

MEETING MINUTES
Approved
February 4, 2008
Town Hall, Groton, Massachusetts 01450

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:

No action was taken on the minutes of January 7, 2008 & January 22, 2008.

Septic System Permits Signed/Approved:

*None submitted.

Bills Signed/Approved:

- *Ayer Auto Parts-\$399.52
- *Dennis K. Burke-\$196.68
- *Dennis K. Burke-\$293.75
- *Groton Electric Light Dept.-\$69.97
- *Groton Electric Light Dept.-\$296.32
- *Lowell Iron & Steel-\$67.44
- *Moison Ace Hardware-42.05
- *Northshore Trailer & Susp.-\$1037.44
- *Verizon (SW)-\$19.23
- *Verizon Long Distance (SW)-\$.01
- *Container Recycling Alliance-\$493.50
- *Groton Herald-\$108.00
- *Verizon (BOH)-\$37.71
- *Verizon Long Distance (BOH)-\$.03

124 Mill Street Present: Theron Truax, Jr.; Mr. & Mrs. Theron Truax; Mr. & Mrs. Troupe, Ken Greenlaw (left the meeting after consultation with police) & Building Inspector Bentley Herget

The meeting was formally requested by Mr. Truax in a letter to the Board of Health dated January 8, 2008.

Chairman Weber requested a summary from Health Agent Ira Grossman on the events leading to the hearing.

Mr. Truax questioned how it got to the point where the Board felt that somebody was living in it.

Mr. Grossman stated that Mr. Truax asked for a direct meeting with the Board as a result of their last meeting where the Board ordered him to bring the wood structure

located at 124 Mill Street up to standards or to cease and desist. He told the Board members that he went onsite with the Building Inspector and photographed the interior of the shed and it was his opinion that the shed was being habited because there tables, chairs, a stereo system, cable hookup and an attached camper with bedrooms, living room and kitchen. He stated that “the physical structure from all appearances is habitable space”.

Chairman Weber questioned Mr. Truax whether the structure actually had bedrooms, running water, etc. Mr. Truax stated “no” because it was being used as a storage shed only. Mr. Grossman disagreed that it was being used a shed only because of the utilities (i.e. electricity, cable, etc.) connected to it.

Chairman Weber told Mr. Truax that if the shed and attached trailer were considered habitable space, it needed to comply with the all the requirements of Chapter II, Title 5, such as the proper sewage disposal. He said that if the shed were used only for storage, it needed to meet the requirements of the Building Department.

Mr. Truax explained that the he does have parties inside the unit at times. He said that he lives in his parents’ house and uses the shed for his antiques. He said he heats the unit for the purpose of his antiques, however, there are times when he uses the unit to listen to music.

Chairman Weber stated that there were two options for Mr. Truax to consider:

1. The entire space could be modified so it no longer was considered habitable space; or
2. If the space is considered habitable space, it needed to meet the requirements of habitable space.

Mr. Grossman stated that from his perspective, the heat needed to be removed and the camper needed to be detached from the wooden structure. He said that the unit does not meet code and that the hearing was at the request of Mr. Truax for the Board to amend their order.

Mrs. Truax supported her son and his assertion that he does not live in the unit and stated that he does live with her and her husband.

Member Horowitz reminded Mr. Truax that during his discussions with the Board last summer concerning his selling of pallets and that he was told to contact the Building Department and the Conservation Commission about getting the unit into compliance.

Building Inspector Bentley Herget told the Board that Mr. Truax applied for a building permit in December 2007 but due to numerous areas of construction that did not meet code, it was his recommendation to dismantle the structure. He stated that he considered the unit habitable space based on his inspection of the structure. Mr. Herget stated that there were also conservation issues because the unit was constructed in the wetlands area.

Member Hanninen concurred with Mr. Grossman and recommended that the order stand as is. He stated that “from all appearances, including photos of the unit, the unit appears to be habitable space” and told Mr. Truax that the structure needed to be removed.

Health Agent Ira Grossman urged to the Board to take a stand either way – to reinforce the order and make it stand or modify it. Chairman Weber stated that the Board needed to maintain the order and that the structure needed to be removed.

Member Hanninen made a motion that their order should remain in effect. The motion was seconded by Member Horowitz.

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

Chairman Weber told Mr. Truax that he was welcome to pursue his rights to legal advice. Mr. Truax stated that he would contact an attorney in an attempt to appeal the order. Member Horowitz reminded Mr. Truax that fines may be in order and to make sure he was aware of the process.

The Board thanked Mr. Truax for attending the meeting.

245 Lowell Road Present: Meredith & Benjamin Scarlet were not in attendance.

For the record, Member Horowitz recused herself from discussion as she is an abutter to this property.

Health Agent Ira Grossman reported that after several attempts of notifying the property owners about obtaining a Certificate of Compliance for the onsite sewage disposal system and the decommissioning of the well, the property remains in non-compliance. He stated that Ms. Scarlet contacted him via phone about two weeks ago and stated that she would be sending the Board a letter but that didn't happen. Mr. Grossman stated that the system as-builts (engineering and installers) have not been received. He also stated that there is an illegal apartment within the home and he has since learned that their application before the Zoning Board of Appeals has been withdrawn. He requested guidance from the Board on his next course of action.

