



Town of Fairhaven Board of Health

Town Hall · 40 Center Street · Fairhaven, MA 02719
Telephone: (508) 979-4023 ext. 125 · Fax: (508) 979-4079

April 12th 2023

PRESENT: Heidi Hacking, Kevin Gallagher, Justine Frezza and David Flaherty

1. Call to Order

- a. Chairman Kevin Gallagher called the meeting to order at 5:00pm. Chairman Gallagher welcomed everyone.

2. Pledge of Allegiance

3. Welcome and Media Notification

- a. Chairman Gallagher read the media and recording notifications, and welcomed new board member Justine Frezza.

4. Minutes of the Meeting:

- a. Chairman Gallaher made the motion to accept the minutes of the meeting of March 15, 2023. Vice Chair, Heidi Hacking in agreement and motion accepted. The vote is unanimous with one abstention.

5. Reorganization of the Board-

Chairman Gallagher explains this is typical when a new member is brought in as a chair. Vice Chair Hacking explains it was a tradition or custom for the last person who was in their last year of term to be chairman. The second person would be vice chair and the new person would be a member. Vice Chair Hacking would like to make a proposal that Mr. Gallagher remains chair, she would remain vice, and Justine be a member. Justine agrees. The motion is made and accepted. The vote is unanimous.

6. Health Agent Report

- a. Health Agent Flaherty reports statewide hospitalizations for COVID numbers are generally going down on the board. The numbers and data will be updated on the Board of Health website. Last month a rabies clinic was held at both veterinary hospitals in towns with 75 dogs and cats with about 25 beings cats. Agent Flaherty explains this was a better turn out this year vs. last year. Agent Flaherty

also reports no issues with the wind turbines. Vice Chair Hacking questions if there, has been any rodent complaints at this time? Agent Flaherty reports there has been a couple complaints with commercial properties, which he believes he can handle quickly and safely. Agent Flaherty does anticipate more phone calls to come in with the weather improving. Chairman Gallagher then questions if Festiva Buffet voluntarily surrendered there frozen food dessert permit? Agent Flaherty confirms yes they no longer have a frozen food permit.

6) Discuss and Review 8 Charity Stevens Lane Septic System Upgrade- Agent Flaherty explains it is a failed system currently. No variances are requested and there are no problems with the plan. It was well engineered and I recommend accepting it. Chairman Gallagher then explains to new board member Justine Frezza that the Board relies on the health agent's recommendation and will then vote on accepting his recommendation vs. voting on subjects that the board have a broad scope of. Vice Chair Hacking makes the motion to accept the recommendation to approve the design for eight Charity Stevens Lane septic upgrade. Chairman Gallagher then questions if there is a second. Vote is unanimous.

7) Discuss and Review Design Plan Charity Stevens Lane Map38 Lot B- Agent Flaherty explains this is a parcel of property that was not a subdivision and is a proposed new dwelling. It is a new construction site and treated with perc tests. No variances or issues and Agent Flaherty recommends approval. All in favor and this passes unanimously

8) Discuss and Review 148 Dogwood Street Proposed in-law apartment over garage – Agent Flaherty requests Nancy Santorro owner of 148 Dogwood Street to propose her request. Ms. Santorro explains she owns Map 43A Lot 153 and Lot 155. She has a new construction cape on the lot and this would be a continuance of her construction. She is asking the town to put a bonus room on her top of her garage. She states what is in question is if she can get water and sewer in the bonus room. She has provided the Board a Site plan. She also states she does have a variance approved to have the garage. Chairman Gallagher questions if this is an in-law apartment. Nancy states No it has been reduced to a bonus room. She states the question is if the Board of Health is on board with tying into her water and sewer and bringing it to the garage. Chairman Gallagher questions if she currently has water and sewer in the main home. She states yes. Chairman Gallagher questions if this would be the room above the garage with a bathroom tied in with sewer and delivery of water. Vice Chair Hacking, questions if this would require a new tie in. Nancy responds and states at this time it would be existing. Chairman Gallagher questions if Ms. Santorro has been to the Planning Board.

Nancy states she has been to the Zoning board, DPW, Building inspector. She states it has taken 6 months to get people's attention. She states she can tie into her current home and there will be a foundation there. She states on May 4th, 2023 she will go in front of the zoning board again. She states the house is on West Island and currently connected to town water and sewer. Chairman Gallagher explains The Board of Public works has adopted a moratorium that the total number of tie ins has happened and there are no additional tie ins at this time. Chairman Gallagher provides an example of a party from Cottonwood Drive who made an argument that the house lot number was lot counted when the number was established and they requested approval from the board of health to tie in. The actual timing was denied by the D.P.W. The question that the Board of Health questioned last time was the capacity vs. the number of tie ins. The system that was built on West Island was built for an X amount of gallons of treatment per day. They are not close to X however; there is still some capacity there. Chairman Gallagher states at this time he would like to seek guidance from town counsel. Ms. Santorro states that she believes that they have already spoken to town counsel. Vice Chair Hacking states, she would also like to review this a bit further and speak with other departments. She would like to obtain their perspective regarding this matter. Chairman Gallagher confirms at this time she does have a stub in front of the house that she is tied into. At some point, this would tap into the discharge before into the stub. Nancy responds this would be as if she is adding a bathroom to the home and would not need an additional stub. Nancy agrees and would like everyone to speak to each other prior to May 4th, 2023. Agent Flaherty that the DPW was made aware of this project the week prior. He states they did want the town's attorney opinion on this prior to acceptance. Originally, this was presented as in-law apartment vs. just a bathroom for that construction over the garage they may require a deed restriction to never be more than anything that it is. No in-law apartment and no bedrooms because that would be considered an upgrade and increase in daily flow. Agent Flaherty recommends for the Board to hear from town counsel prior due to the previous litigation that is currently happening. Nancy states she understands. Chairman Gallagher questions the site plan the proposed bathroom that shows toilet, sink and shower. Nancy explains she is still working with the town and there is another sink. Nancy states this can change based on what the town would allow. Vice Chair Hacking states, they will request to hear from the attorney prior to the next Board of Health meeting on April 26, 2023. Chairman Gallagher confirms this would not be a new tie-in and it would just increase the flow from her home. Chairman Gallagher would like to do more research and have additional information for the next meeting. Nancy confirms with the Board the next meeting will take place April 26th, 2023.

10) Update on reportable issues or concerns with Wind Turbines- No comments or concerns at this time.

11) Discussion about sunscreen dispensers- Chairman Gallagher explains that many sunscreen dispensers that disperse a measured amount of sunscreen were installed on the beach, bike path, and local parks. Agent Flaherty confirms about twenty-five were installed. Chairman Gallagher explains that last year there was startup money and generous donation from South Coast to help get this started. Chairman Gallagher requested this to be placed on the agenda to see where this project stands for this coming summer. Chairman Gallagher also questions if there are any funds available to finance the inserts. Agent Flaherty confirms he will contact The B.P.W. who ordinarily install the dispensers throughout the town in order to determine inventory and confirm all dispensers are working correctly. Chairman Gallagher questions if there will be enough funds to purchase the sunscreen and believes it cost about \$1000.00 the year prior. Agent Flaherty believes there are funds available that have been received from a recycling company that works in town. He explains that money is typically used for hoarding situations however this is a health related issue. He will also reach out to South Coast to determine if they would like to participate or provide a donation. Vice Chair Hacking also questions if there is some sort of mosquito repellent that would be available. Agent Flaherty explains at a previous town he was employed Walmart donated a few cases of mosquito repellent due to a resident passing away from Triple E. Agent Flaherty explains we have been fortunate and have had a low number of incidents however it is cyclical however Agent Flaherty is concerned and will provide extensive education to residents. He will also reach out to Walmart to see if they would be interested in donating a few cases of repellent. Vice Chair Hacking, requests if this could be put on the agenda for next month. Agent Flaherty believes they will begin testing mosquito pools in May. Chairman Gallagher explains he was made aware of an incident that took place in another town where a school official had a meeting with female board members and they were referred to as "ladies". Chairman Gallagher realizes that he did refer to the female Board members as "ladies" earlier and apologizes to the Board. He explains he has the utmost respect for everyone who is on the Board and thanks the Board members for allowing him to apologize.

12) Update from Chairman- Chairman Gallagher explains he was made aware of an incident that took place in another town where a school official had a meeting with female board members and they were referred to as "ladies". Chairman Gallagher realizes that he did refer to the female Board members as "ladies" earlier and apologizes to the Board. He explains he has the utmost respect for everyone who is on the Board and thanks the Board members for allowing him to apologize.

13) Invoices, Correspondence & Other Business

a. Invoices reviewed and approved.

14) Next Meeting Date: April 26, 2023 at 5:00pm

15) Future Agenda items

- a. Update on 148 Dogwood Street proposed in-law apartment over garage
- B. Update on reestablishing ability to report issues or concerns on wind turbines