

*Hazardous Materials Proposed Bylaw Amendment*

**Article II Definitions**

**2XXXX Hazardous Material** – add *See Toxic and Hazardous Material*

**2XXXX Hazardous Waste** – shall mean any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, genetic or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, or welfare, to the groundwater resources, or to the natural environment Any substance regulated under applicable Boxborough Board of Health regulations and under any State or Federal laws and regulations regulating hazardous, chemical, biological or waste materials, or any amendments thereof, shall be considered hazardous waste.

**2XXXX Medical Center** – shall mean a facility providing medical or surgical services to persons, including ambulatory and emergency services, and accessory facilities and functions that are an integral part of the facility such as laboratories, out-patient departments, training, staff offices, and similar adjunct facilities and functions.

**2XXXX Life Sciences** – shall mean advanced and applied sciences that expand the understanding of human physiology and have the potential to lead to medical advances or therapeutic applications including, but not limited to, agricultural biotechnology, biogenetics, bioinformatics, biomedical engineering, biopharmaceuticals, biotechnology, chemical synthesis, chemistry technology, diagnostics, genomics, image analysis, marine biology, marine technology, medical devices, nanotechnology, natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell research and veterinary science.

**2XXXX Laboratory** –shall mean a room or building equipped for scientific experimentation, research, scientific practice, observation or testing. May include small scale production of drugs and chemicals. Includes clinical laboratories as defined in M.G.L. 111D as well as non-clinical facilities.

**2XXXX Health Care Facility** — shall mean a walk-in clinic, rehabilitation center, medical lab, dental lab, weight loss clinic, or similar facility.

2169 **Research and Development** shall mean an establishment or other facility for carrying on investigation in the natural, physical, or social sciences, *or life sciences*, or engineering and development as an extension of investigation with the objective of creating end products.

**2XXXX Biosafety Level (BSL) – shall mean a specific combination of work practices, safety equipment, and facilities which are designed to minimize the exposure of workers and the environment to infectious agents. The Biosafety levels as described in the Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH) publication, “Biosafety in Microbiological and Biomedical Laboratories, 6<sup>th</sup> Edition” are:**

***BSL-1 -- the basic level of protection and is appropriate for defined and characterized strains of viable biological agents that are not known to cause disease in immunocompetent adult humans;***

***BSL-2 -- appropriate for handling moderate-risk agents that cause human disease of varying severity by ingestion or through percutaneous or mucous membrane exposure;***

***BLS-3 – appropriate for agents with a known potential for aerosol transmission, for agents that may cause serious and potentially lethal infections, and that are indigenous or exotic in origin;***

***BSL-4 - exotic agents that pose a high individual risk of life-threatening disease by infectious aerosols and for which no treatment is available.***

2148 Light Manufacturing shall mean fabrication, processing, packaging, or assembly operations employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents such as odors, gas, fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat, or vibration; provided that there is no outside storage of materials or finished goods.

***Such use shall not exceed any of the following thresholds:***

***1) Energy Usage - a maximum demand greater than 200 kVA, or new customer requiring 600 kVA or more of transformer capacity.***

***2) Water Usage – 20,000 gallons per day***

***3) Wastewater Discharge – 20,000 gallons per day. Note: all entities located within the Aquifer Protection District are subject to discharge limits identified in Section 7004 of the zoning bylaw.***

***4) Hazardous Waste – Generates less than 220 pounds (about 27 gallons) of hazardous waste or waste oil per month and no acutely hazardous waste. (Designated as a Very Small Hazardous Waste Generator (VSQG) as defined under Massachusetts Hazardous Waste Regulations (310 CMR 30.000). Note: All entities located within the Aquifer Protection District are subject to hazardous materials and hazardous waste limits identified in Section 7004 of the zoning bylaw.***

**Article IV Use Regulations**

4003(4) BUSINESS/INDUSTRIAL USES (Continued)	DISTRICTS						
	AR	R1	B	B1	OP	TC	IC
Hospital, <i>Medical Center</i> , sanatorium, funeral home	N	N	Y <sup>3,12</sup>	Y <sup>3,12</sup>	SP <sup>3,12</sup>	N	SP <sup>3,12</sup>
Research & Development <i>Health Care Facility</i>	N N	N N	Y <sup>3,12</sup> Y <sup>3,12</sup>	Y <sup>3,12</sup> Y <sup>3,12</sup>	Y <sup>3,12</sup> Y <sup>3,12</sup>	N Y <sup>3,12</sup>	SP <sup>3,12</sup> Y <sup>3,12</sup>
<i>Laboratory</i>	N	N	Y <sup>3,12</sup>	Y <sup>3,12</sup>	Y <sup>3,12</sup>	N	SP <sup>3,12</sup>

4003(4) BUSINESS/INDUSTRIAL USES (Continued)	DISTRICTS						
	AR	R1	B	B1	OP	TC	IC
Wholesale operations	N	N	Y <sup>9</sup>	Y <sup>9</sup>	SP <sup>9</sup>	N	Y <sup>9</sup>
Light Manufacturing	N	SP <sup>10,12</sup>	Y <sup>11,12</sup>	Y <sup>11,12</sup>	Y <sup>12</sup>	N	Y <sup>12</sup>
Manufacturing	N	N	N	Y <sup>11,12</sup>	N	N	Y <sup>12</sup>

<sup>3</sup> ~~Provided that hazardous materials are not a primary part of the business.~~

**Revised Footnote on Use Table (to replace Footnote 3 and 12)**

<sup>3, 12</sup> Provided that these operations do not use *Toxic or Hazardous Materials* except as an incidental part of their business. ~~nor in quantities greater than would normally be used in 90 days, and in accordance with the existing state and federal regulations and the Federal Resource Conservation & Recovery Act.~~ The operation shall provide adequate facilities for storage, containment, and safety precautions for the hazardous materials used *in accordance with the existing state and federal regulations for the toxic or hazardous materials used. Toxic or Hazardous materials Wastes shall be stored and disposed of in accordance with state regulations including, but not limited to, 310 CMR 30.000 and federal regulations including, but not limited to, the Resource Conservation and Recovery Act.* Hazardous materials Wastes shall be disposed of off-site by a state-registered hazardous waste *transport and* disposal contractor(s).

Add the following to footnote across all uses: *No Building, structures or premises shall be used for laboratories with a Biosafety rating that exceeds Biosafety Level 2, as established by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and National Institutes of Health (“CDC-NIH”) under guidelines set forth in the most current edition of CDC-NIH publication entitled “Biosafety in Microbiology and Biomedical Laboratories”, as may be amended, supplemented or replaced from time to time.*