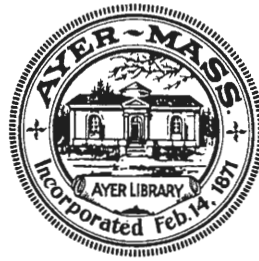


TOWN OF AYER BOARD OF HEALTH Minutes of January 28, 2019

Chair P. Peters called the meeting to order at 5:34 pm in the downstairs meeting room, Ayer Town Hall. Members present included: *Chair* Patricia Peters, *Vice Chair* Pamela Papineau, and *Clerk* Mary Spinner. *Administrative Assistant* Jane Morriss
The meeting was recorded by APAC.



RECEIVED
FEB 12 2019
TOWN OF AYER
TOWN CLERK
10:04 AM ef

PUBLIC INPUT: None.

REVIEW OF MINUTES: M. Spinner made a motion to accept the minutes of January 28, 2019, as submitted, and P. Papineau 2nd. The Board voted unanimously to accept the minutes as submitted. **3/0 A.**

CONTINUING REVIEW OF CURRENT REGULATIONS:

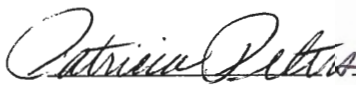
- AQUIFER PROTECTION DISTRICT HEALTH REGULATION: Although the Board of Health is no longer the Special Permit Granting Authority (SPGA) in matters pertaining to protecting the Town's aquifer districts, the Board has decided that it should not abandon its mission to safeguard the town's drinking water. Towards this end, P. Papineau agreed to revise the current regulation, scrubbing anything that is in conflict with Federal regulations, State general laws, and Town bylaws, but retaining the Board's role as protector and defender of the town's drinking-water resources. The Board will review the resulting draft at its next meeting, with the plan of sharing the newly-edited and drafted document with the Town Manager and Town Counsel for vetting.
- ANIMAL REGULATION: Members of the BOH signed the revised regulation, which went into effect January 14, 2019. J. Morriss was asked to post it on the Board's webpage.
- WELL MORATORIUM: The Board signed the affidavit indicating that the Board reviewed its Moratorium on Groundwater Wells, which became effective on May 6, 2013, and that it remains in effect with no modifications. J. Morriss was asked to post it on the Board's webpage.

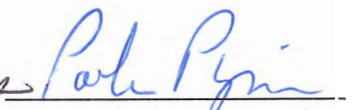
NABOH REPORT (B. BRALEY): B. Braley reviewed a transmittal form issued by the ZBA pertaining to a variance sought by Andrew Boucher asking to convert a two-unit residence into a three-unit residence at 10 Elm Street, which she marked as "N/A" or "not applicable." She also shared the Notice of Responsibility from the Mass. DEP pertaining to the finding of oil in the soil at 7-9 Groton Street.

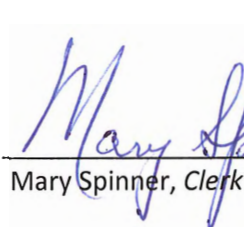
ADMINISTRATIVE MATTERS: CORRESPONDENCE: Notification of asbestos abatement status at 44 Walnut Street.


ACTION ITEMS FOR FEBRUARY 11, 2019 MEETING: Joan Hamlett, director of the Boards of Health Tobacco Control Alliance, to discuss updating the Ayer Board of Health Regulation Prohibiting Smoking in/on Public Property and Places. Review Solid Waste Hauler Regulation.

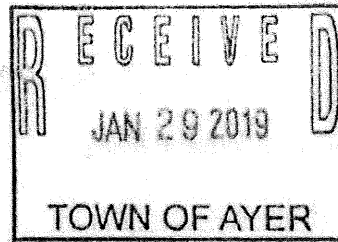
ADJOURN: M. Spinner motioned to adjourn the meeting at 6:40 pm, and P. Papineau 2nd. **A 3/0**


Patricia Peters, *Chair*


Pamela Papineau, *Vice Chair*


Mary Spinner, *Clerk*


Respectfully Submitted by
Jane Morriss, *Admin. Asst.*



10am
Municipal



TOWN OF AYER
BOARD OF HEALTH

TOWN HALL – 1 MAIN STREET – AYER, MASSACHUSETTS 01432 – (978) 772-8213

AYER BOARD OF HEALTH

Regulations Governing the Keeping of Animals and Fowl

Section 1. Authority

These regulations are adopted under the authority of MGL chapter 111, section, 31, as reasonable health regulations designed to protect and improve the health and quality of life of those who reside within the Town of Ayer. These regulations shall take effect as of the date of their approval as indicated below.

Section 2. Statement of Purpose

Whereas minimum standards for the keeping of animals, protection of public health, animal welfare, and the environment are considered necessary for the welfare of the community, the Ayer Board of Health has adopted these regulations.

Section 3. Definitions

Abutter: Owners of land sharing a common lot line, and that are directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list.

Animal: All animals such as, but not limited to, cattle, goats, sheep, swine, equines, llamas, poultry, large animals, livestock, reptiles or snakes, which are kept or harbored as domesticated animals. Cats, dogs, ferrets, domesticated pot-bellied pigs, rabbits, and hamsters are excluded from this definition.

Applicant: One who applies for a permit to keep one or more animals or fowl.

Board of Health: Ayer Board of Health.

Coop: A structure for the keeping or housing of poultry or other types of fowl.

Corral/Paddock: Enclosure for the confining of one or more animals.

Exotic: Refers to an animal not native to this region or country.

Facility: The total accommodations to be used for the keeping or housing and care of one or more animals, including but not limited to stable, pen, loft or corral.

Fowl: Birds for food, hunted as game, or used for racing

Horse: Means any solid -hoofed animal, including but not limited to horses, donkeys, ponies and mules.

Manure: Means excrement and used bedding from animals.

Owner: Shall mean every person who alone, or jointly, or severally with others: has legal title to any facility, or has care, charge, custody, or control of any facility including but not limited to agents, executors, administrators, trustees, lessees or legal representatives.

Paddock: Shall mean a fenced in area for turn out and/or exercising animals.

Pasture: Shall mean a plot of fenced in land used for grazing and/or feeding of animals.

Person: Shall mean any individual, partnership, corporation, firm, association or group.

Poultry: Shall mean all domesticated or semi-domesticated edible fowl such as but not limited to chickens, turkeys, ducks, guinea fowl, pheasants, and pigeons. (American Racing Pigeons, with proper documentation, are exempt from these rules and regulations).

Nuisance: Any condition including, but not limited to, noise, offensive odor, attraction or breeding of insects, an environment supporting the growth of vermin, presence of rodents, or any other condition having public health or environmental significance.

Pen: A structure for the keeping or housing of one or more animals.

Run Off: Shall mean any liquid or solid suspended in liquid that flows over the surface of the ground

Shelter: Shall mean the minimum housing required for horses, ponies, cattle, sheep, goats and swine.

Stable: Means a compartment in a stable used for the keeping of one or more animals.

Stall: A compartment in a stable used for the keeping of one or more animals.

Structure: Shall mean any barn, building, enclosure, paddock, coop, shed, stable, stall, or similar enclosure used for storage of food, supplies and/or equipment normally associated with the keeping of animals, or for the keeping or restraining of any animal except such of those that are subject to regulation under the provisions of Section 2B of chapter 128 of the General Laws pertaining to commercial riding stables.

Swine: Shall mean any hoofed mammal of the porcine species.

Unsanitary Conditions: The facility's state of being or condition which, in the judgment of the Board of Health, are conducive to or results in, breeding of flies, creation of offensive odors, rodent infestation, liquid effluent, runoff, and/or noise in such concentrations and/or such duration as to cause a nuisance, be injurious, may be considered potentially injurious to human health, or unreasonably interfere with the health and safe enjoyment of life and property.

Wild Animal: Any animal not normally found or kept as a domesticated animal, including but not limited to snakes, poisonous reptiles, alligators, monkeys, lions and tigers.

Section 4. Permits

No person shall own or operate a facility for the keeping of animals in the Town of Ayer without a permit issued by the Board of Health. NO permit shall be required for the keeping of household pets, provided that under no circumstances shall horses, swine, poultry, sheep, goats, llamas, alpacas or the like be considered household pets and the keeping of any number of such animals shall require a permit and compliance with this regulation.

