

**Board of Health
Meeting Minutes
November 9, 2015**

Members Present:

Tom Kinzer, Co-Chair
Bea Brunkhorst, Co-Chair
Caroline Donnelly
Sarah Thompson
Anita Raj (arrived at 7:52 pm)

Staff Present:

Heidi Porter, Director
Katharine Dagle, Health Agent

Also attending:

Michelle and Brian Hoseith, 54 Hartwell Road
Pam Brown, Attorney for Mrs. Hoseith
Allison and Jack Dillen, 16 Dunelm Road
Craig Naylor, 48 Hartwell Road
Rachel and David Adams, 56 Hartwell Road
Larry Kernan, 40 Wilson Road
Karen Dunn, Finance Committee liaison to the
Board of Health

The meeting was called to order at 7:04 P.M. Dr. Brunkhorst chaired.

Meeting Minutes

Ms. Thomson moved to accept the minutes of the October 5, 2015 regular meeting of the Board of Health. Ms. Donnelly seconded the motion. Vote count: 4-0 in favor.

Director's Report, preliminary discussion

Ms. Porter reminded the Board that there is still a need for someone to take the minutes for the Board of Health meetings. The Board indicated that it would be difficult for any of them to actively participate in the busy meetings so it is desirable to fill the open position with a new employee. The Board indicated that they would inquire of people they knew as to whether anyone was interested in the position.

The Town-wide flu vaccination clinic was held on October 24, 2015 where 441 residents were served and other clinics were held at the Bedford Plaza Hotel, Council on Aging, Ashby Place, Bedford Village and several clinics at the Board of Health office for seniors and employees. School nurses participated in the clinics. The flu vaccine used is quadrivalent, which is designed to immunize against two influenza A viruses and two influenza B viruses.

The annual Hanscom Air Force Base Restoration Advisory Board meeting was held. The contractor reported on the status of environmental remediation at the base, which has shifted from predominantly active remediation (groundwater extraction and treatment) to monitored natural attenuation. Additionally, the arsenic that had been detected in monitoring wells at the base and surrounding properties in recent years is believed to be attributable to natural sources and not environmental releases at the base.

Beaver activity has been observed near the interchange of Routes 62 and 3. The state highway department was issued a trapping permit.

Keeping of Animals Permit Application Hearing – 16 Dunelm Road

Dr. Brunkhorst accepted a motion from Ms. Donnelly to open the hearing on this application. Mr. Kinzer seconded. Roll call vote: Ms. Donnelly – aye, Ms. Thompson – aye, Dr. Brunkhorst – aye and Mr. Kinzer – aye.

Ms. Dagle presented the background for this application. The Board received a complaint from a neighbor of this property relative to a compost pile along the property line that was presenting a nuisance condition. The compost contained hay and manure from a penned pygmy goat at the property. Ms. Porter contacted the owners of 16 Dunelm, Jack and Allison Dillen, and they moved the pile away from the property line and disposed of it. The owners were then required to apply for a Keeping of Animals permit. Due to the location of the existing pen and proximity of abutting residences, two variances were needed for the permit – a variance from Section 5.2.3A of the Keeping of Animals regulation requiring a 15 foot set back from an abutting property line and Section 5.2.3C, requiring a 100 foot setback from an abutting dwelling. The Board heard from resident Larry Kernan at 40 Wilson Road who asked if the permit was transferrable and annually renewable. Ms. Porter responded that the permit is not transferrable and is annually renewable. She also indicated that an annual inspection will be conducted and the Board of Health staff would respond to any reports of nuisance conditions.

Ms. Donnelly moved to approve the permit for one pygmy goat with the two variances at 16 Dunelm Road. Mr. Kinzer seconded the motion. Vote count: 4-0 in favor.

Dr. Brunkhorst accepted a motion from Ms. Thompson to close the hearing on this application. Mr. Kinzer seconded. Roll call vote: Ms. Donnelly – aye, Ms. Thompson – aye, Dr. Brunkhorst – aye and Mr. Kinzer – aye.

Keeping of Animals Permit Application Hearing – 54 Hartwell Road

Dr. Brunkhorst accepted a motion from Ms. Thompson to open the hearing on this application. Ms. Donnelly seconded. Roll call vote: Ms. Donnelly – aye, Ms. Thompson – aye, Dr. Brunkhorst – aye and Mr. Kinzer – aye.

