



# Town of Ashland

MASSACHUSETTS

**Ashland Board of Health**  
**101 Main Street Ashland MA 01721**  
**Meeting Minutes**  
**January 26, 2016**

*Mary Mortensen, Chairman*  
*Charles Legassey, Vice-Chairman*  
*Judith Margulies, Clerk*

*Edward Hart, Member*  
*Koduvayur Narayana, Member*  
*Mark Oram, M.P.H., Agent/Director*

### Members Present

Mary Mortensen, Charles Legassey, Judith Margulies, Ed Hart and KG Narayana

### Others Present

Mark Oram, Health Director, Laura Clifford, Administrative Secretary  
Joel Arbeitman, 28 Woodridge Lane  
Andrew Upton, Speedway, LLC  
Elliot Brown, Tobacco Compliance Officer  
Melissa Evans, with Elliot Brown  
Cathy Rooney, Water Policy Committee  
Jeffrey Lemay, Water Policy Committee  
Bret Spinazzola, 13 Forest Ave.  
Cindi Grover, 11 Forest Ave.  
Hanna Sihvonen, Speedway, 196 Pond Street  
Michael Grover, Speedway, 196 Pond Street  
Coel Kolegue, Speedway, 196 Pond Street  
Alan Shocket, Needham, MA  
Rajitha Purimetla, DPW  
Rob Moolenbeek, Sustainability Committee  
Tricia Kendall, Sustainability Committee  
Phillip Williams, Sustainability Committee, Water Policy Committee  
Daniel Roman, Sustainability Committee  
Wayne Bates, Water Policy Committee  
Greg Howell, The Green Company  
Reidar Bomengen, Maher Services

### Call to Order

Mrs. Mortensen called the meeting to order at 7:00 p.m. and announced that the only information to be discussed was what is on the agenda; discussion requests for new information must be put on the next agenda, that there should be no interruptions, speakers must go through the Chair, and that the Health Agent's Report is provided by the Health Agent, questions to the Agent must go through the Chair. Mrs. Mortensen announced that the meeting was being televised and audio recorded.

### Citizen's Participation

Joel Arbeitman feels that hydrology maps have not conclusively shown a connection between private and town aquifers, but if future studies were to show a connection, private well permits should not be granted. Mr. Arbeitman feels that a new study may be called for and until there is more data, a moratorium should be placed on the permitting of new private wells. Mr. Arbeitman feels that the same restrictions should be placed on the use of private well water that is placed on the use of public water, that allowing irrigation from private wells while others are making sacrifices to conserve sends a terrible signal. Mr. Arbeitman said that David Manugian, DPW Director, is involved and is looking at ways to comply with the new SWMI regulations. Mr. Oram said he will check with legal counsel, and has been researching to find other towns that have been allowed a ban on irrigation, and if anyone is aware of one, to let him know.

Mark Dessoni inquired if there is still currently a water ban; Mrs. Mortensen responded that the water ban was just lifted at the last Selectmen's meeting.

Bret Spinazzola stated that he is glad that the Board of Health meeting is being televised. Ms. Margulies said that she has encouraged the Board to televise all meetings but the Board voted 3-2 against televising; Mr. Oram responded that videotaping is not always available.

### Old / New Business

#### Speedway, Sale of Tobacco to a Minor review

Andrew Upton explained that the employee who sold cigarettes to the minor was terminated and this was used as a teaching opportunity to retrain the staff on the importance of not selling to minors. Mr. Upton said that their ID verification equipment is sophisticated, and that the employee must have pressed the button to override the system. Speedway management said that they take this matter very seriously; Mr. Oram stated that the fines and penalties will be increasing, and hopes that we don't see them again. Mr. Upton thanked the Board for their time.

#### Wine Empire, Sale of Tobacco to a Minor review

Gianluca Quierola acknowledged their mistake and stated that after finding out about the sale he met with staff to go over procedures where he stressed the importance of not selling tobacco or alcohol to minors, regardless of the age the customer looks. Mrs. Mortensen said that she was surprised that they had sold to minors, considering they also sell alcohol. Mr. Oram reminded Mr. Quierola that the fines and penalties will be increasing, that another sale will result in the loss of his tobacco sales permit.

#### Substance Abuse Prevention Collaboration Memorandum of Understanding

Mr. Oram said there was a need for a Memorandum of Understanding to be signed prior to this Board of Health meeting; Michael Herbert had asked that Mr. Oram sign this to endorse and sustain the Board's collaboration with Decisions at Every Turn. Mr. Oram would like to invite Amy Turncliff to an upcoming Board of Health meeting to update the Board on what DAET has been doing. Ms. Margulies expressed concern that this was signed by Mark Oram as Health Director, that this was not delegated to him and he should sign as an Agent. Mr. Oram stated that he signed the form as his title, Agent/Director, which has been his title since 1996.

#### Sign Organic Pest Management Regulations, Approved December 15, 2015

Mr. Hart stated that he has been in contact with David Manugian and others to coordinate their proposed schedule so that the Board can approve the applications in advance. Mr. Hart said that

under the new Regulations, some of the products cannot be used. Mr. Narayana suggested meeting with private schools and daycares to let them know about the new Regulations.

### **117 Winter Street, review of exemption from Title 5 inspection**

Mr. Oram stated that he received an Agreement from an applicant which they would like to have signed/approved by the Board. Attorney Alan Shocket, representing Dan Aho, owner/developer, stated that the Title 5 Regulation does not require an inspection so long as the owner were to agree that the system is hooked up to sewer or upgraded within a two year period. Mr. Oram said there is a condition that the Board of Health places which is to have the construction of the septic system completed prior to rough electrical. Ms. Margulies said that if Mr. Oram is implementing a procedure on behalf of the Board of Health, she should know about it. Mr. Oram said that he is here to protect the Board from liability, to guide with State Codes, and that he is here to help. Mr. Oram asked that this Agreement be approved with the condition that the septic system, once approved, be installed prior to wall boarding. The Board voted 5-0 to approve the Agreement with the condition noted. Attorney Shocket stated that he respects the concerns of the Board, if there is a delay, it shouldn't be significant.

### **Water Policy Committee**

Wayne Bates, Chairman of the Water Policy Committee and others spoke to the Board regarding their proposed changes to the Water Conservation Regulations and by-law and would like to work with the Board of Health in modifying current well regulations. Documents were presented to the Board. Their proposed changes will be presented at the May Town Meeting in order to be more proactive in helping to conserve the municipal water supply. Mr. Oram said there is an applicant on tonight's agenda who will be requesting two irrigation wells, and what the Board must look at is what issues they are causing. Jeffrey Lemay said that he would like decisions based on science, not on opinion, and wants everyone to be involved in collectively protecting our resources.

### **The Lantern at Warren Woods, irrigation wells request**

Greg Howell for the Green Company discussed the company's plan to install one or possibly two wells in conjunction with the construction project at the Lantern at Warren Woods. Mr. Oram would like the engineer to note if this is affecting any wells within the areas, public or private, that should be their responsibility, and then sign off by the engineer. Mr. Oram asked Mr. Howell to review other irrigation systems, including the use of storm water for irrigation. The Board voted 5-0 to table the discussion to the next meeting.

### **Health Director/Agent Report** **Budget review, FY 16 and FY 17**

Michael Herbert spoke to the Board regarding the budget process. Mr. Herbert feels that there is money in the budget for a public health nurse; adding that he would like to see the Board of Health taking on some public health challenges such as the epidemic/pandemic (Opioid) issues. Social Services will be restructured in the future; Mr. Herbert would like to see the Board of Health be a part of that. Mr. Oram added that once we have a public health nurse, this 5-8 hour position would involve work with elderly service, homeland security, work with the schools, epidemic/pandemics and hoarding. Mr. Narayana questioned why there has been so much time without a nurse. Mr. Herbert said that if this is a regional position, it takes coordination with the other towns and through the Board of Selectmen. Mr. Oram said that our previous nurse is still working on an on-call basis and we are fortunate to have a nurse, Mrs. Mortensen, on our Board. Mr. Oram reviewed with the Board Members the other proposed budget items.

**Board of Health Minutes for Review: September 22, 2015, October 13 and 27, 2015 and November 10 and 17, 2015, December 15, 2015**

Ms. Margulies objected to voting on the Minutes, adding that she sent an email to the Board of Selectmen today that she would like to pass out. Mrs. Mortensen said we will table voting on the Minutes.

**Vote on waivers for food establishments for external grease interceptors**

Mr. Legassey recused himself from this discussion. Mr. Oram said that DPW Water and Sewer Department will let us know if there are any issues with any grease traps. Mr. Oram recommended a Motion to approve the external grease trap waivers through December 2016. The Motion was approved 4-0-1. (Mr. Legassey recused himself from this vote.)

**Future Board of Health Meetings**

Mrs. Mortensen stated that the future meetings will be February 9<sup>th</sup> and 23<sup>rd</sup>.

Mr. Narayana inquired if there would be an executive session meeting to discuss the issue that is going to court. Mr. Herbert responded that to discuss an issue that is currently in litigation would require executive session, and the purpose would need to be stated.

