

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
September 5, 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 7:32pm.

Minutes:

The minutes of August 7, 2006 & August 21, 2006 were approved as amended.

Septic Permits Signed/Approved:

*777 Martins Pond Road; Lawrence Larsen
*6 Hazelwood Avenue; Frances Carson

Bills Signed/Approved:

*Advance Security Systems-\$18.33
*ApparelMaster-\$77.28
*ApparelMaster-\$57.96
*Belmont Springs-\$27.00
*Casey & Dupuis-\$133.71
*CCP-\$158.79
*Chromate Industrial Corp.-\$124.35
*Dunn Battery-\$32.95
*Groton Electric Light Dept.-\$27.19
*Groton Electric Light Dept.-\$80.73
*Groton Herald-\$72.00
*Mobile Testing Services-\$100.00
*Moison Ace Hardware-\$198.86
*Myette Power Equipment-\$86.99
*Nancy Palma-\$10.00
*Custom Courier-\$76.84

-
-
-
-

September 5, 2006 meeting minutes
Page 2

11 Highland Avenue (a.k.a. 13 Highland Road) Present: Mark Szela, Goldsmith, Prest & Ringwall

Mr. Szela provided the mail return receipts for the record. He stated that the property consisted of

approximately .39 acres and was adjacent to Lost Lake. He said that the site slopes from Highland Road to Lost Lake and because of the site limitations, the location of the well and septic system were restricted.

The following variances to the Town of Groton's Well Regulations were requested:

Section VI: Well Location and Use Requirements

-
Setback from well to soil absorption area; 100 feet required; 80 feet provided.
Setback from well to sewer line; 50 feet required; 24 feet provided.
Setback from well to property line; 50 feet required, 14 feet provided.
Setback from well to public or private way; 75 feet required; 18 feet provided.
Setback from well to surface waters; 100 feet required; 40 feet provided.
Setback from well to foundation; 10 feet required; 4 feet provided.

Health Agent Ben Cutone informed Mr. Szela that his current Sewage Disposal Works Construction permit had expired on August 11, 2006, therefore, all previously approved variances would need to be reapplied for.

Member Horowitz stated that she witnessed a backhoe on the property and suspects that this was new construction. She requested that Mr. Cutone revisit the site.

Mr. Szela stated that his client would use the domestic water supply well as a supply well for a geothermal heating system. He stated that this type of well was known as a GeoExchange which utilized injection wells. He said that this type of well only required a local permit and did not require permitting or a registration with the Department of Environmental Protection.

Chairman Weber requested comments from Mr. Cutone. Mr. Cutone stated that the well is a closed system and has no contact with other heating exchanges. He stated that he consulted with another Agent from his office and that there were no regulations at the State level requiring registration from the D.E.P. He stated that a local permit was only required.

Member Horowitz requested that more information be provided to the Board concerning geothermal wells. She wants assurance that there would be no contamination before any decision is made and asked Mr. Cutone to speak with a representative from D.E.P.

Member Hanninen made a motion to continue discussion at its next meeting on September 18, 2006 at 7:20pm. The motion carried unanimously.

-
-
-

September 5, 2006 meeting minutes ***Page 3***

-
464 Boston Road Present: Eric Plantier, Mass. Highway; Berta Erickson, owner

Mr. Plantier provided mail return receipts for abutters to the record. He stated that Mass. Highway recently installed a new drinking water supply well in order to alleviate salt intrusion of the existing well and requested approval from the Board to connect the replacement well to the residence.

He presented the following documents for the record:

1. Results of the water quality analysis for the replacement well which included analyses for radon and arsenic.
2. As-built sketch of the replacement well with setback distances.
3. Well Completion Report for the replacement well.

He stated that local variances would be necessary in order to complete the connection. He requested the following variances:

Town of Groton's Well Regulations

Section VI: Well Location and Use Requirements

Property Line; 50 feet required; 45 feet provided.

Any type of Surface Water; 100 feet required; 69 feet provided (corrected distance made at the meeting from previously reported 76 feet provided in letter).

Mr. Plantier stated that the well was constructed 360 feet deep and yielded approximately 60 gallons per minute production and was constructed with a steel casing by Skillings and Sons.

Chairman Weber asked if Mr. Cutone had any concerns. He stated that the required variances were similar to those granted to 474 Boston Road and had no concerns.

The Board also had no other concerns or questions. Member Horowitz made a motion to accept the two requested well variances. The motion carried unanimously.

54 Shenandoah Road Present: Hubert Katona, owner; Rena Swezey, Board of Assessors' office; Rob Anctil, abutter

The hearing was continued from August 21, 2006 at the request of Mr. Katona.

Chairman Weber requested that Mr. Cutone provide the Board with the history. Mr. Cutone stated that he received an inquiry from the Assessors' office that this property contained a mobile home that had no approved sewage disposal system or potable drinking water well.

Mr. Cutone stated that the Board voted to issue an order to remove a trailer/mobile home from Mr. Katona's property at 54 Shenandoah Road, Groton, MA. He said that a review of the town's records indicated that the structure did not have an approved septic or drinking water system. Mr. Cutone stated that the Board could either vote to withdraw, modify or sustain the order as written.

September 5, 2006 meeting minutes

Page 4

Chairman Weber stated that a subsequent letter from Mr. Katona's attorney was received requesting that the Board withdraw its order letter.

Ms. Swezey stated that her office had received complaints from neighbors about the trailer and a possible negative impact to their property values. She stated that the recreational vehicle has a valid registration that will expire in November 2006. She stated that she frequently drives by the site and has never noticed that the unit has been moved in over two years.

Chairman Weber requested comments from Mr. Katona. Mr. Katona emphasized that he wished to be a good neighbor to all. He stated that the unit was a self contained unit for septic capabilities and not inhabited by him on a daily basis. He stated that he occasionally stays there at night but mostly visits during the daytime.

Member Hanninen stated that the issue would go away if the unit was removed occasionally and then returned to the site. He requested that Mr. Katona keep the unit registered and insured with the Registry.

Mr. Katona stated that he enjoys the area because it's quiet. He said it's his desire to keep the unit well maintained and the property grounds well groomed. He stated that it was his desire to eventually keep a boat or extra cars on the site as well.

The Board questioned what method was used to dispose of any waste. Mr. Katona stated that he has only stayed at the unit approximately 10 to 14 nights in two years. He said his electric bill has only averaged about \$6 a month.

Mr. Cutone stated that storing a vehicle vs. actually living in the unit is subject to interpretation and not under the Board's code.

Member Horowitz requested that Mr. Katona have the unit's septic serviced and provide the Board with receipts of the disposal.

Abutter Rob Anctil stated that he was a direct abutter to the property and that he had no public health concerns. His only concern was the limited number of times that Mr. Katona actually spends in the unit.

Member Hanninen requested that Mr. Katona disconnect the electric when not in use. Member Horowitz felt that this was a zoning issue and recommended that Mr. Katona have the unit serviced two times per year. Chairman Weber agreed and stated that the Board could modify this requirement if they saw an increase in the level of use.

Member Hanninen made a motion to modify the original order dated July 26, 2006 to require that the recreational vehicle located at 54 Shenandoah Road, Groton, MA be continually registered with the Massachusetts Registry of Motor Vehicles, the sanitary waste system must be serviced at least twice per year with the receipts submitted to the Board of Health, and the recreational vehicle must be disconnected from the electrical service when it is not being occupied. The motion carried unanimously.

September 5, 2006 meeting minutes

Page 5

The Board of Health office will document the above requirements in a letter to Mr. Katona.

59 Blossom Lane Present: Douglas & Christine Clayton, owners; Attorney Rob Anctil; Brian Lagasse; Attorney William Boyle

Mr. & Mrs. Clayton requested a meeting with the Board of Health to hear a dispute they have with their septic system contractor who recently installed a new sewage disposal system at their residence.

Attorney Anctil, representing Mr. & Mrs. Clayton, stated that the dispute is in regards to the final cost of the project. He stated that as a result of the dispute, the contractor has not released his final as-built and certification for the system. Attorney Anctil read a prepared letter to the Board. He requested that the Board grant a variance, according to 310 CMR 15:021(3) as it pertains to as-built certifications.

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that a new State regulation that went into effect on April 28, 2006 requires engineers and contractors to submit their final as-built within 30 days of the final system inspection. It was his recommendation that the contractor release his as-built as per the State requirement.

