

TOWN OF GROTON

Groton Board of Health
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Meeting Minutes April 4, 2005 Town Hall, Groton, Massachusetts

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Matthew Waterman; Robert Hanninen

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

The regular session minutes of March 7, 2005 were tabled. The regular session minutes of March 21, 2005 were approved.

Permits Approved/Signed:

*Shattuck Street, Lot 4; Gibbet Hill LLC

*91 Culver Road; Lot A1; Orchard Realty Trust

Oak Ridge 40B Appeal – Legal Counsel: The Board voted (members Susan Horowitz and Robert Hanninen voting) to send a memo to the Board of Selectmen recommending that they retain the services of Atty. Jason Talerma in the appeal. Debra Butcher brought the memo to the Selectmen's meeting. The Board later learned from Jean Kitchen that the Board of Selectmen voted to retain Atty. Mark Bobrowski as counsel.

129 Wharton Row: Present: Mr. & Mrs. Herdiech; owners; Dan Wolfe

Health Agent Ben Cutone reported that the septic system for this property is currently approved for four (4) bedrooms but the dwelling actually has five (5) bedrooms. He stated that all building permits were signed off by the Board of Health for a five bedroom design. He said that the septic system was designed large enough to accommodate five bedrooms and the applicant was requesting that the permit capacity be increased to reflect five bedrooms. He recommended that the Board of Health approve the change in capacity so the change was recorded in the minutes. The Board had no concerns. Member

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Hanninen motioned to approve this property as a five bedroom dwelling. The motion carried unanimously.

366 Lost Lake Drive: Present: Lawrence Johnson, owner; abutters Scott Kessloff & Jeff Huslander

Health Agent Ben Cutone submitted two photos for the record. Mr. Cutone stated that progress has been inadequate to date.

Mr. Johnson reported that he has made progress clearing several loads of metal from the property. He felt he has reached 75% progress so far and was planning on taking vacation to continue working on it especially now that daylight is longer.

Abutter Jeff Huslander stated that he has observed some progress but expected more. He asked about the large wooden crates in the yard and what would be done with them.

Chairman Horowitz asked the other Board members if fines were appropriate or give Mr. Johnson another two weeks to complete 100% compliance.

Member Hanninen requested that the Board receive a list of the items already removed. Chairman Horowitz recommended that Mr. Johnson be given another two weeks to accomplish additional progress since there has been some effort on his part. She requested that the Police and Fire Departments be contacted because there still remained some violations under their jurisdiction.

Mr. Johnson stated that no complaints have been formally made by his abutters and that he felt the Board of Health was pushing abutters to contact authorities.

Member Waterman angrily requested that the property be cleaned up. He stated that he drove by the property and no progress had been made. He felt there were huge safety issues with the property.

Member Hanninen made a motion to continue the hearing to Tuesday, April 19, 2005 at 7:30pm and to expect that the particular area that the Board requested to be cleaned up (adjacent to the barn) is done. The motion carried unanimously.

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16 Townsend Road: Present: James & Tammy Rutledge, owners

Health Agent Ben Cutone stated that the site was currently served by a 4,000 gallon tight tank and approved as office space only. He said that the applicant is requesting that the building have a combined use of both office and residential but remain under its total approved gallons per day. Mr. Cutone stated that Title 5 states whenever a facility changes its use that the septic must be upgraded. He said that the question the Board must decide is whether the building must remain as office space only and there is no change in use.

Ms. Rutledge stated that the property would be used as office space with a one bedroom unit and keeping the flow less than 200 gallons per day.

After a brief discussion concerning flow requirements for the site, the Board voted unanimously to allow the building to be used as a one bedroom apartment and office space contingent upon the following conditions:

1. The building is limited to one bedroom.
2. The total sewage flow does not exceed 200 gallons per day.
3. A notice is placed on the building's deed stating that the above referenced conditions.