**Adjournment**

The meeting was adjourned at 9:47 p.m.

**Ashland Board of Health**  
**101 Main Street Ashland MA 01721**  
**January 26, 2016 7:00 p.m.**

1. Call to Order 7:00 p.m.
2. Citizen's Participation 7:05 p.m.
3. Speedway, Sale of Tobacco to a Minor review 7:10 p.m.
4. Wine Empire, Sale of Tobacco to a Minor review 7:10 p.m.
5. 117 Winter Street, review of exemption from Title 5 inspection 7:45 p.m.
6. Water Policy Committee 8:00 p.m.
7. The Lantern at Warren Woods, irrigation wells request 8:30 p.m.
8. Old / New Business
  - Substance Abuse Prevention Collaboration Memorandum of Understanding
  - Sign Organic Pest Management Regulations, Approved December 15, 2015
  - Vote on waivers for food establishments for external grease interceptors
  - Policies and Procedures for Board Health
9. Health Director/Agent Report
  - Budget review, FY 16 and FY 17 (20 to 30 minutes needed to review these matters)
  - Development updates for subdivision off Whittemore Drive, Hillside Estates and Shell Station
  - January 20, 2016 tobacco training update,
  - Village of Americas order on dust and dirt offsite,
  - Summer Intern with the MA DPH and Boston University School of Public Health,
  - Decisions at Every Turn updates
  - Region 4a Public Health Preparedness meeting updates,
  - Regional Emergency Planning Committee updates,
  - Public Health Nurse status update
10. Board Member's Agendas
  - Member's Agenda
  - Judith Margulies
    - Cadillac paint information and update
    - Noise complaints received over last 6 months
  - Clerk's Agenda
  - Vice Chairman's Agenda
  - Chairperson's Agenda
11. Board of Health Minutes for Review: September 22, 2015, October 13 and 27, 2015 and November 10 and 17, 2015 and December 15, 2015
12. Future Board of Health Meetings, February 2016 and future items for discussion including guests.
  - continuation of discussion from the October 27, 2015 agenda on the food inspections scheduling for an enhanced/better protection of public health and West Nile Virus issue and preemptive steps that we can take to enhance the protection against the WNV per K. G. Narayana request
13. Adjourn at 9:30 p.m.

**NOTE: The listing of matters above is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.**





Meeting Attendance  
January 26, 2016

Please Print Clearly

| Name              | Address/Establishment Name |
|-------------------|----------------------------|
| JOEL ARBEITMAN    | SELF                       |
| Mark D'Assonì     | 49 Hawthorne Rd.           |
| ANDREW UPTON      | Speedway, LLC              |
| Elliot Brown      | Both                       |
| Melissa Evans     | BOTH                       |
| REIDAR BOMENGEN   | MAHER SERVICES             |
| Cathy Rooney      | WATER Policy               |
| JEFFREY LEMAY     | WATER POLICY               |
| Bret Spinazzola   | 13 Forest Ave Ashland MA.  |
| Cindi Grover      | 11 Forest Ave, Ashland, MA |
| Hanna Sihvonen    | Speedway 196 POND          |
| Michael Grover    | SPEEDWAY 196 Pond          |
| Coel Kolegue      | SPEEDWAY " "               |
| GREG Howell       | The GREEN COMPANY          |
| Alan Shocket      | Needham, MA                |
| Rajithe Punimetta | Employee                   |





**Meeting Attendance  
January 26, 2016**

**Please Print Clearly**

Name

Address/Establishment Name

Rob Moolgobeeh

Sustainability Comm.

Inicia Kendall

25 Oline / Sustain. Com

Phillip Williams

24 Pierce St / Sustainability  
Committee

DANIEL ROMAN

SUSTAINABILITY Comm.

WAYNE BATES

66 STROBUS LANE / WATER POLICY



From: Joel Arbeitman  
For: Board of Health meeting  
Date: January 26, 2016

The question about whether, as a matter of town policy, Ashland should permit the drilling of private wells should be determined by one of the two following criteria:

1. Whether wells drilled at any given location are "hydrologically connected" to the existing public water supply or
2. Whether all groundwater within the town should be considered a "public resource" due to its potential to become a source of public water in the future through the drilling of new public wells.

Historically in Ashland, based on existing hydrology studies, private wells have been permitted because current hydrology maps have not conclusively shown a connection between aquifers under most private property and aquifers that feed the public water supply. If future hydrological studies were to show a connection between local aquifers and the public water supply, future private well permits should not be granted. However, if Ashland elects to base its private well policy solely on currently available hydrology studies, the town should conclude that private wells do no public harm and should be permitted.

Recent Massachusetts' regulations have significantly changed the criteria that should be used to evaluate whether private well permits should be granted. The Commonwealth's new SWMI regulations are predicated on the premise that water should be retained locally and should not be transferred from one basin to another. Looking logically at the flow of water out of Ashland, the existing aquifer maps make no sense. How many private parcels have aquifers that feed the Sudbury River? How many have aquifers that feed Cold Spring Brook? To believe in the great myth that Ashland is filled with endless, disconnected aquifers makes no logical sense. Perhaps a new study is called for.

To comply with the new SWMI regulations, Ashland should restrict the use of public water for irrigation not just to control unnecessary outdoor watering but also to reduce the transmission of wastewater out of the basin through our storm water system and wastewater systems.

But therein lies the problem with private wells. A regulatory loophole has exposed the shortcomings of our current water conservation scheme. Although the town voted to ban new irrigation systems that use the public water supply in order to conserve water, there has been a spike in private well permit requests to circumvent the regulations. In response to this, the water policy committee has a new proposal that will lift the ban on new irrigation systems since it sees the increase in new private wells as undesirable. This has created an "if you can't beat 'em, join 'em" approach to water conservation that makes a mockery of the town's water sustainability efforts.

Until Ashland has time to gather more data by monitoring both private and public water usage, a moratorium should be placed on the permitting of new private wells. Furthermore, existing private wells should be subject to the same restrictions as water directly derived from the town's public supply.

Allowing irrigation from private wells sends a terrible signal to those connected to town water. It creates a “haves and have nots” system of governance that lets some residents water their football-sized lawns in the rain while others are making very real sacrifices to conserve.

Ashland’s regulatory structure that oversees water policy lies with two different groups. One group, the Board of Selectmen and its appointees, the Water Policy Committee, oversees the use of the public water supply. The other group, the Board of Health, oversees water use on private property. It is critical that the two groups work collaboratively to identify the overall goals for the town and jointly establish the best policies to meet those goals. The most obvious and most critical goal is to do all we can to “keep water local” and to decrease our per capita usage as much as possible.

We are rapidly approaching a time where every possible drop of water must be preserved. There is an urgency to revisiting our current water regulations to make sure we get it right. To do otherwise will jeopardize not just our futures but the futures of the coming generations of Ashland residents. Until we know more, let’s place a moratorium on new private wells and place the same restrictions on the use of private well water that we place on the use of public water.



Mary Mortensen, Chairman  
Charles L. Legassey, Vice-Chairman  
Judith Margulies, Clerk

Board of Health  
101 Main Street  
Ashland, MA 01721  
Tel: (508) 881-0100  
Fax: (508) 881-0182

Edward P. Hart, Jr., Member  
Koduvayur Narayana, Member  
Mark Oram, M.P.H. Agent/Director

December 18, 2015

Speedway, LLC  
Licensing Department  
P.O. Box 1580  
Springfield, OH 45501

**Re: Sale of Tobacco to a Minor, Board of Health review**

Dear Permit Holder(s),

Our Department is in receipt of a notice from our regional tobacco control agent that the sale of tobacco to a minor occurred at your facility located at 196 Pond Street, Ashland MA on December 16, 2015.

The Board of Health requires your appearance at the **January 26, 2016** meeting to review the citing and corrective measures that have taken place to prevent the sale of tobacco to minors.

The Board of Health meeting is being held at 101 Main Street, Ashland MA at 7:10 PM.

If you have any questions or concerns prior to this meeting, feel free to contact me.

