



TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

DECISION

ZBA CASE NO. 13-26

PROPERTY LOCATION: 55 Lyman Street

PETITIONER: McKesson Medical-Surgical

PROPERTY OWNER: Realty Associates Fund IX LP

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 46984 Pg: 290

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This document is the DECISION of the Northborough Zoning Board of Appeals on the petition of McKesson Medical-Surgical for a Special Permit, Groundwater Protection Overlay District, to allow the storage and handling of hazardous liquids associated with the operation of a distribution center for medical and surgical supplies, on the property located at 55 Lyman Street, in Groundwater Protection Overlay District Area 1, Map 66, Parcel 6.

APPLICATION

1. On December 24, 2013, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining for a Special Permit per Section 7-07-010, Groundwater Overlay Protection District, to allow the storage and handling of hazardous liquids associated with the operation of a distribution center for medical and surgical supplies, on the property located at 55 Lyman Street, in Groundwater Protection Overlay District Area 1.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on January 13, 2014 and January 20, 2014, and was mailed to abutters and other parties in interest on December 31, 2013.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1. Application for Hearing before the Zoning Board of Appeals including:
 - a. Attachment A: Project Information, and Attachment B;
 - b. A letter from Jon A. Bonsall, on behalf of McKesson Medical-Surgical to Andrew Dowd, Town Clerk, dated December 23, 2013;
 - c. Site Plan - As-Built Plan: A 24"x36" plan sheet entitled "Lot B, #55 Lyman Street, Northborough, MA", identified as "Sv-1, Existing Conditions, Plan of Land", dated January 3, 2005, Prepared by Vanasse Hangen Brustlin, Inc., Transportation, Land Development, Environment Services, stamped and signed by Russell J. Bousquet, Professional Land Surveyor (Attachment C);
 - d. Septic System - As-Built Plan and Approved Drainage Plan: A 24"x36" plan sheet entitled "Lot B, #55 Lyman Street, Northborough, MA", identified as "Septic System As-Built", dated January 27, 2004, Prepared by Vanasse Hangen Brustlin, Inc., Transportation, Land Development, Environment Services, stamped and signed by Russell J. Bousquet, Professional Land Surveyor, (Attachment D);

- e. A 6-page Memorandum entitled "Hazardous Material Risk Assessment", TO: Rodney Bias, McKesson; CC: Derek Haley, McKesson, Jon Bonsall Keegan Werlin; FROM: Bob King, CIH, CSP, Environmental Engineering; DATE: December 20, 2013; SUBJECT: Risk Assessment-Chemical Storage, Spill Presentation and Control; (Attachment E);
 - f. A document entitled "Comprehensive List of the Eighty-seven (87) Hazardous Liquids Stored and Handled at McKesson's Distribution Center" as identified in the Capaccio Memorandum (Attachment F);
 - g. A document entitled "List of Twenty-five (25) Hazardous Liquids Stored and Handled at McKesson's Distribution Center which are Packaged in Quantities not Typically Found in Households as identified in the Capaccio Memorandum (Attachment G);
 - h. Floor Plan at 55 Lyman Street which identifies: (1) Centralized Storage Area for the aforementioned 25 Liquids (i.e., indicated on Map A, which shows the main floor, and on Map B, which shows the upper mezzanine area), and (2) Quarantine Area for Hazardous Waste (indicated on Map A) (collectively, Attachment H);
 - i. Details Concerning the In-Rack Spill Containment Tray System which McKesson has Proposed in its Application to Install in the two Centralized Storage Areas (Containment Tray A corresponds with the area denoted on Map A, and Containment Tray B corresponds with the area denoted on Map B) (collectively Attachment I);
 - j. An Overview of the Hazmat Training Requirements Followed by McKesson (Attachment J);
 - k. A Quitclaim Deed for 55 Lyman Street, Northborough, MA 01532, recorded at the Worcester District Registry of Deeds on 1/19/2011, Bk: 46984, Pg: 290 Street (Attachment K); and
 - l. A certified abutters list for parcels 300 feet from 55 Lyman Street, including a cover sheet signed by Susan M. Reagan, for the Town of Northborough Board of Assessors, dated December 17, 2013; (Attachment L).
2. A letter to Fran Bakstran, Chairman, Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated January 28, 2014, Re: 55 Lyman Street, Map 66, Parcel 6.

HEARING

Attorney Jonathan Bonsall, representing McKesson Medical-Surgical, and Derek Haley, Distribution Center Manager for McKesson Medical-Surgical, presented the Application at a duly noticed public hearing of the Board on January 28, 2014 in Conference Room B of the Northborough Town Hall. Board members Fran Bakstran, Mark Rutan, Robert Berger, Jeffrey Cayer and Brad Blanchette were present throughout the proceedings.

Mr. Bonsall explained McKesson Medical-Surgical operates a distribution center for the receipt, stocking, repacking and shipping of medical and surgical supplies. The special permit is requested to allow the storage and handling of 25 hazardous liquids at the distribution center on property at 55 Lyman Street, located in a Groundwater Protection Overlay District. A specialist from Capaccio Environmental Engineering was hired to identify the hazardous materials. The Applicant reviewed a draft of the Capaccio report with Mr. Litchfield and Mr. Lonardo. Mr. Bonsall stated the Applicant is

proposing to keep the identified 25 liquids in a specific area of the center that would contain any spillage. Mr. Bonsall also noted there is no manufacturing done in the center.

Mr. Haley explained the customers the distribution center services are hospitals, physicians and home health care providers; and they also provide home delivery. The products they provide include briefs, gloves, antiseptics, (such as alcohol), adhesive remover for removing bandages, hand sanitizers, and other common products. During the distribution process, there is no handling of the materials by employees.

Mr. Haley noted he has amended Attachment G of their application to include the total amounts of each of the 25 hazardous liquids on the site and are going to add 4 additional spill kits in the event of a breach of the containment tray. Mr. Haley stated there has been no substantial spillage on the site.

Mr. Bonsall noted the Groundwater Advisory Committee reviewed and supports the approval of the requested relief, and offered conditions to be included in the ZBA's decision.

No person present spoke in opposition to the project and the Board received no letters in opposition to the project.

The hearing was closed on January 28, 2014.

FINDINGS OF FACT

1. The subject property at 55 Lyman Street is located in the Industrial District and Groundwater Protection Overlay District Area 1.
2. The Applicant, McKesson Medical-Surgical, a tenant in the building at 55 Lyman Street, operates a distribution center for the receipt, stocking, repacking and shipping of medical and surgical supplies, including 25 liquids containing hazardous materials. Due to the handling and storage of hazardous liquids in the building on the site, located in Groundwater Protection Overlay District Area 1, a Special Permit per Section 7-07-010D(3)(a)[4] of the Northborough Zoning Bylaw is required.
3. In a letter to Fran Bakstran, Chairman, Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated January 28, 2014, Re: 55 Lyman Street, Map 66, Parcel 6, Mr. Litchfield states: *"This project requires a special permit in accordance with section 07-010 D(3)(a)[4] because the Inspector of Buildings/Zoning Enforcement Officer, Town Engineer and Town Planner determined the storage and handling of the liquids outlined in the application are more detrimental to the water supply than the items currently being processed at the above referenced location."*
4. A document entitled "Comprehensive List of the Eighty-seven (87) Hazardous Liquids Stored and Handled at McKesson's Distribution Center" (Attachment F) states Capaccio Environmental Engineering, Inc., determined there are 122 products classified as liquids on the site, and 87 of those liquids contain hazardous ingredients (primarily alcohol), such as soaps, disinfectants, deodorants and others, that are packaged in extremely small quantities.
5. A document entitled "List of Twenty-five (25) Hazardous Liquids Stored and Handled at McKesson's Distribution Center" (Attachment G) states Capaccio Environmental Engineering, Inc., determined 25 of the 87 liquids containing hazardous ingredients (primarily alcohol) are packaged in quantities not typically found in households and could pose a potential risk to the water supply.
6. The Applicant has amended the document entitled "List of Twenty-five (25) Hazardous Liquids Stored and Handled at McKesson's Distribution Center" (Attachment G) to include the total amounts of each of the 25 hazardous liquids on the site, as requested by the Town Engineer. The town needs these amounts to confirm the containment system will contain the materials.

7. A document entitled "Hazardous Material Risk Assessment", TO: Rodney Bias, McKesson; CC: Derek Haley, McKesson, Jon Bonsall Keegan Werlin; FROM: Bob King, CIH, CSP, Environmental Engineering; DATE: December 20, 2013; SUBJECT: Risk Assessment-Chemical Storage, Spill Presentation and Control; (Attachment E), states Capaccio Environmental Engineering, Inc. reviewed the operation of the McKesson Medical-Surgical distribution center generally, and specifically, with regard to its handling of the 87 liquids containing hazardous ingredients and the potential impact on groundwater supplies. Their determination was the operations at the subject distribution center are not likely to impact groundwater.
8. The Applicant will centralize the storage of the 25 liquids with hazardous ingredients (as shown in Attachment H, "Floor Plan at 55 Lyman Street") and install in-rack spill containment trays under the racking system (as shown in Attachment I, "Details Concerning the In-Rack Spill Containment Tray System which McKesson has Proposed");
9. The Applicant stated 4 additional spill kits will be added in the event of a breach of the containment tray. A full-size spill kit on the site will be used if all the products were to spill at the same time. A specialist for removal, as well as product vendors, would be contacted to assist with the cleanup.
10. In the event flammable liquids were to spill, the container tray system will address ventilation for the facility by allowing the liquids to spread out and evaporate rapidly.
11. McKesson Medical-Surgical's overall efforts to operate the distribution center in a safe and diligent manner includes its efforts to train key employees in emergency response procedures, which will further protect groundwater supply.
12. A document entitled "An Overview of Hazmat Training Requirements by McKesson" (Attachment J), indicates 49 CFR (Code of Federal Regulations) Hazardous Materials Training for McKesson Medical-Surgical employees includes General Awareness/Familiarization training, Function-Specific training, Safety training and Security Awareness training for hazardous material spills and fires on the site.
13. Currently, three employees have completed 49 CFR Hazardous Materials Training. McKesson Medical-Surgical does not require employees to be certified by the Occupational Safety & Health Administration at this time.
14. The Applicant employs approximately 120 employees and the facility operates 5 days a week, with occasional work on Saturday mornings. Over 17,000 items consisting of medical and surgical supplies and equipment are received, stocked, re-packed, and subsequently shipped from the facility. Shipping to and from the facility is by tractor-trailer trucks and other vehicles (vans).
15. All items are received from suppliers in their original packaging in boxes or cartons located on pallets, which are typically shrink-wrapped. Received items are stored in high bay storage racks. Order processing occurs in a mezzanine where individual items are picked and placed on a conveyor system, which brings the items to a packaging area where they are placed into shipping cartons and labeled. The individual orders are then brought to the shipping doors and loaded onto the shipping vehicles. During the distribution process, there is no handling of the materials by employees.
16. Roof drains are provided, which tie into underground piping leading to storm drains located in the asphalt-paved parking lots surrounding the building. The storm drain system discharges to a stormwater infiltration basin located on the east side of the property. The facility is served by an on-site wastewater disposal (septic) system. There are no underground or aboveground storage tanks located outside or inside the facility.
17. The Applicant will centralize (quarantine) the storage of 25 liquids with hazardous ingredients packaged in quantities not typically found in households (as identified in Attachment G), which

could pose a potential risk to the water supply, and install in-rack spill containment trays under the racking system within the distribution center. In addition, employees who have completed 49 CFR Hazardous Materials Training, as well as specialists and product vendors, will participate in the cleanup of products should a spill occur. Therefore, the use as presented will not be detrimental to, or otherwise degrade, the water resources or cause hazard to public health or ecological damage; will not adversely affect the quality or yield of an existing or potential water supply or reduce existing recharge capacity beyond that which is allowed; and will not derogate from the purpose and intent of Chapter 7-07, Groundwater Protection Overlay District Area, of the Northborough Zoning Bylaw.

18. The use as presented cannot be reasonably altered without significant impairment to the operation of the distribution center and such use will not adversely affect the local neighborhood or pose a nuisance or hazard to vehicles or pedestrians given the nature of the operation of the distribution center.
19. The Applicant will conform to any special requirements of the special permit granting authority as stated in its written decision. The Applicant is prepared to provide such additional information as the Town may require.

DECISION

1. On January 28, 2014, after due consideration of the Application, the Board voted unanimously to GRANT a Special Permit per Section 7-07-010D(3)(a)[4], Groundwater Overlay Protection District, to allow the storage and handling of hazardous liquids associated with the operation of a distribution center for medical and surgical supplies, on the property located at 55 Lyman Street, in Groundwater Protection Overlay District Area 1, with the following conditions:
 - a. The application indicates a very lengthy list of chemicals, which will be stored on site, as shown in the binder submitted with the Application. This list has been reduced to the 25 chemicals listed in Appendix G of the Application. The list of 25 chemicals, and the quantity of each, shall be shown on the list along with a total volume for all of these liquids. The total volume for all of these liquids stored on site shall be verified not to exceed the amount indicated on this table (Appendix G), by the Building Inspector and the Town Engineer, prior to the issuance of the certificate of occupancy. Any change to the total volume of hazardous chemicals to be stored on site shall require an amended special permit.
 - b. The Application also included a floor plan showing the storage areas for these chemicals and details for two different containment trays. The containment trays are appropriate for the storage of any spills or leaks of the chemicals listed in Appendix G. The total volume of material stored in any area must be verified to fit within the volume of the tray beneath each storage area. The Building Inspector and the Town Engineer must verify the volume of the containment area to be adequate, prior to the issuance of the certificate of occupancy for the racking system.
 - c. The applicant was required to submit annual stormwater inspection reports as part of the original special permit for this property and this condition shall continue.

2. The Special Permit shall not take effect until a copy of the decision bearing the certificate of the Town Clerk is recorded with the Worcester District Registry of Deeds in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 11 and 15 stating that "twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied."
3. If the rights authorized by the Special Permit are not exercised within two years from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

TOWN OF NORTHBOROUGH, MASSACHUSETTS
ZONING BOARD OF APPEALS



FRAN BAKSTRAN, CHAIRMAN