

MEETING MINUTES
Approved
November 19, 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.

Minutes:

The minutes of October 15, 2007 were approved as amended.

Septic Permits Signed/ Approved:

*276 West Main Street; Estate of Barbara Nathan

*21 Hazel Road; Earl Carter

*133 Shirley Road; Philip Denormandie

*178 Townsend Road; Keith Hooper

Bills Signed/ Approved:

*Airgas-\$26.98

*Dunn Battery-\$197.90

*E&R Cleaners (5 invoices @ \$23.75 each)-\$118.75

*Mark Roth Electric-\$912.37

*Poland Springs-\$14.58

*Verizon Long Distance (SW)-\$.02

*Verizon Wireless-\$33.40

*E.L. Harvey & Sons-\$5,663.79

*Covanta Haverhill-\$6,381.76

*Routhier & Sons-\$150.25

*East Coast Electronics-\$650.00

*Verizon Long Distance (BOH)-\$.32

Personnel Manager Elizabeth Currier

Personnel Manager Elizabeth Currier requested time on the Board's agenda in order to provide the guidelines for the Board to complete performance evaluations and answer any questions the Board may have.

Ms. Currier stated that Interim Town Administrator Jeff Ritter will be part of the review process. She asked that the Chair compile data from the other Board members and make an appointment with their personnel staff (i.e. Bruce Dubey & Debra Butcher).

Member Horowitz questioned whether there were any concerns with the Union. Ms. Currier stated "no". She said that she shared the document with Union representatives in early Spring. Member Horowitz asked whether she could speak with Transfer Station personnel. Ms. Currier stated "yes".

Member Horowitz asked when the reviews were due. Ms. Currier stated “late January” due to the delay in being able to meet with Board members which would give the Board approximately nine (9) weeks to complete.

Members Horowitz & Hanninen agreed to submit their comments to Chairman Weber by December 21, 2007.

Public Hearing – Regulation for the Disposal of Wood Waste

Chairman Weber opened the public hearing by reading the public hearing notice into the record. Member Horowitz made a motion to “disallow any stump dump disposal in Groton”. The motion was seconded by Chairman Weber and opened up for discussion.

Member Hanninen questioned whether a vote would make the regulation in effect tonight. Member Horowitz stated “yes”. Member Hanninen suggested putting the regulation on the website for 45 days in order to receive public input. Chairman Weber felt it wasn’t necessary because the Board has heard “no negative input” so far.

Health Agent Ira Grossman recommended making the regulation effective tonight because the regulation has gotten a lot of press in the local newspaper as well as the Boston Globe.

Resident Keith Hooper, who was present for another hearing, stated that as a landscaper, he has excavated large boulders pushed into a hole creating a sinkhole. Mr. Hooper felt that these were even more severe than stumps. The Board requested that the Planning Board, Building Department & Earth Removal be notified of these issues.

The Board closed the public hearing.

The Board voted unanimously to delete the entire regulation in its entirety and insert the following new language in its place: “Wood waste disposals are prohibited in the Town of Groton”.

28 Townsend Road Present: Gerald Buzanoski, P.E., Ducharme & Dillis

Mr. Buzanoski provided the certified abutter mail receipt cards for the record. He presented an engineering design to repair the existing failed system. He stated that the original system was installed in 1993 as an emergency repair with an approved design capacity for (2) bedrooms. He stated that the dwelling is served by municipal water. Mr. Buzanoski reported that the site consisted of a small lot size with limited area available for a sewage disposal system and said that the seasonal high ground water was at (32) inches below the ground surface.

The proposed upgrade consists of two approved Innovative/ Alternative technologies in order to fit on the small lot. He proposed the JET BAT Media Plant aerobic treatment system and Perc-Rite Drip Dispersal system. He said that both technologies are approved by the Massachusetts Department of Environmental Protection and said that the approval of the proposed design would achieve the best protection for public health.

