

KAREN WALSH PIO - Chair
TONY JUDGE - Vice Chair
CHARLES SCOTT - Clerk
MICHAEL ROSNER, M.D.
STEPHEN FRANTZ

SHARON HART, Director of Public Health

NOTICE

**BOARD OF HEALTH MEETING
&
AGENDA**

February 10, 2026

6:00 p.m.

Join Zoom Webinar from your Computer:

Join from PC, Mac, iPad, or Android:

Passcode: 008135

<https://us02web.zoom.us/j/83987092082?pwd=Iu9wuDQN2bVf1sXAPiMeb4hzQlHbbw.1>

Or join by phone

+ 646 931 3860

Webinar ID: 839 8709 2082

Passcode: 008135

NOTE: Not all the topics listed in this notice may actually be reached for discussion. In addition, the topics listed are those which the Chair reasonably expects will be discussed as of the date of this notice.

To: Board of Health Members

From: Sharon D. Hart, Director of Public Health

Re: A Board of Health Meeting will be held on Tuesday, February 10, 2026 at 6:00 p.m. at the South Hadley Library.

1: The Chair will announce that the meeting is being recorded by either the Board/Committee or a member of the audience.

2: Chair to Call the Meeting to Order

3: Acceptance of the Minutes of the January 13, 2026, meeting.

4: Announcements/Open Forum (10 Minutes)

5: Director's Report

6: New Business:

(a): Stormwater Control Structures - 3 Feet Separation from Groundwater

(b): Draft Agricultural Uses Bylaw Amendments

(c): Animal Keeping Regulation

7: Old Business:

**(a): Regulation of the Town of South Hadley Board of Health
Restricting the Sale of Nitrous Oxide Amendment and Signatures for the
Regulation of Noisome Trades**

8: Set Next Meeting Date – (_____) at 6:00 p.m. at South Hadley Public Library

9: Adjourn meeting

South Hadley
Board of Health Meeting
Hybrid

Date: 01-13-26 Time: 6:00 p.m.

Members: Karen Walsh Pio: Present Tony Judge: Present Dr. Michael Rosner: Present
Stephen Frantz: Present Charles Scott: Present

Staff: Sharon Hart: Present Jennifer Jernigan: Present Hannah Durham: Present

Guests (Zoom): Lora R., John S., Shannon H., Misty B.

1. Chair called the meeting to order 6:00 p.m.

2. Acceptance of the meeting minutes of 12-09-25.

- a. Motion to accept 12-09-25 minutes: T. Judge, 2nd: C. Scott.
Motion carried, unanimous approval.

3. Announcements/Open Forum

- S.Frantz commented on recording of presentation by Massachusetts Association of Health Boards at a Plainfield, MA Board of Health meeting about the role and responsibilities of boards when new facilities or infrastructure are proposed that poses significant risks to public health. Boards of health can use criteria such as traffic and access to a site, site's status as an area of critical environmental concern, air quality impacts, and potential nuisances, to assess site assignment.
 - S.Frantz emailed Director of Strategies & Government Relations at MA Association of Health Boards regarding the value of standing forests verses clearcutting forests for the installation of solar arrays and battery storage facilities (BESS) – a situation discussed during the presentation. S.Frantz emphasized the overwhelming value of standing forests includes: carbon storage (the older the trees the more carbon stored); water & soil conservation; drinking water purification; provide food and harborage for myriad wildlife and other biota; temperature/humidity modulation; and biodiversity support. These sustained quality of life issues are provided in Article 97 of the MA Constitution and must not be conflated with monetary issues. Local communities' requests for installation of solar arrays and BESS are increasingly common and BOHs have a defense contrary to such requests except in the case of proper siting of solar arrays on rooftops.
- Acknowledgment of opportunity to coordinate communication between Planning Board and Board of Health on new proposals that may have public health impacts. Perhaps invite Planning Board members to a future BOH meeting.
- New committee on agriculture bylaws – particularly what activities are permitted on agricultural property. Public Health Director Sharon Hart and Board Member Chuck Scott are on committee.

4. Director's Report – Director Hart provided an update on the latest activities and initiatives.

- Noted department staff’s participation in Master Planning Forum and changes to oversight of Hampshire Public Health Preparedness Coalition, among other continuing projects and initiatives.
- Continuing to build relationships with administrators, counselors, and health and physical education teachers at schools.
- Hampshire HOPE & Tapestry facilitated regional survey on harm reduction needs and use of opioid settlement funds in the fall. Collected survey responses at Neighbors Helping Neighbors in December. Results forthcoming and can be presented to the board, if interested.

