

TOWN OF GROTON

Groton Board of Health
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Office Hours: Monday – Friday 7am-3pm

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MEETING MINUTES

December 5, 2005

Town Hall, Groton, Massachusetts

Board of Health Members Present:

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

Others Present:

Debra Butcher; Ben Cutone (arrived at 8pm)

Meeting Called to Order:

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

Minutes:

The Regular Session minutes of September 19, 2005 were approved as amended.

Septic Permits Approved/Signed:

- *217 Forge Village Road; Wayne Morrison
- *503A Boston Road; Winifred Moy
- *246 Lowell Road; Jon Leibold
- *106 Mill Street; Kelly Troupe

Bills Approved/Signed:

- *Advance Security Systems-\$18.33
- *Fleet Pride-\$189.94
- *Groton Electric Light-\$6.86
- *Groton Electric Light-\$19.29
- *Groton Electric Light-\$82.24
- *Moison Ace Hardware-\$57.93
- *Taylor Oil Northeast-\$1739.71
- *Verizon (SW)-\$18.19
- *Rick Lamarre & Son-\$5178.69
- *Metrostat-\$105.00
- *Verizon (BOH)-\$36.09
- *Verizon Long Distance (BOH)-\$.82

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December 5, 2005 meeting minutes

Page 2

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366 Lost Lake Drive: Lawrence Johnson, owner; Scott Kesloff, abutter

Chairman Hanninen asked Mr. Johnson if he had removed the trash from the property. Mr. Johnson replied that he only burned wood over the last two weeks and had been working on the construction of the fence.

Chairman Hanninen stated that the issue was with the trash and not the fence. Mr. Johnson stated that the fence was constructed with wood materials from his yard which reduced the piles.

Member Horowitz stated that she drove by the property over the weekend and her observation was that the fence was falling down on the Lost Lake Drive side. She stated that she didn't think the fence would withstand the upcoming winter weather. Chairman Hanninen stated that "the fence was immaterial to the complaint at hand". He asked if Member Weber had any comments. Member Weber stated that he did not but wanted to hear from Mr. Johnson's abutter. Mr. Kesloff stated that he was only present to observe the meeting.

Chairman Hanninen stated that the Board of Health needed to take action. He recommended that the Board have a meeting to discuss enforcement in executive session. Mr. Hanninen explained to Mr. Johnson that executive sessions were not open to the public. Mr. Hanninen requested that Town Counsel and the Police Chief be present to discuss possible criminal action or civil action. Member Horowitz recommended that Mr. Johnson contact an attorney to represent him.

The Board agreed to schedule an executive session on Monday, December 19, 2005 at 7pm and to ask Town Counsel and the Police Chief to be present. Chairman Hanninen explained to Mr. Johnson that this was not the route the Board of Health wanted to take and that it would be costly to the Town as well as to Mr. Johnson. Mr. Johnson stated that he hasn't stopped working on his property and apologized that it wasn't going as quickly as the Board had wanted.

Mr. Johnson asked if he needed to be present. Chairman Hanninen requested that Ms. Butcher contact Town Counsel for his opinion whether Mr. Johnson should attend to hear the results of the Board's impending action.

Member Horowitz made a motion to contact Town Counsel and the Police Chief to set in motion how the Town would proceed with regards to 366 Lost Lake Drive. The motion carried unanimously.

211 Whiley Road: Present: Robbin Lawrence, owner

Chairman Hanninen informed Mr. Lawrence that the Board of Health was in receipt of the Title 5 inspection report submitted by R.J. Lacombe. Chairman Hanninen stated the report indicated a failure and that Mr. Lawrence had two years to repair the system.

191 Whiley Road: Present: Jack Visniewski, P.E.; Robbin Lawrence, owner

The hearing was continued from November 21, 2005. Mr. Visniewski presented the engineering plan showing the revisions the Board requested. He stated that Mr.

December 5, 2005 meeting minutes

Page 3

Lawrence obtained a written statement from the Groton Water Department certifying that town water was 1800 feet (+/-) from the property line.

Member Horowitz asked what the distance would be from the well to the lake. Mr. Visniewski stated "24 feet" to the edge of the water. Member Horowitz questioned whether the Zoning Board of Appeals and Zoning Enforcement Officer had been contacted. She stated that the proposed plan was to tear the house down and rebuild.

Discussion continued regarding the well location and it's close proximity to the lake. Mr. Visniewski stated that he didn't have concerns about the closeness because the well would be drilled to bedrock.

