

MEETING MINUTES
Approved
May 5, 2008
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:

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

Others Present:

Ira M. Grossman, R.S.; Debra Butcher

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:34pm.

Minutes:

The Board took no action on the minutes of April 7, 2008 & April 22, 2008.

Septic Permits Signed/Approved:

- *257 Mill Street; Debra-Dusti Realty Trust
- *25 West Main Street; Joseph Croteau
- *Arbor Way, Lot 29; Landwest, Inc.
- *4 Raddin Road; Tony DeBryun

Septic Permits:

The Board took no action on the following septic permits until such time that the appropriate documents concerning the condominium units are prepared:

- *Cherry Tree Lane, Lot A; Landwest
- *Cherry Tree Lane, Buildings 1 through 13 (individual permits); Landwest

Bills Signed/Approved:

- *Ayer Auto Parts-\$211.44
- *Casey & Dupuis-\$60.34
- *CCP Industries-\$206.38
- *E&R Cleaners (2 invoices at \$27.59 each)-\$55.18
- *Global Montello Group-\$67.90
- *Groton Electric Light Dept.-\$237.95
- *Groton Electric Light Dept.-\$50.86
- *Moison Ace Hardware-\$57.93
- *Routhier & Tires-\$293.00

113 Mill Street Present: Kevin Ritchie, P.E., Civil Solutions; Crissey Safford, 103 Mill Street

Mr. Ritchie provided the certified mail receipt cards for the record. He stated that the septic system was in failure and provided an engineering plan which required variance approval from the Board. Mr. Ritchie reported that they dug (6) test holes to find a suitable location onsite and the most suitable spot was located in the front yard where there was a 2" percolation rate. He said that they were proposing a JET pressure based system in order to reduce the offset to ground water because the land slopes down gradient towards Mill Street.

Mr. Ritchie requested the following local and state variances:

Town of Groton's Local Regulations

- Section I.E.6 - Reduce the requisite offset from a leaching area to a road side line from 35 feet required; 26 feet provided.

- Section I.C.8 - Allow construction of a leaching system in an area with less than five feet of naturally occurring pervious material with the use of enhanced treatment.

- Section I.A.2 - Allow the use of "out of season" testing for the design of an upgrade sewage disposal system. October 2007 testing conducted.

- Section I.A.5 - Allow three (3) feet of pervious material between the bottom of the leaching area and ground water.

Title 5 Regulations

- 310 CMR 15.240 - Allow the placement of a leaching system in an area with less than 4 feet of pervious material. Enhanced treatment provided.

Health Agent Ira Grossman stated that he visited the site and there was no natural soil present. He said that there was bedrock with coarse materials.

Chairman Weber questioned why there was a variance requested for out of season testing. Mr. Ritchie responded by saying that testing was conducted in October 2007 and that the system was in failure at that time. He said that the owners moved to Rivercourt and the dwelling has been vacant for some time. He said that the system was not breaking out of the ground.

Member Horowitz questioned whether the system location would result in a mound on the property. Mr. Ritchie stated that it would be elevated but would not be an "eyesore". Member Horowitz questioned whether a swale would be needed. Mr. Grossman replied "no".

Abutter Crissey Safford of 103 Mill Street questioned how the system would affect her property. She stated that there is already standing water in the spring affecting her property due to poor drainage. Mr. Ritchie stated that the soils would remain pervious and should soak into the ground.

Mr. Grossman agreed with Mr. Ritchie and stated that there would be no impact to Ms. Safford's property because there would be no runoff. Member Horowitz suggested that if there were to be runoff on her property, she should notify the Board of Health office and the Board would review the plan again to see if a swale was needed. Mr. Grossman stated that the water would go towards the street only.

Ms. Safford questioned whether she would need to tie into town water if the Board made it a provision that this property needed to. The Board stated "no" but recommended that she have her well tested for a baseline as it stands today.

The Board required that the dwelling remain as a (4) bedroom home as a condition of the approval. Chairman Weber made a motion to accept the variances as written. The motion was seconded by Member Horowitz.

VOTE: R. Hanninen-Aye; S. Horowitz-Aye; J. Weber-Aye. The motion carried unanimously.

