



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 November 12, 2013.

MEETING MINUTES - October 8, 2013

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

Minutes: Motion made by Mr. Cella to accept the minutes of **September 24, 2013**. Motion seconded by Mr. Garabedian; the vote was 3-0 in favor. Ms. Thompson and Mr. Chase abstained.

New China Pacific Restaurant – Variance Request – External Grease Trap: Present for this meeting was Attorney Robert Knapik to discuss a variance request for a 1500-gallon external grease trap at the New China Pacific restaurant.

Mr. McKeon stated to the Board members that the Board has regulations governing the installation of external grease traps, and that once you grant a variance with no reasonable excuse why, such as limited space, then you may as well disregard that regulation as you have now set a precedent that allows others to request a variance.

Mr. Knapik stated that his client has an agreement to purchase the China Pacific Restaurant. They have applied for their liquor license and have filed the initial plan review materials to the Board of Health. The Board of Health plan review submission detailed 22 points that had to be addressed, one of which was the location of the 1500 gallon external grease interceptor. Mr. Knapik stated that the Board of Health regulations require the external grease trap for “new” or “remodeled” establishments that prepare food with a seating capacity in excess of 75 seats. Mr. Knapik stated that the New China Pacific will not be a new establishment and that there is work to be done but he did not consider that to be remodeling. He stated that the Board of Health regulations do not define remodeling. Mr. Knapik stated that he believes that remodeling would mean construction work that would lend itself to the installation of an external grease trap, such as excavation and extensive plumbing work. He stated that that is not the case – they will be undertaking primarily cosmetic renovations such as painting and resurfacing of floors as well as upgrading and installing new equipment that will comply with the Board of Health regulations.

Mr. Knapik stated that if the Board interprets their regulations such that the painting and resurfacing of floors and swapping out of equipment meets their definition of remodeling that he request that the Board grant a variance from the external grease trap requirement for economical reasons as well as physical restraints. He stated that in 2008 the Board approved the installation of two internal grease interceptors called Big Dipper units. Mr. McKeon stated that the Board gave the owner two options, the external grease trap or the internal Big Dipper units due to significant clogging of the town’s sewer line. Mr. Knapik stated that the cost to install these two units was in excess of \$14,000.00. Mr. McKeon stated that for that price, they could have installed the external unit.

Mr. Knapik stated that he was unsure if that was true as he has obtained a quote from Quarry Hill Excavating for just the exterior part of the installation of the grease trap – that quote was for \$9,800.00. He stated that based on the location of the kitchen and it being on a slab foundation that the plumbing work would be extensive to install an external grease trap. Mr. McKeon stated that at one point in time there were restrooms in the basement portion of the establishment so he did believe that there was enough depth to allow for the proper pitching of the plumbing lines although he did agree that the portion of work to be done where the kitchen is would require some jack-hammering.

Mr. McKeon questioned whether there would be a building permit pulled for the proposed work. Mr. Knapik stated that he believes that there will be but that he did not think that that would mean the proposed work would be defined as remodeling.

Mr. Garabedian stated his concern that the new owner is thinking that they can just go in and put a coat of paint on the interior as he felt that there is a significant amount of work that needs to be done. Mr. Cella agreed stating that Mr. Knapik is citing economic hardship and it appears that the new owner is trying to do this on the cheap. Mr. Knapik stated that the liquor license requires that the applicant put forth in detail the amount to be spent. He stated that between the acquisition of the property and the renovation costs, they are looking at \$710,000 – Mr. Knapik stated that he did not feel that that was on the cheap. Mr. McKeon questioned how much of that was set aside to upgrade the property. Mr. Knapik responded that \$30,000 was set aside for the remodeling of the establishment.

Mr. McKeon stated that our inspector will need to be satisfied with the proposed renovations and at this time Mr. Knapik is unaware of what those requirements will be. Ms. Gniadek informed the Board that a plan review submission was filed and although deemed incomplete, Ms. Gilchrist, the inspector, did review what was presented and presented her findings to Mr. Knapik on July 26, 2013. A copy of that report was reviewed by the Board. Ms. Gniadek informed the Board that no additional information has been presented for review since. Mr. Knapik stated that he has reviewed the report and has found that the only item that presents an issue to his client is the external grease trap requirement.

Mr. Cella questioned what the application for Plan Review showed, whether the application was for a remodeling. Ms. Gniadek presented the Plan Review application to Mr. Cella for review noting that the box for “NEW” was checked as our Plan Review application considers NEW as a new establishment or a change in ownership.

Motion made by Mr. Chase to deny request for variance at this time. Mr. McKeon questioned what he meant by “at this time”. There was no second on this motion.

Motion was made by Mr. Garabedian to deny request for variance from the requirement to install an external grease trap. Motion was seconded by Mr. Cella; the vote was all in favor.

St. Camillus Health Center Renovation Project – Variance Request – External Grease Trap:

Present for this meeting were Bill Graves from St. Camillus, and Kevin Kozak and Jason Musiak from Cutler Associates, architects for the renovation project.

Mr. Kozak presented the Board with an overview of the project which includes a new roof and some interior renovations. They have a building permit application with the Building Department that covers the scope of the renovation project without any of the kitchen renovations. Mr. Kozak stated that listening to the prior conversation (*re: China Pacific*), this is clearly a remodeling project. The kitchen renovations are intended to improve functionality.

