

MEETING MINUTES
Approved
January 22, 2008
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:

Dr. Susan Horowitz; Robert Hanninen (voted as Acting Chairman)

Board of Health Member Absent:

Jason Weber, Chairman

Others Present:

Debra Butcher

Meeting Called to Order:

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

Minutes:

The minutes of December 17, 2007 were approved.

Septic Permits Signed/Approved:

- *Cherry Tree Lane, Lot 43; Landwest
- *Cherry Tree Lane, Lot 45; Landwest
- *Fieldstone Drive, Lot 50; Landwest
- *Arbor Way, Lot 26; Landwest
- *Arbor Way, Lot 28; Landwest
- *Cherry Tree Lane, Lot 47; Landwest
- *Arbor Way, Lot 36; Landwest

Septic Permits Not Signed (Needing Further Review):

- *50 Arrow Trail; Michael Brigida
- *Arbor Way, Lot 37; Landwest
- *Arbor Way, Lot 29; Landwest

50 Arrow Trail Present: Russ Wilson, R. Wilson & Associates; Michael Brigida & Son, owners

Mr. Wilson provided the certified abutter mail receipts for the record. Mr. Wilson referenced an engineering plan that had a review letter from the Board's agent because he forgot to bring an official plan. The plan was for a local upgrade which showed that the existing lot was only 40 feet wide with an existing cesspool in the front of the house. He felt that the proposed plan was the best suitable place for a new sewage disposal system. Mr. Wilson reported that since the lot was so narrow, there was only 7 feet available on both sides of the property for offsets.

He requested the following variances:

Town of Groton's Local Regulations

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| Section I.A.2 | - | Deep observation holes, testing in March or April required; testing done in August 2007 provided. |
| Section I.E.7 | - | Distances: leach field to property line, 20 feet required; 7.2 |

- feet provided.
- Section I.C.7 - Proposed expansion area to be designed in a similar manner to primary; not expansion proposed.

Title 5 Regulations- 310 CMR 15.405

- 15.405(1)(a) - Septic tank distance to a property line, 20 feet required; 9.6 feet provided.
- 15.405(1)(b) - Septic tank distance to a cellar wall, 10 feet required; 5 feet provided.
- 15.405(1)(b) - Fill for leaching trenches to a property line, 5 feet required; 2 feet provided.

Member Horowitz questioned whether anyone was currently living in the dwelling. Mr. Wilson stated “no”. He stated that his client bought the property in June 2007. Member Horowitz stated that it was her recommendation that the hearing be continued until such time as there is clarification on the water source and to have the Board’s agent present.

Mr. Wilson stated that there was an existing well on separate property owned by Mr. Brigida and his neighbor, Don Haberman, brought water to Mr. Brigida’s property and offered him the ability to tie into the water line. Mr. Brigida stated that the cost to tie into municipal water would be very expensive for him at this time.

The Board referenced a memorandum from Groton’s Water Superintendent that the dwelling was not serviced by town water but is available to the site.

Mr. Wilson questioned why there was a need for his client to tie into town water. The Board stated that it did not support having the well over 120’ from the dwelling and on another property.

Member Hanninen stated that the Board needed additional information from the Water Department on when the town would be taking over and to review the Board’s regulations concerning well requirements and distances. Member Horowitz made a motion to continue the hearing to February 4, 2008 at 8:15pm. The motion carried 2-0 (members Hanninen & Horowitz voting).

The Board requested that an official plan be submitted to the office as soon as possible.

25 West Main Street Present: Neil Gorman & Dan Wolfe; Ross Associates; Joseph Croteau, homeowner; Ken Haynes, abutter

Mr. Gorman provided the certified abutter mail receipts for the record. He reported that the variances were requested for the local upgrade of an existing failed system that would utilize an innovative/alternative system (Jet System) designed in accordance with the DEP Remedial Use Approval. He said that because both a 50% leach bed size reduction and a 2-foot groundwater reduction were being proposed, DEP approval was required after a local approval.

Mr. Gorman stated that the size of the lot and the location of the wetland area limited the ability to local a fully compliant system which is the reason for the following requested variances:

Town of Groton’s Local Regulations

Section I.A.I - Two groundwater observation holes and two percolation tests must be performed on each lot to prove a suitable primary and reserve area for each lot. *Percolation test was performed via a sieve analysis.*

Section I.A.5 - Minimum of five (5) feet of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. *Three (3) feet proposed utilizing the innovative/ alternative system (Jet System).*

Section I.E.I - Leaching facilities (including the proposed expansion area) must be located at least one hundred (100) feet from any wetland, water course, wetland vegetation, seasonal stream and drainage ditch. *One hundred (100) feet required; fifty (50) 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; thirteen (13) feet provided.*

Section I.E.9 - Minimum of fifteen (15) feet must be available between the edge of a soil absorption system and an adjacent side slope; measured from the top of the pea stone elevation in the soil absorption system. The finished slope is not to be steeper than 3:1 (horizontal-vertical). *Fifteen (15) feet required; five (5) feet provided.*

Section I.F.I - 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 proposed leach bed is sized at 50% of Title 5 utilizing an innovative/ alternative technology (Jet System).*

Title 5 Regulations – 310 CMR 15.405 Local Upgrade Approval

15.405(1)(i) - Percolation rate determined by sieve analysis due to high groundwater at time of testing.

