

**MEETING MINUTES**  
***Approved***  
**February 5, 2007**  
**Town Hall, Groton, Massachusetts**

Board of Health Members Present:

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

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

The regular session minutes of December 18, 2006 & January 8, 2007 were approved as written.

The executive session minutes of December 18, 2006 were approved as written and not to be released.

The regular session minutes of January 16, 2007 were tabled.

Septic Permits Approved/Signed:

No permits submitted.

Bills Approved/Signed:

- \*Airgas-\$93.72
- \*Ayer Auto Parts-\$149.10
- \*Belmont Springs-\$27.00
- \*Global Montello Group-\$411.34
- \*Global Montello Group-\$584.42
- \*Global Montello Group-\$65.91
- \*Groton Electric Light Department-\$44.67
- \*Groton Electric Light Department-\$192.09
- \*Liberty Supply Inc. -\$45.00
- \*Mobile Sales & Service-\$718.53
- \*Mobile Testing Services-\$65.00
- \*Moison Ace Hardware-\$148.24
- \*Unifirst (5 invoices @ \$13.12 each)-\$65.60
- \*Verizon (SW)-\$20.75
- \*Verizon Long Distance (SW)-\$.24
- \*W.B. Mason-\$313.80
- \*Schwaab-\$63.73
- \*Groton Herald-\$40.00
- \*W.B. Mason-\$82.70
- \*Verizon (BOH)-\$40.33
- \*Verizon Long Distance (BOH)-\$.33

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Legislation for Local Adjudicatory Hearings Present: Michelle Collette

Ms. Collette reported that the Planning Board would be sponsoring an article at the Annual Town Meeting on the "Mullin Rule" which is an act that would authorize a member of a board, committee or

commission holding an adjudicatory hearing to vote in a matter even though the individual has missed one session, provided that certain conditions are met. She stated that if the article is accepted, it would overturn current legislation that only members present at all sessions of a hearing would be eligible to vote on a matter.

Ms. Collette stated that it was her plan to meet with all individual boards for their input and whether they would be interested in being included.

Member Hanninen stated that he supported the article. Member Horowitz questioned what would happen if there was a change in a board member. Ms. Collette stated that it would be tricky when there is a three member board.

Member Horowitz made a motion to follow the recommendation of the Planning Board in support of the "Mullin Rule" at Annual Town Meeting. The motion carried unanimously.

### Regulation for the Development of Non-Subdivision Lots and Commercial Properties

Chairman Weber questioned whether the Board read Town Counsel's comments dated February 2, 2007. The Board replied "yes". Chairman Weber made a motion to enter the e-mail in to the public record (attached). The motion carried unanimously.

After a brief discussion, Member Hanninen made a motion to adopt the regulation for the Development of Non-Subdivision Lots and Commercial Properties as stated in Town Counsel's email dated February 2, 2007. The motion carried unanimously.

60 Boston Road Present: Mr. Kevin Hardiman, Ross Associates; Patricia Hughes-Ortiz, owner

On behalf of his client, Mr. Hardiman requested a meeting with the Board to ask for a modification to the Board's order that the property located at 60 Boston Road be connected to the municipal sewer system within thirty (30) days of receipt of the order letter dated January 19, 2007.

Mr. Hardiman stated that the on-site sewage disposal system was in working order, however, it would "more than likely" fail a Title 5 inspection if conducted. He stated that his client is currently working with the Planning Board and Conservation Commission and requested an extension for the connection until their hearings with them were completed so any construction would coincide with all boards.

Member Horowitz requested that Health Agent Ben Cutone visit the site to make sure the sewage disposal system is working correctly in order to set a deadline for connection to sewer.

Mr. Hardiman stated that the entire site is within 100 feet of wetlands. Health Agent Ben Cutone questioned whether a Title 5 inspection was done when Ms. Ortiz purchased the property. Ms. Ortiz stated "no" because she paid cash for the property. Mr. Cutone stated that Title 5 law requires that the property needed an inspection prior to the change in ownership.

Mr. Hardiman requested a modification in order to tie into the Planning Board and Conservation Commission's schedules.

Member Hanninen suggested that the Board modify their letter until their meeting on April 2, 2007 which would enable an inspection to be conducted by Mr. Cutone. He stated that the concern was whether there is a public health issue.

Mr. Cutone stated that the Board may require that April 2, 2007 as compliance and require that they receive written notification from the applicant whether they are in compliance or they need an extension of time.

Member Hanninen made a motion to modify their original order, dated January 19, 2007, to have

compliance by April 2, 2007. The motion carried unanimously.

## **OTHER BUSINESS**

### Earth Removal Exemption – 430 Main Street – Comments to the Board of Selectmen

The Board voted unanimously to send the following comments:

1. Dust control measures should be implemented during removal process.
2. Best management practices shall be implemented for handling hazardous materials.
3. The Board of Health would like to have written verification of where the clean fill is originating from.
4. The Board of Health would like copies of the landfill invoices.
5. The Board of Health would like a list of the contaminants being removed from the site.

### Board of Health Meeting Room (2<sup>nd</sup> Floor) – March 5, 2007

The Zoning Board of Appeals requests the use of the second floor meeting room on March 5, 2007 for a public hearing. The Board had no concerns allowing the change in conference rooms. Ms. Butcher stated that the Board would now be meeting in the first floor (small) conference room on that evening.

### Chairman Jason Weber

Chairman Weber reported that he would be out of town for the entire month of March.

### Annual Town Meeting Articles

The Board voted unanimously to support and submit the following Annual Town Meeting articles to be held on April 30, 2007:

1. New Transfer Station Backhoe - \$65K
2. Refurbish Baler Shed - \$60K

### Public Health Concerns

The following list of public health concerns were of immediate importance to the Board:

1. Septic Systems
2. Drinking Water Wells
3. Mosquito borne diseases
4. Tick Borne diseases
5. Local Emergency Planning

### Lyme Disease Forum

Debra Butcher reported that she is still working on a public health forum for Lyme Disease. The Board requested that the forum be held at the Black Box Theater at the Groton Dunstable High School. They also requested that the forum be taped and replayed on cable television for the public's view.

## **HEALTH AGENT UPDATE**

### 366 Lost Lake Drive

Mr. Cutone stated that he has submitted new pictures of the property to Town Counsel and that Town Counsel is in the process of drafting a new complaint against the homeowner to be filed in court. Mr. Cutone said that as of this date, no court date has been scheduled.

### Prescott School

Mr. Cutone stated that the State would not be doing an indoor air inspection on February 6, 2007 as originally scheduled. He stated that the School Superintendent requires that CORI checks be done prior to any inspection.

Member Horowitz stated that she is still very concerned about the lack of communication between the Board of Health and the School Committee. She felt that the Board of Health should have been

notified about this before reading about it in the Lowell Sun. She suggested that the Chairmen of both Boards get together to discuss ways to improve communication. She said she will also contact Berta Erickson as well.

The meeting adjourned at 9:20pm.

GROTON BOARD OF HEALTH

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