

MEETING MINUTES
Approved
December 3, 2007
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:

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

Others Present:

Debra Butcher; Ira Grossman, R.S.

Meeting Called to Order:

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

Minutes:

The Board amended the minutes of November 5, 2007.

Septic Permits Signed/ Approved:

None submitted

Bills Signed/ Approved:

- *Dennis K. Burke, Inc.-\$92.14
- *Dennis K. Burke, Inc.-\$93.85
- *Global Montello Group-\$171.41
- *Global Montello Group-\$1760.75
- *Groton Electric Light Dept.-\$160.90
- *Groton Electric Light Dept.-\$28.26
- *Mat Morton Septic Service-\$490.00
- *Verizon (SW)-\$19.72
- *Groton Herald-\$45.00
- *Verizon (BOH)-\$40.26

Public Hearing – Outdoor Wood Furnace Burning Regulations Present: See attached.

The public hearing was continued from November 5, 2007 where the Board instructed Health Agent Ira Grossman to meet with some of the audience to discuss their concerns with the proposed regulations.

He reported that he met with the interested parties and stated that one of their concerns was the existing burners and how the proposed regulations would affect them. He said that the way the regulations were written, it would be difficult for those residents with installed units to meet them. He suggested that the Board consider “grandfathering” the existing units for location and construction. Other areas of concern raised at the meeting concerned setbacks, offsets and stack heights.

Resident Roger Cruz questioned whether the Board would require the same process for permitting and approvals that require abutter notifications. He stated that he rebuilt his home and was required to notify his abutters in order to hear their concerns prior to the issuance of a permit.

Member Horowitz agreed that abutter notices should be part of the regulations and thanked Mr. Cruz for recommending it.

Resident Roy MacGregor questioned whether this regulation would include “everyone burning wood”. Member Horowitz said it would include anyone who applied for an outdoor wood furnace. Nancy MacGregor questioned why the Board members have not actually taken the time to view how a burner worked. Member Horowitz stated that she “drove” by a unit in operation and has read comments from residents who are familiar with them on the Groton email list.

Member Hanninen stressed that there needed to be a regulation so they are not “placed under the neighbors’ window”. He stated again for the record that he is not proposing to ban them completely. He felt that these units should be moved far enough from their neighbor so it would not adversely affect them.

Mr. MacGregor stated that these units were used as a source of heat and hot water. Chairman Weber stated that the document was worthwhile for the Board to consider adopting.

Resident Richard Lewis recommended that the Board vote to “delete” the reference to open burning. Member Hanninen stated that it was “just a definition”. Chairman Weber stated that the document is not intended to prevent open burning.

Resident Michael McElroy informed the Board about an extensive 92-page report from the Northeast States for Coordinated Air Use Management and pointed out areas raised in the report that involved particle matter in the air from these units. He cited proposed regulations from the Town of Sturbridge where the town was less populated than Groton and the Board of Health drafted much more stringent regulations that Groton has developed. He also mentioned that outdoor furnaces are currently banned in the State of Washington.

Mr. McElroy requested that the Board consider potential medical issues resulting from outdoor burning. He stated that children and the elderly are at high risk and make up approximately 50% of our population.

Mr. Cruz referenced the document concerning distances (section 8.4) where it requires at least “100 feet from the nearest building which is not on the same property as the outdoor wood furnace”. He questioned why the Board could not impose an even greater distance and suggested “400 feet”.

Mr. Cruz also referenced section 8.6 that states: “The outdoor wood-fired furnace shall have a chimney that extends at least two feet higher than the peak of the residence served.” He felt that this created a loophole because an outdoor wood furnace could serve a small shack and not a residence. Mr. Grossman replied and said that it needed to be an occupied structure. He suggested inserting a sentence that stated “the chimney shall also extend “at least two feet higher above the height of the roof of all residences.”

Chairman Weber said that there were two separate issues. He said that the first applied to those units that existed before the regulations and the second after the regulations and moving forward. Member Horowitz stated that these units were expensive and she didn’t anticipate every resident in Groton to go out and purchase one. She said that in a town with over 10,000 people and 3,000 residences, the Board may see 12 or so. She said that there are maybe 2-4 existing in town now.

Mr. Grossman summed it up by suggesting that the Board consider those currently on the ground should be grandfathered and any new units should have stricter regulations.

Discussion followed concerning the service life of the units. Resident Brian Lagasse stated that they are guaranteed for approximately 25 years by the manufacturer.

Mr. McElroy stated that it was the right of the people to breathe clean air and those were the issues the Board should be concerned with.

Resident Laurie Smigelski pointed out that greenhouses and other businesses may choose to use this type of heating system as well.

The Board requested that Mr. Grossman take another pass at the draft and incorporate some of the issues raised concerning stack height and setbacks. The Board voted to continue the public hearing to December 17, 2007 at 8:15pm.

