

APPROVED

COHASSET BOARD OF HEALTH MINUTES

DATE: WEDNESDAY March 3, 2021

TIME: 6:30 P.M.

PLACE: ONLINE VIA ZOOM

Board Members Present:

Robin Lawrence, DDS, MPH, Chairman

Lynn Doxey, MPH, Vice Chair

Michael Pollastri, PhD

Recording Secretary:

Amy Davis

Public Health Director:

Pam Fahey, MPH, SE

Field Engineer

Jason Federico

Public Health Nurse:

Mary Goodwin, RN

6:30 P.M. Meeting called to order.

6:31 P.M. 306-312 Forest Avenue Animal Permit, Cavanaro Consulting

In attendance for this Hearing:

John Cavanaro, Cavanaro Consulting; Dan & Kelly Bliss, Property Owners; Dave Dugan abutter, 100 Black Rock Road; Henry & Tara Boye abutter, 295 Forest Avenue; David Lucier, 93 Black Rock Road; Jordan Smith, Michael Parshley, 103 Black Rock Road; Jennifer Schultz, Attorney representing abutter Gregory & Nancy Weissman, 110 Black Rock Road.

Materials used for this Agenda item:

- Stable Plan, Cavanaro Consulting, dated 2/11/2021.
- Animal Permit Application dated 02/04/2021.
- Stable Management Plan
- Letters from abutters in support of the application
- Letter from Sullivan and Worcester LLP dated 3/2/21 on behalf of Weissman's in opposition.
- Certified mail receipts

John Cavanaro, Cavanaro Consulting, reviewed the animal and stable design plan for 306-312 Forest Avenue with the Board. The property owners, Dan and Kelly Bliss, intend to create a master plan to develop both properties as one single family home residence with accessory structures. The Bliss family is requesting the following three variances for an animal/stable permit:

- **Minimum setback from property boundary: 30 feet required; 2 feet proposed.**
- **Minimum setback from any public way: 30 feet required; 2 feet proposed to right of way, 9 feet to provided traveled way.**
- **Minimum setback from any dwelling: 100 feet required; 12 feet proposed (proposed guest house)**
- **Minimum setback from any dwelling: 100 feet required; less than 100 feet to the dwelling across the street located at 299 Forest Avenue**

Mr. Cavanaro stated the setback for the paddock to a property line requires 30 feet. The applicant does not meet the setback along the border/sideline of Forest Avenue. The paddock is as close as 2 feet and 9 feet from the travel way. The other three abutting borders/sidelines meet the setbacks as does the rear of the

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property. The setback to the nearest dwelling requires a 100-foot setback to the property line. The property across the street at 299 Forest Avenue falls inside the required 100-foot setback that circumvents the paddock area. The Forest Avenue side is where the property sideline needs to be close to enable a site for a conventional paddock. The paddock needs to meet the minimum criteria for horses to walk, exercise in a successful, healthy, and safe manner. The applicant does not meet the setback with the right of way but, it is a main road. Mr. Cavanaro feels there is not really any harm to reducing that setback to an area that creates a buffer naturally and physically to the nearest abutters across the street. Included with the application there is a stable management plan as follows:

Bliss Stable Management Plan 306/312 Forest Avenue

Manure Management:

Stalls will be kept clean and dry removing manure and wet bedding daily. In addition to keeping stalls clean and dry, manure will be regularly removed from the pasture. The daily manure waste will be dumped in a dump trailer where it will be transported weekly to an appropriate facility for disposal. The trailer will be covered tightly when not being accessed to prevent exposure to pests and run off.

Vector Management:

Maintaining a clean barn with a regular manure management routine is the best way to prevent the attraction of unwanted pests. All food will be stored in durable sealed containers in the closed tack room. Wi-Fi enable rodent traps will be used in the barn to alert the homeowners when rodents are caught for quick disposal. Feed-through fly-control products are given directly to horses in their feed. These products contain insect growth regulators that help eliminate flies in manure by keeping fly eggs from hatching. While the regulator is bad for flies, it will not harm the horse. The homeowners will additionally leverage an on- demand frost-free watering system (<https://Udpwaterer.com/horse-waterer-health-benefits-2/>) which horses press on a paddle to bring water to the surface leaving no standing water around the barn. This system has many health and convivence benefits but perhaps most importantly eliminating standing water helps to mitigate any insect water sources.

Predator Management:

Full grown horses don't really have predators, but the horses will be in their stables at night with the barn doors closed. The barn will be outfitted with motion sensitive video cameras to alert if predators or unwanted guests come near the barn.

Noise Management:

Any noise from the horses will easily be drowned out by the traffic on Forest Ave. The animals will be in the barn at night, and we do not anticipate any noise being loud enough to negatively affect our neighbors. A neigh here or there is part of the charm of having horses in your neighborhood.

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Additional Manure Plan Information:

The Bliss's have reached a verbal agreement with Holly Hill Farm. Holly Hill Farm is very excited to be the recipient of the Bliss's manure. As an organic farm that is one of their premier choice ingredients for growing several of their variants. The agreement includes the manure being taken off daily from the stalls and weekly from the property and delivered to Holly Hill Farm. Additionally, Holly Hill Farm supports the local High School Education Composting Program which supports not only locally but also 30 schools in neighboring Towns.

Fencing:

Buckley fencing, a state-of-the-art equine fencing, will be used around the paddock area. The fencing is a four-rail fencing system which will enclose the entire paddock area, it is very secure fencing.

Mr. Cavanaro explained the location of the paddock is the best site on the property. The area is level and nestled within a natural ledge of outcropping. The natural outcropping is raised about 10 to 15 feet in elevation. The idea is to have the paddock set back which creates a natural buffer to the abutting properties on the south and west. The ledge outcropping is a natural barrier from sound, noise, and a vertical buffer for any dust. The Bliss's went through an extensive campaign to notify the abutters before this meeting and received tremendous support from the neighbors. Mr. Cavanaro would like to submit for the record the following five letters sent to the Board of Health in support of the application:

To: The Board of Health
The Conservation Commission
The Planning Board
The Building & Inspections Department

From: Dave & Katie Dugan 100 Black Rock Road Cohasset, MA Parcel ID C2-01S-034

Date: February 13, 2021

Re: 306 & 312 Forest Avenue Parcel ID C2-080-050 & Parcel ID C2-090-001

As an abutter with the most contiguous property lines, we support the proposed redevelopment of 306 Forest by Daniel and Kelly Bliss. The Bliss family has shared with us their plans for the combining of their existing parcel at 312 Forest with the adjoining parcel at 306 Forest.

The combined parcels total 1.85 acres and would more than sufficiently accommodate the proposed project which includes a new garage/pool house, pool, horse barn, and sports court. We believe this proposed redevelopment of the 306 Forest parcel is an upgrade to the neighborhood as the current house and detached shed and landscaping are in decline.

Furthermore, there is a history of farms and livestock on Forest Avenue and Black Rock Road. Our parcel at 100 Black Rock Road and 110 Black Rock Road both had horses on the property up until the late 1960s. In addition, 318 Forest Avenue was a working farm until the early 1900s.

We have no concerns about the proposed horse barn and paddock given that it is discretely situated on a portion of the 306 Forest parcel which is largely unseen from the abutting properties. In addition, the Blisses have a draft landscape plan which will provide upgraded privacy from the 306 Forest property to our backyard at 100 Black Rock Road.

