



## **OBSERVER REPORT**

Board of Health - Date - 5/31/22 LWVN Observer - Thomas Krueger

Members in Attendance via Zoom - BOH : Andrew Petty, Todd Belf-Becker (chairperson), Sec. Andrea Flaxer, Joanne Greer Miller, Helaine Hazlett

Meeting - Emergency

Meeting held in a Handicapped Accessible Location - not applicable

Public allow to Participate in the Meeting - via Zoom

The meeting was opened with a brief statement about opening meetings, followed by a roll call.

### **Public Hearing - Rules and Regulations relative to the keeping of fowls with the Town of Marblehead**

At the previous BOH meeting there was discussed proposed changes to the Rules and Regulations as above. At this meeting specifics to the wording of each section was discussed. (The R&R are available on the Town website, specifically under Health Department, Rules and Regulations, etc. as a PDF. This document includes sections of Authority, Purpose, Supplementary Definitions, General Requirements, Permitting and Application Requirements, Minimum Standards for the Keeping of Fowl, Permit Conditions, Suspension, and Revocation, Hearings, Penalties, Enforcement, and Severability). Notable were clarifications about no roosters, letters sent to abutters, term of permit (1 year, renewable each year), hearings (letters and a copy of each sent to the abutters and HD), how complaints will be dealt with (inspection, discussion with holder about fixes, if needed a letter sent to owner, appeals process, etc.)

After the above was reviewed and changes voted on made, a copy of the Application for Permit to Keep Fowls was reviewed. This included the address, type of fowl, temporary or permanent, etc. The fee is \$25 and each year renewal is also \$25.

Following the discussion above the public comment period ensued, during which two residents presented. The first resident asked that the BOH table the regulation until formal analysis had been done. He felt that the sufficient attention to the impact on community members in a densely populated area had not been taken. He felt that the size of the lot, the set-back, the smell, the potential for germs, rats and barking of

neighboring dogs, and the public posting of R&R had not been considered. A second resident, in favor of the R&R, asked about the definition of “chronic nuisance” and the possible onus on the permit holder to prove it was not determinate to public welfare. Would the BOH have different criteria for each applicant.

After the public comment period, the chair of the BOH in summary said that it has been granting fowl permits for years, had no complaints, and that the current R&R would give the BOH not neighbors the final say. The permitting would be done similar to other boards (e.g. building permit): the application would be made to the board, abutters would be notified, a public hearing whereby the abutters could attend, and a decision would be made by the BOH. Each party has a right to present their case - a fair and honest process.

The BOH then voted and passed each part - 1) Rules and Regulations..., 2) Application and Permit to Keep Fowl, and 3) Notice of Intent to Keep Fowl. This is effective as of 5/31/22.