision until after ConCom reviews this plan.
5. 926 Drift Road (M-54/L-49A) Dave Mendell, 4-B New Construction. Members did not make a motion to approve and reserved their motion until after the decision by ConCom.

## **APPOINTMENTS**

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### **7:45 pm – Var. Hearing Cont'd: Len Potter for 13 Lakeshore Avenue, Yvette Gagnon Est.**

Donna Rittenour, realtor agent representing the family and one of the owners was present. Mr. Potter stated that they are working with the Building Inspector to determine that this home was a two bedroom.

The owners have an interested party to purchase the property and the owners have hired Mr. Potter to repair a 2-bedroom septic. Mr. Harkins stated there is currently one bedroom. Ms. Cabral, part owner was able to articulate that the well was too close to the septic and she understands that the well will need to be moved to install a new septic. Mr. Potter stated that the issue now is that the Board knows that it is only a one bedroom home due to the Building Inspector's report. The repair submitted is for a 2-bedroom system. Ms. Cabral asked the Building Inspector what was needed to be compliant, the inspector would approve the building permit for that. Mr. Potters stated that the records show that this was a 2-bedroom and this system requires variances for a 2-bedroom - but it needs to be a 2-bedroom first.

Ms. Cabral asked if the Board would accept written affidavits from the owners multiple owners regarding the house being a 2-bedroom. The assessor's records have always assessed the dwelling as a 2-bedroom. The reduction to one bedroom happened after the spouse's wife had passed away. The Board asked if there were other variances and Mr. Potter read a few setbacks needed. Mr. Weinberg stated that a variance is obtained for existing conditions, however any improvements would be treated as new construction and there are no variances given for that. He suggested that Mr. Swartz talk with the Building Inspector and discuss the issue. The applicant will also provide affidavits that there have always been 2 bedrooms. The meeting was continued to March 19, 2018 at 7:35pm.

**MOTION** by Mr. May to adjourn at 8:53 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

Next meeting to be posted: 3/19/18

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

### **MINUTES**

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1. February 20, 2018 reg. **MOTION** by Mr. May to approve as amended. Seconded by Mr. Weinberg. Unanimous.
2. March 05, 2018 reg. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

### **SIGNATURE'S NEEDED**

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Bi-Weekly Bills - signatures rendered.

### **AGENT INSPECTION/REPORTS**

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Inspections. Noted.

### **COMPLAINTS**

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1. 549 American Legion Highways. All Friends Smoke House. Mr. Harkins stated the main issues that prompted the closure was the health of the building itself.
2. 16 Lennox Ave. Mr. Swartz has investigated and there were piles of things covered with tarps out of a storage container. Mr. Harkins asked to wait until after the next storm and to recheck and issue a letter if necessary.
3. Complaint of people living in a camper in the yard. Mr. Swartz stated that this looks like they were remodeling and there is no longer anyone doing that.
4. KB Flooring 655 State Road; report of by-products of floor cleaning being dumped in the drain. Fred Pontes was sent out to investigate and to take photos. Mr. Harkins asked if the Board felt they need to send a letter. Mr. Weinberg stated that the BOH should refer to DEP. Mr. May suggested sending a letter to the owner of the property and the owner of the business. **MOTION** by Mr. May to send a letter to the property owner and the business owner. Seconded by Mr. Weinberg. Unanimous. Mr. Weinberg will follow-up with DEP.

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

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1. Joseph Harrington/re: Request to Continue Sharing Tight Tank with His Other Lot. **MOTION** by Mr. Weinberg to renew based on the conditions continuing. Seconded by Mr. May. Unanimous. Mr. John Harrington, son of Joseph Harrington stated that his parents own 62 East Beach Road, which is Lot 67; Lot 68 is leased property and is 58 East Beach Road. He wanted to make this correction based on the letter he received last April 2017. He asked about the number of people using the lots being restricted to 4 per lot for a total of 8. He asked if there are any restrictions on other lots on East Beach Road. He said that last year was the first time that restriction was placed on the property and that the trailers can accommodate more persons. It creates a hardship for when his

family and children come to visit for the weekend. Mr. Harkins asked he check with the office for the original determination about what is accurate for the two sites. He said that the April 6, 2017 letter was identical to all prior letters. Mr. Harkins stated that as it stands the Board agrees to the allowance they have been able to have until now.

2. Buzzards Bay/re: Invite for a 2-Part Presentation and Discussion on Nitrogen Reducing On-Site Technologies. Members asked Mr. Weinberg to RSVP for them.

## **OTHER BUSINESS**

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1. Monthly Pump Out Reports. Noted.
2. Nelia Williams/re: Betterment Septic Grant Update. Mr. Weinberg will discuss with Ms. Williams. Noted.
3. Transfer Station-Rising Costs. Mr. May stated that the cost of recycling is rising. He proposed raising the fee for the annual permit by \$5 that would generate approximately \$9k and if punch cards were raised by .50 cents to \$3.50 per punch, which is estimated to raise \$21K, which would make a meaningful dent in the deficit of the transfer station. He noted the annual permitting fees will be under review in the month of May. Mr. Harkins stated that since recycling does not have a punch on the card, then the annual sticker would make better sense to raise by not \$5 but \$10 per year. Discussion ensued. Constance Gee of River Road stated that what Mr. Harkins is proposing may be a disincentive for recycling. If one has to pay more for recycling then there will be less recycling. Mr. Weinberg was favorable in increasing both.

**MOTION** by Mr. May to increase the yellow punch card from \$30-\$35 and to increase the green punch card from \$15 to \$18 effective July 1, 2018. Seconded by Mr. Weinberg. Unanimous.

4. Discussion: 200 ft. vs. 100 ft. setback to River/Wetlands. Mr. Weinberg was asked to provide his interpretation of Title-V. Mr. Harkins also had received an interpretation from DEP and Town Counsel. He suggested Mr. Weinberg speak with Claire at DEP. After much discussion, Mr. Weinberg will have a discussion with the contact at DEP.
5. Placeholder Marijuana Regulations. Mr. Weinberg asked this be placed on for discussion. He noted the timeline that is needed to adopt it prior to April 1 given that is a similar process to the tobacco sale process with some exceptions. Mr. Harkins stated that Ms. Marilyn Edge and Cheryl Sbarra would be drafting this by-law. There is a risk that if this is not on the books, a retailer could have a state license and there would be no local controls in place. Mr. Weinberg suggested talking about this at the Wednesday meeting.
6. Special Meeting Set for Wed., March 21, 2018 at 4:15pm. Noted.
7. Kathy Fenninger asked the Board where the BOH is in the process with the animal registry - she asked is it in their hands. She said she will be asking to be on the agenda next time to discuss it. She said her understanding is that the Animal Action Committee has done a lot of the work talking to Mr. Kagel. Mr. Harkins stated that the document was not passed into the BOH hands and it is more likely that the state standard would be adopted. She asked where was the work the subcommittee submitted. Mr. May stated he has not seen the document. She stated that the committee should have sent something to the BOH. Mr. Harkins noted that nothing has been received. Mr. Weinberg stated

that from his recollection, comments from other boards were expected on the draft by Donna Lambert and Chris Wiley.

Mr. Harkins stated there hasn't been enough time to review it per an email he received. She asked what the process would be and timeline. Mr. Harkins stated that the public would be invited to comment and could not comment on a timeline due to other issues within the Board of Health Department that need resolving.

Ms. Feininger asked to be contacted when the issue would be discussed on a future BOH agenda at her number 301-758-0551 and e-mail insanityWestport@gmail.com

Chris Wiley of Forge Road stated that the draft was given to Mr. Harkins back in October. Mr. Harkins stated that he was not aware of an official request for action submitted to the BOH. She said that this was the final draft. She asked if the Department of Public Health will have a public registry and if MDAR had any input to it. She asked if Mr. Harkins has a draft of it and he does and he does not think that many people have it. She asked if it were a simplified form. Mr. Harkins stated that it is and that the Board will have to review both and a decision will be made after review on adopting one or the other or a combination of each. She asked about the State law vs. local laws. Mr. Harkins stated the Town could always be stricter than what the State requirements are.

## **OUTGOING**

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Noted.

## **PLANS REVIEWED BY AGENTS**

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1. Kyle Jacob Road (M-24/L-22D/SL-32) Riley Homes, 4-Bedroom NC. **MOTION** by Mr. May to approve conditional on ConCom approval. Seconded by Mr. Weinberg. Unanimous.
2. Charlotte White Road (M-67/L-8) Ronald Oliveira, 4-Bedroom NC. **MOTION** by Mr. May to approve conditional on ConCom approval. Seconded by Mr. Weinberg. Unanimous.
3. 1 Holly Hill Avenue (M-19/L-85) James Andrews, 3-Bedroom Repair. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

## **APPOINTMENTS**

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### **7:15pm – Var. Hearing: Wendy Henderson for 30 Osborn St., St. Martin Family**

Repair of failed cesspool with the following variance requests. Water samples were taken and results are not yet received.

1. Sieve Analysis in lieu of perc test.
2. Leaching area to wells (100 feet required)
  - #30 Osborn Street site well, 55'
  - #7 First Avenue, 92' setback
  - #28 Osborn Street, 90' setback

3. Setback from SAS to cellar wall, 19 feet vs. 20 feet.
4. Setback from SAS to property lines (10' required):
  - 6 feet to east property line
  - 6 feet to west property line
  - 6 feet to south property line

Ms. Henderson stated that the applicant is reducing the 4 bedroom home to a 3-bedroom home. There is not enough room and they are just looking for the well variances because they cannot ask for ground water separation as well. Members discussed having the applicant look at a denitrification system based on the problems of nitrates in the area.

Ms. Henderson asked to continue to April 2 at 7:15pm pending well testing for 3rd abutter (28 Osborn St.). Members agreed to the continuance. If there is an opening beforehand in any of the upcoming special meetings, Ms. Henderson asked to be heard sooner as she is expecting the water results in the next day or so.

**7:20pm – Var. Hearing: Wendy Henderson for 12 Second St., Brian Furze.**

The existing septic system failed and the request is for the following variances:

1. Setback from leaching area to wells (100 feet required)
  - #12 Second Street - site well, 62 feet
  - #8 Second Street, 70 feet
  - #18 Second Street, 80 feet
  - #15 First Street, 60 feet
  - #19 First Street, 92 feet
2. Setback from leaching area to east property line 6 feet vs. 10 feet.

Property owner of 15 First Street has agreed to well testing but they are in Florida and the system for 12 Second Street would need to be installed before the one approved at 8 Second Street is installed.

Mr. Weinberg asked about impervious barrier to prevent breakout. Ms. Henderson stated that there is one in the design. She said owners at 15 Second Street are in Florida and the water is turned off until they return and that is why there is no water test. She presented other well test results with nitrates levels.

Mr. May stated that Ms. Henderson has done what could be done and that the density is less than the previous hearing, for example.

**MOTION** by Mr. May to approve the variances as requested, conditional on a hold harmless agreement. Seconded by Mr. Weinberg. Unanimous.

**7:25pm – Hearing: Ray Belanger for Grampy Paul's Application for a Retail Food Permit.**

The retail food establishment is located at 758 State Road. Paula Wright was present representing Paul

Ainsworth. Mr. Belanger stated that Mr. Ainsworth has had a retail permit with the BOH for the last 20 or so years and a wholesale permit with the state.

He said that in 2016, Mr. Ainsworth had an issue with the wholesale permit with the state and as soon as it would be resolved, he would come in to renew the permit. Mr. Belanger stated that he drove by and found that there was product being sold. He asked the applicant and he stated he never put it out for sale. He said he drove by again, and there was product for sale, at which point Mr. Belanger sent him a cease and desist. There was again another incident in this month in March that product was being sold without a permit. Mr. Belanger stated that the Board can decide to make approval or not based on this for a new permit and not a renewal.

Ms. Wright stated that Mr. Ainsworth has testing issues with the state and that the state has been satisfied. He said he also made an error by putting product out after he got his state permit. The retail license allows for sale directly to the customer and he did not have one.

Mr. Weinberg was disturbed that the agent had to send two cease and desist letters and that Mr. Ainsworth had been in business for years and so he knew the process. He suggested delaying the issuance of it. Mr. Harkins did not feel disallowing anyone from conducting business was the answer but wanted to issue a stern warning for operating this way and cautioning that it should not happen again. Mr. Belanger stated that there is an inspection required prior to the issuance of the permit.

**MOTION** by Mr. Weinberg to issue the permit in due course and that further violations put his permit at risk. Seconded by Mr. May. Unanimous.

**7:30pm – Var. Hearing: Mark Rodrigues for 1478-B Drift Road, Russell Nauta.**

Repair of failed septic system with the following variance requests:

- Setback from proposed tank to southerly property line 6.9 feet vs 10 feet
- Setback from proposed tank and foundation wall of dwelling 5 feet vs 10 feet
- Setback from proposed tank and site well 25 feet vs 50 feet.

Mr. Rodrigues proposed a monolithic tank (no mid-seam, one piece with a cover on top). Discussion ensued over setback to site well and setback to the tank.

**MOTION** by Mr. May to approve the variances requested subject to ConCom approval. Mr. Harkins seconded. The vote was two in favor with Mr. Weinberg abstaining.

**7:35 pm – Var. Hearing Cont'd: Len Potter for 13 Lakeshore Avenue, Yvette Gagnon Est.**

The Board was handed a copy of affidavits from the owners regarding the use of the property attesting to there being two-bedrooms. Mr. Harkins asked to recognized the 2 bedroom status and move on the variances requested.

Because of the proximity to other wells, pond and size of the lot, the applicant may be required to install a de-nitrification system, said Mr. Harkins.

Mr. Harkins asked to see the well testing. There are plans to move the well. Mr. Potter stated he would discuss with the family the movement of the well and he asked the Board's permission to show a

proposed well on the plan before the board. He said he would initial the plan. Mr. Harkins suggested the applicant speak to office staff about well testing.

This hearing is continued based on Mr. Potter's progress.

**7:45pm – Shared System Hearing: Alan Heureux for 39-F,G,H,I,J,J1 American Leg. Hwy., Amandio & Natalia Araujo.**

Mr. Heureux is repairing failed septic systems for 6 homes as a shared system.

He has proposed new wells moving them farther from the septic tanks. There will be 3 new wells each serving two properties. He stated they have submitted a Home Owner's Agreement. The financial assurance mechanism is in the agreement. He requested approval of a shared septic system for the 6 cottages. Mr. Harkins asked what the average area was. Mr. Heureux stated that there are about 15 acres on the property for the 6 dwellings.

**MOTION** by Mr. May to approve the shared septic system as requested for Map 61, Lots 2, 2A, 2F & 2H, subject to ConCom approval and financial contingencies. Seconded by Mr. Weinberg. Unanimous.

**7:55pm – Discussion: Len Potter for 2065 Main Road, Kerrian Fennelly.**

Discussion on the use of the premises as it related to the tight tank.

Mr. Fennelly submitted a letter of intent to retail oysters he raises as whole or half shell. Mr. Potter does not feel this will impact the use of the tight tank. Historically the property has been a residence on the second floor and a seafood retail/wholesale operation on the ground floor. The cesspool that served that facility was replaced by the existing approved tight tank. The operation is not a major water use operation.

Mr. Harkins stated that he spoke with DEP last week and that they are no longer overseeing tight tanks; the local authorities are now in charge of making a determination of the appropriateness. Mr. Harkins stated that the tank is sized appropriately for the proposed use. Mr. May also felt that the size was appropriate based on his observation of the pump outs. Mr. Weinberg stated he is going on the basis that the tank was approved and recorded for residential use.

Under the BOH regulations, this is a change in use and increase in flow and they should make application for such. He suggested clarifying what exactly is going to happen at the site because depending what will go on, will depend on how the Board will look at it. He would like to reserve judgement until the plan is submitted.

The Board would need to look at the dual use of the building and if the Board will accept or restrict its use. Mr. May was in favor of the proposal as long as the tank is pumped out on a regular schedule.

Mr. Weinberg stated that Title-V is key to environmental impacts but that it also has a land use provision and tight tanks are not for installing anywhere. This situation is not favored by the regulation. Mr. Harkins cautioned that any changes later to make events or a restaurant out of it would not be acceptable to the Board. Mr. Potter will prepare an existing tight tank plan for discussion. The Board cannot make determinations for other committees.



**MOTION** by Mr. May to adjourn at 10:00 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next regular meeting to be posted: 4/02/18.

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                      John Swartz, Health Agent  
Maurice E. May, Vice-Chairman                      Philip M. Weinberg, Secretary

## **MINUTES**

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March 19, 2018 reg. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

## **SIGNATURE'S NEEDED**

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Bi-Weekly Bills - signatures rendered.

## **AGENT INSPECTION/REPORTS**

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1. John Swartz – Daily Log 2/01/18 thru 03/28/18. Noted.
2. Ray Belanger – Daily Log 1/25/17 thru 03/23/18. Noted.
3. Inspections. Noted.

## **COMPLAINTS**

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Complaints: Pending/Completed. Noted.

## **CORRESPONDENCE-Needing No Action**

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1. CMG Env./re: Notice of Permanent Solution Statement & Immediate Response Action (IRA) Completion, 37 Charlotte White Road. Noted.

## **CORRESPONDENCE**

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1. Richard & Nancy Mobley: Financial Mechanism Approval for 80-D Cummings Lane Shared System. Mr. Harkins noted that the letter explains that there is now an account that has been opened to support expenses of the shared septic system. Members need to approve this. **MOTION** by Mr. May to approve the assurance mechanism as presented. Seconded by Mr. Weinberg. Unanimous.

## **OTHER BUSINESS**

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1. Monthly Pump-Out Reports. Noted.
2. Animal Registry-Set Timeline for Future Discussions. Members discussed the proposed document. Mr. Weinberg stated that questions arose over if fees should or should not be collected and if there should be a work group that focuses on these issues, which would then refer them to the Board of Health. Mr. Weinberg noted that the process could be just identifying the issue followed by a discussion. For example, having a special meeting to discuss a specific topic, which would then allow interested parties to comment in person or in writing. He also anticipated there would be

comments from the Select Board and the anticipated members of the work group. Mr. Harkins suggested identifying a few topics to start with and to discuss at the next meeting.