Mr. Buzanoski requested the following State and Local variances:

Town of Groton’s Local Regulations

Section I.E.1 - Leaching facilities must be located one hundred (100) feet from any wetland, water course, wetland vegetation, seasonal streams and drainage ditches. *One hundred (100) feet required; fifty-five (55) feet 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. *Twenty (20) feet required; six (6) feet provided.*

Section I.A.5 - Minimum of five (5) feet of pervious material between the bottom of the leaching area and the ground water elevation. *Five (5) feet required; two (2) feet provided.*

Title 5 Local Upgrade Approval

310 CMR 15.211: Minimum Setback Distances

310 CMR 15.211(1) - All systems must conform to the minimum setback distances. Soil absorption system to property line; *ten (10) feet required, six (6) feet provided.*

310 CMR 15.211(1) - All systems must conform to the minimum setback distances. Septic tank to cellar wall, *ten (10) feet required; five (5) feet provided.*

310 CMR 15.211(1) - All systems must conform to the minimum setback distances. Soil absorption system to slab foundation; *ten (10) feet required; three (3) feet provided.*

310 CMR 15.227: Placement and Construction of Tees

310 CMR 15.227(5) - Inlet and outlet elevations shall be at least (12) inches above the high ground water elevation. *Twelve (12) inches required; (2) inch separation between the inlet and outlet elevations and the high ground water elevation provided.*

Title 5 Remedial Use of an Alternative System

310 CMR 15.284: Approval for Remedial Use

Chairman Weber requested comments from Health Agent Ira Grossman. Mr. Grossman concurred that the site was very limited and because of the high ground water, the proposed design was the best solution. Member Horowitz questioned whether this was a better and cheaper solution to a tight tank. Mr. Grossman stated "yes".

Member Horowitz questioned why the system failed in such a short period of time. Mr. Buzanoski stated that it was likely installed deep near the ground water. Mr. Grossman stated that it was under the pavement and received no oxygen.

Member Horowitz questioned whether there will be a maintenance plan in place. Mr. Buzanoski stated that a contract was required for the maintenance and operation with quarterly inspections conducted.

Member Horowitz questioned whether the Conservation Commission has been notified. Mr. Buzanoski stated "yes".

Debra Butcher read an email from abutters Laurie & Yuri Asencios into the record where it stated that they supported the application.

Member Horowitz requested that conditions be placed on the approval concerning no increase of square footage or bedrooms and that the conditions be recorded on the property deed. She made a motion to accept the variances requested on the letter dated

October 11, 2007 using the (2) alternative/ innovative technology systems with the following conditions:

1. No increase in square footage or bedrooms
2. These conditions must be recorded on the property deed.

The motion was seconded by Member Hanninen.

VOTE: Chairman Weber-Aye; Member Hanninen-Aye; Member Horowitz-Aye. The motion carried unanimously.

The Board authorized the applicant to move forward on construction.

276 West Main Street Present: Judith Graves, Ross Associates

Ms. Graves provided the certified abutter mail receipts for the record. She stated that she was representing the Estate of Barbara Nathan and that the septic system was in failure based upon a Title 5 inspection conducted in July 2007. She said that her plan was designed for a new tank and pump chamber.

She requested the following local variances:

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. Use of holes conducted in months other than March and April will be limited to Class II and Class III soils, with a percolation rate of greater than five (5) minutes/ inch. Observation holes in March and April may be required by the Board of Health or its agent at their discretion on all sites. *Soil testing conducted in August 2007.*

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. The offset above ground water may be increased depending upon climatic and/ or site conditions encountered. *Five (5) feet required; four (4) feet provided.*

Section I.E.1 - Leaching facilities (including the proposed expansion area) must be located at least one hundred (100) feet from any wetland, water course, wetland vegetation, seasonal streams and drainage ditches. *One hundred (100) feet required; sixty-four (64) feet 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 areas. *Thirty-five (35) feet required; twenty-two (22) feet provided.*

Section I.E.9 - Minimum of fifteen (15) feet must be available between the edge of a soil absorption system and adjacent side slope, measured from the top of the pea stone elevation in the soil absorption system. The finished side slope is not to be steeper than 3:1 (horizontal-vertical). Walls and impervious barriers are not allowed to adjust the side slope requirement and offset. *Variance is granted to allow an impervious barrier for breakout purposes.*

310 CMR 15.405: Local Upgrade Approval

310 CMR 15.405(1)(h) Reduction of system offset to estimated high ground water table in soils with a percolation rate of 2 min/ inch or less from (5) feet to (4) feet.

310 CMR 15.405(1)(j) Reduction of offset from tank inverts to estimated high ground water table from (12) inches to (4) inches.

Member Horowitz reviewed the proposed design and questioned whether there would be a “mound” in the front yard. Ms. Graves stated “yes, approximately 4 feet.”

Health Agent Ira Grossman reported that the site was very limited due to the wetlands and the engineer chose a standard leaching system with pressure distribution.

