

MEETING MINUTES
Approved
January 16, 2007
Town Hall, Groton, Massachusetts

Board of Health Members Present:

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

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:35pm.

Septic Permits Signed/Approved:

- *160 Townsend Road (Squannacook 40B); Groton West LLC
- *429 Boston Road; Edwin Fisher
- *Kemp Street, Lot 1; David Gleason
- *29 Old Orchard Street; Sacred Heart St. James Rectory
- *28 Redskin Trail; Stephen Marranzini

Bills Signed/Approved:

- *Recycling Mechanical of New England-\$51,925
- *East Coast Electronics Recycling-\$650.
- *Consolidated Truck & Equipment-\$295.
- *Consolidated Truck & Equipment-\$295.
- *Next Level Motorsports-\$69.95

Public Hearing: Development of Non-Subdivision Lots/ Commercial Properties

Present: Dan Wolfe; Robert Pine; LeAnn Gunderson

Chairman Weber opened the public hearing by apologizing that he contacted Town Counsel too late for them to review the proposed language changes in the regulation for the hearing. Mr. Weber recommended that the Board consider continuing the public hearing until Town Counsel has had a chance to review the changes.

Dan Wolfe stated that the only differences in the regulation were in the last paragraph.

Member Hanninen suggested that the Board go forward with the public hearing. Member Horowitz agreed to proceed but recommended that the Board close the public hearing contingent upon Town Counsel's review and opinion. Chairman Weber supported that recommendation.

Mr. Wolfe stated that his only concern with the language was that it was too broad on areas of town with high levels of naturally occurring substances. He stated that he would be happy if the Board made distinctions with them. He stated that it would cause the landowner grief and would have the town defend broad statements. Member Horowitz stated that the regulation, as written, was not only about arsenic issues.

Bob Pine questioned what the definition of "new" was. He asked if the Board referred this to mean residential construction only. Member Horowitz stated that the Board was attempting to capture new "Approval Not Required" lots because there wasn't anything currently in place to do so. The Board felt that a better replacement for the word "new" should be "first time".

Mr. Pine stated that the regulation was open to determination of being too broad, especially with first time construction projects. He stated that it needed to be defined. Member Horowitz suggested that the Board put in a definition and send it to Town Counsel.

Mr. Pine suggested that the Board look at a 1954 map of aerial photos of town when the Town's first zoning map was made. He stated that it is a fantastic resource showing when DDT was used when most of Groton land was either in agriculture or were orchards. He spoke of his concerns on the cost and complexity of these issues and stated that they were beyond the expertise and appropriate level of what a voluntary board should be dealing with.

Mr. Pine stated that the Board was taking on the Department of Environmental Protection's burden and that it didn't belong with a local board. He questioned how the Board was going to administer such a regulation and that remediation would be a huge cost to residents and destroy people's investments. He felt that this was an unfair process.

Mr. Pine suggested that the Board concentrate on protecting public health through education letting people know what they were living on through maps such as the 1954 one. He stated that the regulation seemed excessive and scary. He recommended that the Board "put this to bed" and educate people instead which would be better for everyone.

Member Hanninen stated that the passage of this regulation would allow the Board of Health a layer of protection and make recommendations of how to manage ANR lots. He acknowledged that he isn't an expert on land contamination. He understood that hiring consultants would be expensive but felt that if the land was contaminated, it would be worth it. He agreed with the education process. He felt that this regulation would allow information to be passed onto future owners.

Member Horowitz stated that there wasn't anything that she has heard that was new and that it was a matter of differences of opinion only. She stated that the regulation gives the Board of Health an opportunity to look at ANR lots. She said she would like to close the public hearing tonight.

Member Hanninen stated that the Board has budgeted funding for FY08 for testing of public land. He said that this would give the Board more information on what was out there.

Chairman Weber suggested that the Board continue the public hearing in order to provide more time for Town Counsel's review. He stated that it's been over a year since the regulation was originally drafted.

Member Horowitz stated that the goal of the regulation was not to prohibit growth. She made a motion to close the public hearing, send the new language to Town Counsel and vote on the regulation at the next meeting on February 5, 2007. VOTE: Horowitz-Aye; Hanninen-No; Weber-Aye. The motion passed 2-1.

