

**TOWN OF GROTON
Groton Board of Health
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**REGULAR SESSION MINUTES
July 18, 2005
Town Hall, Groton, Massachusetts 01450**

Board of Health Members Present:

Chairman Robert Hanninen; Dr. Susan Horowitz, Jason Weber

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

The regular session minutes of June 6, 2005 were approved as written. The Special Session minutes of June 29, 2005 were approved as written.

Septic Permits Signed/Approved:

- *Burntmeadow Road, Lot 7A; Bennett Black, Jr.
- *111 Farmers Row; Lot 5; Prescott Development
- *Sandy Pond Road; Building B; Fox Meadow Realty Corp.
- *Sandy Pond Road; Building C; Fox Meadow Realty Corp.
- *Whiley Road; Ranger Development
- *Island Pond Road; Lot 4; Tidan Corporation
- *Paugus Trail; Lot B27; Robert Lacombe
- *6 Wyman Road; Lot 2; Elio Sgrosso
- *Winding Way, Lot B41; Robert Lacombe
- *Paugus Trail, Lot B26; Robert Lacombe
- *Paugus Trail, Lot B31; Robert Lacombe
- *Paugus Trail, Lot B28; Robert Lacombe
- *Winding Way, Lot B37; Robert Lacombe
- *Paugus Trail, Lot B23; Robert Lacombe
- *Paugus Trail, Lot B25; Robert Lacombe
- *9 Cypress Road; Brian Logue
- *Amelia Way, Lot 2; Green Acres Realty Trust
- *Winding Way, Lot B38; Robert Lacombe
- *Forest Drive, Lot B36A; Robert Lacombe
- *Forest Drive, Lot B22; Robert Lacombe
- *Winding Way, Lot B39; Robert Lacombe
- *Amelia Way, Lot 3; Green Acres Realty Trust
- *Amelia Way, Lot 8; Green Acres Realty Trust
- *Amelia Way, Lot 4; Green Acres Realty Trust
- *32 Lakeside Drive, Lot 7; Roy Nelson

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- *Forest Drive, Lot B32; Robert Lacombe
- *Amelia Way, Lot 6; Green Acres Realty Trust
- *Amelia Way, Lot 1; Green Acres Realty Trust

Bills Signed/Approved:

- *CCP Industries-\$99.25
- *Advance Security Systems-\$18.33
- *Allied Waste Services-\$333.84

785 Boston Road (a.k.a. 3 Forge Village Road): Present: See attached.

Mark Szela of Goldsmith, Prest & Ringwall requested the meeting to discuss the proposed sewage disposal system expansion for the proposed on-site beauty shop and the tight tank flow and the impacts concerning the site flows within the Water Resource Protection District III.

Mr. Szela requested that the Board of Health support his clients' request for a reduction in the number of gallons of wastewater required to flow to a tight tank. He said his engineering firm made a modification to the original design to accommodate a beauty salon/spa to be in compliant with Title 5 requirements. The Board was very concerned about the new change in use for the second floor, which originally had been planned to be office space.

Todd Dresser of Cuoco & Cormier provided information on the beauty products to be used by the facility and addressed the concerns of the Board of Health that they felt that many of those products contain heavy metals that would threaten the local water supply and nearby wells in the neighborhood if released into the septic system serving the salon.

He stated that the beauty products proposed to be used by the facility indicated that hydrogen peroxide was the primary chemical of concern but other products did not contain heavy metals.

The Board felt that beauty chemicals may be accidentally disposed of to the septic system serving the salon and release hair dyes containing hydrogen peroxide that could damage the septic system and threaten the local water quality. They requested that an industrial wastewater holding tank be installed to collect the wastewater so accidents would be prevented.

The applicant's attorney Brian Levey stated that his client would freely submit monthly disposal records to the Board or as needed for the Board and took issue with the Board's assumption that improper chemicals would be used. He stated that health and beauty facilities are regulated by OSHA and FDA standards and that his clients would comply with all regulations governing their salon. He felt that the Board should not assume that his clients would do anything illegally to harm the area. Attorney Levey assured the Board that his clients would put safeguards in place.

