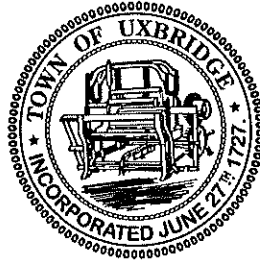


Michael Morrisette, Chairman
Dr. David Tapscott, Vice Chair
Dr. Joann Lindenmayer, Member
Nancy Centrella, Administrative Assistant
Dr. Kristin Black, Health Agent



TOWN OF UXBRIDGE
BOARD OF HEALTH
21 South Main Street, Room 204
Uxbridge, MA 01569
508-278-8600 ext. 8
boh@uxbridge-ma.gov

Minutes of the Uxbridge Board of Health meeting held on Wednesday, July 24, 2019 at 5:00 pm in the Board of Selectmen Meeting Room, 21 South Main Street, Uxbridge, MA

Present: Michael Morrisette, Chair, David Tapscott, Vice Chair and Joann Lindenmayer, Member
Also present, Kristin Black, Health Director, Nancy Centrella, Admin. Assistant and Shannon Gray, MDPH Intern

Meeting called to order: The time being 5:10 pm and the meeting duly posted with a quorum present, Chairman Morrisette called the meeting to order.

(The agenda was taken out of order)

1. Household Hazardous Program

We have started a new Household Hazardous Waste Program with NEDT in Sutton. Uxbridge residents will receive a 20% discount off of their regular prices. We have also funded the program with \$5000 from our professional services account to allow 100 Uxbridge residents (proof of residency required) up to \$50 to dispose of many hazardous items (see attached brochure).

2. MHOA Internship Grant Update

We were awarded a grant from the MA Health Officers Assoc. for \$1000 to pay Shannon Gray to continue as our intern for the month of Aug., 2019. She will be working on various projects including updating our new website. She will also be working with our Emergency Management Director on social media for CERT (Community Emergency Response Team).

3. Draft Comprehensive Emergency Management Plan

Michael Gallerani has an intern, Shane, who has been working on drafting a CEMP plan. It will be circulated to the Board when complete.

4. Clean-up Supplies for Events

We recently purchased some orange trash bags and trash pickers to be used at all future clean-up events. We may try to have a fall event as well as our annual spring clean-up day. We'll reach out to some of our volunteers to see if there will be any interest.

5. Revised Septic Fees (error from previously approved fees)

Under the Deep Hole / Percolation Tests category, they were previously combined as one fee but should have been 2 separate fees: "Deep Hole Soil Evaluation Only" fee is \$150; "Percolation Test Only" fee is \$250.

6. RSC Update

They now have five members, so they will be discussing becoming a standing committee in the near future. Also they may be assisting with the Green Communities grant once we have a permanent Town Manager. The committee is holding an event with Dudley's Dogs on August 14th for the public, educating everyone on the proper disposal of nip bottles.

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7. Abandoned Housing Initiative

Kristin recently issued 6 Orders to Correct for abandoned houses with visible state housing code violations that can be seen from the street. The Attorney General's office will be coming to town to tour the houses and the project will be handed over to them. They try to reach out to the owner to get the properties fixed up, or it will end up in the courts to take the property over.

(A motion was made to open the Public Hearing)

Motion: David Tapscott moved to open the Public Hearing to discuss revisions to Article XIV Minimum Sanitation Standards for Private and Semi-public Wells. Joann Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-0.

8. Discuss Revisions to Article XIV – Minimum Sanitation Standards for Private and Semi-public Wells

These regulations were last revised in 2006. Shannon Gray spoke about some of her suggested revisions (see attached) as this was her main project as the MDPH intern. She researched several other communities (Framingham, Sutton, Douglas, Northbridge) for this project. Some of the revisions include; change of ownership, setbacks, and secondary parameters. Dave Darling from Darling Well spoke about the type and size of the pipes he uses for wells. He also spoke on water quality and quantity and the process he uses for a new well. These red-line revisions will be sent to town counsel for review.

Motion: David Tapscott moved to open the Public Hearing to discuss revisions to Article IX Minimum Standards for the Keeping of Animals, Farm and Domestic Pets in Other than Stock Yards. Joann Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-0.

9. Discuss Revisions to Article IX – Minimum Standards for the Keeping of Animals, Farm and Domestic Pets in Other than Stock Yards

Joann discussed her proposed revisions (see attached). There are 5 different kinds of kennels. There are no requirements for these in our current regulations. Owners with 6 or less dogs will not be affected by the revised regulations. All kennels will still be licensed through the Town Clerk's office. Building codes may need to be looked at for standards of keeping animals. Current horse owners will be either be grandfathered or allowed a variance. These are not meant to regulate agricultural properties. Our current stable permits will also need to be revised. All of the revisions will be sent to town counsel for review.

CITIZEN'S FORUM

No public comment

ADMINISTRATIVE

Approval of Meeting Minutes: 5/22/2019

Motion: Joann Lindenmayer moved to accept the May 22, 2019 minutes as written. David Tapscott seconded and the motion was passed unanimously with a vote of 3-0-0.

ANY OTHER MATTER THAT MAY LAWFULLY COME BEFORE THE BOARD

Emergency Beaver Permit issued for BJ's Wholesale Club as it was determined to be a public health risk.

ADJOURNMENT 6:45 pm

The Public Hearing was continued to our next regularly scheduled meeting on August 28, 2019

Motion: David Tapscott moved to adjourn the meeting. Joann Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-0.

Attachments:

- Draft revised regulations to Article XIV
- Draft revised regulations to Article IX
- NEDT Brochure


Michael Morrisette, Chairman


David Tapscott, Vice Chairman


Joann Lindenmayer, Member

ARTICLE ~~XIV~~
MINIMUM SANITATION STANDARDS FOR PRIVATE AND SEMI-PUBLIC WELLS

Under Chapter 111, Section 31, of the Massachusetts General Laws, the Uxbridge Board of Health hereby adopts the following regulations to protect the health of residents of the Town of Uxbridge who are served by private and semi-public wells. These regulations replace any and all existing regulations previously adopted by the Board of Health regarding the construction and/or abandonment of wells, except as to those matters currently pending. Any condition that existed prior to the effective date of these regulations shall not be grandfathered or regarded as exempt from these regulations.

14.0 PURPOSE

These regulations are intended to protect the public health and general welfare of the residents of the Town of Uxbridge by ensuring that wells are constructed in a manner which will ~~protect the quality of the groundwater derived from private wells, public health by ensuring the potability of water, to ensure an adequate water supply and to protect the groundwater through appropriate construction of wells.~~

Commented [GSE1]: Sections being considered for revisions are found edited below. All other sections not specifically edited will not be impacted and plan to stay the same within the regulations.

14.1 DEFINITIONS

For the purpose of these rules and regulations:

AGENT means any person designated and authorized by the Board to execute these regulations.

APPLICANT means any person who intends to have a private well constructed.

AQUIFER means a water bearing formation or group of formations or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

BEDROOM means any room intended primarily for sleeping and consisting of floor space of no less than 70 square feet, electrical service, ventilation and at least one window.

BOARD means the Board of Health of the Town of Uxbridge, Massachusetts or its authorized agent.

CERTIFIED LABORATORY means any laboratory currently certified by the Massachusetts Department of Environmental Protection for drinking water. Provisional certification shall also qualify.

CROSS-CONNECTION means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other, water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

DRAWDOWN means the level of water in a well measured from the ground level at the end of the pumping test.

Commented [DPT2]: This more adequately explains and rewords the purpose

HYDROFRACTURING means a process whereby water is pumped under high pressure into a well to fracture the surrounding rock thereby increasing the well yield.

POTABLE WATER means water that is tested by a state certified laboratory and satisfies state drinking water standards for culinary and domestic purposes.

PRIVATE WATER SUPPLY means any water systems serving or intended to serve for human consumption or for domestic uses on one lot.

PRIVATE WELL means any dug, driven, or drilled hole with a depth greater than its largest surface diameter developed to supply water intended and/or used for human consumption and are not subject to regulation by 310 CMR 22.00, DEP drinking water regulations.

PUMPING TEST is a procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.

