

BRAINTREE BOARD OF HEALTH

MINUTES

May 14, 2015

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.

MINUTES:

Motion By: Dr. Nedelman approve the meeting minutes of April 16, 2015.

Second By: Mrs. Dowd
Unanimously Voted

NEW BUSINESS:

1) Request for Lifeguard Variance:

a. Devon Wood Condominium Trust-1A Devon Commons Lane

Present: No representative from Devon Wood Condominium was present.

Ms. McGrath advised the Board that this is the annual lifeguard variance request for Devon Wood Condominium for the lifeguard provision for their outdoor pool. They will have a lifeguard on weekends and holidays when the pool is heavily used, but are requesting to not have a lifeguard during low bather times, such as weekdays and after Labor Day, if the pool is still opened given the weather. The facility is a keyed entry, in which the residents must have their key to gain access to the pool enclosure.

Mrs. Dowd asked if their 2014 bather usage report is available.

Ms. McGrath advised that she does not have that information.

Mrs. Dowd requested that it be available upon future lifeguard variance requests.

Motion By: Mrs. Dowd to approve the variance request.

Second By: Dr. Nedelman
Unanimously Voted

b. Turtle Crossing-501 Commerce Drive

Present: No representative from Turtle Crossing was present.

Ms. McGrath advised the Board that this is the annual lifeguard variance request for Turtle Crossing for the lifeguard provision for their outdoor pool. They will have a lifeguard on weekends and holidays when the pool is heavily used, but are requesting to not have a lifeguard during low bather times, such as weekdays and after Labor Day, if the pool is still opened given the weather. The facility is a keyed entry, in which the residents must have their key to gain access to the pool enclosure. The keyed entry is all digitally computerized, as outlined in the 2014 bather usage log provided with the variance request.

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

c. Riverbend Condominium Trust-399 Pond Street

Present: No representative from Riverbend Condominium was present.

Ms. McGrath advised the Board that this is the annual lifeguard variance request for Riverbend Condominium Trust for the lifeguard provision for their outdoor pool. She advised that this is primarily an adult community. They have all of the required signage within the pool enclosure. They have provided their bather usage logs for 2014.

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

2) Request for Keeping of Pigeons-21 Phillips Street

Present: James Crowe, applicant
Shannon and Tracey McCormack-50 Park Avenue
David Randall- 16 Vernon Street

Ms. McGrath advised the Board that James Crowe is a resident that lives at 21 Phillips Street. He is requesting before the Board, a permit to keep 24-28 homing pigeons on his property. The shed structure that will house the pigeons is already on the property at the rear corner. It is six feet from the rear and side property lines.

Ms. McGrath advised that some time ago (1-1 ½ years ago), the department received a complaint that Mr. Crowe was keeping pigeons on the property. The complaint was investigated by a department inspector. At that time, Mr. Crowe allowed the inspector access to the entire property and there were no pigeons on the property. Mr. Crowe admitted that he did have pigeons at a time prior to this inspection. He did not know that a permit to keep them was required. Additionally, he advised that at the time of the inspection, he no longer had any pigeons, as he did not feel he could take proper care of them due to a personal health issue.

Ms. McGrath advised that now Mr. Crowe would like to reestablish the keeping of pigeons and is requesting a permit from the Board because he is now aware that he needs one.

Mr. Crowe advised that he would like to keep 12-18 pigeons on his property. They would be homing pigeons, not racing pigeons. Mr. Crowe advised that he had pigeons on the property for sixteen years up until two years ago, and then two years ago he had a personal health issue and knew he would not be able to care for the pigeons, so had to give them away to other pigeon owners. He is in better health at this time, and would like to re-establish the pigeons on the property.

Dr. Nedelman asked what you do with homing pigeons.

Mr. Crowe advised the board of the growth and development stages of the homing pigeon, as well as how the birds learn to enter and exit the aviary/coop, and fly above the property and locally.

Shannon McCormack of 50 Park Avenue advised the Board that she is a direct abutter to 21 Phillips Street. She advised that when Mr. Crowe had his pigeons before, the pigeon coop was located directly behind her property, on the side of his property. She advised that there was a foul smell associated with the pigeons, and she had a problem with the smell.

Ms. McGrath advised that she cannot speak to the condition of Mr. Crowe's property and pigeons previously, as the department was not aware that there were any pigeons. When the department received a complaint 1-1 ½ years ago about 21 Phillips Street and pigeons, upon investigation there were no pigeons observed on the property, nor any odor detected. So, at the time of the investigation, there was no valid complaint. However, Ms. McGrath cannot state that there was no such condition on the property when Mr. Crowe did have pigeons.

Dr. Nedelman asked if on a previous permit issued for Kevin Williams at 150 Tremont, if there were specific conditions set on it, such as feeding, cleaning, etc.

Ms. McGrath advised the Board that Mr. Williams has set and strict times of the day when his racing pigeons are fed and he cleans the coops twice daily.

Ms. McGrath advised Ms. McCormack that if the Board does grant Mr. Crowe a permit to keep the pigeons, then the keeping of the pigeons will be permitted and the department will be inspecting the coop and property routinely. By routinely, she means at least once annually, and more often as may be necessary to address issues that may arise. If there is a problem with the birds and anything associated with the birds, then contact can be made with the department to conduct an investigation and if necessary come back before the Board if it was a problematic issue.

