



## TOWN OF NORTHBRIDGE BOARD OF HEALTH

Aldrich School Town Hall Annex - 14 Hill Street  
Whitinsville, MA 01588  
Phone# (508) 234-3272 Fax# (508) 234-0821

*The Northbridge Board of Health approved these minutes at a meeting held September 19, 2017.*

### MEETING MINUTES ~ SEPTEMBER 12, 2017

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This meeting was called to order at 7:00 PM by Mr. Paul McKeon, Chairman. Other members present were Mr. Scott Chase, Ms. Lani Criasia, and Mr. Chris Cella. Mr. Steve Garabedian was absent. Also present was Jeanne M. Gniadek, Administrator.

**Reorganization of Board of Health:** Motion made by Mr. Chase that Mr. McKeon continue to serve as Chairman; Ms. Criasia as Vice-Chair; and Mr. Chase as Clerk. Motion seconded by Mr. Cella; the vote was all in favor.

**Minutes:** Motion made by Mr. Cella to accept the minutes of **July 11, 2017**. Motion seconded by Mr. McKeon; the vote was 3-0 in favor. Ms. Criasia abstained.

Motion made by Mr. Cella to accept the minutes of **July 18, 2017**. Motion seconded by Mr. Chase; the vote was 3-0 in favor. Ms. Criasia abstained.

Motion made by Mr. Chase to accept the minutes of **July 24, 2017**. Motion seconded by Mr. Cella; the vote was 3-0 in favor. Ms. Criasia abstained.

**Tobacco Control – Shaws – Sale of Tobacco Product to a Minor:** Present for this meeting was Rich Wiggin, Assistant Store Manager of Shaws. Mr. Wiggin stated that Shaws has instituted a re-training process for the front end team dealing with age sensitive sales policy. He also stated that the ticket fee is in the mail.

Mr. Cella asked if their clerks ask for ID for anyone under the age of 27 as is required. Mr. Wiggin stated that Shaw's policy is under the age of 35 but they are now changing that moving forward to checking ID's for everyone. Mr. Cella asked if the clerk that sold, Hannah, had been informed of the sale and if she has been re-trained. Mr. Wiggin stated that she is currently on leave but will be re-trained upon her return.

The Board informed Mr. Wiggin that there will be additional fines and penalties if this store sells again to a minor. Mr. Wiggin stated that he understands.

**Tobacco Control – Village Variety – Sale of Tobacco Product to a Minor:** Present for this meeting was Mike Mustafa. Mr. Mustafa stated that it is only Hani (the owner), himself and his brother that work at this store. The person that sold during this compliance check was filling in for him while he was out of town.

Mr. Cella asked if this employee still works there. Mr. Mustafa stated that he does not. Mr. Cella asked if he has a training policy in place. Mr. Mustafa stated that he does. He stated that it has been difficult to get people to work in this store due in part to its location. He stated that he is sensitive to the

population and the number of youths that smoke cigarettes. Mr. Mustafa informed the Board that he will stop in the BOH office to pay the ticket fee tomorrow.

The Board informed Mr. Mustafa that there will be additional fines and penalties if this store sells again to a minor. Mr. Mustafa stated that he understands.

**Housing Standards – SMOC – Variance Request – 96 Church Avenue, Apt. B:** Present for this meeting was Amy Gaskin from SMOC to request a variance with regard to the ceiling height in this dwelling unit. The ceiling height noted upon inspection request by occupant was 6’-9”; state sanitary code requires 7’. A variance by the Board of Health is required.

The Board noted that the ceiling is a drop tiled ceiling. Ms. Gaskin stated that SMOC purchased this building in 1994 and that this unit had been occupied by a previous tenant without any complaint. Mr. Chase noted that SMOC could probably increase the ceiling height in enough areas to meet code noting that the ceiling height could possibly be raised where there are no plumbing lines.

Mr. Cella and Ms. Criasia questioned whether the other violations noted within the inspection report have been corrected. Ms. Gaskin stated that to her knowledge, all violations have been corrected.

**Motion made by Mr. Chase to grant variance to allow a ceiling height of 6-feet, 9-inches within this dwelling unit, known as 96 Church Avenue, Apt. B. Motion seconded by Ms. Criasia; the vote was all in favor. Mr. Cella requested that the unit be re-inspected by the Health Agent to ensure that all violations noted in the inspection report have been corrected.**

**Grease Traps in Food Service Establishments – Request for Variance:** Present for this meeting to discuss a variance request from the Board of Health regulations requiring an external grease trap for a new or renovated food establishment were Steve O’Connell (Andrews Survey & Engineering), and Nina Labonte and Leslie Gjeltrema, owners of property located at 91 & 97 Providence Road.

