

# **TOWN OF ERVING REGULATIONS GOVERNING OUTDOOR WOOD-BURNING BOILERS**

## **Section 1. Findings and Purpose**

Whereas outdoor wood-burning boilers have been shown, because of their design, to emit significantly high quantities of particulate matter and other noxious fumes; and

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

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

These regulations shall be effective July 9, 2007.

## **Section 2. Definitions**

**Outdoor Wood Burning Boiler:** a wood fired boiler, surrounded by a water jacket, in a freestanding structure with a smoke stack used to heat water that is carried by piping to provide heat or hot water to a building.

**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 waste pallets. This definition does not include materials chemically treated with any preservative, paint or oil.

## **Section 3. Requirements**

- A. A permit is required from the Board of Health to install an outdoor wood burning boiler. The permit process shall include annual submissions of a written application form and payment of the permit fee of \$25.00. The use of an existing outdoor wood burning boiler shall conform to the following conditions:
  - 1. Outdoor Wood Burning Boilers shall only be allowed in the ***Rural Residential District*** as noted on the parcel overlay of the Town of Erving Zoning By-Laws passed on June 27, 2005.
  - 2. Boilers located less than 300 feet from a dwelling other than the one being served must have a smokestack height of at least 50% of the height of the eaves line of the highest abutting residence plus 2 feet.
  - 3. Distances less than 200 feet from a dwelling other than the one being served are subject to non-interference of air quality to the abutter, and permit is subject to revocation by the board if said abutter files a valid complaint with the Board of Health.
  - 4. No Boiler shall be installed within 50 feet of the house in which it is serving.
  - 5. Manufacturer's recommendations for the installation and use of the unit must be followed.
  - 6. Only untreated wood fuel may be burned in the boiler unit.

- B.** The Board of Health shall have the right to take appropriate enforcement or other action, in accordance with Chapter 111 of the General Laws, with respect to any such boiler that it determines constitutes a nuisance.
- C.** Outdoor Wood Burning Boilers installed before the effective date of these regulations must apply for a permit within 60 days of the effective date.
- D.** The use of an existing outdoor wood burning boiler not permitted within the 60 days of the effective date of these regulations is prohibited.

#### **Section 4. Variances**

The Erving Board of Health may vary any provisions of these regulations with respect to any particular cause, when in its opinion, (1) the enforcement thereof would do manifest injustice, and (2) the applicant has proved that the same degree of protection can be achieved without strict application of the particular provision. All variances shall be considered at a hearing by the Board of Health.

#### **Section 5. Penalties**

Any violation of these regulations shall be punished by fine incorporated by the Erving Board of Health. Each day of the violation shall constitute a separate offense. The fine shall be \$25.00 per day until the offense is deemed cleared by the Board of Health.

Debra Mathey, Chair  
Leo Parent, Jr., Member  
Michael Gralenski, Member  
**Erving Board of Health**