Thank you,

Mark Oram

Section 1:

Establishment

Name: \_\_\_\_\_

Address: Speedway #2449  
196 Pond Street  
Ashland, MA 01721

City: \_\_\_\_\_

Type of Establishment:  Chain  Independent  Not Known

Survey Participants

ID of Purchaser: 066629

Age:  15  16  17  18  19  20

Sex:  Male  Female

Name of Adult Supervisor: ELLIOT BROWN

Time of Check: 10:21 am  pm

Date of Check: 12-16-15

Day of the Week:  Mon  Tues  Wed  
 Thurs  Fri  Sat  Sun

Style of Establishment (Check Only One):

|   |  |   |
|---|--|---|
| <input type="checkbox"/> Convenience Store        | <input type="checkbox"/> Grocery Store                         | <input type="checkbox"/> Bar                              |
| <input type="checkbox"/> Department Store         | <input type="checkbox"/> Liquor Store                          | <input type="checkbox"/> Private Club (VFW, Legion, etc.) |
| <input type="checkbox"/> Gas Station Only         | <input type="checkbox"/> Pharmacy/Drug Store                   | <input type="checkbox"/> Restaurant                       |
| <input checked="" type="checkbox"/> Gas Mini-Mart | <input type="checkbox"/> Other (bowling alley, golf club etc.) | <input type="checkbox"/> Tobacconist                      |

Section 2:

Was Compliance Check completed? Yes  No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product.
- From a vending machine with a lockout device.
- Other Describe: \_\_\_\_\_

Was the Purchaser asked for ID? Yes  No  Was this an ID-based check? Yes  No

Was the Purchaser asked his/her age? Yes  No

Sex of Clerk: Male  Female  Approximate age of clerk:  Teen  Young Adult  Adult  Older Adult

Type of tobacco asked for:  Cigarettes Brand of cigarettes asked for:  Marlboro  Newport  Other: \_\_\_\_\_

Chew/Dip  Cigars  E-Cigarettes  Other \_\_\_\_\_ Brand: \_\_\_\_\_

Was the sale made? Yes  No

If "Yes" how much did the product cost: \$10.42 Was a receipt given? Yes  No

Purchaser made payment using:  \$1 bills  \$5 bill(s)  \$5 bill and \$1 bills/ or change  \$10 bill(s)  \$20 bill  change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

|  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Out of Business                 | <input type="checkbox"/> Temp. long term closure | <input type="checkbox"/> In operation, closed at time of visit             | <input type="checkbox"/> Drive thru only      |
| <input type="checkbox"/> Does not sell tobacco           | <input type="checkbox"/> Unlocatable             | <input type="checkbox"/> Unsafe to access                                  | <input type="checkbox"/> Tobacco out of stock |
| <input type="checkbox"/> Inaccessible by youth           | <input type="checkbox"/> Wholesale only/cartons  | <input type="checkbox"/> Presence of police                                | <input type="checkbox"/> Permit Suspended     |
| <input type="checkbox"/> Private club/personal residence | <input type="checkbox"/> Machine broken          | <input type="checkbox"/> Youth inspector knows salesperson                 | <input type="checkbox"/> Other                |
|  |  | <input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit |   |

Section 4:

**Description of employee who sold tobacco:**

Please fill in as many characteristics as possible, to the best of your ability.

**Ethnicity:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> White/Caucasian                  | <input type="checkbox"/> Middle Eastern  |
| <input type="checkbox"/> African or Caribbean decent                 | <input type="checkbox"/> Native American |
| <input type="checkbox"/> Asian (Chinese, Vietnamese, Japanese, etc.) | <input type="checkbox"/> Latino          |
| <input type="checkbox"/> South East Asian (Indian, Pakistani, etc.)  | <input type="checkbox"/> Other: _____    |

**Height:**

- |                                |   |                               |
|--------------------------------|---|-------------------------------|
| <input type="checkbox"/> Short | <input checked="" type="checkbox"/> Average | <input type="checkbox"/> Tall |
|--------------------------------|---|-------------------------------|

**Weight:**

- |                               |   |                                |                                   |
|-------------------------------|---|--------------------------------|-----------------------------------|
| <input type="checkbox"/> Thin | <input checked="" type="checkbox"/> Average | <input type="checkbox"/> Heavy | <input type="checkbox"/> Muscular |
|-------------------------------|---|--------------------------------|-----------------------------------|

**Hair Color:**

- |                                       |   |                              |                                     |
|---------------------------------------|---|------------------------------|-------------------------------------|
| <input type="checkbox"/> Black/Brown  | <input checked="" type="checkbox"/> Blond | <input type="checkbox"/> Red | <input type="checkbox"/> White/Grey |
| <input type="checkbox"/> Other: _____ |   |                              |                                     |

**Hair Style:**

- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> Bald     | <input checked="" type="checkbox"/> Short  |
| <input type="checkbox"/> Long     | <input type="checkbox"/> Dreadlocks/Braids |
| <input type="checkbox"/> Curly    | <input type="checkbox"/> Wearing Hat       |
| <input type="checkbox"/> Ponytail | <input type="checkbox"/> Other: _____      |

**Facial Hair:**

- |                                    |                                     |                                 |                                      |
|------------------------------------|-------------------------------------|---------------------------------|--------------------------------------|
| <input type="checkbox"/> Moustache | <input type="checkbox"/> Full Beard | <input type="checkbox"/> Goatee | <input type="checkbox"/> Lined Beard |
|------------------------------------|-------------------------------------|---------------------------------|--------------------------------------|

**Miscellaneous:**

- |   |                                  |                                   |                                  |
|---|----------------------------------|-----------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> Glasses | <input type="checkbox"/> Tattoos | <input type="checkbox"/> Piercing | <input type="checkbox"/> Jewelry |
| <input type="checkbox"/> Name: _____        |                                  |                                   |                                  |

**Comments:**



Town of Ashland  
MASSACHUSETTS

Mary Mortensen, Chairman  
Charles L. Legassey, Vice-Chairman  
Judith Margulies, Clerk

Board of Health  
101 Main Street  
Ashland, MA 01721  
Tel: (508) 881-0100  
Fax: (508) 881-0182

Edward P. Hart, Jr., Member  
Koduvayur Narayana, Member  
Mark Oram, M.P.H. Agent/Director

December 17, 2015

Wine Empire, LLC  
128 Union Street,  
Ashland MA 01721

**Re: Sale of Tobacco to a Minor, Board of Health review**

Dear Permit Holder(s),

Our Department is in receipt of a notice from our regional tobacco control agent that the sale of tobacco to a minor occurred at your facility located at 128 Union Street, Ashland MA on December 16, 2015.

The Board of Health requires your appearance at the **January 26, 2016** meeting to review the citing and corrective measures that have taken place to prevent the sale of tobacco to minors.

The Board of Health meeting is being held at 101 Main Street, Ashland MA at 7:00 PM.

If you have any questions or concerns prior to this meeting, feel free to contact me.

Thank you,

Mark Oram

Section 1:

Establishment

Survey Participants

Name: \_\_\_\_\_  
 Address: Wine Empire  
12 West Union Street  
Ashland, MA 01721  
 City: \_\_\_\_\_  
 Type of Establishment:  Chain  Independent  Not Known

ID of Purchaser: 066629  
 Age:  15  16  17  18  19  20  
 Sex:  Male  Female  
 Name of Adult Supervisor: ELLIOT BROWN  
 Time of Check: 11:15 am  pm   
 Date of Check: 12-16-15  
 Day of the Week:  Mon  Tues  Wed  
 Thurs  Fri  Sat  Sun

Style of Establishment (Check Only One):

|  |  |   |
|--|--|---|
| <input type="checkbox"/> Convenience Store | <input type="checkbox"/> Grocery Store                         | <input type="checkbox"/> Bar                              |
| <input type="checkbox"/> Department Store  | <input checked="" type="checkbox"/> Liquor Store               | <input type="checkbox"/> Private Club (VFW, Legion, etc.) |
| <input type="checkbox"/> Gas Station Only  | <input type="checkbox"/> Pharmacy/Drug Store                   | <input type="checkbox"/> Restaurant                       |
| <input type="checkbox"/> Gas Mini-Mart     | <input type="checkbox"/> Other (bowling alley, golf club etc.) | <input type="checkbox"/> Tobacconist                      |

Section 2:

Was Compliance Check completed? Yes  No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product.  
 From a vending machine with a lockout device.  
 Other Describe: \_\_\_\_\_

Was the Purchaser asked for ID? Yes  No  Was this an ID-based check? Yes  No   
 Was the Purchaser asked his/her age? Yes  No

Sex of Clerk: Male  Female  Approximate age of clerk:  Teen  Young Adult  Adult  Older Adult

Type of tobacco asked for:  Cigarettes Brand of cigarettes asked for:  Marlboro  Newport  Other: \_\_\_\_\_  
 Chew/Dip  Cigars  E-Cigarettes  Other \_\_\_\_\_ Brand: \_\_\_\_\_

Was the sale made? Yes  No

If "Yes" how much did the product cost: \$ 10.48 Was a receipt given? Yes  No

Purchaser made payment using:  \$1 bills  \$5 bill(s)  \$5 bill and \$1 bills/ or change  \$10 bill(s)  \$20 bill  change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

|  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Out of Business                 | <input type="checkbox"/> Temp. long term closure | <input type="checkbox"/> In operation, closed at time of visit             | <input type="checkbox"/> Drive thru only      |
| <input type="checkbox"/> Does not sell tobacco           | <input type="checkbox"/> Unlocatable             | <input type="checkbox"/> Unsafe to access                                  | <input type="checkbox"/> Tobacco out of stock |
| <input type="checkbox"/> Inaccessible by youth           | <input type="checkbox"/> Wholesale only/cartons  | <input type="checkbox"/> Presence of police                                | <input type="checkbox"/> Permit Suspended     |
| <input type="checkbox"/> Private club/personal residence | <input type="checkbox"/> Machine broken          | <input type="checkbox"/> Youth inspector knows salesperson                 | <input type="checkbox"/> Other                |
|  |  | <input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit |   |

Section 4:

Description of employee who sold tobacco:

Please fill in as many characteristics as possible, to the best of your ability.