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Sincerely,

Katie & Dave Dugan

From: Chad Balog <cbalog13@yahoo.com>

Sent: Thursday, February 11, 2021 4:05 PM

To: Pam Fahey <PFahey@cohassetma.org>

Cc: Kelly Bliss <kbliss@teladochealth.com>

Subject: 312/306 Forest Confirmation of notice and approval

To: Town of Cohasset Board of Health

This message is to confirm that the Blisses at 312/306 Forest Ave have provided us with the Abutters Notification and draft plan of their proposed project. In response I am confirming that we have no concerns or resistance of any sort and are fully supportive of the planned enhancements to their property. We consider their plans and proposals as improvements to the neighborhood/street with no cause for concern.

Should you need any additional documentation of support, please feel free to

contact me further. Chad Balog

4 Forest Notch

cbalog13@yahoo.com

From: Agnes Froio <ladybluefoot@comcast.net>

Sent: Thursday, February 11, 2021 3:30 PM

To: Dan Bliss

Subject: Re: Bliss Project

Dear Dan and Kelly, I am pleased to hear that you are planning to build a garage, pool house and horse barn. Since you moved into 312 you have made many desirable upgrades to your home and property and I am sure that this project will be done in the same good taste. Good Luck! Agnes

Agnes Froio

321 Forest Avenue

From: Kelly Joslin <Kelly.joslin@comcast.net>

Sent: Sunday, February 7, 2021 3:15 PM

To: 'Kelly Bliss'

Subject: RE: 312/306 Forest

Hi Kelly,

Looks incredible!!! Very happy for you guys and of course you have our support. It will be nice to make the property all one again. I can't wait to meet your horse. My in-laws had 2 Persian horses named Tex and Spruce in NH. They used to hook them up to a wagon and take them through the center of town on Sundays. My kids LOVED them. My father-in-law has since sold them after my mother-in-law passed. Best of luck and let us know if you ever need anything.

Kelly Joslin

299 Forest Avenue

From: Andrea Hillier <thehillier6@gmail.com>

Sent: Sunday, February

14, 2021 5:27 PM

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To: Pam Fahey

[<PFahey@cohassetma.org>](mailto:PFahey@cohassetma.org)

Subject: 312/306 Forest

Hi-

I live at 303 Forest Avenue and would like to express my support for the Bliss's fabulous new plans including the barn with horses. I am incredibly excited for them and this addition to the neighborhood. I have lived at 303 Forest Ave for 15 years and it is hard to get to know our neighbors in the same way that people are able to engage on the cul-de-sacs. The Bliss's project brings warmth and fun to our neck of Forest Ave.

We are moving shortly to 554 Jerusalem and we will still be neighbors. I look forward to watching their project come to fruition.

Kind regards
Andrea Hillier
300 Forest Avenue

Dr. Lawrence asked the attendees to introduce themselves.

- Dan & Kelly Bliss, applicant, 306/312 Forest Avenue
- Jennifer Schultz, land use attorney from Sullivan & Worcester, representing one of the direct abutters to the Bliss property at 110 Black Rock Road, lives in Cohasset at 72 Nichols Road
- Hank & Tara Boyes, 295 Forest Avenue
- Dave Dugan, 100 Black Rock Road, direct abutters
- David Lucier, 93 Black Rock Road
- Michael Parshley, 103 Black Rock Road
- Carmen Hudson, Cavanaro Consulting
- Jordan Smith, permitting council working with Jennifer Schultz, not a resident.

Jennifer Schultz, formerly served on the Zoning Board of Appeals, is representing the Weissman family at 110 Black Rock Road. Ms. Schultz gave a presentation reviewing concerns of the Weissman, 110 Black Rock Road, with the Board.

The Weissman's backyard directly abuts the Bliss property and the location of the paddock. Ms. Schultz referred to the dotted line on the plan and how it just nips or misses the back of the Weissman's property. The plan demonstrates the nearness and adjacency in terms of distances.

Ms. Schultz said the Weissman's never received notice of the hearing tonight. The Weissman's did receive the initial abutter notification in February which stated and described in general the application for a stable permit but, they never received any follow up. Notification to abutters is required under the regulations within 14 days of the hearing describing in detail any variances that are being requested and an explanation of why the variances are deserved. Obviously, Mr. Weissman did find out about the hearing last Friday through small town living. Ms. Schultz pointed out for the record that the notice requirements in fact were not entirely followed. The Board of Health (BOH) regulations also require an engineer stamped plan to be included in the abutter notification. This gives the abutters a chance to review the plan to make determinations regarding the setback distances and to review other details on a plan. A plan was not presented as any part of any package given to the Weissman's ahead of time.

More significantly, Ms. Schultz stated, is the substance of the concerns here. The Weissman's are the most direct abutters with their dwelling and usable backyard area closest to the area the horses will be for many

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hours of each day. The Weissman's are concerned with the adjacency and the nearness. While the property is 1.8-acres in size, the Bliss's they have chosen to site the horse barn and paddock area as far as possible from their dwelling and as near as possible to the Weissman's dwelling.

Ms. Schultz stated the Bliss property is in between the Weissman's and the ocean which means the prevailing winds run downwind from the Bliss property to the Weissman's property. The ledge that Mr. Cavanaro is referring to will certainly not block the odor or noise that will be carried by the prevailing winds. Ms. Schultz would be interested in seeing an actual technical study conducted on prevailing winds. The Zoning Regulations as Ms. Schultz is sure the Board knows require farm animals and livestock not be kept in any residential area if there is any odor or noise observable at any lot line. The burden of that should not be put on the abutters, the burden of proving this is on the applicant.

Ms. Shultz understands these are not the regulations the BOH follows but, of course if the BOH approves this permit the Bliss's next step will be a building permit application. Ms. Schultz has already talked to the Building Inspector, and the applicants must prove there will be no odor and no noise at any property line. Cohasset is not a farm community. Yes, we have and love Holy Hill Farm, but this is not Norwell with acres and acres of land where someone could easily keep horses entirely out of view, with no noise, or smell to their neighbors, and no concern for disease vectors. This is an under 2-acre property surrounded by properties which many are under a half-acre. Cohasset is a tightly settled residential community. Ms. Schultz would be interested in learning how many private stable licenses are held by private homeowners in Cohasset, and stated her guess just knowing the Town, is very few.

Ms. Schultz explained the Weissman's have concerns with the waste generation from the horses. Ms. Schultz was astounded and horrified to learn how much excrement a single horse releases each day. To have gallons of urine go into the dirt daily and then to be directly downwind of that, Ms. Schultz has a hard time believing that there would be no odor at the property line. Ms. Schultz questioned how does this not create a health hazard to other members of the public, the Weissman's, and many pedestrians that use one of the only sidewalks in Cohasset which is heavily traveled?

The Weissman's wonder and worry about the waste management monitoring. Will this be a burden on the Town that is already overtaxed with other public health issues? Monitoring a single private horse stable on someone's property should not be the highest public priority in the use of tax dollars. How will the waste management be monitored? How do we make sure the burden is not put on the abutters just because of the desire to keep horses on their property and not off site at a stable? Ms. Schultz wonders if Holly Hill Farm has stables where the Bliss's could keep their horses? Where have these horses been kept?

The Weissman's worry about insects, rodents, and disease. Ms. Schultz appreciates there is a proposed vector management program in place but is that program appropriate for a residential neighborhood with these specific distances, neighbors, sidewalk, and the downwind location of the abutters?

Ms. Schultz stated odor and noise are obviously a concern for public health. Mr. Cavanaro's attempted to address these concerns in his presentation but, the attempt would certainly not satisfy the zoning regulations of no noise and no odor at any property line. This is directly out of the zoning regulations, that is a quote verbatim. Furthermore, to state without evidence or proof that the ambient noise of Forest Avenue will drown out the noise of the horses, why is there no comment on the noises of any of the dogs walking by or dogs barking at the horses? Simply saying that the nays every now and then are a lovely part of living near

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horses is not how everyone feels. Ms. Schultz again stated this is not a farm community, not everyone thinks of the Town this way, and it is borderline offensive to hear that.

