

Board of Health
Meeting Minutes

Board Members:

Margie LaFleur, Chairperson; Phil Durno, Member; Virginia Malouin, Member

Staff:

Kalene Gendron, Health Agent; Brynn Montesanti, Secretary

Attendees: See attendance sheet

Mrs. LaFleur opened the meeting at 4:00PM and announced the meeting is being televised by Pepperell Community Media and recorded by the Board secretary.

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1. Old Business

a. Earth Filling Regulation Workshop

Mrs. LaFleur respectfully asks the audience not to speak or ask questions due to the amount of items they have to review.

Mrs. LaFleur asks Board if they had had time to review the various samples of bylaws and regulations that had been part of the discussion which include but are not limited to the Town of Uxbridge Planning Board Bylaws (Chapter 182,) Town of Uxbridge Board of Health Regulations, Town of Ashby Board of Health Regulations and Town of Billerica Noise Bylaws.

Mr. Durno opens discussion using Uxbridge's Planning Board By-Laws as reference, Mrs. LaFleur agrees that she too likes the baseline of these bylaws. Mrs. Gendron adds that she likes the Uxbridge's Chapter 182 but would like to incorporate the Uxbridge's Board of Health as well as Ashby's Board of Health Regulations due to some of the language and definitions provided within.

Mrs. LaFleur inquires to Mrs. Gendron about some additional history to the site as well as what is the final intention of the property and Mrs. Gendron is in process of research of the history of the property and states it is her understanding that after the filling of the quarry it is to remain as is.

Mrs. Malouin inquires about the cubic yardage that different towns use as well as what kind of dirt are they using as fill, she believes that it should be fill that is suitable for human habitation.

The Board decides to use as a base the Town of Uxbridge's Planning Board Bylaws (Chapter 182) and are all in agreement to make modifications as the Board think it will best apply to the Town of Pepperell and to protect the residents thereof.

Mrs. Gendron advises Board of the response from Mr. Baldi from MA DEP, the town administrator and/or selectmen are meeting with the counsel and she advises they are looking to collectively gather concerns from the Board at the next meeting.

Mrs. Malouin is hoping that we can get a draft together, vote and submit to Mr. Moak prior to his meeting with town counsel. Mr. Durno agrees.

Items to add/modify/change:

- Change 182-1 “Purpose” to “Authority”, inserting 29.1 from Uxbridge BOH, which states the authority granted to Board of Health under the provisions of M.G.L. c.111, s31
- Insert 29.2 from Uxbridge BOH regulations which states the purpose these regulations will have and the intentions thereof
- Change all “bylaw” to “regulation” throughout document
- Change all “Uxbridge” to “Pepperell” throughout document
- Change all “Planning Board” to “Board of Health” throughout document
- In Chapter 182-2 which is the Administration section we will omit paragraph 1 and insert the two paragraphs from 29.3 from Uxbridge BOH. Within this section the Board discusses the amount of fill these new regulations will apply to and decides to change “100,000 cubic yards” to “30,000 cubic yards” throughout document where “100,000 cubic yards” amounts are used. Mrs. Gendron would like to make town counsel aware that they questioned amount and would like opinion of counsel. Mrs. Malouin would like to add “at the expense of applicant” in regards to the LSP.
- Add to definition section these items and their definitions
 - o Unit of Measurement
 - o LSP
 - o QEP
- In permitting section the Board agrees to add the first sentence from paragraph 1 in 29.5 Uxbridge BOH after the two paragraphs already contained in 182.4.
- Board discusses cubic yardage amounts and agrees to change “3,000 cubic yards” to “1,500 cubic yards” throughout document however Mrs. Malouin suggests to other Board members to give Mrs. Gendron permission to have a discussion with the DPW and Highway Department about these amounts
- Add question mark to “G” in 182-5 to ask town counsel about
- In section 182-6 add 29.6 “C” as a subset marked “A” as well as adding phone number. Change duration from “60 days” to “7 days.” Add response date for BOH to be 45 days and that all soil importation activities must cease and desist until such time permit is granted. Mrs. Gendron also requests that the applicant must have specific clarification of type of access road, one way in, one way out, as well as what the access road is made of. Also Board wants signs and emergency numbers shall be posted as required by BOH.
- Mrs. Gendron suggests to have clarification on final grade maps as mentioned in section 182-6
- Mrs. Gendron would like to see if the soils can be as restrictive as S-1 soils as spelled out in 310 CMR 40-0975(6)(A)
- Mrs. Gendron references an AUL, activity & use limitations and deed restrictions, suggestion to look into it and see if the Board would want to entertain this idea and add it to draft with modified language to best suit these regulations
- Mrs. Gendron references a Massachusetts Contingency Plan – Procedures and Standards of the Characterization of the Risk and Harm to Health Safety and Public Welfare of the Environment – referenced when there is a site with a RTN attached to it. Mrs. Gendron thinks we should review this plan and policy. (40-0900)

Mrs. Gendron excuses herself from the meeting. Mrs. Malouin suggests to allow secretary to begin drafting these and continue workshop in a future meeting when Mrs. Gendron is present. Mr. Durno encourages Board to remember that we need to have these regulations drafted and given to Town Administrator.

Board will continue workshop on the next meeting on 8/7/18.

Mrs. Malouin motioned to adjourn the meeting. Mr. Durno seconds. All in favor. Meeting closed at 5:15PM.

Respectfully submitted by Brynn Montesanti, Board of Health Secretary