Ethnicity:

- White/Caucasian
- African or Caribbean decent
- Asian (Chinese, Vietnamese, Japanese, etc.)
- South East Asian (Indian, Pakistani, etc.)
- Middle Eastern
- Native American
- Latino
- Other: \_\_\_\_\_

Height:

- Short
- Average
- Tall

Weight:

- Thin
- Average
- Heavy
- Muscular

Eye Color:

- Black/Brown
- Blond
- Red
- White/Grey
- Other: \_\_\_\_\_

Hair Style:

- Bald
- Long
- Curly
- Ponytail
- Short
- Dreadlocks/Braids
- Wearing Hat
- Other: \_\_\_\_\_

Facial Hair:

- Moustache
- Full Beard
- Goatee
- Lined Beard

Miscellaneous:

- Glasses
- Tattoos
- Piercing
- Jewelry
- Tattoos on wrist

Comments:

AGREEMENT

Agreement made this \_\_\_\_ day of January, 2016 by and between Daniel Aho, Trustee of Winter Nominee Trust ("Owner") and the Town of Ashland Board of Health regarding the disposition of 117 Winter Street, Ashland, MA. ("Property")

Owner took title to the property on December 23, 2015. For the sum of \$1.00 (Nominal Consideration) Owner agrees that in or within two years from said closing date, Owner shall upgrade the septic system to comply with Title 5 regulations as promulgated by the Commonwealth of Massachusetts. Owner further agrees that the property shall not be occupied unless and until the upgraded septic system has either (1) been certified by the Town of Ashland Board of Health or (2) passes a Title 5 inspection performed by a licensed contractor.

Owner agrees that in the event owner transfers title to the property prior to upgrading the septic system, any subsequent owner shall be informed of this agreement and shall take subject to the obligations noted herein.

Owner:

\_\_\_\_\_  
Daniel Aho, Trustee of Winter Nominee Trust

Town of Ashland Board of Health:

\_\_\_\_\_



REC 01-26-15  
@ BOH Meeting  
Provided by Water Policy  
Committee

## Chapter 270 Water Use Restrictions

HISTORY: Adopted by the Town of Ashland 5-11-2005 Annual Town Meeting, Art. 30.[1]  
Amendments noted where applicable.]

[1] Editor's Note: This enactment also repealed former Ch. 270, Water Use Restrictions, adopted 5-12-1999 ATM, Art. 22, as amended.

### § 270-1. Authority.

This By-law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This by-law also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

### § 270-2. Purpose.

The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

This water by-law is for the purpose of setting fair and equitable water usage for the pro-active conservation of water. It is intended to balance property rights with evolving issues of how and when the Town's residents use water.

This by-law is intended to work best in conjunction with a strong public education program related to conservative water use and local water issues.

### § 270-3. Definitions.

**Agriculture** shall mean farming in all its branches and agriculture, as defined at M.G.L. c. 128, § 1A.

**Outdoor watering** shall mean any residential, municipal, industrial, or commercial watering of use of municipally-supplied water for decorative areas, lawns, trees or shrubbery.

**Handheld watering** shall mean outdoor watering by means of a bucket, can, or handheld hose attachment with automatic shut off nozzle.

**Unattended watering** shall mean outdoor watering by means of a device that does not require a person to actively and continuously engage said device.

**Irrigation system** shall mean outdoor watering by means of a system connected to a pressurized water line and has the ability to automatically activate. Such systems may be permanently or temporarily installed with hoses and/or pipes partially or fully below grade.

**Runoff** shall mean outdoor watering resulting in a visible collection or stream of water on a street or sidewalk.

**Person** shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

**State of Water Supply Emergency** shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, § 15-17.

**State of Water Supply Conservation** shall mean a State of Water Supply Conservation declared by the Town pursuant to § 270-4 of this by-law.

**Water Users or Water Consumers** shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

**§ 270-4. Declaration of State of Water Supply Conservation.**

The Town, through its Board of Selectmen authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists of such a degree that conservation measures are appropriate to ensure an adequate supply of water to all water consumers or as stipulated by the Town of Ashland Water Management Act permit. Public notice of a State of Water Conservation shall be given before it may be enforced.

**§ 270-5. Restricted Water Uses.**

[Amended 5-10-2006 ATM, Art. 14; 5-2-2007 ATM, Art. 19; 5-3-15 ATM, Art. 18]

The following ~~restrictions~~ **restricted uses of municipally-supplied water** shall be in effect year-round ~~each year~~.

**PERMANENT OUTDOOR WATER USE RESTRICTIONS**

~~a) Odd/even watering: — No Monday watering: Outdoor watering on property having an odd-numbered address is restricted to Wednesday and Saturday. Outdoor watering on property having an even-numbered address is restricted to Thursday, and Sunday.~~

~~b) Lawn watering: Watering of lawns is restricted to the hours between 7:00pm and 7:00am. Watering shall be started on the day allowed and may run into the morning of the following day.~~

~~e) Beginning on May 2, 2013, there shall be no new in-ground irrigation systems permitted to be connected to the municipal water system. [Added 5-1-2013 ATM, Art. 23]~~

~~d) On or before July 1, 2016 all irrigation systems shall be equipped with rain gauges and programmable timers set to operate the system within the hours allowed under this section. On or before July 1, 2017 all irrigation systems shall have a separate meter and backflow device. In addition, a declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except for the exemptions as provided in § 270-11. The applicable restrictions, conditions or requirements shall be included in the public notice.~~

~~a. Handheld watering shall be allowed any day at any time.~~

~~b. Odd/even unattended watering schedule:~~

|   |   |
|---|---|
| <del>Property having odd address</del>  | <del>Wednesday 7:00pm – Thursday 7:00am<br/>Saturday 7:00pm – Sunday 7:00am</del> |
| <del>Property having even address</del> | <del>Thursday 7:00pm – Friday 7:00am<br/>Sunday 7:00am – Monday 7:00am</del>      |

~~c. Outdoor watering resulting in runoff is prohibited.~~

In addition, a declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except for the exemptions as provided in § 270-11. The applicable restrictions, conditions or requirements shall be included in the public notice.

## CONDITIONAL OUTDOOR WATER USE RESTRICTIONS

- a) STAGE 1 - Hopkinton Reservoir below 295.85 feet between the days of June 1 through August 31 each year.
  - i. ~~Odd/even outdoor watering shall be restricted to handheld outdoor watering. Unattended watering using municipally-supplied water is prohibited.~~
  - ii. ~~Lawn watering is prohibited.~~
  - iii. Car washing: Car or vehicle washing is prohibited.
  - iv. ~~Automatic Sprinkler Use: The use of automatic sprinkler systems shall be limited to one weekend day (Saturdays or Sundays) as outlined in the permanent outdoor water use restrictions.~~
  - v. Ornamental Pools & Fountains: Operation of ornamental pools and fountains is prohibited
  - vi. Swimming Pools: Filling and topping off of swimming pools ~~with water from the municipal system larger than 300 gallons~~ is prohibited.
- b) STAGE 2 - Hopkinton reservoir below 295.35 or daily use over 5.90 mg.
  - i. All Stages 1 Restrictions.
  - ii. **Handheld watering using municipally-supplied water is prohibited.**
  - iii. The Town, acting through the Board of Selectmen as water commissioners, retains the right to impose additional restrictions with due notice to residents.

### **§ 270-6. Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP.**

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection at the same time that notification is given.

Notification of a State of Water Supply Emergency declared by the Department shall be provided by furnishing a copy of the Notice to radio and television stations (as well as placing this information on the town website) (language regarding the town website was added at 5/11/05 ATM) serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under § 270-5 or in the Department declaration of emergency or Order shall not be effective until such notification is provided.

### **§ 270-7. Termination of State of Water Supply Conservation; Notice.**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage or restrictions no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

### **§ 270-8. State of Water Supply Emergency; Compliance with DEP Orders.**

Upon notification to the public that the Department of Environmental Protection has issued a declaration of a State of Water Supply Emergency, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of

bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

#### **§ 270-9. Penalties.**

[Amended 5-1-2013 ATM, Art. 24]

The Town, through its Board of Selectmen, DPW Director, water superintendent, building inspector or local police may enforce this by-law (ordinance). Any person violating this by-law (ordinance) shall be liable to the Town in the amount of \$200 per day for the first violation and for each subsequent day of use. Upon the fifth violation water shall be shut off. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws.

The Town, through its Board of Selectmen, DPW Director, water superintendent, building inspector or local police may enforce this by-law. Any person violating this by-law for the first time shall be subject to a written warning. Any person violating this by-law, after having already received a written warning for any violation, shall be liable to the Town in the amount of \$200. Each day of noncompliance with this by-law may constitute a separate violation. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws.

