

## MEETING MINUTES

June 10, 2002

### Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Jodi Deuger, Matthew Waterman (arrived at 7:08pm)

### Others Present:

Rob Overton, R.S.; Debra Butcher

### Meeting called to order:

Chairman Horowitz called the meeting to order at 7:05 pm.

### Reorganization of the Board of Health:

Member Matthew Waterman made a motion to nominate Dr. Susan Horowitz as Chairman. The motion was seconded by Member Jodi Deuger and voted unanimously.

### Bills Approved/Signed:

- \*BFI-\$5580.20
- \*Ayer Auto Parts-\$38.83
- \*Covanta-\$8446.49
- \*CCP Industries-\$291.90
- \*Belmont Springs-\$39.00
- \*KAR Products-\$186.16
- \*Moison Ace Hardware-\$49.55
- \*Groton Electric Light-\$67.17
- \*Groton Electric Light-\$27.81
- \*Buckley Energy-\$355.69
- \*Buckley Energy-\$54.32
- \*Debra Butcher (SW-receipt books)-\$14.32
- \*Groton Electric Light-\$6.99
- \*MAHB Membership for Board of Health Members-\$50.00
- \*Lowell Sun (SW)-\$873.10
- \*Nashoba Publications (SW)-\$270.10

### Septic Permits Signed/Approved:

- \*343 Chicopee Row-Clyde & Christine Long
- \*Worthen Drive, Lot 1 (Transfer); Matt Aumais
- \*Whiley Road, Lot 1; Tasi Fini, Robert Lacombe
- \*Winding Way, Lot B37; Robert Lacombe
- \*Winding Way, Lot B38; Robert Lacombe
- \*Winding Way, Lot B39; Robert Lacombe
- \*Winding Way, Lot B41; Robert Lacombe
- \*Forest Drive, Lot B22; Robert Lacombe
- \*Forest Drive, Lot B32; Robert Lacombe
- \*Forest Drive, Lot B36A; Robert Lacombe
- \*Paugus Trail, Lot B23; Robert Lacombe
- \*Paugus Trail, Lot B25; Robert Lacombe
- \*Paugus Trail, Lot B26; Robert Lacombe
- \*Paugus Trail, Lot B27; Robert Lacombe
- \*Paugus Trail, Lot B28; Robert Lacombe
- \*Paugus Trail, Lot 31; Robert Lacombe

### Well Regulations

The Board reviewed the draft well regulations in preparation of sending it to Town Counsel for legal review. The Board discussed the changes, which included additional definitions of wells, and agreed on the final draft. Member Matt Waterman requested that the words "Chapter 111, Section 27A" be included under the section "Authority".

Debra Butcher stated that once a final draft was submitted, a legal notice must be placed in a local newspaper at least two consecutive weeks prior to the public hearing. The Board agreed that once that happened, the Board would conduct a public hearing in July to adopt them.

**126 Indian Hill Road:** Present: Frederick & Joan Reynolds, homeowners

The Reynolds' requested a hearing for a variance to the *Town of Groton's Swimming Pool Safety Devices Regulation for Private Pools*. The Building Inspector notified them that they were in violation of the fencing requirements of the State Building Code and the Town of Groton's local requirement.

The Reynolds' stated that their swimming pool, built over 30 years ago, was located on a 24+ acre lot of land surrounded by wetlands and woods. They stated that they didn't feel a fence was necessary due to the surrounding woods and the 1000 foot setback from the road which doesn't allow unauthorized people access to the pool.

Chairman Horowitz stated that the State and local requirements were very specific about requirements and felt they protected the homeowner and the town from accidents. She stated that the Board would be reluctant to grant a variance and allow the condition to exist because it could make the Town liable if an accident occurred. She also stated that it was not only the neighborhood children at risk but the Board of Health is also concerned with visiting children.

Member Jodi Deuger agreed. Mrs. Reynolds stated that they enjoyed the visual appearance of their yard and felt a fence would alter that appearance negatively. Health Agent Rob Overton stated that the Board is responsible to "protect the health and safety" of its residents which is why this was brought to the Board's attention. He stated that the Board could grant a variance if the applicant "successfully demonstrated that they will be providing equal or superior protection" to the area. He stated that he would be comfortable if the Reynolds, in lieu of a fence, installed a motion detection pool alarm around the pool.

