



TOWN OF AYER

**BOARD OF HEALTH**

TOWN HALL – 1 MAIN STREET – AYER, MASSACHUSETTS 01432 – (978) 772-8213

**Minutes of May 10, 2021 - Ayer Board of Health Meeting**

Location: First Floor Meeting Room, Town Hall

Meeting was recorded and broadcast by APAC

**Members Present:** Pamela Papineau, Chairman, Patricia Peters (arrived 6:16 pm) and Stephen Slarsky (Members participated remotely)

**Also Present:** Heather Hampson, Administrative Coordinator and Bridgett Braley from Nashoba Associated Boards of Health

**Chairman Papineau opened the meeting at 7:00 PM**

**Public Input**

None.

**Continued Public Hearing 96 East Main Street**

*Present: Steve Wentzell, Mimi's Place owner and Attorney Christopher Lilly Representative for Mr. Wentzell, Bridgette Braley, Nashoba Board of Health, Charles Shultz, Building Commissioner, Fire Chief Johnston and Attorney Alex Weisheit from KP Law (Town Council)*

P. Papineau gave a brief background on the application and the 90-day license with conditions that was issued back in January.

Attorney Lilly stated that Mr. Wentzell received another license dated March 23, 2021, that expires on December 31, 2021.

B. Braley stated that she did not issue that license and has no record of the license in her files for the address. B. Braley stated that the license must have been issued by her office in error.

P. Papineau stated that the Board voted back in January to issue a 90-day license and did not vote to extend the license; therefore, any other license that Mr. Wentzell may have received was neither voted on nor issued by the Board.

Attorney Alex Weisheit stated that the license the Board voted on would be the only valid license and the one dated March 23<sup>rd</sup> would be invalid.

Attorney Lily stated that the license sent to Mr. Wentzell back in March about a month after he received the license with the restrictions. The license that was received looks the same as the one sent in February but without the conditions.

Building Commissioner, Charlie Shultz stated that even if the license was issued the property would not comply with the Zoning Bylaw and would receive a cease-and-desist order.

Attorney Lily stated that he did not feel that Zoning would apply to the property since it been in existence for over 75 years.

B. Braley stated that according to the guest list submitted by Mr. Wentzell none of the people staying at the property are staying there in a transit manner and have been there for more than 30 days and some for years.

Attorney Lily stated that some hotels have been used as housing to help with the housing shortage. The people staying at the property have no other place to go and Mr. Wentzell is providing an affordable place for them to stay.

P. Papineau stated that it is not the intent of the Board to make people homeless, but the property is not being used in accordance with state regulations and the Ayer Zoning Bylaw. If it is the intent of Mr. Wentzell to have people live at the property rather than use it as a hotel/motel then he needs to seek the proper permit/permission to do so. The Board of Health is reviewing an application to run the property as a hotel/motel which requires only transient stays.

Attorney Lily stated that Mr. Wentzell did the items that were mentioned at the last meeting including placing job and apartment listings on the property as well as holding education seminars in which people had little interest, as well encouraged those staying there to apply for housing elsewhere. Attorney Lily stated that it is the intent to have people stay in a transit manner, but the property had been previously used for people to stay for an extended amount of time and with COIVD it has been harder to evict people and harder for people to find places to live.

B. Braley asked how many people have been staying on the property longer than 90 days.

Attorney Lily stated that there are a total of 16 rooms where people have been staying for an extended amount of time.

B. Braley stated that the number of those staying on site longer than 90 days has increased since the application was applied for in October.

Chief Johnston stated that the Fire Department still has not received plans for the fire system on site which was requested at the beginning of the public hearing back in December.

Mr. Wentzell stated that the plans have been done for some time and will make sure that the Fire Department gets a copy.

Mr. Shultz stated that the fire system plans would be for a hotel/motel which the property is not being used in that manner.

Chief Johnston stated that if the plans were drawn up for a hotel/motel and it if not used in that manner, then new plans would need to be submitted for the health and safety of those staying on the property.

P. Papineau thanked those that attended the meeting for all their input stating it has given the Board a lot to think about in considering the license for the property.

Attorney Weisheit stated that the Board needs to consider a couple of votes this evening: one, to rescind the license issued by error, and the other to either extend or not extend the current 90-day license.



P. Papineau stated that she feels that the property is not being used as a hotel/motel as it was applied for.

P. Peters agreed.

S. Slarsky mentioned if the property is not being used as a hotel/motel then if the Board does not act on the applied-for license and takes no other action, this leaves the 90-day license to expire.

Attorney Weisheit stated that it would be best if the Board voted rather than to take no action so that there is a vote on record.

**At 8:02 PM P. Peters made a motion to close the public hearing for 96 East Main Street. S. Slarsky seconded. No discussion. Unanimous vote to approve. (3-0-0)**

Alex Weisheit stated that the Board should now vote to either renew the 90-day license or not renew, and then vote to rescind the license sent by error.

**At 8:05 PM S. Slarsky made a motion to not extend the license for 96 East Main Street, Mimi's Place/Casa Manor. P. Peters seconded. S. Slarsky mentioned that he hopes Mr. Wentzell seeks the proper approval to operate the site the way he wants. Vote to approve by roll call vote: Patricia Peters, aye; Stephen Slarsky, aye and Chairman Papineau, aye.**

**At 8:06 PM P. Papineau made a motion to rescind the license issued March 23, 2021 issued to Mimi's Place/ Casa Manor. S. Slarsky seconded. No discussion. Unanimous vote to approve.**

#### **COVID-19**

B. Braley stated that the town continues to move in the right direction with numbers falling and more people being vaccinated.

B. Braley mentioned that a permit for the Sandy Pond Beach has been issued.

#### **NABOH Update**

B. Braley mentioned to the Board that there will be a COVID vaccine clinic on Devens Wednesday May 12, 2021 everyone is welcome to come.

B. Braley mentioned that she has conducted some restaurant inspections and there were two trash complaints that were inspected and have been corrected.

#### **Minutes from March 22, 2021**

The minutes were tabled to the next meeting.

#### **Action Items for May 24, 2021**

P. Papineau stated that Board will continue its discussion on COVID and will ask Ms. Laurie Sabol if she can attend the next meeting to discuss the Trash Hauler Regulations.

#### **Adjourn:**

P. Peters motioned to adjourn the meeting at 8:19 PM, and S. Slarsky seconded. No discussion.  
Unanimous vote to approve. (3-0-0)

  
Pamela Papineau, *Chair*  
Patricia Peters, *Member*

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Steven Slarsky, *Member*

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Respectfully Submitted,  
Heather Hampson, *Administrative Coordinator*