

**Board of Health  
Meeting Minutes  
November 3, 2014**

Members Present:

Tom Kinzer, Co-Chair  
Bea Brunkhorst, Co-Chair  
Sarah Thompson  
Caroline Donnelly  
Anita Raj

Staff Present:

Heidi Porter, Director  
Faye Andrews, Health Agent  
Mary Firestone, Recording Secretary

Also Attending:

Bobbie Ennis, Council on Aging  
Caroline, Richard and Sheila Fedele, 27 Gray Terrace  
Margaret Watro, 5 Sibley Drive  
Rich Donnelly, 31 Houlton Street  
Linda and Norm Johnson, 25 Houlton Road  
Ryan Fagan, 26 Houlton Road  
Victoria McMahan, 22 Madawaska Street  
Brenda and William Marrick, 23 Gray Terrace  
Patrick and Jeffrey Connell, 32 Houlton Road  
Ani Changelian, 26 Gray Terrace  
Frank McCarthy, 28 Houlton

The meeting was called to order at 7:00 P.M. Mr. Kinzer chaired.

Discussion and Vote --- Keeping of Animals Permit, 27 Gray Terrace:

Mr. Kinzer explained that it was not the intention of the Board to re-open the public hearing, but that residents present would be able to speak after initial discussion by the Board. He asked Ms. Porter if there was anything new on the matter. She said that comments had been received from 2 people who had come into the office; both were against the pig. The question not yet answered is whether it is intended that the pig is to remain indefinitely. Ms. Porter said that it is not a matter of a temporary permit. It may be possible to look for a home for the pig. Mr. Kinzer asked whether the other Board members had read the materials. Ms. Thompson asked what kind of pig it is --- a potbelly or a farm type. Mr. Fedele said that it is a Hampshire cross, now full grown, a couple of hundred pounds. Mr. Kinzer asked whether mitigation can be or has been performed to accommodate the odors generated by the pig. He noted that the Board is re-doing the animal regulations; the current regulations are unwieldy. The Board has to take them as they are at present and take them seriously. Ms. Porter said that the regulations allow 2 swine on an acre; which is extrapolated to 1 swine on half an acre; the number of chickens should be kept low if the pig remains. Ms. Fedele said that the purpose of the request for 10 chickens is a thought for the future when the pig may be gone. She introduced her daughter, explaining that the pig is the child's pet; the child was then escorted to another room for the rest of the meeting.

Mr. Kinzer asked about the lifespan of a pig; various numbers were mentioned. Mr. Donnelly mentioned as a point of procedure that the presence of the pig came to attention due to the odor in July but there should not be a pig present before a permit is granted. Mr. Kinzer said that, despite the publication of the regulations, often the first notice of an animal is after a complaint. Mr. Donnelly asked whether because of the regulation the pig could first be removed, then a permit requested.

Mr. Kinzer said that deliberation of whether the pig can stay is not a matter of Board bias. Typically in these cases where an odor complaint is received as part of a permitting process, there would be a period of time to see if the manure problem can be addressed; if the nuisance cannot be addressed, then no permit would be issued. Ms. Fedele said that she did read the regulations but she thought that what she saw in

the animal regulations allowed keeping a single pig without a permit. Mr. Kinzer said that this discussion shows why the regulations are being revised.

Mr. Fagan said that he is an abuttor about 70 feet from the pig's pen. He stressed that he is not here to fight with his neighbors. Until June, he did not call the Board but spoke to his neighbor. The neighbor had even asked him to water their garden. The pig stinks. He has no problem with chickens. Today the weather was warmer and the wind is blowing toward his property. He asked the Board to read the regulations and take into account how neighbors are affected. He said that kids have to go indoors because of the odor. He said that he checked at other properties in Bedford where pigs are present and found that the owners have acreage and that housing in those neighborhoods is not crowded. He asked whether the Board feels that the animal owners are entitled. He suggested that the variance not be given.

Mr. McCarthy said that if he had a septic system and it flooded out, he would be forced to correct the problem; he added that he understands that the pig is a child's pet. Mr. Fagan mentioned that there is also something in the regulations about runoff from the property. Ms. Fedele said that she was not aware of the problem until early July when a neighbor spoke to her husband. Mr. Kinzer reminded attendees that they must address him, as the Chair, not each other. Ms. Fedele said that the only problem she had heard about was the size of the pen. The area was only affected by odor for one month; then they changed their practice. They are now moving the manure several times per week. They have spent \$500 on changing their process. It is hard to find a home for the pig in winter. In the spring, they will put the pig with someone. Moving it requires big changes. She said that they would like a little bit of understanding.

Ms. Johnson said that Mr. Fagan said that it is better today, but it is still a problem. She would like to ask about the issue of the stream that runs between the properties; she wants information from the Board on whether the distance to the stream is OK. Ms. Andrews said that according to the Department of Public Works' GIS system, the stream is 120 feet from the pig's quarters. Mr. Johnson questioned the authority to decrease the distance; he found that other towns have regulated distances of 300 feet from a dwelling. He thinks that the distance should be made clear. Mr. Kinzer said that if you look for a reason for those distances, you can't find them. Ms. McMahan said that she reported that the smell was really bad on Sunday a week ago; she noted that she has a dog that her kids adore and she can sympathize with the pet issue. Mr. McCarty said that in September he had to file with the Conservation Commission because of his closeness of 75 feet to wetlands. Mr. Kinzer said that the Board will not get involved with Conservation issues; he asked Board members what they think about the permit issue.

Ms. Donnelly asked about the number of times the problem was reported. Ms. Porter said that the department has less than 5 complaints on record. Ms. Donnelly said that people are saying the problem is not solved. Several people said that it is not mitigated. Mr. Fagan said that the smell will recur if you give a variance and he will call every time he smells something.