REGISTERED WELL DRILLER means any person registered with the Department of Environmental Management/Office of Water Resources Department of Environmental Protection to dig or drill wells in the Commonwealth of Massachusetts.

Commented [DPT3]: Referred to later in regs under quantity section i

REQUIRED VOLUME means the volume of water necessary to support the household's daily needs based on the number of bedrooms: Number of Gallons Needed Daily = (Number of bedrooms + 1) x (110 gallons/Bedroom) x 2 (safety factor)

SEMI-PUBLIC WATER SUPPLY means any water system serving or intended to serve water for human consumption or for domestic uses or purposes to multiple dwellings or two or more units or to more than one multiple dwelling under a single ownership and located on the same lot, and are not subject to 310 CMR 22.00 DEP drinking water regulations for Public Water Supply.

STATIC WATER LEVEL means the level of water in a well, measured from ground level, under non-pumping conditions.

YIELD means the volume of water produced by the aquifer into the well space in a specified time period.

WASTE SITE means any location at which there has been the disposal or discarding of garbage, refuse, sludge from a wastewater or water supply treatment plant, air pollution control facility and other materials including solid, liquid, semi-solid or contained gaseous material, resulting from industrial commercial, mining and agricultural operations. Waste site included a location at which there has been the disposal or discarding of hazardous waste, as defined by MA Department of Environmental Protection CMR 40.0000 (Massachusetts Contingency Plan).

Commented [DPT4]: This is referred to later in regs. This definition is taken from EPA and hazardous waste is referred to for completeness.

14.2 WELL CONSTRUCTION PERMIT

A. The property owner or his designated representative shall obtain a permit from the Board of Health prior to the commencement of installation, alteration or repair or decommissioning of a private well. Wells and irrigation wells from which the water is not intended for human or animal consumption or for the irrigation of foods or food ingredients are not exempt from the permitting process and must meet the same requirements as the drinking water well.

Commented [DPT5]: Agree we should keep this, but do we want to address the issue of lawn irrigation? Should we ignore, assuming safety issues such as making sure a lawn irrigation well does not serve as a potable water supply are too difficult to implement or enforce?

B. The application should include:

1. "Property owners name and address."
2. "Well drillers name and proof of valid MA certification."
3. "A plan with a specified scale, signed by a registered surveyor or engineer, showing the location of the proposed well in relation to existing or proposed above or below ground structures. Such plan shall include subsurface fuel storage tanks, public ways, utility right-of-ways and any other sources of potential pollution"

Commented [DPT6]: Incorporates other plan requirements noted in C items 1-6 in original regs.

A.C. All applicable building, plumbing or electrical permits must be obtained by the owner or his agent

Commented [DPT7]: NO need for this.

B.D. A permit application obtained from the Board of Health must be completed and accompanied by the appropriate plans. The plans should include but are not limited to:

1. Location of the proposed well.
2. Existing and proposed structures located above and below ground.
3. Subsurface fuel storage tanks
4. Public Ways
5. Utility right-of ways
6. Any other potential sources of pollution or contamination

Commented [DPT8]: Included in B. 3

Commented [DPT9]: Combined D and E

C. No wells shall be constructed, altered or repaired without an approved permit application from the Board of Health. The Board reserves the right to require decommissioning of any well installed in violation of these regulations.

Commented [DPT10]: Eliminated reference to location of well, which should require a new permit.

D. Each permit shall expire six (6) months from the date of issuance unless revoked for cause. Permits may be extended at the discretion of the Board of Health and provided that a written request is received by the Board of Health prior to the expiration date. No additional fee shall be charged.

Commented [GSE11]: (Palmer, 2015) (Medway, 2019) (Harvard, 2018)

G.E. Permits are not transferable in any instances. That includes a change in ownership or driller or location. If there is a change in driller, then the new driller is responsible for signing an authorization of this change with the Board.

Commented [GSE12]: If anyone is asking for the construction permit for any problem at all having it on hand would be much easier for proof of permit.

F. "Permit shall be on site at all times that work is taking place."

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14.3 WELL CONSTRUCTION AND LOCATION

A. Pursuant to 313 CMR 3.00, Water Well Diggers and Drillers Registration Regulations, no person in the business of digging or drilling shall construct a well unless registered with the Department of Environmental Management—Office of Water Resources—Department of Environmental Protection.

B. All wells shall be constructed in compliance with the recommendations of the latest edition of the Department of Environmental Protection Private Well Guidelines.

Commented [DPT13]: Do we really want to adopt all of the Guidelines as part of our regulations? There are lots of inconsistencies

C. In locating a well, the applicant shall identify all potential sources of contamination which exist or are proposed within 200 feet of the site. When possible, the well shall be located up-gradient of all potential sources of contamination and shall be as far removed from potential sources of contamination as possible, given the layout of the premises.

Commented [DPT14]: This is from DEP. Quite a high standard to achieve.

D. Each private well shall be accessible for repair, maintenance, testing, and inspection.

E. The proposed well must be located on the lot which it serves and must meet these minimum distance requirements:

Distance From	Feet
Leaching facility	100
Leaching reserve area/existing cesspool	100
Septic Tank	400 50
Any structure or dwelling	20
Property Line	10
Street	25
Driveway	25
Public/Private Way	25
Rights-of-Way	15
Distance From	Feet
Stable/manure storage	100
Storm drain	25
Underground storage tank	200
Wetland	50
Waste disposal site/landfill	1,000
Center line if extended vertically shall clear any projection from an adjacent structure by at least	5
Normal high-water mark of any lake, pond, river, stream, ditch or slough	25 laterally

Commented [GSE15]: Having the distance from the septic tank itself set to 100 feet is a challenge for many in Uxbridge. Title 5 (15.211 Minimum Setback Distances) and the surrounding towns have the distance set to 50 feet

Commented [GSE16]: (Douglas, n.d.) (NorthBridge, 2011) (Mendon, 2017)

F. Whenever possible, in new construction, private water systems must be located in areas above the 100-year flood plain

Commented [DPT17]: "Whenever possible" and "must" in the same sentence. Should we delete the former and if it is not possible to locate above the 100 year flood plain, grant a variance?

G. All lines from a well shall be:

1. located a minimum of 10 feet from a building sewer constructed of durable corrosion-resistant material with watertight joints, or 50 feet from a building sewer constructed of any other type of pipe.
2. Pressure water supply lines shall be installed at least 10 feet from and 18 inches above any sewer line.
3. Whenever water supply lines must cross sewer lines, both pipes shall be pressure tested to assure water tightness. "shall be constructed of class 150 pressure pipe and should be pressure tested to assure water tightness."

Commented [GSE18]: (MassDEP, 2018) (Palmer, 2015) (Sutton, 2016)

Commented [GSE19]: a) The DPH guidelines state Title 5 'recommends' the 150-pressure pipe. b) Both Palmer and Sutton require 150-pressure pipes.

H. The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above or to increase the above distances when the Board deems it necessary. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.

H. The Board of Health may refuse to issue a permit if it deems that the locations of the proposed well will unreasonably interfere with the probable future installation or repair of a septic system on a neighboring lot of land, or for any reason which may be contrary to sound public health policy as determined by the Board of Health.

Commented [DPT20]: Reorganized G and H to combine in one section.

Commented [DPT21]: What does this mean? I don't see how we can determine "probable future installation"? Is this to protect the rights of adjacent property owners?

1. This doesn't make sense - Town Council

- I. No person shall allow the connection of any building, or other facility, to the municipal water supply and to a private supply concurrently. Such constitutes a cross-connection and is prohibited.
- J. When the Board of Health determines that the supply of potable water from privately operated wells may be jeopardized with respect to drinking water quality and/or supply due to prolonged drought and potentially affect the health of those using such wells, the use of private wells for irrigation purposes may be prohibited until such time as the Board determines.
- K. The Board of Health may require the connection to a municipal water line, where available, when it determines that the supply of potable water from a private well may be jeopardized with respect to drinking water quality and the potential health effects to those using said well the water supply from a private well may not meet standards of potability contained in this regulation.

