

TOWN OF TEWKSBURY BOARD OF HEALTH PIGGERY REGULATIONS

1.0 PURPOSE AND AUTHORITY

The Board of Health of the Town of Tewksbury ("Board") is concerned with the spread of diseases, odors, vermin, and other nuisances resulting from the operation of piggeries that threaten the public health of the Town's residents. Not only do those nuisances have direct impacts on public health, they indirectly threaten the public health through the contamination of the Town's natural resources including drinking water and soils used for other agricultural uses. Given that unregulated, "Piggeries" are or could become a nuisance, and in the interest and preservation of public health, the Board therefore sets forth the following regulations for the management of "Piggeries" in the Town.

These regulations are made and adopted by the Board, acting under the authority of Chapter 111 Sections 31 and 143 of the Massachusetts General Laws, and amendments or additions thereto.

These regulations shall supersede and be in place of any regulations heretofore adopted with regard to "Piggeries" and the keeping of "Pigs" in the Town of Tewksbury.

2.0 APPLICABILITY

- 2.1 These regulations shall apply to all "Persons" who keep "Pigs" or "Piglets" or operate a "Piggery" or who intend to keep "Pigs" or "Piglets" or operate a "Piggery".
- 2.2 Any "Persons" who operate or intend to operate a "Piggery" or keep "Pigs" or "Piglets" shall apply for a permit from the Board unless said operation is specifically exempt hereunder.

3.0 DEFINITIONS

Abutter: Owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the Property upon which the "Pigs" or "Piggery" is located as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

Applicant: One who applies for a permit to operate a "Piggery" or keep "Pigs".

Best Management Practice: A method, process, or activity, that is believed, based upon other proven experiences or situations to be more effective at delivering a particular outcome and/or as identified by the UMASS Amherst Extension as being Best Management Practices.

Board: The Tewksbury Board of Health

Dwelling: Any building, shelter or structure used or intended for human habitation.

Facility: The total accommodations to be used for the keeping or housing and care of one or more "Pigs", including but not limited to pens, pastures, operational confines, barn, stable, shed or other structure used for the intent of providing shelter for animals or related uses.

Farrowing: To bring forth or birth a Piglet.

10 AUG -3 AM 11:21

TOWN OF TEWKSBURY
REGISTERED
PLANNING DEPARTMENT

Foodwaste(s): garbage (raw meat, seafood or other items set forth in 330 CMR11.01), bakery products, out-of-date or deteriorating produce, other out-of-date food products, but excluding raw unputrefied farm produce.

Grandfathered:

Grandfathered: Pre-existing conditions which were in existence prior to the advertising of these regulations including, fencing, corrals, stables, barns, sheds, etc. but this shall not mean that the operation of a "Piggery" or the keeping of Pigs shall be grandfathered hereunder. If an existing "Piggery" is subject to a Site Assignment under G.L. c. 111, § 143 as of the date of the advertisement of these regulations then the Site Assignment shall govern the existing "Piggery." If there is an existing "Piggery" as of the date of the advertisement of these regulations which is currently approved by the Board of Health for keeping of pigs, but there is no Site Assignment, then that Board of Health approval shall control the location of structures and buildings and the number of Pigs until the next renewal date of the Board of Health's approval to operate the "Piggery." In the event the latter Piggery increases the number of Pigs, moves structures, fencing and the like and/or changes its operation, then that Piggery shall be subject to the regulations hereunder.

10 AUG -3 AM 11:21
TOWN OF TEWKSBURY
DEPARTMENT OF PERMITS
TEWKSBURY, MA

Manure Management Plan (aka Nutrient Management Plan): A plan for the handling and disposal of manure and which is approved by the United States Department of Agriculture Natural Resources Conservation Services.

Noisome Impact: Malodorous and excessively persistent odors or excessive numbers of flies.