#### **§ 270-10. Exemptions.**

[Amended 11-14-2007 ATM, Art. 29]

The water use restrictions adopted under this by-law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a. Commercial agriculture;
- b. Water to sustain animal life;
- c. Swimming pools used as a primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
- d. Commercial car or vehicle washing facilities;
- e. Washing of structures prior to the application of exterior coating such as paint.
- f. If required by health and safety regulations

~~g. Residents may request a watering permit for new lawns from May 1 through June 15 for a period not to exceed two weeks. The permit grants the resident permission to water between the hours of 7:00 PM and 7:00 AM daily. DPW may grant permits to allow unattended watering for a period not to exceed four weeks. The permit shall grant permission to water new lawns daily from 11:00am to 1:00pm and 7:00pm to 7:00am. The grounds for such a permit are as follows:~~

- i. New lawns. This shall apply to land parcels with no existing lawn, or land parcels where a minimum of 50% of an existing lawn is to be replaced. These permits may be issued from April 1 through May 31 and September 15 through November 15 yearly.
- ii. Title V compliance. This shall apply to land parcels requiring lawn growth for septic system installation or maintenance. These permits may be issued from April 1 through November 15.

iii. **Municipal projects.** This shall apply to any outdoor project funded partially or in full by the public. These permits may be issued from April 1 through November 15.

~~h. Residents may request a watering permit in order to comply with Title V requirements for a period not to exceed two weeks. The permit grants the resident permission to water between the hours of 7:00pm and 7:00am daily.~~

h. Handheld watering of any gardens or land used for food production during Stage 2 restrictions. ~~between the hours of 7pm & 7am. [Added 5-4-2011 ATM, Art. 15]~~

i. Town athletic fields, including those fields under the control of the Ashland Public Schools, in accordance with the odd/even **outdoor unattended** watering schedule, ~~and between the hours of 7:00 PM and 9:00 AM,~~ upon application to, and approval by, the Board of Selectmen; [Added 5-4-2011 ATM, Art. 15]

### § 270-11. Severability.

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

### § 270-11. Irrigation Systems.

On or before July 1, 2016 all existing irrigation systems shall be equipped with the following:

- a. Precipitation monitoring to prevent **unattended** watering during rain.
- b. Programmable timing to prevent operation outside of the odd/even unattended watering schedule defined in §270-5.

On or before July 1, 2017 all existing irrigation systems shall be equipped with the following:

- a. A dedicated irrigation water meter.
- b. A backflow prevention device compliant with 310 CMR 22.22.

All **new** irrigation system **installations** shall comply with the following:

- a. Permitting
  - i. Residents must apply for a permit from the Water Department for new irrigation system connections. A reasonable application fee must be paid in full prior to permit approval.
  - ii. Upon application approval, the Water Department will provide the applicant with literature regarding water-efficient landscaping and best practices for irrigation system maintenance.
- b. Equipment:
  - i. Precipitation monitoring to prevent **unattended** watering during rain.
  - ii. Programmable timing to prevent operation outside of the odd/even unattended watering schedule defined in §270-5.
  - iii. A dedicated irrigation water meter. A backflow prevention device compliant with 310 CMR 22.22.

Authorized agents of the Water Department shall have the right to inspect, for cause or at random, any municipally-connected irrigation system to confirm equipment compliance. Equipment violations and/or use of un-permitted irrigation systems are subject to penalties pursuant with §270-9.



Town of Ashland, MA  
Tuesday, January 26, 2016

## Chapter 312. Water Supplies, Private and Semipublic

[HISTORY: Adopted by the Board of Health of the Town of Ashland 7-28-1989; amended in its entirety 9-28-2010. Subsequent amendments noted where applicable.]

### GENERAL REFERENCES

Septic systems and wells — See Ch. 300.

### § 312-1. Definitions.

**PRIVATE WATER SUPPLY** — Any water system serving or intended to service water for human consumption or for domestic uses or purpose on one lot. The system shall be contained on the lot and shall include all of the sources, treatment works, and distribution lines to the point where distribution takes place within the building on the lot.

#### SEMIPUBLIC WATER SUPPLY

Any water system serving or intended to service water for human consumption or for domestic purposes and not included under the definition of "private water supply" above or under the Department of Environmental Protection "Drinking Water Supply Regulations of Massachusetts."

#### WATER SYSTEMS

Includes pipes, valves, fittings, tanks, motors, switches, controls, and appurtenances installed or used for the purpose of storage, distribution, filtration, treatment, or purification of water for any use whether or not inside a building.

#### WELL

Includes any pit, pipe excavation, spring, casing, drill hole or other source of water to be used for any purpose of supplying potable water in the Town of Ashland and shall include dug wells, driven or tubular wells, drilled wells (artesian or otherwise) and springs, gravel walled wells, gravel developed and wash borings and as further described in U.S. Environmental Protection Agency Manual of Individual Water Supply Systems.

### § 312-2. Permits for private and semiprivate water supply.

- A. Permit requirements. No private or semipublic water supply shall be installed, altered or repaired until a permit has been obtained from the Board of Health or its agent. The fee for this permit shall be set by the Board of Health from time to time. A permit so granted shall expire 18 months from the date of issue unless construction has begun. Where such a permit is required for a Priority Development Site (PDS), as defined by Section 10.0 of the Zoning By-laws, an application therefor shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including the Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submittal.
- B. Permit application. A plot plan shall be submitted with application for well permit to the Board of

Health indicating the proposed location of the well, all building, boundary lines, septic systems (within 200 feet).

### § 312-3. General requirements.

- A. Permit release. No foundation or building permit shall be issued until the well is installed, completed, and has been demonstrated to supply water of the quality and quantity specified herein. No occupancy of the building the well is to serve shall be permitted until an acceptable tested water sample has been obtained from a tap in the building.
- B. Sanitary performance. The well contractor shall observe sanitary measures and precautions in the performance of his work in order to prevent pollution or contamination of the well. Use of water from streams, swamps, or abandoned wells, for drilling, shall be prohibited.
- C. Well drillers. Well drillers must be registered with Massachusetts Water Resources Authority. A copy of said registration must be filed with the Board of Health prior to any drilling in the Town of Ashland.
- D. Well protection. No well shall be drilled in standing water or in such a location that may allow standing water from rainfall, run-off, or groundwater. The casing shall be set sufficiently into bedrock and properly sealed to keep out surface water or entry of any other surface or subsurface contamination. The well cap shall be twelve (12) inches above surface grade and a concrete apron extending from the casing at least two (2) feet in all directions and sloping away from the casing shall be constructed.
- E. Well location.
  - (1) No well shall be less than one hundred (100) feet from a leaching area located downhill from such well.
  - (2) No well shall be less than one hundred twenty-five (125) feet from a leaching area located uphill from such a well.
  - (3) Wells shall be located no less than fifteen (15) feet from any public or private way or street.
  - (4) Wells shall be located no less than ten (10) feet from any lot line, five (5) feet from any building or projections thereof, fifty (50) feet from any part of a subsurface sewage disposal system.
  - (5) These distances may be increased when, in the opinion of the Ashland Board of Health, adverse conditions exist.
- F. Number of wells. There shall be a separate well for each dwelling. The well serving that dwelling shall be located within the lot boundaries of the building site. No well shall be used to supply more than one dwelling (Chapter 40, Section 34 MGL). For nonresidential wells, the Board of Health shall determine the number of wells required for the specific building site.
- G. Pump houses. Pump houses, pump rooms, and pitiless adapters shall be installed in accordance with the U.S. Environmental Protection Agency Manual of Individual Water Supply Systems.
- H. Pump house protection. Pump houses, pump or pipe pits and wells shall be designed and constructed so as to prevent flooding, freezing, and the entrance of sources of pollution or contamination.
- I. Approvals. No person shall install or enter into a contract for installing or make additions, modifications, or alterations to any private or semiprivate water supply before submitting complete plans, specifications, and descriptions to the Board of Health and receiving from them written approval. Private and semiprivate water supply systems shall be approved by the Board of Health before occupancy is permitted.

## § 312-4. Well specifications.

- A. Well yield. There shall be a minimum yield of two hundred (200) gallons per bedroom per day at twenty (20) P.S.I. at the highest fixture serviced. A bedroom shall include any undeveloped area that could be made into a bedroom. System capacity for semipublic water supplies must be adequate to meet projected needs.
- B. Storage. All demands for water shall be provided from storage in a pressure tank. Pressure tanks for individual home installation shall be of a diaphragm type and have a minimum capacity of thirty-six (36) gallons.
- C. Tests. A log of the well, showing depth and type of overburden, depth of casing installed below surface grade, diameter of casing and diameter of the hole in the rock, static water level and pump rate which can be sustained for a least four (4) hours at constant drawdown depth.
- (1) A pump test shall be made with the faucet open to waste for a four-hour constant pumping period using a pump capable of producing ten (10) gallons per minute or more.
  - (2) In the event the well is exhausted during the initial four-hour pump testing period, the faucet shall be so regulated after suitable well recovery [of not more than thirty (30) minutes] in order to allow pumping at a constant rate for an additional four (4) hours at a constant drawdown depth to determine the yield.
  - (3) A sustained pumping rate of two (2) gallons per minute for a four-hour period shall be the minimum rate.
  - (4) The well (after pumping test) shall recover to within eighty-five percent (85%) of the original static water level within a twenty-four-hour period.
  - (5) Testing and evidence to show satisfactory well yield and recovery shall be demonstrated in the presence of the agent for the Board of Health.
  - (6) Quantity test shall be performed by competent pump or well drilling contractors and a well shall produce a supply for each dwelling unit served by an on-site well as follows:
 

| <b>Well Drawing Depth</b> | <b>Minimum Well Yield<br/>(gmp-4hrs)</b> |
|---------------------------|--|
| To 100 feet               | 5  |
| 100 to 200 feet           | 4  |
| 200 to 300 feet           | 3  |
| 300 feet and over         | 2  |
  - (7) The results of all testing shall be submitted to the Board of Health for approval. Said submissions shall be on an approved form and the well contractor shall be responsible for all data submitted.
- D. Auxiliary power. Auxiliary power must be available to maintain a water supply for multiple dwellings.
- E. Grade determination. A pitless adapter shall be provided such that one permanent watertight casing of the well shall terminate a minimum of twelve (12) inches above finished grade and/or the 100 year flood.
- F. Contamination precautions. Each well installed to provide water for human consumption must be curbed and covered to prevent entrance of contamination and to divert surface water away from the well.
- G. Pipes and equipment.

- (1) All service pipes and connections shall be on nontoxic materials and meet specifications approved by the New England Water Works Association.
- (2) The installation of pipes shall be such that they are protected from crushing, freezing, and attack by animals or rodents.
- (3) Dissimilar metals should be discouraged in the water system. The use of nonconductive plastic inserts between pipes and fittings or the installation of sacrificial anodes is helpful in minimizing electrical corrosion problems.
- (4) Electrical service ground shall not be attached to water piping. All electrical service and controls of well must be permitted, inspected and approved according to Town and state regulations.

## § 312-5. Water quality specifications.

- A. Sanitary protection. Sanitary protection shall be incorporated into the construction of the well. All newly completed wells shall be disinfected in accordance with instructions from the U.S. Environmental Protection Agency Manual of Individual Water Supply Systems.
- B. Sampling. A minimum of two (2) water samples shall be submitted to a State-approved laboratory for analysis. One sample shall be taken when the well installation is complete and one sample shall be taken from a tap in the dwelling before occupancy. All results shall be submitted to the Board of Health for approval. Acceptance of water quality shall be based on its conformance to the normal of the groundwater in the area as well as established state and federal drinking water standards.
- C. Laboratory tests.
  - (1) A chemical, physical, and bacteriological analysis of the water samples by a Massachusetts certified laboratory shall be required. Water which does not meet the accepted standards of agencies of the state and federal government for potable water supplies shall be grounds for the rejection of the well.
  - (2) A bacteriological test to indicate 100 ml coliform density shall be required. A total bacteria count at 35 degrees C shall be determined.
  - (3) Chemical and physical analysis, including testing for volatile organic compounds (per EPA 524 or 502.1 and 503.1 with a double confirmation test when volatile organic compounds are present) shall be required. Analysis shall be performed for but not limited to pH, color, odor, iron, turbidity, manganese, ammonia nitrogen, nitrate nitrogen, alkalinity, total hardness, sodium, chloride, lead, arsenic, and nitrate nitrogen.
  - (4) Concentrations shall not exceed the following:
 

| <b>Color</b>     | <b>15 units</b> |
|------------------|-----------------|
| Turbidity        | 5 SU            |
| Manganese        | 0.05 mg/L       |
| Nitrate Nitrogen | 10 mg/L         |
| Chloride         | 250 mg/L        |
| Iron             | 0.30 mg/L       |
| Sodium           | *               |

\* Sodium content shall not exceed 20 mg/L in a semipublic water supply and shall be reported to the homeowner if greater than 20 mg/L in a private water supply.
  - (5) Other parameters will be evaluated on a case-by-case basis by the Board of Health to establish the water's suitability as a private or semipublic water supply.

- (6) Where applicable water quality of semipublic water supplies shall comply with effective regulations of the U.S. Environmental Protection Agency and the Commonwealth of Massachusetts.
  - (7) If any concentrations of volatile organics is detected and/or if the sodium concentration shall exceed 20 mg/L a document shall be attached to the deed and recorded in the South Middlesex Registry of Deeds which identifies the chemicals and their concentration.
- D. Water conditioning. Permanent disinfection of a polluted water supply is prohibited. If the natural water quality does not meet the physical and chemical criteria listed in Subsection C water conditioning shall be required. Water softening or other treatment shall not be discharged into the septic system. Treatment units shall be installed with the capability of bypassing such units if necessary or desired.

## § 312-6. Prohibitions.

- A. Surface water supplies for private or semiprivate water supplies shall be prohibited.
- B. Cisterns shall be prohibited.
- C. Cross connections for whatever purpose shall not be allowed without a written permit from the Massachusetts Department of Public Health and approval by the Ashland Board of Health.
- D. Wells used for drinking water and domestic water supply shall not be used to provide water for groundwater heat pump systems, for water cooling or air conditioning systems or irrigation. Any well used for such systems shall be approved by the Ashland Board of Health only after the applicant has submitted with sufficient evidence to the satisfaction of the Board of Health that such use will not disrupt any quantity of water from any nearby well and that the well will satisfy the manufacturer's recommendations for proper equipment operation.

## § 312-7. Variances.

- A. The Board of Health may vary the application of any provisions of these regulations with respect to any particular case, when in its opinion, the enforcement thereof would do manifest injustice provided that a variance granted by the Board of Health shall not conflict with spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing.
- B. Any variance or other modification authorized to be made by these regulations may be subject to such qualification, revocation, suspension, or expiration as the Board of Health deems necessary. A variance or modification authorized to be made by these regulations may otherwise be revoked, modified, or suspended, in whole or in part only after the holder thereof has been notified in writing and has been given an opportunity to be heard.

## § 312-8. Enforcement.

- A. Authorization. The provisions of Title 1 of the State Environmental Code shall govern the enforcement of these regulations.
- B. Orders: service and content.
  - (1) If an examination as provided for § 312-4C and/or 312-5C reveals failure to comply with the provisions of these regulations, the Board of Health may order the person or company responsible to comply with the violated provisions.

- (2) The inspection performed by, and these regulations of, the Ashland Board of Health cannot be construed as a guarantee by the Town of Ashland or its agents that the water system so inspected and regulated will function satisfactorily.
- (3) The Board of Health may require a restriction to be recorded in the Registry of Deeds in cases which in the opinion of the Board of Health the water analysis shows marginal compliance with criteria of these regulations.

C. Certificate of compliance.

- (1) No person shall occupy any structure permitted under these regulations, without first obtaining a certificate of compliance from the Ashland Board of Health or its agent(s).
- (2) With respect to residential structures, occupancy shall be defined as any act of sleeping, preparing food for consumption, showering, or bathing.
- (3) With respect to commercial structures, of a product for sale; any sale, within the structure, of any product, whether or not the product was produced within the structure; or any sale of any service, within the structure.
- (4) Violation of Subsection **C(1)** shall be punishable by a fine of \$1,000. Each day that a violation occurs shall be considered a separate violation and shall be punishable as a separate offense.

## § 312-9. Jurisdiction.

Nothing in the Ashland "Minimum Sanitation Standards of Private and Semi-Private Water Supply Regulations" is intended to, nor shall it supersede any of the Massachusetts Department of Environmental Protection "Drinking Water Regulations of Massachusetts" with respect to noncommunity and public water supply systems as defined therein.

encl#  
23907  
\$518.<sup>00</sup>



Town of Ashland  
Board of Health

Well Permit Application

Fee: \$259.00 per Lot      Payment is due with application

Date: 1-20-16

In accordance with the provisions of the Statutes relating thereto, application for a permit is made by:

Name: Ashland Green LLC  
Address: 46 Glen Avenue  
Town: Newton  
Telephone: 617-969-0020

To install a well at: 466 Chestnut Street ; "The Lanterns at Warren Woods"  
Well drillers Company Name: Viera Well Drilling  
Contact Person: Jim Viera or Reidar Borgegen  
Telephone Number: 978-352-8586 OR 781-640-4316

