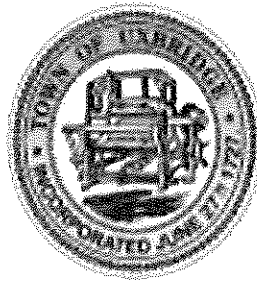


*Dr. David Tapscott, Chairman*  
*Dr. Joann Lindenmayer, Vice Chair*  
*Dr. Cay DenHerder, Member*  
*Erin Hightower, Health Director*  
*Kaitlin Donahue, Health Inspector*  
*Missy Kakela-Boisvert, Administrative Assistant*



**TOWN OF UXBRIDGE  
BOARD OF HEALTH**  
21 South Main Street, Room 204  
Uxbridge, MA 01569  
508-278-8600 ext. 8  
[boh@uxbridge-ma.gov](mailto:boh@uxbridge-ma.gov)

7300 UXB TOWN CLERK  
2022 JUL 27 10:17

**Minutes of the Uxbridge Board of Health hybrid meeting  
held on May 4, 2022 at 5:30 PM**

**Present:** David Tapscott, Chairman; Dr. Joann Lindenmayer, Vice Chair present via zoom; and Dr. Cay DenHerder, member. Also present, Erin Hightower, Health Director; Kaitlin Donahue, Health Inspector; Missy Kakela-Boisvert, Administrative Assistant, Sam Younes, Manager of Hellen's Garage, Jodi Berganti Tobacco Control, Joan Hamlet Director of the Tobacco Control Alliance present via zoom, Linda Barry 206 Hazel Street, Mark Flandreau 206 Hazel Street, Mark Santora representing 1045 Quaker Highway

**Join Zoom Meeting**

<https://uxbridge.zoom.us/j/89452369429>

**Meeting ID:** 894 5236 9429

**Meeting called to order:**

The time being 5:30 PM and a quorum present, Chairman Dr. David Tapscott called the meeting to order.

**Public Hearing request – Violation under “An Act to Modernize Tobacco Control” and 105 CMR 665.000**

Dr. Tapscott opened the public hearing for Hellen's Garage at 5:30 pm. The owner of establishment requested a hearing regarding the fine of \$1,000.00 that was issued for selling tobacco product to a person under the age of 21.

Dr. Tapscott asked Jodi Berganti of tobacco control to speak about the issue. She was not the one who conducted the compliance check. On March 5<sup>th</sup> of this year a compliance check was conducted. Hellen's Garage located at 277 North Main Street sold to a minor. The product sold called Game (which is a brand of cigar) was sold over the counter and the youth was not asked for ID nor their age. Under the regulations the consequence is a \$1,000.00 fine and a three-day permit suspension, this will be Friday May 13<sup>th</sup> – Sunday 15<sup>th</sup>. All tobacco products must be out of public view and a sign post saying there is no sale of tobacco product during the suspension. Sam Younes, Manager of Hellen's Garage said on the day of the violation they had a new clerk has been spoken to about selling to minors and has been given more training.

Joan Hamlet Director of the Tobacco Control Alliance told the Board this is a violation of the State regulations not the town. At the end of the hearing the Board can find the establishment responsible or not responsible. The fine for first offense is \$1,000.00 and a three-day permit suspension. The Board can not reduce the amount of the fine.

Cay asked if the Board had any leeway on the fine or the suspension. Joan answered the Board does not have any leeway on the fine but does on the suspension. She cautioned



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the Board that if they make any changes with the suspension of permit, they are setting a precedence. Establishments can use the excuse of a new employee as to why the violation occurred.

*Dr. Cay DenHerder makes a motion not to alter the fine or the suspension and to close the hearing. Dr. Joann Lindenmayer seconds the motion. Motion passes unanimously with a vote of 3-0-0. Dr. Cay DenHerder - aye, Dr. Joann Lindenmayer - aye Dr. David Tapscott - aye*

Dr. Lindenmayer wanted people to know that this does not give any pleasure doing this. It was an unfortunate situation. She's sorry that this is the way it has to go.

Dr. Tapscott opened the public hearing for Uxbridge Mobile Garage/Honey Farms The owner of establishment requested a hearing regarding the fine of \$1,000.00 that was issued for selling tobacco product to a person under the age of 21.

On March 5<sup>th</sup> of this year a compliance check was conducted. An employee at Uxbridge Mobile Garage/Honey Farm sold to a minor. The product sold called Game (which is a brand of cigar) was sold over the counter and the youth was not asked for ID nor their age. Under the regulations the consequence is a \$1,000.00 fine and a three-day permit suspension, this will be Friday May 13<sup>th</sup> – Sunday 15<sup>th</sup>. All tobacco product must be out of public view and a sign post there is no sale of tobacco product during the suspension.

Rujec Patel who is the territory manager for Honey Farms. He requested the suspension be Sunday – Tuesday instead of Friday – Sunday because Fridays and Saturdays are usually busy days for them. He is okay with the fine.

*Dr. Joann Lindenmayer makes a motion not to alter the fine or the suspension and to close the hearing. Dr. Cay DenHerder seconds the motion. Motion passes unanimously with a vote of 3-0-0. Dr. Cay DenHerder - aye, Dr. Joann Lindenmayer - aye Dr. David Tapscott - aye*

**Public Hearing request – 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter 11) 206 Hazel Street, Linda Barry**

Dr. Tapscott opened the hearing regarding 206 Hazel Street which was requested by the owner. Erin or Kaitlin were asked to start. Erin read a timeline that she created. (Please see attached) Kaitlin then read her report.(Please see attached)

First issue is the septic system. Ms. Barry questioned what was wrong with the system and Dr. Tapscott said it failed Title V. Mr. Flandreau said Jim Darling did the test and told Mr. Flandreau the system runs fine but it's too close to the brook.

Second issue the need for carbon dioxide/fire detectors.

Third the electrical cords going all over the place, which is a fire hazard. Mr. Flandreau said he runs everything on surge protectors so it will help stop a fire. He's concerned about fire because it's an old house. He said it would go up like a matchbox.

Fourth is second egress was blocked.

Fifth issue is with regards to water . Mr. Flandreau said that is due to the shut off vales he has everywhere, which are in place to ensure adequate pressure.



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Ms. Barry asked communication with the BoH be done by certified mail and the board agreed. Dr. Lindenmayer believes the fire department be involved and Dr. DenHerder agrees. Ms. Barry said the fire department does not need to be involved.

The Board decided to continue the hearing until the next meeting, which will be June 1<sup>st</sup>.

**1045 Quaker Highway well discussion** – This property is a marijuana dispensary site called Nature's Medicines Dispensary. The property is served by a private well and private septic system. BoH permitted a drinking water well approximately 4 years ago because it did not meet public water supply standard regarding the number of employees. There would be fewer than 25 users at the facility which is the threshold for requiring a Public Water Supply permit. At this point they want to expand the number of employees. They want to cultivate and irrigate marijuana. The company has applied for a second well permit application right next to the current well and proposes to split the business into two different entities in order to avoid becoming public water supply. Public Water Supplies are governed by MA Department of Environmental Protection and will require regular testing of the water along with the need for a certified water operator. Dr. Tapscott did have a few discussions with DEP and it was agreed that you can't divide up a property to bypass the threshold. To make this a zone one, you have to have a 100-foot radius. Mark Santora representing the business believes he has found an area that is owned or controlled by the owners and has a 100-foot radius. He is in the process applying with DEP for a PWS. He stated the permit before the Board is an irrigation well for the grow facility.

Dr. Tapscott told Mr. Santora that if the irrigation well was approved, it would have to meet potable water standards, it would have to be completely separate of any cross connections to any other water supply on the property. Mr. Santora said they could accept those conditions. Erin questioned if DEP does not allow a well to be permitted as a PWS, will the company be employing 25 or more people on the one well because the other is for irrigation only. Mark stated it would be tough but they would have to keep the number of users to 24 or less. Erin asked how will they know, Mark stated it's a responsible company and they're not going to break the law.

**COVID updates** – Uxbridge weekly positivity rate is 5.63%. Regional Epidemiologist Premsai Nagabhyrava does a weekly regional report that includes Uxbridge and hospital rates. Erin will post it on the BoH page of the town website. No kits from DEP for sewage date with the DPW. Sewage data are being looked at regularly and it is too early to interpret data. Booster clinic will be May 16<sup>th</sup> 10:00 am until 12:00 pm at the senior center. There is 100 doses and 50 people signed up. It's the Moderna vaccine. No mask mandate for town meeting.

Monthly reports were discussed by staff and board members.

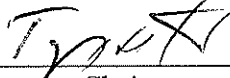
Rick Dowden of the Greenroom came to discuss the inspection that was done by the health agent. The kitchen has been closed for three months but has an active food permit. Kaitlin told the board with the pizza pans in the sink and the food stored in the refrigerator, it appears that some cooking was going on. Another issue was the presence of cigarette butts in the trash and an ash tray on the counter gave the appearance that smoking was going on in the building. Mr. Dowden insisted that in spite of the evidence seen by the Health Agent, there was neither cooking nor smoking going on in the building. He stated that he was upset that she was questioning his honesty and character. Dr. Tapscott stated that the staff does inspections professionally and whatever is seen is reported and taken into account in issuing an inspection report. Reinspection will verify the existence of cooking or smoking.

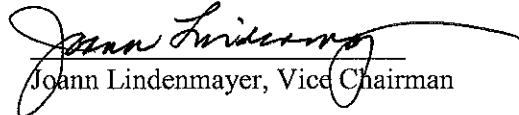


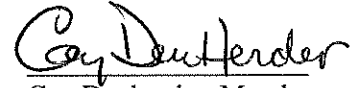
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Resident Mary Cates attended viz zoom to voice concerns about a rat issues she is having in her neighborhood. Tonight, they caught their first rat in a trap that she had purchased. Dr. Tapscott told her to send a formal compliant to the board and they will try their best to address it. Kaitlin told him that has been done. She's hoping it will be an agenda item and people can come up with some ideas on how to handle it.

**Motion to adjourn:** *Dr. Joann Lindenmayer moved to adjourn the meeting at 8:11 pm. Dr. Cay DenHerder seconds the motion. Motion passes unanimously with a vote of 3-0-0. Dr. David Tapscott – aye, Dr. Joann Lindenmayer – aye, Dr. Cay DenHerder - aye*

  
\_\_\_\_\_  
David Tapscott, Chairman

  
\_\_\_\_\_  
Joann Lindenmayer, Vice Chairman

  
\_\_\_\_\_  
Cay Denherder, Member



## **206 Hazel St. timeline**

Last updated: May 2nd 2022

Erin Hightower, Health Director, Town of Uxbridge

March 2, 2022

- Kevin, ACO, came to office with concerns about 206 Hazel Street. He had custody of one of their dogs and came to find out they had 10 dogs at home which made them require a Kennel permit. They needed an inspection signed off by the ACO and Building Department. Kevin was concerned about the sanitation of this property and believes that they have no water in the home. Possible hole in ceiling.
- Files in the office show that they had a failing Title 5 from 2006 which was never repaired or replaced. This was a court order to have the inspection. No follow up noted in files.
- Other information in files were regarding horses on the property which were removed and other notes of animals (dogs).

March 10, 2022

- I accompanied Larry (Building Dept) on his kennel inspection. I introduced myself to Mark Flandereau (resident) and gave my business card to Linda Barry (owner and resident). We were unable to get past the entranceway of the home as the dogs were barking viciously at us. There were no lights in the front stairway, there was a strong odor of animal feces and the house appeared to be covered in filth. There were broken windows on the bottom floor. The owner stated that these went into the garage area and that it floods on that level often. The outside of the home has many cars, trucks, a pool, and other items covering the property. There are 2 trailers on site. The home appears to be in great need of repair (roof, windows, siding/wood). There were many electrical cords viewed in the kitchen area but did not have the opportunity to investigate further.

March 11, 2022

- I called Linda Barry and said that I needed to inspect the home for her and the animal's safety as we were concerned about many issues (Kevin had said that they could not turn on water in the kitchen and dirty dishes appeared to be there for a very long time). I mentioned concerns with water, heat (they heat with a stove in the kitchen and plug in heaters in other rooms), sanitation. I emailed her a list of resources (most of you cc'd on that email I believe) that could help with some of these items financially. The Senior Center has said they could help with paperwork if requested. I sent Linda an email with a list of resources for some of the items needing repair or replacement. She is adamant that her septic system does not need to be replaced and that she will not be replacing her home's furnace.

March 29, 2022

- After being postponed twice Kaitlin (Health Inspector), Kevin (ACO) and myself went to the residence to inspect. Linda stated that she had a pipe burst in her kitchen that morning and did not want us to inspect. She would not allow us inside. Mark, Linda and another gentleman (Steve?) were on site. It appears that Steve also lives on the property but they did not disclose the situation. There are 2 trailers on the property currently.



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- The current septic system (cesspool) is extremely close to the river behind their house (approximately 15 feet – estimate).
- She said we could come back to inspect on March 31<sup>st</sup> at 1pm.
- A housing inspection reports with orders to correct was delivered to Linda on 4-4-22.
- The Elder Abuse Hotline at Executive Office of Elder Affairs (EOEA) has been contacted with our concerns for the residents.

April 14, 2022

- Received a handwritten letter from Linda Barry requesting a Hearing before the Board of Health.
- I attempted to call Linda on 4/13, 3/14 and 4/19 to discuss any updates that have occurred but she has not returned my calls.

April 28, 2022

- Myself, along with Kevin Sullivan ACO, Emily Petro from Conservation and two officers from UPD visited the property to see if any violations have been corrected. She would not allow us on the property at this time. ACO has also received a complaint from a vet that showed concern for the life of the animals in the home.