

ARCHITECTURAL ACCESS BOARD- HEARING PACKET

Name	Allen Field Playground	Docket #	V 24 -210
Address	92 Breed Road	Docket #	C 24 - 019
City	Ashby	Hearing	6/15/2026
Bldg Type		Time of hearing	11:00 AM

Complaint's Name

Plans on file?

Complaint ?

Variance ?

Request for continuance?

Jurisdiction:

2.6

Maintenance of Access Features: At all times, accessibility features must be maintained and fully operational. (i.e. access aisles kept clear at all times, mechanical devices be kept in operating condition, etc).

Building Permits:

Exhibit: 1

V24-210 & C24-019

AAB 1-289

Assessed Value:

Variances to be addressed:

Petitioner seeks relief from 19.7: An accessible route, complying with 521 CMR 20.00: ACCESSIBLE ROUTE shall be provided to reach playground equipment and around the playground.

On December 26, 2023 the Board received a complaint regarding the above referenced address and on November 22, 2024 the First Notice was sent out (See AAB 256-289)

On November 25, 2024 the Board received a response from the Town of Ashby and on December 5, 2024 the Board received an application for variance for the above referenced address and at the January 13, 2025 meeting the Board voted to Continue for more information on the proposed accessible route layout of the playground and a cut sheet of the proposed surface (See AAB 186-256)

On March 4, 2025 the Board received a response from the petitioner and at the March 10, 2025 meeting the Board voted to Continue for a more detailed test drawing showing the path and its connection to each piece of play equipment and Found that 3/4" base is not a firm and stable surface material (See AAB 182-186)

On April 18, 2025 the Second Notice was sent out (See AAB 175-181)

On May 7, May 10, and May 12, and May 22, 2025 the Board received additional information from the complainant as well as additional information from the Town and at the June 2, 2025 Board meeting the Board voted to Schedule a hearing (See AAB 86-174)

The hearing was held on September 8, 2025 and the Board found that a violation of 521 CMR 19 (accessible route) has occurred at this location; and, voted 1) to GRANT temporary relief from compliance with 521 CMR 19 (accessible route) through December 1, 2025 on the CONDITIONS: 1) that the Town takes reasonable steps to exclude trespassers from the park from December 1, 2025 to April 1, 2026; and, 2) the Town provides a status report and plan for construction, including

AAB 1

surface specifications, to the Board by January 2, 2026. (See AAB 60-85)

On October 30, 2025 and November 8, 2025 the Board received correspondence from the complainant. (See AAB 57-59)

On November 14, 2025 the Board received a letter from the Attorney General's office where they found that the Ashby Selectboard Board violated the Open Meeting Law by holding meetings on February 26 and March 12 that were insufficiently accessible to the public. They ordered the Selectboard's immediate and future compliance with the OML. (See AAB 54-56)

On December 3, 2025 the Board received an update from the Town. And on December 15, 2025 the Board received a status report from the town. At the January 12, 2026 Board meeting the Board voted to Accept the status report, and on January 14, 2026 the Board received correspondence from the complainant, including a request for an adjudicatory hearing. (See AAB 28-53)

On January 15, 2026 the notice was sent to all appropriate parties. (See AAB 28)

On April 27, 2026 the Board received correspondence from the complainant and on May 11, 2026 the Board received an email from an Ashby resident. (See AAB 3-27)

Machado, Victor (DPL)

From: Margie LaFleur <lafleur.margie@yahoo.com>
Sent: Monday, May 11, 2026 5:53 PM
To: Joyce, William (DPL)
Cc: Griffin, Molly (DPL); Machado, Victor (DPL)
Subject: Ashby Public Playground

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Mr. Joyce,

I wanted to express how deeply disappointed my family was to walk up to our town playground last night to find the gate locked. I hear through the grapevine that this is in regards to a subject pertaining to a individual with special needs. My condolences goes out to the family of this person, and the complications they must face, to allow for their loved one to enjoy the spaces in town afforded to those without disabilities. Yet I must protest!

The actions of one "sour grapes" person should not delineate the fact that there are many other children who would like to enjoy the playground. I as well as a grandmother enjoy being in there to help my grand children on the swings and slides. Does this allow me to complain against this person with disabilities that I am an elderly person who is being also restricted of my happiness?

I would to know how many playgrounds in Massachusetts are not ADA compliant? Do you just shut them all down? Do you put hard surfaces in a playground so they are wheelchair accessible so the other kids can get hurt? We already have wood chips on the playground for safety. I don't understand why you cannot leave the playground open for all the other children. This is an appalling over reach of your capacity to regulate.

What have we come to as a nation? One bad apple spoils the whole bunch for everyone? I thought we were a nation of many voices, not just one? I look forward to your response. If I can be a help in any way, please let me know.

Margie LaFleur
Ashby Town Resident

FW: FW: Allen field Calling my name out on social media!

From Patrick McPhee <pmphee@comcast.net>

Date Mon 4/27/2026 1:57 PM

To Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Machado, Victor (DPL) <Victor.Machado@mass.gov>

Cc Martin, David (SCA) <David.Martin@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

This is why I am upset with everything, Mr. Joyce I tried to call.

I filed a complaint on the H/C access to Allen field and AES. Allan playground and AES playgrounds are not compliant.

Mass Architectural Access Board (AAB) is dealing with AES (C25-005) and Allen field (C25-005)for disability access .

Ms. Stacy Campbell (a teacher) and Randy Stacy (on the park commission Allan playground/field) are retaliation. Come to find to find out from the RAO parks meeting posted in the last 2 years. This was way before the TA stated the money from insurance, was not for the playground.

Can I ask when there was a hearing of the variance for Ashby Elementary school?
For election on 4/27/2026 Ashby Elementary School Gymnasium and the Annual & Special Town Meeting, May 2, 2026, 9:30AM at the Ashby Elementary School Gymnasium

Regards, Pat

Tyler Jones's Post



Ashby Ma -- Neighbors and happenings...

Tyler Jones · 2h · 😊



CLARIFICATION: The kids playground. Not the field

Why is Allen field locked off? Has it opened yet? I know it closes for sundown but ive been around 4 or 5 twice now and its been locked off

16 comments



Like



Comment



Send

All comments ▾



Rebecca Burnham

I would reach out to the town hall and ask for details. There was talk about compliance for the playground.

2h Like Reply



Tyler Jones

Rebecca Burnham thank you, thats what I was suspecting. Some of the other comments on here are ridiculous

1h Like Reply



Kelly Preziosi

Not ADA compliant.

2h Like Reply



Cathy Biliouris

Kelly Preziosi just the playground- not the entire field.

2h Like Reply



Kelly Preziosi

Cathy Biliouris correct

1h Like Reply



Tyler Jones

Kelly Preziosi thanks to the one person with a brain on this post. I appreciate it

Tyler Jones's Post



Kelly Preziosi thanks to the one person with a brain on this post. I appreciate it. Thought all hope was lost reading these comments. Just a dad wondering why he cant take his kid to the park in the least hostile post possible

1h Like Reply

1 🙄

Kelly Leonard
You can just park outside and walk in, assuming you are using the field space ?

2h Like Reply Edited

Tyler Jones
Kelly Leonard no I meant to say the kids playground

1h Like Reply

Randy Stacy
There's a certain person in town that likes to cause trouble rather than helping. Rather than thinking of solutions, he just creates havoc

2h Like Reply

4 👍

Stacey Campbell
You should ask **Patrick McPhee** im sure he can answer your question 😊

2h Like Reply

3 😊 👍

Krystal Coulter
You can just walk through the opening. 😊

1h Like Reply

Tyler Jones
Krystal Coulter meant to say the kids playground with the chained chainlink fences

1h Like Reply

James Gates
Just call the fire department to cut the chain

1h Like Reply

Megan Snow
Seriously?? Imagine being bothered by a kids playground... wild! 🤔



Seriously?? Imagine being bothered by a kids playground... wild! 🤔

1h Like Reply



Tyler Jones

Megan Snow yeah I have a 3 year old and live down the road. She asks to go to the park with her dad when I get home. WILD!!!!!!!!!! MIND BLOWN. LOL

1h Like Reply



John A Slosek

I know my old neighbor, Bill was really involved with helping look after Allen Field. Him and his wife recently sold their home, and I'm not sure where they moved, but my suspicion is that they haven't found anyone to take over the responsibility? He was there daily like clockwork to lock the gates etc.

33m Like Reply





AAB 8



AAB 9





AAB 11



AAB 12



AAB 13







ATTENTION: READ TO KNOW THE INFORMATION
e
WARRANTY

CARLENE'S
JOINS

CARLENE'S
JOINS

AAB 16



1:17

M-102.5

Phonebook

Patrick's S24

Missed

954 AM

953 AM

AAB 17







AAB 20







AAB 23



AAB 24



AAB 25



AAB 26




AAB 27

92 Breed Road, Ashby- Notice of Hearing

From Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Date Thu 1/15/2026 11:27 AM

Bcc Patrick McPhee <pmcphee@comcast.net>; Mary Daughraty <mdaughraty@ashbyma.gov>; Coffin, Meg <mcoffin@centerlw.org>; msauvageau746@gmail.com <msauvageau746@gmail.com>; Building Inspector <bldginsp@ashbyma.gov>

 1 attachment (557 KB)

June 2026 Notice of Hearing.pdf;

Good morning,

Please find attached the Notice or Decisions for the above referenced case.

If you require a paper copy of a Notice or Decision, you may contact me to request one but be aware that the delivery of physical copies may be delayed.

If you wish to appeal the decision made in this case, you can fill out and send in an Adjudicatory Hearing Request form available [here](#).

If you have any questions, please do not hesitate to get in touch with the Board's staff.

Thank you,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660

Machado, Victor (DPL)

From: Patrick McPhee <pmcphee@comcast.net>
Sent: Thursday, January 15, 2026 9:12 AM
To: 'Patrick McPhee'; Griffin, Molly (DPL); Joyce, William (DPL); Machado, Victor (DPL)
Subject: RE: 92 Breed Road, Ashby
Attachments: Allanfield hearing.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please process this hearing request.

Patrick D. McPhee
56 Heywood Road, Ashby, Ma 01431
pmcphee@comcast.net
Cell +1-978-875-0851



From: Patrick McPhee [mailto:pmcphee@comcast.net]
Sent: Wednesday, January 14, 2026 10:49 AM
To: 'Griffin, Molly (DPL)'; 'Joyce, William (DPL)'; 'Machado, Victor (DPL)'
Cc: 'David.Martin@mass.gov'
Subject: RE: 92 Breed Road, Ashby

Good morning everyone,

Molly your great!

Sorry for the delay, I was out of commission for a while with the back 360 Lumbar spinal fusion surgery. Still can't sit long, but H/C access is important to me.

I would like a call with Will today, this park is not closed. Please see the section of the fence. Pictures are always yyyymmdd

20251211 is mesh for the field

20251211 163427 is gate, but the fence is taken down. Allow non-H/C to walk through

Also there was a discussion to reopen the school, the Town said the ramp will be repaired in by end of July, the AAB will give a extension. So they can move forward without the concern of the ramp. Estimated was \$3k for repairs of the ramp and parking.

Also Will, I have not yet filed on the Building inspector question my shed at the Ramp site review.

Regards, Pat

Patrick D. McPhee
pmcphee@comcast.net
Cell +1-978-875-0851



From: Griffin, Molly (DPL) [mailto:Molly.Griffin@mass.gov]
Sent: Wednesday, January 14, 2026 8:32 AM
Subject: 92 Breed Road, Ashby

Good morning,

Please find attached the Notice or Decisions for the above referenced case.

If you require a paper copy of a Notice or Decision, you may contact me to request one but be aware that the delivery of physical copies may be delayed.

If you wish to appeal the decision made in this case, you can fill out and send in an Adjudicatory Hearing Request form available [here](#).

If you have any questions, please do not hesitate to get in touch with the Board's staff.

Thank you,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1 Federal St., Suite 0600 • Boston • MA • 02110-2012
V: 617-727-0660 • www.mass.gov/aab

Docket Number _____
(Office Use Only)

Docket Number: _____
(Staff Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE: Allen Field & Play Ground C24-019, U24-210
(Name and address of building as appearing on application for variance)

I, Patrick McPhee, do hereby request that the Architectural Access Board conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et. seq. as I am aggrieved by the decision of the Board with respect to Section(s)

section 1 pg 4

of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: 1/14/2026

Patrick McPhee
Signature

PLEASE PRINT:

Patrick McPhee
Name

56 Heywood Rd
Address

Ashby City/Town Ma State 01431 Zip Code

pmcphie@comcast.net
E-mail

978750851
Telephone

PLEASE NOTE:

This form must be received by the Board **within thirty (30) days** after receipt of the Notice of Action.



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Federal St., 6th Floor
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

VARIANCE HEARING

Docket Number **V 24 210**

RE: Allen Field Playground , 92 Breed Road, Ashby

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **June 15, 2026** at **11:00 AM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Mary Daughraty for modification of or substitution of the following Rules and Regulations: 19.7

A copy of the request is available for public inspection during regular business hours.

You should be aware that the burden of proof is upon the applicant requesting a variance to prove that compliance is either: 1. technologically infeasible or; 2. the cost of compliance is excessive without substantial benefit to a person with a disability.

This hearing will be conducted in accordance with the procedures set forth in M.G.L., c. 30A, and 801 CMR 1.02, the Informal/Fair Hearings Rules. At the hearing, each party may be represented by counsel, may present evidence and may cross examine opposing witnesses.

PLEASE NOTE: Requests for the continuance of a hearing must be received no later than fourteen (14) days prior to the scheduled hearing date. Continuances are granted at the Board's discretion only.

ARCHITECTURAL ACCESS BOARD

Chairperson

Date: January 15, 2026

cc: Local Building Inspector
Independent Living Center
Local Disability Commission

Machado, Victor (DPL)

From: Mary Daughraty <mdaughraty@ashbyma.gov>
Sent: Wednesday, January 14, 2026 12:55 PM
To: Machado, Victor (DPL)
Cc: Barbara Thorpe; Steve Nims; judto@verizon.net; Building Inspector
Subject: RE: Allen Field Playground- compliance plan submitted & active complaints

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thanks for the quick response... My answers in blue

Mary Daughraty

From: Machado, Victor (DPL) <Victor.Machado@mass.gov>
Sent: Wednesday, January 14, 2026 12:34 PM
To: Mary Daughraty <mdaughraty@ashbyma.gov>
Cc: Building Inspector <bldginsp@ashbyma.gov>; Steve Nims <hwysupt@ashbyma.gov>; David Nadeau <dnadeau@ashbyma.gov>; 'judto@verizon.net' <judto@verizon.net>; Barbara Thorpe <tabos@ashbyma.gov>; Machado, Victor (DPL) <Victor.Machado@mass.gov>
Subject: RE: Allen Field Playground- compliance plan submitted & active complaints

Hello Mary,

Hope the new year is treating you well. Please see my responses below in red.

Best,
Victor

Victor Machado
Compliance Officer
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab

From: Mary Daughraty <mdaughraty@ashbyma.gov>
Sent: Tuesday, January 13, 2026 1:32 PM

To: Machado, Victor (DPL) <Victor.Machado@mass.gov>

Cc: Building Inspector <bldginsp@ashbyma.gov>; Steve Nims <hwysupt@ashbyma.gov>; David Nadeau <dnadeau@ashbyma.gov>; 'judto@verizon.net' <judto@verizon.net>; Barbara Thorpe <tabos@ashbyma.gov>

Subject: Allen Field Playground- compliance plan submitted & active complaints

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Victor,

I'm following up on the recent AAB complaint #C25-005 regarding Ashby Elementary School and concerns about the walkway slope and handicap parking area. Based on the AAB's site visit on 12/18/25, it was determined that:

The walkway slope must be corrected.

A continuous handrail needs to be installed on the outside of the existing railing.

The complaint about the required number of handicap spaces was incorrect; however, the two compliant handicap spots need to be restriped properly, and a sign must be installed.

Based on my count using an aerial image from Google Maps and a quick count while onsite, the parking area appears to contain approximately 40–50 parking spaces. Pursuant to 521 CMR 23.2.1, the minimum required number of accessible parking spaces for this quantity is two (2). Further, 521 CMR 23.2.2 requires that one out of every eight accessible spaces, but not fewer than one, be van-accessible.

Please confirm whether you are asserting that more than two (2) accessible parking spaces are required.

No ,we have two handicap spots which is the amount needed , but the complaint stated we needed 3.I just want to be clear that the part of the complaint is denied

To address these issues, we will need to file a variance and complete the work during warmer weather. We are currently obtaining quotes for the necessary work. Please confirm the next steps for the Town and please provide the required paperwork.

If the project cannot be completed within ninety (90) days, a temporary variance application will be required. The applicable paperwork is available through the Massachusetts Architectural Access Board at: <https://www.mass.gov/architectural-access-board-variance>.

We will apply for a variance so we can perform the work in weather that is suitable for this type of work.

Thank you.

I'm also following up on the compliance plan submitted for Allen Field Playground (Complaint #C24-019) regarding its closure due to lack of funding. I have not yet received confirmation on whether the closure plan meets AAB requirements. Could you please update me on the status of that compliance review?

At the Board meeting held on January 12, 2026, the Board accepted the status report submitted on December 15, 2025. According to the Plan, the playground, effective December 1, 2025, will remain closed until sufficient funds are secured to construct an accessible walkway in compliance with the requirements of the Architectural Access Board (AAB). The playground will not reopen until full compliance is achieved. I did receive word today on the approval of our closure plan

Please note that a photograph submitted on December 3, 2025, shows signage posted on the park fence stating that the closure is in effect until March 31. The case will remain pending to ensure that the park remains closed and inaccessible to the public until full compliance is achieved. We will send another photo in March showing the park is closed until further notice

Additionally, I'd like to check on Complaint #C24-003 concerning the Town Hall elevator and handicap parking. The Town has submitted photos showing the handicap parking spot is compliant and will provide the elevator log covering July 28, 2025, through January 28, 2026. Please confirm that this complaint will be closed once the log is submitted in 16 days.

Upon receipt of the logs, the Board will review and consider the materials submitted. If the Board determines that the documentation constitutes sufficient evidence that the elevator and parking areas have been brought into compliance with the applicable provisions of 521 CMR, a Case Resolution Notice will be issued and mailed. I will send in my log on 1/28/26 as required by the AAB.

The newly formed ADA Commission and I appreciate your assistance in working with the Town to address these ADA concerns and keep these matters on track.

Thank you,
Mary Daughraty
Ashby



MAURA HEALEY
GOVERNOR

**Commonwealth of Massachusetts
Division of Occupational Licensure
Architectural Access Board**

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

KIM DRISCOLL
LIEUTENANT GOVERNOR

1 Federal St., 6th Floor
Boston, Massachusetts 02118

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE OF
ECONOMIC DEVELOPMENT

Docket Number **V 24 210**

AMENDED NOTICE OF ACTION

RE: Allen Field Playground, 92 Breed Road, Ashby

On December 15, 2025, the Architectural Access Board received a filing in the above referenced matter. This filing was subsequently reviewed by the Board at its meeting on January 12, 2026.

After reviewing the information provided, the Board voted to accept the filing.

ACCEPT the status report.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: January 13, 2026

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Chairperson
ARCHITECTURAL ACCESS BOARD

Machado, Victor (DPL)

From: Patrick McPhee <pmcphee@comcast.net>
Sent: Wednesday, January 14, 2026 10:49 AM
To: Griffin, Molly (DPL); Joyce, William (DPL); Machado, Victor (DPL)
Cc: Martin, David (SCA)
Subject: RE: 92 Breed Road, Ashby
Attachments: Allen Field Playground, 92 Breed Road , Ashby (V24-210) - Amended Notice....pdf; 20251201_202736.jpg; 20251201_202851.jpg; 20251211_163427.jpg; 20251211_163449.jpg

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning everyone,

Molly your great!

Sorry for the delay, I was out of commission for a while with the back 360 Lumbar spinal fusion surgery. Still can't sit long, but H/C access is important to me.

I would like a call with Will today, this park is not closed. Please see the section of the fence. Pictures are always yyyyymmdd
20251211 is mesh for the field
20251211 163427 is gate, but the fence is taken down. Allow non-H/C to walk through

Also there was a discussion to reopen the school, the Town said the ramp will be repaired in by end of July, the AAB will give a extension. So they can move forward without the concern of the ramp. Estimated was \$3k for repairs of the ramp and parking.

Also Will, I have not yet filed on the Building inspector question my shed at the Ramp site review.

Regards, Pat

Patrick D. McPhee
pmcphee@comcast.net
Cell +1-978-875-0851



From: Griffin, Molly (DPL) [mailto:Molly.Griffin@mass.gov]

Sent: Wednesday, January 14, 2026 8:32 AM

Subject: 92 Breed Road, Ashby

Good morning,

Please find attached the Notice or Decisions for the above referenced case.

If you require a paper copy of a Notice or Decision, you may contact me to request one but be aware that the delivery of physical copies may be delayed.

If you wish to appeal the decision made in this case, you can fill out and send in an Adjudicatory Hearing Request form available [here](#).

If you have any questions, please do not hesitate to get in touch with the Board's staff.

Thank you,
Molly

Molly Griffin

Program Coordinator

She/Her/Hers

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

1 Federal Street, 6th Floor

Boston, MA 02110-2012

www.mass.gov/AAB

617-727-0660

Machado, Victor (DPL)

From: Mary Daughraty <mdaughraty@ashbysma.gov>
Sent: Tuesday, January 13, 2026 1:39 PM
To: Machado, Victor (DPL)
Subject: FW: Update plan for Allen Field -Ashby
Attachments: Plan for Allen Field - AAB.docx

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please see attached sent to Molly Griffin on 12/15/2025.

Thank you,

Mary Daughraty
Ashby

From: Mary Daughraty
Sent: Monday, December 15, 2025 8:36 AM
To: Griffin, Molly (DPL) <molly.griffin@mass.gov>
Subject: Update plan for Allen Field -Ashby

Good morning, Molly,

To stay in compliance with the due date of 1/2/26 date from the last AAB hearing on the Allen Field playground compliant, I have attached the written plan for Allen Filed playground walkway access.

Thank you and Happy Holidays,

Mary Daughraty
Ashby



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE OF
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Architectural Access Board

1 Federal St., 6th Floor
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Docket Number **V 24 210**

AMENDED NOTICE OF ACTION

RE: Allen Field Playground, 92 Breed Road, Ashby

On December 15, 2025, the Architectural Access Board received a filing in the above referenced matter. This filing was subsequently reviewed by the Board at its meeting on January 12, 2026.

After reviewing the information provided, the Board voted to accept the filing.

ACCEPT the status report.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: January 14, 2026

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Chairperson
ARCHITECTURAL ACCESS BOARD

Machado, Victor (DPL)

From: Mary Daughraty <mdaughraty@ashbysma.gov>
Sent: Tuesday, December 23, 2025 1:00 PM
To: Machado, Victor (DPL)
Cc: Building Inspector
Subject: AAB complaints

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Victor,

I am writing in response to two of the open AAB complaints against the Town of Ashby:

1. American Legion Hall – CMR Compliance

Regarding the American Legion Hall at 35 New Ipswich Rd: The Building Inspector and I met this morning for an hour to develop a plan to move forward, which may include requesting a variance for the building layout or closing the building to the public. I am meeting with the Manager of the Legion today, if possible, or immediately following the holiday. This meeting will address plans for the building currently rented by the American Legion Post. The Town will submit a plan to the AAB very soon. Could you please advise on the timeline the AAB typically grants for implementing such a compliance plan?

2. Walkway and Handicap Parking Modifications- 911 Main Street – Elementary School

The Town is seeking recommendations for local concrete and welding companies to obtain quotes and pricing for the modifications required by the AAB. These estimates will help determine the financial resources needed. The actual work to modify the walkway and correct the two existing handicap spots will occur during the construction season (April/May) due to weather constraints. The building is currently unoccupied and will only be used twice—once in April and once in May—during which the Town will provide an alternate ADA-compliant entrance.

3. Formation of ADA Commission

The Town is creating an ADA Commission to address compliance issues collaboratively. The Select Board will meet on 12/30/25 to discuss forming the commission and appointing a liaison from the Board. The commission will include one Select Board member, the Building Inspector, the Highway Superintendent, and the SB/TA office administrator.

Please let us know the next steps required by the Town regarding the walkway and handicap spot modifications.

Thank you again for visiting the site to assess the complaint.

Wishing you and your team a Happy Holiday,

Mary Daughraty

Machado, Victor (DPL)

From: Mary Daughraty <mdaughraty@ashbysma.gov>
Sent: Tuesday, December 30, 2025 9:44 AM
To: Machado, Victor (DPL)
Cc: Building Inspector; Paul Lasorsa
Subject: new ADA Commission

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Victor,

I wanted to let you and the AAB know that the Select Board will be voting this evening during their open public meeting to establish an ADA Commission.

The commission will include:

- One Select Board member
- One Building Official
- One Highway Department representative
- One administrative staff member from the Town Administrator's office
- I, serving as the ADA Coordinator

Once the commission is officially formed and all members are appointed, we plan to meet after the New Year to review outstanding items and develop an action plan.

I will also provide a broader photo of the handicap access to Town Hall. Our Building Inspector has confirmed that the threshold is less than ¼ inch and will email you regarding this matter as well.

Wishing you a Happy New Year!

Mary Daughraty
Ashby

Update plan for Allen Field -Ashby

From Mary Daughraty <mdaughraty@ashbyma.gov>

Date Mon 12/15/2025 8:39 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

 1 attachment (15 KB)

Plan for Allen Field - AAB.docx;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Molly,

To stay in compliance with the due date of 1/2/26 date from the last AAB hearing on the Allen Field playground compliant, I have attached the written plan for Allen Filed playground walkway access.

Thank you and Happy Holidays,

Mary Daughraty
Ashby

STATUS REPORT

Allen Field Playground, Ashby , MA Docket Number C24-019 – Accessible Walkway Design Plan

Due by: January 2, 2026

December 15, 2025

To remain in compliance with the most recent hearing regarding the Allen Field Playground, we are submitting this updated plan. Last week, the Town received notice that the Massachusetts Office of Disability (MOD) grant we applied for was not awarded. This request included several ADA-related items, one of which was funding for an accessible walkway at Allen Field Playground as required by the AAB.

Previously, the Town of Ashby did contact three playground companies for quotes and design plans. To date, only one response has been received from a Florida-based company totaling \$148,595.00. This amount significantly exceeds the value of the entire playground and is not financially feasible for the Town.

As noted during the hearing, and following confirmation that the grant was not awarded, the Town has no choice but to close Allen Field Playground effective December 1, 2025. The playground will remain closed until sufficient funds are secured to construct an accessible walkway as required by the Architectural Access Board (AAB). It will not reopen until full compliance is achieved.

Sincerely,

Mary Daughraty

Ashby

STATUS REPORT

Allen Field Playground, Ashby , MA Docket Number C24-019 – Accessible Walkway Design Plan

Due by: January 2, 2026

December 15, 2025

To remain in compliance with the most recent hearing regarding the Allen Field Playground, we are submitting this updated plan. Last week, the Town received notice that the Massachusetts Office of Disability (MOD) grant we applied for was not awarded. This request included several ADA-related items, one of which was funding for an accessible walkway at Allen Field Playground as required by the AAB.

Previously, the Town of Ashby did contact three playground companies for quotes and design plans. To date, only one response has been received from a Florida-based company totaling \$148,595.00. This amount significantly exceeds the value of the entire playground and is not financially feasible for the Town.

As noted during the hearing, and following confirmation that the grant was not awarded, the Town has no choice but to close Allen Field Playground effective December 1, 2025. The playground will remain closed until sufficient funds are secured to construct an accessible walkway as required by the Architectural Access Board (AAB). It will not reopen until full compliance is achieved.

Sincerely,

Mary Daughraty

Ashby

Machado, Victor (DPL)

From: Griffin, Molly (DPL)
Sent: Wednesday, December 3, 2025 10:19 AM
To: Machado, Victor (DPL)
Subject: Fw: Follow up -Docket #c24-019 Allen Filed Playground Ashby

Hi Victor,

Forwarding you this email just to be saved down to the case file for C24-019. I have one more email that I will forward to you shortly.

Thanks!

From: Mary Daughraty <mdaughraty@ashbysma.gov>
Sent: Wednesday, December 3, 2025 7:11 AM
To: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Subject: Follow up -Docket #c24-019 Allen Filed Playground Ashby

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Molly,

I'm following up regarding the accessible walkway complaint for Allen Field, filed on 11/22/24.

We have contacted several companies to obtain quotes for installing rubber matting in the Allen Field playground; however, we have not been successful in finding a vendor willing to visit the site.

Please note that the Allen Field Playground has been **closed as of 12/1/2025**, and the gate is locked. The park will remain closed until we are able to secure a quote and funding to construct an accessible walkway in compliance with AAB requirements.

Thank you,

Mary Daughraty
Ashby



Machado, Victor (DPL)

From: Griffin, Molly (DPL)
Sent: Wednesday, December 3, 2025 10:19 AM
To: Machado, Victor (DPL)
Subject: Fw: Photo - Ashby
Attachments: Allen Field Playground area CLOSED.jpeg

Here is the second email and photo for C24-019.

Thanks!

From: Mary Daughraty <mdaughraty@ashbyma.gov>
Sent: Wednesday, December 3, 2025 8:43 AM
To: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Subject: Photo - Ashby

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Molly,

Here is a photo for the file as well.

Thank you,


Mary Daughraty
Ashby

Photo - Ashby

From Mary Daughraty <mdaughraty@ashbyma.gov>

Date Wed 12/3/2025 8:44 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

 1 attachment (2 MB)

Allen Field Playground area CLOSED.jpeg;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Molly,

Here is a photo for the file as well.

Thank you,


Mary Daughraty
Ashby

Photo - Ashby

From Mary Daughraty <mdaughraty@ashbyma.gov>

Date Wed 12/3/2025 8:44 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

 1 attachment (2 MB)

Allen Field Playground area CLOSED.jpeg;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Molly,

Here is a photo for the file as well.

Thank you,

Mary Daughraty
Ashby

Follow up -Docket #c24-019 Allen Filed Playground Ashby

From Mary Daughraty <mdaughraty@ashbyma.gov>

Date Wed 12/3/2025 7:11 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Molly,

I'm following up regarding the accessible walkway complaint for Allen Field, filed on 11/22/24.

We have contacted several companies to obtain quotes for installing rubber matting in the Allen Field playground; however, we have not been successful in finding a vendor willing to visit the site.

Please note that the Allen Field Playground has been **closed as of 12/1/2025**, and the gate is locked. The park will remain closed until we are able to secure a quote and funding to construct an accessible walkway in compliance with AAB requirements.

Thank you,

Mary Daughraty
Ashby

Follow up -Docket #c24-019 Allen Filed Playground Ashby

From Mary Daughraty <mdaughraty@ashbyma.gov>

Date Wed 12/3/2025 7:11 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Molly,

I'm following up regarding the accessible walkway complaint for Allen Field, filed on 11/22/24.

We have contacted several companies to obtain quotes for installing rubber matting in the Allen Field playground; however, we have not been successful in finding a vendor willing to visit the site.

Please note that the Allen Field Playground has been **closed as of 12/1/2025**, and the gate is locked. The park will remain closed until we are able to secure a quote and funding to construct an accessible walkway in compliance with AAB requirements.

Thank you,

Mary Daughraty
Ashby

November 14, 2025

OML 2025 – 190

VIA EMAIL ONLY

Mark R. Reich, Esq.
KP Law, P.C.
mreich@k-plaw.com

RE: Open Meeting Law Complaint

Dear Attorney Reich:

This office received a complaint from Patrick McPhee on April 15, 2025,¹ alleging that the Ashby Selectboard (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on or about March 24, and you responded, on behalf of the Board, by letter dated April 30.² The complaint alleges that the Board held inaccessible meetings on February 26 and March 12 because Ashby Town Hall, where the Board holds its meetings, lacks compliant handicap parking and because the elevator at Town Hall was out of service during the March 12 meeting.³

Following our review, we find that the Board violated the Open Meeting Law as alleged. In reaching this determination, we reviewed the Open Meeting Law complaint, the Board’s

¹ All dates are in 2025, unless otherwise stated.

² We remind the Board that the Open Meeting Law requires that, upon receipt of an Open Meeting Law complaint, within 14 business days the public body must meet to review the complaint, respond in writing to the complainant, and provide our office with a copy of the complaint and response. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). The failure to properly respond to an Open Meeting Law complaint is itself a violation of the Open Meeting Law. See, e.g., OML 2024-253 (finding a violation for failure to respond to Open Meeting Law complaints). If a public body needs additional time to respond to a complaint, it may request an extension of time for good cause from our office prior to the expiration of the 14 business days. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). The complainant provided email communications showing he sent the complaint to the Board on March 24; the Board did not respond until our office inquired as to the status.

³ The complaint raises concerns about a series of prolonged elevator outages at Town Hall and notes that the elevator was unavailable during previous meetings as well. We decline to review allegations regarding meetings that took place more than 30 days prior to the filing of the complaint. See G.L. c. 30A, 23(b).

response, the complainant’s request for further review of the complaint, additional correspondence from the complainant, and a September 23 decision from the Massachusetts Architectural Access Board, Docket No. C24-003.

