

# BOARD OF HEALTH MEETING

April 20, 2016

Watertown Administration Building, Lower Hearing Room

**CALL TO ORDER:** Dr. John Straus called the meeting to order at 7:04 PM.

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**PRESENT:** Dr. John Straus, Chairman, Dr. Barbara Beck, Board Member, Richard Arnold, Member, Deborah Rosati, Director of Public Health Guest: Donna Moultrup, Consultant

**Public Comment:** Ann-Marie Aigner, Event Coordinator for Food Truck Festivals of America, indicated that she coordinates over 500 trucks for events, and is planning a festival at Arsenal Park in the fall. She indicated that small businesses are cut to the bone and can't afford large fees. She was wondering why the Mobile Food annual fee has doubled from \$100 to \$200. Dr. Straus indicated that the food truck program has evolved and the new mobile kitchens are similar to small restaurants, taking much staff time for plan reviews and inspections. He also indicated that there is a temporary food permit for \$50.00 per day. Ms. Aigner thanked the Board for this temporary food permit fee.

## Minutes

The minutes of the March 23, 2016 meeting were approved as presented (Motion-Dr. Beck, Second- Richard Arnold, 3-0).

## Bell Watertown – 100 Woodview Way Lifeguard and Pool Supervision Determination

Present: Evan Pires, Property Manager; Walter Craig, Maintenance Supervisor

D. Rosati indicated that this seasonal outdoor pool facility was previously owned by Alta at the Estate. Under the new ownership of Bell Watertown, the Board has received a request to determine whether lifeguards are necessary for the safe use of the pool. Mr. Pires explained the operation of the pool. Following review, the Board voted the following determination (Motion-R. Arnold, Second – Dr. Beck, 3-0):

“Bell Watertown at 100 Woodview Way must provide at least one trained person on the premises at all times that the pool is open. This individual shall be the pool supervisor, who shall be responsible for all phases of the pool operation. The pool supervisor shall be available to respond to mechanical and maintenance problems, and to detect the potential of such problems before they occur. The pool supervisor shall be at least 21 years of age, knowledgeable of 105 CMR 435.00, and responsible for all phases of the operation. The pool supervisor shall have successfully completed a course in the safe and effective operation and maintenance of the swimming pool as evidenced by certification as a Pool Operator from YMCA or the National Swimming Pool Foundation. The pool supervisor shall ensure that on-site pool personnel are adequately trained in the safe, sanitary and effective operation of the pool and its equipment.

Based on the size of the pool, the bather load, and past history of the outdoor seasonal swimming, Bell Watertown at 100 Woodview Way will not be required to provide lifeguards at the pool during operating hours. Bell Watertown must comply with the requirements of 105 CMR 435.00 and post the following warning sign in a conspicuous location to meet compliance with 105 CMR 435.23(2). The sign must state ‘WARNING-NO LIFEGUARD ON DUTY’ in easy to read, legible letters which are at least four inches high. In addition, there shall be signs which are readily visible stating ‘CHILDREN UNDER AGE 16 SHOULD NOT USE SWIMMING POOL WITHOUT AN ADULT IN ATTENDANCE’ and ‘ADULTS SHOULD NOT SWIM ALONE.’

Should the use, size, shape, and capacity of the Swimming Pool at Bell Watertown at 100 Woodview Way change, then the Board of Health reserves the right to require lifeguards to be present at the Swimming Pool during operating hours. Bell Watertown Seasonal Swimming Pool at 100 Woodview Way must maintain compliance with Chapter V of the State Sanitary Code, 105 CMR 435.00 Minimum Standards for Swimming Pools.”

### **Public Hearing on Regulations** **“Keeping of Animals” and “Keeping of Hens and Honeybees”**

Present: Donna Moultrup, Consultant; Karen O’Reilly, Animal Control Officer, and numerous residents and guests.

Dr. John Straus opened the hearing at 7:35 pm and introduced the members of the Board of Health and the Health Department as well as Donna Moultrup, consultant to the Board on this project. He acknowledged Kristel Bennett, Chief Environmental Health Officer, who is currently on leave. Dr. Straus reviewed the protocol for the hearing, and Donna Moultrup then provided a history of the development of the regulations, with the latest versions referred to as Drafts 7A “Regulations Governing the Keeping of Animals” and Draft 7B “Regulations Governing the Keeping of Hens and Honeybees.”

Comments were then invited from residents and other guests:

**Pat Gold** from Village Condos stated that there were 308 units in her condo complex and that the neighborhood was very dense to consider having chickens and honey bees. When she came to the Town in 1965, neighbors had chickens. They let them run all over the neighborhood, not picking up after them, and it was quite a nuisance to the neighborhood. She is concerned about salmonella and cleaning up after the chickens.

**Paul Kwiatkowski** from Mt. Auburn Cemetery is very much in favor of the regulations pertaining to honey bees. The role of pollinators is very important today; the cemetery has many mass plantings that require the bees to cross pollinate the plants. The cemetery acquired its hives in 2014 and currently has 6 beehives. They have trained beekeepers from the Middlesex Bee Association who care for the hives. The hives are in a locked, secluded area. They actually train people at their facility how to care for honey bees. They try not to use pesticides if at all possible and are trying to let their apiary area go "wild." He brought some posters on beekeeping that he shared with the hearing participants.

