

**TOWN OF GROTON**  
**Groton Board of Health**  
**173 Main Street**  
**Groton, MA 01450**  
**(978) 448- 1120**  
**e- mail: dbutcher@ci.groton.ma.us**

**MEETING MINUTES**  
**August 1, 2005**  
**Town Hall, Groton, Massachusetts**

Board of Health Members Present:

Robert Hanninen, Chairman; Dr. Susan Horowitz; Jason Weber

Others Present:

Debra Butcher, Ben Cutone, R.S.

Meeting Called to Order:

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

Minutes:

The regular session minutes of July 18, 2005 were tabled.

Septic Permits Signed/Approved:

- \*951 Townsend Road; Charlotte Carkin
- \*107 Smith Street; Sarah Hopkins
- \*Pond Hill Lane; Lot 21-22; Pond Hill LLC
- \*162 Hayden Road; Janet Villars

Bills Signed/Approved:

- \*BFI-\$333.84
- \*Levine Fricke-\$1023.50 (landfill monitoring)
- \*Verizon (BOH)-\$36.48
- \*Verizon Long Distance (BOH)-\$1.29
- \*Belmont Springs-\$54.74
- \*Groton Electric Light Department-\$60.36
- \*Groton Electric Light Department-\$15.96
- \*Groton Electric Light Department-\$6.86
- \*Fleet Pride-\$688.88
- \*Taylor Oil Northeast-\$1505.25
- \*ZEP Manufacturing-\$200.45
- \*Global Petroleum-\$192.48
- \*Verizon (SW)-\$20.70
- \*Verizon Long Distance (SW)-\$.13
- \*Airgas-\$48.02

-  
-  
-

***August 1, 2005 meeting minutes***  
***Page 2***

-

951 Townsend Road: Present: Stan Dillis; Ducharme & Dillis

Mr. Dillis reported that the current sewage disposal system was in failure and requested the following variance in order to replace the system:

Town of Groton's Local Regulation

Section I.F.I - Leach beds and pits will be sized at 150% of Title 5 requirements. Leaching areas based on percolation rates greater than 14 minutes/inch shall have a reserve area of 150% of the primary area. **150% required; 100% provided.**

Mr. Dillis stated that the property consisted of two bedrooms. He said that the system was designed to reduce mounding but required a variance in order that the system fit on the site.

Member Horowitz questioned whether approval of the variance would prevent a "high" mound on the property. Mr. Dillis stated that it would keep the area more compact.

Debra Butcher provided an Assessors' record card which stated that the property consisted of two bedrooms and not four as Mr. Dillis stated.

Chairman Hanninen requested comments from Health Agent Ben Cutone. Mr. Cutone concurred with Mr. Dillis and stated that the variance was necessary due to the fact that a system designed at 150% would not fit on the property. He stated that the plan, as designed, complies with Title 5 regulations and would protect public health and the environment.

Member Horowitz requested a conditional approval restricting the property to two bedrooms. She made a motion to approve the variance as requested with the condition. The motion was seconded and approved unanimously.

The Board of Health signed the Sewage Disposal Construction permit for the upgrade and amended the bedroom count indicating that it was an existing two bedroom dwelling.

255 Pepperell Road: Present: Jack Visniewski, P.E.; Cornerstone Land Consultants; Michelle & Ted Kosciak, owners

Mr. Visniewski stated that the septic design was for a replacement system because the current system was breaking out. He said that the design requires variances in order to fit the system and to preserve the existing trees on the site.

Town of Groton's Local Regulations

Section I.E.6 - Minimum of thirty-five (35) feet must be available between the edge of any street, passageway or road line and the entire exterior perimeter of any proposed leach areas. **Thirty-five feet required; twenty seven feet provided.**

***August 1, 2005 meeting minutes***

***Page 3***

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; ten feet provided.**

Chairman Hanninen requested comments from Health Agent Ben Cutone. Mr. Cutone stated that the variances were needed because the location was the most logical choice for the system. He stated that the plan complied with Title 5 regulations and protected public health and the environment.

The Board requested that the dwelling remain a four bedroom home as a condition of the approval. Member Horowitz made a motion to approve the variances with the condition. The motion carried unanimously.

