

The meeting was called to order at 7:00 p.m., by Chairman, Al Holman. Also in attendance were; Member, Richard Robinson; Member, Richard Desjardins; and Asst. Public Health Officer, Diane Tiernan.

Town Nurse/Agent, Trish Parent was also in attendance.

Minutes to the previous meeting held on 9/11/14 were reviewed.

Motion one – Richard D. made a motion to accept the minutes from 9/11/14 and Richard R. seconded the motion. Motion approved by majority.

Vouchers were reviewed and signed.

Richard R. stated he went to the G.U. Rail yard with Michelle Delemare of DEP last Monday, the 8th, to observe the changes made for sound mitigation. He met with Jon Deli Prescoli and Michael Polselli and spent about 1 ½ hours walking the area. Richard stated that the findings were that everything they committed to had been completed. They did experience a glitch with the pump house overheating and they still need to make a change and install an exhaust. Everything else was completed. They ran the operation for Richard and Michelle who stood on the far side where the cars are unloaded. The loudest noise they heard was from a truck at the yard. Richard stated he barely heard the pellets coming down the pipe. Jon indicated that if the operation continues to grow they will eventually build a warehouse on the Depot Road side which would further devoid the noise. DEP appeared to be happy with the work that was done, he is not aware if they are coming back to complete more sound readings.

Board stated that the STB has been out to the rail yard, as well as DEP. According to the Grafton case, the RR has been found to be preempted. Richard stated that Jon mentioned there may eventually be a second and third shift operation, business is very high.

Food permits for Red Rock Grill, Blackstone Valley Tech, Memorial School, Nipmuc High School and the Senior Center were reviewed.

Motion two - Richard R. made a motion to approve of the permits and Richard D. seconded the motion. Al made the motion unanimous.

Installers permits for Barrows Construction of North Street, Upton and Devlin Construction of Framingham were reviewed.

Motion three - Richard R. made a motion to approve of the permits and Richard D. seconded the motion. Al made the motion unanimous.

7:20 p.m. Paul Carey, Blythe Robinson, Jim Brochu, and Steve Johnson arrived to discuss the proposed nuisance regulations.

Al opened the discussion with all present.

Blythe stated that there appears to be a need for a nuisance regulation, but the previous proposed version did not seem to go over very well with most Boards. We are now starting to get more complaints from residents in town about unsightly property, too many vehicles, etc. The health regulations work in certain situations and code enforcement but then there's a gray area. We need to fill in the gaps. We don't want to become the grass police, but we need to determine what is a nuisance. If we want to move forward with the regulations, do we want it on the November town meeting or should we wait until the annual.

Steve stated the last couple of years, more complaints have come in about neighbors. The calls do not pertain to structural issues, but because we don't have a nuisance bylaw, we have no tool to bring the complaint along or to go to court. Rather than have to go out and survey each and every complaint, we need a process to make sure it's a legitimate complaint that is reported to us. That would prompt the next step, instead of policing the town.

Jim stated there are over a half a dozen properties already in town that we could focus on.

Paul stated that there is a house in Grafton that he sees daily that has never been finished.

Jim asked if we should consider that a nuisance. A pile of bricks in my neighbor's yard should not be a concern. There is a house on School Street that has a strong cat odor, is that a nuisance? Definitions will be key to these regulations.

Richard R. stated that tall grass harbors rodents and mosquitoes which can be a nuisance to neighbors. Do we police how tall your grass is?

Jim asked at what point we impede on someone's rights. My neighbor doesn't mow the same or as often as I do. Is that a nuisance?

Richard D. state if someone goes on vacation and hasn't mowed for a month; he gets a letter waiting for him when he comes home.

Blythe stated our goal is not to be going out looking for these things. We will not become the grass cops. She doesn't think anyone has an issue if you're on vacation – just the people that are out of control.

Al stated their needs to be some censorship, but who makes the determination. Neighbors form a complaint – town has to make a decision – at what point does the town make a determination. Our goal is not to protect property value but to protect health and welfare.

Steve brought up the house of horrors in Blackstone. The problem went on way to long until they finally got a complaint from a neighbor. The outside did not appear in bad shape, it was all on the inside.

Richard R. stated we have an obligation to try to craft something for the residents to vote on.

Jim agreed we could have the discussion on the town floor; leave it up to the voters; how does it affect you as a neighbor. Holes in the regulation can cause problems, so we need to look at this carefully.

Blythe stated she had a caller from Nelson Street who didn't like the view from her window; she was looking at construction equipment. Steve stated when he investigated that complaint, what was called an eyesore was actually very neat. Blythe stated the caller felt it was an eyesore, but to us it was very neat.

Al stated that the complaint should refer to something that is dilapidated, personal property. It shouldn't refer to vegetation. Paul agreed someone could have tall weeds, but it's an actual butterfly garden. Al stated the proposed regulations are a good start, but he feels we have made the box too small. We need to make the box a little bigger, something that's enforceable, truly a nuisance. The Attorney General will have to approve of the regulations as well.

The discussion was made that there are already nuisance and health regulations in effect that would address some of these complaints. Trish stated the BOH cannot go in when its owner occupied without the homeowner's permission, very delicate area and the state sanitary code is very specific. There must be a risk to the public health. Trish suggested we don't take out the public health regulation, but leave it in, the one that's most restrictive is what applies. It adds value, but the resident will not be double slammed with a violation.

Richard D. stated there is also a fine process where every day is a separate offense and if the problem continues and the fines are large, a judge just throws it out. We should make the fines for the violation of these rules a large amount but just a one-time fine. Jim suggested the first offense be a warning. Richard R. felt the goal is not to fine them, but to inform them and correct the problem.

7:54 p.m. Pat Roche, building inspector arrived.

Jim stated that whatever policy we put in place, the issue must be very obvious. Person making the complaint may feel the violation is very blatant, but the official has to see it that way as well. Blythe agreed that we are not interested in the tall grass and peeling paint.

Paul suggested that not one person alone should make the decision. There should be an appeal process where if Pat does not find a violation, they can appeal to the town manager or the BOS.

Jim also stated there should be no grandfathering.

Al stated the proposal is a good start and there were some good suggestions and feedback tonight. We need to decide what is missing and what has already been accomplished with other regulations or

bylaws. Richard R. suggested we wait for the annual to put the proposal on the warrant. Blythe stated it's up to the Selectmen, but we don't want to rush it. Blythe asked that everyone send their comments or revisions to her.

All agreed to go back through the proposals and send Blythe their comments.
8:20 p.m., Paul, Pat, Steve and Jim left.

Board reviewed the \$4000.00 grant they recently received from the state for our participation in recycling. The funds must be utilized accordingly. The grant was signed by Blythe.

Motion four - Richard D. made a motion to adjourn and Richard R. seconded the motion. All made the motion unanimous.

8:30 p.m., the meeting was adjourned.

Respectfully Submitted,

Diane Tiernan, Asst. Public Health Supervisor