

MEETING MINUTES
Approved
March 3, 2008
Town Hall, Groton, MA 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:

Ira Grossman, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

No action was taken on the minutes of February 4, 2008 & February 19, 2008.
The Board requested that these minutes be placed on the next agenda.

Pubic Hearing – Outdoor Wood Fire Furnace Burning Regulations Present: See attached.

Chairman Hanninen read the public hearing notice, published in the Groton Herald on February 15th and 22nd, into the record and opened the public meeting.

Chairman Hanninen stated that the Board of Health originally adopted the regulations in December 2007, however, he reported that the Commonwealth required that Sections 8.1 & 9.4 needed further clarification which warranted the Board to conduct a new public hearing. Mr. Hanninen asked to hear any comments from Member Horowitz and the audience.

Health Agent Ira Grossman stated that the State felt that section 8.1 didn't match Section 9.4 in regards to exempted units. Chairman Hanninen said that it was the intention of the Board to "grandfather" those units in existence.

Resident Roy MacGregor questioned whether existing units required a public hearing. Member Horowitz answered by informing the audience that all that residents needed to do was to apply for a permit and indicate on the plan where the unit was located.

Resident Richard Lewis questioned whether a unit was grandfathered until the property was transferred. The Board answered "yes".

Resident Brian Lagasse asked for clarification on the offsets to buildings and how the Board determined that it needed to be 500 feet. He told the Board that discussing the language on the internet was inappropriate.

Member Horowitz stated that the 500 foot number was an arbitrary number picked. She said that most towns in the State had the same distances.

Mr. Lagasse questioned whether the Board would allow for variances. The Board answered “yes”.

Member Horowitz made a motion to make the following amendments concerning new and existing units:

Section 8.1 – Amendment

The owner of the outdoor wood-fired furnace shall obtain a permit from the Board of Health prior to installation. Owners of outdoor wood furnaces installed prior to these regulations are exempt from the provisions of this regulation except as detailed in Sections 9.2 & 9.4. All owners are required to apply for a permit within 60 days of the passage of these regulations or cease operations. The Board will act upon an application for permits for existing units within 30 days of receipt of a completed application. The Board will act upon an application for a new unit within 30 days and hold a hearing for new units within 30 days of submittal of a complete application.

Section 9.1 – Amendment

The application for a permit for an existing outdoor wood-fired furnace shall be made on a form provided by the Groton Board of Health and will include a suitable sketch of the OWFF for location on the property. An application for a new OWFF is to include a suitable sketch to include the requirements of Section 9.2 and must include a certified list of abutters from the Board of Assessors to include abutters and their direct abutters. Abutter notification must be by certified mail, return receipt.

The motion was seconded by Member Hanninen.

VOTE: Hanninen-Aye; Horowitz-Aye. The motion passed.

Chairman Hanninen asked the audience if there were any other questions or comments on what was being proposed. Hearing no other comments, Chairman Hanninen made a motion to close the public hearing. The motion was seconded by Member Horowitz.

VOTE: Horowitz-Aye; Hanninen-Aye. The motion passed.

50 Arrow Trail Present: Robert Elliott, R. Wilson & Associates; Mr. & Mrs. Brigida, owners

The hearing was continued from February 4, 2008 in order to obtain information concerning the water line from the Water Department.

Chairman Hanninen stated that the applicant conducted a water test with the proper chain of custody and the results were fine. He stated that the existing well was on a different property and that the water line would not become public until November 2008 according to documentation from the Groton Water Department.

Member Horowitz referenced Attorney Anctil’s letter to Mr. Grossman where he proposed that his client continue to utilize the existing well and commit to conducting annual (witnessed) water testing of the well and submit the results to the Board of Health. He says in his letter that his client would agree to connect to town water if the well results did not pass. Member Horowitz asked Mr. Grossman for his comments. Mr. Grossman stated that he would still recommend that the Board require municipal water because the separation of the lots and the lack of an easement needs to be resolved from a legal standpoint and is very important to the protection of public health and safety.

