



TOWN OF NORTHBRIDGE  
**BOARD OF HEALTH**

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*The Northbridge Board of Health approved these minutes at a meeting held August 24, 2010.*

## MEETING MINUTES - July 13, 2010

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

**Reorganization:** Chairman McKeon nominated Mr. Chase for Chair. There was no second and Mr. Chase declined. Motion made by Ms. Thompson to nominate Mr. McKeon for Chair. Motion seconded by Mr. Chase; the vote was all in favor. Motion made by Mr. Garabedian to nominate Mr. Cella for Vice-Chair. Motion seconded by Ms. Thompson; the vote was all in favor.

**Minutes:** A motion was made by Ms. Thompson to accept the minutes of **June 15, 2010**. Motion seconded by Mr. Garabedian; the vote was all in favor.

**Food Scrap Recycling Program Proposal – WalMart Supercenter:** Present for this meeting was Philip Holloway of Environmental Products & Services of Vermont to discuss the food scrap recycling program proposal at the WalMart Supercenter. He apologized for not being present at the last meeting explaining that the company they work through, Quest Recycling, felt that the store manager could address the Board's concerns and questions. Mr. Holloway provided the Board with photos of the 4-yard plastic container that would be used as well as a photo of the vacuum truck that would be utilized to empty the contents of the organic recycling container. He stated that he covers over 400 stores from North Carolina up to New England.

Mr. McKeon asked Mr. Garabedian if he had the opportunity to check into the Milford Stop & Shop to see if and how their organics program works. Mr. Garabedian stated that Stop & Shop is not involved in this type of program – their organics are picked up by a local pig farmer. Mr. Garabedian questioned how the operation will function without causing problems such as odors and attracting rodents. He was concerned that the neighboring properties will be contacting the Board of Health office all the time to complain about these dumpsters.

Mr. Holloway stated that the bin is emptied weekly under their contract. Only organics can be placed in the dumpster. If the truck operator finds regular trash or meat products, then the load is rejected and will have to be emptied by a regular trash hauler. The Board questioned whether milk was poured into the container. Mr. Holloway stated that milk is no longer allowed because there was too much milk being poured into the containers.

The Board questioned how the operator would know if there were paper or meat products at the bottom of the bin. Mr. Holloway explained that the organics are sucked out by a hose so the operator is handling that and watching the organic waste as it enters the hose. Mr. Chase asked how long it takes to empty a container. Mr. Holloway replied that it takes between 10 and 15 minutes.

The Board questioned the proposed location of these recycling containers. Mr. Holloway stated that it was his recommendation to place them in the “pallet area”. He stated that right now, in Massachusetts, they are doing Chicopee, Ware, Leicester, Leominster, Worcester Sam’s Club, Seekonk Sam’s Club, and Raynham. He stated that he is also set to deliver containers to the new Wal-Mart in Worcester.

The Board questioned how long it takes for a rejected dumpster to get emptied. Mr. Holloway replied that it is typically 24-48 hours from receipt of the purchase order and approval to do it. Mr. McKeon asked how long it takes to get the purchase order. Mr. Holloway replied 24-48 hours. Mr. Garabedian concluded that the rejected dumpster could sit there for another 3 or 4 days before being emptied. Mr. Garabedian stated that when is called on complaints for dumpsters that stink his order is to have that unit emptied and deodorized by the next day.

Mr. Holloway stated that when the dumpsters are emptied they are hosed down and sanitized. His collection trucks are equipped with tanks for that purpose. The waste water from sanitizing is sucked back into the truck and is not discharged to the ground.

Mr. Cella questioned whether one of these units was sufficient to handle the waste from WalMart. Mr. Holloway stated that the current proposal is to place two of these 4-yard containers but will place a third if needed.

Mr. Garabedian again expressed his concern that the phone in the Board of Health office will be constantly ringing with complaints. Mr. Holloway stated that after one week the odor from these is really not that bad. Mr. Cella stated that he would not particularly like to have this in his back yard.

Mr. Holloway questioned how he could get beyond this so that the Board would grant approval. Mr. Garabedian stated that he was unsure. Mr. Holloway stated that they have in some instances installed vinyl stretch covers that fit under the lid, in other areas air-tight lids are used.

Mr. Garabedian questioned the possibility of the truck leaking. Mr. Holloway stated that the trucks have a water-tight tank. He is regulated by the DOT and would not be allowed on the roadways with a leaking tank. If a truck is found to have a leak, they are immediately taken out of service for repair. The Board stated that they did not have a problem with the truck.