Commented [DPT22]: This means we will be enforcing lawn watering on lots not on municipal water

14.4 WATER QUALITY

- A. Before use or after a repair or alteration, or in the case of new construction, before the issuance of a building permit, the well water must be tested by a laboratory that is certified by the Department of Environmental Protection to test drinking water for the parameters analyzed. All analyses shall be performed in accordance with US EPA methods for drinking water analysis.
A water sample shall be collected either after purging three (3) well volumes or following the stabilization of the pH, temperature and specific conductance in the pumped well. The water sample to be tested shall be collected at the pump discharge or from a disinfected tap in the pump discharge line. In no event shall a water treatment device be installed prior to sampling.

Commented [GSE23]: (Palmer, 2015) (Douglas, n.d.)

Commented [DPT24]: Why is the purging of the well volume x 3 needed? Should talk to well driller.

Commented [DPT25]: This outlines our responsibility in reviewing the test, which we in the past have not often observed.

Commented [DPT26]: Clarifies what is meant by "did not pass"

- B. The laboratory performing the testing must collect such samples. The original results of the water quality tests, chain of custody, and verification of the laboratories certification for the parameters analyzed must be submitted directly to the Board of Health within four weeks of sampling. In no event shall a water treatment device be installed prior to sampling. The Board or its agent shall review the water quality test in a timely manner and determine whether to issue a Water Supply Certificate (see Section 14.6).

Commented [DPT27]: Tried to clarify what constitutes approval of a WSC and standard on which that approval is based. Parameters in E also include Secondary parameters.

- C. If the initial test did not pass is reviewed and it is determined that a Water Supply Certificate will not be issued based on water quality, and a filter or other treatment system is necessary, a second representative sample for laboratory analysis must be collected in accordance with Section 14.4 (B) above after the treatment system is installed. The second sample shall be retested for all failed parameters which resulted in the decision to not issue the Water Supply Certificate, plus any other parameters deemed necessary by the Board.

Commented [GSE28]: a) When comparing surrounding towns, laboratory water testing packages and state regs it seems we have some extra parameters we are testing for and may be able to exclude unless they are on the list for a specific reason regarding Uxbridge.
b) The elements listed for proposed deletion are not seen on the 'Be Well Informed' website fill in sheet. (Drinking Water Program, 2019)

- D. The US EPA Drinking Water Standards for Primary and Secondary Drinking Water Maximum Contaminant Levels (MCL's) and Mass DEP Guidelines shall be used as the guidelines for private water supplies. A water quality test indicating the results of all parameters listed in Section E shall be submitted to the Board prior to issuing a certificate of occupancy a Water Supply Certificate and signing an occupancy permit. A Water Supply Certificate shall be issued only if all Primary MCL's are not exceeded.

Commented [GSE29]: Proposed addition- Manganese:

- E. The following parameters shall be tested:
 - 1. A Comprehensive Water Quality Scan that includes:

a. Total Coliform Bacteria	i. pH
b. Turbidity	m. Sulfate
c. Arsenic	n. Total Dissolved Solids
d. Copper	o. Ammonia
e. Lead	p. Potassium
f. Nitrate	q. Chlorine
g. Nitrite	r. Conductivity
h. Sodium	s. Hardness
i. Chloride	t. Magnesium
j. Color	u. Calcium
k. Iron	v. Alkalinity
	w. Radon
	x. Manganese
	y. E. Coli

a) "These health effects include behavioral changes and other nervous system effects, which include movements that may become slow and clumsy. This combination of symptoms when sufficiently severe produces a syndrome that resembles Parkinsonism." (ATSDR, 2012)
b) "Studies in children have suggested that extremely high levels of manganese exposure may produce undesirable effects on brain development, including changes in behavior and decreases in the ability to learn and remember." (ATSDR, 2012)

Commented [GSE30]: Proposed addition- E Coli:
After calling around to several labs, E. Coli is part of the basic package- listed separately from Total Coliform.

2. Volatile organic compounds (VOC's) (using EPA method 524.2)

F. Testing for additional elements or potential contaminants may be required at any time at the discretion of the Board of Health

G. High concentrations of nitrate, chloride, and ammonia could indicate that a well is drawing in septic effluent. Further testing of VOC's may be requested by the Board of Health

H. High concentrations of iron, manganese, total dissolved solids, nitrogen (as ammonia or nitrate) and hardness could indicate that a well is drawing in landfill leachate. The Board of Health may request further testing of regulated and unregulated VOC's.

I. Testing for radon shall be by EPA method 913.0 or other method approved by the US EPA or MA DEP. High concentrations of radon may constitute an increased risk of cancer for those in a home where this water is used.

J. The Board of Health may require that any well drilled within 500 feet of a landfill, waste site, or 21E site may be required to conduct water quality analysis of synthetic organic chemicals (SOC's)

K. The US EPA Drinking Water Standards for Primary and Secondary Drinking Water Maximum Contaminant Levels (MCL's) and Mass DEP Guidelines shall be used as the guidelines for private water supplies.

L. All costs and laboratory arrangements for collections of water samples and testing are the responsibility of the applicant.

M. Semi-public water supplies serving rented or leased property may be subject to additional water quality testing at the discretion of the Board of Health.

14.5 Rented Leased or Change of Ownership

A. Property Rentals

1) "The owner of every well used for drinking water serving a property which is rented or leased shall have its water tested at a Massachusetts certified laboratory at a minimum of once (1) a year for coliform bacteria, E Coli bacteria, nitrate, nitrite, pH, sodium and iron."

2) "The owner of the rental property shall post results of all water quality tests and possible health effects within the main lobby of front entry window of the apartment. Making results available to all tenants of the property and the Board of Health."

B. Change of Ownership

1) "Prior to selling, conveying, or transferring title to the real property, the owner shall have tested the water of every private drinking water well serving the property. This water quality test shall have been performed not more than one (1) year prior to transfer of property. Results of the water quality testing shall be submitted to the Board of Health prior to property transfer – Exemptions adopted from Title Five 15.301 (4d) Exclusions section can be followed here."

2) "In addition, the owner shall give copies to all water test results of which he/she has knowledge (regardless of age of results) for the private drinking water in question to any buyer and/or broker identified with the transfer, and any current and future tenants of the property. In the event that there is no buyer at the time the water is tested, a copy of all water test results must be given by the owner to the buyer within 10 days of the property being put under agreement."

C. Responsibilities of Realtors and Mortgage Lenders

1) "Any real estate agent, broker or other person representing the owner(s) of a residential property which is served by one or more Private Wells and offered for sale, shall provide that property owner with a copy or summary of this regulation."

2) "Any banker, mortgage lender or other person accepting a loan application from the prospective buyer of a residential property served by one or more Private Well should provide that person with a copy or summary of this regulation."

14.6 WATER QUANTITY

A completed Department of Environmental Management Well Completion Department of Environmental Protection report shall be submitted to the Board of Health by the driller within 30 days of drilling the well. The results of the pump test and water quality test must be received and reviewed by the Board of Health prior to use of the water supply

A.

Commented [DPT31]: These sections seem unnecessary since they are covered under section F.

Commented [DPT32]: Also seems unnecessary to define reasoning behind certain parameters but not others within the body of a regulation.

Commented [DPT33]: Incorporated into Section D

Commented [GSE34]: •There is no current section in Uxbridge regulations that touches upon this subject.

•The below points are in reference from:

Palmer, Reading, Medway, Buckland, Claremont, Gill, Hawley, and Leyden all adopt these same or similar rented/leased/change of ownership regulations.

(CPHS, n.d.) (Palmer, 2015) (Reading, 2012) (Medway, 2019)

Commented [GSE35]: a) This is important to keep renters safe; it is the landlord responsibility to keep the renters drinking water up to the standard for being safely ingested.

b) Not requiring a full testing of all parameters to be done every year but requiring this subset of more common/more harmful to be done yearly.

Commented [GSE36]: Posting results in the front window or within the lobby may make it easier for them to be available for all tenants or anyone touring the property. Tenants should have the right to know what possible health effects come with these contaminants since some individuals may not understand the results.

Commented [DPT37]: Should we also issue a new WSC if we are going to review? Otherwise, why are we asking for the test to be submitted?

