

MEETING MINUTES
Approved
January 7, 2008
Groton Town Hall, Groton, Massachusetts

Board of Health Members Present:

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

Others Present:

Ira Grossman, R.S.; Debra Butcher

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:35pm.

Minutes:

The Board voted unanimously to approve the minutes of November 19, 2007 and December 3, 2007. No action was taken on the minutes of December 17, 2007.

Septic System Permits Approved/Signed:

None submitted.

Bills Approved/Signed:

- *Advance Security Systems-\$18.33
- *Ayer Auto Parts-\$113.53
- *Dennis K. Burke-\$517.80
- *Dennis K. Burke-\$366.01
- *Dennis K. Burke-\$134.05
- *Dennis K. Burke-\$199.88
- *E&R Cleaners (6 invoices @ \$26.51 each)-\$159.06
- *Global Montello Group-\$34.18
- *Groton Electric Light Dept.-\$199.90
- *Groton Electric Light Dept.-\$37.27
- *JC Madigan-\$6,000.00
- *McKittrick Industrial Supply-\$45.43
- *Moison Ace Hardware-\$152.98
- *P.N. Laggis Company-\$167.95
- *Phoenix Recycling (trash bags)-\$2550.00
- *Verizon (SW)-\$18.28
- *Verizon Cell Phone (SW)-\$33.43
- *ZEP Sales and Service-\$123.18
- *Covanta Haverhill-\$5502.12
- *Verizon (BOH)-\$40.88
- *Community Healthlink-\$1625.00
- *Clean Harbors-\$2010.40
- *Nashoba Associated Boards of Health-\$5910.75

Truax Property, Mill Street Present: Theron Truax, Jr.; Mr. & Mrs. Theron Truax, Sr.; Bentley Herget, Building Inspector; Josh Degen, Selectman; Mr. & Mrs. Kenneth Greenlaw

Chairman Weber began by requesting comments from Health Agent Ira Grossman. Mr. Grossman stated that as requested by the Board, he sent a letter (by certified and regular mail) to Mr. Truax ordering him to cease and desist from any habitation of the camper trailer (with a wooden structure added) immediately. He reported that the letter also required that Mr. Truax allow for an internal inspection of the unit or the removal of the unit if a valid permit is not obtained from the Groton Building Department.

Mr. Grossman said that a memorandum was circulated to other departments asking for their input and concerns. He said that the Conservation Commission was waiting to schedule a site walk of the property due to determine the distances to the wetland resource areas and are requiring that Mr. Truax file the necessary paperwork for permits under both the State and local wetlands protection laws. Mr. Grossman stated that the Building Department received a completed building application and the application was denied by the Building Inspector for numerous reasons.

Mr. Truax stated that he has not received the certified letter from the Board of Health. Debra Butcher reported that the letter was mailed by both certified mail and regular mail which met the requirement for notification. Ms. Butcher stated that the office has not received the “green” receipt cards back. The Board requested that if the letter is returned to us, it should be delivered by a Constable.

Chairman Weber questioned what the next step would be for Mr. Truax. Mr. Grossman stated that the applicant should either comply with the order or request a formal hearing to dispute the violations. He said the Board’s action could be to revoke, suspend or modify their order at that time.

Property owner Ken Greenlaw addressed the Board and stated that the Town has ignored this property for some time and that the structure was built without the proper permits. He urged the Board to take action against Mr. Truax and order him to cease and desist from living in the structure. Mr. Truax responded by stating that his property does “not border his property” and was at least three houses away.

Member Hanninen read the following letters into the record:

1. Letter from the Board of Health dated January 2, 2008.
2. Letter from the Building Inspector dated January 3, 2008.

Member Hanninen recommended that Mr. Truax formally request a hearing before the Board of Health within 7 days to address their concerns.

Member Horowitz stated that the Board must enforce their order that the premises be vacated and the removal of the building. She agreed that Mr. Truax should submit a formal request for a hearing. She said that the trailer could not be used. Mr. Truax stated that he uses the trailer to store “all his worldly possessions” and that his dogs are housed in there.

Member Hanninen told Mr. Truax that he cannot live in the building. Mrs. Truax stated for the record that her son “lives in her house with her and her husband” and that he only uses the building for storage.

Health Agent Ira Grossman recommended that an internal inspection be allowed. Mr. Truax stated again that the only items in the building were his antiques but said he would allow an inspection by Mr. Grossman.

Member Horowitz questioned what was being used for a water supply. Mr. Truax stated that “jugs” of water were brought over from his parent’s home at 148 Mill Street. The Board questioned where the sewage was going. Mr. Truax stated that the camper trailer had a “self-contained” unit that was brought to the Pepperell Wastewater facility for disposal.

Discussion followed concerning the possibility of a child living at the building. Chairman Weber requested that the Board stay focused on the building only and not comment on any other issues at this time. Chairman Weber recommended that Mr. Truax submit a request to meet with the Board at their first meeting in February and allow Mr. Grossman access to the property.

Mr. Truax took this under advisement because he wanted to first consult with his wife. He will come into Town Hall to request a meeting if he felt that this was in their best interest.

Mr. Grossman made a copy of the Board’s January 2, 2008 letter and Mr. Truax signed a copy that it was received.

The Board took no further action.

OTHER BUSINESS

Landfill Monitoring – Six (6) Month Contract

The Board voted unanimously to award the six month contract to Levine Fricke for the period January through June 2008.

2007 Town Report

The Board voted unanimously to support the revised version of the 2007 Town Report.

Outdoor Wood Fire Furnace Regulations

Health Agent Ira Grossman reported that the regulations were sent to the Department of Environmental Protection under the guidelines of Massachusetts General Law, Chapter 111, Section 31C. He said that the office has received comments back concerning the inconsistencies of the document as they pertain to the exemption of existing units under the new regulations. Mr. Grossman suggested a change in the language to clarify their concerns. He said that if it is not accepted, the Board may have to republish a new public hearing.

Member Hanninen stated that the Board’s intent was to exempt the existing units. The Board voted unanimously to submit the clarification to the DEP attorney and await their direction for the force of law.

The Board voted unanimously to send the two (2) known owners of outdoor wood fire furnaces an application for a permit and the Board will act on it within 30 days of receipt.

HEALTH AGENT UPATE

245 Lowell Road

Health Agent Ira Grossman informed the Board that the onsite sewage disposal system remains in non-compliance as a result of not obtaining the Certificate of Compliance. He said that the septic as-builts submitted did not reflect what was actually installed nor

has the well been destroyed in accordance with the Board's permits. He reported that he notified the engineer of record.

Member Hanninen recommended that an order letter is sent to them by certified mail advising them that they were not in compliance and schedule a meeting on February 4, 2008.

The meeting adjourned at 9:00pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully submitted,
Debra A. Butcher