Ms. Schultz concluded that overall, this is just an inappropriate and unnecessary location for a private horse stable. Ms. Schultz is truly interested in hearing why the horses should be in this location from a Public Health standpoint and not closer to the Bliss's house? Why not in the other dog leg where there is no house directly downwind from it. All letters of support seem to be from neighbors that are not impacted the same way the Weissman's will be. As Ms. Schultz noted before Cohasset is not a farm town. Why can't the horses be kept off site? Finally, in terms of a potential solution which obviously is the goal as the BOH knows it has discretion to require any other reasonable setbacks for a stable and the accompanying structure that is in their regulations. It could require the stable paddock be located elsewhere on the site or moreover, the Board could determine that there is nowhere on the Bliss's site that is appropriate from a Public Health standpoint. Ms. Schultz is not sure of the point in moving forward given there is no way that this satisfies the Zoning Regulations. Ms. Schultz thanked the Board for giving her their time.

Dr. Lawrence questioned: Ms. Schultz in your letter you quoted "I doubt whether your property in such a tightly settled neighborhood can satisfied the BOH Regulations and Zoning requirements". Dr. Lawrence asked what does referring to the Zoning requirements refer to?

Ms. Schultz responded: if the Board went to the table of uses in the zoning codes. There is a use category for the keeping of livestock farm animals or poultry for personal use and then there is a category for commercial use. This is for personal use you will see where it is allowed in all residential districts. Keeping of animals is only allowed with the condition that the applicant receive approval from the BOH and that there will be no noise or odor observable at the property line. Ms. Schultz spoke to John Hallin, Building Inspector, to make sure of her understanding that a building permit would be required and there would have to be no odor or no noise at every property line.

Dr. Lawrence asked: Ms. Schultz are you suggesting that this proposal as it sits will not meet Zoning requirements as you just noted?

Ms. Schultz remarked: yes, I was suggesting the proposal will not meet zoning requirements.

Dr. Lawrence asked: Ms. Schultz are you prepared to move in the direction of the building inspector to get a reading on this before we go through calisthenics here?

Ms. Schultz confirmed she has written separately to the Building Inspector and what he told her is the Bliss's have not yet applied to him for the building permit for all these structures. Only when they do will the inspector take note of the objections of the direct abutter and then request information from the Bliss's so he can make the determination on whether zoning can be satisfied.

Dr. Lawrence mentioned it would help the Board to see in writing those comments from the Building Inspector.

Ms. Schultz said she would be happy to reach out to the inspector and is sure the Board could reach out to him themselves.

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Dr. Pollastri understands the Zoning Board of Appeals (ZBA) will need to review the noise and smell but, as a scientist he is curious to know how you prove there is “no” something, that is a really difficult thing to prove. I understand it is written the way it is in the regulations. Dr. Pollastri was kind of struck by the number and extent of the variances required to meet the Public Health standards that were written in the ordinance. The stable plan does seem to be shoehorned into a property where it does not seem to fit. Dr. Pollastri questioned Ms. Schultz if there were not a variance being requested would your clients still object? Would it still be an issue for them? Dr. Pollastri is interested in whether the Board can talk about this tonight with respect to the notification question Ms. Schultz raised at the very beginning of the meeting? If the Board can act on this tonight one way or the other, is it Ms. Schultz’s position that we should not be considering this tonight? Or continue the hearing? Is your presence here tonight saying something was missed in your opinion and yet we are interested in moving this forward? Dr. Pollastri asked Ms. Schultz where are you standing on that?

Ms. Schultz responded that the Weissman’s feel lucky they learned about the meeting in time. Ms. Schultz just wanted to note that unfortunately my client did not receive notice or sufficient information in the initial notification that they received. Nevertheless, we learned about the meeting in time, and we are here.

Dr. Pollastri had a question for the Bliss family in terms of options on their property: Are there other options size wise that would allow you to move the paddock elsewhere on the property within the borders so a variance would not need to be requested? Or is there no way you could accommodate the setback requirements?

Mr. Cavanaro pointed out there is so much information being introduced, and we have switched from the applicant’s proposal to a discussion with the abutter’s attorney. Mr. Cavanaro would like to go back and try to regroup.

Mr. Cavanaro explained the size of the paddock itself needs to be for all safe distances, a fair design for a horse, and needs to be about this size. Whether the paddock is 80 by 120 or 60 by 120 this range really cannot be much smaller. The proposed plan right now satisfies all the requirements except for the abutter across street on Forest Avenue. The proposed plan exceeds the setback to the property line to the Weissman’s house. For example, it is a 30-foot setback to the property line from the paddock, 100 feet to the house, almost 60-feet to the property line. This is doubled of what is required to have for a setback. Similarly, to the rear and the other side of the property the distances are well beyond the setback. The Forest Avenue property line has a 50-foot layout, so in essence the setback to that property line which, is the nearest property and located across the street, is well in excess of the 30-foot setback from the paddock to the property line. Mr. Cavanaro concluded the variances the applicant is seeking is to put the paddock against the Forest Avenue layout. There is no house within 75 feet which is the nearest house across the street and the only house located within the 100-foot setback other than the Bliss’s property. The applicant is proposing to relocate an existing dwelling that is located on the two addresses 306/312 Forest Avenue. The applicant plans to remove the dwelling at 306 Forest Avenue and rebuild it as a guest house/garage on their own property this is the closest dwelling that will be sited to the paddock. This is the variance the Bliss’s are seeking related to their own property.

Mr. Cavanaro responded to Dr. Pollastri’s question regarding moving the paddock elsewhere on the property and meeting the setbacks. Mr. Cavanaro said no because we will never get away from the fact that there are dwellings on the property that would be within the 100 feet of the paddock, no matter the shape of the paddock. If we moved the paddock to the rear of the property, we would be exceeding due to the minimum

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shape the paddock needs to be. Mr. Cavanaro spoke to the Zoning issues and appreciates Ms. Schultz's interpretation or perhaps manipulation of the bylaw as its read, but Mr. Cavanaro will read the bylaw specifically. As we agreed it is an allowed use in a residential district but is subject to the Board of Health's regulations and provided that no noise or odor is observable at the lot lines. This is correct but, BOH regulations are based on setbacks requirements, so we are meeting that setback to their aggrieved abutter by almost double as it relates to the paddock to the property line, and we meet or exceed it with respect to the distance from the paddock to the dwelling. The applicant is 100 feet from the dwelling and almost 60 feet from the from the property line.

Dr. Lawrence asked Mr. Cavanaro: The proposed paddock measures 83 by 138 feet or 11,454 square feet based upon the information that was provided it seems to Dr. Lawrence that an adequate paddock for 2 horses considering their health would be between 7,200 square feet and 16,000 square feet that is using the dimensions 80 by 200 feet or 60 by 120. Dr. Lawrence would like to know if the size of the paddock could be reduced to mitigate some of the setback conditions? And would it result in setbacks or variances that are less than what is laid out in your plan at this point?

Mr. Cavanaro replied it is conceivable that it can be reduced. Any movement that is made into the property from Forest Avenue will reduce that variance to the setback, both the right of way and the property line, it would reduce the setback to the dwelling across the street at 299 Forest Avenue.