Ms. McGrath further advised that as per Mr. Crowe, the shed that will now be used to house the pigeons is not the same one that was used before, and is located at the rear of 21 Phillips Street further away from Ms. McCormack's property.

Mr. Crowe agreed.

Mrs. Dowd asked Mr. Crowe if his plan is to clean up after the pigeons and the coop twice a day.

Mr. Crowe advised that he did and will be cleaning the coop twice a day. That is his habit and it will continue. He uses the manure for mulch.

Ms. McGrath advised the Board that at present there are no birds on the property. Prior to a permit being issued, the department will be conducting an inspection to verify that what is being proposed

and requested is what is in fact onsite. She also advised that any manure used for mulch must be turned into the soil, or can be thrown away with the household trash.

Dr. Bregoli asked if this permit is granted every year.

Ms. McGrath advised that yes, the permit has to be renewed on an annual basis, and are renewed in April each year.

Dr. Nedelman advised that if the permit is granted, and the neighbors have a complaint, they can contact the Health Department and an investigation will be conducted right away.

Ms. McGrath advised that those residents with permits for keeping of animals are inspected on an annual basis and more often if issues arise, such as complaints involving odors, etc.

Ms. McCormack asked if the shed where the pigeons will be kept can be moved in the future.

Ms. McGrath advised that as per Mr. Crowe, the shed that will be utilized for the pigeons is six feet off of the side property line and six feet off of the rear property line. If the Board approves the issuance of the permit, they will be approving it in the location shown on the plan, and it cannot be moved without the permission of the Board.

Ms. McCormack asked if there is a maximum size for the shed.

Ms. McGrath advised that it depends upon the number of birds.

Dr. Bregoli advised that if the Board grants the permit, it will be for a minimum of 12 pigeons and a maximum of 18 pigeons, as per Mr. Crowe's request.

Ms. McCormack expressed a concern about rodents and wildlife activity, as a result of the presence of pigeons.

Dr. Bregoli advised that if that does become an issue, then please contact the Health Department. He advised that in all the numbers of animal permits that have been issued, that has not been a problem that the department or Board is aware of.

Mr. Crowe advised that he places a plastic marking band on each of the bird's legs to identify that they are his.

Mr. Randall of 16 Vernon Street advised that he does not have a problem with Mr. Crowe having the pigeons. He just thinks that 18 pigeons is too many for the size of the shed. Additionally, as long as it is now going to be licensed and inspected, then that is the assurance that he is looking for. He feels that the existing shed on Mr. Crowe's property is closer than six feet.

The Board advised that the proposal for the shed is six feet from the rear and side property lines, then that is where it will need to be before a permit is issued.

Tracey McCormack advised that her only concern is the smell, but if it is going to be cleaned frequently, then it should not be a problem.

Ms. McGrath advised Ms. McCormack that if there is an odor concern then please call the department and we will follow up on it.

Motion By: Dr. Nedelman to approve the request with the stipulation that the shed be placed six feet from the rear and side property lines, the shed and areas are to be cleaned twice a day, and there will only be 12 to 18 pigeons on the property.

Second By: Mrs. Dowd

Unanimously Voted

3) Review of proposed draft Body Work Regulation

Ms. McGrath advised that before the Board this evening is the proposed draft Body Work regulation. She advised that tonight she is presenting them with the proposed draft for their review. This is not the public hearing on the regulation. The public hearing will occur once the final draft has been approved by the Board.

Dr. Bregoli asked what the permit fees are.

Ms. McGrath advised that there have been no fees set for a Body Work establishment or Body Work practitioner. That is something that the Board needs to consider.

Ms. McGrath advised the Board that prior to the year 2007 or so, the local Boards of Health in each community regulated massage. After that time, the state took over regulating massage. However, the state does not regulate body work, as they feel that it is not a form of massage. Therefore, local Boards of Health must establish regulations for Body Work if they want to regulate this practice.

She further advised that some time ago the Board asked that she put together draft regulations for Body Work, which is what is before them this evening.

Ms. McGrath advised that the only Towns that she was able to find Body Work regulations for are Arlington and Weymouth.

She advised that these draft regulations include the requirement for the practitioner to be certified through the National Certification Board of Therapeutic Massage and Body Works or other national professional organization recognized by the Institute for Credentialing Excellence.

Ms. McGrath advised that she spoke with the inspector that assisted in creating and now enforces the regulation in Arlington. She advised that this inspector mentioned to her that during their public hearing on the regulation, there were a good number of body work professionals and establishment owners that were certified, and wanted a credentialing because it would separate them from other activities that were happening in establishments. She advised further of her conversation with the Arlington inspector.

Ms. McGrath further advised that there are several body work establishments in the town that the police have been having a problem with illicit activity.

Ms. McGrath advised that the draft regulation still needs to be reviewed by the Town Solicitor as to legal form, but prior to that she would like Police Chief Jenkins to review it. His department has had a lot more interactions with Body Work establishments than the Health Department, and he could offer some suggestions that would be helpful for the regulations.

Ms. McGrath suggests that a public hearing could be scheduled in the early fall after the police department and town solicitor have reviewed the draft, and then the Board gives final approval.

Motion By: Dr. Nedelman to endorse the draft proposed Body Work Regulation and to move it forward to the Police Chief.

Second By: Mrs. Dowd
Unanimously Voted

Motion By: Mrs. Dowd to adjourn the meeting at 7:40 pm.

Second By: Dr. Nedelman