

TOWN OF GROTON

Groton Board of Health
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Meeting Minutes
December 20, 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 regular session minutes of November 15, 2004 were approved as written. The regular session minutes of December 6, 2004 were tabled.

Septic Permits Approved/Signed:

- *23 McCarthy Drive; Charles Ramsay
- *36 Castle Drive; Charles Wilkins
- *656 Townsend Road; Philip Jones
- *106 Peabody Street; Estate of Lillian Lucas
- *416 Old Ayer Road; Patrick O'Connor
- *331 Longley Road; Ken Bushnell (transfer)
- *40 Hemlock Park Drive; Millstone Hill Realty Trust

Bills Approved/Signed:

- *Mileage reimbursement-Robert Hanninen: MAHB training-\$50.32
- *Shattuck Oil-\$145.23
- *Shattuck Oil-\$92.51
- *Dunn Battery-\$59.95
- *Tobacco Compliance – mileage reimbursement: F. Mastrangelo-\$7.48
- *Casey & Dupuis-\$66.22
- *Casey & Dupuis-\$298.52
- *UMass Memorial Health Care (Herbert Lipton)-\$1625.00
- *GeoInsight (revolving account) – Surrenden Farm - \$4771.00
- *Onyx Special Services-\$505.33

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- *Barnes Distribution-\$170.39
- *Buckley Energy-\$1523.14
- *Buckley Energy-\$115.32
- *Dr. Susan Sundstrom (revolving account)-Surrenden Farm-\$9400.00
- *Evans on the Common-\$198.00
- *CTC Communications (SW)-\$29.23
- *CTC Communications (BOH)-\$60.93
- *Routhier & Sons-\$338.00

Recycling Committee Present: Michael Brady; Tessa David

The Recycling Committee and Board of Health finalized the details of selling FY06 Transfer Station stickers and bags beginning in July 2005. It was agreed by all that residents may purchase both stickers and bags at the FY05 price rate if purchased by June 30, 2005. It was also agreed that stickers/bags will be sold at the Board of Health office and Transfer Station as usual and not at the Senior Center as earlier proposed. The Recycling Committee informed the Board of Health that newest member Michelle Lerner will be resigning soon because she is relocating out of state. The Board of Health requested that notice of the vacancy be put into the local newspapers for volunteers.

Member Matthew Waterman requested that the town be put on the EPA site as a Pay-As-You-Throw community.

Chairman Horowitz requested that a notice be placed in the local newspapers about donating holiday greeting cards to St. Jude's Ranch for Children in Nevada. Mr. Brady stated that it has already been placed on the town's website.

The Board also requested that a public hearing be scheduled if the Transfer Station adopts a new policy for charging a fee to dispose compost. It was suggested that the hearing be after the holidays.

244 Forge Village Road (Lot 5): Present: Attorney Robert Collins, Russ Wilson

Health Agent Ben Cutone stated that the sewage disposal system has been constructed but the permit had expired without a Certificate of Compliance under Title 5. He stated that the constructed system does not meet the Board's current regulations concerning a pressure dosed system so he suggested that the applicant obtain a variance from the Board of Health. He said that the system, as constructed, does meet all the requirements of Title 5.

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Atty. Collins stated that his client obtained the necessary permits but allowed the permit to expire in error. He said that it didn't come to his client's attention until an offer was made on the property.

Member Waterman asked if Mr. Cutone had any concerns about the installation. Mr. Cutone stated that he had none. There was no further discussion. Member Waterman made a motion to grant a variance for this property in not requiring the utilization of pressure distribution. The motion was approved unanimously.

23 McCarthy Drive: Present: Stan Dillis, Ducharme & Wheeler

Mr. Dillis stated that the property was served by a well with the septic system located in the rear of the property. The following variance was requested:

Town of Groton's Local Regulations

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 areas. *Twenty feet required; eighteen feet proposed.*

Health Agent Ben Cutone stated that since the property is relatively small and the well is also located in the area, the area designated for the septic system is limited. He stated that he had no concerns about the approval of the variance.

Member Robert Hanninen motioned to grant the requested variance. The motion was approved unanimously.

106 Peabody Street: Present: Michael Crouse, Goldsmith, Prest & Ringwall; Joseph Merkwaz, Estate

Mr. Crouse stated that the property requires an upgrade for the existing 4-bedroom. He reported that a Title 5 inspection was completed and the system failed. He said that the site consisted of over 5 acres and is adjacent to the old MBTA rail trail and borders wetlands. The following variances were requested in order to site the new system:

Town of Groton's Local Regulations

Section I.A.1 - Two groundwater observation holes and two percolation tests must be performed on each lot. *One percolation test was performed.*

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Section I.A.2 - Deep observation holes performed during the months of March and April. *Deep observation holes performed in October with Class I soils.*

Section I.A.5 - Minimum of five feet of pervious material between the bottom of the leaching facility and the ground water elevation. *Four feet provided.*

Section I.C.5 - Area between the trenches shall not be used for future expansion of the system. *Expansion trenches located between primary trenches.*

Section I.C.8 - Minimum of five feet of naturally occurring material must be in place over the ledge. *The use of the B horizon to meet the required five foot separation.*

Section I.E.3 - Minimum of ten feet must be available between the primary and expansion leaching facilities. *Expansion trenches located between primary trenches.*

Title 5 Regulations

- 310 CMR 15.405(1)(i) - Five foot ground water separation in soils with a recorded percolation rate of two minutes per inch or less. *Four foot ground water separation.*

Mr. Crouse stated adding one additional foot of material under Section I.A.5 would increase the disturbance within the buffer zone and would result in grading over the side property line. He said that moving the system closer to the dwelling would impact the existing foundation due to surface runoff. He felt that the requested variances would achieve a higher degree of human health protection.

Member Matthew Waterman asked if Mr. Cutone could do a walk through of the property and to investigate the second building on the property. He requested that Mr. Cutone inspect the garage for plumbing and decommission the existing septic tank.

Mr. Hoch requested that the Board require full loaming and seeding when the system is completed. Member Waterman stated that Title 5 already requires that the sewage disposal system be stabilized to prevent erosion and promote vegetation. He made a motion to grant the variances as presented. The motion was approved unanimously.

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656 Townsend Road: Present: Daniel Wolfe

Member Robert Hanninen recused himself from discussion.

Mr. Wolfe was presenting requesting septic system variances for an upgrade:

Town of Groton's Local Regulations

- Section I.A.5 - Minimum offset from groundwater is five feet.
Four feet is provided.

Section I.E.1 - Minimum offset from the sewage disposal system to a wetland area is 100 feet. *70 feet is provided.*

Chairman Horowitz requested comments from Mr. Cutone. Mr. Cutone stated that due to the location of a well on the property, there was no alternative location to construct the system. He stated that a groundwater offset of four feet was being requested in order to maintain all fill associated with this property. He stated that since the percolation rate for this site was 20 minutes per inch, the four foot offset to groundwater was in full compliance with Title 5.

Chairman Horowitz asked if the property was for sale. Mr. Wolfe replied "no".

Member Matthew Waterman motioned to accept the variances as outlined in Mr. Wolfe's December 10, 2004 letter. The motion carried unanimously.

Surrenden Farm

The meeting was rescheduled to January 3, 2005. (See attached email from Kopelman & Paige attorney David Doneski.)

Member Robert Hanninen made a motion to include the following question for the DEP:

"We want to reduce the risk of cancer from soil borne arsenic to less than 1 in 100,000. Does an average soil concentration of 20 ppm arsenic, with no individual measurement greater than 22.5 ppm arsenic result in a reasonable estimate of less than 10 exp – 5 lifetime risk for the residential scenario?"

The motion was seconded and approved unanimously.

OTHER BUSINESS

1. Member Robert Hanninen reported that the Executive Board for the

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Nashoba Boards of Health voted to level fund their annual assessment to Groton for FY06.

2. Oliver Wright – Comments to the Planning Board – The Board voted to send the following comments:

-The Board of Health has not received sewage disposal plans.

-The Board's understanding is that the property will be served by town water.

-Provide historical use of property in writing.

-Safety concerns about retention pond.

3. Oak Ridge 40B- *Member Waterman recused himself from the discussion.*

The Board of Health voted (members Dr. Susan Horowitz and Robert Hanninen voting) that a memo be sent to the Zoning Board of Appeals stating that no Board of Health waivers will be granted and that the sewage disposal must be constructed in the Littleton parcel. Chairman Horowitz requested that another memo be sent asking that the ZBA inform the Board of Health of all upcoming hearing dates for Comprehensive Permit applications for 40B's.

The meeting adjourned at 9:45pm.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz
Chairman

Matthew Waterman

Robert Hanninen

Respectfully Submitted,
Debra Butcher