The Open Meeting Law mandates that, unless a lawful executive session has been convened, “all meetings of a public body shall be open to the public.” G.L. c. 30A, § 20(a). Access must include the opportunity to be physically present for a meeting that is held in person as well as to see and hear what is being discussed by the members of the public body. See OML 2014-3; OML 2013-189; OML 2012-66.⁴ For a meeting to be truly “open to the public,” it must be held at a location that is accessible to persons with disabilities. See G.L. c. 30A, § 20(a); OML 2025-3; OML 2023-43; OML 2015-38; OML 2012-49 (meetings of public bodies must be held in locations that are compliant with the Americans with Disabilities Act (“ADA”)). Public bodies must hold public meetings in locations where both the building and the meeting room are accessible. See 28 C.F.R. § 35.150 (2011); Dep’t of Justice, Americans with Disabilities Act: Title II Technical Assistance Manual, at 5.1000 (1993); see also OML 2019-90. We have consistently explained that meetings of public bodies that are held in person must be held in locations that are compliant with the ADA and state law, even in the absence of any particular request or known accessibility need. See, e.g., OML 2024-130 (explaining that public body violated the Open Meeting Law when meeting was held in a non-ADA compliant location, even though there is no evidence any person was unable to attend as a result); OML 2025-3 (same); OML 2023-43 (same).⁵

The Board does not dispute that the elevator was out of service during the March 12 meeting and that without a working elevator the meeting location was inaccessible to individuals with mobility impairments. The Board also acknowledges that the elevator was out of service during several other periods of time in the preceding months. Instead, the Board explains that to address the unreliable elevator service, the Board began offering both in-person and Zoom access to its meetings. The Board has since acknowledged—and we reiterate—that offering a Zoom option for a meeting that is otherwise held in person does not obviate the need to hold meetings in ADA-compliant locations.

The complaint also alleges that the February 26 meeting was inaccessible because of a lack of compliant parking at Town Hall. On this point, we recommended that the complainant pursue a complaint with the Massachusetts Architectural Access Board (AAB) and we advised that we would defer to the judgment of the AAB. On September 23, the AAB issued its decision finding violations of Massachusetts building accessibility requirements both as to the elevator and the parking at Town Hall. Therefore, based on that decision, we find that the February 26 meeting also was insufficiently accessible in violation of the Open Meeting Law.

⁴ Open Meeting Law determinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting.

⁵ Additional accommodations may be required in certain circumstances. Title II of the ADA requires that municipal services, including public meetings, be made accessible to people with disabilities; therefore, additional reasonable accommodations must be provided to people with disabilities upon request. 42 U.S.C. §§ 12131-12165 (1990); OML 2014-109; OML 2012-49.

Finally, the complainant asserts that because of the accessibility challenges he experienced when trying to attend the February 26 and March 12 meetings, he missed or was unable to fully participate in public comment during the meetings. We do not find an additional violation of the Open Meeting Law on these grounds. The Open Meeting Law does not require that a public body allow public participation, but rather gives the chair of the public body discretion to decide whether to permit public comment during a meeting. See G.L. c. 30A, § 20(g) (“[n]o person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent.”); see also OML 2020-77; OML 2017-189. Therefore, concerns regarding restrictions or limitations on public comment do not constitute violations of the Open Meeting Law.

For the reasons stated above, we find that the Board violated the Open Meeting Law by holding meetings on February 26 and March 12 that were insufficiently accessible to the public. We order the Board’s immediate and future compliance with the Open Meeting Law and caution that similar future violations may be considered evidence of an intent to violate the Law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

- cc: Patrick McPhee (via email: pmcphee@comcast.net)
Ashby Selectboard (via email: tadministrator@ashbyma.gov)
- Ashby Town Clerk (via email: tclerk@ashbyma.gov)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

Machado, Victor (DPL)

From: Machado, Victor (DPL)
Sent: Monday, November 10, 2025 8:59 AM
To: Patrick McPhee; Joyce, William (DPL)
Cc: Griffin, Molly (DPL); Machado, Victor (DPL)
Subject: RE: Town of Ashby moving forward
Attachments: C24-003 Complaint Forms 1.pdf; C24-003 Complaint Forms 2.pdf; C24-003 First Notice.pdf

Sensitivity: Private

Good morning, Patrick,

Will is OOO, so please see below

Best,
Victor

Victor Machado
Compliance Officer I
He/Him/His
Architectural Access Board

Office of Public Safety and Inspections
Division of Occupational Licensure
E: victor.machado@mass.gov
P: (617) 727-0660

1 Federal Street, 6th Floor, Boston, MA 02118
www.mass.gov/aab

From: Patrick McPhee <pmcphee@comcast.net>
Sent: Saturday, November 8, 2025 12:49 AM
To: 'Patrick McPhee' <pmcphee@comcast.net>; Joyce, William (DPL) <William.Joyce@mass.gov>
Cc: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Machado, Victor (DPL) <Victor.Machado@mass.gov>
Subject: RE: Town of Ashby moving forward
Sensitivity: Private

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

School: can you tell me the status? – **I have not yet had the opportunity to review the case, but I intend to do so shortly. In the meantime, I will defer to Will upon his return.**

Legion: Please send me a copy of letter – **The letter was sent on Thursday, November 6. I have forwarded the letter and related correspondence in a separate email.**

Allen: waiting on MOD – **The matter is on hold until January 1, 2026, awaiting their proposed construction plan.**
Sidewalk: checking with Will on my added pictures, if a new complaint is needed? – **As discussed during our call, Case C24-021 was dismissed on August 1, 2025. If the photographs pertain to a different location, a new complaint will be required.**

Town Hall: please send me a copy of complaint – **Please see attached also included First Notice**

What about the other stuff at Allen field, this was in the complaint: Bleachers, parking, Gazebo and Bathroom
Highway at Allen field Bathroom and parking

From: Patrick McPhee [<mailto:pmcphee@comcast.net>]
Sent: Thursday, October 30, 2025 1:36 PM
To: 'Joyce, William (DPL)'
Cc: 'Griffin, Molly (DPL)'; 'Victor.Machado@mass.gov'
Subject: Town of Ashby School moving forward
Sensitivity: Private

Please accept this as a request to get Town of Ashby School moving forward. This has been since Mar 2025

Patrick D. McPhee
56 Heywood Road, Ashby, Ma 01431
pmcphee@comcast.net
Cell +1-978-875-0851

Machado, Victor (DPL)

From: Patrick McPhee <pmcphee@comcast.net>
Sent: Saturday, November 8, 2025 12:49 AM
To: 'Patrick McPhee'; Joyce, William (DPL)
Cc: Griffin, Molly (DPL); Machado, Victor (DPL)
Subject: RE: Town of Ashby moving forward

Sensitivity: Private

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

School: can you tell me the status?

Legion: Please send me a copy of letter

Allen: waiting on MOD

Sidewalk: checking with Will on my added pictures, if a new complaint is needed?

Town Hall: please send me a copy of complaint

What about the other stuff at Allen field, this was in the complaint: Bleachers, parking, Gazebo and Bathroom
Highway at Allen field Bathroom and parking

From: Patrick McPhee [mailto:pmcphee@comcast.net]
Sent: Thursday, October 30, 2025 1:36 PM
To: 'Joyce, William (DPL)'
Cc: 'Griffin, Molly (DPL)'; 'Victor.Machado@mass.gov'
Subject: Town of Ashby School moving forward
Sensitivity: Private

Please accept this as a request to get Town of Ashby School moving forward. This has been since Mar 2025

Patrick D. McPhee
56 Heywood Road, Ashby, Ma 01431
pmcphee@comcast.net
Cell +1-978-875-0851

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

ARCHITECTURAL ACCESS BOARD
Docket No. C24-019 , V24-210

In re)
)
 Allen Field Playground)
 92 Breed Road)
 Ashby)

BOARD DECISION

Procedural History

This decision addresses a complaint before the Architectural Access Board (the “Board”) regarding the Allen Field Playground, which is owned by the Town of Ashby (the “Petitioner” or the “Town”). Subsequent to the filing of the Complaint, Petitioner submitted an Application for Variance regarding 521 CMR 19.7 (accessible route), specifically the route within the playground to each piece of play equipment.

On December 26, 2023 the Board received a complaint regarding the above-referenced address, and on November 22, 2024, a First Notice of Violation was sent out. On November 25, 2024, the Board received a response from the Town of Ashby, and on December 5, 2024, the Board received an Application for Variance. At the January 13, 2025 meeting, the Board voted to continue the case and instructed the Town to provide more information about the proposed accessible route within the playground and a cut sheet for the proposed surface. On March 4, 2025, the Board received a response from the Town, and at the March 10, 2025 meeting, the Board voted to again continue for a more detailed test drawing showing the path and its connection to each piece of play equipment, as well as making a finding that the 3/4" base proposed by the Town is not a firm and stable surface material and thus not compliant with the Board’s regulations. On April 18, 2025, a Second Notice of Violation was sent out. During May 2025, the Board received additional information from the Complainant, as well as additional information from the Town. At the June 2, 2025 Board meeting, the Board voted to schedule a hearing. Notice was sent to all parties on June 9, 2025.

On September 8, 2025, an Adjudicatory Hearing was held, in accordance with G.L. c. 30A, §§ 10 and 11; 801 CMR 1.02 *et seq.*; and 521 CMR 4.00.¹ Complainant Patrick McPhee, Ashby Town Administrator Mary Daughraty, Highway Superintendent Steve Nims,

¹ Pursuant to state law, the hearing was held online via the Microsoft Teams platform.

and playground volunteer Jessica Martin appeared and testified. The witnesses were sworn in by the Board Chair. The instant decision now memorializes the determinations made at that time.

Applicable Laws & Regulations

521 CMR 3.1 requires: “All work performed on public buildings or facilities (see 521 CMR 5.00: DEFINITIONS), including construction, reconstruction, alterations, remodeling, additions, and changes of use shall conform to 521 CMR.”

521 CMR 19.7 mandates: “An accessible route, complying with 521 CMR 20.00: ACCESSIBLE ROUTE shall be provided to reach playground equipment and around the playground.”

Exhibits

The following documentation was entered into evidence:

Exhibit 1: Board Packet AAB 1-205, including the complaint, all correspondence and photographs.

Factual Findings

The following findings of fact and conclusions of law are supported by substantial evidence, based on the credited testimony of the witnesses, documents admitted into evidence and AAB records. G.L. c. 30A, § 11(2), § 14(7).

- 1) The current surface under the play equipment is woodchips. Ex. 1, AAB 205.
- 2) Certain upgrades were made to this playground during 2022 and 2023. Ex. 1, AAB 178; hearing testimony.
- 3) The Town most recently proposed to pave under the playground to comply with the Board’s regulations. Hearing testimony; Ex. 1, AAB 14.

Discussion

The Board’s jurisdiction is established pursuant to 521 CMR 3.1: “All work performed on public buildings or facilities (see 521 CMR 5.00: DEFINITIONS), including construction, reconstruction, alterations, remodeling, additions, and changes of use shall conform to 521 CMR.” Petitioner acknowledges the Board’s jurisdiction over this location.

Complainant began the hearing by describing the alleged noncompliance with Board regulations at this location, and noted that it has been almost a year since the complaint was filed, with no efforts to rectify noncompliance having been made. Mr. McPhee also added that the Town does not prevent individuals from walking through the park during the winter closure season, but that there is no accessible route. Staff reminded participants that the hearing was limited to consideration of the playground, because the complaint and

the prior correspondence in this case addressed only playground issues. Executive Director William Joyce stated that it is undisputed that the playground has a wood chip ground surface without any other materials to construct compliant routes between play elements. Wood chips are not stable enough to permit travel by wheelchairs and other accessibility devices.

Town Administrator Mary Daughraty acknowledged that the Town needs to bring the ground surface of the playground into compliance, and ensure that there are accessible routes between the play elements. The Town proposes to pave under the playground in order to achieve compliance with the Board's regulations. Board members and staff advised the Town that paving, though it would meet the Board's regulations, might be a safety concern or even violate other applicable design codes, because of the risk of children falling onto a hard surface. Board members recommended that the Town look into semipermanent rubber matting which the Board has deemed compliant at other locations. Ms. Daughraty replied that she would investigate the use of mats, but was concerned that it could cost as much as \$9,000 and need frequent replacing. She also noted that it is the Town's policy to close access to all of Allen Field from December 1 through April 1 of the following Spring. The Town has applied for grant funding from the Massachusetts Office on Disability, but will not learn whether it was selected until November 2025. Because of winter weather, paving would be possible during spring 2026 at the earliest. Ms. Daughraty added that if the Town is unable to find funding to achieve compliance, the playground can be closed.

Jessica Martin, who participated in a recent effort to beautify the park, described some of the work recently done at this location. She explained that additional fibercore bark mulch was added, along with a decorative brick walkway around a garden, flowers and a rain barrel. In addition, a toddler play structure replaced a sandbox. The Town was evidently incorrectly advised that as long as they did not alter the play structures, they would not need to fully comply with the Board's regulations.

The Board has now considered the Complaint and Application for Variance, including the information provided in the submitted documentation as well as witness testimony. As reflected in the order below, the Board finds that a violation of its regulations occurred, and that at this time Petitioner has established that requiring compliance now would result in excessive cost without substantial benefit to persons with disabilities. The Board emphasizes that it is not inclined to approve temporary relief beyond the date indicated below. If compliance has not been achieved on the timeline stated, the Town will need to amend its variance application and receive the Board's response before opening the park in April 2026.

Conclusion and Order

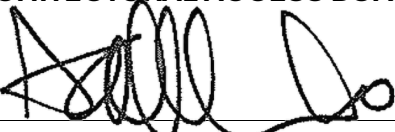
In light of all of the foregoing, the Board votes as follows:

- to **FIND** that a violation of 521 CMR 19 (accessible route) has occurred at this location; and,
 - 1) to **GRANT** temporary relief from compliance with 521 CMR 19 (accessible route) through December 1, 2025 on the **CONDITIONS**: 1) that the Town takes reasonable steps to exclude trespassers from the park from December 1, 2025 to April 1, 2026; and, 2) the Town provides a status report and plan for construction, including surface specifications, to the Board by January 2, 2026.

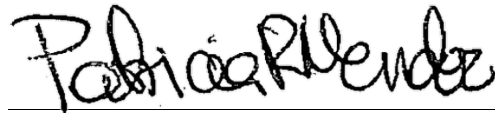
A true copy attest, dated: September 23, 2025

ARCHITECTURAL ACCESS BOARD

By:



Dawn Guarriello, Chair



Patricia Mendez, Vice Chair



Kay Bell, Executive Office of Elder Affairs Designee

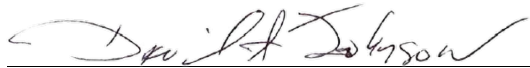
Jeffrey Dougan, Massachusetts Office on Disability Designee (Recused)



Pamela Daly, Member



Elizabeth Myska, Member



David Johnson, Member

Joseph Prochilo, Member (Not Present)



Katie Denis, Member

A complete administrative record is on file at the office of the Architectural Access Board. This constitutes a final order of the Architectural Access Board. In accordance with G.L. c. 30A, §14 and G.L. c. 22, §13A, any person aggrieved by this decision may appeal to the Superior Court of the Commonwealth of Massachusetts within thirty (30) days of receipt of this decision.

Name	Allen Field Playground	Docket #	V 24 - 210
Address	92 Breed Road	Docket #	C 24 - 019
City	Ashby	Hearing	9/8/2025
Bldg Type		Time of hearing	11:00 AM
Complaint's Name		Plans on file?	

Complaint ?	Variance ?	Request for continuance?
Jurisdiction:	2.6	Maintenance of Access Features: At all times, accessibility features must be maintained and fully operational. (i.e. access aisles kept clear at all times, mechanical devices be kept in operating condition, etc).

Building Permits:

Assessed Value:



Variances to be addressed:

Petitioner seeks relief from 19.7: An accessible route, complying with 521 CMR 20.00: ACCESSIBLE ROUTE shall be provided to reach playground equipment and around the playground.

On December 26, 2023 the Board received a complaint regarding the above referenced address and on November 22, 2024 the First Notice was sent out (See AAB 172-205)

On November 25, 2024 the Board received a response from the Town of Ashby and on December 5, 2024 the Board received an application for variance for the above referenced address and at the January 13, 2025 meeting the Board voted to Continue for more information on the proposed accessible route layout of the playground and a cut sheet of the proposed surface (See AAB 102-171)

On March 4, 2025 the Board received a response from the petitioner and at the March 10, 2025 meeting the Board voted to Continue for a more detailed test drawing showing the path and its connection to each piece of play equipment and Found that 3/4" base is not a firm and stable surface material (See AAB 94-101)

On April 18, 2025 the Second Notice was sent out (See AAB 91-93)

On May 7, May 10, and May 12, and May 22, 2025 the Board received additional information from the complainant as well as additional information from the Town and at the June 2, 2025 Board meeting the Board voted to Schedule a hearing. Notice was sent to all parties on June 9, 2025 (See AAB 2-90)

AAB Meeting 9/8/2025 2:00 PM

Allen Field

- I am presently seeking your immediate personal intercession to put a stop the unlawful disability discrimination; unlawful denial of reasonable disability accommodations and unlawful retaliation against disability people by the Town of Ashby, in violation of the Americans With Disabilities ACT (“ADA”) and MGL CMR 521 and Massachusetts anti-discrimination laws and Massachusetts whistle blower laws (I was former Finance Committee). I am hopeful that you are the type of fair-minded committee who would not allow such negative action against a disabled residents of Town of Ashby.
- If the AAB requires the Town Of Ashby to add in a playground walkway for the H/C children. In a public meeting the TA said the Town will need to shut down Allen Field because of Mr. McPhee’s AAB complaint.

I am a Disabled American Veteran, since 1984, with metal in 3 limbs. I have a service dog and accommodations at the request of the VA.

I have been and am still presently a life time member of the DAV: Disabled American Veterans since 2003

DAV Chaplain, DAV Veteran Service Officer

I have been and am still presently a life time member of the American Legion since 2012

My request for ADA accommodations has been on file with the town of Ashby since 2013 and 2022. The documentation has been provided by the VA.

The Town required against laws a letter for the service dog.

The VA provided a letter for a Service Dog in Jul 11, 2023

Since my knee in 2013 no ADA modification to the Grange Hall, School, Playground Parks department (Allen Field, School Play ground, Motor cross bike paths and Hockey skating), Old Fire Station, Common Church(Town owned), Crosswalks, Sidewalks and Highway Building.
Except recently and what the AAB required.

1. I received the invoices from the Town Account on the Building Maintenance

FY23	01-5-198-520-340	23-17	pg5	2/17/2023	Archambault Nathen	Allen	\$ 1,613.95
FY23	01-5-198-520-340	23-24	pg6	6/26/2023	Warren Security	Allen	\$ 2,550.00
FY23	01-5-198-900-000	23-07	pg7	9/20/2022	Apple Meadow	Allen	\$ 32.53
FY23	01-5-198-520-340	23-27	pg7	6/30/2023	Apple Meadow	Allen	\$ 413.64
FY23 Allen	24-3-945-001-000	23-06	pg1	2/27/2023	Myer Tree service	Allen	\$ 5,500.00
FY23 Allen	24-3-945-001-000	23-07	pg1	3/3/2023	MP Lawn	Allen	\$ 5,975.00
FY24	01-5-198-520-335	24-03	pg2	9/15/2023	Apple Meadow	Allen toilets	\$ 9.29
FY24	01-5-198-520-335	24-04	pg2	8/31/2023	Apple Meadow	Allen toilets	\$ 84.89
FY24	01-5-198-520-335	24-09	pg3	11/9/2023	Apple Meadow	allen	\$ 54.13
FY24	01-5-198-520-340	24-05	pg4	9/15/2023	Perron	Allen	\$ 75.00
FY24	01-5-198-520-340	24-05	pg4	9/15/2023	arrow spetic	Allen	\$ 1,400.00
FY24 Allen	24-3-945-001-000	24-06	pg1	9/28/2023	ALTA Contructions equip	Allen	\$ 6,050.00
FY24 Allen	24-3-945-001-000	24-07	pg1	10/13/2023	Thayer Wood Eng	Allen	\$ 4,250.00
FY24 Allen	24-3-945-001-000	24-18	pg1	3/18/2024	Built Fence	Allen	\$ 8,750.00
FY24 Allen	24-3-945-001-000	24-20	pg1	4/11/2024	Built Fence	Allen	\$ 8,750.00
FY24 Allen	24-3-945-001-000	24-22	pg1	5/9/2024	RN Cutrumbes	Allen	\$ 860.36
FY24 Allen	24-3-945-001-000	24-22	pg1	5/9/2024	On Deck Sports	Allen	\$ 2,641.50
FY24 Allen	24-3-945-001-000	24-22	pg1	5/9/2024	On Deck Sports	Allen	\$ 5,440.85
FY24 Allen	24-3-945-001-000	24-24	pg1	6/6/2024	On Deck Sports	Allen	\$ 462.58
FY24 Allen	24-3-945-001-000	24-24	pg1	6/6/2024	MP Lawn	Allen	\$ 800.00
FY24 Allen	24-3-945-001-000	24-24	pg1	6/6/2024	MP Lawn	Allen	\$ 825.00
FY24 Allen	24-3-945-001-000	24-24	pg1	6/6/2024	MP Lawn	Allen	\$ 2,970.00
FY25 Allen	24-3-945-001-000	25-03	pg1	8/15/2024	Read Custom Soils	Allen	\$ 1,627.04
FY25 Allen	24-3-945-001-000	25-03	pg1	8/15/2024	Read Custom Soils	Allen	\$ 4,857.66

Allen field

No permit for electric service (Insurance claim from Storm)

\$65,993.42

No permit for tree cutting

No Permit for playground

Total Group 1: Segment 4: Expense		Code: 505 - Wages		9,953.12	9,954.00		
Group 1: Segment 4: Expense		Code: 520 - Expense					
Account: 01-5-198-520-335	Municipal Building	Building Maintance	Summary:	0.00	8,476.09	5,000.00	-3,476.09
Budget	07/01/2023	merickso			0.00	5,000.00	5,000.00
Payable	TA/ME	08/17/2023	merickso 173248		45.00	0.00	4,955.00
24-03		NASHOBA ANALYTICAL LLC	Check	35280			
Payable	TA/ME	08/31/2023	merickso 174107		75.00	0.00	4,880.00
24-04		NASHOBA ANALYTICAL LLC	Check	35350			
Payable	TA/ME	08/31/2023	merickso 202569		84.89	0.00	4,795.11
24-04		APPLE MEADOW CO. INC.	Check	35308			
Payable	Fire/ME	09/15/2023	merickso 20051219		128.50	0.00	4,666.61
24-05		IMPACT FIRE SERVICES LLC	Check	35404			
Payable	Fire/ME	09/15/2023	merickso 20051215		299.50	0.00	4,367.11
24-05		IMPACT FIRE SERVICES LLC	Check	35404			
Payable	TA/ME	09/15/2023	merickso 1FJT-7RVN-N6DL		279.88	0.00	4,087.23
24-05		AMAZON CAPITAL SERVICES	Check	35379			
Payable	TA/ME	09/15/2023	merickso 202706		9.29	0.00	4,077.94
24-05		APPLE MEADOW CO. INC.	Check	35380			

8/27/2024 7:14:55 AM

Printed by: merickson

Page 2 of 7

Group as: **.***-111-***

Parameters: Fiscal Year: 2024 Start Date: 7/1/2023 end: 6/30/2024

Ledger History - Detail with Payables - Expenditure Ledger

Tran. Type	Block/Batch	Posted	By	Tran. Name	JE Seq	Comment	Beginning	Debit	Credit	Ending
------------	-------------	--------	----	------------	--------	---------	-----------	-------	--------	--------

APPLE MEADOW CO., INC.
 10 ELM STREET
 P.O. BOX 553
 TOWNSEND, MA 01469
 PHONE: (978) 597-6817

PAGE NO 1

THIS IS YOUR ONLY COPY. CODES
 (*) NET (P) PROMO (S) SALE (N) NO TAX

TOWN OF ASHBY - PARKS DEPT
 895 MAIN STREET
 ASHBY MA 01431

CUST # 800600
 TERMS: NET 15TH

INV # 202569
 DATE : 8/10/23
 CLERK: 11
 TERM # 553

TIME :12:29

 * INVOICE *

QUANTITY	UM	ITEM	DESCRIPTION	SUG. PRICE	PRICE/PER	EXTENSION
1	EA	471318	76OZ Rust/Stain Remover		22.99 /EA	22.99*N
4	EA	823305	40Z Bowl Cleaner		6.79 /EA	27.16*N
1	EA	694487	MP GD 2" FLT Poly Brush		7.79 /EA	7.79 N
1	EA	193690	Lock Jaw Tool Holder		6.79 /EA	6.79 N
1	EA	189794	Rid-X 39.2OZ Treatment		21.99 /EA	21.99 N
** AMOUNT CHARGED TO ACCOUNT **				84.89	TAXABLE	0.00
					NON-TAXABLE	86.72
					SUB-TOTAL	86.72
					DISCOUNT	1.83
					TAX AMOUNT	0.00
					TOTAL INVOICE	84.89

TOILETS ALLEN FIELD

X _____
 Received By

Parameters: Fiscal Year: 2024 Start Date: 7/1/2023 end: 6/30/2024

Ledger History - Detail with Payables - General Ledger

Tran. Type	Block/Batch	Posted	By	Tran. Name	JE Seq	Comment	Beginning X-Post Source Ledger	Debit	Credit	Ending	
Warrant	Voucher	Payee				Payment Type	Payment Number				
Account: 24-3-945-001-000							Summary:	0.00	41,800.29	78,118.56	-36,318.27
Roll Over GL		07/01/2023	merickso	Insurance Proceeds				0.00	59,518.56	-59,518.56	
Receivable	FY24Aug/2341	08/31/2023	merickso			ST3-FY24		0.00	18,600.00	-78,118.56	
Payable	Highway/ME	09/28/2023	merickso	SP6/27057				6,050.00	0.00	-72,068.56	
24-06				ALTA Contruction Equipment NE LLC		Check	35432				
Payable	Highway/ME	10/13/2023	merickso	09202023		Check		4,250.00	0.00	-67,818.56	
24-07				Thayer Wood Energy Inc		Check	35577				
Payable	Supplemental/ME	03/18/2024	merickso	Down Payment				8,750.00	0.00	-59,068.56	
24-18				Builtwell Fence Company		Check	36303				
Payable	TA/ME	04/11/2024	merickso	0001242		Check		8,750.00	0.00	-50,318.56	
24-20				Builtwell Fence Company		Check	36382				
Payable	Highway/ME	05/09/2024	merickso	04192024		Check		860.36	0.00	-49,458.20	
24-22				R N Cutrumbes Trucking LLC		Check	36557				
Payable	TA/ME	05/09/2024	merickso	INV199978		Check		5,440.85	0.00	-44,017.35	
24-22				On Deck Sports Inc		Check	36547				
Payable	TA/ME	05/09/2024	merickso	INV200480		Check		2,641.50	0.00	-41,375.85	
24-22				On Deck Sports Inc		Check	36547				
Payable	Highway/ME	06/06/2024	merickso	22-0760		Check		800.00	0.00	-40,575.85	
24-24				M.P. LAWN AND LANDSCAPE INC.		Check	36680				
Payable	Highway/ME	06/06/2024	merickso	22-0759		Check		825.00	0.00	-39,750.85	
24-24				M.P. LAWN AND LANDSCAPE INC.		Check	36680				
Payable	Highway/ME	06/06/2024	merickso	22-0758		Check		2,970.00	0.00	-36,780.85	
24-24				M.P. LAWN AND LANDSCAPE INC.		Check	36680				
Payable	Highway/ME	06/06/2024	merickso	INV201421		Check		462.58	0.00	-36,318.27	
24-24				On Deck Sports Inc		Check	36692				
1 Account(s) totaling:								0.00	41,800.29	78,118.56	-36,318.27



Mayer Tree Service, Inc.
PO Box 517
Essex, MA 01929

Invoice #80142
Date: 01/31/2023
From: McCarthy, Dan

Invoice For

Ashby, Fire Department
Fire Deepar Ashby
1093 Main St
Ashby, MA01431

Location

1093 Main St
Ashby, MA 01431

Customer Contact

main:
mobile: 978-386-5522
fchief@ashbyma.gov

Ashby, Fire Department

Terms

Due Upon Receipt

ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1) Municipal Supply labor and equipment to remove downed or dangerous trees and limbs at Allan field due to the micro burst that hit the field last fall.	1	\$ 5,500.00	\$ 5,500.00

All balances not paid by the due date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

TOTAL	\$ 5,500.00
-------	-------------

DUE DATE 01/31/2023

Assigned To

Dan McCarthy

Town can spend \$12,530 security system for HW/Allen field, but will not spend on HC access to playground.

FY20	01-5-198-520-340	20-28a	pg4	6/30/2020	Warren Security	\$ 9,980.00
FY23	01-5-198-520-340	23-24	pg6	6/26/2023	Warren Security	\$ 2,550.00

As of the Town Accountant General Ledger for Allen field 5/12/2025 @ 8:49:47 AM the account had a balance of **\$31,523.81** balance for Allen field.

Parameters: Fiscal Year: 2025 Start Date: 7/1/2024 end: 6/30/2025

TOWN OF ASHBY

Ledger History - Detail with Payables - General Ledger

Tran. Type	Block/Batch	Posted	By	Tran. Name	JE Seq	Comment	Beginning	Debit	Credit	Ending
Warrant	Voucher	Payee				Payment Type	X-Post Source Ledger			
							Payment Number			
Account: 24-3-945-001-000										
				Insurance Proceeds		<i>Summary:</i>	0.00	11,852.61	43,376.42	-31,523.81
Roll Over GL		07/01/2024	merickso					0.00	36,318.27	-36,318.27
Payable	Highway/ME	08/15/2024	merickso FW21865					3,230.62	0.00	-33,087.65
	25-03		Read Custom Soils LLC			Check	37031			
Payable	Highway/ME	08/15/2024	merickso FW21864					1,627.04	0.00	-31,460.61
	25-03		Read Custom Soils LLC			Check	37031			
Payable	Highway/ME	10/24/2024	AshbyMa 11XH-VPPP-			Net Replacements - Pickleball		1,799.80	0.00	-29,660.81
	25-08		AMAZON CAPITAL SERVICES			Check	37328			
Receivable	FY25Oct/2632	10/31/2024	merickso			Insurance pmt 881 Piper Rd, Ashby		0.00	1,600.00	-31,260.81
Payable	Fire 2/ME	11/07/2024	merickso 22-0761					1,600.00	0.00	-29,660.81
	25-09		M.P. LAWN AND LANDSCAPE INC.			Check	37430			
Receivable	FY25Nov/2644-	11/30/2024	merickso			210-25-015		0.00	458.15	-30,118.96
Payable	Police/ME	12/19/2024	merickso SO53781					458.15	0.00	-29,660.81
	25-12		Colonial Municipal Group			Check	37585			
Receivable	FY25Feb/2687-	02/28/2025	merickso			ST-13 2/10/2025 Liberty Mutual (PSB		0.00	5,000.00	-34,660.81
Payable	Fire/ME	05/08/2025	merickso 2523					1,200.00	0.00	-33,460.81
	25-22		SHATTUCK METAL WORKS			Check	38218			
Payable	Fire/ME	05/08/2025	merickso 297043					1,437.00	0.00	-32,023.81
	25-22		D and G CUSTOM GRAPHICS			Check	38183			
Payable	Insurance	05/08/2025	merickso IN010926					500.00	0.00	-31,523.81
	25-22		FIRE TECH SAFETY OF NE INC.			Check	38190			
1 Account(s) totaling:							0.00	11,852.61	43,376.42	-31,523.81

Town Account said they could pull the invoices to match to building, same as I did.

From: Erickson, Marybeth
[mailto:Marybeth.Erickson@marcumllp.com]
Sent: Tuesday, August 20, 2024 10:20 AM
To: Angela Jack
Cc: pmcphree@comcast.net
Subject: RE: Public records request
Sensitivity: Private

Hi Patrick,

We would have to pull the invoices charged to the account to see what buildings they were for.

From: Patrick McPhee <pmcphree@comcast.net> [Next](#) [Previous](#)
Sent: Tuesday, August 20, 2024 11:46 AM
To: Erickson, Marybeth
<Marybeth.Erickson@marcumllp.com>; 'Angela Jack'
<tclerk@ashbysma.gov>
Subject: RE: Public records request
Sensitivity: Private

Hi Mary,

There is no code within the 01-5-198-520-340 Municipal Building Repair?
It does look like the transaction ID may help?

If not then what will it cost to pull the invoices? 01-5-198-xxx-xxx

Regards, Pat

From: Erickson, Marybeth
<Marybeth.Erickson@marcumllp.com>
Sent: Tuesday, August 20, 2024 11:53 AM
To: Patrick McPhee <pmcphree@comcast.net>; Angela Jack
<tclerk@ashbysma.gov>
Subject: RE: Public records request
Sensitivity: Private

Hi Patrick,

Unfortunately no, the accounts weren't set up with sub accounts for each building. The transaction id is the invoice number so it would help when pulling invoices.



Town June 11, no permits.
I also donated



Town of Ashby, Massachusetts

June 11, 2024 · 🌐

Big shout out and thank you to the Friends of Ashby Playground for all the hardwork raising the money for the new piece of playground equipment at Allen Field! It was installed today! The cement still needs to set so give it few days before using it! 😊😊😊

AAB 75

No H/C Access







Jim Joseph ▸ Ashby Ma -- Neighbors and happenings...
★ Rising contributor · March 13, 2024 · 🌐

52

12 comments



Jim Joseph
March 13, 2024 · 🌐
My name is Jim Joseph I am 1 of 3 Park commissioners. Elected by the town my # 978 833 2367 feel free to reach out with any Questions about the park.

Like

Comment

Send

All comments ▾

Rose Salem Smith ★ Rising contributor
Curiosity-why did all the trees get cut down? 🙄
1y Like Reply 2

Randy Stacy replied · 4 Replies

Lisa Salem
Do you have a date when the gate will be open during the day? I realize you can walk around to go to playground thru the opening in the fence as pictured above. Unfortunately, some ppl can't walk that far with disabilities. Just wondering so we can plan ahead. Thank you

Jim Joseph Author ★ Rising contributor
Lisa Salem all about the weather and the ground
1y Like Reply

1. The Ashby Highway septic project never made it far enough to receive approval from the Ashby Board of Health. The engineer submitted plans to the Nashoba BOH office on 2/1/2022. The plans were reviewed by me, and a comment letter was sent to the engineer 2/24/2022. The engineer then provided a signed plan from the Ashby conservation and asked for the comments to be re-sent on 7/21/2022, which I did. No revised plans were ever received back by this office. The plan was never brought before the Ashby Board of Health for their consideration
2. Wells are approved by the Nashoba BOH office, unless variances are required

Rick Metcalf, R.S.

District Sanitarian

Nashoba Associated Boards of Health

1. Town was to cap the well at Allen field, after disconnecting the HW from Allen field, because of quality. They had 5 gal of water for the HW. But they added a new water spigot outside Allen field shed.

Allen field water is YELLOW.

No Permit



Highway

HW only permit is office for \$9800 K

HW ARPA Funds

HW septic not approved from BoH and well approved by BoH \$30k in
ARPA funds

HW Bathroom and office for \$39k in ARPA funds “No Permit for
Bathroom, so no H/C access”

HW \$25,000. Salt shed (ARPA) “NO PERMIT”

Highway Salt shed No permit



Town of Ashby Town Common Gazebo



- **Town of Ashby, Massachusetts** secured in this year's state budget:
- \$15,000 for repairs to the Bandstand on the Town Common.
- AAB Andrew said this will require access via 521 CMR
- Same for ALLEN Field Gazebo (they got over \$75,000)



RE: 92 Breed Road, Ashby- Hearing Reminder

From Mary Daughraty <mdaughraty@ashbyma.gov>

Date Tue 9/2/2025 9:00 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Molly,

Thank you for the reminder.

Following a recent meeting with the MOD, I've learned that grant announcements are expected in November, rather than August as previously thought. As a result, I won't know until then whether the town can proceed with the accessible walkway using grant funds, or if we'll need to temporarily close the park until funding becomes available to ensure compliance. Timely of the release of grants in November will hinder paving as the paving plants close in mid-November. If awarded the grant fund this would be a Spring 2026 project.

I will share this update at the hearing scheduled for Monday, September 8, 2025.

Aside from the proposal we obtained and submitted to the AAB for a paved walkway, no further action has been taken on this complaint, as we are awaiting the outcome of the grant application submitted to the MOD in May 2025.

Thank you,
Mary Daughraty

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Sent: Tuesday, September 2, 2025 8:49 AM

Subject: 92 Breed Road, Ashby- Hearing Reminder

Good morning,

This is a reminder that Allen Field located at 92 Breed Road in Ashby docket #C24-019 & V24-210, is scheduled for a hearing this coming **Monday, September 8th at 11:00 AM**. Please see below for the virtual meeting details and let me know if you have any questions.

Microsoft Teams

[Join the meeting now](#)

Meeting ID: 225 777 420 882

Passcode: QNKUvh

Dial in by phone

+1 857-327-9245,,99927479# United States, Boston

[Find a local number](#)

Phone conference ID: 999 274 79#

Thank you,

Molly

Molly Griffin

Program Coordinator

She/Her/Hers

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

1 Federal Street, 6th Floor

Boston, MA 02110-2012

www.mass.gov/AAB

617-727-0660

92 Breed Road, Ashby

From Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Date Mon 6/9/2025 11:17 AM

Bcc msauvageau746@gmail.com <msauvageau746@gmail.com>; Building Inspector <bldginsp@ashbyma.gov>; Patrick McPhee <pmcphee@comcast.net>; Coffin, Meg <mcoffin@centerlw.org>; Mary Daughraty <mdaughraty@ashbyma.gov>

 2 attachments (1 MB)

(V24-210) - Second Amended Notice of Action.pdf; September 2025 Notice of Hearing.pdf;

Good morning,

Please find attached the Notice or Decision for the above referenced case.

If you require a paper copy of a Notice or Decision, you may contact me to request one but be aware that the delivery of physical copies may be delayed.

If you wish to appeal the decision made in this case, you can fill out and send in an Adjudicatory Hearing Request form available [here](#).

If you have any questions, please do not hesitate to get in touch with the Board's staff.

Thank you,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Federal St., 6th Floor
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

SECOND AMENDED NOTICE OF ACTION

Docket Number V 24 210

RE: Allen Field Playground , 92 Breed Road , Ashby

On May 22, 2025 the Architectural Access Board received an additional submission from Petitioner
The additional documents were reviewed by the Board on June 2, 2025 At that meeting, the Board
voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	19.7	SCHEDULE a hearing for this request. See attached Notice of Hearing.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: June 6, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 87



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Federal St., 6th Floor
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

VARIANCE HEARING

Docket Number **V 24 210**

RE: Allen Field Playground , 92 Breed Road, Ashby

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **September 8, 2025** at **11:00 AM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Mary Daughraty for modification of or substitution of the following Rules and Regulations: 19.7

A copy of the request is available for public inspection during regular business hours.

You should be aware that the burden of proof is upon the applicant requesting a variance to prove that compliance is either: 1. technologically infeasible or; 2. the cost of compliance is excessive without substantial benefit to a person with a disability.

This hearing will be conducted in accordance with the procedures set forth in M.G.L., c. 30A, and 801 CMR 1.02, the Informal/Fair Hearings Rules. At the hearing, each party may be represented by counsel, may present evidence and may cross examine opposing witnesses.

PLEASE NOTE: Requests for the continuance of a hearing must be received no later than fourteen (14) days prior to the scheduled hearing date. Continuances are granted at the Board's discretion only.

ARCHITECTURAL ACCESS BOARD

Chairperson

Date: June 9, 2025

cc: Local Building Inspector
Independent Living Center
Local Disability Commission



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Federal St., 6th Floor
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

VARIANCE HEARING

Docket Number **V 24 210**

RE: Allen Field Playground , 92 Breen Road, Ashby

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **September 8, 2025** at **11:00 AM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Mary Daughraty for modification of or substitution of the following Rules and Regulations: 19.7

A copy of the request is available for public inspection during regular business hours.

You should be aware that the burden of proof is upon the applicant requesting a variance to prove that compliance is either: 1. technologically infeasible or; 2. the cost of compliance is excessive without substantial benefit to a person with a disability.

This hearing will be conducted in accordance with the procedures set forth in M.G.L., c. 30A, and 801 CMR 1.02, the Informal/Fair Hearings Rules. At the hearing, each party may be represented by counsel, may present evidence and may cross examine opposing witnesses.

PLEASE NOTE: Requests for the continuance of a hearing must be received no later than fourteen (14) days prior to the scheduled hearing date. Continuances are granted at the Board's discretion only.

ARCHITECTURAL ACCESS BOARD

Chairperson

Date: June 9, 2025

cc: Local Building Inspector
Independent Living Center
Local Disability Commission

HW and Allen Field, 92 Breen Rd, Ashby

From Patrick McPhee <pmpcpee@comcast.net>

Date Sun 6/1/2025 6:35 PM

To Joyce, William (DPL) <William.Joyce@mass.gov>

Cc Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

3 attachments (2 MB)

Insurance Proceeds Allen Field Expenses.pdf; Update Final ARPA 01.06.25.pdf; Highway budget as of end of April 2025.pdf;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please add this to the appeal for Highway and Allen field

For 2 drivers: 5 plows, 1 grader, 1 Explorer, 1 Bucket tractor, and a small dump truck

Two drivers: 8th truck for 2 employees.

They recently spent on Highway hardware \$964,495.00

Not counting the Grants for paving road, bailout for HW-Super over spending, (No permits) ARPA funds, and Salt shed ARPA funds for Highway was \$290,333.26

With the Budget Balance of HW budget of \$712,756.58, with a balance of \$118,620.69 as of today.

And insurance hidden account \$36,318.27

Vehicle Number	Department	Year	Make	Model		VIN	Add Date	Vehicle Value
22	HIGHWAY	2002	JOHN DEERE	GRADER	GRADER	DW772CH585498	07/01/2023	\$ 152,291.00
23	HIGHWAY	2003	INTERNATIONAL	DUMP TRUCK W/PLOW	Plow Truck w/Plow	1HTWDADRX3J063315	07/01/2023	\$ 92,743.00
24	HIGHWAY	2004	KARAVAN	UTILITY TRAILER	Trailer	5KTSS121X4F174590	07/01/2023	\$ 545.00
25	HIGHWAY	2012	CARMATE	TRAILER	Trailer	5A3C612S9CL002484	07/01/2023	\$ 5,000.00
13	HIGHWAY	2013	BRI MAR	TRAILER	TRAILER	43YDC2029DC100282	07/01/2023	\$ 3,195.00
26	HIGHWAY	2013	MORBARK	CHIPPER	Trailer	4S8SZ1612DW071606	07/01/2023	\$ 35,475.00
35	HIGHWAY	2013	FORD	EXPLORER	Explorer	1FM5K8AR3DGC07034	07/01/2023	\$ 37,245.00
27	HIGHWAY	2014	INTERNATIONAL	DUMP TRUCK	Plow Truck w/Plow	1HTWDAAR4EH018904	07/01/2023	\$ 167,440.00
28	HIGHWAY	2015	FORD F350	PICKUP	PICKUP	1FT8X3B60FEB40952	07/01/2023	\$ 45,254.00
29	HIGHWAY	2018	T3RS	DUMP TRAILER	Trailer	4S9PD1828JM097186	07/01/2023	\$ 10,000.00
30	HIGHWAY	2019	FORD	F550	Small Dump truck	1FDUF5HT7KDA19454	07/01/2023	\$ 83,000.00
31	HIGHWAY	2020	JOHN DEERE	BACKHOE	BACKHOE	1T0410LXJKF365303	07/01/2023	\$ 132,085.00
32	HIGHWAY	2020	INTERNATIONAL	HV507	Plow Truck w/Plow	3HAEDTAROLL287125	07/01/2023	\$ 194,946.00
33	HIGHWAY	2020	VERMAC	PCMS-320	Electronic Sign	29SUS3118LS132244	07/01/2023	\$ 21,700.00
42	HIGHWAY	2023	INTERNATIONAL	HV507 SFA 4X2	Plow Truck w/Plow	1HTEDTAR5PH333673	07/01/2023	\$ 175,000.00
43	HIGHWAY	2024	DEERE	544P	Bucket Tractor	1DW544PAVRLX22656	9/10/2024	\$ 226,791.00
	HIGHWAY	2025	Ford	F550	truck with plow			\$ 213,973.00
								\$ 1,596,683.00

So to understand the town has just spend out of the Highway department budget for a 8th truck for 2 employees. plus the Town’s pay raises more than the State average percent.

Also there is funds from Allan field insurance repair

I see at the end of FY24, there was a balance on the insurance account \$36,318.27

Why did FY25 start with no credit and a missing of \$36,318.27 from end of FY24

The majority of the insurance funds was to cut trees down, not required by the insurance. Plus you don’t pay to cut trees down and give the wood with it.

Allan fields falls under the Highway and shares the Highway property.

Highway budget is \$712,756.58, with a balance of \$118,620.69 as of today.

Using ARPA fund to paying down the lease of the Plow truck , on the Highway budget was \$290,333.26. This was mostly used after the Violation issued from the AAB

So budget of \$712,756.58 deducting the \$290,333.26 should give a budget balance of \$408,953.95
Plus the TA gave the awarded the 70% of Community One Stop Grant for \$560,000 for highway road repair!

Ashby Highway Department took delivery on their new dump truck




No H/C Bathroom Allen field and parking at Allen field

From Patrick McPhee <pmcphee@comcast.net>

Date Sun 6/1/2025 5:30 PM

To Joyce, William (DPL) <William.Joyce@mass.gov>

Cc Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

 1 attachment (1 MB)

20250601_131721.jpg;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Confidential

Please add this to my hearing request for Highway/Allen field

No H/C Bathroom Allen field and no bathrooms at bandstand in center of town, also no bathrooms at Playground, tennis courts and basketball court Behind Town hall.

Allen field has a total of 68 cars, for 2 fields, given about 3 people per car is 204 people (estimated) (have pictures of Cars)

Remember this park has 3 fields and one soccer field

Also they have water there, but untested, [but can be used for the Bathroom Building](#)





Re: Allen Field Playground new map of walkway

From Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Date Thu 5/22/2025 11:52 AM

To Mary Daughraty <mdaughraty@ashbyma.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>

Hi Mary,

The minimum width required by 521 CMR is 4 feet, with a 3 foot clear path of travel (no obstructions like street furniture or planters) here is the official language:

Width of walkways shall be not less than 48 inches (48"= 1219mm), excluding curb stones. An unobstructed path of travel shall be provided which is at least 36 inches (36" = 914mm) clear, excluding curb stones.

And thank you for the supplemental information, I will add this to the case file!

Thanks,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660

From: Mary Daughraty <mdaughraty@ashbyma.gov>

Sent: Thursday, May 22, 2025 11:17 AM

To: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>

Subject: RE: Allen Field Playground new map of walkway

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Molly,

Attached is the updated map of the Allen Field playground, including the accessible ADA walkway as requested. I have also attached the paved walkway quote which much higher than we anticipated.

Could you please confirm the minimum required width for an ADA-compliant walkway? We received a quote for a 5-foot-wide paved walkway, approximately 200 feet long, totaling \$21,520. Unfortunately, this cost is beyond the town's current budget.

If the minimum ADA-compliant width is less than 5 feet, I plan to request a revised quote based on the narrower width, which should reduce the overall cost. The paving involves all handwork, which significantly increases the expense.

Additionally, the MOD grant I applied for includes a quote for a rubber walkway at \$9,000. If awarded, this funding would allow us to proceed with that option for an accessible path. However, if we are not successful in securing the grant, we may be forced to close the playground immediately—unless the AAB grants us an extension.

Thank you for your guidance on the ADA requirements.

Mary Daughraty
Ashby

In Massachusetts, the minimum accessible walkway width is generally 36 inches (915 mm). However, if the accessible route has a clear width of less than 60 inches (1525 mm), passing spaces must be provided at intervals of 200 feet (61 m) or more³. Additionally, sidewalks must have a minimum width of four feet for unobstructed passageways, with specific requirements for passing spaces². For more detailed regulations, refer to the Massachusetts Architectural Access Board (MAAB) and Americans with Disabilities Act (ADA) standards⁵.

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Sent: Thursday, May 22, 2025 9:27 AM

To: Mary Daughraty <mdaughraty@ashbyma.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>

Subject: Re: Allen Field Playground walkway - pavement

Hi Mary,

Thanks again for the update. Do you have a more detailed drawing? This was the motion from the Board's last decision in March: CONTINUED to request Petitioner provide the Board with: a more detailed test drawing showing the path and its connection to each piece of play equipment

If you could send the quote for the paving work as well, I think it would be helpful for the Board to see that!

Thanks,
Molly

Molly Griffin

Program Coordinator

She/Her/Hers

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

AAB 96

1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660

From: Mary Daughraty <mdaughraty@ashbysma.gov>
Sent: Thursday, May 22, 2025 9:15 AM
To: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: Allen Field Playground walkway - pavement

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Molly and Will,

I hope this message finds you well.

I'm reaching out to request the AAB's consideration for the approval of a paved walkway to enhance ADA accessibility at our playground. The proposed walkway would encircle the entire playground and include direct paths (in accordance with ADA accessibility guidelines) to each piece of playground equipment, as outlined in the map we previously submitted.

We've recently obtained a quote for the paving work and have submitted an MOD grant application to help fund this project, along with several other initiatives aimed at bringing Ashby into full compliance—and beyond.

Thank you both for your continued guidance and support as we work together to make Ashby a more inclusive and welcoming community.

Thank you,

Mary Daughraty
Ashby

Shattuck Paving

188 Elm Street, Suite 3
Milford, NH 03055
603-654-5695
shattuckpave@gmail.com | shattuckpaving.com



RECIPIENT:

Ashby Highway Department

895 Main Street
Ashby, Massachusetts 01431

Quote #24695

Sent on 05/22/2025

Total \$21,520.00

SERVICE ADDRESS:

Allen Field
790 West Road
Ashby, Massachusetts 01431

Product/Service	Description	Qty.	Total
Commercial Paving	Quote to excavate fill, add gravel, grade and pave walkway (1040 SF) as noted below and on attached picture. Note Job must be completed by end of June due to price increase. Excavate area identified and dispose of materials off-site (area 1040 SF). Supply and install up to 9 inches of processed gravel in proposed area (area 1040 SF). Fine grade, compact and layout proposed area (area 1040 SF). Supply and install a bituminous asphalt binder course at 3 inches compacted in the proposed area (area 1040 SF). (Note: If any additional gravel above and beyond specified amount is required, an additional cost of \$20/ton along with additional trucking, excavation and installation fees will be applicable.)	1	\$21,520.00

Total \$21,520.00

This quote is valid for the next 15 days, the quote price is valid for first available schedule date, after which values may be subject to change. The price is based on one mobilization. We do require a 30% deposit for all paving jobs prior to the services being rendered. We do accept Visa, MasterCard and Discover. A 3.5% fee is charged for all credit card purchases. 20% of the deposit is retained for jobs canceled within 21 days of the schedule date. A finance charge of 2.5% per month will be charged on all accounts over 30 days past due. Also, legal fees will be added if it is necessary to submit the account to an attorney for collection. Customers will be charged for police detail fees if this service is required. Customers are also responsible for applying for a New Hampshire DOT driveway permit if they reside on a state road. Any deviations from above specifications will become an extra charge over and above the estimate. Loam and landscaping to be completed by property owner unless agreed upon in contract. M Shattuck Paving is not responsible for any damage done to anything underground that is not marked by Dig Safe including but not limited to piping, wiring, drainage & irrigation systems when excavating. M Shattuck Paving is not responsible for Surface Areas with less than 2% pitch, or for any sub-base gravel that others have prepared. The pitch and the structural foundation are not warranted on overlay installations. M Shattuck Paving will not be responsible for cold weather paving, frozen gravels and/or final appearance of paved area(s). By accepting this proposal above named understands that if payment is not rendered to M Shattuck Paving within a 30 day grace period, a mechanics and or payment lien will be attached to above project.

Shattuck Paving

188 Elm Street, Suite 3

Milford, NH 03055

603-654-5695

shattuckpave@gmail.com | shattuckpaving.com



Signature: _____ Date: _____



Allan feild parked cars and attendance over 300 people with no bathroom, no H/C parking

From Patrick McPhee <pmcphee@comcast.net>

Date Wed 5/21/2025 2:51 PM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.











ashby_selectboard_meeting_may_7,_2025 (1080p).mp4

[00:00:02] **Speaker1:** Ready to go.

[00:00:05] **Speaker2:** All right. Good evening everybody. Welcome to the board of Selectmen's meeting for Wednesday, May 7th, 2025. Call the meeting to order at 6:30 p.m.. Just so everybody knows, this meeting is being recorded by Peg Access Studio. Is there anyone in attendance tonight or on zoom that is audio or videotaping this meeting? Seeing none. Okay. Number two, we will vote to reorganize the board. We do need a chair. We need a clerk. And the last person will be the member.

[00:00:52] **Speaker3:** I make a motion for David Nadeau to be chair. Of the Board of Selectmen or Select Board.

[00:01:01] **Speaker1:** I'll second that.

[00:01:03] **Speaker2:** Motion made by Mr. Lasorsa for me to be the chair seconded by Miss Callan. All in favor with your name?

[00:01:10] **Speaker3:** Paul, I.

[00:01:11] **Speaker2:** Jessie, I will abstain. Thank you. I appreciate that. We do need a clerk. I will make a motion to make Miss Callan the clerk.

[00:01:24] **Speaker3:** Of.

[00:01:25] **Speaker2:** The board.

[00:01:26] **Speaker3:** Second.

[00:01:27] **Speaker2:** Motion made by myself, seconded by Mr. Lasorsa. All in favor with your name, please?

[00:01:32] **Speaker3:** Paul, I.

[00:01:34] **Speaker2:** David, I.

[00:01:36] **Speaker1:** Do I abstain from. You don't have. Okay. I can happy to help. I will abstain. Thank you.

[00:01:45] **Speaker2:** Okay. All right. That brings us to the public comment section. We will start the public comment section. If you would like to speak, I ask that you identify yourself with your name and address. You will then have a total of three minutes to address the board. The total time for the public comment section is 15 minutes. So is there anybody that would like to speak that is in person this evening? Mr. McPhee?

[00:02:12] **Speaker1:**

[00:02:17] **Speaker4:** Well, first on the agenda my understanding.

[00:02:20] **Speaker1:** Name and address, please.

[00:02:21] **Speaker4:** Patrick Haywood road. My understanding is, prior to Mike McCallum, every year the chairperson rotated. So this is this is something that we're following Mike McCallum on, and it's not a very good practice. It's so that you have equal like, you have very, very intelligent over there. I would have loved to have seen you take the position. And you're very you're very detail. It didn't happen, but that's normally how it's done. And that had always been the way it was done in the past. So just so you know the second thing is I see on there about the school. Okay. I'm really concerned about what this discussion of changing the criteria of the school to Council of Aging in the middle of it. Because if that happens, you change the usage. And we can never bring a school back there without completely renovating it again. That's in your executive session. The second part of that executive session also is if you do do that, change it to any other thing besides a school, even for lunches, dinners, breakfast, whatever. You've changed the criteria, which means it has to come up to \$5 million worth of work because that's what it was estimated at before. Just so you all know. And that's a concern.

[00:03:39] **Speaker4:** And that's what we got to look at. The second part of this is you guys are going to be covering the violations by the architecture board. The architecture

board? The sign was taken down. The handicapped sign was taken down at the Legion almost a month ago, and it hasn't gone back up. They they they they, they raised that problem in question before. And the issue was the town said, you can't call the police when someone's parking there. You can't call the police. The board agreed with because there's no sign, there's no enforcement. So the sign being down for a month is showing that you're not paying attention to the architectural board at all, and they are concerned about that. Along with all the other stuff that's going on, it's just taking way too long, basically, to give you a perfect example, since the hearing, if they decide to impose the fines at the end of next month, you are at \$685,000 because you're not addressing these quick. You're the slowest town ever. Okay, so that's a concern just on one building. And so you have to really look at this stuff. And if you've got a release on any of this stuff, you would have gotten a letter of release to everybody.

[00:04:50] **Speaker4:** You have not received any releases whatsoever that you have complied with anything to the fullest of the board. When that happens, you will get a letter. Okay. And they won't give that until until the project is done. And that goes for the. And the attorney even said at the meeting annual town meeting. The the elevator is an issue for the meetings here. The parking is an issue handicap because you have one employee that's always taking the slot. You're supposed to have two. And so you have to pay attention to that stuff. And he had a discussion with me. He says I'm right. And the OML is right about looking at that. So those are things that, you know, even your own attorneys are saying now. So you need to pay attention. I did raise I've only been doing this for, what, a year? Why do I have more knowledge than people that have 30 years of municipal municipality experience is concerning to me. Okay. I'm only doing this one year, and that's very concerning that I know the Ada and the OML laws and public records law better than anybody. And that's concerning. So I'll leave it at that. Okay.

[00:06:06] **Speaker5:** Thank you. Okay.

[00:06:15] **Speaker2:** Is there anybody else in attendance that would like to speak? Excuse me. Is there anybody else in attendance in the town hall that would like to speak? Okay. Seeing none. Anybody on zoom that would like to speak, Mr. Cronin? Yes, sir. Hold on one second, sir. We're trying to. You can unmute. There you go.

[00:06:48] **Speaker6:** Okay. I just want to real quick.

[00:06:51] **Speaker1:** Name and address.

[00:06:53] **Speaker6:** John. What?

[00:06:55] **Speaker1:** Name and address, please.

[00:06:58] **Speaker6:** John Cronin, 649 Main Street.

[00:07:01] **Speaker7:** Thank you.

[00:07:02] **Speaker6:** I just want to bring into the record the horrendous turnout on May 3rd for the town meeting. It's been commented to me by somebody who knows that this was probably the lowest turnout maybe in town history. To have 6.8%. Of the voters come out on a Saturday morning. I could just imagine how many would turn out on a Thursday evening. We have to do something. Or basically we have a town of registered voters who don't care what happened. And there is no. Then there is no checks and balances at all. But. But it's a real disgrace. If you were to present that to a civics class, either over in high school or even in our own grammar school, and try to explain to them that they would they would look at you in disbelief. But I think it's just terrible. Thank you.

[00:08:27] **Speaker1:** Thank you.

[00:08:28] **Speaker7:** Thank you.

[00:08:33] **Speaker2:** Is there anybody else on zoom that would like to speak? You can raise your hand or turn your video on. Wave your hand.

[00:08:43] **Speaker7:** Okay.

[00:08:44] **Speaker2:** Seeing none. None in attendance. Okay. We will move on. That will close the public comment section. Item four is the payroll and payroll warrant W25

£0.22. This is available for review in the town administrator's office. Except a motion for the payroll warrant, please.

[00:09:05] **Speaker1:** I will move to approve payroll warrant W 2520 £0.02 in the amount of \$74,562.07.

[00:09:15] **Speaker3:** Second.

[00:09:16] **Speaker2:** Okay. Motion made and seconded. All in favor with your name, please?

[00:09:20] **Speaker3:** Paul I.

[00:09:21] **Speaker1:** Jesse.

[00:09:22] **Speaker2:** David, I. It is unanimous. Item five. Vendor warrant. W25. Dash 22. This is also available for review in the town administrator's office.

[00:09:37] **Speaker1:** I move to approve vendor warrant W25 22. In the amount of \$1,412,040 or no. Am I doing that right? Yeah. You're good. There we go. \$0.61. Of which \$1,316,153.50 is for the North Middlesex Regional School District. Assessment.

[00:09:58] **Speaker7:** Okay.

[00:09:59] **Speaker2:** Motion on the floor.

[00:10:00] **Speaker3:** Second.

[00:10:01] **Speaker2:** Seconded by Mr. Lasorsa. Any further discussion on that? Seeing none. All in favor with your name, please?

[00:10:08] **Speaker3:** Paul, I.

[00:10:09] **Speaker1:** Jess. I.

[00:10:10] **Speaker2:** David. I. It is unanimous. Okay. A couple of sets of meeting minutes to approve. We have four, nine, 20, 25, 423 of 2025 and executive session 430 of 2025. These are also available for review in the town administrator's office.

[00:10:29] **Speaker1:** Great. I will move to approve the minutes of four, nine, 2025, 423, 2025 and executive session 430 2025 as written.

[00:10:39] **Speaker7:** Okay.

[00:10:40] **Speaker2:** Motion on the floor by Miss Callan. I will second that. Sorry.

[00:10:45] **Speaker1:** Maybe let's break them up. So I'm going to change motion. So I move to approve the minutes of four, nine, 2025 and 423, 2025 as written. You were not there for those, so we'll do those separate.

[00:11:00] **Speaker7:** Okay.

[00:11:01] **Speaker2:** I will second that. So motion made by Miss Callaghan. I seconded. All in favor with your name?

[00:11:07] **Speaker1:** Jesse.

[00:11:07] **Speaker2:** David. Aye. It's unanimous. Executive session 430 2025.

[00:11:11] **Speaker1:** Do you want to let him abstain? Do we need to?

[00:11:15] **Speaker2:** Did you want to abstain or vote?

[00:11:19] **Speaker3:** No.

[00:11:19] **Speaker7:** Okay.

[00:11:21] **Speaker3:** Okay.

[00:11:21] **Speaker7:** Okay. All right.

[00:11:23] **Speaker2:** So executive session minutes 430 2025.

[00:11:27] **Speaker1:** Great. I moved to approve the executive session. 430 2020 five minutes as written.

[00:11:34] **Speaker2:** Motion on the floor for the executive session. Minutes 430 2025 as written.

[00:11:39] **Speaker3:** Second.

[00:11:40] **Speaker2:** Seconded by Mr. Lasorsa. Any further discussion? Seeing none. All in favor with your name, please?

[00:11:47] **Speaker3:** Paul, I.

[00:11:48] **Speaker1:** Jess. I.

[00:11:49] **Speaker2:** David. I. It is unanimous. Item seven review select board determination from 430 2025 executive Session. This was the review of the two one 2024 Executive Session minutes. I want to make the. This is just informing the public. That's correct. No motion. So I'm going to inform the public that the board voted to keep the minutes of two one 2024 as redacted due to attorney client privilege. So those minutes are redacted and won't be released unredacted. Item eight vote to appoint Deborah Pillsbury to the Council on Aging, effective four, ten, 2025 to 630 2025. Just so everybody knows, she is filling a vacancy and will be reappointed for the full term at the end of June.

[00:12:49] **Speaker1:** Great. I move to appoint Deborah Pillsbury to the Council on Aging effective for ten, 2025 to June 30th, 2025.

[00:12:58] **Speaker2:** Perfect. Motion by Miss Cowan.

[00:13:00] **Speaker3:** Second.

[00:13:01] **Speaker2:** Seconded by Mr. Lasorsa. All in favor with your name, please?

[00:13:05] **Speaker3:** Paul. I.

[00:13:06] **Speaker1:** Jess. I.

[00:13:07] **Speaker2:** David. I. It is unanimous. Item nine vote to appoint Kate Stacey to the combined treasurer and collector position, effective five seven, 2025, per the annual town election. Votes.

[00:13:34] **Speaker1:** I move to appoint Kate Stacey to the combined position of treasurer collector effective May 7th, 2025, for the annual Town Meeting vote on April 28th, 2025.

[00:13:46] **Speaker2:** There is a motion on the floor by Miss Cowan for the appointment of Kate Stacy, second seconded by Mr. Lasorsa. Any further discussion? Seeing none. All in favor with your name, please?

[00:13:56] **Speaker3:** Paul, I.

[00:13:57] **Speaker1:** Jess. I.

[00:13:58] **Speaker2:** David. I. It is unanimous. I just want to go back. Deborah pillsbury, thank you for joining the Council on Aging. I appreciate your service to the town. I should have said that earlier, and I forgot.

[00:14:12] **Speaker8:** Well, said.

[00:14:13] **Speaker2:** It also, Kate. Stacy. Congratulations on your appointment. Item ten. Discussion regarding changes to insurance. This is in lieu of. For non-union employees. Votes may be taken. Town administrator.

[00:14:29] **Speaker9:** Yes. We have this discussion previously during our budget talks from January, February and March. I've been working with the treasurer. We will be sending out notices to the employees. So we wanted the board to vote on the in lieu of

publicly. So we do have the new rates. Besides the union, the new employee rates are 8020. Anybody hired after seven, 120, 25 will be 7030. And we recommended the in lieu of to be \$1,500 for this year. So we just we needed a vote on that so we could make the memo and notice with the insurance company, the treasurer collector, and get it out to the employees and, and advance notice so they can plan accordingly.

[00:15:09] **Speaker2:** Okay. And this is currently budgeted at the 1500 that is voted on.

[00:15:14] **Speaker9:** Yes.

[00:15:15] **Speaker2:** Okay. Any discussion from the board regarding this? I know, Paul, you weren't on the board at the time when these talks took place. So if you had any input.

[00:15:26] **Speaker3:** So we so we only have funding for what we're proposing to give them.

[00:15:32] **Speaker9:** Yes. We had to make cuts in the budget. And you know, we adjusted the insurance rates to because we had such a large increase as many towns did. It was between 14 and 16%. So we looked at all the insurance as a whole. This was in the lieu of and taking insurances. Because we had made an increase to the other employees, we felt that that should be reduced if not removed. So I think they the board reduced it to 1500.

[00:15:57] **Speaker3:** Okay. So they're getting they're getting a sum of money, a stipend not to take town insurance right now.

[00:16:03] **Speaker9:** That's correct. It's just a handful less than a handful of people.

[00:16:06] **Speaker3:** And the okay. So the town employees non-union are taking at, what, a 10%? It's it's 8020 instead of 9010. Correct. Okay. So and this is what they were getting. The people that don't have insurance were only getting five grand. People that.

[00:16:26] **Speaker2:** Did not take the insurance.

[00:16:28] **Speaker3:** Were getting.

[00:16:29] **Speaker2:** \$5,000.

[00:16:30] **Speaker3:** Stipend. So we only have money to drop it down to 1500 1500. Okay.

[00:16:38] **Speaker1:** And we did it. How many people? I believe it's a very small number who take the in lieu of.