- A. Application(s) for a permit for the purpose of keeping animals shall be submitted on a form supplied by the Board of Health for each location where animals are kept in the town. At the time the application for keeping animals is submitted, the applicant shall provide the Board of Health with the following documents:
1. Full name, address, and telephone number of the applicant.
 2. Location -- street address of the premises to be used.
 3. List of abutters.
 4. Number and species of animals to be kept. NO animals in excess of the specified number on initial application shall be kept without notifying the Board of Health within thirty (30) days.
 5. Informal plot plan, showing the following:
 - a. borders with dimensions of area where the animals will be kept and used by animals,
 - b. location of all structures on the property,
 - c. confining fences and barriers,
 - d. any bodies of water or surface watercourses located within 100' feet of the housing for the one or more animals,
 - e. location of any septic system on the premises,
 - f. location of any private wells within the perimeter of the area where the one or more

- animals will be kept or within 100' of the perimeter,
- g. Location of manure containers, and drainage details.
6. A written plan for the management and disposal of animal waste, storage of feed, method used to control flies and vermin.
 7. Stables shall be located at least one hundred (100) feet from any dwelling on abutting property.
 8. A paddock/corral area shall be situated at a sufficient distance from the property line so as to prevent damage to abutting property and to prevent incidental contact of children on abutting property. Furthermore, they shall be situated and managed in such a way so as to prevent significant runoff of fecal matter into water bodies taking into account the slope and vegetation between the fence of the corral or paddock and the water body.
 9. Property barriers such as fencing or other appropriate measures shall be installed on areas of the property where keeping of animals exists. These barriers shall be secured in such a fashion as to prevent the escape of animals.
 10. The initial applicant/application and proposed renovations shall meet and receive zoning clearance from the Building Department.
 11. The Board and/or its agent shall conduct a site inspection prior to issuing a permit upon receipt of a completed application and payment of applicable fees.
 12. The permit fee to keep animals or fowls shall be established and may be amended from time to time by the Board of Health and fees shall be posted on the Board of Health website.
 13. Permits shall expire on May 31 of each year, unless sooner revoked by the Board of Health upon violation of any of the provisions of these regulations. Application for renewal of a permit is the responsibility of the holder of the permit and will have an annual fee as posted on the Board of Health website.
 14. The person(s) who have had a permit denied or revoked shall be ordered to remove all unlicensed animals from the property within a time frame determined by the Board of Health.
 15. Permits may be issued by the Board's authorized agent if the application demonstrates full compliance with these rules and regulations. Either the agent or the applicant may request a hearing before the Board of Health. If requested by the applicant, the request shall be in writing and shall be received no later than (7) days after issuance of the agent's decision. Notice of said hearing shall be provided, at the applicant's expense to all abutters, owners of land directly opposite on any private or public streets or way, and abutters to abutters within 100 feet, and by the publication in a newspaper of general circulation in the Town, once at least seven days prior to the hearing.
 16. If the agent and/or the Board find that the issuance of the requested permit may result in a nuisance or unsanitary condition that it will otherwise create a risk of harm to public health, safety or welfare, the Board may deny the application.
 17. In approving the issuance of a permit, the agent and/or Board may impose reasonable conditions designed to protect public health, safety and welfare and to prevent nuisance and unsanitary conditions, including but not limited to restricting the number or types of animals that may be kept at one time or restricting the keeping of animals to only certain locations on the property.

18. No person shall propose or erect, remodel, occupy or use a stable, or accessory structure intended for the housing of animals unless and until he/she has submitted a plan to the Board of Health for review and the same has been approved.
19. Each facility shall have a supply of potable water available to the structure for feeding and cleaning purposes.
20. Permits are not transferable and shall be posted in a conspicuous area.

Section 5. Standards of Care

- A. The facility for the keeping of one or more animals shall not allow or permit the floor and/or grounds of the facility to be designed, constructed, and/or maintained in unsanitary conditions. Requirements are as follows:
 1. The facility shall be adequately ventilated and provide protection from weather elements.
 2. All facilities for the keeping of one or more animals shall be securely fenced to prevent the escape of animals. Animals at no time shall be allowed to roam unattended from the designated area as noted in the application.
 3. Paddocks used for horses/stallions must provide at least $\frac{1}{2}$ acre of land per animal.
 4. All stables shall be provided with a fenced paddock adequate for free exercise of the horses kept in the stable.
 5. All paddocks shall be provided with drainage to prevent the formation of stagnant pools or puddles.
 6. Barbed wire shall not be used for fencing.
 7. All electric fences shall be posted with a sign so stating.
 8. Paddock fencing shall be high enough to keep the animals confined and prevent their breaking loose.
 9. Each stall shall be of a size for a horse to lie down, get up, and turn around.
 10. Each stall floor shall be kept covered with an adequate dry supply of suitable bedding material to absorb moisture and subdue odor. Beddings such as straw, shavings, sawdust etc. are suitable.
 11. The interior of the stable shall be free from projecting nails, splinters etc. liable to injure the animal. The use of rotten, burned, crumbly or otherwise interior materials is prohibited. Electrical fixtures shall be placed out of the reach of animals.
 12. All containers used to store feed/grain must be made of suitable materials to prevent the entry of insects or rodents.
 13. An adequate supply of water shall be provided for all animals.
- B. The following maintenance requirements shall be maintained at all times:
 1. The facility in which the one or animals are kept shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases.
 2. The owner of the facility for the keeping of one or more animals shall keep the facility in a clean, sanitary, and presentable condition, free from decaying food, filth, feces, vermin infestation and stagnant water.

3. Food shall be stored in sealed, moisture-proof and vermin -proof containers, when appropriate.
 4. One or more dead animals shall be disposed of or incinerated, at an appropriate facility, within a reasonable time but in no event more than forty-eight (48) hours after death. Storage of deceased animal shall be in such a way to prevent odors and attraction of vermin.
- C. A written manure management plan addressing the following are requirements for the keeping and maintenance of manure and fecal matter within the facility shall be submitted with the application:
1. Drainage or liquid effluent containing urine, fecal matter and manure from any one or more animals kept at said facility is not to be discharged in runoff, or to flow over the surface of the ground onto a neighboring property, public way or watercourse and shall not be susceptible to flooding. Water including drainage shall not become stagnant or collect or create a ponding affect upon said facility.
 1. The owner of facilities for the keeping of one or more animals shall provide for the sanitary storage and disposal of all waste, fecal matter and manure related to the keeping of the one or more animals.
 2. Manure shall be stored and managed in such a way so as to prevent significant runoff of fecal matter into water bodies or wells taking into account the slope and vegetation between the manure storage area and the water body or well.
 3. During warm weather, if necessary, fecal matter and manure shall be treated with lime or super phosphate to minimize odors and treated with legally approved insecticides for fly control.
 4. The Board of Health or its authorized agent will allow the composting of manure generated at the facility for the keeping of one or more animals upon specific written Board of Health approval.

Section 6. Keeping of Poultry

Coops for the keeping of poultry shall be of sufficient size and design, and constructed of material to accommodate the poultry in a safe and healthy manner and be maintained in clean and sanitary conditions.

Section 7. Keeping of Wild or Exotic Animals

Wild animals or exotic animals must be kept in accordance with M.G.L c 131 s 23 and 321 CMR 9.01. Mass Wildlife has statutory responsibility for all freshwater fish, reptiles, amphibians, birds, and mammals regardless of whether they are native to Massachusetts or occur elsewhere in the world.

You should not assume that animals for sale in other states, including those states adjoining Massachusetts are allowed in Massachusetts. Similarly, be wary of animals advertised for sale on the internet and newspapers. These may be lawful at the point of origin, but not in Massachusetts.

Section 8. Exemptions

This regulation shall not apply to individual properties or facilities under the direct care and/or control of the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA).

Section 9. Enforcement

This regulation will be enforced by the Board of Health Agent and Animal Control Officer/Inspector or the Board of Health and will be subject to all enforcement rules and regulations under Ayer Bylaws.

Any person who violates this Regulation may be penalized by non-criminal disposition as proved by Massachusetts General Laws, Chapter 40, Section 21 D and the Town's Non-Criminal Disposition bylaw. IF non-criminal disposition is elected, then any person who violates the provisions of this bylaw shall be subject to penalties as follows:

First Offense: Twenty Five Dollars (\$25.00)

Second Offense: Fifty Dollars (\$50.00)

Third Offense: One Hundred Dollars (\$100.00)

Fourth and further offenses – Three Hundred Dollars (\$300.00)

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Whoever violates any provision of this Regulation may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The town may enforce this Regulation or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall preclude enforcement through any other lawful means.

Section 10. Right to a Hearing

Any person or persons who feel aggrieved by the Board of Health order that has been served pursuant to any section of these regulations may request a hearing before the board of health by filing a written petition to the Board of Health within seven days of receipt of this said order.