3. American Legion Highway - Shared System Discussion. Mr. Weinberg stated that he was concerned that there is no mechanism in place to address increase in flow or change in use. Mr. Heureux stated that he over designed this for 18 bedrooms but it is not planned to be maxed out. He would note this to the applicants who are out of the country at this time. The operation and maintenance plan was submitted. Mr. Heureux stated they could itemize the different components in the agreement. Members agreed to this.

## **OUTGOING**

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Noted.

## **PLANS REVIEWED BY AGENTS**

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1. Adamsville Road (M-77/L-11B) David Haskins, 3-Bedroom New Construction. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. 1346 Main Road (M-56/L10-1) Underwood Farms, Adding Remaining 4 to the Existing Shared System. Mr. Swartz summarized the project where the owner started the project but ran out of funds some time ago. These are the remaining 2 duplexes with a total of 4 1-bedroom units that had not been completed at that time. The system is already in place but the remaining septic tanks need to be added. Mr. Weinberg asked Mr. Swartz to ask about the stormwater controls in place. The Board has asked to look at the Planning Board files to see if there were storm water controls in place at the time. This project pre-dated the stormwater regulations. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
3. River Road (M-87/L-57) Sandra Niles, 6-Bedroom New Construction. Alan Heureux was present to discuss this plan for a 6 bedroom system. There is also a drainage system to collect stormwater. He noted there is no work proposed in the coastal bank or within setback to the river. All roof drains will be fed into infiltration chambers and infiltrators. It is a 5 acre lot and the work covers 6% of the entire area; they are not looking to clear cut the lot. He stated that before he submits additional calculations, he plans to meet with the landscape architect to review.

Mr. Harkins stated he was concerned with the 10 foot riprap discharge area and wanted to know if that was sufficient to deal with heavy rainfall because he is concerned with silting and sediments flowing into the river. Mr. Heureux said he would look at this again but when finished it will be mostly green-scaped and they would not be directing any pollutants into the river. Mr. Harkins asked to have an illustration as to how the water will not flow into the water and any discharge should be clean.

Mr. Weinberg stated that his issue was with the location of the sewage disposal system relative to the river which is less than 100 feet and he read the regulation specifically noting the coastal wetlands. He said that he spoke with DEP and that there are a number of communities that extend their local by-laws out to 100 feet. Discussion ensued over the distance to the coastal bank, which Mr. Weinberg stated, is defined as a wetland. Discussion ensued over the coastal bank not being a

wetlands and resource area. Mr. Heureux stated that the coastal bank is 45 feet away from the river; the coastal bank is a different kind of resource area. Mr. Harkins suggested asking Town Counsel for an opinion so as to have this particular topic ready in hand for when it will come up again. Mr. Heureux stated that he did not think that was what was intended by the current by-law.

**MOTION** by Mr. May to approve well and septic system for Map 87, Lot 57 for Sandra Niles of River Road subject to an approved stormwater plan. Seconded by Mr. Harkins. Mr. Heureux will consult with the landscape architect and provide a revised plan. The vote was two in favor with Mr. Weinberg abstaining pending further clarification.

## **APPOINTMENTS**

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### **7:15pm – Var. Hearing Cont'd – Wendy Henderson for 30 Osborn St., St. Martin Family.**

This hearing was continued from the previous meeting. Wendy Henderson and Mr. Renee St. Martin and Eileen Shea were present. The replacement septic system is for the failed system.

The variances requested are:

1. Sieve Analysis in lieu of perc test
2. Leaching area to wells (100 feet required)
  - 30 Osborn site well, 55' setback
  - 7 First Avenue, 92' setback
  - 28 Osborn Street, 90' setback
3. Setback from SAS to cellar wall, 19 feet vs. 20 feet
4. Setback from SAS to property lines, (10' required)
  - 6 feet to west property line
  - 6 feet to south property line

Water testing has been submitted and Ms. Henderson stated that the applicants are proposing reducing the bedrooms from 4 to 3 bedrooms and alternative technology of infiltrators. There was discussion on the inconsistency of the well testing. Mr. Harkins suggested a letter be sent to the abutters indicating what the nitrate levels were and that they should make arrangements for potable drinking water. Mr. Weinberg asked about the water flow direction. Ms. Henderson, stated that her assumption was that it flowed south. She added that working in another nearby street, water flow was moving south-east.

**MOTION** by Mr. May to approve the plan as submitted with the variances as requested for a 3 bedroom system. Seconded by Mr. Weinberg. Unanimous.

### **7:20pm – Discussion – Len Potter for 2065 Main Road, Kerrian Fennelly.**

Mr. Potter and Mr. Fennelly were present. Mr. Fennelly stated that he and his family will use the apartment on the 2nd floor for the summer and that it is no longer an Air B&B. The first floor will be used for aquaculture based on his, his wife's and his father's permit for their oyster business.

Mr. Harkins asked about the timing as to when the tight tank was put into use and what the activities on each floor were. Mr. Weinberg read a letter Mr. Potter wrote at the time of the application to DEP for a tight tank stating that the dwelling would be on the 2nd floor and the first floor would be used as a living room. He said that DEP's position is to restrict flow. Mr. Weinberg also went on to say that if

the residential portion is used seasonally, then that would be the basis for an approval because there is an offset to the flow which may decrease. The spirit and intent is that the use should be a restriction for residential use. Mr. May did not agree. Mr. Weinberg stated that the flow should not be the criteria because the tight tank was as per planned.

Mr. Potter stated that historically the building has been a store below and an apartment above, which would calculate 160 gallons per day. Mr. Weinberg is trying to find an accommodation. Mr. Harkins stated he is comfortable that the building was historically dual use.

After some discussion, **MOTION** by Mr. May to accept the tight tank plan as proposed with the following flow: 110/gal per day for the bedroom and 50/gal per day for the retail space. Seconded by Mr. Harkins. The vote was two in favor with Mr. Weinberg abstaining.

#### **PUBLIC HEARING**

##### **7:30pm – Transfer Station Fee Increases.**

Members reviewed the fee increase proposal for the transfer station punch card increases.

**MOTION** by Mr. May to increase the 10-punch card from \$30 to \$35 effective 7-1-18 and to increase the 5-punch card from \$15 to \$18 effective 7-1-18. Seconded by Mr. Weinberg. Unanimous.

**MOTION** by Mr. May to adjourn at 9:00 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next regular meeting to be scheduled: 4/17/18

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 John R. Swartz, Health Agent  
Philip M. Weinberg, Secretary  
**Absent:** Maurice E. May, Vice-Chairman

### **MINUTES**

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April 2, 2018 reg. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.

### **SIGNATURE'S NEEDED**

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

### **AGENT INSPECTION/REPORTS**

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Inspections. Noted.

### **COMPLAINTS**

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1. General Complaints: Pending/Completed. Complaints were reviewed and reported by Mr. Swartz. With regards to the loose rabbits, Mr. Harkins asked that Mr. Swartz send the owner a letter requesting that he restrain the rabbits on his property.
2. Need Board Action:  
Sunset Avenue: Continued Trash & Possible Hazardous Waste Issues on Property. Mr. Swartz stated there has been a dumpster full of trash and surrounded with hazardous material such as oil. The dumpster company will not remove it because they will not get paid for it. The Building Inspector has been dealing with this issue for months. DEP has removed the oil collected around the exterior. The members agreed that a letter needs to be issued regarding cleaning up the waste in the dumpster and the dumpster removed.

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

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1. Lord Associates/re: Permanent Solution Statement, 634 American Legion Hwy. Noted.
2. Sitec Env./re: Revised Phase II Comprehensive Site Assessment, 816 Main Road. Noted.
3. Barnstable County Lyme/Tick-borne Task Force/re: Summary of November 2017 Tick-Borne Disease Symposium. Noted.

### **CORRESPONDENCE**

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1. MHOA/re: FDA Tobacco Retail Inspection/Compliance Check Violations: Cumberland Farms (State Road), Cedars Smoke N Vape (State Road), Mobil/Westport Gas (Amer. Leg. Hwy). This was a first offense for the last 2 and a 2nd offense for Cumberland Farms and were issued a

monetary penalty. Mr. Harkins stated that the BOH would like Ms. Edge to conduct additional inspections on the BOH part. The BOH has the option to suspend the licenses.

2. Paul Pinet/re: 1878 Drift Road-Building Project Requires a Gas line to be Moved, Members on Condo Trust Refused to allow. He has reached out to the Board of Health for assistance. The BOH does not have purview over the gas line. He would have to contact the utilities directly to arrange what he needs.
3. W. Fisherman Assoc./re: Encouraging BOH to Take Initiative on the Nitrogen Problem. Members noted that the Director would need to follow this, once one is hired.
4. DEP/re: Notice of Annual Sustainable Materials Recovery Program Municipal Grant Application, Deadline-June 13, 2018. Mr. Harkins asked Mr. Weinberg to look further into this application.
5. Conservation/re: Water Quality Concerns, West Branch Shellfish Closure. Members discussed the possible origin of the septic smell. The smell has since dissipated and it is difficult to know where this may originate from. The state will be testing but the concern is the matter will impact the shellfish beds in the river. Mr. Harkins asked Mr. Swartz to make another visit to the Santos Farm and see what is in the area around the point that the stream comes out of the ground on the Santos property.
6. Mid-City Scrap/re: Notification of Imposing a Fee for Recycling Mixed Paper of \$25 per ton. Noted.

#### **OTHER BUSINESS**

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1. Monthly Pump Out Reports. Mr. Weinberg noted that Honeywagon is consistently not reporting the sources of pump out such as septic or cesspool. Mr. Weinberg will discuss with Staff.
2. Swim Season 2018 Beach Testing Update. Testing will commence June 11 and Mr. Ponte will conduct the sampling once each month for June, July and August.
3. Delinquent Pig Permit Renewal Issue. Mr. Harkins stated there are no pigs on the property now and do not plan to in the near future. If this changes the owners will need to apply for a permit.
4. Arrowhead Farm Update. The inspection by Mr. Ponte showed there has not been any significant upgrade or change in the ongoing problems at this site. The situation has been going on a long time and the owner has still not complied with any of the BOH orders and more recently the order issued April 2, 2018. It has been over 16 days for which he would have had to comply and nothing has been done. Mr. Weinberg suggested that the BOH issue a non-criminal disposition and fine his inactivity. Another option is to get the AgCom involved but the BOH has given him a lot of time and yet the owner does not respond. Mr. Harkins agreed to issue a \$300 fine and to engage AgCom. **MOTION** by Mr. Weinberg to issue a non-criminal disposition and to contact AgCom to intervene. Seconded by Mr. Harkins. Unanimous.
5. Annual Town Meeting Articles. Mr. Harkins read the articles. Mr. Weinberg would like to be able to address who will be speaking on behalf of each article.
  - a. Warrant Article: Community Septic
  - b. Warrant Article: SRF Loan
  - c. Warrant Article: Sewage BylawMr. Harkins will reach out to the Moderator to discuss the motion and any presentation the BOH would make.
6. Director Vacancy-Mr. Harkins suggested waiting for Mr. May to return and Mr. Weinberg as well to make these decision well after Town Meeting with a full Board present.
7. Nurse Vacancy-The BOS have stated their support for the position and funding will need to be affirmed at Town Meeting.

**OUTGOING**

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Noted.

**PLANS REVIEWED BY AGENTS**

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1. 1260 Drift Road (M-56A/L-120) Daune & Chace Peckham, 3-Bedroom Repair. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.
2. 1881 Main Road (M-88/L-66) Steven Ferrari, 4-Bedroom Repair. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.
3. 9 Register Avenue (M-16/L-390-394) Tyler Medeiros, 4-Bedroom Repair. *This application will need to apply for a variance for separation to ground water.*
4. 581A Drift Road (M-53/L-12&12A/SL-2) Joan Casey Amaral, 2-Bedroom Repair (revision from a 3-bedroom system). **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.
5. 926 Drift Road (M-54/L-49A) Dave Mendell, 4-Bedroom New Construction. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.
6. Drift Road (M-55/L-190) John Eolin, 4-Bedroom New Construction. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.
7. Charlotte White Road (M-67/L-8/SL-3) Ronald Oliveira, 4-Bedroom New Construction. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. Unanimous.

**APPOINTMENTS**

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**7:15pm – Var. Hearing – Ken Fortier of Civil Eng. for 38 Lawrence Avenue, Janet Jones.**

The repair has a proposed advanced septic treatment system - Orenco Recirculating Boston Sand Filter. The lot is small and offers no other location thus the variances.

- Setback to easterly property line, 4 ft. vs 10 ft.
- Setback from abutting well at 44 Lawrence Avenue, 90 ft. vs. 100 ft.
- Setback to site well, 81 ft. vs. 100 ft.

**MOTION** by Mr. Weinberg to approve the three variances requested conditional on well testing and a hold harmless agreement and conditional on ConCom approval. Seconded by Mr. Harkins. Unanimous with two in favor.

Current well tests were conducted however they have not been delivered to the Board of Health yet.

**7:20pm – Discussion – Len Potter for 28 Main Road, Yvette Plante-1 vs. 2-bedroom issue.**

The property septic system is designed for a one-bedroom home with a 30mpi design rate. A Title V inspection was recently performed and the system conditionally passed with a d-box replacement and a new outlet baffle to be installed. In actuality the home has a second bedroom proposed on the original plan labeled “den”. The current system would handle a flow of 156 gpd less than the required flow of 220 gpd. The home according to current owners has been used as a 2-bedroom in the past for family. Since the second bedroom would be called a bedroom by today’s definition, would the system size



have to be enlarged since the second bedroom has been there since 1984. The current buyer only wants the one-bedroom home, the buyer's bank needs to have a 2-bedroom home at a minimum.

Mr. Weinberg noted that this has been used historically in the adverse way. Mr. Harkins stated that the 2-bedroom house needs to have an increased system to accommodate the increase in flow. Mr. Weinberg stated that the Board could put a one-bedroom restriction and it should have been designed as a 2-bedroom at the time. Mr. Plante stated that his parents never had intention of using the den as a 2nd bedroom at the time. Once they passed away, the use has become a 2-bedroom. Mr. Weinberg stated that the flow relating to the size of the system needs to function properly and that is a health issue. If they want to keep it as a one bedroom, the Board would need a 1-bedroom deed restriction on it and the owner will have to choose that or bring the system up to current standard and increase the size of the system to accommodate a 2-bedroom home and conduct a perc.

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

None.

**MOTION** by Mr. Weinberg to adjourn at 8:30 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

Next regular meeting to be posted: 05/07/18.

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**

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April 23, 2018 reg. Tabled to the next meeting.

### **SIGNATURE'S NEEDED**

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Payroll - Signatures rendered.

### **AGENT INSPECTION/REPORTS**

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Inspections. Noted.

### **COMPLAINTS**

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General Complaints: Noted.

Mr. Harkins asked Mr. Swartz to send a letter to the owner of 125-155 Main Road regarding the construction debris within 50 feet of an abutting well.

### **CORRESPONDENCE**

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1. Briggs Landing LLC/re: Request for a 1 year extension for Lots 78, 79 & 83 Sherman Court. **MOTION** by Mr. May to grant the one year extension. Seconded by Mr. Harkins. Unanimous.
2. Alan Heureux/re: Stormwater Documentation for River Road, Niles. The revised plan dated 4/24/18 includes more infiltration on site and the erosion control plan dated 4/13/18 was also submitted. There are several rain gardens in front of the house and the auto-port drains into 4 infiltration chambers. Discussion ensued. The Board will do further review and inform Mr. Heureux if they are satisfied with the stormwater plan.

### **OTHER BUSINESS**

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1. Monthly Pump-Out Reports. Noted.
2. Approval of Beach Sampling Variance Extension: CK and Howland Beach Club. **MOTION** by Mr. May to approve the request. Seconded by Mr. Harkins. Unanimous.
3. Mid-City Scrap Current Price Sheet-Mixed Paper Disposal for Recycling is no \$50/ton. Noted.

4. Presby Systems-Require a 2ft. GW Separation Reduction, Hearing Required or Not. DEP has granted an automatic approval with a 2 foot reduction - Mr. Harkins suggested that applicants will not need to appear before the Board and seek a variance. **MOTION** by Mr. May that the BOH will not require a variance hearing for Presby Systems going forward.
5. Director Vacancy Update. Mr. Harkins stated they are still working on this.
6. Nurse Vacancy Update. Mr. Harkins stated that the funds were approved at Town meeting and paperwork is being drawn up. Once this is finalized, they will focus on the director position.

## **OUTGOING**

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Noted.

