

BRAINTREE BOARD OF HEALTH

MINUTES

May 19, 2011

IN ATTENDANCE: Dr. Philip Nedelman, Chairman
Karen Hubbard, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

CALL TO ORDER: Dr. Nedelman called the meeting to order at 7:00pm.

APPROVAL OF MINUTES:

Motion By: Mrs. Hubbard to approve the minutes of April 28, 2011.
Second By: Dr. Nedelman

OLD BUSINESS:

Dr. Nedelman advised that the MDPH grant that was applied for to establish a tobacco control collaborative program with neighboring communities was unsuccessful. However, he advised that in Braintree, we will continue to contract the services of Jerry McLaughlin to conduct tobacco control compliance checks of the retail vendors permitted in the town.

NEW BUSINESS:

- 1. Request for Variance of Keeping of Animals Regulation:
Braintree Historical Society-31 Tenney Road to keep one goat and two sheep**

Present: Norah Kyle, Director

Ms. Kyle advised the Board that since she started with the Braintree Historical Society that they have been reexamining and reevaluating their interest in promoting agriculture, as part of their mission. Their mission statement summed up briefly is making the past accessible to the future. Braintree has a strong agricultural history right into the twentieth century. The Historical Society has reinstalled a farm exhibit in the barn portion of the museum.

Ms. Kyle advised that she has a long background of working at historical farms across Massachusetts, both the Plymouth Plantation and Old Sturbridge Village. She advised that the opportunity came to them to become a satellite location of the Plymouth Plantation Rare Breeds Program. Ms. Kyle works for the Farm Department of the Plymouth Plantation of which the Rare Breeds Program is a part of.

The idea is that we have an agricultural past, and today because of urbanization and any number of other things, people have moved further away from understanding not only historical farm practices, but also modern farm practices. Our Farmer's Market is tremendously successful. There is a great interest in sustainability, urban agriculture, backyard gardening, backyard chickens, and so when the opportunity arose that we might be able to keep some of these animals as a museum exhibit, it would provide our visitors both from Braintree and beyond, the opportunity to interact with animals in a safe environment, with animals that are correct to the time period that the historical society represents and for very little or no charge to the public. So, rather than have them drive to the Plymouth Plantation or Old Sturbridge or other agricultural exhibits, that money would stay here in Braintree, and further the Town's mission of a tourist destination and also offer a unique piece to our urban landscape here in Braintree.

Dr. Nedelman inquired about the details of the location and pen space that will be used to keep the animals.

Ms. Kyle advised the Board that it is a fairly sizeable plot that is recessed from the road and there is a stone wall. The flat and level area on the property, which is about 50' x 40', is where they propose to construct the pen. It would be largely out of public view. It would not have an exterior gate, so they would not have human mischief to open the gate and let the animals go. Access would be controlled by going through the locked garage to promote the safety of the animals.

Ms. Kyle reviewed the descriptive plot plan provided with the Board, as relates to the dwellings and museum locations on the Historical Society properties, as well as the garage and proposed animal pen area.

Ms. McGrath advised that the only real direct abutter to this property is the Fire Department.

Ms. Kyle advised that the pen will consist of a period appropriate post and rail fence around the perimeter of the pen, and then use modern goat wire on the inside. So, from a distance it will look like a very appropriate nineteenth century animal pen, but will have the added layer of goat wire so that the animals cannot get out. She is proposing a four to four and a half foot fence. The top will be opened. They plan to construct a shelter within the pen for the animals. The pen would be cleaned daily, and the manure composted on the property, or transported to the Plymouth Plantation and composted there, or disposed of through the trash. Food and water will be provided daily to the animals. Ms. Kyle advised that she lives on the property and would be overseeing the feeding and maintenance of the animals and pen. They plan to keep the animals on the property year-round.

Mrs. Hubbard asked if there was any concern with the proximity to the fire station with noise.

Ms. Kyle has taken the goat over to the fire station and also mowed the property with the goat present, and noise is not a concern. The firefighters are all very fond of the goat.

Ms. McGrath advised that she spoke with Fire Chief Murphy, and they have no objection.

Ms. Kyle advised the Historical Society is concluding its fiftieth year of the Sylvanus Thayer House School Program, and a large portion of that program involves carving, spinning demonstrations and weaving the wool by the 5th grade students in Braintree schools, both public and private. Two sheep of the variety that has been offered would allow for a sheep shearing event in the spring and the wool that they could obtain from the sheep could go into the Thayer House School Program.

Ms. McGrath advised the Board that the reason that the Historical Society must come before the Board for a variance is because the property is within a residential B district, and the regulations require that the only way a permit can be held is by already having a Keeping of Animals permit in a residential A, B, or C district. The only way to obtain a permit for the Keeping of Animals outside of that is to request a variance before the Board, which is why Ms. Kyle is present this evening.

Ms. McGrath advised that if the Board grants the variance, the permit for the keeping of the animals will be issued. The permit is issued on an annual basis, and then renewed annually for as long as the animals remain on the property.

Motion By: Mrs. Hubbard to approve the variance request
Second By: Dr. Nedelman

**2. Request for Hearing:
RE: 360 Commercial Street, Braintree, MA- regarding Emergency
Condemnation and Order to Vacate.**

Ms. McGrath advised that the request for hearing was withdrawn by the property owner on May 17, 2011.

OTHER BUSINESS:

- Ms. McGrath advised the Board that at the request of the Mayor's office, the department has been asked to put together draft Body Works regulations. Body Works is apparently a form of the manipulation of body parts that is not considered massage, but forms of stretching, etc.

Currently, the Commonwealth of Massachusetts permits and regulates massage. There are no regulations or regulatory body that oversees Body Works, and the state clearly differentiates the two practices.

Ms. McGrath advised the Board that once she is able to gather information on Body Works, she will be attempting to put together draft regulations, which would come before the Board for review and eventual approval as a Board of Health regulation.

Motion By: Mrs. Hubbard to adjourn the meeting at 7:25pm.
Second By: Dr. Nedelman