Underground Storage Tanks

The Board read Tom Orcutt's July 27, 2005 memo into the record and requested that the Planning Board receive a copy.

The Board discussed the extent of their responsibility that they should have concerning the permitting process or if they should provide comments only to the Fire Chief. They felt it would better if they continued their discussion with the Fire Chief present prior to voting on conducting a public hearing. The discussion is scheduled for August 15, 2005 at 8pm.

10 Nate Nutting Road: Present: David & Cynthia Royal, owners

***Member Horowitz stated for the record that Mr. & Mrs. Royal were clients of hers.***

Mr. Royal requested that the Board approve a variance for a replacement well on his property. He said that they are adding an addition to their home and the well was situated within the proposed new footprint location. He stated that he would like to relocate the well to the front yard and it would require a variance for the well to be less than 75' from the road (43' is provided). He said that his options for a replacement well were limited due to the current site conditions. He said that his septic system was currently in the backyard and moving the well to the back would place it within the wetlands protection area and within 100 feet of his septic system. Mr. Royal also requested that the Board waive the requirement to notify abutters 10 days prior to the hearing. He felt that the his neighbors have already been burdened with notices from both the Conservation Commission and the Zoning Board of Appeals due to their public hearing requirements.

Chairman Hanninen felt uncomfortable approving the variance to waive notifications to abutters because of the potential of harming their wells. He felt that in order to be fair to abutters', Mr. Royal should notify them according the requirements under the Town's Well Regulations.

Member Horowitz asked where town water was. Mr. Royal stated that it was at Skyfields Drive and not anywhere close to his property.

***August 1, 2005 meeting minutes***

***Page 4***

The Board took no action. The applicant will send out abutter notifications for a public hearing on August 15, 2005 at 7:45pm.

Surrenden Farm: Present: See attached.

***The hearing was recorded by a stenographer hired by the applicant for Surrenden Farm.***

The Board of Health listened to a presentation from their consultant, Dr. Susan Sundstrom explaining her interpretation and recommendations on the questions answered by Paul Locke of the Department of Environmental Protection. The report is attached for the record.

Dr. Sundstrom stated that there were some agreements made between both sides during a meeting held among the consultants on July 27, 2005. She told the Board, however, that there were several areas where there were disagreements in their interpretation of Mr. Locke's responses as well. She stated that both sides still disagreed as to the amount of contamination below the surface. She spoke of the acceptance levels of current and future exposure levels at the site and how they would exist when the soils were disturbed by construction for future homes.

Attorney Donald Cooper told the Board that there were potentially four points of disagreement among the parties. He said that both consultants differed in their determination of the current exposure and the averaging of soil samples at a "0 to 3-foot depth". He said that there was additional disagreement on whether clean soil could replace contaminated soil and be counted in the

average and how methods would be used to determine and calculate background concentrations. He told that the Board that the Board should be following the guidelines of Mr. Locke's letter and if questions arose, they should be referred back to Mr. Locke.

Attorney Robert Orsi agreed with Attorney Cooper and suggested that Mr. Locke attend the next Board of Health meeting to clarify his responses. Member Horowitz agreed with this approach.

Chairman Hanninen stated that the process needed to move forward and both sides needed to establish a plan to do that. He recommended that additional follow-up questions could be proposed to Mr. Locke. Attorney Orsi felt that that recommendation could take too much time to complete.

Chairman Hanninen told the audience that the Board of Health would consider their consultants' recommendation and input for remediation, however, the Board would make all final decisions on the site.

Attorney Cooper agreed to contact Mr. Locke and request that he attend the next Board of Health meeting in which all parties would be present. Chairman Hanninen assured the applicant that if Mr. Locke was unavailable to attend any regularly scheduled Board of Health meeting, he would schedule a special session in order to move forward on the disagreements among the consultants. He stated that Surrenden Farm was scheduled again on the next Board of Health meeting for

### ***August 1, 2005 meeting minutes***

#### ***Page 5***

August 15, 2005 at 8:30pm. Dr. Sundstrom indicated that she was unavailable for a meeting on that date. The Board scheduled a meeting for Tuesday, September 6, 2005 due to the Labor Day holiday.

