



TOWN OF NORTHBOROUGH BOARD OF HEALTH

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Glenn French
Dilip Jain
Jamie Terry, Board of Health Agent

The Board of Health met on Tuesday, March 12, 2013, in the Selectmen's Meeting Room of the Northborough Town offices. The meeting was called to order at 6:00 PM by Chairman Glenn French.

Paul Marra of Wegmans Food Markets, Inc. appeared before the Board RE: variance request from the requirements of Massachusetts General Law Chapter 130 Marine Fish and Fisheries Section 80 and 105 CMR 533.000 Fish and Fishery Products Section 533.011(I). Mr. Marra explained how Wegmans, who also hold a Retail Dealer Permit from the Massachusetts Department of Health and the Division of Marine Fisheries, is seeking this variance to allow activities including acquiring, handling, storing, processing, filleting, steaking, packaging, and selling raw seafood products, frozen or unfrozen to customers. Mr. Mara explained that these activities are "an essential part of promoting fresh seafood from local purveyors, highlighting the freshness and quality of those products to the consumer. Wegmans customers gain product knowledge and confidence when they are able to watch and ask questions about the seafood being processed, or learn from cooking techniques being demonstrated. The seafood processed in this manner will be 1) packaged and immediately handed to the customer watching the process 2) may be packaged in "grab and go" packaging for convenience 3) or will be offered for sale out of main seafood service case".

Ms. Terry informed the Board that Wegmans had previous approval with the State allowing them to process finfish in the dayboat area however because of some confusion, wholesale -vs- retail, a variance from 105 CMR 533.011 (1) (d) which prohibits the holder of a Retail Dealer permit from processing, re-labeling, or repacking seafood seems to be the most appropriate way to move forward at this time.

Ms. Terry and the Board discussed the ice table display area and requested that Wegmans Food Markets exclude any canned items being displayed within the ice next to raw fish as the proximity for contamination exists. Paul Marra on behalf of Wegmans agreed to this request.

Chairman Glenn French made a motion to grant the requested variance allowing Wegmans Food Market, Inc. to process seafood as a holder of a Retail Dealer permit. Dilip Jain seconded the motion and the vote was unanimous.

6:30 PM - Public hearing continuation to consider proposed changes to the Northborough Board of Health Smoking Rules and Regulations.

Dudley Darling of Juniper Hill Golf Course appeared before the Board to seek clarification on the prohibition of smoking in outdoor seating areas of restaurants. Again, he has some concern over this part of the regulation and wondered how this would affect the pavilion, and food service windows. Ms. Terry and the Board discussed this part of the regulation and agree that all food service windows on the other hand would require smoking patrons to maintain a 25' distance. The Board agreed to create an exemption to this part of the regulation; allowing private function (i.e., leagues) areas that are clearly marked to be exempt from this part of the regulation.

Ms. Terry and the Board agreed that the pavilion on this property is strictly used for private functions, and since it is structurally separate from the food service window the regulation does not apply.

Ms. Terry informed the Board that she will work the private function area exemption in to the draft regulations and requested the Boards approval to forward the draft regulations to Town Counsel.

Chairman Glenn French made a motion to close out the public hearing and forward draft regulations to Town Counsel for review, Dilip Jain seconded the motion and the vote was unanimous.

7:00 PM - 46 Sunset Drive

Mark Farrell of Green Hill Engineering did not appear before the Board tonight regarding 46 Sunset Drive. Ms. Terry informed the Board that the current septic system is in failure and in need of repair and they are seeking a variance from Local BOH regulations; offset to wetlands (100' required, 60' provided). Ms. Terry and the Board discussed how this is the most protective placement

Chairman Glenn French made a motion to allow the variance request contingent upon conservation commission approval - Dilip Jain seconded the motion and the vote was unanimous. Mr. Philip Rogers, Homeowner, appeared before the Board tonight and thanked them.

7:15 PM - 373 Howard Street

Mark Farrell of Green Hill Engineering did not appear before the Board tonight. Ms. Terry informed the Board that the current septic system is in failure and in need of repair and they are seeking two variances from Local BOH regulations; 50% reduction in the size of the leach area & offset to groundwater. Ms. Terry and the Board discussed the proposed system Singulair pre-treatment unit and cultec chambers that are approved through DEP for remedial use. Ms. Terry informed the Board that she has some concern over the 50% reduction in the size of the leach area in tough soils.

Ms. Cathleen Pedone, homeowner, appeared before the Board tonight and spoke about financial hardship and her request to avoid extensive landscape damage on her property. The Board informed Ms. Pedone that avoiding a regulation due to a landscaping issue is not considered a hardship.

Ms. Terry and the Board reviewed the septic plan from 2002 for the carriage house. Based on the records we have on file Ms. Terry stated there is probably room for improvement and suggested that it would be in everyone's best interest to do additional soil testing on the lot.

The Board informed Ms. Pedone that based on Ms. Terry's professional opinion they would like to see additional soil testing performed on the lot, along with a new plan that would show a 20% or 25% reduction (something better than the 50% that they are requesting). Ms. Terry informed Ms. Pedone and the Board that she would call Mark Farrell first thing in the morning to get his opinion. Ms. Pedone thanked the Board.

7:45 - Lot 4B Newton Street

Mr. Mohamad Ziad Ramadan appeared before the Board tonight to have an informal discussion on lot #4B Newton Street. Mr. Ramadan explained to the Board that this lot had a previously approved septic plan on file however it has lapsed. As it is today, the lot would have to meet local well regulations (adopted in 2009) and he is unable to do so without requesting a variance. Ms. Terry and the Board discussed the issue at hand and the Board made it abundantly clear that they are not interested in varying new construction unless one was to show cause of significant hardship. Mr. Ramadan proposed two different options to the Board tonight; Option 1 will require a variance request involving wetlands (100' required, 58' provided) and therefore Mr. Ramadan would have to appear before the conservation commission to seek their approval as well. Option 2 was the suggestion of using a shared well with one of his neighboring lots. Ms. Terry and the Board discussed the options and agree that this is a very unique situation. Ms. Terry informed the Board that she doesn't like the concept of a shared well and would rather the Board approve a variance request for this particular lot. The Board informed Mr. Ramadan that they would not make a decision one way or the other at this point and time. However, the Board would like to see a formal statement from the conservation commission as to what their determination would be. Ms. Terry stated that she was unsure if the conservation commission would issue a variance for new construction. Ms. Terry held on to the plan Mr. Ramadan presented and informed the Board that she will speak with Mia McDonald, Conservation Agent, about this particular lot.

Meeting was adjourned at 8:25 PM

Next meeting scheduled for Tuesday, April 9, 2013 at 6PM.

Respectfully submitted,

Sarah Jean