Chairman Weber questioned whether there were any alternatives available. Mr. Grossman stated “no”. Member Horowitz questioned whether a Presby Enviro-system was appropriate for this site. Mr. Grossman stated that it wouldn’t work because it would change the profile of the system.

Discussion continued concerning conditions to keep the dwelling a two bedroom and to maintain the same square footage. Member Hanninen made a motion to grant the variances requested in the letter dated November 1, 2007 from Ross Associates with the following conditions:

1. No increase in square footage or bedrooms.
2. These conditions must be recorded on the property deed.

VOTE: Chairman Weber-Aye; Member Horowitz-Aye; Member Hanninen-Aye. The motion carried unanimously. The Board approved the septic permit.

178 Townsend Road Present: Keith & Kristina Hooper

Mr. & Mrs. Hooper requested a meeting to discuss and answer questions from the Board in order to obtain an approved sewage disposal permit:

1. Deed restriction necessary to limit the property for use of the dwelling only.
2. Wetlands Protection Act and Groton Conservation Commission requirements completed by the applicant.
3. The property is located in a “Priority Habitat of Rare Species” and is subject to the Massachusetts Heritage Program requirements.

Health Agent Ira Grossman stated that the concern surrounds the existing building and whether the applicant agrees to not occupy the building as habitable space. Member Horowitz questioned whether the applicant planned on taking the building down. Mr. Hooper stated that it was their intent to keep only the footprint intact.

Mr. Grossman recommended that the MESA forms are filed with Massachusetts Heritage and a note is recorded on the deed stating that the existing dwelling would not be habitable space.

Mrs. Hooper questioned whether it was necessary to file a deed restriction. Mr. Grossman stated that he would recommend it.

Hearing no other comments or concerns from the Board, Chairman Weber made a motion to sign the septic permit with the conditions. The motion was seconded by Member Hanninen.

VOTE: Member Horowitz-Aye; Member Hanninen-Aye; Chairman Weber-Aye. The motion carried unanimously. The Board approved the septic permit.

West Groton Square Building, West Main Street – Assessors' Map 101-12 Present: Brooks Lyman

Mr. Lyman informed the Board that he was considering purchasing the building for his electronic controls and gunsmith businesses. He stated that he would need a system to operate a toilet and sink only to wash his hands and eyes. He stated that his businesses do not generate any liquid waste and that no more than (2) people would be working in the building.

According to records at the Town Hall, Mr. Lyman stated that the building was previously used as a store and for storage and is listed as an "historical" building. He said that due to the small lot size and close proximity to the Squannacook River, he requested whether the Board would approve a tight tank to service the building.

Chairman Weber requested comments from Health Agent Ira Grossman. Mr. Grossman stated that his concern is that the building has not been occupied for some time and would be a "change in use". He said that in accordance with Title 5 requirements, this building would be considered "new" construction and tight tanks are not allowed for new construction. He said that any new system must be approved in compliance with Title 5.

Member Horowitz questioned whether hazardous waste materials would be used because of the close proximity of the river. Mr. Lyman stated that the business uses electronic devices and gunsmith.

Discussion continued involving the Mr. Lyman's use of the building. Member Horowitz questioned whether Mr. Lyman could use the building for storage only. Mr. Lyman stated that it would "not be worth buying" if he could only use it for storage.

Member Hanninen agreed that any change in use would trigger new construction criteria. He stated that a future use of this building could be resolved if, and when, town sewer became available in West Groton.

The Board took no further action.

466 Martins Pond Road – Unauthorized Solid Waste Disposal – Property Update Present: Thomas Orcutt, Water Superintendent

At the last meeting on November 5, 2007, the homeowner elected not to attend tonight's meeting.

Health Agent Ira Grossman stated that both he and Water Superintendent Thomas Orcutt conducted an onsite visit on November 14, 2007 at 12pm with the homeowner present.

Mr. Grossman reported that there were large pieces of concrete buried, plus new material, that the homeowner does not want to remove. He stated that the homeowner has verbally agreed to cease all dumping and/ or filling activities on the property with the exception of adding loam in order to top dress the fill area in order to establish a lawn.

Discussion continued regarding the costs associated with removing some of the large material. Mr. Grossman stated that it would cost the homeowner approximately \$2K to \$5K in move the 20-30 yards of material utilizing very large machinery.

Mr. Orcutt suggested requiring the homeowner to grade the site and top dress it with loam as vegetative cover. Mr. Grossman stated that the homeowner stated that he could not afford to get rid of the material down the embankment.