145 Hayden Road – Present: Kevin Ritchie, P.E.; Civil Solutions

Mr. Ritchie provided the abutter notification mail receipts for the record. He reported that the property has a failed leaching pit served by a private well with an arc of over 100 feet. Mr. Ritchie stated that the dwelling was built in the 1950's. He requested the following variances in order to repair the system:

Town of Groton's Local Regulations

Section I.A.2 - Deep observation holes for the determination of ground water elevations may be performed during the months of March and April. Use of holes conducted in months other than March and April will be limited to Class II and Class III soils, with a percolation rate of greater than five (5) minutes/inch. Observation holes in March and April may be required by the Board of Health or its agent, at their discretion on all sites.

Mr. Ritchie stated testing was conducted in October 2006 with no observed mottling or groundwater noted.

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. *Twenty feet required; 12 feet provided*

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that he witnessed testing and has no issues with the proposed design. He stated that the variances were due to the limited site conditions.

Discussion followed concerning the existing leach pits. The Board requested that the existing (2) leach pits be abandoned as part of the approval.

Member Horowitz questioned whether the dwelling was for sale. Mr. Ritchie stated "no". She stated that she conducted a drive-by and that the property was small. She made a motion to approve the variances as written with the condition that the two existing leach pits be abandoned. The motion was approved unanimously.

28 Redskin Trail – Present: Dan Wolfe, P.E.; Ross Associates; Stephen Marranzini & Corine Redwood

Dr. Horowitz disclosed for the record that Mr. Marranzini was a client of hers.

Mr. Wolfe provided the abutter notification mail receipts for the record. He stated that the two bedroom dwelling has a failed septic system and he submitted an upgrade design plan for the repair. He stated that abutting wells influenced the placement of the septic system and that the existing cesspool currently exists in groundwater. Mr. Wolfe stated that his clients would be drilling a new artesian well.

Mr. Wolfe stated that the owners planned on reconstructing the house on a new foundation but the dwelling would continue to be only two bedrooms. He stated that his clients would be scheduling hearings before the Conservation Commission and the Zoning Board of Appeals.

Mr. Wolfe requested the following variances:

Local Upgrade Approval

310 CMR 15.405(1)b - Reduction of the offset from the foundation to the leaching area from 20 feet to 13 feet.

310 CMR 15.405(1)d - Reduction of the required offset from a private well from 100 feet to 69 feet.

Town of Groton's Local Regulations

Section I.E.1 - Minimum offset from the edge of Lost Lake to the leaching area is 100 feet. *100 feet required; 61 feet provided.*

Section I.E.6 - Minimum offset from the leach field to the street is 35 feet. *35 feet required; 25 feet provided.*

Town of Groton's Well Regulations

Section VI - Minimum offset from a well to a leaching area is 100 feet. *100 feet required; 69 feet provided.*

Section VI - Minimum offset from a well to Lost Lake is 100 feet. *100 feet required; 11 feet provided.*

Section VI - Minimum offset from a well to a property line is 50 feet. *50 feet*

required; 25 feet provided.

Member Hanninen questioned whether there would be a full basement. Mr. Wolfe stated "yes". Member Horowitz requested that the design provide for protection of the well. Health Agent Ben Cutone stated that a new well would be drilled deep into the bedrock above the high water line as per the requirements of the Town's Well Regulations. He stated that the design was the best resolution for this site.

The Board requested that a condition of the approval be that the top of the well casing is constructed above the high water line. Member Hanninen made a motion to accept the requested variances with the condition about the well construction. The motion was approved unanimously.

OTHER BUSINESS

Pineridge 40B – Request for Comments to Zoning Board of Appeals

Present: John Boardman, P.E.; LandTech Consulting

Mr. Boardman provided a design plan for a new site plan which reduced the number of units to 16 detached three-bedrooms served by town water. He said the final design plan of the septic system was not complete because they anticipated the need for the following local variances:

Town of Groton's Local Regulations

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|---------------|---|--|
| Section I.A.2 | - | Allow out of season testing. |
| Section I.A.5 | - | Reduce the groundwater offset from five to four feet. |
| Section I.C.5 | - | Use the area between the primary trenches for the reserve area. |
| Section I.E.5 | - | Request to have less than ten feet between the primary and reserve area. |

He asked if the Board needed any additional information or clarification on the new site plan. He stated that the plan was in full compliance with Title 5 regulations.

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that he had no concerns about the out of season testing as he witnessed the testing himself. He stated that the need to reduce the groundwater offset from five feet to 4 feet did not concern him either because it met Title 5 requirements. He stated that his only concern was the reserve area in between the primary because the system would be a communal system and if failed, it would create problems for the entire site.

The Board voted unanimously to send the following comments:

1. The Board requests, in writing, the historical use of the property.
2. The Board believes that the water table is shallow and the soils are restrictive.
3. The Board is concerned about the potential negative impact to neighbors adjacent to the property, i.e. stormwater management issues concerning groundwater runoff.
4. What is the purpose of the proposed infiltration use?
5. No local Board of Health waivers be granted.
6. Groundwater mounding calculations be provided.
7. The sewage disposal system maintain a five-foot groundwater offset.
8. Separate primary/reserve sewage disposal system areas.
9. No retaining walls be employed for the sewage disposal system as part of the engineering plan.
10. The Board understands that the project will be served by town water.
11. The Board of Health should be notified of all future meetings concerning this project.
12. The preliminary plans for this project show inadequate soil testing for the leaching facility.
13. The Board of Health has not received septic system engineering plans.
14. The applicant has requested no Title 5 or local variances to date.

15. The primary and secondary leaching facility should not be paved over.
16. The Board requires that soil testing be performed in the Spring during groundwater testing season.

Member Horowitz stated that she would attend the Zoning Board of Appeals meeting on January 31, 2007.

60 Boston Road – Request for Comments – Site Plan Review

The Board was notified that this property has not been connected to town sewer and that the onsite sewage disposal system may be in failure. The Board requested that Health Agent Ben Cutone issue an order letter to connect to town sewer within 30 days of receipt of their letter. The Board voted unanimously to send the following comments:

1. The Board of Health will be issuing an order letter to the applicant that this property must be connected to town sewer within 30 days of receipt of their letter.
2. The Board is aware that this property is being served by town water.

Lyme Disease

Dr. Horowitz reported that she had a conversation with the Carol Hogan, a Community Health Nurse from Nashoba Nursing, about scheduling a public forum concerning Lyme Disease. She said that the Town of Lancaster held a forum for residents educating them about the public health risks and ways residents should protect themselves and their pets. Debra Butcher will contact Ms. Hogan to set a forum for Groton residents in early March 2007. Ms. Butcher stated that Selectman Degen suggested that the forum be held at the school so more residents could attend.

February 2007 Board of Health Meeting Schedule

The Board voted unanimously to conduct meetings on Monday, February 5, 2007 and Monday, February 26, 2007 at 7:30pm.

Tobacco Control Compliance

Ms. Butcher reported that the Lowell Sun published an article Sunday about funding cuts for tobacco control. She stated that she has been contacted by Lawrence Academy's Dean of Students that they were willing to oversee tobacco checks with retailers using some of their students. The Board requested that Ms. Butcher contact the Police Chief and DARE Officer for their assistance and to conduct a compliance check within the next 45 days.

Groton Exchange

Nashoba Associated Boards of Health notified the Board that the owner of Groton Exchange has not submitted a valid certification or proof of enrollment that one full time employee has successfully completed and was certified with the Federal Food Safety course.

The Board voted unanimously to send a letter to the owner requesting a valid certification. Health Agent Ben Cutone stated that he would meet with the owner as well.

Public Health Concerns

Chairman Weber requested a prepared list of the Town's top list of public health concerns for the Board to review. He stated that this action was one of the Board's goals for 2007.

HEALTH AGENT REPORT

366 Lost Lake Drive

Health Agent Ben Cutone reported that there was no change in the property condition based upon a site inspection conducted today. Chairman Weber will contact Town Counsel for a status update on the court actions.

The meeting adjourned at 9:35pm.

GROTON BOARD OF HEALTH

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