

BOARD OF HEALTH MINUTES – October 7, 2013
Danvers Town Hall, One Sylvan Street, Danvers, MA 01923

ADMINISTRATIVE

The meeting was called to order by Chairman Edmund Kowalski, at the Danvers Town Hall at 5:00 P.M. in the Daniel J. Toomey Hearing Room with the reading of the public notice, posted by the Town Clerk. Also in attendance were: Martha Swindell, Member; Mirandi, Director of Public Health, Janell Powers, Clerk; Robert Lee, DPW; Karen Nelson, Director of Planning & Human Services and Town Counsel, David Deluca.

PURPOSE OF MEETING

Deliberation of Site Assignment Modification-Covanta

Chairman Edmund Kowalski read the legal ad for the Covanta Site Assignment.

Mr. Kowalski stated that their intentions are to go along with the project. Mrs. Swindell stated that her biggest concern is the clarification of the trips in and out. Phil Jagoda stated that the proposed is an additional 30 truck trips. Mrs. Swindell stated as she recalls that means 15 trips in and 15 trips out. Phil Jagoda stated yes, that is true. Mrs. Swindell asked for the applicant to speak about the mitigation that they are planning to do to help the abutting neighborhood.

George Drew stated that they plan to create a buffer on the side of East Coast Road. They are designing a proposal and will present it to the Town of Danvers Department of Public Works and to the Board of Health so that it will be mutually agreeable and something that can be physically constructed. George Drew stated that they are researching this now. George Drew stated that as part of the testimony they stated that they will place anti-idling signs and they will also track down any offenders to those signs. Also in the testimony, they stated that there will be unannounced semi-annual inspection visits from the Board of Health agent. The agent will check the status of the facilities operation.

Mr. Kowalski asked about the idling, do you have a different route that you can propose for the residents going to the brush dump. George Drew stated that at the Public Hearing, one concern was the backup of the traffic going on the scale. He added that they pledged in testimony to remove as much of the traffic off of the scale as possible. Trash & yard and other cars do not need to go back over the scale. They did some research on this option. That would reduce the weight time for vehicles coming in & out. Mrs. Swindell stated that there was talk about the brush road, is there an easier way to deliver their brush to the brush dump. George Drew stated what he found out since, they had conversations with the town there are some safety concerns with adding another route in. They have to come up with something that will be safe, this would mean guard rails & gates, etc. and not knowing who is here would be a problem. They have been researching this for new routes, but, they found out that right now there is only one route in and one route out. If you go to the brush dump, you don't have to go back over the scale. Mr. Mirandi asked if these were just ideas. George Drew replied, yes, they have just been researching and getting a sense of the history of the roads and gaining information, rather than proposing without research.

Mr. Mirandi asked him to expound on the idling enforcement. George Drew stated that they can make an inspection truck list of who is there when the scale attendant shows up. They have a

number of surveillance cameras on site. They can also do random checks. They have time stamps. They don't have enough cameras now to extend further than the scale but they can look into that too. Mr. Mirandi stated that the enforcement part is a great addition to mediating the concerns of the abutters.

Mr. Mirandi asked about the buffer. George Drew stated that in the testimony it was suggested that a plan be submitted to the town. They are in the process of getting a survey and seeing whose land it is and what can be put on this land. They stated that would be part of the specifications and design. There may be places where 8 feet may not be high enough. They may need to put footings in. There will be a buffer along the road proposed to the Town as soon as they figure out what will work best in this limited space. Mr. Mirandi added that if this gets approved, there will be the condition of the plan to be submitted and reviewed and approved before it goes in. If it is over 4 feet tall, the applicant will need a building permit. Mrs. Swindell stated that she would also like the buffer to mitigate the noise and aesthetically enhance the area. Mr. Mirandi stated that this wall would have to have an Engineer stamp or a Town Engineer review and approval.

Mr. Kowalski asked about the school bus stop. George Drew stated that there was some conversation in the hearing. Abutter, Lisa Ferri stated that they will have to follow the rules like everyone else. Mrs. Swindell stated that she recalls that the bus stop was moved off of Route 1 and onto East Coast Road. Lisa Ferry added that this is on East Coast Road and it is working fine now.

