

Board of Health Minutes
Approved
April 9, 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 minutes of March 19, 2007 were tabled until read by all members.

Septic System Permits Approved/Signed:

- *Arbor Way, Lot 30; Landwest, Inc.
- *Cherry Tree Lane, Lot 44; Landwest, Inc.
- *Cherry Tree Lane, Lot 52; Landwest, Inc.
- *Cherry Tree Lane, Lot 53; Landwest, Inc.
- *Arbor Way, Lot 35; Landwest, Inc.
- *25 Stonebridge Way, George & Janice Snell
- *Arbor Way, Lot 31; Landwest, Inc.
- *Fieldstone Drive, Lot 48; Landwest, Inc.
- *Cherry Tree Lane, Lot A; Landwest, Inc.
- *Island Pond Road, Lot 4; Patriot Real Estate Developers LLC

Bills Approved/Signed:

- *Bobcat of Boston-\$23.21
- *Advance Security Systems-\$18.33
- *Airgas-\$26.98
- *Belmont Springs (3 invoices)-\$174.18
- *Chelmsford Auto Electric-\$199.00
- *Global Montello Group-\$53.95
- *Global Montello Group-\$889.65
- *Global Montello Group-\$541.15
- *Global Montello Group-\$343.44
- *Groton Electric Light Department-\$62.83
- *Groton Electric Light Department-\$225.99
- *Moison Ace Hardware-\$59.14
- *Unifirst (4 invoices)-\$59.14
- *Verizon Long Distance (SW)-\$.06
- *Covanta-\$6,125.33
- *EL Harvey-\$3,951.09
- *Groton Herald-\$175.00
- *R.V. Leonard-\$819.72
- *Verizon Long Distance-\$.30
- *Nashoba Associated Boards of Health-\$5,910.75

127 Paquawket Path Present: Mr. Brian LaGasse, owner; Mr. Peter Tripaldi, abutter

Mr. LaGasse explained that he required emergency variances for the construction of a well because

his shallow well was producing no water. Mr. LaGasse said that he was issued an emergency permit from the Board's Health Agent with the condition that he receives approval from the Board after the fact. He reported that town water was well over 2500 feet away from his property.

Health Agent Ben Cutone stated that he visited the site and the aquifer was low due to dry weather. He stated that he advised Mr. LaGasse to meet with the Board for the following variances to the Town of Groton's Well Regulations:

Section VI: Well Location and Use Requirements

Property Line Offset – 50 feet required; less than 50 feet provided to 43 Paquawket Path.

Property Line Offset – 50 feet required; less than 50 feet provided to 53 Paquawket Path.

Chairman Weber questioned what would be the depth of the new constructed well. Mr. LaGasse stated that the new well would be deep and constructed at approximately 500 feet.

Member Hanninen made a motion to accept the (2) requested variances. The motion carried unanimously.

10 Rustic Trail Present: Mr. Scott Buonopane

Mr. Buonopane explained that his existing three bedroom home has burned down and requested approval from the Board on his building permit prior to getting a permit to replace his sewage disposal system.

Health Agent Ben Cutone stated that Mr. Buonopane would continue to use his existing system and then upgrade. Member Horowitz questioned whether variances were needed. Mr. Buonopane stated "no". He reported that he has already obtained approval from the Conservation Commission.

The Board had no concerns with the request. Member Hanninen motioned to allow the Board's Health Agent to sign off on the building application prior to the sewage disposal system permit issued. The Board required that the house is no more than (3)

Bedrooms and the applicant will obtain a sewage disposal permit for a (3) bedroom home. The motion carried unanimously.

54 Ridgewood Avenue Present: Mr. Glenn Kinnear

Mr. Kinnear thanked the Board for granting variances for his property at their meeting in March; however, he requested that the Board consider removing their restrictions on condition number 2 involving height, footprint and square footage.

Member Hanninen stated that the Board granted the variances based on what currently existed. He said that the dwelling should not have been occupied based on the sewage disposal system and well.

Mr. Kinnear argued that the Board of Health should not have jurisdiction in determining height, footprint or square footage. Member Horowitz stated that the Board considers impacts to the environment when making their decisions. She stated that this property is very close to the lake area with a steep slope. Mr. Kinnear listed the reasons that this was a difficult site, i.e. slope and the Board agreed and iterated that these were exactly the reasons to ask for conditions so there would be no consequences to enlarging the building and having to disrupt the site any more than is needed. Mr. Kinnear stated that he would put in a new system but the Board was imposing undue burdens on property owners when they put restrictions on approvals. He stated that if the Board denies lifting the restrictions, he would be forced to pursue this with legal counsel.

