

**MEETING MINUTES**  
***Approved***  
**May 14, 2007**  
**Town Hall, Groton, Massachusetts 01450**

Board of Health Members Present:

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

Others Present:

Ben Cutone, R.S.; Debra Butcher (arrived at 9pm)

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:38pm.

Minutes:

The regular session meeting minutes of March 19, 2007 were approved as written.

Septic System Permits Approved/Signed:

- \*Common Street, Lot 1; Robin Desharnais
- \*871 Boston Road; Vimugen G. Patel
- \*162 Common Street; Ralph Smith, Jr.
- \*Arbor Way, Lot 25; Landwest Inc.
- \*Arbor Way, Lot 24; Landwest Inc.
- \*Quail Ridge Road; Lot 2; Fox Meadow Realty Corp.
- \*256 Lowell Road; Lot 12H; Dermco

Bills Approved/Signed:

- \*Advance Security Systems-\$18.33
- \*Advance Security Systems-\$124.30
- \*Advance Security Systems-\$18.33
- \*Airgas-\$26.10
- \*Airgas-\$156.00
- \*Ayer Auto Parts-\$103.82
- \*Checkered Flag Auto Supply-\$69.63
- \*Global Montello Group-\$1081.53
- \*Global Montello Group-\$38.65
- \*Groton Electric Light Dept.-\$177.03
- \*Groton Electric Light Dept.-\$47.37
- \*Moison Ace Hardware-\$179.76
- \*Unifirst (3 invoices @ \$13.12 each)-\$39.36
- \*Verizon (SW)-\$18.23
- \*Covanta-\$6107.69
- \*Complete Recycling Solutions-\$77.00
- \*E.L. Harvey-\$4768.83
- \*East Coast Electronics-\$650.00
- \*Routhier & Sons-\$372.50
- \*Belledeu & Co.-\$220.16
- \*Verizon (BOH)-\$39.69
- \*W.B. Mason-\$70.76
- \*W.B. Mason-\$48.89
- \*Verizon Long Distance (BOH)-\$.08

54 Ridgewood Avenue: Present: Glenn Kinnear, owner; Atty. Rob Anctil

The hearing was continued from April 9, 2007 in order that the Board could receive a copy of the

proposed floor plan for the upgrade.

Attorney Rob Anctil opened the hearing by stating that he had a similar situation about six years ago when he went through a long process with the Board. He said that he has a small camp on a tight lot and upgraded his septic system from a two bedroom to a three bedroom dwelling. He felt that he ended up with a "state of the art" septic system that allowed them to increase their existing structure. He stated that he felt this was a real positive for both himself and the Town of Groton.

Attorney Anctil stated that he had reviewed the Board's conditions for Mr. Kinnear's property and referenced Approval No. 2 where the Board required that the building shall not be increased in height, footprint, square footage, sewerage flow or bedrooms.

Mr. Kinnear presented a preliminary floor plan which included three levels to the house. Discussion continued regarding the proposed floor plan where Mr. Kinnear detailed what rooms were located on each level. Mr. Kinnear stated that this was only a concept plan because he didn't have enough time to definitively document an exact plan.

Member Horowitz questioned what Mr. Kinnear had planned on the lower level and asked whether Mr. Kinnear would be adding onto the lower level. Mr. Kinnear stated "yes".

Attorney Anctil stated that he was looking for the Board to follow its normal procedures in determining whether Mr. Kinnear's proposal was actually considered to be "new" construction or considered to be an upgrade system and make sure it's a two bedroom according to Title 5 regulations.

Attorney Anctil stated that it is not his client's intent is to not increase the sewage flow or bedroom count but is interested in increasing the height, footprint and square footage.

Member Horowitz questioned whether Mr. Anctil had any concerns about the other conditions of the approval. Mr. Anctil stated that the Board is requiring that the owner absorb the cost in having a Title 5 water test sample by a State Certified Laboratory.

Health Agent Ben Cutone stated that the water test requirement was a typical protocol for the Board of Health to require and that a chain of custody is followed. Mr. Cutone stated that the Board requires that this when a Title 5 inspection is conducted at the time when a property is sold.

Mr. Cutone stated that after reviewing the floor plan, it is in compliance for a two bedroom septic system with a total room count of five.

Member Horowitz stated that the Board is concerned about environmental protection and have been conditioning properties for the last five year. She stated that she conducted a site walk and didn't understand how the Conservation Commission approved the site. She said that the Town needs to be as proactive as possible as to what is happening down at the lake area to have some control in protecting the environment.

Member Hanninen stated that the designed plan was a significant increase over what existed and that the square footage suggested that this didn't have to be a two bedroom house because of the potential of increased flow.

Mr. Anctil stated that he understood the Board's perspective because he lives at the lake and understands the Board's reason for concern; however, he sees the value in what his client was proposing. He said that he understands the "increase flow issue" but didn't know what else to do except to have a deed restriction commit to a floor plan for a two bedroom dwelling. Member Hanninen stated that the Board saw what existed at the site and reacted to the plan before them.

Mr. Anctil questioned whether there was a way the Board could get rid of the restriction and evaluate the site at a later date now that a plan is in place for a two bedroom dwelling? Member Hanninen

stated "yes".

