

## **TOWN OF GROTON**

Groton Board of Health  
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### **Meeting Minutes October 18, 2004 Town Hall, Groton, Massachusetts**

#### **Board of Health Members Present:**

Dr. Susan Horowitz, Chairman; Matthew Waterman; Robert Hanninen

#### **Others Present:**

Ben Cutone, R.S.; Debra Butcher

#### **Meeting Called to Order:**

Chairman Horowitz called the meeting to order at 7:30pm.

#### **Minutes:**

September 27, 2004 minutes were approved as amended.  
October 4, 2004 minutes were approved as written.

#### **Septic Permits Approved/Signed:**

- \*Worthen Drive, Lot 6; Denise Galvin (Transfer/Renewal)
- \*252 Forge Village Road, Lot 1; David Moulton
- \*27 Whitney Pond Road; Robert Moore
- \*17 Anthony Drive; Estate of George E. MacGregor

#### **Bills Approved/Signed:**

- \*Nashoba Associated Boards of Health (2<sup>nd</sup> qtr)-\$5,738.75
- \*CTC Communications (BOH)-\$65.79
- \*Routhier & Sons, Inc.-\$490.50
- \*Rick Lamarre & Son-\$5,431.05
- \*Covanta-\$4,249.81
- \*CTC Communications (SW)-\$31.14
- \*Casey & Dupuis-\$207.43
- \*Advance Security Systems-\$18.33
- \*Airgas-\$22.50
- \*Moore's Lumber-\$37.49
- \*Mobile Consultants-\$10.08

30 Allens Trail: Present: Diana MacLeod; Priscilla Flynn

Representing her property, Ms. MacLeod requested the following variance in order to construct an in-ground swimming pool on her property:

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Town of Groton's Local Regulation – Section I.E.3

Minimum of ten (10) feet must be available between the primary and expansion leaching facilities. *Ten feet required; less than 10 feet provided.*

Health Agent Ben Cutone stated that the swimming pool needed to be constructed in the proposed area because if the reserve area was moved, it would be on top of the primary area. He stated that if the sewage disposal system failed, the new system would need to be constructed as close as possible to the old one for grading purposes. The variance was to move the reserve area closer to the primary area.

Chairman Horowitz stated that it was her concern that if the system failed, any new owners would be impacted by that. She suggested that the pool be removed if that occurred.

Mr. Cutone answered by saying that it would be appropriate to remove the existing leaching facility and put a new one back in its spot. He said that town water was in the front of the property and all electrical components were in the rear.

Member Matthew Waterman recommended that the engineering plan be modified to reflect these proposed changes if the Board approves the variance.

Abutter Priscilla Flynn of 582 Lowell Road stated that she and her husband had concerns about their well. She stated that the construction of an in-ground pool could potentially cause risk to the operation of their well because it was a shallow well. She opposed the approval of the variance.

Mr. Cutone said that if this would not encroach on wells if the pool was constructed as proposed. He said that the Conservation Commission has conducted a site walk and this property is far enough away from wetlands.

After a brief discussion, Member Robert Hanninen made a motion to grant the variance with condition:

*An engineer must redesign the reserve area showing the pool location and submit the plans to the Nashoba Associated Boards of Health prior to any construction.*

The motion was seconded by Member Matthew Waterman and approved unanimously.

308 Townsend Road Present: Dan Wolfe, P.E.; Ross Associates

Mr. Wolfe requested the following septic variances for this property:

Town of Groton's Local Regulations

Section I.A.2 - Deep observation holes shall be performed during the months of March and April. *Testing was performed on June 2, 2004.*

Section I.E.1 - Minimum offset from the sewage disposal system to a wetland area is 100 feet. *Offset of 67 feet is provided.*

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Section I.F.1 - Leaching beds shall be sized 150% of Title 5 sizing requirements. *100% sizing is provided.*

Mr. Wolfe reported that the four bedroom dwelling was on a one acre lot and the owners were voluntarily upgrading their septic system. Chairman Horowitz stated that she conducted a drive-by of the property so she was familiar with it. She suggested that Mr. Wolfe file with the Conservation Commission. He said that he had started the paperwork already. She asked that a permit be conditional on Conservation Commission approval.

