

**TEWKSBURY BOARD OF HEALTH REGULATIONS**

**CHAPTER 9: GREASE TANK AND GREASE TRAP REQUIREMENTS FOR FOOD ESTABLISHMENTS**

**9.1 AUTHORITY**

The Board acting under the authority of M.G.L. c.111, § 31, and other applicable provisions of the general laws, has adopted the following Regulations in the interest of and for the protection of public health.

**9.2. PURPOSE**

These Regulations are promulgated for the purpose of minimizing the human health hazards resulting from sewerage backing up and blockage caused by grease, kitchen oils, and other substances discharged from food establishments that may require pretreatments and for oversight and protection of the worker, community, environment, public health welfare, and safety within the Town.

**9.3 DEFINITIONS**

**Agent:** Any authorized agent of the Board as specified under M.G.L. c.111, §30.

**As-Built Plans:** A certified plan prepared by a Commonwealth of Massachusetts Registered Professional Engineer showing the actual lot boundaries, foundations, elevations, plumbing, and location of the external Grease Tank(s).

**Biochemical oxygen demand (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

**Board:** The Town of Tewksbury Board of Health or its designee(s).

**Building Sewer:** The pipe that begins ten (10) feet outside the inner face of a building's foundation wall and extends to a public sewer, septic tank, or other place of sewage disposal as referenced in the State's Plumbing Code.

**City:** Shall mean the City of Lowell, Massachusetts

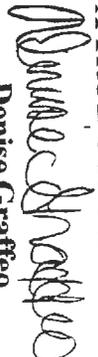
**CMR:** Shall mean Commonwealth of Massachusetts Regulations.

**Commonwealth:** shall mean Commonwealth of Massachusetts.

**Critical Violation:** Any violation that is deemed by the Board or its agent that will contribute to or is deemed an immediate threat to public health and welfare. A "Non-critical" violation that has been the subject of repetition of three (3) or more violations within a six (6) month period shall also be deemed a Critical Violation.

**Director:** The Director of Public Health or Director's designee.

**Disposal System Installer (Installer):** A person licensed in accordance with 310 CMR 15.000, who conducts, repairs, or replaces an on-site subsurface sewerage disposal system.

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**Drain Layer:** A general term applied to a Person in the business of, and licensed by the Superintendent of Public Works, for laying drains from the existing Sewerage System to the building drain of residential buildings, commercial buildings, industrial plants and similar structures, and properties within the Town's right-of-way.

**Dumpster:** Any container (other than a conventional trash can with a tight lid) intended for the external storage and collection of solid waste, refuse, rubbish, offal, grease, or other offensive substance for municipal, residential, industrial, or commercial refuse. This includes container(s) that are being used on a temporary or permanent basis, that contain compacted or un-compacted by-products and requires mechanical assistance for emptying the contents.

**Facility or Facilities:** Something that is built, installed, or established to serve a particular purpose, such as a restaurant, commercial business or the like.

**FOG (Fats, Oils, and Grease):** Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and, grease shall be deemed as Grease by definition. Grease does not include petroleum based products.

**Food Establishment:** Food service establishments, including supermarkets, frozen yogurt and ice cream establishments, that are issued a permit to operate a food establishment by the Board under 105 CMR 590.000. Excluded are vending machines, food banks and retail establishments that do not prepare foods and certain low FOG generators from compliance with the enforcement provisions of section 9.12, where Best Management Practices (BMP) under section 9.8.1 and 9.8.2 are implemented or determined to be in place satisfying the threat to public safety or the possibility of sewer line obstruction by FOG.

**Grease Dumpster:** Also known as "bulk grease tank" or drums (usually 55 gallon drums, but not limited to) used for external storage and collection of liquid waste matter.

**Grease Tank (AKA Grease Interceptor):** A Grease Tank is a subsurface water tight structure as approved by the Board and Town's Plumbing Inspector. The Grease Tank and plumbing shall be constructed to separate, trap, and/or hold grease from the wastewater discharging into Town's Sanitary Sewerage and as required by the State's Plumbing Code. (See Interceptor).

**Grease Trap.** A Grease Trap is an internal grease receptacle located within the food establishment and located and installed according to the State's Plumbing Code. (See Interceptor).

