

**MEETING MINUTES**  
**Approved**  
**August 6, 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 May 14, 2007; June 4, 2007; June 18, 2007; & June 25, 2007 were approved. The minutes of July 16, 2007 were tabled.

Septic Permits Signed/Approved:

\*155 Indian Hill Road; Peter Hnath

\*430 Old Ayer Road; Imelda Kelley

\*90 Martins Pond Road; Lorraine Leonard

Septic Permit Not Signed/Approved:

\*Baddacook Pond Road; New England Forestry Foundation

Bills Signed/Approved:

\*Atlantic Rubber Co.-\$114.60

\*Advance Security Systems-\$18.33

\*Ayer Auto Parts-\$62.16

\*CCP Industries-\$131.32

\*CCP Industries-\$163.13

\*CCP Industries-\$220.32

\*E&R Cleaners-\$23.75

\*E&R Cleaners-\$23.75

\*E&R Cleaners-\$23.75

\*E&R Cleaners-\$23.75

\*E&R Cleaners-\$23.75

\*Global Montello Group-\$1406.55

\*Global Montello Group-\$180.01

\*Groton Electric Light-\$99.96

\*Groton Electric Light-\$29.89

\*Moison Ace Hardware-\$44.18

\*Verizon (SW)-\$19.20

\*Verizon (Cell Phone-SW)-\$38.43

\*Walnut Printing-\$814.00

\*Container Recycling Alliance-\$538.25

- \*East Coast Electronics-\$650.00
- \*Belledeu & Co.-\$11.00
- \*Groton Herald-\$33.75
- \*Verizon (BOH)-\$40.28
- \*North Central Regional Solid Waste Coop-\$6600.00

155 Indian Hill Road: Present: Jack Visniewski, Cornerstone Land Consultants; Peter Hnath, owner

The hearing was continued from July 16, 2007 in order that the engineer could provide the corrected plan with all the variances noted.

Title 5: 310 CMR 15.000

- 15.211 - To allow a separation between the foundation and the septic tank and pump chamber; 10 feet required; 5 feet provided.
- 15.211 - To allow a separation between the front property line and septic and pump chamber; 10 feet required; 8 feet provided.

Town of Groton's Local Regulations

- Section I.E.9 To allow a subsurface barrier and leaching area side slopes of 2:1.
- Section I.C.11 To allow a pumped system without pressure dosing required; Presby designs do not allow pressure dosing.
- Section I.F.1 To allow a bed design based on 100% of the Title 5 requirement instead of 150% as required. The DEP Presby approval letter allows a reduction in the Title 5 area by 40%.
- Section I.A.5 To allow a groundwater offset of 4 feet; 5 feet provided.

Mr. Visniewski stated that the engineering plan for a Presby system was a far better system for the layout of the property. He said that abutters were notified of the additional variances and provided the certified abutter notifications for the file.

Chairman Weber requested comments from Health Agent Ira Grossman. Mr. Grossman agreed that the property was a difficult one and the engineering plan was a good fit for the site. He stated that he had no issues with the design.

Chairman Weber questioned whether there were any technical difficulties with the design. Mr. Grossman stated that there were none. He stated that the permit was drawn up for the Board to sign that evening.

Member Horowitz requested that the Board require yearly Title 5 inspections for five years because the Board has not had a lot of experience with this type of design. She stated that this would provide another layer of protection.

Chairman Weber questioned whether this would be a hardship for the homeowner. Mr. Hnath stated "no".

Chairman Weber made a motion to accept the variances as written with the following conditions:

1. The Board requires that a full Title 5 inspection be conducted annually for five years.
2. Notice is required to be placed on the property deed for the use of the Presby system.

VOTE: Member Horowitz-Aye; Member Hanninen-Aye; Chairman Weber-Aye.

The motion carried unanimously. The Board signed the Sewage Disposal Construction permit and the applicant paid the fee.

Baddacook Pond Road: Present: Attorney Ray Lyons; Dan Wolfe, Ross Associates

Chairman Weber read a letter from Christopher & Francoise Forbes of 597 Lowell Road into the record requesting that the Board take no action until they return from being out of the country.

Attorney Lyons requested that the Board vote on the waivers for the well until such time that a possible agreement is made with the Kiley's and Forbes' to tie into their water line. He stated that there were no public health concerns for the Board to consider and requested that they act on the variances tonight.

Attorney Lyons stated that the proposed well would be deep as per the requirements of the Town's Well Regulations and that his client would make a good faith effort to work with both parties for town water connection rights.

Member Horowitz felt that there was no urgency to act on the well variances and that the abutters' had the right to be present.

Member Hanninen made a motion to continue the public hearing to September 4, 2007 at 7:30pm so all interested parties could be present.

VOTE: Member Horowitz-Aye; Chairman Weber-Aye; Member Hanninen-Aye

The motion carried unanimously.

139 Wharton Row

-

The homeowner cancelled the meeting and was not present.

