

BRAINTREE BOARD OF HEALTH

MINUTES

March 17, 2016

IN ATTENDANCE: Dr. Arthur Bregoli, Chairman
Dr. Philip Nedelman, Vice-Chairman
Paula Dowd, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Dr. Bregoli called the meeting to order at 7:00 pm.

NEW BUSINESS:

1) Request for Permit to Keep Chickens-15 Logan Drive (Theresa Watson)

Present: Joseph & Theresa Watson-15 Logan Drive;
Martin Tarlowski-421 Middle Street;
Carl Erickson-375 Union Street;
Richard & Elaine Dowgos-365 Union Street

Ms. McGrath advised the Board that the applicants, Joseph and Theresa Watson are requesting a permit to keep six chickens on their property located at 15 Logan Drive.

Ms. McGrath reviewed the property plot plan and the area plan depicting 15 Logan Drive and abutting properties on Logan Drive, Middle and Union Streets with the Board members. She advised that a site visit has been conducted and the proposed chicken coop will be in excess of 40' from the rear property line and 25' from the side property line closest to Middle Street.

Ms. McGrath advised that the regulation does not have any setback requirements, but the applicants have chosen to locate the coop further in off the property, so that it is not right on the property line. At present, there are no chickens and no chicken coop on the property. There will be no rooster, only laying hens for eggs.

Richard and Elaine Dowgos of 365 Union Street spoke against the request for permit to keep chickens at 15 Logan Drive. Mrs. Dowgos advised the Board that her concern is smell. She grew up with chickens and they "stink to high heaven". Her second concern is the wildlife that she feels the chickens will attract, such as coyotes and foxes. She has seen a coyote on Middle Street already, so they are around. She wants her children, grandchildren and her husband and herself to be able to enjoy their backyard without having to worry about coyotes or foxes.

Dr. Nedelman advised that the Board has several applications for chicken permits and never has odor been a problem. He asked Mrs. Dowgos what her experience has been.

Mrs. Dowgos stated that they stink to high heaven. She knows as she had chickens as a child.

Dr. Nedelman asked how many chickens.

Mrs. Dowgos stated probably around 25 chickens.

Dr. Nedelman advised that the Board does not permit that many.

Dr. Bregoli advised that there are requirements for the proper disposal of the chicken waste, and if there are any issues then the Health Department will go out to inspect.

Ms. McGrath advised that routine inspections are performed. Further, if any complaints are received that are associated with animals, then additional inspections are performed.

Dr. Nedelman advised that the wildlife is another issue, and whether it is positive or negative is hard to say.

Mr. Watson advised that the chickens will not run loose, but rather be enclosed in a larger fenced cage that will be buried into the ground that will give them the opportunity to move around. He also advised that they are aware that there is a possibility of wildlife, and this caged in coop will protect them from that. He also advised that there is presently wildlife in the area, so he does not think this will increase the wildlife.

Mr. Watson advised that his backyard is fenced in by a chain link fence that comes around to the front of the property.

Mr. & Mrs. Dowgos commented that they did not know until this evening where the chicken coop was going to be located on the Watson's property.

Mr. Watson advised that the reason they chose the proposed location they did is because it is directly through their gate, near the garage/shed that is presently there. The proposed coop location will be closest to 421 Middle Street.

Ms. McGrath reiterated the proposed setback distances of 40' from the rear of the property to the proposed chicken coop and 25' to the side property line closest to Middle Street. She also advised that there is a tree line that follows a good portion of the rear of the property.

Carl Erickson of 375 Union Street spoke in favor of the request for permit to keep chickens at 15 Logan Drive. He advised the Board that he shares 131' of boundary with the Watson's, probably more than any other abutter. He is speaking in favor of the Watson's request, as a person has a right of self-determination and a use of their own property. If they want to have chickens and can contain the "shrapnel and the flames and keep the noise down to a dull roar", so be it, let them have their chickens. He has no complaint.

Dr. Bregoli advised that the Board has had an individual who was concerned about his neighbor keeping chickens, but there has never been any issue with it. Dr. Nedelman advised that in that case it was a much smaller lot and the Board required the coop be moved further away from the neighbors.

Dr. Bregoli advised that the permit is issued for one year, and if any issues arise then contact can be made with the Health Department to investigate.

Ms. McGrath advised that speaking from previous requests that have come before the Board, the Department has well over a dozen keeping of chicken permits in town. One of the top concerns has been the increase in wildlife. The department has had no complaints associated with wildlife in general or an increase in wildlife as associated with chickens. Odor is always a concern. The Board always takes that into consideration, and oftentimes has required the applicant to move the structure further into the property, so it is not right on top of a neighboring property. The Department does routine inspections. Before a permit is renewed annually, an inspection is done. If any complaints are received, they are investigated, and if valid then the keeper would be coming back before the Board to explain why this has become an issue. This has never happened, thankfully. But, if it did the Board could consider and decide whether or not a permit should be suspended, revoked or remain in place.

