

TOWN OF GROTON

Groton Board of Health
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Meeting Minutes November 15, 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:

The minutes of September 14, 2004, October 25, 2004 & October 28, 2004 were tabled.

Permits Approved/Signed:

- *9 Westview Street, Joe Blood
- *Gratuity Road; Lot 7; Adam Burnett (Renew/Transfer)
- *Duck Pond Road; Lot B20; Robert Lacombe
- *Gratuity Road; Lot 2; Breezy Hill Realty Corp. (Renew)
- *Worthen Drive, Lot 5; Mickey Higgins
- *106 Mill Street; Construction Resources (Renew)
- *175 Forge Village Road; George Nunes

Bills Approved/Signed:

- *Advance Security Systems-\$18.33
- *Airgas-\$69.44
- *Airgas-\$23.26
- *Airgas-\$140.85
- *Apparel Master-\$51.52
- *Barnes Distribution-\$170.39
- *Barnes Distibution-\$66.96
- *Belmont Springs-\$28.09
- *Boston Globe (Trash contract RFP)-\$102.95
- *Buckley Energy-\$188.47
- *Casey & Dupuis-\$200.55
- *Evans on the Common-\$185.00
- *Lowell Sun (Heavy Equipment Operator position)-\$195.25

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- *Moison Ace Hardware (SW)-\$373.87

- *Shattuck Printing (receipts)-\$95.00
- *Welsh Welding-\$242.80
- *Ayer Auto Parts-\$196.20
- *Moison Ace Hardware (BOH)-\$44.83
- *Shattuck Printing-\$74.00
- *Covanta Haverhill-\$3,863.82
- *Rick Lamarre & Son-\$5,008.41

323 Martins Pond Road: Present: Robert Black, installer

Mr. Black stated that the septic permit was issued in June of 2004 and the system was installed. He said that because of site conditions concerning the slope, the tank needed to be installed in the same location as the old one, therefore, needing a variance for the tank to be less than 10 feet to the slab foundation.

310 CMR 15.211(I): Minimum Setback Requirements

All systems must conform to the minimum setback distance for septic tanks and soil absorption systems, including reserve area, measured in feet.

Slab Foundation - Minimum distance 10 feet required; 3 feet provided.

The Board had no concerns because there was no threat to public health. Member Matthew Waterman made a motion to grant the variance as requested. The motion was approved unanimously.

91 Culver Road: Present: Tracy Eliades; Russ Wilson; Maureen Beal, abutter

The hearing was continued from November 1, 2004. The Board conducted a site walk on November 5, 2004.

Dr. Horowitz stated that it was noted during the site walk that the retaining wall was not essential for the fill for the septic system. She stated that the dwelling was new construction and the Board would have disallowed any variance for a retaining wall if presented with the request.

Health Agent Ben Cutone stated that the retaining wall was not shown on the permitted septic engineering plan but does control breakout fill from the system. He stated that the only concern was the safety of the wall.

The following variance was requested:

Town of Groton's Local Regulations:

Section I.E.9 - Minimum of 15 feet must be available between the edge of a soil absorption system and an adjacent side slope, measured from the top of the peastone elevation in the soil absorption system. The finished side slope is not to be steeper than 3:1 (horizontal-vertical). Walls and impervious barriers are not allowed to adjust the side slope requirement and offset.

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Mr. Eliades stated that the septic system was constructed in 2001 and regulations were adopted in 2002 disallowing retaining walls. He felt that the permit should be "grandfathered". He stated that he could remove the retaining without impact to the septic system but wished not to. He said that he has a building permit for the retaining wall.

Ms. Beal, abutter to the property, felt that the wall was dangerous. She asked if Mr. Eliades would consider using this property as affordable housing. Mr. Eliades felt that he could not consider that

request.

Member Matthew Waterman requested that the applicant have a valid septic permit and building permit for the retaining wall.

After a brief discussion, the Board felt that a fine was warranted. Member Robert Hanninen made a motion to approve the variance with the following condition:

A fine of \$500 would be assessed to be paid either in cash or in-kind services to a town charity.

The motion was approved unanimously.

9 Westview Street: Present: Doug Smith, Soil Smith Design; Christine Morrissey

Member Matthew Waterman recused himself as he is an abutter to the property.