NOTE: Ms. Raj arrived to the meeting at this point (7:52 pm).

Ms. Porter presented the background on this application for the keeping of two horses in that in September an original version of this application was heard by the Board. Some concerns were voiced from neighbors and the Board deliberated on the application at their October meeting. Following that deliberation, the Board requested some revisions to the application which resulted in the revised application heard by the Board at this meeting.

The revisions include: moving the barn to the southeast portion of the property from the southwest portion, planting of a tree barrier along the western property boundary as a wind/dust screen, inclusion of a sturdy fence along the rear property boundary with the town forest and review of the manure management plan to determine if an alternate plan would be more beneficial at keeping surface and groundwater protected from impacts from potential manure pathogens.

Ms. Hoseith indicated that she consulted with experts in the field of keeping horses and best practice was the proposed method of a shallow manure pit. She moved the location of the pit to

ensure it was 100 feet away from the proximal irrigation well at 48 Hartwell Road, a distance that is the required distance between a septic system and a well in accordance with MA Department of Environmental Protection Title 5 Regulations. In addition to the relocation of the manure pit, her revised plan also included all of the requested changes indicated above. Two variances are required for the permit application. The first is a variance from Section 5.4.1 of the Keeping of Animals Regulation requiring 1 2/3 acres of land (or 56,666 square feet in accordance with the definition of an acre in the regulation) for keeping 2 horses. The site only has 55,200 square feet of land. The second variance is from Section 5.2.3(a) of the regulation requiring the animal facility (in this case, the rear paddock fence) be 15 feet from the property line.

Ms. Porter also indicated that since the last Board meeting, the Board received correspondence from Mrs. Adams the abutter to the west which included a letter from her physician specifying a list of flora and fauna that she is allergic to and stipulated an allergy to horses and that Mrs. Adams should avoid all exposure to horse dander.

Pam Brown, attorney for Ms. Hoseith, indicated that the original lot was 60,000 sq. ft. but that the town had reduced the lot size to 56,663 sq. ft. She also pointed out that the area required by the Board of Health for a paddock area is much larger in Ms. Hoseith's plans.

Mrs. Adams asked how high the trees representing the wind barrier were going to be. Mrs. Hoseith indicated the trees would be at least 6 feet tall and they would be arborvitae or spruce.

Mr. Kinzer and all members of the Board expressed how unfortunate the circumstances are surrounding this application in that Mrs. Hoseith meets the requirement for a permit while Mrs. Adams suffers from allergies to the exact animal the permit is requested for. Mr. Kinzer further stated that the Board is responsible for the "health of the herd."

Mrs. Adams stated that she believed that this situation represents a health issue and questioned whether the keeping of animals is a health issue. Mr. Kinzer responded that the intention of the regulation is to ensure the keeping of animals at any property in town does not negatively impact the health of the public and unfortunately that does not necessarily protect the health of specific individuals.

Mr. Kinzer asked how the proponent will keep the dust and dander down. Ms. Hoseith responded that she will use wood chips to keep the dust down under the horses' footing. Horses shed their winter coat in the spring requiring attention and brushing of their coat. This action releases dander and will be done in the barn.

Dr. Brunkhorst asked when the trees will be planted. Ms. Hoseith indicated an intention to plant the trees and build the barn in the spring, then bring the horses on-site.

Mr. Kinzer asked if there were any further questions or comments from the Board. Ms. Raj indicated the decision on this application is a difficult one. Mr. Kinzer stated that the second proposal is better than the first. Ms. Donnelly stated that the proponent has tried hard to mitigate the potential issues and there are no grounds on which to deny the permit. Ms. Thompson stated that this is a tough issue for the Board and she is sensitive to both sides. She further stated that the Board's duty is to the public and she hoped Mrs. Adams wouldn't have an allergic reaction.

