

Meeting Minutes  
October 22, 2001

**Board of Health Members Present:**

Joseph McManus, Chairman; Dr. Susan Horowitz, Jodi Deuger

**Others Present:**

Robert K. Overton, R.S.; Debra Butcher

**Meeting called to order:**

Chairman McManus called the meeting to order at 7:00 pm.

**Minutes:**

The regular session minutes of August 27, 2001 were approved as amended. The executive session minutes of August 13, 2001 were approved as amended. The regular session minutes of October 1, 2001 were approved as written.

**Bills Approved/Signed:**

- \*RV Leonard (minor capital expenditure)-\$943.74
- \*Moore's Lumber-\$1040.00
- \*ApparelMaster-\$77.28
- \*Broadmeadow Sign-\$335.00
- \*Edwin Thompson-\$615.00
- \*EL Harvey-\$528.50

**Permits Approved/Signed:**

- \*90 & 92 Farmers Row; Steven Johnson
- \*Bertozzi Farm Road, Lot 4; Ralph Bertozzi
- \*Bertozzi Farm Road, Lot 8; Ralph Bertozzi
- \*10 Spruce Road; Tim Kelly
- \*Northwoods Road, Lot 4; Groton Land Foundation
- \*Worthen Drive, Lot 1; Lester Berry III
- \*Worthen Drive, Lot 3; Lester Berry III
- \*Worthen Drive, Lot 5; Lester Berry III
- \*Worthen Drive, Lot 6; Lester Berry III
- \*Boston Road, Lot 1; Northson Family LP
- \*Hoyts Wharf Road, Lot 3; Bennett Black
- \*1 Old Lantern Lane, Andrea Nolan
- \*622 Townsend Road, George Gallagher
- \*Tavern Road; Don Haberman
- \*23 Spruce Road; Estate of Elizabeth Rooney
- \*692 Chicopee Row; Radley Kneeland
- \*3 Off Prescott Street; Liza & Patrick Judge
- \*Duck Pond Drive, Lot B20; Robert Lacombe
- \*Boston & Shelters Road (corner of)-Robert Lacombe
- \*Townsend Road, Lot 1; John Willard
- \*Gratuity Road, Lot 1; Richard Marsh
- \*Gratuity Road, Lot 2; Richard Marsh
- \*Gratuity Road, Lot 3; Richard Marsh
- \*Gratuity Road, Lot 4; Richard Marsh
- \*Gratuity Road, Lot 5; Richard Marsh
- \*Gratuity Road, Lot 6; Richard Marsh
- \*Gratuity Road, Lot 7; Richard Marsh
- \*Gratuity Road, Lot 8; Richard Marsh
- \*Gratuity Road, Lot 9; Richard Marsh

**47 Boathouse Road:** Present: Steve Marsden, Marsden Engineering; Attorney Ray Lyons representing the homeowner,

Mr. Marsden stated that the existing 3-bedroom dwelling is located adjacent to Lost Lake and noted that the existing septic system could not be found. He stated that he was present to request the construction of a 3,000 gallon tight tank and presented the plan to the Board.

He stated that the property is in an area of converted seasonal camps where there has been at least 4 other tight tanks installed. He said the area was not suitable for an onsite sewage disposal system due to the extreme slopes, small lot size and proximity to Lost Lake.

The following variances were requested:

310CMR15.260                      3,000 gallon tight tank.

310CMR15.405(1)(a)              Offset to property line-10' required; 7' provided.

310CMR15.405(1)(f)              Offset to vegetated wetlands-25' required; 12' provided.

Chairman McManus requested comments from Health Agent Rob Overton. Mr. Overton stated that he reviewed the plan and visited the site and supported the use of a tight tank due to site conditions.

Member Susan Horowitz asked what would occur if the Board denied the request. Attorney Lyons stated that they would be forced to continue to use the existing system or shut the place down. He stated that he felt that this would not be in the best interest of this property and felt that the intent of Title 5 was not to shut properties down.

Member Susan Horowitz asked if this property could be used for seasonal only. Attorney Lyons answered by saying there would be no benefits to that; a tight tank would still be needed.

Mr. Marsden reviewed the pumping frequency requirements and stated that the pumping slips showing the amounts and dates pumped would be submitted to the Board of Health every two months. He said that this would verify proper operation and maintenance of the system.

Chairman McManus made a motion to accept the construction of a 3,000 gallon tight tank for property located at 47 Boathouse Road. The motion was seconded by Susan Horowitz and approved unanimously.

**25 Lakeside Drive:** Present: Steve Marsden, Marsden Engineering

Mr. Marsden stated that the property was located in Groton Ridge Heights and has a failed septic system. He designed a plan that he felt was the best solution given the constraints of the property. The following variances were requested:

Groton Board of Health Section I.E.7 – Minimum of twenty (20) feet must be available between any property line and the entire exterior perimeter of any proposed leach areas. ***Twenty feet required; 10 feet provided.***

310CMR15.405(1)(h) - Reduction in the offset from a leaching facility to a well; ***100 feet required; 53 feet provided.***

Chairman McManus asked Mr. Overton if he had reviewed the design plan. Mr. Overton stated "yes" and that he supported the variances as requested. He felt there was no alternative design that would best suit this site.

