

**Ashland Board of Health Meeting Minutes**  
**Ashland Town Hall, 101 Main Street, Ashland, MA**  
**Selectmen's Meeting Room, 7:00 P.M.**  
**August 16, 2016**

*Jon A. Fetherston, Chairman*  
*Charles Legassey, Vice-Chairman*  
*Judith Margulies, Clerk*

*Mary Mortensen, Member*  
*Koduvayur Narayana, Member*  
*Mark Oram, M.P.H., Agent/Director*

**Members Present**

Jon Fetherston, Charles Legassey, Judy Margulies, Mary Mortensen and KG Narayana

**Others Present**

Mark Oram, Health Agent / Director  
Laura Clifford, Administrative Secretary  
Mark Dassoni, resident  
Jeffery Fournier  
Eric Dickinson, Civilized Solutions  
Steve Morgan, resident  
Charles Dabritz, Town Plumbing Inspector  
Brian Flynn, Emond Plumbing & Heating, Inc.  
Tom Broadway, Davenport Associates  
Scott Brown, Cobblestone Landscape  
Rene Thompson, former AFMG member

**Call to Order**

Mr. Fetherston called the meeting to order at 7:02. Mr. Fetherston announced that the agenda was subject to change, and that the meeting was being broadcast live on WACA-TV and audio recorded.

**Citizen's Participation**

Mark Dassoni said he is a citizen watchdog for the RTD and the Howe Street Landfill projects. Mr. Dassoni shared with the Board his observations. Mr. Oram said that he is not allowed to grant permission, but the residents are aware that Mr. Dassoni likes to observe the projects and they are okay with that, but reminded Mr. Dassoni to be aware of certain safety criteria.

Mr. Oram said he was notified over the weekend that there was a heavy runoff of rain at the MBTA Access Road and has reviewed the issue with the Conservation Agent who will look into this. Conversation continued regarding the mud and runoff. Ms. Margulies stated that she was interested in the notification process, and inquired if DEP or Federal Stormwater Management had been notified. Mr. Oram responded that the Conservation Agent said she would be speaking to the Conservation Commission and the EPA. Mr. Oram stated that, in an emergency, it is best to call Police or Fire.

Steve Morgan commented that he attended an event at Worcester Polytechnic Institute and spoke with a hydrologist who expressed interest in students possibly working with the Board on some aspects of Nyanza; Mr. Fetherston asked Mr. Morgan to forward the person's contact information to him.

Mr. Narayana asked if there had ever been any root core studies conducted in the Nyanza area, which sample chemicals at different layers. Mr. Fetherston said we could come back to this discussion.

**53 Kings Row, Request for waivers for a replacement septic system**

Eric Dickinson of Civilized Solutions explained that the septic system at 53 Kings Row is in failure, they will be installing a 4-bedroom system for the existing 4-bedroom home but will need a waiver from the Board for a garbage grinder. Mr. Oram said this will require a deed recording for the garbage grinder, and, based on the lot size and conditions, Mr. Oram recommended approval.

Mr. Narayana asked for clarification regarding the language on the forms, and asked if the name can be typed or written below the signature. Mr. Dickinson said there is a swimming pool over the cesspool and that could be why the system failed. Ms. Margulies inquired about the location in relation to distance to neighbors, and asked if the Board may want to consider notification of abutters as a future Board regulation. Mr. Oram responded that boundary requirements are specified in Title 5. Mr. Oram said a public hearing would need to be held and there must be scientific reasons, but this may be done as a policy change.

Mr. Legassey made a move to grant a variance from Ashland Board of Health Regulations 303-11 which allows the subsurface disposal system to be designed without a garbage grinder, with the condition that no garbage grinder be installed within the house and that a deed recording be placed on the property stating that no garbage grinder will be installed within the house while the subsurface disposal system is in use, and that an effluent filter is installed. Mr. Narayana seconded the motion. The motion was approved 5-0.

Mr. Oram reminded the owner that he will need to return a copy of the recorded deed to the Board of Health office.