## **PLANS REVIEWED BY AGENTS**

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1. 9 Register Avenue (M-16/L-390-394) Tyler Medeiros, 4-B Repair, Presby System & 2 ft. GW Separation Reduction. **MOTION** by Mr. May to approve for a 3-bedroom repair with a Presby System. Seconded by Mr. Harkins. Unanimous.
2. 22 Center Street (M-26/L-236A) Jonathan Cabral, 3-B Repair, Presby System & 2 ft. GW Separation Reduction. **MOTION** by Mr. May to approve with a Presby System. Seconded by Mr. Harkins. Unanimous.
3. 907 Sanford Road (M-22/L-19C) Rita Vasconcellos, 3-B Repair, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Harkins. Unanimous.
4. 33 Faulkner Street (M-7/L-68-69) Norman Conboy, 5-B Repair, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Harkins. Unanimous.
5. 33 Katlyne Court (M-31/L-13J) Christopher Parker, Connecting Proposed In-Law Structure to Existing 4-B System with a New Tank, Pump Chamber & D-Box. **MOTION** by Mr. May to approve the request. Seconded by Mr. Harkins. Unanimous.
6. 32 Chabot Street (M-21/L-9U) Darlene Leonardo, 3-B Repair, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
7. 46 Devol Avenue (M-21/L-27) Briggs Landing, 3-B NC, ADS ARC 36 Chamber Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
8. Caroline Way (M-43/L-23/SL-1) Long Built Homes, 4-B NC, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
9. Caroline Way (M-43/L-23/SL-2) Long Built Homes, 4-B NC, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
10. Caroline Way (M-43/L-23/SL-3) Long Built Homes, 4-B NC, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
11. Caroline Way (M-43/L-23/SL-4) Long Built Homes, 4-B NC, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
12. Bentley Lane (M-5/L-16/SL-18) Patricia & Emanuel Botelho, 3-B NC, Stone Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

13. Gifford Road (M-24/L-18AJ) Olga Alves, 3-B NC, Stone Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

**APPOINTMENTS**

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**7:15pm – Discussion – Alan Heureux for River Road M-86/L-31B, Kathleen Kamionek.**

Mr. Heureux stated that he has remained out of the flood plan; all the resource areas were approved by the Conservation Commission. The stormwater details will be submitted. The septic design was reviewed. **MOTION** by Mr. May to accept the plan for the septic system for Map 86, Lot 31B. Seconded by Mr. Harkins. Unanimous.

**7:20pm – Hearing for Title 5 Waiver–Sitec for 79 Beechwood Dr, Courtney Gonsalves.**

**MOTION** by Mr. May to approve the low profile chamber bed with variance requested of separation to ground water. Seconded by Mr. Harkins. Unanimous.

**7:30pm – Hearing for Title 5 Violation: Jeffrey Andrade, 248 Sanford Road.**

No one was present. The constable served Mr. Andrade this notice to appear before the Board this evening. **MOTION** by Mr. May to send Mr. Andrade a letter stating that he has 10 days to respond regarding his failed cesspool after which if there is no response, the Board of health will begin court action.

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

None.

**MOTION** by Mr. Weinberg to adjourn at 8:15 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

*Next regular meeting to be posted: Monday 05/21/18. Agenda subject to change*

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

### **REORGANIZATION**

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**MOTION** by Mr. May to nominate Mr. Harkins as Chairman. Seconded by Mr. Weinberg. The vote was two in favor. Mr. Harkins abstained and accepted the nomination.

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

**MOTION** by Mr. May to nominate Mr. Weinberg as Secretary. Seconded by Mr. Harkins. The vote was two in favor. Mr. Weinberg abstained and accepted the nomination.

### **PUBLIC HEALTH NURSE**

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Mr. Harkins introduced and welcomed Linda Pierce-Ronka, the new Town Nurse.

### **MINUTES**

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1. April 23, 2018 reg. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. Harkins. The vote was two in favor. Mr. May abstained because he was absent.
2. May 07, 2018 reg. **MOTION** by Mr. May to approve as corrected. Seconded by Mr. Harkins. The vote was two in favor. Mr. Weinberg abstained because he was absent.

### **AGENT INSPECTION/REPORTS**

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1. John Swartz-Daily Log: 3/28-5/10/18. Noted.
2. Raymond Belanger-Daily Log: 3/21-5/11/18. Noted.
3. Agent Inspections. Noted.

### **COMPLAINTS**

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General Complaints: Pending/Completed.

Mr. Harkins stated that there was one complaint that Mr. Schwartz responded to. The Board asked Mr. Swartz to re-inspect the pipe that is discharging water into the road on Summer Ave.

Correction order for a house transfer at 213 Sanford Rd. Mr. Swartz stated that they needed to have an inspection.

Andrade - failed septic, Town Counsel is working on an injunction for that property

**NEW BUSINESS**

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1. Johnny Desio/**re:** Request for a 1-Year Extension for Disposal System Construction.

There is a deed restriction for a 1 bedroom on the property and according to Mr. Harkins the rest looks to be in order. The current plan is dated 2015. **MOTION** by Mr. May to approve the request to extend the septic design approval for 1 year for plan dated 5-22-2015 for the septic repair at 194 Sanford Road. Seconded by Mr. Weinberg. Unanimous.

2. Kerian Fennelly (Bay Breeze Inc.)/**re:** Request for a Permit to place 1 Port-a-Jon at 2065 Main Road for Seasonal Commercial Use.

Attorney Corey was present. Mr. Harkins stated that they just need to fill the application out correctly and no need to be before the Board. Mr. Weinberg asked to explain what portion of the activity would be using the port-a-Jon. Mr. Corey stated that the port-a-jon would be used for both activities, the commercial activities and the tastings.

Mr. Weinberg questioned if there was an interruption in use over the years. Attorney Corey described the non-interrupted use since the 1800's. They were before the ZBA and each board will be acting independently. Discussion ensued over the action of the historical commission last year over the picnic tables placed on the site. Ray Belanger has been helpful in getting the correct paperwork.

Mr. Weinberg stated that the BOH records show that when Mr. Lees was given a permit for a tight tank, it was deed restricted to residential only. He said that at the last BOH meeting it was recognized that this added activity would be adding additional commercial flow to the tight tank. And if there were additional flow, this would be dealt with additional pump-outs. He stated that the BOH was strict with Weatherlow Farm and restricted the use of the compliant system. The building is a commercial dock - the first floor, and the slips must be used for commercial purposes. Under licensing, Mr. Fennelly has the right to lease the slips. This is going to serve both. The deed restriction per Mr. Corey, was erroneous. Discussion ensued.

**MOTION** by Mr. May to approve a port-a-jon request for 2065 Main Road. Seconded by Mr. Harkins. The vote was 2 in favor. Mr. Weinberg abstained.

**OLD BUSINESS**

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1. Alan Heureux/**re:** Stormwater Management Plan Review for River Road, Niles.

The plan dated 2-27-18 was reviewed. The Board, after discussion, informed the engineer that the application would need to be filled out and submitted for stormwater. **MOTION** by Mr. Weinberg to approve the plan as revised. Seconded by Mr. Mar. Unanimous.

2. Arrowhead Farm - Mr. Ponte made a final inspection on 5-18-18. **MOTION** by Mr. May to issue a 2018 permit for a large piggery. Seconded by Mr. Weinberg on the condition that the owner is to continue to keep the pigs in the proper area. Other members felt there was no need to condition. The vote was 2 in favor with Mr. Weinberg abstaining.

**OTHER BUSINESS**

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1. Monthly Pump-Out Reports. Noted.
2. Fred Ponte/re: Vacation Request. **MOTION** by Mr. May to grant the request. Seconded by Mr. Weinberg. Unanimous.
3. Public Health Director Update. Mr. Harkins stated that the Board has hired a Public Health Director and the final approval will be before the Select Board next week.
4. Discussion: Transfer Station - Consider Additional Fee Increase. Members discussed the possible increased in annual sticker and punch cards. The matter was put off to a future meeting while the new Director would be tasked to research more information.
5. Discussion: Wynfield Stream-Dunham Brook Contamination. There is speculation on the cause but DEP is also looking into the matter.

**OUTGOING**

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Noted.

**PLANS REVIEWED BY AGENTS**

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1. 23 Shirley Street (M-71/L-47) Emily Dutra, From 2-B to 4-B Upgrade, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. Pine Hill Road (M-42/2A) Renee Sharrock c/o Ron Oliveira, 3-B NC, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
3. Bergeron Lane (M-61/1A) April Valois, 4-B NC, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
4. Stagecoach Road (M-41/L-94F) Moitoso Realty, 4-B NC, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
5. 125 Adamsville Road (M-77/L-4) Martin McGough, From 2-B to 4-B Upgrade, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
6. 60 Cummings Lane (M-71/L-132) Maureen Fitzgerald, 4-B Repair, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
7. Bentley Lane (M-5/L-16) Jennifer & Albert Frias, 3-B NC, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
8. 165-A Cherry & Webb Lane (M-91/L-10-11) Nance Carroll, 3-B Repair, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
9. 35 Plymouth Blvd. (M-18/L-75-78) Andrews Proske, 3-B Repair, Quick4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.

**APPOINTMENTS**

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**7:15pm – Hearing-Title 5 Waiver: Mark Rodrigues for 126 State Road, Lynette Ouellette.**

The site has public water. The septic needs to be repaired.

Variances requested are:

- Setback from SAS to State Road, 8.5 ft. vs. 10 ft.
- Setback from tank to State Road, 6.4 ft. vs. 10 ft.
- Setback from SAS to cellar wall, 6 ft. vs. 20 ft.
- 40 mil polly barrier is proposed between the SAS and cellar wall to a depth below the basement floor as shown on the plan. He has notified MassDOT indicating setbacks less than 10 ft.
- Set back to the waterline is 10 feet as required.

**MOTION** by Mr. Weinberg to approve conditional on a Hold Harmless Agreement. Seconded by Mr. May. Unanimous.

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

None.

**MOTION** by Mr. May to adjourn at 8:45 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

Next regular meeting to be scheduled: 6/04/18



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

Matthew J. Armendo, Director  
Linda Pierce-Roncka, Town Nurse

### **PUBLIC HEALTH NURSE PRESENTATION**

Mr. Harkins introduced the new Town Nurse, Linda Pierce-Roncka. She delivered a special public service announcement on Ticks and the diseases carried by them specifically Lyme disease and the precautions to take and what some of the symptoms were. If a tick bites a person, it needs to be saved for testing. She also discussed mosquitoes and recommended repellant with DEET to take precautions against illnesses. The nurse is available Monday through Friday 12:00-4p.m., if there are any questions.

### **PUBLIC HEALTH DIRECTOR**

Introduction: Matthew J. Armendo, Director of Public Health. Mr. Harkins introduced the new Director of Public Health. Mr. Weinberg welcomed his field experience. Mr. May also extended his welcome.

Director's Report: Discussed were the Transfer station and a recycling grant extension from DEP; negotiation fees with New Bedford; Transfer station fees; creating a rough MOU for any fentanyl incidents in town.

Short term goals: sharps kiosk outside of nurses office; nurse's messages on health related educational material; making sure inspections for equine licences are up to date and in compliance with regulations.

### **MINUTES**

1. May 21, 2018 reg. Tabled to the next meeting.

### **SIGNATURE'S NEEDED**

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

### **AGENT INSPECTION/REPORTS**

1. Inspections. Noted.

### **COMPLAINTS**

1. General Complaints: Pending/Completed: Mr. Harkins read the one complaint into the record.

### **CORRESPONDENCE**

1. Dr. Renee Vogal(copy)/re: Acoaxet Water Co. Follow Up to DEP's Sanitary Survey Report. Noted.

**OTHER BUSINESS**

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1. Monthly Pump-Out Reports. Noted.
2. Annual BOH Appointments-Vote to Re-Appoint Required. **MOTION** by Mr. May to reappoint Fred Ponte as Special Agent; Dr. Denis Callen as the Medical Advisor; Marilyn Edge as Tobacco Control, a non-paid position; Sarah Larue as a Special Agent Tobacco Control (non-paid position); Marlene Samson, Harry Potter, Jane Ericson Potter and Jonathan Potter as Burial Agent, Special Agents. Seconded by Mr. Weinberg. Unanimous.
3. Marilyn Edge/**re**: Follow Up Inspections on FDA Compliance Check Failures. Mr. Harkins stated the report lists a few complaints of failures. Mr. Harkins asked Ms. Edge to perform a re-inspection and found no failures. There have been no violations since January.
4. Discussion: Wynfield Stream-Dunham Brook Contamination. Mr. Weinberg stated that this was triggered by the contamination of shellfish beds north of Hick's Cove in the West Branch of the River. Mr. Weinberg, ConCom Agent Capone and DEP agent took a series of 7 samples to try to determine the source of contamination.

Wynfield stream has lower coliform readings than Dunham's Brook and DEP will move further up to Dunham's Brook for more sampling. Mr. Weinberg stated they have plans to look at septic systems in this area. DEP had observed sewage related algae. One test was for detergent, but it was unable to be detected because of deteriorated carbon, which is thought to come from the farm runoff and interfered with the reading. Additional test results are anticipated, after which they will approach Mr. Santos to address findings and best management practices as there may be silage leaching etc. Mr. Weinberg would like to share this information with Mr. Santos and DEP will be performing additional tests. Mr. Weinberg asked the Director to follow-up by looking at the septic systems in the area to see what types of systems there are and their age.

5. Discussion: Guidance on BOH Regulations Affecting Construction Projects. Mr. Weinberg has drafted a guide and asked for review and once it is done, can be posted on the website. He listed the regulations that apply to construction activity. Discussion ensued.
6. Discussion: BOH Priorities. Mr. Weinberg distributed a list specific to each member with issues that need to be resolved and he suggested they decide if there should be a goal of quarterly results or the choice. Mr. May reviewed his points and discussed the need to look at the Transfer Station increase in recycling costs. The next issue is addressing a tenant farm registry. Mr. Armendo suggested instituting regulations or banning tenant farms. The third item is denitrification and the BOH should look into a regulation with a 200-foot river protection.
7. Animal Discussion-Future Scheduling. Mr. Weinberg explained the need to have a listing but not necessarily under a regulatory umbrella because of the need for funding of additional staff to administer the task. The discussion was general in nature but members agreed the need to have something in place after looking at the different components involved. Mr. Weinberg asked to form a work group comprised with a member from the AgCom and the Animal Action Committee and police to get input. Mr. May felt the BOH should be doing this work. Mr. Harkins stated that his goal is to discuss with the BOS and see what their expectations are because the BOH does not have staff to take on further responsibilities. Discussion ensued. Mr. Weinberg also distributed materials on denitrification addressing O&M and performance issues. Members would like to discuss this further at future meetings.
8. Mattress Recycling Program Beyond DEP's Contribution-Pros & Cons. This was discussed at 7:30 p.m. in the Public Hearing section below.

9. Hotel/Motel Professional Cleaning Protocol. Mr. Weinberg asked what triggers the need to order a cleanup. He felt an MOU would be better suited than a regulation that is inflexible despite having the advantage of enforcement. Mr. Harkins has met with the police that asked the BOH to send an order to clean the room, but the police had their cleaning person go in over the weekend to make the cleaning. The BOH is still being sought to send an order to have professional cleaning done to the room. However, after discussion with Mr. Armendo, at this juncture, a letter needs to be addressed to the hotel to ask what procedures were followed to clean the room. He feels a meeting with the hotel owner, police and fire department to reach a consensus on an accepted method of how to deal with this. Mr. Weinberg felt that Clean Harbors would be the level of cleaning required. Mr. Weinberg agrees there is a need to meet. Mr. Harkins asked for a letter to be sent to the hotel regarding that particular night and what has happened and the BOH is expecting a report from them on how the room was cleaned and what was used. This would be followed up with some type of MOU.

## **OUTGOING**

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Noted.

## **PLANS REVIEWED BY AGENTS**

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1. 320 Reed Road (M-33/L-64J) David Arruda, 3-B Repair, Infiltrator Quick 4 Chamber Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. Fernmarsh Lane (M-68/L-7B/SL-11) Steven Pimental, 3-B NC, ARC 36LP Chambers Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.
3. Sycamore Lane (M-61/L-17AF/Sl-44) Bristol Pacific Homes, 4-B NC, Stone Bed. **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. Unanimous.
4. 14 David Road (M-56A/L-56) John & Joyce Prete, 3-B Repair, Eljen Trench System. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
5. 645 Division Road (M-48/L-10) Jacob Mello, 2-B Repair, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.

## **PUBLIC HEARINGS**

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### **7:15pm – Garbage Hauling Application for S&L Roll-Off Service of N. Dartmouth, MA.**

Mr. Harkins stated that certain companies are not permitted to haul garbage and this company has applied and submitted appropriate paperwork for the Board to approve. **MOTION** by Mr. Weinberg to approve and issue a permit for 2018. Seconded by Mr. May. Unanimous.

### **7:20pm – Garbage Hauling Application for New England Recycling (NER) of Taunton, MA.**

Rick Mizurick from Taunton MA providing container and roll-off service to South-East Massachusetts.

He stated that he was not aware of the requirements for the town. He was asked to let his customers know that dumpsters are required to have a permit. Mr. Weinberg suggested he obtain the hauler's regulations so he can understand the requirements better and explain what is required to his clients.

**MOTION** by Mr. May to approve the permit. Seconded by Mr. Weinberg. Unanimous.

Mr. Harkins asked if it were possible for him to collect the fee from those that have dumpsters. He thought it would be an alternative to having the homeowner take out a permit but it would be the hauler who would assume responsibility of the permitted dumpster. Mr. Armendo made the case that it is a permit that is given to the property owner and that drivers often are not cognizant of the requirements therefore, he recommended the owners obtain their own permits.

### **7:30pm – Fee Increases at the Transfer Station**

Mr. May stated that the mattress fees are \$40 for a twin and \$50 for a full or larger size and asked the Board to consider increasing the trashed mattresses to these prices. Whereas, the recycled mattress – clean, dry and bug free, can be recycled for \$5.

Mr. Weinberg looked at the 2018 figures that Mr. May had put together. The discussion was over hauling fees for 2019 and DEP extending the price break until 2020. The issue is that there have been additional costs being passed on to the Town for waste removal. The members agreed to try to keep up with these costs and unforeseen costs by increasing a 5 punch card from \$15 to \$20 and for a 10 punch card \$40 from \$30. The mattress fee can be increased based on what Mr. Armendo will find out from the DEP program.

**MOTION** by Mr. May to increase the punch cards as noted and raise the twin mattress “disposal” fee from \$10 to \$40 for twin and \$50 from \$15 for all other sizes. Seconded by Mr. Weinberg. He stated the Town should not have to subsidize the disposal and people should pay for the disposal.

**MOTION** by Mr. May to make the increases in the fees noted above effective July 1, 2018. Seconded by Mr. Weinberg. Unanimous.

### **APPOINTMENTS**

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#### **7:40pm – T-5 Waiver Hearing: Michael Koska, 16 Center Street, Sandra Chicca.**

Michael Koska was present.