Mr. McCarthy asked whether Board members had been to the site; he wants them to visit and take that into consideration when re-writing the regulations. Dr. Brunkhorst said that the Board must re-write the regulations and publicize them more, get articles out so that residents will understand what the regulations are, what distances should be. Ms. Thompson said that as a parent she can understand a child's attachment to an animal. She appreciates Ms. Fedele's work for the town. What if we grant the variance? Are there any safety issues with a pig? She knows people with pet pigs in other towns.

Ms. Fedele said that the Board of Health's purpose is to not have negative impacts on people's health and to hear current complaints. The situation is very different now from in the summer. She said that they will clean daily if necessary. Don't make assumptions that it is the same now as in the summer. She said that she went through due diligence. It is very different now.

Mr. Fagan said that they brought the complaint to the Board of Health and thought that the Board of Health would deal with it. We were subjected to summer difficulties. Once there is a variance, it will be more difficult to remove the problem.

Mr. Kinzer said that the Board doesn't grant a variance to just anyone who applies. Is there some way to state this variance? His own feeling, he said, is you get into a situation, a nuisance situation that may not be solvable. Dr. Brunkhorst said that it is important what the neighbors think.

Ms. Watro said that it is about a farm animal in a tight suburban area; it is not going to change, not with the pig. Dr. Brunkhorst said that there is a way to verify a nuisance. Mr. Kinzer said that he drove around the area today and it is a very close situation. Mr. McCarthy said that it's a very tight area.

Ms. Raj said to Ms. Fedele, you have the pig, you are trying to get rid of the pig but it is winter. What do you need? Ms. Fedele said that they thought they had a solution but the seasons changed. There is a problem, but we didn't know about it until we got in this room. It is hard for us as for anybody. Now that we know, there are things we can do. I don't want this to continue. I just want to get it to a farm where it won't be butchered. We will change to daily cleaning.

Mr. McCarthy suggested that the Board give time to get rid of the animal, 90 or 100 days. Ms. Fedele said that she said at the last meeting that it was a temporary situation. Mr. Kinzer said that a permit can be revoked at any point; if there is a variance, there are conditions. He said that in his own opinion, the pig needs to go; the Board might write a variance that approves the permit but only for a specific period of time to allow for the Fedeles to move the pig. The variance would be temporary and not renewable. Ms. Fedele said 90 days does not get us to spring, 120 would be better. Mr. Kinzer said, the variance could say that it is not renewable. Prepare language --- animal kept with attempt to mitigate, non-renewable, April first. Ms. Raj suggested fencing; Mr. McCarthy said that fencing won't deal with odor. Mr. Kinzer said that the setback could be suspended, but that would not be renewable. Someone asked how long it would take to draft the variance and circulate it.

Mr. Kinzer took a few minutes to draft the language of the variance. He said that if there is a serious problem, it can be revoked by the Board.

He said: "I move that the Board issue a permit to the owners of 27 Gray Terrace to keep 1 pig and 5 chickens which expires on March 31, 2015 with the following conditions: 1) The permit shall not be renewable as of April 1, 2015; 2) The pig shall be removed prior to March 31, 2015, the expiration date of this permit; 3) The current nuisance mitigation efforts shall be continued and augmented, if necessary; 4) The Health Inspector shall inspect the premises monthly and upon complaint; 5) The acreage and set back shortfalls shall be set aside during this period; 6) The five chickens currently present on-site, shall remain in place during this period; and, 7) The applicant shall apply for a Permit to Keep Chickens prior to April 1, 2015.

Dr. Brunkhorst seconded the motion. Vote count: 5-0

Ms. Fedele said that she appreciated that the Board was able to think out of the box. All attendees interested in this issue departed.

#### BOH Meeting minutes:

Dr. Brunkhorst moved to accept the minutes of the September 8, 2014, as amended. Ms. Raj seconded the motion: Vote count: 5-0

Dr. Brunkhorst moved to accept the minutes of the October 6, 2014 minutes as amended. Ms. Thompson seconded the motion. Vote count: 3-0-2

Discussion of Pool Code Variance Provision – walkways and decks:

Ms. Porter explained the need for consideration of the “manifest injustice” concept and provided copies of the proposed variances with comments by the town counsel. It is not necessary to bring in the hotel representatives at this point. Ms. Porter will send them a copy of the draft which will be submitted to the state official. The Board will consider the final variance approvals at the December meeting.

Liaison Assignments:

Mr. Kinzer will attend a meeting of the Restoration Advisory Board later this month. He was unable to attend the meeting of the Financial Planning and Coordinating Committee.

Director’s Report:

Ms. Porter said that school superintendent Jon Sills had requested a meeting, tentatively scheduled for November 6, to discuss transferring the school nurses to the school department. Ms. Porter has received a letter from an attorney representing the school nurses’ union requesting that a school nurse representative be present at a meeting regarding the school nurse transition.

Ms. Porter said that a grant of \$5,000 has been received from Lahey Clinic Hospital for mental health training of Bedford personnel.

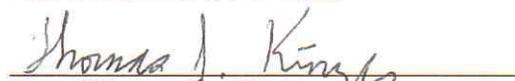
Public flu vaccination clinics are finished, with 30% more shots given than last year.

15 town volunteers were trained in First Aid.

Ms. Raj moved to adjourn the meeting; Ms. Thompson seconded the motion. Vote count: 5-0. The meeting was adjourned at 9:30 P.M.

The next meetings of the Board will take place on December 3, 2014 and January 5, February 2, and March 2, 2015.

  
Bea Brunkhorst, Co-Chair

  
Tom Kinzer, Co-Chair

  
Caroline Donnelly

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Anita Raj

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Sarah Thompson