



TOWN OF AYER BOARD OF HEALTH Meeting Minutes of October 17, 2016

Meeting called to order at 5:33 pm.

Members present included: *Chair Mary Spinner, Member Pamela Papineau and Clerk Patricia Peters: Administrative Assistant Jane Morriss, absent. Also in attendance: Project Manager for David E. Ross & Associates Neil Gorman; applicant for special permit, 41 E. Main Street, Mark W. Saydah, and Abutter Ruth Rhonemus, who resides at 8 Oak Street.*

Meeting recorded by APAC

PUBLIC INPUT: None.

CONTINUATION OF PUBLIC HEARING: REQUEST FOR SPECIAL PERMIT UNDER AQUIFER PROTECTION DISTRICT HEALTH REGULATIONS (41 E. MAIN STREET, MARK W. SAYDAH):

Project Manager Neil Gorman gave an overview of the applicant's plans to build two new structures at 41 E. Main Street, to convert the existing three-family house into a two-family, and to sell the resulting six units as condominiums. He asserted the plans are designed to withstand 100-year storms without flooding, and to increase the aquifer recharge rate by 16 percent over the current site configuration. Chairman M. Spinner reminded the Board that its only responsibility is to protect the aquifer. The maintenance plan submitted by the applicant requires monthly inspections, regular sweeping of the surfaces by a special vacuum truck, and diligent tending of the raingarden plantings in order for the system to work properly. Member P. Papineau said she continues to be concerned about the amount of maintenance required to keep the mitigation system working properly, especially when it will fall to a condo association that has not yet been formed, and an unpredictable housing market. She also said that she did not want to put the Town of Ayer in a position of having to police the maintenance of the system. Given these considerations, she said that she didn't feel that the applicant had met the burden of proof that there wouldn't be any negative effect on the aquifer even though all of the technical guidelines may have been met and even exceeded on paper. She pointed out that the applicant's own operation and maintenance plans call for routine reviews to make sure conditions are suitable for its operation. . . "but what if it's not?" She asked rhetorically.

Although P. Papineau made a motion to deny the special permit on the grounds that it presented too much of a risk to turn the maintenance of the site over to an unknown condo association, her motion was not seconded.

Then **P. Peters made a motion to grant the special permit, and M. Spinner, after reiterating that the Board's responsibility was restricted to aquifer protection, 2nd the motion, which passed 2/1 with P. Papineau voting against.**

NABOH: (B. Braley):

Responded to a transmittal form with plans for Revival Bar to open at 25 Main Street, reminding the BOS that the business needs to go through a permitting process with the BOH before it can open for business. She sent a letter to the occupants at 43 Highland Ave., giving them seven days to clean up their premises, and notified Wendy's that its staff needs to have allergy awareness training. She also reported that there is an Asian bakery that is interested in leasing space at 215 W Main Street where Empire City was, formerly. She told the prospective business owner that she needed to be inspected and permitted by the BOH before she can open.

EMERGENCY PREPARATION COALITION REQUEST FOR REPRESENTATIVES AND EMERGENCY CONTACTS:

P. Papineau made a motion to nominate Ira Grossman and Kalene Gendron to represent the Ayer BOH at the Region 2 Steering Committee, and P. Peters 2nd 3/0A

REVIEW OF THE MINUTES OF SEPTEMBER 26, 2016:

P. Papineau motioned to accept the minutes of September 26 once P. Peters was amended to P. Peters. P. Peters 2nd. The motion passed **3/0A**.

ADMINISTRATIVE MATTERS: ACTION ITEMS FOR NOVEMBER 14 MEETING:

M. Spinner will report on the quarterly meeting of the NABOH Executive Board and P. Papineau will report on the RAB meeting.

ADJOURN:

At 7:20 pm P. Papineau motioned to adjourn the meeting, and P. Peters 2nd. **A 3/0**

Mary Spinner
Mary Spinner, Chair
11/28/16

Patricia Peters
Patricia Peters, Clerk
11/28/16

Pamela Papineau
Pamela Papineau, Member
11/28/16