

**BRAINTREE BOARD OF HEALTH**

**MINUTES**

**March 16, 2017**

**IN ATTENDANCE:** Dr. Arthur Bregoli, Chairman  
Dr. Philip Nedelman, Vice-Chairman  
Laurie Melchionda, R.N., 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 to approve the meeting minutes of February 16, 2017.

**Second By:** Mrs. Melchionda  
Unanimously Voted

**NEW BUSINESS:**

**1) Request for Variance: Irrigation Well (roadway setback)-111 Hollingsworth Avenue.**

Ms. McGrath advised the Board that the property owner of 111 Hollingsworth Avenue is requesting a permit to install an irrigation well on their property. They are not able to meet the roadway setback, as they are having difficulty getting the drilling equipment into the rear of the property. The roadway setback request is 34', instead of the required 100'. They are able to meet the required 25' property line setback to the side and rear property lines. All of the direct abutters have been notified of the variance request, both by the property owner and Ms. McGrath. The Department inspector has conducted a site inspection and foresees no issue.

Ms. McGrath recommends approval.

**Motion By:** Mrs. Melchionda to approve the roadway variance request.

**Second By:** Dr. Nedelman  
Unanimously Voted

**2) Request for Lifeguard Variance:**

**a. River Bend Condominium Trust-399 Pond Street**

Ms. McGrath advised the Board that the River Bend Condominium Trust is requesting the renewal of their annual lifeguard variance for the outdoor swimming pool. The condominium trust has provided the daily bather logs per month from January 2016-December 2016 for review. They are requesting a full variance of the lifeguard provision.

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Ms. McGrath recommends approval.

**Motion By:** Mrs. Melchionda to approve the roadway variance request.

**Second By:** Dr. Nedelman  
**Unanimously Voted**

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**a. River Bend Condominium Trust-399 Pond Street**

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

**b. Turtle Crossing-501 Commerce Drive**

Ms. McGrath advised the Board that Turtle Crossing is requesting a the annual renewal of the partial lifeguard variance. They will have lifeguards on the weekends and holidays for the swimming pool season. They are requesting a variance of the lifeguard provision for during the week when it is much slower when residents are at work. The residents must use the electronic key card to gain access to the pool enclosure, which is then electronically recorded on the pool log.

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

**3. Request for Keeping of Chickens:**

**a. Paul Reilly-27 Belknap Road**

Present: Paul Reilly, property owner

Ms. McGrath advised the Board that Mr. Reilly is requesting a permit for the keeping of chickens on his property at 27 Belknap Road. Mr. Reilly proposes to establish the chicken coop in the backyard of his property and ten feet off of the property line in front of the seasonal garden on the property. All of the direct abutters have been notified of the request for the keeping of the chickens by Mr. Reilly, as well as by Ms. McGrath inviting them to the meeting.

Ms. McGrath advised that the department inspector has been onsite and conducted an inspection of the property, and foresees no problem with the issuance of the permit.

Mr. Reilly advised the Board that the chicken coop is fenced inside a fenced in run, which in turn is within the fenced in yard. There are two layers of protection for the chickens, plus he has a dog, which is another layer of protection. He does not envision any predators able to get into the chicken coop, and the presence of the dog will be a natural deterrent. He foresees no problem with rodents, as he also has cats which control any rodent issues.

Mr. Reilly advised that he and his family would like to raise chickens for the organic eggs and it is a good educational experience for his family.

Dr. Bregoli asked where the manure will be disposed of and how many chickens will he keep on the property.

Ms. McGrath advised that the Board allows up to 12 chickens on a residential property. Mr. Reilly plans on having five chickens on the property.

Mr. Reilly advised that the manure will tie in nicely with the garden, and he will also use sealed containers to store the manure and it will be incorporated back into the garden. If the chickens produce more than he anticipates, then it will be disposed of through the weekly trash collection.

**Motion By:** Dr. Nedelman to approve the request for variance for the keeping of chickens at 27 Belknap Road.

**Second By:** Mrs. Melchionda  
**Unanimously Voted**

**b. Evelyn Kelleher-36 Tower Hill Road**

Present: Evelyn Kelleher, property owner

Ms. McGrath advised the Board that Ms. Kelleher is requesting a permit for the keeping of chickens on her property located at 36 Tower Hill Road. She is requesting to keep 6-10 chickens on her property. The coop will be ten feet off of the back rock wall, which is the property line in the rear of the property. Ms. Kelleher has notified all of the direct abutters of her intention to keep chickens, and Ms. McGrath has also notified the abutters inviting them to the meeting. The department inspector has been onsite and would recommend approval.

