



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

**MEETING MINUTES
March 4, 2013**

Board of Health Members Present:

Dr. Susan Horowitz, Chairman
Robert Fleischer, Member
Jason Weber, 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 7:00 pm in the Town Hall.

45 Prescott Street – Present: Lyle Webster

Mr. Grossman explained that Mr. Webster was before the Board at their last meeting to request a variance to the property line offset requirements. The leach area was less than 10 feet to the property line and wasn't taken into account when the property was subdivided years ago. He had no objections to the request.

Member Fleischer moved to approve the variance as requested. Member Weber seconded the motion. The motion carried unanimously.

11 Cedar Road – No one was present

Mr. Grossman said that there had been an application submitted for soil testing and didn't think any follow-up from the Board was needed at this point.

Other Business

128 Main Street

Mr. Grossman said that he had conducted a housing inspection on a unit at 128 Main Street. He said that among other issues found, the front door on the 1st building had not been locked as per a previous order. It was suggested that a self-latching knob with a striker be used. He said that Mr. Pergantis was not amenable to having the front door locked at all times because a resident would have to go and unlock it for visitors.

Member Weber moved to send an order letter to Mr. Pergantis regarding the installation of a door locking devise. Member Fleischer seconded the motion.

Member Fleischer asked if all others outstanding items had been completed. Mr. Grossman said "no" adding that Mr. Pergantis was still working on them.

The motion carried unanimously.

797 Boston Road

Mr. Grossman said that the owner, 119 Partners, LLC, had been asked to attend the Board's meeting on April 1st to discuss outstanding housing code violations at 797 Boston Road. He said that the inspection was performed due to a housing complaint and since the original complaint, 2 other tenants had also requested inspections. One of the units was cited two (2) years ago and because there was no final signoff, the unit should not have been re-rented. Mr. Grossman said that items listed in his violation letters were not being fixed. He said that the tenants had received a Notice to Quit which was the first step in the eviction process adding that the owners could not do that as it would be considered retaliation against a housing complaint.

14 Paul Revere Trail

Mr. Grossman said that he had not seen or heard anything from neither the owner nor the engineer. Chairman Horowitz said to let the owner know that if everything was not completed by June 1st they would be filing in court. Member Weber suggested sending the letter certified mail with a copy to the engineer.

Sharps Containers

Member Fleischer said that he had been approached by a citizen of Groton about how difficult they found it to dispose of sharps. Chairman Horowitz said that the containers were available through NABH in Ayer or that they could mail away for the containers.

Board of Selectmen Chairman Stuart Schulman was present to ask if the Board of Health thought anything should be brought to the Selectmen's attention. Chairman Horowitz said that they might need to request the assistance of Town Counsel for the property located at 366 Lost Lake Drive in an attempt to achieve compliance. Member Fleischer said that there was also an issue with collecting fines that the Board had. Mr. Grossman added that fines were hard to enforce. Member Fleischer asked that if repairs (as an example) were not being completed, could the Board step in, do the work and back charge the owner. Mr. Grossman said that they could. Discussion ensued ending with Selectmen Schulman saying that he would bring this topic back to the BOS.

285J Nashua Road – No one was present

Mr. Grossman said that the owners had requested permission to use an ejector pump in a finished basement bathroom. He said that this request was being done after the fact as the work had been completed without permits pulled. Chairman Horowitz asked if there was a consequence and if anything was wrong with the work done. Mr. Grossman said that he was not sure about a consequence adding that the plumbing inspector had not been out to inspect yet. Chairman Horowitz asked if Mr. Grossman wanted to speak to the installer. Mr. Grossman said that if the Board approved the request, he would find out more information.

Member Weber moved to approve the request for an ejector pump prior to the septic tank. Member Fleischer seconded the motion. The motion carried unanimously.

62 Blossom Lane – Present: Mary Jennings, owner

Mr. Grossman said that Ms. Jennings was present to request a bedroom count deed restriction. He said that he had no issues with the request adding that it enabled them to clean up some items relative to the septic system. Ms. Jennings said that she was doing this because of a ZBA application she had submitted to eliminate the old accessory apartment that the property once had.

Member Fleischer moved to accept the requested deed restriction limiting the home at 62 Blossom Lane to 4 bedrooms. Member Weber seconded the motion. The motion carried unanimously.

West Main Street – Fucillo Property – No one was present

Mr. Grossman said that more debris had been dumped on the property and nothing had been removed since the last meeting. Chairman Horowitz said that it had been discussed at the last meeting that either the debris is cleaned up in two (2) weeks or they would proceed to housing court. Mr. Grossman said that one

possibility was to clean up the property and bill the owner. Selectmen Schulman said that if taxes were being paid they might be able to add it to the tax bill but if the taxes were not paid regularly, it might be harder to get the bill paid for the clean-up. Mr. Grossman said that a letter had been drafted up for the Board's review. He suggested sending the letter requesting that the owner attend their next meeting and if there was no response, proceed to court. Selectmen Schulman said that he would mention the discussion to the Town Manager.