The Board voted unanimously to continue the hearing to June 4, 2007 at 7:30pm in order to work with Health Agent Ben Cutone on a deed restriction.

Monarch Path Present: Mr. David Buhlman; Mr. Robillard, 17 Old Carriage Path

Mr. Buhlman presented a plan in response to the Board's comments about contamination issues. Member Horowitz stated that the Board received a letter from Mr. & Mrs. Robillard concerning existing wells and drainage.

Member Horowitz questioned whether the site could be connected to town water. Mr. Buhlman stated that the Planning Board made a stipulation that it needed to be. She questioned whether there was any impact on the nearby vernal pool. Mr. Buhlman stated that they are currently working with the Conservation Commission to address that.

The Board asked whether testing has been completed. Mr. Cutone stated "yes" he has been out to the site for some as well as others from his office. He said that as part of his septic review, he would review the soil data. Mr. Cutone questioned whether this project would have a common system. Mr. Buhlman stated it would have individual systems. Discussion continued regarding groundwater requirements.

Mr. Buhlman reported that there was some contamination on the site but that the design plan would address that issue. Mr. Cutone stated that a contamination report has been recorded with the State for Groton Screw but there is nothing on record for across the street. Mr. Cutone wasn't sure if any other site evaluation was done but will look up what a Tier 1 means with the DEP. Mr. Cutone can find out the status of the report to see if the State is satisfied with the report.

Member Horowitz questioned what the history was previously and whether it was an orchard and contained any other contamination other than from the Groton Screw. Mr. Buhlman stated that he would do more research on the history of the land and forward it to the Board.

Discussion continued regarding water drainage affecting Mr. Robillard's property. The Board learned that there was a 2<sup>nd</sup> well located on the lot that is approximately 100 years old. Member Horowitz questioned what Mr. Robillard was concerned about. He stated that he is concerned on how the water will flow onto his property. He said that this well was only about 16 feet deep and it's dry in August but overflowing in the spring and runs into his yard.

Mr. Cutone stated that he inspected the well and that it was covered by a piece of plywood and needed to be abandoned to make it safe.

The Board assured Mr. Robillard that the well will be filled in and won't be a problem. Member Hanninen made a motion to have the well abandoned within 30 days. The motion carried unanimously. Mr. Buhlman assured the Board that it would be abandoned.

Mr. Cutone recommended that the Board condition that the applicant comply with all storm water management regulations. Member Horowitz questioned whether Mr. Robillard has been to Planning Board meetings. He stated that he has and informed them how much water he has had to pump out of his basement. The Board voted unanimously to send the Planning Board a letter concerning Mr. Robillard's property.

The Board voted unanimously to continue the hearing to June 4, 2007.

Rocky Hill Present: Attorney Robert Collins

Attorney Collins informed the Board that Mr. Moulton has begun development on Rocky Hill. He said that when the site was designed, the plan was to have a common septic system separate from the

properties that they would serve and would require variances to Title 5 and the local regulations.

He said that since that time, Title 5 has changed and cluster-type developments are allowed to have systems separate from the properties that they serve but Groton's regulations still reflect the old Title 5 requirements.

Attorney Collins stated that Mr. Moulton preserved most of the site but in order to achieve that, it was necessary to design common systems. He stated that the development would result in 84 units on approximately 500 acres, preserving approximately 430 acres as open space.

Attorney Collins requested the following variance in order to make efficient use of the land and minimize any disturbance. He said that it would be environmentally wise to grant the requested variances for the common systems.

#### Town of Groton's Local Regulations

Section I.C.4 - The sewage disposal system must be located on the same lot as the facility it is intended to service; for the purpose of this regulation, a lot shall not be interconnected by an easement or right-of-way.

The Board voted unanimously to grant the variance for the following lots:

1. Parcel A-2 for lots on Cardinal Lane.
2. Two systems on Parcels D-1 and D-2 serving lots on Mockingbird Hill Road and Robin Hill Road.
3. A system on Parcel C serving 12 starter homes to be situated on Lot 1-C-4.
4. A system on I-C-5 serving 24 over-55 age restricted units.

Member Horowitz was concerned about approving this request because the Board is proposing to change their regulations disallowing systems under the roadway. Health Agent Ben Cutone stated that the regulations were local and the Board may grant variances to them.

Member Horowitz questioned whether Attorney Collins would be submitting additional plans for common systems. Attorney Collins replied "no".

The Board voted unanimously to approve the variance to the (3) common systems proposed for Rocky Hill.

#### OTHER BUSINESS

Grolex – 370 Chicopee Row Present: Attorney Collins; Brian Lagasse; Michael McElroy, 388 Chicopee Row; Mark Maguire, 400 Chicopee Row

The Board received a copy of a complaint form from Mr. McElroy to the Building Department concerning this site. The complaint stated that the building was formerly used as a metal fabrication business and has been vacant for over (2) years. Mr. McElroy stated that there are test wells around this building that the Board of Health should be aware of.

