

**TOWN OF GROTON**  
**Groton Board of Health**  
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**July 17, 2006**  
**Meeting Minutes**  
**Groton Town Hall, Groton, Massachusetts**

Board of Health Members Present:

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

Others Present:

Debra Butcher; Ben Cutone, R.S.

Meeting Called to Order:

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

Minutes:

The Board took no action on the minutes of May 2, 2006; May 15, 2006 & June 5, 2006.

Septic Permits Approved/Signed:

- \*24 Townline Road; Richard D'Agostino
- \*2 Old Homestead Road; Hank Clifford
- \*16 West Main Street; George Wheatley, Jr.
- \*174 Duck Pond Drive; Francis & Deidre Cusack
- \*788 Boston Road; Nan Hang LLC (Master Permit)
- \*788 Boston Road; Nan Hang LLC (Restaurant Permit)
- \*788 Boston Road; Nan Hang LLC (Donut Shop Permit)
- \*211 Whiley Road; Robbin Lawrence (not released)

Bills Approved/Signed:

- \*Boxes and Bags-\$6317.79
- \*Routhier & Sons-\$395.25
- \*New England Baling Wire-\$709.55
- \*UMass Medical (April 1-June 30, 2006)-\$1625.00
- \*Airgas-\$25.50
- \*Verizon Long Distance (BOH)-\$.32
- \*Verizon Long Distance (SW)-\$.01

95 Birchwood Road Present: Craig Martin, Ducharme & Dillis; Mary Scriven, owner

Mr. Martin reported that the current sewage disposal system at this location failed a Title 5 inspection and needed to be replaced. He stated that due to the existing size of the site (.25 +/- acre) and the topography, variances would be necessary to

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locate a new system. Mr. Martin stated that the dwelling was currently a two-bedroom home with a 3-bedroom septic design.

He requested the following variances:

Town of Groton's Local Regulations

Section I.E.1 - Leaching facilities (including the proposed expansion area) must be located at least one hundred (100) feet from any wetland, water course, wetland vegetation, seasonal streams and drainage ditches. 100' required; 85' provided.

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. *35' required; 5' & 20' provided.*

Section I.E.7 - Minimum of twenty (20) feet must be available from any property line and the entire perimeter of any proposed leach areas. *20' required; 5' provided.*

Section I.E.9 - Minimum of 15' must be available between the edge of a soil absorption system and an adjacent side slope, measured from the top of the peastone 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. *Due to the existing site size and configuration, an impervious barrier along with the existing retaining wall is used to adjust the side slope.*

Title 5 Local Upgrade Approval

310CMR15.203 System Sewage Design Criteria:

A sewage disposal system for a single family dwelling shall be designed to accommodate 100 gallons per day per bedroom, with a minimum design requirement of 330 gallons per day. *A 25% reduction in the required subsurface disposal area design requirements = 247.5 gallons per day minimum.*

310MR15.211 Minimum Setback Distances:

Property Line                      Septic tank-10' required; *9' provided.*  
Leaching facility-10' required; *5' provided.*

Cellar Wall                          Septic tank-10' required; *6' provided.*  
Leaching facility-20' required; *16' provided.*

Private Well                        *Requested to locate the system 55' from a private water supply well.*

Mr. Martin stated that the well was tested and provided the report, dated 6/22/06, for the file.

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Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that it was his opinion that there was no alternative for the system to be located without the above variances.

Member Horowitz questioned whether the current well was shallow. Ms. Scriven stated "yes". She stated that it was approximately 16 to 20 feet deep. Member Horowitz requested that the Board condition any approval to require that the dwelling's footprint remain the same and that the house remain a two-bedroom.

Discussion followed concerning testing requirements for the well. Member Horowitz requested that the well be tested every three years and that the homeowner needed to connect to town water when it became available. She wanted the well to be as protected as possible.

