

TOWN OF GROTON
Groton Board of Health
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Meeting Minutes
February 6, 2006
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:

Robert Hanninen, Chairman; Dr. Susan Horowitz

Member Absent:

Jason Weber

Meeting Called to Order:

Chairman Hanninen called the meeting to order at 7:00pm.

Minutes:

The minutes of December 19, 2005 & January 3, 2006 were approved as written.

Septic System Permits Approved/Signed:

- *129 Longley Road; Anna Eliot
- *284 Whiley Road; Frances Bee & Barney Suslowicz
- *Quail Ridge Road, Lot 3; Fox Meadow Realty Corp.

Bills Approved/Signed:

- *Rick Lamarre & Son-\$3,246.21
- *Boxes & Bags-\$3,070.58
- *Airgas-\$24.50
- *Covanta-\$7,030.29
- *Ayer Auto Parts-\$313.35
- *Shattuck Oil-\$206.56
- *Shattuck Oil-\$148.07
- *Casey & Dupuis-\$460.12
- *Advance Security Systems-\$18.33
- *Moison Ace Hardware-\$324.31
- *Liberty Mutual-\$45.00
- *Groton Electric Light Department-\$259.58
- *Groton Electric Light Department-\$8.10
- *Groton Electric Light Department-\$60.43
- *Chromate Industrial-\$331.70
- *Taylor Oil Northeast-\$980.13
- *East Coast Electronics-\$625.00
- *Verizon (SW)-\$18.57
- *Verizon (BOH)-\$35.15

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Transfer Station Punch Card: Present: Christine Collins, Town Treasurer; Bruce Dubey; Tessa David

Ms. Collins presented a sample punch card (attached) currently being used by the Town of Harvard for collection of miscellaneous fees at their Transfer Station. She said that she is working with NEBS on developing the cards and that each card would have a dollar value and would be numbered in order to track sales.

She stated that the card value would be at the Board's discretion (i.e. \$25, \$50). She felt that a smaller increment would be a better choice as not to tie up people's money. She said that residents could use the card for disposal fees as well as for the purchase of trash bags and transfer station stickers.

Ms. Collins said it was her goal to eliminate as many cash transactions as possible and encourage the public to use checks. She reported that she is currently working with the computer committee to develop ways for residents to utilize "on-line" purchases as well.

Chairman Hanninen stated that he would support a dollar value of \$25 and residents could purchase more cards as needed.

Transfer Station Supervisor Bruce Dubey felt that the value should be more than \$25 and said that he would support a card worth \$50. He also requested that there should be an area on the card to put residents' names so he could record the transaction. Mr. Dubey suggested that two cards be processed at different value amounts.

Discussion continued concerning the new process. Member Horowitz felt that residents would eventually learn the process as it was being phased in. She questioned when the new system would be implemented. Ms. Collins suggested that April 1, 2006 be the target date to start phasing in the new system.

Member Horowitz made a motion to begin the transfer station punch card system on April 1, 2006 and to order (500) cards with the following dollar amounts:

Quantity (250) at \$25.00 each

Quantity (250) at \$50.00 each

Chairman Hanninen seconded the motion. The motion carried 2-0.

Landfill Capping Contract Addendum: Present: Jamie Greacen

Mr. Greacen provided a history of the bidding process and the eventual contract award to Levine Fricke to monitor the landfill. He stated that bids were accepted for one year of monitoring with additional costs to fund the second and third year at the option of the Town, who reserved the right to terminate after the first year.

Mr. Greacen presented a contract addendum to proceed with landfill monitoring for the second and third year and it was his recommendation to continue with Levine Fricke for those additional years.

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Chairman Hanninen questioned whether there have been any problems. Mr. Greacen stated "no". He stated that quarterly reports have been submitted to the Town as required and he was pleased with them.

Chairman Hanninen made a motion to continue for two years with Levine Fricke. The motion was seconded by Member Horowitz and approved 2-0. The Board signed the addendum contract. Debra Butcher will forward the contract to the Selectmen's office for their approval.

Groton Residential Gardens: Present: Robert Walker; Peter Potenza

Mr. Walker was present requesting that the Board of Health grant approval for the construction of a private well to be installed within seventy-five (75) feet of a private way/common drive. He stated that the well would be for irrigation purposes only and would be adjacent to Building No. 3. Mr. Walker notified abutters and provided return receipts for the record.

Member Horowitz stated that a huge drainage problem existed in the area and she was not in favor of supporting any variance. She stated that she wanted to be assured that there would be no contamination into the aquifer.