Mr. O’Connell noted that this building is a multi-use building housing a restaurant and apartments to the rear and above the restaurant. The abutting dwellings are very close and are under separate ownership. Mr. O’Connell noted that the wastewater exits this building to the left and through the abutting dwelling before exiting into the street. The distance between the restaurant building and the abutting dwelling is approximately 8-feet, not providing enough room to install a grease trap.

Mr. O’Connell stated that the restaurant meets the plumbing code, the owners are only here because of a Board of Health regulation requiring an external grease trap. Mr. O’Connell stated that the rear of the property contains some land but there are ledge out-croppings throughout.

Mr. McKeon noted on the plan a Sewer Man Hole (SMH) at the rear of the property and asked if this was functioning. Mr. O’Connell stated that it appears to be blocked – they are not sure where it goes. A brief discussion took place regarding a building to the rear that burned down years ago and it was thought that the sewer line from that burnt dwelling may have connected into this SMH.

Mr. McKeon questioned the Right Of Way (ROW) shown on the plan. Mr. O’Connell stated the ROW provided the right to pass and re-pass to rear dwelling unit which is no longer there. He further stated that a ROW is not an easement. He also noted that there may be case law on this about when the need ceases to exist so does the right.

Mr. McKeon asked where the sewer line for 81 Providence Road is located. Mr. O'Connell was unsure of the sewer line location.

Mr. O'Connell stated that since the Big Dipper grease interceptors were installed in this restaurant there has been no documentation of any sewer grease blockages. He asked if the goal was to ensure that grease was not entering the town sewer line, then isn't that already being accomplished. He questioned the history of this regulation. The Board stated that this regulation was adopted at the urging of the Sewer Department due to grease blockages from food establishments.

Ms. Criasia asked how many seats were in this establishment. Mr. O'Connell stated that there are 152 seats. He did note that the function room, which would not be used all the time contains 60 seats.

Mr. Chase expressed frustration that there was no research presented to the Board regarding any other options.

Ms. Labonte stated that she has been told that the cost to install an external grease trap is likely to be \$100,000 and that is just an estimate. Mr. Cella stated that nothing has been presented that says it is cost prohibitive. He felt that the owners had not exhausted their options.

Mr. McKeon stated that he would like to know more about that SMH to the rear of the property. He stated that he felt it would likely be a 5-inch clay pipe and that if it is not blocked it could easily be sleeved and then grease trap could be installed where that SMH is located. Mr. O'Connell agreed to investigate further. Mr. McKeon asked to be notified when they check out the SMH.

**Motion made by Mr. Cella to table this matter until additional information is received including information on the current Big Dipper plumbing fixture. Motion seconded by Mr. McKeon; the vote was all in favor.**

**Emergency Preparedness:** Ms. Gniadek informed the Board that the Region 2 Public Health coalition is requiring the annual designation of the Northbridge representative at the Region 2 meetings.

**Motion made by Mr. McKeon that Ms. Gniadek serve as the Northbridge representative at Region 2 Public Health meetings. Motion seconded by Mr. Cella; the vote was all in favor.**

**Planning Board – Special Permit Application: Aquifer Protection District - North Main Street:**

The Board reviewed the special permit application for work within an Aquifer Protection District – specifically the proposed construction of a single family home with on-site sewage disposal system located on North Main Street and Goldthwaite Road. Also present for this discussion was Mr. Steve O'Connell representing Andrews Survey & Engineering.

Mr. McKeon asked Mr. O'Connell if the septic system could be relocated to the “reserve area” shown on the plan. Mr. O'Connell stated that it would require that the system be a pump system. He stated that his bigger concern would be what the homeowners store in their garage, not the wastewater from a septic system designed in compliance with Title 5 regulations. Mr. O'Connell noted that this is not a Zone 1 or a Zone 2 wellhead protection area, simply part of an overlay district. Mr. O'Connell stated that Title 5 regulations provide for the protection of public health and the environment so he did not see any need to relocate the system. Ms. Criasia agreed.

**Motion made by Ms. Criasia to provide no recommendations with regard to this special permit application as the sewage disposal system has been designed in accordance with Title 5 and has been reviewed and approved by the Board's engineer. Motion seconded by Mr. Chase; the vote was all in favor.**

**Drug Paraphernalia Regulations:** Ms. Gniadek provided the Board with a memorandum/update from K-P Law regarding recreational marijuana. It was noted that this memorandum states "A person 21 years of age or older may also possess or manufacture marijuana accessories or sell such accessories to a person 21 years of age or older."

