



BOARD OF HEALTH
July 20, 2021

The meeting was in Room 9 of the Town hall and was called to order at 5:30 p.m. Present were, Elizabeth Sabounjian, Dr. Dan King, Dr. Jane Williams and Shelly Newhouse, Director of Public Health. Also present for the public hearings was Chris Sullivan, Animal Control Officer (ACO)

Our next regularly scheduled meeting is on August 3, 2021.

Public hearings

6 West Street – application for 5-10 chickens

The applicant Jennifer Erickson is applying for 10 chickens. The ACO conducted his inspection and has given a favorable recommendation. The applicant submitted a very detailed application. There were no negative comments or concerns from abutters. One neighbor was present and had no concerns and is in favor of the permit. Dr. King motioned to approve the application for up to 10 chickens, Dr. Williams, seconded, and voted approved 3-0.

53 Washington Street – consideration for revocation of the animal permit for a rooster

The Director described that since granting a variance for the rooster at this property at the March 2, 2021 meeting the ACO has received many complaints from abutters regarding the noise from the rooster. The Director read into the record a written complaint from Lori Giorlando. Chris Sullivan, ACO presented the Board with a detailed list of complaints since March 2, 2021. Most complaints were made anonymously. The coop is well maintained and there are no issue for the chickens. He has observed the rooster crowing, as roosters do. Michelle and Eusebio Gomes, the applicants at 53 Washington Avenue were present and described the rooster, Foghorn as the emotional support rooster for their autistic son. They said It crows every morning between 5:15 – 5:45 am and then again at 7:00 am – 7:30 am when it's fed. The rooster does crow for attention when it wants food and sees visitors. They also described all the various mitigation measures they have taken, both on the ground with the rooster and administrative, to reduce the noise. Dr. Williams asked how old the rooster is and it is less than a year old.

Abutter comments:

George Katz, 55 Washington Street, said the rooster crows at 4:00 am, 5:00 am, and at 6:00 am and wakes his family up from sleeping. It is a noise nuisance.

William Giorlando, 4 Stone Street, has no issue with the chickens, it is just the rooster. He said it crows every 15 minutes very early in the morning and is annoying.

Domenic Dimeo, 8 Stone Street, said his is very hard of hearing and although he cannot hear the rooster, he supports the chickens being on the property.

Stephen Brennan, 2 Stone Street, said the rooster crows very early in the morning and is a nuisance.

Ms. Gomes refuted the claims that the rooster crows at 4:00 am, by saying that she is up every day at that time and does not hear it.

Dr. Williams described that she understands the help that their son receives from the rooster. This is a very difficult situation and the Gomes have done everything they found possible to alleviate the noise However, it is not enough. Dr. Williams did some research on places that would take the

rooster and allow the son to visit. That could be an option. Dr. Williams noted that the reality is the neighborhood is suffering and she would have to vote to revoke the permit which is a very hard decision to make.

Ms. Sabounjian stated that Wilmington has its regulations prohibiting roosters for this very reason. She had hoped that when the permit was originally approved that this situation would not result in this way. But we have to have consistency in the community for everyone's public health welfare. Regardless of how she feels personally she has to wear her hat as Chairman and with deep regret she would vote to revoke the permit.

Dr. King, stated that as the junior member of the Board with the shortest tenure this is the first time he has encountered a situation like this. He was reluctantly optimistic when the Board first granted the permit. After listening to the neighbors and reading the complaints, he is in agreement that he would revoke the permit.

Dr. King motioned to revoke the permit for the rooster that was granted on March 2, 2021, Dr. Williams seconded, revocation of the permit, voted 3-0.

The Board and the Gomes discussed a deadline to rehome the rooster and the Board granted a few weeks to do so and to work with the Director and ACO in the timing and finding a new location for the rooster. Ms. Gomes agreed to keep the Director and ACO informed of the progress.

Department Business

Private Well regulations

The Director presented the Board with the latest draft regulations proposing changes to Section 6 of the Board of Health regulations. There was much discussion regarding the wording and what is and what is not included in the propose regulations and what is not. Instead of having a public hearing on the issue on August 3rd, the Board would like to have a working meeting with DEP and EPA to discuss the proposed changes if that is possible.

Coronavirus update

The Director updated the Board that there are currently 5 active positives in Town. 3 are breakthrough cases of fully vaccinated individuals.

Dr. King motioned to adjourn at 6:45 p.m., voted 3-0.

Recording:
Shelly Newhouse, Director of Public Health