Section 11. Variance

The Board of Health may grant a variance from the provisions of this Regulation provided that the applicant can demonstrate that (1) the enforcement thereof would impose a substantial hardship and (2) that the same degree of health and/or environmental protection required under this Regulation can be achieved without strict application of the particular section.

Every request for a variance shall be made in writing and shall state the specific variance sought and the reason therefore. No variance shall be granted unless the applicant has provided, at the applicant's expense, notice to all abutters, owners of land directly opposite on any private or public streets or way, and abutters to abutters within 100 feet, and by publication in a newspaper of general circulation in the Town, once, at least (10) days before the Board of Health hearing at which the variance application will be heard.

Every variance granted by the Board of Health shall be in writing and may include such conditions, safeguards and limitations as the Board of Health deems necessary to protect public health, safety and welfare. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the variance shall be provided by the applicant to all abutters.

Section 12. Severability

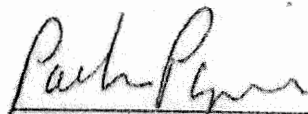
Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of the regulation shall continue in full force and effect.

Section 13. Adoption and Effect

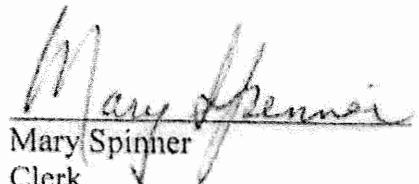
These rules and regulations were adopted by unanimous vote of the Board of Health, Town of Ayer, Massachusetts, and are to be in full force and effect on and after January 14, 2019 and shall be deposited in the office of the Town Clerk.



Patricia Peters
Chair



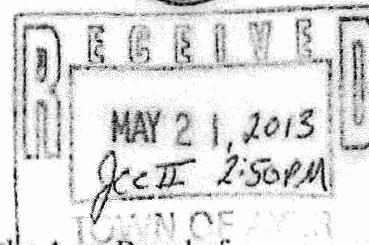
Pamela Papineau
Vice Chair



Mary Spinner
Clerk

TOWN OF AYER
BOARD OF HEALTH

TOWN HALL - 1 MAIN STREET - AYER, MASSACHUSETTS 01432 - (978) 772-8213



**MORATORIUM ON GROUNDWATER WELLS
IN THE TOWN OF AYER**

Under the authority of Massachusetts General Laws Chapter 111, Section 31, the Ayer Board of Health adopts the following regulation in an effort to better protect the public health and welfare of the citizens of Ayer:

Purpose

This regulation seeks to prevent any exposure to contaminated groundwater from the Shepley's Hill Landfill on the former Fort Devens military base, which may present a potential health risk to the residents of the Town of Ayer. Any well waters in documented or potentially affected areas of groundwater pollution pose a possibility of exposure pathways to humans. Ingestion, inhalation, and dermal exposure are potential pathways. This potential risk necessitates this regulation.

Regulation


Existing and future residential and commercial wells located in documented or anticipated areas of groundwater contamination as defined by the Ayer Board of Health are herewith restricted from use for any purpose, including drinking; any agricultural use (lawn watering, gardening, livestock watering, irrigation of crop land, etc.); washing vehicles; pool filling; etc. This moratorium includes groundwater wells owned by the residents currently connected to a public water supply.

A Massachusetts Licensed Well Driller must decommission the affected wells, and written evidence thereof must be submitted to the Ayer Board of Health, 1 Main Street, Ayer, MA 01432.


Adoption

This Moratorium on Groundwater Wells in the Town of Ayer approved and adopted by the Ayer Board of Health on the 6th day of May, 2013. This regulation will become effective upon the date of publication in the press.

Ayer Board of Health


Mary Spinner, Chair


Heather Hasz, Member


Pamela Papineau, Member

Ayer Board of Health Moratorium on Groundwater Wells

Originally Adopted May 6, 2013

Review Date 1/14/2019

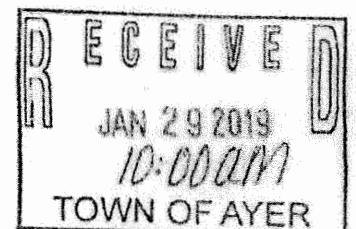
Amended Date _____

Annual Fee NA

Patricia Peters
Patricia Peters, Chm.

Pamela Papineau
Pamela Papineau, Vice Chair

Mary Spinner
Mary Spinner, Clerk



Maria M...