5. New Business:

a. Climate Change Article – Stephen Frantz

- i. Concerns about the selection process for members of the federal Department of Energy Climate Working Group and production of a report that disputes Intergovernmental Panel on Climate Change’s findings that virtually all warming since the start of the industrial era is linked to human carbon emissions.

b. Glyphosate Articles – Stephen Frantz

- i. Concerns about monetary interests of those in federal positions of power and the impact on whether companies producing pesticides with significant documented harmful effects will be liable for human and environmental health impacts.

c. PFAS Articles – Stephen Frantz

- i. Concern about Environmental Protection Agency’s recent approval of five pesticides that qualify as PFAS chemicals: cyclobutylfluoramide, diflufenican, epyrifenacil, isocycloseram; trifludimoxazin. None of these appear to be in use at the Legends Golf Course. However, Legends does use the following PFAS pesticides: bifenthrin; flupyradifos-methyl; and mefenproxifen. Priorities against exposure to PFAS must be a priority due to causal relationships with cancer and other critical health harms.
- ii. Acknowledgement of new state-level regulation of PFAS, effective January 1, 2026. Request for additional information from state representatives.

d. South Hadley 2025 Prevention Needs Assessment Survey Data Presentation – Hannah Durham

- i. Shared data on South Hadley youth mental health and substance use as well as factors that can increase youth risk for or protect from early substance use. The survey was conducted in Spring 2025. 40% of 8th graders, 33% of 10th graders, and 28% of 12th grade students in South Hadley Public Schools participated.

6. Old Business:

a) Kratom Regulation

- State legislation on kratom remains in joint committee. Board weighed waiting for results of state review versus passing local regulation sooner so that there is some oversight on kratom products.
- Public comment from four meeting attendees on Zoom addressed the importance of limiting the sale of synthetic kratom products (e.g. 7-OH and other synthetically derived cannabinoids) while allowed for the sale of natural, unadulterated kratom leaf.

Motion to pass: C.Scott, 2nd: S.Frantz.
Motion carried, unanimous approval.

6. Set Next Meeting Date: February 10, 2026 at 6:00 p.m. at South Hadley Public Library

Motion to adjourn: C. Scott; 2nd T. Judge.

Motion carried, unanimous vote to adjourn.

7. Board of Health meeting adjourned: 7:34 p.m.

Respectfully submitted,

Hannah Durham
Public Health Program & Administrative Coordinator

January 26, 2026

Anne Capra, Director Planning and Conservation
Members of the Agricultural Uses Bylaw Amendments Advisory Committee:
Mark Cavanaugh
Rebekah Cornell
Sharon Hart
Steve McCray
Tom Reidy
Chuck Scott
Tina Smith
Rob Watchilla
South Hadley Town Hall
South Hadley, MA 01075

Re: Amendments to Section 255-26, Agricultural Zone By-Law

Dear Anne and Committee members:

I appreciate being able to attend your meeting on January 14th when you reviewed the proposed amendments to 255-26.

I recognize that preserving agricultural land is a benefit to South Hadley and that “enhancing the economic viability of active farmland operations” is a good thing.

However, “enhancing the economic viability of active farmland operations” ought to be truly helping a farmer to farm. On the other hand if we’re going to help a farmer to increase their income by running entertainment businesses other than farming on farm land, so called “Outdoor Recreation,” then the welfare of residents must be considered. I fear that consideration is lacking.

During your meeting, you changed the 50 acre requirement for “Outdoor Recreation” to five acres. This change was made at the recommendation of a town employee. The friends and neighbors I’ve talked to who live in the Ag Zone are very disturbed, as I am, at the possibility of having “batting cages” on a mere five acres.

Batting cages in no way enhance the economic viability of farming. They may put money in a farmer’s bank account, but they do not enhance farming, and we ought to be up front about that.

Batting cages are a significant source of noise pollution. The incessant crack of the bats can readily drive neighbors insane.

The noise from batting cages is also harmful and disruptive to wildlife, especially to birds and other wildlife when they are nesting or raising young. The netting that surrounds many types of batting cages is an extreme hazard for birds, especially birds of prey and for other wildlife and wildlife babies.

Section 255-26 allows nearly two dozen businesses that are 'Accessory to Commercial Agriculture' or 'Farm-Related.' Why is it a good thing or a necessary thing to allow a nuisance like batting cages?

Why don't we see how farmers do financially with these numerous other businesses before we start allowing commercial "Outdoor Recreation" on farms?

Therefore, I am asking if you please remove batting cages as an allowed "Outdoor Recreation" in section 255-26.

I live in the Ag zone, as do many other people. When I moved here, I expected farming. I live across the street from a cornfield owned by the Olesiuk farm family. I love the cornfield. Once a year a giant machine comes and spreads manure. Sure, it's loud and smells for an hour or two. I don't care because I expected such. Then all summer I get to watch the corn quietly growing, until it's tall and beautiful and gives me added privacy from the traffic headed east on Pearl St.

At night the cornfield is blessedly dark and I have no lights shining into my house; neighborhood owls hunt mice without the interference from artificial lights; bats hunt insect pests; small mammals feed in peace and moths do their pollinator thing. Stars come out in a beautifully dark sky, dark as it is meant to be. Once a year a big noisy thresher comes and cuts all the corn down – it's no bother as it doesn't take long and it's totally expected. All winter I have a view of the field, especially lovely in the snow, and a view of gorgeous sunsets.

If you do not remove the proposed batting cages, I urge you to have concern and compassion for residents and restore to 50 acres the land required for such a noxious, non-farm related outdoor activity.

I also urge you not to allow miniature golf on less than 50 acres and to prohibit artificial lighting, in other words, operating after dark.