Member Horowitz expressed her concerns about having pesticides going down the drain and the strong possibility of impacting water resources. She stated that it is the

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charge of the Board of Health to protect these resources in town. Member Weber agreed and stated that preventive steps needed to be taken if these types of businesses were operating in a Zone III water district.

Abutter Linda Frisby, 43 Forge Village Road, stated that she has two young children and operates a licensed day care center. She expressed concern about the health issues if her well water became contaminated.

Frank Hartnett stated that the Catalano's have invested over \$3 million dollars in this facility and would not do anything to jeopardize it. He urged that the Board give them a "fair shot" and not presume that anything harmful would be disposed of in the septic system.

Heather Gray stated that she would be operating the salon and said that there have not been invasive beauty supply products since prior to 1980. She stated that she would have a staff of professional hairstylists and that she wouldn't allow anything illegal to happen. She stated that alcohol would be used in minimum quantities.

An abutter from Sunset Road had a lot of concerns about private wells. She questioned whether wells in the area would be monitored and by whom. She said that the Board must consider the residents' drinking wells as a priority. She was very concerned about human error. Chairman Hanninen agreed.

Mr. Szela requested that the Board modify two of the conditions in the memorandum from Ben Cutone dated June 24, 2005. Chairman Hanninen asked for a motion to modify condition no. 3. There was no motion. Chairman Hanninen asked for a motion to modify condition no. 2. There was no motion. Chairman Hanninen concluded that the conditions stand as is.

The Board suggested that Health Agent Ben Cutone review the proposed modification plan with the Water Department and Planning Board. The Board made no decision.

65 Boathouse Road Present: Todd Lobo, Meisner Brem Corporation; Robert Buonopane, owner; Scott Buonopane, 10 Rustic Trail

The hearing was continued from June 20, 2005 in order for the Health Agent to report the bedroom count.

For the record, Member Horowitz disclosed that Mr. Buonopane was a client of hers.

Health Agent Ben Cutone stated that the property consisted of two bedrooms. The following variances were requested:

Town of Groton's Local Regulations

Section I.E.1 - Leaching facilities must be located at least 100 feet from any wetland, watercourse, wetland vegetation, seasonal stream and drainage ditch. *100' required; 52' provided.*

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Section I.E.6 - Minimum of 35 feet must be available between the edge of any street, passageway, or road line and the entire perimeter of any proposed leaching areas. *35' required; 17' provided.*

Section I.E.7 - Minimum of 20 feet must be available between the edge of any property line and the entire exterior perimeter of any proposed leaching areas. *20' required; 10' provided.*

Town of Groton's Well Regulations

Distance Requirements – distance from leaching area to private water supply well. *100' required; 80' provided.*

Title 5 Requirements

- 310 CMR 15.221(7) – Top of all system components shall be installed no more than 36" below finish grade. *<36" required; variable cover > 36" provided.*

Health Agent Ben Cutone stated that he had no concerns with the proposed sewage disposal design. He stated that the only issue was that the topography of the land was extreme, however, the soils

were sand and gravel with a low water table.

Member Horowitz requested that if town water became available, it would be recommended to connect. Member Weber stated that he visited the site but had no background to comment.

Mr. Cutone stated that the Board could condition the property with a deed restriction and conditions concerning connection to town water. Member Horowitz made a motion to accept the variances with the condition that the property connect to town water when available and to put a deed restriction on the property to keep it a two-bedroom dwelling. The motion carried unanimously.

Surrenden Farm Present: See attached.

The hearing was recorded by a stenographer hired by the applicant.

Member Horowitz stated that she discussed Member Weber's involvement in regards to any Board of Health decision concerning Surrenden Farm with Town Counsel. She stated that no decision has been given yet. She stated that the Board's consultant, Dr. Susan Sundstrom was out of town and could not attend the meeting tonight.

Chairman Hanninen stated that the Board is in receipt of Paul Locke's letter and that tonight's meeting was the first since receiving the letter and entered the letter into the record. The Board voted unanimously to send a letter to Mr. Locke thanking him for his comments.