Chairman Hanninen advised the applicant to pursue municipal water once the town takes over in November. He stated that he would be amenable in allowing the use of the private well for one year as long as the water tested fine or until the town took over the water line. Chairman Hanninen stated that the applicant could move forward on the septic system during the summer months and resolve the water issue after. Mr. Grossman reminded Attorney Anctil that State regulations require that the well must be on the same lot as the dwelling.

Mr. Grossman informed the applicant that the existing well needed to be decommissioned by a licensed well operator and required a permit to perform the work.

Mr. Elliott requested the following septic 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. *Deep observation holes were conducted in August 2007.*

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; 7.2 feet provided.*

Section I.C.7 - The proposed expansion area must be accessible by gravity flow or in the same manner that the primary area is designed and/or installed. *Proposed expansion area to be designed in a similar manner to primary – no expansion proposed.*

Title 5: 310 CMR 15.000

310 CMR 15.405(1)(a) Septic tank distance to a property line; *20 feet required; 9.6' provided.*

310 CMR 15.405(1)(b) Septic tank distance to a cellar wall; *10 feet required; 5.1' feet provided.*

310 CMR 15.405(1)(b) Fill for leaching trenches to a property line; *5 feet required; 2 feet provided.*

Discussion followed concerning conditions. The Board placed the following conditions on their approval:

1. In accordance with the Town of Groton's Well Regulations, a well destruction permit is required for the destruction of the existing offsite well.
2. The building shall not increase in size, footprint, square footage, sewage flow or bedroom count. These conditions must be recorded on the property deed and a copy submitted to the Board of Health office.
3. Municipal water must be connected by November 30, 2008 and confirmation submitted to the Board of Health office.

Chairman Hanninen made a motion to approve the requested variances in the letter dated December 27, 2007 with conditions. The motion was seconded by Member Horowitz.

VOTE: Member Horowitz-Aye; Chairman Hanninen-Aye. The motion passed.

37 Boathouse Road Robert Elliott, R. Wilson & Associates; Phil DeFreitas, abutter

Chairman Hanninen reported that this was a very complex system being proposed due to the limited land area and amount of wetlands. He stated that the Conservation Commission sent a notice that they needed to verify the wetlands delineation before they could offer their decision.

Mr. Elliott stated that the site had limited options for the placement of a new septic system. He said the lot was only 22,000 S.F. with most of it under wetlands or water. He told the Board that a 15-foot wide road bisects the site and on one side was the two bedroom dwelling and the other side was an existing garage, shed and cesspool. Mr. Elliott stated that the two-bedroom dwelling was built in the 1920's. He provided a design plan that would utilize the JET septic tank (Model J-500) for remedial use.

He requested the following variances:

Town of Groton's Local Regulations

- Section I.A.2 - Deep observation holes only allowed in March and April. *Testing was conducted in October 2007.*

- Section I.A.1 - Two ground water observation holes and two percolation tests must be performed on each lot to prove a suitable primary and expansion area for each lot. *No reserve area proposed.*

- Section I.C.4 - The sewage disposal system must be located on the same lot as the facility it is intended to serve; for the purpose of this regulation, a lot shall not be interconnected by an easement or right-of-way. *Existing system is located across the road.*

- Section I.E.1 - Leaching facilities (including the proposed expansion area) must be located at least 100 feet from any wetland, water course, wetland vegetation, seasonal streams and drainage ditches. *100 feet required; 27 feet proposed.*

- Section I.E.6 - Minimum of twenty-five (25) feet must be available between any property line and the entire exterior perimeter of any proposed leach areas. *35 feet required; 7 feet proposed.*

- 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; 7 feet proposed.*

- Section I.E.9 - Minimum of 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 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. *Impervious barrier proposed.*

- 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. *150% of Title 5 requirement; 148.7% proposed.*

Title 5 Regulations – Local Upgrade Approval

- 310 CMR 15.405(1)(a) Leaching field setback to sideline; *10 feet required; 7 feet proposed.*
- 310 CMR 15.405(1)(a) Septic tank setback to sideline; *10 feet required; 7 feet proposed.*
- 310 CMR 15.405(1)(b) Maximum allowable depth of septic tank and pump chamber; *36” allowed; 46” proposed.*
- 310 CMR 15.405(1)(e) Leaching field setback to wetlands; *50 feet required; 27 feet proposed.*
- 310 CMR 15.405(1)(j) Reduction of the requirement of separation between tank’s inlet and outlet and high groundwater, *JET tank outlet 12” required; 7” proposed; pump chamber-12” required; 6” proposed.*
- Groundwater offset; 5 feet required; 3 feet proposed with JET, Model J-500.