257 Mill Street Present: Tim Beauchemin, P.E.; Beauchemin Engineering

Mr. Beauchemin provided the certified mail receipt cards for the record. He stated that the dwelling consisted of (5) bedrooms and the septic system was in failure. He said that the dwelling is located on the corner of Mill Street and Anthony Drive and surrounded by condominiums. Mr. Beauchemin stated that soil testing was conducted in August 2007 and ground water was observed at four feet. He said that he was proposing a gravity-fed system with a pump chamber and required the following variances for approval:

Town of Groton's Local Regulations

Section I.A.2 - Deep holes excavated in August 2007 to determine ground water level in Class I soils.

Section I.A.5 - Ground water separation less than five feet required; four feet provided.

Title 5 Regulations

310 CMR 15.405(1)(h) Ground water separation less than five feet required; four feet provided.

Chairman Weber questioned whether Health Agent Ira Grossman had any concerns with the design plan. Mr. Grossman stated that it was a simple design and that he had no concerns with it. Mr. Grossman reported that the area was extremely wet.

Member Hanninen stated that the design was an improvement over what currently exists. Mr. Grossman agreed because the design took the system out of the ground water.

Member Horowitz asked if the system was currently bubbling out of the ground and if so, why wasn't this an emergency situation brought before the Board. Mr. Grossman stated that there was evidence of a system discharging out of the ground but the system was being pumped regularly.

Discussion continued on conditions for approval. The Board required that the dwelling remain as a (5) bedroom home as a condition.

Member Hanninen made a motion to approve the variances as requested. The motion was seconded by Chairman Weber.

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

The septic permit was signed by the Board of Health.

15 Dorothy Place Present: Kevin Ritchie, P.E.; Civil Solutions; Stephen Smith, owner

Mr. Ritchie stated that he was present for an informal discussion on a private well which serves both 15 Dorothy Place and 12 Dorothy Place, but is actually located on 12 Dorothy Place on the direct opposite side of the roadway. He said that the well water quality has never been an issue to both structures since they were built. He reported that based on his research, the road appeared to be private and as such, Mr. Smith

should have rights to the centerline of the right of way of Dorothy Place. Mr. Ritchie stated that it was his opinion that the well location and the waterline across Dorothy Place are pre-existing conditions and should be allowed to remain until municipal water is brought down the road or when the existing private well fails to provide potable water to both dwellings.

Mr. Ritchie also stated that he was designing a new onsite sewage disposal system to replace the failed system on the property and as designed, is compliant with the both state and local regulations.

Member Horowitz stated that since the town was currently plowing and paving the road, it must be a town road. The Board questioned where town water was. Health Agent Ira Grossman stated that he has a certification from the Water Department that town water was approximately 175 feet to the beginning of the property. Member Hanninen stated that at least (2) neighbors were needed to put water down the road and that is the direction the neighbors should go.

Mr. Grossman questioned whether Mr. Smith had any water quality data. Mr. Smith stated that he would have the well tested soon. Mr. Grossman stated that as a landlord, it is incumbent upon him to have that well tested regularly to provide safe potable water to his tenants.

Discussion followed concerning the road status. Ms. Butcher stated that she spoke with the Highway Surveyor who confirmed that Dorothy Place was on the state highway list. Mr. Ritchie stated that he checked with the Town Clerk and there was no record on file determining that the road was accepted by the town.

Chairman Weber stated that the issue for the applicant was to officially establish the status of the road. Member Hanninen recommended that town water is brought down the road and to have the well tested regularly in the meantime.

Discussion followed whether the dwelling was being sold. Mr. Smith stated "no". He argued that the dwelling had pre-existing conditions for over 50 years and that the well should be able to be maintained as is. Chairman Weber stated that the Board typically resists having systems under the roadway and put these restrictions in their regulations.

Mr. Smith questioned what the cost would be to tie into municipal water. Member Horowitz recommended that he speak with the Groton Water Department.

The Board continued the discussion until June 2, 2008 at 7:30pm in order to obtain an official status of the road and to get a copy of the state highway list.