**Brian Flynn, Emond Plumbing & Heating, Inc. Plumbing Variance Request – RTD**

Brian Flynn, V.P. of Emond Plumbing, explained that his company is the plumbing contractor for the Rail Transit Apartment complex. Mr. Flynn stated that PEX piping is allowed in residential buildings up to 3 stories in height; eight of the nine buildings at the Rail Transit Apartment complex are 3 ½ stories and therefore require a variance from the Board of Health, the one building which does not require a variance has already been piped with PEX. Mr. Flynn explained why he prefers PEX piping over CPVC or copper. Charles Dabritz, Town Plumbing Inspector, said that he doesn't have a preference but has used PEX and it is a good product, adding that it is best for consistency to stay with the same piping throughout the complex. Mr. Dabritz stated that even if the local Board denied the variance, the State Plumbing Board has the final say.

Ms. Margulies referenced a 2014 research study from Purdue University and is waiting to hear back from the Department of Public Health and Mass. Environmental and Energy Agency regarding the public health perspective. Ms. Margulies inquired, and Mr. Dabritz responded, that Fafard switched

from using copper piping to PEX. Mr. Oram stated that many certifying agencies such as HUD have approved this product, noting that even at the local level, safety is looked at.

Mrs. Mortensen made a motion to recommend the Board support the use of PEX in the development, Ashland Rail Transit, for the three story buildings and above. Mr. Legassey seconded the motion. Ms. Margulies stated that the Rail Transit District is located next to the Nyanza cap where 1,000 people live and she takes this issue very seriously; Ms. Margulies disagreed with the motion. Mr. Narayana urged the Board Members to deny the permit. Mr. Dabritz said that he believes the Town's water department uses PEX piping for incoming water. Mr. Broadway stated that PEX has been widely used for single family homes built over the last decade in Ashland. Mr. Fetherston called for a vote. The motion was approved 3-2 (Margulies, Narayana opposed).

### **Discussion of Organic Pest Management and possible waiver request**

Scott Brown, of Cobblestone Landscape, explained that he was asked by Nick Moscaritolo to come to the Board meeting to request a waiver for the use of Roundup at the baseball fields and Stone Park. Mr. Oram explained that various herbicides and pesticides are not allowed unless approved by the Board. Mr. Oram said that he had reached out to former Board of Health Member Ed Hart for his expertise on the subject. Mr. Hart sent an email response stating that its use is prohibited by the Town's regulations. Mr. Fetherston stated that he feels Roundup is poison and said there has got to be a better way. Mr. Oram said discussions have occurred with DPW who were going to look into budgeting additional costs for physical methods to improve the fields and Stone Park. Mr. Legassey said no vote is required, this is a regulation. Mr. Fetherston suggested that Mr. Oram contact Benny Bonavire at DPW tomorrow to come up with a solution.

### **Permit Approvals**

#### **13 Pine Hill Road, Lisa Mancini, chicken/animal permits**

Mr. Oram explained that Dona Walsh, Animal Control Officer, recommended approval of this permit, and he therefore recommends approval. Mrs. Mortensen made a motion to grant the permit for 13 Pine Hill Road as outlined by Dona Walsh. Mr. Legassey seconded the motion. Ms. Margulies stated she would have preferred the applicant be here to address any issues with neighbors. The motion was approved 4-0-1 (Ms. Margulies abstained).

### **Old and New Business**

#### **Open Meeting Law Violation – update**

Mr. Fetherston asked Mr. Morgan if he can verify that the AG sent an update on his Open Meeting Law complaint. Mr. Morgan responded that it is a standard letter. Mr. Narayana inquired, and Mr. Morgan responded, that this matter is not closed. Ms. Margulies explained that he now has the ability to go to the next step.

#### **0 Megunko Road**

Mr. Narayana said that he is concerned that the area was at one time in the plume area, and has asked if there were any 21E studies. Mr. Oram said it is up to the Licensed Site Professional to put it on DEP's Waste Site/ Reportable Releases Look Up page online. Mr. Oram said he would check the

website. Mr. Narayana said we need to get the developers here before they start digging. Mr. Oram said we need to check the laws before we invite them to a meeting. Mr. Oram said that we will advise them to contact the EPA to make sure they know the work is being done, and if there are any signs of hitting hazardous waste they must follow the State Chapter 21E Laws. Mr. Oram explained that once we have the plans, we will review and will forward to the Board.

Ms. Margulies said conversations are confused when Mr. Oram uses the word 'we' when referring to the Board, as she takes this to mean administration. Ms. Margulies encouraged her fellow Board Members to be proactive when it comes to the plume area or Rail Transit District, to consider the health aspects. Mr. Fetherston said that he believes the majority feels Mr. Oram is part of this Board. Mr. Fetherston said that he supports the public health in regards to 0 Megunko Road, but there is nothing to review. Ms. Margulies said that Mr. Oram is not part of the Board of Health, nor does he represent the Board of Health. Mr. Oram is fine with the title Health Agent/Director, acting as the Agent for this Board, and Director as it relates to his Human Resource requirements in the Town.

Ms. Margulies said she would like to make a motion that we, as a Board of Health, invite any developer or any other related parties to come and explain the project to us so we can better fully understand public health implications of what is being planned and built on that location. Mr. Narayana seconded the motion. The motion failed 2-3 (Mortensen, Legassey and Fetherston opposed).

### **Chairman's Report:**

#### **Board Communications**

Mr. Fetherston said he was bewildered by the previous conversation. Mr. Fetherston feels that Board Members are not working together as a Board and this is not good for the Town of Ashland. Constant emails and not sharing of information are dividing this Board. Mr. Narayana said he sometimes will send an email to Mark, then copy Jon, if he doesn't receive a response he will send to Michael Herbert, and resend it as a reminder. Mrs. Mortensen stated that as a resident for 45 years, she has been approached by many people commenting that the Board of Health is not getting things accomplished. Ms. Margulies said we have accomplished quite a bit, and would suspect that people who generalize should speak for themselves. Mr. Fetherston said we can do better. Ms. Margulies said we can only change ourselves.

Mr. Fetherston stated that the agenda is posted on Thursday; any requests for agenda items should be submitted to him no later than noon on Wednesday, adding that if anyone calls an agency for information relative to the agenda, to send a courtesy email so that all Members have the same information.

Mr. Legassey said that under Page 6, Item 12, of the Board's Policies and Procedures, all agenda items shall be submitted to the Health Agent by 12:00 p.m. on the Wednesday prior to the following week's meeting. Mr. Legassey also noted that on that same page, Paragraph 9, regular meetings shall begin at 7:00 p.m. and shall end at 9:00 p.m., therefore, Mr. Legassey made a motion to adjourn. Mrs. Mortensen seconded the motion. The motion was approved 5-0.

The meeting was adjourned at 9:00 p.m.

ASHLAND BOARD OF HEALTH  
DOCUMENTS REVIEWED AT THE 8/16/2016 MEETING  
(All items stored in the Board of Health files unless otherwise noted)

1. 53 Kings Row, waiver for a replacement septic system
  - a. Waiver Request Letter – Civilized Solutions
  - b. Permit Application / Soil Evaluator Form
  - c. Plans
2. Brian Flynn, Plumbing Variance Request re: the use of PEX for 8 apartment buildings
  - a. Waiver Request Letter – Emond Plumbing
  - b. State Variance Application
  - c. Plans
  - d. Copy of Study from Purdue University (from J. Margulies)
3. Discussion of Organic Pest Management and possible waiver request
  - a. Email from Ed Hart
  - b. Organic Pest Management Regulations
4. Open Meeting Law Complaint – S. Morgan
  - a. Copy of letter from the Attorney General's office
6. Permit Approvals
  - 13 Pine Hill Road, Chicken/animal Permit
7. Audio Recording of Meeting Available