Steve Monaco, abutter stated that the applicant was supposed to have a plan before tonight submitted to the Board of Health on what the buffer design is being proposed along the road. Steve Monaco added that the abutters would like to see what this buffer will look like. They were supposed to have something now for them to review. Phil Jagoda stated that one recommendation they had was to meet with the Board of Health or they can state that the plans will be available at the BOH office for review. Steve Monaco stated he doesn't know how much a buffer will make a difference. Empty trucks bang when they leave. He doesn't think that the buffer will do what they are looking for. Mr. Mirandi stated that it is not a tight science. Steve Monaco said that it might not be worth it to put up a buffer. He agrees he just doesn't know if it is going to work. Mrs. Swindell stated that they won't know unless they try it on whether not it will help or not. Steve Monaco stated that it is a lot of expense for them that may not be necessary. Mr. Mirandi stated that it is hard to keep his mouth shut but he would like to make sure that Mr. Kowalski duly notes that they would rather have something aesthetic as well as effective. George Drew stated that there is not much land there, that is why they are researching options. He added that there are a number of oil tanks also in that area and there are currently some trees there. If they plant more trees, trees grow roots which can cause problems to the homes in the mobile park. George Drew added that it is a very small amount of space to work with. He added that the current condition is a chain link fence with vines. He doesn't feel that a vegetated buffer will do anything either. They do not really think that they want to look at a wall. Steve Monaco added that it is a lot of expense for the applicant.

Mr. Mirandi asked Steve Monaco what they are here for then, he thought they wanted a nice buffer. Steve Monaco stated that they had an issue with the safety of the children. With the extended hours, the afternoon bus trips are a concern, for the safety factor in the afternoon. Mrs. Swindell asked what times the buses come. Lisa Ferri stated 6:00 a.m., 7:30 a.m. and 8:30 a.m. are the pick-up times and 2:00 p.m., 2:30 p.m. & 3:00 p.m. are the drop off times. Mr. Mirandi stated this will come off very blunt but he is not sure how much more they can do to appease the abutters. Mr. Mirandi

contacted the City of Peabody to let them know that this was cooking. He thinks that the School is going to have to chime in, why are they not here. Mr. Mirandi feels that they are doing everything that they can to notify the abutters and work on this together to make everyone happy. Mr. Kowalski asked if there is a crossing guard? Lisa Ferri replied no, it is off the highway, they are just concerned that they are going to have more trucks in and the later extended hours and the times conflicts with the school buses. George Drew stated that we currently have operations running during all of the other pick-up and drop-off times and that they have not had any problems. George Drew stated that the bus stops and opens the door to the sidewalk, walkway into the mobile home park.

Pete Clement, 9 Jersey Lane stated that he just doesn't know what to say about this.

Mr. Kowalski stated that he would like Town Counsel to write up a decision for the Board of Health. Town Counsel, Dave Deluca stated that in this instance, with two of the three Board Members present, it will have to be a unanimous vote when you are prepared to make a decision. Town Counsel, Dave Deluca stated that a draft decision has been circulating. If that in and of itself is sufficient, you would make a motion would be to accept and vote if that is what you prefer.

Mr. Kowalski stated that it sounds like the abutters are not interested in a barrier.

Mr. Kowalski motioned to accept the draft decision. Mrs. Swindell seconded. The motion carried.

ADJOURNMENT

Mrs. Swindell motioned to adjourn at 5:35 p.m. Mr. Kowalski seconded. The meeting adjourned.

Discussion after the adjournment

Karen Nelson asked what the applicant was thinking of for a buffer. George Drew stated a white vinyl fence 6 to 8 feet. They don't want anything higher. George Drew thinks that the fence is on the Town of Danvers property. Karen Nelson stated they can talk with DPW and have an internal staff meeting on this. George Drew stated that he only has 5 feet there. There are some trees already. He mentioned that some of the properties are very close to the fence and this may be why they do not want a wall. They will put some options together.

Town Counsel, Dave Deluca stated that the Board of Health needs to communicate their changes back to Covanta. Covanta needs to send a clean, corrected copy back to the Board of Health. Town Counsel will have the final review and once approved it needs to be signed by the 21st and stamped by the Town Clerk. The appeal rights would start at that point.

Respectfully submitted for your approval,

Janell Powers
Board of Health Clerk