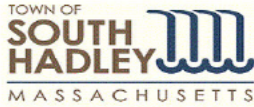
I grew up in rural Ohio, surrounded by farms, fields and forests. They were my playgrounds and I loved them all. I went on hayrides and blueberry, blackberry and apple picking. There were no batting cages. Allowing batting cages in an agricultural area is not a form of progress. They are retrograde. Allowing them on farms evinces a disdain for residents' peaceful enjoyment of their homes and for the welfare of wildlife which are also inhabitants of our town.

Thank you for your consideration.

Yours truly,

Linda Sachs
193 Woodbridge Street
South Hadley, MA 01075





Georgina Maende <gmaende@southhadleyma.gov>

Fwd: Please Share

Sharon Hart <shart@southhadleyma.gov>

Wed, Feb 4, 2026 at 2:05 PM

To: Stephen Frantz [REDACTED], K WPio [REDACTED], "Dr. Michael Rosner" [REDACTED],
 Chuck [REDACTED], Tony Judge [REDACTED], Georgina Maende
 <gmaende@southhadleyma.gov>, Jennifer Jernigan <jjernigan@southhadleyma.gov>, Hannah Durham
 <hdurham@southhadleyma.gov>

Sharon D. Hart,
 Emergency Management Director,
 Director of Public Health
 116 Main Street, M2
 South Hadley, MA 01075
 cell (413) 315-7307
 work (413) 538-5030 x 6184
 fax (413) 538-5012
shart@southhadleyma.gov

----- Forwarded message -----

From: **Jacqueline Dupre** <[REDACTED]>

Date: Wed, Feb 4, 2026 at 1:13 PM

Subject: Please Share

To: Anne Capra <acapra@southhadleyma.gov>, shart@southhadleyma.gov <shart@southhadleyma.gov>

Sent via electronic mail:

February 4, 2026

South Hadley Board of Health

South Hadley Agricultural Uses Bylaw Amendments Advisory Committee

We are respectfully requesting that Section 255-25 (H) (1-3) permitting the raising of livestock in residential zones all over town, no matter how small the property, be deleted in its entirety. We also ask that you review proposed changes to Section 255-26. I'm referring to the "Farm Related Activities/Uses" that are not farm related. I am specifically concerned about the permitting of amplified, outdoor music events. Initially this started as a few nights over the course of the summer. In the summer of 2025 that has increased to 2 nights every weekend, sometimes on Sundays, June-September. I live on Ferry Street, directly north west, through the woods. We tolerated the occasional event BUT every weekend is asking a lot. At one time we were able to enjoy the peacefulness of our back yard during the summer months. That is no longer possible. We shudder to think about the other activities, that have nothing to do with farming, i.e. batting cages, that could take place within the guidelines of this by-law with the potential to further disturb our enjoyment of the outdoors.

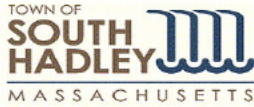
The proposed bylaw has the potential to negatively impact many residents. It's ridiculously long and complicated. I see no rush to get it to TM this May. There needs to be robust public input before a decision is made to put it on the books.

Thanks in advance for your consideration.

Sincerely,

Jacqueline Dupre

Rudy Tembach



Georgina Maende <gmaende@southhadleyma.gov>

Fwd: Agricultural By Law Amendments

Sharon Hart <shart@southhadleyma.gov>

Tue, Feb 3, 2026 at 11:46 AM

To: Chuck <[REDACTED]>, K WPio <[REDACTED]>, Stephen Frantz <[REDACTED]>, "Dr. Michael Rosner" <[REDACTED]>, Tony Judge <[REDACTED]>, Georgina Maende <gmaende@southhadleyma.gov>, Jennifer Jernigan <jjernigan@southhadleyma.gov>, Hannah Durham <hdurham@southhadleyma.gov>

Sharon D. Hart,
 Emergency Management Director,
 Director of Public Health
 116 Main Street, M2
 South Hadley, MA 01075
 cell (413) 315-7307
 work (413) 538-5030 x 6184
 fax (413) 538-5012
shart@southhadleyma.gov

----- Forwarded message -----

From: **Bobbie** <[REDACTED]>
 Date: Tue, Feb 3, 2026 at 11:37 AM
 Subject: Agricultural By Law Amendments
 To: Sharon Hart <shart@southhadleyma.gov>

Dear Sharon,

We have been made aware of two problematic issues in the Agricultural Bylaw Amendments currently being proposed for acceptance by the Planning Board and if approved, next town meeting.

Article 255-25 proposes allowing all types of livestock throughout residential areas in South Hadley, the other, 225-26, calls for batting cages in agricultural areas of 5 or more acres.

Both proposals seem to fall within the Health Department's area of concerns, as both could impact the health of residents.

Risk of transmission of bird flu and other animal disease among animals and humans could be increased from chickens and ducks etc. in residential backyards, and there are other health risks associated with excrement in poorly maintained animal dwellings and yards. Who in our local government would be responsibility for monitoring and ensuring safe conditions for both animals and humans?

Batting cages (and any kind of endeavor that causes disturbing repetitive noise that can impact neighbors' mental health) must be considered in the proposed zoning changes.

Thank you for your interest in these issues that affect health and quality of life for residents. We hope you can make your voice heard and express residents' concerns in upcoming discussions of these bylaw changes.