Mr. Smith stated that due to an extremely limited site, the following variances were requested for a septic upgrade to the existing three bedroom dwelling:

Town of Groton's Local Regulations:

Section I.A.5 - Minimum of five feet of pervious material between the bottom of the leaching facility and the ground water elevation and/or any impervious layer. The offset above ground water may be increased depending upon climatic and/or site conditions. *Three feet of pervious material provided with a FAST system.*

Section I.C.8 - Minimum of five feet of naturally occurring materials must be in place over ledge; fill shall not used to meet this requirement. *Four feet provided.*

Title 5 Regulations 310 CMR 15.000

Septic tank must be 10 feet from a slab foundation. *Five feet provided.*

Minimum of four feet for ground water offset required. *Three feet provided with a FAST system.*

Mr. Smith stated that there was very little room available due to an existing swimming pool. He stated that most suitable area for a septic system was in the front portion of the property. He reported that the property was served by town water and the house was being sold.

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Health Agent Ben Cutone stated that the design was a great improvement over what existed.

The Board requested that there be no increase in square footage or design flow.

Member Robert Hanninen made a motion to approve the requested variances and conditioned the permit that the dwelling shall not increase in square footage or design flow and that a maintenance agreement be submitted to the Nashoba Boards of Health prior to receiving a Certificate of Compliance. The motion was approved unanimously.

Recycling Committee: Present: Bruce Dubey, Michael Brady, Tessa David & Michelle Lerner

Ms. David reported that the waste disposal contract from Covanta, along with a special clause to be included concerning their financial shape, has been sent to Town Counsel.

The Board discussed what the impact would be with the increased tonnage rate beginning in FY06. Ms. David recommended that the Board consider increasing their sticker/bag fees 25% to compensate for the tonnage increase.

The Recycling Committee made the following recommended price increase:

Current Price:

Primary-\$35

Seniors-\$5

Proposed Price:

Primary-\$45

Seniors-\$10

15-gallon bags-\$6/qty. 10

32-gallon bags-\$10/qty. 10

45-gallon bags-\$15/qty. 10

15-gallon bags-\$8/qty. 10

32-gallon bags-\$10/qty. 10

45-gallon bags-\$20/qty. 10

Dr. Horowitz expressed concern about increasing the senior rates. She suggested whether the Senior Center could sell stickers at the current rate, if purchased prior to July 1st.

The Board of Health and Recycling Committee agreed to allow residents to purchase stickers and trash bags at the current rate if purchased prior to July 1st. After that, the new rates would be applied.

The Board voted unanimously to conduct a public hearing jointly with the Board of Selectmen.

213 Whiley Road Present: Atty. Robert Bowen; Lauren Sellars

Atty. Bowen stated that the Zoning Board of Appeals is requesting documentation from the Board of Health stating that the seasonal conversion of this property did not pose a danger of contamination of the ground water supply. He stated that the in

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order to obtain a special permit from the Board of Appeals, the following must be determined:

- "The minimum standards of fitness for human habitation and minimum requirements for the disposal of sanitary sewage are met and that the Board of Appeals finds that similar conversions of all seasonal residences in the general area having lots similar in lot size and land would not result in danger of contamination of the groundwater supply.."

Health Agent Ben Cutone stated that the Board of Health issued a septic permit (for a one bedroom) in June 2004 because the property was in full compliance with all State and local regulations. Mr. Cutone stated that he could provide comments that would fulfill the Board of Appeals' concerns. Member Matthew Waterman made a motion to give Ben Cutone authority to write a letter addressing the property. The motion was approved unanimously.

OTHER BUSINESS

Oak Ridge 40B – In preparation of the Zoning Board of Appeals meeting of December 8, 2004, the Board of Health agreed to discuss the applicant's requested waivers at their meeting on December 6, 2004. Member Robert Hanninen made a motion to allow the Chairman to speak with Town Counsel about the Board's authority to require compliance with the Town's local septic regulations. The motion was approved 2-0. *Member Matthew Waterman recused himself from the vote.*

Groton Dunstable Regional School District (GDAY) -Member Robert Hanninen agreed to attend the next GDAY meeting concerning school intervention programs with regards to drugs/alcohol and to be the Board of Health representative.

Surrenden Farm - Dr. Horowitz stated that both parties met and developed a draft of questions and are awaiting the interpretation from the DEP.

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Flu Vaccine Update – Health Agent Ben Cutone provided an update. He stated that the State has provided 100% supply to the Nashoba Boards of Health and they will be divided among their towns. He said that it was the Department of Public Health’s recommendation to not conduct flu clinics. Mr. Cutone stated that flu activity has continued to be low in the area.

The meeting adjourned at 10:00pm.

GROTON BOARD OF HEALTH

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| Dr. Susan Horowitz | Matthew Waterman | Robert Hanninen |
| Chairman | | |

Respectfully Submitted,
Debra A. Butcher

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