

TOWN OF LANESBOROUGH BOARD OF HEALTH MEETING

Submitted by Sherri Thompson, BOH Secretary

Date: April 25, 2016

Present: Francisca Heming; Larry Spatz; Nancy Simonds-Ruderman; Sherri Thompson;  
19 Town Residents; Attorney Thomas Hamel; Attorney Nicole Bercume

Absent: Nancy Boudreau, Chair; Mr. Cal Joppru

The meeting was opened by Mr. Spatz at 7:00 p.m.

Mr. Spatz read the revised draft regulations from Town Counsel. Mr. Hamel suggested the double reference to acreage in Section 2, Paragraph 2 be corrected.

Mr. Spatz stated that there are several items not included in the revised draft regulations:

1. Permit fee – Mr. Spatz recommends a fee of \$25
2. Setbacks – in relation to neighbors. The current Lanesborough Bylaw allows for 20 feet. Mr. Spatz will inquire if these regulations can exceed the setbacks defined in the zoning by law.
3. Setbacks – in relation to wells/water sources. Mr. Spatz believes it was discussed previously that there should be a 100 foot setback from all wells/water sources.
4. Mr. Spatz is in agreement with the number of fowl permitted by these revised draft regulations but more discussion is needed to determine number permitted based on lot size.
5. Disposal of manure – Mr. Spatz believes there should be some rules regarding the proper disposal of manure.

Mr. Michalak asked when a 'chick' is considered to be a 'chicken'. It was suggested that it is a chicken as soon as it begins to lay eggs.

Ms. Bercume again expressed the fact that she believes the Board of Health does not have the authority to pass 'zoning' bylaws as she believes this issue is a zoning issue, not a 'health' issue. She believes this is a Select Board and/or Planning Board issue. Ms. Bercume also informed the Board and all present that there is an "Equal Protection" law that requires 'uniform' use for all residents so all property use within the District have to be the same. Ms. Bercume allows believes this is an attempt to circumvent zoning laws. Ms. Heming said the Board of Health can make regulations regarding lot size and the number of fowl allowed and disagrees it is an attempt to circumvent zoning. Ms. Bercume continued to discuss 'civil violations' and believes Ms. Zaks is being singled out because of neighbors' complaint. Ms. Bercume reminded everyone that the Board of Health could not determine there was a nuisance issue when they inspected the property in 2015. There was more discussion about how many fowl should be allowed within a residential area where all the lots and houses are small. Some felt their civil rights were being infringed upon because of smell and noise.

Mr. Spatz requested everyone provide the Board with their contact info so the Board could keep them up to date on the status of these regulations.

It was asked what the process is for voting on the regulation. Mr. Spatz said the Board could vote now and are not obligated to have a public hearing but the preference is to get as much feedback as possible before making any decision. It was also pointed out that this meeting and the previous

meeting April 12 are considered public hearings. It was asked how soon the Board would be making a decision and Mr. Spatz set as soon as an acceptable regulation is received it would be published.

Ms. Newton asked if there would be an appeal process for fines. Mr. Spatz indicated that the Board is typically pretty lenient as long as compliance is met within a reasonable time.

It was asked if Town Counsel would be present at the next meeting. The Board will invite Counsel.

Meeting was adjourned at 8:00 p.m.

Next Board of Health meeting is scheduled for May 9 at 7:00 p.m.

Nancy Boudreau

not present w meeting

Francisca Heming

Francisca Heming

Larry Spatz

Larry Spatz

Footnotes:

[#1] Revised Draft Animal Regulation draft from Town Counsel

[#2] Mass GL Chapter 111, Section 125A from Attorney Bercume