

**MEETING MINUTES**  
**Approved**  
**August 20, 2007**  
**Town Hall, Groton, Massachusetts**

Board of Health Members Present:

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

Others Present:

Debra Butcher

Meeting Called to Order:

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

Minutes:

The minutes of July 16, 2007 were approved as written.

Septic Permits Approved/Signed:

\*176 Shelters Road; Nancy Robinson

\*302 Lost Lake Drive; Allen Feldman

Bills Approved/Signed:

\*Poland Springs-\$17.72

\*Airgas-\$26.98

\*E&R Cleaners-\$23.75

\*E&R Cleaners-\$23.75

\*PC Myette-\$26.78

\*Verizon (SW)-\$18.80

\*Verizon Long Distance (SW)-\$.17

\*Covanta-\$6961.92

\*E.L. Harvey-\$5245.02

\*Verizon (BOH)-\$39.37

\*Verizon Long Distance (BOH)-\$.24

\*Massachusetts Association of Health Boards-FY08 Membership-\$100.00

\*Casey & Dupuis (backhoe – special article)-\$64,609.00

\*Levine Fricke-\$1500.00

Public Hearing – Sewage Disposal Regulations Present: See attached

The public hearing was continued from June 18, 2007 in order for additional public input and for the Board to research engineering studies.

-  
Member Hanninen read the public hearing notice into the record which had amended language included.

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

Town Planner Michelle Collette commended the Board for removing the provision concerning parking lots from the regulations. She stated that from an earth removal standpoint, this would create less land disturbance in vegetation areas. She referenced the subdivision control laws

where there is a distinct difference concerning public and private areas. She recommended adding “right of way” in Section 12 after the words “public or private road.” She stated that this would make the regulations more consistent with the subdivision regulations.

Resident Richard Lewis stated that since the law was already addressed under the subdivision control regulations, there was no need for the Board of Health to implement it under their regulations. Ms. Collette responded by saying that her Board’s regulations only applied to subdivisions and not other roads in town.

Resident Dan Wolfe thanked the Board for taking out the language on parking lots as well. He stated that there have been situations where the placement of a sewage disposal system had no alternatives available.

After hearing no other comments from the audience, Chairman Weber went onto Section 13 concerning Zone III Nitrogen Loading and opened up discussion from the audience.

Town Planner Michelle Collette stated that again the Board was “mirroring” what the Planning Board adopted. She stated that a meeting was held between her, former Health Agent Ben Cutone and Water Superintendent Thomas Orcutt earlier in the year and together they drafted language for internal consistency.

Chairman Weber stated that he spent time researching the impacts of nitrogen loading requirements. He stated that the intent of the regulation was not to create development but to provide a mechanism of awareness.

Hearing no other comments, Member Hanninen made a motion to close the public hearing. The motion carried unanimously.

Member Hanninen made a motion to adopt Sections 12 and 13 for the Town of Groton’s Sewage Disposal Regulations:

### Section C: Design Requirements

12. No component of a sewage disposal system, including but 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 right of way.
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.

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

The motion carried unanimously.

Regulation for the Disposal of Wood Waste Present: Michelle Collette, Dan Wolfe

Town Planner Michelle Collette requested permission to speak about an ongoing problem concerning the regulation concerning the disposal of wood waste. She stated that there has been a detrimental effect on homeowners where stump dumps were allowed resulting in sinkholes in residents' yards. She stated that she also has concerns about a possible groundwater problem and safety issues.

Member Horowitz stated that she was a member of the Board of Health when the Board amended the current regulation in October 2000 and voted against the regulation. She stated that at the time the regulation was amended, the then Chairman of the Board of Health felt it was a hardship to homeowners who were not allowed to get rid of stumps. She stated that she urged the other Board members to reconsider the regulation but it was approved 2-1 to adopt it.

Ms. Collette stated that often times this allows other items to be buried along with stumps which usually results in a gaping hole.

Chairman Weber disclosed that he himself is a victim of problems when the surface of his driveway started to crack exposing a hole underneath it. He said that the sinkhole deepened and widened affecting a nearly 36-square foot area.

He said that it was later revealed that the driveway was partly built on wood waste and needed to be repaved at his expense.

The Board voted to have a public hearing to prohibit the disposal of wood waste on October 15, 2007 at 7:30pm.

Common Street, Lot 1 Present: Dan Wolfe; Ralph Smith, owner

The Board received a memorandum from Thomas Orcutt, Water Superintendent, asking for an interpretation concerning the distance to the newly created lot.

Mr. Wolfe requested that the Board make a determination on the distance to municipal from the property in order that a well permit could be issued. He stated that the lot was cut out from a larger parcel and was on the corner of Common Street and Breakneck Road.

