

Board of Health Minutes January 04, 2011

The meeting was called to order at 7:30 p.m. Present were Arnold Soslow, M. D., Michael Bean, M. D., Mark Neuman, M. D. and Michael Wegerbauer. Also present were Steven Calichman, Director and Patti White, Department Assistant.

7:30 p.m. Public Comments:

Attorney Ed Woll, spoke on behalf of Maura Shaughnessy (direct abutter) regarding the application for Lisa Hanna-Valone 205-209 Rice Road for an Animal Keeping Permit. The permit was approved on 11/23/10. Attorney Woll gave the Board members an "Affidavit of Maura Shaughnessy"

Attorney Woll gave an outline of issues and has requested that the Board reopen the 11/23 /10 hearing for Ms. Hanna-Valone's Animal Keeping Permit.

- 1) Attorney Woll spoke that his client did not feel that the letter she received was a clear notice of what was before the board on 11/23/10 in regard to the complete scope of the project.
- 2) Attorney Woll would like the Board to address some Legal issues regarding the Animal Keeping Regs in regards to the term "kept". Attorney Woll feels the word kept means owned, and in that definition, the animals are being kept within 150 feet of the Shaughnessy's home.
- 3) Attorney Woll is asking the board to review the date the permit was issued. The permit was approved 11/23/10 and the permit issued 1/1/11, for the calendar year 2011. Attorney Woll feels the permit should have been issued for 2010 and renewed on January 1, 2011.

Resident Comments:

Brian Levey, also a Wayland Resident, and the Attorney representing Ms. Lisa Hanna-Valone, wished to disagree with Attorney Woll's comments and stated that the permit was issued in accordance with the Wayland Animal Keeping Regulations.

Shelia McElwee of 5 Apache Trail, not an abutter, but a neighbor, spoke about the Apache Trail neighbors working with Dev Hamlin, when he was starting the Covered Bridge project. The neighbors are not opposed to the Valone's to have a family farm, but they are questioning that the indoor riding ring should not be within 150 feet of the neighboring residences. She is looking for the Board to explain the 150ft setback and what buildings they apply to.

Dr. Vikas Desai 9 Apache Trail, Dr. Desai is not a direct abutter, but he lives less than 150 feet from the proposed riding ring building. Dr. Desai feels he should have been notified of the hearing on November 23, 2010.

Mrs. Shaughnessy 10 Apache Trail feels that the proper neighbors (within 150 feet) were not all notified and that the project was not properly detailed in the certified letter sent out to abutters to notify them of the November 23, 2010 Animal Keeping Permit hearing for 205 Rice Road.

Karen Carpenter 199 Rice Road, she is a direct abutter and did receive the certified letter notifying her of the November 23, 2010 Board of Health meeting. Ms. Carpenter spoke with Ms. Hanna-Valone, and was told that Ms. Hanna-Valone was going to house 2 of her own horses and several of her friends, and that she was going to be obtaining more horses. Ms. Carpenter feels that 12 horses are too many for the neighborhood.

Dev Hamlin 252 Rice Road a direct abutter to 205 Rice Road commented that the size of the project was larger than he believed it to be. He says one of the major issues is the location of the riding ring and that the amount of time the horses will be in the ring, he is asking that the Riding Ring be set outside the 150ft setback to the neighborhood homes.

Attorney Woll says that he feels that Town Counsel would agree that the Board has the right to re-open the November 23, 2010 Animal Keeping hearing for 205 Rice Road. He feels that there may not have been proper notices issued, or that the scope of the project was not properly presented. Attorney Woll is also requesting clarification of the year the permit is being issued for.

Attorney Brian Levy the Attorney for Ms. Hanna-Valone has stated that the Animal Keeping hearing of November 23, 2010 for 205 Rice Road has been closed, and the Apache Road neighbors can contact Attorney Levy, legal counsel for Ms. Hanna-Valone if they wish to discuss the issue further.

The Bills have been signed

9:15p.m. meeting adjourned

Respectfully submitted

Patti White

Department Assistant

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Approved 052411

