

TOWN OF GROTON
Groton Board of Health
173 Main Street
Groton, Massachusetts 01450
Phone: (978) 448-1120
FAX: (978) 448-1130
Email: dbutcher@ci.groton.ma.us

MEETING MINUTES
August 7, 2006
Town Hall, Groton, Massachusetts

Board of Health Members Present:

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

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

The minutes of May 2, 2006; May 15, 2006; June 5, 2006 & July 17, 2006 were approved.

70 Hayden Road: Present: Kevin Ritchie, Civil Solutions; William & Stella Bourget, owners

Mr. Ritchie provided abutters' return receipts for the record. Debra Butcher provided the Assessors' card. He stated that the property was an existing two bedroom dwelling with a failed cesspool that straddled the property line. He said that his clients have been pumping the system regularly so they can flush the toilet. Mr. Ritchie reported that there is a wetlands line that encompassed the bulk of the lot which made the upgrade a challenge to design. He requested the following variances:

Town of Groton's Local Regulations

Section I.A.5 - Minimum of (5) feet of pervious material between the bottom of the leaching facility and the groundwater elevations and/or any impervious layer. The offset above groundwater may be increased depending upon climatic and/or site conditions encountered. *An innovative type system is provided to allow the reduction.*

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 feet required; 18 feet 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 feet required; 10 feet provided.*

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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 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 and offset. *Use of a poly liner proposed to meet minimum break-out requirements.*

Section I.F.1- 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. *An innovative alternative type system provided.*

Title 5 Regulations

310 CMR 15.405(1)(b) Reduce the requisite offset from a crawl space to a septic tank and pump chamber from 10 feet to 7.5 feet.

Mr. Ritchie stated that ground water was at 0" and not usable. He said that the well was in the area of the proposed septic system. He stated that the well would be eliminated and town water would be connected. Mr. Ritchie proposed to use a JET I/A system for the design.

Mr. Ritchie stated that he was waiting for Conservation Commission to apply for an Order of Conditions.

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that the Assessors' card indicated that the dwelling was only a one bedroom. He recommended that the Assessors' office be notified of the correction. Mr. Cutone stated that he didn't think there were any other alternatives for the location.

Mr. Cutone stated that the soils were viable for an I/A system. He stated that the Department of Environmental Protection would unlikely approve a tight tank because there was an alternative solution for the system.

Member Horowitz asked how big the property was. Mr. Ritchie stated that the site was $\frac{3}{4}$ of an acre.

Discussion followed concerning the footprint and number of bedrooms. Mr. Ritchie proposed that the Board require a deed restriction on the number of bedrooms.

Member Horowitz made a motion to accept the requested variances with a condition that the dwelling shall have no increase in bedroom count, square footage, footprint, building height or sewage flow. The motion carried unanimously.

The Board requested that a memorandum be sent to the Conservation Commission notifying them that the Board allowed the applicant to install the tank on an emergency basis because the system is in acute failure.

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

The hearing was continued from July 17, 2006 in order that the Board's consultant could review and comment on the sampling data.

The Board reviewed the analytical data submitted by Dr. Susan Sundstrom and voted unanimously to accept her recommendation that the excavated material could be used as fill material on site.

The Board requested that Natgun Corporation notify the Board of Health, Conservation Commission and Water Department in advance of any work within Brooks Orchard. They asked that Natgun remove all soils from the wetlands according to the Conservation Commission's Order of Conditions and place all excavated materials around the Water Department's access gate. The Board requested that no materials shall leave the site and to notify the town when the work has been completed.

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24 Fir Road: Present: Ted Doucette, Polaris Engineering; Atty. Robert Collins; Mr. & Mrs. Bennett, owners

Member Horowitz recused herself from discussion as Mr. & Mrs. Bennett are clients of hers.

The hearing was continued from July 17, 2006 in order for the Board to obtain the property card from the Assessors' office.

Ms. Butcher submitted the card which indicated that the dwelling was recorded as a two bedroom.

Mr. Doucette referred discussion to Attorney Robert Collins. Mr. Collins stated that the Bennett's have three children and are forced to add bedrooms for the dwelling. He stated that there are financial constraints that would prevent the Bennett's to be forced to connect to town water. He asked that the Board consider the financial situation when making their decision. Attorney Collins described how the Bennett's planned on eliminating bedrooms in their basement and adding bedrooms elsewhere.

Attorney Collins stated that the existing well was tested and working fine. He stated that the owners were willing to periodically test their well if the Board required them to do so.

Mr. Doucette requested the following variance:

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

Member Hanninen stated that he was inclined to go with a well testing requirement. Mr. Cutone stated that there were no records on the existing well and septic system at both the Nashoba and Groton office. He informed the Board of nitrogen loading limitations for the property because the dwelling was being served by both a septic

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system and a well. He stated that the Board could require that the applicant record a deed restriction on the dwelling.