Mrs. Dowgos asked what does she have to do, get a picture of the wildlife?

Ms. McGrath advised that in general in Braintree, they have seen an increase in requests for the keeping of chickens for many reasons. One is the organic factor associated with the eggs produced by the chickens. People are trying to eat healthier and maintain their properties in a healthier nature. Secondly, the increase in the price of eggs is outrageous and that is why people want to keep chickens now. Additionally, we have found that families want to keep chickens for the educational piece associated with it.

Mrs. Dowd advised that the majority of the permits issued are in residential neighborhoods.

Mrs. Dowgos advised that the wildlife can be very dangerous.

Ms. McGrath advised that the wildlife already exists in Braintree, including foxes and coyotes.

Mr. Watson advised that he and his wife have five children, and this is the reason why they want chickens because it would be a good learning experience for them. He further advised that if there was an increase in wildlife, they would not want to have the chickens because it would be unsafe for their children. If that became an issue, then they would not want to keep the chickens.

Dr. Nedelman requested that the chicken coop be moved closer to the back of the garage/shed on the Watson's property.

Martin Tarlowski advised the Board that 15 Logan Drive is the former Sam Logan property, which is very large and there is enough room there to build two to three houses. He advised that he shares 150' of fence line with the Watson's. If the coop is placed 25' from the property line then it would be closer to him than any other neighbor.

He advised that when he first got the letter, he called a few people that raise chickens. They told him, as long as there is no rooster then there will be no problem.

Mr. Watson advised that they can move the coop closer to their shed and house, further away from the rear of the yard and still maintain the 25' from Mr. Tarlowski's property at 421 Middle Street.

Mr. Tarlowski advised that he did not feel there would be any problem with that proposal. He asked how close the proposed coop would be from his fence.

Mr. Watson advised that it will be closer to the shed, but they will keep it 25' from Mr. Tarlowski's property line.

Mr. Tarlowski advised that he has spoken with some that raise chickens and they said as long as there is no rooster, then there will be no problem.

Dr. Nedelman advised that a rooster requires a variance, in order to permit it.

Dr. Bregoli advised that the chickens are contained and not running around, the waste has to be taken care of, there is a permit and inspections. So, if there are any issues, then contact is made with the staff.

Motion By: Dr. Nedelman to approve the variance request with the condition that the coop be closer to the garage/shed, but 25' from the property line.

Second By: Mrs. Dowd

Unanimously Voted

2) Request for Lifeguard Variance:

a. Royal Lake Village Condominium Trust-3 Royal Lake Drive

Present: No representative from Royal Lake was present.

Ms. McGrath advised the Board that this is the annual lifeguard variance request from Royal Lake Village Condominium Trust for their outdoor pool. The property is primarily an adult community with few to no children, except those visiting family members on the property.

Motion By: Dr. Nedelman to approve the variance request.

Second By: Mrs. Dowd

Unanimously Voted

b. Turtle Crossing-501 Commerce Drive

Present: Anthony Susi, Property Manager

Ms. McGrath advised the Board that this is the annual lifeguard variance request from Turtle Crossing of the lifeguard provision for their outdoor pool. As the Board may recall, the residents of this condominium complex must go through the main building and use a key card to get into the pool enclosure. If they do not use the key card, an alarm will go off through the entire building. They have all of the required signage displayed. They are not looking for a complete lifeguard variance, but rather a modified variance to have a lifeguard present during higher peak bathing times on weekends and holidays.

Motion By: Dr. Nedelman to approve the variance request.

Second By: Mrs. Dowd

Unanimously Voted

c. Reservoir Crossing-614 Pond Street

Present: No representative from Reservoir Crossing was present.

Ms. McGrath advised the Board that this is the annual lifeguard variance request from Reservoir Crossing of the lifeguard provision for their outdoor pool. As the Board may recall, the residents of this condominium complex must go through the main building and use a key card at the alarmed pool entrance door to get into the pool enclosure. If they do not use the key card, an alarm will go off through the entire building. They have all of the required signage displayed. They are not looking for a complete lifeguard variance, but rather a modified variance to have a lifeguard present during higher peak bathing times on weekends and holidays.

Motion By: Mrs. Dowd to approve the variance request.
Second By: Dr. Nedelman
Unanimously Voted

d. River Bend Condominium Trust-399 Pond Street

Present: No representative from Royal Lake was present.

Ms. McGrath advised the Board that this is the annual lifeguard variance request from River Bend Condominium Trust for their outdoor pool. The property is primarily an adult community with few to no children, except those visiting family members on the property. Ms. McGrath showed the Board members the complex pool log book from 2015.

Motion By: Dr. Nedelman to approve the variance request.
Second By: Mrs. Dowd
Unanimously Voted

INFORMATIONAL:

Ms. McGrath provided the Board an update of the Body Work establishment status in Braintree.

Motion By: Mrs. Dowd to adjourn the meeting at 7:35 pm.
Second By: Dr. Nedelman