

# MHOA Quarterly Training June 2022



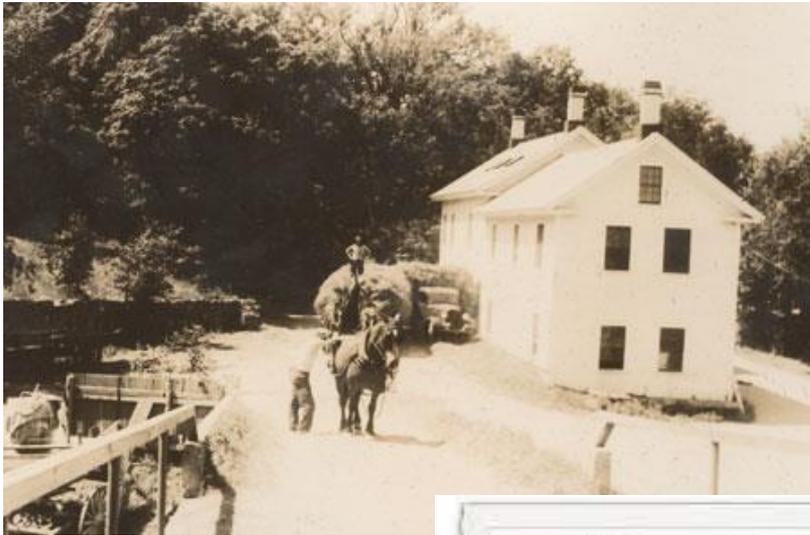
**Public Health**  
Prevent. Promote. Protect.

## Agenda:

- 10:00-10:30: Presentation: Permitting a Medical Waste Facility followed by Q&A
  - 10:30-11:00: Presentation: Permitting a Food Truck Court followed by Q&A
  - 11:00-11:45: Tour of the Medical Waste Facility
  - 11:45-12:00: Drive to Food Truck Court (1/2 mile from medical waste facility)
  - 12:00-12:20 Quick Tour of the Food Truck Court Property
  - 12:30: Lunch at Food Truck Court (In case of rain, food can be delivered to cars and participants can eat and disperse).
- 

# Middleton, here we come

- ▶ Richardson's Farm and Dairy: 1636 the Richardson Family Settled.



# Essex Correctional Facility (Jail), here we come



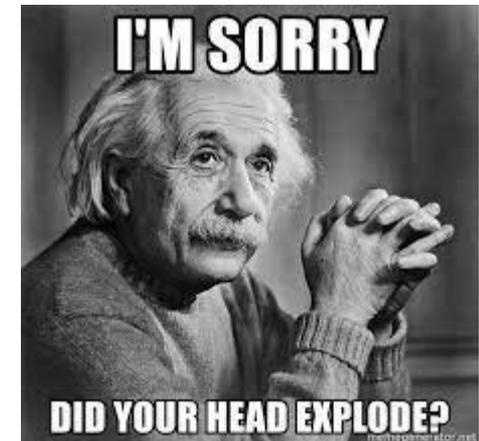
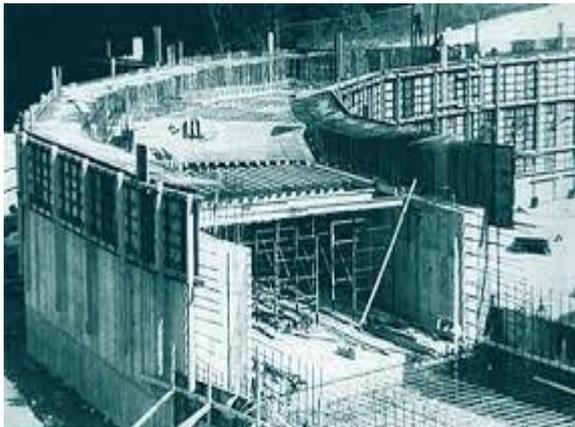
- ▶ 1993, the State of MA said, let's use Middleton to house a medium security detention center!
- ▶ Former Essex Sanatorium



Chronically ill  
Patients with TB  
(Consumption)  
would live for  
fresh hilltop air  
to help them  
breathe!

# MIT Bates Linear Accelerator

- ▶ 1972 Nuclear & Physics Science
- ▶ Electron energy particle accelerator



# Water Park of New England (formerly known as Coco Key)

- ▶ First water park in N.E.
- ▶ 2006 Built
- ▶ 2007 opened, Jan 2008  
Public Health Outbreak



Town of Middleton  
Board of Health  
195 North Main Street  
Middleton, Massachusetts 01949  
978-777-1869  
FAX 978-774-0718  
[www.townofmiddleton.org](http://www.townofmiddleton.org)