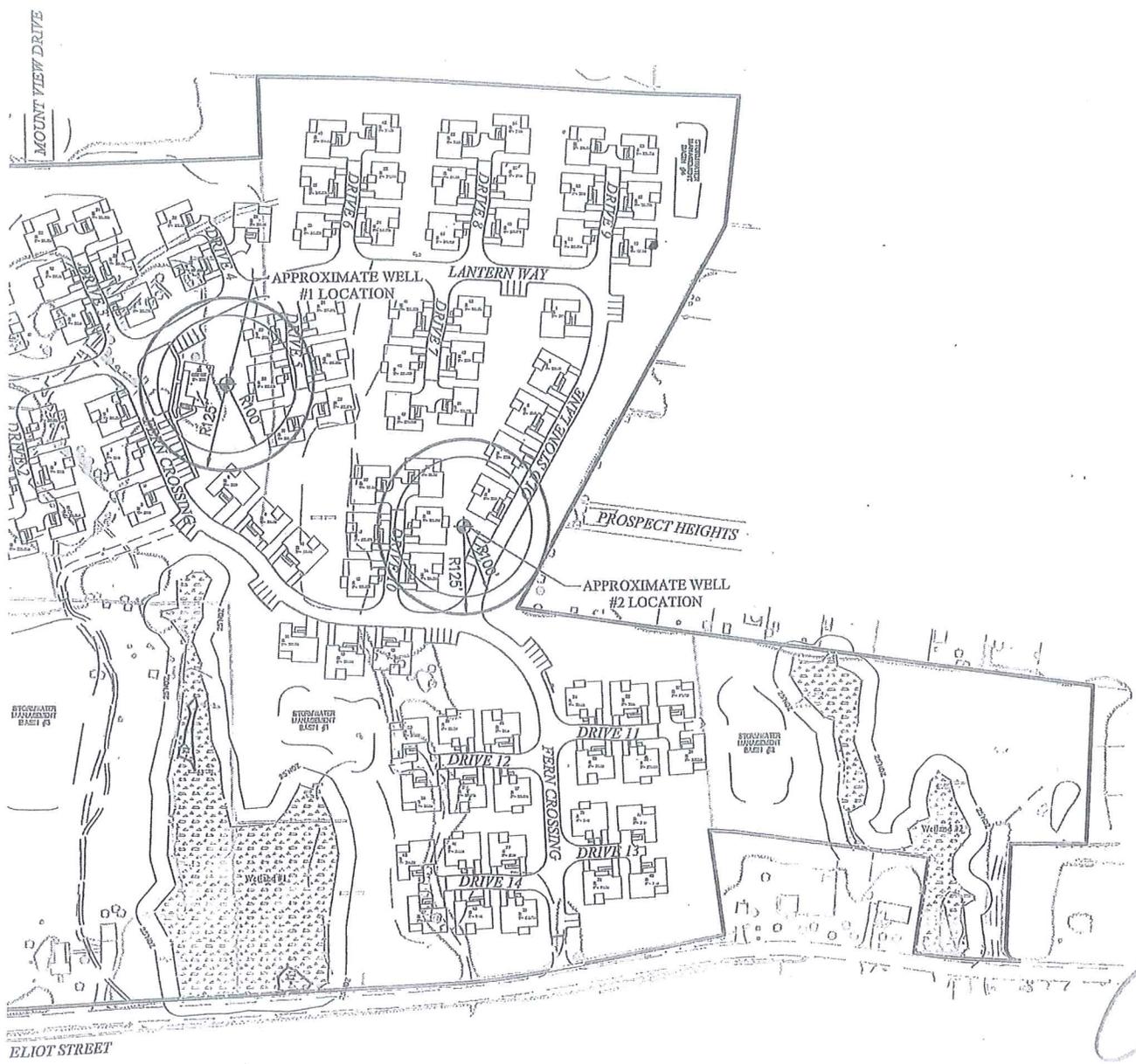
Pursuant to M.G.L. Ch. 62C, section 49A, I certify under the penalties of perjury that I, to my knowledge and belief, have filed all State tax returns and paid all State and Local taxes.

[Signature], Manager Ashland Green LLC  
Owners Signature

47-4638104  
Federal Identification Number or Social Security Number



#7



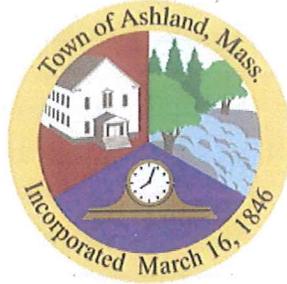
1.20.16

The Lanterns at Warren Woods  
 Irrigation Well Locations

Figure 1  
 1/11/2016



**TOWN OF ASHLAND, MASSACHUSETTS  
BOARD OF HEALTH  
ORGANIC PEST MANAGEMENT REGULATIONS**



**EFFECTIVE DATE: JANUARY 1, 2016**

**SECTION I – FINDINGS & PURPOSE**

The Town of Ashland Board of Health agrees with the U.S. Environmental Protection Agency (EPA) that “all pesticides are toxic to some degree..., and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue.”

That all citizens, and in particular children, as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides in particular; and

A balanced and healthy ecosystem is vital to the health of the town and its citizens; and as such is also in need of protection from exposure to hazardous chemicals and pesticides; and

When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established; and

It is in the best interest of public health to eliminate the use of toxic pesticides on Town-owned land, ponds and waterways; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to continually adjust and evolve pest management practices, as needed, to introduce and promote natural, organic cultural and management practices to prevent and, when necessary, control pest problems on Town-owned land.

Accordingly, the Board of Health finds and declares that the purposes of these Organic Pest Management Regulations are:

- (1) to protect the public health by restricting the use of hazardous chemicals and pesticides on Town-owned land,
- (2) to guarantee the right of the residents of the town of Ashland the safe use of public land,
- (3) to prohibit the use of EPA designated Toxicity Category I and Toxicity Category II pesticides on all public school properties and playgrounds,
- (4) to prohibit the use of EPA designated Toxicity Category I and Toxicity Category II pesticides on all private school and all child care center properties and playgrounds, when such use is for purely aesthetic reasons. (MGL Ch 132B, Sec 6G)
- (5) to encourage the reduction and elimination of the use of toxic hazardous chemicals and pesticides on all private property.

## **SECTION II – AUTHORITY**

These Organic Pest Management Regulations are promulgated under the authority granted to the Ashland Board of Health under Massachusetts General Laws Chapter 111, Section 31 providing that Boards of Health may make reasonable health regulations and under the authority granted to the Ashland Board of Health under Massachusetts General Laws Chapter 111, Section 122 to make regulations for the public health and safety relative nuisances and causes of sickness.

## **SECTION III – DEFINITIONS**

The following words and phrases, whenever used in these Organic Pest Management Regulations, shall be construed as defined in this section:

**Banned Pesticides** are those that are classified as known, likely, or probable human carcinogens or probable endocrine disruptors, or those pesticides that meet the criteria for Toxicity Category I or Toxicity Category II, as defined by the United States Environmental Protection Act (EPA) in section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations, and are subject to these Regulations. A list of the pesticides in the EPA's Toxicity Categories I and II will be periodically updated and maintained at the offices of the Town of Ashland Board of Health.

**Child Care Center** are facilities as defined in Section 2, Chapter 132B Massachusetts Pesticide Control Act, of the General Laws of Massachusetts

**Essential OPM** practices include, but are not limited to:

regular soil testing; addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of NOFA/Mass (Northeast Organic Farmers' Association/Mass) and/or the Organic Material Review Institute of Eugene, Oregon; selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance; modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching; the use of physical controls, including hand-weeding and over-seeding; the use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies; through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and eliminating pest habitats and conditions supportive of pest population increases.

**Organic Pest Management (OPM)** is a problem-solving strategy that prioritizes a natural, organic approach to turf grass and landscape management without the use of toxic pesticides. It mandates the use of natural, organic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.

**Pests** are and may be known as undesirable plants, insects, fungi, bacteria, and rodents, birds and other animals. Common examples in turf grass and the landscape can be, but are not limited to, crabgrass, knotweed, poison ivy, chinch bugs, grubs, and a variety of plant pathogens.

**Pesticides** are defined by the Massachusetts Department of Food and Agriculture Pesticide Bureau as "substances or mixtures of substances that prevent, destroy, repel, or mitigate pests, or defoliate, desiccate, or regulate plants." Pesticides are poisonous substances that can have an adverse effect on the environment or impair human health. Herbicides, fungicides, insecticides, miticides, avicides and rodenticides are all considered pesticides.

## **SECTION IV – PROHIBITION**

The use and application of all chemical pesticides, by Town of Ashland employees and/or by private contractors, designated as banned chemical pesticides is prohibited on all Town-owned lands. The use and application of all above mentioned banned chemical pesticides on all privately owned school, preschool, and licensed day care playgrounds and play areas, when that application is for purely aesthetic reasons, is also prohibited.

## **SECTION V – CONTROL OF POTENTIAL PEST PROBLEMS**

Organic Pest Management practices, i.e. natural, organic turf and landscape cultural practices and maintenance, shall be the method of choice to understand, prevent, and control potential pest problems.

Control products used under the terms of this Regulation shall be those products on the approved list of NOFA/Mass. (Northeast Organic Farmers' Association/Mass.) and/or the Organic Materials Review Institute of Eugene, Oregon, or such other lists or products as may be approved by the Director or by the Board of Health from time to time.

## **SECTION VI – INVENTORY OF PESTICIDES**

A. A registry of all pesticides currently stored in or on Town-owned premises shall be compiled by the Director of Public Health who may have authority to order the disposal of any such products that the Director deems unnecessary to be stored within the Town, such disposal to be through the Town's Hazardous Wastes Collection program or otherwise.