Nuisance: Any unsanitary condition, which in the opinion of the Board, is conducive to or results in excess of: breeding of flies, creation of malodors; vermin infestation; liquid effluent, runoff, disease carriers, noise, dust and odor in such concentrations and of such duration as to be a nuisance or injurious or, on the basis of current information, potentially injurious to human health or unreasonably interferes with the comfortable enjoyment of life and property.

Persons: Owner, operator, corporation, business, partnership or other individual or individuals or other legal entity.

Pig: A weaned Pig over ten weeks of age.

Piggery: A Facility where no more than thirty (30) Pigs or Piglets are kept.

Piglet: A nursing Pig, less than ten (10) weeks of age.

Property: Shall mean the lot or other contiguous lots upon which the Piggery is located.

Wetlands: A wetland resources area as defined under M.G.L. Ch.131, s. 40, and 310 CMR 10.00, the Wetlands Protection Act, the Tewksbury Wetland Protection Bylaw, ponds and vernal pools, all streams, surface water bodies and swamps.

4.0 PERMIT

4.1 No Person shall keep Pigs or operate a Piggery within the limits of the Town of Tewksbury, in any building, Facility or Dwelling, or on any premises, without a permit from the Board.

4.2 All permits issued hereunder shall expire annually on April 30.

4.3 Permits may be revoked or not reissued based upon a reasonable basis found by the Board following notice and a public hearing.

4.4 Unless otherwise set forth herein, the Board may issue a permit for a new Piggery hereunder only after a public hearing has been held in accordance with the generally accepted practices of the Board.

4.5 Any permit issued hereunder may be revoked by the Board or its agent without a public hearing if, in the opinion of the Board or its agent, conditions exist which may endanger the health, safety, or welfare of the Pigs or the general public by creating a public health nuisance. The permit holder shall have the right to appeal the revocation at a public hearing of the Board in the event no hearing was held prior to revocation.

4.6 No Permit hereunder shall be transferable to a new holder without the prior approval of the Board, following a Public Hearing.

19 AUG - 3 AM 11: 21

TOWNSHIP CLERK
BOARD OF PERMISSORS
TEWKESBURY, NJ

5.0 APPLICATIONS

5.1 All applications hereunder shall be submitted on a form supplied by the Board. An application for a new permit shall include the following:

5.1.1. A site plan with a scale of not less than 1" = 20' showing the Property to be used, location of all existing or proposed fences, structures and buildings located within the Facility, location of any existing or proposed Dwelling on the Property and abutting properties which are within 125 feet of the facility, all potable water wells within 300 feet, all Wetlands.

5.1.2 A detailed explanation of how the performance standards set forth herein will be met.

5.1.3. The name of the property owner, and the person primarily responsible for operating the Piggery or keeping the Pigs.

5.1.4 The number of Pigs or Piglets.

5.1.5 Certified Abutters list.

6.0 REQUIREMENTS

6.1 Any Person keeping Pigs or Piglets must comply with all application and filing requirements hereunder and may only do so upon receipt of a Piggery Permit from the Board.

6.2 No Piggery or Facility with Piglets shall be allowed to operate or continue to operate if it is determined by the Board or its agent to be a Nuisance or have a Noisome Impact.

6.3 The operator or other designated individual of the Piggery or Facility with Piglets must be reachable 24 hours a day, 7 days a week, where in case of an emergency a prompt response is possible.

6.4 No Piggery or Facility which includes more than 30 Pigs or Piglets shall be permitted hereunder, unless such Piggery or Facility is Grandfathered by the terms hereof. Notwithstanding anything herein to the contrary, the Board may not waive this provision.

7.0 INSPECTIONS

7.1 Any Property subject to a permit hereunder shall be subject to routine inspection by the Board or its agent at any reasonable time two (2) times per year. Should access be refused, the Board or agent shall have full authority to search said Property in accordance with the General Laws and applicable regulations. The failure to cooperate with said inspection may be a basis upon which the Board may revoke a permit granted hereunder.