Commented [GSE38]: a) The Title Five Exemptions can be found in section 15.301 (4d). This would disregard this regulation when the transfer is between the following relationships:

- (1) Between current spouses
- (2) Between parents and children
- (3) Between full siblings

(4) Where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of th ... [1]

Commented [GSE39]: (Framingham, 2015)

Commented [GSE40]: a) This could help to make sure that all property owners know they are supposed to have their well water tests up to date before the sale of the home. There d ... [2]

Commented [GSE41]: (NorthAttleboro, 2017)

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Commented [GSE42]:

Commented [DPT43]: Include In Section A for clarity. Do not refer to quality under quantity section

B. Required volume or 24 hour yield: the well must be documented by pump test to have a daily yield at least as great as the required volume of water defined by the number of bedrooms, as follows: Number of Gallons Needed Daily = (Number of bedrooms +1) x (110 gallons/Bedroom) x 2 (safety factor)

Commented [DPT44]: The Guidelines consider peak demand in determining "required volume". We consider total yield over 24 hours based on testing done over a less than 24 period of time.

C. All wells shall be tested in the following manner:

Commented [DPT45]: Included for clarity under section C

Commented [DPT46]: This means that at least 1100 gallons must be pumped during the test for a 4 bedroom house.

1. The well shall be pumped for a minimum of four (hours).
2. The well must be capable of producing an amount greater than .5 gpm.
3. The depth of the well, the pre-pump static level, and draw down level shall be measured from ground level.
4. At least the Required Volume must be pumped during the test.
5. Following the pump test the water level recovery must be documented at a time interval no more than 24 hours after the termination of the pump test. The recovery depth measured from ground level and the time interval of the measurement from termination of the pump test shall be recorded.
6. Following the pump test the water level in the well must be shown to recover to within 85% of the pre-pumped static water level within a 24-hour period.

24-Hour Yield: The aquifer supplying the well must be documented to yield water (gallons/day) into the well at a rate of sufficient to produce the required volume in a 24-hour period.

24-hour yield calculation based upon pumping phase:

24 Hour Yield = [() gal./minute x () hrs. pumped x 60 min./hr - () ft. draw down x 1.5 gal./ft.] x 24 hr () hrs. pumped

Yield calculation based on recovery phase:

24 hour Yield = [draw down (ft) - recovery depth (ft)] x 1.5 gallons/ft x 24 hours ÷ Required Volume Recovery Time (hours)

24-hour yield calculation:

- (1) "The volume of water necessary to support the households daily need shall be determined using the following equation: (number of bedrooms plus one) x (110 gallons per bedroom) x (safety factor of 2)"
- (2) "The storage capacity of the well shall be determined using measured static water level and the depth and radius of the drill hole or casing = (standing water in feet) x (gallons per foot)"
- (3) "The required volume shall be calculated by adding the volumes of water in part one (1) and part two (2) above. It is this volume of water that must be pumped from the well within a twenty-four (24) hour period."
- (4) "Following the pumping test, the water level in the well must be shown to recover to within eighty-five (85) percent of the pre-pumped static water level within a twenty-four (24) hour period."

Commented [GSE47]: a) The updated equation will be in steps rather than the one big equation currently being used by Uxbridge

Commented [GSE48]: •Uxbridge 24-hour calculation can be complicated to understand. The state guidelines, Palmer and Sutton all follow this calculation in their regulations.
•The following updated equation is found through these resources:

(MassDEP, 2018) (Palmer, 2015) (Sutton, 2016)

24-hour yield examples:

- (1) "Example 1: For a 1-bedroom house with a well that is eight (8) inches in diameter and contains 200 ft. of standing water:
 - (a) (1) (1 bedroom + 1 bedroom) = (2 bedrooms) x (110 gallons per bedroom) x (2) = 440 gallons needed daily.
 - (b) (2) the volume of an 8 inch well is 2.60 gallons for every foot of length. Therefore, (200 ft. of standing water) x (2.60 gal./ft.) = 522 gallons.
 - (c) (3) 440 gallons + 522 gallons = 962 gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity.
- (2) Example 2: For a 4-bedroom house with a well that is six (6) inches in diameter and contains 100 ft. of standing water:
 - (a) (1) (4-bedroom house + 1 bedroom) = (5 bedrooms) x (110 gallons per bedroom) x (2) = 1100 gallons needed daily.
 - (b) (2) the volume of a 6 inch well is 1.48 gallons for every foot of length. Therefore, (100 ft. of standing water) x (1.48 gal./ft.) = 148 gallons.
 - (3) 1100 gallons + 148 gallons == 1248 gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity."

Commented [DPT49R48]: Our current regulations take the GPM and SUBTRACT the amount of water in the draw down observed during the test. They do not consider the storage capacity of the well casing itself. What you have suggest adopting from the Guidelines and used by other towns makes more sense.

Our present regulations also have the amount pumped during the test to be extrapolated over a 24 period to determine the total 24 hour capacity. For example, the GPM x 60 min per hour = GPH x 24 hours/day x 6 (if test is run for 4 hours) = GPM x 240 to give you GPD. Again, what you have suggested makes more sense.

Commented [GSE50]: a) Examples section-easier for public to understand further. The following examples are straight from the DPH Guidelines.

The results of the pump test and water quality test must be received and reviewed by the Board of Health prior to use of the water supply.

Commented [DPT51]: Include In Section A

The well must be capable of producing an amount greater than .5 gpm.

Commented [DPT52]: Include under section C

TABLE 2
FLOW VOLUMES IN GALLONS PER MINUTE AND CORRESPONDING FLOW VOLUMES IN GALLONS PER DAY

Flow Volume (gpm)	Flow Volume (gpd)
0.3	432
0.4	576
0.5	720
0.6	864
0.7	1008
0.8	1152
0.9	1296
1.0	1440
1.5	2160
2.0	2880
2.5	3600
3.0	4320
3.5	5040
4.0	5760
4.5	6480
5.0	7200

14.7 6 WATER SUPPLY CERTIFICATE

A. The issuance of a Water Supply Certificate by the Board shall certify that the private well may be used as a drinking water supply. A Water Supply Certificate must be issued for the use of a private well prior to the issuance of an occupancy permit for an existing structure or prior to the issuance of a building permit for new construction which is to be served by the well.

B. The following shall be submitted to the Board of Health to obtain a Water Supply Certificate:

1. A well construction permit.
2. A fully completed copy of the Water Well Completion Report as required by the Mass DEP, DEM Office of Water Resources (313 CMR 3.00).
3. A copy of the Pumping Test Report required pursuant to Section 14.5 of these regulations.
4. A copy of the Water Quality Report required pursuant to Section 14.4 of these regulations.

Commented [GSE53]: No longer DEM Office of Water Resources.

C. Upon the receipt and review of the above documents, the Board shall make a final decision on the application for a Water Supply Certificate. A final decision shall be in writing and shall comprise of one of the following actions:

1. Issue a Water Supply Certificate
2. Deny the applicant a Water Supply Certificate and specify the reasons for the denial.
3. Issue a conditional Water Supply Certificate with those conditions which the Board deems necessary to ensure fitness, purity and quantity of the water derived from that private well. Said conditions may include but not be limited to requiring treatment or additional testing of the water.

14.8 7 DECOMMISSIONING REQUIREMENTS

A. The property owner shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged. Only registered well drillers may plug abandoned wells, test holes, or borings.

B. The owner of a private well shall decommission the well if the well meets any of the following criteria:

1. Construction of the well is terminated prior to completion of the well.
2. The well owner notifies the Board that the use of the well is to be permanently discontinued.
3. The well has been out of service for at least three (3) years.
4. The well is a potential hazard to public health or safety and the situation cannot be corrected.
5. The well is in such a state of disrepair that its continued use is impractical.

- 6. The well has the potential for transmitting contaminants from the land surface into an aquifer or from one aquifer to another and the situation cannot be corrected.
- C. The well shall be filled with neat cement grout, sand cement grout, concrete or bentonite grout, or in such a manner as to prevent it from acting as a channel for pollution into the groundwater, and in compliance with the recommendations in the latest edition of the Department of Environmental Protection Well Guidelines.
- D. Proof of decommissioning (i.e. itemized receipt) must be provided to the Board of Health within thirty (30) days of completion.
- E. No person shall allow a well to be left uncovered or in an unsafe condition.