Ms. Schultz asked for a minute to respond and clarify. The applicant must prove it would be a manifest injustice not to receive the variance and that it is in the Public Health best interest to do so, or alternatively not contrary to the interest to public health. Regardless of making the plan a little better as Mr. Cavanaro noted is conceivable, Ms. Shultz questions whether the standard for receiving this variance is achievable. The Bliss's have made no attempt to prove that they deserve these variances. Most significantly the BOH has powers beyond granting these variances and then approving the project or not granting variances. Ms. Schultz stated we are looking at the BOH to protect the public. Ms. Schultz's conversation with the Building Inspector and from her profession, zoning regulations are different from BOH Regulations. The zoning regulations condition of no odor or no noise at the property line is a zoning regulation that must be satisfied to the Building Inspector. If challenged by the Weissman's, which it would be, if a building permit were granted by the ZBA. If granted by the ZBA it would be challenged by the Weissman's to the superior court. Ms. Schultz wanted to make sure there is no misunderstanding that those zoning regulations cannot be ignored. Ms. Schultz understands it is not under the purview of the BOH. Nevertheless, under this unique scenario where the zoning regulations are no odor and noise these are also factors the BOH should take into consideration.

Dr. Lawrence asked Ms. Schultz if she is suggesting the applicant must meet a twofold activity one with the BOH and one with ZBA?

Ms. Schultz indicated yes, for any construction an applicant would have to.

Mr. Cavanaro clarified that we are getting into the sidebar here. Does the Board think the Bliss's need Zoning? A special permit or variance for this application? Is this what Ms. Schultz is trying to encourage the Board to believe? What is the question?

Dr. Pollastri stated: From my perspective whatever the BOH decides this will still have to go to the ZBA?

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Mr. Cavanaro clarified that is not true and that is where he wants to avoid confusion. If the neighbor chooses to file an appeal with the ZBA of a building permit, then the Bliss's would go to the Zoning Board, but this application does not trigger anything.

Ms. Shultz argued: The Building Inspector cannot rightly issue a building permit if the request to keep farm animals is non-complaint. It is up to the Building Inspector he cannot issue a permit without the plans being compliant.

Dr. Lawrence indicated the Board is not in a position to speak for Zoning or for the Building Inspector. The Board cannot make decisions for him that is a separate issue. If Ms. Schultz wants to proceed in that direction fine but we are here to look at the BOH application.

Mr. Dugan, 100 Black Rock Road, directly behind the Bliss's and have a shared property line. Mr. Dugan is in support of this project and would like to mention a few points. Regarding communication he does not think the Bliss's could have done anything better about being prompt and detailed with what they shared. Mr. Dugan received a certified letter to abutters on February 4th along with a detailed email from the Bliss's with a site plan all questions were answered and very clear. Point two, people have been making comments about the neighborhood and suitability. Mr. Dugan stated he has lived here for 20 years. His property has a horse barn and there were horses on the property until at least 1975. That is for certain and there are other properties nearby that have livestock. Mr. Dugan thinks the site placement is ideal as it sits in a very low setting with a very high stone outcropping that surrounds two sides. From his property he would not ask for re-siting this.

Mr. Dugan stated the final point is I am not a lawyer, but I am curious. I invest a lot in my property, I read the regulations and have a copy of what I thought would be the topic of this discussion. The Town has its rules and regulations regarding governing horses, stable, livestock, fowl, and poultry. Mr. Dugan read the whole thing and its very clear. I feel the Bliss's have checked every single box regarding the BOH regulations. Mr. Dugan questioned is not the function of this meeting to review the plans against that set of regulations? Isn't that the purpose of this discussion? Regardless, he totally supports this plan.

Dr. Lawrence explained: This meeting is to decide whether the applicant meets the BOH regulations for boarding livestock. There are some other issues that surround the proposed plan but, the Board is not in a position to even speak to those issues. The Board is solely here to look at the application. Board members may have some questions, some suggestions, but in the end, we will have to either approve or disapprove or continue the hearing to another date if the Board is not satisfied.

Dr. Pollastri commented: To Mr. Dugan's point, I think the process is straight forward with respect to the permitting. Dr. Pollastri is worried about the variances. The variances that are described in the ordinance clearly lays out the setbacks and setbacks exist for a reason. Dr. Pollastri' whole angle of questioning is mainly focused on what has been done to avoid those setbacks? I am all for people using their property to the point that they are allowed, and I appreciate the commentary, but I am truly hung up on the variance questions. What considerations have been given for options to be within those variances? The mitigation plan regarding the manure management and the vector management plan are clear it is just a matter of the variances.

Dr. Lawrence agreed with Dr. Pollastri and that is why he questioned reducing the size of the paddock. That would be consistent with good health to the horses and mitigating some or all the variance requests.

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Mr. Cavanaro noted he has looked at every different scenario on this property. Naturally, the plan can be reconfigured to minimize the relief across the street. Mr. Cavanaro stated the 100-foot setback to the Bliss's dwelling cannot be eliminated. Is the Board amenable to keeping the 100-foot setback relief request on the table for the Bliss's? Mr. Cavanaro can work to mitigate the impact across the street but will have less than 100 feet from the Bliss's dwelling.

Dr. Pollastri explained that this gets to his point that the lot is the wrong shape and size for a stable for two horses. The 100-foot setback to the residents is a public health question. If the applicant is unable to accommodate the setback, then it suggests the lot is not the right size to accommodate two horses.

Mr. Cavanaro noted it is not the principal dwelling that is within the 100-foot setback, it is a garage.

Ms. Bliss requested to speak to some of what has been said. Ms. Bliss personally feel horses make a landscape more beautiful. Ms. Bliss appreciates everyone's commentary, she understands everyone has a perspective, and she is respectful of that. Specific to the variances, the Bliss's have set the paddock in a way, so it gives them the opportunity to ride the horses within the property. This enables them to use the horses more often than having the horses off site. The goal is to create more space for the Bliss's to leverage the paddock beyond just the space for the horses. This is what is driving the setback. Ms. Bliss thinks it is important to contextualize that there are many animals listed on this stable application. The application broadly sets the standard which is very conservative for horses. Perhaps not so conservative if someone was applying to keep a swine on their property. Ms. Bliss thinks it is important to make it clear that they are not seeking to create a farm. They consider their horses to be athletes and they plan to maintain the highest standards of care and keeping for them. We would never want anyone to be impacted by the horses. Ms. Bliss stated the Town of Cohasset over the past several years has invested in many committees and initiatives to address very important topics such as overbuilding, maintaining diversity of landscape, and preservation of land. Here the Bliss's are acquiring two lots pulling them back together to their original state and enhancing the neighborhood. It is important to the Bliss's to create a beautiful space and frankly feel people would enjoy seeing a horse on Forest Avenue.

Dr. Lawrence asked -Mr. Cavanaro regarding the setback issue in relation to the proposed three car garage and guest house: is there any possibility to move that structure a little further back so there is no need for a setback relief?

Mr. Cavanaro specified it is an accessory garage. The paddock was located on the plan to try to maintain the natural ledge outcropping to the south and west. The paddock could be moved in from Forest Avenue to eliminate the request across the street. The paddock could be kept 100 feet from the principal dwelling, but not the accessory dwelling. The accessory structure is not the main dwelling. Dwelling is the setback it is to a dwelling in the BOH regulations, not accessory dwelling. Mr. Cavanaro stated that if the configuration to the paddock is narrowed, the variance setback to a dwelling on Forest Avenue can be eliminated. eliminate that variance, if setback area is maximized on the Bliss's side, then the paddock would be within the 100 feet of the garage. The paddock is 12 feet to the proposed structure and requires 100 feet from a dwelling.

Ms. Bliss stated the structure is a garage with space for them to face the pool.

Dr. Lawrence stated if it is not going to be inhabited then it is not an issue.