Sincerely,

Bobbie and Robert Salthouse
[20 The Knolls, South Hadley, MA 01075](#)

Regulation of the South Hadley Board of Health
Minimum Standards for the Keeping of Animals

1. AUTHORITY:

This Regulation is pursuant to the authority granted to the South Hadley Board of Health by Massachusetts General Laws Chapter 111, Section 31, which provides that "Boards of Health may make reasonable health regulations," and Massachusetts General Laws Chapter 111, Section 155.

2. PURPOSE:

- a. This regulation is promulgated to provide minimum standards for the keeping of animals in South Hadley by enabling residents to have the opportunity to participate in the growing national trend for responsible, small scale agricultural protection while protecting public health, safety, and welfare in South Hadley.
- b. This regulation is not intended to regulate the use of land for commercial agriculture. Commercial agriculture may be limited by South Hadley zoning bylaw to activities of five (5) acres or more or on parcels of two (2) acres or more if the sale of products produced from the agricultural use on the parcels annually generate at least \$1,000 per acre based on gross sales dollars in areas not zoned for agriculture in accordance with Massachusetts General Laws Chapter 40A, Section 3.

3. DEFINITIONS:

For the purpose of this regulations, the following words shall have the following meanings:

Abutter: Owners of the abutting land or property within three hundred (300) feet of the area of the Applicant's property where animals are kept. A person will only qualify as an abutter, for the purpose of this regulation, if he or she possesses an ownership interest in the abutting land or property.

Animal: All animals and livestock which are kept as domesticated animals but excluding the following: household pets as defined herein; research laboratory animals otherwise regulated; and non-exempt wild animals as regulated by Massachusetts General Laws Chapter 131, Section 23 and 321 CMR 9.00.

Animal Structure: Any structure used to house, shelter or contain livestock and animals.

Applicant: A person who applies for a permit to keep one or more animals pursuant to this regulation.

Board or Health or "the Board":

The South Hadley Board of Health and/or its designated agent(s).

Cockerel: Young male chicken.

Corral: Any pen or enclosure for confining one or more animals.

Domesticated animals: Animals of a species of vertebrates that have been domesticated by humans to live and breed in a tame condition and depend on humankind for survival. Domesticated animals shall include, but not be limited to any equine or bovine animal, goat, sheep, swine, dog, cat, poultry or other domesticated beast or bird.

Dwelling: Any building, structure or shelter used or intended for human habitation.

Facility: The total accommodations to be used for the keeping and care of one or more animals, including but not limited to land and any accessory or animal structure such as, but not limited to a barn and/or stable.

Fencing: Enclosure material installed for privacy or livestock and/or animal containment.

Feed management plan: A plan for the keeping and management of feed.

Generally acceptable agricultural practices: Practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources Division of Animal Health's (MDAR's) Generally Acceptable Agricultural Practices (GAAPs). The following are some potential resources, but are not an exhaustive list, that can be consulted to establish compliance with the MDAR GAAPs: MDAR, <http://www.mass.gov/eea/agencies/agr/>; the USDA Natural Resource Conservation Service, <http://www.nrcs.usda.gov/wps/portal/nrcs/site/ma/home/>; the MA Association of Conservation Districts, <https://massacd.wordpress.com/>; UMASS Extension, <http://ag.umass.edu/resources/agriculture-resources>; UNH Cooperative Extension, https://extension.unh.edu/resources/resource/471/Housing_and_Space_Guidelines_for_Livestock.

Household pets: Animals that are primarily kept indoors for non-agricultural purposes, including but not limited to dogs, cats, ferrets, fish, domesticated or exotic birds, guinea pigs, hamsters, and mice.

Keeping of Animals Permit or "Permit": A permit issued by the South Hadley Health Department for the keeping of one or more animals in accordance with the provisions of this regulation.

Livestock: Animals kept for agricultural purposes, including but not limited to cattle, goats, sheep, swine, equines, camelids, poultry (not including roosters and/or cockerels), and other fowl.

Manure Management Plan (MMP): A plan for the handling of manure. The MMP shall address cleaning, composting, storage, utilization, and removal of manure.

Permit holder: Any person who has met the conditions of this regulation and has received a permit issued by the South Hadley Health Department to keep animals.

Person: Every individual, partnership, corporation, firm, association, group, or other entity including a city, town, county, or other governmental unit, owning property, or carrying on an activity regulated by this regulation.

Pest Management Plan: A plan, which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents, insects, and pests, and to minimize the creation of odors and other nuisances.

Rooster: An adult male chicken.

Stable: An accessory building or structure used for the shelter and/or feeding of one or more animals.

Stall: A compartment in a stable used for the keeping of one or more animals.

Usable area: Land area suitable for the raising of animals such as pastures, fields, and wooded uplands. This area does not include wetlands, swellings, or any other area(s) as may be restricted by town, state or federal law, regulations, or guidelines.

Wetlands: Land area or surface area so defined by the Wetlands Protection Act, Massachusetts General Law, Chapter 131, Section 40, and regulations promulgated pursuant to 310 CMR 10.00 or by the South Hadley Wetlands Protection bylaw(s) or pursuant to Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341.

Wild and exotic animals: Any animal not normally found or kept as a domesticated animal, and which require a permit to keep issued by either a federal or state wildlife agency, including but not limited to deer, poisonous reptiles, alligators, monkeys, lions, and tigers as defined as non-domesticated by Massachusetts General Laws, Chapter 131, Section 23 and 321 CMR 9.00.

4. GENERAL REQUIREMENTS:

- a. All applications must be submitted to the South Hadley Health Department for review and approval and shall meet the criteria set forth in this regulation.
- b. All new structures must comply with the applicable setback requirements for the zoning district in which such structures are located as set forth in the South Hadley's Zoning Bylaws, aside from protection accorded by Massachusetts General Law, Chapter 40A, Section 3 and the Wetlands Protection Act, 310 CMR 10.00.
- c. All permitted animals must be confined to the property for which a permit is granted unless the permit holder has documented in writing to the satisfaction of the South Hadley Health Department, including obtaining any necessary permissions, arrangements for such animals to be kept elsewhere (i.e., for grazing, pest control, etc.).
- d. In accordance with Massachusetts General Law, Chapter 111, Section 125A, “. . . the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally accepted farming procedures or from plowing or cultivation operation upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.” This law applies to commercial farming operations.
- e. Owners or persons in control of any building or premises in which animals are kept, shall keep the building and premises clean, free from odors, decaying food, filth, dirt, stagnant water and shall store and dispose of manure in a manner that does not affect the health and comfort of the animal or the general public. Rodent, fly, and insect control shall be practiced at all times. All building shall be equipped with sufficient artificial or natural lighting.
- f. Owners or persons in control of animals must immunize and maintain immunization records are required by the Massachusetts Division of Animal Health. Immunization records must be made available to the Board of Health at any time. Diseased or infected animals must be isolated from other animals.

5. PERMIT AND APPLICATION REQUIREMENTS

- a. A permit from the South Hadley Health Department is required for anyone keeping one or more animals as defined in this regulation, except on commercial farms which meet the requirements of Massachusetts General Law, Chapter 40A, Section 3 and/or Massachusetts General Laws Chapter 128, Section 1A, and except as indicated in “section b” below.
- b. The keeping of roosters, cockerels, and non-exempt wild and exotic animals, in accordance with Massachusetts General Law Chapter 131, Section 23 is prohibited within South Hadley, except as allowed in the Town of South Hadley Zoning By-law(s).
- c. Application(s) for a permit shall be submitted on a form supplied by the South Hadley Health Department for each location where animals are kept in South Hadley. Such application(s) shall be accompanied by the following information, and will be deemed incomplete if any information, plan, or fee is missing.
 - i. Name, mailing address, phone number and email of all owners of the property, including an emergency contact number.
 - ii. Location – street address of the premises to be used.
 - iii. Maximum number and species of animals to be kept.
 - i. If the permit holder intends to increase the number of animals or change in species of animals to be kept prior to the end of the permit year, the permit holder must notify the

South Hadley Health Department and the Building Commissioner if the Public Health Director and Zoning Enforcement Officer/Planning Director believes that the increase will materially change the application upon which the permit is based, the South Hadley Health Department may require a public hearing.

- ii. This section shall not apply to farmers when commercially breeding animals.
- iv. A plot plan, with dimensions of the area where animals will be kept. Also required on the plot plans are the locations of the primary residence, structure(s) (including fences), abutting structures(s), corrals, septic systems, private wells, and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail and quality to allow for review.
- v. A written management plan for the following:
 - i. Manure management
 - ii. Storage of feed
 - iii. Pest management
- vi. Application fees as indicated on the current South Hadley Health Department schedule of fees.
- d. The permit shall not be transferable to other animals, or assignable or transferable for the use of other persons or the use of other premises.
- e. The permit shall expire on March 31, unless sooner revoked or suspended by the Board after a public hearing.
- f. A permit holder must apply for a renewal of the permit at least thirty (30) days prior to the expiration of the permit. If a permit holder fails to timely apply for a renewal of the permit, the permit holder's application shall be treated as an application for a new permit. A permit will not be denied without cause in the form of valid complaints and/or violations of this regulation or other laws.
- g. If the permit holder is not the owner of the property, documentation must be provided indicating that the property owner is not opposed to the keeping of animals on the property.
- h. All permits issued prior to the effective date of this regulation are valid and may be renewed prior to the effective date of this regulation, subject to the prior regulation, provided conditions and agreements contained in the original application have not changed, and that no conditions exist that would be injurious to the public health, safety, or welfare. All renewals of permits after the effective date of this regulation shall be subject to this regulation.

6. CONSTRUCTION AND CONSTRUCTION CHANGES

- a. No person shall erect, occupy, use, rebuild, reconstruct, alter, or structurally change a stable, accessory structure or corral intended for housing or confining of animals without submitting an initial or revised plan to the South Hadley Health Department for its review and approval. This section shall not apply to repairs.
- b. It is the responsibility of the applicant to comply with South Hadley's Zoning Bylaws and applicable sections of the building code when conducting construction or construction changes referenced in "Section a" above.

7. APPEAL

- a. Any person aggrieved by the decision of the Board of Health may seek relief as provided by the laws of this Commonwealth.

8. PENALTIES

- a. If there is a violation of this regulation, a designated agent of the Board of Health may issue a written order (“Order”) to the person or persons having control of the premises and to the permit holder (if different) to correct the offending deficiencies within a reasonable specified time.
- b. As an alternative to an Order or if a person does not comply with an Order and such Order is not modified or withdrawn, the South Hadley Health Department may commence an enforcement action to correct such violation(s).
- c. In accordance with Massachusetts General Law Chapter 111, Section 31, any violation of this regulation shall be subject to fines of not more than \$1000 dollars. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the South Hadley Health Department from seeking equitable relief to enforce this regulation.
- d. The Board may suspend, revoke, or deny a permit if a permit holder is found to be in violation of any provision of this regulation after a hearing.
- e. Arrangements for re-homing the animals shall accompany any suspension, revocation, or denial of a permit.
- f. Any person to whom an Order has been served pursuant to this Section shall have the opportunity to request a hearing before the Board. A request must be made in writing within fourteen (14) days after the Order has been served. For the purposes of this Section, an Order shall be deemed to have been served on the date of mailing, except as stated otherwise on the Order. At the hearing, the person served with the Order shall be given an opportunity to present evidence and show why an Order should be modified or withdrawn.

9. SEVERABILITY

- a. Each part of this regulation shall be construed as separate to the end that if any part of this regulation, or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of the regulation shall continue in full force.

10. ADOPTION AND EFFECT

- a. These rules and regulations were adopted by the South Hadley Board of Health and are to be in full force and effect on and after _____.

_____ DATE

_____ DATE

_____ DATE

_____ DATE

_____ DATE

**Regulation of the Town of South Hadley Board of Health
Restricting the Sale of Nitrous Oxide**

A. Statement of Purpose:

The purpose of this regulation is to protect public health and safety by restricting the sale of nitrous oxide to prevent its misuse for recreational purposes. Recreational inhalation of nitrous oxide has been associated with severe health risks, including neurological impairment, oxygen deprivation, and potential long-term harm. By limiting access to nitrous oxide for non-medical and non-commercial uses, this regulation seeks to reduce substance misuse, prevent associated health consequences, and support broader public health efforts in harm reduction. These restrictions align with the Board of Health's responsibility to safeguard the well-being of the community and mitigate emerging public health threats. Therefore, the Town of South Hadley Board of Health promulgates a regulation restricting the sale of nitrous oxide products.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Town of South Hadley Board of Health by Massachusetts General Laws (MGL) Chapter 111, Section 31 which states "Boards of health may make reasonable health regulations" and Chapter 270, Section 18 which states, "No person shall intentionally smell or inhale the fumes of any substance having the property of releasing toxic vapors."

C. Definitions:

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise.

Business Agent: a person who represents a person or company in matters of business and who can make business decisions for them.

Board: The Board of Health of the Town of South Hadley.

Food Establishment: "Food Establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

(a) Such as a restaurant; satellite or catered feeding location when these locations are equipped with facilities to prepare, store or serve food; catering operation if the operating provides food directly to a consumer or to a conveyance used to transport people; market; retail bakery; vending location; institution; food bank; residential kitchens in bed and breakfast homes and bed and breakfast establishments; residential kitchens for cottage foods operations; and

(b) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or a delivery service that the Food Establishment or third parties provide.

Kitchen Supply Store: is a business that specializes in the sale of equipment, tools, and supplies used in food preparation and service. These stores primarily serve restaurants, bakeries, catering businesses, and other food service establishments as well as the public by providing high-quality kitchen appliances, cookware, utensils, and specialty ingredients. They must operate in compliance with all relevant health and safety regulations and may only sell nitrous oxide for legitimate culinary applications.

Identification: The requirement that all sellers verify the age of every purchaser using a government-issued photographic identification and confirm the intended use of nitrous oxide for an approved medical, commercial, or industrial purpose before completing a sale.

Medical Supply Store: is a business that is legally authorized by state and federal agencies to sell medical equipment, devices, and supplies. These establishments primarily engage in the distribution of healthcare-related products, such as oxygen tanks, surgical instruments, and other medical necessities, serving healthcare providers, facilities, and individuals with prescriptions or documented medical needs. They must comply with all relevant health and safety regulations and may only sell nitrous oxide for approved medical procedures.

Minimum Legal Sales Age: The minimum age at which an individual may legally purchase nitrous oxide products. For the purposes of this regulation, the minimum legal sales age is twenty-one (21) years old. No person or business shall sell or distribute nitrous oxide to any individual under the age of twenty-one.

Nitrous Oxide: is a colorless, non-flammable gas with a slightly sweet odor and taste, commonly used for medical, industrial, and commercial purposes. In medical settings, it is used as an anesthetic and analgesic. In the food industry, it serves as a propellant for whipped cream dispensers.

Recreational Use: The inhalation of nitrous oxide for its psychoactive effects, including euphoria, dizziness, and altered perception, rather than for an approved medical, commercial, or industrial purpose.

Self-Service Display: Any display from which customers may select a nitrous oxide canister without assistance from an employee or personnel.

Regulatory Authority: Means the local, state, or federal enforcement body or authorized representative having jurisdiction over the sale of nitrous oxide.

