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DARTMOUTH BOARD OF HEALTH  
DARTMOUTH TOWN HALL - ROOM 315 - 6:00 PM  
**MEETING MINUTES - Monday, October 28, 2019**

**Board of Health Members Present:**

Leslie E.J. McKinley, Chair  
Thomas W. Hardman  
Lynne Brodeur

**Representative of the Town Present:**

Christopher Michaud, Director of Public Health

**The Chair called the public meeting to order at 6:02 pm. on October 28, 2019 in Room 315**

**Appointment:**

**1. Frank Scott Stevens, 45 Naushon Avenue, Map 86, Lot 11**

Thomas W. Hardman recused himself and vacated room 315. Representative Dan Mulloy from Site Design Engineering was present on behalf of the applicant for the continued public hearing for the property located at 45 Naushon Avenue. Mr. Mulloy explained the setbacks and minimal area available on the lot for the replacement of the septic system. The Board reviewed the plan with Mr. Michaud, and discussed the applicant's request for setback waivers, and a letter received from Prime Engineering on behalf of an abutter. Mr. Michaud advised the Board that the proposal as designed is a balance given all of the constraints on the limited area available to site a system. Mr. Michaud further advised the Board that the recommendation by the abutter's engineer does not take into consideration other necessary parameters such as vehicle loading, and grading.

- **Lynne Brodeur motioned and Leslie E.J. McKinley seconded to approve the septic system design plan designed by Site Design Engineering for the property located at 45 Naushon Ave as shown on Assessors Map 86, Lot 11, with the following waiver; Reduction in setback from soil absorption system to property line from 10' to 3.8, and a reduction in setback from soil absorption system to crawl space 20' to 5' and 20' to 14.5' to cellar wall provided a Grant of Restrictive Covenant limiting the number of bedrooms to seven and prohibiting any increase in wastewater flow. All members present voting in favor.**

Thomas W. Hardman entered room 315 upon conclusion of the vote for the remainder of the meeting.



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**2. 6:15pm Saltmarsh Farm, LLC 2013 Federal Food Code Variance- Production of Kombucha Tea**

The applicant, Emily Mellgard, was present for the variance request submitted on behalf of Salt Marsh Farm LLC. to manufacture kombucha, a fermented drink, at the Dartmouth Grange. Mr. Michaud explained that he had inspected the Dartmouth Grange since the last meeting and worked through overall concerns expressed at the last meeting. As a result of the inspection Mr. Michaud and Donna Farias, Health and Sanitary Inspector have a strategy to ensure use of the Grange by vendors and such plan will be presented later in this meeting. Mr. Michaud noted that Ms. Mellgard's request has been reviewed. Based on the review some changes were requested and Ms. Mellgard noted that the changes have been made and provided. Mr. Michaud advised the Board that if the Board is to consider approving the request that conditions be applied. Such conditioning would be for the variance approval be limited to one year and to require Ms. Mellgard to coordinate the preparation of her product with Ms. Farias.

**Thomas W. Hardman motioned and Lynne Brodeur seconded to approve the permit for the production of kombucha with the following conditions: variance is limited to one year and will expire on December 31, 2020; and Ms. Mellgard must provide notice to the Health and Sanitary Inspector so an inspection can be made of the preparation of the first batch. All members present voting in favor.**

**6:20pm Manuel Tabicas, Map 64, Lot 100-11, 35 Striper Circle – Action on Domestic Animal Permit Application**

- Board discussed the application for a Domestic Animal Permit. Mr. Tabicas was present to discuss his application for 5 goats with 6 kids per year. Mr. Michaud advised the Board that if approval is considered, the Domestic Animal Permit will need to be conditioned on the number of animals.

**Thomas W. Hardman motioned and Leslie E.J. McKinley seconded to approve the Domestic Animal Permit for Manuel Tabicas and located at 35 Striper Circle with the following condition, No more than 5 adult goats and 6 kid goats. Kid goats are goats that are twelve or less weeks in age. Any goat that exceeds twelve weeks in age shall count toward the adult goat limit of five adult goats and six kid goats. All members present voting in favor.**

**New Business:**



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A. Septic Plan(s) requiring no actions:

- a. Trever & Jessica Souza, Map 48, Lot 19-2, 634 Old Westport Road
- b. Michiko Levine, Map 66, Lot 2-87, 18 Hummingbird Trail

B. Septic Plan(s) for Action

- a. Daniel & Julia Moniz, Map 41, Lot 50, 390 Fisher Road with waivers:
    - Separation from high groundwater from 4' to 3'
- Board reviewed the septic system design plan for 390 Fisher Road. Upon their review it was noted that a grant of restrictive covenant would be needed due to the waiver request.

**Thomas W. Hardman motioned and Lynne Brodeur seconded to approve the plan submitted by David A. Davignon, professional engineer, with the following waiver, reduction in setback to groundwater 4' to 3' provided a grant of restrictive covenant is recorded limiting flow to (3) three bedrooms and no further increase in wastewater flow.**

C. Planning Board notice of Public Hearing – Marijuana Dispensary, 479 Faunce Corner Road, Map 68, Lot(s) 33 & 34.

- Mr. Michaud advised the Board that this application to the Planning Board is for a retail location only and no grow or production is associated with this proposal at this time. Mr. Michaud noted that a grow facility may be concerning to the Board and require review as some locations in Massachusetts have reported fugitive nuisance odors. No comment for the Planning Board will be provided by the Board at this time.

D. Henry J. Soares –Lucy Little Road, Map 42 Lot 27- Request to accept soil evaluations on lot(s) tested prior to 2006.

- Mr. Michaud explained that the perc tests on this lot were all completed in accordance with requirements for number of tests at that time. Regulations have since changed and redundant tests are now required. In addition Mr. Michaud noted that at the time of the testing of Mr. Soares property, the local health department had the authority to require more tests due to inconsistent subsurface conditions. Mr. Michaud witnessed these tests and conditions were constant on this lot and across the adjacent lots. Thomas W. Hardman offered his concern with conducting more tests and disturbing natural soil conditions that are desired



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to remain as untouched as possible for the proper function of the soil absorption system.

**Thomas W. Hardman motioned and Lynne Brodeur seconded to allow the perc tests conducted on Lucy Little Road, Map 42 Lot 27 to be utilized for the design of a septic system without the need for additional testing. All Board members voting in favor.**

**E. Approve and Accept the Warrants for the Bills Payable Period Ending: August 2019 – September 2019.**

- No information was provided for financial use by the Board. No further action at this time.

**Old Business:**

**A. Complaint Log September 11, 2019 to October 24, 2019 - Informational Use Only**

- This was provided for informational use by the Board. No further action at this time.

**Minutes**

- Minutes for September 16, 2019 and October 9, 2019 were reviewed by the Board. Comments were provided for edits.

**Thomas W. Hardman motioned and Lynne Brodeur seconded to approve the aforementioned minutes. All members voting in favor.**

**Meeting Schedule**

Next meeting:

- November 21, 2019 at 6:00pm in Room 315

**Discussion for Any Item Not Known 48 Hours in Advance**

- None



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Board signatures

➤ None

A motion to adjourn was made at 6:45pm by Leslie E.J. McKinley and seconded by Thomas W. Hardman. All members present voting in favor.

Attest:

Minutes prepared by  
Lindsey Rocha  
Administrative Clerk

Leslie E.J. McKinley, Chair

Approved by the Board of Health  
on January 9, 2020