

Meeting Minutes

June 24, 2002

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Jodi Deuger, Matthew Waterman

Others Present:

Debra Butcher, Robert Overton

Meeting Called to Order:

Chairman Horowitz called the meeting to order at 7:04 pm.

Minutes: The minutes of April 22, 2002 were approved as amended. The minutes of May 28, 2002 & June 10, 2002 were not approved as written.

Permits Signed/Approved:

- *566 Old Dunstable Road, Timothy & Cynthia Cunningham
- *Boston Road, Lot 1A; Francis Castellucci
- *Allison Park, Lot 29 (AKA 18A); Fox Meadow Realty Corp.
- *Allison Park, Lot 28 (AKA 18B); Fox Meadow Realty Corp.
- *Allison Park, Lot 27 (AKA 18C); Fox Meadow Realty Corp.
- *Fawn Terrace Lane, Lot 23 (AKA 16F); Fox Meadow Realty Corp.
- *Fawn Terrace Lane, Lot 21 (AKA 16D); Fox Meadow Realty Corp.
- *Fawn Terrace Lane, Lot 20 (AKA 16B); Fox Meadow Realty Corp.
- *Fawn Terrace Lane, Lot 19 (AKA 16A); Fox Meadow Realty Corp.
- *Deerfield Drive, Lot 22 (AKA 16E); Fox Meadow Realty Corp.
- *Deerfield Drive, Lot 24 (AKA 16C); Fox Meadow Realty Corp.
- *Deerfield Drive, Lot 25 (AKA 17B); Fox Meadow Realty Corp.
- *Deerfield Drive, Lot 26 (AKA 17C); Fox Meadow Realty Corp.

Bills Signed/Approved:

- *CTC Communications (BOH)-\$66.32
- *CTC Communications (SW)-\$31.29
- *Transfer Station Refund (A. Lenhart)-\$60.00
- *U. Mass Memorial-\$1625.00

CVS Pharmacy: Present: Dennis March, Store Manager; Carol Hogan, Nashoba Associated Boards of Health Tobacco Co-Director

The Board requested Mr. March's presence as a result of receiving two non-compliance notices for tobacco sales to minors within a calendar year. The dates of the sales were December 20, 2001 and May 28, 2002. The Board requested an update. Ms. Butcher stated that sales were made during both of these compliance checks. She stated that on the first offense on December 20, 2001, a sale was made even though the clerk asked for identification. She stated that the result was only a \$100 fine which was paid. Ms. Butcher stated that on May 28, 2002, a sale was made with no identification asked for. She said that this resulted in a \$200 fine and a possible three day suspension from the Board.

Chairman Horowitz asked Mr. March for his comments. Mr. March apologized for the sale, however, he stated that efforts were in place to correct future sales. He said that CVS Pharmacy has implemented the "We Card" program. Mr. March also stated that the employee at fault was immediately terminated upon notice of the violation.

Mr. March inquired whether the Board would consider implementing a procedure which allows the employer to share the violation costs with the offender. Ms. Hogan stated that she was aware of other municipalities instituting such a policy, however, she felt that any policy would necessitate review by Town counsel.

After a brief discussion, Member Jodi Deuger made a motion to issue a \$200 fine and a three-day suspension to CVS Pharmacy to be in effect from June 26, 2002 at 8:00 am and to end on June 29, 2002 at store closing time. The motion was seconded by Member Matthew Waterman and voted unanimously.

Mr. March asked if the suspension would include prescriptions for products that help stop smoking because they include tobacco. The Board agreed that any prescription by a physician should be filled, but over-the-counter sales of the same product would not be allowed during the suspension.

Hazel Road, Lot 25: Present: Douglas Smith, Soilsmith Design

Mr. Smith stated that the vacant lot was created in 1925 as a combination of 10 lots. He stated that the site was excellent for

a house due to the topography and the excellent soil conditions. Mr. Smith indicated that the site was previously approved for a 4-bedroom house in 1989 by the Nashoba Boards of Health but has since expired.

The following variance was requested:

Groton's Local Regulations I.E.6 – Minimum of thirty-five (35) feet must be available between the edge of any street, passageway or road line and the entire exterior perimeter of any proposed leach area. *Thirty-five feet required; twenty-three feet provided.*

Member Matthew Waterman reviewed the plan and requested that the distribution box be shown on the plan. He asked if abutters were notified concerning the well location. Mr. Smith stated "yes". There were no abutters in the audience. Member Waterman also requested a copy of the 1989 septic disposal system permit for the file. He stated that he had concerns about the "bending of trenches" shown on the plan. Discussion continued regarding the design plan and location of the trenches.

Mr. Overton stated that he also had concerns about the slope of the leach trenches and the breakout elevations. He asked that the engineer address the design concerns prior to any approval of the Board.

Chairman Horowitz stated that her priority was to protect the wells in the area. She stated that she was not comfortable with the design. Member Jodi Deuger agreed. Chairman Horowitz made a motion to continue the discussion to July 22, 2002 so the engineer could further review the plan with Mr. Overton. The motion was seconded by Member Waterman and approved unanimously. The Board took no further action.

Waste Management: John Horak, Division Manager

Ms. Butcher stated that Mr. Horak cancelled the meeting due to personal reasons.

Well Regulations:

The Board made additional amendments to the draft and requested that a public hearing notice be placed for July 22, 2002.

General Business:

1. Lost Lake/Weeds – Dr. Horowitz informed the Board that after attending a Board of Selectmen's meeting, there was discussions for scheduling a public hearing in September with all interested parties to discuss ongoing issues with Lost Lake and its weed problems.
2. Moose Trail – The Board requested an update. Mr. Overton stated that a complaint was received and an inspection was conducted on this property which resulted in an order to correct the conditions noted at the property (refuse, garbage, etc.).
3. Indian Hill Road – Pool: Mr. Overton updated the Board on this property with regards to a pool alarm installation.

Adjournment: Chairman Horowitz made a motion to adjourn at 9:15 pm. The motion was seconded by Member Waterman and approved unanimously.

Approval:

Dr. Susan Horowitz, Chairman

Jodi Deuger

Matthew Waterman

Respectfully Submitted,
Debra A. Butcher