

**MEETING MINUTES**  
**Approved**  
**March 16, 2009**  
**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 7:30pm.

Minutes:

The regular session meeting minutes of March 2, 2009 were approved as amended.

Septic Permits Signed/Approved:

\*243 Lost Lake Drive; Michelle Pero

\*37 Boathouse Road; Thomas Pickol

\*Mockingbird Hill Road, Lot 20; Fox Meadow Realty Corp.

Bills Signed/Approved:

\*Advance Security Systems-\$19.33

\*Airgas-\$27.88

\*Ayer Auto Parts-\$197.83

\*E&R Cleaners (6 invoices @ \$29.59 ea.)-\$177.54

\*Poland Springs-\$9.44

\*Ricky's Towing and Repair-\$50.00

\*Robert Melvin (Bobcat repair)-\$1300.00

\*Verizon (SW)-\$18.70

\*Verizon Long Distance (SW)-\$.02

\*Covanta-\$4,199.35

\*E.L. Harvey-\$2,876.48

\*ECER, Inc.-\$650.00

\*Routhier & Sons-\$334.50

\*Verizon (BOH)-\$38.76

\*Verizon Long Distance (BOH)-\$.17

\*Verizon Wireless (MRC)-\$177.85

Whitney Pond Road Present: Attorney Robert Collins; Mr. & Mrs. Robert Moore; Russ Wilson, R. Wilson & Associates

The informal discussion was continued from February 17, 2009 in order for the applicant to clarify the issue regarding ownership.

Attorney Collins explained that the property had additional land across the street and it was his client's desire to keep it in separate ownership (husband and wife separately). He said that it would be environmentally beneficial to put a new system on the land across the street and away from the lake but would require several variances to accomplish it.

Health Agent Ira Grossman stated that the existing permitted plan showed one lot and questioned whether there were actually two lots involved. Attorney Collins stated that there were two. Mr. Grossman stated that the lots needed to have legal bounds shown on the plan before any permit was issued. Member Horowitz advised Mr. Collins that the lots needed to be split up and to void the original plan.

Discussion followed concerning the placement of the system across the street and whether the Board would support the design. The homeowner stated that he was concerned about the integrity of the lake and asked the Board to consider that in their decision.

Discussion followed concerning the proposed location of a new septic system. The Board offered input and suggestions to make sure the lake was protected. Attorney Collins stated that he would submit a full engineering plan for the Board to review during a formal hearing. The Board took no further action.

Gibbet Hill Grill Present: Kevin Hardiman, Ross Associates; Steve Webber

Chairman Hanninen reported that the Board has received a request from Mr. Webber to delay destruction of the onsite septic tanks, once sewer has been connected, in order to defer the costs due to a cash flow issue.

Member Horowitz asked what the costs would be. Mr. Webber stated that he is faced with a \$300K bill which would be an unexpected burden to them. He told the Board that the Sewer Department agreed to defer the betterment costs over five years.

Mr. Hardiman stated that his client is faced with a significant cost to connect to the sewer system. He reported that the tanks were less than five years old and were stable and durable because they are fairly new. He felt that this was a reasonable request by his client based on the age of the tanks.

Mr. Grossman stated that the tanks would need to be pumped and filled with suitable material. Member Horowitz asked what the cost would be to pump out the system. Mr. Hardiman stated it was approximately \$17 per cubic yard. Mr. Webber stated that the restaurant had a 21,000 tank and another 11,000 tank totaling 32,000 gallons all together and would result in a great expense to pump regularly and deferring the cost would be helpful to them.

He asked the Board if a permit would be necessary. Mr. Grossman suggested that the Board require that Mr. Webber provide a legal binding agreement stipulating annual inspections of the cover.

Member Horowitz questioned if there were any potential hazards if the tanks were not destroyed right away. Mr. Grossman stated that because gases would build up, the tanks could possibly crumple and cave in and would damage the covers.

Member Horowitz agreed that the covers needed to be inspected annually and asked Mr. Grossman if that could be done. Mr. Grossman stated "yes" as long as the legal agreement was in place.

Hearing no further comments, Chairman Hanninen made a motion to allow the request in Mr. Webber's letter as long as a legal binding agreement with annual inspections of the cover is in place. The motion was seconded by Member Horowitz.

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

Mr. Webber stated that he didn't believe that the septic system failed. He said he believes that the control to regulate the system dose was incorrectly designed for 10,000 gallons per day. He stated that once he changed the dose, the problems with the discharge to the ground no longer existed. He stated that he didn't think the procedure was done properly by those involved in the process.

Mr. Grossman felt that Mr. Webber's comments were unfair and that Mr. Webber had opportunities to meet with both him and the Board if in fact he believed the system was not in failure and further evaluation should occur. Mr. Webber was given an opportunity to request a meeting and choose to spend \$300K and honor his commitment to the Sewer Department. Mr. Grossman reiterated the reasons for failure: 1. Breakout; 2. System will be in the water table; 3. System flooded. Mr. Webber stated that he would be proceeding with the sewer connection as planned.

22 Redskin Trail Present: Attorney Robert Collins

Attorney Collins provided a signed restrictive covenant by the homeowner for the Board to review. However, because his client would be unavailable until June for personal reasons, he requested that the Board vote to continue the hearing until that time.

Hearing no objections, Chairman Hanninen made a motion to continue the hearing to June 15, 2009 at 7:30pm. The motion was seconded by Member Horowitz.

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

Island Pond Road Present: Attorney Robert Collins

This property was not scheduled on the agenda, however, Chairman Hanninen allowed Mr. Collins to address the Board.

Mr. Collins stated that his client had a septic system installed in 1999 but never received the Certificate of Compliance. He said that variances were approved pursuant to the regulations in place at that time; however, because the regulations have changed since, he would need new variances approved by the Board in order to obtain the Certificate of Compliance.

Health Agent Ira Grossman stated that the permit was invalid and a new permit and approvals must be obtained in order to meet the Code requirements. He stated that permits are valid for three years from the date of issue only.

Mr. Collins stated that he spoke with David Boyer of the Massachusetts Department of Environmental Protection and that it was his opinion that there were no provisions involved and to submit the request for the certification.

The Board advised Mr. Collins to work with Mr. Grossman and submit the appropriate paperwork for the application and plan review for a new permit.

Groton School Present: Attorney Robert Collins; Kelly Whalen, Project Manager, Newfields

Mr. Collins stated that the Board is in receipt of a letter and project plans for an upgrade to the sewage treatment facility to incorporate a phosphorus removal system. Mr. Collins stated that while the treatment plan was under the jurisdiction of the Massachusetts Department of Environmental Protection, the local Board of Health had jurisdiction over the storage of chemicals and hazardous materials and the methods proposed for containment. He stated that a new well will be drilled in accordance with the Town's Well Regulations. He stated that there was emergency showers and eye wash in case of accidents from the chemicals.

Member Horowitz recommended that Bill Shute be notified for the Local Emergency Planning Committee concerning the hazardous materials. Mr. Grossman stated that the project needed local approval prior to occupancy.

Chairman Hanninen stated that he reviewed the lengthy report submitted by Newfields and didn't foresee any issues concerning the design and felt it was a good design. The Board took no action.

Clover Farm Market Present: Attorney Robert Collins

Mr. Collins stated that he would be meeting with the store owner on Wednesday morning and didn't anticipate any further issues. He stated that he has read the Memorandum of Understanding (M.O.U.) and related correspondence and will be accompanying her when she meets with the Board on April 6, 2009.

Chairman Hanninen stated that he spoke with Ms. Hurst directly and reported that she had some concerns with the language and asked that it be "tweaked" a bit.

Mr. Grossman offered his assistance to Mr. Collins if there were any questions or concerns in resolving this matter. He stated that Mr. Hurst requested the hearing on April 6, 2009; however, the hearing would not be necessary if the memorandum was signed.

Mr. Collins thanked the Board for their time and assured them that he would consult with both the Board and Mr. Grossman once he's met with Ms. Hurst. The Board took no action.

Groton Wellness Present: Dr. Robert Evans

Dr. Evans requested that the Board provide him with a letter in acknowledgement that they are aware that Groton Wellness was applying for a variance to install the Libbe Colon Hydrotherapy device from the Board of State Examiners of Plumbers and Gasfitters.

Member Horowitz stated that Dr. Evan's request for a letter changed from "petitioning the Board" to only that the Board is aware of the request to the State. She stated that

"petition" to her meant that the Board was acting in their favor. She questioned why. Dr. Evans stated that the application only required a letter from the acknowledging the variance to the State.

Chairman Hanninen stated that he was very uncomfortable approving any internal process. Dr. Evans questioned "why" he felt that way. Chairman Hanninen stated that the procedure was a medical one and questioned whether local medical doctors would be on staff. Dr. Evans stated that he has a certified employee to operate the device and will follow all the required guidelines.

Chairman Hanninen asked if Dr. Evans was aware of the concerns that the American Cancer Society has with these units. Dr. Evans stated "yes".

Chairman Hanninen made a motion that the Board write a letter with no implication that the Board supports the variance and suggested the following language:

*The Groton Board of Health is aware that Groton Wellness is applying to the State for a variance to install the Libbe Colon Hydrotherapy Device.*

The motion was seconded by Member Horowitz.

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

Dr. Evans stated that he needed the letter to be hand carried to the State on Tuesday, March 17, 2009. Member Horowitz requested to see the letter prior to releasing it to Groton Wellness and to send a copy to the State via mail.

10 Paul Revere Trail Present: Jeff Hannaford, Norse Design Services; Janet & David Rumson, owners

The Board is in receipt of a letter from Mr. & Mrs. Rumson appealing the Board's restriction on the permit concerning the square footage. Mr. Hannaford stated that when the restrictions were conveyed to the buyers, they were concerned because they wanted to eventually add a second floor to the home but keep it a two bedroom dwelling. Mr. Hannaford stated that the cottage was seasonal and was just shy of 600 square feet.

Member Horowitz stated that it was usual practice of Board to apply conditions; however, the applicant is always able to come to the Board to have a condition modified. She stated that it was her desire to not see homes on small lots turned into "McMansions". She stated that staying within the same footprint and allows the addition of a second floor would be fine with her as long as it remained as a two bedroom home. Chairman Hanninen agreed with Member Horowitz's statement.

Member Horowitz made a motion to amend their condition in their letter dated February 19, 2009 and allow an addition of a second floor as long as the dwelling remains within the same footprint and doesn't exceed a total of two bedrooms. The motion was seconded by Chairman Hanninen.

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

OTHER BUSINESS

### Emergency Dispensing

The Board voted 2-0 to release the Motorola radios and other miscellaneous medical equipment from the Nashoba Boards of Health to EMS Director William Shute. The Board requested that Ms. Butcher obtain the laptop computer from Mr. Shute. Chairman Hanninen stated that he had a conversation with Ken Gikas and stated that Mr. Gikas and Mr. Shute cannot come to an agreement on some of the language in the emergency dispensing report. The Board directed Mr. Grossman to be the facilitator between Mr. Gikas and Mr. Shute.

### HEALTH AGENT UPDATE

Mr. Grossman had no update to report.

### OFFICE ASSISTANT UPDATE

Ms. Butcher had no update to report.

The meeting adjourned at 9:30pm.

GROTON BOARD OF HEALTH

*Members in attendance,*

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Robert Hanninen, Chairman

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Dr. Susan Horowitz

Respectfully Submitted,  
Debra A. Butcher