Health Agent Ira Grossman explained that he reviewed an application from the Building Department for a plan to install a room and bathroom utilizing an ejection pump in the basement. Mr. Grossman advised the homeowner that he should meet with the Board to obtain approval from the Board of Health for a deed restriction and approval under 310 CMR 15.229: Pumping to a Septic Tank.

Mr. Grossman stated that it was his determination that the application submitted would result in (10) total rooms which would result in (5) total bedrooms by Title 5 definition and would exceed the approved bedroom approval for the house.

Mr. Grossman reported that he could not endorse the application and would be in violation of Title 5 if the application were approved by the Building Department. Mr. Grossman stated that he later learned that the application was approved by the Building Department which resulted in the homeowner cancelling their meeting with the Board.

The Board requested that Mr. Grossman write a letter to the homeowner advising them that they were in non-compliance with Title 5. Chairman Weber stated that he would contact Interim Town Administrator Jeff Ritter and the Board of Selectmen for their guidance.

Member Horowitz made a motion to send a letter to the homeowner and to copy the Building Inspector and Board of Selectmen.

VOTE: Member Hanninen-Aye; Chairman Weber-Aye; Member Horowitz-Aye.

The motion carried unanimously.

## OTHER BUSINESS

370 Chicopee Row: Present: Brian Lagasse; Attorney Robert Collins; Michael McElroy

Attorney Collins reported that he submitted the summary prepared by Williamson Environmental who reviewed the 21E analysis which included the testing of water from test wells located close in proximity to the site. He said that the analysis of the water from the test wells found no contaminants in excess of DEP thresholds for public drinking water.

Abutter Michael McElroy stated that the report was only a partial one and didn't contain all of the information. The Board agreed that a full report was necessary and should be reviewed by the Board's Health Agent.

Attorney Collins reported that the owners of the report declined to have the report released to the Board of Health. He stated that he would arrange to have the

report reviewed by the Health Agent at his office and therefore, not become a public record for the Town. He said that once the report is reviewed by Mr. Grossman, he would come back before the Board of Health.

Bedroom Count Policy Discussion Present: Attorney Robert Collins; Rena Swezey, Board of Assessors

Health Agent Ira Grossman requested guidance from the Board as to the determination of an actual bedroom count when historical information concerning the approval sewage flow was not available.

Rena Swezey reported that her office maintains the property cards which include the number of bedrooms and total rooms listed. She stated that up until 2002 when she began signing off on occupancy permits, assessor card information was done by total square footage of the house. She stated that she did not enter the house back then to report rooms and only took what information the homeowner provided. She stated that for purposes of her property valuations, she is only concerned about kitchens and bathrooms.

The Board determined that the Health Agent should follow what the Assessors' cards report and if necessary, conduct an inspection of the property when a design plan is being reviewed and no historical information is submitted on the original sewage disposal system.

## HEALTH AGENT UPDATE

Donelan’s Supermarkets – Odor Complaint

Health Agent Ira Grossman reported that he conducted a follow-up inspection that day and that the foul odor was no longer present. He stated that he did detect a deodorizer-like smell coming from the dumpster. The Board was pleased that the store manager resolved the problem quickly. The Board voted unanimously to send a letter acknowledging their quick resolution and inform them that ongoing inspections would occur in the future.

Garden Hoses/Lead Content

Health Agent Ira Grossman reported that some types of garden hoses contain lead and that homeowners should consult with the manufacturer prior to drinking water directly from the hose. The Board felt that this was valuable information for the public and requested that information be sent to the newspapers and put on the town website.

37 Boathouse Road Present: Rena Swezey

Health Agent Ira Grossman reported that he inspected the site from the roadside and indicated that there was sufficient evidence that the sewage disposal system was in failure with an odor detected. Mr. Grossman advised the Board to order a Title 5 inspection of the property to determine the condition of the septic system.

Rena Swezey reported that she resides down at the lake and recommended that the Board view the property from the lake itself. Member Horowitz suggested that the property be viewed from a boat to see if any sewerage is going into the lake.

Chairman Weber stated that he spoke with one of the abutters who confirmed that the homeowner is emptying sewerage into the lake. The Board determined that action needed to be taken as soon as possible to protect the lake and environment surrounding the lake area.

Member Hanninen made a motion to place this property on the agenda for August 20, 2007 and to notify the homeowner to provide any documentation concerning the existing septic system.

VOTE: Member Horowitz-Aye; Chairman Weber-Aye; Member Hanninen-Aye

The motion carried unanimously.

Blue Ribbon Governance Committee Present: Selectmen Peter Cunningham

Selectmen Cunningham informed the Board that his committee would be discussing a possible change in the Town’s Charter concerning the Board of Health on Thursday, August 23, 2007 at 7:30pm and recommended that they attend. The Board requested that the meeting be posted with the Town Clerk.

The meeting adjourned at 10:00 pm.

*GROTON BOARD OF HEALTH*

_____ Jason Weber, Chairman	_____ Dr. Susan Horowitz	_____ Robert Hanninen
--------------------------------	-----------------------------	--------------------------

Respectfully submitted,

Debra A. Butcher