

MEETING MINUTES
Approved
June 16, 2008
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:
Robert Hanninen; Chairman; Dr. Susan Horowitz

Board of Health Member Absent:
Jason Weber

Others Present:
Ira M. Grossman, R.S.; Debra Butcher

Meeting Called to Order:
Chairman Hanninen called the meeting to order at 7:35pm.

Minutes:
The minutes of May 19, 2008 were approved as written.

Septic Permits Approved/Signed:
*15 Dorothy Place; Stephen & Barbara Smith
*666 Lowell Road; Edward & Jean Mason
*Chicopee Row; Jon Sjoberg
*113 Mill Street; David & Mary Isley

15 Dorothy Place Present: Stephen & Barbara Smith, owners; Gail & Henry Poulter, 20 Dorothy Place; Kevin Ritchie, P.E., Civil Solutions

Mr. Ritchie submitted the certified abutter mail receipts for the record. He stated that the existing sewage disposal system was in failure and he presented an engineering plan to upgrade the system. Mr. Ritchie stated that the plan was in compliance in accordance with State and Local regulations except for a variance for "out of season" testing in which he was seeking relief:

Town of Groton's Local Regulations

Section I.A.2 - Deep observation holes for the determination of ground water elevations may be performed during the months of March and April. *Testing was conducted in January 2008.*

Mr. Ritchie stated that the water supply well is shared with 12 Dorothy Place which is owned by Mr. & Mrs. Smith. Member Horowitz requested that Mr. Ritchie explain what out of season testing meant for the benefit of abutters who were in attendance. Mr. Ritchie stated that during a test hole, water was observed in sandy soils during months other than as required by the Board of Health's local regulations. He said that a hole was dug to 11 feet and observed to be dry with no signs of soil mottling or water.

Chairman Hanninen requested comments from Health Agent Ira Grossman and questioned whether the design met Title 5 requirements. Mr. Grossman stated “yes” and had no other comments other than he supported the design plan as presented.

Member Horowitz questioned whether the abutters were aware that the road was determined to be a private way which may have future impacts to residents concerning paving and snow plowing. Mr. Poulter questioned who owned the road. Member Horowitz stated that Mr. Smith’s attorney researched the property deeds and reported that he owned the piece between the two lots.

Chairman Hanninen questioned the number of total bedrooms. Mr. Smith replied that there were (6) total bedrooms between the two properties. Chairman Hanninen stated that if the properties were divided, something should be done with the water supply. He recommended that the Board condition any approval variance with that stipulation. Member Horowitz agreed and stated that town water must be brought in if that occurred.

Chairman Hanninen questioned whether town water was currently available. Mr. Grossman stated “no”.

Member Horowitz made a motion to accept the variance for out of season testing with the condition that should 12 Dorothy Place and 15 Dorothy place be subdivided or ownership be altered to other than a single owner, town water shall be required to be provided. The motion was seconded by Chairman Hanninen.

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

Fran’s Franks & Things Present: Fran & Jack Alary, owners

Chairman Hanninen reported that the Board of Health is in receipt of correspondence from Food Inspector Bridgette Braley where she issued a decision to Mrs. Alary that her mobile food unit must return to the base of operation for cleaning and sanitization after completion of serving food for the day. He stated that Mr. & Mrs. Alary were present to appeal her decision. Chairman Hanninen read the documents into the record and assured them that the Board of Health was not in a position to put them out of business but rather to ensure that public health was being maintained.

Ms. Alary stated that she was not properly informed by Ms. Braley about the required laws pertaining mobile units and she felt that she was misled in the process that the unit needed to be moved each night.

Ms. Alary stated that she has a valid food permit that allows her to sell hot dogs and sweet sausage at her mobile unit. She stated that the unit was completely enclosed and equipped with a required hand sink and reported that she transports all the waste water to Pepperell. She said that their home base was the Franco American Club located in Westford.

Mr. Alary stated that his unit was not equipped to be moved daily because the unit is “top” heavy. He said that they have invested money into the fencing.

Chairman Hanninen questioned whether there were any alternatives to changing the base of operation to a location closer to Groton. Mr. Alary said “no”.

Chairman Hanninen stated that the Nashoba Associated Boards of Health was the Board's technical experts and it was unlikely that the Board would allow rules not to be enforced. He said that the Board does not "self" select what rules they enforce and what rules they don't.

Health Agent Ira Grossman stated that there are specific rules for mobile food vendors from the State level. He also reported that the applicant is not licensed to transport waste water. He recommended that the Board deny the variance in order that the unit is properly sanitized at the base of operation each day.

Member Horowitz felt that this was a communication issue and that she had concerns if the procedure was not clearly defined (verbally or written) by Ms. Braley. Mr. Grossman asked if Ms. Alary was "Serve Safe" certified. Ms. Alary stated "yes". Member Horowitz made a motion to continue the hearing until July 7, 2008 at 7:30pm in order to obtain information from Ms. Braley. The motion was seconded by Chairman Hanninen.

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

OTHER BUSINESS

Tom Delaney

Member Horowitz made a motion to send a thank you letter to Mr. Delaney for his assistance with the bailer shed bid contract. The motion carried unanimously.

Lyme Disease Awareness Week

The Board voted to send a letter to the Groton Herald thanking the participants who helped organize Lyme Disease Awareness Week.

Transfer Station Sticker Sales

Ms. Butcher reported that there will be seniors scheduled throughout the summer on Tuesday, Thursday & Friday afternoons (12pm-4pm) in the Town Hall front lobby selling stickers.

Local Emergency Planning Committee

Member Horowitz requested that an update be obtained from Mr. Gikas on the status of volunteers.

Outdoor Hydronic Heaters

Chairman Hanninen requested that the Board comment to the State on these regulations by the July deadline. Mr. Grossman stated that he hasn't had a chance to review them.

Conductorlab

Chairman Hanninen stated that there is no update on this because it is on hold until a new contractor is found.

HEALTH AGENT UPDATE

10 Indian Road

Mr. Grossman stated that he observed a failed system and spoke with the homeowners and they were less than cooperative to correct the system. He said that they felt the system was in good working order. Chairman Hanninen made a motion to send them a letter to have them meet with the Board on July 7, 2008. The motion carried unanimously.

366 Lost Lake Drive

Mr. Grossman reported that there is no progress made on the property and the timeline is halfway over. Chairman Hanninen requested that Mr. Grossman drive by the site and then write a memorandum to our file and send a copy to both town counsel and Mr. Johnson's counsel. Mr. Grossman stated that he would try to contact both Mr. Johnson and his attorney by phone.

The meeting adjourned at 8:55pm.

GROTON BOARD OF HEALTH

Members in attendance:

Robert Hanninen, Chairman

Dr. Susan Horowitz

Respectfully Submitted,
Debra A. Butcher