Class 2 soils. Existing tank exits the building to the rear and the system lies most likely on someone else's land. He is proposing a 1,500-gallon tank with pump chamber added to replace the current system at elevation 92.6; the perc was done at 65-83 inches.

The Variances requested are on site:

- Distance from site well to tank, 50 feet vs. existing 30 feet.
- Distance from site well to SAS, 72 feet vs. 100 feet.
- Setback from street, 14 feet vs. 20 feet.
- Setback to side line, 14 feet vs. 20 feet.
- Setback to back of house, 20 feet.

The existing well has been tested and the applicant has deposited funds for future well testing. This is the best they can do to fit the system in a smaller lot. Discussion ensued.

**MOTION** by Mr. May to approve subject to well testing and a Hold Harmless agreement. Seconded by Mr. Weinberg. Unanimous.

**7:45pm – Variance Request: Water Storage - 2065 Main Road, Kerian Fennelly.**

Attorney Brian Corey and Mr. Fennelly were present. Mr. Harkins asked about what the determination was from the ZBA. The applicant withdrew their application, as the determination by the Building Inspector was sufficient to answer the request.

The applicant is requesting a variance approval for the use of a 1,600-gallon potable water tank. Deliveries would be recorded and records provided to the Board of Health; a light water treatment system is also proposed. The applicant has already spoken to Ray Belanger and reviewed the plans. Mr. Harkins stated that this water is strictly for the operation of the kitchen and not for customer drinking. Mr. Fennelly stated the plan is to serve self-contained drinks and not from the water fountain. The ice at the raw bar was discussed and the ice cannot be used for shellfish and plating them and not for drinks. He took the serve safe food manager's test today and should have his results next week. Mr. Armendo stated there are no regulations for live storage tanks for this use and there was a UV treating system that is supposed to be calibrated every 6 months and asked if this was being serviced. Mr. Fennelly stated now that he has taken over the operation from the prior owner (Revolution Lobster), he has hired a plumber to perform water testing and updating of the UV lamps. He offered to make the records available to the Board. Mr. Armendo stated he seem to have all in order, but there is a lack of regulations.

**MOTION** by Mr. May to grant the permanent use of an on-site water storage tank to use for the oyster tasting room at 2065 Main Road. Seconded by Mr. Weinberg. Unanimous.

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

None.

**MOTION** by Mr. May to adjourn at 9:43 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next regular meeting to be scheduled: 6/18/18

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                      Matthew J. Armendo, Director  
Maurice E. May, Vice-Chairman                      Philip M. Weinberg, Secretary

### **DIRECTOR'S REPORT**

Mr. Armendo provided his report as follows:

- a. Met with Fire Department to discuss procedures for mobile food units.
- b. Policies and Regulations with regards to Town Beaches and the tobacco regulations. He will be looking at including language to prohibit smoking on town beaches. The state beaches already ban it.
- c. Inspections were reviewed.
- d. Complaints were reviewed
- e. Harbor Inn update: after a site visit, it was confirmed they are operating without any permits for a hotel and for food. Owners are scheduled to come in tomorrow to fill out applications and begin the process.
- f. Hampton Inn: developing an MOU in light of the opioid incident. There is a need to develop procedures for cleaning medical waste and if a professional company will need to come in to remove/clean a bio hazard vs. in house cleaning staff.
- g. MDAR: Notification of a cease and desist for a dairy farm in town. BOH has no role other than receiving the notification.
- h. A weekly staff meeting is planned.
- i. FY'19 Budget will be reviewed.
- j. Application intake procedures will be reviewed.

### **SIGNATURE'S NEEDED**

1. Payroll - Signatures rendered.

### **AGENT INSPECTION/REPORT**

Agent Inspections - none.

### **OTHER BUSINESS**

1. Monthly Pump-Out Reports. Noted.
2. Discussion: Wynfield Stream-Dunham Brook Contamination-Update. Mr. Weinberg called DEP for an update and information and had not heard back from them today. He would like Mr. Swartz to continue putting a profile together of the septic systems in the area to see if there is something that could trigger these activities and also ask the Santos Farm what their best management practices are.
3. Discussion: BOH Priorities.

Animal registry and nitrogen issues. Mr. Harkins noted these two subjects and asked if there needs to be a regulation. He would like to discuss some of the animal issues with the Board of

Selectmen and how to handle issues of dealing with animals in town. Mr. May proposed a tenant farm regulation at the Board of Health level. Mr. Weinberg said he reached out to the Town Administrator asking for the number of inspections that had taken place in implementing the barn book. That would give the Board an idea of how many sites are in town. The information that could be released would be to request for basic information to be provided as in how many animal operations are in existence with animals not owned by the property owner and how many sites are there in town with animals. **MOTION** to prepare an inquiry directed to the BOS for basic information on what locations have animals and tenant farms. Seconded by Mr. May. Mr. Armando suggested that this was a good step. Unanimous.

Mr. May suggested a few other priorities; study of the financials of the transfer station; and also he suggested looking at adopting a de-nitrification regulation. **MOTION** by Mr. May to put discussion of de-nitrification regulation on the next agenda. Seconded by Mr. Weinberg. Unanimous.

Mr. Weinberg also noted that enforcement protocol/procedure would need to be looked at and since we have a health director, he can put together a proposal on how he would manage enforcement and how he would be tracking compliance and enforcement.

Fees review is also to be placed on the next agenda. It was noted that there was a press release for the new punch cards and mattress disposals.

4. Discussion: 246 Howland Road, 2-B house with 4-B septic system. Carol Foster from the Acoaxet water company was present. She noted that when the water company started, the homes served were small. The status of the water company is in danger of being changed thereby requiring the water company to be classified differently as a larger company carrying excessive fees. She asked the Board to allow them to be the first ones to make a decision. They have the well water that supplies all the other homes. She asked the Board to not allow for a 4 bedroom. Many houses in the area have gone off the water system. The lot in question is too small to allow for a well being drilled on it. Mr. Weinberg noted it is a nitrogen sensitive area. The DEP had a recommendation that it be deed restricted to a 2-bedroom. Mr. Weinberg is not comfortable deed restricting without notifying the owner and so he suggested sending a letter to the owner and the water company to meet with the Board of Health. Mr. Weinberg asked to notify the water company and the land owner that the Board intends to look at this at the next meeting and limit the size of the system based on the circumstances. Ms. Foster requested the abutters be present.
5. Director Authorization for Bills. **MOTION** by Mr. Weinberg for Mr. Armando to sign all bills when a quorum is not present. Seconded by Mr. May. Unanimous.

## **OUTGOING**

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Noted.

## **SEPTIC PLAN REVIEWS**

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1. 16 Center Street (M-26/L-175&234) Sandra Chicca, 3-B Repair with Variances. Original hearing held on 6/4/18. Since then, distance to well has increased due to HUD loan requirement. Revised plans received. All variance approval requirements have been met. A new vote is needed for approval of the change in well distance. **MOTION** by Mr. May to approve a variance change from 73 feet to 75 feet separation. Seconded by Mr. Weinberg. Unanimous.

2. 1335-1337 Main Road (M-83/L-12) Concord Realty Trust, 3-B Repair, Existing 3-B, Flow Diffusors. **MOTION** by Mr. Weinberg to approve subject to ConCom approval. Seconded by Mr. Harkins. The vote was two in favor with Mr. May recusing himself.
3. 666 River Road (M-89/L-130C) Alice Turner, 3-B Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve subject to ConCom approval. Seconded by Mr. May. Unanimous.
4. 210 Charlotte White Road (M-68/L-5) John Costa Estate, 3-B Repair, Quick 4 Infiltrator Bed. **MOTION** by Mr. Weinberg to approve subject to ConCom approval. Seconded by Mr. May. Unanimous.
5. Cypress Lane (M-61/L-17Q/SL-76) Bristol Pacific Homes, 4-B NC, Stone Bed. **MOTION** by Mr. Weinberg to approve subject to ConCom approval. Seconded by Mr. May. Unanimous.
6. River Road (M-86/ L-31B) Paul Taveira (Previously Kathleen Kamionek). Per engineer, this plan shows the required infiltration chambers to recharge 1/2-inch of runoff over the total impervious area on the lot. **MOTION** by Mr. Weinberg to approve Storm Water Management Plan. Seconded by Mr. May. Unanimous.

## **APPOINTMENTS**

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### **7:15pm – T-5 Waiver Hearing: Len Potter for 174 Old Bedford Road, Tim Caswell.**

Existing 4-bedroom home. The system was previously repaired in 1988 with a new leach field and tank. The system has failed.

Variance requested:

-Separation of SAS to ground water at 3 feet vs. 4 feet.

There are no wells within 150 feet of the system and no wetlands within 200 feet.

**MOTION** by Mr. May to approve subject to a hold harmless agreement being signed. Seconded by Mr. Weinberg. Unanimous.

### **7:45pm – T-5 Waiver Discussion: Sitec, Inc for 88 Cummings Lane, Richard Mobley-Pilot Layered Cake System.**

Mr. Leach was present from SITEC, Inc.

The alternative technology is proposed in the same place as the other system. The request under remedial use is for a reduction to ground water to 2 feet. There is a geo-mat requirement and the bottom of the system would need to be 4 feet from water table. The de-nitrification system needs variances granted to make it work or the separation to ground water would be in excess of a traditional system. Discussion ensued over the requirement of having a one-day storage in the tank for the pumping for dosing twice a day. After discussion, the members were in general agreement.

**MOTION** by Mr. May to approve but Mr. May withdrew the motion.

**MOTION** by Mr. Weinberg to approve the variance for a 2-foot separation from groundwater conditional on PILOT approval of DEP, O & M approval, ConCom approval and subject to a Hold Harmless Agreement. Seconded by Mr. May. Unanimous.



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

None.

**MOTION** by Mr. May to adjourn at 9:01 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next regular meeting to be scheduled: July 02, 2018

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  
Maurice E. May, Vice-Chairman  
Philip M. Weinberg, Secretary  
Matthew J. Armendo, Director

## **MINUTES**

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1. May 25, 2018
2. June 4, 2018
3. June 18, 2018

None available for approval.

## **SIGNATURE'S NEEDED**

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1. Payroll - Signatures rendered.

## **CORRESPONDENCE-Needing No Action**

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DEP(copy)/**re:** Westport Harbor Aqueduct Company - Enforcement & Notice of Noncompliance.

It was noted that the owner was ordered by DEP to assign a water operator by July 22, 2019. There is no action required by the BOH. Mr. Harkins asked the director to send a letter to the owner to request they inform the Board of Health of the response to DEP, as a courtesy, when they respond to DEP.

## **OTHER BUSINESS**

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1. Monthly Pump-out reports. Mr. May noted that Fairhaven Honeywagon's report was not complete because they need to identify the source. Mr. May asked that the Director call them and to also review all the listing of cesspools generated from the pump-out reports.
2. Request for Comp. Time Carryover for the Director. **MOTION** by Mr. May to approve 26.25 hours carried over to FY 19. Seconded by Mr. Weinberg. Unanimous.
3. Discussion: Construction Project Memo. Mr. Weinberg felt that it would be helpful to provide new construction applicants a document that identify new construction permitting and what they will need to come before the Board of Health. Mr. Armendo will circulate the request with other departments and post this information on the website.
4. Discussion: Ban Smoking at the Beaches. Mr. Armendo is proposing a smoking ban on town beaches because of second hand smoke and other issues related to smoking on beaches. Mr. May was not in support of a ban and is not tolerant of litter and suggested there be signage, receptacles and fines for littering. Mr. Weinberg supports the ban based on there being sufficient public health concern to go this course and the fact that 70 other communities have banned smoking on public beaches. He said he would not expand it to e-cigarettes and vaping but would to cigars, marijuana and marijuana pipes. Discussion ensued over the myriad other chemicals in smoking in addition to second hand smoke. Mr. Weinberg quested if secondhand vaping is a problem. He suggested the

ban would be worded to add tobacco and tobacco related products. Mr. Harkins asked that Mr. Armendo reach out to Marilyn Edge for further data and then report back to the Board. Ms. Tanja Ryden rose in support of the ban and said as a non-smoker, she would love it if the beach did not have the odor of tobacco or marijuana. From the perspective of enjoyment of the beach and public place, it would be better not to have smoking and marijuana at public beaches. Mr. Harkins wants to be properly informed. Mr. Armendo stated he spoke with Ms. Edge and she can bring data with studies on the harmful effects of smoking and second hand smoke. Jon Alden asked about the public use of recreational marijuana that went into effect July 1, 2018. Mr. Weinberg noted that use of marijuana is banned on town lands, sports events and other public gatherings.

5. Discussion: Fee Schedule for BOH. The Director has proposed an amended fee schedule. The expanded schedule contains fees where there were none before and explanation was given on how these were formulated. Many of the permit renewals will take place in October and suggested the changes be made in advance. Mr. Weinberg offered to work with Mr. Armendo.

## **OUTGOING**

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Noted.

## **SEPTIC PLAN REVIEWS**

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1. 5 Grinnell Court (M-21/L10CF/SL-89A) Briggs Landing LLC., 3-B NC, ADS Arc 26 Chamber Bed. **MOTION** by Mr. Weinberg to approve. Second by Mr. May. Unanimous.
2. 5 Grinnell Court (M-21/L10CG/SL-90A) Briggs Landing LLC., 3-B NC, ADS Arc 26 Chamber Bed. **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
3. 666 River Road (M-89/L130C) Alice Turner, 3-B Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve. Second by Mr. May. Unanimous.
4. Horseneck & Cross Road (M-49/L-7) Hardy Kornfeld and Xin Zhan, 4-B NC, Infiltrator Quick 4 Chamber Bed. **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
5. 363 Robert Street (M62/L-28) Alan & Deborah Confoey, 3-B Repair, Stone Bed. Not correct - see below.
6. 93 Robert Street (M61/L-57) Carol D'Elia, 3-B Repair, Presby System. **MOTION** by Mr. Weinberg to approve subject to ConCom approval. Second by Mr. May. Unanimous.
7. 363 Robert Street (M62/L-2B) Paul Solomon & Alan & Deborah Confoey, 3-B Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve subject to ConCom approval. Second by Mr. May. Unanimous.
8. Bentley Lane (M4/L-16/SL-8) Jenn & Adam Barbara, 4-B NC, Stone Bed. **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
9. Bentley Lane (M5/L-16/SL-16) Clotilde & Paul Borba, 3-B NC, Stone Bed. **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
10. Bentley Lane (M5/L-16/SL-17) Carvalho/Borges, 3-B NC, Stone Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Second by Mr. Weinberg. Unanimous.
11. 1612 Main Road (M-57/L-5) Margo Green, 3-B Repair, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Second by Mr. Weinberg. Unanimous.

**DIRECTOR'S REPORT**

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The Director's report included the following:

- a. Fee schedule: discussed earlier - see above
- b. Policies/Regulations - see above
- c. Harbor Inn update
- d. MHOA quarterly meeting/opioid toolkit
- e. Complaints
- f. Inspections
- g. Day to day Operations
- h. Future projects
- i. Goals: coordinate weekly staff meetings

**APPOINTMENTS**

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**7:15pm - T-5 Waiver Hearing: 14 Brookwood Drive, Kimberly & Clayton Dennis.**

Property owners were present, no engineer representation at this time.

The plans were not granted a variance at the time of the original submission however, if approved, they can then go before ConCom.

The new owners stated that when they bought the house they were under the impression it had an approved variance. The plan was accepted, however, the variance will now be addressed tonight. The requested variance is to allow the SAS to be 42 feet to the wetlands.

**MOTION** by Mr. May to approve conditional on ConCom approval and a Hold Harmless agreement. Seconded by Mr. Weinberg. Unanimous.

**7:35pm - Discussion: Nitsch Engineering for the Proposed Septic System for the New School.**

This was an informal review as to where the project is in the process.

Matthew Bassard of Nitsch Engineering made the presentation to the Board. They are nearing the end of the design phase for the site to include the septic system. The old elementary school and Library septic will be replaced and combined with the new school. They have been pursuing a variance for schools and looking at flows from similar facilities to include water usage data and will base the plan on 200% of that. With modern building of schools, prior to 10-15 years ago, systems were overdesigned and malfunctioned.

The DEP is aware of the plan and requires approval at the local government level. For this plan, they used meter data from East Hampton as it is the most consistent information and it is a fairly new school. For the 2<sup>nd</sup> stage, the Title-V construction has been designed for 860 students and for future expansion of this number. After describing the system, Mr. Bassard fielded nitrogen questions. He asked what this would need in terms of what kinds of studies. Due to the low water table, he suggested demonstrating nitrogen loading and what would the effect be on areas outside of the site. Discussion ensued over the soil and ground water conditions. Extensive amounts of borings proved there are

extensive amounts of glacial outwash: this area was once a gravel pit. Mr. Weinberg asked about nitrogen loading. A hydrogeological study is planned to look at the soils.

Once percs are concluded, they plan to meet again and move forward with the approval of the design so that they can go back to DEP. DEP won't accept the plans until the BOH approves them. As long as the percs are satisfactory, they can come back at the next meeting.

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

None.

**MOTION** by Mr. May to adjourn at 9:05 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next regular meeting to be scheduled: 7/16/18.

A Special Meeting of the Board of Health convened at 6:00 pm in the Board of Selectmen's meeting room at Town Hall.

**Present:** William M. Harkins, Chairman  
Maurice May, Vice-Chairman  
Phillip Weinberg, Secretary  
Matthew Armendo, Health Director

The Chairman of the Board of Health (BOH) opened the special meeting with the Pledge of Allegiance and read the following statement: "The purpose of this meeting is for obtaining feedback on the subject of Animal Regulations/Registry to determine which direction to go that is best for the Town of Westport".

Mr. Harkins then announced that public comment would be limited to Westport residents only at first with a 5-minute time frame for comment. Mr. Harkins also stated that if time allows, non-Westport residents would have the opportunity to speak.

