

TOWN OF LANCASTER – BOARD OF HEALTH
Meeting Minutes
Thursday, 22 December, 2022

Chairman Paster called the meeting to order at 9:36AM.

Members in attendance: Jeff Paster, Denise Hurley and John Farnsworth

○ Also Attending: Nashoba Agent William Brookings

- Kelly Dolan, Director, Lancaster Health and Human Services
- Parker & Megan Helwig, 103 Cleverly Cove Road
- Matt Johnson, Esq., Helwig Counsel (*Attorney representing the Helwigs*)
- Mark O’Hagan (Owner) & Patrick Burke (Engineer), Cottage Lane. (*Jones Crossing is now Cottage Lane*)
- Evan Carloni, Representing Kersey, 26 Shirley Road, Title-5 Upgrade
- Deb D’Eramo (*joined the meeting at 9:52AM, Cottage Lane Abutter*)
- Ann Ogilive and Rob Zidek (*Interested Resident Observers*)

BOH Meeting recorded and available through internet at Sterling/ Lancaster Community Television (24/7) or Local Cable-3 at posted times.

Scheduled Discussion

- 679 George Hill Road – Board is awaiting information from Engineer.
 - Item again moved to the next meeting
- 66 Prescott St – house inspection status,
 - LFD has issued LFD-Smoke-Cert, BOH Inspect-Report now complete.
 - Member Farnsworth followed-up with report of Nat-Grid GAS-leak over the weekend, noting that LFD Chief Hanson was on-site immediately
- **103 Cleverly Cove Road, 9:51AM**
 - Appearing: Parker & Megan Helwig, Home Owners,
 - Matt Johnson, Esq, Attorney for the Helwigs

- 39 ○ Nota-Bene: *Attorney Peter Knox for Brian Michalczyk nor Brian*
40 *Michalczyk, Nashoba Licensed T-5 Installer, present at the 17*
41 *November Meeting, did **not** attended this 22-December meeting.*
42

43 Nota-Bene: at the 17-Nov BOH meeting, *with all parties*, resolved that if
44 an Invoice from the Installer issued, the Helwigs would pay the Invoice
45 and the Installer ASBUILT would issue.
46

47 22 December 103 Cleverly Cove Discussion
48

49 Atty-Johnson: the Helwigs have not received an Invoice from the Installer
50

51 Atty-Johnson had called Attorney Knox (*representing Installer Michalczyk*
52) to find that Installer Michalczyk was no longer an “ *active* “ Atty-Knox
53 Client.
54

55 Atty-Johnson also reported that Installer Michalczyk had verbally threatened
56 Parker Helwig at a meeting they’d attended. A police report had been placed
57 on record, per Atty-Johnson.
58

59 Member Farnsworth asked: Has a Design-Engineer’s ASBUILT issued
60 and is the works as installed in compliance ?
61

62 Agent Brookings responded: YES. The Engineer’s ASBUILT has been
63 received and the works, *as constructed*, is in compliance per the Design
64 Engineer.
65

66 Farnsworth: Title-5 has no pathway for the BOH to interfere with
67 Client/Installer payments. Code prescribes 30-day for an Installer to submit
68 an Installer’s ASBUILT.
69

70 Work as supposedly done in July-2022, the Installer has failed to issue.
71

72 Atty-Johnson requested the BOH issue a Temporary Occupancy to the
73 Helwigs, repeating the Helwigs 17-November requests for occupancy.
74

75 Parker Helwig: At the 17-November BOH meeting, they were holding
76 back information on the sale of on-site material-spoils by the Installer as
77 litigation was unfolding.
78

79 The Helwigs allege to be in possession of evidence indicating the Installer
80 had received monies exceeding 20% of the SDS-Install costs.

81
82 Chairman Paster asked: Did the sale of spoils (*alleged to be Title-5 type*
83 *sand materials, taken directly from the site*) cover the cost of the Helwig's
84 SDS-installation ?

85
86 Again from the Chair: If an Invoice is issued, will you pay it ?

87
88 Atty Johnson: it's complicated, not an easy answer. **10:21AM**

89
90 NOTE: This Meeting is recorded and available through internet at Sterling/
91 Lancaster Community Television (24/7) or Local Cable-3 at posted times. The
92 entire content (*uncensored*) of the 103 Cleverly Cove dialogue is available at
93 SLCT.

94
95 Note-to-File: The Board was not inclined (Member Hurley, *dissenting*) to issue
96 an Occupancy Permit. The Board agreed to send Installer Michalczyk a final
97 letter, *Postal Ret-Receipt*, requiring the installer to provide an invoice to the owner,
98 to be responded to within five (5) business days. This letter was drafted by
99 Chairman Paster, reviewed by Members Hurley and Farnsworth, AND posted 23
100 December by USPS.

101
102 Upon response from Installer Michalczyk *or the lapse of five business days from*
103 *receipt*, the BOH offered to post and hold a Special Meeting if needed.

104
105 Permits

- 106
107 • Jones Crossing redesign.
- 108
109 ○ Mark O'Hagen (*Owner*) and Michael Burke (*PE*) attending
 - 110
111 ○ Mark O'Hagan: Jones Crossing is now Cottage Lane
 - 112
113 ○ 32 Homes, standalone units to be offered as rentals. SAS capacity has
114 been reduced, existing PRESBY works to be used with new Chambers
115 and Pumps.
 - 116
117 ○ Patrick Burke: System has been entirely re-evaluated.

- 118
119 ○ Agent Brookings: Permitting should move forward with modest “
120 tweaks “.
- 121
- 122 ○ Cottage Lane will consist of 20- two bedroom and 12- three bedroom
123 homes offered as “ Cottage Rentals “ . A Total 76 Bedrooms.

124 **10:33AM**

- 125
- 126 • 19 Magnolia Ave – Sewer Line. Existing Line Replacement
- 127
- 128 ○ Ancient Orangeburg Piping Replaced
- 129
- 130 • Lot-2, North Main St. New lot.
- 131
- 132 ○ Lot easterly adjacent to No. 1882, *former Joe Sliwa home*
- 133 and westerly of Devonshire Way, on the south side of
- 134 North Main Street (*aka Rt-117*)
- 135 ○ Plan approved **10:37AM**
- 136
- 137 • 26 Shirley Road, Upgrade.
- 138
- 139 ○ Evan Carloni, RS #1400, Innovative Septic Design, Berlin, MA,
- 140 Representing the Kersey’s (home owners), 26 Shirley Road,
- 141 before the Board for a Title-5 Upgrade.
- 142 ○ Mr Carloni presented a SDS Design for an existing 2-Bedroom
- 143 home utilizing a Geomatrix works, a Geomat pressure-dosed
- 144 leaching SAS.
- 145 ○ DEP has approved this type of SAS with a reduction in observed
- 146 Estimated Seasonal High GW to two (2’) feet.
- 147 ○ Motion, Voted, Approved Unanimously.
- 148

149 **Discussion**

- 150
- 151 • Housing Code Changes
- 152
- 153 ○ Member Farnsworth will forward “ red-line “ copies of the
- 154 proposed changes to Members Paster and Hurley.
- 155
- 156 • COVID-19 Update

- Chair-Paster presented current numbers. The carefully prepared report will be distributed to appropriate Town Boards, Lancaster's Website and attached to these minutes.

10:55AM

- Chairman Paster reminded the Members that a Special Town Meeting has been posted for Saturday, 28-January.
- Chairman Paster is to contact the Board of Selectpersons to advise that Masks, distancing and appropriate pandemic measures are to be employed if case rates continue to rise.
- Member Farnsworth questioned the need for a STM re-do for a single-item, already voted at a posted, properly adverted, resident attended and voted Town Meeting in November.

- Sylvan Rd

- Per the last BOH meeting, A tenant has reported Mold and Safety Concerns. Nothing new. When a date is solidified, a Board member will accompany Mr. Brookings for a Home Inspection.

- 8 Carter Street, inspection for rodents and structural concerns.

- When a date is solidified, a Board member will accompany Mr. Brookings for a Home Inspection.

- Adding Denitrification to SDS Repairs and New Construction with arbitrary distances from our ponds or tributaries to the pond areas.
- Attenuation of Catch Basin discharges to ACEC, ponds or River/Pond tributaries.
- CMMCP receipt of 2023 commission meeting dates
 - Board Members are continuing to organize a “*lunch & learn*” program inviting a speaker and interested parties to meet for lunch at

the Lancaster Community and learn about current technologies. The first will be Lauren Usilton from J&R Sales, Raynham, MA to discuss the FAST system (*Nitrogen reduction*). Our 1st Lunch & Learn is scheduled for Tuesday, 10-January-2023.

- Member Farnsworth will be drafting an invitation for Member review.
- Mosquito & Ticks has also been suggested as a Lunch & Learn topic. Members Farnsworth and Hurley will pursue interest in this topic.
- It was suggested that Nashoba's Jenna Montgomery and CMMCP's Tim D'Champs, PhD, be contacted to participate.
- Additionally, Member Farnsworth had prepared a list of Town properties to be sprayed, submitted weekly. Farnsworth will contact CMMCP to ascertain if the list can be acknowledged without weekly submission

Minutes

- October 27, 2002 and November 17, 2022
 - Motion to accept October and November Board of Health Meeting Minutes, **MOVED** and **VOTED** Unanimously.

Next meeting date

- Thursday, 9:30AM, 26 January 2023 2023-01-26

Adjourn **11:21 AM** **VOTED** .. Unanimously

FINIS