

**MEETING MINUTES**  
***Approved***  
**July 16, 2007**  
**Town Hall, Groton, Massachusetts**

Board of Health Members Present:

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

Others Present:

Debra Butcher, Ira Grossman, R.S.

Meeting Called to Order:

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

Minutes:

The minutes of April 9, 2007 were approved as amended. The minutes of June 4, 2007, June 18, 2007 & June 25, 2007 were tabled.

Septic Permits Signed/Approved:

- \*Autumn Leaf Road; Lot 7; Candlelight Realty Trust
- \*500 Pepperell Road; Joseph White
- \*Quail Ridge Road; Lot 7; Fox Meadow Realty Trust
- \*Quail Ridge Road; Lot 8; Fox Meadow Realty Trust
- \*Martins Pond Road; Lot 1; David Cogen

Bills Signed/Approved:

- \*Advance Security Systems-\$18.33
- \*Melvin, Robert-\$125.00
- \*Poland Springs-\$21.57
- \*Verizon Long Distance (SW)-\$.02
- \*ZEP Manufacturing-\$97.63
- \*Belledeu & Co.-\$39.50
- \*Verizon Long Distance (BOH)-\$.03
- \*North Central Regional Solid Waste Cooperative-\$6,629.00
- \*Nashoba Associated Boards of Health (Quarter 1)-\$5,910.75

Ira Grossman – Groton's New Health Agent

The Board welcomed their new Health Agent to Groton. Mr. Grossman has been with the Nashoba Associated Boards of Health for 19 years as a Registered Sanitarian.

Public Hearing – Outdoor and Refuse Burning Regulations Present: See attached list.

Chairman Weber opened the public hearing at 7:30pm and read the legal notice from the Groton Herald into the record.

Member Hanninen began discussion by stating that the Board was looking at the regulations primarily due to outdoor burning during the spring and fall timeframes. He stated that the Board did not want to regulate the use of wood or heat during the winter heating season.

Resident John Friedrich of 70 Lakeside Drive questioned what was the driving impetus for wanting to adopt such a regulation. Member Horowitz stated that the Board has received some complaints concerning wood fire furnaces in the past. She stated that the Board has received some verbal information that the State encourages regulations around outside burning. Chairman Weber stated that the Board hasn't received anything in writing but were advised by their health agency to consider regulations before it became a problem in town.

Resident Roberta Benson of 70 Lakeside Drive asked for a definition of outdoor furnaces. Chairman Weber read from the proposed draft, section 4.8 that read:

*Outdoor wood-fired furnace means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.*

Ms. Benson questioned whether camp fires were allowed for cooking. The Board answered "yes".

Member Horowitz stated that the Board has received complaints from residents concerning the smoke from the burners fired by wood mostly during the summertime. She stated that residents who have children with asthma were particularly affected.

Resident Richard Lewis of 330 Old Dunstable Road stated that he was very upset about the proposed regulation and questioned why the Board would consider them based on a verbal recommendation that would "dictate over six pages of regulations". He stated that this was a "waste of the Board's time and the public's time".

Resident Roy MacGregor of 284 Old Ayer Road stated that he has an outdoor furnace and uses the unit for hot water and questioned why the Board was so opposed to them. Chairman Weber answered by saying that the Board did not consider them to be evil and was only considering the option. Member Hanninen stated that it was not the Board's intention to regulate a heating source.

Member Horowitz assured the audience that the regulations were not "written in stone" and that the Board may not even adopt them. She said that the public hearing was an opportunity for the Board to gather public input.

Resident Berta Erickson of 464 Boston Road asked what other towns have adopted regulations and said that it was important for the public to know who authored them. She asked if Town Counsel had written them. The Board answered by stating that the only known town/city that has already adopted them was the city of Gardner and that the regulations, as written, were their version.

Resident Jack Risdon of 65 West Main Street questioned whether the Board would impose a permit fee which he considered a "tax". Chairman Weber stated that the Board has not discussed the possibility of a permit fee and if there was, it would only be only minimal to cover any administrative costs. He said that it wasn't the Board's intention to raise revenue from this. Mr. Risdon suggested that there be no fee associated with the regulation.

Resident Stephen Moulton of 44 Champney Street felt that Mr. Risdon's question was a good one and cited section 9.2 of the regulations where it stated that "plans for the location and installation of the outdoor wood-fired furnace shall bear the stamp of a Massachusetts Registered Professional Engineer or Massachusetts Registered Professional Land Surveyor". He stated that that one requirement would drive the costs up for residents and agricultural farms.

Mr. Lewis encouraged the Board to allow outside burning due to current energy concerns and oil supplies in the country. Ms. Benson encouraged the Board to look closer at the language because she felt there were a lot of inconsistencies in the document.