Derek Fullerton, RS, CHO  
Public Health Director

**CoCo Key Water  
Resort Pools are  
closed per order  
of the Middleton  
Board of Health  
until further  
notice.**



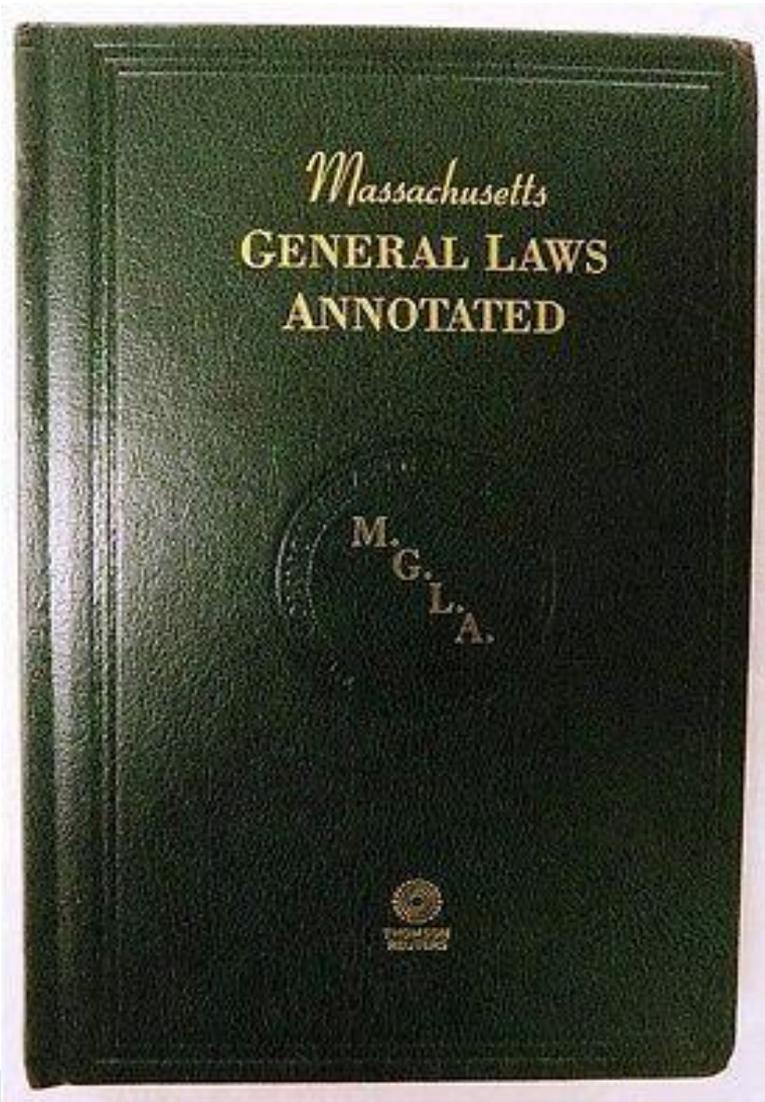
# Guess what, let's build the first Medical Waste Facility in MA in Middleton!



# Vocational School to Business Center



# Site Assignment: Chapter 111



# MGL Chapter 111, Sections 150A & 150A 1/2

## “Site Assignment Regulations for Solid Waste Facilities”

No place in any city or town shall be maintained or operated by any person, including any political subdivision of the commonwealth, **as a site for a facility, or as an expansion of an existing facility, unless, after a public hearing, such place has been assigned by the board of health of such city or town** in accordance with the provisions of this section, or, in the case of a facility owned or operated by an agency of the commonwealth, such place has been assigned by the department after a public hearing and unless public notice of such assignment has been given by the board of health or the department, whichever is applicable.

The determination by the board of health, or the department in the case of a state agency, of whether to assign a place as a site for a facility, or for the expansion of an existing facility, **shall be based upon the site suitability criteria established by the department in cooperation with the department of public health** pursuant to section one hundred and fifty A.5, and any site assignment shall be subject to such **limitations with respect to the extent, character and nature of the facility** or expansion thereof as may be necessary to ensure that the facility or expansion thereof **will not present a threat to the public health, safety or the environment.**

# MGL Chapter 111, Sections 150A & 150A 1/2

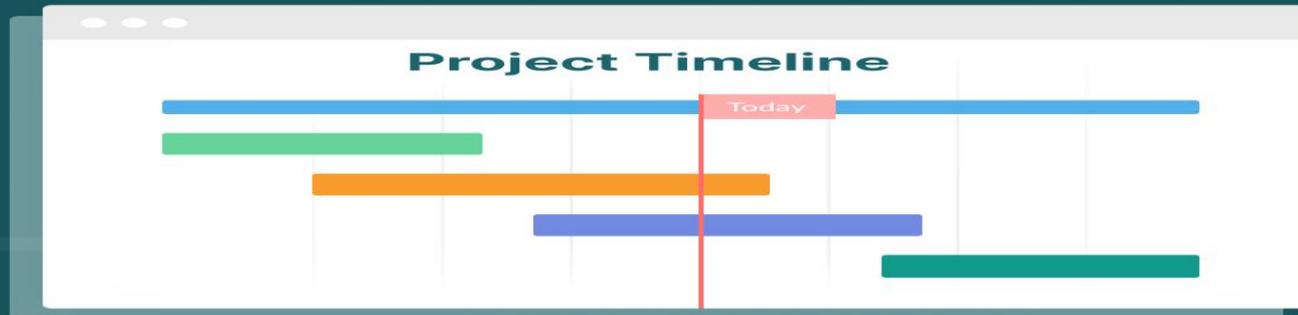
## “Site Assignment Regulations for Solid Waste Facilities”

Any person desiring to maintain or operate a site for a new facility or the expansion of an existing facility shall submit an application for a site assignment to the local board of health (BOH) and simultaneously provide copies to the department (DEP) and the department of public health (DPH). A copy of the application for site assignment shall be filed with the board of health of any municipality within one-half mile of the proposed site. Any municipality within such one-half mile shall be afforded all the procedural rights of an abutter for the purpose of administrative review by the department or public hearing by the board of health where the proposed site is located. The department shall, upon request by the board of health, provide advice, guidance and technical assistance to said board during its review of a site assignment application. The department and a board of health may enter into such other cooperative agreements in addition to those herein specified for the purpose of achieving an effective and expeditious review of the application. The board of health may charge a reasonable application fee to cover the costs of conducting a hearing and reviewing technical data submitted to the board. The application fee may also include a portion of the reasonable costs of other technical assistance. The application fee shall be established in accordance with rules and regulations promulgated by the department.

# MGL Chapter 111, Sections 150A & 150A 1/2

## “Site Assignment Regulations for Solid Waste Facilities”

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- ▶ Alternative Site Analysis
  - ▶ Site Suitability for New Assignment: Study to DEP, DEP must approve.
  - ▶ Waste Acceptance Policy (105 CMR 480)
- ▶ ENF: Environmental Notification Form Study
  - ▶ MEPA Determination for Environmental Impact Report
    - ▶ Public Hearings, Local Approvals
      - ▶ Site Visits
      - ▶ Third Party Reviews

# Big Deal, Another BOH mtg?

Not just a BOH hearing,  
but a Full Independent (non BOH Led) Hearing

- ▶ Independent Hearing Officer,
- ▶ Court Stenographer,
- ▶ Direct Testimony Documents–PreFiled (Interviews and Written Testimonies)
- ▶ Town Counsel
- ▶ Town Environmental Consultant, P.E.
- ▶ Subject Matter Experts
- ▶ BOH Members, Public Health Staff, Etc



- ▶ Initial Proposal to BOH in end of **2017** Calendar Year
  - ▶ First informational meeting in March **2018**
  - ▶ BOH request BOS to Hire Hearing Officer **2019**
- ▶ BOH Hire Environmental Technical Consultant **2019**
  - ▶ **2018,2019,2020,2021,2022** BOH Mtgs
    - ▶ Accounting–Special Accounts for Peer Review
- ▶ Site Assignment Review & Decision–DEP: **2019–2021**
  - ▶ Public Hearing **2–5–2020**: BOH Decision **3–18–2020**
- ▶ Authorization to Construct Application to DEP–**10/2020**
  - ▶ MA DEP Authorization to Construct–**4/2021**
- ▶ MA DEP and MBOH Authorization to Operate–**12/2021**

# Environmental Notification Form and Site Suitability Studies

- ▶ ENF: Land, Impervious Area, Alterations, Structure impact, vehicle trips /day, Wastewater, Water Basin Withdrawal, Areas of Critical Concern, Rare Species, Historical Areas, Water Resources, Stormwater Management, Solid & Hazardous Waste, Wetlands, Tidelands, Water Supply, Etc.

# Site Suitability Study to DEP

- ▶ 310 CMR 16.40(3)(d):  
Criteria for Solid Waste Handling Facilities provides that no site shall be determined to be suitable or be “assigned” as a solid waste facility where:
- 

# Site Suitability

- ▶ Waste Handling Area within Zone 1 of Public Water Supply
- ▶ Waste Handling Area within Interim Wellhead Protection Area

*(This site is within an IWPA, Waiver requested to DEP)*

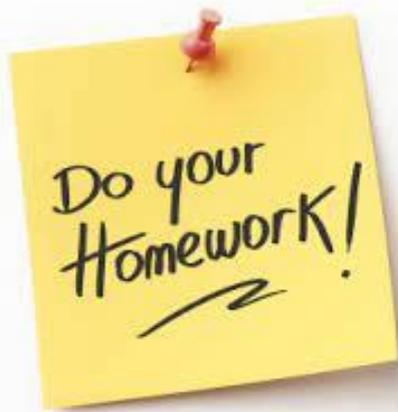
- ▶ Waste Handling Area within the Zone A of Surface Drinking Water Supply
- ▶ Within 500 ft from a residential dwelling,
- ▶ Within Riverfront Area
- ▶ Maximum High Groundwater Table 2 ft below waste handling areas: **BOH required confirmatory test pit related to stormwater, tanks.**

# Site Suitability

- ▶ Traffic congestion, pedestrian and vehicular safety, road configurations, alternate routes, vehicle emissions
  - ▶ Air Quality Impacts: Emissions, Adjacent sensitive receptors, common shared space
  - ▶ Creation of Nuisances: Noise, Litter, Vermin, odors, air traffic, etc.
- 

# Ipswich River (Watershed and IWPA)





- ▶ BOH, Health Dept, Technical Consultant Tour to Stericycle in Rhode Island
- ▶ Review other Site Assignments (i.e. Stoughton MA site assignment for transfer station and composting facility)
- ▶ Hire a third party consultants: Part I, Title VII, Chapter 44, Section 53G: **PAID BY APPLICANT**
- ▶ Implement **local BOH** conditions into BOH Site Assignment



# BOH Conditions

- ▶ Noise–3<sup>rd</sup> Party Study
- ▶ Air Emissions–3<sup>rd</sup> Party Study
- ▶ Tight tanks, dual wall with bladder containment
- ▶ Spill Berms and Channeling
- ▶ Above Ground Storage Tanks (AST)–Containment
- ▶ Alarms–High Water
- ▶ No Outdoor Truck Parking with waste inside
- ▶ Waste offload completely inside facility
- ▶ Traffic Patterns
- ▶ Local Waste Hauler Licensing
- ▶ Waste Hauling
- ▶ Monthly Tonnage Reports
- ▶ Bi–Annual BOH 3<sup>rd</sup> Party Facility Inspections–Reports
- ▶ Annual BOH Medical Waste Facility License
- ▶ Autoclave Permit Fees–Per Autoclave

# End of Session 1: Short Q&A

## 2 Minutes

# Let's Start a Food Truck Court in Middleton!



2020-1091

RECEIVED  
TOWN CLERK'S OFFICE  
MIDDLETON, MA  
**TOWN OF MIDDLETON  
ZONING BOARD OF APPEALS APPLICATION**

2020 MAR 23 PM 12:36 Date: March 19, 2020

This is an application for a:  Variance  Special Permit  Site Plan Approval  Appeal

- To the Zoning Board of Appeals, Town of Middleton, MA; The undersigned hereby applies for: \*
- Site Plan Approval under Chapter 235, §9.5 approving the location of a fast food service restaurant and associated additional accessory structures permitted under §3.1.1 and the Table of Use Regulations – C. Commercial – 16 authorizing a fast food restaurant with frontage on South Main Street in the Business Zoning District.
  - Any other relief that the Zoning Board of Appeals deems appropriate

\* State applicable Zoning Section(s) and the following information: Variance - describe the hardship that would exist if variance were not granted. (please carefully review pages 4 and 5 of this informational packet before completing the description of the hardship using additional paper as needed). Special Permit /Site Plan Approval - describe nature of project requiring approval and how specific special permit criteria has been met, if any. Attach additional sheets if above space is insufficient

PROPERTY OWNER OF RECORD: \_\_\_\_\_  
ADDRESS OF PROPERTY (STREET & NO.): 145 South Main Street  
ASSESSOR'S MAP AND LOT NUMBER: Map 29, Lot 69

NAME OF APPLICANT\*\* Salty's Lobster Shack, Inc.

SIGNATURE OF APPLICANT: *Jill Elmstrom Mann* by its attorney, Jill Elmstrom Mann

COMPLETE ADDRESS: c/o Mann & Mann  
191 South Main Street Middleton, MA 01949  
NO. & STREET CITY & STATE

CONTACT INFORMATION: 978-762-6238 jill@mannpc.com  
PHONE NUMBER EMAIL ADDRESS

\*\* If applicant is not the owner of record, authorization satisfactory to the Board of Appeals, to act on behalf of the owner must accompany this application.

BY THE FILING OF THIS APPLICATION YOU GIVE YOUR CONSENT FOR BOA MEMBERS TO ENTER YOUR PROPERTY FOR THE PURPOSE OF FAMILIARIZING THEMSELVES WITH THE PHYSICAL ASPECTS OF YOUR PETITION.



DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY		
<p>TOWN CLERK</p> <p><i>Steve P. Davis</i></p>	<p>TOWN CLERK DATE STAMP BELOW</p> <p>2020 MAR 23 PM 12:35</p>	<p>APPLICATION #</p> <p>1091</p> <p><i>Jill Elmstrom Mann</i></p> <p>BUILDING COMMISSIONER</p> <p>3/23/2020</p> <p>DATE</p>

To: Board of Appeals - Town of Middleton  
Date: March 19, 2020  
Petitioner: Salty's Lobster Shack, Inc. ("Petitioner")  
Owner: Acorn Street Realty LLC ("Owner")  
Property Address: 145 South Main Street, Middleton, MA ("Property")  
Assessor's Map: Map 29, Parcel 69  
Zoning District: "B" Business District  
Prior Relief: Use Variance issued on March 11, 2011 and recorded with the ESRD in Book 30347, Page 592 authorizing the use of the Property as the location for a farmer's market (the "Market")

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Relief Requested: The following relief under Chapter 235 of Middleton Zoning Bylaws, amended and restated on May 13, 2008 with amendments through the date hereof ("Bylaw"):

### PROJECT DESCRIPTION:

As shown on the Site Plan, the proposal for the Restaurant consists of the installation of a food truck, four (4) 8' long picnic style benches (with seating for 8) and two (2) octagonal tables (with seating for 8), two (2) portable restrooms and two (2) hand washing stations. The onsite benches and tables will provide seating for up to forty-eight (48) customers. The Property will be accessed using the existing curb cut and will have parking located along the western and northern boundaries of the Property apart from the area where patrons will sit and eat. The separation of seating from the parking areas will allow customers to enter the Property, park and exit in an orderly and safe manner. The Property will have twenty-eight (28) parking spaces which exceeds the number required by §9.5.<sup>1</sup> The Petitioner is not proposing any additional clearing of the Property. Accordingly, the existing vegetation and tree line that runs along the boundary between the Property and the School and the Property and the adjacent retail plaza will remain as a buffer.

### SITE PLAN APPROVAL CRITERIA:

Pursuant to §9.5

# THE LOT

ON SOUTH MAIN

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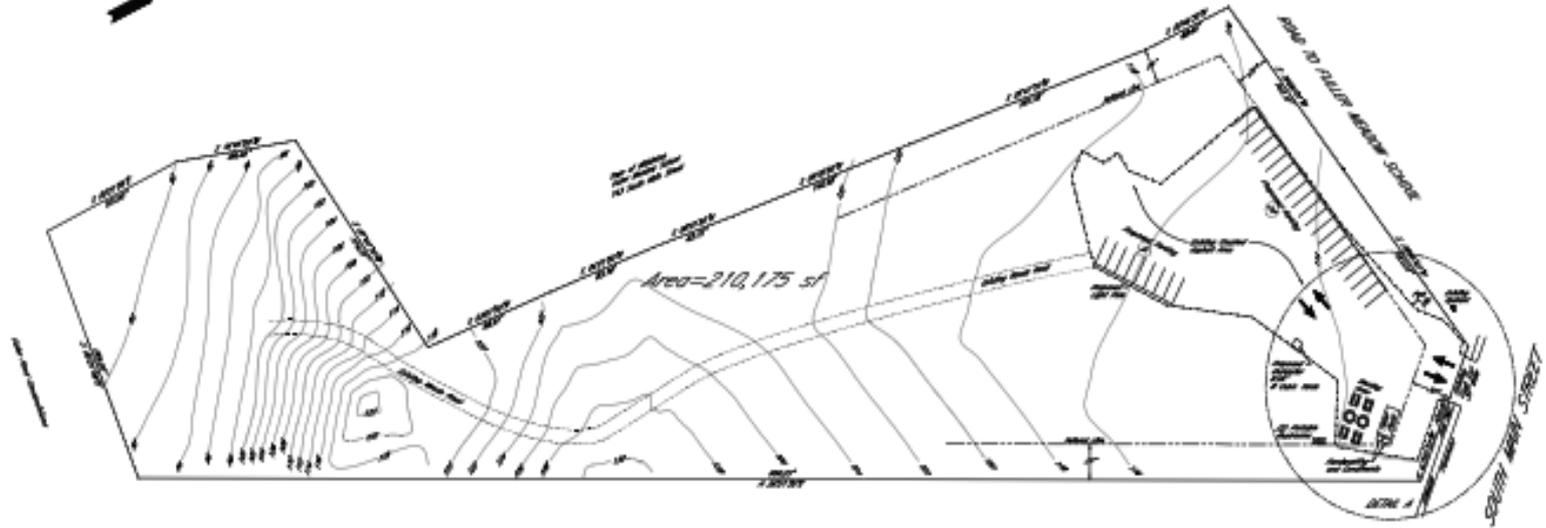


# Considerations

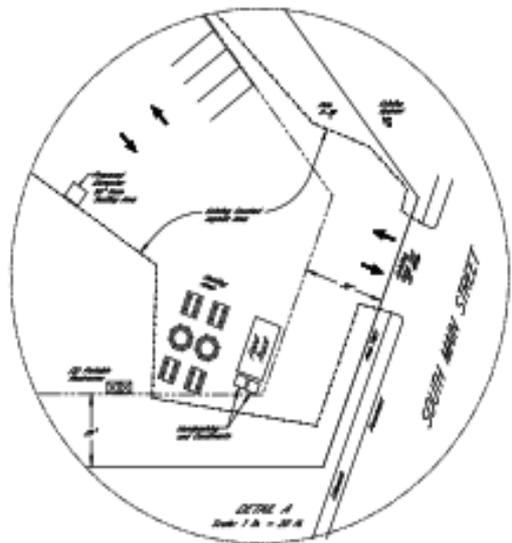
- ▶ Food Safety (Cooling, Heating, Prep, Fuel, Ice)
  - ▶ Wastewater (Wastewater Disposal System)
  - ▶ Pedestrian Safety
  - ▶ Vehicular Safety: Egress, Lot Travel, H/C Parking
  - ▶ Site Improvements
  - ▶ Landscaping, Signs
  - ▶ Appearance
  - ▶ Parking
  - ▶ Solid Waste (Trash, Grease, Pads, Hauler Contract)
  - ▶ Potable Water
  - ▶ Electricity
  - ▶ Noise, odor
  - ▶ Pest Management
  - ▶ Other
- 



ADJACENT MAPS: MAP 29



ADJACENT MAPS: MAP 29



DATE: 1.8.2014

**SITE PLAN OF LAND**  
**MIDDLETON, MA**  
145 SOUTH MAIN STREET  
ASSESSOR'S MAP 29, PARCEL 69  
Owner: Acorn Street Realty, LLC

DATE: March 18, 2014  
BY: John J. Donnelly  
700 North Street  
Middleton, MA 01948  
508-333-1111



201417

**NOTES:**

1. THE PROPERTY BOUNDARY LINES ARE APPROXIMATE AND ARE FOR DISCUSSION PURPOSES ONLY.
2. TOPOGRAPHIC INFORMATION SHOWN IS A RESULT OF AN ACTUAL FIELD SURVEY PERFORMED BY WILLIAMS & SPARGES ON JANUARY 23, 2014.
3. ALL ELEVATIONS SHOWN ARE ON N.G.M.S. 28.
4. THE LOCATION OF TERESA'S RESTAURANT AND THE EXISTING HOUSE LOCATED AT 101 SOUTH MAIN STREET ARE APPROXIMATE.



FULLER MEADOW SCHOOL  
#143 SOUTH MAIN STREET

**LEGEND**

EXISTING SPOT ELEVATION	•
EXISTING ELEVATION	—•—•—
PROPOSED CONTOUR	---•---
PROPOSED SPOT ELEVATION	•••
DRIVE MARKER	⊙
DRIVE MARK	⊞
WATER LINE	- - - - -
SEWER	⊕
TREE	⊙
WALL, CHAIR MARK	⊞

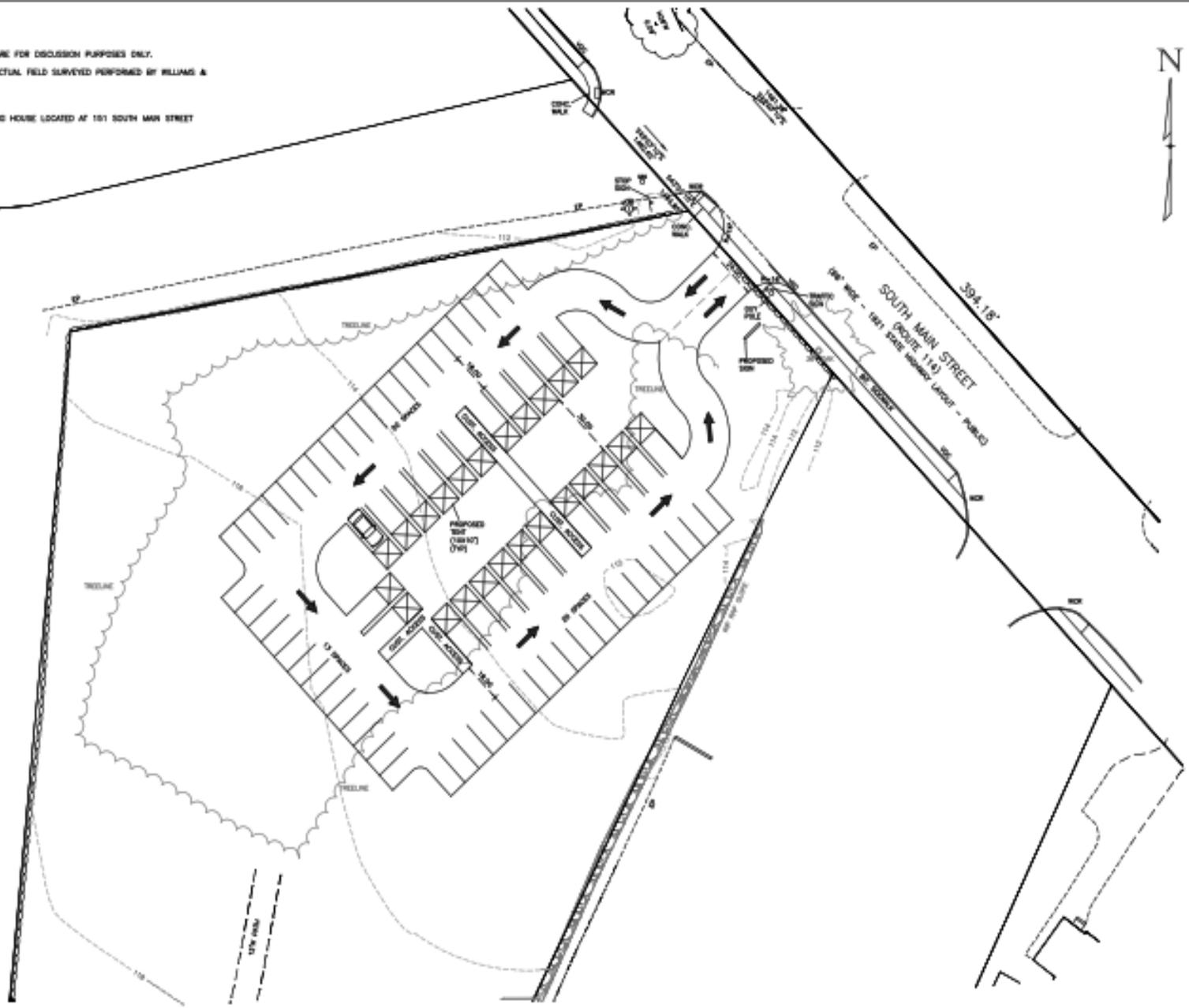
**CONCEPT PLAN  
IN  
MIDDLETON, MA**

SCALE 1" = 20' DATE FEBRUARY 3, 2014

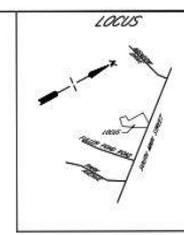
"SHOWING PROPOSED FARMERS MARKET"

**WILLIAMS & SPARGES**  
SURVEYORS & ENGINEERS

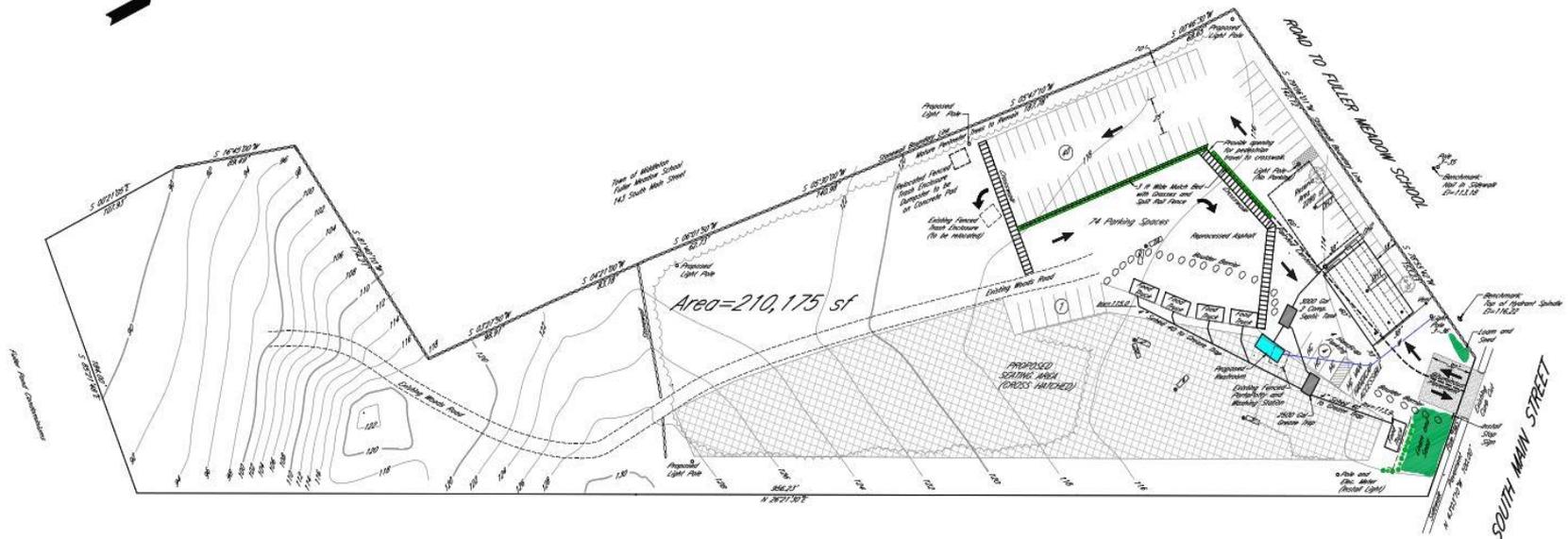
133 NORTH MAIN STREET  
SUITE 101  
MIDDLETON, MA 01469  
PHONE: 508-139-8028  
FAX: 508-139-8029  
www.williams-sparges.com



# Wastewater Mgmt Plan



ZONING DISTRICT: BUSINESS (B)



Mapland Aerial Data, LLC  
149 South Main Street

### NOTES

1. All parking spaces will be painted and the painted lines will be maintained.
2. Directional markings, as shown, shall be painted on the driveway area.
3. All food trucks are connected to an-site electric service and water.
4. Proposed Saphic System to be sized for 1,500 Galls/day (150 people)

NOTES: Reference Site Plan Approval  
Signed October 27, 2020  
Decision Recorded in Book 39191, Page 462

### SEWAGE DISPOSAL SYSTEM

Assessors Map 29, Parcel 49  
145 SOUTH MAIN STREET, MIDDLETON, MA  
For: Acorn Street Foods, LLC  
131 Forest Street  
Middletown, MA 01949  
978-174-6625  
Date: December 18, 2020

By: Gregory P. Bernard  
Owner Industrial Park  
J. Electronics Avenue  
Ware, MA 01092  
(978)221-1492



Hi Derek!

I hope that you and your family are staying safe and healthy!

I apologize for this response taking a few weeks: working remotely has its challenges!

I communicated with the other regional offices and the consensus is that it is ultimately your call. If this were a reception hall that wanted to add tents and use porta potties (Yes, this has happened!), it would be a totally different story. However, the bathroom/sink issue at this facility comes back to the BOHs feelings in this regard. Here in Haverhill we have a food truck that sets up everyday at the Bradford Common without restroom facilities (I believe there are sinks in the truck).

The only thing I would suggest is that the BOH may want to memorialize its decision or any caveats so that any future food trucks will know the regulatory requirements that they will be subject to and the BOH establishes a level, well-defined, playing field.

I hope this helps!

Stay strong! Stay safe!

Claire

\*\*\*\*\*

Claire A. Golden, EEIV  
Wastewater and NPDES Programs  
MassDEP  
[205 B Lowell St](mailto:205.B.Lowell.St@state.ma.us)  
[Wilmington, MA 01887](mailto:Wilmington,MA.01887@state.ma.us)  
978-694-3244  
[claire.golden@mass.gov](mailto:claire.golden@mass.gov)





Public Park, bathhouse, showers and flush toilets 10 gpd per person

Country Club, dining room per seat, 10 gpd per person

Restaurant, Fast Food 20 gpd/per seat

Function Hall per seat, 15 gpd/per seat

### NOTES

1. All parking spaces will be painted and the painted lines will be maintained.
2. Directional markings, as shown, shall be painted on the driveway area.
3. All food trucks are connected to on-site electric service and water.
4. Proposed Septic System to be sized for 1500 Galls/day (150 people)

Exam date: November 9, 2004

## SEWAGE FLOW DESIGN

Design Flow

1500 GALLONS PER DAY

.68 Gals per square foot

Required Area =  $1500 / .68 = 2205.88$  sf

Proposed Area =  $38' \times 60' = 2280$  sf

## SEWAGE DISPOSAL SYSTEM

Assessors Map 29, Parcel 69

145 SOUTH MAIN STREET MIDDLETON, MA

For: Acorn Street Analytics LLC

131 Forest Street

Middleton, MA 01949

978-774-6685

Date: December 18, 2020

By: Gregory P. Bernard

Danvers Industrial Park

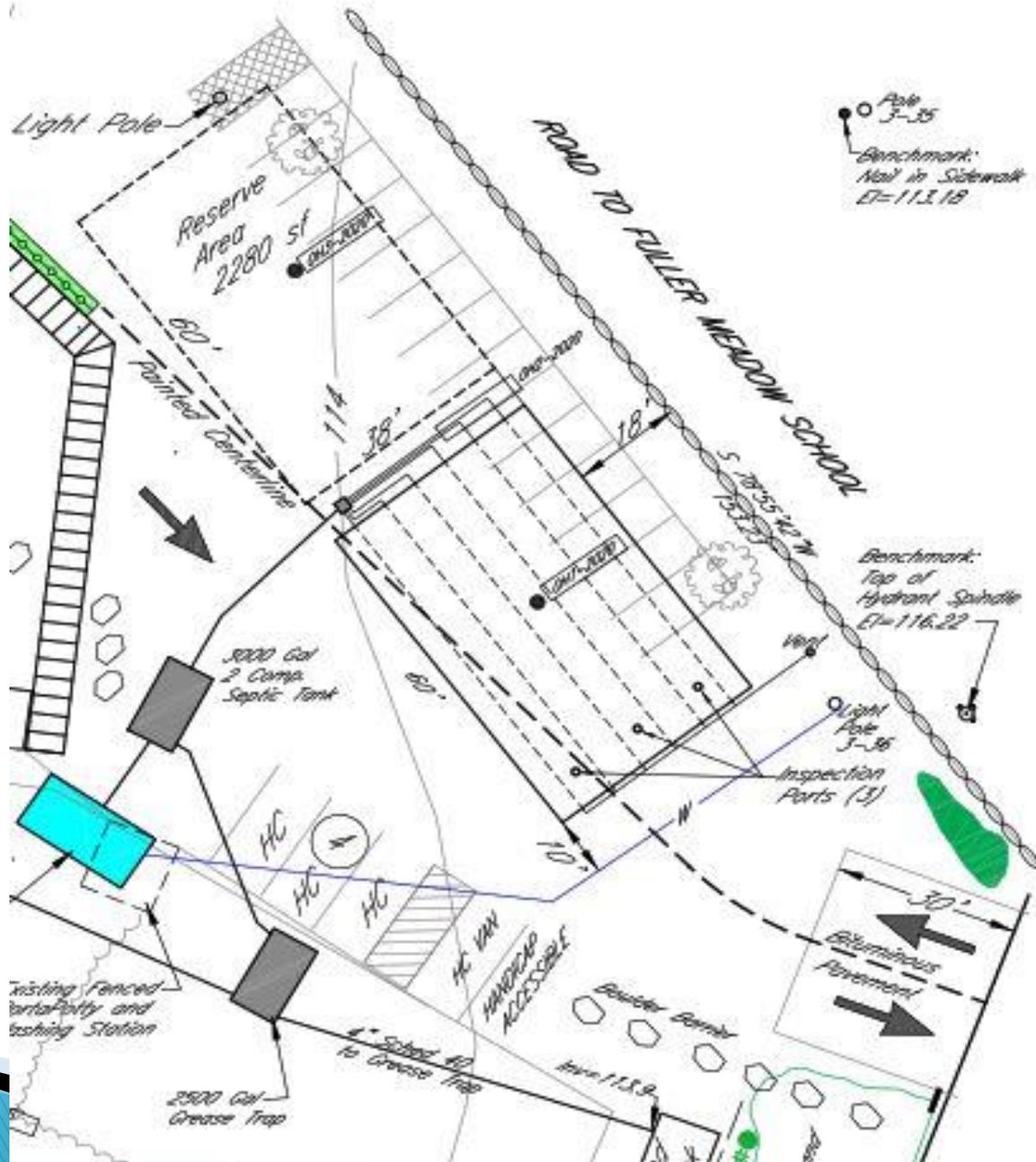
3 Electronics Avenue

Danvers, MA 01923

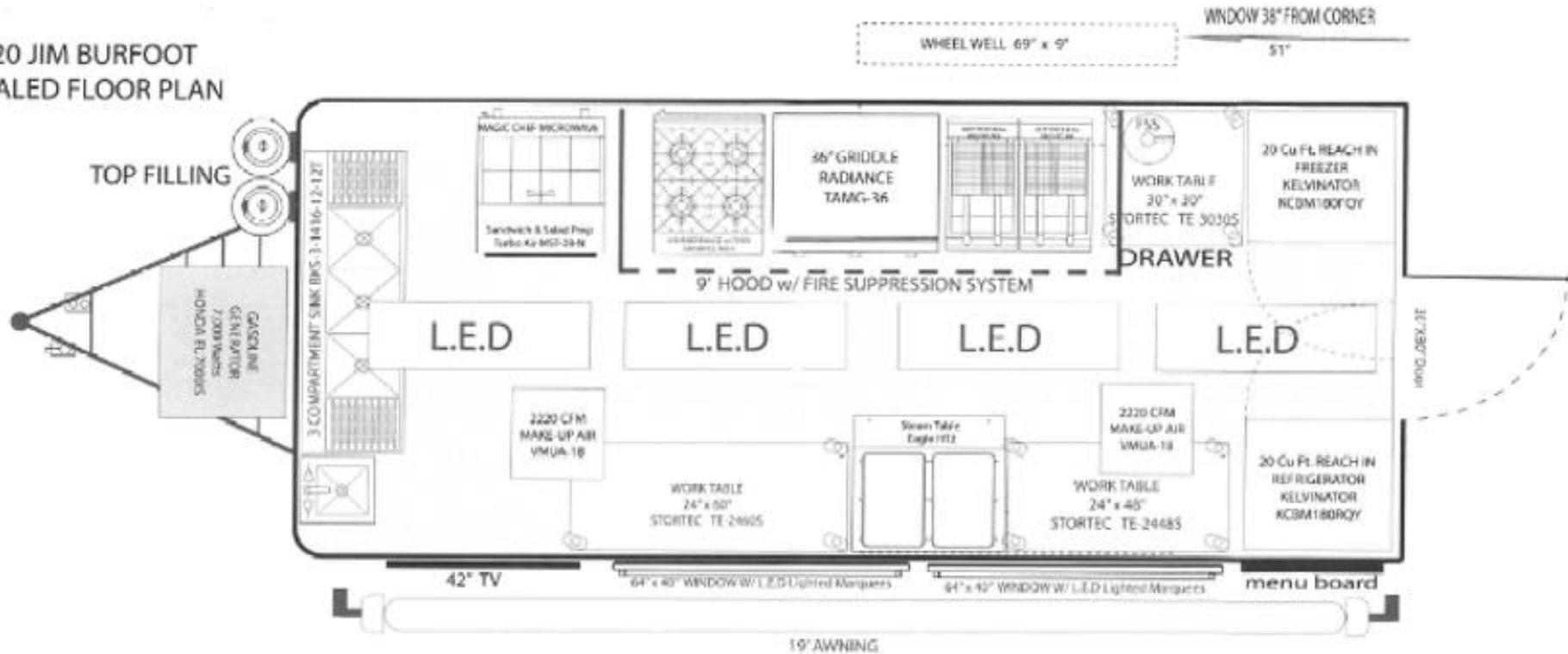
(978)223-3490

Sheet 2 of 2

295423



8x20 JIM BURFOOT  
SCALED FLOOR PLAN



RUBBER FLOORING  
DEEP FRYER UNION ALL STAINLESS STEEL  
DEEP FRYER SPLASH GUARD

REVIEWED BY:

AA 1/20/2020

NOTE: Floorplan might change slightly once build out begins.

# Considerations that became implementations:

- ▶ Food Safety: Prep Kitchen, Walk in Refrigerator, Walk In Freezer  
Sanitation (3 Bay Sink, Hot Water Heater, Sufficient Propane Tanks to ensure hot water and cooking demand, Prep Sink, Mop Sink)

- ▶ Wastewater (Wastewater Disposal System):  
No Porta Potties, Full Subsurface Sewage Disposal System with Subsurface Grease Trap, Truck Sewer Lines, Bathroom Facility

Pedestrian Safety: Painted lines, One Way Direction Flow, Fenced off area for patrons

- ▶ Vehicular Safety: Widening of Entrance, Permission through Mass Highway (114), Painted Lines to provided enough parking spots, One Way Direction of Flow, Signage

- ▶ Site Improvements: Grading, gravel pac, electricity, Town Water, Propane, lighting.

# Considerations that became implementations:

- ▶ Solid Waste: Dumpsters, with hauling contract, grease receptacles, Fenced and concrete padded dumpster area. Electricity
- ▶ Noise: Site plan approval, no generator use
- ▶ Pest Management: IPM in place
- ▶ Food Permitting:

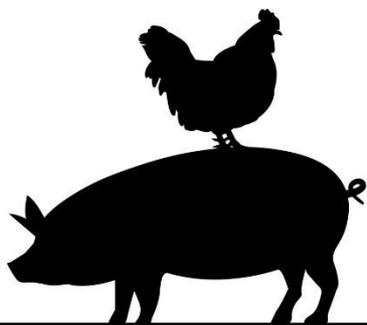
Each Truck goes through food plan review. Each Truck has Seasonal Food Permit with same requirements as food establishment (i.e. Food Mgmt Safety, Allergen, Choke Saving, Employee Illness Policy, Vomit/Spill Cleanup Procedure, etc.

# The Lot



# The Food Trucks (Trailers)





• CHICKEN & THE PIG •

GOOD  FELLOWS  
GRASS FED BURGERS & MORE

  
PABLO'S  
TACOS & BURRITOS