



BOARD OF HEALTH

# TOWN OF WESTBOROUGH MASSACHUSETTS

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

TEL. (508) 366-3045  
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## BOARD OF HEALTH MONTHLY MEETING

Tuesday  
February 19, 2013  
Forbes Municipal Building, Room 24  
5:30 p.m.

## AGENDA

1. Minutes of Meeting (1/15/2013)
2. Director's Report (January)
3. Sanitarian's Report (January)
4. Health Inspector's Report (January)
5. New Business

5:30 p.m. - Discussion - Medical Reserve Corp - Lois Luniewicz - Grafton Health Director  
5:45 p.m. - Continuation - Regatta Deli  
6:00 p.m. - Discussion - Massage Regulations  
6:10 p.m. - Medical Marijuana Regulations

6. Director's Issues
7. Adjourn



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## Minutes of Board of Health Meeting February 19, 2013

The regular Board of Health meeting was held on Tuesday, February 19, 2013, in room 24 in the Forbes Municipal Building, 45 West Main Street. The meeting was called to order at 5:30 pm. by Chairman Walsh. Present: Members Ehrlich and Federici, Director McNulty, Sanitarian Baccari and Inspector Gilchrist. Bills and payroll were signed.

Minutes of the meeting held on Jan. 15, 2013, were approved.

Director's report (January) was discussed and approved.

Sanitarian's report (January) was discussed and approved.

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

**At 5:30 p.m.,** the Board met with Lois Luniewicz, Grafton Health Director, to discuss the Medical Reserve Corp.

Ms. Luniewicz was before the Board to invite Westborough to join Grafton's MRC division. She told the Board that Grafton started its own MRC division because as one of 70+ towns that belonged to the Region II Coalition, volunteers were only involved in the MRC's work when they were called in for emergencies and would lose interest with the lack of local initiatives throughout the year and it was not effective. Grafton's unit members work and drill together, so when there is a major incident the members can work effectively. There are 60 volunteers in the Grafton MRC. Northbridge and Sutton make up what is now known as the Greater Grafton MRC and Westborough would be part of that MRC. Ms. Luniewicz said she would like to start recruiting volunteers in Westborough and make the MRC's presence known by planning some events. Maybe meet in small groups, such as church groups. A handbook was distributed to the members. She said the members are engaged year-round by providing services at immunization clinics and other health services at events like road races. Grafton will handle all the administrative duties; there will be no expenditures for Westborough. Ms. Luniewicz is the director and Grafton's public health nurse, which is a contracted position, acts as the MRC's coordinator. The MRC also has an administrative assistant who works 15 to 20 hours a week and is paid through grant money.

Ms. Luniewicz told the Board Worcester's regional MRC has now been broken up into five divisions in Central Massachusetts. Each division has 8 to 10 towns. She said this was a brand new approach to all of this within Region II. It might need some tweaking over time, but this is the approach they're taking for now.

Director McNulty said he was 100% in favor of this. The MRC has been around a number of years and it takes an interested, motivated individual to coordinate something like this and keep the volunteers motivated and we just don't have that.

The Board thanked Ms. Luniewicz for her presentation.

**At 5:45 p.m.,** the Board re-opened the public hearing from last month for Regatta Deli.

Regatta Deli's manager, Maria Blanchard and General Manager, Michael Prizio appeared before the Board.

Health Inspector Gilchrist provided an update. She inspected the deli on January 23<sup>rd</sup> and accompanied Building Commissioner Htway on an inspection conducted on January 30<sup>th</sup>. Some of the health violations had been corrected by January 30<sup>th</sup>. New food labels are in place. The hand sink in one bathroom still needs to be replaced. A mop sink needs to be installed.

Mr. Prizio said there is still a lot to do with bigger projects scheduled due to the inspection by the Building Commissioner. Communication is going well with all the departments involved.

During his January 30<sup>th</sup> inspection, the Building Commissioner found building violations that will require building and plumbing permits to correct. He has given the deli three months to make those corrections. He said they seem to be moving in the right direction.

Member Ehrlich commented that there seems to be definite improvement; he is satisfied by what he hears.

Member Federici thanked Mr. Prizio and Ms. Blanchard for the positive reports and told them to keep up the good work.

Member Ehrlich made a motion to close the public hearing with no action taken. The motion was seconded by Member Federici; the vote was unanimous..

The non-compliance fee of \$200 issued by the Board of Health for installing new equipment and making changes without notifying the BOH was paid.

**At 6:00 p.m.,** the Board prepared to discuss a change to the massage therapy regulations. Sanitarian Baccari provided background information. A few years ago the State took over the licensing of massage therapists and establishments, with the exception of polarity, reiki, reflexology and cranio-sacral therapy. The BOH still issues the permits for those specialized massage techniques.

Referencing the Board's "Massage Therapy Regulations", Sanitarian Baccari said under Section F. (Definitions), these therapists were referred to as "Massage Therapist Specialist".

There is a therapist in Westborough who wants to practice reiki only. After doing some research, Director McNulty and Sanitarian Baccari do not think that reiki meets the definition of massage. There is no touching or manipulation with reiki. Sanitarian Baccari would like to take reiki out of the massage therapy regulations.

Member Ehrlich made a motion to delete reiki from Section F. (Definitions) from the Massage Therapy Regulations. The motion was seconded by Member Federici; the vote was unanimous.

**At 6:10 p.m.,** Director McNulty informed Board members that the Planning Board has an article on the Town Meeting warrant regarding zoning restrictions for medical marijuana. The bylaw would restrict the dispensaries and the growing of marijuana to the adult entertainment district (Town Meeting Drive) that is located near Herb Chambers Honda dealership on route 9 westbound. He said he is sure the question will come up at Town Meeting - what does the Board of Health think?

Director McNulty suggested the Board wait and see what the Department of Public Health comes out with regarding their regulations before the members respond.

Member Ehrlich said he agreed with the Director. The Board should wait for DPH for their guidance on how the law will be implemented

Chairman Walsh said he would like the Town to have draft regulations in place before DPH's and say that it's superseded when DPH develops their regulations.

Director McNulty said there are many legal implications and he didn't think the BOH had the expertise. DPH can do the work. They have more money and people. The Planning Board wants to ban it. This is all new territory and there is the possibility of a challenge.

Chairman Walsh said he was in favor of the Planning Board's article.

Member Ehrlich said the primary issue, as he sees it, is the diversion of marijuana to uses other than medical. The residents of Massachusetts passed the law and that is the law of the state.

Member Ehrlich said he was in favor of zoning commercial dispensaries, but to zone it for personal use for valid health reasons does not make sense.

Chairman Walsh said that zoning for personal cultivation would allow the BOH to inspect, keep track of, and make sure there's security around those areas that are sufficient for whatever amount of marijuana they're growing.

Chairman Walsh said it appears that by consensus, the Board supports zoning for commercial marijuana dispensaries.

Chairman Walsh said he supported what the Planning Board has written, but would still like the BOH to develop their own regulations to overlap with the Planning Board's until such time that DPH comes out with theirs. He would like to see regulations in place until the issues can get worked out.

Members could not agree on a total ban or zoning for the cultivation of marijuana at home for medical use.

#### **DIRECTOR'S ISSUES**

NONE

There being no further business, the meeting adjourned at 6:50 p.m.

The next meeting will be held Tuesday, March 19, 2013.

Respectfully submitted,

  
Kathleen Smith



**TOWN OF WESTBOROUGH**  
**MASSACHUSETTS**  
01581

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BUILDING COMMISSIONER  
ZONING ENFORCEMENT OFFICER  
TIN HTWAY

Date: January 30, 2013

To: Board of Health  
Town of Westborough  
Re: Building Code Violations  
Regatta Deli II  
3A Colonial Drive

Dear Board Members,

The Building Department and the Board of Health (BOH) Inspector Terry Gilchrist at your request performed an inspection on January 30, 2013 and discovered numerous violations. The BOH violations are listed in the "Food Establishment Inspection Report" dated 1/23/13. The building code violations (Massachusetts State Building Code, 8<sup>th</sup> Edition) have been listed in this letter. Regatta Deli is therefore required to apply for a **building permit** to correct these violations in order to obtain a certificate of occupancy.

The list of violations/corrections as follows:

1. Front Customer Area
  - a. Exit sign over exit door is required to be illuminated.
  - b. Floor outlet behind deli case required to be damp-proof and shall be placed in a location so as not to cause a tripping hazard.
  - c. Missing electrical cover plate for receptacle outlet
2. Kitchen Area
  - a. Secondary means of egress - kitchen rear door
    - i. Add sign on door "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED".
    - ii. Letters shall be 1 inch high. (Section 1008.1.9.3 2009 IBC)

- iii. Remove all non-approved locking mechanisms from fire-rated required egress door
  - b. Add a lighted emergency exit sign.
  - c. Remove screen door or have it open outward.
  - d. Add sign over fire extinguisher.
  - e. 30" WX 36"D clear space minimum in front of electric service panel.
  - f. Labels required for service panel disconnects
  - g. Exit sign/emergency lite must properly direct egress direction - directional arrow needs to be blanked off or replaced.
  - h. Exit access to rear exit (kitchen) required to be 36 inches wide.
3. Men's Bathroom
- a. Hot water heater to be removed and relocated.
  - b. Reinstall lavatory sink.
  - c. Environmental exhaust fan to vent to exterior.
  - d. Provide gender signage
  - e. Plumbing Inspector to sign off on bathroom.
4. Women's Bathroom
- a. Environmental exhaust fan to vent to exterior.
  - b. Provide gender signage
  - c. Plumbing Inspector to sign off on bathroom.
5. Attic Area – Mechanical Equipment
- a. Provide 24" wide passageway to mechanical equipment continuous solid flooring
  - b. 30" X 30" clear space in front of equipment for servicing.
6. Commercial Kitchen Hood
- a. Missing fire suppression system for cooking equipment and kitchen hood.
  - b. Provide required approved fire protection system. (2009 IBC, Section 904.2.1), (2009 IMC, Section 509.).

Best Regards,



Tin Htway  
Building Commissioner