

**Board of Health Approved Meeting Minutes
October 2, 2006
Town Hall, Groton, Massachusetts**

Board of Health Members Present:

Jason Weber, Chairman; Robert Hanninen

Board of Health Member Absent:

Dr. Susan Horowitz

Others Present:

Ben Cutone, R.S.; Debra Butcher

Minutes:

The minutes of September 5, 2006 were approved. The Board took no action on the minutes of September 18, 2006 until Member Horowitz was present.

Septic Permits Approved/Signed:

- *11 Highland Road; Lynwood & Arthur Prest
- *104 Longley Road; Hilda O'Hara
- *698 Townsend Road; Nashoba Homes (transfer)
- *182 Farmers Row; Paul & Leanne Gunderson
- *75 Reedy Meadow Road; Frank LaFountain
- *205 Indian Hill Road; Edward McNierney

Bills Approved/Signed:

- *Belmont Springs-\$27.00
- *CCP Industries-\$348.85
- *Global Montello Group-\$78.97
- *Groton Electric Light Department-\$31.23
- *Groton Electric Light Department-\$63.36
- *P.N. Laggis Company-\$79.95
- *UniFirst (5 invoices)-\$96.60
- *Verizon (SW)-\$18.28
- *Walnut Printing-\$753.00
- *Groton Herald-\$176.00
- *Kelly Printing-\$96.85
- *Verizon (BOH)-\$37.48
- *Levine Fricke-\$2011.15
- *UMass-(1625.00)

205 Indian Hill Road Present: Judith Graves, Ross Associates; Edward McNierney, owner

Ms. Graves provided the certified mail abutter receipts for the record. Ms. Graves requested the following variance approval:

Town of Groton's Local Regulations

Section I.A.5 - Minimum offset of leaching facility from groundwater from 5 feet to 4 feet.

Section I.F.1 - Minimum size leach bed shall be 150% of Title 5 Requirement. Leach bed size equal to Title 5 requirements proposed.

Section I.I.3 - Abutter notification required for variances. Waive second notification for additional variance requested.

Ms. Graves stated that the system was in full compliance with Title 5 with an 8-minute percolation rate with ground water at 32 inches. She stated that it was her desire to keep the system away from the wetlands.

Mr. McNierney stated that it was his request to keep the system away from the 150 to 200 year old maple trees he has in his yard which caused some of the site constraints.

Chairman Weber questioned whether there were any alternatives available for the system. Health Agent Ben Cutone stated "no" unless retaining walls were used. Chairman Weber stated that he thought the design was a well thought out plan and an improvement over what existed.

Member Hanninen asked whether the system had failed. Ms. Graves stated "yes" and the new plan was for a 5 bedroom dwelling.

Ms. Butcher provided the Assessors' card which indicated that the house was listed as a six bedroom home. The Board questioned whether this was correct. Mr. McNierney stated "yes".

Mr. Cutone stated that there were Title 5 issues that now needed to be addressed. After calculating flow, he recommended that the engineer request a variance for a reduction of 17% in the leaching facility to make it a six bedroom design. He stated that this would require an additional hearing unless the Board waived that requirement under their local regulations.

Member Hanninen made a motion to waive the required notification for the additional variance to take of the six bedroom requirement (Section I.I.3). The motion carried unanimously. Ms. Graves will resubmit a new letter with the addition of the following two variances:

Town of Groton's Local Regulations

Section I.I.3 - All abutters and their abutters must be notified by the applicant of any variance request by a copy of a variance request letter sent to their usual place of address, by certified mail, return receipt requested, at least 10 days prior to the hearing date. Return receipts are to be provided to the Board of Health at the hearing.

Title 5 Regulation

310 CMR 15.405(1)(c) Up to 25% reduction in the required subsurface disposal area design requirements allowed. A 17% reduction is provided.

Chairman Weber made a motion to grant the four requested variances. The motion carried unanimously.

24 Fir Road: Present: Ted Doucette, Polaris Engineering

Mr. Doucette reported that he would put the abutter's mail receipts in the mail because he had forgotten them.

He requested the following local upgrade approval:

310 CMR 15.211 - Reduce the system location setbacks to a property line from the Groton Board of Health regulation of 20 feet to not less than the Title 5 310 CMR 15.211 requirement of 10 feet.

Mr. Cutone read into the record the Board's previously approved variance conditions for the well outlined in a letter dated August 16, 2006 and stated that the conditions would still apply. He reported that the septic system permit was issued in September 2006.

Chairman Weber questioned whether the approval would change anything with the permit. Mr. Cutone stated "no". He said that the system was in compliance with State regulations with the proposed offsets. Mr. Cutone stated that he had no concerns with the requested variance.

The Board had no further comments. Member Hanninen made a motion to approve the variance as written. The motion carried unanimously.

75 Reedy Meadow Road Present: Judith Graves, Ross Associates; Jason Shamberger, abutter

Ms. Graves provided the abutter's mail receipts for the record. She stated that the current septic system failed a recent Title 5 inspection and an upgrade design was being presented that required variances. Ms. Graves stated that the current leach field was under the "turn-around" driveway. She requested the following variances:

Town of Groton's Local Regulations

Section I.A.5 - Minimum groundwater offset from 5 feet to 4 feet.
Section I.F.1 - Beds shall be sized 150% of Title 5 sizing. 100
sizing provided.

Title 5 Regulations

310 CMR 15.405(1)(h) - Reduction of system offset to estimated high ground
water table from 5 feet to 4 feet.

Mr. Cutone stated that the Code allows a ground water offset to be reduced by one foot. He stated that there were no alternatives for an upgrade for this site. He stated that the system was currently sitting in ground water.

Member Hanninen questioned how old the property was. Ms. Graves stated it was built in 1982. Chairman Weber asked how many bedrooms existed. Ms. Graves replied "4". The Board stated that they would like the house to remain a 4-bedroom home.

Abutter Mr. Shamberger felt that the design plan would greatly improve the current situation with the ground water.

The Board had no further questions or comments. Member Hanninen made a motion to approve the variances with the condition that it remain as a 4-bedroom dwelling. The motion carried unanimously.

59 Blossom Lane

The hearing was continued from September 5, 2006. Owners Mr. & Mrs. Clayton and Contractor Brian Lagasse were not present.

Mr. Cutone stated that he has received the installer's as-built from Mr. Lagasse and will issue the Certificate of Compliance to the Claytons. He stated that there is no longer a Board of Health matter pending. Member Hanninen made a motion that the issue no longer needed to appear before the Board of Health. The motion was approved unanimously. The Board voted unanimously that this has been settled as a Board of Health issue and is a financial matter between both parties.

11 Highland Road Present: Mark Szela, Goldsmith, Prest & Ringwall; Mr. & Mrs. Lynwood Prest, owners

Mr. Szela presented the design plan for an upgrade for an existing two bedroom dwelling. He stated that the existing permit, dated August 11, 2003, had expired during construction of the project. He said that construction was delayed due to the drawdown of Lost Lake.

Mr. Szela stated that due to the size and location of the existing parcel, there were a number of limitations for the location of the proposed soil absorption area. He said that these factors included a difficult lot shape and its close proximity to the lake and its own well.

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 away from any wetland, water, course, wetland vegetation, seasonal streams and drainage ditches. 100 feet required; 40 feet provided.

Section I.A.1 - Two ground water observation holes and two percolation tests required; one ground water observation hole and one percolation test 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; 3 feet provided.

Title 5 Regulations

310 CMR 15.405(1)(a) Minimum of ten (10) feet required from the property line to the soil absorption area. 10 feet required; 3 feet provided.

310 CMR 15.405(1)(c) A 25% reduction in the required subsurface sewage disposal area design.

310 CMR 15.405(1)(f) Minimum of fifty (50) feet required from surface waters (except wetlands) to the soil absorption system. 50 feet required; 40 feet provided.

310 CMR 15.405(1)(g) Minimum of 100 feet required from private water supply to the soil absorption system. 100 feet required; 80 feet provided.

Member Hanninen stated that he would recommend that the Board condition the approval to have the house remain as a (2) bedroom. He made a motion to approve the variances with the condition that the house remains as a (2) bedroom dwelling. The motion carried unanimously.

430 Old Ayer Road Present: Mr. Greg Roy, Ducharme & Dillis; Mrs. Imelda Kelley, owner; abutter Graham Rae

Mr. Roy explained that this property was back before the Board due to an error in abutter notifications on their part. He stated that the abutter notice stated that the previous hearing, scheduled on September 18, 2006, was being held at the Town of Bolton Town Hall. Mr. Roy provided new certified abutter notices for the record.

Mr. Roy stated that the existing septic system for this three bedroom dwelling needed to be replaced and the house was for sale. He said that due to the timing of the soil testing, a percolation test was not able to be performed due to a high water table. He requested the following variances:

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 any impervious layer. Five feet required; four feet provided.

Title 5 Local Upgrade Approval

310 CMR 15.104(4) At least two percolation tests shall be performed at the proposed disposal area, one in the primary area in which the soil absorption system is to be located and one in the proposed reserve area. Applicant is requesting the use of a sieve analysis in lieu of the percolation testing requirements.

Chairman Weber stated that the Board has received a letter from an abutter Graham Rae who resides at 2 Pacer Way. Mr. Rae stated that he had concerns about the waiver of the ground water elevation due to excessive water issues in the area. He stated that he would like to have "100%" confidence that there would be no impact to his property.

Mr. Roy stated that the plan as designed was in full compliance with Title 5 requirements. He said that he was asking for relief from the local regulations only. Mr. Roy stated that the site would end up with an unsightly mound when completed.

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that there was an existing cesspool and that the design plan was a vast improvement. He said that his recommendation would be that the house should remain as a three bedroom dwelling.

Member Hanninen requested that the existing system be abandoned according to Title 5 regulations.

Mrs. Kelley disagreed that a cesspool existed. She said that her house was constructed with a septic system and provided a copy of the 1959 bill that showed the installation of a 750 gallon septic tank with a 700 square foot leaching field.

Discussion followed regarding the drainage pattern and water flow in the area and the possible need for a drainage swale. Mrs. Kelley stated that Mr. Rae's concerns were valid and that there was a "terrible water issue in that area". Mr. Cutone stated that the owner would be responsible to maintain the drainage swale if it was a condition of the approval.

Member Hanninen made a motion to approve the requested variances with the following conditions:

1. The house must remain as a (3) bedroom dwelling.
2. The existing septic system is to be abandoned according to Title 5 regulations.
3. The drainage over the top of the septic system shall be directed in a northwestern direction.
4. The owner shall maintain the drainage swales so a nuisance condition is not created on adjacent properties.

OTHER BUSINESS

Transfer Station Baler

Ms. Butcher reported that Town Counsel drafted a contract for purchase of the baler. She said that she prepared a summary for the Board of Selectmen and that the contract will be on the Selectmen's agenda to review and sign.

Veteran's Day – November 11, 2006 Present: Bruce Dubey

Mr. Dubey stated that Veteran's Day holiday was on Saturday, November 11, 2006 and therefore, the Transfer Station needed to be closed in observance of it. Member Hanninen made a motion to close the Transfer Station on Saturday, November 11, 2006. The motion carried unanimously. The Board requested that a public notice be placed in the newspaper and on the town's website.

69 Lakeside Drive

The Board received a memorandum from the Earth Removal Committee asking for their recommendation for a Stormwater Management Permit for grading the backyard and any adverse impact to an abutter's well at 14 Ridgewood Avenue.

The Board voted unanimously to send the following comments:

After a review of the Board of Health files, there is no information regarding the well's construction but it is believed that it is a shallow dug well. As a result, the Board of Health recommends that the well's water quality be tested in accordance with Board of Health regulations. The well should also be tested for volatile organic compounds, EPA Method 524 by a State Certified Laboratory with the results forwarded to the Board of Health office.

HEALTH AGENT UPDATE

5 Ridge Road

The owner of the property was not present for the discussion. Mr. Cutone apologized to the Board for not providing photographs of the property. He stated that the Board of Health office received an anonymous phone call from an abutter that stated that this property was worse than 366 Lost Lake Drive. Mr. Cutone visited the site and agreed that the property was “as bad if not worse” than 366 Lost Lake Drive.

The Board requested that Mr. Cutone send a notice to the owner stating that the property must be in compliance with the State Sanitary Code, free of refuse and trash, within 30 days of receipt of the letter. Member Hanninen made a motion to have Mr. Cutone send the letter and to continue discussion to November 20, 2006 at 8:30pm. The motion carried unanimously.

The meeting adjourned at 9:45pm.

GROTON BOARD OF HEALTH

_____ Jason Weber, Chairman	_____ Robert Hanninen	_____ Dr. Susan Horowitz
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Respectfully Submitted,
Debra A. Butcher