B. A listing of all Town owned lands affected by this policy will be made available to the public.

## **SECTION VII – EXEMPTIONS**

Ashland-owned land shall be subject to these Regulations, except as follows:

(1). Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants and at wastewater treatment plants and related collection, distribution, and treatment facilities.

(2). Pesticides classified by the United States Environmental Protection Agency as exempt materials under 40CRF 152.25, or those pesticides of a character not requiring FIFRA regulation.

(3). The use of chemical controls, in accordance with MGL Chapter 132B, Section 6H, and as approved in advance and in writing by the Director of Public Health or by the Ashland Board of Health in the event of a public emergency as determined by the Director or by the Board of Health; provided, however, that such authority to grant a temporary waiver shall be limited to a period of thirty days. Any waiver in excess of thirty days as to any one emergency may be extended for an additional period not to exceed six months but only by a vote of the Board of Health. All waivers granted by the Director shall be reported to all members of the Board of Health no later than one business day following the issuance of the waiver. Notice of all such waivers shall be posted, in the manner provided for notice of public meetings, within two business days following the issuance of the waiver. Any waiver granting the use of pesticides on Town land shall require the use of Integrated Pest Management protocol and shall specify the use of a specific pesticide(s) determined to be the least toxic material for the specific application. The Board of Health shall determine if such a waiver is warranted based on the following criteria:

- a) the pest situation poses a threat to human or animal health and/or environmental quality;
- b) reasonable OPM efforts, if any, have been attempted; and
- c) viable alternatives consistent with this Regulation do not exist.

Any Town department or contractor granted a waiver hereunder shall comply with all applicable laws, rules and regulations of the Commonwealth of Massachusetts including, but not limited to those requiring notification to site users, abutters, and the proper method for storage, application, and posting.

## **SECTION VIII: TRAINING AND EDUCATION**

All Town of Ashland personnel involved in the evaluation, approval, or implementation of organic turf and landscape maintenance and/or outdoor pest control should receive training and education in natural, organic cultural and technical methods.

## **SECTION IX: COMPLAINTS**

A. The Town's Health Agent shall investigate complaints received about any practices or acts that may violate any provision of these Regulations.

B. If the Health Agent finds that an investigation is not required because the alleged act or practice is not in violation of these Regulations; the Health Agent shall notify the complainant of such finding and the reasons upon which it is based. The Health Agent shall provide a report to the Board of Health of all such complaints and findings.

C. If the Health Agent finds that an investigation is warranted, the Health Agent shall investigate and if the Health Agent finds that there has been a violation of these Regulations, then the Health Agent and/or Board of Health shall be authorized to take such action and institute such proceedings as are provided by law.

## **SECTION X – VIOLATIONS AND PENALTIES**

A. It shall be unlawful for any person to use or apply any toxic chemical pesticides on any town owned land except as specifically authorized in these Regulations.

B. Any person who violates any provision of these Organic Pest Management Regulations shall be subject to a fine of two hundred and fifty (\$250.00) dollars for a first offense, five hundred (\$500.00) dollars for a second offense, and one thousand (\$1000.00) dollars for third and subsequent offenses.

C. Each application of a prohibited product shall be deemed to be a separate offense.

D. Citations for violations of these Organic Pest Management Regulations may be in such form as the Board of Health may determine.

E. In addition to the penalties provided for hereunder, and whatever penalties that may apply from MGL Chapter 132B "The Massachusetts Pesticide Control Act" Section 14, the Board of Health shall have the authority to file a civil suit for damages to compensate the Town for all costs incurred as a result of violations of these regulations.

**SECTION XI - OTHER APPLICABLE LAWS**

These Organic Pest Management Regulations shall not be interpreted or construed to permit the application or use of pesticides or other hazardous materials where such use or application is restricted by other applicable health, environmental, safety or fire codes, regulations or statutes.

**SECTION XII – SEVERABILITY**

If any provision, clause, sentence or paragraph of these Organic Pest Management Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of these Organic Pest Management Regulations that can be given effect without the invalid provision, clause, sentence, or paragraph, and to this end the provisions are declared to be severable.

**SECTION XIII: EFFECTIVE DATE**

These regulations shall be effective upon publication.

Adopted: December 15, 2015

**By the Board of Health of the Town of Ashland**

Mary F. Mortensen, Chairwoman \_\_\_\_\_

Charles L. Legassey, Vice Chairman \_\_\_\_\_

Judith Margulies, Clerk \_\_\_\_\_

Koduvayur G. Narayana, Member \_\_\_\_\_

Edward P. Hart, Member \_\_\_\_\_

Mark Oram, Director of Public Health \_\_\_\_\_



*MS*



January 5, 2016

Samuel S. Wong, PhD, REHS/RS  
Director of Public and Community Health Services  
Board of Health  
Town of Hudson  
78 Main Street  
Hudson, MA 01749  
(978) 562-2020

RE: MEMORANDUM OF UNDERSTANDING (MOU)

Dear Dr. Wong:

The Town of Ashland agrees to partner and collaborate with the Town of Hudson Board of Health on its Substance Abuse Prevention Collaborative Initiative. As a collaborating partner, Ashland is poised and ready to work with the Town of Hudson and other participating municipalities (Framingham, Northborough, and Southborough) in the following manner:

1. Participate in a regional substance abuse prevention collaborative
2. Support collaborative efforts to implement or amend local policy, practice, systems and environmental changes to prevent underage drinking and other drug use.
3. Increase regional capacity to address underage drinking and other drug use.

*Michael Herbert*  
 \_\_\_\_\_ 1-6-16  
 Interim Town Manager Date  
 Michael D. Herbert

*Mark Oram*  
 \_\_\_\_\_ 01-6-16  
 Board of Health Director Date  
 Mark Oram

\_\_\_\_\_  
 Chief of Police Date  
 Craig Davis

\_\_\_\_\_  
 Superintendent of Schools Date  
 James Adams

\_\_\_\_\_  
 Director, Ashland Decisions at Every Turn Coalition Date  
 Amy Turncliff



## *Food Establishments Needing Exterior Grease Trap Waiver*

| <i>Organization Name</i>                    | <i>Address</i>        |
|---|-----------------------|
| AFC Sushi @ Shaws #123                      | 301 Pond Street       |
| American Legion Post # 77                   | 40 Summer Street      |
| Ashland Day Community Pavillion             | Summer Street         |
| Ashland Fish & Game Club Inc.               | 3 Ponderosa Road      |
| Ashland Food Pantry                         | 162 West Union Street |
| Ashland High School                         | 65 East Union Street  |
| Ashland Memorial Associates Inc. VFW # 2331 | 311 Pleasant Street   |
| Ashland Middle School                       | West Union Street     |
| Ashland Mindess School                      | 90 Concord Street     |
| Ashland Pittaway School                     | 75 Central Street     |
| Ashland Pizza Palace                        | 74 Union Street       |
| Ashland Warren School                       | Fruit Street          |
| Ashland Youth Baseball                      | 73 Fruit Street       |
| Baypath Elder Services - Meals on Wheels    | Community Center      |
| Bodacious Bagel                             | 300 Eliot Street      |
| Brasil America                              | 21 Homer Avenue       |
| Burnam's 1742 Manor                         | 366 Pleasant Street   |
| Clocker Club-Boosters-Concession Stand      | 65 East Union Street  |
| Compass Eurest Dining Services              | 400 Main Street       |
| Domino's Pizza                              | 318 Pond Street       |
| Dosa Temple                                 | 59 Pond Street        |
| Dunkin Donuts (Ashland Donuts II)           | 123 Union Street      |
| Dunkin Donuts (Ashland Donuts III)          | 190 Pond Street       |
| Dunkin Donuts (West Union Donuts)           | 41 West Union Street  |
| Honey Dew Donuts                            | 14 West Union Street  |
| Kelly's Restaurant, Food and Spirits        | 78 Front Street       |
| Main Street Wine & Spirits                  | 197 Main Street       |
| Marathon Market & Deli                      | 250 West Union Street |

| <i>Organization Name</i>           | <i>Address</i>          |
|------------------------------------|-------------------------|
| Market Basket                      | 49 Pond Street          |
| Metrowest Ministries, Inc.         | 280/350 Pleasant Street |
| Mill Pond Rest Home                | 84 Myrtle Street        |
| Nick's Pizza & Grill               | 87 Main Street          |
| Papa Gino's                        | 372 Union Street        |
| Papa Gino's                        | 355 Pond Street         |
| Pizza Bella                        | 1 West Union Street     |
| Pizza Mine & NY Deli               | 9 Homer Ave             |
| Robert Hill Pavillion              | 101 Main Street         |
| Shaw's Supermarket                 | 301 Pond Street         |
| Stone's Public House               | 179 Main Street         |
| Sunnyside Café                     | 24 Front Street         |
| Tasty Treat                        | 16 West Union Street    |
| The Warren Conference Center & Inn | 529 Chestnut Street     |
| Town House Pizza                   | 300 Eliot Street        |