Chairman Weber stated that testing the well was "key" on this property. The Board recommended that the well be tested annually. Discussion followed regarding the conditions of the approval. Member Hanninen made a motion to accept the variance with the following conditions:

1. The dwelling is restricted to having no more than (3) rooms that meet the Title 5 definition of a bedroom and no more than (8) total rooms.
2. The well is to be tested on an annual basis and the results submitted to the Board of Health office.
3. The water sample shall have a chain of custody of custody with either the Board of Health or a State Certified Laboratory.
4. If any items exceed the maximum contamination level, the dwelling shall connect to town water within 180 days at the owner's expense.

Odor Complaint at 62 Valliria Drive: Present: Mr. Richard Ayoub, 145 Flavell Road; Yevgeny & Natalia Stoleran, 62 Valliria Drive

The Board of Health received a complaint from Mr. Ayoub about an alleged dog feces and urine odor coming from a dog kennel located at 62 Valliria Drive. He stated that the kennel was situated directly on the property line that abuts his property. Mr. Ayoub stated that kennel housed three bullmastiffs and another smaller dog who are never allowed outside of their kennel.

Member Horowitz questioned where Mr. Ayoub's well was located. He stated that it was in their front

yard and was approximately 200 feet deep. Mr. Cutone stated that it was his opinion that the well was not contaminated.

He stated that the odor was so strong, it prevented him from accessing his property. Mr. Ayoub stated that he attempted to work with the owners but both parties failed to come to an agreement. He requested the Board's assistance in helping him.

Mr. Stolerman requested that he read a prepared statement on his behalf (attached). His letter stated that he does own (4) dogs but maintained that they were in good health and always well groomed and taken cared of. He stated that the dog kennel was cleaned at least twice a day using sanitary products to disinfect the area. He invited town officials to visit the site to witness the conditions themselves.

Mr. Cutone stated that he has not been to the property. Member Horowitz stated that the Health Agent should be notified when the odor existed. She asked what disposal methods were used with the dog waste. Mr. Stolerman stated that it was disposed off in a container and brought to the Transfer Station regularly.

Mr. Cutone scheduled a site visit with both parties on August 14, 2006 at 4pm. The Board voted unanimously to continue the hearing to August 21, 2006 at 7:30pm.

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OTHER BUSINESS

23 Whitewood Road: Present: Thomas Orcutt, Groton Water Superintendent

Mr. Orcutt stated that his office has been receiving complaints concerning the condition of the roadway. He stated the water main extension has been completed and tested but leaks exist so the contractor has been notified. He stated that there is a financial issue that has prohibited the work to be completed. The Board voted to have Mr. Cutone send an odor letter that the landlord comply with all Town and Water Department requirements.

September Board of Health meetings

The Board voted to conduct meetings on Tuesday, September 5, 2006 & September 18, 2006. The Board voted to allow the signing of any permit approvals if no agenda items were scheduled for September 5, 2006.

Approval Not Required Regulations

The Board voted to conduct a public hearing on September 18, 2006.

Mutual Aid Discussion

The Board requested that the Selectmen put a mutual aid article on the next warrant at Town Meeting.

128 Main Street – Mr. Mellen's letter

The Board voted to schedule Mr. Mellen to meet with the Board on August 21, 2006 at 7:25pm to discuss his concerns regarding this rental property. The Board asked that Mr. Mellen contact the Board 48 hours in advance if he cannot make the meeting. The Board also requested that the Police Department be notified of the hearing.

Florence Roche Elementary School

Member Horowitz requested that the Board obtain all relevant information pertaining to the remediation data for the playground.

HEALTH AGENT UPDATE

West Groton – Vlahos building

The Selectmen's office notified the Board of Health that they received complaints of unauthorized access to the building and minors drinking alcohol on the property. Mr. Cutone stated that the Building Inspector inspected the building and reported that it is secured now. He stated that a new padlock was in place and that the Board of Health has no authority over minors drinking.

366 Lost Lake Drive

Mr. Cutone stated that he inspected the property today and there was no change in the property condition. He stated that he spoke with Town Counsel and that Mr. Johnson would be in violation of the order as of August 10, 2006 if there was no change.

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54 Shenandoah Road

The Board voted to schedule the hearing for August 21, 2006 and requested that the owner send a representative on his behalf. The Board stated that the hearing would be continued when the homeowner could be present.

The meeting adjourned at 9:35pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Robert Hanninen

Dr. Susan Horowitz

Respectfully Submitted,
Debra A. Butcher