APPROVED

Ms. Schultz mentioned there can be no bedroom or bathroom in there or kitchen facilities for any guest to stay.

Dr. Lawrence questioned: Will it be a garage or garage with living quarters?

Ms. Bliss's stated: There will be no one living there it will be a multi-use space, three-car garage, and on the back side a pool house that will face the pool.

Dr. Lawrence asked: Mr. Cavanaro the placement of a bathroom or toilet would preclude that, is that correct?

Mr. Cavanaro indicated it would certainly make it habitable. So, is the question being is it a full-time dwelling, is that the intent of the 100-foot setback.

Ms. Schultz declared the regulations do not say "fulltime" anywhere and feels it is an inappropriate manipulation of that language.

Mr. Cavanaro commented that he is asking the Chairman of the Board of Health a question.

Dr. Pollastri's standpoint is unchanged, and he is not convinced that this plan has been optimized to minimize setback variances. The setbacks exist for a reason and the closer we can be to them instead of glossing over them the better and would like to see that reconsidered.

Mr. Bliss stated the setbacks exist for things like noise, neighbors, and abutters. If the setbacks are improved as Mr. Cavanaro described earlier and there is only a setback variance to our dwelling is that acceptable enough for the Board?

Dr. Pollastri responded to Mr. Bliss that it would be less of a concern to him than the setback to the street.

Mr. Cavanaro explained that modifications can be made to reduce substantially and eliminate the setback to the dwelling across the street with a modification to the paddock but will have less than 100-feet to the Bliss's garage.

Dr Lawrence asked if the propose dwelling is just a garage and not a "dwelling" would that make a difference in the setback requirement? Dwelling is something that is lived in is that correct? If this structure is to be only a three-car garage that would eliminate that issue?

Mr. Cavanaro clarified dwelling is what is the setback in your requirements there is no setback to an accessory structure. Dwelling includes structures that have human habitation. The garage would not be a dwelling.

Mr. Bliss wanted to note that they will be switching the setback lines as discussed and will not need a variance from the front of the property. It would only be the variance for our own dwelling. Mr. Bliss asked why could the Board not decide now? Will these steps be acceptable to the Board to get the plan approved?

Ms. Fahey wanted the Board to keep in mind what Ms. Schultz mentioned earlier, which is true, that if the

APPROVED

Board does not approve the variances it is up to the Bliss's to prove that it is manifest injustice. The burden is on the Bliss's when they request these variances to explain why not granting these variances would result in manifest injustice. For example, if the Board does not approve the plan it is going to be shocking and very unfair to them, manifest injustice.

Attached please find documents submitted by Cavanaro Consulting and by Ms. Schultz for this agenda item.

MOTIONED BY: Dr. Lawrence moved to continue this discussion until the next meeting on Wednesday, March 31st at 6:30 P.M.

SECONDED BY: Ms. Doxey

VOTE: 3-0 MOTION CARRIED

7:40 P.M. **10 Ocean Ledge Drive Drinking Water Well Permit, Atlantic Coast Engineers**

Ms. Fahey noted an abutter to 10 Ocean Ledge Drive wanted to submit comments regarding the installation of a drinking water well. Please see attached email.

Sent: Wednesday, March 03, 2021 4:49 PM

To: Pam Fahey <PFahey@cohassetma.org>

Subject: RE: question / answers

Dear Pam,

As we discussed, I would like to withdraw from the agenda of the BoH meeting this evening.

It is not the approval of a private well on 10 Ocean Ledge Drive that is at issue.

I will be approaching the Planning/Zoning Board about the overriding issue which is safety.

Specifically, safety as it pertains to adding another driveway and house, which will include extensive blasting, to an existing subdivision that includes 11 Houses, 43 bedrooms and 26 garage bays that is serviced by a 13.5 foot driveway. I quote from the Common Driveway – Minimum Standards...."At such point as the common driveway is to serve 9 or more houses it shall conform to the Rules and Regulations Governing the Subdivision of Land in Cohasset".... Which states the roadway must be a minimum of 50 feet for the safety of the residents.

Unfortunately, our little corner of Cohasset has been overlooked because all the squeaky wheels have moved away. I'm the last of the old guard and my new neighbors have asked me to squeak. I will be preparing an affidavit signed by all the abutters attesting to their concern for traffic and safety issues. None of the three 5600 sqft houses that have been built by 792 Jerusalem Realty Trust have sold primarily because of the same concerns.

Thank you so much for your time and good luck with the horses tonight.

Hollis Hunnewell

APPROVED

7:48 P.M. Board to vote on submitting a Warrant Article for the upcoming Town Meeting to change the name from the Cohasset Board of Health to the Cohasset Board of Public Health.

Dr. Lawrence submitted the following Warrant Article for the upcoming Town meeting.

To change the name of the Cohasset Board of Health to the Cohasset Board of Public Health

Cohasset Board of Health

Robin Lawrence

15 Beach Street

Cohasset, MA 02025

781-383-6234

rm.lawrence@comcast.net

To change the name of the Cohasset Board of Health to the Cohasset Board of Public Health, reflecting the mission of the Board and its parent agency – Massachusetts Department of Public Health

Request name change of the Cohasset Board of Health to the Cohasset Board of Public Health reflecting the mission of the Board: to keep the community safe and healthy by providing programs consistent with the principles of public health.

This is how it will read on the Warrant.

Article X: To change the name of the Cohasset Board of Health to the Cohasset Board of Public Health

To see if the Town will vote to change the name of the Cohasset Board of Health to the Cohasset Board of Public Health reflecting its mission to keep the community safe and healthy by providing programs consistent with the core principles of public health.

BOARD OF HEALTH

Informational Summary:

This article requests Town meeting to change the name of the Cohasset Board of Health to the Cohasset Board of

Public Health, reflecting the mission of the Board and its parent agency – the Massachusetts Department of Public

Health - to keep the *community* safe and healthy by providing programs consistent with the core principles of public.

health. The Board is comprised of three public health trained professionals. The Board staff is likewise comprised.

of public health trained professionals – the Director of Public Health, and a Public Health Nurse.

Board of Health:

Board of selectmen:

MOTION BY: Dr. Pollastri moved to place the Warrant Article on the Town Meeting agenda for April.

APPROVED

SECONDED BY: Ms. Doxey

VOTE: 3-0 Motion Carries

7:51 P.M.

Approve Meeting Minutes from February 3, 2021 Zoom Meeting

MOTION BY: Dr. Lawrence

SECONDED BY: Dr. Pollastri

VOTE: 3-0 MOTION CARRIED

7:52 P.M. Next Meeting Date is set for March 31, 2021.

7:53 P.M.

Ms. Fahey stated Carmen Hudson, Cavanaro Consulting, submitted the following letter to request an extension of one year for septic plans that are about to expire at 126-128 Forest Avenue.



February 10, 2021

Pamela Fahey Town of Cohasset Board of Health
41 Highland Avenue
Cohasset, MA 02025

**RE: Request for Extension of Septic Approval 126 and 128 Forest Avenue
DWCP Approval 3122118**

Dear Pam:

The purpose of this correspondence is to request, on behalf of Dr. Roger Pompeo, an extension of the approval of Disposal Works Construction Permit issued to his single-family home on-site septic system located at 126 and 128 Forest Avenue. DWCP Approval No. 3122118 was issued on March 22, 2018 with a three-year validity and any appropriate extensions related to the COVID-19 state of emergency.

Once Dr. Pompeo received all required permits to convert his two large lots to one single family home, he put the property on the market. Interest on his property diminished due to the COVID emergency; thus, he is seeking an extension for his permits.

