

REGULAR MEETING OF THE BOARD OF HEALTH
September 16, 2013

A Regular Meeting of the Board of Health (BoH) was held at the Town Hall on Monday, September 16, 2013 at 6:30 p.m. The meeting was duly posted. Board members in attendance: Ms. Lopes, Mr. DeTerra and Ms. Acksen. Health Agent Patricia Fowle was also in attendance.

Chairman Lopes called the meeting to order at 6:35 p.m. and asked that the minutes of July 30, 2013, be amended or approved. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

Health Agent Report:

1. A septic system plan was presented for a repair of an existing 4 bedroom home at 366 Bridge Street designed by Al Ewing, P.E. of Fairhaven. No State or local code variances were required. The Board reviewed the plan.

Motion to approve the plan was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous.

2. A septic system plan was presented for a repair of an existing 3 bedroom home at 8 Nonquitt Avenue designed by David Davignon, P.E. of Mattapoisett. Due to the small lot size and proximity to wetlands two variances were required: bottom of the leaching facility to ground water at 4' instead of the requisite 5' for a 2 mpi perc rate and 68' to wetlands instead of the local regulation requisite of 100'. The Board reviewed the plan and concurred that the design afforded the site the maximum feasible compliance while protecting the environment.

Motion to approve the plan with the requested variances was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous.

3. A septic system plan was presented for new construction of a 3 bedroom home at Bass Creek Road designed by Bruce P. Eaton, P.E. of Peabody, MA. Mr. DeTerra removed himself from the proceedings. No State or local code variances are allowed for new construction and none are required. The Board reviewed the plan.

Motion to approve the plan was made by Ms. Acksen; seconded by Ms. Lopes. The Vote was two in favor and one abstention.

4. A septic system inspection for 5 & 7 Seabreeze Avenue was performed by Ronald Arruda, Fairhaven Honeywagon, on August 7, 2013. The health agent was present during the inspection. The report finding states that the systems "need further evaluation by the Local Approving Authority (BoH)". The health agent gave a brief history of the site. The two dwellings are on one lot held in common ownership. BoH records indicate the last work on the systems was in 1965. However, upon observation it was noted that a leaching lateral pipe had been added without BoH approval, indicating possible hydraulic failure at some time. Additionally both houses use one leaching field. Therefore, the health agent recommended the systems be classified as failed.

Motion to classify the septic systems serving 5 & 7 Seabreeze Avenue as failed was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous.

5. A septic system inspection for 888 Sconticut Neck Road was performed by Jason Haskell, All Clear Septic & Wastewater Service on August 23, 2013. The health agent was present for the inspection. The septic system passed the inspection.

Motion to approve the report as written was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous.

6. The health agent attended a meeting at the town hall on August 20, 2013, along with the Town Planner, Building Commissioner and Planning Board Chairman regarding a possible proposed medical marijuana dispensary in town by Compassionate Care. The company has submitted a Phase 1 application to the Massachusetts Department of Public Health (MaDPH) to setup a Registered Medical Marijuana Dispensary (RMD) at the former State Lottery Building on Alden Road. Compassionate Care shared their initial business plan at the meeting and was looking for input on zoning and business regulations within the town. Phase 2 of the MaDPH Application process will be forthcoming in mid-September, as early as September 18, at which time the MaDPH will "invite" applicants to proceed further. There will only be up to 5 RMD's allowed per County and initially it is anticipated that only 2 to 3 per County will be allowed. The health agent gave a two-page synopsis of the Medical Marijuana Law for the Board's review. The Board's reaction was to continue to wait for the Phase 2 announcement by the MaDPH. The Town Planner has stated that the Planning Board is considering and working toward a moratorium on RMD's until they can adequately review and address zoning. It is unsure if the moratorium will affect the applicant Compassionate Care at this time.

7. Kool Moose Café, 8-1 Sconticut Neck Square, a frozen yogurt eatery, opened in August. The eatery provides for self-serve dispensing and also offers prepared frozen yogurt desserts-pies, cakes, etc.

8. Fairhaven Gas, 134 Huttleston Avenue, is under new ownership. They have closed the donut shop for now. They are selling tobacco.

9. Harbor Mist Café, 1 Main Street, is planning on a new kitchen facility to allow for a menu expansion. Permitting is on-going. There have been glitches in the process.

10. Though not a food store that requires BoH permitting, Pretty Paws Bakery, Main Street, a bakery for dog goodies, opened in September.

11. The health agent reviewed in general, complaints received and other job functions since the last BoH meeting of July 30, 2013: pool water complaints, trash, 3 housing inspections and 1 Section 8 housing inspection.

12. The health agent compiled data for the Board of complaints received and forwarded to the Board on Fairhaven Shipyard, North Yard at 32 Water Street. The complaints are being forwarded to the Massachusetts Department of Environmental Protection (MaDEP) for observation as well. Of the 99 complaints received so far, 88 are from 8 complainants in the shipyard area. 11 of the complainants only have signed a petition dated March 7, 2013. The June, 2013 BoH letter written to MaDEP requesting a public meeting on the matter has been responded to verbally only. The health agent was informed by MaDEP Gregg Hunt that the Board's request was received and is in review in Boston. No date has been set at this time. A complainant, Beth Luey, specifically asked the Board in writing to have soils in private yards tested for contaminants in the Fairhaven Shipyard vicinity. The intent is not to lay blame but rather to determine if the soils are dangerous to their health. Board discussion ensued. Chairman Lopes required the health agent to again write to MaDEP seeking guidance on this request as well as information on when a public meeting with MaDEP will be taking place.

13. The health agent informed the Board that complaints in the same general area along the waterfront have recently been received about loud ricocheting metal noises coming from the area at night-similar to sheet metal banging. Looking into the matter it was discovered that the New Bedford South Terminal expansion project is on-going and working through the night dredging and setting up the fill area. Also it was noted that blasting will be occurring at the site in October through December. The information was placed on the town's website along with phone numbers to call for more information.

14. The health agent reported that on Sunday, September 15, 2013 at about 8:30 p.m. she responded to a call from the Fairhaven Fire Department that bottled chemicals had been dumped off of Scoticut Neck Road. The MaDEP and Regional HazMat team, along with the Fairhaven Fire Department were present at the site. There were two recycle type totes of chemicals in labeled, closed bottles. It appears someone threw them out on the side of the road. The health agent was called to the scene to authorize MaDEP to call the State contracted waste hauler, Global, Taunton, MA to come and remove the materials. The town will be liable for the clean-up and associated costs. The health agent gave approval for the removal. Not accepting the responsibility would result in treble the damage in fines as well as the associated costs of removal. Fairhaven holds a Household Hazardous Waste Day every other year and there wasn't one this year due to the high cost of the event. This incident shows the need for a regional disposal solution.

15. Flu vaccine is arriving this week. Working with the Community Nurse and Recreation Center site (227 Huttleston Avenue), this year's BoH flu clinics are planned for Tuesday, October 15, from 11:00 a.m. to 2:00 p.m. and Wednesday, October 16, from 5:00 p.m. to 8:00 p.m. Donation requested is \$5.00 and the clinic is open to Fairhaven residents school age and older. The Board concurred with the dates planned.

Invoices were signed.

The next Board of Health meeting is October 7, 2013 at 6:30 p.m. at the Town Hall.

There being no further business before the Board, motion to adjourn was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous. The meeting was adjourned at 7:20 p.m.

Respectfully submitted,
Patricia Fowle,
Health Agent