Dr. Bregoli asked Ms. Kelleher how many chickens she plans to keep on the property.

Ms. Kelleher advised between 6 to 10 chickens, and more likely 6. She advised that the chicken coop and run will be enclosed with a fence that will be buried into the ground, so that predators will not get into the coop. She also has a dog that will alert her and help to keep predators away. The manure will be used for the large garden that she maintains, and stored in a compost bin until used.

Mrs. Melchionda asked if the chickens will be let out of the coop area.

Ms. McGrath advised that the chickens are not allowed to run free per the regulation, so where her property is not fenced, the chickens will need to be kept in the coop and run area.

**Motion By:** Mrs. Melchionda to approve the request for variance for the keeping of chickens at 36 Town Hill Road.

**Second By:** Dr. Nedelman  
**Unanimously Voted**

**4. Covanta-Request for Holiday Waivers for Operation**

Present: Jeff Kunz, Recycling Committee

Ms. McGrath advised that Jeff Kunz with the Recycling Committee is before the Board this evening. Mr. Kunz oversees and works very closely with Covanta on their operation. The Board may recall in December 2016 that Covanta made a request to the Board of Health to extend the operating hours for the Christmas holiday, which was December 26, 2016 and the New Year's holiday, which was January 2, 2017 for commercial businesses to dispose of their trash. The only residential trash disposal offered was through the Ivory Street Recycling Center drop-off. Residential curbside trash was not picked up on these dates. These two recent holiday operations at Covanta were very successful, and they would like to request some other holidays during the year that they be allowed to do the same thing. Specifically, they would like to offer that service on Martin Luther King Day in January, President's Day in February, Patriots Day in April, Columbus Day in October for a trial period for the remainder of 2017 and in 2018. If approved, and is very successful, then Covanta potentially may try to move forward to request the DEP consider modifying their permit to allow for more of the holiday operations.

Ms. McGrath advised that this request is for so few days, that it would not trigger a minor modification with the DEP. They will still have to meet the tonnage requirements as set their permit through the DEP, and cannot exceed the permissible tonnage amount.

Mr. Kunz advised that they will not be requesting any additional holidays, other than the have been outlined. He advised that the most recent Christmas and New Year's holidays exceptions because of how they fell on the calendar. These holidays will be four semi-p days for a year and a half until a decision is made that makes sense whether they and the forward with it.

**Motion By:** Dr. Nedelman to approve the request of Covanta for Holiday for the four specific holidays outlined in the request letter and presentation.

**Second By:** Mrs. Melchionda  
**Unanimously Voted**

**5. Draft letter-Registered Marijuana Dispensing Sites and Recreational Marijuana**

Present: Linda Kopkind, Braintree resident

Ms. McGrath advised the Board that at the February 16, 2017, the Board requested that she a letter for them that will be forwarded to Mayor Sullivan and the Town Council members Registered Marijuana Dispensing Sites, and the potential for commercial/recreational marijuana with the successful vote of ballot question # 4 in the November 2016 general election. She that she did compose the letter for them. Further, she advised that the Chief of Staff and Operations-Joe Reynolds has requested that if this is the letter that the Board wants to go forward with, he has asked that the Chairman of the Board of Health speak with Mayor Sullivan before forwarded, so he is aware of its content.

Dr. Bregoli advised that he will place a call to the Mayor first thing on Friday morning March 2017 to speak with him about this matter. Dr. Bregoli made a word modification to the letter

Mrs. Melchionda suggested that something be put into the letter about the hazardous nature of marijuana facilities to the employees and potential customers.

Dr. Nedelman suggested that the letter be kept more medical and public health related, and fire department be involved in the hazardous piece of it regarding fire and explosion, but he with what the majority wants.

Ms. McGrath advised that there is a public health factor related to a hazardous situation that created because of such a facility and to those individuals in the facility. She realizes it is a issue as well, but there is overlap into the health side of that.

Dr. Nedelman advised that he has no strong feelings one way or the other.

The Board asked that she add verbiage to the letter about the hazards associated with such facilities

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**Motion By:** Dr. Nedelman to approve the request of Covanta for Holiday Waivers for the four specific holidays outlined in the request letter and presentation.

