

MEETING MINUTES
Approved
November 5, 2007
Town Hall, Groton, Massachusetts

Board of Health Members Present:

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

Others Present:

Ira Grossman, R.S.; Debra Butcher

Meeting Called to Order:

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

Septic Permits Approved/Signed:

*93 Farmers Row; Ingrid Borgmann

*21 Hazel Road; Earl Carter (hold until variance hearing)

Bills Approved/Signed:

*Advance Security Systems-\$18.33

*Advantage Office Solutions-\$36.50

*Ayer Auto Parts-\$110.89

*E&R Cleaners-\$23.75

*Global Montello Group-\$57.43

*Groton Electric Light Dept.-\$95.53

*Groton Electric Light Dept.-\$26.66

*Moison Ace Hardware-\$27.56

*Pete's Tire Barns-\$643.56

*Pete's Tire Barns-\$708.00

*Verizon (SW)-\$18.89

*Verizon (BOH)-\$39.96

*W.B. Mason-\$191.40

Mr. Kenneth Gikas, Massachusetts Region II – Emergency Preparedness Coalition Present: William Shute

Mr. Gikas provided a list of items that he requested direction from the Board of Health on.

1. Emergency Dispensing Site: Mr. Gikas is recommending (with the Superintendent's support) to change the EDS site to the Middle School North instead of the High School. He stated that it was primarily due to poor cell and two-way radio service and traffic flow from Dunstable and Groton. He felt that if the Board supported using the Middle School North, these concerns would be eliminated.
2. Memorandum of Understanding (for use of the School): Member Horowitz recommended to wait to sign this until she has had an opportunity to meet with the LEPC committee.
3. Public Information Officer (PIO): Mr. Gikas stated that the PIO officer is usually the Town Manager and/or Town Administrator in the majority of his towns that he supports. Chairman Weber agreed that the Board of Health Chair should be listed as "backup" to the Town Administrator.
4. Joint meeting with Dunstable Board of Health: The Board recommended that the meeting take place in January 2008 (possible date: January 9, 2008).

The Board will follow up with Mr. Gikas once Dr. Horowitz has had an opportunity to review these

items with the LEPC committee.

466 Martins Pond Road – Unauthorized Solid Waste Disposal Present: Thomas Clark, Kelly Boyd, Thomas Orcutt

Chairman Weber requested a report from Health Agent Ira Grossman. Mr. Grossman stated that as a result of a complaint, he inspected the property from the roadside on October 10, 2007. As a result of the inspection, he witnessed that the property was littered with numerous piles of solid waste, refuse and construction debris (i.e. large concrete pieces). Mr. Grossman stated that this was a violation of the State Sanitary Code 105 CMR 410.602(A): Maintenance of Area Free from Garbage and Rubbish.

Chairman Weber requested comments from the homeowner. Mr. Clark acknowledged that there was concrete pieces located at the bottom of the hill at the rear of his property. He stated that he would remove the pieces on top at once and that it would take at least a year for the larger pieces but reported that it was his intent to fill in the area in order to make a nice yard for his family.

Member Hanninen questioned the contents of the fill. Mr. Grossman referenced the guidelines under the Massachusetts Department of Environmental Protection for the processing of asphalt pavement, brick and concrete rubble. He stated that if Mr. Clark was using the material to landfill, it needed to be processed material.

Member Horowitz questioned why he was using this to fill in the embankment. Mr. Clark stated that he bought the property about 10 years ago and it was sloped on both sides. He stated that he wanted to finish grade those slopes to enlarge his yard.

Thomas Orcutt, Water Superintendent, stated that he visited the site and had concerns about the fill over the waterline (transmission main) under the easement. Mr. Orcutt stated that when fill is placed on top of the pipe, it compromises the integrity of the line. Mr. Orcutt stated that due to the nature of the terrain (20' +/- drop off), most of the material was unreachable with a small tractor.

The Board questioned whether there was a wetlands concern. Mr. Grossman stated "no".

Chairman Weber questioned whether there was a public health issue. Mr. Grossman stated that the material needed to be removed or processed and recommended that the Board establish a timeframe to accomplish this with Mr. Clark. Mr. Clark stated that he could not afford to "process" the material. He stated that he would bring in truck loads of clean loam and make a lawn in that area. Mr. Clark stated that he needed at least one year to correct the situation. The Board requested that Mr. Grossman and Mr. Orcutt visit the site to see what can be removed from the embankment and report back.

Member Hanninen made a motion to continue the public hearing to November 19, 2007 at 8:45pm. He stated that it was the expectation of the board that there will be a resolution in one year. Chairman Weber requested feedback from both Ira Grossman and Tom Orcutt on the status.

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

The motion carried unanimously.

Public Hearing – Outdoor Wood Burning Regulations Present: See attached.

The public hearing was continued from October 1, 2007.

Health Agent Ira Grossman reported that the State is currently creating legislation concerning outdoor wood burning under Chapter 31C.

Resident Richard Lewis questioned whether the Board could “table” the issue until the Department of Environmental Protection acts on this new legislation. Chairman Weber responded by stating that while that was a good recommendation, what would the Board do in the interim because if the Board did nothing, residents would continue to install them. He stated that if the State decided to ban them, it would create a hardship for people.

Member Hanninen stated that he was not in favor of banning them. He stated that he was concerned about what to do with complaints and creating nuisances. He said that he viewed Central Boiler’s website and that the proposed regulations mirrored theirs. Member Hanninen said that the Board was “in the business to regulate them so there were no nuisances” before them.