Chairman Hanninen stated that the meeting tonight was for informational purposes only and that the Board of Health would be scheduling time on the agenda at 8:30 pm

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at every Board of Health meeting through the Fall/Winter timeframe. Chairman Hanninen requested that the meetings maintain a professional manner and the Board would invite public participation. He requested that written comments to the Board be provided prior to meetings and that would include submission of any reports.

Attorney Donald Cooper thanked the Board for their willingness to work with his clients and provided a proposed schedule for action for the Surrenden Farm project (attached).

Consultant Joanne Shatkin of The Cadmus Group, Inc. provided a summary she prepared based on Mr. Locke's responses to the questions posed to him (attached).

Attorney Cooper was pleased that the Board of Health wanted to move forward to accomplish a sampling and remediation process. He stated that he has contacted Mr. Locke in order that they could meet jointly with all consultants for any follow-up questions. He stated that Mr. Locke was very willing to do that. Member Horowitz suggested that only consultants meet and not to include lawyers. Attorney Cooper agreed.

Chairman Hanninen stated that the next meeting concerning this project would be August 1, 2005 at 8:30pm.

OTHER BUSINESS

Brooks Orchard – Preliminary Plan – Comments to Planning Board

The Board of Health voted unanimously to send the following comments:

1. The Board of Health believes that this site has similar conditions as the Surrenden Farm site. Testing of the site should be performed for lead, DDT, chlorinated hydrocarbons, arsenic and other pesticides.
2. The Board of Health recommends that this site be served by town water.
3. The site has been tested and is adequate to accommodate sewage disposal systems.

FY06 Goals and Objectives

The Board of Health voted unanimously to send the following considerations for goals/objectives for FY06:

1. Amend Septic/Well Regulations
2. Amend Underground Fuel Tank Regulation
3. Establish recycling goals and reporting
4. Consider a five-member Board of Health
5. Begin conversations concerning the Nod Road dump as it pertains to runoff into the Nashua River.
6. Additional Board of Health training.
7. Recycling Center – traffic safety.

Shaw's Supermarkets – Earth Removal Exemption – Comments to Board of Selectmen

The Board of Health voted unanimously to send the following comments:

1. The Board of Health has no objections to the removal of 500-900 cubic yards of top soil from the above referenced site.

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2. The Board of Health urges that dust control measure are implemented to prevent a potential air quality nuisance.

Covanta contract

Debra Butcher reported that the trash disposal contract, beginning on July 1, 2005, has been signed by all parties.

Habitat for Humanity – Drumlin Hill Road, Lot 7 Present: Attorney Ray Lyons

Attorney Lyons requested to speak on this project even though this was not on the agenda. Chairman Hanninen agreed.

Attorney Lyons stated that he noticed on the agenda that the Board was going to discuss Septic/Well amendments and wondered if this concerned his client's project on Drumlin Hill Road, Lot 7. He stated that this project met all State/Local regulations and that the only variance was for an offset for the well to the property line. He said that the septic permit had elapsed in early July and there was no new application.

Attorney Lyons stated that the proposal was to submit an application under Chapter 40B.

Chairman Hanninen stated that there would be plenty of time for the Board to comment on this project but that the Zoning Board of Appeals would have the final determination. Member Horowitz requested that Ms. Butcher provide a recap of events in writing as it pertained to the Board of Health approval.

HEALTH AGENT UPDATE

366 Lost Lake Drive – Lawrence Johnson

Health Agent Ben Cutone stated that as of this date, Mr. Johnson has not provided the Board with a written status report of his property. He stated that he called Mr. Johnson today but received no return phone call back from him. Member Weber stated that he drove by the property and it appeared that Mr. Johnson had moved items around his property. The Board agreed that Mr. Cutone should continue to monitor the site and to receive advice from the Nursing Service on the right approach in handling the situation further. The Board requested that an update be provided on the unregistered vehicles.

The meeting adjourned at 10:40pm.

GROTON BOARD OF HEALTH

Robert Hanninen, Chairman	Dr. Susan Horowitz	Jason Weber
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Respectfully Submitted,
Debra A. Butcher