Mr. Kozak stated that the current facility has an internal grease trap that is approximately a 30-40 pound interceptor. He stated that this trap is cleaned just 3-4 times a year. Mr. Kozak stated that based on the information they have, all the wastewater goes down to the first floor and goes out through the main lobby, out the administration building, and then out to Hill Street. He stated that to change all that would require them to trench that entire line through an area that they are proposing no work in. Mr. Kozak stated that he does not have cost estimates as this issue is relatively new to them.

Mr. McKeon stated that this issue is the same as the previous issue (*China Pacific*) as you are talking about extensive remodeling and therefore the regulation requiring an external grease trap applies to both cases.

Mr. Kozak stated that listening to the previous discussion, he was not optimistic that the Board would change their mind. However, the group of individuals from St. Camillus did point out to the Board the differences between the two establishments: 1) that the facility is currently in operation and it would be difficult to shut down; and 2) the type of operation is entirely different as they produce a significantly smaller amount of grease due to the population they serve.

Motion made by Mr. Garabedian to deny request for variance from the requirement that an external grease trap be installed. Motion seconded by Mr. Cella; the vote was all in favor.

Application for Stabling of Farm of Animals – 1423 Hill Street: This matter was continued from the September 24th meeting of the Board in order to allow time for the Inspector of Animals to conduct an inspection of the property prior to the Board's consideration of variances necessary to comply with the Board's current stabling of animals regulations.

The report of Ms. Thomson, Animal Inspector, was reviewed by the Board. The report noted that this property is kept in a condition satisfactory to the Board. Mr. McKeon noted that this property has been a horse farm for more than 20 years.

Motion made by Ms. Thompson to grant variances for number of animals allowed to be stabled, total number of animals not to exceed 38, and for setback requirements from the corral areas to property line, abutting dwelling, wetlands, and private well, thereby allowing the issuance of a Stable Permit for this property. Motion seconded by Mr. Chase; the vote was all in favor.

Application for Stabling of Farm of Animals – 1316 Hill Street: The owner of this barn did not appear at this meeting as had been requested by certified mail. It was noted that at this time we do not have the Return Receipt for the Certified Mail. The letter was also sent by regular mail delivery. Neither letter has been returned as un-deliverable.

Motion made by Ms. Thompson to seek court action. Motion seconded by Mr. Chase; the vote was all in favor.

Compost Site Sticker Fee for 2014: Ms. Gniadek provided the Board with the proposed hours of operation for the Compost Site for 2014. She questioned them on whether they wanted to consider raising the sticker fee from \$15 to \$20. Mr. McKeon requested that this matter be tabled to the next meeting as he would like to discuss the salary of the compost site monitor with the Town Manager before making a determination on this issue.

Quaker Street Landfill – DEP Letter: The Board reviewed correspondence from the Department of Environmental Protection addressed to International Carbon Recovery Corporation regarding the incorrect submission of the existing Post-Closure Use Permit held by Valerie Fagan.

Town Meeting Warrant – October 22, 2013: The Board was provided a copy of the warrant for the Fall Annual Town Meeting to be held on October 22, 2013.

Old & New Business : Mr. McKeon questioned whether the office had received any correspondence from Mr. Maynard Williams on **Pollard Road** regarding the letter sent to him advising him that it may be helpful if he and other Pollard Road residents send letters to Congressman James McGovern seeking assistance in alleviating the high nitrate levels in this area. Ms. Gniadek will contact Mr. Williams and report back to the Board.

Correspondence: *None*

There being no further business, motion to adjourn at 8:10 PM was made by Mr. Chase and seconded by Ms. Thompson – all in favor.

Attested by,

Jeanne M. Gniadek, Administrator

List of Documents utilized by Board of Health
Meeting Date: October 8, 2013

- 1) DRAFT Meeting Minutes of September 24, 2013
- 2) New China Pacific Restaurant – Variance Request – External Grease Trap
 - a. Email dated September 25, 2013 to Attorney Rob Knapik from Jeanne Gniadek
 - b. Letter to Board of Health from Attorney Robert Knapik dated September 23, 2013
 - c. Letter to Attorney Knapik dated July 26, 2013 – re: Plan Review from Terry Gilchrist
 - d. Photos taken by Terry Gilchrist on June 8, 2013
- 3) St. Camillus Health Center – Variance Request – External Grease Trap
 - a. Letter from Cutler Associates to Board of Health dated October 1, 2013
 - b. Letter from Heritage Design Group dated October 1, 2013
 - c. Pumping records for internal grease trap at St. Camillus (8 records)
- 4) 1423 Hill Street Barn Permit Application
 - a. Report of Rochelle Thomson, Inspector of Animals – dated September 29, 2013
- 5) 1316 Hill Street Barn
 - a. Cease & Desist Order from Board of Health dated September 26, 2013 containing the following:
 1. Board of Health regulations – Minimum Standards for Keeping Farm Animals
 2. Barn Permit Application Form
 3. Information on Proper use and disposal of needles and syringes
 - b. Letter from Board to M. Harrati dated September 5, 2013
 - c. Report of Inspector of Animals dated August 25, 2013
 - d. Photos of barn taken by Inspector of Animals
- 6) 2014 Compost Site Hours
- 7) Letter from DEP to Peter Losordo RE: Quaker Street Landfill
- 8) Town Meeting Warrant for October 22, 2013 Fall Town Meeting
- 9) Correspondence – NONE