



# TOWN OF SALISBURY

## BOARD OF HEALTH

JOHN W. MORRIS, DIRECTOR

SALISBURY TOWN HALL  
5 BEACH RD.  
SALISBURY, MA 01952

TEL: 978-462-3430  
FAX: 978-462-4176

DANIEL RICHARD  
RON LAFFELY  
SUE RING  
DENISE PETERSON  
JILL TAPPER

### **BOARD OF HEALTH MEETING MINUTES**

**June 1, 2021**

**7:00 PM Salisbury Town Hall**

#### **Board Members Present:**

Ron Laffely, Dan Richard, Denise Peterson, Jill Tapper, Sue Ring

#### **Board Members Absent:**

None

#### **Staff:**

John Morris-Health Director, Scott Vandewalle – Building Commissioner

*Meeting called to order at 7:00 PM.*

**Audience:** Brian Winner, Esquire/Mead, Talerman & Costa; John Baldwin/Owner, 105 Lafayette Road.

#### **Minutes**

April 6, 2021 minutes to be approved.

**(Mr. Laffely)** makes a motion to accept the minutes as written. **(Ms. Peterson)** seconds that motion. 4 in favor, 0 opposed, 1 abstain. Motion carries and is passed

#### **Violation Appeal – 105 Lafayette Road**

**(Mr. Morris)** states that he worked with both the Building Department and the Fire Inspector on this property as there were both safety and zoning issues also. The property had a new addition/building on the property. An inspection was done and an order was issued which would have them come into compliance.

**(Mr. Morris)** states the 4 issues are:

- **Spray paint booth.** The owner either needs DEP approval or proof that he is exempt.

- **A bathroom** is required under the Mass Labor Standards.
- **Adequate sewage disposal.** The system has to be inspected by the Health Department to ensure sufficient flow with the addition of a bathroom.
- **Floor drains.** Are there any and where are they draining to. If they are draining into the ground, a groundwater discharge permit is required. He may need a Waste Minimization Plan.

**(Scott Vandewalle, Building Commissioner)** approaches the podium and explains that an addition went up without a permit. He was included in the inspection and they communicated the open issues, including to get it properly permitted. The letter discussed tonight by the Attorney is very positive in working towards resolution.

**(Mr. Morris)** states there is a comprehensive approach per the attorney's correspondence which was only received today (June 1<sup>st</sup>) to get the violations corrected. Some Board members may not have had time to read it.

**(Atty Winner)** states his client appealed so they could interact with the Board. He gives a summary of work being done; they are working on the bathrooms; and the floor drains, have looked into internal housekeeping and disposing of stuff. He states in reference to the DEP permit, Mr. Baldwin did a tally of how much paint he uses. The threshold for permitting is 2k gallons and he only uses 200-250. He states he is under the threshold.

**(Atty Winner)** continues that the addition on the property is not permitted and in a location where it shouldn't be. Mr. Baldwin has tried to get additional land and looked at other options. He was then asked to work with his design team and see if the addition can go elsewhere. A thought is to take it down and put it back up in a more zoning compliant location and go through all the processes. Then, after the zoning issues are approved and all are satisfied, they can then work on the health issues once the new addition is up.

**(Atty Winner)** then passes out preliminary plans of the bathroom location, office, new addition etc. It shows the existing and future concept plans which will be zoning compliant. Mr. Baldwin is looking for feedback to see if this is a viable plan. There is an existing Title 5 but Mr. Baldwin would like to wait for the Lafayette Road sewer connection. **(Atty Winner)** then reads aloud from his email which could be considered an order from the Board of Health. All Board members refer to the document.

**(John Baldwin)** explains his purchase of the property and he will 'right his wrong'. The addition there now with the spray booth is considered only temporary.

**(Mr. Morris)** states they can use the Attorney's letter/email as a motion and he will number the conditions.

- 1) Mr. Baldwin will confirm not to pollute groundwater
- 2) Mr. Baldwin will provide reports every 120 days
- 3) New facility shall provide a bathroom
- 4) Mr. Baldwin shall implement a waste minimization plan and interior housekeeping best management practices.