Chairman Weber asked Health Agent Ben Cutone for his comments. Mr. Cutone stated that the site did not appear on the D.E.P.'s 21E site list. He stated that he visited the site and saw that there was evidence of a Schedule 40 PVC pipe on one side of the site but nothing was registered with Nashoba Boards of Health.

Discussion continued concerning the test wells and the history of the building. Mr. McElroy stated that he has witnessed several loads of truckloads coming and going from the site. He said he has lived in the area since 1991 and that solvents were used at the site.

Mr. Cutone questioned whether the Fire Chief has been contacted. Mr. McElroy stated "no". Member Horowitz questioned who owned the property. Mr. McElroy stated the owners were Mr. & Mrs. White

and now it is owned by Brian Lagasse for his trucking business.

Discussion continued regarding the monitoring wells. Attorney Collins stated that the wells were installed as part of the 21E analysis report done in 2006. He said that it has not been recorded with the DEP because the samples were below the reportable contamination levels established by State guidelines. Attorney Collins will check with the previous owners for permission to release a copy of the report to the Board.

Mr. McElroy stated that he was concerned that both the State and the Town's Health Agent were not aware of the report. Attorney Collins replied that Licensed Site Professionals were present and has "put their own licenses on the line". Member Horowitz stated that when the Board sees the report, they would have a better idea as to what exists on the site. He said that the purpose of the meeting from his perspective was to make the Board aware of the site. Member Horowitz recommended that the Board continue the meeting once the report is received.

274 Boston Road Present: Bruce & Carlene Clements, owners

The Board of Health received a memorandum from the Board of Assessors' office inquiring about the existing septic system serving the dwelling and an attached barn.

Mr. Clements stated that they are currently in dispute with the Board of Assessors over the valuation of their home and have applied for an abatement. He said that the Assessors have questioned whether the septic system was limited for the barn and not for the residence.

Mr. Clements claimed that they are incorrectly being assessed but the septic system was irrelevant to their issues with the Assessors' office.

The Board of Health reviewed their file on the onsite sewage disposal system. Member Horowitz stated that the paperwork clearly indicated that the septic was for the use of the existing dwelling.

The Board concluded that the system was sufficient for the protection of public health and that the repair was for the existing apartment.

After a brief discussion on the system, the Board voted unanimously to send the following comments to the Board of Assessors:

1. Referencing the November 16, 1987 review form from the Nashoba Associated Boards of Health, the Board acknowledged that a repair was done for use of an existing apartment and not the construction of a six bedroom home and that the change of use from an apartment to a six bedroom house would require that all existing regulations be followed.
2. The Board concluded that the sewage disposal system serving this apartment and the barn is considered sufficient for the protection of public health and will take no further action on this matter.

Mrs. Clement stated that she was very angry by the whole matter and that in the future, the Board of Assessors should "do their homework". Chairman Weber stated that the goal was to resolve this matter quickly and it was not the Board's intent to criticize other boards.

Nashoba Paddler – 2007 Camp License Variance

The Board voted unanimously to approve the annual camp variance with the requirement that Nashoba Paddler provides monthly pumping records to the Groton Board of Health office.

105 CMR 430.370 Toilet Facilities

The operator of each recreational camp for children shall provide at least two toilets or privy seats for each sex and:

1. For each camp other than a day camp where the number of persons of one sex is in excess of 20, the operator shall provide one additional toilet or privy seat for each additional ten

- persons or fraction thereof of that sex.
2. At a day camp where the number of persons of one sex is in excess of 60, the operator shall provide one additional toilet or privy seat for each additional 30 persons or fraction thereof of that sex.

Pay As You Throw Present: Tessa David; Bruce Dubey

Ms. David requested approval from the Board to amend the PAYT contract to require that merchants pay for the amount of bags delivered instead of for bags sold within 30 days. The Board agreed with the contract change. The Board requested that a thank you letter accompanies the contract.

Sewage Disposal Regulations – Amendments

The Board voted unanimously to conduct a public hearing in June 2007 with the proposed amendments drafted by Health Agent Ben Cutone.

Local Emergency Planning Committee

Member Horowitz stated that the committee was working on the Continuity of Operations (COOP) and the Continuity of Government (COG) plans for the town.

Nashoba Associated Boards of Health Executive Board

Member Hanninen stated that the Director of Nashoba Associated Boards of Health requested that he serve on the Executive Board. The Board tabled further discussion until after the Town elections.

HEALTH AGENT UPDATE

366 Lost Lake Drive

Health Agent Ben Cutone informed the Board that he sent recent pictures of the site to Town Counsel and is awaiting further direction from him. He also informed the Board that he had knowledge that an abutter has filed for a property abatement with the Board of Assessors' office.

29 Arrow Trail

Health Agent Ben Cutone informed the Board that he is in receipt of a complaint concerning trash/refuse on the property. He stated that he validated the complaint on May 11, 2007. He requested approval to send a letter to the owners ordering them to comply with the State Sanitary Code within 30 days of receipt of the letter. The Board questioned whether pictures of the site were taken. Mr. Cutone stated "no". The Board voted unanimously to send the letter.

The meeting adjourned at 10:15pm.

GROTON BOARD OF HEALTH

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Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,  
Debra A. Butcher