Chairman Horowitz stated that she was comfortable with that resolution if agreed to by the entire Board. Member Jodi Deuger made a motion to grant the variance to the Town's regulation if a motion detection pool alarm was installed in lieu of a four foot fence. The motion was seconded by Member Matthew Waterman and approved unanimously. The Board requested that a "proof of purchase" receipt be submitted to the Board and that Health Agent Rob Overton reinspect the property in 90 days.

**35 Whitewood Road**: Present: Attorney Ray Lyons, Patrick Blouin

The hearing was continued from May 28, 2002.

Attorney Lyons stated that the Ross Associates survey had been completed and presented a copy of the plan to the Board showing the boundaries of the property. He stated that the plan showed the well was on property stated as "owner unknown" and that it wasn't owned by the Groton Conservation Trust.

Attorney Lyons stated that Dan Wolfe of Ross Associates came to the site and looked at the onsite cesspool and it measured to be a capacity of 143 gallons per day.. He stated that Mr. Blouin dug test holes in which testing was completed. He stated that Mr. Wolfe determined that the soils were of sand and gravel. He reported that Rob Overton witnessed the testing.

Attorney Lyons asked if the Board was satisfied with making a recommendation and/or report to the Zoning Board of Appeals allowing this property to be used year round. He stated that it should be concluded that the site provides a working wastewater system and has good potable water to drink. Mr. Overton stated that if the house was moved, the site would be under the consideration of "new" construction and the applicant would be required to upgrade the existing system within full compliance of Title 5. He stated that a deed restriction may also be required.

Attorney Lyons stated the Conservation Commission has given their report and it was a negative determination. He said that he was representing Mr. Blouin at the Zoning Board of Appeals meeting on June 19, 2002 and asked that the Board make its final determination quickly.

Chairman Horowitz stated that the Board, along with other town officials, were conducting a site walk on the property on Saturday, June 15, 2002 at 9am. She asked if a report could be written up stating that the site has potable water, provides a working septic system and the housing violations have been corrected according to State and local regulations allowing this site to be a "year round residence" but not to submit it until the site walk was done. The other members of the Board supported that.

Chairman Horowitz made a motion to write their report of approval to the Zoning Board of Health but not submit it to that Board until a site walk was done. The motion was seconded by Member Jodi Deuger and voted unanimously.

#### **Other Business:**

1. Lost Lake/Weeds – The agenda item was concerning Hemlock Road, however, Chairman Horowitz stated that she had been receiving numerous calls from residents about the herbicide treatments. She stated that the Board would not be taking questions from the audience.
2. Growth Management Advisory Committee – Chairman Horowitz stated that the committee is currently addressing the issue of "non-communication amongst boards" at their meetings.
3. Dorothy Place – The Board asked for an update. Mr. Overton stated that an "order to correct" was sent out. He stated that if the problem is not resolved, he will call the owners into a meeting before the Board.
4. 36 Willowdale Road – Mr. Overton stated that an order letter was sent to clean up the property. He stated that the property recently had a fire as well.
5. Emergency Management Plan – The Board asked Rob Overton to follow-up with Walter Murphy about the completion

- of the plan.
6. 95 Main Street – The Board requested an update. Mr. Overton stated that the house still has code violations that are unresolved. He said that he and the town's attorney requested no action should be taken at this time.
  7. Cypress Road – Mr. Overton stated that progress was being made on the clean-up of the property. He stated that he will re-inspect in 30 days. Chairman Horowitz stated that there was still visible stuff to be cleaned up. Mr. Overton stated that if conditions continue, he will notify the Department of Environmental Protection for assistance. He reported that the homeowner is removing debris off the property but is unaware of where it was going. The Board requested that receipts be submitted to the Board from this point forward.
  8. Transfer Station Clerk – Debra Butcher reported that she hired a new clerk, Stephanie Chisholm. She stated that Ms. Chisholm will begin employment on June 11, 2002 and will work two days in the Board of Health office and Saturdays at the Transfer Station.
  9. Waste Management – The Board requested that Waste Management attend the next Board of Health meeting on June 24, 2002 to discuss trash disposal fees at the Transfer Station.
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**Adjournment:**

Chairman Horowitz made a motion to adjourn at 9:10 pm. The motion was seconded by Member Waterman and voted unanimously.

**Approval:**

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Dr. Susan Horowitz, Chairman

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Jodi Deuger

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Matthew Waterman

Respectfully Submitted,  
Debra A. Butcher