

MEETING NOTIFICATION

THE NEXT BOARD OF HEALTH MEETING WILL BE
HELD AT 7 P.M. ON MARCH 6, 2012 IN THE AUDITORIUM OF
CITY HALL, 4 SUMMER ST., HAVERHILL, MA 01830

THE CUT OFF DATE FOR SUBMITTALS IS FEBRUARY 21, 2012 AT
12:00 P.M.

SUBMITTALS CAN EITHER BE SENT BY E-MAIL, FAX OR MAILED
INTO THE BOARD OF HEALTH – ROOM 210 – 4 SUMMER ST.
HAVERHILL, MA 01830

TOWN OF TEWKSBURY BOARD OF HEALTH PIGGERY REGULATIONS

1.0 PURPOSE AND AUTHORITY

The Board of Health of the Town of Tewksbury ("Board") is concerned with the spread of diseases, odors, vermin, and other nuisances resulting from the operation of piggeries that threaten the public health of the Town's residents. Not only do those nuisances have direct impacts on public health, they indirectly threaten the public health through the contamination of the Town's natural resources including drinking water and soils used for other agricultural uses. Given that unregulated, "Piggeries" are or could become a nuisance, and in the interest and preservation of public health, the Board therefore sets forth the following regulations for the management of "Piggeries" in the Town.

These regulations are made and adopted by the Board, acting under the authority of Chapter 111 Sections 31 and 143 of the Massachusetts General Laws, and amendments or additions thereto.

These regulations shall supersede and be in place of any regulations heretofore adopted with regard to "Piggeries" and the keeping of "Pigs" in the Town of Tewksbury.

2.0 APPLICABILITY

- 2.1 These regulations shall apply to all "Persons" who keep "Pigs" or "Piglets" or operate a "Piggery" or who intend to keep "Pigs" or "Piglets" or operate a "Piggery".
- 2.2 Any "Persons" who operate or intend to operate a "Piggery" or keep "Pigs" or "Piglets" shall apply for a permit from the Board unless said operation is specifically exempt hereunder.

3.0 DEFINITIONS

Abutter: Owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the Property upon which the "Pigs" or "Piggery" is located as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

Applicant: One who applies for a permit to operate a "Piggery" or keep "Pigs".

Best Management Practice: A method, process, or activity, that is believed, based upon other proven experiences or situations to be more effective at delivering a particular outcome and/or as identified by the UMASS Amherst Extension as being Best Management Practices.

Board: The Tewksbury Board of Health

Dwelling: Any building, shelter or structure used or intended for human habitation.

Facility: The total accommodations to be used for the keeping or housing and care of one or more "Pigs", including but not limited to pens, pastures, operational confines, barn, stable, shed or other structure used for the intent of providing shelter for animals or related uses.

Farrowing: To bring forth or birth a Piglet.

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TOWN OF TEWKSBURY
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4.4 Unless otherwise set forth herein, the Board may issue a permit for a new Piggery hereunder only after a public hearing has been held in accordance with the generally accepted practices of the Board.

4.5 Any permit issued hereunder may be revoked by the Board or its agent without a public hearing if, in the opinion of the Board or its agent, conditions exist which may endanger the health, safety, or welfare of the Pigs or the general public by creating a public health nuisance. The permit holder shall have the right to appeal the revocation at a public hearing of the Board in the event no hearing was held prior to revocation.

4.6 No Permit hereunder shall be transferable to a new holder without the prior approval of the Board, following a Public Hearing.

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5.0 APPLICATIONS

5.1 All applications hereunder shall be submitted on a form supplied by the Board. An application for a new permit shall include the following:

5.1.1. A site plan with a scale of not less than 1" = 20' showing the Property to be used, location of all existing or proposed fences, structures and buildings located within the Facility, location of any existing or proposed Dwelling on the Property and abutting properties which are within 125 feet of the facility, all potable water wells within 300 feet, all Wetlands.

5.1.2 A detailed explanation of how the performance standards set forth herein will be met.

5.1.3. The name of the property owner, and the person primarily responsible for operating the Piggery or keeping the Pigs.