Health Agent Ben Cutone stated that confusion surrounding the definition of a "private way" existed. He stated that it was the opinion of the Building Inspector that the parking area was not a private way.

Member Horowitz stated that she would like to hear from the Conservation Commission and Planning Board regarding the drainage situation. She recommended that the Board of Health solicit comments from other town departments and continue the hearing to the next Board of Health meeting.

Mr. Walker stated that he felt the Board of Health was holding him to a different standard than other applicants before them. The Board disagreed.

Member Horowitz made a motion to continue the hearing to Tuesday, February 21, 2006 at 8pm in order to receive comments from other town departments. The motion was seconded by Chairman Hanninen and approved 2-0.

137 Hill Road: Present: Brandon Ducharme, R.S., Ducharme & Dillis; abutters (see attendance sheet)

Mr. Ducharme presented a septic upgrade design for a failed system on this four bedroom dwelling. He stated that soil testing was conducted in the front of the property and found to be insufficient making it necessary to design a system in the back of the property. Mr. Ducharme stated that soil testing indicated high ground water and due to the size constraints of the existing lot, a system graded at 3:1 would not fit. He said he would make every attempt to reduce the size of the mound.

Mr. Ducharme requested the following variances:

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Town of Groton's Local Regulations

Section I.A.5 - Minimum of five (5) feet of pervious material between the bottom of the leaching facility and the ground water elevation and/or impervious layer. *Five feet required; four feet provided.*

Section I.C.9 - Percolation rates over fourteen (14) minutes/inch require leaching trenches. *Request to construct a leaching bed in soils with a percolation rate of 25 mpi.*

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 pea stone 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. *Request to allow a 40-mil impervious barrier, 10 feet away from the edge of the bed, with a slope at 2:1.*

Section I.F.1 - Leaching beds and pits are to be sized at 150% of Title 5 requirements. Leaching areas based on a percolation rate greater than 14 minutes per inch shall have a reserve area of 150% of the primary area. *Request to construct a leaching bed based on Title 5 requirements.*

Chairman Hanninen requested comments from the Health Agent. Mr. Cutone supported the design plan because he felt it was the right place for the sewage disposal system.

Abutter Don Kennedy expressed concern about the driveway and a possible leaching problem. Chairman Hanninen recommended that a swale be put into place so the water would remain on the property.

Member Horowitz made a motion to accept the requested variances with the following conditions:

1. Dwelling shall maintain its current footprint, square footage and bedroom count.
2. Drainage swale shall be provided to minimize runoff and owner shall maintain the swale so a public health nuisance is not created.
3. The Owner is responsible for the above conditions and these conditions must be recorded on the dwelling's deed.

The motion was seconded by Chairman Hanninen and approved 2-0.

993 Boston Road: Present: Matthew Waterman, Landtech Consultants

Member Horowitz felt that Mr. Waterman should not be representing a client before the Board of Health since it has not been a year since he served on the Board. Mr. Waterman respectfully requested a continuation of the hearing. The Board voted to continue the hearing until March 6, 2006 at 7:30pm in Town Hall. The Board requested that abutters be notified of the continuation as well as the Conservation Commission, Planning Board and Zoning Board of Appeals.

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The Board took no further action.

711 Martins Pond Road Present: Brandon Ducharme, R.S., Ducharme & Dillis

Mr. Ducharme presented a septic upgrade design plan for this property and requested the following variance:

Town of Groton's Local Regulations

Section I.A.2 - Deep observation holes for the determination of ground water elevations may be performed during the months of March and April. Use of holes conducted in months other than March and April will be limited to Class II and Class III soils, with a percolation rate greater than five (5) minutes/inch. *Deep observation holes were witnessed on November 10, 2005.*

Mr. Ducharme stated that his client would remove the existing mobile home on the property and a new structure was being proposed. He said that the current sewage disposal system and well would be abandoned. He said that soil testing was conducted and witnessed by the Board's Health Agent in November 2005.

Member Horowitz questioned whether Mr. Ducharme's client couldn't wait until March 1, 2006 when in-season testing began. Mr. Ducharme explained that his client requested relief from the Board's in-season soil testing requirement because he needed to finalize the sale of the property.

Chairman Hanninen requested comments from Health Agent Ben Cutone. Mr. Cutone stated that he and the engineer checked the on-site monitoring well and groundwater was at 7.25 feet.

Member Horowitz recommended that a confirmation test hole be done prior to construction. She made a motion to approve the requested variance with the following condition:

A confirmation ground water observation hole must be performed and witnessed by the Board of Health agent at the time of construction.

