

MEETING MINUTES
Approved
December 1, 2008
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:

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

Others Present:

Ira M. Grossman, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

No action was taken on the minutes of November 3, 2008.

Septic Permits Signed/Approved:

None submitted

Bills Signed/Approved:

- *Advance Security Systems-\$18.33
- *Global Montello Group-\$1087.71
- *Global Montello Group-\$78.99
- *Groton Electric Light Dept.-\$35.08
- *Groton Electric Light Dept.-\$153.50
- *Verizon (SW)-\$17.99
- *Verizon (BOH)-\$39.08

22 Redskin Trail: Present: Attorney Robert Collins; Richard Mavilia

Attorney Collins submitted a copy of the water quality results to the record. He stated that Skillings & Sons installed the well in 1996 and that the results taken in 2004 were consistent. Mr. Collins said that Robert Lacombe has maintained the system over the last 15 years and that there was no evidence that the leach bed was in failure and functioning well. He stated that the dwelling had a room on the first floor that met the definition of a bedroom and agreed that it would need to be removed. He said his client would put a deed restriction on record maintaining a three bedroom dwelling.

Mr. Collins told the Board that the system was currently operating fine; however, if his client were to sell the property, the system would need to be replaced. He stated that his client was amenable to having the Board's agent inspect the home to determine that there are only three bedrooms.

Chairman Hanninen asked for comments from Health Agent Ira Grossman. Mr. Grossman stated that his concern was with the bedroom count and two family status. He said he inspected the property and counted four bedrooms. He also stated that a water quality test of his well showed a total nitrogen level consistent for a failed septic

system by Title 5 definition. Mr. Grossman added that there is no record of any Title 5 inspection on file to indicate that the system was in good condition.

Attorney Collins recommended that the Board allow his client to conduct a water quality test in the March or April timeframe for consistency. Chairman Hanninen asked Mr. Grossman if he would be satisfied if the door to the first floor room came off and was reframed and was inspected by the Building Inspector. Mr. Grossman stated “yes”.

Member Weber questioned whether there were people living in the apartment. Mr. Collins stated that the apartment was empty when Mr. Grossman inspected it.

Chairman Hanninen advised Mr. Collins to come back before the Board within a month. He made a motion to have the homeowner remove the door frame in order to maintain the home as a three bedroom dwelling and prepare a deed restriction. The motion was seconded by Member Horowitz.

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

Academy Hill, Lot A: Present: Todd Lobo, P.E.; Matt Goodfriend, Project Manager

Mr. Lobo explained that there was an issue with the ground water where it was too close to the outlets of the tanks. He stated that the tanks did not meet the ground water offsets. Mr. Lobo told the Board that they couldn't move the tanks because they were already in the ground.

Member Horowitz felt that the Board has seen too many errors with this project and felt that the Board needed to “hold their feet to the fire”. The Board agreed to allow the existing pump and septic tank but required the following actions:

1. The pump chamber and tank needed to be water tight.
2. The grading had to change so there was no flooding.
3. The road bed had to be of proper bedding material (i.e. sand and gravel).
4. The Board's Health Agent needs to verify the road bed material to determine if it is suitable.

Mr. Lobo stated that he designed an interceptor drain around the tank and pump chamber. Member Horowitz wanted to make sure that the Board's Agent inspected this and put this into the condominium documents.

Member Weber made a motion to put a condition into the approval to require an inspection port and added to the maintenance of the drain, an annual inspection of the drain, and language added to the condominium documents. The motion was seconded by Member Hanninen.

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

430 Old Ayer Road Present: Christopher Kelley; Imelda Kelley (& daughter Lucy); Claude Lavalley, Doug Brown

The Board listened to additional testimony about the continued water drainage issues coming from this property from abutters. Mr. Doug Brown, 28 Pacer Way, provided photos taken this morning showing water missing the catch basin from rain the night before.