A check for \$30.00 made payable to the Town of Cohasset is included with this request. We look forward to the Board of Health's consideration of our extension request at their next available hearing on March 3, 2021. Please do not hesitate to contact us with any questions.

Sincerely,

CAVANARO CONSULTING, INC.

John Cavanaro, P.E. Managing Principal

Cc: R. Pompeo File 17.090

APPROVED



MOTION BY: Dr. Pollastri moved to extend the septic approval for 126-128 Forest Avenue for one year.

SECONDED BY: Ms. Doxey

VOTE: 3-0 MOTION CARRIED

7:54 P.M. **Public Health Nurse Report**

Ms. Goodwin reported the Town of Cohasset is going from the red zone to the yellow zone this week regarding COVID cases. There has been a total of 21 cases in the past two weeks. Ms. Goodwin and Ms. Fahey are working on clinics. Tomorrow there will be a second dose clinic at Wilcutt Commons, about 80 people will be given their second dose. The paramedics will be vaccinating 21 people at 60 Elm Street. It has been a bit of a disaster in terms of trying to get second doses from the State. Ms. Goodwin reached out to the State letting them know the Town has not received notification if they will receive doses. Late Saturday Ms. Goodwin was notified the Town would get 100 doses. Towns like Hingham, Norwell, and Taunton are not getting second doses. Hingham had to cancel 175 people for tomorrow. Ms. Goodwin is not sure if the Town will receive doses next week. Ms. Goodwin said it is frustrating that we have a well-run clinic but cannot get doses. It is not the State it is at the federal level that is putting a stop to giving out doses. We just do not have the supply. The town was approved to vaccinate Public housing so there are about 40 people left and planning on vaccinating on March 17th.

7:58 P.M. **Public Health Director Report**

Ms. Fahey has been working on getting people registered for the clinics and organizing the clinics. Ms. Goodwin mentioned we have been busy also with all the spring programs to see if they can open. We are waiting on some clear guidance from the State to see what day camps, Holly Hill Farm, and the Sport Complex can do. The Recreation Camp is thinking of having half the capacity.

8:00 P.M. **Chairpersons Report**

Dr. Lawrence wanted to see if the Board members could get some tabular documents regarding BOH information. For example, how many septic's systems were completed this year, information from the vaccine clinics, or how many 75 and older in Cohasset have been vaccinated. Dr. Lawrence does not have access to a spread sheet to refer to for this information and feels it is important for the Board to have. Dr. Pollastri recommended to have people reach out to Ms. Fahey for this information. Dr. Lawrence said he should have suggested this information a long time ago. Dr. Lawrence can make some spread sheets to be filled in and given out to the Board. Dr. Lawrence would like to know how many people have been vaccinated in Cohasset, what age groups have received their first or second doses. Dr. Lawrence asked Ms. Goodwin and Ms. Fahey if they would be able to put something together by age group and how many doses have been received? Dr. Pollastri recommended that the weekly reports could give the total of these categories. Dr. Pollastri is resistant to send Ms. Goodwin or Ms. Fahey on some sort of data collection when they both are already busy with trying to get people

APPROVED

vaccinated. It is not worth the extra burden the Board would be creating for them. Dr. Lawrence is trying to accomplish that if he is queried about what the Board of Health is doing, he would like to be able to go to a spread sheet and have an answer. Ms. Doxey thinks it is a good idea and she would be willing to complete a spread sheet taking the information from the weekly reports.

Pamela Fahey, Board of Health Director, has been sending the Board the following weekly reports:

Public Health Director Weekly Report

Week Ending February 5, 2021 COVID-19:

- Continued to have calls Thursday mornings with senior emergency management (EM) leadership and other department heads.
- DPH call – if Johnson & Johnson vaccine is approved Massachusetts likely to see an increase in supply. When congregate care facilities vaccinations finish it should loosen up vaccine supply. Mass vaccination sites coming off PrepMod.
- Vaccine Task Force meetings – had several meetings to discuss staffing, training and logistics.
- I held a PrepMod software training for town hall staff to support at clinics.
- Answered many calls and emails regarding vaccine and pre-registration questions.
- Participated in PrepMod 103 training – best practices is to schedule 2nd dose clinic at the time of the 1st dose clinic
- 60 Elm Street 75+ population was vaccinated by EMTs. A total of 22 people were vaccinated.
- Held February 4th clinic for Phase 1 workers and 75+ seniors. A total of 84 people were vaccinated. Managed vaccine inventory; managed lists for 75+ seniors and Phase 1 workers. Enlisted Senior Center employees to call seniors for appointments after initial clinic was cancelled when registration link was shared with people not on priority list.
- Sent group emails to next group of seniors to determine if they are still interested or if they have scheduled shots elsewhere. Requested additional information from people that registered as Phase 1 workers to document their eligibility.
- Prepared preliminary lists of people to be vaccinated next week.

Non-COVID-19:

BOH meeting on Wednesday night. Approved Presby system for 297 Beechwood system. Discussed potentially revising Title 5 regulations to protect drinking water tributary wetlands.

Public Health Director Weekly Report

Week Ending February 12, 2021 COVID-19:

- Missed the Thursday morning call with senior emergency management (EM) leadership and other department heads because we were setting up a clinic.
- DPH call – restrictions are loosening for school transportation. No more capacity limits for elementary schools as long as masks are still worn and windows open. High school and middle school same rule except if a town is still in the red (Cohasset is currently still in the red).
- We held First Responder, Second Shot clinics on Tuesday and Wednesday. Cohasset Police and Fire have now been successfully vaccinated. Minimal PrepMod staff were required for these clinics.

APPROVED

- A larger (90 in person) clinic was held on Thursday. A First Shot clinic, primarily for people 75+ years of age, plus a few Cohasset school Phase 1 workers. Workers included behavioral specialists and speech therapists. Everyone was booked for a Second Shot clinic in March. Two people checked-in people and four people rebooked second shots. This is the ideal crew for a clinic this size. An additional 10 people were vaccinated on Friday via at home visits by EMTs.
- Answered many calls and emails regarding vaccine and pre-registration questions.
- Our request for additional vaccine for next week was denied by the state. The reason why is unclear other than the supply remains tight and local health is the bottom of the hierarchy with preference given to large mass vaccination sites. Several other towns also did not receive vaccine (e.g., Hingham and Hull). Town manager has reached out to DPH and state legislators for answers.
- Hosted a presentation from a regional representative from Moderna. In terms of dealing with variants, the representative explained that production of the vaccine is similar to a “digital technology” so it can be changed quickly. Variants are being monitored by CDC, but Moderna is currently staying the course in terms of dealing with variant strains.
- Starting to receive requests for events in the spring (e.g., Little League, drive-in for seniors at Sandy Beach, Earth Day). Some will need to be discussed with emergency management group.

Public Health Director Weekly Report

Week Ending February 19, 2021 COVID-19:

- Thursday morning call with senior emergency management (EM) leadership and other department heads.
- DPH call – DPH described how they want local health to pivot from administering the vaccine to communicating the need for vaccines. In addition, to try to coordinate getting seniors to vaccination clinics. Their illogical stance that it would be better to transport elderly people to a distant mass vaccination site rather than receiving it in their own town is beyond frustrating. Local health as well as town management groups have communicated their anger and frustration to DPH/state leadership to no avail.
- Attended a 4A/4B emergency management meeting for health directors/agents. Everyone was expressing anger and disappointment with the state’s decision to exclude local health from vaccinations. People questioned why frail elderly are not considered in state’s “health inequity” groups. Towns have spent tremendous amounts of money in preparation of vaccine clinics. Question why towns have been preparing and updating Emergency Dispensing Site (EDS) plans for years at the state’s request and now they have been dismissed.
- The state of Massachusetts announced this week that after next week local towns will no longer receive vaccine to vaccinate their residents. Vaccine will only be allotted to large mass vaccination sites. Pharmacies such as CVS and Walgreens have federal contracts so it will also be available at selected site locations. Fortunately, we also heard that we will be receiving a final 100 doses that will be used next week to vaccinate senior citizens ages 75+. There is also an option for us to home-vaccinate which would be a separate request. We will try to work out a way to vaccinate all of the remaining 75+ in Cohasset that need a vaccine using these two options.
- Sent out group emails to those 75+ remaining on our pre-registration list to determine who still needs a vaccine and who went elsewhere. Will tally results at the end of today. We are keeping a secondary list of those that need a home visit.

