

**MEETING MINUTES**  
***Approved***  
**June 18, 2007**  
**Town Hall, Groton, Massachusetts**

Board of Health Members Present:

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

Others Present:

Debra Butcher; Ben Cutone, R.S.

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:30pm.

Minutes:

The minutes of April 9, 2007 & June 4, 2007 were tabled.

Sewage Disposal Permits Signed/Approved:

None submitted

Bills Signed/Approved:

- \*Airgas-\$26.98
- \*E&R Cleaners-\$23.75
- \*E&R Cleaners-\$23.75
- \*Global Montello Group-\$105.26
- \*Moison Ace Hardware-\$10.30
- \*Shattuck Oil-\$742.36
- \*Verizon Long Distance (SW)-\$.24
- \*Verizon Wireless (SW)-\$133.99
- \*Covanta-\$6071.62
- \*E.L. Harvey-\$7131.96
- \*Verizon Long Distance (BOH)-\$.14
- \*North Central Regional Solid Waste Cooperative-\$560.00

Public Hearing – Town of Groton’s Sewage Disposal Regulations Present: See attached

Chairman Weber opened the public hearing by reading the public hearing notice into the record. The following amendments were proposed:

Section C: Design Requirements

ADD:

12. No component of a sewage disposal system, including by not limited to the leach area, sewer line, distribution box, distribution line, septic tank, clean-out or manhole, shall be located under any portion of a public or private road, parking lot, or parking area.
13. Zone III Nitrogen Loading – Any sewage disposal system serving any facility, other than a residential facility serving two (2) or fewer units, located within a Zone III Water Resource Protection Area as mapped by the Massachusetts Department of Environmental Protection (DEP) or as designated by the Town of Groton shall not receive more than 220 gallons per day of sewage effluent per 10,000 S.F. of property area.

When innovative and alternative treatment is provided, which is approved by the DEP for the removal of nitrogen, a facility may discharge up to a total of 275 gallons per day per 10,000 S.F. of property area.

For the purpose of this regulation, only property which is contiguous and the legal title is held and controlled by the same owner may be used when calculating nitrogen loading.

Chairman Weber began the public hearing by requesting comments from the audience.

Attorney Ray Lyons questioned what prompted the Board to consider such changes to the regulations. Chairman Weber stated that it was an attempt to manage risks. Member Horowitz stated that the proposed changes were an attempt to “mirror” regulations already adopted by the Groton Planning Board.

Health Agent Ben Cutone provided some background on calculations pertaining to a recent project at the corner of Route 119 and Forge Village Road. He stated that he met with the Groton Water Superintendent and Planning Board Administrator concerning nitrogen loading requirements. He said that it was then that they developed a policy agreeable to all parties for limits in Zone III areas. Mr. Cutone stated that the ultimate decision was to protect town wells.

Attorney Lyons questioned whether this new requirement was actually a policy or a regulation. Member Horowitz stated that it was a regulation adopted by the Planning Board.

Resident Richard Lewis stated that he has installed septic systems for over 40 years in Groton and said that materials used today are stronger. He stated that it is his opinion that when a septic component is under a surface, heavy items that cross over provide for better distribution. He continued by saying that materials used today for city sewer should be good for the town. Mr. Lewis stated that modern designs and equipment would have no problems if placed beneath impermeable surfaces such as parking lots.

Mr. Lewis alerted the Board that the Catholic Church was looking for a new site which would be served by a septic system. He said the Board would create a “big stumbling block” unnecessarily if the system couldn’t be located under the parking lot.

Member Hanninen stated that system components designed and constructed under paved surfaces could potentially be a problem for maintenance purposes and inspections.

Resident and civil engineer Daniel Wolfe agreed with Mr. Lewis. He stated that he read over the proposed language and felt that if adopted, it would limit any creativity he had in designing systems on behalf of the developers. Mr. Wolfe suggested that this was another way that town officials proposed to restrict further development in Groton.

Groton resident and builder Robert Kiley requested that the Board reconsider adopting such a regulation. He stated that it would adversely impact a house site.

Resident James Gmeiner stated that he didn’t understand the “science” of the proposed regulation concerning components not being allowed under a paved area. He understood that Title 5 states that “they should not be paved over” but he felt that there was no scientific basis for making it a regulation requirement.

Robert Lacombe stated that he has installed over 700 septic systems in town and some of them were placed under paved areas. He said that they are still in good working order today.

Member Hanninen stated that he hasn’t heard anything that would change his mind on the proposed

language. Member Horowitz said that this would be another layer of protection for residents. She said that she hasn't heard anything that would convince her that this wasn't a major impact.

Chairman Weber suggested that the Board continue the public hearing in order to give the Board more time to consider comments received and to gather more information on engineering studies. Member Hanninen made a motion to continue the public hearing to August 20, 2007 at 7:30pm. The motion carried unanimously.

