

TOWN OF GROTON

Groton Board of Health
173 Main Street
Groton, MA 01450
(978) 448-1120
FAX: (978) 448-1130
Office Hours: Monday – Friday 7am-3pm
e-mail: dbutcher@ci.groton.ma.us

MEETING MINUTES November 21, 2005 Town Hall, Groton, Massachusetts

Board of Health Members Present:

Robert Hanninen, Chairman; Dr. Susan Horowitz; Jason Weber

Others Present:

Debra Butcher

Meeting Called to Order:

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

Minutes:

Regular session minutes of September 26, 2005, October 3, 2005; October 17, 2005 & November 7, 2005 were approved. Regular session minutes of September 19, 2005 were tabled.

Septic System Permits Signed/Approved:

*220 West Main Street, Herbert Woods

Bills Signed/Approved:

*Belmont Springs-\$27.00
*Global Montello Group-\$143.19
*Moore's Lumber-\$878.25
*East Coast Electronics-\$625.00
*Routhier & Sons-\$453.25
*W.B. Mason-\$39.92
*New England Rain Barrel (grant)-\$520.00

366 Lost Lake Drive Present: Lawrence Johnson, owner

Mr. Johnson reported that (2) truckloads of wood have been removed from the property and that he constructed a new fence using some of the wood palates. He said at least 60 feet of fence is already up with 20 feet of fence to go along the Lost Lake Drive side.

Mr. Johnson stated that he has received many compliments from his neighbors about the progress he has made. He said that he would continue to work on the fence and would paint it once the weather warmed up.

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Chairman Hanninen questioned whether Mr. Johnson had obtained receipts for the removal. Mr. Johnson stated "no" because the materials were brought to a friend in Shirley. He stated that the

construction of the fence "didn't take the trash away." Chairman Hanninen suggested that Mr. Johnson focus his energies on getting rid of the trash instead of putting up a fence. He provided a copy of Ben Cutone's November 21, 2005 email on the status of his last inspection.

Mr. Johnson acknowledged that there was wood remaining on the property but felt that the impact of the amounts of wood would diminish once it was cut and stacked in an orderly fashion. Mr. Johnson felt he was going in the right direction in this area.

Chairman Hanninen reminded Mr. Johnson of his commitments made to the Board to remove the refuse and wood from the property. He stated that he is spending a lot of time and gasoline driving by the property to observe Mr. Johnson's progress.

Member Horowitz stated that both the Board and Mr. Cutone have been gracious with Mr. Johnson over the last year and it was time for him to comply. She stated that Mr. Johnson made commitments, both in writing and vocally, to the Board. She stated that she was in favor of beginning legal action against Mr. Johnson and made a motion to discuss the matter with Town Counsel relative to violations of the State Housing Code. Chairman Hanninen seconded the motion. VOTE: J. Weber-Aye; S. Horowitz-Aye, R. Hanninen-Aye.

Mr. Johnson stated that he was sorry that the fence didn't meet the Board's approval. Chairman Hanninen stated that the issue wasn't with the fence but with the garbage. Mr. Johnson insisted that he "didn't have garbage".

Chairman Hanninen made a motion to continue the meeting to December 5, 2005 at 7:30pm. The motion carried unanimously. He recommended that Mr. Johnson orderly stack useable wood, remove unused wood and remove all trash from the property. Additionally, Member Horowitz requested that pictures be taken and presented at the next meeting.

191 Whiley Road: Present: John Visniewski, P.E.; Robbin Lawrence; Mr. & Mrs. Noyes, abutters; Attorney Julie McNeill representing Mr. & Mrs. Noyes

Mr. Visniewski provided abutter notification receipts for the record.

Mr. Visniewski presented an engineering plan for a two-bedroom design for a new septic system and well. He stated that soil conditions were sand and gravel and testing was witnessed by Mr. Cutone. He requested the following well variances:

Town of Groton's Well Regulations
Section VI: Well Location and Use Requirements

Property Line offset, 50 feet required; 43 feet provided.
Surface water offset; 100 feet required; 24 feet provided.

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Mr. Visniewski stated that his client would provide hay bales to protect the pond. He stated that his client has received an Order of Conditions from the Conservation Commission on November 8, 2005.

Attorney Julie McNeill stated she represented Mr. & Mrs. Noyes and informed the Board that there is court action in place involving her clients regarding the proposed driveway with a preliminary injunction to stop that in Land Court.

Attorney McNeill requested that the Board propose to have the well constructed further away from her client's lot line and closer to property on the other side owned by Robbin Lawrence. Ms. McNeill also requested that the new plan show her client's secondary well on the plan. Mr. Noyes reported

that his secondary well was used for emergencies only.

Discussion continued concerning the depth of the well and whether town water could serve the property. The Board requested that the property owner obtain a written statement from the Water Department certifying the distance to town water. The Board requested that the new plan show the well further away from the pond and 100 feet from all leaching areas.

Member Horowitz made a motion that the meeting be continued to December 5, 2005 at 7:45pm in order for the plan to be redesigned and for the Board's Health Agent to be present. The Board voted to continue the meeting to Dec. 5, 2005.

211 Whiley Road: Present: Robbin Lawrence

Mr. Lawrence reported that a Title 5 was performed by R.J. Lacombe as requested by the Board but he has not received the inspection report. The Board requested that the report be submitted to them by their next meeting on December 5, 2005.

Boston Road wells: Present: Berta Erickson, 464 Boston Road

Nashoba Associated Boards of Health has made the Board aware that two Boston Road residences were having new wells drilled, funded by Mass. Highway, and that Mass Highway is insisting that construction can be done without permits from the Town. Skillings & Sons was initially awarded the bid from Mass. Highway but because they applied, and received, a well permit from the Nashoba Boards of Health, the award was retracted and awarded to another well driller (A&W Artesian Well).

The Board agreed to draft a letter to Mass. Highway ordering them to apply for permits and follow the rules of the Town. Chairman Hanninen made a motion to issue A&W Artesian Well Co. a penalty of \$300 if a well permit is not applied for by noon on Monday, November 28, 2005. The motion carried unanimously.

Member Weber felt this was an economic injustice to Skillings and Sons and requested that the profits from the well construction be transferred from A&W Artesian Well to Skillings and Sons.

The Board requested that permits to abandon all old wells needed a permit as well.

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OTHER BUSINESS

593 Account

Member Horowitz requested that the Board receive information about establishing a 593 account for developers to pay for engineering/consulting fees. Ms. Butcher will contact the Town Accountant and report back.

Groton Code Book

The Board of Health voted unanimously to conduct public hearings to consider amending the following Sections of the Groton Code Book:

Chapter 276: Body Art Establishments and Practitioners

Section 276-4

- A. Physicians licensed in accordance with MGL C. 112, Section 2, who perform body art procedures as part of patient treatment are exempt from these regulations.

Chapter 279: Floor Drain Regulations

Section 279-6: Effective dates for all facilities

Effective date of this regulation shall be July 1, 2000.

Chapter 323: Transfer Station Regulations
Section 323-9C: Enforcement, suspension or revocation of use privileges
Change "best-known address" to "last-known address"

The Board voted unanimously to keep the language as is for the following Chapter:

Chapter 322: Tobacco Regulations
Make no changes

Chairman Hanninen stated that he would meet with Health Agent Ben Cutone to review the entire document on Underground Storage Tanks.

The meeting adjourned at 9:40pm.

GROTON BOARD OF HEALTH

Robert Hanninen Chairman	Dr. Susan Horowitz	Jason Weber
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Respectfully Submitted,
Debra A. Butcher