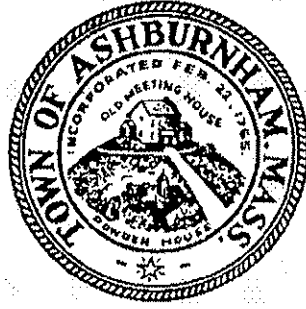


Board of Selectmen
Extension 0
Town Administrator
Extension 0
Town Accountant
Extension 1, Option 3
Town Clerk
Extension 3
Tax Collector
Extension 1, Option 1
Treasurer
Extension 1, Option 2 & 3
Board of Assessors
Extension 2
Land Use Office
Extension 6
Planning Board
Extension 4, Option 1
Conservation Commission
Extension 4, Option 2



Animal Control
Board of Health
Building Commission
Conservation Commission
Council on Aging
Cultural Council
Electrical Inspector
Gas & Plumbing Inspector
Historical Commission
Municipal Planning
Parks & Recreation
Planning Board
Zoning Board of Appeals

PHONE: (978)-827-4100
FAX: (978) 827-4105

TOWN OF ASHBURNHAM
Town Hall, 32 Main Street
Ashburnham, Massachusetts 01430

Ashburnham Board of Health
Minutes Monday
September 8, 2014
6:30 PM

RECEIVED
19 OCT - 9 AM 11:44
ASHBURNHAM BOARD OF HEALTH

6:30 PM Convene

The ABOH Meeting convened with the following members present Chairman Glenn Hathaway, Acting Secretary Thomas Flanagan, Patrick Durkee, John Mcloughlin, Scott Sibley, and NABOH Agent Rick Metcalf.

Approved Agenda

Approved Minutes: 8/4/14

Hearings:

6:35 PM Jim Krasawski - 93 Platts Road -Septic Replacement Discussion--
Jim's truck broke down and he could not attend. He did inform Rick that he is still working with the bank to obtain a loan.

6:40 PM Tim Zantow - 110 West Shore Dr. - Septic Variance Hearing
Local variance for reduction from distance to lake from 100 feet to 79 feet
Voted on and approved unanimously

Septic Permits: All voted on and approved unanimously.

- Blueberry Rd., Lot 385/386 -New Construction
- West Shore Dr., Lot 711 -New Construction
- 148 Rindge Road- New Construction
- 6 Ferin Road, Local upgrade approval. Reduction of system to groundwater from 4ft. to 3ft.
- 2 Noel Drive
- 73 Fitchburg Rd.--Transfer septic permit

In attendance for 73 Fitchburg Road: Dan and Carol Kelly, Dave Perry, Wayne and Terri

Adams

Summary of Conversation:

The purpose of 73 Fitchburg Road agenda item was not a hearing, but a simple transfer of a septic permit from the previous owner Richard Boutwell to the present owners Dan and Carol Kelly (DANCAR LLC). The board had put a condition on the transfer that the Kelly's would have to have an LSP on site to test the soil for any toxins. The Kelly's produced a letter from Jewel LSP stating that the testing had been done with a PID meter and that they did not find any toxic material. Dan Kelly and Dave Perry stated that Wayne Adams had parked his truck on their property preventing a hauling truck from removing asphalt, a procedure that is required before installing the new leach field. Dave Perry claimed that the hauler was intimidated by Mr. Adams and has refused to work at the site. Mr. Perry is looking for another trucking firm to continue the work. Dan Kelly stated that he has taken out a restraining order against Mr. Adams.

At that point Wayne and Terri Adams spoke up to issue their objections to the continuation of work on the septic system at 73 Fitchburg Rd. These are summarized as follows:

- Mr. Adams claims he did not block the drive of 73 Fitchburg Rd.
- He claimed that the Truck hauling the asphalt did not have proper credentials.
- Mr. Adams claims that certain laws have been broken (not sure which laws, pertaining to what) in the beginning of the work and claims that he, as an abutter, should have been notified before any drilling occurred
- The Adams' were concerned that work had already begun before the permit had been transferred
- The Adams claimed that the letter from the LSP was not sufficient evidence to prove that they had tested for all of the appropriate toxins.

At this point chairman, Glenn Hathaway, decided that the board needed to refocus on the matter at hand, the transfer of the septic permit. The board unanimously voted to transfer the permit. Rick Metcalf stated in response to the Adams' concern that work was being done before the permit was transferred, that the transfer was not a requirement for any work to be done at the site. A permit is issued for a site and the transfer is more of an administrative issue than a regulation requirement.

Scott Sibley asked Rick Metcalf if the board could get some more specific information from the LSP and information about their license. The board agreed that this should be done, but should not affect the current work at the site. The Board asked Rick to get the license number of the LSP to check that it is in good standing. The Board also asked Rick to contact the LSP to find out what the PID meter was capable of detecting. Dave Perry asked if he could continue with the installation of the site and the board gave its unanimous approval that he could.

After the Kelly's and Dave Perry left, the Adams' stood to leave. At this Point Mr. Adams said he would be going to land court to get a cease and desist order for the work at 73

Fitchburg Rd. and he threatened to sue all of the board members as well as, and particularly, Rick Metcalf.

7:45 PM Discussion with Nicolas Reitzel III concerning the ongoing action to abate his house (31 Main St.) of lead and perform interior updates to several systems. Nicolas claims that the renters who brought the action against him are no longer in the house and he is on schedule to meet the guidelines spelled out in the action for interior upgrades. He claims that the estimates for lead abatement are around \$50-\$60k. He claims that he does not have the resources to do this and has asked the board for some regress. At this point the board feels that it cannot simply ignore the requirement of lead abatement brought about by the action initiated by the previous renters. The board would like to get some legal advice from town counsel about next steps in this matter and will meet again with Mr. Reitzel next month.

Reviewed Correspondence

Next meeting will be Monday October 6, 2014

Adjourned the BOH Meeting at 8:00 pm

Acting Secretary,
Thomas Flanagan