

MEETING MINUTES
Approved
May 18, 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 to 7:00pm.

Minutes:

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

Septic Permits Approved/Signed:

*Forest Drive, Lot B-21; Robert Lacombe

Bills Approved/Signed:

*Airgas-\$29.88

*E&R Cleaners-\$30.04

*Verizon (SW)-\$20.10

*Verizon Long Distance (SW)-\$.18

*Covanta-\$4,656.96

*EL Harvey-\$4,806.59

*ECER-\$650.00

*Verizon (BOH)-\$38.81

*Verizon Long Distance (BOH)-\$.29

Wharton Row, Lots 1&3 & 28 Town Forest Road Present: Robert Cushman

Mr. Cushman requested an opportunity to discuss the possibility of extending the three year permits on these properties for an additional year. He stated that he resides at 28 Town Forest Road for the last 25+ years and approximately 10 years ago obtained frontage on Wharton Row where he separated out two lots which he plans on building a new home on in the future. He stated that due to the current economic condition, he believed that selling his current home would be challenging and would like to wait until the market improved.

Mr. Grossman stated that additional test holes needed to be conducted in order for the permit to be in compliance with the new Code. In order to reach a compromise so the applicant didn't need to redesign the system, the applicant was advised to add magnetic tape and an inspection port to the system.

Chairman Hanninen suggested that the permit be rewritten to include these items. Mr. Grossman stated that the Board may allow the one year permit extension; however, in order to obtain a Certificate of Compliance, the system must be certified within the 4th year.

Member Horowitz asked if any of the systems were in the ground yet. Mr. Cushman stated "no". Discussion followed concerning test holes and the design plans. Member Weber made a motion to extend the permit for one additional year with the following conditions:

1. System to comply with current regulations.
2. Magnetic Tape and Inspection Port required.
3. Certificate of Compliance to be obtained within the 4th year of the permit.

The motion was seconded by Member Horowitz and voted unanimously. Mr. Grossman reminded the applicant that new applications need to be filed.

15 Whitewood Road Present: Attorney Peter Knox, John Scira; Elizabeth Montgomery

Chairman Hanninen requested a brief "refresher" on this matter. Mr. Grossman stated that the Board required that water quality testing be tested every 3 months at the owner's expense and copies sent to the Board of Health. He stated that no reports were submitted within the timeline required which resulted in a letter sent to Mr. Scira on April 17, 2009 advising him that no occupancy was allowed due to the system failure. He stated that the dwelling has been occupied for four months. He asked if the Board would allow the tenants to remain in the dwelling. The Board approved occupancy as long as the water results were satisfactory. Mr. Scira told the Board that the tenants have a "verbal" option to buy the property.

Mr. Grossman reported that the next water test was due in July 2009. Attorney Knox provided a copy of a water test sampled on April 30, 2009 and tested by Nashoba Analytical.

Mr. Grossman questioned whether the Board would allow the tenant(s) to occupy the dwelling. He stated that revised plans have been submitted for the failed system; however, State approval would be required in addition to the local approval.

Discussion followed concerning the nitrate levels detected in the water sample. Mr. Grossman stated that if these levels increase, the Board may want to re-open the tenancy question. The Board requested Ms. Butcher send the water quality tests to the tenant by certified mail/return receipt this week. Attorney Knox stated that he would do the certified mailing and give the receipts to Ms. Butcher.

Attorney Knox stated that he will have his client sign the deed notice for the arsenic treatment and have the document recorded on the property deed and send Mr. Grossman a copy for the file.

Chairman Hanninen made a motion to expect the following:

1. The property owner will have another water quality analysis done in (3) months with the results submitted to the Board of Health.
2. The tenant residing at 15 Whitewood Road will be sent a copy of all water quality analysis reports by certified mail/return receipts and a copy of proof of mailing sent to the Board of Health office.

The motion was seconded by Member Horowitz and voted unanimously. Member Weber stated that if the nitrate level is (5) or greater, than the question of occupancy will be at issue and revisited by the Board.

1&3 Forge Village Road

The Board voted unanimously to continue the meeting to June 1, 2009 at 8:10pm in order to obtain the Title 5 inspection report.