**Jeffrey Rosenberg** stated that he was the spokesperson for Watertown's "Friends of Bees." He wanted to make sure that the Board understood that they remain opposed to the regulations. However, they believe that the regulations will be adopted, so they do have comments on this particular draft. They do not believe that hens and honey bees should be addressed in a single regulation. He addressed Section (D), Permit and Application Requirements, specifically. Letter (d) concerning a plot plan was very expensive and unnecessary and information about septic systems and private wells was not applicable; letter (f) emergency evacuation plans are unnecessary; in general all of (D)(1) was burdensome and not necessary. He ran out of time to finish his remarks but another member of "Friends of Bees" spoke next.

**Sharon Bauer**, also a member of Watertown "Friends of Bees" stated that she thought that some of the items were no longer as complicated as what Mr. Rosenberg described, however, she asked that the words, "if applicable," be added to the end of (D)(1) and that (D)(1)(f) the evacuation plan, be eliminated for honey bees.

**John Gorry** spoke next and objected to the need to have to "certify" that he had taken a course or some kind of educational training in order to have hens. He grew up on a farm and doesn't need any additional training.

**Megan O'Connell** spoke in support of the regulations. She stated that some people might not take good care of their animals. There were no guarantees but that the regulations tried to insure that the animals would be cared for and that they wouldn't be a nuisance to the neighbors.

**Aravinda Ananda** stated that she and Megan O'Connell had applied to have chickens under the old regulations and they are very pleased with the new regulations. Watertown is a very dense area and they appreciate the time everyone has taken to write these regulations and allow chickens to be kept.

**Pam Phillips** stated that she has participated in a number of the meetings leading up to this hearing. She is pleased that many of their suggestions are reflected in this final draft and she reminded everyone that the regulation does state that residents can apply for a variance if they feel that there is a problem meeting the requirements.

**Megan Lim** stated that she is a mother and gardener and feels that the opportunity to have hens and honey bees will be good for the community. Some parts of the regulations are still extraneous but we can work with them.

**Jerry Mendenhall** stated that he is a beekeeper at Mt. Auburn Cemetery and that many of the routine pollinators, necessary for the growth of the many plants at the cemetery, were disappearing. Having their own beehives was absolutely necessary for the growth of flowers and plants at the cemetery.

Deborah Rosati, Watertown Director of Public Health, read written comments that had been submitted, as follows:

- Laurel Cordle and Michelle Mizioch, neighbors of J. Rotella, A. Ananda and M. O'Connell, wrote a letter of support for the regulations.

- Joan Deppe of Watertown wrote a letter in support of the Regulations for Hens and Honeybees.
- Town Councilor At Large Aaron Dushku wrote a letter in support of the adoption of regulations regarding the husbandry of chickens and bees.
- Helen and Joseph Sousoon offered their support for the adoption of regulations.

Dr. Straus then closed the public comment period of the hearing.

Donna Moultrup was asked to address the comments. She reviewed the application for a hens/honey bees permit, since the application clarified some of the negative comments concerning the application process. She assured Ms. Gold that these regulations do not allow roosters, who cause a lot of the noise associated with chickens. The facilities would have fencing and even a top over it so that predators would not be able to reach the chickens and the chickens could not leave the property.

She assured Mr. Gorry that he would not be required to give the Board any additional information. Growing up on a farm, or working on a farm, were all the credentials that would be required. The other options stated were just ideas for those who have not spent any time on a farm.

Donna also assured the participants that these regulations could be changed immediately if the Board felt it necessary. Changes to Board of Health regulations can be made much quicker than some other ordinances or by-laws.

Deborah Rosati then explained that there will be a complaint investigation process as with all of the other Health Department regulations. The complaint will come into the department, be investigated, in this case, by the Animal Control Officer, and the situation may or may not require a hearing before the Board of Health.

The Board voted to accept Draft #7A Regulations Governing the Keeping of Animals, dated April 20, 2016 (Motion – Dr. Beck, Second – Richard Arnold, 3-0).

The Board voted to accept Draft #7B Regulations Governing the Keeping of Hens and Honeybees, dated April 20, 2016 (Motion – Dr. Beck, Second – Richard Arnold, 3-0).

**New Ginza, 63-65 Galen St.**  
**Hearing to Consider Variance for the Acidification of Rice**

Present: Ricky Huang, Joanna Chen

Mr. Huang indicated New Ginza restaurant has been under new ownership since December 8, 2015. New owners are Mr. Huang, Risheng (Sam) Xu and Shi (Joe) Zhang. They have operated other restaurants for 14 years and are currently in Swampscott, Hingham, Canton and have two locations in Framingham.

They wish to prepare sushi in Watertown and have submitted a Sushi Rice HACCP plan which was prepared by Food Safety Consultant, Sam Wong. Documents have been reviewed and the Department recommends approval of the variance.

Following further discussion, the Board voted (Motion – Richard Arnold, Second – Dr. Beck, 3-0) to grant a variance “for the acidification of cooked rice (sushi rice) from Massachusetts Food Code, 3-502.11 to New Ginza at 63-65 Galen Street provided that the establishment remains in compliance at all times with the approved HACCP plan submitted as part of this variance request. The variance shall be null and void in the event of change of ownership, change in menu, renovation or remodeling, or deviance from approved HACCP plan.”

**Adjourn** - Meeting was adjourned at 9:00 pm.

Respectfully submitted: Deborah M. Rosati, Director of Public Health

Approved: August 24, 2016