

January 27, 2003
Minutes

Board of Health Members Present:

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

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

Dr. Horowitz called the meeting to order at 7:00pm.

Minutes: The Special Session minutes of January 20, 2003 were approved unanimously as written.

Permits Approved/Signed:

- *823 Boston Road; Paul Gandhi
- *Pepperell Road, Lot 3; David Gleason

Bills Approved/Signed:

- *Advance Security Systems, Inc. -\$18.33
- *Buckley Energy-\$709.02
- *Buckley Energy-\$60.44
- *Liberty Supply-\$38.00
- *Shattuck Oil-\$176.16
- *Grainger-\$110.71

Baddacook Pond Road: Present: Attorney Ray Lyons, Dan Wolfe

Chairman Horowitz opened the hearing by asking if there was anything "new or different" from the applicant. Attorney Lyons provided a brief recap of the project proposed. He stated that the property was a lawful conforming structure and met all the compliance issues under the Board of Health's regulations except for the two variances requested. He stated that "If we tore down the building, we could rebuild it tomorrow by-right". He said that the plan indicated that the site was on a one-acre parcel but in fact, 182 acres were provided. Chairman Horowitz asked why variances were needed if there was 182 acres. Attorney Lyons stated that it connected to 182 acres the "wrong way" because the immediate structure was surrounded by wetlands.

Attorney Lyons stated that the building qualified for an upgrade for a four-bedroom house under Title 5 because there was an existing structure on the site. Member Jodi Deuger asked what the plans were for use of the building. She stated that the Board had obtained a legal opinion stating that it was within their jurisdiction that they had the right to know what the building was proposed for. Member Deuger stated that this was new construction and the Board did not approve variances for new construction.

Dan Wolfe stated that the plan called for a four bedroom dwelling. Attorney Lyons stated that his client, New England Forestry Foundation, planned to fix the building and sell it. He stated that his client was a non-profit organization and didn't have a lot of money. He said that a condition of the sale would be a new septic system to replace the existing outhouse on the site. He said the property would be used for residential purposes only. Attorney Lyons stated that the permit, if granted by the Board, could stipulate that it would be used for residential purposes only.

Member Matthew Waterman said that according to the Assessor's office, the house was listed with zero bedrooms. He stated that the Board would make their decision based on protecting the town's water supply. He argued that Attorney Lyons was only trying to protect his client's interests.

Member Jodi Deuger stated that she was opposed to approving this as a four bedroom dwelling. Mr. Wolfe stated that Title 5 makes no distinction between a four bedroom dwelling and a seasonal dwelling.

Chairman Horowitz requested that she go inside the dwelling in order to establish bedroom count. Member Waterman stated that "at best, it could be a 3-bedroom". He stated that it being a four bedroom was "hard to buy".

Health Agent Ben Cutone stated that he had visited the site and it met the Title 5 criteria for a four bedroom dwelling.

Member Jodi Deuger asked if the applicant had obtained a ruling from the ZBA yet. Attorney Lyons stated that they didn't need to for the issues that they were before the Board of Health on.

Chairman Horowitz argued that the Board of Health had the right to know why the applicant was being so resistant about the intent of the property. Attorney Lyons stated that it was previously planned that the Groton Water Department was going to purchase the property and N.E.F.F. needed to ascertain what the value would be. He stated that the Water Department was no longer interested.

Chairman Horowitz recommended that the Board continue the hearing in order to conduct a site visit again. Attorney Lyons stated that he had been before the Board of Health several times. He stated that if the Board was going to vote it down, that they should render their decision.

Chairman Horowitz asked about water. Attorney Lyons stated that the plan shows that a well is being proposed.

Member Waterman stated that the plan for a four bedroom dwelling was a compelling one. He recommended that the plan be redesigned for a three bedroom or less but not lower than a two bedroom. Attorney Lyons stated that he would need to speak with his client.

Attorney Lyons offered that the Board put conditions in the permit if they felt it would be beneficial in their decision. He said that his client wanted to replace the outhouse with a septic system which was better for public health.

Chairman Horowitz stated again that she would like to continue the hearing in order to visit the site again. Attorney Lyons asked why they didn't trust their Health Agent's report. Dr. Horowitz stated that she wanted to see the property as a 182 acre parcel.

Discussion continued regarding the site and the request for a new well and septic system. Attorney Lyons stated that NEFF was a good neighbor and he said he didn't understand why the Board was stalling on their decision.

