



**TOWN OF LITTLETON**  
POST OFFICE BOX 1305  
LITTLETON, MASSACHUSETTS 01460  
**BOARD OF HEALTH**

**MINUTES**

**Meeting held on Tuesday, July 28, 2009 at 7:00 p.m.**

**Littleton Town Hall, 37 Shattuck St. Room 307** *accepted as amended August 11, 2009*

- 7:07 Chairperson Ted Doucette opened the meeting with all members present. The minutes of July 14, 2009 were accepted as amended by unanimous vote. Mr. Doucette had a draft letter to be discussed with all members in response to Bev's letter to the Board dated July 9, 2009 during this working session. Bev asked for a point of order. She stated that her letter was a private one, was delivered to seven individuals, and was never read into the public record at the last meeting. If members proceeded to read their letter into the public record, then she stated she expected the same courtesy. Bev was asked to leave her post and sit in the audience. Mr. Presti took the following minutes; *Chair reads Bev's letter into public record. BOH also entered working session to work on draft letter in response to Bev's 7/9/09 letter to the BOH. Final letter to be presented at next BOH meeting.*  
At 7:38 Bev resumed taking minutes.
- 7:30 **Discussion with Middlesex Dr. and Roxbury Dr. residents (actually 7:38)**  
Several abutters were present to bring an issue of concern about surface water problems in their area. They had been advised at a ZBA meeting that these issues and concerns needed to come before the board of health. Ms. Victoria Mattison of 16 Middlesex Dr. spoke of water problems and stated that septic system mounds, the house at 18 Roxbury Dr. which was elevated where a depressions had existed before, and the retention pond (on town land, and built by the town which she stated is inadequate) seem to be creating more problems. Ms. Mattison stated that the abutters were before the board in a proactive manner to alert the board to the problem as they consider the upcoming septic filing for 19 Middlesex, not yet before the board. Members explained the limitations of their authority on some issues, and that, without a plan before them, they had nothing to react to. Discussion ensued.
- 7:30 **5 Forest Rd. (actually 7:55)**  
Mr. Bruce Robinson was not present for the continued discussion on this property.
- 7:45 **600 Great Rd. "Ed's Weiners"**  
Mr. Ed Howard and Ms. Sherry Gould were present to submit a letter requesting five variances for the operation of Mr. Howard's hot dog stand. Ms. Gould also provided a copy of a DEP letter dated January 27, 2009 which stated the DEP opinion that a variance to 105 CMR 590.010(H) was needed from the local board of health. Discussion ensued. Mr. Howard transports water in dedicated water tanks, supplies and equipment back to his base of operation each day for sanitizing, and uses the refrigerated units at Gary's for cold storage. Mr. Howard stated that he kept a log on the refrigerator temperatures several times a day. The applicant is seeking to receive approval from the board to use Gary's refrigerator for deliveries instead of transporting cold supplies from his Acton base, install a water line to the unit, and a gray water tank to be installed under the unit with enough insulating blankets to prevent freeze-up throughout the winter. The board agreed that the cooler at Gary's could be used, subject to inspection by Nashoba agents. **It was moved (Mr. Frattallone) and seconded (Mr. Presti) to accept the following variances as amended by the board for "Ed's Weiners" at 600 Great Rd.;**  
**105CMR590.009(B) To allow the service of hot soups, pulled beef, sausage, hot dogs, chicken salad and baked beans, prepared at a licensed food establishment.**  
**105CMR590.009(B)(12) To allow this operation to be exempt from transporting the cart daily to a fixed location, and to permit only all of the supplies and**

equipment to be transported daily to a fixed licensed establishment for cleaning and servicing operations.

**105CMR590.009(B)(2)** To allow this operation to obtain water from the Town of Littleton water supply at the licensed location with a dedicated water line or from the permanent structure at the licensed location.

**105CMR590.009(B)(2)** To allow the gray waste water to be stored in a 250-gallon storage tank affixed to the underside of the unit, provided that the gray water is removed by a licensed hauler, and provided that measures are taken to prevent the tank from freezing in cold weather.

**105CMR590.009(B)(7)** To allow food to be stored at the walk-in cooler at Gary's Farm Stand, provided that transportation and delivery is compliant with local and state regulations and shall be subject to inspection by the Nashoba Associated Boards of Health.

**Aye, 5, unanimous**

Jim Clyde was asked for his input in regard to the surface water problem on Middlesex and Roxbury Drives. He stated that the town had installed a catch basin to pipe water to the empty lot. An easement was requested to drain the area but was not granted.

Discussion ensued. Mr. Frattallone will make a site visit sometime in the next few days.

**8:15 215 Taylor St.**

Ms. Gould was present to speak for Mrs. LeLievre of this address. Ms. Gould described the house as a grandfathered two-family home with an additional in-law apartment, (pre-dating 1951). Ms. Gould stated that the LeLievres are going before the ZBA to legitimize the in-law apartment, as there is no evidence that this had ever been done. Ms. Gould stated that they would also do a deed restriction, and that Brian Badger (installer of the septic system) had settled outstanding issues with Mr. Garrefffi. Ms. Gould also stated that there are bedrooms in the main unit, one bedroom in the other unit, and one bedroom in the in-law apartment, making three total number of bedrooms.

Ms. Gould took the opportunity to report to the members that she has gotten Tim Coughlin to write the expected letter that all outhouses have been removed from the Kaleva Campground.

**8:30 Creature Teacher Camp**

No representative was present to speak to their written request for a variance for number of porta-potties required at a camp.

**8:45 2 Aspen Rd.**

Ms. Sue Silberburg was present and stated that she was before the board as she was surprised her property was up for discussion this evening. Pertinent documents were obtained from her file and reviewed. A letter written by Steve Marsh, who also happens to be a licensed installer for septic systems, wrote a letter to the Board dated June 16, 2008 in which he stated that he felt that the Silberburgs septic system was in failure, a letter referenced later by the Town Administrator and Town Counsel. Ms. Silberburg stated that there her system was not in failure. She was advised by the Board that the clearest way to prove it would be to perform a T5 test, or have a site visit from the Board. Mr. Garrefffi's was noted to have stated that he find anything obvious to be wrong. Ms. Silberburg stated that the system is pumped every 12- 18 months. Discussion ensued.

**9:25 Administrative Matters**

- Discussion ensued on the Creature Teacher Camp request to have only one porta-potty **It was moved (Mr. Yapp) and seconded (Mr. Presti) to grant the following variance as requested in a letter dated July 16, 2009, and shall be reviewed by June 1, 2010.**

**Aye, 5, unanimous**

- Mr. Yapp reported to the board about his site visit to 5 Forest Rd.

- Mr. Yapp wanted to know how to proceed on Bev's evaluation this year due to unsettling events involving her and members of the board. Bev Some ideas were suggested. made conciliatory gestures to show willingness to talk.

**It was moved (Mr. Yapp) and seconded (Mr. Frattallone) to place the Board's letter of response, amended tonight by the board, in Bev's personnel file.**

**Aye, 5, unanimous**

**(amendment voted unanimously, to add that "This letter is with the hope that this will help mitigate the issues before the board.")**

**Aye, 5, unanimous**

- Mr. Presti, saying that this was bad timing, but that he wanted to put a memo into Bev's personnel file pointing out that she had not written a letter as directed in the June 9, 2009 minutes, and that "this has happened two or three times before". Discussion ensued. Mr. Yapp stated that an evaluation is to improve on performance, and that, generally speaking, the first approach is to go to the person directly and talk with them. If the same incident occurred two or three more times, then it was time to take it to another level. Mr. Frattallone stated that to forgive is the best. Mr. Doucette disagreed with Mr. Frattallone and stated that these letters/memos placed in Bev's personnel file are a way of keeping a record, and not meant to harass Bev in any way.

**It was moved (Mr. Yapp) and seconded (Mr. Frattallone) to place Joe's memo in Bev's personnel file.**

**Aye, 5, unanimous**

- The meeting was adjourned by unanimous vote at 10:20 p.m.

Submitted by Beverly Cyr, Administrative Assistant