APPROVED

- Regional mass vaccination sites like the Marshfield Fair site must be available to all residents of Massachusetts so Cohasset residents can now go to the drive through Marshfield site.
- Met with Mark Chase of the Cohasset Little League at his request along with Chief Silvia. We discussed what is and is not possible for future events (e.g., no parade). Chief Silvia will provide in-person education to coaches prior to the season opening.

NON-COVID-19:

- reviewed request for a drinking water well at 10 Ocean Ledge Drive. Well plan needs to be revised, but a revised plan will likely be acceptable based on our private well regulations. A neighbor, however, may contest it and request a public hearing. To be continued.
- The property owner at 380 CJC was caught attempting to add hydrogen peroxide to the septic system again for the third time (first time was acid). A witness confronted the owner, took photos, and grabbed a sample from the d-box. I tested the sample twice today (Friday February 19, 2021) and confirmed the presence of hydrogen peroxide with test strips. For comparison, a background sample of septage collected from a residential septic system tested negative. The witness information along with photos and testing information was sent to MassDEP, both to the Wastewater Division leader who is the regulator overseeing the 380-400 CJC property and the investigator who has an open case for 380 CJC with 3 prior incidents.

Mary Goodwin, Public Health Nurse, has been sending the Board the following weekly reports:

PUBLIC HEALTH NURSE REPORT WEEK ENDING 2/5/21

Total Number of confirmed COVID 19 cases: 309

Total number of Probable cases: 67

Number of cases recovered from COVID 19:

Hospitalized cases: 0

Deaths: 3

Contacts traced: 353

Investigation and Surveillance: Ongoing case investigations are initiated within 24 hours of notification of a confirmed case. Contact is made with all probable cases within 24 hours if possible. At this point Mary Whitley is available and has received Maven training. She is assisting with case follow up and doing most of the cases at this point.

Calls/Meetings: Daily morning calls have been changed to Monday and Thursday which are held at 8:00 am – the Team consists of the Town Manager, Fire Chief, Police Chief, Emergency Manager, Health Agent, Public Health Nurse, HR Director, IT and Facilities Manager. The agenda is set by the Fire Chief and includes old business, new business and messaging. On Thursday, the call also includes School Superintendent, Elder Affairs, Procurement, and Recreation Department.

DPH call – every Tuesday and Friday

Mass DPH Maven updates – this call has been reduced to weekly on Tuesdays. Fridays have been added for questions only.

APPROVED

Updates:

Covid Vaccine – held our first clinic for medical workers and residents over the age of 75 years. Vaccinated 80 people. A team of 2 paramedics and 1 RN from the CFD made home visits to residents at 60 Elm Street over the age of 75 to administer their first dose of Covid vaccine. 21 residents were vaccinated.

Sunrise Assisted Living – met with Mass DPH, Executive Office of Elder Affairs, and Lea Goddard, Executive Director at Sunrise to review infection control policies, PPE supply and staffing. At this point 92% of the residents and 56% of the staff have received their first dose of Covid vaccine.

South Shore Community Center Nursery School - Had a confirmed case who attended school while infectious. Worked with Ann Madden, the Director to determine close contacts, and place them in quarantine. 10 children were identified and 2 teachers. That class is currently closed.

Community Tracing Collaborative (CTC)

The CTC managed by Partner's in Health is now fully operational and accepting cases. CTC has rehired many of the contact tracers that were laid off in the spring. They will be working closely with colleges, universities, boarding schools, and local schools. CTC now reports that they are able to contact about 80% of cases within 24 hours.

Respectfully submitted,

Mary Goodwin

PUBLIC HEALTH NURSE REPORT WEEK ENDING 2/12/21

Total Number of confirmed COVID 19 cases: 319

Total number of Probable cases: 69

Number of cases recovered from COVID 19:

Hospitalized cases: 0

Deaths: 3

Contacts traced: 353

Investigation and Surveillance: Ongoing case investigations are initiated within 24 hours of notification of a confirmed case. Contact is made with all probable cases within 24 hours if possible. At this point Mary Whitley is available and has received Maven training. She is assisting with case follow up and doing most of the cases at this point.

Calls/Meetings: Daily morning calls have been changed to Monday and Thursday which are held at 8:00 am – the Team consists of the Town Manager, Fire Chief, Police Chief, Emergency Manager, Health Agent, Public Health Nurse, HR Director, IT and Facilities Manager. The agenda is set by the Fire Chief and includes old business, new business and messaging. On Thursday, the call also includes School Superintendent, Elder Affairs, Procurement, and Recreation Department.

DPH call – every Tuesday and Friday

Mass DPH Maven updates – this call has been reduced to weekly on Tuesdays. Fridays have been added for questions only.

Covid Vaccination Clinics:

2/9 and 2/10 Held vaccination clinics at Willcutt Commons for second doses for first responders. Total vaccinated = 64.

APPROVED

2/11 Held vaccination clinic at Willcutt Commons for people in Phase 1 and residents 75 years and older – vaccinated 93 people.

2/12 Randy Belanger RN, Captain with CFD is making home visits to vaccinate 11 homebound seniors.

Vaccine Update:

This week we did not receive any vaccine from McKesson even though an order was placed for 100 doses. Another order was placed on Monday for 100 doses – we will be notified today or Monday if we are receiving

vaccine next week. It appears that local allocations have been redistributed to the mass vaccination sites.

Willcutt Commons is set up and ready to vaccinate whenever vaccine becomes available.

Community Tracing Collaborative (CTC)

The CTC managed by Partner's in Health is now fully operational and accepting cases. CTC has rehired many of the contact tracers that were laid off in the spring. They will be working closely with colleges, universities, boarding schools, and local schools. CTC now reports that they are able to contact about 80% of cases within 24 hours.

Respectfully submitted,

Mary Goodwin

PUBLIC HEALTH NURSE REPORT WEEK ENDING 2/19/21

Total Number of confirmed COVID 19 cases: 333

Total number of Probable cases: 73

Number of cases recovered from COVID 19:

Hospitalized cases: 0

Deaths: 3

Contacts traced: 354.

Investigation and Surveillance: Ongoing case investigations are initiated within 24 hours of notification of a confirmed case. Contact is made with all probable cases within 24 hours if possible. At this point Mary Whitley is available and has received Maven training. She is assisting with case follow up and doing most of the cases at this point.

Calls/Meetings: Daily morning calls have been changed to Monday and Thursday which are held at 8:00 am – the Team consists of the Town Manager, Fire Chief, Police Chief, Emergency Manager, Health Agent, Public Health Nurse, HR Director, IT and Facilities Manager. The agenda is set by the Fire Chief and includes old business, new business and messaging. On Thursday, the call also includes School Superintendent, Elder Affairs, Procurement, and Recreation Department.

DPH call – every Tuesday and Friday

Mass DPH Maven updates – this call has been reduced to weekly on Tuesdays. Fridays have been added for questions only.

