

## **TOWN OF GROTON**

Groton Board of Health  
173 Main Street  
Groton, MA 01450  
(978) 448-1120  
FAX: 978-448-1130

*e-mail: [dbutcher@ci.groton.ma.us](mailto:dbutcher@ci.groton.ma.us)*

### **Meeting Minutes March 21, 2005 Town Hall, Groton, Massachusetts**

#### **Board of Health Members Present:**

Dr. Susan Horowitz, Chairman; Robert Hanninen

#### **Others Present:**

Debra Butcher; Ben Cutone (arrived at 8:00pm)

#### **Meeting Called to Order:**

Chairman Horowitz called the meeting to order at 7:30pm.

#### **Minutes:**

The Regular Session minutes of February 7, 2005 and February 22, 2005 were approved as written.

#### **Bills Approved/Signed:**

- \*Apparel Master-\$96.60
- \*CTC Communications (SW)-\$28.49
- \*Grianger-\$23.33
- \*CTC Communications (BOH)-\$62.21
- \*Groton Herald-\$176.00
- \*WB Mason-\$219.11
- \*Levine Fricke-\$1023.50

#### **Permits Approved/Signed:**

- \*Brownloaf Road; Lot 6; David C. Morton
- \*Shattuck Street, Lot 2; Gibbet Hill LLC (The Board voted to allow Member Waterman to sign the permit outside of the meeting.)

366 Lost Lake Drive Present: Lawrence Johnson, owner; Jeff Huslander, 365 Lost Lake Drive; Scott Kessloff, 11 Pine Trail

Member Hanninen provided an update of the property given to him by Health Agent Ben Cutone. He stated that during an inspection of the property conducted today by Mr. Cutone, it was estimated that approximately 20-30% of the clean up had been completed.

Mr. Johnson explained that inclement weather conditions has prevented him from making greater progress. He stated that items (i.e. cars/wood) are still "frozen" on

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his property which has prevented him from removing them. He assured the Board that he would make more progress as the weather improves.

Chairman Horowitz understood that the weather has been a problem but the forecast was for warmer temperatures this week. She stated that the Board is under pressure from the Board of Assessors' who are receiving property abatement requests from neighbors in the area. She stated that Mr. Johnson needed to make progress quickly. She requested that Mr. Johnson work towards a 75% improvement over the next two weeks and come back before the Board. She stated that if that didn't happen, the Board would need to take further action with possible daily fines. Member Hanninen agreed that this action was reasonable.

Abutter Jeff Huslander stated that he would be willing to help Mr. Johnson with the clean up. He acknowledged that the property was unsightly but didn't want to create any hardships for Mr. Johnson. Abutter Jeff Kessloff stated that he is new to the neighborhood and he concurred that he would be willing to "pitch" in and assist Mr. Johnson in cleaning up his yard. He stated that Mr. Johnson was a good neighbor to him.

The Board requested an update from the Police Department and Fire Department on areas under their jurisdiction (i.e. wood/unregistered vehicles).

Member Hanninen made a motion to continue the hearing to April 4, 2005 at 7:45pm for a status report. The motion was approved unanimously (members S. Horowitz and R. Hanninen voting). The Board requested that Mr. Johnson make a "75-100%" improvement in the area designated by Mr. Cutone to be cleaned up.

Groton Collision Present: Attorney Ray Lyons

Atty. Lyons stated this client was currently in discussion with the Planning Board with Site Plan Review on this site. He stated that a site walk was tentatively scheduled for Thursday (March 24, 2005) at 5:30pm if Board members would like to attend.

He stated that he was present to address the concerns from the Board of Health in their February 9<sup>th</sup> memo to the Planning Board. Member Hanninen stated that he was not in favor of gravel driveways and was very concerned about possible contamination. Atty. Lyons stated that there have been no problems with leaking fluids. He said that if his client paved the driveway, there would be storm water problems due to the impervious surface. He said that it was their intent to add infiltrators to the site to accommodate storm water flow.

The Board requested that a memo be sent to the Planning Board indicating that the Board of Health recommended that the driveway be paved.

Transfer Station Present: Bruce Dubey

Mr. Dubey informed the Board that a methane gas smell occurs frequently at the Transfer Station and he was concerned that the septic system was failing. He stated that the tank was pumped less than a year ago.

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Health Agent Ben Cutone recommended that a full Title 5 inspection be conducted because the source of the smell could not be identified. The Board agreed and voted to allocate funds for an inspection this fiscal year. Chairman Horowitz requested that the Board of Selectmen be notified.

Mr. Dubey informed the Board that the trash disposal contract with Covanta has not been signed due to discrepancies amongst the lawyers. He will keep the Board updated. Member Hanninen asked that this be put on our agenda on April 4, 2005.

Oak Ridge 40B Comprehensive Permit Present: Kristen McEvoy

Chairman Horowitz provided an update on the project. She stated that the Zoning Board of Appeals approved this project and ignored the Board of Health's concerns about the ground water mounding calculations. She said that she had spoken with Board of Selectmen Chairman Fran Dillon and received approval to send town counsel questions concerning this project.

The Board drafted the following questions:

1. Should the Board of Health encourage the Board of Selectmen to appeal the Zoning Board of Appeals' decision?
2. Does the Board of Health have any legal recourse in their decision?
3. Did the Board of Health have enough information to advise the Zoning Board of Appeals as to the ramifications of granting waivers for either the primary or the reserve area of the septic system during the public hearing process?
4. The Board of Health has never had the opportunity to review the sewage disposal system engineering plans which incorporated a separate leaching area for the primary/reserve and employing the ground water mounding calculations. Should the Board of Health been allowed more time to review the new design plan?
5. Should the Board of Health pursue putting the sewage disposal system on the 3-acre parcel in Littleton?
6. Should the Board have had the opportunity to review the design of the proposed retaining wall for the reserve leaching area?

The Board voted unanimously (members S. Horowitz and R. Hanninen voting) to send the above questions.

#### Amanda's Way – Definitive Subdivision Plan – Comments to Planning Board

The Board requested that the following comments be sent:

1. Historical use of the property in writing.
2. Sewage disposal system engineering plans be submitted.
3. The Board is aware of storm water runoff and is concerned about future runoff issues.

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#### Nashoba Nursing Service

Member Hanninen reported that Nashoba Nursing was proposing to move their facility to Devens due to costs.

#### Surrenden Farm

Chairman Horowitz updated the Board about the material sent to Paul Locke of the Department of Environmental Protection. She said that she learned that Mr. Locke has not reviewed the documentation that both parties forwarded to him.

#### Continuation of Public Hearing concerning lot testing

Member Hanninen inquired about the continuation of the March 7<sup>th</sup> public hearing. Chairman Horowitz recommended that the Board continue the public hearing after it heard back from the Department of Environmental Protection concerning Surrenden Farm. Member Hanninen disagreed and felt that the Board should continue it soon. Chairman Horowitz said that she didn't like the proposed language written by Town Counsel but agreed to review it with Atty. David Doneski for discussion at the next meeting.

The meeting adjourned at 10:00pm.

GROTON BOARD OF HEALTH

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Dr. Susan Horowitz, Chairman

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Matthew Waterman

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Robert Hanninen

Respectfully Submitted,  
Debra A. Butcher