[00:16:45] **Speaker9:** Yeah. Because there's only a few people that are allowed to be on. Most of our employees are part time, so they're not eligible for the health insurance. So it's just a handful of a small amount that take it. There's one that's part of the union. So unfortunately that can't be changed because it was written into the union that way, the contract agreement.

[00:17:04] **Speaker1:** And we have around ten who take the insurance.

[00:17:07] **Speaker9:** We have just over I think it's 15, almost 16.

[00:17:10] **Speaker1:** 16. I just have to say, I know that this is a really challenging subject. I know that it is not ideal. I think that it's really difficult, especially with that number looking at the 15, 16 with the insurance, but also the cost to the town and unfortunately what we can afford. And it it was just something that we couldn't afford for a small number. It was very difficult conversation And it's it's not ideal. I mean, I think that across the board we're seeing people's insurance rates go up. I know mine just went up 14% with no compensation rate change. I think we're lucky to be able to budget in salary increases this year. Right. I think that was 2%.

[00:17:54] **Speaker9:** Two and a.

[00:17:55] **Speaker1:** Half, 2.5%. Thank you. All my numbers are jumbled now after the meeting. So I think that we I think that that was a good, you know, trade off with how we have balanced the budget to be able to afford that and to prioritize compensating our staff because they are working very bare bones. I hope that everyone knows that it is

extremely bare bones. And they're working very, very hard. I think that when it comes to the in lieu of, I think that N was at the short term disability that we also offer is not a very common practice to have both either. It's very costly.

[00:18:34] **Speaker9:** Exactly. Yep.

[00:18:35] **Speaker1:** Yeah. So I don't have anything much more. Besides, it was incredibly difficult and unfortunate.

[00:18:43] **Speaker3:** When will this take effect? For the next fiscal year.

[00:18:46] **Speaker9:** It'll be July 1st.

[00:18:48] **Speaker3:** Okay.

[00:18:49] **Speaker2:** So the people that. So they've already received their \$5,000 in lieu of.

[00:18:53] **Speaker9:** Last July.

[00:18:54] **Speaker2:** Last July. Okay. It comes in a one time payment.

[00:18:57] **Speaker9:** I believe.

[00:18:57] **Speaker2:** So. Okay. I agree with you. It's not an easy decision. I think this was put in place many years ago under another select board. And I think it was to deter people from taking the insurance was my guess. I don't know exactly why it was enacted. But costs are going up, and. We're not getting rid of it. Totally. It's not a zero. So there are getting something. There is a \$1,500 payment that they are going to receive for not taking the insurance. And like you said, we are bare bones right now. We are. This is it. This is as thin as we can get right now. I think And the number was 1500.

[00:20:04] **Speaker9:** And I guess that's spread out over 26 payments. So it's on each.

[00:20:08] **Speaker2:** Each.

[00:20:08] **Speaker9:** Paycheck. Okay.

[00:20:09] **Speaker10:** Thank you for clarifying that.

[00:20:19] **Speaker2:** And it's already in the. But this is what we planned for the budget, right?

[00:20:25] **Speaker1:** Yeah.

[00:20:26] **Speaker2:** We voted on the budget.

[00:20:28] **Speaker9:** Correct.

[00:20:29] **Speaker2:** The town voted on the budget. Excuse me? The town voted on the budget.

[00:20:31] **Speaker5:** Yeah. Yep.

[00:20:33] **Speaker2:** So I am in favor of the \$1,500 in lieu of

[00:20:50] **Speaker3:** So that's all we have. That's all we have?

[00:20:52] **Speaker2:** Yeah, it's it's not easy. And I, I know there's some employees that are are upset by it. And they have reached out to us and I understand and I feel it, I, I understand but I think this is something the town needs to do. Because we have to cut some back of our costs. We're not getting a lot of revenue back into town. We're a bedroom community. So I make a motion that we reduce the in lieu of benefits to \$1,500. And that would be for the employees, the non-union employees that do not take the insurance. They'll receive \$1,500 over 26 weeks. Payments, payments. I think that covers it.

[00:21:42] **Speaker9:** For fiscal 20.

[00:21:43] **Speaker2:** For fiscal 26, there's a motion on the floor by myself.

[00:21:47] **Speaker1:** I'll second.

[00:21:48] **Speaker2:** Motion by myself. Seconded by Miss Callan. All in favor? What's your name?

[00:21:52] **Speaker3:** Paul, I.

[00:21:53] **Speaker1:** Jesse.

[00:21:54] **Speaker2:** David, I it's unanimous.

[00:21:57] **Speaker1:** I do want to just say, I think that this, like I said, is very unfortunate and was very challenging to come up with, but I think we were trying to do whatever we could for the entire town. And I think that it's really difficult when those decisions affect a cohort of our town and a the heartbeat, essentially of our town. Who's doing the work? So I'm, I'm sorry for the changes. I think that we were really trying to aim to not have to require an override just to cover the schools and our operating costs. And so I'm I'm grateful we did it and hopeful that we can be more creative with next year. So we don't have to go through this in any other way.

[00:22:37] **Speaker2:** Very nice. Nicely said. Okay. Okay. To move on. Yep. Okay. All right. Item 11. Discussion regarding community feedback. Ashby recycling and transfer. Station master's permit fee and bag sticker costs. Would you? Yes. Mary, could you bring up another chair, please? Oh, yeah. Thank you. Sorry.

[00:23:11] **Speaker11:** Are you here for the meeting?

[00:23:12] **Speaker2:** Originally, when we talked about this. I don't know if.

[00:23:14] **Speaker3:** You were in the audience. Yes.

[00:23:17] **Speaker12:** All right.

[00:23:18] **Speaker1:** We're. Kathy is now. He's where he was.

[00:23:20] **Speaker2:** Oh.

[00:23:20] **Speaker11:** Was it really? Oh.

[00:23:21] **Speaker12:** Yeah. He's got a good memory.

[00:23:24] **Speaker2:** Good evening.

[00:23:24] **Speaker11:** Good evening.

[00:23:27] **Speaker2:** We'll start with you guys. Do you have any?

[00:23:31] **Speaker13:** Okay. I think the only comment I would make is the agenda item includes bag sticker costs. And we have not been advocating for bag sticker.

[00:23:41] **Speaker2:** Okay. You guys are not advocating for that. Okay.

[00:23:45] **Speaker13:** Because that would present a lot more work for the staff at the transfer station. Okay. We have only been talking about the annual sticker.

[00:23:55] **Speaker1:** That's great to know your feedback on the sticker cost.

[00:23:59] **Speaker13:** So that's our feedback on your agenda. Otherwise, I think since we were here on April 9th, we we did attend a meeting with the Master's Touch to talk about the grant some more.

[00:24:15] **Speaker14:** Lift your voice up just a little bit for the public.

[00:24:18] **Speaker13:** Then people will actually hear me.

[00:24:20] **Speaker2:** For people in the room.

[00:24:21] **Speaker13:** Or in the room. Okie doke. Thank you. Yeah. Sorry. So we were here before you on April 9th, and a week after that, we had Brendan and I met with the

master's to talk about the RDP grant opportunities. And they were a little bit more positive than we we hoped. And there are some things, like I told you, that we would need to do. I believe I sent that to you.

[00:24:45] **Speaker2:** You did?

[00:24:46] **Speaker13:** Yes. And hopefully because I only have an email for for you and and you. So I hope it gets forwarded.

[00:24:52] **Speaker14:** Did we forward that?

[00:24:54] **Speaker1:** I didn't see that.

[00:24:54] **Speaker2:** I don't think we forwarded.

[00:24:55] **Speaker14:** It.

[00:24:56] **Speaker13:** Because I have sent it to you. Miss Cowan's email address with the town and it bounces.

[00:25:03] **Speaker1:** Interesting J.

[00:25:05] **Speaker13:** I just used the one with the expense reports get sent out. So I presume that one was correct, but I can double check it.

[00:25:13] **Speaker14:** Oh.

[00:25:16] **Speaker13:** I had done Doug Doug's as well. Pardon?

[00:25:20] **Speaker15:** Like a Verizon or Verizon?

[00:25:22] **Speaker13:** Yes. I'm sending from. Not from my other. Other work. Other. I'll double check that. Jessica.

[00:25:30] **Speaker14:** Do you have it.

[00:25:32] **Speaker2:** On your desktop right now? Could you print a copy?

[00:25:34] **Speaker10:** Okay. Yep.

[00:25:35] **Speaker1:** Or if you just have your email on your phone, just forward it and I.

[00:25:37] **Speaker11:** Can pull it up.

[00:25:38] **Speaker10:** Okay.

[00:25:39] **Speaker11:** Thank you. I don't.

[00:25:40] **Speaker9:** Have my phone.

[00:25:40] **Speaker11:** With me. Oh, sorry.

[00:25:43] **Speaker13:** Well, magically, I have a laptop right here. I can, I can anyway, that the opportunity was for up to 18 points. Yes. And some of the action, like Brendan, has already created the Facebook page.

[00:26:01] **Speaker14:** Well done. Brendan.

[00:26:02] **Speaker13:** And so that he and I are both administrators on it. And so we can do some of the sharing that is required to get some of those points to share. Recycle smart information. The last expense report that I got so before the one you just did was 29,082, which is still less than the revenue that we had, which was only up to March was, which was 30,738. So when the next one comes out, it will be a month's worth more. So I think we're still running at a good rate. Brendan's doing a great job. So otherwise everyone, all 50 people or so. They came to town, meeting voted on the special town meeting warrant to add some money. And actually, I wanted to wondered what that was for, but that's fine. It's probably 3000 just allocated to make sure we make it to cover.

[00:27:07] **Speaker14:** Yes, that is correct. Yep.

[00:27:09] **Speaker13:** Yep. And so that brings us to our meeting tonight. And here we are.

[00:27:13] **Speaker14:** Okay.

[00:27:14] **Speaker13:** Do you, do you already have citizen feedback that we need to respond to?

[00:27:21] **Speaker2:**

[00:27:23] **Speaker14:** So I.

[00:27:24] **Speaker2:** Talked to two people that were on my street, and they are not in favor of this sticker going on a.

[00:27:29] **Speaker14:** Bag.

[00:27:30] **Speaker13:** Yeah, neither are we.

[00:27:30] **Speaker14:** Yeah. Yeah.

[00:27:31] **Speaker2:** And they weren't in favor of the permit either.

[00:27:34] **Speaker14:** So Okay. Yeah.

[00:27:40] **Speaker2:** I'm not sure what to do, to be honest with you. I don't know if a permit is the right thing. I don't know what to do to.

[00:27:49] **Speaker16:** I've raised bad costs to, you know, over the years. I think I've been there since 2018. So it started at four bucks. I went to five. And then finally, after the pandemic, prices just jumped and I had to go up to that \$7 eight for a contractor bag. I mean, I could still raise prices on TVs and other miscellaneous things that come in. I'm checking with other transfer stations. We're pretty much in the ballpark. Some transfer stations were a little in left field with their costs, like high up, and didn't really

know why a toilet might cost \$30 in one town. Will it cost \$5 in another? But but I can raise prices on other items, televisions and such.

[00:28:31] **Speaker13:** Basically the bulk thing.

[00:28:32] **Speaker16:** The bulk stuff. Yeah, that's what I can do to try and raise more money. We're already getting the money from the hauler fees coming in. That's an extra. What was that like 3750? Yeah. So that's that's an extra bump up from what I had last year. I'm still getting grant money of about 6000. And if we get anything extra, let's say it's even 7000. I'm still getting 7000. So that's an extra 10,000 basically coming in. I mean, I know you can't count on grants, but we've been pretty steady. It's been 5 or 6000 since I started. So.

[00:29:06] **Speaker13:** And we and we are actually trying to make it better than that.

[00:29:09] **Speaker14:** Yeah.

[00:29:10] **Speaker13:** Right. So which I will get to you. I don't know why that bounced. And if, if I can get his address as well, I'll send it all out again. If we were to work in succeed at the 18 points, part of the question is whether they'll accept that the Board of Health regulations that they passed have been in place long enough, you know, and that's a DEP decision. So we just have to wait on that. The Board of Health has done everything they can do to get us those three points, which is \$1,800. We just have to hope that they're happy with it. And that was sort of why last time I suggested that maybe if we keep the options in play, see what we get, and then you guys can make the decision on what to do whether it's a a fee or not, a fee, a add the annual fee, lower the bag price, and people can reduce their own waste and save their own money. Right. That's kind of the idea.

[00:30:18] **Speaker1:** Yeah. I have two questions. One for you and one for you. So I'll start with you. What's the frequency of the bulk items? So, for instance, if you were to raise the cost of those bulk items, what's the frequency of which they're coming in to know what that increase might even be?

[00:30:35] **Speaker16:** It might only be an extra 100 bucks a week. Maybe. You know, that's the thing about that. It's only taken. So, you know, people only have about a TV and a mattress a year to get rid of. Yeah.

[00:30:45] **Speaker1:** Maybe that that's what I was thinking. Thank you. Yeah. Question for you. So based on the feedback that you did get why were they people. That's great. That's a more than I got. No one has really spoke up about it from my perspective and my experience. I'm curious if you can share the reasons that they were opposed to a permit. Because I think that will help us understand a little bit better.

[00:31:15] **Speaker2:** So Bob only uses the transfer station.

[00:31:18] **Speaker11:** You don't need to know. Sorry.

[00:31:20] **Speaker2:** Sorry. He only uses the recycling transfer station like twice a year. He says he uses it in the spring and before the winter. He doesn't feel he needs to pay for a permit. He asked me what the permit price was going to be. I told him I don't know. I said it could be anywhere from \$25 to \$50. That was just a guess. He feels he should just be able to bring his stuff down there and pay by the piece, and that's it.

[00:31:51] **Speaker1:** We talked about having the potential. We talked about the potential of having a day pass. Right. And so they would not have to have an annual pass if they only did it a couple times.

[00:32:00] **Speaker2:** Yep. Yep. He he wants it to stay the way it is. He mentioned what was the gentleman's name that ran it before Jack. Yeah, yeah. Yep, yep. We need to go back to the way Jack ran it, and Yeah.

[00:32:15] **Speaker1:** So I think long term we're seeing effects of not.

[00:32:18] **Speaker11:** And this is no, this is no. This is a gentleman talking to me and the system.

[00:32:23] **Speaker13:** And it could be that back in the days of Jack, the recycling brought in revenue. Recycling does not bring in everything. Collected costs money now, right?

[00:32:38] **Speaker2:** Yeah.

[00:32:39] **Speaker13:** Right. Everything costs to dispose of. It is really a transfer station, right? Is it? You create trash, you give it to Brendan and he pays someone to take it away.

[00:32:50] **Speaker1:**

[00:32:51] **Speaker11:** And I tried.

[00:32:51] **Speaker13:** To.

[00:32:51] **Speaker11:** Explain.

[00:32:52] **Speaker13:** To.

[00:32:52] **Speaker11:** Him things have changed since Jack.

[00:32:55] **Speaker2:** Ran the transfer.

[00:32:56] **Speaker11:** Station.

[00:32:56] **Speaker1:** I think too, we're seeing we're seeing the effects of not being able to bring in revenue to cover operating costs in many different ways. And all of these add up at the end of the year when it comes to our total budget. So this is not just specific to your situation. We're seeing this in other situations where it costs more than what we're able to bring in, and that's why we're at, you know, up against a potential override. And with such a tight budget. And so these little things do add up. And I think you said every penny in the bucket matters. And so I think that the larger picture and for everyone in the town, although not everyone uses the transfer station we don't want to be not

bringing in enough to cover it and then ask everyone in the town to cover it more in their property taxes. Essentially.

[00:33:52] **Speaker13:** And I would toss in, since we're doing trash.

[00:33:55] **Speaker11:** Yeah.

[00:33:55] **Speaker13:** That you have spoken with people that use the transfer station on a regular basis, and they are fine with the fee.

[00:34:03] **Speaker16:** Some of them, I give you 20 bucks to come here once a, you know, it's people that come there regularly because I tell them I tell everybody what the costs are. I'm happy to chat costs with people at recycling. Why not just let them know how it works? But yeah, back to like you saying your neighbor. I was just stopped just walking down the street a little while ago by a guy I hadn't seen in a year. He's like, oh, you open this? Oh, no.

[00:34:25] **Speaker11:** I was walking my dog.

[00:34:26] **Speaker2:** And he came out of his house.

[00:34:27] **Speaker11:** Yeah. So. Yeah. So. Yeah. So it's, you know, there are a.

[00:34:30] **Speaker16:** Lot of people that just come once a year, twice a year that it's a town service. It's when you're digging tires out of your backyard, they come there and everybody's got that in their yard in this town. So Yeah, I don't know, but it is tough. Back to the budgeting of it, I guess is where we're at again.

[00:34:47] **Speaker3:** So how how do the other towns around us handle the, the payment issue? I mean, do they do stickers?

[00:34:54] **Speaker16:** Do it's different in different towns. A lot of them are run by the DPW. Like when I go to master's meetings, I'm one of the only guys who are not a DPW guy or work for the town. Really? Cost wise, we're kind of the same. I think we get a

decent break with Monadnock over other people that I've talked to using, you know, any of the bigger definitely Casella and some of the other bigger companies.

[00:35:22] **Speaker1:** Townsend did the bags, which did not go over well.

[00:35:25] **Speaker16:** Yeah, I've kind of heard that. Yeah.

[00:35:28] **Speaker1:** So essentially they only take the purple bags that they sell at specific locations. And so there's concern there because not everyone is able to purchase the bags. It depends on timing, location, accessibility, being able to go and do that. And so having specific bags that were accepted, which I think would be similar to the stickers in terms of time and effort for everybody, I think just it was not I still see people complaining about it in the community.

[00:35:57] **Speaker11:** Groups.

[00:35:58] **Speaker13:** In Townsend. They actually pick it up at your doorstep. So and they're still complaining. I can tell from Mister Lasorsa that I did have a little survey of area towns with their sticker price and their bag price that I that I don't. It appears you didn't get. So I can make sure when I mail it, you know. So Pepperell is \$96 a year for their sticker. Royalston is 75. Winchendon is 75. I'm trying to find small towns.

[00:36:30] **Speaker3:** So? So that's that's the price of a permit.

[00:36:33] **Speaker13:** The permit?

[00:36:34] **Speaker3:** Right. Do they do bag stickers with that or.

[00:36:36] **Speaker13:** They charge by the bag? Yeah. I don't know that they have stickers. Like, Brendan's managing to do it without forcing people to buy either the bags or little stickers for the bag just by.

[00:36:49] **Speaker16:** Their own trash bags.

[00:36:50] **Speaker13:** Their own trash bag.

[00:36:51] **Speaker16:** But in terms of cost, I think we probably charge more per bag than most. Do we? Yeah we do. And that kind of offsets any running around and purchasing stickers or purchasing special bags and trying to figure out where in town we can sell them and who's open late enough or people that work in just those areas.

[00:37:12] **Speaker3:** I know that the meeting I was in when you had your last presentation you were talking about, we discussed a little bit the cash aspect of it. You know, I know stickers are inconvenient, whatever. But you know, to I don't know, know know, you know, but it would be more accountability not saying anybody doing it, you know, but but yeah, I know it's more of a hassle to do it.

[00:37:42] **Speaker2:** So I reached out to a town, actually. A city. It was a city. Just to ask about the cash aspect of it. And they laughed because it's kind of antiquated. And the accountability retro.

[00:38:00] **Speaker13:** We like David.

[00:38:03] **Speaker11:** Do we have receipts?

[00:38:04] **Speaker2:** Do we give receipts to people.

[00:38:06] **Speaker11:** If.

[00:38:06] **Speaker16:** People want.

[00:38:06] **Speaker11:** Them?

[00:38:07] **Speaker2:** Okay. But if they don't.

[00:38:09] **Speaker16:** I keep a record lately. Just write it down on a piece of paper I did by receipts. The receipts were costing me about \$300 for double sided receipts. Only two people every week want them. So it was just, why am I spending this money? When I started off, we had boxes of receipts and we ordered them from a printing company. And write them and write them and write them, and no one ever wanted them, really. So

that was just a savings of whatever you want to call it. I forget what it exactly cost, but I stopped buying them like four years ago, and now I just kind of like in a notebook as people come. One bag, seven bucks, one bag, eight bucks.

[00:38:45] **Speaker13:** Because when you write out the receipt and they walk over to the paper recycling, it's kind of.

[00:38:49] **Speaker11:** Yeah, like I said, it just was.

[00:38:52] **Speaker16:** A lot of, you know, a lot of money for something people weren't. Yeah.

[00:38:56] **Speaker11:** No, you're.

[00:38:57] **Speaker16:** Right.

[00:38:57] **Speaker11:** That's a waste. Yeah. It's wasteful.

[00:38:59] **Speaker2:** Do you when we talk about TVs so somebody drops off a TV?

[00:39:05] **Speaker11:** Yeah.

[00:39:06] **Speaker2:** They Pay. I don't know how much it is.

[00:39:10] **Speaker16:** 15, 20.

[00:39:11] **Speaker11:** Bucks.

[00:39:12] **Speaker16:** Yeah.

[00:39:12] **Speaker11:** And how many TVs?

[00:39:14] **Speaker16:** Depending on.

[00:39:15] **Speaker11:** How many.

[00:39:15] **Speaker2:** Tvs get collected before they go away to wherever they go.

[00:39:18] **Speaker16:** It depends. Because TVs, the mattresses, the ACS and all the electronics go in one bin and it gets hauled away by raw materials and they sort it out and give me a price. I actually have an invoice over here if you want to see it.

[00:39:32] **Speaker2:** That would be wonderful.

[00:39:33] **Speaker16:** Yeah, sure.

[00:39:35] **Speaker2:** I'm just trying to think of we, you know what? Are we losing money on the haul? No. Okay. Okay. Yeah. And we're focusing on the little stuff when we could be focusing on the bigger stuff.

[00:39:48] **Speaker11:** That's why I.

[00:39:48] **Speaker16:** Was kind of saying I could raise prices, like, it's a it's a big area. I feel like I could, you know, some some recycling centers might charge, like, 40 bucks for a TV that's like, well, that seems a little high, but.

[00:40:00] **Speaker13:** Right. Like Ashburnham charges.

[00:40:02] **Speaker16:** Returning the TV.

[00:40:03] **Speaker11:** You know.

[00:40:03] **Speaker13:** Yeah. Then we find them in the woods.

[00:40:06] **Speaker11:** That's.

[00:40:07] **Speaker2:** Well, and that's where I was going to go because they'll be on the side roads.

[00:40:11] **Speaker13:** Three huge TVs were dumped in Willard Brook, right on the Valley Road dirt thing. So what you need to consider for that, right, is that it was reported to conservation and I didn't go get them, but so we called the DCR headquarters, they called Ashby Highway, and Ashby Highway picked them up and brought them to Brendan. So the town had to pay the fee twice.

[00:40:43] **Speaker2:** Basically, we're paying two.

[00:40:44] **Speaker13:** Yeah, right. You paid. You paid Ashby Highway people to go get them and bring them to the transfer station. And then the transfer station had to pay to have them hauled off. So that's the risk. And all I was going to say is Ashburnham charges \$50 a TV. We charge \$10 for something that weighs about £40.15 for something that weighs about 15 and 25 for bigger, because everything he's he gets rid of is goes by weight.

[00:41:17] **Speaker16:** Yeah, the electronics are kind of a gray area because it goes by weight. Acs and refrigerators are ACS and refrigerators a little more straightforward? You can kind of see the prices right there. Forget what they are. I charge 25 for a mattress. I think they charge me 17. I charge 25 for what? Refrigerator. And I think I might actually get a credit for that. Maybe that's just the ACS one or the other I get a credit for. Not a big credit, but still.

[00:41:42] **Speaker13:** No, I think so. You have 25 for the refrigerator, 25 for the air conditioner. I think right now the dehumidifiers are getting a massive credit. Yes they are. That's just kind of a lucky thing at the moment.

[00:41:55] **Speaker16:** I try and tell people.

[00:41:56] **Speaker13:** That.

[00:41:56] **Speaker16:** Forever they still show up and I still have to charge them 25 bucks. I tell people to look into mass save or.

[00:42:01] **Speaker13:** Do it themselves. Yeah, Unitil would come and get it.

[00:42:04] **Speaker16:** And we have we have actually had a Unitel.

[00:42:07] **Speaker13:** Dehumidifiers.

[00:42:08] **Speaker16:** Where Unitel showed up and you could actually at the recycling center and bring your dehumidifier. They haven't done that in a while, but they did in the past.

[00:42:16] **Speaker13:** That's a massive thing. It's not out of the goodness of their heart.

[00:42:20] **Speaker11:** Yeah.

[00:42:21] **Speaker1:** I have a question about this invoice.

[00:42:24] **Speaker16:** Yeah.

[00:42:25] **Speaker1:** So what would you say is the the timeline of collecting all of these items for them to be hauled away?

[00:42:33] **Speaker11:**

[00:42:36] **Speaker16:** Three months. Four months maybe.

[00:42:38] **Speaker1:** Okay.

[00:42:40] **Speaker16:** That's maybe a four time a year thing. Yeah.

[00:42:42] **Speaker1:** So if it's roughly about the same. Yeah. Cadence of bringing stuff in. Yep. That would be about \$1,300 quarterly that you'd be charged.

[00:42:55] **Speaker16:** Yeah.

[00:42:56] **Speaker1:** Okay. And this is from 2024.

[00:43:00] **Speaker16:** One or the other. I just picked one up quick out of my. Yeah, okay. I have in there. I'm like, I'm just going to grab one quick just in case you guys want to know the prices.

[00:43:07] **Speaker1:** Yeah. I just didn't know if their rates have gone up since this is over.

[00:43:10] **Speaker16:** You know, it's pretty much the same. Yeah. They're a family company.

[00:43:14] **Speaker1:** Do you want to pass that down? That's very helpful to see. Thank you.

[00:43:19] **Speaker16:** Yeah I can.

[00:43:21] **Speaker9:** If you don't mind if.

[00:43:22] **Speaker11:** I know. Absolutely.

[00:43:23] **Speaker9:** I just want to jump in as to why we got to where we are today. We had a meeting with the Department of Revenue, and they indicated that we need to make this self-sufficient. And I know that several towns are up against the same scenario that we are. So it's no different. It's just a little bit smaller here. And that's why I just recently spoke to Ashburnham. They are July 1st, are implementing a \$75 permit fee on top of their bag stickers. And the additional sticker for another car is \$10, and they are going the prepaid bags similar to Townsend, but a little bit different because Townsend had to purchase their bags, but they were still getting picked up at their door. So that's the only difference that really applied. I don't know where it stands now with the new budget, but that's how it was last year. But in Ashburnham you could buy a sticker and put it on the bag. So when they came to the transfer station, the attendant would just see the sticker and let it go. So there was no collection. They just kind of waved them in so it kept things flowing. This time they're just going to do a they're not doing purple. I'm not sure what color bag they're doing. I think it might be green, but it's a specific bag. So it's the same size. And you can go to town hall. There's several

stores. You can purchase them. Some people buy packages of five at a time, packages of ten. So that might last them a month or so. So they are making those. Yeah.

[00:44:46] **Speaker11:** So yeah.

[00:44:48] **Speaker9:** So everybody's making the adjustments because they use waste management, we use Monadnock. But as we know, everything's either doubled or maybe in some cases tripled cost wise. So when someone refers to when Jack was on board, I'm sure the rates were much lower when Jack was on board. So, you know, things have changed, you know, exponentially gone up over the course. And it is a service that's provided to a small amount of Ashbury residents. So the door looks at it as this the town putting in the free cash. It's it's absorbed by all the residents of the town. So it needs to be a self sustaining. And I know that you guys do a great job with the grants and you know, Mashed Hoss has a lot of great grants. If you do certain points which they are on top of. And, you know, we found a few more that we could add. So, you know, every bit that we can add on. But at the, you know, we just had to put in two free caches for, to offset the current budget. So this the door is really looking for us to do something substantial. Come, you know, July 1st or very close to thereafter to make next year sustainable. Almost self-sustaining, but we don't really know yet. I know Brendan said before that there was 200 people. I thought there was like 110 that might use it, so we really wouldn't know the true number until we sold these permits to find out actually who's using it. And obviously no one can enter if they don't have the permit. So they just I know that the dois, you know, it was asking us to take some kind of, you know, affirmative action on this.

[00:46:18] **Speaker13:** So that would mean that Ashburnham went from no sticker in \$5 a bag to a sticker and a bag. So we're we're very similar to them is all I'm trying to get at, right? We are no sticker in \$7 a bag.

[00:46:33] **Speaker9:** Yeah, they had a sticker before and now they're just doing a bag. So yeah. Same thing. Yeah. So but they did.

[00:46:39] **Speaker11:** Permit.

[00:46:40] **Speaker9:** For the.

[00:46:41] **Speaker13:** Permit for the Jack story. Right. So back in the Jack days. Yeah. You didn't have any. Well, this is Ashburnham. This fiscal year has no sticker. And next fiscal year, they will have a sticker.

[00:46:52] **Speaker11:** For \$75.

[00:46:54] **Speaker13:** Bags for \$75.

[00:46:55] **Speaker2:** Paying for.

[00:46:56] **Speaker11:** Bags.

[00:46:56] **Speaker13:** And paying for bags.

[00:46:58] **Speaker2:** I can't. Paying for a bag that seems like a pain. I'll be honest with you.

[00:47:03] **Speaker13:** It's buying trash to throw away your.

[00:47:06] **Speaker11:** Trash to buy.

[00:47:06] **Speaker2:** Stickers. They're gonna have to be printed. We're gonna have to find somebody to we staff is. You know.

[00:47:12] **Speaker13:** That's the way I think. I mean, I would suggest we try starting with just an annual sticker permit.

[00:47:19] **Speaker9:** Permit sticker.

[00:47:22] **Speaker13:** So if we call it an annual permit, and then Brendan can adjust the bag price as it appears that we need to do right as as the year goes on and not get into buying bags or buying bag stickers.

[00:47:42] **Speaker1:** And I think we had talked about looking into getting a square. So that way you could take card payments or sell permits on site if people maybe didn't have one. We're looking to get one a day pass, something like that. But I think that the reception might be.

[00:48:00] **Speaker13:** Yeah, the option.

[00:48:01] **Speaker9:** Well, we do have a tower up there.

[00:48:03] **Speaker11:** Yeah. Do we have a.

[00:48:04] **Speaker9:** We.

[00:48:04] **Speaker11:** Do.

[00:48:04] **Speaker9:** Have a cell.

[00:48:04] **Speaker11:** Tower. Tower. Yeah. Okay.

[00:48:08] **Speaker9:** I think like Dave had said previously, a lot of towns do the, the, the stickers on the bag or now the colored bags to avoid any collection of funds at the transfer station. So it eliminates that completely.

[00:48:19] **Speaker13:** You're talking about selling the annual fee. That's what you're.

[00:48:24] **Speaker9:** Talking. But no, I was just saying in reference to as why they collect stickers and they do a bag thing, it's to avoid getting any collection of money or funds, either cash check or or scanning it at the transfer station. My take was that it keeps the flow running of the cars coming in, because, you know, if you're looking for a purple bag and for instance, in town, we'll use Townsend. You know, the attendant can see that they're throwing in purple bags. I, you know.

[00:48:49] **Speaker16:** There's the only I don't know, the other aspect is when people show up with, oh, I've got a whole bunch of carpet in the back of my car. How much is that? You know, I look at it usually and say, wow, that would be like six contractor bags.

And I charge them accordingly, you know? Or if they pull up with a pickup truck, I just took apart this deck. It's like a half pickup truck and I get some fencing and, you know, that's that's where all the pricing kind of comes. That's where all the pricing kind of comes in of, like, you just have to figure it out right there. Some people just bring their barrels. They don't bring bags.

[00:49:21] **Speaker11:** Yeah. You know a.

[00:49:22] **Speaker16:** Lot of it's.

[00:49:23] **Speaker9:** A lot of transfer stations don't take any construction waste or anything like that, because that does add up to quite a bit of pounds and weight and tonnage and stuff.

[00:49:31] **Speaker11:** It does, but I.

[00:49:33] **Speaker16:** Also charge them a hundred bucks for a pickup.

[00:49:35] **Speaker11:** Load. Yeah.

[00:49:36] **Speaker16:** So if my dumpster costs 700, that should be a decent fraction of.

[00:49:40] **Speaker11:** Yeah.

[00:49:41] **Speaker16:** You know, that's kind of how I look at it. Like you're putting a lot of weight in there. Yeah. You know I need to cover that and the transport a bit. Yeah a hundred bucks.

[00:49:51] **Speaker9:** Yeah. Because I mean I know things varied based on size. Like you said, you know, somebody can come in with a small TV and then somebody comes in with a big flat screen TV, you know? So there's going to be different. It's not just, you know, \$25 blanket because somebody comes in with one of those big tube stand up TVs or something that were.

[00:50:06] **Speaker11:** You know, that's it. Someone will come.

[00:50:07] **Speaker9:** In popular ten.

[00:50:08] **Speaker11:** Years ago.

[00:50:09] **Speaker16:** Three TVs and AC and a refrigerator. And you just have to, like, hold on, let me get my chart and just price it up. And I got two trash bags and I found a tire. You know, that just. It's just spring cleaning. It's that time of year. So you do get a lot of that right now. Yeah. And it's just kind of figuring out what to charge and my charging the right amount. Right. I guess that's part of what we're here about today.