Chairman Hanninen questioned whether the system, as designed, was working properly. Mr. Kelley stated that the gravity flow to the rear of the property was “operating as designed”.

Abutter Claude Lavalley stated that if he had known that the Board was addressing this issue, he would have spoken up sooner. He stated that his property (driveway) receives a constant build up of water.

Mr. Lavalley stated that the area has always had water and stated that the contractor has done a disservice to the town.

Chairman Hanninen felt it was incumbent upon the design engineer to revisit this and to come back before the Board. Mr. Grossman stated that Pacer Way was poorly designed and the houses were poorly placed.

Chairman Hanninen stated that the Board approved the system design in accordance with Title 5. He recommended that the Board continue the discussion and have Mr. Dillis present. The Board continued the discussion to December 15, 2008 at 8:15pm in Town Hall. Debra Butcher will notify the engineer.

Clover Farm Market Present: See attached.

Chairman Hanninen advised the audience that the Board would accept comments from them and asked them to wait until they were recognized by him. He stated that he would begin with a statement from Ms. Hurst and then ask for comments from Board members and Health Agent Ira Grossman.

Chairman Hanninen read a brief summary prepared by Mr. Grossman into the record.

Mr. Hanninen stated that he supported the business but only within the framework of the law in order to protect the owner and the environment (i.e. Squannacook River).

Ms. Hurst requested that the Board allow a grandfather clause for some seating. She stated that it was not her desire to turn her business into a restaurant and she understood that her septic system would not allow it. She asked the Board for flexibility on their part and to work with her to achieve compliance. Ms. Hurst asked for approval to have a total of (12) seats in her store.

A lengthy discussion took place concerning the definition of “chairs vs. seats” and the definition for increased flow. Many residents offered comments on ways in which the Board could find a way to keep the store in operation. Chairman Hanninen suggested that the Board prepare of “Memorandum of Understanding” to reach a consensus.

Chairman Hanninen read a request from Ms. Hurst asking for (8) chairs around two tables and (4) stools. She stated that former Health Agent Ben Cutone approved the benches and stools when he conducted an inspection of the store.

Chairman Hanninen opened up discussion to the audience. An employee of the Clover Farm Market stated that she didn’t feel there was support from the Town and that the Board was making it more challenging for the store owner to succeed. Member Horowitz stated that the Board needed to ensure that the store was in compliance with the State code.

Resident Fran Dillon stated that he remembered back in the 1940’s and 1950’s that there were many chairs located in the back of the store.

Chairman Hanninen outlined some conditions for the Memorandum of Understanding and read them into the record. Members Horowitz & Weber supported the conditions

Chairman Hanninen made a motion to close the hearing and stated that the Board would take no additional testimony. The motion was seconded by Member Weber and voted unanimously.

Member Horowitz made a motion to accept the conditions stated in Chairman Hanninen’s Memorandum of Understanding allowing no more than (12) chairs or stools (or the equivalent such as a bench) for the convenience of patrons and the store owner must comply with these conditions by January 3, 2009. The motion was seconded by Member Weber.

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

Member Weber stated that he recognized the public good but that the Board needed to stay within the guidelines of the law.

OTHER BUSINESS

993 Boston Road

The Board reviewed the water quality results and found the results were unacceptable given that they were not collected in accordance with the Town of Groton’s regulations nor were they inclusive of all the requirements (i.e. radon).

Mr. Grossman requested approval to send the property owners a letter stating that they needed to have an additional water test done in accordance with our regulations.

The Board had no objections.

HEALTH AGENT UPDATE

Mr. Grossman had no updates for the Board.

ADMINISTRATIVE ASSISTANT UPDATE

Ms. Butcher reported that the FY10 budgets were submitted to the Town Manager on November 26, 2008 and that a meeting was scheduled with both her and Bruce Dubey to review them on December 8, 2008 at 10:30am. Chairman Hanninen stated that he would be present.

The meeting adjourned at 10:30am.

GROTON BOARD OF HEALTH

Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,
Debra A. Butcher