



**Town of Rochester**  
Board of Health  
37 Marion Road  
Rochester MA 02770  
Phone: 508-763-5421 Fax: 508-763-5379

**BOARD OF HEALTH MINUTES**

June 7, 2023

4:00 PM

**Present:**

Karen Walega, Health Director	Glenn Lawrence, Board of Health
Sarah T. Eby, Board of Health	Dale Barrows, Board of Health
Glenn Cannon, Town Administrator	Susan Kucinski, Board Administrator
Connie Dolan, Town Nurse	Anne Estabrook, Animal Control
Brad Correia, Agricultural Comm.	Dan Hartley, Agricultural Comm.
William Chamberlain, Agricultural Comm.	
Megan daCosta, Public Health Program Manager	

**MEETING CALLED TO ORDER 4:00 P.M.**

The Board Members welcomed Dale Barrows back to the Board of Health

**Review Minutes** – of May 5, 2023

Glenn made motion to approve minutes for May 5, 2023, meeting.

Sarah seconded the motion.

Signature of minutes

Signature of Health District Minutes, due to corrections; Sarah signed.

The Board was reorganized as follows: Sarah T. Eby –Chair; Glenn Lawrence – Vice Chair; and Dale Barrows – Secretary/Clerk

**Review Correspondence**

4:00 p.m. Discussion with Megan daCosta, Public Health Program Manager

Ms. daCosta returned to review with the Board, the State Rules and the Regulations of the Rochester Board of Health Restricting the Sale of Tobacco products within the Town. Karen advised the proposal for the 40R development has a liquor store on one side and a marijuana store on the other. It is a new establishment and waiting to hear from the attorney they are working with. If accepted, the regulations for the store would be liquor only. No lottery, no tobacco, and no rolling papers. Megan advised there is a cap/ratio of 1 store: 1,000 residents. Currently there are 6 stores, 4 operating; and 5 permits including the campground. After a brief discussion, the Board agreed to reviewing the

matter at the July 5, 2023, meeting, this is to allow the new Board of Health member, Dale Barrows, to read and go over the material presented. The Board asked Megan to return to the August 2, 2023, meeting.

**4:20 p.m.** There was discussion regarding Animal Complaints, specifically roosters, with the Agricultural Commission, Animal Control Officer, and Glenn Cannon. Animal Control Officer Anne Estabrook reported that most of these complaints are coming in from the estates, Dan Hartley, Bill Chamberlain, Brad Correia, Town Administrator Glenn Cannon were present and had input. Mr. Chamberlain brought up Rochester is a right-to-farm community, and it went into effect in 2013. There is a disclosure form that every realtor is supposed to provide to potential buyers. This form is to be signed by the buyer and seller, so that the buyer is aware that Rochester is a right-to-farm community. Karen brought up there is a resident on Dr. Braley road that filed a grievance because the rooster would make him up at 3:00 am. The Board of Health conducted an inspection of the property and found nothing wrong. Dale brought up explaining the right-to-farm community, being there is no mechanism to address it; no Town he's aware of has it; and inquiring if the Board of Health has any say in it. Noises and odors related to farming in not the Board of Health's jurisdiction. Additional rooster complaints are on Alley Road and Paradise Lane.

Mr. Chamberlain explained that the disclosure form to the potential buyer, as more people come into Town, that aren't aware of it being a right-to-farm, it will get worse. Other questions raised are is it a farm or right-to-farm. Dan Hartley explained in development areas such as Connett Woods, there are 1-acre lots. The residents are aware of it being a right-to-farm community. He also explained when a resident's cows got out, the owner's fixed the fences and there hadn't been an issue.

Mr. Chamberlain brought up there should be a path to follow for the procedure of handling matters of the Agricultural Commission. The complaints should first go to Anne Estabrook (such as smell, location of barn being too close to property line, etc.); then let Anne decide who follows up and refer matters to the Agricultural Commission. Dan Hartley explained Connett Woods' residents were handling issues themselves rather than call the ROCCC (Regional Old Colony Communications Center). Matters such as a barking dog, instead of a rooster, would be to talk to the owner first if it is a nuisance. The only way to get rid of a nuisance animal is through the Court system and Town Counsel. When there are nuisance complaints of dogs, those concerns are addressed to the selectmen.

Connie and Sarah suggested there needs to be a right-to-farm awareness. Sarah recommended a Right-to-farm community campaign to go over bylaws and for it to be proactive in the spring.

Glenn Cannon recommended to the have complaints resolved, they need to be referred the Agricultural Commission.

Sandy Romero, the owner of one rooster, said thinking forward, Annie can connect with the Agricultural Commission, and they'd address it.

Anne said as far as the location of the coop near a property line, it can be referred to the building department.

**4:40p.m. Variance Request:** The Rochester Board of Health reviewed and approved the variance request from Foresight Engineering for 33 Rounseville Road Rochester, to allow the reductions of the separation of the proposed leaching field from the high groundwater from 4' to 3' per 310 CMR section 15.405 (1)(h).

Glenn made motion to accept, and Sarah seconded the motion.

## 1. CORRESPONDENCE

### a. Update on 77 New Bedford Road

Karen spoke to a relative on behalf on the property owner. He advised the Board the tenant is still there. There are other Town and State agencies involved and handling the matter. The Board of Health is waiting to hear from property owner.

### b. Monthly Report – March/April from Health Director

Karen presented her activity; meetings: Mass Mapper, Discussion w Attorney about 373/375 County Road; meeting w AG's office about receivership; Housing Code Pro Program, Public Health Grant Capacity Assessment in Westport; Capacity Assessment with State; Relavant webinar attempt; Relavant in person meeting; Discussion with Brian regarding search warrant and materials from the file fixed; phone call with SRPREDD; Discussion with new attorney about hoarding issues; Discussion with AG's Office; 4/18/4/24/4/25 set up emails on grant iPad; Permits issued: 57 Old Schoolhouse Road, pool permit 118 Neck Road; Perc tests: 228 Mary's Pond Rd, 8 Taber Lane, 572 Snipatuit Rd, 25 Cranberry Highway; Septic plan review: 47 Mayflower Lane; 437 County Road; Clapp Road, ANR Lot 7-2, 349 Cushman Road; 8 Robinson Road; 6 Robinson Road, 485 Neck Road, and 8 Taber Lane. Inspections: 51 Cushman Road, 367 New Bedford Road; 14 Edwards Lane; 14 Mayflower Lane; 349 Cushman Road, and Rochester Girls Softball League shed. ZBA Reviews: 27 Mayflower Lane; Murphy plan denied; 15 County Road shed setback; 3 Bennett Road; 279 Coombs Road, and Quaker Lane denied. Complaints: 373 County Road, 375 County Road, and 77 New Bedford Road. Outstanding: Mrs. Tripp's failed system; Mr. Riggle, King's Highway; Trailside Estates Compliance. Title V Reports: 113 Pierce St., 31 Clapp Road; 50 Burgess Ave; and 273 Snipatuit Road. Certificates of Compliance: 47 Mayflower Lane and 12 Edwards Lane. Trailside Estates: John Maffei reported he got new pumps for the Bioclere and awaiting installation. They will set up a formal meeting once everything is complete to inspect. Contacted Ken Motta and asked if he would go by. Ken observed power run to equipment shed; control panel in space for Bioclere, vegetation lined around shed and now fully accessible. Main pumps have been installed; alarm systems monitored by Bioclere. Control valves and access covers not provided by Bioclere. Installer will do the work. Still need

consultant's check off sheet. When everything is ready, need to schedule Bioclere test, pump clear water test, and all systems controls will all concerned parts at inspection. Engineer will prepare a semifinal punch list. Health Director met with SRPEDD on phone to discuss issues with Board of Health, long range plans, etc. They are planning a new Master Plan. She had several meetings with the IT person to set up emails on iPad. HD working with new attorney to get search warrants for the properties on County Rd. HD is involved with Attorney General's Office as one group to do a receivership on property. Once the search warrant is obtained, investigation completed, and order issued we will get back. If homeowners do not comply, the next step would be to go to Housing Court in New Bedford.

Health Director's report for May: Meetings; Discussion with Brian Winner, Town Counsel, about homes on County Road; sent both files for his review of the properties; virtual grant meeting. Permits: Well permit, Lot 7-2 Clapp Road; Gateway Campground; Percolation tests: 300 Hartley Road; Septic plan reviews: 33 Rounseville Road; review plan for marijuana and liquor store; 69 Paradise Lane. Inspections: Gateway Campground; Rochester Girls' Softball; and Village at Plumb Corner. ZBA Reviews: 9 Forster Road; Complaints: 77 New Bedford Road; Roosters: Alley Road and Dr. Braley Road, 108 Marion Road (septic), and Marylou's Coffee (customer complained prepackaged items did not have "sell by" dates. Outstanding: Mrs. Tripp's failed system; Mr. Riggle; Trailside Estate Compliance, and County Road.

- c. Variance letter to S & K Engineering  
The Board sent a letter to S & K Engineering approving their variance request for 8 Taber Lane to allow a one (1) foot waiver in the required 4-foot separation of leaching area to estimated seasonal high ground water utilizing the Presby Environmental Septic.
- d. Right to Farm information from website and disclosure notification, Rochester Agricultural Commission.
- e. Update on rooster complaints – Complaints from Dr. Braley Road and Alley Road
- f. Plymouth County Mosquito Control Adulticide Application  
Memo from Plymouth County Mosquito Control Project advising they will begin truck based Adulticide applications on June 5, 2023, through October 2023. The spraying is conducted between 2 am and sunrise, Monday through Friday. Residents may request spraying in their area by phone 781-585-5450, fax 781-585-1276, drop it off, or mail at 272 South Meadow Rd, Plymouth, MA
- g. Letter to Sandy Romero re: nuisance noise complaint regarding her rooster. Health Director sent a follow-up letter to Ms. Romero regarding an inspection. Health Director advised that after reviewing the matter, inspecting the property and in accordance with M.G.L. Ch. 111 s. 125A, and the Town being a right to farm community, the complaint was not deemed a nuisance. The Board of Health would not take any further action on the matter.

h. Email from Dan Peters explaining the process for Renewal of Authorization to Operate (ATO) permit renewal filed on April 29, 2023 with MassDEP. He explained it was a boilerplate renewal of the SEMASS permit which expires on August 21, 2023. Covanta is not seeking any changes from the current solid waste permitted tonnage, hours of waste receipt, or other approval conditions. The one exception is that Covanta requested a 10-year renewal term instead of a 5-year term. MassDEP has begun to issue 10-year solid waste permit renewals for other facilities in MA in recent years and they would like the same for SEMASS. MassDEP requires that the local Board of Health be provided a courtesy copy of any solid waste application. There is no requirement to hold a BOH hearing or meeting. The renewal application includes applicant certification form; professional engineer certification, narrative text; site plans & maps; updated operations and maintenance (O&M) plan, updated Waste Ban compliance plan; and updated odor control manual.

i. Notice of Adulticide spraying

j. Email from Jeff Thelan regarding Spring Landfill monitoring. He included a pdf copy of the soil gas collected at the landfill on May 16, 2023 by a Tighe & Bond scientist.

Methane was detected in the soil air at soil gas probe GP-3 at a concentration of 10.0% methane (>100% LOL) which is similar to occasional historic data collected at the site and requires 24-hour reporting as required under 310 CRM 19.132(5). The gas probe is located along the western (landfill side) of Ryder Road. Soil gas point GP-4 located across the street exhibited no combustible gas. The perimeter gas venting trench is located between GP-3 and the road. Methane was also detected in the perimeter gas venting system vents indicating that the system is working as designed. The perimeter landfill venting trench gas vents are equipped with wind turbine ventilators to vent subsurface landfill gases along Ryder Road. Gas data from the venting trench system indicates that the system is functioning well and venting subsurface landfill gases from the landfill perimeter along Ryder Road. Soil gas point GP-7 was not found during monitoring and may have been hit during landfill maintenance activity. This point will need to be replaced in the fall of 2023. Mr. Thelan advised they would submit a copy of the email, soil gas data and site plan via the new MassDEP online compliance reporting portal.

k. Monthly report from March/April Health Director

l. Update on 373 County Road and 375 County Road. These are hoarding properties and the Health Director is working with the housing court to obtain search warrants. The Health Director advised she will be at the court this Friday regarding the documentation. There had been neighbors complaining of rodents; there had been metal piling up; Health Director advised she had been in touch with a Veteran's agent for assistance. The work cannot be done in one day.

Review of Health District minutes. Dave made motion to pass, and Sarah seconded the motion. The Health District Minutes were approved, and Sarah signed.

1. PUBLIC HEALTH NURSE UPDATE

Connie reviewed her report. She discussed the government meeting she attended as well as information on the Public Health Excellence Grant. They are trying to hire two people but the qualifications for the positions are very high. She brought up the upcoming Block Party to be held at the Council on Aging, June 22 from 1-4

2. HEALTH DIRECTOR UPDATE

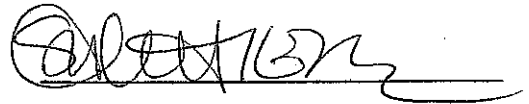
Health Director advised she needs to cut back on her hours. She provided the Board with her mileage to be reviewed, approved, and signed; advised Paul Moore would be handling the Beach testing at Little Beach. She advised the Board of Health Administrator needs to have an increase in hours. The department has been getting a lot busier, and the current 15 hours for the department administrator position is not enough for the workload. Glenn Cannon advised to notify the Personnel Board in October about the change going forward.

ANY OTHER MATTERS TO COME BEFORE THE BOARD

ADJOURNMENT:

Sarah made motion to adjourn the meeting at 5:08. Glenn seconded the motion.

DATE: 2 Aug 2023

A handwritten signature in black ink, appearing to read "Glenn Cannon", written over a horizontal line.