Debra Butcher read the section of the regulation that pertained to distance to a municipal water supply into the record:

Section IV: Well Construction/Deconstruction Permit

*Any dwelling on property with a lot line that is within 500 feet of a water main must be connected to a municipal water supply system. An applicant for a well construction permit must secure a letter from the municipal water supply system stating that no public water is available within 500 feet of any lot line prior to seeking a permit.*

Mr. Wolfe stated that the lot in question was more than the required 500 feet from town water and thus should be approved for a well construction permit.

Discussion followed concerning the existing lot lines. Chairman Weber made a motion that all the lot lines for the property are more than 500 feet from a municipal water supply and approved the well application.

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

The motion carried unanimously.

382 West Main Street Present: Timothy Beauchemin, P.E.; Beauchemin Engineering

Mr. Beauchemin provided an engineering design plan for a Local Upgrade Approval for a failed septic system. He requested the following variances:

Title 5 Regulations

- 310 CMR 15.405(1)(a) - Leaching system less than 10 feet to a property line; *10 feet required; 7 feet provided.*
- 310 CMR 15.405(1)(b) - Leaching system less than 20 feet from a foundation; *20 feet required; 10 feet provided.*
- 310 CMR 15.405(1)(h) - Groundwater separation less than 4 feet; *4 feet required; 3 feet provided.*

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. *Deep holes excavated in January, soil evaluation used to determine ground water level in Class I soil.*
- Section I.A.5 - Minimum of five (5) feet of pervious material between the bottom of the leaching facility and the ground water elevation and/or any impervious layer. *Ground water separation less than 5 feet; 3 feet provided.*

Mr. Beauchemin stated that the sewage disposal system was repaired approximately 15 years ago with a new tank and leach trenches with a clay barrier. He said that the property was retested and the design was for a three-trench system with (2) tanks and a heavy duty distribution box.

Chairman Weber questioned whether there were any other alternatives for the site. Member Horowitz questioned whether a Presby system could be installed. Mr. Beauchemin stated yes but that it would not be an improvement for this site.

Member Hanninen questioned whether there were any Conservation issues because it was his feeling that this property was directly in the flood zone. Mr. Beauchemin will do more research on that.

Member Hanninen made a motion to continue the hearing to September 4, 2007 at 8:30pm in

order for the engineer to provide information on the flood zone and whether there was a need to file with the Conservation Commission.

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

The motion carried unanimously.

39 Ames Road Present: Phil Brown, Brown Construction representing Mr. Moulton.

The Board of Health received a violation notice from the Building Inspector concerning the in-ground pool. The violation noted that there was no fence around the pool as required by the Board of Health's Regulation concerning pool safety. The Building Inspector ordered that the pool be properly fenced.

Mr. Brown stated that the site consists of 26 acres with an embankment that ran the whole length of the property. He reported that the homeowner installed an Ellis Pool Cover that has reinforced fabric material that rides on two tracks and is pulled back and forth across the pool with a keyed lock. He stated that when the pool is not being used, the cover is always closed and that the cover holds approximately 2 tons of weight when locked. He provided copies of the pool description for the Board to review.

Mr. Brown stated that his client spent \$11K on the installation of the cover and it was his belief that the cover is "far superior to a fence" because fences eventually deteriorate and lose its pickets.

Chairman Weber felt that the request was "straight forward". Member Horowitz requested that the homeowner notify any new buyer of the regulation and added that if the pool cover was ever disabled, a fence would be required. The Board determined that the pool cover provided "equal or superior protection" to a fence.

Member Hanninen made a motion to approve the use of an Ellis Pool Cover at 39 Ames Road which is a sufficient device to protect the pool from access from young children and in the event that the property is sold, the homeowner must notify the new buyer of the regulation and if the cover is disabled, a fence would be required.

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

The motion carried unanimously.

302 Lost Lake Drive Present: Stan Dillis, Ducharme & Dillis

Mr. Dillis reported that the current sewage disposal system is a non-conforming system requiring a replacement. He stated that the property was serviced by municipal water but the site had a number of limitations due to a small lot size, steep slopes and close proximity to Lost Lake.