5.1.4 The number of Pigs or Piglets.

5.1.5 Certified Abutters list.

6.0 REQUIREMENTS

6.1 Any Person keeping Pigs or Piglets must comply with all application and filing requirements hereunder and may only do so upon receipt of a Piggery Permit from the Board.

6.2 No Piggery or Facility with Piglets shall be allowed to operate or continue to operate if it is determined by the Board or its agent to be a Nuisance or have a Noisome Impact.

6.3 The operator or other designated individual of the Piggery or Facility with Piglets must be reachable 24 hours a day, 7 days a week, where in case of an emergency a prompt response is possible.

6.4 No Piggery or Facility which includes more than 30 Pigs or Piglets shall be permitted hereunder, unless such Piggery or Facility is Grandfathered by the terms hereof. Notwithstanding anything herein to the contrary, the Board may not waive this provision.

7.0 INSPECTIONS

7.1 Any Property subject to a permit hereunder shall be subject to routine inspection by the Board or its agent at any reasonable time two (2) times per year. Should access be refused, the Board or agent shall have full authority to search said Property in accordance with the General Laws and applicable regulations. The failure to cooperate with said inspection may be a basis upon which the Board may revoke a permit granted hereunder.

8.0 PERFORMANCE STANDARDS

8.1 Locations and Management

8.1.1 Piggery and Piglets

No Piggery or Piglet Facility shall be located closer than the following:

- 8.1.1.1. 300 feet to a dwelling located on an adjacent property, a school, church, park, playground, hospital, nursing home, rest home or public building property line,
- 8.1.1.2. 100 feet to any adjoining property lot lines
- 8.1.1.3. 200 feet to the line of any street, highway, court or passageway,
- 8.1.1.4. 500 feet to any public water supply and its tributary streams,
- 8.1.1.5. 150 feet to any private water supply or irrigation supply and its tributary streams,
- 8.1.1.6. 200 feet from any Wetland,
- 8.1.1.7. 50 feet to any milk handling area.

8.1.2 Manure Management (aka Nutrient Management Plan)

Manure shall be located and managed as follows:

8.1.2.1 All manure and other byproducts shall be maintained in such a way that they do not become a Nuisance to abutters or the public.

8.1.2.2 All manure and other byproducts shall be contained with an earthen berm, or other suitable feature or structure, and be kept in such a manner that they do not runoff onto uncontained areas or abutting properties. All locations of manure stockpiles, pits or lagoons shall be carefully chosen to minimize the impacts on abutting properties and Wetlands and watercourses, with due consideration of slopes and prevailing winds.

8.1.2.3 No person operating a Piggery or keeping Piglets shall willfully or

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through negligence, cause, suffer, allow or permit drainage or liquid effluent containing urine or fecal matter to be discharged in runoff, or to flow the surface of the ground onto neighboring property, public ways, Wetlands or watercourses.

8.1.2.4 No person operating a Piggery or keeping Piglets shall willfully through negligence, cause, suffer, allow or permit unreasonable odors which cause a Nuisance or a Noisesome Impact onto neighboring properties or in the public ways.

8.1.2.5 All persons covered hereunder shall have an approved Manure Management Plan.

8.1.2.6 In the event manure is spread upon fields for tilling, injection or other method, the owner or operator must notify the Board during normal business hours, no less than 24 hours prior to the day of spreading said manure. Said manure must be tilled, if tilling is a part of the disposal process, into the soil no later than 24 hours after it has been spread.

8.1.2.7 All feeding pads and areas must be kept free of manure and/or cleaned at regular intervals.

8.1.2.8 Manure and soiled bedding shall be handled and treated as necessary to prevent the escape of odors and the attraction and/or breeding of flies and/or vermin.

8.1.2.9 There shall be at least a 25 foot vegetated buffer zone between the Piggery pens, structures, buildings, and operational confines and Wetlands or watercourses and adjacent property lines.

8.1.2.10 Drainage from pens and Facilities shall be directed to pretreatment areas designed by a Registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts in the following cases:

- a. When located within 200 feet of a Wetland or watercourse
- b. When the Board determines it is necessary to protect the public and environmental health.