14.9.8 MORATORIUM

- A. There shall be a moratorium on new wells and blasting, within a 3,000-foot radius and for an indefinite period of time, from the junction of Kempton Road and the Millville town line.
- B. Blasting performed as part of the process of providing Town water to affected homes within the 2,500-foot radius will be exempt from Section 14.8 A.

14.10.9 VARIANCES

The Board of Health may vary the application of any provision of these regulations to any particular case when in its opinion the enforcement thereof would manifest an injustice, provided that the decision of the Board of Health shall not conflict with the spirit of these regulations and the applicant has proved that the same degree of public health and environmental protection can be achieved without strict application of a particular provision(s). The applicant for any variance shall pay for any advertising and/or mailings required for processing the variance.

14.11.0 ENFORCEMENT AND PENALTIES

- A. Any member of the Board of Health or its agents, or other person designated by the Board of Health, may enforce this section. Any violation of this regulation, or the regulations of the Department of Environmental Protection or of the Laws of the Commonwealth of Massachusetts by the permittee shall be grounds for suspension, modification, or revocation of the permit.
- B. Criminal complaint. Whoever violates any provision of these rules and regulations may be penalized by complaint brought in the District Court or Housing Court. Each day on which a violation exists shall be deemed to be a separate offense.

14.12.1 SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect, and to the end the provisions of this Code are hereby declared separable.

14.13.2 FEES

A check made payable to the Town of Uxbridge to cover current applicable fees. In the event a well is installed, altered or repaired before a well permit is obtained, there will be an additional fee for the well permit.

14.14.3 EFFECTIVE DATE

These regulations were adopted by vote of the Uxbridge, Massachusetts Board of Health, at their regularly scheduled meeting held on April 5, 2002 and are to be in full force and effect on and after April 5, 2002. Before said date, these regulations shall be published and a copy thereof be placed on file in the Board of Health Offices and filed with the Department of Environmental Protection, Division of Wastewater Management (formerly Division of Water Pollution Control) in Boston. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.

14.15.4 DISCLAIMER

The issuance of a well permit shall not be construed as a guarantee by the Board or its agents that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.

a) The Title Five Exemptions can be found in section 15.301 (4d). This would disregard this regulation when the transfer is between the following relationships:

- (1) Between current spouses
- (2) Between parents and children
- (3) Between full siblings
- (4) Where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor.

a) This could help to make sure that all property owners know they are supposed to have their well water tests up to date before the sale of the home. There could now possibly be penalties if they disregard the regulation and sell a home that has contaminated well water or the last well test being over a year prior.

b) This would also help the buyers to know their rights in getting an up to date water test done before finalizing the purchase of a home (up to the buyer if they read the copy/summary given to them).

RULES AND REGULATIONS RELATIVE TO THE EXHIBITION, RAISING AND KEEPING OF ANIMALS WITHIN THE TOWN OF UXBRIDGE

SECTION 1: AUTHORITY

This Regulation is pursuant to the authority granted to the Uxbridge Board of Health by **Massachusetts General Laws (M.G.L.) Chapter (c.) 111, Section (§) 31**, which provides that "Boards of Health may make reasonable health regulations," and **M.G.L. c. 111, §155**, "Licensing of stables in large cities and towns."

- a. The provisions of this regulation shall be interpreted in accordance with **M.G.L. c. 140§§136-174E**. In the event of a conflict between these regulations, or any provisions thereof, the General Laws shall take precedence.
- b. In the event that one or more portions of these regulations are deemed invalid, the remaining ordinances or portions of ordinances shall remain in full effect.
- c. The definitions contained in **MGL. c. 140 §136A** are incorporated by reference, and apply to this chapter where applicable, except when otherwise specified below.

SECTION 2: PURPOSE

- a. As the Uxbridge Board of Health is responsible for the protection of public health, safety and welfare in Uxbridge, and the health of the public is dependent upon the health and welfare of animals and the environment, these regulations are promulgated to provide for the orderly licensing and regulation of domestic animals, to provide minimum standards for their well-being and safe keeping, to prevent and/or punish the improper care and training of said animals, to assist planning for potential disaster and bioterrorism events, and to enable residents to have the opportunity to participate in the growing national trend for responsible, small scale agricultural production and commercial enterprises involving animals that do not meet the definition of commercial agriculture.
- b. Nothing in this regulation shall be construed as preventing the provision of more than minimum standards for the keeping of animals as defined herein.
- c. This regulation is not intended to regulate the use of land for commercial agriculture as defined by the **Uxbridge Zoning Law**.

SECTION 3: SUPPLEMENTARY DEFINITIONS

For the purpose of these regulations the following words shall have the following meanings:

Abutter: Owners of the abutting land or property within three hundred (300) feet of the Applicant's property line. A person will only qualify as an abutter, for the purpose of this regulation, if he or she possesses an ownership interest in the abutting land or property.

Commented [O1]: For ZBA comment

Animal: Any live vertebrate or invertebrate species, domesticated or wild, excluding Homo sapiens, but including the following: companion animals as defined herein; research laboratory animals otherwise regulated; and non-exempt wild animals as regulated by M.G.L. c. 131 §23 and Code of Massachusetts Regulations Title 321 9.00 (C.M.R. 321 9.00), "Exemption List."

Animal control center: any facility or shelter operated by or on behalf of the Town of Uxbridge for the purposes of impounding and caring for animals held under the authority of this regulation or the laws of the Commonwealth of Massachusetts.

Municipal Animal Control Officer: any person designated by the Town of Uxbridge to enforce this chapter or sections 137 to 174E, inclusive, or M.G.L. c. 140. Agents of an animal control center as defined in this chapter shall also be considered animal control officers.

Animal Structure: Any structure used to house, shelter or contain domesticated animals including, but not limited to stables, barns, pens, piggeries, coops, cages, hutches, and kennels.

Applicant: A person who applies for a permit to keep one or more animals or to erect a stable/barn pursuant to this regulation.

Barn and Animal Inspector: The Municipal Barn and Animal Inspector serves as an agent of the Massachusetts Department of Agricultural Resources (MDAR) and is directed to conduct annual inspections at any property in town that houses livestock or poultry.

Commented [O2]: But he works for the BolI so how to reference this?

Board of Health or "the Board": The Uxbridge Board of Health and/or its designated agent(s).

Commercial agriculture:

Commented [O3]: Find and insert definition

Commercial animal establishment: any stable, kennel, shelter, pet shop, auction, riding school, zoological park, circus or animal exhibition where animals are housed, maintained and/or raised for the purposes of making or intending to make a profit.

Companion animal: Animals that are primarily kept indoors for non-agricultural, noncommercial purposes, including but not limited to dogs, cats, ferrets, pot-bellied pigs, fish, domesticated or exotic birds, guinea pigs, rabbits, hamsters, and mice.

Corral: Any pen or enclosure for confining one or more animals.

Department: the Massachusetts Department of Agricultural Resources

Dog license: A permit to keep a dog that is conferred upon a resident of the Town of Uxbridge by the Town Clerk after all conditions for licensing have been met.

Domesticated animals: Animals of a species of vertebrate that have been domesticated by humans so as to live and breed in a tame condition and which depend on humankind for survival. Domesticated animals shall include, but not be limited to any equine or bovine animal, burro, llama, goat, sheep, swine, dog, cat, rabbit, poultry or other domesticated beast or bird.

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

Education: non-profit groups, institutions or individuals who engage in teaching and instructing with intent and the effect of imparting knowledge to others through oral presentations and/or written hand-outs, the sole purpose of which is to teach without entertainment, or entity deemed educational by the Animal Control Officer, in consultation with the Board of Selectmen.

Entertainment: any organization which uses animals to perform tricks or participate as accompaniments in performances for the amusement of an audience.

Facility: The total accommodations to be used for the keeping and care of one or more animals, including but not limited to land and any accessory or animal structure such as, but not limited to one or more barns, stables, pens, piggeries, coops, cages, hutches, and kennels.

Euthanize: to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the **American Veterinary Medical Association *Guidelines on Euthanasia***.

Fencing: Enclosure material installed for the purpose of privacy or animal containment.

