

**Halifax Board of Health
Meeting Minutes
Wednesday, April 01, 2015**

On Wednesday, a meeting of the Halifax Board of Health was held in the Board of Health office at 7:00 p.m.

Present at the meeting were:

John DeLano – Chairman
John Weber – Co-Chairman
Jeffrey Anderson - Clerk
Peggy Selter, Administrative Assistant

The Board of Health meeting opened at 7:00 PM

1. Disposal Works Permits: Recommended for approval :

a. *343 Holmes Street:*

A Motion was made to approve as recommended with the condition that the notes are added to the plan and the Health Agent's approval of revised plan.

Motion: John Weber

Second: John DeLano

Unanimous vote on the motion

b. Requiring Local Upgrades: (but otherwise recommended for approval):

i. *15 Richview Avenue*

1. *Hearing set for April 15, 2015*

2. Hearings: 7:30 pm:

a. Hearing continued from March 04, 2015 on proposed Barn/Stable Regulations
The hearing opened at 7:30pm. The audience was able to see and read everything the Chairman was reading on a large projector screen that was set-up in the room.

i. John DeLano, Chairman, addressed the room and thanked the public with appreciation for their suggestions on the previous updated proposed Barn/Stable regulation revisions, and for attending tonight's hearing. The Board commented that when it was time for the Board to take questions, they would prefer to move forward with the new and updated revisions and not rehash old questions and topics. The Chairman commented that if the public had a chance to look on our website, they would see that the Board did take their suggestions into consideration on the latest update revision.

The Board stated that they are aware of the public comments on the internet regarding the brown colored water in Halifax and that the public should contact the water department with questions on this matter. The Board commented that though the water is acidic and at times has a brown appearance, it is not a public health issue at this time and that if the

discolored water was considered a public health issue, DPH would be notified.

The Board commented on all the flaws, suggestions, legal points of view and clarification of issues and believes they have done everything possible with the revisions to the proposed Barn/Stable regulations to satisfy everyone.

The Board commented on the public suggestion on the use the Agricultural Commission hand book and by-laws, stating that most towns do have them passed and Halifax most likely will too. The Board stated that as you move further along into the handbook exemptions, these exemptions are for verifiable commercial purposes, back yard farmers do not have the same exemptions as commercial farmers.

The Board stated they would like to bring up some key points of the latest updated version of the proposed Barn/Stable regulations.

1. **Grandfathered.** The term “Grandfathered” means if you currently have farming activities with horses, animals, stables, corrals, manure, etc... these will be grandfathered into a current plan.
2. **License & Permits.** This Board, at this time, has no intention of putting a warrant for licenses at town meeting. However, new construction of a barn facility would have oversight from the Board of Health and there will be a permit fee and that fee will be determined at a regularly scheduled open Board of Health meeting, not behind closed doors and that any fees pertaining to a permit of new construction will be posted accordingly.
3. **Map/Drawing.** It is decided by the Board that the prior word/term of “10% accuracy” for the mapping/drawing has been changed to a “sketch.” The Board informed the public that the Mass GIS website would help them greatly to map/draw their sketch, and also informed the public that a simple sketch with the location of manure piles, paddocks, etc... will be helpful, so that should a complaint come in regarding the farming property, the Board of Health has access to a plan to see if the complaint is accurate and where the plan states your manure storage is.
4. **Manure Management.** The Board commented that this fourth version of the proposed Barn/Stable Regulations states that barn/stable facilities already constructed will follow the suggested minimum setback requirements and will be grandfathered in; new facility construction will adhere to the required setbacks stated in the new Proposed Barn/Stable Regulations. This fourth version also includes the Board of Health working with and seeking assistance from a duly established agricultural commission and the society for prevention of cruelty to animals. The Board will look to these organizations for assistance and then the Board can revoke a license if necessary. If

there is an immediate threat to the public, the agricultural commission has no legal authority to get involved; however, the Board of Health has to act under the public health by-law. The Board commented it is not the natural parts of manure that will cause illness; it is the bacteria and parasites in the digestive system of the animals and humans.

- a. Glenn Harris – Mass. Dept. of Agricultural Resources, State Dairy and Animal Health Inspector, Animal Health requested that the Board add the Animal Rescue League as a prevention of cruelty to animals organization, the Board agreed.
5. Hearings. The Board of Health Board members will hear complaints at a public hearing and will issue their decision in writing.
6. Nuisance. The Board commented that the Board of Health must respond to all complaints. The Health Agent will investigate the complaint and determine if the complaint is a legitimate concern or an arbitrary grievance. This Board does not consider every day, normal farming activity following the guidelines and regulations set forth in the proposed Barn/Stable Regulations to constitute a nuisance. Public health nuisance is a different story. Manure run-off into neighboring properties and/or wells is considered a public health threat and an abatement order would be issued before a license/permit is revoked. The property owner would be instructed to comply with the deadlines within the order and if they did not comply then the Board of Health would begin the process under the public health by-law.
7. Variance. The Board stated that they would listen to anyone who is unable to comply; the Board commented that they don't want to do anything that would be considered an injustice, as long as it isn't a public health issue. The Board commented they have granted several variances on septic system being installed, just as they would with the proposed Barn/Stable Regulations. The Board remarked that there is an ultimate appeal which can be heard in a court of law.