Public Hearing – Underground Storage Tank Regulations Present: George MacGregor, Jr.; Michael O'Brien, Osterman Propane

The public hearing was continued from November 5, 2007.

Chairman Weber questioned whether the audience had any further questions concerning the proposed amendments.

Mr. O'Brien stated that he had (2) questions:

280-3: Installation of Underground Storage Tanks

Mr. O'Brien understood that the Board deleted the following language:

D. Apply for a Certificate of Registration from the Board of Selectmen.

The Board agreed that the section should be deleted.

280-4: Permits

Section 5: A minimum setback of twenty-five (25) feet from all property boundaries is required.

Mr. O'Brien understood that the Board would require only 10 feet from all property boundaries as per NFPA 58 standards. The Board agreed to follow the NFPA-58 standard of 10 feet.

Member Hanninen made a motion to accept the regulation as amended with an effective date of December 3, 2007. The motion was seconded by Member Horowitz.

VOTE: Chairman Weber-Aye; Member Horowitz-Aye; Member Hanninen-Aye.

174 Duck Pond Drive Present: Francis Cusack, Jr., owner

Mr. Cusack requested a meeting with the Board in search of obtaining an approval for a deed restriction on his home. He stated that he wants to finish two (2) rooms in the basement of his home – one constructed a play room for his daughter and the other as a fitness room. He reported that his home is approved for (5) bedrooms with (10) total rooms in the dwelling. He stated that in the process of applying for a construction

permit, he learned that these additional rooms would bring his total room count to (12) and exceed his approved septic capacity.

Health Agent Ira Grossman stated that he has instructed Mr. Cusack to obtain either an approved deed restriction from the Board of Health or he must increase his septic system capacity to accommodate more bedrooms. Mr. Grossman stated that a deed restriction is a tool for consumer protection for a resale. Mr. Grossman stated that if the Board approved the request, he could sign the deed restriction on their behalf.

The Board had no comments or concerns. Member Hanninen made a motion to accept the request and allow Mr. Grossman to sign for the Board of Health once the deed restriction is completed. The motion was seconded by Member Hanninen.

VOTE: Member Horowitz-Aye; Member Hanninen-Aye; Chairman Weber-Aye. The motion carried unanimously.

OTHER BUSINESS

Lakes Committee Meeting

Member Horowitz updated the Board members on the last meeting she attended. She had questions for Health Agent Ira Grossman on water testing for phosphorous and nitrogen and how fresh the water needed to be. Mr. Grossman recommended that the water samples be as fresh as possible (within 48 hours). He stated that the spring is the best time to obtain the highest counts.

Mercury Awareness Forum

The Board was reminded of the upcoming forum on mercury awareness to be held December 12, 2007 at 7pm.

Nashoba Associated Boards of Health

Member Hanninen notified the Board that the assessments for Nashoba Associated Boards of Health will be level funded in FY09.

Board of Health Spokesperson

Member Horowitz stated that she has received telephone calls from newspaper reports asking for comments on Board of Health issues. The Board agreed that the Chairperson should be the point of contact in the future.

Policy on Sick Leave and Vacation Leave

Effective December 3, 2007, the Board adopted a new policy when an employee (Board of Health and Transfer Station) has an unplanned absence, they must notify a Board of

Health member of their absence. The Board requested that employees inform them in writing and provide at least one week's notice for planned vacation time off.

HEALTH AGENT UPDATE

Groton General Store

Mr. Grossman stated that he received a call from the contractor and that the tank and liner will be delivered to the site on Wednesday, December 5, 2007 and the installation will be done on Thursday, December 6, 2007. He will inspect the site for compliance. The Board voted unanimously that if compliance is not achieved by Friday, December 7, 2007, they would contemplate shutting down the beauty salon and will send a formal letter stating the penalties involved.

Mill Street – Truax Property

Mr. Grossman reported that on November 30, 2007, he and the Building Inspector responded to a complaint received by the Board of Health office. He stated that he witnessed several issues that needed to be addressed:

- *Unregistered vehicles and boats.
- *Wooden pallets placed in the wetlands.
- *A trailer which has had a wooden structure attached.
- *A metal chimney penetrating from the roof of the trailer/ structure.
- *No potable water source to the trailer noted.

He stated that the Building Inspector would immediately issue a “cease and desist” order to the homeowner. The Board requested that these issues be addressed immediately and to notify the Selectmen’s office.

Academy Hill Subdivision – Plan Reviews

Mr. Grossman notified the Board that during his review of plans, he noticed that they require additional testing in order to comply with Title 5 and that the soil logs were inconsistent with the percolation rate data. He documented these concerns in a review form to the engineer.

Member Hanninen asked whether the applicant should meet with the Board. Mr. Grossman stated “no”. Chairman Weber requested that Mr. Grossman document the discrepancies by lot number.

The meeting adjourned at 9:35pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully submitted,
Debra A. Butcher