



BOARD OF HEALTH

7 MAIN STREET, Unit #2
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May 9, 2023 Minutes for Hubbardston Board of Health

Meeting time: 7:00 pm

Meeting location: Slade Building, 7 Main Street, Hubbardston, MA

- 1) Call to order at 7:03 pm. This meeting is recorded and possibly live.
 - a. Attendees:
 - i. Cathy Hansgate, Chair
 - ii. Colleen Higgins
 - iii. Laurie DeMalia
 - iv. Liz Putelis
 - v. Jim Ellis/Cushman Pond Beach testing
 - vi. Nancy Perron (for minutes)
 - vii. Judie O'Donnell - absent
- 2) Review and approval of April 25, 2023 meeting minutes
 - a. 8b - to add t in word complaints.
 - i. Colleen motioned to accept minutes with correction
 - ii. Cathy seconded
 - iii. All in favor.
- 3) Covid 19/Flu/Maven update
 - a. Covid - as of Thursday, May 4, 2023, the state maintains medical facilities no longer require masks for staff and visitors.
 - b. Maven – Cathy emailed MPH contact on 5/9/2023 but they have not responded as of meeting time.
- 4) Jim Ellis/Cushman Pond Beach testing variance (9a on agenda) moved up to accommodate Jim not having to stay throughout meeting. Requesting a variance with testing to be done every other week while Cushman Pond Beach is open. The pond had clean testing in 2019 and 2020 and received variance in 2021. A variance will expire with one read of E. coli that exceeds 235 colonies per 100 millimeters or average of previous five (5) most recent samples with 125 colonies. Cushman Pond is a semi-public beach only available to people in the neighborhood; those who pay homeowners fees. It has limited use
 - i. Cathy motioned to approve extension of sampling variance of Cushman Pond Beach with sampling done every other week from Memorial Day to Labor Day with one test done just prior to opening for Memorial Day.
 - ii. Colleen seconded
 - iii. all in favor. Cathy filled in the paperwork and signed the form.
- 5) Title V Reports – 52 Birches Road – passed inspection
- 6) Water Tests - none
- 7) Permits to be voted on/signed
 - a. Howe's Country Farm
 - i. Cathy made motion to approve
 - ii. Laurie seconded
 - iii. All in favor
 - b. List of Permits for Hubbardston Fair on June 10th
 - i. Blue Darner Granola
 - ii. Giacomo's Gourmet Foods
 - iii. Stars & Stripes Diner
 - iv. Atrevete A Probar
 - v. No Coast Kitchen

- vi. Minuteman Kettle Corn
 - vii. The Dogfather
 - viii. Pop's Sweet-harts
 - ix. Hawaiian Shave Ice/NE Comfort Foods
 - x. Uncle Joey's Cannoli
 - xi. Blue Darner Granola, Giacomo's Giacomo's Gourmet Foods, Stars & Stripes Diner
pending receipt of fee
 - xii. Cathy made motion to approve
 - xiii. Colleen seconded
 - xiv. All in favor
- 8) Open septic plans/Engineering plans review
- a. 55 Bemis Road – septic repair – Reviewed
 - i. Cathy made motion to approve
 - ii. Laurie seconded
 - iii. All in favor
 - b. 142 New Westminster Road – Approved by T. Newton on 3/9/2022 – Can not find where this was approved by BOH – Reviewed, was put forth to abutters and DEP
 - i. Cathy motioned to approve
 - ii. Colleen seconded
 - iii. All in favor
 - c. 8 Malone Road – Brought back to board to show Phil signed originals (had previously done remotely)
- 9) Old Business:
- a. BOH regulations, create list of fees and fines - table
 - b. Cannabis odor update/Joint public meeting scheduled for May 3, 2023 – did occur on May 3rd. Both operators stated they would have written plans on how they plan to reduce odors to both boards (Planning and BOH) a week prior to next joint meeting for any questions. The meeting went well until a certain point. Cathy thought Boey's comments were inappropriate and untruthful. These behaviors will not be allowed at the next meeting. OSHA is working on standards in processing areas so workers do not get over exposed; which can make them sick. They should have HVAC systems with carbon filtering for ventilation. It is Cathy's understanding that Boey does have this system in place. The week prior to the May 3rd meeting, Cathy reached out to Massachusetts Cannabis Control Commission. They were prompt in calling her back. Each cannabis operator has staff assigned. Tim oversees Paper Crane. There were no complaints received. Boey correctly notified Cannabis Control Commission stating there were odor complaints made against him. The Cannabis Control Commission will abide by individual towns decisions for a particular cannabis operation and rules that the towns make. If the two cannabis companies give the town their plans and they are approved for less odor, those plans would be forwarded to the Cannabis Commission. The commission will check to be sure the companies are in compliance. Agricultural Hemp is a kind of marijuana used to make CBD oil. It must have THC less than 0.5 and is under the Massachusetts Department of Agriculture (MDAR). They have yearly inspections. The operations of Royal Sun and Paper Crane are commercial businesses and do not operate under MDAR. Right to Farm does not apply. These commercial businesses are separated out and not considered agricultural. The Cannabis Control Commission is not within MDAR, but considered retail. THC levels are higher and therefore considered commercial.
 - c. Health nurse - table
 - d. Holden Hospital Account update – Cathy has not followed up. When Holden Hospital closed, BOH was to get 20% of funds allocated to the Town of Hubbardston. The document in the Treasurer's office shows it was approved at court level for Hubbardston to split the monies. Cathy is tracking down.
 - e. Local Regulations 2023 draft review – The two sections: Regulations for Body Art Establishments and Regulations for Private and Public Water Supplies will be sent by Nancy to board members to review to make corrections.
- 10) New Business
- a. Cushman Pond Beach testing – to confirm variance (see item 4 above)
 - b. Email welcoming Chelsea Orefice as HMCC Planning and Operations Coordinator – email passed around to be viewed by members
 - c. Unexpected subjects
 - i. Letter sent on May 3, 2023 to Mr. Tadrous regarding two ceiling issues in the plaza owned by him affecting Stars and Stripes Diner and Giacomos.

11) Complaints

- a. 248 Gardner Road – Meeting held on May 8th including Duffy, Nate, Cathy, Mark, Nancy and Kris Monroe, Chair of Planning Board to try to resolve the issues at 248 Gardner Road including the number of vehicles on the property and the trash. Duffy will not be involved as no building is happening. Nate had a gentleman from Templeton come in twice to say more cars are coming in. Nate is representing the Board of Selectman stating that 248 Gardner can not be an auto sales business nor a junk yard. Neither are allowed. Nate will write a combined letter on behalf of the town. The mortgage company needs to be notified. When Judie did the inspection, she drove up on the road where the solar farm is. She took pictures of mattresses and burning trash. She possibly did that in 2021 or 2022. Will try to locate minutes to see when this happened.

- i. Cathy motioned to give Nate permission to write letter on behalf of the Board of Health.
 - ii. Liz seconded
 - iii. All in favor

Note: The town does not have many resources available if they do not comply. Kris Monroe suggested there is a certain office in the Attorney General's office for help with this type of situation. Kris will look into this.

- b. 91 Hale Road remain open – in court system
- c. Workers for new construction on Worcester Road near Halfrey Road. Cathy drove by on May 3rd to reach out to builder. She could not access driveway as property was blocked with trucks. Nancy to send letter.
- d. 85 Gardner Road – Cathy posted “No Trespass” signs. Sgt Forte went with Cathy. According to Sgt. Forte, the occupant has been living there more than 6 months.
 - i. Cathy motioned to condemn RV trailer and give person occupying trailer 14 days to leave. There is no septic connected to RV. No water connected. A letter will be sent to owner, who lives in Gardner. Occupant will have 14 days from the time Cathy goes to condemn property.
 - ii. No second
- e. 124 Barre Road – May 4th complaint from Erica on Cape Cod stating there are too many dogs on Cindy's property, overbreeding of dogs, unkept conditions, house smells. Erica called stating she purchased a dog in June, 2021 and a second dog in August, 2022 from Cindy Phillips, Country Side Rotties at 124 Barre Road. Erica states that Cindy breeds Rottweilers, Pit Bulls and Frenchies. Erica is having health issues with dogs purchased. Nancy reached out to animal control. Spoke with Meg and she will pass on to Cheryl Slack. Cheryl called back (left voice mail). Cindy has not had a kennel license for 2-3 years as she did not pay for license and it was revoked through the town. On May 10, Cheryl stopped by BOH office. She went to Cindy's house. She had more than 4 dogs at the home, but co-owns with a person in Connecticut. The dogs were there because she was taking care of them for co-owner. Nancy will check with the Town Clerk for kennel licenses and follow up with Cheryl.
- f. Ron Howe concerned about man from Connecticut that sells flowers at Rietta without a permit. Cathy states this is not a BOH issue. If he has concerns, he needs to go through the Department of Agriculture.

12) Turnovers

- a. Viewed by members

13) Warrants for approval – none

14) Financial Reports – MPHNI invoice with zero (0) balance showing test that was done on 11/14/2022 with no test results – members question why the invoice came now.

12) Next meeting date (Tuesday, May 23rd at 7:00 pm)

13) Adjournment at 8:51 pm

- i. Cathy motioned to adjourn
 - ii. Laurie seconded
 - iii. All in favor