The Chair requested that comments be respectful and non-naming of individuals so that the meeting can be constructive. The Chair also recognized two members of the Select Board who were attending the meeting, Shana Shufelt and Ann Boxler.

Chris Wiley asked a question – Is this the first of many meetings on the subject? Mr. Harkins replied "yes there will be no vote tonight and we will take the information we gather tonight and use it to discuss on how to best move forward".

Mr. Harkins then started down the list of people who signed up for public comment by asking their name and address.

1. **Kathy Feininger**. Summarized why Westport needs an animal site registry. She described the 2016 incident as the worst case of animal abuse in the Northeast and how currently Westport has no animal site registry in place. She also outlined that the barn inspections done by our Animal Inspector cannot be shared with the public as those inspections are confidential. Ms. Feininger then stated how that information would be helpful to public safety and animal safety and help remove the black mark Westport received from the 2016 incident.
2. **Chris Wiley (former AAC member)**. Referenced a discussion at a meeting of the Animal Action Committee (AAC) and recommends that commercial farms and some others (like Future Farmers of America) be exempted from an animal registry.
3. **Carol Mann**. Disagreed with the word "tenant farm" and said they should be re-defined as "agricultural land leasers". Feels commercial farms are regulated enough by the State. Asked if the site registry would include all animals, such as chickens, etc.? Also, asked if the site of the 2016 incident on Route 177 had been recently inspected. The Chair said no.
4. **Donna Parrillo (former AAC member)**. Stated that how common livestock regulations are across the State. Thought we should pay for our Animal Inspector and that regulations should include commercial farms.
5. **Constance Gee**. Thanked the BOH for holding the special meeting. Reviewed the State template on animal regulations and says it does not cover commercial farms and 61A properties. Recommends that all animal farms be included with no exemptions.
6. **Shana Shufelt (BOS Chair)**. Two points. (1) Addressed public safety and when an animal is in the road creating a hazard and how difficult it is for law enforcement to determine where an animal came from. Thinks it is important for a reference point for animals (list of locations). (2) Agrees with a registry to be created to share the information with law enforcement. **Vice Chair Maurice May** asked about the budget line item of \$56,000 provided by the Town of Westport to the Animal Control Officer

and was wondering if there were a way for the State fund that directly. **Ms. Shufelt** said there were numerous attempts and the State always said no. She questions rhetorically if a site registry should be a BOH regulation or as a Town by-law; she stated that there is a good cause for this to be under the role of public health and that the MDAR template does outline the need for manure and feed management, which are direct public health concerns, and should be viewed as such. Stated that a rough number of animal farms in Town is around 120. **Secretary Weinberg** asked if it would be possible to obtain the distribution of animals like types and kinds to help the BOH. **Ms. Shufelt** responded by saying that his request is reasonable and MDAR has been very good about extrapolating numbers for these types of requests, and that she would be supportive of that.

### **Additional Comments**

7. **Chairman Harkins**. Read a statement from Tony Vieira.
8. **Donna Parrillo**. Responding to Dr. Vieira's comments – says being a Right to Farm community has nothing to do with an animal registry.
9. **Kathy Feininger**. Additional comment on Dr. Vieira's statement, saying she grew up on a farm in Nebraska.
10. **Carol Mann (Ag Comm)**. Asks if Agricultural Commission can get more involved.
11. **Ray Raposa (Ag Comm Chair)**. States he has an electronic database that didn't cost any money to create. Suggests we compile information ourselves from AI.
12. **Genevieve Appleyard (Dartmouth resident)**. Says BOH needs to build a data base of animal farms. Maybe veterinarians should be required to report animal vaccinations to the BOH.
13. **Health Director Armendo**. Says the BOH promotes public health. When we request a manure plan it is for public health. An animal registry would help us pursue the aims of public health.

**Chairman Harkins**. Wraps up the meeting with a closing statement.

**Secretary Weinberg**. Suggests meeting with Agricultural Commission and developing some proposals for going forward.

**Vice-Chair May**. Closes with two suggestions: to work with the Agricultural Commission on creating a list of sites for the registry and asking Town Meeting to create a Revolving Fund for gathering BOH animal registration fees to fund additional BOH agent time.

**MOTION** by **Vice-Chair May** to adjourn at 7:16 p.m. Seconded by **Secretary Weinberg** and approved unanimously.

*Prepared by Matthew Armendo and Maurice May*

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                      Matthew Armendo, Director  
Maurice E. May, Vice-Chairman                      Linda Pierce-Roncka, Town Nurse  
Philip M. Weinberg, Secretary

### **MINUTES**

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1. May 21, 2018. Unavailable.
2. June 04, 2018. Unavailable.
3. June 18, 2018. Unavailable.
4. July 02, 2018. Unavailable.
5. July 12, 2018 Special Meeting. **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.

### **SIGNATURE'S NEEDED**

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1. Payroll - Signatures rendered.

### **PUBLIC HEALTH NURSE**

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Town nurse, Linda Pierce-Roncka was present to talk about melanoma and solar Vitamin D. She stressed one only needs 10 minutes of sun each morning for vitamin D to help prevent osteoporosis. She also explained the danger to life expectancy of UV exposure and melanoma, if sun bathing and indoor tanning is not restricted. The best prevention is to stay out of the sun as much as possible. She offered brochures on the subject for the listening audience.

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

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1. Edge Env.(copy)/re: IRA, ROS Status & RMR Report, 162 State Road. Noted.
2. Enviro North Am./re: Phase V & Remedy Operation Status Report, 500 Adamsville Road. Noted.
3. Sitec Env./re: Revised Phase III Remedial Action Plan Report, 830 River Road. Noted
4. Sitec Env./re: Temporary Solution Statement, 830 River Road. Noted.
5. DEP/re: Notice of Responsibility, 400 Old County Road. Noted.

### **OTHER BUSINESS**

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1. Monthly Pump-Out Reports. Noted. Mr. May noted that Fairhaven Honeywagon has corrected their report.
2. Discussion: Fee Schedule for BOH. Mr. Armendo stated the Board had more time to look over the proposed fee schedule since the last meeting. Nothing has changed since then. He also noted that there is quite a bit of work that will have to happen once this goes through a public hearing such as revising and creating forms and permits. The members discussed the schedule and the slight



increases. Mr. May has not looked at the fees and would prefer not to decide tonight. **MOTION** by Mr. Weinberg to adopt the fees as submitted by the Director, subject to review and revision at the next meeting. Second by Mr. May. Unanimous.

3. Animal Regulation/Registry Special Meeting Follow Up. Mr. Armendo asked if the Board had any thoughts on the meeting. Mr. May thought an animal registry would be helpful for tenant farms. He felt that a registry of all animal farms could be done in town. The AgCom Chair, Raymond Raposa stated that since he sells hay he has a list of them already. Mr. May feels they can make a spreadsheet of all the farms. The other concern is the support. It was suggested generating fees for animal permits to fund the required hours for a special agent time to perform inspections. Mr. Weinberg also supports the registry notion and questions it to include commercial farms (having to do with size and income). Discussion ensued. Members would like to convene another animal registry meeting to gather more input. The dates of August 7 or 23 are proposed for the special meeting. Mr. Armendo thought that having a draft regulation by the next meeting is premature as there are more questions to be answered.
4. Newspaper Article: Cleaning Chemicals in Stormwater Catch Basins. Mr. Weinberg asked this item to be included due to a complaint of a rug cleaning company discharging its wastewater into a storm drain that fed Bread & Cheese Brook. DEP imposed a fine through a consent order and imposed the company to create a log on how they manage their wastewater for the next 2 years. Mr. Weinberg felt it was worthy of issuing a press release as a deterrent for this very egregious act. Doing so reflects well on the Board showing it takes these matters seriously. This is a good example of actions having consequences. **MOTION** by Mr. Weinberg to prepare an educational press statement. Second by Mr. May. Unanimous. Mr. Weinberg will work with Mr. Armendo.

## **OUTGOING**

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Noted.

## **DIRECTOR'S REPORT**

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- a. Fee Schedule was discussed earlier above.
- b. Policies and Regulations: A document was shared with the Building Department. Mr. Weinberg asked that it be shared with the Planning Board.
- c. Complaints. Mr. May asked for copies in his packets.
- d. Inspections. Noted.
- e. Title V Report
- f. Transfer Station: the new 40ft. storage container for mattress recycling was delivered, which was acquired through a grant. Hopefully, the retaining wall and new cement pads are going to be done in house. Funding of this project will be from the approved ATM Article. The new roll-off truck is still in the process of being built, delivery date still pending.
- g. Day to day operations reviewed.
- h. Future projects: Animal registry/de-nitrification - discussed earlier.
- i. Goals: coordinate weekly staff meeting.

**SEPTIC PLAN REVIEWS**

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1. 218 Hix Bridge Road (M-54/L-55) Jane Deroquancourt & Charlotte Carey, 4-B Repair, Flow Diffusor Bed. **MOTION** by Mr. May to approve pending ConCom approval. Second by Mr. Weinberg. Unanimous.
2. 21 Andrea Court (M-28/L-3F) Chris Canepa, 3-B Repair, Stone Bed. **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
3. Pine Hill Road (M-36/L-66/SL-1) Steve Venafrro, 4-B NC. Mr. Armendo will request the applicant submit a stormwater plan. **MOTION** by Mr. Weinberg to approve. Second by Mr. May. Unanimous.

**APPOINTMENTS**

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**7:15pm – Discussion: Andrew/Ian Scott, 246 Howland Road, Deed Restriction.**

Mr. Scott, residing at 50 Sutton Pl South, New York, NY was present.

Mr. Harkins stated that at the time of the installation of the 4-bedroom septic system, it was a mistake due to the nitrogen sensitive area and according to DEP, an increase in flow is not permitted due to the proximity of drinking water and because this being zone-1 is in observation mode. He also stated that there was a well not shown on the plan that was submitted that was well within the 100-foot perimeter of the SAS. Because of all the recommendations, the Board has decided that a 2-bedroom deed restriction would be enforced. Mr. Scott stated the property is on the market and does not want a cloud on the title. He said the purchasers would have to come before other boards anyway. He felt that the BOH was going to take away a substantive right.

Mr. Harkins stated that over a year ago, the Board discussed and felt it would require a 2-bedroom restriction. Mr. Weinberg stated that it was a consensus of the Board but no formal notice was given, as there was no formal vote. The summary of all the issues led a consensus by the Board that a 2-bedroom deed restriction would provide protection. Mr. Scott stated that DEP has noted that the system is not in failure and there is no need for repair. He asked if it would be fair if the 2015 application approval were conditional on a 2-bedroom deed restriction.

Mr. Weinberg stated that it may not have been approved, because of the wellhead area and due to the limited size of the property, it would not be permitted; the planned new construction would be encroaching on the existing 4-bedroom system and therefore that is why the owners wanted to change the configuration of the existing septic system.

Mr. Scott is reluctant to put a 2-bedroom restriction on his property; he asked if this could be designed for 3 bedrooms with an alternative system. He said the size of the system and house must comply with the law but that does not mean it calls for a deed restriction and it would subtract, not add to anyone's rights.

Mr. Weinberg stated that the deed restriction informs the potential buyer and limits the house to 2-bedrooms. That has value to the BOH because the property owner could say they have a 4-bedroom system and they can then put up a 4-bedroom house when in reality the land can only handle a 2-bedroom system. There is no prejudice to the owner or future buyer who wants to make the investment in an advanced system.

Mr. Harkins stated that DEP has recommended “no increase in flow” which includes not allowing more than 2-bedrooms. Adding a bedroom is an increase in flow and thus it must remain as a 2-bedroom dwelling. Mr. Scott asked if adding a deed restriction is the guarantee and if the concern is the 2015 application.

Mr. Harkins stated the increase in flow is the problem. Mr. Scott stated that at the time of an application, the Board could do that and there is no need to do it now. It is a matter between him and a buyer.

Mr. Weinberg stated that there is 4-bedroom system in the ground that would lead a new owner to go ahead and build a 4-bedroom home. There would be no further restrictions. DEP’s concern is that it impacting public wells.

Discussion ensued over the 2-bedroom property and Mr. Scott insisted there is nothing that would require him to place a deed restriction of the property. Mr. Harkins stated the need to have something in place now to protect the Town, residents and public health. Mr. May stated that the water utility owner was here pleading that the Board does not allow any increases in flow as their system is maxed out.

**MOTION** by Mr. Weinberg to adopt an order that would require a restriction on the deed at 246 Howland Road that would restrict the building to a 2-bedroom dwelling. Second by Mr. May. Unanimous.

**7:35pm – Discussion: Marilyn Edge, Enforcement and Tobacco Related Education Agent for the BOH. Smoking Ban at Beaches, Parks & Playgrounds.**

Ms. Edge stated that if the ban were limited to municipal properties then the list she provided shows that many of the concerns are already included in the BOH’s regulations. The question is about e-cigarettes as there is the potential for public health risks for non-smokers. There is no safe level of second hand vapor for non-smokers according to Ms. Edge. Discussion ensued. The existing regulations would need to be updated as far as the definitions. She noted that the Board would have to decide if items 4, 5, and 6 would be integrated into the regulation. The other related departments would need to weigh in along with the Beach Committee.

**MOTION** by Mr. Weinberg to take steps to reach out to the Select Board and other appropriate boards to expand the ban to municipally owned parks, playgrounds, beaches and properties. Second by Mr. May with discussion. He feels that one more regulation is not necessary and is something he might not support notwithstanding the litter created and he feels that the second hand smoke causes no harm on a windy beach. Unanimous.

Ms. Edge stated that the House and Senate have passed the Tobacco 21 but has not gone to the Governor. The new legislation would change the age to 21, ban pharmacies from selling tobacco products and ban smoking in the workplace. Those already 18 will be grandfathered in at the signing of the bill. This will present a carding nightmare.

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

None.

**MOTION** by Mr. May to adjourn at 8:58 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next regular meeting to be scheduled: 7/30/18.

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  
Matthew Armendo, Director

**Absent:** Linda Pierce-Ronka, Town Nurse

## **MINUTES**

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1. May 25, 2018
2. June 04, 2018
3. June 18, 2018
4. July 02, 2018
5. July 16, 2018

**MOTION** by Mr. May to approve all minutes above. Seconded by Mr. Weinberg. Unanimous.

## **SIGNATURE'S NEEDED**

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Payroll - Signatures rendered.

## **PUBLIC HEALTH NURSE**

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No report this week.

## **OTHER BUSINESS**

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1. Discussion: Paquachuck Inn - How will the SAS and the Well be affected by the proposed new activity (increased seating, increased water use, increased use of facilities). Mr. Armendo noted this was approved by the Board of Selectmen. Mr. May felt that there was no great issue. Mr. Weinberg stated that this is an example of the change in use regulation and feels it should come before the Board of Health even though it was significant that there was support of the community. He said it's important to make these things as consistent as the Board can. The Director will keep the board informed of developments.
2. Discussion: Transfer Station Retaining Wall Improvement. There are \$11K in an article for a retaining wall that needs attention. It was determined that it is more than what the staff at the transfer station can do and feels it should go out to bit. Mr. Harkins stated there has been some support to use Highway Department resources. It was noted that if it goes out for an RFP, it will be more that the amount available and it is work that needs to get done before the winter. The work would involve the platform where cars drive up to and creating concrete slabs for the roll-off container to sit on.
3. Discussion/Vote: Updating Our Tobacco Regulations to Include the Banning of the Use of Tobacco or Tobacco Related Products at Beaches, Parks and Playgrounds. Marilyn Edge was present. The discussion was on how to add this to the regulation. **MOTION** by Mr. Weinberg to amend the existing Tobacco regulation to include banning of the use of tobacco or tobacco related

products at municipally owned beaches, parks, athletic fields and playgrounds. Seconded by Mr. May. Unanimous.

The Board agreed to move forward with a public hearing. Ms. Edge will have the revised regulation forwarded to the Board of Health staff so that a public hearing can be scheduled. The Board will pick an effective date once they receive the draft regulation back for their review.

4. Discussion: Weatherlow Farms-Seasonal Port-a-Jon Permit Issued in Error. Members asked that if the owner has more than 15 events to let the Board of Health know. He is required to notify the Board when he has guests over 100. There is an agreement for up to 15 events per year if the board would not know how many people will attend each event. Discussion ensued. **MOTION** by Mr. Weinberg that the Director contact Mr. Wagner and ask how he will comply with the agreement. Seconded by Mr. Harkins. Unanimous.
5. Discussion: Calculations Provided by Nitsch Eng. for the New School's Proposed SAS. Discussion ensued. The Director came up with a flow calculation of 20 gallons per day/student vs. the School Building Committee calculation of 2.6 gallons per day/student. Mr. Armendo has requested expanded data as to how they came up with this calculation. He will bring information to the next meeting.
6. Discussion: Special Meeting Dates to Further Discuss Animal Site Registry. This would be a second meeting to further the topic allowing those who could not make it for the first meeting. Mr. Harkins would like to schedule something for next week. He was sensitive to the farmer's schedules opting for a later time.
7. Discussion: AgCom Would Like to Have a Meeting to Discuss a Possible Animal Registry Need to Propose Some Dates to Them. Mr. Raymond Raposa was present and stated that he can reschedule the AgCom meeting to accommodate meeting with the BOH. The date most convenient is August 8<sup>th</sup> at 7:30pm for AgCom and the Board will attend that meeting.
8. Discussion: Fee Schedule. Mr. Weinberg stated that he would be more inclined to favor lowering the cost of installing a denitrification system to help foster more participation in installation. Discussion ensued over the denitrification systems numbers. The Director has some ideas on residential commercial and would look at this closer in the coming week for the board to review.

## **OUTGOING**

Noted.

## **DIRECTOR'S REPORT**

Noted.

One other item that was put before the BOS was the request for an animal list from the ACO. Scheduling staff was discussed to catchup on workload in order to mitigate using overtime. The Director proposed a spreadsheet that would have all information relating to complaints and actions taken. This can relate to cesspool information as well.

**SEPTIC PLAN REVIEWS**

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1. 1241 American Leg. Hwy. (M-33/L-64C) Michael Levesque, 3-B Repair, Infiltrator Quick 4 Chambers Bed. The plan incorrectly shows 4-foot separation and it needs to be corrected. Mr. Armendo stated that he would normally send a letter but past practice is making a phone call. He would have Mr. Swartz make the call but back it up with an e-mail.
2. 17 Windrush Lane (M-54/L-47G) Janice Ware, 4-B Upgrade, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg. Unanimous.
3. Brookwood Drive (M-70/L-39) Cheryl Florio, 2-B NC, Quick 4 Infiltrator Bed. Mr. Potter was present. It was noted wetlands were present. Discussion ensued. After review, Mr. Weinberg did not feel this needed a stormwater review permit. **MOTION** by Mr. May to approve subject to ConCom approval. Mr. Weinberg noted that the town by-law does not allow for building close to wetlands. He suggested moving the system out or install a de-nitrification system. Mr. Potter will need to design a denitrification system.

**STORMWATER PLAN REVIEWS**

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1. Cross Road (M-49/L-7) Richard Mowrey (Hardy Kornfeld / Xin Zhan). Mr. Armendo looked into this and his findings were that the calculations were accurate and comprehensive. **MOTION** by Mr. Weinberg to accept Mr. Armendo's recommendation. Seconded by Mr. May. Unanimous.
2. Pine Hill Road (M-36/L-1) Steven Venafro. Mr. Armendo was satisfied with the data that was provided. **MOTION** by Mr. Weinberg to accept Mr. Armendo's recommendation. Seconded by Mr. May. Unanimous.

**APPOINTMENTS**

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**7:15pm – T-5 Waiver Hearing: Len Potter, 14 Bob Street, Raposa Family Trust.**

Len Potter of Westport Environmental Design was present. The lot is 100 ft. x 110 ft. The Distances to four abutting wells will be less than 100 ft. but more than 50 ft.

Variances requested:

- Setback from SAS to site well at 14 Bob Street, 76 ft.
- Setback from SAS to 8 Bob Street, 85 ft.
- Setback from SAS to 25 Almada Street, 83 ft.
- Setback from SAS to 5 Figerado Street, 82 ft.
- Setback from leach area to basement wall, 12 feet vs. 20 ft.

Well testing shows contamination with high nitrates. Mr. Potter suggested that because one of the wells was stagnant for some time and should be flushed with a chlorinator and after 24 hours, retested. Just retesting will not resolve.

**MOTION** by Mr. Weinberg to approve the variances requested. Seconded by Mr. May. Unanimous.

**MOTION** by Mr. Weinberg to amend the motion to include a hold harmless agreement. Seconded by Mr. May. Unanimous.

**7:20pm – T-5 Waiver Hearing: Len Potter, 641 State Road, Steven Borges.**

The owner needs to drill a new well in order to replace the existing cesspool.

The variances requested are:

- Setback from SAS to new well, 56 ft. vs. existing 50 ft. separation from cesspool vs. 100 ft. required.
- Setback from SAS to tank, 47 ft. vs. 50 ft.
- Distance to wetlands, 36 ft. vs. 50 ft. required.

**MOTION** by Mr. May to approve subject to ConCom approval. Seconded by Mr. Weinberg.  
Unanimous.

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

None.

**MOTION** by Mr. May to adjourn at 9:12 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next meeting to be posted: 8/13/18



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  
Matthew Armendo, Director

### **MINUTES**

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July 30, 2018. **MOTION** by Mr. May to approve as amended. Seconded by Mr. Weinberg. Unanimous.

### **SIGNATURE'S NEEDED**

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1. Payroll - Signatures rendered.

### **OTHER BUSINESS**

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1. Monthly Pumping Reports. Noted.
2. Discussion/Vote: Proposed Tobacco Reg. Changes, Public Hearing Scheduling. Mr. Weinberg discussed the section where it indicated that the smoker is in violation and clarified that it should be the owner/manager who is in violation. He asked the Director to look into it as it was relative the smoke free environment and it is up to the employer to create a smoke-free environment. He said that as it is written, the Town is liable.
3. Discussion: Special Meeting Dates for Animal Site Registry. Members agreed to hold a special meeting on August 21 at 7:30pm. Room and location are to be coordinated.
4. Discussion: Follow Up on Meeting with Agricultural Commission. The next AgCom meeting is scheduled for the second Wednesday in September. Mr. Weinberg said that barn book inspections should be scheduled for October. The Animal Inspectors have the books and are due at the end of December. He noted that it would be a good opportunity if the AI had an animal registry form to hand out or fill out or leave with the animal owners to fill out and return.

### **OUTGOING**

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Noted.

### **DIRECTOR'S REPORT**

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1. Written Report. Mr. May asked about the glass recycler and Mr. Armendo stated that he is working on it. Pace Glass out of New Jersey can pick up 20 tons at a time and they are willing to drop off a rolloff when picking up a full roll-off. Mr. Armendo noted the Town has options.
2. Regarding the Animal registry, Mr. May stated he is working on a draft by-law. Mr. Armendo stated that a dumpster lost a good sized load of clam bellies on Adamsville Road last week. It was en- route to King Fisher Farm in Dartmouth.

There was a complaint received from someone reporting they witnessed another person dumping sewage into Sawdy Pond. The complainant also called DEP. Mr. Armendo went right away but found no evidence.

2. Oral Report covered the following :

- a. FY'18,17,16,15-Transfer Station Comparison Revenues vs. Expenses. After discussion, members asked to revisit the sticker prices.
- b. Weatherlow Farms-Flow Meter Readings. Members noted that if the flow were to double at the farm, it would still be well with in the design even if the numbers are doubled.
- c. Final Fee Schedule Proposal. Members reviewed the final version. **MOTION** by Mr. May to lower the fee for SAS construction for denitrification systems for residential areas from proposed \$250 to \$200. Second by Mr. Weinberg. Unanimous. **MOTION** by Mr. May to approve the fee schedule as amended. Unanimous.
- d. Bayside Restaurant: Unpermitted Port-a-Jon Situation. The restaurant has been renting port-a-jons because it's been so dry they did not want their well to run dry from use of the toilets. They have been having a very busy summer. Members generally agreed with this arrangement however, the seating numbers are beyond what has been approved for 84 seats. They are at 102 seat capacity. Mr. Armendo asked them to look at their plan.

## **SEPTIC PLAN REVIEWS**

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1. Amory Pettey Way (M-63/L-20/SL-1) Mike Riley, 4-B NC, Eljen GSE Absorption Bed. **MOTION** by Mr. May to approve conditional on a revised plan showing the benchmark for elevations and conditional on ConCom approval. Seconded by Mr. Weinberg. Unanimous.
2. 28 Rock Street (M-15/L-119-124/SL-1) Sean Connolly, 3-B NC, ADS ARC 36LP Leaching Chambers Bed. The lot is 20,000 sq. ft. and they are using parcel A as seen on the plan. The two parcels belong together under common ownership and the designed system can handle the nitrogen aggregate.
3. 81 Osborn Street (M-24/L-6E) Christopher Gaughan, 4-B Upgrade, Quick 4 Infiltrator Bed **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
4. 959 Sanford Road (M-22/L-15) Janet Lima, 3-B Repair, Stone Bed. **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous. **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
5. 15 Heritage Drive (M-23/L-61) Glenn DaLuz, 3-B Repair, ADS ARC 36 Chambers Bed **MOTION** by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
6. 1296 Drift Road (M-56A/L-109B) Robert Sieminski, Upgrade from 3B to 4B, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to continue and to request that Mr. Potter come to discuss. Second by Mr. Weinberg. Unanimous.
7. Carvalho Lane (M-65/L-60-70/SL-4) Joshua Carvalho, 3-B NC, Stone Bed. **MOTION** by Mr. May to approve conditional on a revised plan showing the locus on it. Second by Mr. Weinberg. Unanimous.
8. 1702-H Drift Road (M58/L-186) Poor Farm Realty, 2-B to 3-B Upgrade, Quick 4 Infiltrator Bed with Micro Fast Treatment. Members need clarification as the number of bedrooms is currently believed to be 3 and not 2.

**STORMWATER PLAN REVIEWS**

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1. 28 Rock Street (M-15/L-119-124/SL-1) Sean Connolly, 3-B NC, ADS ARC 36LP Leaching Chambers Bed. **MOTION** by Mr. Weinberg to approve based on Mr. Armendo's review not having any issues. Second by Mr. May. Unanimous.

**APPOINTMENTS**

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**7:15pm – T-5 Waiver Hearing: Mt. Hope for 14 Rosalyn Street, Peter Andrade.**

James Hall Mount Hope Engineering Inc. was before the Board to present an Advantix System for this failed 2-bedroom repair. The size of the lot is 10, 018 sq. ft.

The variances requested are:

- Setback from tank to property line, 6.4 feet vs. 10 feet;
- Setback from SAS to property line, 5.1 feet vs. 10 feet (#2 Almada and #10 Rosalyn St);
- Setback from tank to foundation, 3.8 feet vs. 10 feet;
- Setback from SAS to foundation, 12.9 feet vs. 20 feet;
- Setback from SAS to private abutting wells: 67 feet setback to well located at #14 Rosalyn Street vs. 100 feet; 86.1 feet to the well at #2 Almada Street vs. 100 feet; and 79.5 feet setback to well at #10 Rosalyn Street vs. 100 feet;

Mr. Hall stated that the well testing would be a hardship and based on the innovated system going in, he is requested a waiver. Should they choose to install a conventional system, there SAS would have to be mounded and retaining walls would need to be built for the mounding. This would add \$30K to the cost of the repair that the applicant cannot afford. Members did not agree on waiving the well testing at this time. The hearing is continued to September 14, 2018.

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

None.

**MOTION** by Mr. May to adjourn at 8:54 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

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

**Present:** William M. Harkins, Chairman  
Maurice E. May, Vice-Chairman  
Matthew Armendo, Director  
Linda Pierce, Public Health Nurse

**Absent:** Philip Weinberg, Secretary

### **PUBLIC HEALTH NURSE**

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Presentation by Linda Pierce, RN - The Effects of Smoking / Tips on Quitting

Ms. Pierce gave a short presentation from her own experience and from the source known as Netscape.

She provided statistics of the myriad illnesses caused by smoking and second hand exposure and the early death rate of smokers. She offered her advice to try quitting again if not successful. The nurse's hours are from 12-4pm Monday through Friday and she asked that persons call in to make sure she is there before they come in and to call 508-636-1030.

### **MINUTES**

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August 13, 2018. **MOTION** by Mr. May to approve as amended. Seconded by Mr. Harkins. The vote was unanimous with two in favor.

### **SIGNATURE'S NEEDED**

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1. Payroll - Signatures rendered.

### **OTHER BUSINESS**

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1. Monthly Pumping Reports. Mr. May noted an address error in the pump out records. His address was on the list. It was clearly an error and not the actual address pumped out. He asked that the pumper be asked to correct this.
2. Solar Project Discussion. Mr. Armendo stated that Tighe & Bond may be used to monitor the engineering. Discussion took place concerning the maintenance of the area around the panels. BOH will arrange a meeting with Tighe & Bond. Mr. May opined that he felt that \$2K per acre or \$8K per year should be paid for rent for the use of the town land.

### **OUTGOING**

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Noted.

The office has been identifying the port-a-jons around town and many letters are being generated as these are being addressed.

**DIRECTOR'S REPORT**

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1. Written Report. The Director noted that West Nile virus is a major concern this year. Several mosquito habitats have been identified in Tiverton and cautioned all to use repellent and cover up.
2. Oral Report. The Board had no additional questions.
  - a. New Meeting Time. The Director suggested changing the time to 6pm instead of 7pm. **MOTION** by Mr. May to establish a new meeting time of 6pm for BOH meetings. Seconded by Mr. Harkins. The vote was unanimous with two in favor.
  - b. Office Operating Schedule. The Director proposed closing the office to the public on Wednesdays from 1-4 in order to catch up as a temporary measure. Mr. Harkins noted it would be a good day to do so as the transfer station is also closed. He suggested trying it for a month and revisit it then. This action is required so that the employees can catch up with the backlog of paperwork that has accumulated. Members wanted the notice to be posted on the website, and the office door and the building exterior doors. The phones will still be operational during that time. **MOTION** by Mr. May to close the office from 1-4pm every Wednesday in the month of September. Seconded by Mr. Harkins. The vote was unanimous with two in favor.
  - c. Bi-weekly Working Meetings with the BOH Members. The Director suggested having working meetings to be able to discuss other items not normally discussed at Monday night meetings. Mr. Harkins asked the Director to put a schedule together of the meetings he is proposing.
  - d. Animal Registry, 2nd Special Meeting. The AgCom will meet Wednesday, September 12th. The idea is to have the BOH meet before the AgCom meeting. The next meeting is proposed for September 11th at 7:30 pm for the BOH. The Board will schedule a joint meeting with AgCom at a later date.
  - e. The Director discussed the retaining wall at the transfer station. The Highway Department agreed to help in the spring. Mr. Harkins thought that there were enough available funds now to begin part of the work on days the transfer station is closed.
  - f. 246 Howland Road. The Director has spoken to Town Counsel regarding how to proceed with a deed restriction on this property. Mr. Dan Kraft of 3 Hillside Road was present noting there are 3-issues that need to be resolved that the Director is discussing with Town Counsel. First - was the deed restriction; the property owner did not return the signed deed restriction and that question was put to counsel on how to respond. The second was to record something with the registry stating what the board had voted. The third was rescinding prior votes of prior boards, if possible, to be able to move forward. Town Counsel will explain, if and how this would be possible. Office staff is looking into the minutes of the votes from years past. Also, the property itself has been flagged in the Building Department to discuss any changes with the Board of Health.

The Acoaxet Water Company representative, Carol Foster from 279 Howland Road was also present. The operator is Randy Clarkson. She noted that all the members are members of the

water company which is a non profit. They are concerned with what is going on here because they did not want a jump in usage causing a greater cost. They have asked all the users not to use sprinklers and to conserve water in that regard. The piping is up to code. They are looking at installing a new generator. They have a new Board and new members. They have not gone above the nitrogen threshold and there is monthly testing meeting all the requirements.

- g. 248 Sanford Road. The sieve analysis results have not yet come back. Mr. Armendo has asked Mr. Potter to look into it.

### **SEPTIC PLAN REVIEWS**

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1. 438 Main Road (M-53/L-8) Bittersweet Farm Rest., 144 seats/36 lounge seats Pressure Distribution Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Harkins. The vote was unanimous with two in favor.
2. Carvalho Lane (M-65/SL-3) Joaquin & Sandra Carvalho, 3-B NC, Stone Bed. **MOTION** by Mr. May to approve conditional on ConCom approval. Seconded by Mr. Harkins. The vote was unanimous with two in favor.

### **APPOINTMENTS**

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#### **7:15pm – T-5 Waiver Hearing: Len Potter for 3 Velvet Avenue, Jose Pires.**

Mr. Potter presented the return receipt cards. The lot is small measuring 100 ft. x 100 ft. For this repair, well testing was submitted today.

Variances requested are:

- SAS setback to site well, 73 feet vs. 100 feet.
- SAS setback to abutter well, 226 Sanford Road-57 feet.

This has been approved through ConCom.

**MOTION** by Mr. May to approve conditional on a Hold Harmless agreement and well testing for three years. Seconded by Mr. Harkins. The vote was unanimous with two in favor.

#### **7:20pm – T-5 Waiver Hearing: Len Potter for 174 E. Beach Road, Don & Rosalie Langlais.**

The prospective buyer, Paula L. Whelan will purchase conditional on approval.

The 1,000 tight tank was installed in 1968. The tank has been over washed and is half full of sand and was used up to last year. They are asking to install a 2,000 gallon tank which is the minimum. The new tank would be sited 26 feet from the roadway vs. the location of the old tank near the mean high water mark. There will be an alarm setting at two thirds level.

**MOTION** by Mr. May to approve the new tight tank design subject to ConCom approval. Seconded by Mr. Harkins. The vote was unanimous with two in favor.

**7:25pm – T-5 Waiver Hearing: Len Potter for 117 Benoit Street, John Haggerty.**

The repair requires a variance to allow the system to be installed with a 3-foot water table vs. 4-foot separation to the water table. The system will be used with a pump. All abutting and site wells are more than 100 feet from the proposed septic system.

**MOTION** by Mr. May to approve conditional on a Hold Harmless agreement. Seconded by Mr. Harkins. The vote was unanimous with two in favor.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HRS PRIOR TO THIS MEETING**

Discussion regarding 13 Lakeshore Avenue with Mr. Potter.

Members allowed this discussion as Mr. Potter was before the Board for two of the appointments. The system originally proposed to go from 1 to 2 bedroom was not previously approved. Additional information from the family allowed a 2-bedroom approval.

The well was 28 feet from the leaching area. The well was to be moved to the NE corner and the concern was that drilling a new well close to the neighbor's well would contaminate it. The new owner drilled a well closer to the pond and favorable results were submitted. The well distance to number 11 Lakeshore will remain the same. The distance to the owner's well will be 88 feet and 50 feet to all other wells.

Mr. Potter will forward plans to the Building and Conservation Departments for review prior to the BOH review for approval.

**MOTION** by Mr. May to adjourn at 8:26 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next meeting to be posted: 9/10/18 @ 6pm.

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  
Maurice E. May, Vice-Chairman  
Philip M. Weinberg, Secretary

Matthew Armendo, Director  
Linda Pierce, Nurse

## **MINUTES**

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August 27, 2018.

**MOTION** by Mr. May to approve as amended. Seconded by Mr. Harkins. The vote was unanimous with two in favor. Mr. Weinberg abstained because he was absent at that meeting.