Health Agent Ira Grossman stated that town water was available to the site – approximately 130’ from the site.

Member Horowitz questioned whether a tight tank would be a better solution. Mr. Grossman stated it could be considered, however, there were many offsets to work around. He said that it would be a “hard call” because the State could disapprove the use of a tight tank when there was a resolution for a system. Member Horowitz stated that she didn’t like have the system go underneath a public road. She asked Mr. Grossman if there was a better system available. Mr. Grossman stated “that was as good as it gets”.

Member Horowitz stated that she would require town water. She asked to continue the hearing until after the Conservation Commission has conducted their review. She requested that both Tom Orcutt and Tom Delaney provide comments on the plan. She made a motion to continue the hearing to April 7, 2008 at 7:30pm. The motion was seconded and carried.

Landfill Monitoring – Bid Results – Present: Jamie Greacen; David Bonnett

The Board members thanked Mr. Greacen for all his efforts in reviewing the bid results. Mr. Greacen reported to the Board that the bid called for landfill gas monitoring at (7) gas vent wells at the landfill. He stated that there are (12) gas monitoring wells around the perimeter of the landfill but was left out of the scope of work in the original bid specifications. He also reported that the bid called for groundwater sample collection and analysis from (8) groundwater wells, however, one of the wells is no longer available for sampling.

Member Horowitz questioned whether this would cause the Board to rebid the project or whether just the portion of testing be done outside of the original scope of work. Debra Butcher stated she would contact the Board of Selectmen’s Administrative Officer and get back to the Board. Mr. Greacen stated that he would also contact the Department of

Environmental Protection. Member Hanninen felt that the 8th well may have been destroyed by a vehicle.

The Board continued the meeting to March 17, 2008 at 7:30pm.

OTHER BUSINESS

FY09 “Revised” Solid Waste Budget

The Board voted to approve the revised budget which assumes one shared resource with the Highway Department as follows:

24 hours per week at the Transfer Station
16 hours per week at the Highway Department

Anti-Idling Laws Present: John Giger, Planning Board

Mr. Giger stated that the Station Avenue committee recently discussed concerns about idling vehicles in regards to air pollution and noise during one of their meetings. He said that it has been observed that tractor trailer trucks , parked at the Shaw’s Supermarket, are idling in close proximity to homes in long intervals. The Board questioned who was responsible for enforcement of the laws. Mr. Grossman stated that the law should be jointly enforced by the Police Department, Building Inspector and Board of Health.

Member Hanninen requested making the law known to townspeople especially within the center of town and to get some signage in place that alerts people that a law exists. The Board recommended researching educational fliers online as well. The Board requested that a press release be sent to the newspaper.

Health Agent Ira Grossman left the meeting at 8:45pm.

Unused Pharmaceuticals

The Board briefly discussed proper methods of disposal of unused pharmaceuticals. Member Hanninen stated that research has discovered that pharmaceuticals disposed of in the toilet are having a negative impact on water. The Board recommended that residents either grind their drugs into coffee grounds or kitty litter and dispose of it into their household trash. The Board asked that the public is made aware of this.

94 West Main Street – Special Permit – Verizon Wireless – Comments to Planning Board

The Board voted to send the following comments:

The Board of Health questioned whether any hazardous materials have been reported to the Local Emergency Planning Committee.

Tavern Road – Special Permit – Comments to Planning Board

The Board requested that Health Agent Ira Grossman submit comments on their behalf.

The meeting adjourned at 9:15pm.

GROTON BOARD OF HEALTH

Members in Attendance,

Robert Hanninen, Acting Chairman

Dr. Susan Horowitz

Respectfully Submitted,
Debra A. Butcher