

March 9, 2016
Sterling Board of Health Meeting
Butterick Municipal Building, Room 205
1 Park Street, Sterling, MA. 01564

Meeting Minutes

Board Members Allen Hoffman, Chair
 Donna Clark
 Gary Menin

BOH Agent David Favreau

7:04 PM Chair, Allen Hoffman, called the meeting to order

Roll Call	Board Members	Allen Hoffman and Donna Clark, present Gary Menin, absent
	BOH Agent	David Favreau, present
	Admin. Asst.	Elaine Heller, present

This meeting was between the Board of Health and Board of Selectmen, with the Board of Health presenting an update on actions taken regarding 14 Quail Roost Drive in Sterling. The meeting was opened at approximately 7 PM.

Chairman Allen Hoffman spoke on his background with relevancy to this situation, stating he has 35 years experience in the legal system. He addressed the legal authority the Board of Health has regarding the noted property, in regard to zoning and the right-to-farm bill, which was adopted by the town.

Mr. Hoffman gave a chronology of past complaints by abutters and neighbors, and notices and inspections performed by Board of Health members and Health Agent Favreau.

In November 2015, a letter was given to owners of the property, outlining actions to be taken in regard to cleanup of their property; namely, they were prohibited from introducing new animals and were to develop a waste management plan.

Mr. Hoffman deferred on taking the owners to housing court, stating it is a slow process and it would allow the judge to determine how many animals the owners could have on their property. He preferred to give the owners time to become compliant with terms specified in the November 2015 letter.

The owners currently are in compliance with the animal issue, in that no animals are on the property, but the waste management issue still exists. With a deadline of March 11, 2016 for fully complying with removing the remainder of the animal waste from the property and covering the remaining exposed area, Board members and Health Agent Favreau plan a visit to the property on March 14, 2016. If issues still exist, the Board will file a complaint in Housing Court.

Neighbors and abutters spoke on their frustrations with this situation, stressing it has greatly affected their standard of living in their homes and yards.

Legal Counsel Greg Corbo gave his professional opinion on the situation, noting Housing Court preference is that situations of this type be resolved by the involved parties and not the court. The court will not intervene in a timely manner and will not deny property rights of the owners. Mr. Corbo indicated the Board of Health has done their job and their plan of action has been reasonable.

If neighbors want Board of Health members to have a better picture of what they observe/smell, they can invite members onto their property.

A neighbor questioned if homeowners can do anything on their own regarding quality of air rights. Mr Corbo stated any neighbor can file a complaint, indicating the property is a public nuisance.

Mr. Corbo also mentioned that if the Board should lose their complaint in Housing Court, they can go directly to Appeals Court.

Adjourn: The Board of Health adjourned their meeting at 8:09 PM.