**Second By:** Mrs. Melchionda

**Unanimously Voted**

#### **5. Draft letter-Registered Marijuana Dispensing Sites and Recreational Marijuana Sites**

Present: Linda Kopkind, Braintree resident

Ms. McGrath advised the Board that at the February 16, 2017, the Board requested that she compose a letter for them that will be forwarded to Mayor Sullivan and the Town Council members regarding Registered Marijuana Dispensing Sites, and the potential for commercial/recreational marijuana sites with the successful vote of ballot question # 4 in the November 2016 general election. She advised that she did compose the letter for them. Further, she advised that the Chief of Staff and Operations-Joe Reynolds has requested that if this is the letter that the Board wants to go forward with, he has asked that the Chairman of the Board of Health speak with Mayor Sullivan before it is forwarded, so he is aware of its content.

Dr. Bregoli advised that he will place a call to the Mayor first thing on Friday morning March 17, 2017 to speak with him about this matter. Dr. Bregoli made a word modification to the letter.

Mrs. Melchionda suggested that something be put into the letter about the hazardous nature of the marijuana facilities to the employees and potential customers.

Dr. Nedelman suggested that the letter be kept more medical and public health related, and let the fire department be involved in the hazardous piece of it regarding fire and explosion, but he will go with what the majority wants.

Ms. McGrath advised that there is a public health factor related to a hazardous situation that could be created because of such a facility and to those individuals in the facility. She realizes it is a fire issue as well, but there is overlap into the health side of that.

Dr. Nedelman advised that he has no strong feelings one way or the other.

The Board asked that she add verbiage to the letter about the hazards associated with such facilities.

Linda Kopkind, a Braintree resident spoke before the Board to express her concerns about Ballot # 4 having passed, and the potential for recreational/commercial facilities, as well as registered marijuana dispensing sites to establish in Braintree.

Ms. Kopkind asked what the procedure is to notify the public about the Board of Health's opposition.

Ms. McGrath advised that this letter is specifically for the Mayor and Town Councilors to make them aware that the Board does not support such facilities.

Dr. Nedelman advised that at the February 16, 2017 meeting, the Board talked about the mechanism by which residents could put on the ballot in November whether this town should opt out or not. He advised that Ms. McGrath indicated that a ballot question is up to the Mayor and Town Council to approve whether or not something goes on the ballot.

Further, Dr. Nedelman advised that the Town of Westboro just opted out, and he would like to know what their mechanism was.

Ms. Kopkind said she would like residents to learn and see of this letter, and like her, say kudos to the Board of Health. She feels that she is a pretty active resident in Town that attends meetings, and when she is away often finds that things have happened that she is not aware of.

Dr. Nedelman advised that unless she and a group of residents decide to put it on the ballot in November and the mechanism involved in that, he does not think that this letter will amount to much, particularly if the Mayor is in favor of gaining income from the type of facility that they have in Quincy.

The Board and Ms. Kopkind further discussed the two types of marijuana establishments that could be established in Braintree (registered medical marijuana dispensaries and recreational/commercial marijuana establishments), and the mechanism for a city or town to opt out of recreational, and the ability for the Mayor and Town Council not supporting a medical marijuana siting request through MDPH.

Mrs. Melchionda asked if the Board has sent a similar letter in the past to the Mayor, and what was the outcome.

Ms. McGrath advised that in the fall of 2016, the Board sent Mayor Sullivan a letter indicating that they did not support Registered Marijuana Dispensing sites, and he advised Ms. McGrath that he received the letter.

Further, Ms. McGrath advised the Board that at the February 16, 2017, the Board wanted make sure that they placed something in writing to the Executive branch of the Braintree Town government indicating that the Board does not support Registered Marijuana Dispensing sites and recreational/commercial marijuana establishments.

**Motion By:** Dr. Nedelman to approve and forward the letter to the Mayor and Town Councilors conditional that the verbiage is added that the Board requested.

**Second By:** Mrs. Melchionda  
**Unanimously Voted**

**INFORMATIONAL:**

Ms. McGrath advised the Board that a new Public Health Nurse has been hired to replace Mary Mulready, who has retired. Her name is Susan Bryan. She is currently working as a Nurse Manager at the South Shore Medical Center in Norwell. She is very excited about becoming more involved in public health, and we look forward to her joining the department. Her start date is April 12, 2017.

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

**Second By:** Dr. Nedelman  
**Unanimously Voted**