

MEETING MINUTES
August 4, 2008
Town Hall, Groton, Massachusetts 01450

Board of Health Members Present:

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

Others Present:

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

Meeting Called to Order:

Chairman Hanninen called the meeting to order at 7:33pm.

Minutes:

The minutes of June 2, 2008 were approved as written. The minutes of June 16, 2008 were approved as amended.

Septic Permits Approved/Signed:

- *47 Off Prescott Street, Nancy Woodle
- *103 Raddin Road, Robert Fournier
- *67 Reedy Meadow Road, Janet Costales
- *38 Old Orchard Lane, James Serach

Bills Approved/Signed:

- *Advance Security Systems-\$18.33
- *E&R Cleaners (3 invoices @ \$27.59 each)-\$82.77
- *Groton Electric Light Dept.-\$133.72
- *Groton Electric Light Dept.-\$20.47
- *Moison Ace Hardware-\$2.58
- *Nashoba Valley Medical Center-\$68.25
- *New England Baling Wire-\$1856.40
- *Robert Melvin, Jr.-\$65.00
- *Verizon Wireless (SW)-\$33.47
- *Verizon Wireless (MRC)-\$394.07 (grant funds)

67 Reedy Meadow Road Present: Russ Wilson, R. Wilson & Associates

Mr. Wilson provided the certified mail receipt cards for the record. He requested approval for variances to upgrade an existing septic system and expansion area for a (4) bedroom dwelling. He requested the following variances:

Town of Groton's Local Regulations

- Section I.A.1 - Two ground water observation holes and two percolation tests required; *one ground water hole and one percolation test performed.*
- Section I.E.6 - Distance Requirements – Minimum of thirty-five (35) feet must be available between the edge of any street and the entire exterior perimeter of any proposed leach areas. *Thirty-five (35) feet required; thirteen (13) feet provided.*

Chairman Hanninen questioned how old the system was. Mr. Wilson stated that it was constructed back in the 1970's. He said that the soils were very safe for one deep hole and one percolation test and performed them next to the existing sewage disposal system and proposed expansion area. Mr. Wilson stated that he placed the system from the right of way because that area had ledge problems.

Chairman Hanninen questioned whether Mr. Grossman had any comments or concerns. Mr. Grossman stated "no". Member Horowitz questioned why one hole was tested. Mr. Grossman stated that test holes were previous conducted. The Board requested that the system meet all other Title 5 and local regulations.

Member Weber made a motion to approve the two (2) local variances because it was only a property setback requirement. The motion was seconded by Member Horowitz.

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

21 Redskin Trail Present: Mr. & Mrs. Michael Mavilia; Michael Tripp

Mr. Mavilia requested a hearing to modify and/or suspend an order letter received to correct Sanitary and Environmental Code violations at this property. He reported that his dwelling is a two family unit.

Chairman Hanninen read all documentation pertaining to this order into the record and requested that Health Agent Ira Grossman begin discussion.

Mr. Grossman reported that the property was issued a previous order letter in 1994-1996 that was never complied with and that the current order reaffirms the violations. He said that the violations state that the owner has added living units (apartments) without prior approval by the Board or the Building Inspector.

Mr. Grossman said that the original permit was approval for (2) bedrooms within one unit and the owner claims that there is currently at least (5) bedrooms within three units. He said that the property is serviced by a well and septic system and as a result, cannot meet the minimum code requirements of Title 5.

Mr. Mavilia told the Board that he has never had any problems with the system and that contrary to complaints received in the past, there is no water running down the street from his system.

Member Horowitz stated that the issue is with the septic system and whether it is sufficient to support the dwelling. Mr. Grossman stated the original permit was for a (2) bedroom home and has been altered to (3) or (4) units. He said that by definition of Title 5, with an increase in flow, the system needs to be in full compliance which it isn't. He said there isn't enough land area to support more than a (2) bedroom dwelling.

Mr. Grossman stated that according to the Building Department, this dwelling has (4) bedrooms in the house which is still an increase in bedrooms.

Mr. Mavilia stated that the dwelling was remodeled in 1990-91 and has (5) bedrooms. Mr. Mavilia stated again that the system has not given them any problems.

Mr. Grossman stated that according to Town Hall documents, there is no record of this being a multi-family unit. He said that the Assessors' office has this listed as a (4) bedroom single family home.

Chairman Hanninen asked if Mr. Mavilia would confirm that there are (5) bedrooms in the house. Mr. Mavilia stated "yes" - there is (3) bedrooms upstairs and (2) downstairs. Member Horowitz asked what kind of system existed. Mr. Grossman stated that there is a tank and a pit.