Mr. Wolfe had no problems with the request. He felt the upgrade was a vast improvement over the existing location.

Member Matthew Waterman made a motion to approve the above requested variances. The motion was seconded by Member Hanninen and approved unanimously. The Board requested that the permit be held until the Conservation Commission has approved the site.

318 Main Street – Postponed to November 1, 2004

39 Island Pond Road Present: Dan Wolfe, P.E.; Ross Associates

Mr. Wolfe requested the opinion for the count of bedrooms for this property. Chairman Horowitz requested comments from the Board's Health Agent. Mr. Cutone stated that he had determined that the proposed office met the Title 5 definition for a bedroom which included the following: A room with at least one window, minimum of 70 square feet of floor space and intended privacy. He requested that the applicant to not install glass French doors for the entrances to the proposed office space.

Mr. Cutone stated that he objected to the doors because it would be easy for the future owners to use the room as a bedroom. He reminded the Board that previous situations have come up where owners marketed their homes and included offices as bedrooms.

Mr. Wolfe stated that it would be very difficult to convert this particular room into a bedroom because of the door opening size. He stated that the only reason for the proposed French doors was to provide quietness.

Chairman Horowitz suggested that the applicant increase the septic design for a five bedroom. Mr. Wolfe felt that the home was nearly complete and it would be a lengthy process.

Mr. Cutone recommended that the Board require a deed restriction on the property and filing it as a four bedroom design.

Member Robert Hanninen made a motion determining that the property at 39 Island Pond Road was a four bedroom and requested that the applicant file a deed restriction maintaining this as a four bedroom dwelling. The motion was seconded and approved unanimously.

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394 Lowell Road Present: Patricia Sawyer, Highway Surveyor Tom Delaney

The Board received written correspondence from Ms. Sawyer complaining about an odor from water and/or a beaver dam near her property. She stated that the odor smelled like sewer and was "unbearable" to her.

Health Agent Ben Cutone stated that he inspected the area several times and it was his opinion that the smell originates from a nearby swamp. Chairman Horowitz questioned whether the smell was noticeable after heavy rains. Ms. Sawyer said "yes" especially this year.

Tom Delaney stated that there are several beaver dams in the area. He said his men monitor beaver dams to keep them open. Mr. Delaney believed that the odor was from swamp gases. Chairman Horowitz agreed and asked that the dams be closely monitored. She said that this may help alleviate the problems.

Transfer Station – Bruce Dubey informed the Board that he has hired a new Heavy Equipment Operator for the Transfer Station. He said that Michael Moore will start on October 26, 2004.

- Debra Butcher requested approval for the Board to re-evaluate the job wage classification for the Transfer Station Clerk’s position. She said that the employee is currently under the Town’s Personnel By-law and the job moves up a “step” each year, increasing the salary. She stated that the job should only be classified as a “seasonal” part-time position and the salary should be frozen each year. The Board agreed. Ms. Butcher will contact the Personnel Board.

- OTHER BUSINESS

- Flu Vaccine Shortage – Health Agent Ben Cutone provided an update on the flu vaccine. He stated that Nashoba Boards of Health is working with the State to obtain doses. He said that Jim Garreffa is preparing a statement for the newspapers.

Greywater Regulations – The Board discussed adopting regulations and decided against it. Mr. Cutone stated that he researched how other Agents in his office felt about them. The majority opinion was that they went against Title 5 regulations.

Septic/Well Regulations – Chairman Horowitz requested that the current regulations require a GPS location on as-builts. The Board will revisit this at a later date.

- The meeting adjourned at 9:10pm.

GROTON BOARD OF HEALTH

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Dr. Susan Horowitz	Matthew Waterman	Robert Hanninen
Chairman		

Respectfully Submitted,  
Debra A. Butcher