[00:50:31] **Speaker2:** Paul, do you have anything before I speak? I just don't want to.

[00:50:33] **Speaker3:** No, no. I'm good, thank you.

[00:50:35] **Speaker11:**

[00:50:38] **Speaker2:** I, I do think we need to get away from the cash aspect. I'll be honest. Taking cash down there is a liability. I just think we need to get away from that part. How do we do that? I have no idea.

[00:50:49] **Speaker16:** Yeah, I don't know.

[00:50:50] **Speaker2:** I like her idea with the square and.

[00:50:52] **Speaker11:** Hooked.

[00:50:53] **Speaker2:** Up to a phone or something to that effect. Maybe get a laptop? I don't know.

[00:50:57] **Speaker11:** How it works.

[00:50:58] **Speaker16:** I got to admit that most people have their checks filled out already. They have.

[00:51:02] **Speaker11:** The.

[00:51:02] **Speaker16:** Exact amount of cash.

[00:51:03] **Speaker11:** And checks are fine. It's all opinion.

[00:51:05] **Speaker2:** I don't know.

[00:51:07] **Speaker1:** I mean, I typically don't have cash or checks, and so that was new to me coming here to purchase checks. I think it's just different generations than what we're used to. I think also though, there's not going to be a one size fits all because not everyone will have cards. Sometimes check is the preferred method. I think that if we're looking at it from an equity lens, then we need to provide it. It needs to be accessible to everyone. I do agree with you that I think the cash could be a liability. I don't necessarily see how that would differ from the checks though.

[00:51:43] **Speaker11:** No check.

[00:51:44] **Speaker2:** Idea.

[00:51:45] **Speaker11:** Is great.

[00:51:45] **Speaker1:** No, but I'm saying that why is it cash versus check?

[00:51:50] **Speaker9:** Usually when it checks made out to the town of then it can only be deposited by the town of. So it is usually checks aren't allowed out of the building, but it does make it, you know, less liability with cash. Yeah, because somebody writes out a check and it does act as their receipt. A written check.

[00:52:05] **Speaker2:** It's like counting of the. Yeah, I.

[00:52:08] **Speaker1:** I only use them for the transfer station, so they cost more than what I'm.

[00:52:12] **Speaker11:** Paying.

[00:52:13] **Speaker16:** About 20 to 30 checks every time we're open.

[00:52:15] **Speaker13:** Yeah it is.

[00:52:18] **Speaker16:** A lot of them are filled out already by.

[00:52:20] **Speaker11:** Someone's.

[00:52:20] **Speaker16:** Wife.

[00:52:21] **Speaker11:** A lot of them are just.

[00:52:22] **Speaker16:** They fill out on the spot because they don't know how much they're going to have to pay.

[00:52:25] **Speaker2:** So 20 to 30 checks when you're open. The rest is cash.

[00:52:29] **Speaker16:** Yeah. Yeah.

[00:52:30] **Speaker11:** It's about I probably.

[00:52:31] **Speaker16:** Get about 500 checks and about a thousand in cash, maybe a little less, but that's pretty much. My ballpark is about one 1000 to 1500. That's pretty much what I take in every time we're open. Yeah. So I mean, and it is, you know, it's just what everyone's used to, I guess. Yeah. So that.

[00:52:52] **Speaker11:** Will be the part.

[00:52:53] **Speaker2:** That's going to be.

[00:52:54] **Speaker11:** Yeah.

[00:52:54] **Speaker16:** And honestly, using a square if I'm the only one up there because right now I kind of, you know, Rick has kind of gone for the summer and I'm

just trying to save money and see how this goes a little bit. I might hire someone and I haven't volunteer. I don't know. I don't know how long it'll take to run a square.

[00:53:11] **Speaker1:** It's usually only a minute or so. It's a swipe, and then they can phone number or receipt. I would imagine it would be the same as just taking the cash and then writing it in the ledger. Time wise. But but there is a hindrance there if, you know, there's no service or the technology or, you know, I think that it can be challenging.

[00:53:33] **Speaker11:** I agree with you have to take cash. Yeah.

[00:53:35] **Speaker2:** You know, to pay the bill. I just think in the dealer sense, I, I couldn't find it, but I could have sworn that they weren't happy about the cash aspect of us taking cash. I couldn't find.

[00:53:46] **Speaker11:** It.

[00:53:47] **Speaker9:** No, no. It's a liability. Again. That's why a lot of the towns went with stickers and so forth. Just so there wasn't any acceptance of cash, you know, because it doesn't take place on a Saturday outside of town hall and so forth. But that's the same in all the other towns that are usually open on a Saturday.

[00:54:05] **Speaker2:** And then somebody finds out we have a lot of cash down there.

[00:54:07] **Speaker11:** And I think that's why I go see Brendan down the station. And then. Yeah.

[00:54:12] **Speaker13:** You know.

[00:54:14] **Speaker11:** Yeah. Right. You know.

[00:54:17] **Speaker1:** I'm wondering and just for the sake of moving forward maybe if we put this on the next meeting, you provide the material that maybe we give you our emails so you can see. Yeah, absolutely. So that way we can all review the information. What I can do on my end is do some research on the cash versus credit card versus

cheque, and some best practices and the Legality behind all of it, and the liability risks that we pose and come with maybe a menu of options that other places are doing that are comparable to us. So I can do that for our next meeting, and then we can have a bit more foundation. I think that we can suppose away the night if we just continue.

[00:55:05] **Speaker2:** Yeah, I.

[00:55:05] **Speaker11:** Agree. I end.

[00:55:06] **Speaker2:** Up like another.

[00:55:07] **Speaker11:** Town.

[00:55:08] **Speaker9:** Yeah, I did when I spoke to ash for him, I asked them they had gone out to get some comparable prices on the permits, the decals that will be stuck on vehicles. They ended up going with their local printer, who gave them the best price, which was anywhere between \$1.50 and \$1.95 per permit. So that's one of those things that you would buy every year. You know, based on the year, it would have the sticker year. So if we were to charge \$25 or \$50, that would what it would cost the town. So and I think it gauges actually how many landfill users or transfer station you have. People may opt to then instead of doing this because of a permit fee, they'll just opt to get it at their house or do a monthly pickup. Or there's, you know, there's other options that are available, just as there is in other towns as well that don't have that curb to curb pickup.

[00:55:56] **Speaker11:** Okay.

[00:55:57] **Speaker13:** Right. But you can compare it to \$50 a month, which is \$600. Right. To have.

[00:56:04] **Speaker9:** Yeah. I mean, if somebody was, you know, you know, maybe not keen about the extra permit or something like that, they could choose the option. I don't think it would be cheaper for them, but that's what I'm saying. Yeah, but they might just for the convenience of it, just principal.

[00:56:16] **Speaker13:** If they want to spend \$600 for their trash instead of 25 plus seven per bag.

[00:56:22] **Speaker9:** Yeah.

[00:56:23] **Speaker1:** Then it sounds like a good marketing campaign.

[00:56:26] **Speaker13:** Yeah.

[00:56:26] **Speaker9:** I just think, you know, realistically, we need to be anywhere between that 25 and \$50 to to break even. Again, we'd have to really look.

[00:56:35] **Speaker11:** At.

[00:56:35] **Speaker2:** 25 to \$50.

[00:56:37] **Speaker9:** In that range. I think we need to be just to be able to, you know, gauge it for a year and see how it is. If we maybe increase more, you know, flow or, you know, people and we just get a gauge to how many actually use it by how many stickers we've sold.

[00:56:51] **Speaker2:** As long as we show them we're making taking action on this, they're going to be okay.

[00:56:55] **Speaker11:** Yeah. Right. Right.

[00:56:57] **Speaker13:** Yeah. And I think your your decision might come down to 25 and leave the bag price as it is, or maybe 50 and lower the bag. Right.

[00:57:06] **Speaker11:** Gotcha.

[00:57:07] **Speaker13:** Right. And then people can can think of ten bags a month. You're killing me. No.

[00:57:14] **Speaker11:** No, I just.

[00:57:14] **Speaker9:** Said ten bags in advance.

[00:57:16] **Speaker13:** Oh, I see. Okay. Well that's fine. They have room to reduce.

[00:57:23] **Speaker1:** One thing that I did, based on the amazing document you provided for our last presentation, was kind of calculate a return on investment of what it would look like based on the numbers that you provided. So what I can do is put that together. Just please, no one hold me accountable for the accounting in it, because it was just something that I was trying to do to understand what it might look like. But I can make that available for our next meeting. Maybe we could put it in the packet so people can review and get an idea. But if the numbers are off, just know that it was because I was just doing it for fun.

[00:57:58] **Speaker13:** In all of my documents are out in the public on the Google drive. So if you want to add that one to it or just mail it when we get your real address.

[00:58:08] **Speaker9:** And I know that the meeting that you were here, we announced that we were doing a Q&A and Jill had placed it on the town's Facebook page. Just, you know, to promote anybody that had any questions that, you know, use it on a regular basis. They can certainly voice their opinion, but I know you only heard from a few, and I don't know that anybody participating in today's zoom has any questions or, you know, we're looking.

[00:58:30] **Speaker1:** For.

[00:58:31] **Speaker9:** Feedback.

[00:58:31] **Speaker1:** Comments, please email us. Yeah, I think that any feedback, questions or concerns would be very helpful. Our emails are listed on the Select Board website as well. Our points of contact. And then I will prepare this stuff for our next meeting. And hopefully if anyone has comments that they would like to publicly make so others can hear your perspective, please be prepared to come to next meeting with public comment.

[00:58:57] **Speaker2:** Sure, we can do that.

[00:58:58] **Speaker1:** And in the meantime email us anything else?

[00:59:00] **Speaker13:** So May 21st.

[00:59:03] **Speaker11:** Yes.

[00:59:04] **Speaker13:** I'm just adding 14 to 7.

[00:59:06] **Speaker9:** Great.

[00:59:08] **Speaker2:** And you know what we'll do, Jill. We'll add it to the It'll be the first item after the regular public comment. We'll go into the Q&A about this. So they won't have to sit through an entire meeting if they.

[00:59:21] **Speaker15:** Discussion regarding payment options, fees and Q&A.

[00:59:25] **Speaker11:** Yes, please. Okay.

[00:59:29] **Speaker1:** Thank you.

[00:59:30] **Speaker2:** Thank you very.

[00:59:30] **Speaker11:** Much. Is there.

[00:59:31] **Speaker16:** Any other.

[00:59:32] **Speaker11:** Questions or anything.

[00:59:34] **Speaker13:** I can.

[00:59:34] **Speaker1:** Do that next time.

[00:59:36] **Speaker11:** We're going to do.

[00:59:36] **Speaker2:** That the next meeting.

[00:59:37] **Speaker11:** Oh, okay. Yes. All right.

[00:59:39] **Speaker17:** Thank you.

[00:59:40] **Speaker11:** Thank you. Thank you.

[00:59:47] **Speaker12:** Can you raise this?

[00:59:49] **Speaker8:** You're right there.

[00:59:58] **Speaker12:** Okay.

[00:59:59] **Speaker2:** Moving on. Discussion regarding lida complaints. Town administrator.

[01:00:05] **Speaker9:** Thank you. As Mr. McVeigh alluded to at the beginning of his public comments, he indicated that he has made some complaints to the ARB, which is the architect access board. Since assuming the role as Ada coordinator in October following the departure of my predecessor, I've worked diligently to address numerous accessibility concerns, including several complaints regarding the Legion, the EAS walkway, and the Allen Field Playground. Additional comments. Concerns have been noted regarding designated handicapped parking spots at Town Hall and also the Town Hall elevator. In my role, I have attended numerous hearings, met with contractors on site. I spoke to many town officials, attended numerous obtained numerous quotes for necessary improvements. Responded to numerous emails on all these items I've attended, and will be attending ARB hearings to address these complaints. Engaged with various state agencies on multiple occasions to speak on these complaints filed by the resident against the town for guidance, support and action. To further our commitment to accessibility, the town has contracted an A consulting firm to conduct a comprehensive self-evaluation of all town buildings. This assessment is costing \$5,500, which is phase one. It is funded through OPR. The first phase and the remaining balance hopefully will be covered by a grant that I'll be applying for next week. The

North Middle Northeast Independent Living Center has completed six buildings itself self-evaluations and have found minor issues, mostly signage and parking surfaces, pavement being unlevel. These items will be sought for in the Mod Mass Office of Disability grant.

[01:01:49] **Speaker9:** Overall, our town buildings are accessible to all. Key projects updates. Allen Field Walkway. We had an estimate of a walkway from. Mr. McVeigh filed a complaint saying it was not Ada accessible. We did get a mat, which is a surface some people might have seen at a beach. That was \$9,000 just to get purchase the grant. We were looking for paving contractors to come in. Our DPW superintendent, part time highway superintendent, we'll be looking into that and requested some paving companies, but no ones responded to us because this is the season for our driveway paving. So if we're not able to get that, unfortunately, that park will be temporarily closed. That funding I hope to obtain through a grant. But if we're not able to get that through the grant, the town does not have \$9,000 to make that accessible. So we would have no choice but to temporarily close that park. The playground? The Legion ramp, as Mr. McVeigh spoke of, the first one was installed, and it was not to masks. Cmr 521 that was addressed at that November 18th hearing with the ARB. I they discussed and gave us as we remember, November was the beginning of winter, so we had to purchase a new ramp. We had to buy the ARB, get it approved by an architect. So we had to have that stamped by an architect, which cost the town just about \$2,000 to do that as well. So we have met that regulations. We have sent off the new ramp to the ARB for their approval.

[01:03:30] **Speaker9:** As at the beginning of the meeting, our building inspectors noted that that would be being delivered to the town on Monday. So we're moving forward with that. We have another hearing in June. As I indicated to the ARB that we would need some time because we weren't able to do any of those construction projects in the middle of the winter. So with that the town hall parking per Ada requirements, only one accessible parking spot is required for facilities with less than 15 mark. Actually, it's under 25 marked vehicle lines. So we are in compliance with town hall. Elevator access if the elevator is out of service during a scheduled public meeting at Town Hall, the meeting must either be canceled, relocated to an Ada compliant venue such as the library, or held remotely only. We had a meeting here that we were thought that we were covered because it was hybrid. We would come to find out after speaking to the

Mod attorney That was not correct. So moving forward, if the elevator is down during a scheduled public meeting, not only the select board, but any other meeting, it would either be remote or we'd have to move the meeting or cancel it altogether. So the town of Ashby remains committed to ensuring accessibility for all residents and visitors, and we will continue to take proactive steps to meet the Ada standards and foster an inclusive community.

[01:05:01] **Speaker2:** So I have one question, because it was brought up in a public comment and it was directed towards an employee who's always parking in a handicapped spot. So I'm confused. If we do have handicapped employees, don't they? They're entitled to a handicapped spot. Correct?

[01:05:21] **Speaker11:** Correct.

[01:05:22] **Speaker9:** If someone has a placard, we can't distinguish who gets to park there or not Park there.

[01:05:26] **Speaker2:** Okay, I just wanted to clarify that. And it has nothing to do with how many spaces we need or anything.

[01:05:30] **Speaker11:** No.

[01:05:30] **Speaker2:** Okay. How many hours have you spent on this?

[01:05:39] **Speaker9:** I wouldn't even. I've had about 150 emails and conversations on a on a topic. I should have had five. So I'm.

[01:05:47] **Speaker11:** Wondering if.

[01:05:48] **Speaker2:** We might have to look at hiring an Ada person coordinated person to maybe lighten your load a little bit with this, because I have seen all the emails that come through and it's a little it's a lot.

[01:06:02] **Speaker9:** It is.

[01:06:02] **Speaker2:**

[01:06:04] **Speaker9:** I'm trying to obtain right now, I'm working on a \$555,000 grant that I'm trying to get through. Next week. I'm working on another culvert grant. I'm working on a Mod grant, which I would have applied for regardless. Because we knew that was coming up on May 1st. So it is a very busy time of year getting the budget ready up from January to just recently until the town meeting passes. Jill worked diligently on getting the warrants and everything through, so I appreciate her assistance on that. And someone says, now do you get the summer off? I said, no, that's actually now it's grant season. So it turns into a whole nother ball game. But that's what I anticipate. But, you know, the extra work is just unfortunate because, you know, we do try to be exclusive for all. And if there's an issue with certainly we take action on it. We don't we're not dragging our feet. We were up against the wintertime. So.

[01:06:53] **Speaker12:** Yeah.

[01:06:55] **Speaker2:** And it's something we do have to look at as a town because it's been a lack of a better word, neglected or just unthought of not, not it's not even the right word. But we want to make sure everybody has accessibility to buildings, parks and stuff.

[01:07:11] **Speaker9:** So doing a self-evaluation, I think, you know, that \$5,500, they work great with us. They, you know, only found very minor issues with the town buildings. You know, a couple of signage issues. I'm applying for the grant again with the mod for pavement out back because around our elevator has crumbled entering in. So if you're in a handicapped vehicle, it's quite challenging to get into the area. So we are aware of that. So but we do not have the extra funding to take care of a lot of these things. So as I indicated in the case with the playground it might have to be closed.

[01:07:45] **Speaker12:** So

[01:07:52] **Speaker2:** Anything?

[01:07:53] **Speaker1:** No. I appreciate you addressing this. I think that I agree with you. I'm grateful that there are attempts to be proactive about it. As things are brought to our

attention and as we are looking to identify them on our own as well. So I think it's just a slow moving adjustments.

[01:08:12] **Speaker11:** Very much so.

[01:08:13] **Speaker2:** Do we have money to. We can't even do that. Never mind. Okay.

[01:08:29] **Speaker12:** Any other.

[01:08:30] **Speaker2:** Questions? Comments? Thank you.

[01:08:33] **Speaker11:** Appreciate it. Excuse me.

[01:08:36] **Speaker2:** Excuse me. Excuse me.

[01:08:39] **Speaker11:** Okay.

[01:08:40] **Speaker2:** Excuse me. Thank you.

[01:08:43] **Speaker9:** I'm just indicating what you would address them.

[01:08:45] **Speaker2:** Please. Thank you.

[01:08:50] **Speaker12:** Okay.

[01:08:51] **Speaker2:** Moving on. Town administrator's report, please.

[01:08:56] **Speaker9:** To touch on the Ada compliance. The consulting firm has completed its second round of state visit site visits, including the library, highway garage, public safety building. As I indicated, I will be submitting that grant next week. We will expect to find out the grant award in August of 2025. I have reapplied for the congressional direct spending through Senator Markey's office. Unfortunately, we made it to the second round last year, but all their federal earmarks were incorporated into the broader federal budget. So we did request again for fiscal 26. But again, that's something we won't find out until, as they indicated this year, February, March or April.

And it was March that they told us that they had to earmark all that money to the federal government. So I am currently writing a community one stop grant, similar to the ones I got from Jones Hill last year in the amount of \$555,000 for the reclamation and repaving of Richardson Road from South Road to Old Northville out to route 31. This will be working on. I've been working on that diligently this week. It is quite comprehensive and it is a very competitive grant. But they we find out the awards in September. So we did see an increase in our overall chapter 90. So that's a great thing.

[01:10:10] **Speaker9:** But again a project of this size would ask would make us hold off for about two years of doing no work in order to just to do this one project. So that's why I'm looking for the extra grant money as we did Jones Hill. Same scenario. We would have had to wait two, almost two and a quarter years to raise enough money to just do Jones Hill that we were awarded in a grant. So and that would be doing no paving for two and a half, two and a quarter years. So these grant fundings are great in order to move our paving plan forward and take care of these deteriorating roads. So the elections, we saw 184 voters participated in the election. And congratulations to the newly elected officials, especially our Selectperson Paul Lasorsa Welcome Award. A heartfelt thank you to everyone who's volunteered their time to the town of Ashby. And a special thanks to outgoing Select Board Clerk Doug Lee for his dedicated service. The special in Annual Town Meeting was attended by 82 voters. Just a reminder that real estate taxes were due on May 1st, and payments not received by next week will incur the new \$15 demand fee. Late fee and that's all I have.

[01:11:21] **Speaker2:** Very nice.

[01:11:22] **Speaker11:** Thank you.

[01:11:25] **Speaker2:** Other items unanticipated by the chair, I have none. Announcements.

[01:11:31] **Speaker11:** Oh.

[01:11:33] **Speaker12:** Here. Oh.

[01:11:35] **Speaker15:** Yeah.

[01:11:36] **Speaker12:** Oh.

[01:11:37] **Speaker15:** Okay. I have two announcements. The first is the following elected positions are vacant and can be appointed by the Select board. Cemetery commissioner, one one year position and one two year position. Constable one three year position. Finance Committee two one year positions, one two year position and two three year positions. Anyone interested in volunteering for these positions could email me at McGovern. I received word from Mike Bigwood that the Ashby American Legion Parade for Memorial Day is May 26th, 2025 at 2 p.m. it will start at the Legion. There will be a chicken barbecue for \$15 per person, which includes a half chicken, mashed potatoes, green beans, coleslaw, cranberry sauce and a dinner roll. If you could RSVP by 523. Tickets can be reserved or purchased in person. The Legion phone number is (978) 386-7977. If it does rain, the parade will be held in the gymnasium at Ashby Elementary School on the same day at 2 p.m..

[01:12:46] **Speaker10:** Thank you.

[01:12:46] **Speaker15:** Thanks.

[01:12:47] **Speaker2:** Thank you. Any announcements? Do you have anything? No. Miss Callaghan. Nothing. Okay. The transfer station is open next week.

[01:13:00] **Speaker11:** Next Tuesday.

[01:13:02] **Speaker2:** Two Saturdays from now. Brendan wanted me to let everybody know. So bring your trash on down while the price is still right.

[01:13:08] **Speaker11:** May 17th. Okay.

[01:13:14] **Speaker2:** Yes. Next is the executive session. The select board will hold an executive session pursuant to Mass General Law. Chapter 30 A section 21. Reason number six to consider the purchase, exchange, lease, or value of real property. If the chair declares that an open meeting may have a detrimental effect on the negotiating

position of the body, this will be a discussion about Ashby Elementary School. We will reconvene in open session just to adjourn, though.

[01:13:47] **Speaker1:** Not on zoom, though, right?

[01:13:48] **Speaker11:** Not on zoom.

[01:13:49] **Speaker1:** Just in person.

[01:13:49] **Speaker2:** Just in.

[01:13:50] **Speaker11:** Person.

[01:13:51] **Speaker2:** The motion to enter.

[01:13:53] **Speaker1:** Great. I will make a motion to move into executive session pursuant to Massachusetts General Law chapter 30, a section 21 a reason six.

[01:14:02] **Speaker3:** Second.

[01:14:03] **Speaker2:** Motion made by Miss Kalin, seconded by Mr. Lasorsa. All in favor with your name, please?

[01:14:08] **Speaker11:** Paul I.

[01:14:09] **Speaker1:** Jesse.

[01:14:10] **Speaker11:** David.

[01:14:10] **Speaker2:** I it's unanimous. We are now in executive session. I would ask everybody the public in town hall if you would exit.

RE: Allen Field, 92 Breen Rd, Ashby (C24-019)

From Patrick McPhee <pmcphee@comcast.net>

Date Wed 5/7/2025 2:52 PM

To Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>

Cc Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please add this to the complaint for Allen field

Allen Field this is from the 2003 ADA report

Parking

Immediate steps should be taken to designate disabled parking in the area adjacent to the grandstand. The cost is small and the benefit is great.

Pathways & Trails

The pathways appear adequate. Sponsors of events should be made aware of the fact they must provide viewing areas for the disabled. Some fields can be adequately viewed from an automobile.

Buildings and Structures

- **Grandstand**
The grandstand floor is about 24" above the ground. No ramp is provided. There is no area for wheelchairs in the seating section. There is adequate room for a ramp at entrances to the grandstand. The Parks Department is responsible for the building and must address the need. Removal of some benches would provide a wheelchair area.
- **Restrooms**
The Restrooms are a freestanding building that is built at ground level. Equipping the restrooms with adequate fixtures would bring this into compliance. Parks Department should begin budgeting for this improvement
- **Bandstand**
The floor of the bandstand is about 36" above the ground. An extensive ramp would need to be built to reach this height. A lift is a more feasible solution. The Parks Department needs to study the cost and effectiveness of the various options and begin implementing a

solution.

- Storage and Concession Buildings

Mr. Ojala felt these were the least important buildings on the site. Minimal ramping and perhaps door widening would make these accessible. The Parks Department might include these with one of the larger projects

From: Benitez, Arelyn (DPL) [mailto:Arelyn.Benitez@mass.gov]

Sent: Friday, April 18, 2025 5:02 PM

Subject: Allen Field, 92 Breen Rd, Ashby (C24-019)

Good afternoon,

Attached is a copy of the Second Notice sent by the Architectural Access Board regarding Allen Field, 92 Breen Rd, Ashby. This email is intended to keep all interested parties informed.

Regards,

Arelyn Benitez

Compliance Officer I

She/Her

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

One Federal Street, Suite 600

Boston, MA 02118

(617) 727-0660

www.mass.gov/aab www.mass.gov/aab

RE: Allen Field, 92 Breen Rd, Ashby (C24-019)

From Mary Daughraty <mdaughraty@ashbyma.gov>
Date Tue 4/22/2025 7:02 AM
To Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Arelyn,

The Allen Field plan has been submitted to AAB for approval. Unfortunately, the material spec sheet we provided was denied. We have reached out to several paving companies for quotes on a paved walkway but have not received any responses yet. We will continue to follow up. However, we did receive a quote for ADA-approved mat material, which costs \$9,000. Our town's budget is very limited, and we do not have any extra funds available.

I am applying for a MOD grant on May 1st to cover the costs of the walkway materials so that our playground will be in compliance. We are committed to making Ashby inclusive for everyone, but it requires both time and money.

Thank you,

Mary Daughraty
Town Administrator, *MCPPO*
Town of Ashby
895 Main Street
Ashby, MA 01431
978-386-2424 x 124

From: Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>
Sent: Friday, April 18, 2025 5:02 PM
Subject: Allen Field, 92 Breen Rd, Ashby (C24-019)

Good afternoon,

Attached is a copy of the Second Notice sent by the Architectural Access Board regarding Allen Field, 92 Breen Rd, Ashby. This email is intended to keep all interested parties informed.

Regards,

Arelyn Benitez

Compliance Officer I

She/Her

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

One Federal Street, Suite 600

Boston, MA 02118

(617) 727-0660

www.mass.gov/aab

FW: Allen field Storm insurance claim 2022 for \$61,096.50

From Patrick McPhee <pmcphee@comcast.net>

Date Mon 5/12/2025 9:28 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>; Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>

 1 attachment (320 KB)

Insurance Proceeds.pdf;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

As you can see the insurance funds balance, adding in fire equipment smokes, etc

A balance of \$31,523.81

From: Angela Jack [mailto:tclerk@ashbyma.gov]

Sent: Monday, May 12, 2025 9:11 AM

To: Patrick McPhee

Subject: RE: Allen field Storm insurance claim 2022 for \$61,096.50

Sensitivity: Private

Hi Pat,

From the accountant:

That's because when that report was run on 08/14/2024, bottom left hand corner, FY24 was not closed yet. We do not rollover balances until all year end processes are complete. See attached current insurance proceeds account showing the \$36,318.27 that was rolled over to the account.

Thank you,

~Angela

Angela M. Jack

Ashby Town Clerk

Administrative Assistant to the Inspectional Services Department

Notary Public

Burial Agent

Record Access Officer

895 Main Street, Box 4

Ashby, MA 01431

tclerk@AshbyMA.gov

978-386-2424 ext. 121

Office Hours: Mon-Thurs 8am-12pm and Wed 5pm-8pm

From: Patrick McPhee <pmcphree@comcast.net>
Sent: Saturday, May 10, 2025 2:43 PM
To: Angela Jack <tclerk@ashbyma.gov>
Subject: RE: Allen field Storm insurance claim 2022 for \$61,096.50
Sensitivity: Private

Hi Angela,

I see at the end of FY24, there was a balance on the insurance account \$36,318.27

Why did FY25 start with no credit and a missing of \$36,318.27 from end of FY24
Can I get a tally sheet for this missing money?

Regards, Pat

From: Angela Jack [<mailto:tclerk@ashbyma.gov>]
Sent: Wednesday, August 14, 2024 5:45 PM
To: Patrick McPhee
Subject: RE: Allen field Storm insurance claim 2022 for \$61,096.50
Sensitivity: Private

Hi Patrick,

Please see attached.

Thank you,

~Angela

Angela M. Jack
Ashby Town Clerk
Administrative Assistant to the Inspectional Services Department
Notary Public
Burial Agent
Record Access Officer
895 Main Street, Box 4
Ashby, MA 01431
tclerk@AshbyMA.gov
978-386-2424 ext. 121
Office Hours: Mon-Thurs 8am-12pm and Wed 5pm-8pm

From: Patrick McPhee <pmcphree@comcast.net>
Sent: Wednesday, August 14, 2024 10:24 AM
To: Angela Jack <tclerk@ashbyma.gov>
Subject: RE: Allen field Storm insurance claim 2022 for \$61,096.50
Sensitivity: Private

AAB 159

In the pass payment sheet was similar to the attached example:

From: Angela Jack [<mailto:tclerk@ashbyma.gov>]
Sent: Tuesday, August 13, 2024 12:36 PM
To: Patrick McPhee
Subject: RE: Allen field Storm insurance claim 2022 for \$61,096.50
Sensitivity: Private

What do you mean by “the payment sheet”?

Thank you,

~Angela

Angela M. Jack
Ashby Town Clerk
Administrative Assistant to the Inspectional Services Department
Notary Public
Burial Agent
Record Access Officer
895 Main Street, Box 4
Ashby, MA 01431
tclerk@AshbyMA.gov
978-386-2424 ext. 121
Office Hours: Mon-Thurs 8am-12pm and Wed 5pm-8pm

From: Patrick McPhee <pmcphree@comcast.net>
Sent: Tuesday, August 13, 2024 12:32 PM
To: Angela Jack <tclerk@ashbyma.gov>
Subject: RE: Allen field Storm insurance claim 2022 for \$61,096.50
Sensitivity: Private

No I am looking for the payment sheet.

From: Angela Jack [<mailto:tclerk@ashbyma.gov>]
Sent: Tuesday, August 13, 2024 9:55 AM
To: Patrick McPhee
Subject: RE: Allen field Storm insurance claim 2022 for \$61,096.50
Sensitivity: Private

Hi Patrick,

To clarify – are you looking for the invoices?

Thank you,

~Angela

Angela M. Jack

Ashby Town Clerk

Administrative Assistant to the Inspectional Services Department

Notary Public

Burial Agent

Record Access Officer

895 Main Street, Box 4

Ashby, MA 01431

tclerk@AshbyMA.gov

978-386-2424 ext. 121

Office Hours: Mon-Thurs 8am-12pm and Wed 5pm-8pm

From: Patrick McPhee <pmcphee@comcast.net>

Sent: Saturday, August 10, 2024 5:41 PM

To: Angela Jack <tclerk@ashbyma.gov>

Subject: Allen field Storm insurance claim 2022 for \$61,096.50

Sensitivity: Private

Please under public records

Can I please obtain the Warrant numbers for paying out the total storm damage was \$61,096.50 from insurance (see SB Minutes 9.28.22)

I don't see the invoices, just the running payment account

SB Minutes 9.28.22

Discussion regarding Allen Field storm damage. Town Administrator Christine Lindberg explains process and estimate for damage with settlement of \$61,096.50 from insurance company. She lists Town's options for repair of the structure.

- a. MIIA would hire a company to rebuild and pay them directly.
- b. Town does work themselves.

Patrick D. McPhee

56 Heywood Road, Ashby, Ma 01431

pmcphee@comcast.net

Cell +1-978-875-0851

TOWN OF ASHBY

Ledger History - Detail with Payables - General Ledger

Tran. Type	Block/Batch	Posted	By	Tran. Name	JE Seq	Comment	Beginning	Debit	Credit	Ending
Warrant	Voucher	Payee					X-Post Source Ledger			
							Payment Number			
Account: 24-3-945-001-000										
				Insurance Proceeds		Summary:	0.00	11,852.61	43,376.42	-31,523.81
Roll Over GL		07/01/2024	merickso					0.00	36,318.27	-36,318.27
Payable	Highway/ME	08/15/2024	merickso	FW21865				3,230.62	0.00	-33,087.65
25-03				Read Custom Soils LLC		Check	37031			
Payable	Highway/ME	08/15/2024	merickso	FW21864				1,627.04	0.00	-31,460.61
25-03				Read Custom Soils LLC		Check	37031			
Payable	Highway/ME	10/24/2024	AshbyMa	11XH-VPPP-		Net Replacements - Pickleball		1,799.80	0.00	-29,660.81
25-08				AMAZON CAPITAL SERVICES		Check	37328			
Receivable	FY25Oct/2632	10/31/2024	merickso			Insurance pmt 881 Piper Rd, Ashby		0.00	1,600.00	-31,260.81
Payable	Fire 2/ME	11/07/2024	merickso	22-0761				1,600.00	0.00	-29,660.81
25-09				M.P. LAWN AND LANDSCAPE INC.		Check	37430			
Receivable	FY25Nov/2644-	11/30/2024	merickso			210-25-015		0.00	458.15	-30,118.96
Payable	Police/ME	12/19/2024	merickso	SO53781				458.15	0.00	-29,660.81
25-12				Colonial Municipal Group		Check	37585			
Receivable	FY25Feb/2687-	02/28/2025	merickso			ST-13 2/10/2025 Liberty Mutual (PSB		0.00	5,000.00	-34,660.81
Payable	Fire/ME	05/08/2025	merickso	2523				1,200.00	0.00	-33,460.81
25-22				SHATTUCK METAL WORKS		Check	38218			
Payable	Fire/ME	05/08/2025	merickso	297043				1,437.00	0.00	-32,023.81
25-22				D and G CUSTOM GRAPHICS		Check	38183			
Payable	Insurance	05/08/2025	merickso	IN010926				500.00	0.00	-31,523.81
25-22				FIRE TECH SAFETY OF NE INC.		Check	38190			
1 Account(s) totaling:							0.00	11,852.61	43,376.42	-31,523.81

Allen Field Playground- Docket Number C24 019

From Mary Daughraty <mdaughraty@ashbyma.gov>

Date Mon 5/12/2025 8:44 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Molly and Will,

Regarding the second notice for 92 Breed Rd – Allen Field Playground, I wanted to update you on our efforts to secure funding for the ADA-compliant walkway. I am applying for a MOD grant this week to cover the cost of either the approved ADA rubber matting or a paved walkway. The quote we received for the rubber matting alone was approximately \$9,000, not including installation.

