



TOWN OF MERRIMAC BOARD OF HEALTH

2 School Street
Merrimac, MA 01860

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LOCATION: Police Station Meeting Room, 2 Jana Way, Merrimac MA 01860

Board of Health Meeting Minutes Wednesday May 26, 2022, 7:00 PM

- I. Call to Order: 7: PM by Chairperson Christine Berube. Present members, Jason Sargent, Irina Gorzynski, Health Agent, Deb Ketchen.
- II. Approve Agenda Motion to approve by 1st, Jason Sargent, 2nd Irina Gorzynski. All in favor, 3-0
- III. Approval of meeting minutes from April 13, 2022:
Motion to Approve 1st Member, Jason Sargent, 2nd Member, Irina Gorzynski. All in favor, 3-0
Board of Health business closed.
Motion to open Public Hearing at 7:17 PM, 1st Jason Sargent, 2nd Irina Gorzynski, All in favor 3-0.
- IV. **PUBLIC HEARING:** Approximately 50 residents in attendance
- V. **Introduction of board members to the Public by Chair Chris Berube.** Chair Chris Berube explained to the citizen attendees. The Board of Selectman voted to form a Keeping of Animals proposal committee. The committee researched the information and drew up a 19-page proposal. The Keeping of Animals proposal committee sent the draft proposal to the Board of Health to take under advisement. The Board of Health worked through the proposal for approximately a year and reviewed recommendations from the Mass Association of Health Boards (MAHB) and the Massachusetts Farm Bureau and pared the document down to 6 pages then sent the draft to KP Law to review and make suggestions and corrections. The draft proposal is before you tonight for discussion. The purpose of this public hearing is for the Citizens of Merrimac to have a forum to voice their thoughts, opinions etc. to the BOH regarding this new proposed regulation.
- VI. Below are some of the comments and questions from the Citizens.
 - a. Question: George Hoyt, Birch Meadow Loop. Why was this not posted? Board: The draft proposal was posted on May 11, 2022 in the Daily News hard copy print and on their website. Also posted on the Board of Health page on the town website, the library, the police station, the fire station, town hall and the Council on Aging. The hearing is legally bound to be posted in the newspaper.
 - b. Resident Karen Mailman: 2 Heath Rd. I live in the agricultural area and have cows across the street. I've lived here for 40 years. Why are you proposing this when we have so many more pressing issues? Why are we having to pay fees and stressing over this regulation? A: As we discussed earlier, it was brought to the BOH by the BOS and we need the public's input.
 - c. Bill Andrulitis: 53 Hadley Rd. I understand we should look at reasonable regulations by these are not reasonable. A: 70 % of the towns in Massachusetts have regulations regarding non-domesticated animals. Bill: what animals are applicable to certain areas and enforcement concerns me. How will you enforce. Do you have knowledge of horses? Lastly what were the complaints to bring this forward? A: There were complaints filed under Nuisance, smell and noise. Bill:
 - d. Comments shouted out by the audience at random: Will we be having someone come onto our property and if we don't fill out the form will you take away our animals? WE should carve out the Agricultural

and Residential/Agricultural districts form this. How many animals can I have on average? Enforcement should be done on a complaint only basis.

- e. Richardson Town Farms owner: What about farm owners? A; Farms are excluded.
- f. William McGowan: 10 West Hadley Road. We have a small backyard farm. I agree this is a minimal fee, however, when I try to submit a plot plan, what is acceptable for hand drawn plan? Most of us have certified plot plans that cost thousands of dollars, there could be issues with set-backs. Hand drawn are not legal I recommend that it be removed from the proposal. The manure management plan, feed and pest management, what are the metrics for measuring and what are they judged against? This information can be resolved by public information means. We will volunteer to hold seminars for residents regarding animal welfare, measured metrics on proper housing, feed, manure etc. We don't need regulations. A: the Metrics are in 40 A and they exclude 5+ acres from the proposal as well as including the metrics of what you are asking about. As for a hand drawn plot plan, it was stated as hand drawn so as to avoid anyone having to get a certified plan. William: we don't want legal fights, we suggest you remove Residential/Agricultural and Agricultural Districts from the proposal.
- g. Steven Farmer: Highland Road. I have 5 chickens, 3 ducks, 3 dry wells with no bacteria issues ever. There are more issues with critters like coyotes, turkeys and deer. I suggest that the agricultural/residential and agricultural districts should be removed
- h. Paul Barresi: 23 Grove Street. Taking out the residential agricultural districts make sense. However, in a downtown lot of less than an acre and a half everyone has an abutter. My previous career was practicing law. I looked at the permit form from that perspective. I understand people are sensitive that issues may arise in a neighborhood but that should be a standard nuisance complaint. I understand the BOH wants to keep track of who is doing what. I feel more comfortable with this if it were reasonable. This is not reasonable.
- i. Jeff Wright: 14 Lanes Ten Acres. I suggest the paperwork be sent out yearly with the electric bills if we move forward with this. Signs in multiple places in town. I am not against the standards but I take issue with charging us for our rights in the Agricultural District. My chickens are free range; I spoke to my neighbors myself regarding any issues they may have with my chickens. They all have no issues. This would regulate our right to farm.
- j. Chelsea: East Main Street. I have 2 sheep purely for hobby and pets. I have a barn to be able to have animals. Restrictions don't make sense.
- k. Mara: Bear Hill Road. I have 5 acres. I suggest you exempt Ag/Res and Ag districts from this. Be supportive of farmers. This regulation is daunting to new animal owners. We suggest you handle this through complaints. Can we use noise/nuisance complaints and have an arbitration hearing with parties involved? Roosters protect the flock, you need roosters. What if you don't agree with the management plan's we give? An arbitration process is better route.
- l. William Andrulitis: 53 Hadley Road: I request we solicit red lines. People to submit requests to the board to continue.
- m. Bill Gagnon: Hillside Avenue. I've been here for 37 years, have 8-12 chickens at any given time, no issues with neighbors. Lost chickens to fox, coyotes because I don't pen them. My neighbor's lot line is right near my chicken coop as he is claiming the paper road as his by right. Rodents are now on my property. I've tried to mitigate them because now that my chicken coop is too close to his property line if rodents arrive it is now my fault because of my chickens. I'm trying to do all the right things. Who will enforce all this and who is paying for it?
- n. Becky McGowan: We know you care about this town as elected board members and citizens. We want to make it work. What happens when your term is up and someone else comes in your place? Will all this change again? These regulations give someone else the right to complain. All our neighbors right now are fine with our animals but I do have a new neighbor moving in soon across the street. The regulations are taking our right on our property and giving the rights to others the right to complain. Having animals are the way of life here and we love it. I suggest as a community we file through nuisance and complaint.

- o. Greg Pickering: Animal Control Officer. The stat requires animals to have a state inspection yearly by me. The town does not have a list of addresses with animals. I can't go out and prevent rabies etc. if I don't know you have an animal.
- p. Larry Richardson: 12 Walnut Street. I am curious about the complaints. Is the same person complaining or multiple people? A: 20 complaints from 1 person 3 times and different ones from the same properties next door. Larry: Seems like 3 complaints is less than 4 per year. Do we really need regulations?

Chairperson Chris Berube injected multiple times that this is a hearing to have the public make suggestions, for the board to hear the thoughts and concerns of the Citizens of Merrimac. We will take it all back to the next Board of Health Meeting and discuss next steps. Thank you for letting us hear you.

- q. Gwen Sabbagh: Winter Street. Thanks to the Board of Health for taking on this task. It has taken a year. You've done a remarkable job. Everyone's opinions have been heard. I think this issue should go to Town meeting for the people to vote on. Can we look into making it a by-law? A reminder that the next Town Meeting is the last Monday in October.
- r. Chris Manni: Board of Selectman. Email the BOS to discuss and we will vote on it.
- s. Unknown Resident: It all sounds like this came from a noise complaint, how is that a BOH issue? A: it is the BOH's duty for protection of Public Health (Umbrella).
- t. Unknown Resident: Is the animal control officer's role in this mandatory? Couldn't it be as simple as we fill out a form to let the town know we have animals? People have been doing this for a long time. We know what we're doing. We research for proper care.
- u. Chief Shears: I am a chicken owner. Thank you for being so passionate and to take the time to look at the proposed regulations and giving your comments. The BOH's intent is not bad. They are looking for recommendations and not to regulate per se.
- v. Unknown Resident: Timing of the permit should coincide with dog permits.
- w. Ben Gagnon: 13 Hillside Avenue. Seems it's relatively a section of personal issues and not anything to be regulated. I think regulations will create issues.
- x. Unknown Resident: Will it end up like Newburyport or West Newbury where the BOH say we can only have so many animals and then get fined if we go over?

Chair Chris Berube: Thanked all who participated and asked one more time for anyone that hasn't spoken to come up and speak, none spoke up. All of your comments and suggestions will be taken back to our next meeting in a week or two, of which you are invited to attend. The BIS will discuss any BOH member requested changes and then voting on the regulation.

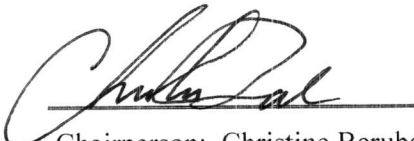
MOTION TO CLOSE PUBLIC HEARING: 1st Irina Gorzynski, 2nd Jason Sargent, All in favor 3-0. Hearing closed at 8:46 PM.

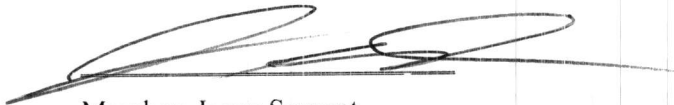
VII. Motion to Add to Meeting Agenda: Approve septic plan for 10 West Hadley Road due to immediate need of resident. 1st Irina Gorzynski, 2nd Jason Sargent, All in favor 3-0

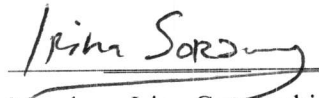
VIII. Motion to approve plot plan # MAP 80 BLOCK 1 Lot 4, 10 West Hadley Road. 1st Irina Gorzynski, 2nd Jason Sargent, All in favor 3-0.

IX. Motion to approve next meeting for June 16, 2022 at 7:30PM. 1st Jason Sargent, 2nd Irina Gorzynski
All in favor 3-0

X. Meeting Adjourned: 9:00PM


Chairperson: Christine Berube


Member: Jason Sargent


Member: Irina Gorzynski

Minutes Submitted By: 
Administrative Assistant Linda Ralph

Date Submitted to Clerk: 6/6/22
6/6/22