Member Horowitz requested that Mr. Kinnear provide a copy of the floor plan for the proposed dwelling. Chairman Weber said that he understood Mr. Kinnear's frustration, however, he agreed with Dr. Horowitz about protecting the environment. He stated that the Board was not preventing him from using the property. He recommended that Mr. Kinnear come back before the Board with a different proposal in order to keep communication going. He stated that the Board's charter was to protect the environmental and public health.

Mr. Kinnear felt that the Board was being arbitrary in their decision and that they were not holding everyone to the same standard. He referenced a recent approval on property on Highland Road where the Board did not impose the same restriction. Member Hanninen requested that Mr. Kinnear work with Mr. Cutone and come back with handwritten plans on May 14, 2007. The Board took no further action.

Debra Butcher scheduled the next meeting with Mr. Kinnear for May 14, 2007 at 7:30pm.

OTHER BUSINESS

60 Boston Road – Connection to Sewer Extension Request

The Board voted unanimously to allow the sewer connection extension to June 18, 2007 with written confirmation submitted to the Board.

Town of Groton's Septic Regulations

The Board discussed (2) possible amendments to the Septic Regulations involving Zone III Nitrogen Loading and not allowing components of septic systems under portions of public or private areas. Mr. Cutone will draft language for the Board's meeting on May 14, 2007.

Community Healthlink – 2006 Groton Statistics

The Board was pleased with the statistics and voted to send a letter to them. Member Horowitz requested to send a copy to the Board of Selectmen and Finance Committee.

Monarch Path -12 Gilson Road – Definitive Subdivision Plan

Health Agent Ben Cutone reported that soil testing has not been completed. The Board requested information on the previous history of the land.

Dr. Sundstrom's Correspondence

The Board reviewed the information and took no action.

Vacation Schedule

The Board approved vacation hours for Debra Butcher on: April 25, 2007 (3-4pm); April 27, 2007 (3-4pm); May 4, 2007 (3-4pm); May 9, 2007 (2-4pm); May 16, 2007 (2-4pm); and May 23, 2007 (2-4pm). Ms. Butcher stated that she will be in the office if these hours are not taken.

State Audit – Food Establishments

The Board was made aware of a recent 102 page report concerning the inspections of food establishments.

HEALTH AGENT UPDATE

155 Indian Hill Road Present: Peter Hnath

Mr. Hnath stated that he is buying the property which is in foreclosure. He stated that the septic system was located on a separate piece of land directly across the street and the land has been sold to a different party. He stated that he cannot get occupancy until the septic issue was resolved.

Member Horowitz questioned whether there was sufficient land for the septic system. Mr. Hnath stated that he has hired an engineer to design a system and he is moving forward with a completed

design through Nashoba Associated Boards of Health. He stated that he couldn't secure financing with a bank until the septic system was in place and requested if the Board would allow him to use an easement for the system. Mr. Cutone stated that he didn't have an issue with this if granted by the new owners and it is reflected on both deeds for both properties.

Member Hanninen motioned to notify the bank that there shall be no occupancy until a recorded easement for use of the sewage disposal system and that the new sewage disposal system be certified no later than 180 days from the date of the order. The motion was approved unanimously.

366 Lost Lake Drive

Health Agent Ben Cutone reported that there is no change in the condition of the property. Chairman Weber will contact Town Counsel.

Medical Reserve Corp.

Health Agent Ben Cutone stated that they have identified approximately 450 medical professionals in Groton to possibly participate.

Groton General Store

Health Agent Ben Cutone stated that he has reviewed the plan for the industrial waste holding tank and will have a permit for the Board to sign on May 14, 2007.

15 Moose Trail

Health Agent Ben Cutone reported that he received a complaint that the property was littered with trash and refuse and contained multiple trailers/mobile homes that were in disrepair and may be harboring wild animals (i.e. raccoons). He stated that he validated the complaint during an inspection on April 5, 2007. He requested approval to send the owners a letter ordering them to remove all trash, refuse and the trailers/mobile homes from the property within (30) days of receipt of the letter. The Board voted unanimously to send the order.

124 Mill Street

Health Agent Ben Cutone reported that he received a written complaint from the Groton Board of Assessors regarding the exterior condition of the property being littered with trash and refuse. He reported that he validated the complaint during an inspection on April 6, 2007. The Board voted unanimously to send a "Notice of Non-Compliance" to the homeowners requiring that all trash and refuse be removed from the property within (30) days of receipt of the letter.

Debra Butcher reminded the Board of the upcoming town meetings:
April 30, 2007 – Annual Town Meeting
May 7, 2007 – Special Town Meeting

The meeting adjourned at 9:35pm.

GROTON BOARD OF HEALTH

_____ Jason Weber, Chairman	_____ Dr. Susan Horowitz	_____ Robert Hanninen
--------------------------------	-----------------------------	--------------------------

Respectfully submitted,
Debra A. Butcher