Baddacook Pond Road: Present: Attorney Ray Lyons; Dan Wolfe; Tom Orcutt

Attorney Lyons began by stating that he represented the New England Forestry Foundation. He reported that in 2002, the Board denied variances for upgrades for this four bedroom house after a series of public hearings. He said that the New England Forestry Foundation appealed the Board's decision in Superior Court and a trial is scheduled for July 19, 2007.

Member Hanninen requested clarification on whether the relationship between the pending litigation and the new application. Attorney Lyons replied that the plan presented today was a different application before the Board. He said that they were not directly connected and that if the Board approved the current application and plans, the litigation would be moot.

He requested the following local variances in order to upgrade the existing sewage disposal system and water well serving the house:

Town of Groton's Sewage Disposal Regulations

Section I.E.1 - Minimum offset from the sewage disposal system to the edge of the wetlands is 100 feet. **100 feet required; 51 feet provided.**

Town of Groton's Well Regulations

Section VI: Well Location - Minimum lateral/circumferential distances from potential sources of contamination shall apply. **100 feet required; 16 feet provided.**

The Board questioned the number of bedrooms serving the house. Health Agent Ben Cutone confirmed that the house had (4) distinct bedrooms.

Discussion followed concerning the depth of the existing well and the depth of the town well.

Member Horowitz questioned whether the new plan was to keep the house a four bedroom home. Mr. Wolfe stated that there are no plans to change it.

Member Horowitz said that since the outhouse and well were unusable in its current condition, was NEFF proposing something new with the building. Attorney Lyons stated that it is his client's intention to sell.

Member Hanninen recommended that the Board conduct a site walk of the property. The Board voted unanimously to conduct a site walk on June 21, 2007 at 7pm. Dan Wolfe and Ben Cutone stated that they would be unavailable.

The Board voted unanimously to continue the hearing to July 16, 2007 at 8:15pm.

60 Boston Road

- The Board received a letter from Mr. Kevin Hardiman of Ross Associates requesting an extension to August 31, 2007 for connection to the municipal sewer system in order to complete his discussions with the Planning Board and Conservation Commission.

*Mr. Hardiman was not in attendance for the meeting.*

Mr. Cutone stated that there were no noxious odors coming from the site and not considered a public health threat at this time. The Board voted unanimously to send a letter extending the timeline for connection to August 31, 2007 and state that the Board of Health may issue an order for the building to be vacated if the connection is not completed by that date.

## OTHER BUSINESS

### FY08 Goals and Objectives

The Board tabled discussion until their meeting on July 16, 2007.

### Household Hazardous Waste – North Central Regional Solid Waste Present: Tessa David

The Board supported the effort by the Devens Enterprise Commission and the North Central Regional Solid Waste Cooperative to determine the feasibility of establishing a permanent household hazardous waste collection program and voted unanimously to participate in the project.

### Nashoba Associated Boards of Health

Health Agent Ben Cutone announced that he has accepted another position and would be leaving the Nashoba Associated Boards of Health effective on July 3, 2007. He stated that he would continue to review engineering plans on a part-time basis during the transition. The Board thanked him for his services.

### Local Emergency Planning Committee

Member Horowitz stated that she attended the meeting on June 14, 2007 and that the Board members needed to complete training for NIMS 100 and NIMS 200 series by September 30, 2007.

### 685 Martins Pond Road Present: Joanne Godwin

*Member Horowitz disclosed that the Godwin's are clients of hers.*

Health Agent Ben Cutone informed the Board that he requested that Ms. Godwin appear before the Board for approval to drill a new well on an emergency basis. The property currently has no water. He stated that his review of the site indicated that there will be variances needed to the roadside but that there were no alternative locations for the new well. He requested approval to issue the permit based on the emergency with a follow up hearing later. The Board voted unanimously to grant the approval and hold the public hearing on July 16, 2007 at 8:30pm.

### 44 Chestnut Hill Road Present: Edna White; Mark Donohoe, Acton Survey & Engineering

Member Horowitz informed the Board that she advised Ms. White to come to the meeting. Ms. White stated that she needed the Board to expedite a meeting granting variances for an upgrade for her sewage disposal system. She stated that the system was designed by Acton Survey & Engineering and the closing for the sale of her home was June 28, 2007.

The Board voted unanimously to post a special session on this matter for June 25, 2007 at 7:30am in Town Hall.

Health Agent Ben Cutone stated that he would expedite his review of the engineering plan in time for the meeting. However, he stated that he has approximately 30+ plans ready for his review that could possibly have the same urgency as this one. The Board acknowledged that they made an error in judgment in scheduling a special session and, in the interest of being fair to all residents, should continue with their normal meeting schedule in the future.

The meeting adjourned at 9:50pm.

GROTON BOARD OF HEALTH

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Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,  
Debra A. Butcher