8.0 PERFORMANCE STANDARDS

8.1 Locations and Management

8.1.1 Piggery and Piglets

No Piggery or Piglet Facility shall be located closer than the following:

- 8.1.1.1. 300 feet to a dwelling located on an adjacent property, a school, church, park, playground, hospital, nursing home, rest home or public building property line,
- 8.1.1.2. 100 feet to any adjoining property lot lines
- 8.1.1.3. 200 feet to the line of any street, highway, court or passageway,
- 8.1.1.4. 500 feet to any public water supply and its tributary streams,
- 8.1.1.5. 150 feet to any private water supply or irrigation supply and its tributary streams,
- 8.1.1.6. 200 feet from any Wetland,
- 8.1.1.7. 50 feet to any milk handling area.

8.1.2 Manure Management (aka Nutrient Management Plan)

Manure shall be located and managed as follows:

8.1.2.1 All manure and other byproducts shall be maintained in such a way that they do not become a Nuisance to abutters or the public.

8.1.2.2 All manure and other byproducts shall be contained with an earthen berm, or other suitable feature or structure, and be kept in such a manner that they do not runoff onto uncontained areas or abutting properties. All locations of manure stockpiles, pits or lagoons shall be carefully chosen to minimize the impacts on abutting properties and Wetlands and watercourses, with due consideration of slopes and prevailing winds.

8.1.2.3 No person operating a Piggery or keeping Piglets shall willfully or

10 AUG - 3 AM 11: 21

10001 CLERK
BOARD OF REGISTRARS
TEMPERSBURY, MA

through negligence, cause, suffer, allow or permit drainage or liquid effluent containing urine or fecal matter to be discharged in runoff, or to flow the surface of the ground onto neighboring property, public ways, Wetlands or watercourses.

8.1.2.4 No person operating a Piggery or keeping Piglets shall willfully or through negligence, cause, suffer, allow or permit unreasonable odors which cause a Nuisance or a Noisesome Impact onto neighboring properties or in the public ways.

8.1.2.5 All persons covered hereunder shall have an approved Manure Management Plan.

8.1.2.6 In the event manure is spread upon fields for tilling, injection or other method, the owner or operator must notify the Board during normal business hours, no less than 24 hours prior to the day of spreading said manure. Said manure must be tilled, if tilling is a part of the disposal process, into the soil no later than 24 hours after it has been spread.

8.1.2.7 All feeding pads and areas must be kept free of manure and/or cleaned at regular intervals.

8.1.2.8 Manure and soiled bedding shall be handled and treated as necessary to prevent the escape of odors and the attraction and/or breeding of flies and/or vermin.

8.1.2.9 There shall be at least a 25 foot vegetated buffer zone between the Piggery pens, structures, buildings, and operational confines and Wetlands or watercourses and adjacent property lines.

8.1.2.10 Drainage from pens and Facilities shall be directed to pretreatment areas designed by a Registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts in the following cases:

- a. When located within 200 feet of a Wetland or watercourse
- b. When the Board determines it is necessary to protect the public and environmental health.

8.1.2.11 No manure pile, lagoon or pit shall be closer than the following:

<u>Location</u>	<u>Distance</u>
Wetland or watercourse	200'
Surface or subsurface drain	200'
Abutting Dwellings	500'

10 AUG 23 AM 11:21
JONATHAN CLERK
BOARD OF REGISTRARS
TERRASOFT/THA

Side and Rear Lot Line	100'
Public or Private Road	500'
Milk Handling Area	200'
Public Water Supply and its Tributary Streams	500'
Private Water Supply and its Tributary Streams	150'

10 AUG - 3 AM 11:20

JOHN O'LEARY
BOARD OF REGISTRARS
TEWKSBURY, MA

8.1.2.12 Breed houses shall be cleaned at least daily and as deemed necessary.

8.1.3 Feeding

8.1.3.2. Foodwaste may be fed in accordance with 330 CMR11.00

8.1.3.3 Notwithstanding the above, all Foodwaste or other food shall be fed upon cement or other acceptable arrangement.

8.1.3.4 Food may not be stored upon the dirt but must be stored under cover or on cement.

8.1.3.5 No manure or food shall be allowed to accumulate about the feeding area or platform or on the ground.

8.1.3.6 Water shall be provided at all areas where Pigs are kept and shall be readily available, adequate and from a potable water source.

8.1.4 Buildings

8.1.4.1 All buildings, structures or pens used to house Pigs shall be properly constructed and comply with all building codes and shall be designed, arranged, located and maintained so as to minimize odors and to prevent harborage, shelter or feeding of vermin. Such buildings shall be so designed and constructed so that accumulation of offensive material can be readily removed.

8.1.4.2 All roofs shall be water and weather tight.

8.1.4.3 Walls shall be suitably treated with whitewash, paint or other materials approved by the Board to prevent absorption of odors and waste.

8.1.5 Miscellaneous

8.1.5.1 Emergency contact information must be kept current and posted in a conspicuous place in the Facility. The Applicant must advise, in writing, the

Board of the location of the posting on site.

8.1.5.2 Best Management Practices for the keeping of Pigs and Piglets shall be employed at all times, including but not limited to the control or elimination of odor, flies and vermin and the handling and transport of manure.

8.1.5.3 Dead animals shall either be composted or taken away by a licensed rendering hauler.

8.1.6 Waivers

The Board may waive any of the Performance Standards set forth herein, if in its reasonable discretion it determines that the health and welfare of the public will be protected notwithstanding the waiver.

9.0 FEES

Fees shall be set by the Board annually and published as part of its Fee Schedule.

10.0 VARIANCE

Any applicant for, or holder of, a permit hereunder, may request a variance from any of the provisions herein. The Board may grant the request for a variance upon a showing that enforcement of such provision would, in the Board's determination after review of evidence presented by the applicant, result in a hardship for the applicant or holder. Said hardship shall not be solely based upon economic circumstances and the granting of the variance may not be detrimental to public health.

11.0 ENFORCEMENT

These regulations and the permits hereunder shall be enforced by the Board and the Health Agent for the Town of Tewksbury. Any violations hereunder may be enforced by a violation notice, administrative order and civil or criminal court action as applicable.

11.1 Critical Violations: Any violation hereof which is deemed an immediate threat to the public health and welfare by either the Board of the Agent or any permit holder who has been the subject of repetitive "Non-critical" violations, which shall mean three (3) or more violations within a six (6) month period, shall be deemed a Critical Violation and shall have its permit immediately revoked hereunder. Following revocation of a permit, the Board shall hold a hearing on the matter within thirty (30) days. A Person found guilty of a Critical Violation, upon conviction shall be subject to a fine up to \$1,000.

11.2 Non-critical Violations: Any violation hereof which is not deemed an immediate threat to the public health or welfare. A Person who has received a Non-critical Violation shall be subject to a fine in accordance with G.L.c. 40 §21D and as more full set forth in the Town By-laws.

11.3 Each day of non-compliance herewith shall be deemed a separate offense hereunder.

10 AUG -3 AM 11:20

TOWN CLERK
BOARD OF REGISTERARS
TEWKSBURY, MA

11.4 Past violations of any type and the Applicant's resolution thereof, or not, of said violations may be considered by the Board during the Annual Renewal process.

12.0 APPEAL

Any Applicant or Permit Holder aggrieved by a final decision of the Board may appeal said decision to a court of competent jurisdiction

13.0 SEVERALBILITY

If any provision of these Rules and Regulations shall be declared invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

10 AUG -3 AM 11:20
PERMITTING
BOARD OF PERMITTERS
TERRACON, VA

6-22-10