Member Hanninen questioned whether the material down the embankment presented a potential for public health. Mr. Grossman stated that if it wasn't backfilled or stabilized, it would create danger of falling into a sinkhole and create voids and be a harborage for rodents, insects and other wildlife.

Mr. Orcutt stated that he was satisfied that the material was no longer a danger to his water line because he has stopped filling in that area.

Member Horowitz requested that the concrete piles on the surface, including all the steel and metals, be removed for proper disposal.

Chairman Weber felt that there were public safety concerns that needed to be remedied quickly. Member Horowitz agreed and suggested yearly inspections of the site be done by the Health Agent.

Chairman Weber made a motion to send a letter to the homeowner ordering him to:

- Stabilize and grade the site so there are no "sink holes" or voids to prevent the harborage of wildlife.
- Annual inspection by the Board's agent to ensure there are not sink holes or voids.

21 Hazel Road Present: Gerald Buzanoski, P.E.; Ducharme & Dillis

Mr. Buzanoski provided the certified abutter mail receipt cards for the record. He stated that the current sewage disposal system for the two-family, 4-bedroom dwelling is in failure and requires a replacement. He reported that the site is served by an onsite well but municipal water is available on the road.

He requested the following variance:

Town of Groton's Local Regulations

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 areas. *Thirty-five (35) feet required; twenty-four (24) feet provided.*

The Board had no questions or comments concerning the variance. Member Hanninen made a motion to grant the variance as requested. The motion was seconded by Member Horowitz.

VOTE: Chairman Weber-Aye; Member Horowitz-Aye; Member Hanninen-Aye. The motion carried unanimously. The Board approved the septic permit.

OTHER BUSINESS

Staph Infection (MRSA)

The Board requested that information concerning MRSA be sent to the School District in order to educate school personnel on the dangers.

Mercury Awareness Public Forum

Member Hanninen stated that the Nashua River Watershed Association has coordinated with Covanta Energy and the North Central Regional Solid Waste Cooperative to have a public forum for residents on the dangers of mercury on December 12, 2007 at 7pm at the NRWA Resource Center. He requested that the Board of Health vote to co-sponsor the event. The Board voted unanimously to co-sponsor the event. Debra Butcher will put the notice on the town website.

Public Information Officer

The Board voted unanimously to have Interim Administrative Officer Jeff Ritter as the Public Information Officer and Chairman Jason Weber as "back-up".

Emergency Dispensing Site

The Board voted unanimously to make the Middle School North the Emergency Dispensing Site. Chairman Weber signed the Memorandum of Understanding (MOU). Debra Butcher will forward the MOU to the School District Superintendent.

Tobacco Compliance Checks

Debra Butcher reported that tobacco compliance checks were conducted on November 9, 2007 for youth access. She stated that both Mr. Mike's Mobile and Country Farm sold tobacco to minors. She will schedule meetings with both establishments with the Board in December.

Lyme Disease

Member Horowitz reported that Lyme Disease continues to be a public health concern for both humans and pets. She requested that the public be alerted to this fact through information in the newspapers.

HEALTH AGENT UPDATE

Groton General Store

Mr. Grossman reported that they have until December 1, 2007 to comply with the Board's order to install the non-hazardous waste water holding tank and that no activity has been done to date.

60 Boston Road

Mr. Grossman reported that he has received the as-built certification from the contractor that municipal sewer has been connected.

Main House Restaurant

Mr. Grossman reported that the food inspector has conducted a follow up inspection and it went well. The Board requested that additional "random" inspections be conducted.

Academy Hill, Lot 54

Mr. Grossman stated that it was necessary to modify the permit for field changes (red line drawing). The Board voted to approve those modifications.

6 Redskin Trail

Mr. Grossman stated that the property owner has not responded to his order to correct the failed onsite sewage disposal system and other housing violations. He stated that the

tenant has moved out of the dwelling and it was his fear that the homeowner would be rent the unit to another tenant without correcting the violations. Chairman Weber requested that the Board pursue this issue aggressively. Mr. Grossman stated that he will post a violation notice on the building that this dwelling may not be occupied. Member Hanninen requested that the homeowner meet with the Board on December 17, 2007 at 7:30pm.

Thorstensen Laboratories

Mr. Grossman reported that Thorstensen Laboratories in Westford has lost its certifications and residents should not be using them to test their drinking water.

The meeting adjourned at 10:00pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,
Debra A. Butcher