Mr. Cella expressed concern that the employees of WalMart are not going to properly handle the waste. He stated that in his experience getting kids to put the right stuff in the right dumpster is like pulling teeth. Mr. Holloway stated that it is an educational process. He stated that what he has found is that after the second or third week, because the penalties go back onto the store, that compliance is very good.

**Motion made by Mr. Garabedian to deny organics recycling proposal at the WalMart Store.  
Motion seconded by Mr. Chase; the vote was all in favor.**

Mr. Holloway asked what he had to do to get the Board to reconsider. Mr. McKeon stated that he could come back with another proposal for their consideration. He stated that Mr. Garabedian, being a Health Inspector for the Town of Milford, deals with this stuff daily so the proposal would have to satisfy his concerns. Ms. Thompson suggested that these containers be placed in another area entirely so that there is a conscious effort on the part of the employees to place the organics in the proper container.

**Title 5: Carpenter Estates – Soils Testing Extension Request:** Present for this meeting was Cheryl Peterson of Heritage Design Group and Stan Piecewicz, owner of the subdivision property.

Mr. McKeon stated that as far as he was concerned soils evaluations and percolation tests are good forever; the problem here is that the Board has a bylaw. If the Board votes for the extension you might as well throw the bylaw out because you are setting a precedent.

Mr. Cella asked if Mr. Malley had reviewed the soil tests. Ms. Gniadek informed the Board that Ms. Peterson met with Mr. Malley today in the Board of Health office. She stated that in January of 2006 soils testing applications were received for 20 lots. On February 2, 2006 soils testing was performed on 19 of those 20 lots – the results of which are located on the spreadsheet she prepared for the Board. On December 19, 2006, Heritage Design applied for additional testing on 9 lots in this subdivision due to the change in lot configuration due to the change in the subdivision plan. The soils reports that Ms. Peterson provided the Board at their last meeting of June 15, 2010 were all dated January 10, 2007 with the exception of Lot 18 which was dated February 2, 2006. This appears to be a clerical error as only 9 lots, not 17, had to be re-tested. Ms. Gniadek further informed the Board that Mr. Malley had requested that Ms. Peterson provide an overlay of the two subdivisions with test pit locations noted thereon from both 2006 and 2007. Ms. Peterson supplied that document to the Board along with the accurate 2006 and 2007 soils evaluation forms.

Ms. Peterson stated that the site was originally laid out using conventional subdivision requirements using up all the upland area. It was later re-designed under Flexible Development which does not allow you more lots but does allow for smaller lots and larger open space areas. Because of the lot configuration change some of the original testing was able to be applied to the new lots and some lots had to be re-tested.

Mr. McKeon questioned what the bylaw allows. Ms. Gniadek responded that soil tests are good for two years and plans are valid for three years. Mr. Chase asked how old the testing was. Mr. McKeon responded 3 to 4 years old.

Ms. Peterson offered to address the Board's concerns that the soils may have changed that should they grant the extension, for which the owner will pay associated costs for that request, they would be agreeable to doing confirmatory deephole testing at the time of construction. She stated that there has been no construction on this site or the surrounding area since testing was done in 2006 and 2007. She stated that there is no reason for the groundwater or mottling elevations to have changed. Mr. McKeon stated that Ms. Peterson is absolutely right however, the Board has a bylaw. Mr. Cella stated that there must have been a reason that bylaw was adopted. Mr. Cella stated that they are asking the Board to set a precedent based on their error.

Mr. Piecewicz stated that state regulations say that percolation testing is good for an indefinite period of time. He commented that the Board wanted to punish him. Mr. Cella stated that they are not trying to punish him. Mr. Piecewicz stated that in fact they are – that if they go to the Town of Upton, testing is valid for 10 years – this is a local bylaw and the Board is empowered to make exceptions and decisions. Mr. Piecewicz asked if he had come in for an extension before the two year expiration, would they have extended it or would the Board have denied it. Mr. McKeon stated that he felt it would have been extended.

Ms. Peterson stated that they have received all the necessary extensions from both the Planning Board and the Conservation Commission. She stated that it was an oversight on their part not to apply for the extension. She further stated that they have not requested any sort of waiver on the associated fees and

that had the extension been filed on time, the Board has indicated that the extension would have been granted. She stated that it is true that under DEP regulations there is no expiration on soils testing.

Ms. Peterson stated that another issue that arises is that there is now a requirement for 4 deep hole tests per lot within the septic system area. She stated that if they are required to conduct 4 more test pits in the septic system area there will no longer be any virgin material in which to install the actual system as it will all be disturbed area.

Mr. Piecewicz stated that under Planning Board regulations they had to prove that the lots were buildable so that is why testing had been done so early in the process, prior to any Planning Board approvals on the subdivision. He stated that most of this four year period has been dedicated toward the approval of the subdivision – those are the town's rules.

Mr. Garabedian stated that we should have current information. Mr. McKeon stated that the soils testing is not going to change. Mr. Piecewicz stated that he can go back in there to do the testing again but that he would need Conservation approval to cross a very sensitive environmental area. To deny this simply on a punishment basis Mr. Piecewicz stated is ridiculous. He stated that there should be some sort of exception for new development as the subdivision approval process is lengthy and he did not even have approved lots yet but had to prove they were buildable to the Planning Board.

Mr. Chase disagreed stating that the plans were done and approved but because of the economy he never moved forward and now they are asking the Board to go against their own bylaw. Mr. Garabedian questioned setting a precedent and the affect that would have on existing tests and plans. Ms. Gniadek informed him that there are some expired plans and tests but not a large volume of them.

Mr. McKeon questioned whether it would be appropriate to run this by Town Counsel. Ms. Gniadek suggested that Town Counsel would inform the Board that they have the authority to deny OR extend.

Mr. Cella questioned what would happen if the Board granted the extension and the economy tanks again in a couple of months then what; we've set a precedent for nothing. Ms. Gniadek informed the Board that they had the discretion to grant a one-year final extension. This would motivate the owner to have septic plans drawn up for each lot. The Board could further require extension fees for each lot and septic plans could be approved conditional upon confirmatory testing at time of construction.

Ms. Peterson stated that the developer is ready to move forward on this project and that he is seeking financing. The only thing holding up the financing is getting the necessary extensions on the soils testing. She stated that even the one year extension would be enough for the applicant to move forward with his financing.

**Motion to deny request for extension of soils testing data was made by Mr. Chase and seconded by Mr. Cella. The vote on the motion was 3-2 in favor of the motion. Mr. Chase, Mr. Cella and Mr. Garabedian voted in favor; Mr. McKeon and Ms. Thompson were opposed to the motion.**

Ms. Thompson stated that this Board has the power to make exceptions and that in this regard we could charge the appropriate fees and allow them to move forward. Mr. Chase commented that the developer does not have any money. Ms. Thompson stated that that was not his problem. Mr. Cella stated that it is because the Board is granting a permit to build when he doesn't have any money to build. Ms. Peterson questioned how such a comment could be made that the developer has no money to build. Mr. Cella responded that the owner should have had all his ducks in a row to get his financing including the extension of these soil tests. Mr. Chase stated that we cannot make changes to bylaws on a weekly basis.

**Title 5: 642 Quaker Street – Title 5 Inspection Report:** The Board reviewed a Title 5 Inspection Report completed on June 18, 2010 by Daniel Grant noting “Needs further Evaluation by the Local Approving Authority” and correspondence from Malley Engineering recommending that the Board fail the system and require that it be upgraded.

**Motion made by Mr. Cella to deem the septic system at 642 Carpenter Road to be in failure. Motion seconded by Mr. Garabedian; the vote was all in favor.**

**Housing – Minimum Standards – 34 Court Street:** Ms. Gniadek informed the Board that she placed this matter on the agenda for discussion as the owner has not yet completed all repairs but has been cooperative with the office. The owner was scheduled to attend but was unable to due to a death in his family. The owner has informed the office that he is agreeable to a meeting with the Health Inspector to review remaining work to bring this unit into compliance. No further action required at this time.

**Tom Berkowitz Trucking: Semi-Annual Waste Transfer Station Inspection Report:** The Board reviewed the Semi-Annual Waste Transfer Station Inspection Report of Norfolk Ram Group for the Berkowitz Trucking Transfer Station. No action required at this time.

**Quaker Street Landfill: June 2010 Landfill Gas Monitoring Report:** The Board reviewed the report from BETA Group on the most recent round of landfill gas monitoring conducted at the Quaker Street landfill. Gas probe 7A is still reading high for LEL which will likely affect the Board’s application for reduced monitoring.

**New Open Meeting Law:** Ms. Gniadek distributed various documents received from the Town Clerk, Doreen A. Cedrone, regarding changes to the Open Meeting Law that went into effect on July 1, 2010.

**Citizen’s Forum:** Appearing before the Board was John Robichaeu of **821 Quaker Street** to request a variance from the 100-foot setback required between a well and a septic system. Mr. McKeon felt that this could be granted. The Board requested that Ms. Gniadek contact DEP to determine if this is allowed. **Motion made by Mr. Cella to grant variance upon verification from DEP that a well can be located less than 100-feet from the septic. Motion seconded by Mr. Garabedian; the vote was all in favor.**

Also appearing before the Board was **Ken Gikas of the Emergency Preparedness Coalition**. Mr. Gikas informed the Board that if they so desire they may be the asset manager of a satellite phone. This requires monthly testing and that the phone be made available to other communities if requested. As holder of the asset, Northbridge would retain first right in its use in a widespread disaster. **Motion made by Mr. Garabedian to accept the satellite phone. Motion seconded by Mr. Cella; the vote was all in favor.**

**Old & New Business:** Ms. Gniadek reminded the Board that they had been in the process of **reviewing and amending their local regulations** and she asked that they continue with this process.

The Board also discussed reviewing at each Board meeting the most recent round of food inspection reports. **Motion made by Mr. Cella to place Review of Food Service Inspection Reports on all future agendas. Motion seconded by Mr. Chase; the vote was all in favor. Minutes shall list all establishments reviewed, the date of the report, and the number of critical violations noted within the report.**

Board of Health Minutes – July 13, 2010

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

- DEP 2010 Annual Notice to Local Boards of Health
- DEP Water System Sanitary Survey: West End Creamery
- BOH Email to DEP RE: West End Creamery Sanitary Survey & On-Site Septic System Information

*There being no further business, motion to adjourn at 8:45 PM was made by Mr. Cella and seconded by Ms. Thompson – all in favor.*

*Attested by,*

*Jeanne M. Gniadek, Administrative Assistant*

*List of Documents utilized by Board of Health  
Meeting Date: July 13, 2010*

1. DRAFT Minutes of June 15, 2010
2. Environmental Products & Services of Vermont – regarding collection and recycling of organics.
  - a. Received from Phil Holloway at meeting as part of his presentation to the Board:
    - i. Photo of 4-yard “Organics Only” dumpster
    - ii. Photo of “Guzzler” truck used to empty organics dumpster
3. Carpenter Estates:
  - a. Preliminary Subdivision Plan dated September 28, 2005
  - b. Proposed Conditions Plan dated June 15, 2006
  - c. Definitive Flexible Development Plan dated June 20, 2006; Rev. 12/7/06; Rev 4/18/07
  - d. Spreadsheet developed by J. Gniadek (BOH Administrator) with all known soils testing
  - e. Received from Heritage Design as part of presentation to Board:
    - i. Exhibit Plan – Carpenter Estates dated July 13, 2010 – showing 2006 and 2007 testing locations
    - ii. Soil Suitability Assessments (Form 11) for the 2006 and 2007 soils testing for Carpenter Estates
4. Malley Engineering Letter to Board dated July 2, 2010 – recommendation to Board based on his review of Title 5 inspection report for 642 Quaker Street to fail the inspection and require upgrade to the soil absorption system.
5. Title 5 Inspection Report for 642 Quaker Street – prepared by Daniel Grant – dated; June 18, 2010 – “Needs Further Evaluation by the Local Approving Authority”
6. 34 Court Street – June 24, 2010 Letter from Board to Owners (Richard Rizza and Stephen Kearney) outlining remaining violations.
7. 34 Court Street – Original Housing Inspection Report – dated: April 21, 2010
8. Norfolk Ram Group - Tom Berkowitz Trucking – Semi-Annual Waste Transfer Station Inspection Report – dated: July 6, 2010
9. BETA Group, Inc. – Quarterly Landfill Gas Monitoring Report – June 2010
10. Open Meeting Law:
  - a. Memorandum from Doreen Cedrone with attachments
  - b. Open Meeting Law Guide – Office of the Attorney General – July 1, 2010
  - c. 940 CMR 29.00 Open Meeting Law Regulations
11. DEP 2010 Annual Notice to Local Boards of Health
12. DEP Water System Sanitary Survey – West End Creamery
  - a. BOH Email to DEP regarding on-site septic system at West End Creamery
13. 821 Quaker Street Septic Design Plan (partial copy of plan showing location of septic system and private well)
14. Agreement between the Town of Northbridge Board of Health and Massachusetts Region 2 Public Health Emergency Preparedness Coalition