



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

MEETING MINUTES
April 1, 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 7:10 pm in the Town Hall.

797 Boston Road – Present: See attached attendance sheet

Member Horowitz said it was her understanding that there were outstanding housing code violations that had not been fixed by the owner. Mr. Grossman said that there were holes in the roof, chipping and peeling paint, cracked windows, railings with safety issues and patch work that needed to be remedied, to name a few. He added that there had been an issue with the heat and a recent water test showed evidence of road salt intrusion and radon. He said that the furnace had been tagged to be replaced even though the heating contractor said that it was acceptable. Mr. Grossman pointed out that the owner, 119 Partners, LLC, had been unlawfully charging the tenants for oil deliveries, which had hopefully stopped. He added that he had asked for contracts for work to be done and received no response.

Attorney Patrick Wood, counsel for 119 Partners, LLC introduced himself adding that the house was very old and would never be able to be brought back to a like new condition. He said that the SDS had a Title 5 inspection and they were waiting on written results but had verbal confirmation that it had passed. He added that the water had been tested and passed potable water standards. He said that obtaining access into the units was difficult and therefore they were having a hard time getting that work done. He said that he had tried to set up an appointment with the Building Commissioner to discuss code issues but required access to the units to do that.

Member Fleischer asked how many units there were. Attorney Wood said there were three (3) apartments of which two (2) were going to be vacated as of that night and one (1) that was under lease until September. He asked for a 30-day continuance to “get things done.” Chairman Horowitz asked how long this had been going on for. Mr. Grossman said that violations in one of the units (Unit C) went back a number of years, December 2009, and was not to be re-rented. He said that nothing progressed beyond conversation, that he didn’t have much faith that the work would get done and therefore the reason they were before the Board.

Ms. Catherine Wright, one of the tenants, said that she was not vacating the apartment. Mr. John Clark, another one of the tenants said that he also was not vacating. Attorney Wood told the tenants that they had been served by the Sheriff. Mr. Clark said that he has always allowed access. Mr. Wood said that Mr. Clark’s lease ran out years ago adding that the apartment must be suitable as he stayed without a lease. He said

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that the newest tenant was a professional property manager who signed a lease after inspecting the property.

Member Fleischer asked if there were lead paint or mold issues. Mr. Grossman said there were no real mold problems and currently no children under the age of 6 to trigger any lead paint issues.

Chairman Horowitz asked how long it would take to fix everything. Mr. Grossman said that he couldn't answer that. Chairman Horowitz asked what the consequence was for not meeting the deadlines. Mr. Grossman said that he was prepared to file paperwork in housing court. Chairman Horowitz recommended allowing for a 30-day continuance. If work was not completed in that time period, they would proceed with filing paperwork in housing court. Mr. Robert Dame, a tenant, said that the work needed to be done to code. Chairman Horowitz agreed.

Mr. Tayt Dame, also a tenant, said that when he first rented to apartment he brought up a lot of issues to Mr. Van Dyne, the owner. He said that he understood it was an old house and had even offered to help with the landscaping and exterior painting. He said that the complaints have gone unanswered. Attorney Wood said that he thought having the interior work done within 30 days was reasonable but that the exterior work couldn't be accomplished in that time period. Chairman Horowitz said that since this had been going on for the past four (4) years there was no room for any excuses. Mr. Grossman also suggested that the units be connected to town water as it was available at the street.

Member Fleischer moved to continue for 30 days until May 6th, at which time they expected the violations be corrected to code and inspected by the Building Inspector and Mr. Grossman. The apartments were not to be re-rented if they became vacant. Chairman Horowitz seconded the motion. The motion carried unanimously. Member Weber was not present for the vote.

Member Weber arrived at the meeting.

Interface Update – Present: Steve Boczenowski, TADS

Mr. Boczenowski said that he had provided the Board with two (2) reports. They had seen an 80-90% increase in calls for Groton. He said that this wouldn't always be the case as demand is always up at first and then settles down. He said that one change he had seen with Interface is that any new towns that adopt the program, Interface would no longer be assisting adults over the age of 24. Groton was grandfathered and therefore was allowed to extend Interface to any and all residents. He said the good news was that more parents were using the service for their younger children and his goal was to keep spreading the word. Member Fleischer asked how he was getting the word out there. Mr. Boczenowski said through guidance counselors, school nurses, flyers around town, newspapers, etc.

Mr. Boczenowski said that he was nervous about future funding as this contract had less than a year left but the school district had decided to fund the program in the future out of their budget. Member Weber applauded the district adding that it was his personal opinion that if the district had not stepped forward, the Board would have found a way to fund it.

Nashoba Paddler – Present: Diane Carson, owner

Ms. Carson said that she was present to request the usual yearly variance to the portable toilet regulations in Title 5. Member Weber asked Ms. Carson if anything had changed or if there was anything the Board should be made aware of. Mrs. Carson said no.

Member Weber made a motion to accept the request for variance. Member Fleischer seconded the motion. The motion carried unanimously.

158 Hill Road – Present: Betsy Kehoe, realtor & Ratta Corp.

Chairman Horowitz said that those present were asked to attend to discuss a matter that had been brought to the Board's attention at their last meeting. She said that Mr. Jackel of 158 Hill Road was present to request a bedroom count deed restriction so that he could finish part of his home. He had purchased the home under the belief that it was a four (4) bedroom when in fact it was only permitted as a three (3) bedroom. She said Mr. Jackel felt as though he was misled adding that the Title 5 inspection also reflected the wrong number of bedrooms. Mr. Grossman said that the Title 5 inspection showed a four (4) bedroom but the original permit on file was only for three (3) bedrooms. Chairman Horowitz said that the Board felt as though they needed to know what happened. Member Weber said that individuals and home purchasers may not be very experienced when it comes to purchasing a home. He added that because they are not a licensing board, it was his opinion that it was the duty of the realtor to obtain the necessary information up front. Member Fleischer said that they were not trying to assign blame, just trying to find out what went wrong.

Ms. Kehoe said that she had been contacted by the buyer's broker about this but she didn't have the file any longer. She said that the seller had been an acquaintance of hers. She said it was advertised as a three (3) bedroom and the first thing she always does is provide the buyer with a copy of the Title 5. Mr. Ratta said that the previous owners' field report stated it was a three (3) bedroom and upon inspection of the SDS, a new distribution box was required. The only explanation he had for the four (4) bedroom on the application was that it was a typo that was missed. Mr. Ratta said that it was a mess and everyone involved was at fault. He said that he had been doing what he could to help make things right. He said Ratta had offered to explore some options.

Mr. Grossman said that from a Board of Health standpoint the records needed to be checked. Mr. Ratta said that there were no records available. Mr. Grossman said that he took exception to that as there was an old Title 5 inspection and the original permit in the files. Ms. Dunbar suggested that both the NABH files and Groton BOH files always be checked as one or both of them always have something in it. Chairman Horowitz thanked them for their time.

Old/Other Business

Proposed Hindu Temple

Chairman Horowitz said that the proposed Hindu temple had been brought to her attention. She heard they had plans to put the temple on the reserve area. Mr. Grossman said that it was premature at this point adding that they would need a new plan to be approved before they could do anything. They would not be exempt from complying with Title 5 and Board of Health regulations.

366 Lost Lake Drive

Mr. Grossman said that he had driven by earlier that day and noticed there had not been any progress. He said that the properties had been accumulating more debris.

Fracking

Member Weber said that he would be starting to work on fracking regulations for possible adoption. He said his concern was the difference between someone fixing a well and fracking operations. He said that they did not need to report what they were pumping into the ground and why he wanted to get ahead of it with some possible regulations. Mr. Grossman said that people he knows who do it use pond water adding that they are supposed to chlorinate the water before. Member Weber added that it was the local government that was best suited to regulate fracking.

The meeting was adjourned at 8:45pm.

Respectfully submitted,
Dawn Dunbar
Land Use Assistant