

**Board of Health
MINUTES
September 18, 2006
"Approved"**

Board of Health Members Present:

Robert Hanninen, Acting Chairman; Dr. Susan Horowitz

Member Absent:

Jason Weber, Chairman

Others Present:

Debra Butcher; Ben Cutone, Health Agent

Meeting Called to Order:

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

Minutes:

The minutes of September 5, 2006 were tabled because Member Horowitz had not read them.

Septic System Permits Signed/Approved:

*24 Fir Road; Craig Bennett

Septic System Permits Not Approved:

The Board voted not to approve the following septic permits until information is obtained concerning the historical use of the land:

- *Orchard Lane, Lot 1; Groton Land Foundation
- *Orchard Lane, Lot 2; Groton Land Foundation
- *Orchard Lane, Lot 3; Groton Land Foundation

Bills Signed/Approved:

- *Airgas-\$26.36
- *Verizon Long Distance (SW)-\$.27
- *Covanta-\$6423.76
- *E.L. Harvey-\$5784.57
- *Verizon Long Distance (BOH)-\$.83

7 Baby Beach Road: Present: Robert C. Black, Contractor

Mr. Black provided the abutter mail receipts for the record. Health Agent Ben Cutone reported that the permitted tight tank was installed by Mr. Black but due to site restrictions, it was necessary to install the tank less than the required 10 feet to the property line. He stated that all the inspections were completed but the Certificate of Compliance could not be issued until the variance was approved. Mr. Cutone said that the topography slopes towards the lake and the placement of the tank was the only alternative for the site. He said that there would be no negative impact to the neighbors or lake if approved.

The Board had no concerns. Acting Chairman Hanninen made a motion to accept the variance due to the extreme site conditions. The motion carried 2-0.

Mr. Cutone requested that revised as-builts from the engineer and installer be submitted with the clean-outs noted.

11 Highland Road Present: Mark Szela, Goldsmith, Prest & Ringwall

The hearing was continued from September 5, 2006 so information could be reviewed on Geothermal wells.

Member Horowitz stated that she saw how these wells worked on a recent science program she watched and had no problem with them after viewing the program. She stated that these wells should be tested every two years. Acting Chairman Hanninen stated that he had no concerns with the concept either.

Mr. Szela told the Board that they could call this a "recirculation well" because the water is looped around and out. Health Agent Ben Cutone recommended that the water gets tested approximately every 12 months and gets regular service to show that there is no leaking. Acting Chairman Hanninen agreed.

Acting Chairman Hanninen made a motion to accept the requested variances with the following conditions:

1. The well must be tested every 12 months for five years according to the Town of Groton's Well Regulations standards.
2. The heating service must be tested every 12 months with the records submitted to the Board of Health office.

The motion carried 2-0.

951 Townsend Road Present: Pamela Martin (representing her parents, Charlotte & Norman Carkin)

Ms. Martin stated that her parents obtained an approved septic permit to replace their existing system at this location. She said that the approval was granted for a four bedroom system and felt that the system was over designed because the house is actually only a two-bedroom home. She reported that both the basement and unfinished attic was potential for the extra two bedrooms.

She stated that her parents were unaware during the process that they were required to record a two-bedroom deed restriction and felt this was an unfair burden on her parents. She requested relief from the Board from this requirement.

Health Agent Ben Cutone reported that the engineering plan supported a four-bedroom dwelling. He said that the Assessors' office has the dwelling listed as a two-bedroom home. He stated in order to remedy the situation, the homeowner should hire an engineer and schedule soil testing. He stated that the engineer should determine if the system is in the Zone II area or if any variances are required and show it on the plan and resubmit it to the Board of Health.

The Board felt that if variances were required, it would be unlikely that they would be approved. The Board took no further action.

430 Old Ayer Road Present: Greg Roy, Goldsmith, Prest & Ringwall

Mr. Roy provided the abutter mail receipts for the record. He stated that the property was an existing three bedroom dwelling with a failed system. He said that due to the timing of the soil testing, a percolation test was not able to be performed due to high groundwater. He said that it was too wet for both the C or B horizon soils. He requested the following Title 5 Local Upgrade variances:

Town of Groton's Local Regulations

Section I.A.5: Offset to Groundwater

Minimum of five (5) feet of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. The offset above groundwater may be increased depending upon climatic and/or site conditions encountered. ***Five (5) feet required; four (4) feet provided.***

Title 5 Local Upgrade Approval

310 CMR 15.104(4)

At least one (1) percolation test shall be performed at every proposed disposal area, one in the primary in which the soil absorption system is to be located and one in the proposed reserve area. Additional tests shall be required where soil conditions vary or as determined by the Approval Authority or where system design exceeds 2,000 gallons per day. In such instances, a minimum of three percolation tests, spaced uniformly over the proposed soil absorption area, shall be performed in addition to the test in the proposed reserve area. ***Proposed the use of a sieve analysis in lieu of the percolation testing requirements.***

Member Horowitz felt that there were not a lot of alternatives for the site. Health Agent Ben Cutone agreed.

Member Horowitz questioned whether there was any negative impact to surrounding neighbors. Mr. Cutone stated that the site would need a drainage swale to prevent runoff.

Mr. Roy stated that the engineering design plan proposed to have a swale on both sides of the property for proper drainage. He said that there is an existing cesspool which would be replaced with the new system in its place.

