



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

**MEETING MINUTES
November 05, 2012**

Board of Health Members Present:

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

Others Present:

Land Use Assistant, Dawn Dunbar
Nashoba Associated Board of Health Agent, Ira Grossman

Meeting Called to Order:

Chairman Horowitz called the meeting to order at 7:03 pm in the Town Hall.

Permits Signed

44 Nate Nutting Road; 80 Culver Road

Minutes

Member Horowitz moved to accept the minutes of 10/1/12 with Member Weber's edits. Member Weber seconded the motion. All were in favor with a unanimous vote. Member Fleischer abstained from the vote.

Food Service Permit

Member Weber moved to approve the issuance of a food service permit for Ixtappa Cantina Mexican Restaurant located at 765 Boston Road. Member Fleischer seconded the motion and all were in favor with a unanimous vote.

Central Mass Mosquito Control Project (CMMCP) – Present: Tim Deschamps

Mr. Deschamps began by introducing himself and the services offered by CMMCP. Those services included Larval Mosquito Control, Source Reduction, Ditch Maintenance, Surveillance, Public Education, Adult Mosquito Control, and Research and Efficacy.

Chairman Horowitz asked if a property could be excluded from spraying and asked how far in they would come onto a property to spray or if it was done from the road. Mr. Deschamps said that they would absolutely take requests to be excluded along with requests to be sprayed. He said that they could tailor how they spray based on the request with limitations but from the truck, they were able to spray about a 300ft operational distance. Chairman Horowitz asked what the cost to Groton would be. Mr. Deschamps said that for FY13 and based on information received from the DOR, Groton's annual cost would be \$68,782.

Mr. Deschamps went on to talk about a study done in California where it was determined that spraying did reduce the number of human cases of NWV. He said that researchers were also looking into climate changes, bird migratory patterns (as it was also carried by birds) and habitats. He said that they were concerned that 2012 was going to be an active year but that it ended up being even more active than what they had originally predicted.

Chairman Horowitz asked if town-wide spraying had been done 10+ years ago. Mr. Deschamps said that they had not done town-wide spraying. Member Fleischer asked what the length of effectiveness was after spraying. Mr. Deschamps said that the effectiveness would last about a week due to the type of insecticide. Member Fleischer asked what effect it would have on the environment. Mr. Deschamps said that Natural Heritage looked into the insecticide that was being used and they were not concerned. They said that it was small amounts that were okay for all and where it was used at night, residents would be asked/advised to close their windows and move indoors to reduce any risk.

Chairman Horowitz asked whether or not Bti tablets had a negative impact on the environment or its inhabitants. Mr. Deschamps said that Bti really only removed the mosquito larvae and that there was no known evidence of it affecting other larvae. Member Weber asked how toxic Bti was to humans. Mr. Deschamps said that it was practically non-toxic.

Chairman Horowitz asked if they would work with the DPW or just the homeowners on ditch maintenance. Mr. Deschamps said that it would depend on who brought it to their attention. He said that they work with many DPW's and had wetland scientists on their team to handle those issues. Member Weber asked if there had been any efficacy done in Massachusetts or just California. Mr. Deschamps said that they had done studies and he was hoping that they would be published within the next couple of months. Chairman Horowitz asked how often surveillance was done and how often they would spray. Mr. Deschamps said that they survey at least once a week and usually spray once a week also.

Member Weber asked if it was the mission of the department to control the mosquito population or the birds (since birds also carry the virus). Mr. Deschamps said that it was to control the mosquito population. He said that there was no interest by the State to monitor the birds. He said that when WNV first came into the country, it decimated the bird populations. He said they had been working to find out whether or not the birds harvest the virus all winter. He said that robins tend to hold EEE while crows hold WNV.

The Board thanked Mr. Deschamps for his time and all the information he provided them with.