Chairman Horowitz stated that the site was a difficult one near a major water resource and an inappropriate building could damage the water resource. She stated that she was upset that the plan was kept a secret and that the Town spent money obtaining a legal opinion.

Member Waterman made a motion to continue the hearing to February 10, 2003 at 7:00pm. The motion was approved unanimously.

38ABCD & 40ABCD Sandy Pond Road: Present: Attorney Robert Collins, David Moulton

Attorney Collins provided a review of the 8 affordable units to be built in 2006. He stated that the Planning Board had approved the Special Permit. He requested that temporary wells be approved while waiting for town water to be extended. He also stated that well variances would be needed if approved.

Health Agent Ben Cutone stated that the septic system permits were approved by the Board with town water indicated on the plan. He said that he had some problems with nitrogen loading issues if wells were constructed. Mr. Cutone stated that the determination would need D.E.P. approval since the site would be considered a public water supply.

Discussion continued regarding the amount of land provided. Attorney Collins stated that if the two parcels were joined, the variances would no longer be needed.

The Board recommended that the plan be redesigned. Mr. Cutone stated that if wells were pursued, the septic system designs would need to reflect that. The Board made no decision.

Early Childhood Center at Boutwell School: Present: See list

Dr. Horowitz opened the hearing by stating that she believed that the air quality of the building was the issue behind the odors. She stated that the School District would be contracting a certified agency to balance airflow during school vacation. She stated that the dampers were opened to get fresh air and stacks were installed on the roof for increased outside air. She felt that the problem was resolved. The Board of Health felt that the school was safe for the students to return.

Pay-As-You-Throw: Present: Michael Brady, Tessa David, Bruce Dubey, Joan Huber, Nancy Turkle, Irene Congdon, George Wheatley

The Board listened to the Recycling Committee's recommendation on PAYT. They recommended that the rate for seniors be lessened. Chairman Horowitz agreed.

Discussion continued regarding the proposed fee schedule submitted by Recycling Chairman Michael Brady and what to charge for seniors and non-seniors. The Board also discussed bag sizes and whether to implement two different sizes (15 gallon and 33 gallon).

After a brief discussion, the Board voted to recommend choice # 6 (attached) which charges non-seniors \$35 and seniors \$0. The motion was made by Member Jodi Deuger and approved unanimously.

The Recycling Committee then recommended that the Board of Health and Board of Selectmen vote to implement the program and not go to Town Meeting.

Member Jodi Deuger had concerns with that approach. She felt that it was a town-wide issue and that residents should decide. The Board agreed to post the public hearing jointly with the Board of Selectmen for February 3, 2003 at 7:30pm.

Groton Jade Restaurant: Present: Raymond Ng, owner; Pat Raneri, Manager

The Board of Health reviewed a recent food inspection from their inspector Bridgette Braley that the Groton Jade had several critical food violations noted during a recent inspection.

Chairman Horowitz stated that this has been an ongoing problem since she joined the Board. Health Agent stated that at least three violations were related to communicable diseases. Chairman Horowitz questioned whether waitstaff had been certified in food safety. She asked that at least one person be certified on each shift.

Chairman Horowitz asked if the applicant disputed the violations. Mr. Ng stated that he did not. Member Waterman recommended that the Groton Jade voluntarily close for at least 7 days or the Board of Health would be forced to close them down themselves.

Mr. Ng agreed to voluntarily close beginning January 28, 2003 for seven consecutive days. Chairman Horowitz stated that it was his responsibility that his staff be certified in food safety.

Health Agent Ben Cutone will confirm whether the Groton Jade stayed closed during the week. He stated that a follow-up inspection will also be conducted by the Food Inspector prior to opening.

Member Matthew Waterman made a motion to give Health Agent Ben Cutone the authority to inspect the Groton Jade Restaurant and authorize him to close the restaurant if open to the public. The motion was approved unanimously.

Other Business:

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1. Chairman Horowitz stated that she would be meeting with Town Hall personnel on February 4, 2003 to discuss building maintenance.
2. Chairman Horowitz stated that she attended the Department Head meeting at Town Hall and instructed the

Board's Administrator to attend them on behalf of the Board.

3. Shaw's Supermarket – The Board asked that the applicant meet with them to review the Septic System plan. Ben Cutone will call the engineer of record and invite him to the next meeting.

Member Jodi Deuger made a motion to adjourn at 9:40pm. The motion carried unanimously.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz

Jodi Deuger

Matthew Waterman

Respectfully Submitted,
Debra A. Butcher