

MEETING MINUTES
October 28, 2002

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Jodi Deuger, Matthew Waterman (arrived at 7:05pm)

Others Present:

Debra Butcher, Ben Cutone

Meeting Called to Order:

Dr. Horowitz called the meeting to order at 7:00 pm.

Introduction – Ben Cutone:

Dr. Horowitz introduced Groton's new Health Agent to the audience.

Minutes:

Regular Session August 12, 2002 – Member Matthew Waterman made a motion to approve the minutes as written. The motion was approved unanimously.

Regular Session September 9, 2002 – Member Jodi Deuger made a motion to approve the minutes as amended. The motion was approved unanimously.

Special Session September 24, 2002 – Member Matthew Waterman made a motion to approve the minutes as written. The motion was approved unanimously.

Permits Approved/Signed:

- *19 Bayberry Road, Jeff & Suzanne Lunt (new)
- *Duck Pond Drive, Lot B60A1; Robert Lacombe (new)
- *Long Cope Road; Lots 3732-3742 incl.; Earl Carter (new)
- *106 Mill Street, Construction Resources (transfer)
- *3 Wildflower Lane, Lot 2; Robert Hicks (new)
- *Hazel Road, Lots 183-192; George Eblan (new)
- *Island Pond Road, Lot 1; Granite Bridge LLC (transfer)
- *Forest Drive, Lot B33; Robert Lacombe (new)
- *Sandy Pond Road (Building A); Fox Meadow Realty (new)
- *Sandy Pond Road (Building B); Fox Meadow Realty (new)
- *397 Chicopee Row; Mike Perrault

Bills Approved/Signed:

- *CTC Communications (SW)-\$48.30
- *CTC Communications (BOH)-\$78.08
- *BFI-\$6319.55
- *Covanta-\$8167.61
- *Belledeu & Co.-\$11.97
- *Belledeu & Co.-\$40.65
- *UMass Memorial (Herbert Lipton) July through September-\$1625.00
- *Nashoba Associated Boards of Health (2nd quarter)-\$5680.50
- *Moison Ace Hardware-\$139.32
- *Groton Electric Light-\$29.18
- *Groton Electric Light-\$8.08
- *Groton Electric Light-\$47.83
- *Reliable Office Products-\$234.34
- *Belmont Springs-\$27.00
- *Sully's Auto Repair & Towing-\$29.00
- *ApparelMaster-\$77.28
- *Westford Tire & Auto Center-\$69.95
- *CTC Communications (BOH)-\$82.28
- *CTC Communications (SW)-\$39.28
- *Routhier & Sons-\$243.75
- *Golden Recycling-\$400.00
- *Ayer Auto Parts-\$502.18

Baddacook Pond Road: Present: Atty. Ray Lyons, Daniel Wolfe, Edna White

Attorney Lyons and Mr. Wolfe were present representing the New England Forestry Foundation.

The hearing was continued from September 9, 2002. The Board of Health conducted a site walk on September 21, 2002.

Mr. Wolfe reintroduced the variance requested and added an additional well variance to the request. He stated that the well variance would be needed if logistics prevented town water to be utilized. He said that the proposal was for a drilled artisan well.

The following variances were requested:

Groton Board of Health's Local Regulation:

Section I.E.1 – Minimum offset from the sewage disposal system to the edge of the wetlands is 100 feet. 100 feet required; 51 feet provided.

Well Regulations 5.0 – Minimum offset from the edge of wetlands to a well is 100 feet. 100 feet required; 16 feet provided.

Member Jodi Deuger asked if the property was intended to be used for seasonal or year-round use. Attorney Lyons said "it was designed for year round use."

Member Matthew Waterman stated that he visited the site and asked to view the new plan proposed. He asked if the design contained nitrogen loading. After reviewing the plan, he said he didn't believe the property consisted of four bedrooms. Mr. Wolfe stated that when he visited the site, there were "four" bedrooms. He said that the property provided adequate square footage for four bedrooms.

Member Jodi Deuger asked if this plan was for "new construction." Attorney Lyons said it was not determined yet.

Mr. Wolfe stated that the system and well were proposed in the only available locations within the proximity of the dwelling. He said the proposed system is felt to be in the most environmentally appropriate location and an improvement over what is currently there.

Member Waterman asked what records the Assessor's office had on the property. Mr. Wolfe stated that he would obtain a card on the property.

Chairman Horowitz stated that when she visited the site, she felt the property had been abandoned and not used in quite a while. She said she didn't like the idea of having the system only 51 feet from a major water resource of the Town.

Attorney Lyons stated that the cabin was indeed used recently. Chairman Horowitz stated that the Groton Electric Light Department had no record of electricity at the property. Groton resident Edna White disagreed with Mr. Lyons and stated that the cabin had not been used in over two years.

Chairman Horowitz stated that she learned there was an adjacent cabin that had a similar proposal for an upgrade and it was denied by the Board of Health in 1992. Debra Butcher submitted the file for review. She stated that she would like to review the history of that site prior to her making a decision.

Discussion continued regarding the existing outhouse and well on the property. Chairman Horowitz stated that she would prefer to have the outhouse than to have construction of a "mc-mansion" built.

Attorney Lyons disagreed with. He stated that a modern septic system and well was in the better interest of public health concerns.

Chairman Horowitz asked if a Zoning Board of Appeals determination was sought. Resident Edna White interjected and stated that ZBA would need to determine whether the property was seasonal or could be used for year round use.

Attorney Lyons stated that the question on whether the property was seasonal or not was irrelevant according to the Board of Health's regulations. He said the system needed to be built to year round use standards.

Chairman Horowitz again stated that she had concerns about approving a system near wetlands and the lake. Member Jodi Deuger stated that she was not comfortable with approving variances for property that should be classified as new construction.

Attorney Lyons argued that the Board of Health should only be concerned with the septic system and well and zoning issues were not under their jurisdiction. He stated for the record that the issue of whether or not this was new construction was not yet determined. He stated that the plan before the Board was under the upgrade rules only.

Chairman Horowitz stated that she would like the property to remain in its current condition. She stated that she will obtain electrical information to determine whether the property was abandoned. She said she would "rather use it as is with the outhouse." Attorney Lyons said that he came before the Board requesting the variances to protect the public health. Chairman Horowitz stated that she didn't think the property as is was a danger to the lake.

Attorney Lyons stated that N.E.F.F. was a non-profit organization and wasn't sure what their plan was for the house. He said initial discussions were sought prior to engaging in full engineering plans. He said that preliminary discussions were for a four bedroom house. Chairman Horowitz stated that a four bedroom house was too big for the site because of its close proximity to the water.

Member Matthew Waterman recommended that the applicant obtain an evaluation from the Assessor's office of how many bedrooms exist and square footage of the building. He asked if more information could be put on the plan, i.e. distance to the Groton wellhead, etc. and return to the Board of Health.

Attorney Lyons stated that there existed a possibility that town water could serve the lot and that would be his preference, however, there may not be enough time to accomplish that.

Member Jodi Deuger agreed and asked if the new Health Agent could visit the site. She made a motion to continue the hearing until November. The motion was seconded and approved unanimously.

27 Whitney Pond Road: Present: Kevin Armstrong, Howe Surveying; Robert Moore

The hearing was continued from September 9, 2002 in order to obtain cost estimates from the Water Department.

Mr. Armstrong stated his firm had completed a septic system design for the construction of a 960-square foot cape. The construction would require a variance offset for the well location. He stated that since he last met with the Board, he obtained a cost estimate from the Water Department with regards to tying into town water. He stated that the cost was in excess of \$36,000. and "this is where the project stood."

Chairman Horowitz stated that the Board of Health received memorandums from the Water Superintendent (dated October 24, 2002 and October 28, 2002) stating that the materials cost and installation appeared "high" and requested that the Board of Health defer on the project proponent's request to drill a well until further notice and evaluation by the Water Commissioners.

Chairman Horowitz stated that she visited the site. Discussion continued regarding the plan for the building and the number of bedrooms proposed. Member Jodi Deuger stated that she would like to have Health Agent Ben Cutone visit the site prior to a Board decision. Member Waterman stated that in reviewing the minutes of September 9, 2002, former Health Agent Robert Overton had no concerns on the approval of the variance as written. He felt the cost estimates were inflated and asked that they be verified.

Chairman Horowitz stated that she would like to know what the future of road was and how many houses would be serviced or the potential of. She recommended that Mr. Armstrong review the Water Department's letter with Mr. Orcutt to see if there were any project savings or to modify his quote.

Member Waterman made a motion to continue the public hearing until November. The motion was seconded and voted unanimously.

19 Bayberry Road: Present: Jeffrey Hannaford, Norse Environmental; Suzanne & Jeff Lunt; Dean Pellegrini, abutter

Mr. Hannaford was present requesting the following variance:

Groton Board of Health's Local Regulations:

I.A.2 – Deep observation holes for the determination of ground water elevations may be performed during the months of March and April. *Test hole performed in June.*

Mr. Hannaford stated that the upgrade to the existing system was requested to allow for the expansion of the existing dwelling. He stated that testing was performed in June indicated that a Class I soil had no evidence of a seasonal high water table to depths of 10 to 11 feet. He said that the lot sloped down to the south to an in-ground pool. He also stated that the soils were sand and gravel

Mr. Hannaford stated that the property had adequate soils at the rear of the property and was served by town water. The proposed septic plan to designed to increase the house from a three bedroom to a four bedroom.

Discussion continued regarding the tank size and wetlands. Mr. Hannaford stated that tank would need to be upgraded since it was only a 1000 gallon tank. Member Waterman stated that he was comfortable with the design and read comments from former Health Agent Rob Overton supporting the variance. He said that Mr. Overton recommended allowing the applicant to begin construction of the addition with a condition that in-season testing is done prior to construction of the septic system.

Member Waterman asked to see the original septic system permit from 1982. He said that the permit stated that the lot provided coarse sand to 10 feet and dry on the date of testing (3/24/82).

Abutter Dean Pellegrini asked about possible implications to his property during ground water season. He stated that he had no objections to the addition and didn't want to delay the project but wanted clarification from the Board that there would be no future problems to his property from runoff.

Chairman Horowitz stated that the applicant is taking a chance on the outcome of the testing. If the test does not meet the testing standards, the applicant would need to tear down the addition. She recommended that the variance be approved and having testing done in the spring.

Member Waterman stated that based on the ground conditions, he didn't have an issue with granting the variance. He made a motion to approve the variance with a condition that a confirming observation test hole be performed at the time of the bottom of trench excavation inspection. The motion was seconded and approved unanimously.

Pay-As-You-Throw: Present: Michael Brady, Tessa David & Bruce Dubey

The Recycling Committee presented an update on the program and stated that they received support from the Board of Selectmen to conduct a joint public hearing with the Board of Health.

Discussion continued regarding cost for the program with stickers and bags. Member Waterman asked what would happen with Waste Management. Mr. Brady stated that if the Town votes to support PAYT, Waste Management would no longer be allowed to dispose at the Transfer Station. The Board of Health recommended to contact Town Counsel and review the cost estimates and get a legal opinion.

Chairman Horowitz made a motion to hold a public hearing to explore Pay-as-you-throw. The motion was seconded by Member Waterman and approved unanimously.

General Business:

1. November Board of Health Meetings – The Board agreed to conduct meetings on November 12, 2002 and November 25, 2002. The Board requested comments from Ben Cutone on agenda items if he was unable to attend.
December Board of Health Meetings – The Board agreed to conduct meetings on December 9, 2002 and December 16, 2002.
2. Mosquito Program – Member Jodi Deuger presented information on mosquito control which includes information on dunks and BT. The Board agreed to invite the John Kenney from the Mosquito Control Board to a future meeting.

3. Pesticide Brochure – The Board agreed to continue discussion at its next meeting.
4. Tobacco Control Program – The Board agreed to continue enforcing the Board's regulation on Tobacco Control especially with regards to youth access. They recommended that Debra Butcher assume more responsibility in regards to compliance checks. Member Jodi Deuger made a motion to continue enforcing the regulations. The motion was seconded and voted unanimously.
5. Hemlock Road – The Board received a letter written by an abutter concerned about the excavation and runoff from construction. The Board agreed to have Ben Cutone visit the site and address concerns in the letter.
6. Dr. Bruner's letter – The Board agreed to allow Chairman Horowitz to address the concerns in the letter.
7. Knops Pond/Lost Lake Weed Committee – The next meeting is scheduled for November 20, 2002. Chairman Horowitz agreed to attend.
8. Well Regulations – The Board voted to open the Well Regulations regarding Section IV Permitting of Construction/Deconstruction of Well to include review by the Water Department and/or the West Groton Water Supply District.
9. Shaw's Supermarket – Chairman Horowitz attended the MEPA meeting on the site. She recommended that Ben Cutone monitor the amount and quality of fill brought to the site.
10. Transfer Station – Bruce Dubey stated that he is currently working with Town Counsel on language for a bid specification on construction debris. He also stated that during the week of November 4, 2002, he will be having medical treatment again.

Adjournment: Member Jodi Deuger made a motion to adjourn at 9:45 pm. The motion was seconded and approved unanimously.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz, Chairman

Jodi Deuger

Matthew Waterman

Respectfully Submitted,
Debra Butcher