Chairman Hanninen stated that he didn't have a concern about drilling the well 24 feet from the water. He recommended that the Board condition the approval that the well must be drilled into bedrock with double casing around it.

Member Horowitz stated that because of the present litigation in place among the abutters, she would like to have comments back from the Zoning Enforcement Officer and Zoning Board of Appeals.

Chairman Hanninen made a motion to accept the following well variances with conditions:

Town of Groton's Well Regulations

Section VI: Well Location and Use Requirements

Property Line; 50 feet required; *43 feet provided.*

Any type of surface water; 100 feet required; *24 feet provided.*

Conditions of Approval:

1. Groton Zoning Enforcement Officer approval.
2. The footprint of the dwelling shall remain the same.
3. The well must be constructed as a deep well with double casing.
4. The dwelling must remain as a two-bedroom.
5. The dwelling must be connected to town water if it becomes available.

VOTE: J. Weber-Aye; S. Horowitz-No; R. Hanninen-Aye. The motion was approved 2 to 1.

Valerie Jenkins, Town Accountant

The Board requested that Ms. Jenkins provide information concerning the creation of a "593" account. Ms. Jenkins stated that the Board was allowed to have one only if it was used for consulting and engineering purposes only. She stated that "no legal, advertising or wages/salary situations were allowed to be used with the money". Ms. Jenkins stated that the account should be kept separate for each development and would earn interest payable to the developer. The Board agreed to establish regulations in January 2006.

December 5, 2005 meeting minutes

Page 4

OTHER BUSINESS

Boston Road/Mass. Highway Wells

Health Agent Ben Cutone updated the Board on the construction of the wells at both 464 Boston Road and 474 Boston Road. He stated that the construction was completed at 474 Boston Road and was capped. He said that the well at 464 Boston Road had been started but currently has planks on top of the hole because of the "Cease & Desist" order in place.

The Board voted to draft a letter to Mass. Highway advising them that until the matter was resolved, A&W Artesian Well Co. should stop working in Groton until they met with the Board. Member Weber agreed to draft the letter. Member Horowitz asked that the letter be copied to all State and Local officials. The Board also voted unanimously to send a letter to the Department of Conservation & Recreation concerning the possible suspension of A&W's license.

Update on meeting with Christine Collins: Present: Bruce Dubey, Tessa David

Chairman Hanninen stated that he, Bruce Dubey, Tessa David and Debra Butcher met with Christine Collins on November 30, 2005 to review the current procedures in place regarding the collection of fees at the Transfer Station.

Mr. Dubey stated that he would be investigating other methods of receiving fees which include a

“punch card” method where the residents would pay for disposal fees at the Town Hall and provide a card at the Transfer Station where personnel would punch the amount of the disposal fee on the card itself. He stated that the Town of Harvard was currently using this method and they thought it was working successfully. He stated that the only obstacle is determining the total weight without the aid of a scale. He advises residents who question the weight to bring their vehicle to the Stone Yard in Groton and bring back a receipt.

Ms. David stated that she is involved in discussions with the trash bag distributor having them do all the distribution and billing of bags to the local merchants who sell them. She stated that the Town would be charged a minimum fee for them to handle it. Chairman Hanninen stated that he was feeling “neutral” about approving this method.

Ms. David and Mr. Dubey stated that they would visit the Town of Harvard’s Transfer Station on December 13, 2005 and would report back to the Board.

William Shute – Cities Readiness Initiative

Mr. Shute received a letter from the Director for the Center for Emergency Preparedness over the weekend and wanted the Board to be aware of it. He stated that the Board was invited to attend an executive briefing on Tuesday, December 13, 2005 at 2pm in Boston. He stated that the Cities Readiness Initiative (CRI) was a pilot program to aid cities and town in increasing their ability to deliver medical supplies during an emergency. He stated that he was planning on attending.

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December 5, 2005 meeting minutes
Page 5

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95 Main Street

Mr. Cutone stated that he has received a request for a housing inspection from both the owner and tenant of this property. He stated that the inspection was tentatively scheduled for Thursday, December 8, 2005. He provided an update on the history of the property and the federal lawsuit filed by the owner. The Board requested that Town Counsel be consulted prior to Mr. Cutone doing the inspection.

The meeting adjourned at 9:50pm.

GROTON BOARD OF HEALTH

Robert Hanninen	Dr. Susan Horowitz	Jason Weber
Chairman		

Respectfully Submitted,
Debra A. Butcher