The Chairman opened the floor to the public for questions and suggestions. He again requested proper decorum, order, be polite and respectful and to please state their name and address for the meeting minutes being taken.

- i. Questions and suggestions from the public were asked and given by:
 1. Josh Cutler – Representing some of the farmers
 2. Stephen McDonald, Franklin Street, Halifax
 3. Suzanne Emerson – Thompson Street, Halifax
 4. Mike DiBona – Franklin Street, Halifax
 5. Amber Doherty – Elm Street, Halifax
 6. Theresa Carmen – Hudson Street, Halifax
 7. David Feight – Franklin Street, Halifax
 8. Glenn Harris – Mass. Dept. of Agricultural Resources, State Dairy and Animal Health Inspector, Animal Health.

b. License & Permits. Questions/suggestions directed to the Board.

- i. A member of the audience, Josh Cutler, stated he was here tonight to represent some of his constituents and had taken the last couple of days catching up on the proposed Barn/Stable Regulation issue. Mr. Cutler thanked the Board and commented that it is apparent they have put a lot of thought and work into the regulations being proposed. He commented that there seemed to be some confusion on the public/residents part regarding the word/term “license” and “permit” and asked if the Board would be clarify this and the Board agreed.

Mr. Cutler commented that some places that require licenses, permits and fees do not call for an annual renewal. The Board responded that the license fee would have to be established at town meeting and the permit fee by the Board members of the Board of Health, and at this time there is no license or permit fee.

The Board stated that once the initial permit information is submitted for a property, the next annual permit could be as simple as “no change,” or briefly explain any changes that were made, if any and license fees would be approved at town meeting.

Mr. Cutler commented that the farming community would like to see the proposed Barn/Stable Regulations put on hold until an Agricultural Committee can be established, what they are asking of the Board now is to delay this matter until after town meeting. The Board indicated any duly established agricultural commission would have input on by-laws established.

A resident asked why a permit has to be submitted every year, why not once and when that permit is filed, the Board of Health could be notified with any structural change or change of ownership. The resident asked if the Board of Health would consider this option. The Board commented that the Board of Health doesn't always know when a house is sold. Some people pass this type of information along, but not all people do.

A resident commented that as farmers, they pay several licenses, some licenses are every year, and some are every five years and that very five (5) years would save time and work. The Board reiterated that once the permit application is submitted the first time, annual application/forms could be as simple as “no change” or list whatever changes were made, if any.

Other residents also questioned an annual permit. The Board asked for understanding, and remarked that in their experience it isn't always that simple. Sometimes people forget or don't disclose such information and by doing a permit application on an annual basis, the Board of Health would have the knowledge of who the owner(s) of the property, any change of ownership, phone numbers, emails, etc... but by doing a permit application on a five year (5) basis; the property could be sold, the new owner may not

register and the Board of Health would not have the new information for five (5) years. The Board again recapped that the application/form could be as simple as “no change” or a straightforward brief list of whatever changes were made, if any.

A resident commented on the quarantine order of an animal and license/permitting, asking “So, if my dog gets loose after it bites and was quarantined, the Board could revoke my stable license?” The Board replied that they could, but not in all the time they have been Board members has that happened. This Board feels such a deed has the possibility to bring legal action against the town. The Board stated that there is training the Board of Health members go through, certificate courses, Mass Health Officer teaches classes and organizes learning seminars. This Board believes in doing the job right, that’s what they were elected for, we are not out to abuse our powers.

A resident commented with all that said the Board still could revoke their stable licenses. A Board member replied that he personally would not vote to close a stable because a dog escaped, animals get away. If every week, month after month your animal is getting away and you willfully ignore the Board’s directive, then we would do our due diligence and seek to have the concern investigated.

c. **Variance vs. Waiver:** Questions/suggestions directed to the Board.

- i. Mr. Josh Cutler commented that the word/term “variance” is more a legal term and has a strict interpretation, it is more appropriate to use the word/term “waiver” and variance can be use in exceptional circumstances, the Board thanked him for his direction with the legal term, as they do want to make the regulations simple and easy for everyone.

Mr. Cutler remarked that the 50’ setback to a road is a concern, as it’s fairly restrictive. The Board replied that existing barn/stables would be grandfathered in; any new barn/stable construction that could not meet the regulation criteria could receive a waiver by the Board.

A resident commented that Halifax has a wetlands by-law, a 50’ setback, and buffer and questioned whether or not this set back could be changed. The Board replied that there is a Wetlands Protection Act. Existing agricultural activities, for example, that has a farm plan and is following the plan will be fine.

A resident commented that the Board spoke of “normal farm procedures,” are we not really farmers? The resident then asked for clarification of the term. The Board responded that by “normal farm procedures” they were referring to part of the MGL Zoning Law, Part I, Title VII, Chapter 40a, Section 3: Parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre.