Mr. Kinzer moved to approve the permit to keep 2 horses at 54 Hartwell Road with variances from the following section of the Keeping of Animals Regulation: 1) Section 5.4.1 as there is not enough land area for 2 horses. The site is 55,200 square feet in size and the regulatory requirement for 2 horses is 56,666 sq. ft.; and 2) Section 5.2.3(a) as there is not sufficient distance of the fence from the rear property line. The rear fence is proposed to be immediately adjacent to the property line to allow for a larger corral area. The motion included the following: a requirement to install a secure fence with no provision for access to or egress from the adjacent Town Forest, a requirement for the proponent to use best practices to keep dust and dander down during grooming by using wood chips and wetting the area, and a requirement to plant arborvitaes or spruces along a portion of the western property boundary that will be at least 6 feet tall. Ms. Donnelly seconded the motion. Vote count: 5-0 in favor.

Mr. Kinzer moved to close the hearing on this matter. Ms. Raj seconded. Roll call vote: Ms. Donnelly – aye, Ms. Raj – aye, Ms. Thompson – aye, Dr. Brunkhorst – aye and Mr. Kinzer – aye.

Smoking in the Workplace Regulation – Discussion with D.J. Wilson of the Massachusetts Municipal Association

Ms. Porter reported that she was contacted by an individual who was interested in opening a hookah bar in Bedford. Upon review of the Smoking in the Workplace Regulation, she felt that the regulation did not cover this type of establishment and asked Mr. Wilson to come to the meeting to discuss potential revision to the current regulation.

Mr. Wilson explained hookah and how it relates to cigar bars and other establishments where tobacco or nicotine delivery products are sold. Mr. Wilson further stated that the current Bedford regulation is based on the state model and contains an exemption from regulation for “smoking bars,” which is what a hookah bar would be. He suggested that it might be important for the Board to reinforce the protection of workers at smoking bars from second hand smoke by banning smoking in smoking bars but not banning the establishment. Mr. Wilson offered to revise the current Bedford regulation to include worker protection in smoking bars and remove some additional exemptions from the regulation. The Board thanked Mr. Wilson for his assistance.

Introduction of Ms. Karen Dunn, Finance Committee

Ms. Porter stated that Ms. Dunn contacted her to relate she will be the new Finance Committee liaison to the Board of Health and requested to attend the November 2015 Board meeting. Ms. Dunn introduced herself and stated that former Finance Committee liaison Ben Thomas stated he enjoyed his participation with the Board and that she looks forward to working with the Board in the coming years. Although FY17 budget guidelines will not yet be released, she will attend the December 14, 2015 Board meeting where the Board will have preliminary budget discussions.

Keeping of Animals Permit – 15 Hilltop Drive

Ms. Dagle stated that a new keeping of animal permit application was submitted for Board consideration. In addition to 7 chickens, the applicant was interested in keeping a cockerel. Ms. Porter reported that a cockerel is a baby rooster. It is not considered a rooster until it is one year old and the proponent wants to keep the cockerel during that one year period. The Board discussed that given that the bird will indeed become a rooster, it should not be permitted at all.

Ms. Dagle will ask the proponent to revise his application by removing the request to keep a cockerel.

Director's Report, final discussion

Ms. Porter reported that a long outstanding housing case at 108 Page Road had been closed following completion of activities that achieved compliance with the state sanitary code.

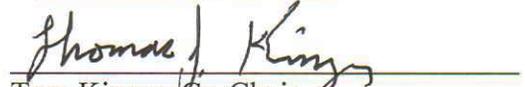
The transition of the school nurses from Board of Health oversight to the School Department was finalized at the Special Town Meeting on November 2, 2015 where the budget funding supporting the school nurses was voted to be transferred from the Board of Health budget to the School Department. Ms. Porter reported that she will meet with School Nurse Leader Tracy Fernald and work with her and Superintendent Jon Sills on the transition if requested.

Ms. Thompson moved to adjourn the meeting; Ms. Raj seconded the motion. Vote count: 5-0. The meeting was adjourned at 9:55 P.M.

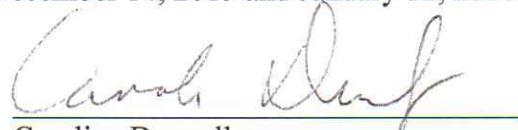
The next meetings of the Board will take place on December 14, 2015 and January 11, 2016.



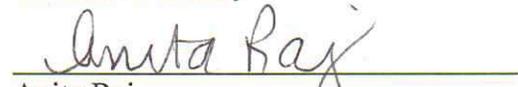
Bea Brunkhorst, Co-Chair



Tom Kinzer, Co-Chair



Caroline Donnelly



Anita Raj



Sarah Thompson