



**TOWN OF LEICESTER  
BOARD OF HEALTH  
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## **Town Of Leicester Outdoor Wood Boiler Regulations**

### **1.1 PURPOSE & AUTHORITY**

Whereas outdoor wood boilers have been shown, because of their design to emit significantly high quantities of particulate matter and other noxious fumes known to be detrimental to the health of the public; and

Whereas health, safety and nuisance problems have arisen from the use of these units; and,

Whereas poor management and poor fuel exacerbate the effects of the smoke created by the firing of these units;

The Board of Health of the Town of Leicester, under the authority of Massachusetts General Law Chapter 111 Sections 31, 31C, and 122, and 310 CMR (Code of Massachusetts Regulations) 11.02, hereby adopts these regulations in order to protect public health and comfort and convenience from uncontrolled emissions of particulate matter and other noxious fumes, and to encourage proper techniques in the use and location of these boilers.

These regulations shall be effective after the Town receives approval from the Department of Environmental Protection and has published the regulations pursuant to MGL Chapter 111, Section 31C.

### **1.2 DEFINITIONS**

**Outdoor Wood Boiler:** A free standing wood fired boiler, surrounded by a water jacket with a smoke vent , that is used to heat water that is carried by pipe to provide heat or hot water to a building or other destination. Outdoor wood boilers do not include fire pits, chimineas, wood fired barbeques, or equipment for the melting, reclaiming or refining of metals or maple syrup.

**Wood Fuel:** All wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust and wood from manufacturing processes ( butt offs shavings, turnings, sander dust) wood pellets, slabs, bark, chips and waste pellets.

Wood that has been cut a year and dried at least six months. This definition does not include materials chemically treated with any preservative, paint or oil.

**Emission:** Any discharge or release of air contaminant to the ambient air space.

Incinerator: An appliance used to burn trash, rubbish, and other wastes.

Odor: A property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

### **1.3 APPLICABILITY**

- A. A permit is required from the Board of Health to install and operate an outdoor wood boiler.

The permitting process shall include submission of a written application form and payment of permit fee established by the Board. The application must be accompanied by a plot plan to scale, indicating proposed boiler location and separation distances from the boiler to all buildings and outbuildings onsite and all neighboring houses within three hundred (300) feet. Additionally the plan must show distances from the outdoor wood boiler to property lines, roads adjacent to the site, woods, brush, vegetation and any other flammable structure. A copy of the manufacturer's recommendations/ owner's manual must also be submitted as part of the application.

- B. Existing outdoor wood boilers installed before the effective date of these regulations must apply for a permit to the Board within sixty (60) days of the effective date. There will be a moratorium of the application fee for all permit applications of existing units received within thirty (30) days of the effective date of the regulation.

- C. The Board of Health shall review and act upon all permit applications within forty-five (45) days of its receipt of the completed application.

- D. The installation of the outdoor wood boiler must be completed within one (1) year from the date of permit approval. The Board of Health will issue a permit upon approval of the application.

### **1.4 REQUIREMENTS FOR OUTDOOR WOOD BOILERS**

- A. Outdoor wood boilers located within 300 feet of another house may only operate during the period between October 15<sup>th</sup> and April 30<sup>th</sup>, both inclusive. Outdoor wood boilers located greater than 300 feet of another house may operate year round provided that it is not operated in a manner that constitutes a nuisance or cause of filth or sickness in accordance with MGL Chapter 111.
- B. Manufacturer's recommendations for the installation and operation of the outdoor wood boiler must be followed provided such recommendations do not conflict with the provisions of this regulation.

- C. Only wood fuel may be used to operate the outdoor wood boiler.
- D. Boilers shall be located a minimum of three hundred (300) feet from any another house.
- E. A clear radius of twenty (20) feet must be maintained between the outdoor wood boiler and any trees or vegetation of height greater than the height of the top of the fuel fed door to the boiler.
- F. Chimneys or other points of emissions from the outdoor wood boilers must be installed according to manufacturer's installation instructions and must be equipped with a properly functioning spark arrestor system.
- G. Persons operating an outdoor wood boiler will allow agents of the Board of Health access to the unit for purposes of conducting inspections to ensure compliance with this code.
- H. Any outdoor wood boiler installed prior to the effective date of these regulations shall be exempt from Section 1.4(D) of this regulation, provided that it is not operated in a manner that constitutes a nuisance or cause of filth or sickness in accordance with MGL Chapter 111.

### **1.5 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.

### **1.6 VARIANCES**

The Board of Health may vary any provision of these regulations with respect to any particular case, when in its opinion, (1) the enforcement thereof would do manifest injustice, and (2) the applicant has proven that the same degree of protection can be achieved without strict application of the particular provision. All variance requests shall be submitted in writing by the applicant and considered at a public hearing by the Board of Health. The applicant shall notify all abutting property owners within 300 feet of the property boundary by certified mail at least ten days prior to the public hearing.

### **1.7 ENFORCEMENT**

- A. If an inspection or examination reveals that an outdoor wood boiler is installed or operated in a manner that is not compliant with these regulations, the Board of Health or their agent shall issue an order to cease operation of the outdoor wood boiler until it has been restored to compliance.
- B. If an inspection or examination determines that an outdoor wood boiler is operated in a manner that constitutes a nuisance or cause of filth or sickness in accordance with MGL Chapter 111, the Board of Health or their agent shall issue

an order to cease operation of the outdoor wood boiler until it has been restored to compliance.

**1.8 PENALTIES**

- A. Any person who fails to comply with an order issued pursuant to these regulations may:
1. Be ordered to cease operation of the outdoor wood boiler, and/or
  2. Be fined a penalty of one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for each and every subsequent offense. Each day shall constitute a separate offense, and/or
  3. Be penalized by a complaint brought in the Western Worcester District Housing Court, or any other court of competent jurisdiction. Each day's failure to comply shall constitute a separate offense.

Board of Health Approval Date: September 9, 2008

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Christopher M. Montiverdi, Chairman

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Debra Rigiero, Vice Chair

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Robin Wood, Member