



TOWN OF NORTHBRIDGE BOARD OF HEALTH

Aldrich School Town Hall Annex - 14 Hill Street
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The Northbridge Board of Health approved these minutes at a meeting held October 17, 2017.

MEETING MINUTES - SEPTEMBER 19, 2017

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, Mr. Steve Garabedian and Mr. Chris Cella. Also present was Jeanne M. Gniadek, Administrator.

Minutes: Motion made by Mr. Cella to accept the minutes of **September 12, 2017**. Motion seconded by Mr. Chase; the vote was 4-0 in favor. Mr. Garabedian abstained.

TJJ Development – Site Assignment Minor Modification: Deliberation and Vote on Application for Minor Modification of Site Assignment: Present for this meeting were Attorney Jeffrey Blake, K-P Law, and James Berkowitz, TJJ Development/Berkowitz Trucking. Ms. Criasia recused herself from this discussion.

Mr. Cella questioned the “grand-fathering” of the facility as it applies to the Mumford River and River Protections Act. Mr. Blake stated this in his opinion due to evidence presented indicating that the additional material being brought in would be able to be handled within the existing building that the facility could be considered grand-fathered. He stated that Kopelman & Paige’s prior opinion (2004) was based on the evidence presented at that time which seemed unsure as whether the building could handle the additional solid waste. Mr. McKeon stated that he recalls testimony being presented at this hearing that the building could handle 96 tons; he did not see any problems with that.

Mr. Cella sought clarification on testimony presented (page 70) regarding tonnage being brought in from other towns and not allowing trucks from other companies. Mr. Blake stated that other trucks are allowed and that this application is for an increase in tonnage. There would be no prohibition of allowing other trucks into the facility. Mr. Garabedian stated that he recalls testimony that if the facility reaches its tonnage capacity, then trucks would be turned away.

Mr. McKeon stated that he thought everything was well addressed at the public hearing. Mr. Chase stated that it is up to the Board to determine whether the tonnage increase would cause a threat to public health, safety or the environment. Mr. McKeon stated that testimony presented at the public hearing addressed those issues.

Mr. Blake reviewed with the Board 310 CMR 16.40 (4) – site suitability criteria. He stated that testimony was presented to each item identified in 16.40 of a response of “no”. He stated that the Board is not required to believe the testimony presented but they certainly may.

Mr. McKeon stated that the issue of traffic was brought up at the hearing. He informed the Board that he spoke with the Planning Office regarding the adjacent building to this facility which recently added an addition to the structure as well as a new driveway. He was informed that the issue of traffic was not a concern for that facility. Mr. Blake stated that there may be no increase in traffic as testimony was presented that trucks returning with ½ loads would likely not return until the truck is fully loaded.

Mr. Cella stated his concern over past violations noted by DEP. He stated his concern that these violations could escalate with an increase in tonnage. Mr. Blake stated he understands the concern but noted that the past violations were fairly old other than the recent fatality. The technical violations were older – is this a legitimate reason to deny request – yes, it certainly is. He noted that conditions could be placed on the permit, although it is expected that the facility would be in compliance with regulations. Mr. McKeon noted that they are hiring an outside firm to oversee their operations. Mr. Cella stated that the firm does not have the authority to close the facility if significant violations exist. Mr. Blake stated that the Board of Health could inspect periodically and has the ability to enforce the permit. The Board could also ask DEP to inspect when/if they have concerns.

Mr. Garabedian stated that any inspector, whether it's housing, restaurants, etc., would likely find the existence of violations. It is up to that person to return to check for compliance. He stated that in his experience a small restaurant with a handful of violations, if expanded, would likely have an increase in violations. Someone needs to monitor it.

Mr. Chase stated that the facility is already inspected. Ms. Gniadek stated that it is inspected semi-annually by a third-party inspector for Operation and Maintenance and Waste Ban Compliance.

There being no other questions or concerns of the Board Mr. McKeon asked that the Board consider a motion in this matter.

Motion made by Mr. Chase that the granting of a minor modification to the site assignment will pose no threat to the public health, safety or the environment. Motion seconded by Mr. Cella; the vote was 4-0 in favor.

Motion made by Mr. Chase to grant request by TJJ Development Corp. for minor modification of the site assignment to increase the allowable daily and maximum tonnage at the municipal solid waste transfer station at 279 Douglas Road in Whitinsville from 35 tons per day to 49 tons per day, and from 10,010 tons per year to 14,014 tons per year of municipal solid waste. This motion was seconded by Mr. Garabedian. Mr. Cella motioned to amend the main motion to grant the increase with the additional restrictions outlined by Attorney Antonellis in his closing brief, filed on behalf of TJJ Development, specifically items 4,5 and 6 (page 8 of the brief). After a brief discussion the motion to amend the main motion was seconded by Mr. Garabedian; vote was all in favor of amending the main motion. The vote on the main motion as amended was 4-0 in favor.

Mr. Blake stated that he would prepare the Decision for the Board. He noted that it was previously agreed that the Decision be signed by October 2, 2017. Ms. Gniadek questioned when the legal notice of the Decision needed to be published. Mr. Blake stated that he would check on that and get back to her with a timeline.

Old & New Business: *None*

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

Correspondence: *None*

There being no further business, motion to adjourn at 7:40 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 19, 2017

A. Meeting Minutes

1) September 12, 2017 DRAFT Meeting Minutes

B. TJJ Development – Minor Modification of Site Assignment

2) **Deliberation and Vote on Application**

a. Closing Statements – Atty. Antonellis (on behalf of applicant)

b. Closing Statements – Shelly Buma (on behalf of Intervenor)

C. Old & New Business - None

D. Citizens' Forum - None

E. Correspondence - None