

Board of Health Meeting Minutes

November 20, 2006

Approved

Board of Health Members Present:

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

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

The minutes of October 16, 2006 & November 6, 2006 were tabled.

Septic Permits Signed/Approved:

- *71 Forge Village Road (Lot B); Robert Lacombe
- *57 Long Hill Road; Jean Shea
- *25 Stonebridge Way; Snell Realty Trust

Bills Signed/Approved:

- *Aggregate Industries-\$1,040.00
- *Belmont Springs-\$27.00
- *Casey & Dupuis-\$52.80
- *Chelmsford Auto Electric-\$209.00
- *Dunn Battery-\$84.95
- *Global Montello Group-\$40.94
- *Global Montello Group-\$45.57
- *Unifirst-\$13.12
- *Unifirst-\$13.12
- *Unifirst-\$13.12
- *Verizon (SW)-\$20.03
- *Verizon Long Distance (SW)-\$.13
- *Routhier & Sons-\$341.25
- *E.L. Harvey & Sons-\$4,626.27
- *Belledeu & Co.-\$196.44
- *Verizon (BOH)-\$34.87
- *Verizon Long Distance (BOH)-\$48
- *Levine Fricke-\$1,032.40

Brooks Orchard: Present: Robert Pine; Dan Wolfe, Lowell Sun Report

Mr. Pine requested to have an informal discussion on Brooks Orchard. He provided a draft soil remediation guideline for the Board's review. Mr. Pine stated that they are creating (3) building lots and the following information was provided:

Mr. Pine stated that there was a presence of pesticides in the cleared portion of Lots 1 & 3. He said that in addition to the pesticides remnants, naturally occurring arsenic was found in all portions of the property and that in some cases, levels of naturally occurring arsenic was higher than the pesticide levels. Mr. Pine stated that the contaminants at the site were not under State regulatory authority and that naturally occurring contaminants were considered background.

Discussion following on the process in which the applicant would remove the contaminated soil and discussed the strategy of bringing in clean soil. Mr. Pine stated pesticide remnants were found

primarily in the upper soils. He stated that the Groton Land Foundation recommended that the upper one foot of topsoil within 100 feet of the house sites, as well as the upper one foot within any anticipated lawn or garden area be stripped and buried on-site and clean soil be spread over the stripped areas.

He stated that it is their intention to require notification on the deeds so future owners would be aware of the site. He stated that the Groton Land Foundation felt that this would be a logical and responsible step to take and would ensure public health safety to potential buyers. Mr. Pine stated that they were interested in the Board's thoughts and comments.

Member Horowitz stated that she would prefer to hear from Town Counsel and would like to conduct a site walk prior to any further discussion. She stated that she voted against the remediation plan for Surrenden Farm and would recommend getting an opinion from Town Counsel on whether she should recuse herself from this project.

Member Horowitz stated that she had a conversation with the Board's previous consultant and reminded the applicant to look at pathways for plants. She recommended a continuation of the meeting. Member Horowitz stated that the draft was much more encouraging than it was earlier. Member Hanninen agreed and was very encouraged that the upper one foot of topsoil in the orchard area was stripped and clean soil brought in.

Mr. Pine felt that this was a practical strategy and the right way to deal with the land conditions. Member Hanninen stated that the Board should walk the site and see where the problem areas were and then discuss it in two weeks.

The Board voted to continue the discussion to December 4, 2006 at 8pm. The Board will conduct a site walk, if all parties were available, on Sunday, November 26, 2006 at 2pm.

Walter J. DePaolo, Program Consultant; Public Health Emergency Preparedness Coalition: Present: William Shute, Town of Groton's Emergency Management Director

Mr. DePaolo requested the meeting to provide a brief explanation of the Region II Public Health Emergency Preparedness Coalition and the Worcester Regional Medical Reserve Corps, its emergency planning objectives and the recruitment of volunteers to support Groton's emergency planning needs.

He stated that the coalition was made up of 74 cities and towns and were charged with helping towns draw up plans for emergency planning. He stated that after 9/11/01, public health has a more defined role in emergency management and mutual aid agreements. He stated that the coalition would assist Groton in recruiting volunteers, check CORI backgrounds and hold continuing education training. He said that according to his records, Groton has approximately 332 medical professionals.

Member Horowitz stated that she was a member of the Local Emergency Planning Committee and introduced William Shute as the Town's Emergency Management Director. She stated that the town committee was currently working on some of the issues Mr. DePaolo was speaking about.

Mr. DePaolo stated that the coalition prepared a template letter that the Board of Health could distribute to residents in requesting their involvement in public health emergencies and disasters and respond to both emergency and non-emergency events that overwhelm a community's resources.

The Board thanked Mr. DePaolo and suggested that he meet with Mr. Shute about the program.

57 Long Hill Road: Present: Judith Graves & Dan Wolfe, Ross Associates

Ms. Graves stated that the septic system at this property was in failure as evidenced by surfacing effluent and slow drainage from the house. She stated that due to the emergency nature of the repair, abutter notices could not be mailed out in preparation of the meeting.

She requested the following local variances:

Town of Groton's Subsurface Sewage Disposal Regulations

Section I.A.5 - Decrease ground water offset from five feet to two feet with a Presby Enviro-Septic system.

Section I.F.1 - Allow a leach bed to be less than 150% of Title 5 required square footage.

Section I.I.3 - Waiver abutter notification prior to granting a permit.

Member Horowitz stated that she conducted a drive-by of the property and "thought" she smelled an odor. She stated that she had concerns that abutters were not notified.

Mr. Wolfe stated that the condition was severe and it was suggested by Health Agent Ben Cutone to conduct the hearing without abutter notification and make it one of the variance requests.

Mr. Cutone stated that there was no other alternative for the site. He stated that he did advise the engineer to move forward with the repair and that the Board could conduct a hearing at the next meeting.

Chairman Weber questioned whether a tight tank resolution could be proposed. Mr. Cutone stated that it wouldn't be valid in this situation.

Member Horowitz stated that she wanted abutters to be notified and to condition any approval that the house not be allowed to be bigger. She made a motion to have the engineer send out abutters' notices and to continue to the next Board of Health meeting on December 4, 2006 at 8:15pm. The motion was approved unanimously.

Member Hanninen made a motion to allow the variances at 57 Long Hill Road and to sign the prepared septic permit so the work could begin with the condition that the house would remain as a three bedroom and the septic system would be inspected annually as required by the manufacturer. The motion was seconded and approved unanimously.

5 Ridge Road: Present: Evan Owen, owner

Mr. Cutone reported that he received an anonymous phone complaint about the condition of the property. He stated that the complainant said that the property was littered with refuse and after an inspection, the complaint was validated. Mr. Cutone stated that a letter was sent out in November asking for full compliance within 30 days of receipt of the letter and to meet with the Board on November 20, 2006.

Mr. Cutone stated that he conducted a follow-up inspection today and there was some progress but the property is not cleaned up.

Mr. Owen apologized to the Board and explained that he is in the process of cleaning up the property. He stated that one large dumpster full of refuse has been taken off the property and is working on the second dumpster. Member Hanninen stated that he was pleased that the homeowner was making progress.

Member Horowitz requested that an update be provided to the Board at their next meeting on December 4, 2006. Member Hanninen made a motion to have further discussion on the progress on December 4, 2006. The motion was approved unanimously.

Mr. Owen questioned whether he could use existing wood for firewood. The Board stated "yes". Mr. Cutone stated that under the housing laws, the property cannot be littered and needed to maintain a

clean and sanitary condition.

The Board requested that Mr. Cutone visit the site and point out areas of concern. The Board felt that if progress was being made, Mr. Owen didn't have to personally appear before the Board and that an update from Health Agent Ben Cutone was only needed.

366 Lost Lake Drive: Present: Scott Kesloff, Jeff Huslander, Dan Wolfe

Health Agent Ben Cutone reported that he visited the site today and there was no progress made in the clean up of the site. He stated that Mr. Johnson was currently in violation of the court order.

Chairman Weber stated that after speaking with Town Counsel, the Board has options available to them. He said one would be to continually work with Mr. Johnson about the condition of his property, go back to court because Mr. Johnson has violated his court order, or hire a professional to clean up the site.

Discussion followed regarding the options the Town has. Member Horowitz felt that the best option was to hire a contractor to go in and take the refuse off the site. Health Agent Ben Cutone stated that Mr. Johnson has not contacted him.

Abutter Jeff Huslander stated that he noticed that when the Board leaned on him, Mr. Johnson worked harder to comply with the Board's order. He stated that there has been no progress for a while.

Abutter Scott Kesloff stated that he felt the Board has been quite patient with the homeowner and there has been some progress but not enough. He stated that he wants the property cleaned up and referenced laws that require that. Mr. Kesloff stated that he didn't think it was appropriate for the town to use town coffers to clean up the property.

Member Hanninen felt that the best route was to go back in front of a judge to seek contempt and to have Chairman Weber speak with Town Counsel. The Board unanimously voted to seek legal services from the Selectmen.

The Board voted unanimously to put this on the agenda for December 4, 2006.

OTHER BUSINESS

Access to Town Counsel

Ms. Butcher provided a copy of the Selectmen's memo concerning access to town counsel.

536 North Main Street – Site Plan Review

The Board voted unanimously to send the following comments:

1. The Board of Health is aware that this project is being served by town water and sewer. If town sewer is not available, the applicant must file all necessary septic system permit applications.
2. The Board requests, in writing, the historical use of the land.

The meeting adjourned at 9:35pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Robert Hanninen

Dr. Susan Horowitz

Respectfully Submitted,
Debra A. Butcher