



TOWN OF WESTBOROUGH MASSACHUSETTS

BOARD OF HEALTH

FORBES MUNICIPAL BUILDING
45 WEST MAIN STREET, SUITE 25
WESTBOROUGH, MA 01581-1916

TEL. (508) 366-3045
FAX (508) 366-3047

BOARD OF HEALTH MONTHLY MEETING

Tuesday
May 10, 2011
Forbes Municipal Bldg., Room 24
5:30 p.m.

AGENDA

1. Minutes of Meetings (4/12/2011)
2. Director's Report (April)
3. Sanitarian's Report (April)
4. Health Inspector's Report (April)
5. Old Business
 - A. Recombinant DNA Regulations - Public Hearing - 5:45 p.m.
6. New Business
 - A. Draft Flood Plain Regulations
7. Director's Issues
8. Adjourn



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Minutes of Board of Health Meeting May 10, 2011

The regular Board of Health meeting was held on Tuesday, May 10, 2011, in room 24 in the Forbes Municipal Building. The meeting was called to order at 5:30 p.m. by Chairman Ehrlich. Those present were Members Federici and Walsh, Director McNulty, and Inspector Gilchrist. Absent: Sanitarian Baccari. Bills and payroll were signed.

Minutes of the meeting held on April 12, 2011, were reviewed and approved.

Director's report (April 2011) was discussed and approved.

There was no Sanitarian's report (April 2011).

Health Inspector's report (April 2011) was discussed and approved.

OLD BUSINESS

Recombinant DNA Regulations – Public Hearing

Chairman Ehrlich opened the hearing at 5:49pm.

One correction was noted under Section 1, (B).

Member Walsh made a motion to approve the rules and regulations relative to the use of recombinant DNA technology in the Town of Westborough; Member Federici seconded the motion; the vote was unanimous.

The regulations will be signed at the June meeting.

New Business

Draft copies of the revised floodplain regulations were distributed.

The revised regulations were required because the Federal Government has developed new maps. The Town has until July 4, 2011, to adopt and have Federal Emergency Management Agency (FEMA) approve the regulations. The Town must adopt the regulations to avoid being excluded from the National Flood Insurance Program (NFIP). If the floodplain regulations are not adopted by July 4th, property owners will be ineligible for flood insurance through NFIP. Existing policies cannot be renewed and new policies cannot be sold.

Several years ago, flood plain management was conducted at the annual Town meeting under the zoning by-laws, but, by default, the regulations are managed by the Board of Health

A public hearing will be held next month.

Director's Issues

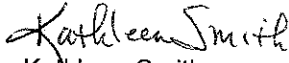
A recent visit with Pakistani local government officials was discussed.

A complaint received about the OWB on Mt. Pleasant was discussed. The boiler was operating beyond its "shut-off" date.

There being no further business, the meeting adjourned at 6:15 p.m.

The next meeting will be held June 14, 2011.

Respectfully submitted,


Kathleen Smith



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RULES AND REGULATIONS RELATIVE TO THE USE OF RECOMBINANT DNA TECHNOLOGY IN THE TOWN OF WESTBOROUGH, MASSACHUSETTS

In accordance with the authority granted by the General Laws of the Commonwealth of Massachusetts, Chapter 111, Section 31, the Westborough Board of Health hereby establishes the following rules and regulations restricting the use of Recombinant DNA Technology in the Town of Westborough.

SECTION I Requirements for the use of Recombinant DNA Technology in the Town of Westborough.

- A. The experimentation with, or use of, recombinant DNA technology in the Town of Westborough shall be undertaken only in strict conformity with the "Guidelines", so called, of the National Institute of Health (NIH), as set forth in the Federal Register "NIH Guidelines for Research Involving Recombinant DNA Molecules" dated January 2011 or any amendment thereof, or as may be established from time to time by the NIH, by other Federal Agency, or by Act of Congress; and in conformity also with such other health regulations as the Westborough Board of Health may from time to time promulgate.

Individuals, associations, organizations, corporations, educational institutions, medical facilities (all hereinafter referred to as institutions) proposing to experiment with or use recombinant DNA technology, as defined and regulated by NIH Guidelines, shall obtain a permit.

- B. To obtain and maintain a permit the institution must 1) prepare a manual which contains all procedures included in the NIH Guidelines to regulate said use at all levels of containment in use at the institution. Said manual shall be submitted for review by the Westborough Board of Health. Manual must be approved, in writing, by the Westborough Board of health before any recombinant DNA experimentation may take place. 2) Allow inspections of laboratory space and documentation as determined by the Board of Health 3) have mandatory training for all laboratory personnel in appropriate safe-guards and procedures for minimizing potential accidents 4) an emergency plan which describes procedures to be followed if an accident contaminates personnel, laboratory, or the environment, procedures for emergency notification of appropriate governmental agencies, shall

be included in this plan 5) have an annual review by the Board of Health.

- C. The institution must have an effective rodent and insect control program on premises where Recombinant DNA use under this chapter takes place.
- D. The Institutional Bio-safety Committee mandated by the NIH Guidelines should be broad-based in its composition. It should include members from a variety of disciplines, representation from the bio-technicians staff and it shall include at least two community representatives who shall be appointed by the Westborough Board of Health, one of whom shall be the Public Health Director, and both of whom shall have no financial interest in the institution or any other institution in competition therewith and such two representatives shall be bound to the same provisions as to non-disclosure and non-use of proprietary information and trade secrets as all other members of the Institutional Bio-safety Committee, except to the extent necessary to alleviate any public health hazard. As used in this ordinance proprietary information and trade secrets shall be defined as set forth under the law of the Commonwealth of Massachusetts.

