

MEETING MINUTES
April 14, 2003

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Jodi Deuger, Matthew Waterman

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting called to order:

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

Minutes: Regular Session 3-10-03: The Board voted unanimously to accept them as written.

Regular Session 3-24-03: Dr. Horowitz asked that they be tabled until the next meeting.

Permits Approved/Signed:

- *44 Drumlin Hill Road; Wiseman
- *52 Prescott Street; Grotonwood
- *141 Prescott Street; Grotonwood
- *6 Westview Street; Stoddard
- *70 Lakeside Drive; John Freidrich

Bills Approved/Signed:

- *Metrostat-\$35.00
- *Moison Ace Hardware-\$167.79
- *Welch Welding-\$92.10
- *Myette Power-\$13.75
- *BME Engineering-\$8100.00
- *Advance Security Systems-\$18.33
- *Groton Electric Light-\$62.59
- *Groton Electric Light-\$193.25
- *Groton Electric Light-\$6.86
- *Ayer Auto Parts-\$374.66
- *Shattuck Oil-\$117.12
- *Shattuck Oil-\$89.87
- *Belmont Springs-\$27.00
- *ApparelMaster-\$77.28
- *Buckley Energy-\$499.20
- *Myette Power-\$13.90
- *Evans on the Common-\$198.00

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79A&B Kemp Street Present: Kevin Ritchie, Diversified Civil Engineering

Mr. Ritchie presented the abutters' notices for the record. He stated that the property was a two-family dwelling with a failed Title 5 report in preparation of a selling it. He said that when he began to do the soil testing, it was determined that there was only 16" of soil available. He said that wetlands were detected on the northern side of the property and four test holes were performed. He stated that in an attempt to preserve the private well radius, they were forced to locate the system in the back corner of the property. Mr. Ritchie stated that a polybarrier was proposed with a 2:1 slope.

The following variances were requested:

310CMR15.212(a) & Groton Board of Health Regulation I.A.5 – To allow a 3-foot vertical separation between the

bottom of the leach field and the groundwater with the use of a single home FAST system.

Section I.E.7 - To allow a reduction in the requisite offset from a property line to a leach field from 20 feet to 14 feet.

Section I.A.F - To allow the size of the leach field to be based on Title 5 effluent loading rates.

310CMR15.240(1) & Groton Board of Health Regulation I.C.5 – To allow the placement of a septic system in an area with less than 4 feet of naturally occurring pervious material with the use of a single home FAST system.

Section I.E.9 - To allow placement of a leach field 10 feet away from an impervious barrier.

Section I.A.2 - To allow the use of soil test pits performed during the month of May rather than the requisite months of March and April.

After a brief discussion, the Board members felt it was the best solution. Member Waterman stated that the existing system should not have failed in such a short period of time. Member Matthew Waterman made a motion to accept the variances subject to a confirming deep hole be done during the bottom of bed inspection. The motion carried unanimously.

Tobacco Compliance Hearings

Mr. Mike's Mobil – Present: Nancy, Store Manager & Joe Hart, President, Peterborough Oil

Dr. Horowitz opened the hearing by reading the violation notice.

Mr. Hart acknowledged that the sale occurred and stated that he was “making no excuses” for it. He stated that his store manager was properly trained in the process and that the employee who made the sale was immediately terminated. He said that the company was looking a scanning machines to prevent future sales to minors.

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The store manager stated that she has been out on medical leave and hasn't been available to oversee the store. She stated that she has instructed her employees to check all identifications, regardless of visible age. Chairman Horowitz recommended that the store purchase a scanning machine. Mr. Hart committed that the store would be purchasing one.

Member Jodi Deuger made a motion to fine Mr. Mike's Mobil \$200 and suspend their license to sell tobacco products for three consecutive days beginning on April 16, 2003 at 6:00am and ending on April 20, 2003 at close of business. The motion carried unanimously. Health Agent Ben Cutone will confirm the suspension during a random inspection.

Prime Energy – Present: None

Dr. Horowitz opened the hearing by reading the violation notice.

Member Matthew Waterman made a motion to suspend their license to sell tobacco products for one day (April 17, 2003) and fine them \$100 as per the regulations. The motion carried unanimously. Health Agent will hand carry a cease and desist order letter to them.

6 Westview Street Present: Dan Wolfe, Ross Associates; John Stoddard, Anna & Stan Kopec

Mr. Wolfe presented abutters' notices for the record. He stated that the property was an existing home in a small neighborhood in West Groton containing a number of constraints in locating a septic system. He said the house was in the center of the property on a very small lot with a sloping yard to the west side of the property. He stated that the design was the best option to pursue.

Town of Groton's Local Regulations

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- Section I.A.5 - Minimum offset from groundwater is five feet. Four feet proposed.
- Section I.C.9 - Percolation rates over fourteen (14) minutes/inch require leaching trenches. Twenty (20) minutes per inch percolation rate exists on the site.
- Section I.F.1 - Leach beds and pits will be sized at 150% of Title 5 requirements. Leaching areas based on percolation rates greater than 14 minutes/inch shall have a reserve area of 150% of the primary area. Title 5 sizing utilized.

Dr. Horowitz asked for comments from Health Agent Ben Cutone. He stated that he had no issues with granting the variances and that the design plan met Title 5 requirements.

Mrs. Kopec asked how the repair would effect her property. Mr. Wolfe stated that it would have no direct impact other than visual because of the elevation of groundwater.

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Dr. Horowitz asked if the property was on town water. Mr. Wolfe stated "yes". He stated that the age of the system was at the "end of its life". Member Waterman asked if it was the original system. Mr. Wolfe stated "yes".

Member Jodi Deuger made a motion to accept the variances as written. The motion carried unanimously.

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44 Drumlin Hill Road Present: Drew Garvin, R.Wilson & Associates; Roger & Anita Wiseman

Mr. Garvin presented the repair design to the Board and requested the following variances:

Town of Groton's Local Regulations

- Section I.A.2 - Deep observation holes for the determination of groundwater elevations may be performed during the months of March and April. Use of holes conducted in months other than March and April will be limited to Class II and Class III soils, with a percolation rate of greater than five (5) minutes/inch.
- Section I.E.6 - Minimum of thirty-five (35) feet must be available between the edge of any street, passageway or road line and the entire exterior perimeter of any proposed leach areas. Thirty-five feet required; 15 feet provided.
- 310CMR 15.211 - Minimum from cellar wall to leaching area is twenty (20) feet required. Twenty feet required; 16 feet provided.
- 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 area.

Mr. Garvin stated that the sale of the house was pending upon the repair so his clients were anxious to upgrade. He stated that the proposed system was being designed in the front of the house next to the existing failed system.

Member Matthew Waterman asked what the estimated seasonal high water table was. Mr. Garvin stated there was no observation to 10 feet.

Dr. Horowitz asked for comments from Health Agent Ben Cutone. Mr. Cutone stated that he had no issues and that the upgrade would have trenches over a bed design which he preferred.

Member Waterman asked if there was a garbage grinder or any filtration system was in place in the house. Mr. Garvin stated "no".

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Member Deuger asked if abutters were notified. Mr. Garvin stated "yes". After a brief discussion, Member Waterman asked that variance I.E.7 be eliminated. Dr. Horowitz asked that a confirming deep hole be conducted at time of installation.

Member Matthew Waterman made a motion to approve variance number 1,2, & 3 with a revision on the permit for a confirming deep hole during the bottom of the bed inspection. The motion was seconded carried unanimously. The Board signed the permit and made a notation on it concerning the confirming deep hole.

Still Meadow: Present: Hans Antonsson, President

Mr. Antonsson was present requesting a site assignment under the Board's Woodwaste Disposal Regulation.

He stated that he is developing a 10 unit subdivision on a 35-acre parcel off Nashua Road with over 30 acres of conservation land surrounding it. He stated that preparation of the site required that stumps be removed and would like approval for stump burial.

Member Deuger stated that she had concerns with burying stumps. Health Agent stated that the Board of Health had an existing regulation that allowed for the burial of 200 cubic yards per site with permission from the local Board of Health.

Dr. Horowitz stated that she was a member of the Board of Health when the Board approved the amendment in October 2000. She stated that the intent of the regulation was to accommodate small businesses and homeowners, not developers. She stated that she voted against adopting the amended regulation.

Mr. Antonsson asked what developers should do with stumps. He stated that he has already paid to have some hauled off the site. The Board recommended bringing the stumps to a business who would grind them up.

Discussion continued regarding the requirements of the regulation and the determination of groundwater on the site. Mr. Cutone stated that the site was all sand. Member Waterman asked who would certify the site other than the Health Agent. He asked that the plan be stamped by a professional engineer. Mr. Waterman stated that he needed certification that the volume was less than 200 cubic yards. Chairman Horowitz asked that the plan be provided with all the figures included.

Mr. Antonsson stated that he felt the Board was making this a difficult situation for him but would comply with the request. The Board will continue discussion at the next Board meeting. Member Waterman requested that a letter be sent outlining what the Board required. Mr. Cutone will draft it. The Board took no further action.

Other Business:

1. Recycling Committee - Present: Michael Brady, Bruce Dubey, Tessa David
The Board agreed to conduct a public hearing on April 29, 2003 to adopt Transfer Station regulations.

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2. Well and Septic Regulations
The Board agreed to conduct a public hearing on April 29, 2003 for the amendments to the Well and Septic regulations.

Member Waterman left the meeting.

3. Chestnut Hill at Brooks Orchard
The Board reviewed the draft memorandum to the Groton Water Department and voted to send as written.
4. Washington Green Development
The Board reviewed the plans and commented that they were unable to make comments until they obtained soil data and sewage disposal engineering plans.
5. May Board of Health Meetings
The Board agreed to have meetings on May 13, 2003 and May 27, 2003.
6. Fee Schedule

Ben Cutone will provide the fee schedule for other Nashoba towns.

7. Groundwater Testing Season

Mr. Cutone requested that the Board extend groundwater testing season to May 16, 2003 due to the weather conditions recently. The Board had no concerns and voted unanimously to extend it.

The meeting adjourned at 9:00pm.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz, Chairman

Jodi Deuger, Member

Matthew Waterman, Member

Respectfully Submitted,
Debra A. Butcher