As you know, the Town of Ashby operates on a very limited budget. Currently, the Parks account holds only \$5,000, which must also cover maintenance salaries and minor expenses. Without grant funding, the town will not be able to afford the necessary ADA compliance upgrades.

From what I understand, grant award notifications are not expected until August. Therefore, the town is requesting an extension, as we will unfortunately have to close the playground indefinitely if the grant is not awarded and alternative funding cannot be secured.

Thank you for your understanding and support.


Best regards,
Mary Daughraty

FW: Allen Field, 92 Breen Rd, Ashby (C24-019)

From Patrick McPhee <pmcphee@comcast.net>

Date Sat 5/10/2025 3:35 PM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>

 3 attachments (2 MB)

Insurance Proceeds Allen Field Expenses.pdf; Update Final ARPA 01.06.25.pdf; Highway budget as of end of April 2025.pdf;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

So to understand the town has just spend out of the Highway department budget for a 8th truck for 2 employees. plus the Town's pay raises more than the State average percent.

Also there is funds from Allan field insurance repair

I see at the end of FY24, there was a balance on the insurance account \$36,318.27

Why did FY25 start with no credit and a missing of \$36,318.27 from end of FY24

The majority of the insurance funds was to cut trees down, not required by the insurance. Plus you don't pay to cut trees down and give the wood with it.

Allan fields falls under the Highway and shares the Highway property.

Highway budget is \$712,756.58, with a balance of \$118,620.69 as of today.

Using ARPA fund to paying down the lease of the Plow truck , on the Highway budget was \$290,333.26. This was mostly used after the Violation issued from the AAB

So budget of \$712,756.58 deducting the \$290,333.26 should give a budget balance of \$408,953.95

Plus the TA gave the awarded the 70% of Community One Stop Grant for \$560,000 for highway road repair!

Ashby Highway Department took delivery on their new dump truck



From: Paul Lasorsa [mailto:plasorsa@ashbyma.gov]
Sent: Thursday, May 8, 2025 4:40 PM
To: Patrick McPhee
Subject: Re: Allen Field, 92 Breen Rd, Ashby (C24-019)

Patrick
Because of the complaint we will just have to maybe just shut it down.

From: Patrick McPhee <pmcphee@comcast.net>
Sent: Wednesday, May 7, 2025 2:37 PM
To: Paul Lasorsa <plasorsa@ashbyma.gov>
Subject: FW: Allen Field, 92 Breen Rd, Ashby (C24-019)

From: Benitez, Arelyn (DPL) [mailto:Arelyn.Benitez@mass.gov]
Sent: Friday, April 18, 2025 5:02 PM
Subject: Allen Field, 92 Breen Rd, Ashby (C24-019)

Good afternoon,

Attached is a copy of the Second Notice sent by the Architectural Access Board regarding Allen Field, 92 Breen Rd, Ashby. This email is intended to keep all interested parties informed.

Regards,

Arelyn Benitez
Compliance Officer I
She/Her
Architectural Access Board

AAB 165

Office of Public Safety and Inspections
Division of Occupational Licensure
One Federal Street, Suite 600
Boston, MA 02118
(617) 727-0660
www.mass.gov/aab

Parameters: Fiscal Year: 2023 Start Date: 7/1/2022 end: 6/30/2023

Ledger History - Detail with Payables - General Ledger

Tran. Type	Block/Batch	Posted	By	Tran. Name	JE Seq	Comment	Beginning X-Post Source Ledger	Debit	Credit	Ending	
Warrant	Voucher	Payee				Payment Type	Payment Number				
Account: 24-3-945-001-000											
				Insurance Proceeds			Summary:	0.00	13,035.00	72,553.56	-59,518.56
Journal Entry	Fire Insurance	01/20/2023	merickso	1398		Insuranc	To reclass charge for MP Lawn and	1,560.00	0.00		1,560.00
Receivable	FY23Jan/2187-	01/31/2023	merickso				Payment for Allen Field Damages less	0.00	72,553.56		-70,993.56
Payable	reclass/reclass	02/27/2023	Idelloio	1				5,500.00	0.00		-65,493.56
	23 reclass			Mayer Tree Service Inc							
Payable	Town Hall 2/ME	03/03/2023	merickso	22-0244				5,975.00	0.00		-59,518.56
	23-18			M.P. LAWN AND LANDSCAPE INC.		Check	34397				
							1 Account(s) totaling:	0.00	13,035.00	72,553.56	-59,518.56

Ledger History - Detail with Payables - General Ledger

Tran. Type	Block/Batch	Posted	By	Tran. Name	JE Seq	Comment	Beginning	Debit	Credit	Ending	
Warrant	Voucher	Payee				Payment Type	X-Post Source Ledger				
							Payment Number				
Account: 24-3-945-001-000 Insurance Proceeds							Summary:	0.00	41,800.29	78,118.56	-36,318.27
Roll Over GL		07/01/2023	merickso					0.00	59,518.56	-59,518.56	
Receivable	FY24Aug/2341	08/31/2023	merickso			ST3-FY24		0.00	18,600.00	-78,118.56	
Payable	Highway/ME	09/28/2023	merickso	SP6/27057				6,050.00	0.00	-72,068.56	
24-06				ALTA Contruccion Equipment NE LLC		Check	35432				
Payable	Highway/ME	10/13/2023	merickso	09202023				4,250.00	0.00	-67,818.56	
24-07				Thayer Wood Energy Inc		Check	35577				
Payable	Supplemental/ME	03/18/2024	merickso	Down Payment				8,750.00	0.00	-59,068.56	
24-18				Builtwell Fence Company		Check	36303				
Payable	TA/ME	04/11/2024	merickso	0001242				8,750.00	0.00	-50,318.56	
24-20				Builtwell Fence Company		Check	36382				
Payable	Highway/ME	05/09/2024	merickso	04192024				860.36	0.00	-49,458.20	
24-22				R N Cutrumbes Trucking LLC		Check	36557				
Payable	TA/ME	05/09/2024	merickso	INV199978				5,440.85	0.00	-44,017.35	
24-22				On Deck Sports Inc		Check	36547				
Payable	TA/ME	05/09/2024	merickso	INV200480				2,641.50	0.00	-41,375.85	
24-22				On Deck Sports Inc		Check	36547				
Payable	Highway/ME	06/06/2024	merickso	22-0760				800.00	0.00	-40,575.85	
24-24				M.P. LAWN AND LANDSCAPE INC.		Check	36680				
Payable	Highway/ME	06/06/2024	merickso	22-0759				825.00	0.00	-39,750.85	
24-24				M.P. LAWN AND LANDSCAPE INC.		Check	36680				
Payable	Highway/ME	06/06/2024	merickso	22-0758				2,970.00	0.00	-36,780.85	
24-24				M.P. LAWN AND LANDSCAPE INC.		Check	36680				
Payable	Highway/ME	06/06/2024	merickso	INV201421				462.58	0.00	-36,318.27	
24-24				On Deck Sports Inc		Check	36692				
1 Account(s) totaling:								0.00	41,800.29	78,118.56	-36,318.27

Parameters: Fiscal Year: 2025 Start Date: 7/1/2024 end: 6/30/2025

Ledger History - Detail with Payables - General Ledger

Tran. Type	Block/Batch	Posted	By	Tran. Name	JE Seq	Comment	Beginning	Debit	Credit	Ending	
Warrant	Voucher	Payee					X-Post Source Ledger				
							Payment Number				

Account:	24-3-945-001-000			Insurance Proceeds			Summary:	0.00	4,857.66	0.00	4,857.66
Payable	Highway/ME	08/15/2024	merickso	FW21865				3,230.62	0.00	3,230.62	
25-03				Read Custom Soils LLC		Check	37031				
Payable	Highway/ME	08/15/2024	merickso	FW21864				1,627.04	0.00	4,857.66	
25-03				Read Custom Soils LLC		Check	37031				
						1 Account(s) totaling:		0.00	4,857.66	0.00	4,857.66

Group as: **_***_***_***

Parameters: Fiscal Year: 2025 Start Date: 07/01/2024 end: 06/30/2025

TOWN OF ASHBY

Ledger History - Allocated Summary - Expenditure Ledger

Account Number	Name	Allocated	Net Activity	Ending	% Var.
01-5-305-705-920	NMRSD Reg. School Transp. Schools	361,371.00	-316,635.75	44,735.25	87.62
Total Group 3: Segment 4: Expense	705 - Transportation	361,371.00	-316,635.75	44,735.25	87.62
Group 3: Segment 4: Expense	710 - Debt Service				
01-5-305-710-920	NMRSD Debt Service Schools	565,106.00	-425,975.25	139,130.75	75.38
Total Group 3: Segment 4: Expense	710 - Debt Service	565,106.00	-425,975.25	139,130.75	75.38
Total Group 2: Segment 3: Department	305 - North Middlesex Reg. Sch.	5,147,048.00	-3,830,894.50	1,316,153.50	74.43
Group 2: Segment 3: Department	422 - Highway				
Group 3: Segment 4: Expense	500 - Salary				
01-5-422-500-100	Highway Salaries - Superintendent	41,600.00	-35,420.00	6,180.00	85.14
Total Group 3: Segment 4: Expense	500 - Salary	41,600.00	-35,420.00	6,180.00	85.14
Group 3: Segment 4: Expense	505 - Wages				
01-5-422-505-000	Highway Dept Wages Budget	0.00	1,170.72	1,170.72	0.00
01-5-422-505-125	Highway Dept Wages Regular Pay	289,016.00	-217,171.75	71,844.25	75.14
Total Group 3: Segment 4: Expense	505 - Wages	289,016.00	-216,001.03	73,014.97	74.74
Group 3: Segment 4: Expense	515 - Overtime				
01-5-422-515-155	Highway Overtime Overtime Hourly	9,000.00	-7,904.34	1,095.66	87.83
Total Group 3: Segment 4: Expense	515 - Overtime	9,000.00	-7,904.34	1,095.66	87.83
Group 3: Segment 4: Expense	520 - Expense				
01-5-422-520-001	Highway - Parks and Rec Expenses	5,000.00	-2,622.26	2,377.74	52.45
01-5-422-520-002	Highway - Cemetery Expenses	3,500.00	-1,008.82	2,491.18	28.82
01-5-422-520-265	Highway Exp Office Supplies Equip	500.00	-16.15	483.85	3.23
01-5-422-520-310	Highway Exp Water	200.00	-416.50	-216.50	208.25
01-5-422-520-325	Highway Exp Electric Service	9,000.00	-4,910.81	4,089.19	54.56
01-5-422-520-326	Highway Street Lights	2,000.00	0.00	2,000.00	0.00
01-5-422-520-330	Highway Exp Custodial	780.00	-850.41	-70.41	109.03
01-5-422-520-335	Highway Exp Building Maintance	2,000.00	-10,465.94	-8,465.94	523.30
01-5-422-520-400	Highway Expense-Gasoline	68,000.00	-47,244.31	20,755.69	69.48
01-5-422-520-410	Highway Exp Fleet Mnt	0.00	-2,762.66	-2,762.66	0.00
01-5-422-520-415	Highway Exp Fleet Repair	45,000.00	-111,545.48	-66,545.48	247.88
01-5-422-520-420	Highway Exp Training	5,000.00	-579.41	4,420.59	11.59
01-5-422-520-430	Highway Exp Uniform	5,000.00	-3,577.79	1,422.21	71.56
01-5-422-520-485	Highway Exp Protective Equip	1,000.00	-3.79	996.21	0.38
01-5-422-520-511	Highway Drug Testing	1,500.00	-230.00	1,270.00	15.33
01-5-422-520-542	Highway Exp Tools	7,000.00	-2,572.64	4,427.36	36.75
01-5-422-520-547	Highway Materials	140,000.00	-103,074.60	36,925.40	73.62
01-5-422-520-705	Highway Exp Subcontractors	45,000.00	-41,731.97	3,268.03	92.74

Group as: **_**_**_**_**_**

Parameters: Fiscal Year: 2025 Start Date: 07/01/2024 end: 06/30/2025

TOWN OF ASHBY

Ledger History - Allocated Summary - Expenditure Ledger

Account Number	Name	Allocated	Net Activity	Ending	% Var.
01-5-422-520-870	Highway Exp Replacement Equipment	5,000.00	-936.40	4,063.60	18.73
01-5-422-520-918	Highway Exp Employee CostsWelfare	0.00	-100.00	-100.00	0.00
Total Group 3: Segment 4: Expense	520 - Expense	345,480.00	-334,649.94	10,830.06	96.87
Group 3: Segment 4: Expense	600 - Cruiser/Lease Purchase				
01-5-422-600-800	Highway - Dump Truck Lease	27,500.00	0.00	27,500.00	0.00
Total Group 3: Segment 4: Expense	600 - Cruiser/Lease Purchase	27,500.00	0.00	27,500.00	0.00
Group 3: Segment 4: Expense	900 - Encumbered				
01-5-422-900-000	Highway Expense Encumbered	160.58	-160.58	0.00	100.00
Total Group 3: Segment 4: Expense	900 - Encumbered	160.58	-160.58	0.00	100.00
Total Group 2: Segment 3: Department	422 - Highway	712,756.58	-594,135.89	118,620.69	83.36
Group 2: Segment 3: Department	423 - Winter Ops				
Group 3: Segment 4: Expense	515 - Overtime				
01-5-423-515-155	Hwy Winter Oper. Overtime Overtime Hourly	13,000.00	-45,464.29	-32,464.29	349.73
Total Group 3: Segment 4: Expense	515 - Overtime	13,000.00	-45,464.29	-32,464.29	349.73
Group 3: Segment 4: Expense	520 - Expense				
01-5-423-520-540	Hwy Winter Exp- Salt Sand	74,500.00	-150,507.02	-76,007.02	202.02
01-5-423-520-702	Hwy Winter Exp Subcontractors	12,000.00	-27,180.00	-15,180.00	226.50
01-5-423-520-918	Hwy Winter Exp Employee CostsWelfare	500.00	0.00	500.00	0.00
Total Group 3: Segment 4: Expense	520 - Expense	87,000.00	-177,687.02	-90,687.02	204.24
Total Group 2: Segment 3: Department	423 - Winter Ops	100,000.00	-223,151.31	-123,151.31	223.15
Group 2: Segment 3: Department	491 - Cemetery				
Group 3: Segment 4: Expense	505 - Wages				
01-5-491-505-125	Cemetery Wages Regular Pay	15,000.00	-6,105.86	8,894.14	40.71
Total Group 3: Segment 4: Expense	505 - Wages	15,000.00	-6,105.86	8,894.14	40.71
Total Group 2: Segment 3: Department	491 - Cemetery	15,000.00	-6,105.86	8,894.14	40.71
Group 2: Segment 3: Department	510 - Board of Health				
Group 3: Segment 4: Expense	520 - Expense				
01-5-510-520-265	Board of Health Exp Office Supplies Equip	150.00	0.00	150.00	0.00
01-5-510-520-292	Board of Health Exp Advertising	300.00	0.00	300.00	0.00
01-5-510-520-325	Board of Health Exp Electric Service	250.00	-107.82	142.18	43.13
01-5-510-520-900	Board of Health Exp Other - unclassified	211.00	0.00	211.00	0.00
Total Group 3: Segment 4: Expense	520 - Expense	911.00	-107.82	803.18	11.84
Group 3: Segment 4: Expense	560 - Assessments				
01-5-510-560-708	Town Nurse Assessment	5,399.28	-5,399.28	0.00	100.00
Total Group 3: Segment 4: Expense	560 - Assessments	5,399.28	-5,399.28	0.00	100.00
Group 3: Segment 4: Expense	562 - Nashoba				

Revenue \$ 962,181.09 \$ 962,181.09

Project code	Project Name	Estimated cost	Actual costs	Available	Comments:
24-3-236	000 Misc expenses	\$ 2,278.90	\$ 2,278.90	\$ -	Jennifer Collins - zoom and docusign & COVID test kits
	000 Premium Pay - Police	\$ 15,000.00	\$ 15,000.00	\$ -	Pay to officers and chief
	000 ARPA reporting services	\$ 6,000.00	\$ 3,002.50	\$ 2,997.50	Rescinded 9k 10.9.24
	000 Premium Pay - Fire	\$ 11,078.77	\$ 11,078.77	\$ -	Pay to firefighters and chief
	000 Epermitting software - removed 8/31/22	\$ -	\$ -	\$ -	
	000 CARES expenses not reimbursed \$62,796.04	\$ -	\$ -	\$ -	reimbursed 6.6.23 returned back to ARPA
	000 Community First National Bank	\$ 52,232.47	\$ 52,232.47	\$ -	approval via email - Fire Truck lease payment
	016 American Legion ADA Ramp	\$ 7,250.00	\$ 7,250.00	\$ -	Approved SBM 07.31.24
	026 ADA Transition Plan Phase I only	\$ 5,500.00		\$ 5,500.00	12.31.24
	027 Employee Professional training	\$ 2,208.00		\$ 2,208.00	12.31.24
	Subtotal General Government	\$ 101,548.14	\$ 90,842.64	\$ 10,705.50	
	012 School renovation project	\$ 201,085.00	\$ 201,085.00	\$ -	rescinded \$98,915 12.31.24
	019 School piping in tunnels	\$ 12,461.00		\$ 12,461.00	12.31.24
	020 School awning insulation	\$ 531.00		\$ 531.00	12.31.24
		\$ 214,077.00	\$ 201,085.00	\$ 12,992.00	
	001 Public Safety Building - Well Project	\$ 62,609.73	\$ 62,609.73	\$ -	Hutter Construction
	002 Public Safety Building - Septic	\$ 156,333.40	\$ 156,333.40	\$ -	Hutter Construction
	003 Public Safety Building - Storm Water	\$ 32,190.09	\$ 32,190.09	\$ -	Hutter Construction
	014 Police 2023 Cruiser	\$ 20,000.00	\$ 20,000.00	\$ -	
	015 Police Dept Tasers	\$ 6,311.61	\$ 6,311.61	\$ -	
	018 Fire Engine Pump Replace	\$ 4,182.51	\$ -	\$ 4,182.51	Rescinded \$18,362.47 12.31.24
	022 Police Cruiser	\$ 20,000.00	\$ -	\$ 20,000.00	12.31.24
	023 Police Body Cam attachments	\$ 5,400.00	\$ -	\$ 5,400.00	12.31.24
	029 Fire Engine repairs	\$ 18,362.47	\$ -	\$ 18,362.47	12.31.24
	Subtotal Public Safety Building	\$ 325,389.81	\$ 277,444.83	\$ 47,944.98	
	004 Highway - Office space	\$ 41,110.20	\$ 41,110.20	\$ -	Jet Concrete, Country Electric, DW Lammi, NE contracting, Twin City
	005 Highway - Well & Septic Project	\$ 26,866.59	\$ 26,866.59	\$ -	Balcom Bros Rentals & Gap Mountain Drilling & DW Lammi Plumbing
	006 Electric Sander	\$ 7,803.94	\$ 7,803.94	\$ -	
	007 Snow Plow	\$ 38,953.00	\$ 38,953.00	\$ -	
	013 Highway Dump Truck	\$ 115,599.53	\$ 115,599.53	\$ -	
	021 Highway Vehicle	\$ 50,000.00		\$ 50,000.00	12.31.24
	028 Highway Skag Lawnmower	\$ 10,000.00		\$ 10,000.00	12.31.24
	Subtotal Highway	\$ 290,333.26	\$ 230,333.26	\$ 60,000.00	
	008 Failed septic replace @ historical society	\$ 3,669.32	\$ 3,669.32	\$ -	Rescinded 26,330.68
	009 Failed septic replace @ Maja Hall	\$ 4,100.07	\$ 4,100.07	\$ -	Rescinded 25,899.93 10.09.24
	010 HVAC upgrade to Library UV filtration		\$ -	\$ -	Rescinded \$4,500
	011 Failed well replace @ historical society		\$ -	\$ -	Rescinded \$23,000
	017 Revitalization Tennis and Basketball Courts	\$ 20,000.00	\$ 20,000.00	\$ -	
	Subtotal Public Works	\$ 27,769.39	\$ 27,769.39	\$ -	
	024 COA Events	\$ 1,563.00		\$ 1,563.00	12.31.24
	025 Library Events	\$ 1,500.00		\$ 1,500.00	12.31.24
	Subtotal Human Services	\$ 3,063.00	\$ -	\$ 3,063.00	

Total Cost \$ 1,179,320.60 \$ 827,475.12 \$ 134,705.48 This amount is the balance for obligated projects/not to use for other projects

Available \$ (217,139.51) \$ 134,705.97 \$ 118,650.48

Grant Amount \$ 962,181.09 \$ 827,475.12 \$ 134,705.97 Ending balance
 Amount Obligated \$ 962,180.60
 \$ 0.49 This is the amount available for obligation

RE: Allen Field, 92 Breen Rd, Ashby (C24-019)

From Patrick McPhee <pmcphee@comcast.net>
Date Wed 5/7/2025 2:52 PM
To Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>
Cc Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please add this to the complaint for Allen field
Allen Field this is from the 2003 ADA report
Parking

Immediate steps should be taken to designate disabled parking in the area adjacent to the grandstand. The cost is small and the benefit is great.

Pathways & Trails

The pathways appear adequate. Sponsors of events should be made aware of the fact they must provide viewing areas for the disabled. Some fields can be adequately viewed from an automobile.

Buildings and Structures

- **Grandstand**
The grandstand floor is about 24" above the ground. No ramp is provided. There is no area for wheelchairs in the seating section. There is adequate room for a ramp at entrances to the grandstand. The Parks Department is responsible for the building and must address the need. Removal of some benches would provide a wheelchair area.
- **Restrooms**
The Restrooms are a freestanding building that is built at ground level. Equipping the restrooms with adequate fixtures would bring this into compliance. Parks Department should begin budgeting for this improvement
- **Bandstand**
The floor of the bandstand is about 36" above the ground. An extensive ramp would need to be built to reach this height. A lift is a more feasible solution. The Parks Department needs to study the cost and effectiveness of the various options and begin implementing a solution.
- **Storage and Concession Buildings**
Mr. Ojala felt these were the least important buildings on the site. Minimal ramping and perhaps door widening would make these accessible. The Parks Department might include these with one of the larger projects

From: Benitez, Arelyn (DPL) [mailto:Arelyn.Benitez@mass.gov]
Sent: Friday, April 18, 2025 5:02 PM
Subject: Allen Field, 92 Breen Rd, Ashby (C24-019)

Good afternoon,

Attached is a copy of the Second Notice sent by the Architectural Access Board regarding Allen Field, 92 Breen Rd, Ashby. This email is intended to keep all interested parties informed.

Regards,

Arelyn Benitez

Compliance Officer I

She/Her

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

One Federal Street, Suite 600

Boston, MA 02118

(617) 727-0660


www.mass.gov/aab www.mass.gov/aab

Allen Field, 92 Breen Rd, Ashby (C24-019)

From Benitez, Arelyn (DPL) <Arelyn.Benitez@mass.gov>

Date Fri 4/18/2025 5:01 PM

Bcc Coffin, Meg <mcoffin@centerlw.org>; msauvageau746@gmail.com <msauvageau746@gmail.com>; bldginsp@ashbyma.gov <bldginsp@ashbyma.gov>; Mary Daughraty <mdaughraty@ashbyma.gov>; Patrick McPhee <pmcphee@comcast.net>

 1 attachment (213 KB)

C24-019 Second Notice.pdf;

Good afternoon,

Attached is a copy of the Second Notice sent by the Architectural Access Board regarding Allen Field, 92 Breen Rd, Ashby. This email is intended to keep all interested parties informed.

Regards,

Arelyn Benitez

Compliance Officer I

She/Her

Architectural Access Board

Office of Public Safety and Inspections

Division of Occupational Licensure

One Federal Street, Suite 600

Boston, MA 02118

(617) 727-0660

www.mass.gov/aab



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Federal St., Suite 600
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: Town of Ashby
C/O Town Administrator
895 Main St
Ashby, MA 01431

Docket Number C24 019

RE: Allen Field
92 Breed Rd
Ashby

DATE: 04/18/2025

Enclosed please find a copy of the following material regarding the complaint against the above location:

- | | |
|---------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> First Notice | <input type="checkbox"/> Stipulated Order |
| <input checked="" type="checkbox"/> Second Notice | <input type="checkbox"/> Letter of Meeting |
| <input type="checkbox"/> Notice of Hearing | <input type="checkbox"/> Application for Variance |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Decision of the Board |

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 176



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Federal St., Suite 600
Boston, Massachusetts 02110

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

April 18, 2025

Town of Ashby
C/O Town Administrator
895 Main St
Ashby, MA 01431

RE: Allen Field
92 Breed Rd
Ashby

Docket Number **C24 019**

Dear Sir/Madam

On November 22, 2024, you were notified of a complaint filed against you with respect to alleged violations of the Board's Rules and Regulations at your premises. Attached is a copy of the original notice.

To date, we have not received a full plan for compliance or an update on the status. If you do not respond within ten (10) days of receipt of this letter, the Board will schedule a hearing for you to appear on the complaint. You should also be aware that the Board has the authority to impose fines of up to \$1,000.00 per day per violation for any person found in willful violation of the Board's orders.

Sincerely,

Arelyn Benitez
Compliance Officer

cc: Local Building Department
Local Disability Commission
Independent Living Center
Complainant

AAB 177



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

FIRST AMENDED NOTICE OF ACTION

Docket Number V 24 210

RE: Allen Field Playground , 92 Breen Road , Ashby

On March 4, 2025 the Architectural Access Board received an additional submission from Petitioner
The additional documents were reviewed by the Board on March 10, 2025 At that meeting, the Board
voted as follows:

#	Section	Result
1	19.7	<p>CONTINUED to request Petitioner provide the Board with: a more detailed test drawing showing the path and its connection to each piece of play equipment</p> <p>FINDS that 3/4" graded base is not a firm & stable surface material</p>

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: March 11, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guannello WT

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 178



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

November 22, 2024

Docket Number C24 019

Town of Ashby
895 Main St
Ashby, MA 01431

RE: Allen Field 92 Breed Rd

Ashby

Dear Sir/Madam

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (521 CMR) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

19.7	Playgrounds: An accessible route, complying with 521 CMR 20, Accessible Route shall be provided to reach playground equipment and around the playground. Photos show new play equipment does not have compliant surfacing material. An accessible route must be provided into the playground, around the interior perimeter, and to each element of play equipment.
	In 2017, AAB memorialized in a hearing decision that Engineered Wood Fiber (commonly referred to as wood chips) is not an acceptable surfacing material for accessible routes.

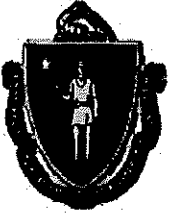
Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

Sincerely,


Dawn Guarriello
Chairperson



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number
C24-019

(Office Use Only)

You have received this Notice because the Board has received information indicating that an element or elements of the building or facility you own is or are not in compliance with 521 CMR. This process is designed to provide you with a reasonable opportunity to correct any outstanding violations. Please complete both sides of this form and return it to:

**Andrew Chase, Compliance Officer
Architectural Access Board
1000 Washington Street, Suite 710
Boston, MA 02118
Email: andrew.m.chase@mass.gov**

Electronic Copies of this form are available at the Board's website (<http://www.mass.gov/aab>) if you wish to submit it via email. If you have any questions, please contact the Board's staff via telephone at 617-727-0660 during normal business hours (9am – 5pm Mon-Fri). Please note that failure to return this document in a timely manner will result in the issuance of a Second Notice, and continued failure to address the items cited may result in fines of up to \$1,000 per day per violation among other legal remedies.

Please check ONE of the boxes below and return this form within 14 days of receipt of the First Notice:

- I have enclosed a plan to correct the violation(s), including a date for when I expect the work to be complete. I am aware that this plan will need to be approved by the Compliance Officer.
- I require additional time to prepare a plan to correct the cited violation(s), I have attached an explanation for why I require this additional time, including the specific amount of additional time I am requesting (which cannot exceed 90 days from the date of receipt of this Notice), and am aware that the Compliance Officer is not obligated to grant this additional time.
- I believe that correcting the violation(s) cited in the First Notice is impracticable (as defined in 521 CMR 5) and will be submitting a completed Application for Variance in no more than 30 days from the date I received the First Notice.
- I believe that the element(s) cited in the First Notice are not in violation of 521 CMR and I have attached a detailed explanation showing why they are in compliance or not otherwise subject to 521 CMR, including specific references to the applicable code sections.
- I am neither the legal owner of the building/facility nor their employee or agent.

(Signature)

(Date)

Communications Preference

Please Select one:

I want to receive all further documents regarding this case

electronically at the following **email address**:

I want to receive all further documents regarding this case via

certified mail at the following **mailing address**:



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

FIRST AMENDED NOTICE OF ACTION

Docket Number V 24 210

RE: Allen Field Playground , 92 Breen Road , Ashby

On March 4, 2025 the Architectural Access Board received an additional submission from Petitioner
The additional documents were reviewed by the Board on March 10, 2025 At that meeting, the Board
voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	19.7	<p>CONTINUED to request Petitioner provide the Board with: a more detailed test drawing showing the path and its connection to each piece of play equipment</p> <p>FINDS that 3/4" graded base is not a firm & stable surface material</p>

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: March 11, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 182


RE: Variance request -92 Breen Road, Ashby Drawing and Cut sheet

From Mary Daughraty <mdaughraty@ashbyma.gov>

Date Thu 1/16/2025 1:10 PM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Cc Building Inspector <bldginsp@ashbyma.gov>; Steve Nims <hwysupt@ashbyma.gov>

 1 attachment (207 KB)

ADA plan for variance - Allen Field Playground.docx;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Molly,

The Highway Superintendent has worked on this drawing/map of the Allen Field Play area. I have attached the map and layout of the ADA walkway, along with a cut sheet on the material we plan to use. Could you please let me know if this map/plan is acceptable, as well as the ground material we plan to use on the walkways?

Thank you,

Mary Daughraty
Ashby

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Sent: Tuesday, January 14, 2025 4:02 PM

To: Mary Daughraty <mdaughraty@ashbyma.gov>

Subject: Re: 92 Breen Road, Ashby

Hi Mary,

They have not technically granted the variance, they are looking for more information on what specific material the town wants to use and how the layout would look as [19.7](#) notes that the material not only has to go around the playground and to each piece of playground equipment as well.

So if you could send in a proposed layout of the surface material in the playground, and a cut sheet of the specific material that the town is planning to use then the Board can get closer to making a decision.

Please let me know if you have any other questions,
Molly

Molly Griffin

12:07



Graded base is a construction aggregate typically composed of crushed rock capable of passing through a 20-millimeter (3/4 in) rock screen. The component particles will vary in size from 20 mm down to dust. The material can be made of new, or of recycled asphalt and concrete.

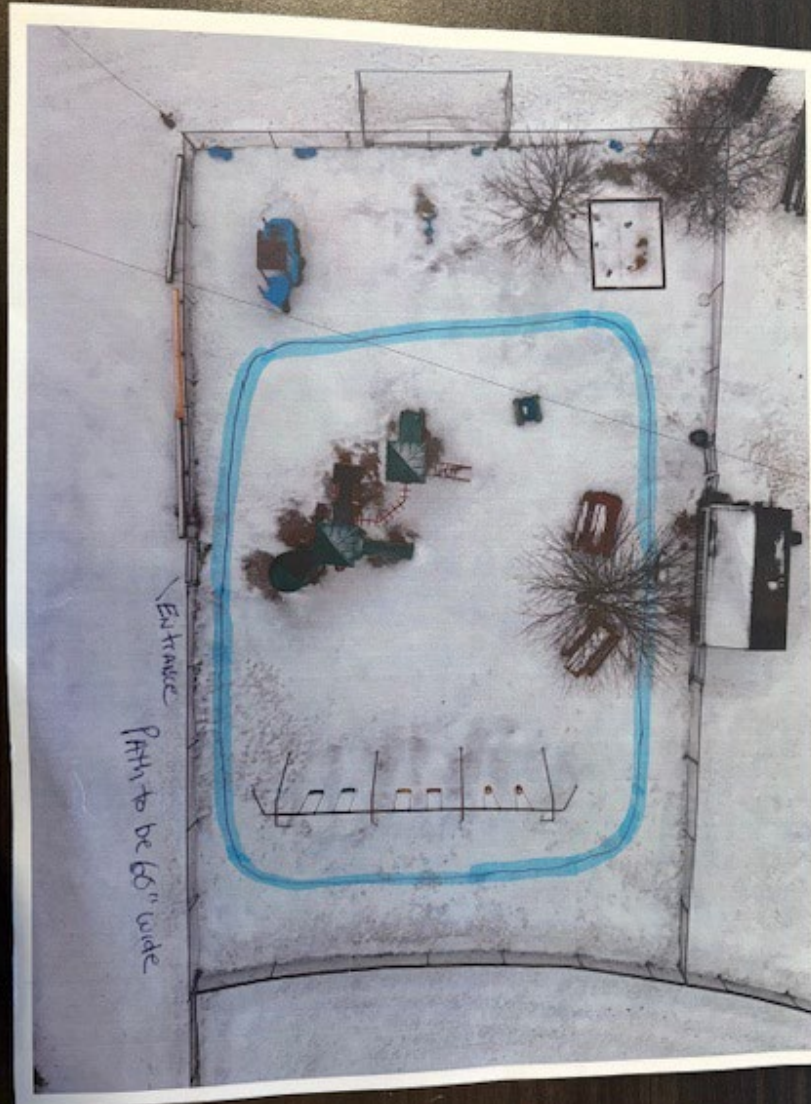
Use: Driveways, base for patios, walkways, walls, packs down great

Size: 3/4" stone with stone dust



DENSE GRADED BASE

 powellstone.com



RE: 35 New Ipswich Road, Ashby/ Play area Allen Field

From Mary Daughraty <mdaughraty@ashbyma.gov>
Date Tue 3/4/2025 10:20 AM
To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Cc Building Inspector <bldginsp@ashbyma.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Yes, I believe we can certainly take care of the painting of the additional space in 60 days. I hope Spring is right around the corner. I am glad it 's not just me getting confused!

One last thing the map of the Allen Field play area will include pathways up to the equipment and does the material spec we gave for the walkway acceptable by AAB? We were still waiting on answer for the materials we sent over.

Thank you again for assisting us in making Ashby's accessible to all!

Mary

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Sent: Tuesday, March 4, 2025 9:17 AM
To: Mary Daughraty <mdaughraty@ashbyma.gov>; Building Inspector <bldginsp@ashbyma.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: Re: 35 New Ipswich Road, Ashby

Hi Mary,

The Notice means they would like to see the parking space at the Legion Post become completely [accessible](#) within 60 days of the date on the Notice- you can appeal that if you disagree with their decision. Okay, yes I see that thank you I will re-up those permits with the Board. Apologies there are a couple cases in Ashby that I am trying to keep straight. I will get approval from Will to have the Board review the permits at the next Board meeting and we can go from there.

Please let me know if you have any other questions.

Thanks,
Molly

Molly Griffin

Program Coordinator

She/Her/Hers



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

NOTICE OF ACTION

Docket Number **V 24 210**

RE: Allen Field Playground , 92 Breen Road , Ashby

On December 5, 2024 the Architectural Access Board received an application submitted by Mary Daughraty. This application and all attached documentation were reviewed by the Board on January 13, 2025. At that meeting, the Board voted as follows:

#	Section	Result
1	19.7	CONTINUED to request Petitioner provide the Board with: additional information on the proposed accessible route layout of the playground and a cut sheet of the proposed surface.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: January 14, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Chairperson
ARCHITECTURAL ACCESS BOARD **AAB 186**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Ashby
C/O Town Administrator
895 Main St
Ashby, MA 01431



9590 9402 9085 4122 7811 91

2. Article Number (Transfer from service label)

9589 0710 5270 2422 8926 35

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jill Blood*

- Agent
- Address

B. Received by (Printed Name)

Jill Blood

C. Date of Delivery

12/5/24

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#
BOSTON MA 020



8 DEC 2024 PM 2 L

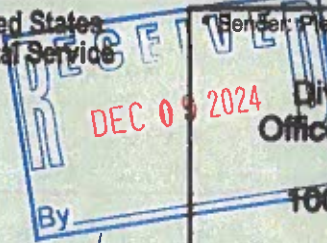
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 9085 4122 7811 91

Cd4-019

United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box*



Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington Street
Boston, MA 02118

RECEIVED

DEC 10 2024

Allen Field
Ashby
First



From: [Mary Daughraty](#)
To: [Griffin, Molly \(DPL\)](#)
Subject: Re: Variance Application 92 Breed Rd, Ashby
Date: Friday, December 6, 2024 9:58:48 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Molly,

We are seeking a variance until 5/31/25 to complete the work.

Mary Daughraty
Ashby

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Sent: Thursday, December 5, 2024 1:57 PM
To: Mary Daughraty <mdaughraty@ashbyma.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>
Cc: Building Inspector <bldginsp@ashbyma.gov>
Subject: RE: Variance Application 92 Breed Rd, Ashby

Apologies for the follow-up, but I just wanted to make sure this was filled out completely. It looks like a word was cut off in question 16 request #1, and it notes that the park would be in compliance by today, 12/5/2024 in the same question- is there another date that was meant to be put there?

Thank you!
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1000 Washington Street, Suite 710
Boston, MA 02118
www.mass.gov/AAB
617-826-5215

From: Mary Daughraty <mdaughraty@ashbyma.gov>

Sent: Thursday, December 5, 2024 1:39 PM

To: Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Cc: Building Inspector <bldginsp@ashbyma.gov>

Subject: Variance Application 92 Breed Rd, Ashby

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon, William & Molly,

The Town of Ashby is submitting a variance application for docket #C24-019. We will provide the \$50.00 processing fee upon receipt of an invoice.

Thank you in advance for reviewing this application.

Best regards,

Mary Daughraty
Town of Ashby
Town Administrator



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at:
<https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Sign the certification on Page 8.
- 4) If the applicant is not the owner of the building or his or her agent, include a signed letter from the owner granting permission for you to apply for variance.
- 5) Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at:
<https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 6) Complete the Service Notice included with the Application and sign it.
- 7) Deliver the completed Application and all attachments to the Board via electronic or physical delivery:
 - a. Electronic:
 - i. Applications should be sent via email to william.joyce@mass.gov & molly.griffin@mass.gov.
 - ii. The email submission must have the subject line: Variance Application - <Address>, <City>
 - iii. The application and all attachments must be in .pdf format
 - iv. The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.
 - v. Please submit the \$50 filing fee via check or money order via mail to the mailing address listed above with either a cover letter or, "Variance - <Address>, <City>" in the memo line.
 - b. Physical
 - i. Applications should be sent to the mailing address listed above and must include:
 1. The completed application and all attachments.
 2. A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),

3. The completed and signed Service Notice.
 4. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.
- ii. Please ensure that all documents included are no larger than 11" x 17".
 - iii. Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the name and address of the building/facility:

Town of Ashby
Allen Field Playground
92 Breed Road
Ashby, MA 01431

2. State the name and address of the owner of the building/facility:

Town of Ashby
895 Main Street
Ashby, MA 01431

E-mail: bldginsp@ashbyma.gov

Telephone: 978-386-2424 x 128

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

Small playground area located within a large baseball field location with a parking area.

4. Total square footage of the building/facility: unknown

Per floor: _____

a. Total square footage of tenant space (if applicable): unknown

5. What was the original year of construction for the building/facility: _____?

6. Check the nature of the work performed or to be performed:

New Construction

Addition

Reconstruction/Remodeling/Alteration

Change of Use

7. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

The Town of Ashby to install an accessible walkway area within the small playground area to conform with Mass 521 CMR regulations

8. Is the building or facility historically significant? Yes No

a. If yes, check one of the following and indicate date of listing:

National Historic Landmark _____

Listed individually on the National Register of Historic Places _____

Located in a Registered Historic District _____

Listed in the State Register of Historic Places _____

Eligible for listing _____

(In which registry?)

b. If you checked any of the above **and** your variance request is primarily based upon the historical significance of the building, you *must* complete the ADA Consultation Process of the [Massachusetts Historical Commission](#), located at 220 Morrissey Boulevard, Boston, MA 02125.

9. Which section(s) of the Board's Jurisdiction (see Section 3 of the Board's Regulations) has been triggered?

2.6 3.2 3.3.1(a) 3.3.1(b) 3.3.2 3.3.4 3.4

10. List **all** building permits that have been applied for within the past 36 months, include the issue date and the listed value of the work performed:

<u>Permit #</u>	<u>Date of Issuance</u>	<u>Value of Work</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Use additional sheets if necessary.)

11. List the anticipated construction cost for any work not yet permitted or for any relevant work which does not require a permit:

12. Has a certificate of occupancy been issued for the facility? Yes No

If yes, state the date it was issued: _____

13. To the best of your knowledge, has a complaint ever been filed with the AAB on this building or facility relative to accessibility? Yes No

a. If so, list the AAB docket number of the complaint C24-019

14. For existing buildings or facilities, state the actual assessed valuation of the **BUILDING/IMPROVEMENTS ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building or facility is located: _____

Is the assessment at 100%? Yes No

If not, what is the town's current assessment ratio? 0%

15. State the phase of design or construction of the facility as of the date of this application:

16.

Please list specific technical sections, not 521 CMR 3.

Request #1

Section(s) for which you are seeking relief: 19.7

Are you seeking temporary relief: Yes No

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

If yes, what date do you propose to be in compliance by: 5/31/2025 ?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Due to the winter season the Town of Ashby is seeking a variance in time to have Allen Field playground comply with Mass 521 CMR with "Accessible walkways" at our playground located at 92 Breed Road, Ashby, MA 01431 and to be completed by 5/31/2025. Thi

Request #2

Section(s) for which you are seeking relief: _____

Are you seeking temporary relief: Yes No

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

If yes, what date do you propose to be in compliance by: _____ ?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Empty text box for describing why compliance is impracticable.

Request #3

Section(s) for which you are seeking relief: _____

Are you seeking temporary relief: Yes No

If yes, what date do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

Request #4

Section(s) for which you are seeking relief: _____

Are you seeking temporary relief: Yes No

If yes, what date do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

If you require more than 4 requests, please use the *Additional Request Sheet* and complete the *Large Variance Tally Sheet*, both of which are available on the "Forms and Applications" page of the Board's website (<http://www.mass.gov/aab>).

17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

N/A

E-mail: _____

Telephone: _____

18. State the name and address of the building inspector responsible for overseeing this project:

Town of Ashby Building Commissioner - Michael Savageau

E-mail: bldginsp@ashbyma.gov

Telephone: 978-386-2424 x128

SERVICE NOTICE

I, Mary Daughraty

(Name)

, as Town Administrator

(Relationship to the applicant)

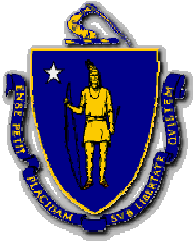
HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>		<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1 Building Department	Building Commissioner	left in Office	12/4/24
2 Local Commission on Disability (If Applicable)	N/A Town ADA Coordinator	on file in office	12/4/24
3 Independent Living Center	N/A		

Mary Daughraty
Signature

12/4/24

Date



**Commonwealth of Massachusetts
 Division of Occupational Licensure
 Office of Public Safety and Inspections
 Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
 V: 617-727-0660 • www.mass.gov/aab

Docket Number

C24-019

(Office Use Only)

GENERAL BUILDING COMPLAINT FORM

PLEASE BE ADVISED THAT THIS FORM IS A MATTER OF PUBLIC RECORD AND WILL BE DISCLOSED UPON REQUEST.

1. What is the name and address of the building believed to be in violation of the Rules and Regulations of this Board?

Building Name or Description:

Town of Ashby Highway Department and Allen Field

Street Address:

92 Breed Road (AKA 861 West Road, Ashby, MA 01431)

City/Town:

Ashby, Ma 01431

2. Does it appear that the building was recently constructed or renovated? Yes

3. What date were you most recently at the building? 12/9/2023

4. How many floors? 1 to 1.5 (storage on top)

5. Please describe the violation(s) as clearly as possible. Include information on the nature of the violation, the location of the violation within the building or site, and any other information you feel might be relevant. **The Board's staff also recommends you include photographs of the violation if possible.** (Please use additional sheets if necessary):

The Town of Ashby rebuilt the Highway and Allen field is a combined lot assest value of FY 2023 value is \$103,680.

(Total \$129,000)

- a. In ARPA funds 1/19/2022 was used for well and Office Space = \$69,000.
 - a. Highway building after new office space and new bathroom has, are not Handicap
 - b. Highway building has no Handicap parking
- b. The removal of surrounding trees and debre cost the Town \$20-30k From Mass Ch 90 funds and insurance
- c. Allen Field New Electric from insurance claim \$15k
- d. Allen Field New backstop and dug out from insurance claim, not handicap access \$5-10k
- e. Allen Field Bleachers after insurance repairs, not handicap access

Over the past year 2022 – 2023 (estimated is \$30-40K) plus more :

- a. Playground no Handicapaccess to playground bathrooms, even though they was just recently redone (estimated is \$10K)
- b. They cleared trees between the Highway to the play ground and fields, no Handicap path or access (estimated is \$20K)
- c. Expanded parking, but no Handicap ramps or Handicap Parking and not paved either. (estimated is \$10K)
- d. New Playground equipment, but not handicap accessible (estimated is \$20K)
- e. Nov 2023 Town is funding for a new build in the Highway (On the Minutes)
- f. Dec 6, 2023 Town is funding for more play ground equipment that was damaged when moving it (on the minutes)
- g. 2021-2022 The Bathroom's for the Allen field was renovated.
- h. 2021 The Children's playground was replaced in, I donated to the project

Allen Field increased from 3 baseball fields to 5 (maybe 6) without adding in handicap bathrooms, handicap dugout, handicap access to bleachers and parking.

Per the guidance you should determining space to include bleachers, dugouts, fences, scoreboards, parking and bathrooms. Example: 20 Parking spaces per diamond, etc.

<https://ballfields.com/baseball-field-dimensions/space-needs-of-a-ballfield/>

6. Name and address of person/organization filing this complaint (if organization is filing, please provide the Board with the name of a contact person) **(required)**:

Name: Patrick McPhee

Mailing Address:

56 Heywood Road, Ashby, Ma 01431

E-mail: pmcpee@comcast.net

Telephone: _____

7. Would you like to receive communication from the Board electronically or via US Mail?
Email: Regular Mail:

8. Individual Signature **(required)**: 

Date: Dec 26, 2023

OPTIONAL INFORMATION

The following information is optional, and your complaint will be processed regardless of whether the information is provided. **However, you should be aware that the less information that is provided, the longer it will take this office to process your complaint.**

a. Name and address of the building owner or manager:

Name: Town of Ashby

Mailing Address:

895 Main St, Ashby, MA 01431

b. The Board only considers complaints with respect to buildings which are:

1.) constructed by the state, city or town, and construction, reconstruction, alteration or remodeling occurred after December of 1968; or

2.) privately financed buildings that are open to or used by the public and construction, reconstruction, alteration or remodeling occurred after June 10, 1975.

c. Do you have reason to believe the element(s) subject to this complaint have been recently renovated?

Yes: X No: _____

If you answered yes, please indicate the date and extent of the work below, and if possible attach a copy of the associated building permit to this complaint.

1/19/2022 Highway well and Office Please contact prior superintendent Steve B 978-602-2022

Town \$20-30k From Mass Ch 90 funds and insurance contact superintendent Steve B 978-602-2022

Continued on Next Page

2.) Do you have reason to believe that in any continuous 3-year period the spending on construction, reconstruction, alteration, or remodeling was more than:

\$100,000 Yes

30% of the building's assessed value Yes

If you answered yes, please indicate the date and extent of the work below, and if possible attach a copy of the associated building permit to this complaint.

see ARPA funds, _____

Assessed value of the building only (do not include the value of the land):

proprty value FY 2023 \$103,680. _____

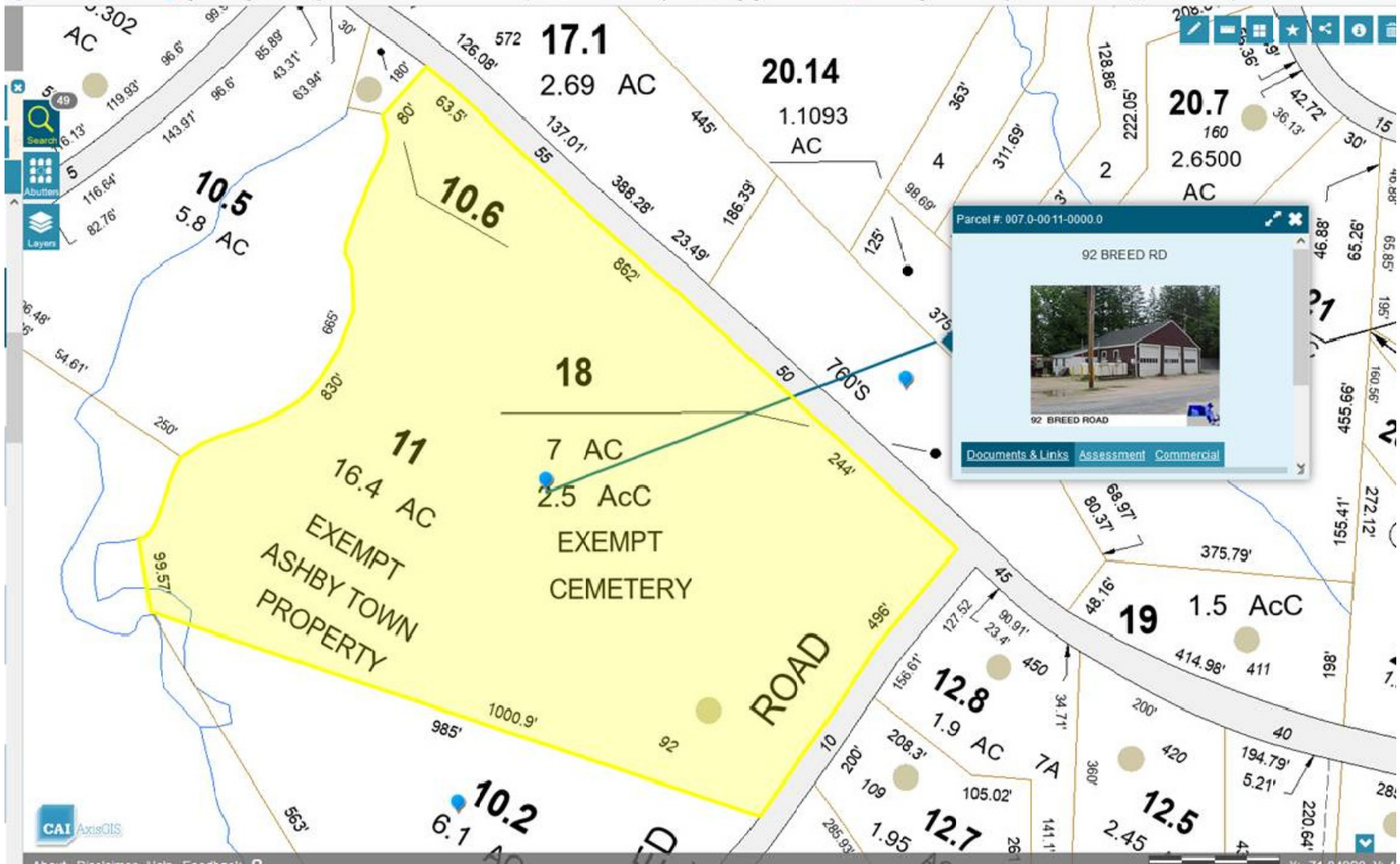
If possible, please attach a copy of the property card to your complaint.

https://drive.google.com/drive/folders/1MOiVe1uB_rupaLV-qVcPQHAOHQudGj9n

Warrant account ARPA / ME

GL 24-3-236-004-705

ARPA	1/19/2022	Highway - Well & Septic Project	\$ 30,000.00	BoS Package Aug 31 22_ARPA Sheet
ARPA	1/19/2022	Highway - Office space Project	\$ 39,465.00	BoS Package Aug 31 22_ARPA Sheet





- Profile
- Sales
- Owner History
- Land
- Residential
- Commercial
- OBY-Detached Structure
- Entrances
- Permits
- Values
- Map
- Sketch
- Photos
- Pictometry

PARID: 0120070001100000 MUNICIPALITY: ASHBY LUC: 931
 ASHBY, TOWN OF 92 BREED RD PARCEL YEAR: 2023

Land

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Marke: Value	Assessed Value
1	S-SQUARE FOOT	P-PRIMARY	931-IMPROVED - SELECTMAN/CITY COUNCIL	80,000	1.84	N						1		60,000
2	A-ACREAGE	R-RESIDUAL	931-IMPROVED - SELECTMAN/CITY COUNCIL	634,234	14.56	N						3,000		43,680
Total:													0 103,680	

1 of 1

Actions

- Printable Summary
- Printable Version

Reports

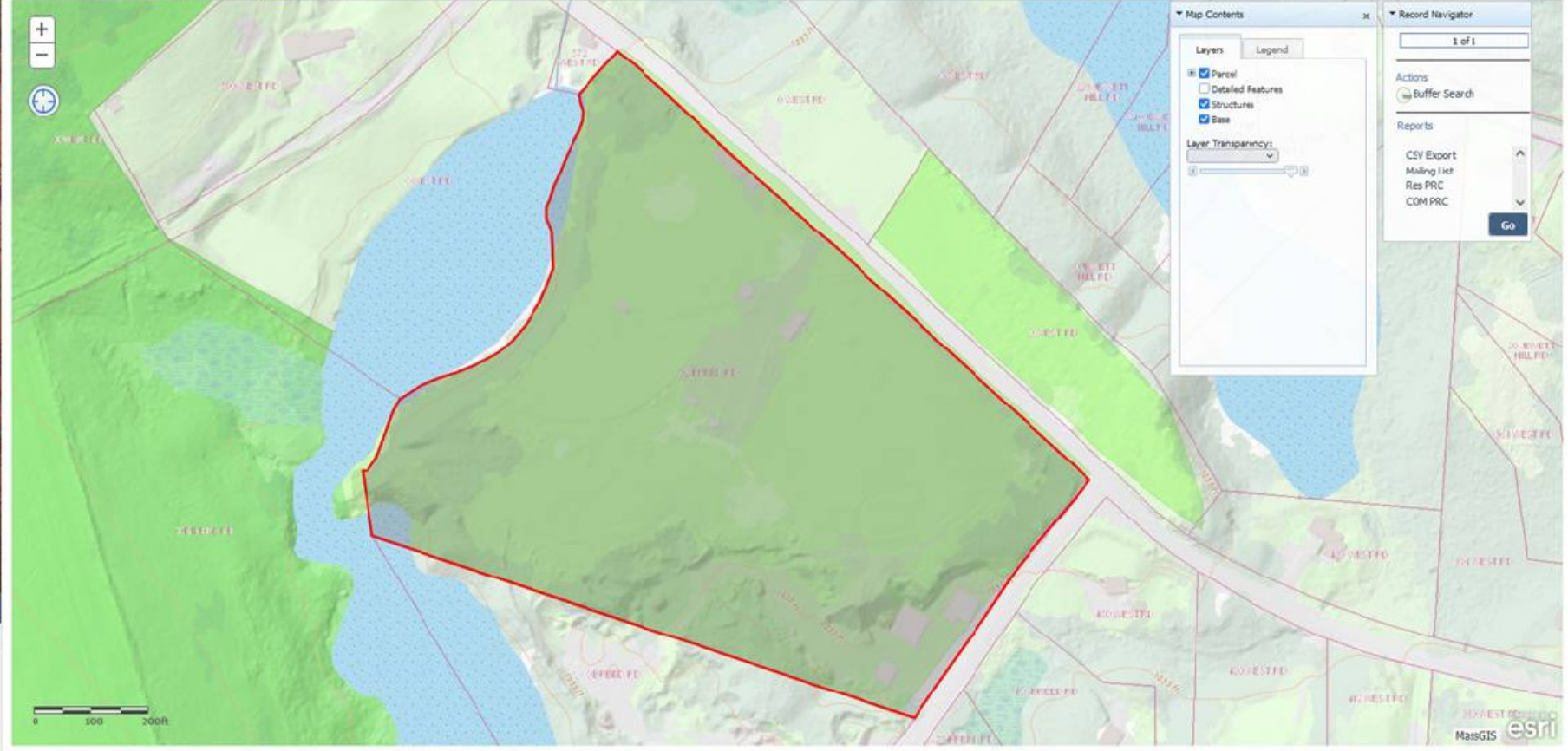
- CSV Export
- Mailing List
- Res PRC
- COM PRC

Go

PARID: 0120070001100000
ASHBY, TOWN OF

MUNICIPALITY: ASHBY
92 BREED RD

LUC: 931
PARCEL YEAR: 201



Map Contents

Layers Legend

- Parcel
- Detailed Features
- Structures
- Base

Layer Transparency: [dropdown]

Record Navigator

1 of 1

Actions

- Buffer Search

Reports

- CSV Export
- Mailing List
- Res PRC
- COM PRC

Go

All the red sections of trees have been removed, to add two or more fields















See all the new bleachers, dug out, back stop









y 12, 2022

, 2022

More

2020

More

y 12, 2022

2022

More

More







Clearing the trees

AAB 222



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: Town of Ashby
895 Main St
Ashby, MA 01431

Docket Number C24 019

RE: Allen Field
92 Breed Rd
Ashby

DATE: 11/22/2024

Enclosed please find a copy of the following material regarding the complaint against the above location:

- First Notice Stipulated Order
- Second Notice Letter of Meeting
- Notice of Hearing Application for Variance
- Correspondence Decision of the Board

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 223



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

November 22, 2024

Docket Number C24 019

Town of Ashby
895 Main St
Ashby, MA 01431

RE: Allen Field 92 Breed Rd

, Ashby

Dear Sir/Madam

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (521 CMR) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

19.7	Playgrounds: An accessible route, complying with 521 CMR 20, Accessible Route shall be provided to reach playground equipment and around the playground. Photos show new play equipment does not have compliant surfacing material. An accessible route must be provided into the playground, around the interior perimeter, and to each element of play equipment.
	In 2017, AAB memorialized in a hearing decision that Engineered Wood Fiber (commonly referred to as wood chips) is not an acceptable surfacing material for accessible routes.

Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

Sincerely,


Dawn Guarriello
Chairperson



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number

C24-019

(Office Use Only)

You have received this Notice because the Board has received information indicating that an element or elements of the building or facility you own is or are not in compliance with 521 CMR. This process is designed to provide you with a reasonable opportunity to correct any outstanding violations. Please complete both sides of this form and return it to:

**Andrew Chase, Compliance Officer
Architectural Access Board
1000 Washington Street, Suite 710
Boston, MA 02118
Email: andrew.m.chase@mass.gov**

Electronic Copies of this form are available at the Board's website (<http://www.mass.gov/aab>) if you wish to submit it via email. If you have any questions, please contact the Board's staff via telephone at [617-727-0660](tel:617-727-0660) during normal business hours (9am – 5pm Mon-Fri). Please note that failure to return this document in a timely manner will result in the issuance of a Second Notice, and continued failure to address the items cited may result in fines of up to \$1,000 per day per violation among other legal remedies.

Please check ONE of the boxes below and return this form within 14 days of receipt of the First Notice:

- I have enclosed a plan to correct the violation(s), including a date for when I expect the work to be complete. I am aware that this plan will need to be approved by the Compliance Officer.
- I require additional time to prepare a plan to correct the cited violation(s), I have attached an explanation for why I require this additional time, including the specific amount of additional time I am requesting (which cannot exceed 90 days from the date of receipt of this Notice), and am aware that the Compliance Officer is not obligated to grant this additional time.
- I believe that correcting the violation(s) cited in the First Notice is impracticable (as defined in 521 CMR 5) and will be submitting a completed Application for Variance in no more than 30 days from the date I received the First Notice.
- I believe that the element(s) cited in the First Notice are not in violation of 521 CMR and I have attached a detailed explanation showing why they are in compliance or not otherwise subject to 521 CMR, including specific references to the applicable code sections.
- I am neither the legal owner of the building/facility nor their employee or agent.

(Signature)

(Date)

Communications Preference

Please Select one:

I want to receive all further documents regarding this case electronically at the following **email address**:

I want to receive all further documents regarding this case via certified mail at the following **mailing address**:



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: Town of Ashby
895 Main St
Ashby, MA 01431

Docket Number C 24 019

RE: Allen Field
92 Breed Rd
Ashby

DATE: 11/22/2024

Enclosed please find a copy of the following material regarding the complaint against the above location:

- First Notice Stipulated Order
 Second Notice Letter of Meeting
 Notice of Hearing Application for Variance
 Correspondence Decision of the Board

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 227



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

November 22, 2024

Docket Number C24 019

Town of Ashby
895 Main St
Ashby, MA 01431

RE: Allen Field 92 Breed Rd , Ashby

Dear Sir/Madam

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (521 CMR) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

19.7	Playgrounds: An accessible route, complying with 521 CMR 20, Accessible Route shall be provided to reach playground equipment and around the playground. Photos show new play equipment does not have compliant surfacing material. An accessible route must be provided into the playground, around the interior perimeter, and to each element of play equipment.
	In 2017, AAB memorialized in a hearing decision that Engineered Wood Fiber (commonly referred to as wood chips) is not an acceptable surfacing material for accessible routes.

Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

Sincerely,


Dawn Guarriello
Chairperson



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number
C24-019

(Office Use Only)

You have received this Notice because the Board has received information indicating that an element or elements of the building or facility you own is or are not in compliance with 521 CMR. This process is designed to provide you with a reasonable opportunity to correct any outstanding violations. Please complete both sides of this form and return it to:

Andrew Chase, Compliance Officer
Architectural Access Board
1000 Washington Street, Suite 710
Boston, MA 02118
Email: andrew.m.chase@mass.gov

Electronic Copies of this form are available at the Board's website (<http://www.mass.gov/aab>) if you wish to submit it via email. If you have any questions, please contact the Board's staff via telephone at 617-727-0660 during normal business hours (9am – 5pm Mon-Fri). Please note that failure to return this document in a timely manner will result in the issuance of a Second Notice, and continued failure to address the items cited may result in fines of up to \$1,000 per day per violation among other legal remedies.

Please check ONE of the boxes below and return this form within 14 days of receipt of the First Notice:

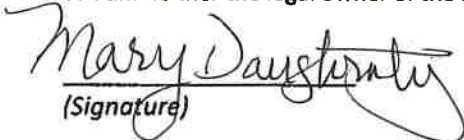
I have enclosed a plan to correct the violation(s), including a date for when I expect the work to be complete. I am aware that this plan will need to be approved by the Compliance Officer.

I require additional time to prepare a plan to correct the cited violation(s), I have attached an explanation for why I require this additional time, including the specific amount of additional time I am requesting (which cannot exceed 90 days from the date of receipt of this Notice), and am aware that the Compliance Officer is not obligated to grant this additional time.

I believe that correcting the violation(s) cited in the First Notice is impracticable (as defined in 521 CMR 5) and will be submitting a completed Application for Variance in no more than 30 days from the date I received the First Notice.

I believe that the element(s) cited in the First Notice are not in violation of 521 CMR and I have attached a detailed explanation showing why they are in compliance or not otherwise subject to 521 CMR, including specific references to the applicable code sections.

I am neither the legal owner of the building/facility nor their employee or agent.


(Signature)

11/25/2024
(Date)

Communications Preference

Please Select one:

I want to receive all further documents regarding this case

electronically at the following **email address**:

mdaughraty@ashbyma.gov

I want to receive all further documents regarding this case via

certified mail at the following **mailing address**:

November 25,2024

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
Re: First Notice complaint Docket No. C24-019

Allen Field – 92 Breed Road, Ashby MA

Dear Architectural Access Board,

I am writing regarding the complaint associated with Docket Number C24-019, which the Town of Ashby received via email on November 25, 2024. We respectfully request an additional 90 days to develop a plan to enhance ADA accessibility at our Allen Field playground.

Please note that the playground will be closed from December 1 through April 1, making any corrective measures feasible only in Spring 2025, weather permitting.

Additionally, we seek guidance from the Architectural Access Board on acceptable materials for ADA compliance. We are considering two options for improving accessibility: applying a mat surface over the existing wood chips or paving an area to facilitate access to the equipment and the playground itself.

It is important to mention that the Town of Ashby has not previously received any complaints regarding the accessibility of this playground. Attached, you will find documentation confirming that our newest equipment meets ADA standards.

Thank you for your attention to this matter. We look forward to your guidance.