15.405(1)(i) - Reduction of the one-foot separation between the inlet and outlet tees and high groundwater; *a one-inch separation is proposed.*

Member Horowitz questioned how high the system would be. Mr. Gorman replied “3 feet”. Member Hanninen stated that Health Agent Ira Grossman recommended approval of the variances. He required that the application obtain Conservation Commission approval due to the close proximity to the wetlands. Mr. Wolfe stated that he just attended the Conservation Commission’s meeting tonight and they closed the public hearing.

Discussion followed concerning a possible connection to municipal once it became available. Homeowner Joseph Croteau commented that the “Board had deeper pockets than he did” if the Board made it a mandate to connect.

Discussion followed concerning conditions that the Board would require on the permit. Member Hanninen made a motion to approve the requested variances on the letter dated 1/8/08 from Ross Associates for 25 West Main Street with the following conditions:

1. The building shall not increase in size, footprint, square footage, sewage flow or bedrooms. The conditions must be recorded on the property deed.
2. Conservation Commission approval must be granted.
3. If municipal sewer becomes available in West Groton, a connection must be completed within 2 years.

The motion was approved 2-0 (members Horowitz & Hanninen voting).

OTHER BUSINESS

Groton Dunstable Regional School District Present: Superintendent Dr. Alan Genovese; High School Principal Shelly Marcus Cohen; Cindy Barrett & Berta Erickson, School Committee Members; Steve Byrne; Dunstable Selectman Kevin Welch; Groton Selectmen Joshua Degen & Fran Dillon; Connie Sartini, *Groton Herald*

Member Horowitz stated that she was made aware by one of her clients, who is a parent of a student at the high school, that all but one girls and one boys bathroom were closed due to a number of violations happening in the school restrooms. She recommended that the Board of Health address this matter immediately and have the matter on record because of questions concerning the possibility of health concerns because students did not have access to bathrooms during the school day.

Principal Cohen thanked the Board for the opportunity to address their concerns concerning the bathroom issue. She stated that it was never her intention to “deprive” the students’ access to the restrooms but rather to gain support from them to resolve the issues in a timely manner by making it more inconvenient for them and to monitor themselves. She said that the bathrooms that were open were centrally located where they were monitored by her and the Dean of Students as much as possible.

She stated that due to the failed override, it was necessary to eliminate two building assistants who routinely monitored the hallways and restrooms. She was happy to report that the students were acting beautifully and began cooperating with school rules.

Ms. Cohen stated that a bathroom closure was conducted last year. Member Horowitz stated that she was unaware of the closure and urged the school district to keep the Board of Health involved from the beginning.

School Committee Chair Cynthia Barrett stated that the district sent a representative to Town Hall notifying them of the closure but the Board’s administration was not in and a senior volunteer was covering the office.

Dunstable parent and Selectman Kevin Welch asked for assurance that this action would not occur in the future. Principal Cohen added that the closures allowed time to ensure that the bathrooms were clean and told Mr. Welch that there were many ways to inconvenience students that did not result in potential health issues. Superintendent Genovese stated that he could not promise that the school would never take any such action again if there were incidents that warranted immediate action from the administration. He stated that the District strives for a safe environmental and holding students accountable. He assured the Board that locking the bathrooms would be a “last resort” and only occur in unusual circumstances and only as a short-term solution.

The Board requested that the line of communication from the school district should begin with Debra Butcher, then Board of Health member Dr. Horowitz and then the Nashoba Associated Boards of Health.

The Board took no further action.

Outdoor Wood Fire Furnace Regulations

Debra Butcher reported that she heard back from the attorney from the Department of Environmental Protection about our regulations and recommended that the Board

schedule a new public hearing because there was enough evidence in the language changes to warrant a new public hearing. The Board voted unanimously to conduct a new hearing and requested that it be held as soon as possible.

Tobacco Compliance Checks – January 21, 2008

Debra Butcher reported that the North Central-Franklin County Tobacco Control Alliance conducted a youth access tobacco check on January 21, 2008 and there was 100% compliance from Groton retailers. The Board members were very pleased with the results.

Truax – Mill Street

Debra Butcher reported that Mr. Truax formally requested a hearing with the Board and it's scheduled for February 4, 2008 at 7:30pm in Town Hall.

Departmental Invoices

The Board requested that this be on the Board's agenda for February 4, 2008 in order to create a policy concerning guidelines for expenditures.

Department Head Meetings

The Board requested that discussion concerning representation at Department Head Meetings be on the Board's agenda for February 4, 2008.

The meeting adjourned at 9:05pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,
Debra A. Butcher