Member Hanninen recommended that the Board continue the public hearing for a couple of months and requested that the public submit their comments and/or concerns to them in writing and the Board would consider modifying the regulation. The Board voted unanimously to continue the public hearing to October 1, 2007 at 7:30pm in Town Hall. Chairman Weber thanked everyone for attending the public hearing.

155 Indian Hill Road Present: Jack Visniewski, Cornerstone Land Engineering; Peter Hnath, homeowner

Mr. Visniewski presented the sewage disposal system design for the replacement of an existing system for an existing five-bedroom dwelling. He stated that there would be no change in use or expansion and that he was proposing a Presby system. He requested the following variances:

Town of Groton's Local Regulations

Section I.E.9 - Allow a subsurface barrier and leaching area slope of 2:1.

Section I.C.11 - Allow a pumped system without pressure dosing.

Section I.F.1 - Allow a bed design sized at 100% of the Title 5 requirement instead of 150%.

Mr. Visniewski explained that because the Conservation Commission did not like where the proposed system was being proposed due to wetlands, it was necessary for him to design the system behind the house which was not the most ideal place because of the steepness of the site.

Health Agent Ira Grossman reported that the plan that he was proposing was not the design plan that he has reviewed. He said that Mr. Visniewski's plan as shown would require additional variances.

Chairman Weber questioned whether the Board could move forward on the variances. Mr. Hnath urged the Board to move forward because of the reduced summer schedule available to him to install the system. He stated that he is currently carrying two mortgages and asked the Board for latitude in not delaying their decision any longer. He said that his contractors were prepared to start the system on July 30, 2007.

Discussion continued regarding the additional variances needed to approve the system. The Board was made aware of the following additional variances needed for the site:

Town of Groton's Local Regulations

Section 1.A.5 - Allow a groundwater offset of 4 feet; 5 feet required.

Title 5 Regulations

310 CMR 15.211 - Allow a separation between the foundation and septic tank & pump chamber of 5 feet; 10 feet required.

310 CMR 15.211 - Allow a separation between the front property line and septic tank & pump chamber of 8 feet; 10 feet required.

Member Hanninen felt that Health Agent Ira Grossman should be allowed to have time for a proper technical review of the plan. He stated that having only one meeting in July & August presented problems for homeowners. He advised that abutters be notified of all the variances requested on the new plan. Member Horowitz suggested that the Board schedule an additional meeting in early August. Member Hanninen made a motion to have a special meeting on August 6, 2007 and to place this property on the agenda. The motion carried unanimously.

Baddacook Pond Road, Lot 243-31; New England Forestry Foundation Present: Attorney Ray Lyons; Thomas Orcutt, Water Superintendent; Francoise Forbes, 597 Lowell Road; Dan Wolfe, Ross Associates

Attorney Lyons stated that during the recent site walk, the Board questioned whether his client could move the well further from Baddacook Pond. Dan Wolfe of Ross Associates revised the plan and moved the well to a point that was approximately equal distance between the wetlands bordering Baddacook Pond and the road that led to an abutter and this resulted in an additional variance from the Board's Well Regulations. He requested the following variances:

Town of Groton's Local Regulations

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

Town of Groton's Well Regulations

Section VI: Well Location and Use Requirements

- Minimum offset from any surface water or wetland to a well is 100 feet required; 47 feet provided.
- Minimum offset from a private way or common drive to a well is 75 feet required; 47 feet provided.

Chairman Weber asked Health Agent Ira Grossman whether this was a better plan. Mr. Grossman stated that he would agree that this plan provided more protection without disturbance to the resource area.

Member Horowitz questioned why Attorney Lyons does not connect to town water. Attorney Lyons stated that his client preferred a water line and they will pursue that if well variances are not approved. Member Hanninen stated that from a public health standpoint, connection to town water would be safer.

Member Horowitz stated that this dwelling was an abandoned cabin on a non-conforming lot and does not meet the town's regulations. She questioned whether the New England Forestry Foundation was aware of the request. She stated that NEFF is an environmental group and are they aware of possible development and 40B's.

Chairman Weber read the letter from Neil Murray/Georgianna Collins requesting that the Board deny the variances to build a year-round (4) bedroom house. They claimed that the property has been abandoned for over (10) years and was used only during daytime activities.

Discussion followed regarding the ability to run a 2" water line to Lowell Road and whether the line has sufficient remaining capacity to service the NEFF house.

Thomas Orcutt stated that the 2" line was a private line and the Water Department had no control over it. Member Hanninen suggested that the Board continue the hearing in order that the applicant can investigate the ability to tie into town water with the abutters. He stated that in the meantime, the Board could possibly act on the septic variance.

Member Hanninen questioned what the cost difference was between town water and the construction of a new well. Attorney Lyons stated that they were similar in cost.

Member Horowitz stated that this piece of property should not be disturbed and that not all property in town needed to be developed. Chairman Weber replied that "we are the Board of Health, not the Board of land use."