8 Hazelwood Road Present: John Comeau

Mr. Grossman stated that as a result of a complaint, he sent Mr. Comeau a letter requesting that he have a Title 5 inspection report done on his property due to the allegation that the cesspool is in the high ground water table and that the location of the cesspool was shown to be less than 100 feet to the onsite well.

Chairman Hanninen thanked Mr. Comeau for attending the meeting and asked for his comments. Mr. Comeau stated that the property consisted of a seasonal cottage with a cesspool. He stated that the property has been in his family since 1955 and he inherited the property a couple of years ago. He stated that the property is only in use from approximately June through September.

Mr. Comeau stated that it was his full intention to correct the problem but wanted to give the Board information that he felt was pertinent to the matter. He stated that he had a dispute with one of his neighbors and recently won a boundary issue against him. He felt that the complaint was in retaliation to the legal issue against him. He stated that he has retained the services of Doug Miller of Goldsmith, Prest & Ringwall and will begin the upgrade process within 2 years.

Mr. Grossman advised him that there has been no application submitted for soil testing thus far which would be the first step towards an upgrade. The Board thanked him for meeting with them and providing them with an update.

19 Baby Beach Road

The applicant needed to reschedule the meeting for personal reasons.

OTHER BUSINESS

35 Whitewood Road Update Present: Elizabeth Montgomery, abutter

Chairman Hanninen stated that the Board met with the Town Manager and other departments in both open session and executive session on May 11, 2009. He stated that the town would be following two courses of action against Mr. Blouin. He reported that the Board of Health's agent would be filing a complaint in housing court and the Building Inspector would be filing a zoning enforcement order separately.

Mr. Grossman reported that he received a "hand written" note dated May 14, 2009 from Mr. Blouin stating that he was "hospitalized" and that the property was cleaned up. Mr. Grossman will conduct an inspection.

Member Horowitz reported that as a result of their joint meeting, the town highway department was instructed to clean up the littered area on the Groton Conservation Trust land. She stated that the highway department was told by Mr. Blouin to stop working because Mr. Blouin stated that the trash was on his land.

Ms. Montgomery stated that she was "appalled" that this action didn't occur earlier in the process. Chairman Hanninen stated that initially Town Counsel advised them last week to meld the two issues between the Board of Health and Building Department together and since then, that strategy changed to two separate issues. Ms. Montgomery expressed her anger at both

the health agent and the Board members that they have known about this for weeks. She stated that his property is preventing her from selling her home and she needed to reduce her selling price by \$50K.

Member Horowitz recommended that Ms. Montgomery go downstairs to the Board of Selectmen's meeting to speak with the Board and the Town Manager. Member Horowitz instructed Mr. Grossman to file their complaint on Tuesday, May 19, 2009 on the Board's behalf.

Lyme Disease Awareness Group

The Board unanimously approved a newspaper press release thanking the Lyme Disease Awareness group for their efforts in continuing to educate the public about this disease and another harmful disease called Anaplasmosis which is also transmitted by ticks. Debra Butcher will submit the notice to the Groton Herald and Groton Landmark for publication.

330 Old Dunstable Road

Mr. Grossman received a complaint concerning trash/refuse on the property and provided pictures taken. The Board voted unanimously to issue an order letter to the homeowner to clean it up and to place this on the Board's agenda for June 15, 2009.

H1N1 Update

Mr. Grossman reported that the latest update on U.S. deaths was (5), however, locally there have been no reports resulting in hospital care.

Summer Schedule for Board of Health meetings

The Board members agreed to continue on a 1st and 3rd Monday meeting schedule through the summer. Chairman Hanninen reported that he would be unavailable on July 20, 2009. Member Horowitz stated that she would not be available at the September 21, 2009 meeting and Health Agent Ira Grossman said that his plans were to be on vacation during the first week of August.

Local Emergency Planning Committee

Member Horowitz provided the Board with an update in regards to LEPC. She requested that Mr. Gikas provide the Board with the list of volunteers to reach out to and to resent post cards for additional volunteers. Member Horowitz requested a copy of the medical volunteers in Groton.

The meeting adjourned at 8:40pm.

GROTON BOARD OF HEALTH

Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,
Debra A. Butcher