Member Jodi Deuger stated that she was concerned about the well variance. Mr. Overton stated that the maximum feasible compliance distance between a well and the leaching facility is 50' so this variance meets that requirement. Member Deuger asked if there were any way to increase the distance. Mr. Overton stated "no" without actually moving the well.

After a brief discussion, the Board agreed to add a stipulation on the permit that should town water become available, the owner must connect within 30 days.

Member Susan Horowitz made a motion to accept the requested variances at 25 Lakeside Drive. The motion was seconded by Chairman McManus and approved unanimously.

Chairman McManus made a second motion to attach a condition to the permit that should town water become available, a mandatory connection must be made within 30 days. The motion was seconded by Member Deuger and approved unanimously.

**"Draft" Live Stock Regulations:** Rob Overton presented "draft" regulations for live stock that were adopted by the Town of Shirley. He stated that the State is requiring towns to establish regulations in order to issue permits. This would allow Mr. Overton to oversee stable conditions and ensure that site conditions, i.e. manure, were handled properly. After a brief discussion, the Board requested copies of other town's regulations and to hold a public hearing at our next Board of Health meeting.

**Hazardous Waste Collection Fee:** The Recycling Committee recommended a \$20 fee for Hazardous Waste Collection Day to be held on November 17, 2001 at the Highway garage. Chairman McManus made a motion to recommend the \$20 fee. The motion was seconded by Jodi Deuger and approved unanimously.

**Carol & Michael Bouchard:** Mr. & Mrs. Bouchard filed a complaint with the Board of Health concerning odors allegedly coming from their neighbor's property. They stated that the odor was very offensive and prevented them from enjoying their yard during the summer months.

Mr. Overton recommended that the Board of Health have the property owner come in and defend himself directly to the Board. Chairman McManus agreed and requested that a certified order letter with a return receipt be sent to the owner to come before the Board at the next meeting. He thanked Mr. & Mrs. Bouchard for coming in.

**Septic & Well Regulations:** The Board agreed to conduct a public hearing to amend the Septic & Well Regulations.

**Stagecoach Inn:** The Board of Health received a letter from Mr. George Pergantis appealing the negative determination for the construction of a private well at the Stagecoach Inn.

Mr. Overton reported that the application for a private well was denied because the Stagecoach Inn was a public water supply. He stated that since town water was available, it should be utilized to serve the Inn and all other buildings on that property. The Board agreed to uphold Mr. Overton's decision to deny his application.

Member Susan Horowitz asked if a second dye test was performed on the property since the first one was inconclusive. Mr. Overton stated "no". He said he was waiting to set up a convenient time with Mr. Pergantis to retest.

**Groton General Store:** The Board of Health received a letter from Bruce Gagne asking the board to reduce the 90 day suspension given to the Groton General Store for violations of the Town of Groton's Tobacco Control Regulations. In the letter, Mr. Gagne stated that since day one of the suspension, he has seen a 50% decrease in grocery sales in addition to a total loss of tobacco revenues. Based on these losses, Mr. Gagne felt that he could be out of business as a direct result of the suspension.

Member Susan Horowitz supported the reconsideration since she was a business owner herself. She didn't think the suspension was worth putting Mr. Gagne out of business.

Chairman McManus strongly disagreed with Member Horowitz. He opposed the sale of tobacco to minors and felt that the Groton General Store's repeat violations should not be tolerated.

Member Jodi Deuger agreed with Chairman McManus and did not support overturning the suspension. The Board did not retake a vote but Chairman McManus requested that the minutes reflect that "one member strongly objected" to the 90 day suspension. Debra Butcher will notify Mr. Gagne of the Board's decision via mail.

**Proposal on Growth Moratorium:** Chairman Joseph McManus presented a proposal on a building moratorium for residential and commercial development. He requested that the Board of Health formally address the proposal at the next Board of Health meeting and asked that all boards and committees attend. Debra Butcher will publish the meeting in the newspapers.

**Emergency Management Plan:** Member Susan Horowitz agreed to attend the meeting on October 25, 2001 at 1pm at the Public Safety building on behalf of the Board.

**Website:** The Board of Health revisited the issue of putting minutes on the Website. Member Jodi Deuger felt that putting the minutes on the Website encourages controversy so she didn't want them put on. Member Susan Horowitz did not agree. She said that minutes were a public document and should be on the Website. Chairman McManus agreed with Member Deuger. Debra Butcher will notify the Computer Committee that a majority of the Board did not want our minutes submitted to the Website.

**November meetings:** The Board of Health scheduled two regular meeting in November - November 14, 2001 and November 26, 2001.

**Adjournment:** Chairman McManus made a motion to adjourn at 9:30 pm. The motion was seconded by Member Horowitz and voted unanimously.

**Approval:**

---

Joseph McManus, Chair

---

Dr. Susan Horowitz

---

Jodi Deuger

Respectfully Submitted,  
Debra A. Butcher