

TEWKSBURY BOARD OF HEALTH

Minutes

September 18, 2014

Call of Meeting To Order

MOTION - Ms. Kinnon made a motion to call the meeting to order at 6:00 PM. The motion was seconded by Mr. Roux and unanimously voted 5-0.

The meeting was held at the Tewksbury Senior Center. Present at the meeting were, Chairperson Kathleen Brothers, Vice Chairman Raymond Barry, Phillip French, Charles Roux, Christine Kinnon, and Health Director Lou-Ann Clement.

New Business

Water Treatment Plant Received CDC Water Fluoridation Award

Ms. Clement stated that this is the third year in a row that our Water Treatment Plant received this award. Mr. Barry asked that this be put in the newspaper.

Synthetic Drugs

Ms. Clement stated that she has done some research on synthetic drugs and it is more than she thought. She has found four regulations; one Board of Health regulations from Middleborough, three city ordinances from Lowell, Lynn and one from Quincy. There was a basic theme; chemically engineered substances are put on or in other items. Ms. Clement stated that she is looking for direction on how to proceed. These drugs are already illegal.

Mr. French stated that the Board of Health should have control of these substances. We should use what the other Towns have created and come up with a ban for Tewksbury.

Mr. Roux agreed, and added that he thought that we were going to visit the shops in Tewksbury that sell these products.

Ms. Kinnon also agreed, and added that we need to provide education on how harmful these products are.

Mr. Barry agreed with the ban and that education is very important. He would like a list of shops that are selling these products.

Ms. Clement stated that substance abuse awareness week is coming up and we could make this part of the education.

Ms. Kinnon asked if the products could be packaged differently to get around ban. Ms. Clement replied no, the actual product would be banned.

Ms. Brothers read into the record an article from the Lowell Sun dated September 4, 2014 regard the ban in Lowell of synthetic drugs.

Ms. Clement stated that she will draft up regulations to prohibit sale of synthetic drugs in Tewksbury.

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Old Business

E-Cigarette

Ms. Clement stated that after the last meeting, she emailed Mr. Beauregard regarding E-Cigarettes. Our regulations, Chapter 12 and Chapter 11, e-cigarettes use and sale are covered. Ms. Kinnon stated that a reminder memo should be sent to all establishments reminding them that e-cigarettes are the same as tobacco.

Mr. Barry stated that he has seen people using e-cigarettes in public places. Mr. Barry asked if this could be part of the compliance checks.

Ms. Kinnon asked if the regulations need to be updated to include e-cigarettes. Ms. Clement replied that the regulations are fine, but she will send out notifications to all establishments.

Human Papilloma Virus Vaccine

Ms. Clement stated that the Town Nurse has provided a fact sheet for HPV. This vaccine helps prevent cervical cancer. Ms. Kinnon asked that this be added to the website.

Board Members Reports

There were no reports.

Other Business

Ms. Clement stated that the tight tank was installed and an as-built has been submitted for Oliveria's farm.

Ms. Clement provided a list of establishments that she is aware of that have variances for grease tanks. The establishments include: Angelina's, Café Sicilia, Portable Chef's at Ames Pond, Green Frozen Yogurt, Harrow's Chicken, Lisa's Pizzeria, Sal's Pizza and Wicked Cheesy.

Ms. Clement asked for direction on permit fees for grease tanks. The permit for a septic install is \$150 with an upgrade fee at \$120. A grease tank installation would be half of a septic system. Mr. Roux stated that a fee of \$100 would be fair.

MOTION - Mr. Roux made a motion to set the permit fee for a grease tank installation for \$100. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Ms. Clement stated that the Special Town Meeting will be held at October 7, 2014 at 7:00 PM at the High School.

Ms. Clement stated that the Nurse has applied for two grants but we were not awarded either one but she will keep trying.

Ms. Clement stated that they need to go into Executive Session to discuss a personnel issue.

MOTION - Ms. Kinnon made a motion to go into Executive Session to discuss a personnel issue. The motion was seconded by Mr. Barry and unanimously voted 5-0.

The Board will reconvene after the Executive Session.

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MOTION - Ms. Kinnon made a motion to take a 20 minute recess. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Public Hearing – Permit & Variance for the Tewksbury Board of Health Regulations for Keeping Animals – Located at 12 Kevin Street, Tewksbury, MA – Applicant: Ms. Kathleen Kelley

MOTION - Mr. Barry made a motion to open the public hearing. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Ms. Brothers read the public hearing notice.

Kathleen Kelley, applicant was present at the meeting.

Ms. Clement stated that a compliant was received regarding chickens at 12 Kevin Street. She conducted a site visit and verified that there were chickens on site. An order was issued on July 20th and she gave them time to apply. Eventually the owners applied on August 4th and it was advertised for August 18, 2014. At that meeting there were only three board members present so the hearing was continued. In the time since, inspections have been done. Ms. Clement stated that this parcel consists of .35 acres located in a residential neighborhood. The regulations require one acre with a 200' setback from other residences. There are chicken coops on site also. During the inspections, the coops were neat and clean and the chickens were wandering around in the back yard. The Animal Inspector has recommended that no more than 8 adult chickens be kept on site and if smaller, no more than 10.

Ms. Kelley stated that a neighbor complained to the Board of Health in March but never talked with her. She did not think the chickens were considered livestock according to the dictionary.

Ms. Brothers opened the meeting for public participation:

In Opposition:

Robert Lee of 3 Darby Street – Mr. Lee stated that he is an abutter in the back. He has lived in his house for 25 years and he has an in-ground pool. Since the chickens, he can't enjoy the pool. When he opened the pool, there were hundreds of roaches in his filter. Mr. Lee stated that he did speak with Ms. Kelley and she said that she had roaches in her house too. There were never any roaches until the chickens came because they are attracted to the feed. There are also rodents now. There are now chicken feathers in his pool, there is noise and they are a nuisance. Mr. Lee stated that the Kelley's do not own the house, it is owned by Ms. Kelley's father but he did speak with Kathleen first.

Dan Chamberlain of 14 Kevin Street – Mr. Chamberlain stated that he didn't know anything about this but was able to find the regulations and permit application in 3 minutes. The regulations are available and ignorance is not ok. Ms. Kelley is a renter, not the owner. The application says that they have 5 chickens, but he has a picture of 6 chickens. The plot plan submitted is not certified. The coops are not 200' from the property line. Ms. Clement stated that the applicant is aware that they don't meet the requirements of the regulations and they are asking for waivers. Mr. Chamberlain asked that if this is approved, he asked that the chickens not be allowed to roam free. Mr. Chamberlain stated that if this is approved, the property rate will drop.

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Joseph DeRose of 4 Darby Street – Mr. DeRose stated that he has been a resident for 50 years. When he was younger, he would go to a chicken farm in Wilmington. There were rats, roaches and vermin. He does not want that in our neighborhood.

In Favor:

Dennis Trevor of 21 Kent Street – Mr. Trevor stated that he is a direct abutter and he does not have a problem with the chickens. He has lived there for 28 years. He has not experienced odor or roaches and the chicken feces is high in nitrogen so it is a fertilizer for the grass.

Lloyd Locke of 23 Kent Street – Mr. Locke stated that his sister has chickens and it shows the kids responsibility on how to take care of something. There have been no roaches or odors and the chickens eat the insects.

Mark Musgrave of 34 Kent Street – Mr. Musgrave stated that chickens eat roaches. His daughter goes over the Kelley's house and helps take care of the chickens. These are more like pets and are part of their family.

Al Kelley of 16 Kevin Street – Mr. Kelley stated that he is the property owner. Mr. Kelley stated that we know that we don't meet setbacks. We didn't know that a permit was needed for chickens. They have a maximum of 10 chickens, this is not a farm. Mr. Kelley stated that he notarized a letter for his daughter to act on his behalf. These are pets as well as getting fresh eggs.

Keara Mahoney of 20 Kent Street – Ms. Mahoney stated that she used to baby sit the Kelley kids. These chickens are teaching responsibility and they are more like pets. She has not seen roaches or rats.

James Mahoney of 20 Kent Street – Mr. Mahoney stated that there has been a lot of construction in the area which could cause the increase in foxes and fisher cats.

Louise Trevor of 21 Kent Street – Ms. Trevor stated that she has not noticed any smells or roaches and fresh eggs are beneficial and healthy.

Mr. Lee stated that he takes offense to people saying that he is lying. Since the chickens he has had flies and roaches on his property.

With no others wanting to speak Ms. Brothers called for a motion to close the public hearing.

MOTION - Ms. Kinnon motioned to close the public hearing seconded by Mr. Barry and unanimously voted 5-0.

Board entered into deliberations:

Ms. Brothers asked the applicant how many chickens are present today.

Ms. Kelly responded that there are 10 chickens on site today. However there are only 4 adults.

Mr. Roux commented that this is not a farm it is residential area. He informed the board that he drove by in August and did not observe any odors. He does not believe the assessed values will be decreased due to this hobby as long as the area is kept clean.

Ms. Kinnon states she is not opposed to this request only having a third of an acre but questions the amount of chickens for the area and she has manure concerns.

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Ms. Kelly stated that she rakes every week end and half of her yard is wooded. She mixes the manure into the soils and keeps a pile in the yard for future use. She has wood land roaches not cockroaches.

Mr. Barry questioned the applicant about the location of the manure pile and he does not believe the manure pile is meeting the 200' setbacks.

Ms. Kelley responded that it is the wooded area. She continued that last winter she lost several of the chickens and the spring with 3. She also explained that the blue tarp is in place to keep the peace with the neighbor.

Ms. Brothers stated that it really an eyesore and questioned the applicant about no manure plans for the winter.

Joseph DeRose explained his only concern is the property staying clean.

Ms. Kelley has no problem changing the manure plan.

MOTION - Mr. French proposed a motion to allow the chickens on a trial basis for one year with a reduction to 5 in the spring of 2015. The applicant will need re-apply in the fall. A manure management plan needs to be discussed with the department and the department is to monitor. Motion seconded by Mr. Roux and unanimously voted 5-0.

Mr. Roux questioned the neighbor about the blue tarp.

Mr. Lee informed the board that he is not ok with tarp. He continued to explain that the children ride their bikes ringing their bell trying to sell the eggs and he has found feathers on his car.

MOTION - Ms. Brothers called for a motion to remove the blue tarp. Mr. Barry moved the motion which was seconded by Mr. French and unanimously voted 5-0.

MOTION - Motion was made to close the Public Hearing, seconded by Mr. French and unanimously voted 5-0.

MOTION - Ms. Kinnon made a motion to close the meeting and adjourn at 8:20 PM. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Approved On: April 16, 2015

List of documents for 9/18/14 Agenda

Documents are located in the Board of Health's Office

New Business:

Exhibit #5 Water Treatment Plant receives CDC Water Fluoridation Award

Exhibit #1 Quincy Ordinance Synthetic Drugs 8.36

Exhibit #2 Lowell City Manager's request to develop a policy for club drugs

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Exhibit # 3 Lowell's Proposal r/t Ban of Synthetic Drugs dated November 4, 2013

Exhibit # 4 Lowell's Health Director requesting permission to create a BOH Regulations for Synthetic Drugs

Exhibit #5 Water Treatment Plant receives CDC Water Fluoridation Award

Old Business:

Exhibit #6 E-mail from Ron Beauregard regarding E-Cigarettes and BOH Regulations

Board Member Reports:

Other Business:

Public Hearing Continued:

Exhibit #7 Permit & Variance package for the Tewksbury Board of Health Regulations for Keeping Animals Located at 12 Kevin Street Tewksbury Applicant: Ms. Kathleen Kelley 12 Kevin Street Tewksbury

Exhibit #8 Photos from August 21, 2014 by L. Clement

Exhibit #9 Inspection report by L. Clement dated August 21, 2014

Exhibit #10 Inspection report from P. Thomas dated August 20, 2014

Exhibit # 11 GIS map of 12 Kevin Street received by August 28, 2014