OTHER BUSINESS

Crossroads Plaza – Special Permit Renewal – Comments to Planning Board

The Board voted unanimously to allow Health Agent Ira Grossman to provide comments concerning a special permit renewal for this project.

Outdoor Wood Fire Furnace Regulations

Member Horowitz questioned whether the Board should consider reopening the regulations to address the requirement for abutter notification distances. She asked Mr. Grossman what other towns are requiring for notices. Mr. Grossman stated that some

towns are outright banning unit installations but the Board could always grant a variance. He said it was his recommendation to leave them as is. After a brief discussion, the Board agreed.

Lyme Disease Present: Donna Castle, Robin Lemieux, residents

Member Horowitz stated that some clients of hers have started an awareness group for the protection against Lyme Disease and she advised them to come in to solicit support from the Board to encourage the school district to allow the showing of Lyme Disease videos to students.

Ms. Castle stated that her daughter has had Lyme Disease for several years now and was originally misdiagnosed when she contracted the disease. She read a 6-page document to the Board asking for their support in helping her educate the public in the diagnosis of the disease. Ms. Castle stated that May is National Lyme Prevention month.

Member Horowitz stated that she is seeing a lot of Lyme Disease in her business as a veterinarian as well. She encourages residents to take the proper steps to protect themselves and their pets.

Discussion followed concerning public education. Member Horowitz stated that she will contact the publisher of the Groton Herald about putting an article in the newspaper. The Board also requested that cable television replay videos for public viewing to gain more exposure.

Ms. Castle provided a weather resistant poster that the Town of Barnstable is posting around parks and trails and asked if the Board would support placing them around Groton. Ms. Butcher will get prices from the sign manufacturer and also contact the Department of Public Health for a possible funding source.

Member Horowitz made a motion to have Ms. Butcher send a letter to the School Superintendent strongly urging him to support the showing of the “age appropriate” videos to students. The motion carried unanimously. The Board requested that the discussions continue at their next meeting on May 19, 2008.

Television Disposal Present: Bruce Dubey, Transfer Station Supervisor

Member Horowitz requested that the Board discuss the costs associated with the disposal of televisions especially with the new requirements on television use next February when converter boxes are required and there will be many televisions discarded at the Transfer Station. The Board asked Mr. Dubey to provide data on the current disposal costs for their next meeting.

Bailer Shed Present: Bruce Dubey

Bruce Dubey reported that he had a meeting with the contractor this week to begin construction.

Tobacco Compliance

Ms. Butcher reported that a tobacco compliance check was conducted on April 24, 2008 and there was 100% compliance from retailers for not selling tobacco products to minors. The Board was very pleased.

Transfer Station Price Increase – Public Hearing Present: Bruce Dubey

Ms. Butcher reminded the Board that a public hearing was scheduled on May 19, 2008 with the Board of Selectmen to discuss a possible price increase for Transfer Station items.

HEALTH AGENT UPDATE

MRC Equipment List Update

Mr. Grossman reported that the Board received approval for communication items for the town. He stated that the review committee denied our request for a trailer for use by the Fire Department.

366 Lost Lake Drive

Mr. Grossman stated that a trial court date of June 2, 2008 has been scheduled before a judge. The Board was happy that a date was scheduled and felt that progress was moving forward.

Academy Hill, Lot A Septic Permits

Mr. Grossman stated that the septic permits for Lot A and the 13 buildings were drafted and ready for the Board's approval. He said that the documentation on the condominium units has not been resolved yet. The Board requested to take no action on the permits until such time as the documentation has been reviewed by town counsel.

124 Mill Street

Mr. Grossman stated that he drove by the dwelling and it remains in non-compliance. He stated that he and the Building Commissioner jointly sent a letter stating that the homeowner has not yet satisfied the court stipulation to raze the structure no later than May 15, 2008 and reminding him that the case is scheduled in Housing Court on May 19, 2008.

The meeting adjourned at 10:00pm.

GROTON BOARD OF HEALTH

Jason Weber, Chairman

Dr. Susan Horowitz

Robert Hanninen

Respectfully Submitted,
Debra A. Butcher