The motion was seconded by Chairman Hanninen and approved 2-0.

23 Whitewood Road

Mr. John Scira, property owner, was not in attendance because he resides in Virginia. He sent a letter for the Board's consideration.

Mr. Cutone stated that on March 8, 2005 the Board of Health voted to accept a Title 5 report dated October 11, 2004 as a pass provided that the property's well was abandoned and the property was connected to Town Water by March 7, 2006. He stated that he spoke with the Water Department and they indicated that this would not occur because road cutting could not occur until April 15, 2006. He stated that the Board could enforce its original decision or give Mr. Scira an extension to connect to town water.

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Chairman Hanninen stated that he would support giving Mr. Scira an extension because he didn't have ownership of the property until June 29, 2005. He recommended that no tenant be allowed to occupy the building until town water was provided. He made a motion to extend the connection to town water until June 29, 2006 with a condition that no tenant shall occupy the building until town water was provided. The motion was seconded and approved 2-0.

95 Main Street: Present: Ms. Shaheda Rizvi, owner

The Board questioned whether anyone else would be attending the session. Ms. Rizvi stated "no".

Chairman Hanninen stated that the Board of Health was in receipt of a letter, dated January 31, 2006, from Ms. Rizvi concerning the Board of Health's variance approval letters dated January 27, 2006 & January 31, 2006.

Ms. Rizvi stated that she owns an historical home built in the 1800's. She stated that she has been in court over the past 8 years with no resolutions. She stated that she disagreed with the Board's reference that variances were granted to her home. She requested that the Board rescind their variance approval and officially state that the home "had no violations" at the time of inspection.

Ms. Rizvi also requested that Health Agent Ben Cutone not send any more demand letters to her tenants indicating that they had the right to withhold rent and to stop the lies that he tells them. Mr. Cutone denied ever sending such a letter and insisted that Ms. Rizvi stop her verbal attacks of him.

Member Horowitz acknowledged that the letter that is governed by the State is upsetting. She said that she has asked in the past that the letter be rewritten and toned down. She said the boilerplate letter "embarrasses, infuriates and upsets" the recipient of them but it was written to get the "landlord's" attention.

Chairman Hanninen stated that the letter acknowledged that the home was an historic one and that due to the age of the dwelling, it would be costly or impractical to repair some of the items. He said that the Board of Health was only talking about the State Sanitary Code and nothing else. Ms. Rizvi stated that while the letter was sent to her home at 95 Main Street, she received notice of it by her tenant who "read" it to her over the phone.

Hearing that the Board of Health acknowledged that the home was an historic one, she understood that the Board of Health's letter needed to stand. Ms. Rizvi realized that the state regulations superceded the Historic District Commission's regulations. She thanked the Board for their time.

OTHER BUSINESS

February Board of Health Meeting

The Board voted to have their 2nd meeting in February on Tuesday, February 21, 2006 at 7:30pm due to a holiday. The meeting will be held in the lunch room of Town Hall.

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Annual Town Meeting

The Board voted to submit an article for Annual Town Meeting on April 24, 2006 to appropriate the sum of \$57K for the purchase of a new baler at the Groton Transfer Station.

National Incident Management System (NIMS)

Chairman Hanninen reported that Debra Butcher will attend the meeting on February 7, 2006 at 1pm in Town Hall concerning training that must be taken under NIMS to qualify for Homeland Security funding.

Local Emergency Management

Member Horowitz stated that she would be attending the next meeting on February 23, 2006 at 1pm in Town Hall. Health Agent Ben Cutone stated that Nashoba Associated Boards of Health met with the Police Departments for Groton and Dunstable to discuss plans for emergency dispensing.

Finance Committee Budget Session

Chairman Hanninen reported that he attended the Finance Committee meeting on January 31, 2006 with Bruce Dubey and Tessa David to discuss the funding for the North Central Solid Waste Collaborative. Chairman Hanninen stated that he would be attending the Capital Planning Committee meeting on February 15, 2006 at 7:30pm with Bruce Dubey to discuss the funding for a new baler.

HEALTH AGENT UPDATE

366 Lost Lake Drive

Health Agent Ben Cutone reported that there has been no change in the condition of the property since a letter was sent to Mr. Johnson advising him of the Town's options in this matter. The Board voted to request that Town Counsel file a civil complaint in Superior Court against Mr. Johnson.

The meeting adjourned at 9:15pm.

GROTON BOARD OF HEALTH

Robert Hanninen
Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,
Debra A. Butcher