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

1. The building shall have no increase in design flow, footprint, bedroom count or building height.
2. The property must connect to town water when it becomes available.
3. A Title 5 water test must be conducted every three years and the results submitted to the Board of Health.
4. If a new well needs to be constructed, it must be a deep well.

The motion was approved unanimously.

Chestnut Hill at Brooks Orchard: Present: Anthony DiGiovanni, Natgun; Thomas Orcutt, Groton Water Department Superintendent

Mr. DiGiovanni stated that his company has a contract with the Town to build a 1.0 MG water storage tank to be located on the Brooks Orchard property. He said that access to the site was by way of a private dirt access road off of Orchard Lane.

Mr. DiGiovanni stated that road has several curves to it which prevents trailers access to the tank site. He said that the soil erosion fence failed and some of the gravel went into the adjacent wetlands. He said that his company is working with Conservation to prepare a plan on removing the gravel.

Mr. DiGiovanni stated that the site was a former apple orchard where pesticide applications contaminated the soil with arsenic, lead and other pesticides. He reported that the soils were tested prior to construction and provided the results for the Board's review.

Water Superintendent Thomas Orcutt reported to the Board that recent heavy rains washed out a portion of the unpaved roadway, causing silt to flow into the nearby wetlands. He stated that the material has since been removed from the wetlands and redistributed within the area where construction work for the tank had been conducted.

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Chairman Weber requested comments from Mr. Cutone. Mr. Cutone stated that he had no comments at this time.

Discussion followed concerning the contaminated soils. The Board had concerns about the disturbance to the wetlands and postponed making a decision on the issue until Dr. Susan Sundstrom could review the soil samples. Member Horowitz made a motion that the soil testing be reviewed by Dr. Sundstrom at Natgun's expense and to continue the hearing until August 7, 2006 at 7:45p. The motion carried unanimously.

211 Whiley Road: Present: Jack Visniewski, P.E.; Cornerstone Land Consultants; Robbin Lawrence, owner; Mr. & Mrs. Frank Noyes, 207 Whiley Road (abutters)

Mr. Visniewski requested the following variances:

#### 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. *35' required; 18' provided.*

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. *20' required; 15' provided.*

Mr. Visniewski stated that his client had replaced the old septic tank with a new 1500 gallon one and

it was being used as a tight tank until the new design was in place. He stated that the design required variances because it was necessary to construct the system in the front of the house instead of the back where the property has a steep drop off. He said that his client has filed with the Conservation Commission and agreed to put up hay bales.

Abutter Frank Noyes informed the Board that he and other neighbors were currently in litigation with Mr. Lawrence concerning a property line dispute. Mr. Visniewski acknowledged that a court action was in place and that the lot lines for the property were "approximate". He said that his client would not proceed with any work until the land was surveyed to verify the boundaries.

Homeowner Robbin Lawrence felt that it was his right to be able to install the system because it was on "his property and not in the right-of-way".

Health Agent Ben Cutone stated that he didn't believe that there were any alternatives for the septic system location. Discussion followed concerning the property line differences. Member Hanninen made a motion to approve the variances with the following conditions:

1. There shall be no increase in bedroom count, design flow, footprint or building height.
2. Town water must be connected once it becomes available.
3. Construction may not begin on the septic system until the lot lines are confirmed via a land survey and submitted to the Board of Health.

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The motion was approved unanimously.

24 Fir Road Present: Ted Doucette, P.E.; Polaris Engineering Corporation; Mr. & Mrs. Bennett, owners; abutters (see attached)

Mr. Doucette presented an engineering plan for an upgrade for this property. He requested the following variance:

#### Local Upgrade Approval

310 CMR 15.405 – Reduce the system location setback from a private water supply well from 100 feet to not less than 60 feet.

Mr. Doucette stated that his clients have an artisan well that was recently tested negative for coliform (copy of report submitted for the file). He stated that the property was less than the required 500 feet to town water.

