

MINUTES OF MEETING
LONGMEADOW BOARD OF HEALTH
May 31, 2006 **Longmeadow Fire State Community Room**

A regular duly posted meeting of the Longmeadow Board of health was called to order at approximately 8:45P.M.immediately following the public hearing on the Site Suitability of the Transfer Station located at 31 Pondsides Drive, Longmeadow, by Dr. Robert Rappaport, Chair. The following Board of Health members were in attendance: Robert Rappaport, D.M.D., Michael Coppola, M.D., MaryPat Toye, R.N., M.S., Barry Izenstein, M.D.. Also in attendance were: Beverly Hirschhorn, Health Director; Robin Crosbie, Town Manager; Kathleen Grady, member, Longmeadow Selectboard; and Michael Wrabel, D.P.W. Director. All the Board members had been present at the aforementioned public hearing immediately preceding the Board of Health meeting and had heard the testimony presented. The Board members had had the opportunity to review prior to the public hearing /meeting the “positive” Mass. D.E.P. Report on Site Suitability (Mass. D.E.P, Division of Solid Waste Management File #159-004A dated May 8, 2006); the positive report finding was based on determinations on the health and safety impact for the following site suitability criteria:

Criteria for Solid Waste Handling Facilities [310 CMR 16.40(3)(d)]

1. Waste handling area would be within Zone I of a public water supply. *Mass. DEP has found that the proposed facility would not be located within Zone I of a public water supply.*
2. Waste handling area would be within the Interim Wellhead Protection Area, Zone II of an existing public water supply well or within a proposed drinking water source area. *Mass. DEP has found that the proposed facility would not be located within the Interim Wellhead Protection Area, Zone II of an existing public water supply well, or within a proposed drinking water source area.*
3. Waste handling area would be within Zone A of a surface drinking water supply. *MASS DEP has found that the following facility would not be located within Zone A of a surface water drinking supply.*
4. Waste handling area would be within 500 feet upgradient, and where not upgradient, within 250 feet of an existing or potential private water supply well existing or established as a Potential Private Water Supply. *Mass. DEP has found that the proposed facility would not be located within 500 feet upgradient, and where not upgradient, within 250 feet of an existing or potential private water supply well existing or established as a Potential Private Water Supply.*
5. Waste handling of a transfer station that proposes to receive less than or equal to 50 tons/day of solid waste and utilizes a fully enclosed storage system such as a compactor, is 250 from: An occupied residential unit; or a prison, health care facility, elementary school, middle school or high school, children’s pre-school, licensed day care center, senior center or youth center, excluding equipment storage or maintenance structures. *Mass DEP has found that the proposed facility will accept less than 50 tons/day. The proposed facility is also greater than 250 feet from the aforementioned land use in this provision.*

6. Waste handling facility would be within the Riverfront Area as defined by 310CMR 10.000.. *Mass. DEP has found that the waste handling area will not be within the Riverfront Area defined by 310 CMR 10.000.*
7. Waste handling area would be in an area where the maximum high groundwater table would be within 2 feet of the ground surface. *Mass. DEP has found that the maximum high water table would not be within 2 feet of the ground surface in the proposed location of the waste handling area.*

General Site Suitability Criteria (31 CMR 16.40(4):

a. The proposed site would be unsuitable for a solid waste management facility as it is located on agricultural land where:

- The land is classified as Prime, Unique, or of State and Local Importance by the United States Department of Agricultural, Natural Resource Conservation Service; or
- The land is deemed land actively devoted to agricultural or horticultural uses, except where the facility is an agricultural facility;
- And a 100 foot buffer is present between the proposed facility and the lands

Mass. DEP has found that the location of the proposed facility is not located on land so classified on deemed devoted to the above uses.

b. The proposed site would be unsuitable because of the potential impact on public health, safety or the environment by traffic and safety factors such as traffic congestions, vehicle emissions, pedestrian and vehicle safety, road configurations and alternate routes. *Mass. DEP found that the operation of the proposed site would not constitute a danger to the public health, safety, or the environment when taking consideration of the traffic and safety factors.*

c. The proposed site would be unsuitable for a solid waste management facility as it located in “wildlife habitat” where such siting would:

- Have an adverse impact on Endangered, Threatened or Special Concern species listed in the database of the National Heritage and Endangered Species Program (NHESP) of the Division of Fisheries and Wildlife;
- Have an adverse impact on an Ecologically Significant Natural Community as documented in the database of the Natural Heritage and Endangered Species Program;
- Have an adverse impact on the wildlife habitat of any state Wildlife Management Area.

The Division of Wildlife has found that the proposed site is located partially within a Priority Habitat. Mass DEP has concluded that site would not have a negative impact on the referenced wildlife or wildlife habitats provided that no alteration or new construction occurs on the site; any new construction on the site will be subject to the review of the NHESP.

- d. The proposed site would be unsuitable for a solid waste management facility as it would
- Be sited within an “Area of Critical Environmental Concern” (ACEC) designated by the Secretary of the Executive Office of Environmental Affairs or
 - If sited outside of but adjacent to an ACEC, fails to protect the resources of an ACEC.

Mass. DEP has found that the proposed site is not located within or outside of an adjacent ACEC, and is therefore “not failing to protect the resources of a ACEC”.

- e. The proposed site would be unsuitable for a solid waste management facility due to the potential of an adverse impact on the physical environment or on the use and enjoyment of the following categories of open space:
- State forest;
 - State or municipal parklands or conservation land, or other open space held for natural resources purposes in accordance with Article 97 of the Mass. constitution;
 - MDC Reservations
 - Lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs, or
 - Conservation land owned by private, non-profit land conservation organizations and open to the public.

Mass Dep has found that the proposed site would not have an adverse impact on the physical environment or on the use and enjoyment of the aforementioned categories of open space.

- f. The proposed site would be unsuitable for a solid waste management facility due to the potential for adverse air quality impact, as the emissions from the proposed facility are anticipated to not conform to required state and federal air quality standards/criteria or otherwise constitute a danger to the public health, safety or the environment taking into consideration of such factors as: 1. Concentration and dispersion of emissions; 2. The number and proximity of sensitive receptors; and 3. The attainment status of the area.

Mass. DEP has found that the propose site would not have the potential for adverse air quality impact as the anticipated emissions are expected to meet state and federal standards/criteria nor would otherwise constitute a danger to the public health, safety, or the environment.

- g. The proposed site would be unsuitable for a solid waste management facility due to the potential for the creation of nuisance conditions (e.g. noise, odors, litter, vermin, bird hazards) which would constitute a danger to the public health

Mass. DEP has determined that the operation of the proposed facility at this site, if operated in accordance with 310CMR 19.000 and other applicable regulations and laws would not constitute a danger to public health, safety, or the environment.

- h. The proposed site would be unsuitable for the siting and operation of a solid waste management facility due to insufficient size. The minimum setback distance from the waste handling or disposition area and the property boundary for the facility is 100 feet.

*Mass. DEP has determined that the proposed site does not meet the minimum setback distance on the west side of the property along Pondsides Rd. All other proposed site boundaries meet or exceed the minimum setback distance. **The Department (DEP), in response to a request by the Town of Longmeadow, has approved a waiver from the minimum setback distance on the west side of the proposed site deeming the size of the proposed site, with the issuance of the waiver, sufficient to properly operate and maintain the proposed facility.***

- i. The proposed site would need to be evaluated by the DEP and the local board for siting and operation of a solid waste management facility for the nature and extent of negative public health, safety, and environmental impacts given that an area adjacent to the proposed site was previously used for solid waste disposal. This evaluation shall include the following factors:
 - The nature and extent that the prior solid waste activities on the area adjacent to the proposed site have the actually or potentially adversely impact the proposed site;
 - The nature and extent that the proposed site may adversely impact the area that was previously used for solid waste activities;
 - The nature and extent of the adverse impact of both the proposed site and the adjacent area previously used for waste activities on the public health, safety, and the environment. Issues for consideration include
 1. Whether the proposed site constitutes an expansion or beneficial integration of solid waste activities with the adjacent site;
 2. Whether the proposed facility is related to the closure and/or remedial activities on the adjacent site;
 3. Whether and to what extent the design and operation of the proposed facility will mitigate existing or potential impacts from the adjacent site.

Mass. DEP has determined that this criterion does apply as the Town previously operated an inactive solid waste burn dump on the proposed site and on adjacent property. An assessment of the entire area formerly used for solid waste disposal is not yet completed; the conclusions recommendations, and corrective orders that may be issued by DEP based on this assessment may limit the land use for the proposed site.

Mass. DEP will minimally require as a condition of the siting and operation of the proposed facility that existing paved surfaces and grassy areas be maintained in order to prevent a n adverse impact on the proposed site and on the adjacent area formerly used for solid waste disposal. The combined adverse impact in regard to public health, safety, and the environment is deemed to be minimal. HOWEVER, DEP MAY REQUIRE ADDITIONAL ASSESSMENTS OF THE SITE, REQUIRE ADDITIONAL MAINTENANCE OR REMEDIAL ACTIVITIES OR RESTRICT OR LIMIT THE FUTURE USE OF THE SITE SHOULD SITE CONDITIONS WARRANT.

- j. The Department of Protection and the local board of health shall give preferential treatment for approval for proposed sites for new proposed facilities that will accept solid waste from other municipalities and are in communities that have no existing landfill or solid waste combustion facility.

The proposed site and facility will only service the host community, Longmeadow.

Notwithstanding this fact, Mass. DEP has determined that the provision of granting preferential status by either the Department or the local board of health does not apply.

- k. In determining the suitability of a proposed site for a solid waste management facility is the Department (DEP) shall consider other existing sources of pollution The Department shall determine whether the projected facility shall adversely impact the public health, safety and environment and whether the facility will mitigate or reduce these sources of pollution.

Mass .DEP has considered the existing other sources of pollution and has determined that the proposed facility does not pose a threat to public health, safety, or the environment.

- l. The Department (DEP) and the local board of health shall give preferential consideration to sites located in municipalities not already participating in a regional disposal facility. For sites proposed in communities already participating in regional disposal facilities such preference shall be weighed against the following factors:
 - The extent to which the proposed facility meets the municipality’s and the region’s solid waste management needs and
 - The extent to which the proposed facility incorporates recycling, composting or waste diversion.

Mass. DEP has determined that the provision of preferential treatment criteria do not apply as Longmeadow participates in both a regional disposal and a regional recycling facility.

No member of the Board of Health offered objection to any individual finding made by the Department in regard to the site suitability criteria or to the Department’s Positive Determination for Site Suitability of the proposed transfer station at 31 Pondsides Road, Longmeadow.

Having concurred with the aforementioned findings of the Department (DEP) and having heard the testimony presented at the Public Hearing for the Determination of the Site Suitability the Board of Health, the following members of the Longmeadow Board of Health whose signatures appear below unanimously voted to approve the siting of the proposed transfer station at 31 Pondsides Road, Longmeadow.

Robert Rappaport, D.M.D., Chair

Michael Coppola, M.D., member

MaryPat Toye, R.N., M.S., member

Barry Izenstein, M.D., member

The meeting was adjourned at 9:05 P.M. No subsequent meeting date was set.
Respectfully submitted,
Beverly Hirschhorn,
Health Director, Town of Longmeadow