Sincerely,


Mary Daughraty

Town of Ashby, Town Administrator and ADA Coordinator

Newest Equipment installed



Blue-Chip Play Structure

Manufacturer: [Playground Equipment Dot-com](#)

SKU: KP114

\$5,530.00 MSRP: ~~\$7,100.00~~
You Save 23% (~~\$1,658.00~~)
[We Price Match!](#)

Qty

ADD TO QUOTE

Age Group: 6 months to 5 years
Capacity: 8-15
Fall Height: 13"
Use Zone: 11' 4" x 18' 1"

- Highlights:**
- Ideal for small children
 - Designed with inclusivity in mind
 - Choose from plethora of fun colors
 - Line Roof provides cover against sun

COMPLIES WITH:
ASTM F1487-17
CPSC PUB #325

AVAILABILITY
10-14 weeks

ADA COMPLIANT
[Accessibility Guide](#)

SHIP FREIGHT
This is packaged too large for UPS, FedEx, or USPS. A freight trailer is up to 53 feet long. Unload by hand with 2 - 3 people. Contact us for details.

PDF FLYER
Download the [Blue-Chip Play Structure PDF FLYER](#) for a printable to-go version.

PRODUCT WARRANTY
[View Product Warranty](#)

COLOR OPTIONS
[View color options](#)

SHARE
[Email](#) [Print](#)

FREQUENTLY BOUGHT TOGETHER

Product(s) Subtotal: **\$30,494.00**

ADD ALL THREE TO CART

- This Item: Blue-Chip Play Structure \$5,530.00
- Pikes Peak Recycled Playground Fitness Climber without Steppers / Balance Beam \$21,982.00
- Royal Double Sit Up Bench \$2,982.00

PRODUCT DESCRIPTION

The Blue-Chip Play Structure's simple open layout is quintessential for preschool aged children. Inclusion is what this unit emphasizes. This system's layout radiates an inviting and warm presence that will entice children to explore every nook and cranny it has to offer. The Curved Crawl Tube allows for a fun alternative to accessing the panels inside. Once inside, the structure opens up and multiple activities reveal themselves. Kids will be able to use the Store Panel to make-believe numerous scenarios like owning their own business or shopping for goodies to fill their home. The Gear Panel comes with a crank that will rotate the vibrant gears and keep children entertained. The Rain Wheel, Ship's Wheel, Drum Panel and Bench Panel line the outside of the Blue-Chip Play Structure making this entire unit an interactive and entertaining thrill.

AAB 232









Stairs not SAME







From: [Mary Daughraty](#)
To: [Griffin, Molly \(DPL\)](#)
Subject: Re: Variance Application 92 Breed Rd, Ashby
Date: Friday, December 6, 2024 9:58:48 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Molly,

We are seeking a variance until 5/31/25 to complete the work.

Mary Daughraty
Ashby

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Sent: Thursday, December 5, 2024 1:57 PM
To: Mary Daughraty <mdaughraty@ashbyma.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>
Cc: Building Inspector <bldginsp@ashbyma.gov>
Subject: RE: Variance Application 92 Breed Rd, Ashby

Apologies for the follow-up, but I just wanted to make sure this was filled out completely. It looks like a word was cut off in question 16 request #1, and it notes that the park would be in compliance by today, 12/5/2024 in the same question- is there another date that was meant to be put there?

Thank you!
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1000 Washington Street, Suite 710
Boston, MA 02118
www.mass.gov/AAB
617-826-5215

From: Mary Daughraty <mdaughraty@ashbyma.gov>

Sent: Thursday, December 5, 2024 1:39 PM

To: Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Cc: Building Inspector <bldginsp@ashbyma.gov>

Subject: Variance Application 92 Breed Rd, Ashby

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon, William & Molly,

The Town of Ashby is submitting a variance application for docket #C24-019. We will provide the \$50.00 processing fee upon receipt of an invoice.

Thank you in advance for reviewing this application.

Best regards,

Mary Daughraty
Town of Ashby
Town Administrator



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at:
<https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Sign the certification on Page 8.
- 4) If the applicant is not the owner of the building or his or her agent, include a signed letter from the owner granting permission for you to apply for variance.
- 5) Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at:
<https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 6) Complete the Service Notice included with the Application and sign it.
- 7) Deliver the completed Application and all attachments to the Board via electronic or physical delivery:
 - a. Electronic:
 - i. Applications should be sent via email to william.joyce@mass.gov & molly.griffin@mass.gov.
 - ii. The email submission must have the subject line: Variance Application - <Address>, <City>
 - iii. The application and all attachments must be in .pdf format
 - iv. The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.
 - v. Please submit the \$50 filing fee via check or money order via mail to the mailing address listed above with either a cover letter or, "Variance - <Address>, <City>" in the memo line.
 - b. Physical
 - i. Applications should be sent to the mailing address listed above and must include:
 1. The completed application and all attachments.
 2. A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),

3. The completed and signed Service Notice.
 4. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.
- ii. Please ensure that all documents included are no larger than 11" x 17".
 - iii. Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the name and address of the building/facility:

Town of Ashby
Allen Field Playground
92 Breed Road
Ashby, MA 01431

2. State the name and address of the owner of the building/facility:

Town of Ashby
895 Main Street
Ashby, MA 01431

E-mail: bldginsp@ashbyma.gov

Telephone: 978-386-2424 x 128

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

Small playground area located within a large baseball field location with a parking area.

4. Total square footage of the building/facility: unknown

Per floor: _____

a. Total square footage of tenant space (if applicable): unknown

5. What was the original year of construction for the building/facility: _____?

6. Check the nature of the work performed or to be performed:

New Construction

Addition

Reconstruction/Remodeling/Alteration

Change of Use

7. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

The Town of Ashby to install an accessible walkway area within the small playground area to conform with Mass 521 CMR regulations

8. Is the building or facility historically significant? Yes No

a. If yes, check one of the following and indicate date of listing:

National Historic Landmark _____

Listed individually on the National Register of Historic Places _____

Located in a Registered Historic District _____

Listed in the State Register of Historic Places _____

Eligible for listing _____

(In which registry?)

b. If you checked any of the above **and** your variance request is primarily based upon the historical significance of the building, you *must* complete the ADA Consultation Process of the [Massachusetts Historical Commission](#), located at 220 Morrissey Boulevard, Boston, MA 02125.

9. Which section(s) of the Board's Jurisdiction (see Section 3 of the Board's Regulations) has been triggered?

2.6 3.2 3.3.1(a) 3.3.1(b) 3.3.2 3.3.4 3.4

10. List **all** building permits that have been applied for within the past 36 months, include the issue date and the listed value of the work performed:

<u>Permit #</u>	<u>Date of Issuance</u>	<u>Value of Work</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Use additional sheets if necessary.)

11. List the anticipated construction cost for any work not yet permitted or for any relevant work which does not require a permit:

12. Has a certificate of occupancy been issued for the facility? Yes No

If yes, state the date it was issued: _____

13. To the best of your knowledge, has a complaint ever been filed with the AAB on this building or facility relative to accessibility? Yes No

a. If so, list the AAB docket number of the complaint C24-019

14. For existing buildings or facilities, state the actual assessed valuation of the **BUILDING/IMPROVEMENTS ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building or facility is located: _____

Is the assessment at 100%? Yes No

If not, what is the town's current assessment ratio? 0%

15. State the phase of design or construction of the facility as of the date of this application:

16.

Please list specific technical sections, not 521 CMR 3.

Request #1

Section(s) for which you are seeking relief: 19.7

Are you seeking temporary relief: Yes No

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

If yes, what date do you propose to be in compliance by: 5/31/2025 ?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Due to the winter season the Town of Ashby is seeking a variance in time to have Allen Field playground comply with Mass 521 CMR with "Accessible walkways" at our playground located at 92 Breed Road, Ashby, MA 01431 and to be completed by 5/31/2025. Thi

Request #2

Section(s) for which you are seeking relief: _____

Are you seeking temporary relief: Yes No

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

If yes, what date do you propose to be in compliance by: _____ ?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Request #3

Section(s) for which you are seeking relief: _____

Are you seeking temporary relief: Yes No

If yes, what date do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

Request #4

Section(s) for which you are seeking relief: _____

Are you seeking temporary relief: Yes No

If yes, what date do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Types of Attachments for this Request:

- Floor/Site Plans, Cost Estimates,
- Photographs, Test Drawings,
- Other(s): _____

If you require more than 4 requests, please use the *Additional Request Sheet* and complete the *Large Variance Tally Sheet*, both of which are available on the "Forms and Applications" page of the Board's website (<http://www.mass.gov/aab>).

17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

N/A

E-mail: _____

Telephone: _____

18. State the name and address of the building inspector responsible for overseeing this project:

Town of Ashby Building Commissioner - Michael Savageau

E-mail: bldginsp@ashbyma.gov

Telephone: 978-386-2424 x128

SERVICE NOTICE

I, Mary Daughraty

(Name)

, as Town Administrator

(Relationship to the applicant)

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

	<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>	<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1 Building Department	Building Commissioner	left in Office	12/4/24
2 Local Commission on Disability (If Applicable)	N/A Town ADA Coordinator	on file in office	12/4/24
3 Independent Living Center	N/A		

Mary Daughraty
Signature

12/4/24

Date



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: Town of Ashby
895 Main St
Ashby, MA 01431

Docket Number C 24 019

RE: Allen Field
92 Breed Rd
Ashby

DATE: 11/22/2024

Enclosed please find a copy of the following material regarding the complaint against the above location:

- First Notice Stipulated Order
 Second Notice Letter of Meeting
 Notice of Hearing Application for Variance
 Correspondence Decision of the Board

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118**

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

November 22, 2024

Docket Number C24 019

Town of Ashby
895 Main St
Ashby, MA 01431

RE: Allen Field 92 Breed Rd , Ashby

Dear Sir/Madam

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (521 CMR) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

19.7	Playgrounds: An accessible route, complying with 521 CMR 20, Accessible Route shall be provided to reach playground equipment and around the playground. Photos show new play equipment does not have compliant surfacing material. An accessible route must be provided into the playground, around the interior perimeter, and to each element of play equipment.
	In 2017, AAB memorialized in a hearing decision that Engineered Wood Fiber (commonly referred to as wood chips) is not an acceptable surfacing material for accessible routes.

Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

Sincerely,

Dawn Guarriello
Chairperson



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number

C24-019

(Office Use Only)

You have received this Notice because the Board has received information indicating that an element or elements of the building or facility you own is or are not in compliance with 521 CMR. This process is designed to provide you with a reasonable opportunity to correct any outstanding violations. Please complete both sides of this form and return it to:

Andrew Chase, Compliance Officer
Architectural Access Board
1000 Washington Street, Suite 710
Boston, MA 02118
Email: andrew.m.chase@mass.gov

Electronic Copies of this form are available at the Board's website (<http://www.mass.gov/aab>) if you wish to submit it via email. If you have any questions, please contact the Board's staff via telephone at 617-727-0660 during normal business hours (9am – 5pm Mon-Fri). Please note that failure to return this document in a timely manner will result in the issuance of a Second Notice, and continued failure to address the items cited may result in fines of up to \$1,000 per day per violation among other legal remedies.

Please check ONE of the boxes below and return this form within 14 days of receipt of the First Notice:

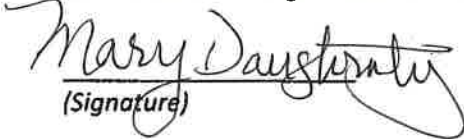
I have enclosed a plan to correct the violation(s), including a date for when I expect the work to be complete. I am aware that this plan will need to be approved by the Compliance Officer.

I require additional time to prepare a plan to correct the cited violation(s), I have attached an explanation for why I require this additional time, including the specific amount of additional time I am requesting (which cannot exceed 90 days from the date of receipt of this Notice), and am aware that the Compliance Officer is not obligated to grant this additional time.

I believe that correcting the violation(s) cited in the First Notice is impracticable (as defined in 521 CMR 5) and will be submitting a completed Application for Variance in no more than 30 days from the date I received the First Notice.

I believe that the element(s) cited in the First Notice are not in violation of 521 CMR and I have attached a detailed explanation showing why they are in compliance or not otherwise subject to 521 CMR, including specific references to the applicable code sections.

I am neither the legal owner of the building/facility nor their employee or agent.


(Signature)

11/25/2024
(Date)

Communications Preference

Please Select one:

I want to receive all further documents regarding this case

electronically at the following **email address**:

mdaughraty@ashbyma.gov

I want to receive all further documents regarding this case via

certified mail at the following **mailing address**:

November 25, 2024

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
Re: First Notice complaint Docket No. C24-019

Allen Field – 92 Breed Road, Ashby MA

Dear Architectural Access Board,

I am writing regarding the complaint associated with Docket Number C24-019, which the Town of Ashby received via email on November 25, 2024. We respectfully request an additional 90 days to develop a plan to enhance ADA accessibility at our Allen Field playground.

Please note that the playground will be closed from December 1 through April 1, making any corrective measures feasible only in Spring 2025, weather permitting.

Additionally, we seek guidance from the Architectural Access Board on acceptable materials for ADA compliance. We are considering two options for improving accessibility: applying a mat surface over the existing wood chips or paving an area to facilitate access to the equipment and the playground itself.

It is important to mention that the Town of Ashby has not previously received any complaints regarding the accessibility of this playground. Attached, you will find documentation confirming that our newest equipment meets ADA standards.

Thank you for your attention to this matter. We look forward to your guidance.

Sincerely,


Mary Daughraty

Town of Ashby, Town Administrator and ADA Coordinator

Newest Equipment installed



Blue-Chip Play Structure

Manufacturer: [Playground Equipment Dot-com](#)

SKU: KP114

\$5,530.00 MSRP: ~~\$7,100.00~~
You Save 23% (~~\$1,658.00~~)
[We Price Match!](#)

Qty

ADD TO QUOTE

- Age Group: 6 months to 5 years
- Capacity: 8-15
- Fall Height: 13"
- Use Zone: 11' 4" x 18' 1"

Highlights:

- Ideal for small children
- Designed with inclusivity in mind
- Choose from plethora of fun colors
- Line Roof provides cover against sun

COMPLIES WITH:
ASTM F1487-17
CPSC PUB #325

AVAILABILITY
10-14 weeks

ADA COMPLIANT
[Accessibility Guide](#)

SHIP FREIGHT
This is packaged too large for UPS, FedEx, or USPS. A freight trailer is up to 53 feet long. Unload by hand with 2 - 3 people. Contact us for details.

PDF FLYER
Download the [Blue-Chip Play Structure PDF FLYER](#) for a printable to-go version.

PRODUCT WARRANTY
[View Product Warranty](#)

COLOR OPTIONS
[View color options](#)

SHARE
[Email](#) [Print](#)

FREQUENTLY BOUGHT TOGETHER

Product(s) Subtotal: **\$30,494.00**

ADD ALL THREE TO CART

- This Item: Blue-Chip Play Structure \$5,530.00
- [Pikes Peak Recycled Playground Fitness Climber without Steppers / Balance Beam](#) \$21,982.00
- [Royal Double Sit Up Bench](#) \$2,982.00

PRODUCT DESCRIPTION

The Blue-Chip Play Structure's simple open layout is quintessential for preschool aged children. Inclusion is what this unit emphasizes. This system's layout radiates an inviting and warm presence that will entice children to explore every nook and cranny it has to offer. The Curved Crawl Tube allows for a fun alternative to accessing the panels inside. Once inside, the structure opens up and multiple activities reveal themselves. Kids will be able to use the Store Panel to make-believe numerous scenarios like owning their own business or shopping for goodies to fill their home. The Gear Panel comes with a crank that will rotate the vibrant gears and keep children entertained. The Rain Wheel, Ship's Wheel, Drum Panel and Bench Panel line the outside of the Blue-Chip Play Structure making this entire unit an interactive and entertaining thrill.

AAB 255

Chase, Andrew M (DPL)

From: Chase, Andrew M (DPL)
Sent: Friday, November 22, 2024 11:49 AM
Subject: Allen Field, 92 Breed Rd, Ashby (C24-019) - First Notice.pdf
Attachments: C24-019 First Notice.pdf

Hello,

Attached is a copy of the First Notice sent by the Architectural Access Board regarding Allen Field, 92 Breed Rd, Ashby. This email is intended to keep all interested parties informed.

Regards,

Andrew Chase

Compliance Officer
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1000 Washington Street, Suite 710
Boston, MA 02118
617-826-5255 Ext. 25255
www.mass.gov/aab



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board

1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

TO: Town of Ashby
895 Main St
Ashby, MA 01431

Docket Number C24 019

RE: Allen Field
92 Breed Rd
Ashby

DATE: 11/22/2024

Enclosed please find a copy of the following material regarding the complaint against the above location:

- First Notice Stipulated Order
- Second Notice Letter of Meeting
- Notice of Hearing Application for Variance
- Correspondence Decision of the Board

Please review all enclosed documents carefully.

cc: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

AAB 257



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

November 22, 2024

Docket Number C24 019

Town of Ashby
895 Main St
Ashby, MA 01431

RE: Allen Field 92 Breed Rd

, Ashby

Dear Sir/Madam

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (521 CMR) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

19.7	Playgrounds: An accessible route, complying with 521 CMR 20, Accessible Route shall be provided to reach playground equipment and around the playground. Photos show new play equipment does not have compliant surfacing material. An accessible route must be provided into the playground, around the interior perimeter, and to each element of play equipment.
	In 2017, AAB memorialized in a hearing decision that Engineered Wood Fiber (commonly referred to as wood chips) is not an acceptable surfacing material for accessible routes.

Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

Sincerely,


Dawn Guarriello
Chairperson



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number

C24-019

(Office Use Only)

You have received this Notice because the Board has received information indicating that an element or elements of the building or facility you own is or are not in compliance with 521 CMR. This process is designed to provide you with a reasonable opportunity to correct any outstanding violations. Please complete both sides of this form and return it to:

**Andrew Chase, Compliance Officer
Architectural Access Board
1000 Washington Street, Suite 710
Boston, MA 02118
Email: andrew.m.chase@mass.gov**

Electronic Copies of this form are available at the Board's website (<http://www.mass.gov/aab>) if you wish to submit it via email. If you have any questions, please contact the Board's staff via telephone at [617-727-0660](tel:617-727-0660) during normal business hours (9am – 5pm Mon-Fri). Please note that failure to return this document in a timely manner will result in the issuance of a Second Notice, and continued failure to address the items cited may result in fines of up to \$1,000 per day per violation among other legal remedies.

Please check ONE of the boxes below and return this form within 14 days of receipt of the First Notice:

- I have enclosed a plan to correct the violation(s), including a date for when I expect the work to be complete. I am aware that this plan will need to be approved by the Compliance Officer.
- I require additional time to prepare a plan to correct the cited violation(s), I have attached an explanation for why I require this additional time, including the specific amount of additional time I am requesting (which cannot exceed 90 days from the date of receipt of this Notice), and am aware that the Compliance Officer is not obligated to grant this additional time.
- I believe that correcting the violation(s) cited in the First Notice is impracticable (as defined in 521 CMR 5) and will be submitting a completed Application for Variance in no more than 30 days from the date I received the First Notice.
- I believe that the element(s) cited in the First Notice are not in violation of 521 CMR and I have attached a detailed explanation showing why they are in compliance or not otherwise subject to 521 CMR, including specific references to the applicable code sections.
- I am neither the legal owner of the building/facility nor their employee or agent.

(Signature)

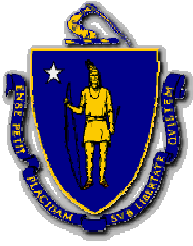
(Date)

Communications Preference

Please Select one:

I want to receive all further documents regarding this case electronically at the following **email address**:

I want to receive all further documents regarding this case via certified mail at the following **mailing address**:



**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab

Docket Number

C24-019

(Office Use Only)

GENERAL BUILDING COMPLAINT FORM

PLEASE BE ADVISED THAT THIS FORM IS A MATTER OF PUBLIC RECORD AND WILL BE DISCLOSED UPON REQUEST.

1. What is the name and address of the building believed to be in violation of the Rules and Regulations of this Board?

Building Name or Description:

Town of Ashby Highway Department and Allen Field

Street Address:

92 Breed Road (AKA 861 West Road, Ashby, MA 01431)

City/Town:

Ashby, Ma 01431

2. Does it appear that the building was recently constructed or renovated? Yes
3. What date were you most recently at the building? 12/9/2023
4. How many floors? 1 to 1.5 (storage on top)

5. Please describe the violation(s) as clearly as possible. Include information on the nature of the violation, the location of the violation within the building or site, and any other information you feel might be relevant. **The Board's staff also recommends you include photographs of the violation if possible.** (Please use additional sheets if necessary):

The Town of Ashby rebuilt the Highway and Allen field is a combined lot assest value of FY 2023 value is \$103,680.

(Total \$129,000)

- a. In ARPA funds 1/19/2022 was used for well and Office Space = \$69,000.
 - a. Highway building after new office space and new bathroom has, are not Handicap
 - b. Highway building has no Handicap parking
- b. The removal of surrounding trees and debre cost the Town \$20-30k From Mass Ch 90 funds and insurance
- c. Allen Field New Electric from insurance claim \$15k
- d. Allen Field New backstop and dug out from insurance claim, not handicap access \$5-10k
- e. Allen Field Bleachers after insurance repairs, not handicap access

Over the past year 2022 – 2023 (estimated is \$30-40K) plus more :

- a. Playground no Handicapaccess to playground bathrooms, even though they was just recently redone (estimated is \$10K)
- b. They cleared trees between the Highway to the play ground and fields, no Handicap path or access (estimated is \$20K)
- c. Expanded parking, but no Handicap ramps or Handicap Parking and not paved either. (estimated is \$10K)
- d. New Playground equipment, but not handicap accessible (estimated is \$20K)
- e. Nov 2023 Town is funding for a new build in the Highway (On the Minutes)
- f. Dec 6, 2023 Town is funding for more play ground equipment that was damaged when moving it (on the minutes)
- g. 2021-2022 The Bathroom's for the Allen field was renovated.
- h. 2021 The Children's playground was replaced in, I donated to the project

Allen Field increased from 3 baseball fields to 5 (maybe 6) without adding in handicap bathrooms, handicap dugout, handicap access to bleachers and parking.

Per the guidance you should determining space to include bleachers, dugouts, fences, scoreboards, parking and bathrooms. Example: 20 Parking spaces per diamond, etc.

<https://ballfields.com/baseball-field-dimensions/space-needs-of-a-ballfield/>

6. Name and address of person/organization filing this complaint (if organization is filing, please provide the Board with the name of a contact person) **(required)**:

Name: Patrick McPhee

Mailing Address:

56 Heywood Road, Ashby, Ma 01431

E-mail:

pmcpee@comcast.net

Telephone: _____

7. Would you like to receive communication from the Board electronically or via US Mail?
Email: Regular Mail:

8. Individual Signature **(required)**: 

Date: Dec 26, 2023

OPTIONAL INFORMATION

The following information is optional, and your complaint will be processed regardless of whether the information is provided. **However, you should be aware that the less information that is provided, the longer it will take this office to process your complaint.**

a. Name and address of the building owner or manager:

Name: Town of Ashby

Mailing Address:

895 Main St, Ashby, MA 01431

b. The Board only considers complaints with respect to buildings which are:

1.) constructed by the state, city or town, and construction, reconstruction, alteration or remodeling occurred after December of 1968; or

2.) privately financed buildings that are open to or used by the public and construction, reconstruction, alteration or remodeling occurred after June 10, 1975.

c. Do you have reason to believe the element(s) subject to this complaint have been recently renovated?

Yes: X No: _____

If you answered yes, please indicate the date and extent of the work below, and if possible attach a copy of the associated building permit to this complaint.

1/19/2022 Highway well and Office Please contact prior superintendent Steve B 978-602-2022

Town \$20-30k From Mass Ch 90 funds and insurance contact superintendent Steve B 978-602-2022

Continued on Next Page

2.) Do you have reason to believe that in any continuous 3-year period the spending on construction, reconstruction, alteration, or remodeling was more than:

\$100,000 Yes

30% of the building's assessed value Yes

If you answered yes, please indicate the date and extent of the work below, and if possible attach a copy of the associated building permit to this complaint.

see ARPA funds, _____

Assessed value of the building only (do not include the value of the land):

proprty value FY 2023 \$103,680. _____

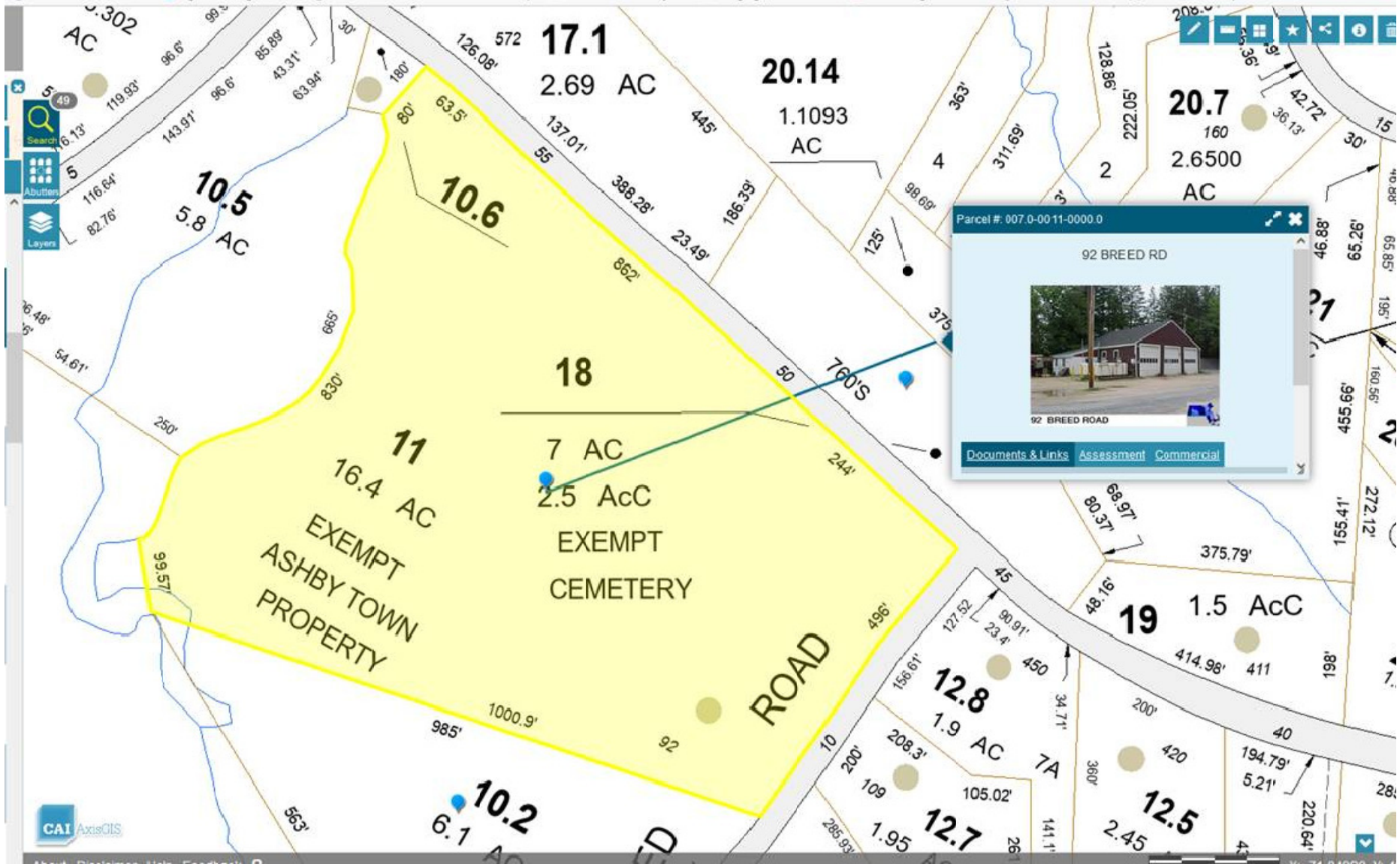
If possible, please attach a copy of the property card to your complaint.

https://drive.google.com/drive/folders/1MOiVe1uB_rupaLV-qVcPQHAOHQudGj9n

Warrant account ARPA / ME

GL 24-3-236-004-705

ARPA	1/19/2022	Highway - Well & Septic Project	\$ 30,000.00	BoS Package Aug 31 22_ARPA Sheet
ARPA	1/19/2022	Highway - Office space Project	\$ 39,465.00	BoS Package Aug 31 22_ARPA Sheet





- Profile
- Sales
- Owner History
- Land
- Residential
- Commercial
- OBY-Detached Structure
- Entrances
- Permits
- Values
- Map
- Sketch
- Photos
- Pictometry

PARID: 0120070001100000 MUNICIPALITY: ASHBY LUC: 931
 ASHBY, TOWN OF 92 BREED RD PARCEL YEAR: 2023

Land

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Marke: Value	Assessed Value
1	S-SQUARE FOOT	P-PRIMARY	931-IMPROVED - SELECTMAN/CITY COUNCIL	80,000	1.84	N						1		60,000
2	A-ACREAGE	R-RESIDUAL	931-IMPROVED - SELECTMAN/CITY COUNCIL	634,234	14.56	N						3,000		43,680
Total:													0 103,680	

1 of 1

Actions

- Printable Summary
- Printable Version

Reports

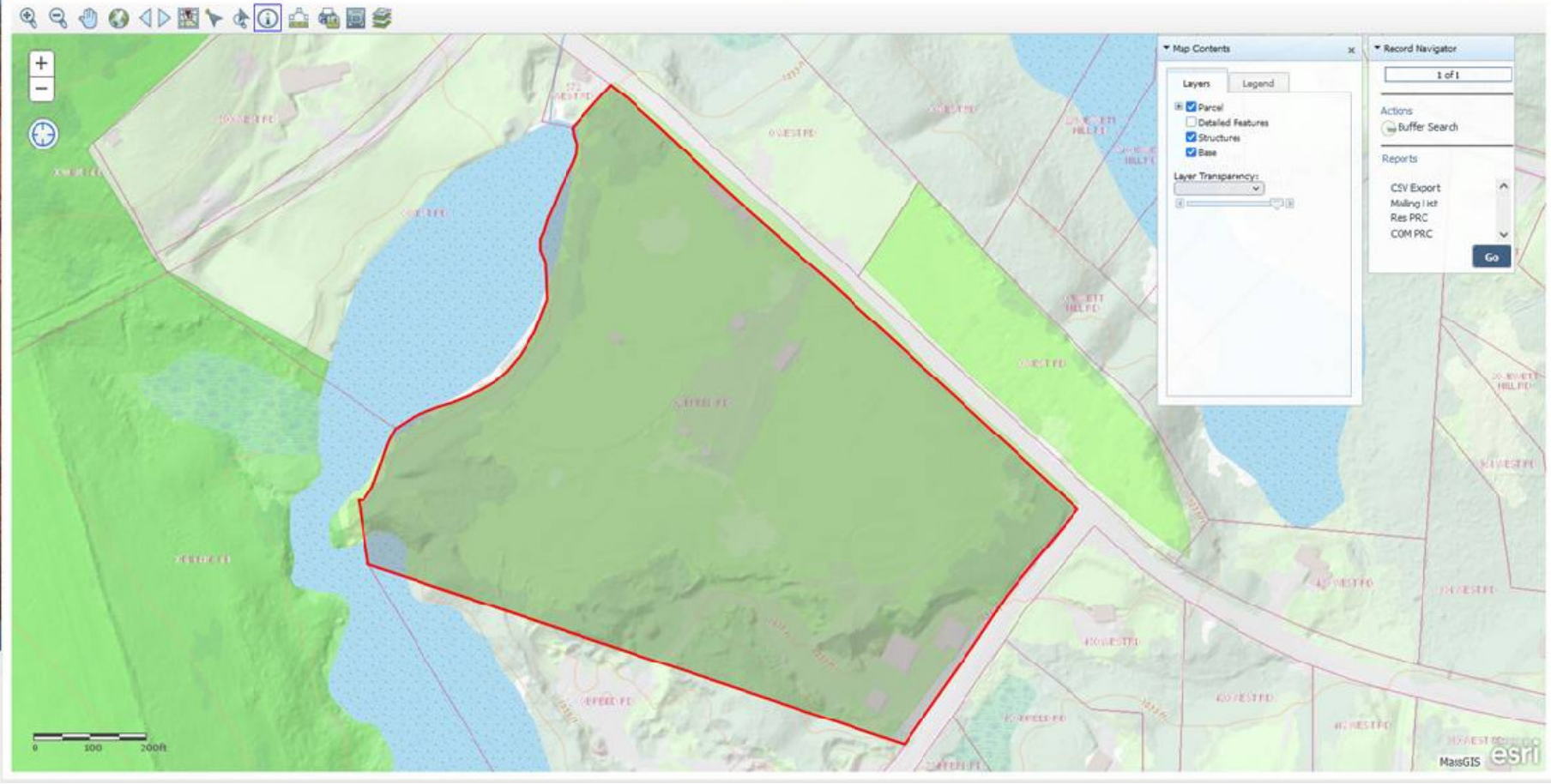
- CSV Export
- Mailing List
- Res PRC
- COM PRC

Go

PARID: 0120070001100000
ASHBY, TOWN OF

MUNICIPALITY: ASHBY
92 BREED RD

LUC: 931
PARCEL YEAR: 201



All the red sections of trees have been removed, to add two or more fields















See all the new bleachers, dug out, back stop









y 12, 2022

, 2022

More

2020

More

y 12, 2022

2022

More

More





July 12, 2022

More

2020

More



Clearing the trees

AAB 283









Stairs not SAME