Chairman Weber questioned whether there was an issue in connecting to town water. Mr. Bennett stated that it would be a financial hardship to connect and that his well was working fine.

Abutters in the audience felt that town water should be utilized if the well failed but it was too costly for the homeowner at this point.

The Board requested that the assessors' card be obtained prior to any decisions made. The Board voted unanimously to continue the hearing to August 7, 2006 at 8:15pm.

47 Shenandoah Road: Present: David Hall Jewett, owner

Mr. Jewett requested an approval to the Town of Groton's Well Regulations for the following:

#### Section IV: Well Location and Use Requirements

Minimum lateral/circumferential distances from potential sources of contamination shall apply:

Public or Private Way                      75' required; 60' provided

Common Drive	75' required; 4' provided
Property Line	50' required; 4' & 40' provided

Mr. Jewett stated that it his intent to keep the proposed new well as far away from the existing cesspool as possible and it would be an artisan well.

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that he inspected the site and it was his opinion that there were no alternatives for placement of a new well.

Member Horowitz requested that the Board require that the well be constructed with extra casing and sealant in order to provide maximum protection.

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Member Hanninen stated that the proposed new well was an improvement even though it would be closer to the property line. Member Hanninen made a motion to approve the requested variances with the following condition:

*The Board of Health requires that the well be constructed with heavy casing and sealant to protect the well.*

The motion was approved unanimously.

194 Sand Hill Road Present: Brad Bobzien, owner

Mr. Bobzien requested an approval to waive the required maximum quantity of 15 gallons per minute flow rate to 13 gallons per minute flow rate. He stated that his building application was presently being held up due to this issue and it could possibly void his bank financing.

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that he had no major concerns allowing 13 gpm versus 15 gpm.

The Board had concerns when the property changed ownership. Member Hanninen made a motion to approve the change in flow rate with a condition that the water quantity requirement be revisited if the property changed ownership. The motion carried unanimously.

Whitewood Road: Present: Beth Montgomery & Kathy Ranville, abutters

Ms. Montgomery & Ms. Ranville requested an opportunity to discuss housing issues pertaining to several of their surrounding neighbors' properties.

128 Main Street

Mr. Mellon did not appear for his requested meeting with the Board concerning this property. The Board scheduled two meetings with Mr. Mellon (June 19, 2006 & July 17, 2006). Both dates, the Board waited for him to arrive long after his scheduled time and he was not present. Health Agent Ben Cutone stated that Mr. Mellon had been evicted from his apartment and he has a copy of the court order. He stated that Mr. Mellon has no legal right to request a re-inspection of the apartment.

The Board requested that Mr. Mellon direct any further questions of a criminal nature to the Groton Police Department.

## **OTHER BUSINESS**

Monarch Path – Special Permit Plan – Comments to the Planning Board

The Board voted unanimously to send the following comments:

1. The applicant must provide, in writing, the historical use of the property.
2. The Board of Health has not received sewage disposal system engineering plans as of this date.
3. Town water should be provided.

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#### Orchard Hills Realty Trust – Shared Drive – Comments to Planning Board

The Board voted unanimously to send the following comment:

1. The applicant must provide, in writing, the historical use of the property.

#### HEALTH AGENT UPDATE

##### 366 Lost Lake Drive

Health Agent Ben Cutone stated that Mr. Johnson was served his court documents one week ago and has 30 days to comply with the court order.

##### 54 Shenandoah Road

Health Agent Ben Cutone reported that he received a complaint from the Board of Assessors' office notifying him that this property has no approved septic or water supply for temporary housing. He requested direction from the Board on whether he should send the owner an order letter or call them in for a hearing. The Board voted unanimously to send an order letter to correct.

The meeting adjourned at 10:10pm.

#### GROTON BOARD OF HEALTH

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Jason Weber, Chairman

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Robert Hanninen

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Dr. Susan Horowitz

Respectfully Submitted,  
Debra A. Butcher  
Administrator