



Town of Fairhaven Board of Health

Town Hall · 40 Center Street · Fairhaven, MA 02719

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November 20, 2025

PRESENT: Justine Frezza, Brian Meneses, Barbara Acksen, David Flaherty

1. Call to Order

- a. Chair Frezza called the meeting to order at 5:00pm. Chair Frezza welcomed everyone.

2. Pledge of Allegiance

3. Welcome and Media Notification

- a. Chair Frezza read the media and recording notifications.
- b. Chair Frezza opened the meeting by stating "I want to remind everyone that this is a standard board meeting with a posted agenda. This is not a public hearing. Public comment will only be allowed during the designated portion of the agenda, and only when recognized by the Chair. Please hold all comments until that time. Tonight's agenda includes an update and discussion regarding the wind turbines and the Board's prior nuisance determination. The Board's role, as always, is to review the facts, follow proper procedure, and ensure any decisions we make are legally and scientifically supportable. I understand that this issue generates strong feelings, but I need to be absolutely clear: we cannot make health-policy decisions based on emotion, pressure, or volume from the room. We are required by law to act based on evidence, process, and what we can defend as a Board of Health. Everyone will have an opportunity to be heard when recognized, but interruptions, outbursts, or speaking over the board will not be permitted. If necessary, I will pause the meeting until order is restored."

4. Minutes of the Meeting

- a. **Motion:** Vice Chair Meneses made the motion to accept the minutes of the Public Meeting October 8, 2025. Member Acksen seconded. The vote passed unanimously (3-0-0).
- b. **Motion:** Vice Chair Meneses made the motion to accept the minutes of the Public Meeting October 22, 2025. Member Acksen seconded. The vote passed unanimously (3-0-0).

5. Health Agent Report

- a. Health Agent Flaherty reports COVID positivity rate is 7.78% for the past two weeks, up from 5%. This is from positive tests in a clinical setting only.
- b. Blood pressure and wellness clinics offered every Wednesday at the COA from 1-3 pm.
- c. Measles, pertussis and other childhood diseases are on the rise. Please consult your physician regarding vaccinations.
- d. One Perc test was witnessed and no Title 5 inspections were witnessed.
- e. Agent Flaherty responded to two emergency calls from the Fire Dept. regarding sewer leaks in the residences.
- f. Rodent complaints are still coming in. Please be vigilant with trash and birdseed on your property. Consult a licensed exterminator for property treatment in conjunction with neighbors if it seems overwhelming.
- g. Fairhaven home-bound residents qualify for a free home-bound flu vaccine offered by the Southeastern MA Public Health Collaborative to provide an in-home vaccine. Flu clinics have finished for the season. Please contact your pharmacy if you need a vaccine.
- h. The Veterans Outreach and Wellness Fair was on November 13th from 10am-2pm at the Fairhaven Rec Center.
- i. The Southeastern MA Public Health Collaborative has provided medication disposal bags, sharps containers, CPR masks, tick removers, sunscreen, and pill containers (these are available in English and Spanish). There are no longer any COVID test kits. Please visit the Health Department for any of these free items.

6. Discuss and Vote on Duchene Street Subdivision – Agent Flaherty recommended continuing this item, since other departments requested changes to this plan. Once the revised plans are received it can be presented to the Board of Health. **Motion:** Vice Chair Meneses motioned to discuss and vote on Duchene Street Subdivision continuation to the next meeting. Member Acksen seconded. The vote passed unanimously (3-0-0).

7. Wind Turbine Update – Agent Flaherty noted that the Flicker Study and Acoustic Study had been sent to Weston & Sampson. Agent Flaherty recommended rescinding the determination of nuisance and required mitigation measures as ordered by the

Fairhaven Board of Health on October 23rd. The determination of nuisance is difficult to defend, after further discussion with Town Council, based on the supporting studies done and accepted by the Town of Fairhaven. There is lack of medical studies, which does not determine that correlation is the causation. If enforcement was to be taken, legal action would certainly follow. This was previously undertaken 12 years ago in court and the suit was dismissed. The residents' complaints and concerns are valid, legally there is not enough to defend that position without verifiable data. Agent Flaherty noted it is his duty to help protect the Board of Health from making decisions that could compromise them in court. Member Acksen noted that she is not in agreement with this. Weston & Sampson responded that nothing has changed with the original data. Town Council recommended new testing and there have been areas where trees have been removed. This may be creating flicker where there previously was no flicker. Member Acksen would like to present this information to Weston & Sampson and see if they would reconsider. Chair Frezza noted that she has done some research into the complaints that were submitted. Chair Frezza noted: "After reviewing the complaint data, the information presented at the hearing, and additional technical input received since our vote, I believe the Board should reconsider its decision. Our responsibility as a Board of Health is to act based on clear, objective, and well-supported evidence demonstrating a genuine public health impact. Although we held a public hearing, the record did not include updated expert analysis confirming that shadow flicker levels exceed recognized limits or pose a documented health risk. Since then, Weston & Sampson—the independent engineering firm working with the Town through a state grant—has advised that flicker and sound conditions have not materially changed, that regulations have not changed, and that new studies would likely produce the same findings. We received 39 complaints, 8 of which mentioned shadow flicker, originating from 13 households out of approximately 775 homes within the potential impact zone making 1.81% of that area affected. Notably, it seems two of these households moved into the area after the turbines were already constructed and operating. While their concerns are acknowledged, public health determinations consider whether an activity poses an unreasonable impact on the community as a whole, not only on individuals who knowingly moved into an existing condition. Massachusetts nuisance law evaluates the reasonableness of an activity in context, and long-operating, known facilities are judged differently than newly introduced hazards. These concerns matter, and we take them seriously, I take them seriously, but public health decisions must be based on both community reports and technical evidence. At this time, the factual record, I feel, does not sufficiently support the broad shutdown periods we ordered. For these reasons, I am recommending that we reconsider, rescind the vote so that the Board can rebuild a stronger, evidence-based record and determine whether targeted mitigation—supported by expert analysis—is warranted. This approach would strengthen our position, ensures fairness, and uphold our responsibility to protect public health based on verified, defensible information." Agent Flaherty recommends Fairhaven Wind should be contacted to address the residents' concerns. Vice Chair Meneses noted that there are residents that are affected by the wind turbines, but agrees the mitigation should be further considered with the length of the

shutdown after further review of all information available. Further discussion ensued regarding the mitigation, the studies that have been done and the health impact.

Motion: Chair Frezza made a motion to rescind its vote of October 23, 2025, determining the Fairhaven Wind Turbines to be a public nuisance and ordering daily shutdown periods. The basis for this motion is that the Board should further evaluate the factual record, including complaint data, available technical information and independent engineering feedback from Weston & Sampson. In order to ensure that any Board action remains fully supported by evidence tailored to actual impacts and defensible under Massachusetts law. Vice Chair Meneses seconded. A roll call vote was taken: Justine Frezza in favor, Barbara Acksen not in favor, Brian Meneses in favor. The vote passed (2-1-0).

8. Public Comment – 2 Minute allowance by Chair on Public Health Issues

- a. John Methia of Shawmut St raised concerns that financial considerations were being weighed against public health impacts. The question was raised what the number of impacted residents would need to be. He commented the Fairhaven Wind letter should have been read into the record.
- b. Zachary Aubut of Mill Rd noted that Fairhaven's experience prompted statewide changes to wind turbine regulations and that past DEP studies informed those changes. He expressed frustration that residents' concerns have been dismissed for over a decade and suggested that legal action may be the only path to resolution.
- c. Henry Ferreira of Weeden Rd stated the Board of Health serves as a check and has the authority to halt projects deemed a nuisance. He cited property value impacts and expressed disappointment that the Board appears unwilling to take a stronger stance. Vice Chair Meneses clarified that financial considerations are not part of the discussion and stated he needs more time to review all evidence thoroughly.
- d. Ann Espindola of John St expressed disappointment in the Board, citing cumulative neighborhood impacts from the wind turbines, wastewater treatment plant, and a new subdivision.
- e. Bob Espindola of John St stated public comment should have been heard before any vote and recommended that the Fairhaven Wind letter be read publicly. He also requested that the 2014 Fairhaven Wind data report and correspondence be made available to the public.
- f. Andrew Romano of Bridge St noted he was speaking as a resident and not in his role as Select Board Vice Chair. He encouraged collaboration between the Board of Health and Select Board on turbine-related issues.
- g. Sue Powers of Little Bay Rd expressed discouragement that the Board rescinded the nuisance determination, stating this reversal sends a negative message and that the data provided should be sufficient to support the original finding.
- h. Erin Carr owner of 177 Main St asked whether Board members had visited affected properties as previously requested. The Board indicated no official visits

have been extended. She added that complaints should still be considered valid even if the homeowner acquired the property after turbine installation.

Chair Frezza closed public comment. Chair Frezza closed by saying "Before we close tonight, I want to be absolutely clear about what this Board is doing and why or what I'm doing and why. We are not ignoring anyone. We are not choosing sides. Let me rephrase that: I'm not ignoring anyone and I'm not choosing sides. I am doing exactly what a Board of Health is legally and ethically required to do. My decisions must be based on verified data, expert analysis, and a defensible public-health record. Not pressure, not assumptions, and not emotion—no matter how strongly it is expressed. That is the standard I am held to under Massachusetts law, and that is the standard I will uphold. Yes, we heard the complaints. Yes, we understand the concerns. I understand the concerns. But complaints alone do not create a legal or scientific basis for a public-health order of this magnitude. The evidence I relied on in our previous vote was not sufficient to support a broad shutdown order that would survive challenge. If we take action that cannot withstand review, it does not protect the community—it puts the entire effort at risk. I now have input from independent engineers, Weston & Sampson, who confirmed that the conditions around the turbines have not materially changed. Which I plan to challenge Weston & Sampson on that. We also know that we did not have updated technical analysis or verified measurements in our record. That means we must correct the process. I am doing this to ensure that whatever action we take—whether it is mitigation, targeted curtailment, or something else—is based on facts, not speculation. Reconsidering the vote is not a retreat. It is the responsible and necessary step to protect this Board's authority and to protect the Town from a decision that is not fully supported by evidence. This is how we make sure that any final action we take is strong, defensible, and truly in the interest of public health. I understand that many of you feel strongly. But strong feelings do not change our legal obligations, and they do not change the standards we must meet. What I am doing tonight is setting the foundation for a decision that will hold up, not fall apart under scrutiny. Thank you for your participation, even when it's difficult. We will continue this process in a way that is fair, transparent, and grounded in the evidence required of us as a public health authority." Member Acksen commented that she believes the people offered substantial data and takes exception to Chair Frezza's characterization of the situation. Chair Frezza noted that is why she changed the "we" to an "I". There was no further discussion.

9. **Invoices, Correspondence and any other business that may properly come before the Board not reasonably anticipated 48 hours in advance of the meeting**
 - a. Invoices reviewed and approved.
10. **Next Meeting Date** – December 3, 2025 at 5:00pm
11. **Meeting Adjourned – Motion:** Vice Chair Meneses motioned to adjourn the Public Meeting. Member Acksen seconded. The vote passed unanimously (3-0-0).