Member Horowitz questioned how this can be resolved. Mr. Grossman stated that the house needed to reflect approval for more than (2) bedrooms with the Board of Health and the Building Department.

Member Horowitz questioned whether this system could support (5) bedrooms and was there enough land to support it. Mr. Grossman stated "no".

Chairman Hanninen questioned whether the Board could order a Title 5 inspection and if it passed, could it be expanded to a (5) bedroom dwelling. Mr. Grossman stated "no" due to the lack of land area.

Mr. Mavilia stated that he would contact Brian Lagasse to conduct a Title 5 inspection. He questioned whether he should have his well tested too. Mr. Grossman stated that regardless of the distance to his well, it would be beneficial to have his water quality tested with a proper chain of custody.

Chairman Hanninen stated that the water test should take care of any immediate health risks if any and the Board should continue the meeting until September.

Mr. Mavilia stated that he wants to comply with the Board's requirements. Chairman Hanninen made a motion to maintain the order dated July 14, 2008, require that a water test for the well be conducted with the results submitted to the Board of Health office and to continue the hearing to September 15, 2008 at 7:30pm. The Board requires that the apartments cannot be rented and if anyone leaves, there shall be no occupancy of the units. The motion was seconded by Member Horowitz.

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

358 Townsend Road

The hearing was cancelled by the applicant's engineer.

409 Old Ayer Road Present: Doug Smith, Soilsmith Design; abutters Judith Adams, Edith Tompkins, Imelda Kelley

Mr. Smith requested that the Board approve the following variances for this (2) bedroom dwelling.

Town of Groton's Local Regulations

Section I.A.2 - Deep observation holes for the determination of ground water shall be performed during the months of March or April. Observation holes were conducted on August 22, 2007.

Title 5 Regulations

310 CMR 15.405(j) Reduction of the requirement of 12 inch separation between the inlet and outlet tees and high ground water provided that all the boots or pipe joints are sealed with hydraulic cement or installed with watertight sleeves and the tank proven watertight.

Member Horowitz questioned where the ground water was. Mr. Smith said it was at 27 inches and the septic area was built up very high in order to meet Code. He said the bottom of the trench was 5 feet above ground water.

Member Horowitz questioned whether the system would affect drainage and would it need a swale. Mr. Grossman stated no because the system was being constructed five feet away. He said that any approval would require a (2) bedroom deed restriction.

Ms. Tompkins stated that the area was very wet much of the year. She said her property abuts this property and the well was approximately 30 to 40 feet from the edge of the property. She also reported that a second well that the engineer was not aware of.

Discussion followed concerning the second existing well. The Board felt that they needed more information concerning the existing well and surrounding wells. The Board voted unanimously to continue the hearing to August 18, 2008 at 8:30pm.

47 Off Prescott Present: Doug Smith, Soilsmith Design

Member Horowitz disclosed for the record that Mr. & Mrs. Woodle were clients of hers.

Mr. Smith stated that he was seeking approval for septic variances for an existing (1) bedroom dwelling. He stated that his design was the only place suitable to place the system which was best for the environment. He said that due to the lot size restrictions, surrounding well locations and the lake, there was no ability to fully comply with the Board's regulations and Title 5.

Mr. Grossman agreed and also suggested that the Board require that a (1) bedroom deed restriction be recorded.

Mr. Smith requested the following variances:

Town of Groton's Local Regulations

Section I.E.1 Distance Requirements: System to be less than 100 feet to lake required; 73 feet provided.

Section I.E.6 Thirty-five (35) feet separation is required at the edge of a street and the disposal system. Thirty-five feet required; 18 feet provided.

310 CMR 15.211 On site well must be 100 feet to system required; 91 feet provided.

310 CMR 15.211 Suction waterline must be 100 feet to system required; 62.7 feet provided.

Member Horowitz asked what kind of well existed. Mr. Smith said it was a dug well. She questioned where town water was located. Mr. Grossman said it was "far" from the site. He

said that the soils were good in the area and Mr. Smith did a good job in designing a system in relation to the well and wetlands.

Member Horowitz made a motion to approve the variances for 47 Off Prescott Street with the condition that it remain as a one bedroom and is recorded on the deed.

100 Whitman Road Present: Sean O'Neill

Mr. O'Neill was present seeking approval to construct an ejector pump in an addition (garage) to his home. He said that a bathroom was being constructed for convenience.