#### HEALTH AGENT UPDATE

#### 785 Boston Road – Samantha Realty Trust

Mr. Cutone stated that on July 27, 2005, he met with Tom Orcutt, Michelle Collette, Bruce Ringwall and Mark Szela of Goldsmith, Prest and Ringwall regarding the proposed project. He said that at the Board of Health's June 20, 2005 meeting, the Board recommended and voted that the maximum flow from the facility should not exceed 2,048 gallons per day (1,583 gallons per day discharged to the leaching facility and 465 gallons per day discharged to an industrial wastewater holding tank). He stated that it was determined that no more than 2,048 gallons per day should be discharged to the leaching facility and that the flow from facility into a tight tank should not be counted towards the 2,048 gallons per day restriction. He said that the determination was made based on the fact that any flow discharged to a tight tank would not affect nitrogen loading within a Zone III water resource protection area.

The Board voted unanimously to allow the project to discharge a maximum of 2,048 gallons per day to a leaching facility and that waste discharged to a waste water holding tank should not be included within the maximum 2,048 gallons per day. The Board also voted unanimously to condition the approval on the following:

1. The owner shall maintain at least one monitoring well on the site and sampled quarterly for volatile organic compounds and heavy metals.
2. Sewage discharged to the leaching facility must be metered with readings given the Board of Health.
3. Any change in use must receive Board of Health approval.
4. All pumping records from the tight tank must be submitted to the Board of Health office.

#### 366 Lost Lake Drive

The Board of Health received an update from the Police Department on the unregistered vehicles at

the property. The report stated that Officer Connell spoke with Mr. Johnson on July 23, 2005 at the Groton Police Station because Mr. Johnson wanted to update the Police Department on the status of vehicles. Mr. Cutone read the report into the record.

Air Quality Issue – Complaint: Present: Roy & Nancy MacGregor, 284 Old Ayer Road; Fire Chief Joseph Bosselait

The Board of Health is in receipt of a letter dated July 17, 2005 from resident Alan W. Bostick of 30 Temple Drive. In his letter, Mr. Bostick raises concerns about a reoccurring air quality problem (smoke) his family has been experiencing during the past few summers with conditions particularly worse this summer.

***August 1, 2005 meeting minutes***  
***Page 6***

His letter states that the source of the smoke is from a furnace located in a building at 284 Old Ayer Road belonging to Mr. & Mrs. Roy MacGregor and that a possibility existed that household trash was being burned. He stated that his daughter has developed asthma and feels nausea each time smoke is in the air.

Mr. Bostick's letter stated that reports have been made to both the Fire Department and Police Department when incidents have occurred. He stated that both departments have reported that there were no code violations as a result of their investigation. Fire Chief Bosselait confirmed that he has responded to the complaints and confirmed that he and the Building Commissioner inspected the property at 284 Old Ayer Road and found no violations that trash was being burned.

Chairman Hanninen reported that he has received phone complaints from residents in the area and stated that the air problems were coming from the MacGregors' home.

Roy MacGregor told the Board that he has a commercial hot water furnace that he uses for heating and domestic hot water for his home. He said that pine wood was the primary source of burning and that would cause the damper to open and close frequently and releases excessive smoke into the air.

Member Horowitz asked Mr. MacGregor how long he has been using this type of stove. Mr. MacGregor answered "6 years". Member Horowitz asked if anything could be placed on the pipe to prevent excessive smoke, like a catalytic converter.

Chairman Hanninen felt that Mr. MacGregor must mitigate the amount of smoke from the stove. He suggested that hardwood be used more often to keep the damper open more. He requested that Mr. MacGregor work to minimize the smoke.

Fire Chief Bosselait felt that there was a smoldering effect occurred often and that a creosote smell was happening as well. He recommended that Mr. Bostick contact the Air Quality department at the D.E.P. to see if they could assist him.

The Board recommended that Mr. MacGregor use proper maintenance to clean the stove regularly and to use hardwood to diminish the smoke. The Board asked that a letter be sent to Mr. Bostick with the Board's recommendation.

The meeting adjourned at 11:00pm.

GROTON BOARD OF HEALTH

---

Robert Hanninen

---

Dr. Susan Horowitz

---

Jason Weber

Chairman

Respectfully Submitted,  
Debra A. Butcher