A resident commented that under # 3. Licenses and Permits; general requirements, #4, Manure shall be stored in such a manner as to control flies and odors, control of flies limits the horse owners. The Board commented that it is consistent with best management practices.

- d. **Manure Management:** Questions/suggestions directed to the Board.
 - i. A resident asked if there was a manure setback from a septic system. The Board replied there was not.
- e. **Regulations:** Questions/suggestions directed to the Board.
 - i. A resident asked at this point would the Board be willing to consider suggestions made and consider waiting until after the May election to move forward with the proposed Barn/Stable Regulations. The Board replied that they can't make any promises, but they are not inclined to vote anytime in the near future. They commented that they will take everything that was suggested under advisement, but they can't promise not to move forward. However, they did incorporate an established agricultural commission into the regulations and they can be revised at any time. The Board remarked that these regulations are not set in stone; they are a starting point, and they need more clarification and maybe a legal eye.
- f. **Proposed Barn/Stable Regulation Hearing for Public Review**
 - i. All Draft Versions of the Proposed Barn/Stable hearing for Public Review are available in the Board of Health Office or online at:
http://www.halifax.ma.us/pages/HalifaxMA_Health/PoliciesRegs/BarnStable/

The Board commented to the attendee's that "If you've ever noticed in a court of law, the judge stands out of respect for the jury when they enter and depart the courtroom. Tonight, we will stand on behalf of you. Thank you for attending."

8:30pm the Proposed Barn/Stable hearing closed and the Board of Health meeting re-opened.

- a. Hearing continued from April 01, 2015 on proposed Housing Inspection upon Change of Occupancy Regulations.

A Motion was made to open the Housing Inspection upon Change of Occupancy.

Motion: John Weber

Second: John DeLano

Unanimous vote on the motion

A Motion was made to revisit the Housing Inspection upon Change of Occupancy discussion at the April 15, 2015 Board of Health meeting.

Motion: John Weber

Second: John DeLano

Unanimous vote on the motion

3. **Discussion:**

- a. **22 & 28 Lake Street**

- i. Owner has question on location of tank and system to be repaired soon.

1. Admin updated Board on septic tank at 22 Lake Street that was accidentally placed on part of the 28 Lake Street property and the owner of 28 Lake Street has concerns. It was determined by the Board that if a Title V inspection or perc test is requested to be done at 22 Lake Street, the owner is requested to come before the Board so that the Board can discuss the septic system concerns.

b. Admin Report

- i. Emailed and mailed the Animal Inspector; Lisa McKay's reappointment nomination papers from the Board. – Admin updated Board
- ii. Tobacco Permits have been extended to June 30, 2015. – Admin updated Board
- iii. Tobacco Regulations – Revisit on April 15, 2015

4. To be signed: – Board Signed

a. Payroll for the Week Ending April 04, 2015

- i. Cathleen Drinan
- ii. Margaret Selter
- iii. Lisa McKay

b. Expense Account# 01-512 – FY 15-12 – Board Signed

- i. Cathleen Drinan – Reimbursement – Seminar Parking Reimbursement - \$28.00
- ii. Express News Papers – Invoice# 03/19/15 – 2015 Rabies Clinic News Ad - \$35.00

c. Revolving Account# 25-513 – FY 15-12 – Board Signed

- i. Grady Consulting – Invoice# 6316 – Plan Review – 15 Richview Avenue - \$85.00

d. Permits: : – Board Approved

- i. Mary & John McDonough - Mea's Dairy Bar – 2015 Food Establishment Permit
- ii. Tish Ciccotelli – Engelnook Farm – 2015 Residential Kitchen Permit
- iii. Patrick McGonagle – McGonagle Septic Services - 2015 Septic Installer's Permit
- iv. Dana Junior – Walkabout Construction Corp. – 2015 Septic Installer's Permit
- v. Kevin Thomson – K&W Construction – 2015 Septic Installer's Permit
- vi. Gordon Andrews – Andrews Bros Construction Corp. – 2015 Septic Installer's Permit
- vii. Donald Hozworth – Site Plus Inc. - 2015 Septic Installer's Permit
- viii. Jason Haskell – All Clear Septic & Wastewater – 2015 Title V Inspector's Permit
- ix. Sean McGonagle – McGonagle Septic - 2015 Title V Inspector's Permit

x. Jason B. Pierce – Pierce Inspectional Services - 2015 Title V Inspector's Permit

e. **Mail Folder:** – Board Read

i. Zoning Board of Appeals

1. Public Hearing for Special Permit – Holmes Street

Adjournment

A Motion was made to adjourn the meeting at 9:00 PM

Motion: John Weber

Second: John DeLano

Unanimous vote on the motion

Typed by,

Peggy Selter

Administrative Assistant

Signed By:

John DeLano – Chairman

John Weber – Co-Chairman

Jeffrey Anderson – Clerk

~You can receive an official signed copy of meeting minutes at the Board of Health Office~