



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

**MEETING MINUTES
December 6, 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

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:02 pm in the Town Hall.

Permits Signed:

48 Schoolhouse Road

Tobacco Permits Signed:

Mr. Mike's Mobil; Country Farm; Groton Market; Donelan's Supermarket; Groton Convenience Store; Shaw's Supermarket; Craven's Package Store; CVS Pharmacy

Minutes Approved:

Member Horowitz moved that all minutes not yet approved be accepted as written dating back to 2009 unless an error is found at which point it will be corrected.

Member Fleischer abstained from the motion.

Chairman Weber seconded the motion and all were in favor.

15 Whitewood Road

Present: John Scira, property owner
Russ Wilson, engineer

Mr. Grossman explained to the Board that Mr. Scira had been before the Board 2 + years ago due to a failure with the leaching field. Mr. Scira at that time presented the Board with plans for a shared system incorporating 3 other homes with it. The Board of Health approved the shared system plans and Mr. Scira was told that he needed to present the plans to DEP for final approval. The Board also requested that frequent water quality testing be done in the interim. The testing and subsequent

reporting to the Board has been sporadic which prompted a letter to Mr. Scira to come before the Board with plans to update the system.

Mr. Scira explained that he spoke to Carol Quinn of the Lost Lake Sewer Commission as advised at the last BOH meeting and was told town sewer would still be a few years out.

Michelle Collette added that the Lost Lake Sewer Commission had met with herself, Mr. Grossman, Tom Orcutt of the Water/Sewer Department and Mark Haddad, Town Manager the week before and that the Town had applied for a grant from the USDA to help cover some of the costs associated with installing town sewer in the Lost Lake area. She also added that the BOH could not put a moratorium on Title 5 until the funds are actually there. Funds might not be available for another year to 18 months.

Chairman Weber stated that the Board's hands are tied to Title 5 at this point.

Member Horowitz suggested that this matter be continued so Mr. Scira can have a new plan prepared to present to the Board.

Mr. Grossman stated that a compliance date should be created so that progress is continued. He also added that the Board should consider allowing the lot to have a tight tank installed until sewer comes to the area.

Chairman Weber added that plans for a tight tank could go to DEP and be rejected.

Mr. Grossman replied that this situation is unique. A tight tank is a financial commitment to tie into sewer. The only other option for Mr. Scira is to install a shared system.

Chairman Weber explained to Mr. Scira that his only 2 options are to install a shared system or install a tight tank. He asked Mr. Scira if he had a preference.

Mr. Scira stated that he couldn't financially do the system in its entirety but he could do a tight tank.

Chairman Weber asked Mr. Grossman if the Town would support an application for a tight tank. Mr. Grossman replied that they would.

Chairman Weber advised Mr. Scira to prepare a plan for a tight tank and asked Mr. Grossman what date a plan should be submitted.

Mr. Grossman replied that he would call DEP and give them a heads up that there was a plan forthcoming for a tight tank.

Chairman Weber asked that 15 Whitewood Ave be continued until January 3, 2011 at 7:00pm at which time a plan for a tight tank will be presented to the Board. All were in favor.

49 Island Road

Present: Attorney Robert Collins

Attorney Collins stated that he spoke with Mr. Grossman earlier that day and no longer needed to speak with the Board about the above mentioned property.

The Groton School

Present: Attorney Robert Collins

Attorney Collins explained that he represented Groton School and wanted to inform the Board of a forthcoming attempt by Groton School to restore the area adjacent to Lake Romeyn (Groton School Pond). He continued by explaining that there is an area of the pond that was used for the disposal of discarded materials from the campus. The school started to do some testing to see if anything needed to be done.

Member Fleischer asked how far the pond was from student use centers.

Attorney Collins responded that it was approximately ½ mile away.

Chairman Weber thanked Attorney Collins for the heads up.

9 Georgia Road

Present: Attorney Robert Collins

Attorney Collins explained that he was before the Board for a client who is looking to rehabilitate the property at 9 Georgia Road. The property is unoccupied and it does have an existing system. He asked the Board if they would consider this property to be something that could be upgraded or if it was considered new construction.

Mr. Grossman added that it had been abandoned for over 20 years and would need to comply with Title 5.

Attorney Collins stated that he believed that it would be considered new construction but wanted to ask the Board for its opinion.

Member Horowitz replied that it would be considered new construction and that the system would need to comply with Title 5 requirements.

Old/Other Business

The Working Group

Present: Michelle Collette, Land Use Director; Attorney Robert Collins; Ira Grossman, NABH Health Agent

Michelle Collette stated that the Working Group was back before the Board to see if they had decided whether or not to require that variances be recorded with the Registry of Deeds. She explained that she had an inquiry from an engineer a few days prior who had sent a currier to the Registry and that the Registry would not record a variance because it was not signed off on as recorded by the Town Clerk and that there was not appeal period given.

Michelle Collette suggested to the Board that they call the variance a waiver instead, as a variance applies to a change in the bylaw.

Member Horowitz asked if it could be called a Notice of Board of Health Decision.

Member Horowitz motioned to change the wording on the Notice of Board of Health Decision from “variance” to “decision” as it appears and that the Notice of Board of Health Decision will need to be recorded.

Chairman Weber seconded the motion and all were in favor.

Michelle Collette explained to the Board that the Deed Restriction presented by the Working Group at the November 1, 2010 meeting was reviewed by Town Counsel.

Attorney Collins added that a countersign spot for the Board Members was left off because it was thought to not be necessary for the Board to sign off on them.

Member Horowitz moved to use the Deed Restriction as prepared and recommended by the Working Group.

Member Fleischer seconded the motion and all were in favor.

1st Quarter 2011 Board of Health Meetings

Member Horowitz moved that all Monday 2011 Meetings that fall on holidays be moved to the following Monday unless the agendas are light and a meeting is not necessary.

Chairman Weber seconded the motion and all were in favor.

Dawn Dunbar was asked to send the Board Members the meeting dates for the 1st quarter of 2011.

Terracon

Michelle Collette stated that the Town was in the process of putting together numbers for the new budget. The Town’s contract with Terracon is due to end on June 30, 2011 and had requested a new 1 year quote from Terracon which she received in the amount \$8,145.

Michelle continued by saying that she spoke with Tom Delaney of the Highway Department and explained to Michelle that he is very satisfied with services.

Member Horowitz moved to accept Terracon’s appraisal for July 1, 2011-June 30, 2012.

Member Fleischer seconded the motion.

Chairman Weber asked if there was any reason they could get a lower quote.

Michelle Collette replied that any quotes from new vendors would include start-up costs which Terracon’s does not have.

Member Horowitz suggested re-visiting the discussion in the summer of 2011.

Chairman Weber asked if Michelle Collette could ask Terracon for a new 3 year contract now to start the process and lock in a rate.

Member Horowitz asked if this could be done for the next meeting or if the Board should wait until Chairman Weber return in mid-January.

Member Horowitz withdrew her motion.

The Board will wait for Michelle Collette to obtain a new 3 year contract from Terracon and discuss it again at the December 20th meeting.

Transportation of Animal Heads

The Board Members had a brief discussion on the most cost effective way to transport animal heads for testing at the state laboratory. Member Horowitz explained that she could mail them through the post office instead of hiring a courier to transport them.

Michelle Collette explained that Member Horowitz should use whatever method is easier and more reliable.

Clover Farm Update

Chairman Weber explained to the Board that he had a short telephone conversation with Jan Hurst, owner of Clover Farm Market, regarding her Memorandum of Understanding with the Town as well as a recent posting on a local email list-serve offering her kitchen up as a commercial kitchen. He also informed her that a follow-up letter to their discussion would be forthcoming.

A.L. Prime – 619 Boston Road

Chairman Weber stated that he had been by AL Prime to find that slushy machine and hot cocoa machines were lit up but not operating.

Mr. Grossman reminded the Board that the above mentioned machines were not approved by the Board.

Member Horowitz asked if it was left that additional machines/appliances could be added at a later date.

Member Fleischer added it was not mentioned as an option.

Chairman Weber suggested that a letter be sent to AL Prime stating that either the well made compliant so they could sell coffee, frozen pizza and hot dogs or they would not be allowed to sell anything but prepackaged food.

Mr. Grossman was going to prepare and send letter.

Waste Not – Hauler Permit

Waste Not submitted a letter to the Board asking for permission to pay a reduced Hauler Permit fee of \$100 as was previously written in Groton Code, instead of a \$300 fee that is currently in the

Groton Code. The fee was changed in code in 2006. Waste Not had been paying the reduced fee for the past 4 years due to an administrative error.

Member Horowitz moved to allow Waste Not to pay the reduced fee of \$100 for their 2011 Hauler Permit fee. Waste Not is to be notified that beginning in 2012 they are to pay the fee of \$300.

Chairman Weber seconded the motion and all were in favor.

Member Horowitz asked that it be put on record that Tobacco Permits be talked about when the Board looks at their Regulations in early 2011.

Chairman Weber called the meeting to an end at 8:25PM.

Respectfully Submitted,

Dawn Dunbar