The Board requested that the existing well gets abandoned. Member Horowitz made a motion to accept the variances as requested with the following conditions:

1. The old well is properly abandoned according to the Town of Groton's Well Regulations.
2. The dwelling is to remain as a three (3) bedroom house.

The motion carried 2-0.

Public Hearing – Regulation for Development on Non-Subdivision Lots and Commercial Properties

Present: See attached sheet.

Acting Chairman Robert Hanninen opened the public hearing at 8:00pm and read the Public Hearing Notice, published in the Groton Herald, into the record.

Acting Chairman Hanninen stated that the same hearing was conducted in March 2005 proposing the exact same language at that time. He stated that a number of people in attendance requested that the Board take no action at that time. He opened up discussion for the audience.

George Wheatley, 16 West Main Street, questioned the Board on what prompted them to have another hearing on this. Acting Chairman Hanninen explained that the Board had been very busy with the proposed Surrenden Farm development and the need for the Board to obtain historical data on the land. He stated that the proposed regulation would allow the Board to go the "extra step" if potential contamination exists on land development before the Board.

Member Horowitz explained that the Board currently has no control over "Approval Not Required" lots and this regulation would allow them to get the necessary information to assist them with their review process. Member Horowitz stated that this regulation was formulated to assist the Planning Board in their quest for more control over "ANR" lots.

Member Horowitz stated that information obtained through the regulation would alert the Board if arsenic existed and considered to be a public health risk.

Acting Chairman Hanninen stated that the regulation gives the Board of Health an extra step should there be any suspicion of contamination as lots were being sold and the responsibility being passed on from the seller to the buyer.

William Conley, 272 Lowell Road, questioned whether the Board would be utilizing the services of Dr. Susan Sundstrom as well as the consultant who recently lost his license and formerly employed at GeoInsight. Mr. Conley stated that consultants for Surrenden Farm cost approximately \$1 million

dollars over the last two years.

Mr. Conley questioned what the costs would be to homeowners. He felt that costs could easily exceed \$100,000 for a buildable lot. Discussion followed regarding burdens on homeowners. Mr. Conley felt that average homeowners could not afford to conduct required soil testing with the approval of the regulations. Acting Chairman

Hanninen explained that it was the Board's sole intention to protect people from possible soil contamination.

Mr. Wheatley questioned whether the Board could accept the regulation as a Board or is it required to go to Town Meeting. Acting Chairman Hanninen stated that under State statute, the Board could adopt the regulations independently.

Mr. Wheatley felt that this was another permitting hurdle that homeowners needed to jump through. He stated he handicapped himself on his own property with conservation restrictions which impacted the value of his home.

Discussion followed concerning areas that may contain naturally occurring arsenic in the soils. Mr. Conley questioned the Board whether they would adopt a regulation of every existing home and lot involved in a property transfer or sale. He used Blossom Lane as an example of where homes were constructed on land that was high in arsenic concentration. He said that the area was tested in 1999 and tested 62.5 parts per million. He said that there have been no deaths in that area where homes were built in the 1940's and with test results showing high levels of arsenic.

Mr. Conley felt that the Board would be giving the appearance that arsenic was a town wide health risk and felt that the passing of the regulation would give more expense burdens to young homeowners and would make housing in Groton unreachable for some.

The Board voted to continue the public hearing until November 6, 2006 at 7:30pm in order that a full Board is present.

OTHER BUSINESS

October 2006 Meetings

Member Horowitz informed the Board that she will be unable to attend October meetings due to surgery she will have in late September.

Special Town Meeting – October 23, 2006 – Public Health Mutual Aid Agreement

Acting Chairman Hanninen and Health Agent Ben Cutone will meet with the Board of Selectmen and Finance Committee on October 2, 2006 at 7pm to review the Board's article for Special Town Meeting.

NIMS Training

The Board was reminded that NIMS training must be completed by September 30, 2006.

William Shute – Recognition

Dr. Horowitz requested that Mr. Shute be recognized by the Town for all his efforts with Emergency Management. Ms. Butcher will contact the Selectmen's office.

West Groton Water Supply District – Request for Comments – Site Plan Review

The Board voted to send the following comments to the Planning Board:

1. The Board of Health is in full support of this project.
2. The Board is confident that the West Groton Water Supply District will follow its best practices regarding the installation of the new well.

Groton Dunstable Regional School District – Special Permit Application

The Board voted to send the following comments to the Planning Board:

1. The lighting should be consistent with the best management practices regarding light pollution.

HEALTH AGENT UPDATE

366 Lost Lake Drive

Health Agent Ben Cutone stated that he has received many phone calls from neighbors about the condition of the property which has not changed. He stated that Mr. Johnson has been in violation of the court order for two months. The Board voted to have Mr. Cutone contact Town Counsel via email.

5 Ridge Road

Health Agent Ben Cutone stated that he has become aware of a situation that this property is littered with refuse. The Board requested that Mr. Cutone take pictures of the site and have the homeowner in for a hearing. Ms. Butcher will schedule this on the Board's October 2, 2006 meeting agenda and notify the homeowner by mail.

The meeting adjourned at 8:50pm.

GROTON BOARD OF HEALTH

Members in Attendance:

Robert Hanninen, Acting Chairman

Dr. Susan Horowitz

Respectfully Submitted,
Debra A. Butcher