## **SIGNATURE'S NEEDED**

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1. Payroll for 8/26/18 - 9/08/18 - Signatures rendered.
2. Covenant & Easement-Shared System. Mr. Harkins stated that there is nothing included that would address the financials. The operations plan is also missing information. Mr. Harkins suggested not taking any action on this tonight. Mr. Weinberg stated that there should be a template for the purpose of having what the BOH wants. Mr. Armendo stated that the specifics are what are missing. No action was made at this point. Mr. Armendo will contact the proponent to inform them what is missing.

## **OTHER BUSINESS**

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1. Monthly Pumping Reports. Noted.
2. American Leg. Hwy., M-61/Lots 2, 2A, 2F, & 2H-Shared System Easement Approval. See Item 2 above in the "Other Business". No action taken; awaiting additional information.

## **OUTGOING**

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Noted.

## **DIRECTOR'S REPORT**

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1. Written Report. No Comments.  
Mr. Weinberg asked if Mr. Armendo brought up 246 Howland Road. Mr. Armendo stated that he reached out to DEP and Town Counsel. He is awaiting word from DEP as to what are the next steps. Mr. Weinberg was under the impression that DEP was not going to allow an increase in the current number of bedrooms, which is two and this would apply as well as if the owner would put in their own well. He does not want to leave it up to DEP because of importance of leaving the information recorded for subsequent buyers. Mr. Weinberg stated after discussion with Counsel, the Deed Restriction is voluntary and instead suggested filing a statement at the registry; Counsel took that under advisement. Mr. Armendo stated that the water company representative, Mrs. Foster was at a previous meeting indicating that the water company could not take any increase in use.



2. Oral Report was given by Mr. Armendo
  - a. Engineer review of plans for ELJ subdivision Charlotte White/Main Road (Francis Estates).  
- Calculations for pumping into forced main traveling 500-600 feet to Advantex System to field. The calculations go beyond the scope of what the staff is capable. He has requested 3 quotes from engineers. The applicant would be responsible for the fee.
  - b. Transfer Station new truck (See attached email). The Truck production has been delayed. Mr. Armendo will continue to look into the matter.
  - c. Effective date for Fee Schedule - 10/1/18. Discussed below.
  - d. Effective Date for Environmental Smoking Regulations - 10/1/18 (Beaches, Parks and Playgrounds) Discussed below.
  - e. Meeting with Animal Registry Advocates. Mr. Armendo updated the Board regarding the informational meeting.
  - f. Working meeting starting 9/19/18. Members agreed upon monthly meeting date with the next scheduled for 1pm.
  - g. Set joint meeting with AgCom (9/26/18, 7:30 PM). Mr. Raposa, Chair of the AgCom was present. He was agreeable to the date and time. Room to be determined.
  - h. Public Health Nurse new hours - 8:00 AM- 12:30 PM. Based on the feedback, most of the activity is earlier in the day and that is why the hours were changes to accommodate more people.
  - i. Education piece for local cable television (topics to be determined). This is still developing and Mr. Armendo is working with the cable access office to create an educational post. The members agreed. Mr. Weinberg stated that when the Integrated Water Management Forum begins, he suggested the local cable station be utilized.
  - j. Wednesday afternoon closure update. Mr. Armendo stated it appears that people have read the notice and that has allowed staff to begin addressing the backlog that has accumulated over the last few years.
  - k. Oct. Meeting Schedule-Meeting for Oct. 8 is a Holiday. Members agreed to 5pm on Tuesday October 9th.

## **SEPTIC PLAN REVIEWS**

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1. 319 Robert Street (M-62/L-18A, 18C) Richard Sroczynski, 3-B Repair, Stone Bed. **MOTION** by Mr. May to approve pending ConCom approval. Seconded by Mr Weinberg. Unanimous.
2. 51 Autumn Drive (M-41/L-9D) Rui & Marcia Reis, 4-B Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve pending ConCom approval. Seconded by Mr May. Unanimous.
3. 67 Benoit Street (M-88A/L-91&92) Tiberio Silva, 3-B Repair, Presby Enviro Septic Field. **MOTION** by Mr. May to approve pending ConCom approval and with the stipulation that the plan be corrected. Seconded by Mr. Weinberg. Unanimous.
4. Walter's Way (M-34/L-48F/SL-4) Antonio Batista, 5-B NC, ADS ARC 36 Chamber. **MOTION** by Mr. May to approve pending ConCom approval. Seconded by Mr. Weinberg. Unanimous.

Ms. Tanya Ryden asked if this were a conventional system. She stated that this was another system loading nitrogen and the Board was supposed to have begun formulating it by now. Mr. Armendo stated that the topic will be on the September 19, 2018 working meeting agenda. Mr. Weinberg stated that he thought that all new construction would be first addressed and that the supporters would all be part of an initial meeting and to go ahead and schedule one. Mr. May also agreed.

**APPOINTMENTS**

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**6:15pm – Discussion: Nurse Linda Pierce for Flu Vaccines.**

Ms. Pierce stated that the Town is expecting the flu vaccines shortly. She gave advice for dealing with the flu and the benefits of receiving the vaccine. She cautioned those with other illnesses may have more severe symptoms. She suggested practicing good health habits. The vaccine availability will be posted on the web site.

**6:25pm – T-5 Waiver Hearing: Len Potter for 13 Lakeshore Drive, Mark Gendreau (Gagnon).**

This is a continuation. The new well is now in place and 97 feet from the leach area. That is the maximum distance to the system, which was originally a 50 foot setback. In order to maintain the same system distance at number 11's well, he narrowed the system for a 53 feet setback to that well. **MOTION** by Mr. May to approve with set back to site well at 97 feet and 53 feet to well at 11 Lakeshore Avenue conditional on well testing, Hold Harmless Agreement and on ConCom approval. Seconded by Mr. Weinberg. Unanimous.

**6:35pm – T-5 Waiver Hearing: Sitec for 215 Fisher Road, Edward Piszcz.**

John Connel from SITEC, Inc. was present.

The 3-bedroom repair requires the following variance:  
-3.4 feet vs. 4 feet ground water separation.

This is the most they could get out of the system with installing a pump. Because of the costly maintenance for a pump, it would be a financial hardship for the owner.

**MOTION** by Mr. May to approve the variance conditional on a Hold Harmless agreement. Seconded by Mr. Weinberg. Unanimous.

**6:40pm – Hearing: Mid-City Scrap, State Road, Port-a-Jon permit.**

David Medeiros from Mid-City Steel was present requesting a year round permit for a Port-a-Jon. It would be out of the public view in the location where the fencing is located in the back and its use is only for the employees that are working at 190 State Road.

Mr. Weinberg stated this request for a Port-a-jon goes against the BOH regulations. Mr. Weinberg stated that, in his opinion, the applicant would need to come up with a more permanent solution such as a composting toilet, for example or a more permanent system. Mr. Armendo asked if they would be looking at placing a system there in the near future. Mr. Weinberg stated that this is a commercial operation, and would like to have the applicant look into other alternatives and at least give the BOH a reason why they cannot opt for other solutions. The Board asked that this information be provided.

**6:45pm – Hearing: Len Potter for Brookwood Drive, Cheryl Florio-By Law, 100 ft. Setback.**

The original plan was approved in February 2011 with a variance from the 1987 Wetlands setback By-law. Mr. Potter stated that installation of a de-nitrification system is too costly for the applicant. Such

a system would add up to 16K for installation and \$600 annually for maintenance. Mr. Potter made an argument that the wetlands are to the south and these are not open water bodies but rather woodlands. Since the original variance was 100-foot setback to the wetlands. The applicant is asking for a 50-foot variance as per new regulations since 2011 and therefore not subject to a de-nitrification system.

Tanya Ryden was present and she asked the Board to consider the TMDL that was issued for the river where the situation has worsened.

Mr. Weinberg suggested a way to ameliorate the situation would be to condition the approval by prohibiting nitrogen fertilizer on the property.

**MOTION** by Mr. Weinberg to approve a septic system subject to a Hold Harmless agreement and deed restriction prohibiting nitrogen fertilizer on the property. Seconded by Mr. May. Unanimous.

#### **7:00pm – Hearing: Nitsch Eng.-Proposed Flow Calculation for New School SAS.**

Mr. Brassard was before the Board to discuss.

Variance is requested to facilitate the permitting and coordination of a sanitary disposal system that is designed to correspond to sewage flow from modern school facilities.

The Board of Health is in agreement with the following findings that are in the application materials as presented:

- Variance requested is necessary to accommodate an overriding community public interest insofar as the corresponding sanitary treatment system could function poorly due to low daily flow relative to the system size and potentially fail to provide adequate environmental protection intended by the provision of Title-5.
- A sanitary treatment system that is properly sized relative to discharge rates from typical modern school buildings will provide a level of environmental protection consistent with Title-5.
- The water usage data was included in the application is reflective of newer LEED certified school and the calculated unit flow of 5.1 gpd/person is suitable for the design of the new combined Title 5 subsurface sanitary disposal system.
- The project will include retrofitting the plumbing fixtures in the existing elementary school with up-to-date low flow fixtures, bringing its water usage in line with the anticipated usage in the new school building.

Mr. Brassard discussed the similar schools that they used to reach these calculations. Mr. Armendo also noted that certain systems will shut down if not used especially during the summer.

The Board agreed that the flow variances are acceptable. The Board will draft a letter to Mr. King stating that it meets the criteria.

#### **PUBLIC HEARINGS**

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#### **7:15pm – Smoking Ban Regulation: Proposed Changes.**

Present were Marilyn Edge, Tobacco Agent for the Board of Health and Cheryl Sbarra, Director of Policy and Law for the Massachusetts Association of Health Boards.

Ms. Edge and Ms. Sbarra suggested enacting the new version and at the time of adoption, she suggested removing the current regulations because the new version includes the existing. **MOTION** by Mr. May to approve the updated regulation effective October 1, 2018. Seconded by Mr. Weinberg. Unanimous.

Mr. Weinberg discussed the ability of filing a deed restriction for a 2-bedroom system. Ms. Sbarra stated that they are in violation of the BOH order but she deferred to Town Counsel. There are a few options such as lis-pendens she suggested through Town Counsel. She offered looking into this further and she will check with DEP.

**7:25pm – Public Hearing: Fee Schedule for Board of Health: Proposed Changes.**

The item has been published in the papers. All the changes were discussed and approved at prior meetings. Mr. Harkins opened discussion to the floor for comments. Mr. May noted that the fees for IA systems was not included. He wanted one included and to make the fee \$50 less than the conventional system.

**MOTION** by Mr. Weinberg to approve as submitted effective October 1, 2018. Seconded by Mr. May. Unanimous

**MOTION** by Mr. May to adjourn at 8:26 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Next regular meeting to be scheduled: 9/24/18

The Special Meeting of the Board of Health convened at 7:30 p.m. at the Town Hall with the Pledge of Allegiance.

**Present:** William M. Harkins, Chairman                      Matthew Armendo, Director  
Maurice E. May, Vice-Chairman  
Philip M. Weinberg, Secretary (arrive at 7:40 pm)

The purpose of this meeting is to discuss the possibility of an animal site registry/tenant farm regulation and receive comments from the public.

Chairman Harkins let the listening audience know that there is still much to discuss with respect to an animal registry so that all can act responsibly and act in the best interest of the Town.

He said at the last meeting there was agreement that the problems that exist in Town are from tenant and plot farms. This should be the main focus on how to address and maintain these farming activities and making sure they stay in compliance.

Mr. Harkins stated there are many letters he would like to read to them but wanted to open the floor to the people present. He asked Westport to keep their comments to a minimum and if there is time at the end, to read the letters and allow non residents from surrounding communities an opportunity to speak. He noted that this is Westport business and its residents need to be heard. Mr. May stated that citizen opinions are important for the Board to hear.

Suze Craig of Drift Road stated that she is in favor of the registry because should her lambs care to roam, the police would know where to return them.

Daphne Borden of 147 Brayton Point Road is in favor of a registry and was saddened and embarrassed with what happened at the Medeiros farm. She noted she lived in Essex where she had a farm and the Animal Control Officer/Inspector would go around and check on the animals and felt it was a good system. She shared the registry with another member present.

Terry Somerson of 40 Perseverance Lane stated that she is on the Board for Habitat for Cats. She has been dissatisfied with Town response to the animal abuse and made note of the need to solve this problem.

Jeff Majewski, of Old County Road. As a police officer, he worked on this case in both 2010 and 2016 and he would like to see something done. He said that 2010 and 2016 would not have happened if the Town was aware of where these animals were. He stated that the registry is not an attack on the professional long standing farmer. Animals kept in poor conditions spread disease. An accounting of animals is nothing new. As a police officer, there is an index card system that he uses that has been accumulated through experience of who has animals and where. It is a problem for the police when they do not know what animals are in the area especially when responding to animals in the road or if an animal was hit by a car because it got loose. There are people that need regulations in place beyond the professional farmers. He thinks a registry is a good idea and the Police Chief knows that he is speaking on this here tonight. Mr. May asked if he would share the info on those cards with the Board of Health. Mr. Majewski thought that it could be possible.

Ann MacPherson of Division Road stood up to support the registry as a small farmer. Her initial response was that the majority voice was against the tenant farmers that were tantamount to people renting from slum-lords. She was concerned about bio-security and had strong reservations allowing someone on her farm after they have been on other farms first. She asked why hasn't anyone taken the time to write a bylaw against tenant farms. People are not going to be permitted to rent land who will abuse animals. She said that it makes the town look like they don't care, when they do.

Ms. Weinberg stated that there was a Tenant Farm by-law proposed several years ago, in 2012, the Board of Health proposed a Tenant Farm by-law at Town Meeting, but it did not pass.

Carol Mann of Kelsey Way stated that she has a 27 acre farm and is a member of the Agricultural Commission. She feels that there is a misunderstanding and that AgCom is supportive of a registry. Farms that grow produce and commercial farmers are inspected by the state and do not need to be on a registry. She asked if the Animal Inspector has enough funding by the Town to make inspections should there be a registry? Mr. Harkins stated there is an Animal Inspector. She suggested livestock be tagged. Mr. Harkins thought that all animals are tagged if imported into the State. She asked how the Board was going to locate the small backyard animals, especially those in wetlands.

Mr. Harkins stated this process is supposed to be a way and means to determine that. Mr. May stated that the AgCom vote against the registry was disappointing and that he had hoped that AgCom would help put a registry together. Mr. Weinberg asked if there is an obligation to tag the animal. Ms. Lambert stated any animal imported in to the state must be registered and permission given by the state. The ACO is then sent out to verify the animal. Ms. Lambert stated that there were not a lot of ear tags to investigate but noted there is an increase than what has been done in the past. Mr. Harkins asked if the information from MDAR is proprietary information. Mr. Weinberg stated that one function of the registry is so the animal inspector could add that farm she is inspecting to the list of farms. He said it's not clear if the barn book reflects where all the animals are located in town nor is it clear how animals are put or not placed on the barn book list. He asked that this be understood better so there is a better understanding and work is not duplicated.

Fred Sperling of Acoaxet Road stated that in the interest of common sense and decency, he is in favor of a registry. Based on the discussion, it is pertinent to know that he is an infectious disease physician and he is very experienced in animal diseases and what they do to public health. He stressed the risk to public health some of these diseases can have and that the Board of Health is in a position to oversee all of this.

Tanja Ryden stated that this is an issue of transparency. She stated that the Board has the full authority for drafting a by-law and encouraged the Board in pursuing an animal registry as a way of documenting its responsibilities as well as the responsibilities of those that have animals on their property and also a way of pursuing tenant farms.

Barbara Pontolillo from Drift Road was present. She volunteered in 2016 with the ASPCA and after at the sanctuary site. She said an animal registry will help to prevent this from happening again.

Cathy Feinnenger of Westlook Lane rose in favor of an animal registry as it is a first step. She asked Westport residents in attendance for a show of hands to show support. Many if not all raised their hands in support.

Jennifer Mello of Pine Hill Road is in favor of a registry. She noted that there is a need for funds to make it function and there should be a way to impose a modest fee to pay for the service.

A group, names unintelligible were in support of a registry.

Ann Boxler also rose in favor.

Mr. Ray Rapoza, Chairman of the AgCom thanked the BOH for having all present. He felt that when an animal activist says they want to know what is going on in your back yard, he feels that there is a privacy issue. He stated that AgCom has voted in favor of a regulation for a plot farm. He is not in favor of a site registry or the argument about manure management and chemical storage being part of a registry because there is no bearing on animals. He asked the BOH to regulate plot farms and to have a civil site registry with “wanting to know what is going on in your back yards” no part of the requirement.

Chris Wiley stated that the reason everyone came together was because of the 2016 incident. She stated that she is now looking into other issues and situations that are happening and that is another reason why they have come together. She addressed Mr. Rapoza’s comment by stated that there is a need for people to report

Shana Shufelt, Chair of the Board of Selectmen and former Chair of the Animal Action Committee. She noted the state maintains certain data they do not share. She stated that the Town has information and she wanted to make sure the Town is responsible for it. She said that for many people, this has become an animal abuse issue. This is a crime. She urged the Board of Health to adopt a Board of Health regulation because of the Health impacts on our community that these animal sites have. A simple reason a site registry might want to know the location of chemicals that are used on the farm or the manure management and pest management used on a farm are all public health and animal health reasons for a site registry that should not cost a lot of money. The registry should show that the Town has adopted a registry before a tenant farm bylaw is adopted.

Craig Dutra from Union Ave. was present. He spent many hours as a former Selectman visiting the Medeiros farm. He is in support of a registry.

Ricardo Sanchez from the Harbor stated that infectious disease was of importance and the registry is important so that any disease can be communicated to those on it.

Constance Gee was in support of an animal site registry for everyone that has livestock in town.

Cheryl Castenguay from Fall River, works at 519 American Legion Highway. She noted that the Town Hall building was not large enough to contain all the animals that died and does not understand why this is still being debated. She suggested donations to farmer to pay for the registration and hold those who do not register accountable.

Donna Perrillo was in support and stated it is more complicated than just starting a registry. It requires several boards to work together. AgCom needs to join in because the Board of Selectmen nominate the Animal Inspectors. She would like to see an animal inspector under the Board of Health as well as those under the BOS.

Mr. Harkins stated that after the incident in 2016, MDAR made it clear that they did not want the BOH nominating the Animal Inspectors, but rather appointed by the Board of Selectmen. Mr. Harkins stated that it is best to try and resolve how to do this effectively. What he observes is that now everyone is pointing to the Board of Health to create and maintain a registry. Because the Board regulates through regulations, he is not sure if it would be better served by the individuals who are dealing with the animal inspection portion of this already. He stated that the Board of Health does not know where the animals are in town. The Board is happy to work with others. He stated the Board deals with issues only when the state notifies them as in a case of an infectious disease and then the Board takes the appropriate action. The people that know where the animals are at this time are the ACO/Animal Inspector. He asked if it would not make better sense for a registry to reside with them. He also stated he is not absolving the BOH from any responsibility. He said for many years there was a total lack of communication between departments, which brought them to where they are at today. He stated everyone needs to assume their portion of responsibility of what happened in 2016 and 2010 as it was multiple departments' and the states' responsibilities. He wants to work together and there needs to be discussion with the Board of Selectmen, AgCom and every department that works with animals to determine the best way forward. Concerning writing a regulation for plot and tenant farms, he said it would be helpful to allow our agents to inspect and prevent the incident from happening again. Mr. Harkins stated that as far as the registry is concerned, he is not clear who should construct and maintain it – since it is not a regulation and the BOH knows not where the animals are, it should not fall on them. He also noted small animal diseases should also be managed. He stated that he asked for a list at one of the selectman's meeting and what was subsequently provided only listed about 50 addresses compared to the 100+ in the barn books. He said having that list would help.

Mr. May recapped the many actions the BOH has gone through this past year to include a new nurse, and a new Director, but the part that is missing is the Animal Inspector part of the BOH as was in the past. He stated that with the Police Department index and AgCom help, they can construct a bare bones registry and this can be done now as a starting point. The 2<sup>nd</sup> phase would be by funding an Animal Inspector but that would require transferring the ACO from the BOS to the BOH. He stated that crating a plot/tenant farm regulation can also stand alone.

Mr. Weinberg also agreed that the registry is one issue and the second separate phase is the regulation for tenant and plot farms. He offered to move forward on the tenant farm piece and encourage people through social media to report where people are keeping animals. He stated that he was surprised that in the case of the Medeiros farm, no one came forward to report what was going on.

Mr. Armendo stated that the regulation for the plot/tenant farm. He feels the registry portion should be revisited. Discussion ensued.

Mr. Rapoza estimated over 300 sites that have no more than 20 chickens on average and 200 have hooved animals.



Ms. Gee stated that she wanted to read the author's names into the record that wrote to the Board into the record. She asked the Board to motion to create a site registry. Mr. Harkins reserved that for a subsequent meeting. Mr. Harkins stated that in other towns, the ACO, AI fall under the BOS not the BOH. Discussion ensued over the lack of funding with the BOH. Mr. Weinberg stated that in principle, the town should know where the animals are located, but he has reservations on how it's going to work.

Members of the audience pressed the Board to make a commitment towards supporting an animal registry. Mr. May supports a 2-phase plan with the hopes of additional funding at Town Meeting and Mr. Weinberg supports it in principal with reservation of not knowing how it would work.

**MOTION** by Mr. May to adjourn at 8:51 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:01 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 (arrived at 6:20pm)  
Matthew J. Armendo, Director

### **MINUTES**

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1. September 10, 2018 (regular). **MOTION** by Mr. May to approve. Second by Mr. Harkins. The vote was 2 in favor. Mr. Weinberg was not present at this time.
2. September 11, 2018 (special). **MOTION** by Mr. May to approve. Second by Mr. Harkins. The vote was 2 in favor. Mr. Weinberg was not present at this time.

### **SIGNATURE'S NEEDED**

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1. Payroll: 9/09/18 - 9/22/18. Signatures rendered.

### **OTHER BUSINESS**

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1. Monthly Pumping Reports. Noted.
2. Discussion on Tenant Plot Farm Regulations. Mr. May stated that it would be important to have a Tenant Plot Farm Regulation. Many want to avoid what happened at the Medeiros Farm from happening again. It is not known if farms like that are still happening, but they will be found. Mr. May made an example of a nursery being sublet out to another nursery farmer. These are the considerations to look at when drafting. Mr. Weinberg stated that drafting a regulation will overlap with an eventual site registry and much can be drawn from the pig and equine regulations. The question is if it would be by permit or by registry alone. He noted the Medeiros Farm was an example of dangers to public health. He suggested moving ahead and setting a timetable. Mr. Harkins felt it would be similar to equine and piggery regulations and that the BOH inspector would be responsible for conducting inspections. Mr. Weinberg stated that he is willing to work with the Director to commence a draft.

Mr. Armendo stated that if the BOH will be issuing Permits and inspections, there is no staff in place at this time to support this new responsibility. When the permitting process begins, the Board will need to make sure that there are resources in place to support a permit with an inspection.

**MOTION** by Mr. Weinberg to begin the Tenant Farm regulation. Second by Mr. May.  
Unanimous.

Constance Gee of River Road asked what was the reference for to property leased from the nursery. Mr. May stated that certain circumstances such as nurseries or farms over 5 acres have to be differentiated and may not be subject to the regulation. Ms. Gee stated that there are plenty of examples of tenant farm regulations and Dartmouth has one. She asked about the inspection

responsibility. She asked if this motion is addressing something minimal because it doesn't really effect anyone.

Ray Raposa Chair of AgCom stated that the AgCom voted to describe a tenant farm as any farm with 2 or more tenants. AgCom feels tenant farms should be regulated no matter how large. He feels Ms. Gee's concern is valid and that acreage should not be a consideration.

## **OUTGOING**

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Noted.

## **DIRECTOR'S REPORT**

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1. Written Report. Noted, no Comments.
2. Oral Report was given by Mr. Armendo.
  - a. Transfer Station new truck. The Director is working with Boston Freightliner on getting some concessions due to late delivery of the truck. So far, what was offered, was an increase of the towing warranty from 2 years to 5 years and a \$1,500 credit from the bottom line. The Director feels they can do better so he will continue to work with them.
  - b. Animal Registry. Continue to develop a registration criteria; review letters from the public; communicate with AgCom members.
  - c. Working meeting 9/19/18. The working meeting was a success. The next meeting is October 17, 2018 at 10:00am. Members were in agreement with this date and time. **MOTION** by Mr. May to schedule 10/17/18 at 10am. Second by Mr. Weinberg. Unanimous.
  - d. Joint meeting with AgCom is scheduled for 9/26/18 at 7:30 pm. Discussion regarding tenant plot farms – see Other Business above.
  - e. Flu Vaccine. Flu vaccine should be arriving by 9/26/18. Information will be put on the website and on the front page of the town website that we will have flu shots available and the Public Health Nurse will be available to administer the shot. A Flu Clinic is scheduled at the Council on Aging on 10/25/18 from 9am to 12pm.
  - f. Wednesday Closures. Closing on Wednesday's has been very helpful; will need to continue this practice until the end of December to get ahead of all the changes and review again 1st meeting in January. **MOTION** by Mr. May to extend Wednesday closings until the end of the year. Second by Mr. Harkins. The vote was 2 in favor. Mr. Weinberg was not present at this time.
  - g. Update 248 Sanford Road. Mr. Armendo has been in contact with Town Counsel and requested BOH extend the deadline for system installation for an additional 30 days until 10/29/18. Owner has been moving forward, he has hired an engineer (Len Potter) and a plan for the system is being drawn up for approval.

- h. New fee Schedule. The new fee schedule will go into effect on 10/1/18; a \$50 reduction in the fee for residential property owners who use denitrification has been put in place.

### **SEPTIC PLAN REVIEWS**

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Mr. Armendo handed out a new revised checklist for plan review.

1. 28 Pratt Avenue (M-53/L-25Q) Nancy Chase, 3-B Repair, Quick-4 Standard Infiltrator Bed. ConCom has reviewed, no variances or wetlands. MOTION by Mr. May to approve. Second by Mr. Weinberg. Unanimous.
1. 7 Macomber Lane (M-89/L-112) Peter Johnson, 6-B Upgrade, Infiltrator Quick Chamber Bed. MOTION by Mr. May to approve. Second by Mr. Weinberg. Unanimous

### **APPOINTMENTS**

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#### **6:30pm – T-5 Waiver Hearing: Wendy Henderson for 38 D Drive, Derek Viveiros.**

Repair of failed septic system for a 4-bedroom existing home and system.

Variances requested:

- Setback from leaching area to property line, 6 feet vs. 10 feet
- Separation to groundwater, 3 feet vs. 4 feet
- Request for sieve analysis in lieu of percolation test

Ms. Henderson is to correct the design notes to reflect 4 bedrooms and not 5. She will also resubmit plans with her stamp on them.

MOTION by Mr. May to approve the three variances requested to include a hold harmless agreement. Second by Mr. Weinberg. Unanimous

#### **6:35pm – T-5 Waiver Hearing: Len Potter for 3 Velvet Avenue, Jose Pires (4-B).**

Enlarging an existing system to a 4-bedroom.

The applicant seeks a variance for distance to wells:

- SAS setback to Site well, 68 feet
- SAS to well at 226 Sanford Road, 57 feet
- SAS to well at 7 Velvet Avenue, 98 feet

MOTION by Mr. May to approve three variances for setback to wells over 50 feet away but under 100 feet conditional on a hold harmless (already on file) and a deed restriction for a 4-bedroom system. Second by Mr. Weinberg. Unanimous.

#### **6:45pm – Discussion: Brian Corey, 28 Rock Street, Sean Connelly-Plan Approval.**

This is for 4 lots that existed prior to 1957 (zoning). Article 7.5 grandfathered all lots that met the criteria of 5,000 sq. feet or more as long as they were not developed.

Based on this, DEP allows for it. The undeveloped roadways are considered in the calculations.

**MOTION** by Mr. Weinberg to approve proposed system for Lot 1 at 28 Rock Street subject to the provisions of Title-V regarding aggregate nitrogen flows. Second by Mr. May. Unanimous

**7:00pm – Discussion: Site Design, Michael Russell for Francis Estates-Charlotte White Road.**

Community Septic system for 12 homes off Charlotte White Road and Main Road. This was approved as an open space residential development by the Planning Board. Part of the approval, required a nitrogen reducing system. Discussion ensued over the proposed system. The Board had concerns over a 2 1/2 inch pipe, but felt there was enough to move forward, being this is not a typical repair design. This is the last approval needed on the project design. Mr. Armendo asked that the notes be placed on the most current plan set and noted he did not see the design spec calculations included but would review again. Mr. Armendo is comfortable with the information and will go over the three last questions; these do not need to hold up the plan.

Susan Rawlings of Meadowbrook Drive asked if the Board knew that this property was for sale. Mr. Harkins stated that has no bearing on the approval of the system and the system is a denitrification system. Any approval will transfer on to a new owner. She asked how would the Board ensure that there were no changes to the approval. Mr. Harkins stated any changes from what is approved here must go through this process again for approval.

Tanya Ryden asked about a separate surety for system not to be combined with the road completion surety.

**MOTION** by Mr. Weinberg to give a conceptual approval of the plans for Francis Estates conditional on complying with Title-V. Second by Mr. May. Unanimous.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HRS PRIOR TO THE MEETING**

None

**MOTION** by Mr. May to adjourn at 8:41 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 5:00 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

Matthew Armendo, Director

### **MINUTES**

1. September 24, 2018 (regular meeting) **MOTION** by Mr. May to approve as amended. Second by Mr. Weinberg. Unanimous.

### **SIGNATURE'S NEEDED**

1. Payroll - 9/09/18 - 9/22/18. Signatures rendered.

### **OTHER BUSINESS**

1. Monthly Pumping Reports. Noted.
2. Public Hearing Schedule for Additional Fees. Postage and late fees were not added to the schedule. These will be added. **MOTION** by Mr. May to adopt as proposed. Second by Mr. Weinberg. Unanimous.
2. Public Hearing Schedule for Regulation Changes to the State Sanitary Code Chapter X – Minimum Standards for Food Establishments. The State has just made amendments to the sanitary code and these changes will effect some of the ways the Board permits the food establishments.

### **OUTGOING**

Noted.

### **DIRECTOR'S REPORT**

1. Written Report.  
Mr. Armendo reviewed his report at the request of the Board. Mr. Weinberg asked to understand the finances better.
2. Oral Report contained the following:
  - a. Transfer Station
    - Status of new truck
    - New 30-yard open container, delivered 9/27/18
    - New signs at transfer station to state- "All Pets to Remain in Vehicles" due to rodent issues and measures will be taken to mitigate the problem
  - b. Tenant Farm Regulations
    - Working on a draft regulation-the question was if there should be a permit fee.
  - c. Working meeting 9/19/18. Next meeting date October 17, 2018 10:00AM
  - d. Joint meeting with AgCom (9/26/18, 7:30 PM)
    - Discussed the BOH vote regarding tenant plot farms. Also, discussed registry options.
    - AgCom voted to take on a voluntary site registry. Ray Raposa, Chair of the AgCom was present and noted that AgCom would like to be part of this process for a volunteer registry for all farms.
  - e. Flu Vaccine
    - Vaccine arrived 9/26/18 to date we have vaccinated 36 individuals
  - f. Wednesday Closures
    - Closing on Wednesday's has been very helpful will need to continue this practice until the end of December to get ahead of all the changes; would like to review again 1st meeting in January

**SEPTIC PLAN REVIEWS**

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1. 527-527A Main Road (M-69/L-13-14A) Maurice May, 3-Bedroom Repair, Quick 4 Standard Infiltrator Bed. Mr. May recused himself. Mr. Weinberg asked about the buffer zone and asked if his assumption is correct that there is wetland nearby. The cesspool will be abandoned and a permit will be required by the applicant. ConCom has reviewed this plan and there are no variances. **MOTION** by Mr. Weinberg to approve the repair. Second by Mr. Harkins. The vote was 2-0 in Favor. Mr. May was recused from the vote.
2. 56 Plymouth Blvd. (M-18/L-42) Scott Costa & Kristen Lee, 4-Bedroom Repair, Presby System. **MOTION** by Mr. May to approve subject to a deed restriction limiting the home to 4-bedrooms. Second by Mr. Weinberg. Unanimous.

Based on environmental impacts, the Board would like to visit the possibility of deed restrictions on repairs.

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**APPOINTMENTS****5:15pm – Discussion: David Medeiros of Mid-City Scrap, Port-a-Jon Issue Follow Up.**

David Medeiros returned after looking into alternatives to rental of a seasonal port-a-jon.

He said that there are only 3 employees who need this. Options were a composting system that would require it being enclosed in a structure among other hardships. The current situation has the port-a-jon cleaned out every Monday and thoroughly washed out. Mr. Armendo noted that the Board does not have a fee structure for this. The applicant has until December 31 on his current permit.

Mr. Weinberg stated that he is willing to accept the representations and as a precedent, the options explored were that there were no other alternatives for this situation. Mr. Armendo suggested not ruling out a tight tank that would require a building facility to accommodate toilets and running water.

The applicant is requesting the permit to be extended to December 31, 2019. Mr. Harkins stated that a year is enough time for the applicant to look at installation of a water supply and to look into a tight tank.

**MOTION** by Mr. May to authorize an exception for use of a port-a-jon permit under section 4.5 conditional on a Hold Harmless Agreement for calendar year 2019. Second by Mr. Weinberg. Unanimous.

Mr. Armendo will provide additional information to assist in the process through DEP for tight tank requirements.

**5:25pm – T-5 Waiver Hearing: Len Potter for 248 Sanford Road, Jeffrey Andrade.**

Failed system with the following variances:

- Setback of proposed pump chamber to foundation, 4 ft. vs. 10 ft.
- Setback from SAS to Register Ave., 9 ft. vs. 10 ft.
- Setback from SAS to site well, 58 ft. vs. 100 ft.
- Setback from SAS to well at 246 Sanford Road, 68 ft. vs. 100 ft.

- Setback from SAS to well at 9 Register Ave., 57 ft. vs. 100 ft.
- Approval of a sieve analysis in lieu of a perc test.

It was noted that the plan was approved by ConCom.

**MOTION** by Mr. Weinberg to approve the variances with well testing and a Hold Harmless Agreement. Second by Mr. May. Unanimous.

**5:45pm – T-5 Waiver Hearing: Greg Nicholas for 65-B Cummings Lane, Richard Anderson**

Greg Nicolas of South Coast Engineering was present. He stated that the water testing has not all been completed as one home is still being constructed and the well is not connected yet and the other owners are out of town. Mr. Weinberg stated that the regulations require well testing in advance.

Repair of system with the following variances requested:

- Setback to well at 65A Cummings Lane, 60.1 ft. vs. 100 ft.
- Setback to well at 60 Cummings Lane, 65.0 ft. vs. 100 ft.
- Setback to well at 65B Cummings Lane, 67.6 ft. vs. 100 ft. (Site well)
- Setback to well at 65A Cummings Lane, 85.8 ft. vs. 100 ft. (Services Lot 103)
- Setback to well at 57 Cummings Lane, 92.6 ft. vs. 100 ft.

Mr. Armendo stated that the new permitting process for abandonment of a cesspool requires that he fill out an application form that is available in the office. Mr. Nicholas will comply.

**MOTION** by Mr. May to approve the variances with well testing conditional on a Hold Harmless Agreement and a deed restriction limited to a 3-bedroom home and contingent on acceptable well testing prior to construction. Second by Mr. Weinberg. Unanimous.

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

None

**MOTION** by Mr. May to adjourn at 6:14 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk