



TOWN OF WESTBOROUGH MASSACHUSETTS

BOARD OF HEALTH

FORBES MUNICIPAL BUILDING
45 WEST MAIN STREET, SUITE 25
WESTBOROUGH, MA 01581-1916

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TOWN OF WESTBOROUGH

February 27, 2014

Wendy Mickel
Interim Town Clerk
45 West Main Street
Westborough, MA 01581

Dear Wendy,

The Board of Health will meet on Tuesday, March 4, 2014, at 5:00 p.m., in the Community Room on the second floor of the Central One Federal Credit Union, 40 South Street.

The purpose of the meeting is to conduct a requested hearing pursuant to Section 410.850 of the State Sanitary Code, Chapter II, 105 CMR 410.000.

The agenda is as follows:

1. George Bell, 1 Ashley Way

Respectfully,

Kathy Smith
Administrative Assistant
Board of Health



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Minutes of Board of Health Meeting March 4, 2014

Pursuant to Section 410.850 of the State Sanitary Code, Chapter 11, 105 CMR 410.000, the Board of Health held a public hearing on Tuesday, March 4, 2014, in the Community Room at the Central One Federal Credit Union, 40 South Street. The meeting was called to order at 5:00 pm. by Chairman Ehrlich. Present: Member Walsh, Acting Director Baccari, and Inspector Gilchrist. Absent: Member Federici. Also in attendance was George Bell, 1 Ashley Way, who requested this hearing.

Chairman Ehrlich read an opening statement calling the public hearing to order.

Mr. Bell requested this meeting to appeal the order issued on February 19, 2014, by Sanitarian Baccari citing Mr. Bell in violation of 410.452 of the State Sanitary Code (the exterior stairs for the rear porch of the dwelling had an accumulation of snow and are not in a safe condition). Mr. Bell was ordered to correct the violation within 24 hours. Mr. Bell said there was an additional violation that should have been cited and was not. Snow has accumulated at the bottom of his stairs preventing access to the street. He cited a section of the state building code that requires "safe passage and continuous means of egress to a street or to an open space with direct access to a street of all building built after 2/28/1997". He claims the property management of Walker Meadows has the responsibility to clear that area beyond his stairs.

Acting Director Baccari said he conducted a re-inspection on February 25th and there was still an accumulation of snow on the bottom three or more steps.

Member Walsh said that Worcester Housing Court has already made it clear that Mr. Bell is responsible for clearing the snow off his stairs, not the property management. You have been cited; you were ordered to remove the snow from your stairs and you want to appeal that decision?

Mr. Bell said he wants safe passage and it's the responsibility of the trustees. These are not stairs.

Chairman Ehrlich said the egress issue is an unrelated issue. You have been cited and you need to clear the snow off your stairs. The egress issue is a legal matter and you need to go to housing court. The Board of Health is not in the position of sorting out who is responsible for what in your particular situation. The egress issue is unrelated to the order given to you. You need to clear the snow off your stairs as ordered.

Acting Director Baccari said there is no defined walkway; there is only grass. The Board of Health is not experts on the building code. Mr. Bell should contact the Building Commissioner about building code issues.

Chairman Ehrlich said a vote has to be taken on Mr. Bell's request to appeal the order. The order was to remove the snow from your stairs.

Member Walsh made a motion to sustain the order dated February 19, 2014. The motion was seconded by Chairman Ehrlich; vote was unanimous.

Chairman Ehrlich closed the hearing at 5:12 p.m.

Acting Director Baccari will go to housing court to file a petition and Mr. Bell will be served a summons. A court date will be determined.

The next regular meeting is scheduled for March 18, 2014, at 5:30 p.m.

The meeting adjourned at 5:15 p.m.

Respectfully submitted,

Kathleen Smith