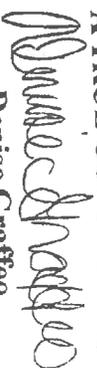
**Interceptor.** A device designed and installed to separate and retain for removal, by automatic or manual (passive) means, deleterious, hazardous, or undesirable matter from normal wastes and permits normal sewage or liquid wastes to discharge into the drainage system by gravity.

**Non-Critical Violation:** is a violation that does not create a threat to public health.

**Operator:** A person who, alone or together with other persons, has charge or control of any Food Establishment.

**Owner:** A person who, alone or together with other persons, has legal title to any building and/or property.

**Person:** Any, individual, partnership, company, corporation, trustee, trust, organization, or other legal entity.

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**Plumber:** A person licensed by the Commonwealth of Massachusetts pursuant to 248 CMR 3.00

**Pretreatment or Treatment:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes other than the above means, except as prohibited by 40 CFR 403.6.

**Pretreatment Requirements:** Any substantive or procedural requirements related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User as referenced in the Town's Rules and Regulations Governing the Use of Sewers.

**Publicly Owned Treatment Works (POTW):** The City-owned treatment works, as defined by Sections 212 of Act (33 USC 1292). This definition includes any sewers that convey wastewater to the POTW Treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of these Regulations, POTW shall include any sewers that convey Wastewater to the POTW from Persons outside the utility who are, by agreement with the utility, users of the utility's POTW. Additionally, POTW as defined in the Tewksbury Rules and Regulations Governing the Use of Sewers.

**Public Sewer:** A sewer in which all owners of abutting properties have equal rights and which is controlled by a public authority.

**Sanitary Sewer:** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions, and the like, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**Sanitary Sewerage:** Liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants, institutions, and the like, exclusive of ground, storm, and surface water and exclusive of industrial wastes carried through a pipe or conduit used for carrying sewage.

**Septage:** The wastes from holding tank(s) such as chemical toilets, campers, or trailers and wastes from septic tank(s) and cesspool(s).

**Septage Hauler:** Any septage handler that has been issued a permit to transport septage within the Town from the Board under Title 5.

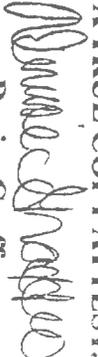
**Sewage or Wastewater:** shall mean a combination of liquid and water carried wastes from residences, commercial buildings, industrial plants, institutions and the like, together with any ground water, surface water, and storm water that may be present.

**Sewerage System:** Any device, equipment or works used in the transportation, pumping, storage, treatment, recycling, and reclamation of sewage and industrial wastes.

**Shall:** Means mandatory.

**State Plumbing Code:** The Commonwealth's Uniform Plumbing Code, 248 CMR 10.00.

**Tee (AKA Plumbing Tee):** Is a type of pipe fitting, which is T-shaped having two outlets at ninety (90) degrees.

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**Title 5:** 310 CMR 15.00 The State Environmental Code, Title 5: Standard Requirements for Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewerage Treatment and Disposal Systems and for the Transport and Disposal of Septage.

**Town:** Shall mean the Town of Tewksbury

**Ware Wash Sink:** Any sink, compartment sinks, containers, buckets or other device or vessel in a food establishment, where utensils, dishware equipment, and other items coming in contact with food are cleaned.

#### **9.4 PERMIT**

**9.4.1** No person shall install an external Grease Tank within the limits of the Town, in any buildings or on any premises without a permit from the Board.

**9.4.2** The permit process shall include a written application form and payment of a permit fee established by the Board.

**9.4.3** Installation shall be performed by a Plumber as required by the State Plumbing Code, and a licensed Drain Layer and/or Installer as required by the Town. The Grease Tank shall be installed by an Installer.

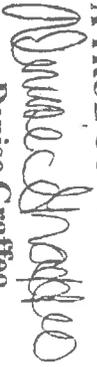
**9.4.4** Application shall be accompanied by a plan, which shows the location of the proposed Grease Tank.

- a) External Grease Tank(s) shall have a plan, which shows the location of the proposed Grease Tank in relation to all existing structures and distances from the property lines. Plan shall include all proposed plumbing connections, ground water and ground water elevations as necessary and approved by the Town Engineer, Plumbing Inspector and Agent.
- b) External Grease Tank(s) plan shall include the following, but not limited to, the pipe size, materials, connection(s) from the building to the sewer, and show all utilities that may be in conflict.
- c) Internal Grease Traps shall have a plan, which shows the proposed location(s) meeting the requirements of the State Plumbing Code.
- d) Every plan submitted shall be drawn to a scale, shall include the appropriate load capacity for each surface utilized, and shall have a north direction and a locus.
- e) All plans shall contain a Massachusetts' Professional Engineer's original stamp.

#### **9.5 GENERAL PROVISIONS**

##### **9.5.1 Grease Tank and Trap Installation**

- a) The Board may at any time require the installation and/or relocation of the internal Grease Trap(s) and/or external Grease Tank(s) at a Food Establishment to maintain any particular building sewer pipe, any lateral sewer pipe, or sewer main pipe free from obstructions caused by FOG and other bearing waste.
- b) Food Establishments that experience a FOG problem shall install an external Grease Tank immediately.

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- c) Food Establishments that experience a transfer of ownership shall install an external Grease Tank prior to opening.
- d) All existing Food Establishments shall install an external Grease Tank within five (5) years of adoption of these Regulations.
- e) All Food Establishments, including new establishments going through renovations and under renovations, shall install an external Grease Tank during construction.
- f) All Food Establishments with an approved Title 5 system shall additionally comply with Title 5.
- g) All Food Establishments connected to the Public Sewer System shall additionally comply with the State's Plumbing Code.

**9.5.2 Food Establishment**

**9.5.2.1** In every case where a Food Establishment is preparing food on the premises, a minimum of a one hundred (100) pound internal Grease Trap and a minimum of a one thousand five hundred (1,500) gallon, two (2) compartment external Grease Tank is required and shall be installed within five (5) years of adoption of these regulations. Where deemed appropriate by the Director and after consultation with the Town Engineering Department and Town Plumbing Department, utilizing the existing permit process under Section 9.4 as to forms and submittal requirements, the review of proposed technologies for proposed installation per the manufacturer's recommendations may be approved for installation under the alternative technologies policy as an alternative to literal compliance with subsurface tank installation.

**9.5.2.2** Each Grease Tank and/or Grease Trap unit shall comply with the current state and local rules and regulations including, but not limited, to the State's Building Code, Plumbing Code, and Title 5.

**9.5.3 Construction Requirements:**

**9.5.3.1** External Grease Tank shall have a minimum capacity of one thousand five hundred (1,500) gallons and shall be installed according to the following requirements:

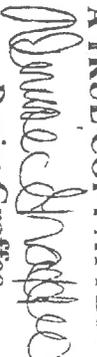
**9.5.3.2** Grease Trap shall be installed on a separate building sewer serving the kitchen, thru which grease will be discharged into the external Grease Tank prior the municipal sewer system or Title 5 system.

**9.5.3.3** External Grease Tanks shall be monolithic, watertight, and constructed of corrosion resistant materials as specified in Title 5 and State Plumbing Code.

**9.5.3.4** The inlet tee shall extend to the mid depth of the Grease Tank. The outlet tee shall extend to within twelve (12) inches of the bottom of the Grease Tank. Tees shall be either Schedule 40 Polyvinyl Chloride (PVC) or cast iron and properly supported by a hanger, strap or other device.

**9.5.3.5** To minimize uneven settling, External Grease Tanks shall be installed on top of six (6) inches of crushed stone that has been placed on top of a level stable base that has been mechanically compacted.

**9.5.3.6** External Grease Tanks shall be piped as required by the State Plumbing Code.

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**9.5.3.7** External Grease Tanks shall be provided with a minimum of twenty (20) inch diameter manhole frame and cover to grade over the inlet and outlet tees. When appropriate and at the discretion of the Agent and or other appropriate Town Officials, more and/or larger manholes may be required.

**9.5.3.8** The top of external Grease Tanks shall be installed no more than thirty six (36) inches below finish grade.

**9.5.3.9** External Grease Tanks shall be marked with magnetic marking tape or a comparable means in order to locate trap once buried.

**9.5.3.10** All risers and manholes for external Grease Tanks shall be at finish grade.

**9.5.3.11** External Grease Tanks shall be accessible for inspection and maintenance. No structures shall be constructed directly over or above the Grease Tank.

**9.5.3.12** The external invert elevation of the inlet of a Grease Tank shall be at least two (2") inches above the invert elevation of the outlet. The inlet and outlet shall be located at the center line of the Grease Tank, and at least twelve (12") inches above the high groundwater elevation.

**9.5.3.13** Backfill around the external Grease Tanks shall be placed in such a manner as to prevent damage to the Grease Tank.

**9.5.3.14** FOG removal by other devices requires prior written approval from the Board and/or the Town's Plumbing Inspector.

**9.5.3.15** The Board or Agent may require that an alarm(s) and/or remote monitoring devices be installed and connected to Grease Tanks.

**9.5.3.16** Installation of all Grease Tanks and Grease Traps shall comply with State Plumbing Code and Title 5, where necessary.

**9.5.3.17** An as-built plan is required upon completion of the external Grease Tanks This plan shall be certified by a Commonwealth's Registered Professional Engineer and approved by the Board or its designee.

**9.5.3.18** The as-built plan shall be submitted to the Board's office within twenty (20) days of completion of the installation of the external Grease Tanks.

## **9.6 Industrial Wastewater**

All pretreatment systems associated with industrial wastewater shall follow the Town's Rules and Regulations Governing the Use of Sewers.

## **9.7 Grease Tank and Grease Trap Maintenance**

**9.7.1** All Grease Tanks and Grease Traps shall be maintained by the Operator and/or the Owner of the building and/or Facility. Additionally, grease management shall comply with the current version of the State Plumbing Code and Title 5, whichever is applicable.

**9.7.2** At a minimum, the Food Establishment or its designee shall inspect and clean the interior Grease Traps monthly. The cleaning should follow the manufacturer specifications. Additionally, the interior Grease Trap (as a whole unit) shall be inspected and cleaned bi-annually or as needed and/or as required by the Board.

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9.7.3 At a minimum, external Grease Tanks shall be inspected and grease removed once every three (3) months or when the volume of FOG exceeds twenty-five percent (25%) capacity of the external Grease Tank, whichever comes first, and as often as necessary to prevent the flow of FOG from entering the public sewer system. Additionally, the external Grease Tank (as a whole unit) shall be cleaned annually by a professional with knowledge of cleaning external Grease Tanks.

9.7.4 Annual safety inspections of interior Grease Traps and exterior Grease Tanks shall be completed by either a licensed plumber or a Title 5 Inspector, whichever is appropriate for the equipment being inspected.

(a) These inspections shall consist of but not limited to the following:  
Tee placement and integrity, tank structural integrity, infiltration, leakage, integrity of the cover, and the like.

9.7.5 All existing exterior Grease Tanks shall be inspected within six (6) months of adoption of these Regulations and then as section 9.7.3 requires.

9.7.6 The Board or Agent may require additional inspections or cleaning as it deems appropriate.

9.7.7 The FOG removed from the Grease Traps and Grease Tanks shall be properly disposed of and shall not be disposed of in the Public Sewer system.

9.7.8 The Board or Agent may require electronic monitoring, alarms, and/or other means to sensor the levels of fluids within the Grease Tanks as deemed necessary and appropriate.

9.7.9 Written logs of inspections, cleaning and pumping shall be maintained on-site in a binder readily accessible to the Agent or other appropriate Town Officials.

9.7.10 Establishments shall have the appropriate tools for inspection and clean-out on site and available at all times. These tools are to open and inspect both the Grease Traps and Grease Tanks.

9.7.11 The Owner, Establishment's Owner and/or agent shall witness the inspection and/or maintenance activities either during or directly after the completion of the activity, to verify that outside contractor has performed the required necessary work.

9.7.12 Shared Grease Tanks shall have a signed written maintenance agreement between the Owner and all Establishments sharing the Grease Tank(s).

### **9.8 Best Management Practices (BMP)**

9.8.1 Best Management shall be those practices such as preventive maintenance, scheduling of activities, or process alterations which enable the user to comply with the provisions of this chapter or any applicable state and/or federal guidelines.

9.8.2 Food Establishments shall integrate BMPs to reduce grease discharged to the sewer system. In addition to maintenance of Grease Traps and Grease Tanks, BMPs include, but are not limited to:

(a) Utilize the BMP of scraping or dry wiping pots, pans, and dishes before putting them in the dishwasher or ware wash sink.

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(b) Collecting, storing, and disposing of used grease from internal Grease Traps shall be through a licensed Septage Hauler and stored in the appropriate storage dumpsters. Grease shall not be poured down the drain into the Public Sewer system or into Title 5, septic system.

(c) The capture of the grease from interior grease trap, ventilation system, and exhaust hoods shall be performed at least bi-annually or as the Board or Agent requires, preventing grease from entering into the Public Sewer system.

(d) Collecting and disposing of used grease from external Grease Tanks shall be through a licensed Septage Hauler

**9.8.3** Internal Grease Traps shall be inspected and cleaned as stated in section 9.7 or as necessary to prevent the flow of grease from entering the public sewer.

**9.8.4** External Grease Tanks shall be inspected and cleaned as stated in section 9.7 or as necessary to prevent the flow of FOG bearing waste from entering the Public Sewer system.

### **9.9 Storage of FOG and Waste**

All waste, FOG, and other related wastes requiring storage as a result of removal from Grease Tanks and Grease Traps or otherwise, shall be collected and stored in appropriate container(s) in an approved on-site location. Container(s) shall be stored on a minimum of four (4") inches impervious surface such as concrete or pavement. Containers shall be either sealed or stored in a sheltered area, and maintained to prevent entry of precipitation or animals. All containers and surrounding areas shall be kept in a sanitary condition at all times and shall meet the Board's Chapter 7 Dumpster Regulations.

### **9.10 Disposal**

All waste FOG and related wastes shall be removed from the Food Establishment by a septage hauler permitted by the Board. All material removed from Grease Tanks and Grease Traps, hauling and disposal of grease or other related waste shall be documented in a written record. The Facility is responsible for assuring that all waste FOG and related wastes are disposed of in accordance with all federal, state, and local disposal regulations.

### **9.11 Inspection and Record Keeping**

**9.11.1** Agents of the Board shall enforce the provisions of these Regulations. Any Agent may, according to law, enter upon any premises at any reasonable time to inspect for compliance.

**9.11.2** Owner or Operator of Grease Tanks and Grease Traps shall annually report the maintenance performed to Grease Tanks and Grease Trap(s) to the Board's office.

**9.11.3** All records pertaining to purchasing, storage and removal of grease and related products, and waste products shall be retained by the Operator or Owner on premises for no less than two (2) years.

**9.11.4** Upon request by the Board or Agent, the Food Establishment shall furnish all information required to enforce and monitor compliance with these Regulation, including but not limited to, maintenance of related products, and receipts from permitted septage handler retained to remove grease or related wastes from the Food Establishment.

**9.11.5** Refusal to cooperation with the Agent and/or access shall constitute a violation of these

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Regulations subject to enforcement as set forth below.

### **9.12 Enforcement**

**9.12.1** These Regulations and permits issued shall be enforced by the Board, its designees, and/or its Agents.

**9.12.2** Violation of these Regulations may be enforced by violation notice, administrative order, non-criminal disposition process, as provided by M.G.L. c.40, §21D, or by criminal complaint, or by civil complaint for court actions as applicable and/or injunctive relief or for damages.

**9.12.3** Upon the determination of the Agent of a Critical Violation, the Board shall hold a public hearing on the matter within thirty (30) days.

**9.12.3.1** A Person found guilty of a Critical Violation, upon conviction shall be subject to a fine of three hundred dollars (\$300.00) and up to one thousand dollars (\$1,000.00) in accordance with M.G.L. c. 111, § 31.

**9.12.4** Non-critical Violations: Any violation which is not deemed an immediate threat to the public health or welfare. A Person who has received a Non-critical Violation shall be subject to a fine in accordance with Tewksbury Board of Health Regulations Chapter 3: Other:

#### **3.1 Penalties**

1<sup>st</sup> offense - written warning

2<sup>nd</sup> offense – one hundred (\$100) dollar fine

3<sup>rd</sup> offense – two hundred (\$200) dollar fine

4<sup>th</sup> and subsequent offenses – three hundred (\$300) dollar fine and/or enforcement action.

**9.12.5** Each day or part thereof that such violation occurs or continues shall be considered a separate violation.

### **9.13 Penalties**

**9.13.1** Failure to correct violations of any provision of these Regulations may result in enforcement and/or penalties as set forth below in section 9.12.4, 9.12.5.

**9.13.2** Any Person(s) violating or failing to comply with any provision of these Regulations, shall be subject to the penalty structure as stated in the Board's Regulations Chapter 3.

**9.13.3** The Board or Agent may serve upon any Person in violation of these Regulations a written notice stating the substance of the violation. Within thirty (30) days of the date of such notice, a plan in writing for the correction of the violation shall be submitted to the Board's office for approval.

### **9.14 Suspension or Revocation**

The Board may modify, suspend, or revoke, for cause, any permit issued by the Board as required in the Board's Regulations Chapter 3. In addition the Board's Agent or his or her designee may enforce the Board's Regulation using any other established means of enforcement in addition to or in-lieu of non-criminal disposition.

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### **9.15 Criminal Complaint**

The Board or Agent may seek an application of a criminal complaint to issue against anyone found violating these Regulations. This remedy may be pursuant exclusively or in addition to any other remedies provided by law or pursuant to these Regulations.

### **9.16 Expenses**

Any person violating any provision of these Regulations shall be held accountable to the Town for reimbursement of any expense, loss, or damages that was occurred by the Town by reason of such violation(s).

### **9.17 Variance**

**9.17.1** Variance to any of these Regulations shall be requested in writing to the Board. When a request is received a hearing shall be scheduled and held in accordance with the requirements of the Board's Regulations Chapter 2.

**9.17.2** The Board may grant a variance from any provision of these Regulations when it does not conflict with the spirit and intent of these Regulations and in its opinion, the applicant for the variance has established that:

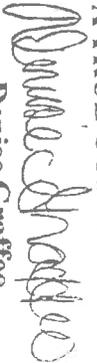
- (a) Strict enforcement of these Regulations will constitute manifest injustice,
- (b) Enforcement of the provision of these Regulations from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances; and,
- (c) A same level of protection to the Town sanitary sewer system at least equivalent to that provided under these Regulations can be achieved without strict application of the provision from which a variance is sought.
- (d) Information on food preparation, grease, oil and related waste produced by or discharged from the Food Establishment, size of the proposed Grease Tank and Grease Traps, Food Establishment's use, Food Establishment's layout, plumbing plans and other relevant documents must be presented for review. Wastewater calculations, prepared by a Commonwealth Registered Professional Engineer or Plumber, shall be presented to establish grounds for a variance.

**9.17.3** The Board may impose any conditions or restrictions it deems appropriate to protect the public and the environment.

### **9.18 Appeal of Administrative Order and Decision**

**9.18.1** Any order and/or decision by the Director may be appealed in writing to the Board's office. Such Appeal shall be filed to the Board's office within ten (10) days of the date of issuance and in accordance with the requirements of the Board's Regulations Chapter 2.

**9.18.2** Applicant and or permit holder aggrieved by the final decision of the Board may appeal such decision to a court of competent jurisdiction.

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**9.19 Severability**

Each part of these Regulations shall be construed as separate; if any part of it; paragraph, sentence, clause, or phase shall be held invalid for any reason, the remainder of the Regulations shall continue in full force and effect.

**9.20 Adoption**

Regulations were adopted on March 20, 2014

**9.20 Effective Date**

9.21.1 The Public Hearing was held on April 18, 2013.

9.21.2 The effective date of this regulation is the date adopted by the Board.

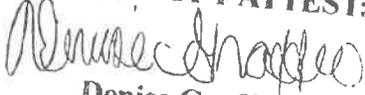
9.21.3 Amended and effective on October 18, 2018.

  
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Raymond Barry, Chairman

  
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Charles Roux

  
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Robert Scarano

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George Ferdinand

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