He stated that the Assessors' have listed this property as a one-bedroom dwelling. He stated that the total leaching area of the system was twice required by Title 5 for a one bedroom design flow. He requested the following variances for a new system for a (2) bedroom residence:

Town of Groton's Local Regulations

Section I.E.1 - Leaching facilities must be located at least one

hundred (100) feet from any wetland, water course, wetland vegetation, seasonal streams and drainage ditches. *100 feet required; 45 feet to Lost Lake provided.*

- Section I.E.6 - Minimum of thirty-five (35) feet must be available between the edge of any street, passageway, or road line and the entire exterior perimeter of any proposed leach area. *35 feet required; 8 feet to the edge of pavement of Baby Beach Road provided.*
- 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. *20 feet required; 9 feet provided.*

#### Title 5 Regulations

- 310 CMR 15.211(1) Setback Distances – Soil Absorption System to Property Line; *10 feet required; 9 feet provided.*
- 310 CMR 15.211(1) Setback Distances – Soil Absorption System to Cellar Wall; *20 feet required; 14 feet provided.*
- 310 CMR 15.211(1) Setback Distances – Soil Absorption System to Surface Waters; *50 feet required; 45 feet provided to Lost Lake.*

Chairman Weber questioned whether a tight tank would be a better fit for the site. Mr. Dillis stated that Title 5 requires that an approval for a tight tank is given only when a traditional system can not be designed.

The Board required that the existing dwelling remain the same size. Member Hanninen mad a motion to approve the variances as requested with the condition that the dwelling remain the same size, height, bedroom count remains as (2); footprint and square footage.

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

The motion carried unanimously. The Board signed the sewage disposal permit.

685 Martins Pond Road: Present: Randy Godwin, owner

Debra Butcher reported that this property required an emergency well and received approval from the Board of Health on June 18, 2007 to construct the well. The Board required that a formal hearing notifying the abutters of the variance be held at a later date.

Mr. Godwin provided the certified mail receipts for the record. No abutters were present.

The Godwin family requested the following variance to the Town of Groton's Well Regulations:

#### Section VI: Distance Requirements

Private or Public Way, Common Drive, Roadway Easement, Parking Lot: *75 feet required; 60 feet provided.*

The Board required the following condition be placed on the permit:

The well must be constructed with a heavy duty casing and surface seal.

Member Hanninen made a motion to accept the variance with the condition for the permit.

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

The motion carried unanimously.

### 37 Boathouse Road

Mr. Thomas Pickol requested a postponement of the meeting in order to have his attorney present who was out of the country and not due back until August 22, 2007. The Board recommended that a boat ride be conducted in order to view the property from the lake side.

Member Hanninen stated that he would recommend a Title 5 inspection be done to whether there is a functioning system or not. Chairman Weber made a motion to contact Mr. Pickol and notify him that the Board would be continuing the hearing to September 17, 2007 at 8pm.

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

The motion carried unanimously.

### Lot 54; Academy Hill Present: Larry Beals, Beals Associates

Mr. Beals was not scheduled on the agenda but requested permission to speak with the Board. Chairman Weber allowed Mr. Beals to address the Board.

Mr. Beals stated that on at the Board of Health meeting on July 16, 2007, the Board of Health reviewed the plans for Lot 54 Academy Hill and approved the plans for a sewage disposal system concerning a road easement. He stated that the several different versions of the designs have been filed with Nashoba Associated Boards of Health but no permit has yet been issued. He stated that his client is anxious to move forward with an approved design in order to file a building application for construction and get through the process quickly because the lot is under agreement.

Mr. Beals stated that several reviews have been sent back to the engineer by their Health Agent for minor corrections (i.e. design issues, typos) and thus a delay in the process has occurred. He requested that the Board assist him in moving the process forward. Member Horowitz stated that she understood his concerns but that the Health Agent was not present to address those concerns with him directly.

Mr. Beals requested that the Board allow their Health Agent to draw up a permit based on an approved design and requested that the Board vote to sign the permit out of a meeting to speed up the approval. The Board had no concerns with the request.

Chairman Weber stated that he spoke with Ira Grossman and there seems to be a communications issue. Member Hanninen made a motion to sign a permit out of a meeting subject to the Health Agent's approval.

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

The motion carried unanimously.

OTHER BUSINESS

Earth Removal Renewal Permit – Robert Black – Comments to Board of Selectmen

The Board voted unanimously to recommend a renewal of Mr. Black's permit.

60 Boston Road –

Debra Butcher reported that the Board's deadline for this property to be connected to town sewer is August 31, 2007 and there has been no process on their part to move forward with the connection. The Board requested that the applicant be contacted to meet with them on September 4, 2007.

139 Wharton Row

Chairman Weber stated that he has been in contact with the Board of Health's liaison to the Selectmen about this property. It was recommended that Mr. Weber contact Jeff Ritter as well. The Board agreed that the issue concerning the ejector pump was a matter of enforcement of Title 5.

The meeting adjourned at 10pm.

*GROTON BOARD OF HEALTH*

---

Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,  
Debra A. Butcher