Ms. Gniadek informed the Board that the Chief of Police feels that the Board of Health regulation banning the sale of drug paraphernalia is no longer enforceable.

The Board discussed the town's option to opt out of recreational marijuana and felt that if the Town pursues opting-out then maybe these regulations will remain in force. No action taken at this time – the matter will be tabled until it is determined whether the town will opt out of recreational marijuana sales.

**Interim/Back Up Health Inspector:** Ms. Gniadek informed the Board that she was able to secure the services of an interim health inspector during Mr. Armendo's absence. Kristin Black, the Uxbridge Health Agent, has agreed to fill in. This appointment has been approved by the Town Manager.

**Motion made by Mr. Chase and seconded by Ms. Criasia to appoint Ms. Black as an Interim-Back-Up Health Agent. The vote on the motion was all in favor.**

**Old & New Business:** Ms. Gniadek informed the Board that the **Flu Clinic** has been scheduled for October 11, 2017 from 9:30 AM – 11:30 AM and from 3-5 PM at the Northbridge Senior Center.

Ms. Gniadek informed the Board that a **Public Hearing** will be held on September 27<sup>th</sup> in regard to new **Housing Code and Swimming Pool Regulations**.

Mr. McKeon informed the Board that he had been called out the previous evening to a fire at **Beaumont Nursing Home**. It was noted that food service operations were not affected.

**Citizen's Forum:** *No one present for Citizens Forum.*

**Correspondence:** The following correspondence was distributed to the Board:

- *Salmon VNA Quarterly Report*
- *Memorandum RE: Fall Town Meeting*
- *Central Mass Mosquito Control Project – Commission Meeting Dates*
- *Central Mass Mosquito Control Project – Ceasing of Complaint Investigations due to Falling Temperatures*

*There being no further business, motion to adjourn at 8:55 PM was made by Mr. Chase and seconded by Mr. Cella – all in favor.*

*Attested by,*

*Jeanne M. Gniadek, Administrator*

List of Documents utilized by Board of Health  
Meeting Date: September 12, 2017

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- A. Annual Re-Organization of Board
  - 1) Town Clerk Form for update
- B. Meeting Minutes
  - 2) July 11, 2017 DRAFT Meeting Minutes
  - 3) July 18, 2017 DRAFT Meeting Minutes
  - 4) July 24, 2017 DRAFT Meeting Minutes
- C. Tobacco Control – Youth Access Compliance Checks
  - 5) Shaws Supermarket
    - a. BOH Letter re: sale/non-criminal ticket
    - b. Notice of Violation – Ticket #609
    - c. Tobacco Compliance Check Form
  - 6) Village Variety
    - a. BOH Letter re: sale/non-criminal ticket
    - b. Notice of Violation – Ticket #608
    - c. Tobacco Compliance Check Form
- D. Housing Standards
  - 7) SMOC – Variance Request – 96 Church Avenue, Apt. B
    - a. BOH Letter re: Meeting to discuss Variance Request
    - b. SMOC Letter re: Variance Request (ceiling height)
    - c. BOH Inspection Report (dated: July 20, July 27, August 1)
    - d. Code of Regulations: 105 CMR 410.401 & 105 CMR 410.840
- E. Board of Health Regulations – Grease Traps
  - 8) Variance Request – 91 & 97 Providence Road
    - a. Andrews Survey & Engineering – Letter Request (September 5, 2017)
    - b. Plan of Land – Andrews Survey & Engineering “Existing Condition Plan” (11-1-2016)
- F. Emergency Preparedness
  - 9) Region 2 Public Health – Town Representative
    - a. Email (July 20, 2017) from Katrina Stanziano, Region 2 PHEP Coordinator
- G. Planning Board – Special Permit Application
  - 10) Aquifer Protection District – North Main Street
    - a. Planning Board Notice of Public Hearing & Special Permit Application for North Main Street
    - b. Whitinsville Water Company response letter dated September 8, 2017
- H. Old & New Business
  - 11) Drug Paraphernalia
    - a. §201-9 BOH Regulations – Ban on Sale of Drug Paraphernalia
    - b. KP Law Memorandum – August 2017
    - c. DRAFT Memo to Tobacco Retailers
  - 12) Interim Back-Up Health Agent – No Documents
    - \*New – Flu Clinic Flyer
    - \*New – Public Hearing Notice – Housing Code Regulations

I. Citizens' Forum – No Documents

J. Correspondence

13) **Miscellaneous**

- a. Salmon VNA & Hospice – Quarterly Report (April-June 2017)
- b. Fall Annual Town Meeting Memorandum
- c. CMMCP – Commission Meeting Dates
- d. CMMCP – Mosquito Control Update