Vaccine Update:

APPROVED

2/16/21 Our MCVP survey was completed and submitted to MDPH requesting 200 doses of vaccine. We will receive an email later today notifying us if order will be filled.

MDPH has informed LBOH's that after 3/1/21 first dose requests will not be filled. Second doses will be filled. The push right now is for regional mass vaccination sites. We have partnered with Harborview Housing to vaccinate their residents.

Willcutt Commons is set up and ready to vaccinate whenever vaccine becomes available.

Community Tracing Collaborative (CTC)

The CTC managed by Partner's in Health is now fully operational and accepting cases. CTC has rehired many of the contact tracers that were laid off in the spring. They will be working closely with colleges, universities, boarding schools, and local schools. CTC now reports that they are able to contact about 80% of cases within 24 hours.

Respectfully submitted,

Mary Goodwin

MOTIONED BY:
SECONDED BY:
VOTE:

Ms. Doxey moved to adjourn the meeting at 8:15 P.M.
Dr. Pollastri
3-0 MOTION CARRIED



- Land Use Planning
- Civil Engineering
- Construction Permitting

February 11, 2021

Pamela Fahey
Town of Cohasset Board of Health
41 Highland Avenue
Cohasset, MA 02025

RE: **Request for Variances-Animal Permit Application for Two Horses
306 and 312 Forest Avenue**

Dear Pam:

The purpose of this correspondence is to accompany an Animal Permit Application to maintain two horses and to request, on behalf of homeowners, variances for three of the dimensional requirements set in the Rules and Regulations Governing Horses, Stables, Cloven-Hoofed Livestock, Fowl and Poultry. The variances requested are namely for providing approximately a 2' setback to the front property boundary where 30' is required, providing a 2'± setback to the limit of right-of-way (9'± setback to the paved traveled way) where 30' is required and providing 12'± to the proposed locus guest house and less than 100' to the locus dwelling and the dwelling across the street at 299 Forest Avenue.

The front yard is the ideal location for the proposed corral because it is the only area of the property that offers a relatively flat pasture that is large enough for the horses to run and exercise which is critical to the well-being and health of the animals. Recommended horse-riding arena sizes are 80' wide x 200' long and 60' wide by 120' long. The corral as shown with its front 2' set back from the front property line is approximately 83' wide measured from the front of the barn and 138' long. This corral layout avoids the nearby ledge outcroppings and allows the preservation of a large beech tree within its confines. It also provides sufficient space to temporarily section off areas in the corral for controlled growth and grass intake. Strict adherence to the dimensional requirements (30' setback to property lines and streets and 100' to dwellings) would render the front yard, which is the only suitable location for a corral on the site, unfeasible for corral use. It is the homeowners' intent to maintain as many of the mature trees between the front of the corral and the street as possible to provide screening from the public way. The homeowners have reached out to their neighbors and have received positive feedback for their project thus far.

A check for \$95.00 made payable to the Town of Cohasset, a copy of the abutter notifications, abutters lists and proof of mailing via certified mail return receipt requested, management plans that address manure, vector, predator and noise, and a Site Plan showing all pertinent information are included in this submittal. We look forward to the Board of Health's consideration of the homeowner's request at their next available hearing on March 3, 2021. Please do not hesitate to contact us with any questions.

Sincerely,

CAVANARO CONSULTING, INC.

John C. Cavanaro, P.E.
Managing Principal

Cc: D. and K. Bliss / File 20.141

Tel: 781-659-8187 • 687 Main Street • Norwell, MA 02061

March 2, 2021

VIA ELECTRONIC MAIL & BY HAND

Daniel and Kelly Bliss
306-312 Forest Avenue
Cohasset, MA 02025
kbliss@teladochealth.com

Re: Application for Stable License, Board of Health variances, and keeping of livestock/farm animals in residential district

Dear Mr. and Mrs. Bliss,

I am writing on behalf of your immediate abutter, the Weissman family, at 110 Black Rock Road. I am a land use and permitting attorney, and also happen to be a Cohasset resident.

The Weissman's were first made aware of your plans to construct a horse barn, run, and paddock area to keep two horses on your property on or about February 4, 2021, when they received a letter in the mail notifying them of your Stable Permit application. This notice only indicated that you had made an application to the Board of Health. This notice did not indicate that your plans required one or more variances from the Board of Health, nor did it indicate the manner in which you intended to satisfy the zoning requirements for keeping livestock/farm animals on your property in a residential district, where there can be "no noise or odor [] observable at the lot line[s]". Significantly, the Weissman's never received the second required notice (required by the Board of Health notice regulations for variances) that should have made the Weissman's aware of the date of the Board of Health hearing and also should have laid out and described in detail the variances you were requesting and your reason for making this request. By chance, the Weissman's did ultimately learn of the date of the Board of Health hearing this Wednesday when speaking with the Board of Health Director last week.

The Weissman's have several reasonable concerns in response to your desire to keep two horses on your property:

- First, despite your approximately 1.8 acre property with multiple dog-legs, you are proposing to site the horse barn, horse run, and paddock area as close as possible to the Weissman's property, and notably, as far as possible from your own dwelling. Specifically, you are proposing to site the horse paddock – where the horses will presumably graze, eat, and eliminate for several hours of most days – in the spot closest to the Weissman's backyard and improved patio area that includes an outdoor kitchen, and barely 100 feet from the back entrance to their house. This design places the impact

on your neighbors in order to make room for a garage, pool, patio, and sport court nearest to your own dwelling;

- The nearness of two horses right beside their backyard and near to their home creates multiple health hazards for the Weissman's and also creates a legally cognizable nuisance:
 - Bacteria and other related hazards from the approximately 30 pounds of horse manure expected to be eliminated by each horse on a daily basis;
 - Insects and other vectors attracted to the horses and the horse excrement;
 - The smell of the horses, the manure, and the urine from the paddock area will sit directly up-wind from the Weissman's with a regular prevailing wind coming off the ocean;
 - The noise created by the horses throughout the day (and potentially the night) will carry up-wind to the Weissman's at all hours;
 - The dust and dirt kicked loose by the horses will also carry up-wind to the Weissman's; and
 - The keeping of the horses in a paddock area directly beside the Weissman's backyard and directly abutting the heavily pedestrian travelled sidewalk along Forest Avenue creates a danger if the horses were to break free from the enclosure or be inadvertently let out not only to the Weissman's but to all passersby.

In light of these many, reasonable, concerns, and the fact that the Weissman's were not properly notified of the upcoming Board of Health hearing, I suggest that you rescind your pending application to the Board of Health, reconsider the siting of the barn, run, and paddock, and *if* there is an alternative location that does not create a similar nuisance and hazard to another of your abutters, the Weissman's are willing to discuss whether there is an alternative proposal that would not create the same cause for concern, and they would be happy to discuss such an alternative with you; notably, such an alternative would have to include a plan – including, regular monitoring – for waste, vector, and odor management. As a matter of law, I doubt whether your property, in such a tightly settled neighborhood, can satisfy both Board of Health regulations and zoning requirements, but the Weissman's are willing to hear you out.

Please note that a copy of this letter is being sent to the Director of the Board of Health and the Town Building Inspector. If this matter is heard before the Board of Health's public meeting on Wednesday, I will appear and will speak on behalf of the Weissman's.

Please do not hesitate to reach out if you have any questions. 617-338-2420.

Thank you,

/s/ Jennifer R. Schultz

Jennifer R. Schultz, Esq.
Partner, Sullivan & Worcester

cc: Pam Fahey, Director, Cohasset Board of Health (*via e-mail*)
John Hallin, Director of Planning, Permits & Inspections (*via e-mail*)
Gregory Weissman