Groton School – Indoor/Outdoor Pool Waivers: Present: Timothy Dumont, Manager, General Maintenance & Grounds

Mr. Dumont stated that the Groton School received a letter from the Nashoba Boards of Health pool inspector, Jamie Clement regarding some unresolved issues concerning their pools. He requested that the Board of Health review the issues and make a determination on them:

1. Water Quality testing – indoor/outdoor pools.

Mr. Dumont stated that there was a disagreement in the interpretation of the testing requirements regarding frequency. He stated that Ms. Clement requested that three additional readings needed to be recorded and that the information could be read from the electronic monitoring device. Mr. Dumont stated that the electronic monitoring equipment is calibrated to take readings every 24 hours and recorded in the pool log and the Certified Pool Operator also takes a separate water sample. He said that the Certified Pool Operator believed that Groton School complies with the statute and he has not encountered this requirement with electronic equipment with any other Health Board throughout the State. He said that he was unsure of the reason for recording a digital display which the statute does not require. Ms. Clement recommended

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that the Board of Health require the Groton School to record the results of the electronic monitoring device three times per day and manually sample the water one time per day.

2. Antivortex drain cover – outdoor pool only.

Mr. Dumont stated that the Certified Pool Operator's opinion was that the current system installed in the outdoor pool met and exceeded the requirements of the law. He said that Ms. Clement suggested that the Groton School obtain a waiver from installing an antivortex main drain outlet if they felt their current system complied with the statute already.

3. Four Foot Walkway – indoor pool only.

Mr. Dumont stated that the indoor pool was built in 1997 with approvals obtained. He said that during the most recent inspection, it was discovered that no variance was ever granted concerning the lack of a four foot unobstructed walkway around the pool so a variance was needed. Ms. Clement felt the approval of this variance did not present a health risk.

4. Backwashing Pool Water – indoor pool only

Mr. Dumont stated the original approvals did not require this and he contacted Kelly Whalen from Newfields who determined that the impact of the backwash water was not significant to the treatment process. Ms. Clement recommended that the Board take no action on this.

The Board reviewed each item and made the following recommendations:

1. Water Quality Testing – The Board voted to deny the Groton School's variance request to not record the results of the electronic monitoring device three times per day and manually sample the water one time per day. *The Groton School is required to record the results of the electronic monitoring device three times per day and sample the water one time per day.*
2. Antivortex Drain Cover – The Board voted to deny the Groton School's variance request to not install an antivortex drain, as is currently the requirement of 105 CMR 435.08 and is mandated by the Department of Public Health. *The Groton School is required to install antivortex drains.*
3. Four Foot Walkway – The Board voted to grant the variance request allowing a portion of the Groton School's indoor pool's walkway to be less than 4 feet wide.
4. Backwashing Pool Water – The Board took no action on this request because it was determined that this was not under their jurisdiction.

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OTHER BUSINESS

Planning Board – Request for Comments:

The Board of Health voted unanimously to send the following comments:

1. Amanda's Way – Definitive Subdivision Plan
The Board voted unanimously to approve the project contingent upon the developer constructs the project in such a way that there is no negative impact to adjacent land and abutters. The Board urged the developer to pay special attention to drainage issues.
2. Boston Road – Concept Plan – Rezoning Petition – Cunningham, Barry
The Board of Health requested the written historical use of all properties in the rezoning area.
3. Groton Development Corporate offices – 536 Main Street
The Board of Health requested written historical use for this property. All existing sewage disposal systems and wells, no longer in use, must be decommissioned. Any proposed sewage disposal system designs must be reviewed and approved by the Board.

Health Agent Update - Vlahos – 18 Breakneck Road – Mr. Cutone stated that he attended a court hearing and that Mr. Vlahos was in contempt of his court order. The court set another hearing date for April 20, 2005 at such time when they will determine his judgment in the contempt charge.

GDAY session – April 7th

Member Hanninen will attend the session on behalf of the Board of

Health.

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Covanta contract: Present: Bruce Dubey
Mr. Dubey informed the Board that contract negotiations are still ongoing between town counsel and Covanta.

The meeting adjourned at 9:15pm.

GROTON BOARD OF HEALTH

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Dr. Susan Horowitz	Matthew Waterman	Robert Hanninen
Chairman		

Respectfully submitted,
Debra A. Butcher