Mr. Johnson and Mr. Blouin arrived at the meeting.

Chairman Horowitz said that the promise to clean-up the West Main Street property within 2 weeks had not been kept. Member Fleischer said that they had received a complaint that more material had been dropped off. Mr. Blouin said that the statement was not true. He said that he had barely been able to make it over the high snow banks with his 4-wheel drive truck. He said that the dumpster company would not try to drop off a dumpster with all the snow there. He said that he didn't see any health concerns that the material might be causing the neighbors. Member Fleischer said that the debris didn't have to cause illness to be a health and safety hazard. Mr. Blouin said that he had taken out 5 loads of material already and assuming the dumpster company wouldn't supply the dumpster because of the snow, he could probably continue to do 5 loads a week. Mr. Blouin added that he was going to start logging the property within the next couple of months.

Chairman Horowitz said that if Mr. Blouin said he would be able to remove the debris by the end of April, she suggested continuing the hearing until May 6, 2013. If the work was not completed, they would proceed to housing court. Member Weber asked if they could request an update in two (2) weeks. Mr. Blouin said that he would take pictures and drop them off to the BOH office.

Member Weber moved to continue the matter until the first meeting in May, May 6, 2013 with the request that an update be provided to the BOH office either via phone or via pictures in two (2) weeks and again in four (4) weeks. Member Fleischer seconded the motion. The motion carried unanimously.

366 Lost Lake Drive – Present: Luke Johnson, owner; Patrick Blouin

Mr. Grossman said that there had been very little change since the last meeting. Mr. Johnson said that he had not met the goals set due to the weather. He said that 3 out of the last 4 weekends had snowfall, that the wood was frozen and ice covered, and that he didn't believe the wood pile posed any danger to anyone. Member Fleischer asked if the plan was to improve the house. Mr. Johnson said that he wanted to rebuild it. Mr. Johnson questioned why he needed to remove the wood prior to work on the house saying that it was easier to take it away with the demo work anticipated. Mr. Blouin said that Mr. Johnson was going to meet with the Building Inspector that Tuesday with regard to fixing the house. Mr. Johnson said that he wanted to clean-up the property, empty the house and rebuild. He said that his first building permit application was denied due to the sketches that were turned in. Member Fleischer said that he was concerned about things going where Mr. Johnson said they were going. Mr. Johnson acknowledged that things had not moved as quickly as he would have liked. Chairman Horowitz asked Mr. Blouin where he saw things going if they were to continue the hearing until May 6th. Mr. Blouin said that it all depended on the Building Inspector and the application to repair the structure. Mr. Grossman said that the application stated that the material was going to be brought to the Transfer Station. He said that the material needed to be placed in a dumpster and removed.

Mr. Blouin said that by the next meeting, they would have the right side of the hill done. Mr. Grossman added that they needed to make an area for the dumpster and staging.

Member Weber moved to continue until the first meeting in May (May 6, 2013) with the previous expectation as discussed. He added that at the time of the next meeting photo evidence of the right side

of the structure would be shown and a dumpster would be brought in and loads removed to meet goals. Member Fleischer seconded the motion.

Member Fleischer added that it wasn't just the pile of wood near the structure that needed to be cleaned. Chairman Horowitz said that they didn't want to see the property at 11 Pine Trail accumulate more stuff either. Mr. Blouin said that Mr. Johnson was not allowed to take more wood from his work as the police were called.

The motion carried unanimously.

Whitewood Road – 9, 11, 15 & 23 and 214 Lost Lake Drive – Present: Attorney Bob Collins

Attorney Collins said that the Whitewood Road common system was ready to be approved. He said there was some paperwork that needed to be done and a retainer for Town Counsel needed to be paid to be able to review the documents provided. He said that he was going to speak to the Town Manager about having the retainer amount reduced.

Attorney Collins said that the Cypress Road and Georgia Road properties owned by Mr. Scira were going to be demoed. He said that a demo permit was going to be applied for any day for the Cypress Road property as the neighbor was purchasing the land.

Attorney Collins said that he had no updates on 214 Lost Lake Drive. Mr. Grossman said that he was prepared to file in housing court should it not be completed in two (2) weeks.

Member Weber moved to continue the discussion for two (2) weeks adding that the Board supported Attorney Collins in trying to get the review fees lowered for Town Counsel. Member Fleischer seconded the motion. The motion carried unanimously.

Selectmen Schulman said that he liked the idea of looking into whether or not the DPW would be/could be involved in some of the clean-ups and charging owners. Member Fleischer said that maybe a protocol could be adopted.

Groton Housing Authority – Generator Replacement

Member Fleischer moved to support the Groton Housing Authority's application for CPC grant request for replacement generator. Member Weber seconded the motion. The motion carried unanimously.

The meeting was adjourned at 9:00pm.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant