

MEETING MINUTES
Approved
May 5, 2009
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:

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

Others Present:

Ira Grossman, R.S.; Debra Butcher

Meeting Called to Order:

Chairman Hanninen called the meeting to order at 7:02pm.

Minutes:

The minutes of March 16, 2009 and April 6, 2009 were approved as amended.

Septic System Permits Approved/Signed:

- *51 Overlook Drive; James Argaright
- *Forest Drive, Lot B-42; Robert Lacombe
- *Paugus Trail, Lot B-28; Robert Lacombe
- *Forest Drive, Lot B-51A; Robert Lacombe
- *Paugus Trail, Lot B-30; Robert Lacombe

Bills Approved/Signed:

- *Advance Security Systems-\$19.33
- *Airgas-\$156.00
- *Ayer Auto Parts-\$74.94
- *Chappell Tractor Sales-\$497.27
- *E&R Cleaners (6 invoices @ \$30.04 each)-\$180.24
- *Global Montello Group-\$425.00
- *Global Montello Group-\$226.64
- *Groton Electric Light Department-\$149.51
- *Groton Electric Light Department-\$41.96
- *Poland Springs-\$9.44
- *Verizon (SW)-\$19.87
- *Verizon Long Distance (SW)-\$.19
- *Verizon Wireless (SW)-\$13.24
- *Verizon (BOH)-\$36.17
- *Verizon Long Distance (BOH)-\$.36
- *Verizon Wireless (MRC)-\$178.04
- *Community Healthlink (3 invoices)-\$4,875.00

Dan Wolfe – Presby Enviro Septic Systems

Mr. Wolfe requested an informal discussion concerning the Board's requirement for full Title 5 inspections for Presby Enviro Septic systems and requested that the Board agree to a compromise with the requirement. He stated that homeowners are already required by the Department of Environmental Protection to have inspections from the manufacturer once the system is installed so making homeowners have yearly Title 5 inspections was redundant. He commended the Board for being on top of the inspection process but asking the homeowner

to have two inspections done was repetitive and costly. He stated that a possible compromise would be to require inspections in years 2 and 4.

Member Horowitz stated that the Board required yearly Title 5 inspections when Presby systems were first introduced in Massachusetts, however, she said that she was open to revisiting this since the Board has now seen several systems designed and installed. She stated that if inspections were conducted in years 2 and 4, it would give the Board time to know if the system was working properly and would be less money to the homeowner.

Mr. Grossman recommended that the Board require that signed contracts were in place prior to the permit approval so inspections would be done by the manufacturer.

Member Weber questioned what the failure rate was. Mr. Wolfe stated that he will contact the State for that information. Member Horowitz requested copies of the Title 5 and Presby inspection report forms and recommended that the Board revisit this at a later date.

22 Burnt Meadow Road – Notice of Non-Compliance

The homeowner sent an email outlining his progress to date.

Mr. Grossman stated that the homeowner is making sufficient progress in the upgrade process and recommended that the Board allow the homeowner more time to complete the upgrade. He stated that he has retained an engineer and contractor to complete the work. The Board agreed as long as there is progress in moving forward with the upgrade.

14 Temple Drive – Notice of Non-Compliance

The homeowner(s) did not appear at the hearing.

Mr. Grossman stated that there has been no communications or actions by the owner to comply with the outstanding notice of non-compliance on his failed septic system since May 16, 2005.

The Board voted unanimously to research ownership of the property because Member Horowitz thought that the owner was deceased.

6 Redskin Trail – Notice of Non-Compliance

The homeowner(s) did not appear at the hearing.

Mr. Grossman stated that the system has been in failure since 2007 and he witnessed visible breakout. He also believes the dwelling is being occupied on occasion which is in violation of the Board's order. He recommended that the Board vote to file a housing complaint. The Board agreed and voted unanimously to take action against the homeowner and file a complaint.

14 Paul Revere Trail – Notice of Non-Compliance

Mr. Grossman stated that there has been no application for the upgrade for the failed septic system. He said that he was notified that the owner has spoken with an engineer and requested a continuance to June 1, 2009. The Board took no further action.

162 Common Street Present: Ralph Smith

Mr. Smith requested that the Board grant a waiver to him to delay the construction of a new system for one year due to financial reasons. He reported that he has cleared the land in preparation of construction; however, due to the state of the stock market, his personal portfolio has decreased over 40% in one year and felt that this was not the time to sell stock.

Chairman Hanninen questioned whether Mr. Smith's daughter has occupied the home on the lot that was divided. Mr. Smith stated "yes".

Mr. Grossman stated that he does not have any information that the system was working. He said that test holes showed high groundwater which was a technical failure under Title 5. Mr. Grossman stated that a Title 5 inspection would show if the system was in failure and an upgrade would be required within 2 years of discovery.

Member Horowitz stated that if the Board required a Title 5 inspection, Mr. Smith would have until May 2010 to fix the system. Mr. Grossman stated that the Board gave Mr. Smith until August 31, 2009 to be in compliance, so therefore, the timeframe began when the subdivision started.

Chairman Hanninen stated that "finances" should be off the table. He stated that a water sample was prudent and needed to be tested. Mr. Grossman recommended to the Board that they require the system to be in compliance by 8/31/09 and have the water tested in accordance with the Town of Groton's Well Regulations given the distances to the well.

Chairman Hanninen motioned that a Title 5 water sample is taken by a Massachusetts Certified Laboratory and paid for by Mr. Smith. The motion was seconded by Member Weber and voted unanimously.

Member Horowitz stated that the May 2010 date would be acceptable to her if the water sample is fine.

Discussion followed concerning Mr. Smith's personal hardship concerning the cost of construction. Member Weber questioned whether Mr. Smith would be able to take out a loan. Mr. Smith replied "only as a last resort". Member Horowitz recommended that the Board wait to see the testing results.

Chairman Hanninen made a motion to meet with Mr. Smith on October 5, 2009 to reevaluate his hardship position and at that time he will tell us what his plans are in getting the system in place no later than May 14, 2010 with no change in ownership. The motion was seconded by Member Weber and voted unanimously.

Chairman Hanninen asked if Mr. Smith was agreeable with the motion. Mr. Smith said "yes".

993 Boston Road Present: Matthew Field

Mr. Field did not send out abutter notices in accordance with the Town of Groton's Sewage Disposal Regulations, therefore, the Board voted unanimously to continue the hearing to June 1, 2009 at 7:30pm due to this error.

35 Whitewood Road Present: Elizabeth Montgomery, Kathy Rainville, Ann Doble, Richard Muehlke

Dr. Horowitz recused herself from the discussion.

Chairman Hanninen stated that he visited the site on Friday and Mr. Blouin stated that he would have the trash/refuse cleaned up by Saturday afternoon. He asked if the neighbors had any comments. Chairman Hanninen stated that Mr. Blouin has been given an order to correct from the Board.

Ms. Montgomery stated that there were piles of trash in the camper and not much progress was made. Member Weber stated that he saw the property less than 3 hours before and he described it as "cleaner but not cleaned".

Ms. Rainville stated that this has been an ongoing problem and that the issues have remained the same over the years. She asked the Board to order Mr. Blouin to clean up the property.

Discussion followed concerning the state of the property and the Board heard many complaints from neighbors about the condition.

Chairman Hanninen made a motion to affirm Mr. Grossman's order letter dated April 30, 2009 to Mr. Blouin to clean up the trash and have it hand carried by a Constable. The motion was seconded and approved unanimously.

Member Horowitz recommended that the Board set up a meeting with the Town Manager, Board of Selectmen; Police Chief and Building Inspector to discuss this matter further.

The neighbors brought up another matter concerning a property at 27 Cypress Road with similar issues. The Board voted unanimously to issue an order if found to be in a similar condition.

OTHER BUSINESS:

Board of Health Agenda Items

The Board established a policy to schedule agenda items 10 minutes apart.

Board of Selectmen Liaison

Selectmen Stuart Schulman met with the Board to express his support to the Board and to offer assistance in matters that needed Board of Selectmen attention.

Chairman Hanninen stated that the Board of Health needed assistance in the area of Town Counsel access because it has been a problem in the past. Selectmen Schulman stated that the Town will remain with Kopelman & Paige and that this would improve.

Member Horowitz stated that the Board of Health has not been formally notified of the plan to create a public works department and that communications from the Selectmen's office should be improved. She suggested that Mr. Delaney begin dialogue with Mr. Dubey so the Transfer Station personnel are aware of any future changes in their department.

The meeting adjourned at 10:15pm.

GROTON BOARD OF HEALTH

Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,
Debra A. Butcher