Chairman Hanninen requested comments from Mr. Grossman. Mr. Grossman reported that ejector pump installations require Board of Health approval per Title 5 requirements. He said that they require a permit. He said that applicants must be aware that the bathroom cannot be used for anything other than sanitary waste without the use of chemicals or solvents.

The Board approved the request as long as the application was reviewed by Mr. Grossman. Member Weber made a motion to empower Mr. Grossman to approve the application and obtain all information to make sure it complies with Title 5 and the Board's local regulations.

The motion was seconded by Chairman Hanninen.

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

OTHER BUSINESS

Graham Rae, 2 Pacer Way concerning 430 Old Ayer Road Present: Imelda Kelley, Lisa Kelley

Mr. Rae asked to speak at the meeting concerning ongoing drainage problems to his property at 2 Pacer Way from the installation of a new septic system from 430 Old Ayer Road owned by Mrs. Imelda Kelley. He stated that the water drains and puddles onto his property after rain storms. He provided pictures of the water and asked if the Board could remedy the problem.

Chairman Hanninen stated that he rode his bicycle by the property and noticed the water problem. Mr. Grossman stated that he has visited the site several times and saw that the water runs between the trenches and around the property. He said the elevation is higher on one side and the site must be filled in lower areas to avoid build up.

Chairman Hanninen questioned whether a swale away from the ground water would alleviate the problem. Mr. Grossman stated that it won't relieve the water because there is a nearby wetland that is draining onto the property as well. Mr. Rae stated that prior to construction, water pooling didn't exist near the visible wetlands. He urged the Board to restore the area and eliminate the pooling of water.

Chairman Hanninen felt that the problem needed to be corrected. Mrs. Kelley stated that the land was always flat until the land was developed on Pacer Way. She said that the water from across the street never affected her land until then.

Chairman Hanninen felt that the engineer owed them an explanation and felt that they should come into a meeting with a resolution.

Member Weber made a motion to contact Ducharme & Dillis and meet with them on August 18, 2008 at 8:45pm and to present an engineering design to remediate the water problems.

The motion was seconded by Member Horowitz.

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

366 Lost Lake Drive

Mr. Grossman stated that he met with Mr. Johnson and Dan Wolfe and discussed what needed to be removed in order to meet the court's requirements. He said that some progress has been made and that there was some bare ground to be seen. He told Mr. Johnson to get rid of wood pallets or cut them up and use as firewood. The Board requested to meet with Mr. Johnson and his attorney at the next meeting.

Pleasant Street Properties

Member Horowitz stated that a client of hers informed her that a dog fell into an improperly abandoned cesspool on Pleasant Street. Member Horowitz felt it was critical to inform residents who have connected to municipal sewer to properly abandon their septic systems so future incidents would not occur. She requested that the Board draft a letter and ask the Sewer Commissioners if they would co-sponsor the letter advising residents to properly abandon their septic systems and wells.

The Board requested to copy the Board of Selectmen and to invite the Sewer Commissioners to a meeting in September.

Transfer Station Present: Bruce Dubey

Building update – Mr. Dubey stated that 50% of the materials have been delivered to the Transfer Station and the rest will be dropped off sometime next week. He does not anticipate that any problems will occur with delivery and construction.

Unpaid Bill – Mr. Dubey stated that the Board will need to submit an article to pay an unpaid invoice for Verizon Wireless to Fall Town Meeting (approximately \$69). He stated that the bill was left on his desk while he was on vacation and therefore didn't meet the Town Accountant's deadline at the end of FY08. The Board requested that all invoices be submitted to the Board of Health office.

Vacation – Mr. Dubey stated that there was an incident involving the Highway Department while he was on vacation. He said that his department was short handed and needed assistance from Mr. Delaney who couldn't provide help to the Transfer Station.

The Board considered this to be a safety concern when only one person is working at the Transfer Station. The Board insisted that there should be two people present at the Transfer Station when running bailers. Chairman Hanninen stated that Mr. Dubey should work with Mr. Delaney prior to any vacation time scheduled to ensure there is adequate personnel to fill in. He suggested that Mr. Dubey, Mr. Delaney and he meet to work out a suitable schedule that works for both departments.

Debra Butcher

Ms. Butcher stated that she is considering requesting an intermittent family medical leave to care for her father. The Board recommended that she meet with the Personnel Manager and obtain the necessary paperwork to be filled out. The Board supported her in whatever she needed to do at this time.

The meeting adjourned at 10:10pm.

GROTON BOARD OF HEALTH

Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,
Debra A. Butcher