8.1.2.11 No manure pile, lagoon or pit shall be closer than the following:

<u>Location</u>	<u>Distance</u>
Wetland or watercourse	200'
Surface or subsurface drain	200'
Abutting Dwellings	500'

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Side and Rear Lot Line	100'
Public or Private Road	500'
Milk Handling Area	200'
Public Water Supply and its Tributary Streams	500'
Private Water Supply and its Tributary Streams	150'

8.1.2.12 Breed houses shall be cleaned at least daily and as deemed necessary.

8.1.3 Feeding

8.1.3.2. Foodwaste may be fed in accordance with 330 CMR11.00

8.1.3.3 Notwithstanding the above, all Foodwaste or other food shall be fed upon cement or other acceptable arrangement.

8.1.3.4 Food may not be stored upon the dirt but must be stored under cover or on cement.

8.1.3.5 No manure or food shall be allowed to accumulate about the feeding area or platform or on the ground.

8.1.3.6 Water shall be provided at all areas where Pigs are kept and shall be readily available, adequate and from a potable water source.

8.1.4 Buildings

8.1.4.1 All buildings, structures or pens used to house Pigs shall be properly constructed and comply with all building codes and shall be designed, arranged, located and maintained so as to minimize odors and to prevent harborage, shelter or feeding of vermin. Such buildings shall be so designed and constructed so that accumulation of offensive material can be readily removed.

8.1.4.2 All roofs shall be water and weather tight.

8.1.4.3 Walls shall be suitably treated with whitewash, paint or other materials approved by the Board to prevent absorption of odors and waste.

8.1.5 Miscellaneous

8.1.5.1 Emergency contact information must be kept current and posted in a conspicuous place in the Facility. The Applicant must advise, in writing, the

Board of the location of the posting on site.

8.1.5.2 Best Management Practices for the keeping of Pigs and Piglets shall be employed at all times, including but not limited to the control or elimination of odor, flies and vermin and the handling and transport of manure.

8.1.5.3 Dead animals shall either be composted or taken away by a licensed rendering hauler.

8.1.6 Waivers

The Board may waive any of the Performance Standards set forth herein, if in its reasonable discretion it determines that the health and welfare of the public will be protected notwithstanding the waiver.

9.0 FEES

Fees shall be set by the Board annually and published as part of its Fee Schedule.

10.0 VARIANCE

Any applicant for, or holder of, a permit hereunder, may request a variance from any of the provisions herein. The Board may grant the request for a variance upon a showing that enforcement of such provision would, in the Board's determination after review of evidence presented by the applicant, result in a hardship for the applicant or holder. Said hardship shall not be solely based upon economic circumstances and the granting of the variance may not be detrimental to public health.

11.0 ENFORCEMENT

These regulations and the permits hereunder shall be enforced by the Board and the Health Agent for the Town of Tewksbury. Any violations hereunder may be enforced by a violation notice, administrative order and civil or criminal court action as applicable.

11.1 Critical Violations: Any violation hereof which is deemed an immediate threat to the public health and welfare by either the Board or the Agent or any permit holder who has been the subject of repetitive "Non-critical" violations, which shall mean three (3) or more violations within a six (6) month period, shall be deemed a Critical Violation and shall have its permit immediately revoked hereunder. Following revocation of a permit, the Board shall hold a hearing on the matter within thirty (30) days. A Person found guilty of a Critical Violation, upon conviction shall be subject to a fine up to \$1,000.

11.2 Non-critical Violations: Any violation hereof which is not deemed an immediate threat to the public health or welfare. A Person who has received a Non-critical Violation shall be subject to a fine in accordance with G.L.c. 40 §21D and as more fully set forth in the Town By-laws.

11.3 Each day of non-compliance herewith shall be deemed a separate offense hereunder.

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TEWKSBURY, MA

11.4 Past violations of any type and the Applicant's resolution thereof, or not, of said violations may be considered by the Board during the Annual Renewal process.

12.0 APPEAL

Any Applicant or Permit Holder aggrieved by a final decision of the Board may appeal said decision to a court of competent jurisdiction

13.0 SEVERALBILITY

If any provision of these Rules and Regulations shall be declared invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

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