Generally acceptable agricultural practices (GAAPs): Practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources

(MDAR) Bureau of Animal Health's "Best Management Practices"¹ and, if deemed necessary by MDAR, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) and the Animal Rescue League (ARL) of Boston.

Hearing authority: shall mean the Board of Health.

Hutch: a pen, box or cage, typically with a wire mesh front, or an enclosed coop for keeping rabbits or other small domesticated animals.

Dog Kennel: any building, structure, enclosure or premises or portion thereof where more than three dogs are kept or maintained for any purpose, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Commercial boarding or training kennel: an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animals; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Commercial breeder kennel: an establishment, other than a personal kennel, where animals are bred, housed, maintained and/or raised for the purposes of making or intending to make a profit through sale or exchange to wholesalers, brokers, private individuals, or pet shops.

Domestic charitable corporation kennel: a facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purposes of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a

¹ Generally acceptable agricultural practices are site-specific, feasible practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources Division of Animal Health's (MDAR's) Generally Acceptable Agricultural Practices (GAAPs). The following are resources that can be consulted to establish compliance with MDAR GAAPs: MDAR: <https://www.mass.gov/service-details/agricultural-best-management-practices-bmps>; UMASS Extension: <http://ag.umass.edu/resources/agriculture-resources>; UNH Cooperative Extension: https://extension.unh.edu/resources/files/Resource000471_Rep493.pdf

licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

Personal kennel: a pack or collection of more than three but not more than six (6) dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individual by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Veterinary kennel: a veterinary hospital or clinic that boards domesticated animals for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house domesticated animals that have undergone treatment or observation by a licensed veterinarian or will do so only for the period of time necessary that accomplish that veterinary care.

License: permit issued under authority of the Clerk of the Town of Uxbridge to keep one or more dogs and/or to manage a commercial dog kennel.

Licensing authority: the clerk of the Town of Uxbridge.

Livestock: Any animal which is ordinarily kept for agricultural purposes and not as pets, such as for the consumption of their meat, eggs, milk, skins, fur, or labor, for profit or otherwise. Livestock animals include, but are not limited to cattle, goats, sheep, swine, equines, camelids, rabbits, poultry and other fowl.

Manure Management Plan (MMP): A plan for the handling of manure. The MMP shall address cleaning, composting, storage, utilization, transportation and removal of manure so as to minimize threats to the health of the public and other animals, and nuisance complaints.

Permit holder: Any person who has met the conditions of this regulation and has received a permit issued by the Board of Health to keep animals and/or to erect a stable, barn, and/or commercial breeder kennel.

Commented [O4]: Will need to modify the application to erect a stable/barn to include commercial breeder kennel

Permit to Erect an Animal Structure: A permit issued by the Board of Health to erect a structure used to house, shelter or contain domesticated animals including, but not limited to barns, stables, pens, piggeries, coops, cages, hutches, and commercial dog kennels.

Commented [05]: Should we keep those that would obviously NOT require a permit, e.g., cages, hutches, maybe chicken coops?

Permit to Keep Animals: A permit issued by the Board for the keeping of one or more domesticated animals, in accordance with the provisions of this regulation.

Person: Every individual, partnership, corporation, firm, association, group, or other entity including a city, town, county, or other governmental unit, owning, leasing, renting or occupying property or carrying on an activity regulated by this regulation.

Pest Management Plan (PMP): A plan, which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents, insects and pests, and to minimize the creation of odors and other nuisances.

Shelter: a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

Stable/barn: An accessory building, enclosure, premises or portion thereof used for the shelter and/or feeding of one or more livestock animals.

Stall: A compartment in a stable used for the keeping of one or more livestock animals.

Usable area: Land area suitable for the raising and keeping of animals such as pastures, fields and wooded uplands. This area does not include wetlands, dwellings, or any other area(s) as may be restricted by town, state or federal law, regulations or guidelines.

Wetlands: Land area or surface area so defined by the Wetlands Protection Act, M.G.L. c. 131 §40 and regulations promulgated pursuant to 310 CMR 10.00 or by the [city/town] Wetlands Protection [ordinance/bylaw] or pursuant to Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341.

Commented [06]: Add any relevant ZBA bylaw

Wild and exotic animals: Any animal not normally found or kept as a domesticated animal, and which require a permit to keep issued by either a federal or state wildlife agency, including but not limited to deer, poisonous reptiles, alligators, monkeys, lions and tigers as defined as non-domesticated by Massachusetts General Laws, Chapter 131, Section 23 and 321 CMR 9.00.

SECTION 4: GENERAL REQUIREMENTS

- a. All applications must be submitted to the Board of Health for review and approval and shall meet the criteria set forth in Sections 5C and 5D of this regulation.
- b. All animal structures must comply with the applicable setback requirements for the zoning district in which such structures are located as set forth in the Uxbridge Zoning Bylaws, aside from protection accorded by M.G.L. c. 40A, §3 and the Wetlands Protection Act, 310 CMR 10.00.
- c. All animal structures must comply with the applicable building codes of the Town of Uxbridge.
- d. All permitted animals must be confined to the property by secure fencing to prevent the escape of animals unless the permit holder has documented in writing to the satisfaction of the Board, including obtaining any necessary permissions, arrangements for such animals to be kept elsewhere (i.e. for grazing, pest control, etc.).
- e. In accordance with M.G.L. c. 111, §125A, "... the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally accepted farming procedures or from plowing or cultivation operation upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance."

Commented [07]: This may change depending on the final organization of this document

Commented [08]: Suggest at least 2 windows in each stable but has to go into building codes

Commented [09]: this allows for free range chickens on the property; this would apply to dogs in kennels but not to personal owned dogs

SECTION 5: PERMITTINGS

- a. Permit to keep animals
A permit is required for any person, corporation, establishment, group or agency keeping livestock as defined in this regulation, or more than three dogs, except on commercial farms which meet the requirements of M.G.L. c. 40A, §3 and/or M.G.L. c. 128, §1A, and except as indicated in section ii below.
- b. Exemptions from permitting
 1. Veterinary medical hospitals, medical research facilities, commercial pet shops, animal pounds or shelters owned and/or managed by recognized humane societies, and animal pounds or shelters managed by the Town of Uxbridge shall be exempted from permitting.
 2. The keeping of fewer than seven (7) chickens shall not require a permit.
- c. Application for permit
 1. Said permit shall require that any structure where animals are to be kept has been erected in accordance with minimum standards for the safe keeping and welfare of animals as set out in section (d) and has passed

Commented [010]: may want to add separate sections for, in addition to dogs and cats, pigs and poultry, and TNR programs

Commented [011]: add in correct section

Commented [012]: check to make sure this refers to the correct section

inspection by the Building Inspector, agent of the Board of Health, and the Animal Control Officer and/or Barn Inspector.

2. No person shall use any building in the Town of Uxbridge to house, shelter or contain animals as defined herein until s/he has presented a petition upon a prescribed form to the Board of Health and a permit to keep one or more animals has been granted.
 3. Application(s) for a permit to keep animals shall be submitted on a **form** supplied by the Board of Health for each location where animals are kept in Uxbridge. Such application(s) shall be accompanied by the following information, and will be deemed incomplete if any information is missing.
 - i. Name, mailing address, phone numbers and email addresses of all owners of the property.
 - ii. Location – street address of the premises to be used to keep animals.
 - iii. Species of animals to be kept and number of each species by age and sex.
 - iv. A plot plan, with topographical information, size of lot with structures present (primary residence, septic systems and private wells) as well as structures planned for the use of intended animals (including fences and corrals), dimensions of the area where animals will be kept, and distances of animal housing and enclosures from all abutters' structures, property lines and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail, including actual dimensions, and quality to allow for the Board review.
 - v. A written management plan appropriate to the species of animals kept, for the following:
 - a. Manure (MMP):
 - b. Feed type, storage and removal
 - c. Biosecurity (pest and odor control and disposal of animals and animal parts, except as it applies to livestock animals slaughtered on the premises for human consumption)
 4. If the permit holder intends to increase the number and species of animals to be kept prior to the end of the permit year, the permit holder must first notify the Board of Health and the Board may require a public hearing if the Board believes that the increase will materially change the application upon which the permit is based.
 5. Application fee of \$XX.
- d. Temporary permits
- No person, corporation, establishment, group or agency shall keep, conduct or operate with the Town of Uxbridge, any petting zoo, pony ring or pony ride, circus, rodeo, pet or other animal show, animal acts or exhibitions, wild animal or reptile show or exhibitions without first obtaining a temporary permit to keep animals from the Board of Health.
- e. Revocation of permit to keep animals

Commented [O13]: what are the elements we want?