Member Horowitz stated that the Board was not proposing to ban these. She said that people are currently burning in their fireplaces and wood stoves but outdoor boiler burning is “striking a nerve with EPA and DEP.”

Health Agent Ira Grossman stated that there were no written comments from the audience submitted. He said that to compare outdoor wood burning to indoor burning was not fair because the burning process was different.

Resident Brian Lagasse recommended setting up a meeting to go over the document line item by line item and thought it was inappropriate to rehash what was already said and pick apart the document.

Chairman Weber agreed and asked if a meeting between some of the audience and Mr. Grossman to review the document would be a good idea. Member Horowitz suggested that Mr. Grossman sit down and the Board could vote on the document at a later date.

Fire Chief Joseph Bosselait stated that summertime burning is the challenge for the Board to consider because during the winter months, nobody is usually affected.

The Board voted unanimously that the plan would be to have Health Agent Ira Grossman and some of the residents meet and give him their comments. In the event that there is no meeting, the document would be fine as written.

Public Hearing – Underground Storage Tank Regulations Present: See attached.

The public hearing continued from October 15, 2007 in order that Health Agent Ira Grossman could prepare a “one page” list of differences between the National Fire code and the local regulations.

The Board discussed the check list of differences to incorporate into the document. Member Horowitz made a motion to continue the public hearing to December 3, 2007 at 8pm. The motion carried unanimously.

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10 Rustic Trail Present: James Comeau, P.E., Pennoni Associates

Mr. Comeau presented the certified mail receipts for the record. He stated that he represents Mr. Scott Buonopane who is attempting to completely reconstruct his three bedroom dwelling as a result of a recent fire. He stated that the design was for a Presby system and requested the following variances:

Title 5 Regulations

310 CMR 15.211 - Requiring a 100’ separation between the current location of the existing water supply well to the proposed soil absorption system as well as to the existing septic system servicing the existing cabin. The variance is requested in order to reuse the existing on-site well because the lot is

too small to support an alternative well location.

Town of Groton's Local Regulations

Section I.E.7 - Minimum of 20 feet from the leaching areas to the property line.
Twenty (20) feet required; twelve (12) feet provided.

Section I.F.1 - Leach beds and pits will be sized at 150% of Title 5 requirements.
Leaching areas based on percolation rates greater than 14 minutes/inch shall have a reserve area of 150% of the primary area. *The leach area is sized per Title 5 and Presby system certification for general use due to the current lot size not supporting a larger system as well as the wetland buffer zone setback.*

Section I.E.3 - Minimum of ten (10) feet must be available between the primary and expansion leaching facilities. *The small lot size and wetland buffer zone setback restrict the distance between the primary and reserve leaching areas.*

Chairman Weber questioned whether the other Board members had any concerns with the variance request. Hearing none, Member Horowitz made a motion to accept the variances as requested on the letter dated September 24, 2007. The motion carried unanimously.

OTHER BUSINESS

Groton General Store Present: Drew Garvin, Russ Wilson Associates; Mr. Patel, owner
Mr. Garvin requested another extension for the installation of the non-hazardous industrial wastewater tank for the site to December 1, 2007 in order to fabricate the tank liner and shipment from California to Massachusetts.

Mr. Garvin stated that due to numerous issues involving the site and that the tank was more expensive than originally thought, his client would need an extension of time. Member Horowitz questioned whether extending the timeline would resolve the installation. Mr. Garvin assured the Board that the tank and the water main would be completed by December 1, 2007 if granted.

Member Hanninen made a motion to grant the request for an extension to December 1, 2007. The motion carried unanimously.

Landfill Monitoring Contract

Debra Butcher reported that former Landfill Capping Committee member Jamie Greacen has agreed to assist in writing the landfill monitoring contract bid specification language for a new 6-month and 3-year contract.

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19 Lowell Road

Member Horowitz requested an update on this property concerning air quality issues. Health Agent Ira Grossman stated that as a result of a complaint, he met with residents concerning their issues with poor air quality. He stated that the Fire Chief has received notice from the State Fire Marshall's office that they also received a complaint.

He reported that he consulted with the Interim Building Inspector Donald Kinney and it was agreed that a joint letter be sent to the Housing Authority Director instructing them to contact an authorized HVAC contractor to check the air flow on the building.

The Board received a return letter from the Director stating that the State has recognized this building with an open gallery design as a unique situation and will help to improve through funding for fire safety and air quality through the Department of Housing and Community Development.

29 Reedy Meadow Road – Variance to Underground Storage Tank Regulations Present: George MacGregor, Jr.; Ayer Oil Co. Inc.

Mr. MacGregor requested a variance to the Town of Groton’s Underground Storage Tank Regulations, Section 280-4: Permits for the placement of a liquefied petroleum fuel storage tank, 100’ required; 48’ provided.

The Board reviewed the sketch plan and had no concerns. Member Hanninen made a motion to accept the variance as requested. The motion carried unanimously.

Moison Ace Hardware Present: Bruce Dubey
The Board requested that a full audit is conducted on the Pay-As-You-Throw program.

Debra Butcher reminded the Board that the next Board of Health meeting will begin at 7:00pm. She said that Personnel Manager Elizabeth Currier will be attending and present information on performance evaluations.

The meeting adjourned at 10:00pm.

GROTON BOARD OF HEALTH

_____ Jason Weber, Chairman	_____ Dr. Susan Horowitz	_____ Robert Hanninen
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Respectfully Submitted,
Debra A. Butcher
Administrator