



OFFICE OF
BOARD OF HEALTH
(781) 659-8016

TOWN OF NORWELL

345 MAIN STREET
NORWELL, MA 02061

BOARD OF HEALTH MEETING MINUTES

October 30, 2023

Present:

Peter Dillon, Chair
John Carpenter, Vice Chair
Natalya Davis, Clerk
R. Benjamin Margro, Health Agent
Tori Koch, Board of Health Administrator

Others in Attendance:

Art Lathers, Resident

Meeting began at 5:10 PM

Approval of Agenda

-Vice Chair, John Carpenter, motioned to approve the Agenda. Clerk, Natalya Davis, seconded and all approved.

Approval of Meeting Minutes

-Clerk, Natalya Davis, motioned to approve the meeting minutes for September 18, 2023. Vice Chair, John Carpenter, seconded and all approved.

37 Otis Hill Road-Morse Engineering

- Health Agent, R. Benjamin Margro, spoke on behalf of Morse Engineering.
- Requesting approval for the use of a sieve analysis due to high ground water and high levels of silt in the soils.
- Challenging soils required a large leaching field for the system.
- Engineer proposing a geoflow system.
- Vice Chair, JC, motioned to approve the sieve analysis in lieu of a perc test. Clerk, ND, seconded and all approved.

270 Summer Street-Grady Consulting, LLC

- Rick Grady, for Grady Engineering, representing the homeowner.
- Existing system consists of 1,000 gallon septic tank and a leaching field.
- Two test holes were dug showing poor soils until 6'. Perc could not be conducted because of the depth of the ground water, therefore requiring a sieve.
- A geomat system was designed for the front yard.
- Requesting approval for the use of a sieve analysis.
- Vice Chair, JC, motioned to approve the sieve analysis in lieu of a perc test. Clerk, ND, seconded and all approved.

General Discussion-Circuit Street Nuisance Complaint

- Health Agent, RBM, sent out a letter to the resident at 359 Circuit Street in July 2023 requesting an inspection based on the noise complaints received.
- RBM's inspection lasted approximately two hours during which time he observed one rooster crowing every 15-20 minutes. Vice Chair, JC, asked if the rooster was removed from the property. RBM responded that the resident did remove that rooster. The resident typically has 5 roosters per year for breeding but does cull 2 roosters per year. Clerk, ND, asked what the resident's response was to the recommendations. Per RBM he was receptive to the recommendations.
- Chair, PD, asked for resident/neighbor, Art Lather's, comments. See attached statement. He also played a recording of the crowing.
- RBM explained that the main point of the inspection was to obtain a count of how many fowl are on the property. He observed 3 peacocks and ducks. There were no turkeys at the time of the inspection. The operation is mainly for personal use of eggs except for selling eggs to Hornstra Farms and donating any left over to the Norwell Food Pantry.
- ND asked how good sound barrier fences are? RBM noted that the Town allows up to a 6-foot fence without a permit. A 6-foot solid fence would also be beneficial to protect the fowl.
- PD asked if there was a fence currently on the property to which the resident/neighbor responded that there wasn't.
- PD asked why the resident at 359 Circuit Street is not bothered by all the noise on his property? Resident/neighbor, Art Lathers, explained that he feels it may be preference of the property owner and orientation of the houses.
- ND asked if the homeowner has responded at all to the recommendations. RBM noted that he did call to ask what would be required for a fence.
- PD asked what enforcement power the Board held in this situation? Noise, health? Per RBM the Board does have the authority to force the removal of the animals that are causing the nuisance. He would like to speak with Town Counsel to confirm how the enforcement order needs to read, i.e. should the order specify roosters and peacocks or can the order cover any of the animals?
- ND suggested having the resident at 359 Circuit Street before the Board to discuss solutions.
- Board Members agreed to invite the resident at 359 Circuit Street to the next meeting date to be determined.

General Discussion-Trash & Recycling Program

- Health Agent, RBM, updated the Board on the plan to move the trash program and recycling center under jurisdiction of Highway/Tree & Grounds to streamline the operations. Currently, the recycling center employees are overseen by Highway/Tree & Grounds and the rest is overseen by the Health Department.
- There is also discussion to change the trash and recycling program fee based.

General Discussion-Appointment of Amy Forest Montgomery to the Recycling & Sustainability Committee

- Mrs. Montgomery was mistakenly appointed by the Selectboard. She has spoken with the Committee members who are all in agreement with her appointment. She was offered the opportunity to come before the Board of Health but had already answered the Selectboard questions. The Health Agent did not see a need as he watched the Selectboard meeting.
- Vice Chair, JC, motioned to appoint Mrs. Montgomery to the Recycling and Sustainability Committee. Clerk, ND, seconded and all approved.

Chair, PD, motioned to adjourn. ND seconded and all approved.

Adjournment @ 6:30 p.m.

Signed: 
Natalya Davis, Clerk

Dated: 1/29/24

Lathers Family Statement of Impact to Norwell Board of Health

Prepared by Elizabeth and Arthur Lathers, 373 Circuit St, October 30, 2023

Our objective is to state the facts of how the backyard animals at 359 Circuit St. have impacted our family's life over the past 3 years.

The crowing starts before dawn and generally lasts as long as there's daylight. In the summer it's 4am to 7pm. We hear their 3-7 roosters crowing back & forth, the noise is constant – every 3-5 seconds with often overlapping crows during peak times. Especially during the daylight of the spring and summer, their backyard animals do not calm down.

It is not only the sound of these different roosters with different crows, but also crows from their multiple birds including peacocks, geese, and turkey. In addition, the honking from their multiple geese, gobbling from multiple turkeys, and clucking large flock of hens makes the sound constant. The peacock crows are particularly piercing and difficult to hear. We will defer to Ben's report on the volume of birds and types in their back yard.

The orientation of our house, close proximity, and lack of any physical noise barrier means that we hear their animals with the windows closed all throughout our house every day of the year. We cannot open windows or screen doors, as the noise is unbearable during peak times. We cannot sleep with windows open and not be woken up. Sadly, our windows stay closed with the AC or fans running in the summer to dull out the noise. Our daughter's bedroom faces 359 Circuit St. and she requires a fan or noise machine to sleep. My office, where I work a corporate job from home at least 3 days per week, also requires a fan or noise machine to drown out the noise— not only for my own ability to focus, but also for the frequent virtual calls I am attending. We hear their birds with the windows shut in our bedrooms, our kitchen, our garage, and even our basement.

As the family member who does the majority of yard work and works most often from home, these sounds negatively impact my daily life and mental well-being. I also carry significant concerns for the impact the activity has had to my family as well as our property. We intentionally purchased a beautiful yard with privacy

and no road noise, and have improved our outdoor space including with a wonderful vegetable garden and relaxation areas. My family and I love being outside, and I especially love gardening with Alden and Bay. During peak times, it is now impossible to not hear their animals constantly when outside. We no longer can enjoy these spaces as we expected or how others in Norwell may take for granted.

We do believe there is value in the ability to own and care for backyard animals within reason—along with considering those around you. When our neighbors first moved in, we enjoyed receiving eggs and an invitation for our children to meet the chickens; however, shortly thereafter the noise became worse with what sounded like more birds being added. We sent a letter on May 31, 2022 to 359 Circuit St, but they refused to respond.

We anticipate that our current situation is atypical, and we appreciate any help that you can provide our family in resolving the matter. Thank you for your time this evening.