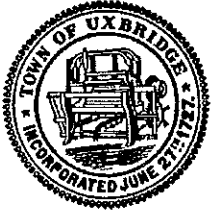


AUG 17 '17 12:36



TOWN OF UXBRIDGE
Board of Health
21 South Main Street
Uxbridge, MA 01569-1851
508-278-8600 X 8
ddelannoy@uxbridge-ma.gov

Received by
Uxbridge
Town Clerk

BOARD OF HEALTH PUBLIC HEARING MEETING MINUTES
Wednesday, May 17, 2017

Minutes of the Uxbridge Board of Health meeting held on Wednesday, May 17, 2017 at 6:00pm in the Selectmen's Meeting Room, 21 S. Main Street, Uxbridge, MA:

Present: Michael Morrisette, Chairman, James Smith, Member and Kristin Black, Health Agent and Denise Delannoy, Admin. Asst.

Absent: Jonathan Neitz, Member

Call to Order: 6:01 PM

Chairman Morrisette bid farewell to Jonathan Neitz thanking him for his years of service.

Public Hearing, Soil Importation Regulations:

Motion: James Smith to open the public hearing. **Seconded:** Michael Morrisette. The vote was unanimous.

Kristin Black, Health Agent reviewed the proposed regulation.

Comments from the public,

Atty. Shayne Picard, Lane & Hammer, PC, Whitinsville, MA came forward on behalf of Eli Richardson. Atty. Picard commented on the proposed regulation including the setting of soil limits and measurement in cubic yards. He also proposed an amendment to the proposed regulation; an exception if a proponent had a current ACO through the DEP.

Dr. David Tapscott, resident, comments that an ACO is a voluntary permit and therefore could be stopped at any time. It would not be reasonable to make an exception for this reason.

Motion: James Smith to close the public hearing. **Seconded,** Michael Morrisette. The vote was unanimous.

Motion, James Smith to accept the Soil Importation Regulation as written. **Seconded,** Michael Morrisette, the vote was unanimous.

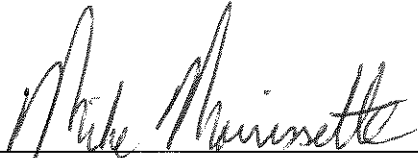
Arrowhead Acres, David Morin, owner, speaks to the change in permitting fees. Following a lengthy comment; it was decided to review the complaint thoroughly in the office and then reconvene the conversation with Mr. Morin.

Farmers Market permit fee, Kristin Black presented for the office.

Motion, James Smith to set an annual permit fee of \$100.00 for the Farmers Market which would allow them two inspections and a review of paperwork for their food vendors. **Seconded**, Michael Morrissette. The vote was unanimous.

Adjournment: 7:05 PM

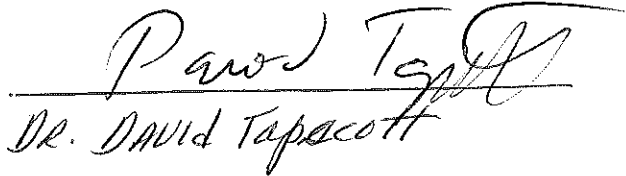
Motion, James Smith to adjourn tonight's meeting. **Seconded**, Michael Morrissette. The vote was unanimous.



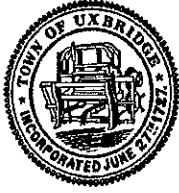
Michael Morrissette, Chairman

James F. Smith, Member

Attached: Letter from Lane and Hamer and Sign-In Sheet



DR. DAVID Tapacott



TOWN OF UXBRIDGE
21 South Main Street
Uxbridge, MA 01569-1851

Pursuant to G.L. c. 30A § 18-25, the undersigned member of a board, committee or commission of the Town of Uxbridge hereby certifies that he or she has examined all of the evidence of said board, committee or commission at the one session of its adjudicatory hearing on the matter identified below which the undersigned member failed to attend, and that such evidence included an audio or video recording of the missed session or a transcript thereof. This Certification has been executed prior to the undersigned's participating in a vote on the matter and shall be part of the record of the hearing.

Member Name:

DAVID TAPSCOTT

Board, Committee or Commission:

Board of Health

Subject Matter of Hearing:

Meeting

Date of Missed Session:

5-17-17

Signed under the pains and penalties of perjury this 16th day of August 2017.

David Tapscott
Signature

LAW OFFICES
LANE AND HAMER
A PROFESSIONAL CORPORATION

100 MAIN STREET
WHITINSVILLE, MASSACHUSETTS 01588

HENRY J. LANE hlane@laneandhamer.com
SHELLI C. HAMER shamer@laneandhamer.com
FAITH M. LANE flane@laneandhamer.com
SHAYNE J. PICARD spicard@laneandhamer.com

TELEPHONE: 508 234-4400
FACSIMILE: 508 234-4966

May 17, 2017

Town of Uxbridge
Board of Health
21 South Main Street, Room 204
Uxbridge, MA 01569

Re: Proposed Soil Importation Regulations

Dear Mr. Chairman and Members of the Board:

I write to request an amendment to the proposed Soil Importation Regulations which are currently under consideration. As written, the proposed regulations impede soil importation activities which are already regulated while allowing potentially hazardous materials to be imported without regulation.

Proponents of large scale soil importation projects often voluntarily subject their projects to oversight by the Department of Environmental Protection ("DEP"). This is akin to a landlord asking the Board of Health to inspect an apartment in advance of letting it out so as to ensure that the unit meets the applicable standards. Soil projects submitted to the DEP are closely scrutinized and the soil imported is subject to testing. Typically, Administrative Consent Orders issued by the DEP impose lower limits on permissible contaminants than the limits established for the determination of hazardous or regulated material. This extra margin of safety helps to ensure public health and safety.

On the other hand, certain exceptions set forth in the current form of the proposed regulations allow unregulated and untested soil to be imported into the Town. This scheme, whereby the permissibility of soil importation is based solely on the *quantity* of soil imported and not on the quality of such soil is arbitrary and as such may not withstand subsequent review. Even-handed exceptions to the regulations, particularly with respect to the quality of the soil to be imported, are far more likely to be upheld if subsequently scrutinized.

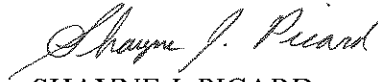
Re: Proposed Soil Importation Regulations

May 17, 2017

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In an effort to see the regulations evenly applied, I have drafted the attached Proposed Amendment to Proposed Soil Importation Regulations. In short, it contemplates an additional exception for fill and soil which is being tested pursuant to an active DEP Administrative Consent Order. I ask that you please consider amending the proposed regulations accordingly.

Very truly yours,

A handwritten signature in cursive script that reads "Shayne J. Picard".

SHAYNE J. PICARD

Proposed Amendment to Proposed Soil Importation Regulations

Insert immediately following paragraph G of section 29.5 PERMIT REQUIRED the following text:

- H. Implement a Soil Reclamation Project which is subject to oversight by the Massachusetts Department of Environmental Protection (“DEP”) as evidenced by an active Administrative Consent Order issued pursuant to DEP Interim Policy on the Re-Use of Soil for Large Reclamation Projects (COMM-15-01) or pursuant to DEP regulations governing soil fill projects promulgated pursuant to Section 277 of Chapter 165 of the Acts of 2014, M.G.L. c. 21E, § 6, and M.G.L. c. 111, § 150A.

Please Sign In 5/17/17
Board of Health

Shawn J. Picard, Sam & Hama, P.C., Whitinsville

David Tagnett

DAVID MORIN.