Commented [O14]: "

Commented [O15]: To be decided by Boh

Commented [O16]: My preference, rather than to award temporary permits, is to say that no living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or other similar entities on property owned by the Town of Uxbridge, on Town-owned property under lease, or on private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts or performances, animal rides and competitive animal races. This section shall not apply to exhibits deemed educational by the Town of Uxbridge, as determined by the Animal Control Officer, in consultation with the Board of Selectmen.

1. A permit to keep animals may be revoked at any time, after a public hearing, when it appears to the Board of Health that such revocation is necessary to protect the public health or safety, when chronic nuisance conditions exist, or when conditions of the permit to keep animals have been violated.
2. A permit to keep animals may be suspended at any time when, in the opinion of the Board of Health or its agents, such suspension is necessary to protect the public health or safety.

Commented [O17]: how defined?

f. Conditions for permitting

1. The Uxbridge Animal Control Officer (for kennels) and/or Agent of the Health Department/Barn Inspector shall visit the property before any permit is granted, to determine the fitness of the property for the safety of the public health and the safe and humane keeping of animals. Such inspection shall consist of verifying the suitability of the site, the condition of the facilities, and the suitability of the written management plans, including the manure management plan, for the number of animals intended to be housed or already housed thereon.
2. Verification that all abutters have been notified, not more than thirty (3) but not less than fourteen (14) days in advance of the hearing before the Board or its agent, of the applicant's intent to keep animals. Such verification shall be in the form of a signed letter or receipt from the U.S. Postal Service that a certified letter has been received by each abutter.
3. The permit shall not be transferable to other animals, or assignable or transferable for the use of other persons or the use of or by other premises.
4. The permit shall expire on December 31 of the calendar year in which it was granted, unless sooner revoked or suspended by the Board after a hearing.
5. A permit holder must apply for a renewal of the permit at least thirty (30) days prior to the expiration of the permit. If a permit holder fails to apply for a renewal of the permit by that time, the permit holder's application shall be treated as an application for a new permit.
6. If the permit holder is not the owner of the property, documentation must be provided indicating that the property owner is not opposed to the keeping of animals on the property.
7. All permits issued prior to the effective date of this regulation are valid, and may be renewed prior to the effective date of this regulation, subject to the prior regulation, provided conditions and agreements contained in the original application have not changed, and that no conditions exist that would be injurious to the public health, safety or welfare or to the well-being and safe keeping of the animals for which the permit was issued. The rights afforded by a permit shall terminate when the ownership of the land is sold or there is a transfer of property.
8. All renewals of permits subsequent to the effective date of this regulation shall be subject to this regulation.

Commented [O18]: exempt coops and hutches?

9. The permit will state the maximum allowable number of animals as determined by the Animal Control Officer and/or the Health Department. Determination will be made on a case-by-case basis.

Add this section to the first part of the document and format accordingly

PERMIT TO ERECT A STABLE/BARN

Commented [O19]: This section goes under permitting section

In accordance with M.G.L. ~~XX~~ c. 11, § 155 and Town of Uxbridge Board of Health regulations, applicants for permits to keep one or more animals of the equine or bovine species, regardless of the use for which the animal is intended, shall be required to obtain a permit for a stable/barn from the Board of Health.

No permit will be issued to erect a stable/barn on any plot containing less than 2 acres (87,120 ft²) of land.

Permits to erect a stable/barn must meet all applicable building codes and zoning by-laws in the Town of Uxbridge.

No person shall use any building in the Town of Uxbridge as a stable/barn until it has been inspected and approved by the Board of Health or its agent.

A hearing relative to the issuance of a stable/barn permit will be conducted at a regularly scheduled Board of Health meeting.

Except when the applicant controls in excess of five (5) acres of land, direct abutters will be invited to respond in writing and/or attend a hearing relative to the issuance of a permit.

The permittee or her/his agents must meet minimum standards for housing animals as defined in section XX.

A stable/barn permit may be revoked for cause by the Board of Health after a public hearing or suspended without a hearing, if it appears to the Board of Health or its agents, that such a suspension is necessary to protect the public health. In the case of a suspension, a public hearing will be held at the next regularly scheduled Board of Health meeting to determine whether the suspended stable/barn permit should be revoked.

PERMIT TO ERECT A COMMERCIAL KENNEL

Commented [O20]: This section goes under permitting section too

In accordance with M.G.L. ~~XX~~ c. ~~X~~ § ~~X~~ and Town of Uxbridge Board of Health regulations, applicants for permits to erect a commercial kennel shall be required to obtain a permit for a commercial dog kennel from the Board of Health.

Permits to erect a commercial kennel must meet all applicable building codes and zoning by-laws in the Town of Uxbridge.

No person shall use any building in the Town of Uxbridge as a commercial kennel until it has been inspected and approved by the Board of Health or its agent and the Animal Control Officer.

A hearing relative to the issuance of a commercial kennel permit will be conducted at a regularly scheduled Board of Health meeting.

SECTION 6: LICENSES

a. Dog licenses

Commented [O21]: Use Holyoke

- 1) In accordance with M.G.L. c. 140, § 137, any dog that is six months of age or older that is kept in the Town of Uxbridge for more than 60 days shall be licensed. The license application shall include: the name and address of the applicant; a description of the dog; proof of rabies vaccination; or proof of rabies vaccination exemption as defined in part XX, and the appropriate licensing fee.
- 2) The owner or keeper of such dog must make application to the licensing authority within 30 days after obtaining a dog over the age of six months, or if obtained prior to reaching the age of six months, within 30 days of the dog reaching six months of age. This requirement shall not apply to a non-resident keeping the dog in the Town for fewer than 60 days.
- 3) Dog licenses shall be obtained each year, running from April 01 to March 31. Reapplication for a license may be made up to 30 days prior to and up to 30 days after April 01.
- 4) The registering, numbering, description and licensing of all dogs in the Town of Uxbridge shall be conducted annually in the office of the Town Clerk. Upon acceptance of the application and license fee, the licensing authority shall issue a durable tag stamped with an identifying number and year of issuance. The licensing authority shall maintain records of the identifying numbers of all tags issued, and shall make these records available to the public upon request.
- 5) Dogs shall be made to wear both identification tags and rabies vaccination tags at all times.
- 6) Licensing fees:
 - a) Unaltered dogs six months of age or older: ~~XXX~~
 - b) Unaltered dogs under six months of age: ~~XXX~~
 - c) Altered dogs: ~~XXX~~, with the following requirement: applicants for an altered dog license shall, as a condition of obtaining such a license, produce one of the following: a certificate issued by the veterinarian who spayed or neutered the dog; or a sworn statement by a veterinarian licensed to practice in Massachusetts, describing the dog, and stating that

the veterinarian has examined the dog and that the dog appears to have been spayed or neutered and is incapable of procreation;

7) A dog license fee shall not be required for:

- a) Seeing-eye dogs or other service dogs as defined by the Americans with Disabilities Act or regulations promulgated thereunder;
- b) Governmental police dogs;
- c) Dogs owned by persons 70 years of age or older.

