



TOWN OF NORTHBRIDGE BOARD OF HEALTH

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The Northbridge Board of Health approved these minutes at a meeting held July 28, 2015.

MEETING MINUTES - July 14, 2015

This meeting was called to order at 7:05 PM by Mr. Paul McKeon, Chairman. Other members present were Mr. Scott Chase, and Ms. Lani Criasia. Mr. Chris Cella and Mr. Steve Garabedian were absent. Also present was Jeanne M. Gniadek, Administrator.

Minimum Standards of Fitness for Human Habitation – EAF Linwood Mill: Request for Variance (105 CMR 410-.201, 410.840): The Board reviewed the request for variance from Peabody Properties, the property management company, for the Linwood Mill to shorten the heating season. Several residents were present as well as representatives of Peabody Properties.

Resident David Lavallee stated that he believes that this is a way for the owner to save money on heating on the backs of the residents. He also noted that there is a mechanism for circulating air in the hallway which has been broken for some time which management has still not fixed. Mr. Lavallee also stated that he believes the issue with excessive heat has to deal with hot water lines in the floor that are not insulated. Mr. Lavallee asked that the Board follow up with their previous request to have a detailed engineering study done on the excessive heat issues in this building.

Mark Dubois and Teresa Zingales of Peabody Properties informed the Board that the pipes were insulated and were inspected by the Town and are not the cause of any heat issues. Mr. Dubois gave a brief overview of how the heating and air conditioning system works at this facility.

Other residents that were present expressed their desire to have the AC turned on sooner than June 15th. They also noted that there are issues with the ventilation system in the hallway and their frustration over the control of their thermostats in their units.

The Board noted that this is the second request for a variance from Linwood Mill. Ms. Zingales stated that they are submitting this variance request on behalf of the residents as they continue to ask for the AC units to be turned on before the end of the heating season and to leave the AC on past the start of heating season in the fall.

Motion made by Mr. Chase to grant variance request allowing the heating season to end on May 30th and to resume the heating season on September 30th. This motion was seconded by Mr. McKeon; the vote was all in favor.

New China Pacific Restaurant: In accordance with the Board of Health food establishment inspection policy, establishments receiving 3 or more critical violations on the semi-annual food inspection report will be subject to quarterly inspections and will be charged \$100.00 for each additional inspection deemed necessary.

The June 6, 2015 inspection report for the New China Pacific Restaurant presented with fourteen (14) violations, four (4) of which were deemed to be critical violations. No one representing the New China Pacific Restaurant was in attendance at this meeting.

Mr. McKeon noted in the report that the grease traps were ordered to be cleaned as they had not been cleaned or pumped since the establishment opened. Mr. McKeon stated that the external grease trap should be pumped on a regular basis.

Ms. Criasia made motion to require Quarterly Inspections of New China Pacific Restaurant; owner to pay \$100 for each additional inspection and to order the pumping of the external grease trap every three (3) months – owner to provide copy of contract for this routine maintenance to Board of Health office. Motion seconded by Mr. Chase; the vote was all in favor.

2528 Providence Road – Failed On-Site Sewage Disposal System: The Board reviewed information regarding a possible failed sewage disposal system at 2528 Providence Road.

Ms. Criasia made motion that Mr. McKeon and Mr. Chase conduct a site inspection of this property. Motion seconded by Mr. Chase; the vote was all in favor.

Planning Board – Site Plan Review: Main Street Commercial LLC: The Board reviewed the proposed site plan for a 4500 SF retail space, gas pumps, and car wash to be located on Main Street. The Board noted that the retail space would be required to go through the Plan Review process for a food establishment. No further action was required at this time.

Barn Permit – Hollenbeck: Failure to Renew: Ms. Gniadek informed the Board that Kevin Hollenbeck has been sent three (3) notices to renew his barn permit and has failed to do so.

Motion made by Ms. Criasia to send the Inspector of Animals, Rochelle Thomson, to this property to determine if they are still stabling farm animals and if they are then order that the barn permit be applied for with 24 hours or Mr. Hollenbeck will be fined in accordance with the non-criminal disposition bylaw. Motion seconded by Mr. Chase; the vote was all in favor.

Old Business: The Board continued their discussion from the June 9, 2015 meeting regarding correspondence received from CPN – **regarding adopting health regulations for commercial non-windrow composting systems.**

Mr. McKeon stated that he spoke with DEP on June 10th and was told that no plans for the Douglas Road composting facility have been received but that the plans would need to address noise and odors.

Ms. Shelley Buma, representing CPN (Citizens for the Preservation of Northbridge), stated that she was surprised that DEP did not inform Mr. McKeon that this is a self-certification process; that the applicant only needs to submit the General Permit and Certificate of Compliance to the DEP. She stated that DEP does not approve nor deny an application submitted as a General Permit. It simply must be submitted 60 days prior to the start of the operation.

Ms. Buma stated that CPN is asking that the Board promulgate a reasonable health regulation for composting facilities. She noted that while the Douglas Road facility is the first such proposal in town it may certainly not be the last and reasonable health regulations adopted by the Board would protect the community. She stated that the Board already has in place many regulations established to protect the public health.

Ms. Buma commented that the Board has regulations that only allow one horse per acre – she felt that that is reasonable – with horses you have manure, approximately 50 pounds per day, noting that this proposed facility will be accepting 15 tons of garbage, and possibly manure, at this location. She stated that the Board has reasonable health regulations with regard to horses and paddocks and that it would be reasonable and prudent to have regulations governing composting facilities.

Ms. Buma further noted that there are only three (3) in-vessel aerobic systems in Massachusetts. These units are located in:

1. Marlboro (100 tons per day) – Ms. Buma stated that the Planning Board Chair and the Building Inspector went to this location and noted that it stunk. The Board noted that they process sewage sludge at this location.
2. Nantucket (60 tons per day) – Ms. Buma noted that this is located on a 140 acre landfill. There are no nearby residents, however, people that have gone there to check out their composting operation have noted that there is a strong stench from the un-covered trucks that haul garbage to the facility.
3. Saugus (15 tons per day). The Saugus facility is located on a 50-acre farm and does not process sewage/sludge as Marlboro and Nantucket do.

Ms. Buma stated that in March of 2012, 75 citizens stormed the Saugus Board of Health meeting to express their frustrations over the smell from the composting facility. In 2014, neighbors were still complaining about the odors.

Ms. Buma asked the Board to take the applicant out of the equation and said to the Board that if someone came to them and said that they were going to dump 15 tons of garbage, manure and yard waste on a 2.16 acre parcel 365 days a year just 300-feet from a residential neighborhood, the Board would respond absolutely not and would state the need to establish regulations. She noted that per BOH regulations the Board would only allow 2 horses on this parcel of land, noting again that each horse would likely produce 50 pounds of manure, yet they are looking at 15 tons of garbage and manure being processed on this site.

Ms. Buma stated that they are asking the Board to consider regulations for commercial non-windrow composting systems. She suggested that the regulations note that no person shall install a commercial non-windrow solid waste composting system unless components of the system are installed 1) on a parcel not abutting a residential zone; 2) at least 50-feet from any property line; and 3) at least 3,000 feet from a residential zone.

Mr. McKeon stated that the 3,000 feet from a residential zone would make it impossible to establish any of these facilities in town. Mr. McKeon stated that he likes to compare apples to apples so he would like to check out the Saugus location.

Ms. Buma stated that she has gone to Saugus and has spoken with several neighborhood residents and asked what their current situation was. She stated that residents told her that the issues continue

to be odors but it is all about the wind. Sometimes neighborhoods that are further away get the strong odor due to the wind.

Mr. Paul Buma discussed the bio-filter and the moisture content of the compost (60%) and how all that moisture goes into the bio-filter and into the air and how we don't know what the toxicity is of the vapor that is going into the air.

Mr. McKeon stated that he would like to visit the Saugus facility since it is similar to what is being proposed in Northbridge. Ms. Criasia and Mr. Chase agreed.

Ms. Criasia motioned that the Board seek an opinion from Town Counsel as to whether any regulations adopted at this time would have an impact on a plan currently under review by the Town that has not yet been approved. She further requested that the DRAFT regulations provided to the Board for consideration be reviewed by Counsel. Motion seconded by Mr. McKeon; the vote was all in favor.

The Board will conduct a site visit to the Saugus facility on July 24, 2015 – this site visit meeting will be posted for 8:00 AM.

New Business: Mr. McKeon informed the Board that at the request of the Town Manager, he and Ms. Gniadek attended a meeting with Attorney Henry Lane and Kip Foley regarding the **Quaker Street Landfill**. Mr. McKeon stated that they (Attorney Lane & Mr. Foley) were trying to intimidate us by saying that from the toe of the slope of the capped landfill to the river is an “uncapped” landfill and that to cap it will cost the Town millions of dollars. Mr. McKeon informed the Board that he spoke with DEP and that they informed him that DEP is the regulatory authority on landfills and that they are the only ones that can determine whether this is an un-capped landfill. DEP also suggested that if trash was found beyond the capped landfill the Town may be able to simply haul it off site.

Ms. Gniadek informed the Board that a Notice of Non-Compliance was being sent to **Blackstone Valley Massage & Fitness** as they have not provided information regarding the sanitizer used on the tanning devices. Mr. Armendo inspected and had requested the MSDS sheet – as of this date, they have not provided this information to the Board. Per tanning regulations the sanitizer **MUST** be an EPA approved disinfectant.

Correspondence: The following correspondence was distributed to the Board:

- *Letter to Board from State Senator Michael O. Moore*

There being no further business, motion to adjourn at 9:15 PM was made by Mr. Chase and seconded by Ms. Criasia – all in favor. The next meeting was scheduled for July 28, 2015.

Attested by,

Jeanne M. Gniadek, Administrator

List of Documents utilized by Board of Health
Meeting Date: July 14, 2015

Committee Organization Form

- 1) DRAFT Meeting Minutes of June 9, 2015
- 2) EAF Linwood Mill
 - a. Letter requesting variance – June 30, 2015
 - b. Letter to EAF from BOH noting hearing date – letter dated July 1, 2015
 - c. Notice to Residents (July 1, 2015)
 - d. Housing Code Section 105 CMR 410.840: Variances
 - e. MDPH Letter clarifying Temperature control in housing units (dated May 2, 2012)
- 3) New China Pacific
 - a. BOH Letter to New China Pacific re: BOH Meeting (letter dated June 23, 2015)
 - b. Food Establishment Inspection Report dated June 6, 2015
 - c. Food Establishment Inspection Report dated June 12, 2015
- 4) 2528 Providence Road
 - a. BOH Letter to Chausse dated July 1, 2015 re: BOH Meeting to discuss failed septic system
 - b. June 23, 2015 email to Paul McKeon re: raw sewerage at 2528 Providence Road
- 5) Main Street Commercial, LLC – Planned Business Development – Site Plan Review
 - a. Planning Board Review Report Form (dated July 6, 2015)
 - b. Special Permit Application
 - c. Site Plan Review Form
 - d. Plans (10 pages) prepared by Heritage Design Group dated July 6, 2015
- 6) Barn Permit – Hollenbeck: Renewal Notices (dated May 19, May 1, and March 2, 2015)
- 7) *No documents*
- 8) Correspondence
 - a. Letter to BOH from State Senator Michael O. Moore (June 11, 2015)