Member Hanninen questioned whether the engineer and installer have been notified. Mr. Grossman stated that the engineer is aware of the situation.

Mr. Grossman stated that on the recommendation from the Board in January, a “friendly” letter was sent. He said that the next level of action should be an order letter because they remain in violation of Title 5.

Member Hanninen stated that he would like to see some action completed within 30 days and recommended sending them an order letter stating such a timeframe. Mr. Grossman stated that based on the water line, there is a potential health issue occurring.

Chairman Weber questioned whether 30 days was unduly short for such action. Mr. Grossman stated it was not. Chairman Weber made a motion to issue a letter to Meredith & Benjamin Scarlet ordering them to obtain the required Certificate of Compliance within 30 days of receipt of the letter. The motion was seconded by Member Hanninen.

VOTE: Member Hanninen-Aye; Chairman Weber-Aye. The motion carried 2-0.

50 Arrow Trail Present: Russ Wilson, R. Wilson & Associates; Michael Brigida, owner; Rob Anctil, Attorney for Mr. Brigida

The meeting was continued from January 22, 2008.

Mr. Wilson presented an updated engineering plan for the Board to review. He stated that town water was available but the dwelling is not being served by the municipal water department but rather by a private artisan well. Mr. Wilson stated that Don Haberman owned the water line and would allow Mr. Brigida to connect to it for an exorbitant fee.

Member Horowitz stated that the Board has regulations that require dwellings to be connected to town water if the property is within 500 feet.

Mr. Wilson questioned why the Board would require town water if there is an existing well. Member Horowitz stated that the well needed to be on the same lot as the dwelling and that wasn't the case with this property. She stated that the regulations needed to be applied the same to everyone.

Attorney Rob Anctil stated that it was the Board's concern to protect the ground water and that the regulations should be applied to this property. He said that his client received positive results from his latest water test.

Mr. Brigida reported that he personally had his well tested from Thorstensen Laboratories after the last meeting with the Board in January and the results came back fine except for elevated results for coliform. He said that his well was then flushed out and retested and the results were better. He told the Board that he didn't have the approximate \$12-\$15K to connect to town water because of the anticipated costs to replace his septic system.

Member Hanninen told Mr. Brigida it would be in his best interest to connect to town water. Mr. Grossman agreed and stated that he would recommend town water even if the town owned it or not.

Discussion followed concerning the purchase of the property. Member Horowitz stated that the applicant knew there would be expenses when he purchased the property. Mr. Brigida stated that he bought the property at foreclosure and that the only cost he knew of was the replacement of the septic system.

Member Hanninen recommended that the Board continue the hearing until they received a firm timeline on when the town would take over the water line and the approximate costs associated with the connection.

Mr. Grossman stated that the Board needed to determine if there is a potable water supply. He said that the water test was done without the proper chain of custody required under the Board's regulations. He said that there is no easement that ties the existing well to the property.

Member Hanninen questioned whether there was anyone currently residing in the house. Mr. Brigida stated that his son presently lives there.

Member Hanninen questioned whether the Board should act on the requested sewage disposal variances and whether Mr. Grossman had any concerns. Mr. Grossman stated that he had no concerns on the variances and that his only issue was the water supply on a separate line.

Member Hanninen made a motion to continue the hearing to March 3, 2008 at 7:45pm in order to gain more information on the water line. The motion was seconded by Member Horowitz.

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

Mr. Grossman questioned whether he could begin the process of the deed restriction. The Board stated "yes".

Mr. Ken Gikas – Massachusetts Region II Public Health Emergency Preparedness Coalition – Mutual Aid & 2008 Equipment Needs Present: William Shute

The Board read Fire Chief Bosselait's email requesting the purchase of a trailer for the Fire Department into the record.

The Board discussed their equipment needs and determined that communication tools were of highest priority to the town. They felt that wireless access was an essential item to purchase.

The Board voted unanimously to submit the following equipment list in priority order:

1. Wireless PC card with internet access per month for (2) years.
2. Cargo Express trailer for the Fire Department
3. Smartphone with monthly access per month for (2) years.

Member Horowitz made a motion to sign the mutual aid agreement for Region II. The motion was seconded and approved unanimously. Mr. Shute stated that the agreement should be parallel with the Nashoba Associated Boards of Health.

OTHER BUSINESS

FY09 Budget Session

Chairman Weber updated the Board on his meeting with the Selectmen and Finance Committee on Saturday, February 2, 2008. He stated that the Board was tasked with preparing two additional budgets – one with a 5% reduction in labor costs and one with an 8% reduction in labor costs and to provide a statement on the impacts to the office and transfer station if hours were cut.

Chairman Weber stated that it was the opinion of the Highway Supervisor that there would be an efficiency to the town if resources were shared between the Transfer Station and Highway departments.

Chairman Weber stated that it was also their recommendation that Bruce Dubey and Tom Delaney meet prior to the next session on Saturday, February 9, 2008 to work out the details of any reduction in labor or coordination of resources. Debra Butcher has scheduled that meeting for Thursday, February 7, 2008 at 7:30pm in Town Hall.

The Board requested that both meetings are posted with the Town Clerk.

Department Head/Land Use Representation

There was no discussion on this topic.

Expense Policy

There was no discussion on this topic.

The meeting adjourned at 10:15pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,
Debra A. Butcher