Chairman Weber felt that both parties involved should work out the dispute amongst themselves and that it wasn't the Board's responsibility to determine the outcome.

Attorney Boyle, representing Brian Lagasse, agreed and suggested that the Board set 90 days to settle the dispute to avoid litigation. Member Horowitz agreed that both lawyers should work together to resolve the dispute.

Chairman Weber recommended that the Board take no action. Member Hanninen stated that he would like to see the as-built released within (2) weeks. He felt that the Claytons were entitled to it according to the regulations and that the Board should enforce the 30-day requirement.

Member Hanninen made a motion to order Brian Lagasse to release his as-built drawing and certification within 30 days of the September 5, 2006 Board of Health meeting and to continue the hearing until October 2, 2006 at 8:15pm. The motion carried unanimously.

503 Lowell Road Present: Linda Johnson, owner

For the record, Dr. Horowitz disclosed that Ms. Johnson was a client of hers.

Ms. Johnson stated that she is selling her home and had a Title 5 inspection conducted in July 2006. She stated that she subsequently received a letter from Health Agent Ben Cutone stating that his records showed that according to original septic system documents, the house was approved for only three bedrooms. She stated that her house has always had four bedrooms. She requested a formal determination on the bedroom count from the Board.

September 5, 2006 meeting minutes
Page 6

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that he inspected the dwelling and performed a room count. He said that four bedrooms were counted and they were located on the second floor and appeared that they have been in existence for some time. He said he calculated the size of the system and it was his determination that it was large enough to accommodate flow for a four bedroom dwelling.

Member Horowitz made a motion that the dwelling located at 503 Lowell Road has the approved sewage disposal capacity for four bedrooms. The motion carried unanimously.

Emergency Management Present: William Shute

Mr. Shute updated the Board on planning for an emergency dispensing site in order that the Town was prepared for any pandemic flu outbreak and to clarify who was responsible during an emergency situation. He stated that he is working closely with Jim Garreffo of the Nashoba Boards of Health to clarify his role for the Town. He stated that he is currently outlining a partial procedure for an incident action plan. The Board agreed that the Chairman of the Board of Health should be the first point of contact.

Mr. Shute reported that he will be scheduling training sessions for Incident Command 100 and 700 classes in order that the Town meets its September 30, 2006 deadline for completion and certification.

OTHER BUSINESS

128 Main Street

Member Horowitz stated that a copy of the documentation, provided by Mr. Mellon at the Board's meeting on August 21, 2006, was submitted to the Board of Selectmen as he requested. The Board concluded that the Board, nor the Nashoba Boards of Health, was in receipt of pictures of the property.

Baler Bid Submission Present: Bruce Dubey

Mr. Dubey stated that one bid proposal for a new baler was submitted on time. He stated that the town approved the expenditure of \$52K with the only bid coming in at \$55K+. He stated that with the deduction of \$2331 for sales tax and \$800 for a fork rental, the cost would be under the appropriated amount. The Board voted unanimously to accept the bid.

7 Baby Beach Road – Tight Tank Construction

Debra Butcher reported that the contractor installed the tight tank less than the required 10 feet to the property line for this site. She requested that the Board hear the variance at its next meeting on September 18, 2006 so the homeowner can secure it's financing through the bank and close on the property. Member Hanninen made a motion to have the hearing on September 18, 2006 at 7:10pm. The motion carried unanimously.

September 5, 2006 meeting minutes
Page 7

HEALTH AGENT UPDATE

366 Lost Lake Drive

Mr. Cutone reported that there was no change in the condition of the property. He stated that Town Counsel was in the process of drafting a strategy for further legal action because Mr. Johnson has violated the court order.

Groton Convenience Store

The Board voted to have Health Agent Ben Cutone send the Groton Convenience Store informing them that the D.E.P. has notified the Board of Health that the Beauty Salon located at 871 Boston Road is discharging waste to the on-site leaching facility and that this is in violation of 310 CMR 15.000: Standards Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems. The Board requested that the Groton Convenience Store make an appointment to discuss this issue with them as soon as possible.

The meeting adjourned at 10:15pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Robert Hanninen

Dr. Susan Horowitz

Respectfully Submitted,
Debra A. Butcher