The minutes required by the "Guidelines" (IV-D-2h) of all meetings of the Institutional Bio-safety Committee shall be delivered to the Westborough Board of Health within ten (10) days of the meeting after first removing any proprietary information and trade secrets therefrom. The full text shall remain on file in the records of the Institution for inspection at all reasonable times by any member of the Committee.

SECTION II Medical Surveillance

- A. All institutions are to provide an appropriate medical surveillance program as determined by the Institutional Bio-safety Committee for all persons engaged in experimentation with, or use of, recombinant DNA technology as defined by and regulated by the NIH Guidelines.
- B. As part of the institution's health monitoring responsibilities, it shall in good faith, make every attempt, subject to the limitation of the available technology, to apply monitoring of the organism involved appropriate to the degree of hazard as determined by the Institutional Bio-safety Committee, in the laboratory worker and inside and outside the containment laboratory.

This shall include whatever means are available to monitor the intestinal flora of the laboratory worker, if warranted.

- C. The Institution's health monitoring responsibility shall include the implementation of the following measures:

- (a) All breaches in containment, which represent a significant potential hazard to employees or the public are to be recorded and reported immediately and in no case 24 hours after the release to the Institutional Bio-safety Committee for appropriate action which may include monitoring for the development of any illness.
- (b) All cases of illness occurring in persons involved in research with, or use of, recombinant DNA technology as defined and regulated by the NIH Guidelines shall be reported by that person, or his designee, in cases where that person is incapacitated, to the laboratory supervisor, if the cause was likely to be related to recombinant DNA technology. The supervisor shall file a report with the Institutional Bio-safety Committee and with an institutional medical official. Such report shall include the name and address of the person and the date, nature and length of the illness involved.

Said records shall be permanently maintained and periodically reviewed by the Institutional Bio-safety Committee under the supervision of the Institutional medical officer; and, it shall be the duty of the IBC to investigate all cases of unusual potentially work related illness associated with the use of recombinant DNA technology being carried out in the Town of Westborough and also to determine whether fuller investigation of any particular illness is warranted. The results of such investigations shall be forwarded to the Director of Public Health.

Said record shall otherwise be confidential and shall not be a public record.

- (c) All persons involved in research with, or use of, recombinant DNA technology, who are absent from work or laboratory due to illness for more than five (5) consecutive days, must report to a physician before being allowed to return to work or to the laboratory.

SECTION III Restrictions

- 1. Experimentation with, or use of, recombinant DNA technology classified by NIH Guidelines as requiring BL3 and BL4 level of containment shall not be permitted in the Town of Westborough, except that BL3 containment may be allowed if approved after a public hearing.
- 2. The use of humans as experimental subjects in recombinant DNA research, as defined and regulated by the NIH Guidelines, shall not be permitted in the Town of Westborough.

SECTION IV Registration

- A. All Institutions using recombinant DNA technology must be registered with the Westborough Board of Health.
- B. Application for registration must include the following information:

1. Company name and address
 2. Names of corporate officers and addresses
 3. Summary of the type of recombinant DNA technology and/or research to be conducted in the Town of Westborough
 4. Containment level required
 5. Copy of Training Manual
 6. Copy of Emergency Plan
 7. Names and addresses of Institutional Bio-safety Committee
 8. Copy of Medical Surveillance Program
- C. No recombinant DNA technology and/or research may be initiated in the Town of Westborough until registration has been approved, in writing, by the Westborough Board of Health.

SECTION V Penalties

A violation of any of the provisions of this ordinance shall subject the violator to a fine of Two Hundred Dollars (\$200.00) per day and in addition, the specific laboratory in which the violation occurs may be closed by the Westborough Board of Health. Each day of violation shall constitute a separate and distinct offense.

SECTION VI Variances

The Board of Health may vary any provision of these regulations with respect to any particular case, when in its opinion, (1) the enforcement thereof would do manifest injustice, and (2) the applicant has proved that the same degree of protection can be achieved without strict application of the particular provision. All variances shall be considered at a hearing by the Board of Health.

SECTION VII Severability of Sections

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Alan M. Ehrlich, M.D.

Priscilla A. Federici, R.N.

Nathan P. Walsh, Ph.D.

Date: May 10, 2011

FLOOD HAZARD MANAGEMENT REGULATIONS

DRAFT DRAFT DRAFT

ARTICLE I. STATEMENT OF PURPOSE

The purposes of these Floodplain Regulations are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

ARTICLE II. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

SECTION A. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as follows: The District includes all special flood hazard areas within the Town of Westborough designated as Zone A, AE, AH, AO, A99, on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Westborough are panel numbers: 0641E dated July 4, 2011

0642E	“	“
0643E	“	“
0644E	“	“
0661E	“	“
0662E	“	“
0663E	“	“
0664E	“	“
0666E	“	“
0668E	“	“
0831E	“	“
0832E	“	

08851E dated July 4, 2011
0852E “ “

The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Board of Health.

SECTION B. BASE FLOOD ELEVATION AND FLOODWAY DATA

1. **Floodway Data.** In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

ARTICLE III. NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, The Westborough Conservation Commission Agent shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

ARTICLE IV. USE REGULATIONS

SECTION A. REFERENCE TO EXISTING REGULATIONS

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

SECTION B. OTHER USE REGULATIONS

- 1) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- 2)
- 3) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Worcester County FIRM or Flood Boundary & Floodway Map encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 4) All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.
- 5) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- 6) There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, Building Commissioner and for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

- 7) new and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the systems, and
- 8) new and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

ARTICLE V. PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Buildings lawfully existing prior to the adoption of these provisions.

ARTICLE VI. DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study

program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and **ZONE AE** (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