Member Hanninen recommended that the Board act on the variance for the sewage disposal system

tonight. He made a motion to approve the septic variance and to continue the public hearing on the well to August 6, 2007 at 8pm. The motion was seconded by Member Horowitz. VOTE: Weber-Aye; Hanninen-Aye; Horowitz-No. The motion carried 2-1.

685 Martins Pond Road

Debra Butcher informed the Board that this property was rescheduled to August 20, 2007 because the applicant failed to notify abutters. The applicant is seeking well offset variances.

Academy Hill; Lot 54 Present: Larry Beals, Beals Associates; Bruce Wheeler

Mr. Beals thanked the Board for allowing him to be placed on the agenda at the last minute. Mr. Beals stated that the sewage disposal system for Lot 54 has been under review by the Board's Health Agent for a while and because of differences in the interpretations of the design, the long review cycle has begun to compromise some contractual obligations for his client.

He reported that they were working off the approved definitive subdivision plan utilizing as-built grades for the roadway construction. He stated that the Board's former Health Agent Ben Cutone advised them to ignore the current conditions from the road construction and design a system based on the original grades that existed before any work was done on the site.

Mr. Beals maintained that the existing conditions are those conditions that currently exist on the site. He said that if they designed based on today's grades, the design would

comply with the regulations. He said that if they were required to design based on the original grades that no longer existed, they would need to perform one additional percolation test and deep observation hole.

Mr. Beals stated that reserve area was completely contained within the parcel boundary and would not require a fill easement suggested by Mr. Cutone. Mr. Beals stated that if the Board preferred that they design be based on the original grades, he requested that a quick testing date be allowed, otherwise, he requested that the plan be approved.

Discussion followed regarding the conditions that would affect health and safety. The Board acknowledged that this was a unique situation and advised Mr. Beals not to bring in any additional material for the grading and that no alterations be made so as not to create a violation of Title 5 requirements and the Town's local regulations.

The Board voted unanimously to grant a fill easement for the roadway encompassing lots 54 & 55 and agreed with the existing conditions on the ground as of July 16, 2007. The Board required that the plan be submitted as revised and that any future disturbance needs to be in compliance with Title 5 regulations and the Town's local regulations.

Mr. Beals thanked the Board for allowing him to meet with them and adjusting their agenda.

204 Gay Road Present: Attorney Robert Collins, owner; Susie Stodieck, 202 Gay Road

***Member Horowitz disclosed for the record that she was a former client of Attorney Collins.***

Attorney Collins presented a sewage disposal plan, designed by Ducharme & Dillis that would utilize a Presby Environmental system for his existing four bedroom dwelling. He stated that the design would provide a more efficient system because he lives on a drumlin.

Attorney Collins requested the following variance:

## Town of Groton's Local Regulations

### Section I.F.1 - Square Footage Requirements

Leach beds and pits will be sized at 150 of Title 5 requirements. *Allow the use of an alternative technology as manufactured by Presby Environmental and to use the sizing tables in the design guidance document approved by the Massachusetts Department of Environmental Protection.*

Chairman Weber questioned whether Health Agent Ira Grossman had any concerns about the design. Mr. Grossman stated that he had none.

Discussion followed about placing conditions on the approval. Member Horowitz requested that a full Title 5 inspection is conducted annually for five years and that a notice is placed on the property deed for the use of the Presby system.

The Board voted unanimously to approve the requested variance with the condition that a Title 5 inspection is performed annually for five years and that a notice is placed on the property deed for the use of the Presby system.

***Health Agent Ira Grossman left the meeting at 10:30pm.***

## OTHER BUSINESS

### FY08 Goals & Objectives

The Board tabled discussion until September.

### Moison Ace Hardware

The Board voted 2-1 (Horowitz-Aye; Hanninen-Aye; Weber-No) to not put the appreciation letter previously sent to him in the local newspaper.

### Transfer Station Sticker – Present: Bruce Dubey

The Board voted unanimously to follow the regulations established by the Board of Health requiring residents to be aged 60 and above to purchase stickers at the price of \$10.

### 15 Moose Trail

Member Horowitz requested an update on the condition of the property. On April 9, 2007 the Board voted to send a letter ordering the owners to remove all trash, refuse and mobile homes/trailers from the property within 30 days of receipt of the letter. Debra Butcher will follow up with Mr. Grossman directly.

### Transfer Station – Cell Phone Present: Bruce Dubey

Member Horowitz questioned the use of the cell phone. Mr. Dubey stated that the cell phone remains in the truck which hauls trash to Covanta in Haverhill, MA in case of emergencies.

### Stormwater Regulations

Debra Butcher reminded the Board to try to attend the meeting on July 17, 2007 at 7:30pm in Town Hall.

The meeting adjourned at 10:55pm.

## GROTON BOARD OF HEALTH

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Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,  
Debra A. Butcher