8) Persons and entities exempt from paying license fees are not exempted from the remainder of the licensing scheme defined in this section. Owners of dogs except from paying licensing fees are required to apply for a license with the licensing authority, and are required to cause dogs covered under this section to wear tags issued by the licensing authority.

b. Kennel licenses

1)

Commented [O22]: Add kennel license stuff in here

SECTION 7: HEARINGS

- a. A hearing relative to the issuance of a Permit to Keep Animals, or to erect a barn/stable or commercial kennel, will be conducted at a regularly scheduled Board of Health meeting.
- b. All variance requests will be considered by the Board only after the Board conducts a public hearing. The Board of Health may vary application of any provision of this regulation with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, provided that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. All variances will be in writing; copies shall be available to the public at reasonable hours in the Office of the Town Clerk and with the Commissioner of Public Health of the Commonwealth.
- c. Notice of the public hearing relative to variance requests shall be provided to all abutters by first class mail at the applicant's expense and by legal notice in a local newspaper of general circulation by the Uxbridge Board of Health. Both forms of notice shall provide for at least fourteen (14) days' notice prior to the public hearing. The applicant shall submit a list of abutters, certified by the Uxbridge Board of Assessors with the variance request and a sworn statement that the applicant has mailed notice to each abutter by first class mail.
- d. The applicant must demonstrate that the issuance of a permit shall not be detrimental in any way to the public welfare and would not endanger the health or safety of the municipality, and that all applicable requirements of this regulation have been satisfied. The Board may impose conditions, safeguards and other limitations on a permit consistent with the health, safety and welfare of the public.
- e. A variance or modification authorized to be made by this regulation may be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been

notified in writing of the intended action and has been given the opportunity to be heard in conformity with requirements for an order and hearing.

- f. The permit applicant acknowledges that the MDAR's Division of Animal Health requires that if an animal exhibits and/or is diagnosed with a disease designated in its reportable disease program, it must be reported to MDAR's reportable disease program.
- g. It shall be a condition of any permit issued under this regulation that the permit holder shall comply with all applicable federal, state and local laws, regulations and other requirements.

SECTION 8: CONSTRUCTION AND CONSTRUCTION CHANGES

- a. No person shall erect, occupy, use rebuild, reconstruct, alter or structurally change a stable/barn, accessory structure, animal enclosure or commercial kennel intended for housing or confining of animals without submitting an initial or revised plan to the Board for its review and approval.
- b. It is the responsibility of the applicant to comply with Town of Uxbridge zoning bylaws and applicable sections of the building code when conducting construction or construction changes referenced in Section 8A above.

SECTION 9: PENALTIES

- a. If there is a violation of this regulation, a designated agent of the Board of Health may issue a written order ("Order") to the person or persons having control of the premises and to the permit holder (if different) to correct the offending deficiencies.
- b. As an alternative to an Order or if a person does not comply with an Order and such Order is not modified or withdrawn, the Board may commence an enforcement action to correct such violation(s).
- c. In accordance with **M.G.L. c. 111, § 31**, any violation of this regulation shall be subject to fines. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.
- d. The Board may suspend, revoke or deny a permit if, after a hearing, a permit holder is found to be in violation of any provision of this regulation.
- e. Any person to whom an Order has been served pursuant to this Section shall have the opportunity to request a hearing before the Board. A request must be made in writing within fourteen (14) days after the Order has been served. For the purposes of this Section, an Order shall be deemed to have been served on the date of mailing, except as stated otherwise on the Order. At the hearing, the person served with the Order shall be given an opportunity to present evidence and show why an Order should be modified or withdrawn.

SECTION 10: VARIANCES

- a. Variance to any section of this regulation may be requested in writing to the Board. When such a request is received, a hearing shall be scheduled in accordance with Section 6 above.
- b. Variances shall be granted only under the following conditions:
 - 1) Strict enforcement of this regulation would constitute a manifest injustice.
 - 2) The granting of the variance shall not in any way impair the public health and safety, the health and welfare of animals, or pollute or contaminate the environment.
 - 3) The granting of the variance shall not conflict with the spirit of these minimum standards.
- c. The Board may impose any conditions, safeguards and other limitations on a variance when it deems it appropriate to protect the safety and health of the public, animals, and the environment.

SECTION 11: ENFORCEMENT

- a. After written notification from the Board of Health noting violations of these regulations, the permittee shall have fourteen (14) working days, or such time as noted in the notification, to correct such violations. Failure to correct such violations shall result in that person being subject to fines and penalties as outlined in these regulations
- b. After written notification from the Board of Health, any person housing or keeping animals without a permit shall within seven (7) days apply for a permit or remove said animal(s) from the premises until such time as a permit is acquired.
- c. Permits issued may be revoked or suspended by the Board of Health if it is determined that:
 - 1) The presence of the animal(s) on the premises are dangerous to the public safety or health or constitute a public nuisance
 - 2) The animals are not properly cared for
 - 3) Facts contained in the application or as represented by the permittee to the Board of Health are inaccurate
 - 4) The permittee is keeping animals in excess of the number and/or species for which the permit was issued.
- d. The holder of any permit thus revoked or suspended shall be notified of such action by certified mail. Any person so aggrieved may petition the Board of Health for a hearing at the next Board of Health meeting and may be permitted to keep said animal(s) pending the Board's finding.
- e. The penalty for non-compliance with any of these rules and regulations shall be a fine of \$XX/day in which the violation exists.

SECTION 12: SEVERABILITY

A. If any provision of this regulation is declared by a court of competent jurisdiction to be invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

SECTION 13: EFFECTIVE DATE

Signed this _____ day of _____, 2019

Michael Morrisette, Chair, Uxbridge Board of Health

Dr. David Tapscott, Vice Chair, Uxbridge Board of Health

Dr. Joann Lindenmayer, Member, Uxbridge Board of Health

Legal Notice:

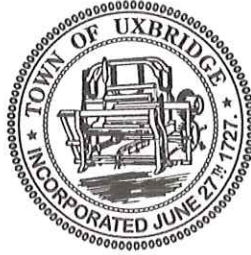
Public Hearing:

Vote by Board of Health:

Legal Notice:

Certified copy to Massachusetts Department of Environmental Protection:

Michael Morrisette, Chairman
 Dr. David Tapscott, Vice Chair
 Dr. Joann Lindenmayer, Member
 Nancy Centrella, Administrative Assistant
 Dr. Kristin Black, Health Director



TOWN OF UXBRIDGE
BOARD OF HEALTH
 21 South Main Street, Room 204
 Uxbridge, MA 01569
 508-278-8600 ext. 8
 boh@uxbridge-ma.gov

NEW HAZARDOUS WASTE PROGRAM TO BEGIN JULY 1ST!

Beginning July 1, 2019, hazardous items can be brought to New England Disposal Technologies (NEDT) at the Sutton location, 83 Gilmore Dr. Sutton, MA at no charge (**up to \$50.00 per residence**). This program is for Uxbridge residents only (proof of residency required), no funding will be extended to businesses dropping material at the center. Residents may bring additional material not covered under this agreement at their own expense. Once you have reached the maximum of \$50.00, payment can be made to NEDT in the form of cash or credit card.

Hours of Operation: Tuesdays and Thursdays 9am – 4pm, or by appointment by calling 1-866-769-1621

****Uxbridge residents will receive a 20% discount off of their standard rates****

Please see their website for pricing information of the following acceptable items: www.NEDT.org.

<p>GROUP 1</p> <p>Automotive Wastes such as: Antifreeze/Coolants; Oil; Break Fluid; Transmission Fluid; Grease; Oil Filters; etc. Latex Based: Paints/Coatings/Sealers/Fillers/Caulks, etc.; Joint Compound, Driveway Sealer, etc. <i>*Please note that dry latex paint can be disposed of in the trash, consider leaving can open or adding cat litter</i></p>
<p>GROUP 2</p> <p>Oil/Solvent Based: Paint/Coatings/Sealers/Caulks/Fillers, etc.; Solvents and Thinners; Camping Fuel, Kerosene, Lighter Fluid</p>
<p>GROUP 3</p> <p>Household Cleaning Chemicals and Compounds: Drain Cleaner; Furniture and Floor Cleaners/Polishes; Spot Remover; Carpet and Upholstery Cleaner; Glues and Adhesives Lawn & Garden Supplies and Pool Chemicals such as: Fertilizers; Herbicides; Pesticides; Algaecides; Shock Treatment; pH Adjusting Chemicals; Chlorine Tablets; etc. All Aerosol Cans</p>

The following products **CANNOT** be accepted at the Collection Center:

- Ammunition
- Asbestos
- Reactive Chemicals
- Waste from Large Quantity or Small Quantity Non Residential Generators
- Medical Waste/Sharps
- Unidentified Compressed Gas Cylinders
- Unlabeled/Unknown Materials
- Appliances/White Goods
- Explosives/Shock Sensitive Materials
- Radioactive Materials

****Please do not bring any items to the Board of Health office****

