

minutes of 2016 1/6

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BOH

January 6, 2016

Regular meeting of the Monson Board of Health was called to order at 6:05 p.m. by Vice Chair, Beau Schneider.

Members present were, Wayne Yee, Vicki Alfano, and Carrie Payne. Joanna Sorreiro was absent (ill).

Lorri McCool, Health/Title V Inspector was in attendance. Residents, Mr. Cournoyer and Mr. & Mrs. James Haynes 23 Wales Rd. were in attendance.

Beau Schneider made motion to accept the minutes from the December 9, 2015 meeting, seconded by Vicki Alfano and all in favor. The minutes of March 20, 2013 cannot be accepted at this time and were tabled. Lorri McCool retaining #6 from Jan. 8, 2014 meeting.

Mr. & Mrs. James Haynes from 23 Wales Rd. were present to speak to the Board about their noise complaint coming from Levesque Trucking located below their property. Mr. Haynes informed the Board that the planning board has approved expansion at the trucking site and he along with several neighbors, are appealing the decision to expand. There is a possibility that it could go to Superior court. According to Mr. Haynes, if certain criteria was met, he wouldn't necessarily be opposed to the expansion of the 100' X 150' which is only going to bring in more trucks and increase the 24/7 noise level. Vicki Alfano asked, exactly what the complaint entailed and Chair, Carrie Payne asked, if the complaint was strictly noise. According to Mass DEP, "for complaints about specific noise sources, the local BOH for the municipality in which the noise is located" is responsible for addressing the situation. Carrie Payne inquired, how is the property zoned? Mr. Haynes replied, "the property in question is zoned both commercial and a small portion rural village." Mr. Haynes also advised the Board, that B.J. Church, Building Commissioner has been out to the Levesque property twice to do noise readings from 10 p.m. to 7 a.m. and also 7 a.m. to 10 p.m. Upon requesting documentation from the Building Dept., B.J. Church went unannounced to Levesque Trucking on Nov. 16th with reading taken and also on Nov. 30th with two members of the Zoning Board, the Town Planner, Donald Frederick, Jim Haynes and also Craig Levesque. Lorri McCool asked, why the difference in time? Carrie Payne said, the amount of trucks running/idling would make a difference, she would guess. Mr. Haynes said, "between the hours of 6-7 a.m. seem to be peak." Vicki Alfano commented that truck drivers that having a starting time of 7 a.m., usually will start their inspections and warming their trucks by around 6 a.m., so they can be on the road. At the time the testing was done by the Building Commissioner, Mr. Levesque chose the truck and trailer to be tested and the results were pretty close to allowable limits. With the approved proposed expansion on the above mentioned property, there will be more extensive cutting of trees that will come within 20' of property lines. Under current by-laws, they are allowed a maximum of 25'. Mr. Haynes advised the Board that in summer months the noise is terrible and the trucks idle all night. Trucks/vehicles should be housed in the new building, however trailers and forklifts etc. will be moving about outside. At this time, Mr. Haynes presented the Board with the plans of the surrounding area, residences and the property in question regarding the noise complaints, so the Board could have a better feel for the location. Wayne Yee and Carrie Payne asked, if any type of noise barrier has been proposed such as tree plantings or some sort of barrier erected? Mr. Haynes said "no", as mostly all the residences are at a higher elevation and they would be above any barrier. Wetlands are also present and when the property was surveyed by Mr. Levesque, it was determined that there is "priority habitat" – endangered species. Carrie Payne said, that those questions or information has to be directed to Leslie Duthie and the Conservation Board. Lorri McCool told the Board, that during her first meeting with Mr. Haynes, she contacted the State and they advised her to go out and document any incidents of noise that Mr. Haynes or any of the other residents might report. Try and get a complete report with times, vehicle identifications, plates #'s, noise level to the best of her ability, running times, etc. If at least three of these events could be documented, then the Board of Health along with the guidance of the State could then draft a letter to the offender. Mr. Haynes questioned the interpretation of the DEP material regarding specific noise complaints. He, (Mr. Haynes) " just wants to know, if there is a town by-law and needs clarification. When B.J. Church from the Building dept. did her testing, it was administered 4' off the ground and those involved (neighbors) would like it conducted at possibly 10' high. Lorri McCool stated, she thought tests should be conducted at each residence that was experiencing the noise complaints. Mr. Haynes feels and stated, that the Planning board approved this expansion because the business will be bringing a lot of revenue into the Town. Carrie Payne reiterated, that the focus of the Board of Health is to address his noise complaint and what is under their jurisdiction. Mr. Haynes stated that, he has had conversations himself directly with Mr. Levesque and that Mr. Levesque has said, he also is respectful about time and noise restrictions and will fire anyone not abiding by the law. The three residents that are directly involved and vocal are the Kibbe's, the Perez's and the Haynes. They would like to see the regulations, as they stand, be enforced. Beau Schneider stated that he had also spoken with resident Curt Jameson who had recently purchased property on Wales Rd. Not long after he had moved in, he heard about the potential expansion and the noise. Up till that point, he had not been notified by anyone. The Kibbe residence seems to be impacted the most. Most of the noise comes from the hooking and un-hooking of trailers and also forklifts. At one time, Levesque trucking had leased space to other trucks/trailers, but that is no longer permitted. Wayne Yee asked Mr. Haynes, if he himself had a sound meter. "No". Carrie Payne said, at this point, not a lot can be done by us (Board of Health). We need tangible data, concrete testing. Lorri McCool advised, a "quality of life" also comes into the complaint with the noise monitoring. The testing should be administered in different parts of a residence property. You would not be always standing at a property line. You would be on your property ex. driveway, yard, patio, garden, in your home, etc. Carrie Payne then addressed the Board, as to whether this should be referred to Evan Brassard, Town Administrator for council on asking another dept. to go out to the site beyond normal working hours to conduct tests? Lorri McCool will speak to Evan and also, contact the State again on the BOH obligations moving forward. This is to get clarification on the noise complaints and idling of equipment over State regulations.

Lorri McCool advised the Board, she has court on Monday, Jan. 11th for 111 Bogan Rd., an ongoing trash issue.

Beau Schneider taking correspondence item #4 for further review and will return at next meeting.

Evan Brassard composing and printing monthly newsletter that was shared with the Board.

Claire Forgues stated, she would put fees for licenses and permits on the agenda for the next meeting for another review. Certain categories need to be addressed. Also, to be addressed, will be businesses that have not re-renewed their permits and are open on an expired permit, could face doubled fee's for the current year and also possible closing until paperwork and fees paid.

Vicki Alfano participated in 2 tele-conference regarding chickens and the spread of disease. Documentation from the conference tabled for another meeting.

Beau Schneider continues to monitor MAVEN and would like to schedule a meeting with Lorri McCool and the nurse that also has been monitoring. Beau will talk with Lorri himself.

Licenses and permits signed.

Tobacco regulations and violation fines tabled for future meeting.

Discussion on private well owner tip sheet tabled for future meeting.

Bill schedules, abatements and payroll were signed.

Next meeting is scheduled for Wednesday, January 20, 2016 at 6:00 p.m.

Beau Schneider made motion to adjourn at 8:20 pm, seconded by Carrie Payne.

Carrie Payne , Chair Person _____

Beau Schneider, Vice Chair _____

Vicki Alfano _____

Wayne Yee _____

Joanna Sorreiro _____