



TOWN OF GROTON
Board of Health
173 Main Street
Groton, Massachusetts 01450

MEETING MINUTES
September 20, 2010

Board of Health Members Present:

Jason Weber, Chairman
Robert Fleischer, Member
Dr. Susan Horowitz, Member

Others Present:

Nashoba Associated Board of Health Agent Ira Grossman
Land Use Assistant Dawn Dunbar
Land Use Director Michelle Collette

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:00 pm in the Town Hall.

Permits Signed:

Cherry Tree Lane; Lot 42, Arbor Way; Lot 36, Fieldstone Drive; Lot 49, Cherry Tree Lane; Lot 55, 698 Townsend Road; U.A. #1

Old Business:

Michelle Collette presented the Board with variances to be signed: 28 Labbe Road and 297 Reedy Meadow Road.

It was brought up by Michelle Collette that the original variance application is missing for Labbe Road. The only dimensions we have are that it is to be 81 feet from the septic. Skillings has finished drilling at 28 Labbe Road. Mr. Grossman hopes to see it found, as it is the one and only copy.

Member Fleischer asked Mr. Grossman if there are private water systems in town similar to Stow. 100 Stow homeowners had to drill new wells. Mr. Grossman replied that Still Meadow on Nashua Road is similar.

Other Business:

Raw Milk - Member Horowitz asked Mr. Grossman whether or not he knew if the sale of raw milk was legal or illegal. Mr. Grossman did not know the answer and is going to find out.

Outdated Prescriptions and Syringe Disposal - Member Horowitz asked Mr. Grossman whether or not Groton (local) pharmacies partake in disposing of outdated prescriptions and syringe disposal. Mr. Grossman added that the police station might be taking outdated prescriptions and syringes sometime soon.

Michelle Collette also indicated that the local pharmacies do not take back outdated prescriptions and syringes at this time.

Mr. Grossman added that NABH does take syringes back and will send Michelle Collette an email with information on how to do this.

LEPC Flow Chart - Member Horowitz asked Mr. Grossman whether or not each department has a flow chart. Mr. Grossman confirmed that there is one and that it had been distributed some time ago. Member Horowitz asked Mr. Grossman if he could find it, reconstitute it and redistribute by the October 18 2010 meeting.

162 Common Street

Present: Ralph Smith, homeowner

Mr. Smith began by apologizing for missing last week's meeting. It was not on his calendar. Mr. Smith has verbally accepted an offer last Thursday from Brookview in Dunstable. Mr. Smith has contract in hand but has not signed it yet. Mr. Smith expects to meet with the contractor to finalize and sign contract by week's end. He regrets it has taken so long.

Chairman Weber asked, if possible to get a signed copy by the close of business on Friday.

Mr. Smith replied "yes."

Member Fleischer was not sure if there were any prior issues.

Member Horowitz and Mr. Grossman replied that Mr. Smith was ordered to complete new septic by August 2009 which was in turn amended to March 2010.

Mr. Smith went on to say that on July 14th in an official letter from the BOH there was an error in the letter that he wanted made public on record. Based on the last communication, it was written that Mr. Smith had selected a contractor which was not true. It was also written that Mr. Smith was unable to attend the May 10th hearing and that at that time the land had been cleared, Ross Associates had staked the land, and they were to start within a month.

Member Horowitz added that even though hearsay, she was told by someone that Mr. Smith was in town and that BOH would write another letter.

Chairman Weber replied that they did not need to do that.

Mr. Smith replied that if it was noted in the meeting minutes it is okay to convey.

Mr. Smith then brought forth his opinion that there is a poor relationship between himself and Mr. Grossman.

Mr. Grossman had no inkling of the same.

Chairman Weber added if it was worth discussing this matter at this time. Mr. Smith is making forward progress and the BOH has a mutual agreement with regard to the septic issue. Chairman Weber went on further to ask if they could move on and hear this conversation after the contract is signed.

Chairman Weber asked that Mr. Smith be placed on the agenda for October 4, 2010 meeting and reminded Mr. Smith that he has not crossed the finish line yet.

Scheduled for October 4, 2010; time TBD.

19 Baby Beach Road

Present: Kevin Ritchie, engineer

Mr. Ritchie started by saying the septic plan was denied a year ago. A new plan for a tight tank was presented but requires a couple of variances:

1. Reduce offset to foundation from 10 feet to 9 feet.
2. Available land space offset to be reduced from 25 feet to 15 feet.

Mr. Ritchie stated that the house is tied into town water and does have an abandoned well.

Mr. Grossman noted that he will need to go to the state for approval of the tight tank.

Chairman Weber asked Mr. Grossman if the state would deny this. Based upon the email exchange previously, Mr. Grossman doesn't believe it will be denied. There are multiple issues such as endangered species, an Area of Critical Environmental Concern, well and septic on a small lot.

Mr. Grossman responded that DEP would have to respond but he imagines it will go through and added that a seasonal residence is easier to get put through.

Chairman Weber asked if full time residence vs. part time residence had been discussed.

Mr. Grossman added it had not.

Member Fleischer abstained but asked if a tight tank is reliable.

Mr. Grossman responded that a tight tank was reliable and Michelle Collette agreed.

Member Horowitz moved to approve with the following variances:

1. Reduce offset to foundation from 10 feet to 9 feet.
2. Available land space offset to be reduced from 25 feet to 15 feet.
3. Approval of tight tank to be required.

Chairman Weber read the following conditions:

1. The applicant must submit any proposed change in the above referenced plans to the Board of Health for its review and approval before the change is implemented.
2. The applicant is responsible for obtaining any other permits (including but not limited to) those required by the Board of Selectman, Conservation Commission, Building Inspector, DPW Director, Planning Board, Stormwater Advisory Committee, and Zoning Board of Appeals.
3. Any construction activities (or related activities) within 100 feet of a wetland or resource protection area requires approval of the Groton Conservation Commission.
4. It is the applicant's responsibility to insure that the contents of this permit are made known to all contractors who perform work at this site.
5. It is the applicant's responsibility to contact Dig Safe prior to the commencement of any work at the site.
6. If the project is not completed, including issuance of a Certificate of Compliance, by 1 August 2011, it is the responsibility of the applicant to request an extension. The Board of Health may grant extensions for additional time provided that the applicant submits a written request for renewal no later than 1 May 2011.
7. Any change in use or increased sewage flow is not to be made without prior approval of the Board of Health and any other applicable Board or Commission.
8. The existing 2 bedroom house is to remain a 2 bedroom house with no increase in the number of bedrooms, unless expansion plans are reviewed and approved by the Groton Board of Health.
9. This variance shall not be in effect until certified copy of the variance decision is recorded at the Middlesex South Registry of Deeds. Evidence of such recording shall be submitted to the Board of Health by the applicant.

Chairman Weber gave Mr. Ritchie an install deadline of June 1, 2011. If homeowner requires extension, must request for extension 30 days prior – May 1, 2011.

The motion passed unanimously.

2 Allison Park

Present: Derek and Kristen Cianci, homeowners

Mrs. Cianci started meeting by presenting the Board with floor plans of the house and a proposed basement plan. The homeowner is requesting a deed restriction for their 4 bedroom residence.

The issue with finishing the basement is a room count issue; there are currently 10 rooms and the basement would make 11.

The homeowner association is currently working on obtaining a Title V inspection.

Mr. Grossman added that it was discovered when filing for permits that the association was not having Title V done every year as stated in documents.

The Cianci's did not have deed restriction filled out and so at this time took a moment to fill out paperwork. Upon review of the deed restriction by the Board members it was stated that the Cianci's septic only allows for 4 bedrooms but the floorplans showed there are 5 bedrooms.

Member Horowitz recalled that the Deer Haven development may allow for extra bedrooms as they share a common sewage disposal system. Mr. Grossman replied that he would have to go back and check the documents as he didn't have an answer.

There is some confusion as to what the bedroom count was and what the Cianci's are looking for.

Member Horowitz asked for a continuance and Chairman Weber seconded the continuance. Mr. Grossman was also not prepared to answer questions without checking into the documents.

Chairman Weber suggested that the Cianci's speak to Attorney Bob Collins and ask if he knows if there are extra bedrooms.

Member Horowitz believes that there may be availability of extra bedrooms. Michelle Collette replied that it sounded familiar but Attorney Bob Collins and David Moulton would be the ones to ask.

Member Fleischer reminded the Cianci's that a building permit would not be issued until BOH approves.

Chairman Weber stated that upon completion of the documents the house would be listed as a 5 bedroom. Title V currently says it's a 4 bedroom. This is why the 4 bedroom restriction is needed.

Mr. Grossman suggested that the Cianci's were advised to speak with an attorney about having the deed changed from a 4 bedroom to a 5 bedroom. The topic was in order to change the "approved" capacity from 4 to 5 bedrooms; could be done without full compliance with Title V, but may be somewhere in the past there is an approval for the 5 bedrooms claimed so they should talk with their attorney.

Chairman Weber asked that Mr. and Mrs. Cianci be placed on the October 4, 2010 meeting. Time TBD.

619 Boston Road

Present: Attorney Speicher

Attorney Speicher started out by asking the Board members if they had reviewed the documents he emailed to Michelle Collette and Mr. Grossman. Neither Michelle Collette nor Mr. Grossman received the email. Attorney Speicher did not bring hard copies with him.

Member Horowitz had to leave the meeting at 8:10 PM.

Attorney Speicher tried to re-email but attempts was unsuccessful. Chairman Weber and Member Fleischer tried to view email and attachments from Attorney Speicher's phone.

Chairman Weber commented that Member Horowitz was interested in reviewing documents but was not present.

Member Fleischer asked if the only issue was that with the grease trap.

Mr. Grossman replied that the interior grease trap is required by the plumbing code but the issue is whether or not an exterior grease trap would be required. A Title V food establishment would require the exterior grease trap.

Mr. Grossman stated he is comfortable with modifying the permit to allow sale of hot dogs and frozen pizza ONLY under the food service permit without having to install an exterior grease trap. He also added that the interior grease trap would be required to be maintained often and properly.

Attorney Speicher added that a maintenance plan had been previously submitted as well as a cleaning log.

Chairman Weber asked if this would need to go before the Planning Board.

Michelle Collette added that the Building Commissioner would be the one to make a decision about if it needs the Planning Board's approval.

Mr. Grossman stated that he would not change permit from retail to food permit but it would however have restrictions.

Chairman Weber and Member Fleischer both agreed that is reasonable.

Mr. Grossman will issue a food service permit and would specify the sale of:

1. Coffee
2. Hot Dogs
3. Frozen Pizza

Attorney Speicher stated that it could also be conditional on the equipment.

Mr. Grossman added that the application had been filled out stating the sale of coffee, hot dogs and frozen pizza and that he would attach it to the permit.

Chairman Weber moved to authorize the NABH to release a food service permit with the proper language pertaining to the preparation of coffee, hot dogs and frozen pizza only.

The Board also asked that the forth coming permit contain restrictions as to the quantity of equipment to 1 per food item (coffee, hot dogs, frozen pizza)

Mr. Grossman stated that the NABH would specify language and refer to what was submitted by the applicant. The constraints would be restricted to what was submitted by the applicant.

The members voted unanimously to approve.

Chairman Weber adjourned the meeting at 8:35 PM.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant

Minutes Approved 10/4/10