

TOWN OF GROTON

Groton Board of Health
173 Main Street
Groton, MA 01450
(978) 448-1120
FAX: 978-448-1130

e-mail: dbutcher@ci.groton.ma.us

Meeting Minutes December 6, 2004 Groton, Massachusetts 01450

Board of Health Members Present:

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

Others Present:

Debra Butcher

Meeting Called to Order:

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

Minutes:

Special Session Minutes of September 14, 2004, October 25, 2004 & October 29, 2004 were approved as written. Regular Session Minutes of October 18, 2004 were approved as written.

Permits Approved/Signed:

- *132 Skyfields Drive, Lot 6B; David Brewster
- *Brownloaf Road, Lot 7; David Morton
- *656 Townsend Road; Philip and Stacey Jones
- *66 Jenkins Road; Bill Lopes
- *Woodland Park, Lot 9; Hicks Inc.
- *Brownloaf Road; Lot 5; David Morton
- *12 Highland Road; George Day

Bills Approved/Signed:

- *Mobile Consultants-\$10.08
- *Brooks Machine & Equipment-\$750.00
- *Airgas-\$22.50
- *ApparelMaster-\$87.46
- *Myette Power Equipment-\$25.53
- *Belmont Springs-\$134.67
- *Rick Lamarre & Son-\$4054.05
- *Moison Ace Hardware-\$213.99
- *Nashoba Valley Medical Center (Michael Moore)-\$120.00

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- *Covanta Haverhill-\$3919.12
- *GeoInsight-\$2659.80
- *Advance Security Systems-\$18.33
- *Groton Electric Light-\$6.95
- *Groton Electric Light-\$67.84
- *Groton Electric Light-\$26.71
- *Onyx Special Services-\$29.18
- *Clean Harbors-\$1936.00
- *CCP Industries-\$518.81
- *Groton Herald-\$40.00
- *Airgas-\$51.10
- *Tank Recyclers-\$135.00
- *CTC Communications (SW)-\$29.19
- *CTC Communications (BOH)-\$63.62

Moose Trail: Present: Atty. Howard Hall, Denise Johnson, Atty. James Gmeiner, Tom Wilson

The hearing was continued from October 4, 2004 to allow the applicant to explore ways to stabilize the side slope.

Atty. Hall stated that his client has obtained all the permits necessary except for a septic system permit, which would require a variance from the Board of Health, and a building permit. He presented a new plan which included the use of a Geotechnical fabric which would be used until natural vegetation took over.

The following variance was requested:

Town of Groton's Local Regulation

Section I.E.9 - Minimum of 15 feet must be available between the edge of a soil absorption system and an adjacent side slope. 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. *The applicant proposed the use of an impervious barrier with a 2:1 slope.*

Member Matthew Waterman stated that he was comfortable using a barrier for the breakout in these types of soils. He felt there was no threat to public health.

Chairman Horowitz stated that she didn't like the lot at all. She said that regulations were adopted because the Board of Health felt that retaining walls

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and barriers were a problem. Dr. Horowitz said that the potential for breakout was great in this situation and she wasn't in favor of approving the variance.

Atty. Hall stated that the Board did grant a variance to new construction for Habitat for Humanity. He stated that this situation, with the existing soil conditions, would allow a special permit if it existed. He said that the engineer's plan proved that the site could be stabilized.

Attorney James Gmeiner, representing Tom Wilson of 21 Moose Trail, stated that this property did not have all the necessary permits. He stated that the variance from the Zoning Board of Appeals has lapsed.

Chairman Horowitz used examples such as Kaileys Way, Lovers Lane and Martins Pond Road as sites where septic systems were built on hillsides. She said that the risk to public health was great if those systems broke down.

Member Robert Hanninen said he was inclined to agree, especially in situations where the lot was "extreme". Member Waterman felt that the Board should not concern themselves with "extreme" lots, only public health issues.

Chairman Horowitz said that this lot posed a great risk, especially since it was near the lake and the concern for public health exists. Atty. Hall stated that the plan would protect public health because the site had highly permeable materials and all effluent would go "straight" down.

Member Robert Hanninen made a motion to *DENY* the request for a variance for this property. The motion was seconded by Chairman Horowitz.

VOTE: Hanninen-Aye; Horowitz-Aye; Waterman-No. The motion carried by a 2 to 1 majority.

Member Matthew Waterman left the meeting at 7:50pm to attend another meeting.

106 Peabody Street Present: Michael Crounse, Goldsmith, Prest & Ringwall; Joseph Merwaz, Executor of the Estate; Alan Hoch, homeowner

Before any testimonial was presented, Chairman Horowitz requested that the hearing be continued so the Board could conduct a site walk with their Health Agent. She said that she conducted a "drive-by" already.

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Mr. Hoch presented pictures for the record. He stated that he bought the property with the intention of using the driveway and doesn't want the design area used as a driveway. He also urged that the Board require a H2O tank.

Chairman Horowitz requested that a site walk be scheduled and the hearing continued. Member Robert Hanninen made a motion to continue the hearing to December 20, 2004. The motion was seconded and approved. Ms. Butcher will schedule the site walk for the board with Mr. Cutone.

Shaw's Supermarket – Present: Michael Mates, Michael Burke

Mr. Burke provided laboratory test results of fill proposed for the Shaw's site from Westminster, MA. He stated that the fill would be used to grade the roadways and building

paths. He reported that the test results were well below the Massachusetts Reportable Concentration levels listed in the Massachusetts Contingency Plan. He requested approval from the Board of Health to import the fill to the site.

The Board of Health reviewed the results and found that the site was not used in agricultural activities and had no problems with the materials being proposed.

Member Robert Hanninen made a motion to accept fill material from the Westminster Pit for the Shaw's site on Boston Road. The motion was seconded and approved.

OTHER BUSINESS

Transfer Station – Compost – Bruce Dubey reported that he has been charging contractors for compost materials brought to the Transfer Station. Chairman Horowitz stated that she didn't have a problem with it except that the Board should conduct a public hearing before it continued. Mr. Dubey and Ms. Butcher will work the numbers for a public hearing in January or February.

Non-Development Lots – The Board agreed to adopt language in the septic regulations for non-development lots. Ms. Butcher and Mr. Cutone will draft language.

Surrenden Farm – The Board would like to have the following question submitted to the Department of Environmental Protection:

"If this site were not regulated under the MCP, would you base the decision regarding remediation on health risk or on background concentrations? In other words, should the board be concerned with trying to differentiate between background and pesticide-related arsenic or should the board be more concerned with whether the concentration poses a health risk regardless of whether it is from a natural source or related to pesticide application?"

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40B Applications – Chairman Horowitz wants the Board of Health more involved in the beginning of all 40B applications. She stated that the next 40B application before the town will be Squannacook Hills. She asked that a memo be sent to the Zoning Board of Appeals stating that "the Board of Health will not agree to any town regulation waivers related to Title 5 without septic plans". Member Hanninen agreed and made a motion to send the memo. The motion was approved. Chairman Horowitz said that she would be attending a training session on 40B's in the Dunstable Town Hall on Thursday, Dec. 9th.

Landfill Monitoring Contract – The Board initialed and approved the two minor changes in the contract made by the Board of Selectmen.

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The meeting adjourned at 9:30pm.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz
Chairman

Matthew Waterman

Robert Hanninen

Respectfully Submitted,

Debra A. Butcher