5) The Board has right to reconsider or amend this order at any time.

**(Mr. Richard)** states the applicant and attorney seem to have a solid plan and feels they will follow up in good faith.

**(Mr. Laffely)** questions why the Board of Health is involved as there are other Town boards who have more jurisdiction.

**(Mr. Morris)** explains that numbers 1-4 on the original order had a 30 day compliance date and that is why they applied for the hearing. It puts a stay of action on it. The applicant has to comply with these (4) issues in conjunction with the Planning and Zoning issues.

**(Mr. Morris)** states that issues such as bathrooms and floor drains etc. do concern the Health Department.

**(Mr. Richard)** states the client is not refuting any of these points. The Board can refer it back to Mr. Morris on the Administrative level.

**(Mr. Laffely)** explains an appeal can be made to the Board of Health when something is not in compliance. He recommends the case go back to those who make decisions on a daily basis.

**(Mr. Richard)** states this is an appeal but the client is not arguing any of the points in the complaint.

**(Mr. Laffely)** states Mr. Baldwin should communicate with Mr. Morris, not the Board.

**(Mr. Morris)** states the Board has to make a decision to sustain, modify or rescind the order. They can refer to the attorney's email.

**(Mr. Vandewalle)** confirms that Mr. Baldwin will most likely have to appear before Conservation, Planning and /or the Zoning Boards for a variety of different things. The Building Permit process will come after that and it could take (6) months. It could be challenging due to vacations and therefore less meetings in the summer.

#### **Motion:**

**(Mr. Richard)** suggests the Board make a modification of the Order of Correction dated April 1<sup>st</sup> 2021 to remand this back to the Health Director at the administrative level.

**(Mr. Morris)** suggests to sustain the order of April 1<sup>st</sup> 2021 specifically Items # 1-4 outlined as violations that were observed and further modify the order to remand it back to the administrative level to determine the time frame for compliance and outline the attorney's 5 objectives.

**(Mr. Richard)** makes a motion to sustain the order dated April 1, 2021, especially Order #'s 1-4. The Board modified the order to remand this to an Administrative level, being John Morris, the Health Director for the time compliance schedule. Orders are as follows:

- A. Mr. Baldwin shall confirm and document all waste minimization and interior housekeeping best management practices and shall make arrangements with an

appropriate disposal/management company as warranted to ensure the existing facility does not pollute groundwater.

- B. Mr. Baldwin shall provide reports to the Director of Public Health at least every 120 days, or more often as warranted, detailing the status of his efforts to reconstruct the addition.
- C. The new facility shall include a bathroom serviced by the existing Title 5 system or town sewer as may be warranted and appropriate at the time.
- D. With respect to the new facility, Mr. Baldwin shall implement a waste minimization plan and interior housekeeping best management practices and shall make arrangements with an appropriate disposal/management company as warranted to ensure the existing facility does not pollute groundwater.
- E. The Board reserves the right to reconsider or amend this order at any time at a duly noticed public hearing if circumstances affecting the public health warrant so.

**VOTES:** Ms. Tapper seconds and Ms. Ring, Ms. Peterson and Mr. Laffely vote in favor of the motion. Motion passes. All unanimous. 5-0.

### ADJOURN

**(Ms. Petersen)** motions to adjourn; Ms. Ring seconds, Mr. Richard, Ms. Tapper and Mr. Laffely vote in favor to adjourn, 0 opposed.

Meeting is adjourned at approximately 7:40 PM

Date: 9/7/21

D. Richard  
Daniel Richard

Sue Ring  
Sue Ring

Ron Laffely  
Ron Laffely

Denise Peterson  
Denise Peterson

Jill Tapper  
Jill Tapper

Respectfully submitted by Teresa Mahoney

Teresa K. Mahoney 9/7/21  
Teresa Mahoney Date