D. Restrictions on the Sale of Nitrous Oxide

- 1.) Prohibited Sales
 - a.) The sale of nitrous oxide is strictly prohibited in food establishments that do not fall under the approved categories listed below
- 2.) Approved Sales Locations
 - a.) Nitrous oxide may only be sold in:
 - i.) Kitchen supply stores for legitimate culinary applications.
 - ii.) Medical supply stores for professional medical use.
 - b.) All self-service displays of nitrous oxide, as defined herein are prohibited
- 3.) Age Restriction
 - a.) The sale of nitrous oxide is prohibited to individuals under the age of twenty-one (21).
 - b.) Prior to completing a sale, all sellers and distributors of nitrous oxide products must verify the age of every purchaser using a valid government-issued ID photographic identification that includes the bearer's date of birth.

E. Violations

It shall be the responsibility of the retail establishment and/or his or her business agent, and not its employees, to ensure compliance with all sections of this regulation.

1. For stores that are allowed to sell nitrous oxide: For violations of the sections of this regulation, the business owner shall receive:
 - a.) In the case of a first violation, a fine of one hundred dollars (\$100.00) shall be issued.

- b.) In the case of a second violation, a fine of three hundred dollars (\$300.00) shall be issued, and the sale of nitrous oxide products shall be suspended for seven (7) consecutive business days.
 - c.) In the case of three or more violations, a fine of three hundred dollars (\$300.00) shall be issued, and the sale of nitrous oxide products shall be suspended for thirty(30) consecutive business days.
 - d.) In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing, shall determine if the establishment shall continue to sell nitrous oxide products.
 - e.) Failure to cooperate or interfere with inspections pursuant to this regulation shall result in the suspension of nitrous oxide sales for thirty (30) consecutive business days.
 - f.) In addition to the monetary fines set above, any establishment that engages in the sale or distribution of nitrous oxide products, as defined herein directly to a consumer while his or her sales are suspended shall constitute a separate violation of this regulation and may be subject to the inability to sell nitrous oxide products at the establishment.
2. For retailers who are not permitted to sell nitrous oxide per the regulations above:
- a.) In the case of a first violation, a fine of one hundred dollars (\$100.00) shall be issued.
 - b.) In the case of a second violation, a fine of three hundred dollars (\$300.00) shall be issued
 - c.) In the case of three or more violations, a fine of three hundred dollars (\$300.00) shall be issued
 - d.) In the case of 4 or more violations OR repeated, egregious violations of any section of this regulation, the selling of nitrous oxide will be reported as a criminal offense.

F. Enforcement

Enforcement of this regulation shall be by the South Hadley Board of Health or its designated agent(s). Any resident who desires to register a complaint pursuant to this regulation may do so by contacting the South Hadley Board of Health or its designated agent(s), and the Board of Health may investigate.

G. Severability

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

H. Effective Date: _____

Signatures:

Signature Date:

South Hadley Board of Health

Noisome Trade Regulation

SECTION 1: PURPOSE

These regulations for noisome trades are intended to protect the public health and environment by limiting the operation of such a trade to a location as may be assigned by the Board of Health, and by otherwise restricting the conduct of such a trade.

SECTION 2: AUTHORITY

These regulations are adopted pursuant to the authority granted to local boards of health under General Laws Chapter 111, Sections 31, 122 and 143.

SECTION 3: NOISOME TRADES PROHIBITED WITHOUT SITE ASSIGNMENT

No trade or employment which may result in nuisance or be harmful to the environment, to public health, or which may be injurious to the estates of others, or which may be attended by noisome and injurious odors may be established or operated in the Town of South Hadley, except in a location as may be assigned by the Board of Health after a public hearing.

The Board of Health hereby declares the following trades to be noisome:

- Stone quarry and/or sand and gravel pit
- Asphalt batch mix or drum mix plant and/or crushed stone facility
- Pulp & paper mills
- Plastic manufacturing plants
- Sewage sludge treatment / composting operations
- Grease/Food Oil Processing Recycling Operations
- Battery Energy Storage Facilities
- Power/Energy Facility

SECTION 4: SITE ASSIGNMENT APPLICATIONS

An application for an assignment for a noisome trade shall include:

1. Five copies of a site plan, conforming in all material respects to the form and content requirements applicable to site plans set forth in the Town of South Hadley Zoning Bylaw;
2. A list of all local, state and federal permits or approvals required for the operation of the noisome trade, stating whether such permits or approvals have been applied for or received, and their expiration dates;
3. A description of all major equipment or machinery intended to be used in the noisome trade, except office equipment and automobiles. The descriptions shall include details of any technology incorporated into or used in conjunction with the equipment or machinery which will address problems relating to pollution, noise, odors, waste disposal, hazards and vibrations; and

4. A general description of the operation of the intended noisome trade, including hours of operation, anticipated motor vehicle traffic to and from the facility, and the number of employees on each shift.

The Board of Health may require the submission of further materials, including reports of engineers or consultants and copies of other permits already obtained.

SECTION 5: APPLICATION FEES

The applicant shall include with the application an application fee in the amount of \$250. In addition, the Applicant may be required to pay the reasonable costs of hiring any outside consultants, engineers and attorneys if needed to assist the Board of Health in reviewing the application. Fees for such consultants shall be charged to the Applicant in accordance with the Board's regulations under General Laws Chapter 44, Section 53G.

SECTION 6: LEGACY RIGHTS CLAUSE

Any noisome trade as defined herein which is in existence in the Town of South Hadley before the effective date of this regulation must submit a complete application for site assignment as described in Section 7 within three (3) months of the effective date of this regulation or cease to operate on or before that date. The Board will evaluate the application within 60 days after the application is submitted. At the time of the initial site assignment, the Board might choose to impose specific conditions and/or provide specific waivers from the General Performance Standards of Section 10. If such conditions are involved, the Applicant will be allowed an additional forty five (45) days for response to or compliance with these conditions. Any potential denial of an initial site assignment will involve a Public Hearing where all sides will be given an opportunity to present relevant information to the Board of Health prior to the Board's making a final decision.

SECTION 7: TERM OF ASSIGNMENT

1. Once a site is assigned, such assignment shall be valid for three years. A site assignment shall be reviewed triennially by the Board of Health for renewal. A renewal application shall be initiated by the operator or owner of the noisome trade at least 45 days prior to the expiration of the preceding assignment period. The owner or operator shall initiate the renewal application by sending or delivering to the Board of Health a written request for renewal including the following:
 2. a request that the assignment be renewed, stating the date the current assignment was issued;
 3. a certification under oath that all required local, state and federal permits are current and valid;
 4. a description of any proposed or de facto changes in the major equipment or machinery used or intended for use in the operation of the noisome trade, except office equipment and automobiles.

The descriptions shall include details of any technology incorporated into or used in conjunction

with the equipment or machinery which will address problems relating to pollution, noise, odors,

waste disposal, hazards and vibrations. If there are no changes in the operation since the approval

of the previous application, the applicant should state in the Application;

5. a description of any proposed or de facto changes to the operation of the noisome trade, including any change to hours of operation, actual or anticipated motor vehicle traffic in and out of the facility, and the number of employees on each shift;
6. a reapplication fee of \$250.

The Board of Health may require the submission of further materials, including reports of engineers or consultants, and may charge the applicant the reasonable costs of its own consultants, engineers or attorneys, if needed, as provided in Section 5.

SECTION 8: REVOCATION/ENFORCEMENT

A site assignment may be revoked at any time for cause (failure to meet General Performance Standards of Section 10 and other specific standards or regulations that the Board of Health might adopt during the process of initial site assignment) after a hearing held upon twenty-one (21) days' notice to the operator. Nothing in these regulations shall be deemed to limit the power of the Board of Health to issue orders of prohibition under G.L. c. 111, §§ 143 and 146, or emergency orders to abate nuisances under G.L. c. 111, § 123, or any other applicable provision of the General Laws, or under any Board of Health regulation.

SECTION 9: APPEALS

Any person aggrieved by an action of the Board of Health restricting or prohibiting the conduct of a noisome trade may appeal said action pursuant to G.L. c. 111, § 147. The noisome trade operator may continue operation during the appeals period, unless the Board of Health decides that such continued operation would result in imminent danger to public health. Any person aggrieved by an assignment made by the Board of Health may appeal said site assignment to the Department of Environmental Protection as provided in G.L. c. 111, § 143.

SECTION 10: GENERAL PERFORMANCE STANDARDS

General standards for the conduct of a noisome trade shall be determined by the Board of Health. No noisome trade, under normal conditions, shall cause, create, or result in:

1. Persistent noise in excess of standards defined in the Town of South Hadley Noise Regulations. Such an exceedance would represent a significant increase in noise levels in the vicinity of the use, so as to be incompatible with the reasonable use of the surrounding area.
- 2 Noticeable vibrations beyond the property on which the use is located.
- 3 Smoke, dust, odors, noxious gases or other forms of air pollution, which constitute a nuisance or
recognized health hazard, above or beyond the property on which the use is located.
4. Releases of heat, cold, moisture, mist, fog, precipitation, or condensation likely to be detrimental to public safety, health or welfare above or beyond the property on which the use is located.
5. Electronic emissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals beyond the lines of the property on which the use is located.

- 6. Glare, lights or reflections which constitute a nuisance to other property owners or tenants or which are detrimental to public safety, health or welfare.
- 7 Liquid or solid waste or refuse which cannot be disposed of by available or existing methods without any undue burden on municipal facilities.
- 8 Undue fire, safety, explosive or other hazard which significantly endangers any property, including the applicant's, or which results in a significantly increased burden on municipal facilities.

SECTION 11: POWER TO IMPOSE ADDITIONAL CONDITIONS

The Board of Health may attach any other conditions to a site assignment, beyond the General Performance Standards of Section 10, which are specific to the nature of the Noisome Trade and which it may find necessary or prudent for the safety and general welfare of the public and for the protection of the environment. Such conditions may include, without limitation, restrictions on the hours of operation, restrictions on traffic entering and leaving the site, and abatement measures designed to mitigate the adverse effects of the regulated activity. Any trade which cannot be conditioned in a manner which will protect the public health, safety and general welfare shall be denied a site assignment.

SECTION 12: SEVERABILITY

If any portion, or sentence, clause or phrase of this regulation shall be invalid for any reason, the remainder of this regulation shall continue in full force and effect.

Effective date: _____

NAME:

DATE:
