



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

MEETING MINUTES
August 23, 2011

Board of Health Members Present:

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

Others Present:

Nashoba Associated Board of Health Agent Ira Grossman
Land Use Assistant Dawn Dunbar
Town Planner Michelle Collette
Mr. George Pergantis
Ms. Gloria Lammi
Selectman Anna Eliot
Art Campbell, Talk About Groton

Meeting Called to Order:

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

128 Main Street

Member Weber began by explaining that a meeting was held on Thursday, August 18, 2011 with all parties involved in the fire/condemnation of the Groton Inn and building on the property. He said that it was a positive meeting, that everyone was interested in good outcomes, improving communication and that there was a shared level of concern for the safety surrounding the burned building and for getting the apartments up to code.

Mr. Grossman said that because of the complexity of the issues and because some of the issues span over multiple departments, the goal of the meeting was to ensure that there would be a coordinated effort spanning all town departments.

Mr. Grossman said that it was discussed in the meeting that the Title 5 inspection as required by the Condemnation Order would not be necessary because the Town has a mandatory sewer tie-in bylaw. He said that he would modify the existing order to state that a Title 5 inspection would not be necessary but that the remaining buildings on the property would need to be tied into town sewer. The food service permit was also discussed, whether or not the permit included the function hall and whether the function hall had a licensed kitchen.

Chairman Fleischer asked what remaining items were left for re-occupancy of the apartments. Mr. Grossman said the four (4) items that were required to be completed prior to re-occupancy had been completed and that the remaining violations could be done after re-occupancy.

Member Weber asked if a one (1) to two (2) year time frame on the remaining items was an appropriate amount of time. Mr. Grossman said that he didn't think it was an appropriate amount of time.

Town Planner, Michelle Collette said that the sewer commission was meeting the next day to discuss tying in the remaining buildings to sewer. Member Horowitz asked if Mr. Pergantis wanted to tie into town sewer. Ms. Collette said that it was mandatory. Member Horowitz asked about the variance that could be issued according to the bylaw. Ms. Collette said that the Board of Health could grant a variance but that to date, they had never granted one before.

Member Weber asked for confirmation that the sewage disposal system on site was not in compliance. Mr. Grossman explained that the law did not allow a property owner to fix a failed private system if town sewer served the property.

Mr. Pergantis showed the BOH a hand sketched plan showing the tie in of the buildings to town sewer. Chairman Fleischer asked Mr. Pergantis if he was intending on tying into town sewer. Mr. Pergantis said that he wanted to connect to town sewer and that he didn't want septic tanks. Member Weber suggested that the Board take a vote on the time frame in which Mr. Pergantis tie into town sewer. Mr. Pergantis asked for at least three (3) months.

Member Weber made a motion to require that buildings 2 & 3 on the Groton Inn property be connected to town sewer within six (6) months.

Mr. Grossman suggested that the Board first vote to revise / modify the requirements to perform a Title 5 inspection as per the Condemnation Order.

Member Weber withdrew his motion.

Member Weber made a motion to revise the requirement made by the Condemnation Order to remove the need for a Title 5 inspection and instead require buildings 2 & 3 on the Groton Inn property to tie into town sewer by February 20, 2012.

Member Horowitz seconded the motion. All were in favor with a unanimous vote.

Mr. Grossman said that the next item he wanted to discuss was the function hall. He said that the function hall was not approved for food service and was not covered by the food service permit issued in October 2010. Ms. Lammi said that the Carriage House and the Inn had always been approved facilities and under the food service permit. Mr. Grossman said that his records indicated that the property had not been inspected in at least 2 years and that the Carriage House did not have an approved kitchen.

Member Weber said that it would be best to separate where food is prepared (kitchen) and from where food is served to people. Chairman Fleischer asked if the Carriage House was approved to cook food and reiterated his understanding that food has to come from an approved facility. Ms. Lammi said that they have always prepared food at the Carriage House and that it had been inspected before. Member Weber said that there were technical questions that needed to be answered based on the permit and that the bottom line was that any food being prepared in the Carriage House it would need to be done so in a licensed and approved kitchen.

Ms. Lammi asked if both the Inn and the Carriage House and their respective capacities were covered under the food service permit. She added that the Carriage House had everything that the Inn does as far as kitchen equipment goes.

Mr. Grossman said that he had a conversation with Bridgette Braley of Nashoba Associated Boards of Health and that the only approved kitchen was in the Inn building. Ms. Lammi said that they had always been under the assumption that the food service permit was just like the common victuallers' license in that it was all encompassing and covered both the Inn and Carriage House buildings.

Member Horowitz asked if Bridgette could go into the Carriage House and approve the kitchen. Mr. Grossman said that if the Carriage House was to be approved as a function hall it would constitute a change in use, and as a result would require a plan and an approval. Chairman Fleischer said that it seemed possible that the kitchen in the function hall could be approved quickly. Member Horowitz asked when they planned on opening the Carriage House. Ms. Lammi said that their plan was to open within a month. Member Horowitz suggested that they ask if Bridgette could do a preliminary inspection within a week and then let Mr. Pergantis know what he needed to do so that any missing items would be less likely to impact the date.

Mr. Pergantis explained that he bought the property in part because it had a full service function hall. He said that it had its own septic system and he had installed a new one after he purchased the property. Mr. Grossman said that the only permit he had found was a permit from 1974 which would have been earlier than the new system installation Mr. Pergantis was referring to.

Member Horowitz asked Mr. Pergantis if he knew who the system installer was. Mr. Pergantis said that it was Charlie Vlahos and that he was deceased. Member Horowitz asked Mr. Grossman if the location of the system was known whether it could be inspected. Mr. Grossman said that it could but that it wouldn't meet current Title 5 requirements because the permit would have been issued under Chapter 11 at the time of installation. Member Horowitz asked Mr. Pergantis if he could try to find an as-built plan and bring it to their next meeting. Mr. Pergantis said that he would look.

Mr. Grossman said that prior to any functions being held in the Carriage House proper approvals would be required. He asked that based on what they were hearing the Board confirm that this requirement had been met prior to any licenses being approved. He suggested that since they needed more answers that they go back to Bridgette and continue the discussion at another meeting.

Member Horowitz made a motion to continue the discussion until September 19th at which time the Board will have more information and feedback from all parties.

Member Weber seconded the motion and all were in favor with a unanimous vote.

Mr. Grossman said that there were other items on the Order that also needed to be discussed. He said that he was more than happy to do a re-inspection if there were other items that had been completed. He reiterated that no new tenants were allowed to occupy the apartments until all violations had been cleared up.

Member Horowitz made a motion to request that no new tenants be allowed to occupy the apartments in Buildings 2 & 3 until such time all sanitary code violations and pool violations have been addressed and inspected by the proper authority.

Member Weber seconded the motion and all were in favor with a unanimous vote.

Mr. Pergantis stated that the pool was not open to the public. Member Weber asked if it had water in it. Mr. Pergantis said that the pool did have water in it and was only used for his personal use. Mr. Grossman told Mr. Pergantis that the pool was not licensed and cannot be licensed due to the fact that it doesn't hold water and that there were safety issues that prevented it from being licensed.

There was a brief discussion about the current heating system and plans Mr. Pergantis had to upgrade the service to electric heat.

Member Horowitz made a motion to adopt Mr. Grossman's draft letter outlining the points discussed at the meeting to be edited and sent to Mr. Pergantis.

Member Weber seconded the motion and asked that the letter restate the discussion that had taken place at the meeting. All were in favor with a unanimous vote.

Member Weber made a motion to adjourn the meeting at 8:30pm.

Member Horowitz seconded the motion and all were in favor with a unanimous vote.

Respectfully Submitted,

Dawn Dunbar