366 Lost Lake Drive – Present: Luke Johnson, owner; Jeff Hulslander, abutter; Christian Walzel, abutter
Mr. Grossman said that he stopped by Mr. Johnson's property earlier that day. He said that Mr. Johnson had certainly made progress but a large pile of debris and plywood along the fence that was supposed to have been removed was still there. Chairman Horowitz told Mr. Johnson that they had received a memo from the Building Inspector indicating that the building material in question at the last meeting was in fact unusable. Mr. Johnson had intimated that the material was determined to be usable.

Mr. Hulslander expressed concern for the lack of improvement to the property. He said that in the past two (2) weeks, only 50% of what was required to have been completed was done. Mr. Johnson said that he thought at this point they were really talking about aesthetics. He didn't think that piles left presented code violations but aesthetics. Mr. Grossman disagreed and added that the definition of refuse included wood waste and combustibles. He said that the pile to the right of the house was rotted wood waste and needed to be removed. Mr. Johnson said that he used it as heating wood. Mr. Grossman said that rotted wood would not burn clean and that it smoldered more than it burned.

Chairman Horowitz asked what the next step would be if Mr. Johnson were not making progress. Mr. Grossman said that he would seek an injunction from the court. Mr. Hulslander said that the material appeared as though it was spreading to the Pine Trail property as well as the property on the other side of town mentioned at the last meeting. Mr. Grossman said that stuff was not moving from one property to the other. He had been keeping an eye on that. Mr. Walzel asked if the Pine Trail property had new material. Mr. Grossman said "yes."

Member Weber thanked Mr. Johnson and his neighbors for coming to the meeting. He said that from what he had observed, everyone in the room had been trying to achieve the same goal. The bad news was that he

didn't think Mr. Johnson's neighbors were going to be happy at the end of this process. He said the Board's primary focus was for public health and safety, not what the property looks like overall. He said that would be an abuse of power and they couldn't do that. He said that their main focus was on the health component and their efforts to make the property comply with those regulations.

Mr. Grossman said that the pile next to the house and the pile of wood leaning up against the fence was the next objective to focus on. Mr. Hulslander asked when the Pine Trail property was going to become an issue. Mr. Grossman said that he would continue to keep an eye on it and let the Board know when it became an issue.

Member Fleischer moved to continue the hearing for two (2) weeks. Member Weber seconded the motion and all were in favor with a unanimous vote.

Member Weber asked at what point the dwelling became refuse. Mr. Grossman said that they had started the process of condemning the building but had decided to focus on cleaning up the property first. Mr. Grossman added that the West Main Street property was still loaded with refuse and said that he was going to invite the owners, the Fuccillo's, into the next meeting. He had received no response to an order that had been previously issued.

871 Boston Road – No one was present

Mr. Grossman said that Mr. Patel had hired a plumber and Small Water Systems but that he had not received any contracts or records of work done. He said that the food service permit would not be renewed until it was fixed but thought that the permit was okay to be released as retail only.

Member Fleischer made a motion to issue the Groton General Store aka Groton Convenience Store a retail only food permit. Member Weber seconded the motion and all were in favor with a unanimous vote.

14 Paul Revere Trail – No one was present

Mr. Grossman said that the owners had written the Board a letter requesting more time. He said that they appeared to still be using the property even though they were told not to until they upgraded the system. He recommended to the Board that they generate a fairly firm letter explaining that sewer had been voted down at town meeting, that the system needed to be upgraded immediately and that the property was not to be used until the system was upgraded.

Chairman Horowitz asked that Mr. Grossman draft a letter to the Watkins family.

Tobacco Retailer Permit Fees

Member Fleischer moved to approve an increase in the tobacco retailer permit fees from twenty dollars (\$20) to one hundred dollars (\$100). Member Weber seconded the motion and all were in favor with a unanimous vote.

7 Hazelwood Ave – No one was present

Mr. Grossman explained that an emergency shallow well was installed on the property and that he had not received a water quality test or sketch. Chairman Horowitz asked that both the homeowner and Mr. Bob Tupper of The Wash Well Company take responsibility for making sure that these missing documents were submitted to Mr. Grossman as soon as possible.

Chairman Horowitz adjourned the meeting at 9:05pm.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant