

**MEETING MINUTES**  
**APPROVED**  
**August 18, 2008**  
**Town Hall, Groton, Massachusetts**

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 7:30pm.

Septic Permits Signed/Approved:

- \*Robin Hill Lane, Lot 39; Fox Meadow Realty Trust
- \*358 Townsend Road; Ingrid Williams

Bills Signed/Approved:

- \*Airgas-\$30.39
- \*E&R Cleaners-\$29.59
- \*E&R Cleaners-\$27.59
- \*Global Montello Group-\$197.83
- \*Pete's Tire Barns-\$624.24
- \*Poland Springs-\$4.44
- \*Verizon (SW)-\$18.41
- \*Verizon Long Distance (SW)-\$.04
- \*Covanta-\$7,155.23
- \*Complete Recycling Solutions-\$65.10
- \*Container Recycling Alliance-\$598.75
- \*E.L. Harvey-\$4,925.77
- \*Verizon (BOH)-\$38.92
- \*Verizon Long Distance (BOH)-\$.54
- \*Verizon Wireless (MRC Grant)-\$269.99

47 Boathouse Road Present: Phil DeFreitas, owner

The Board requested that Mr. DeFreitas meet with them in order to review the Title 5 requirements for his tight tank because the file did not have the necessary documentation on a maintenance contract.

Mr. DeFreitas stated that he has signed a contract with R.J. Lacombe Septic for the maintenance of his tight tank and provided a copy for the Board's file. He reported that his tank is in good working order with no ground water infiltration.

Chairman Hanninen requested comments from Health Agent Ira Grossman. Mr. Grossman stated that in accordance with Title 5, a contract must be in place for the duration of the tight tank. He stated that he met with Mr. DeFreitas to review pumping records. He said that the contract must indicate a length of time which was not documented. Mr. DeFreitas stated that his understanding was that the contract was for (2) years.

The Board requested that Mr. DeFreitas have the contact modified to reflect a specific length of time and submit a copy to the office.

366 Lost Lake Drive Present: Lawrence Johnson, owner; Attorney Gene Rauhala

Health Agent Ira Grossman presented photographs, taken today, showing that the property was not in compliance.

Chairman Hanninen stated that he drove by the property today and observed that the property was not in full compliance with the court stipulation. He stated that "at this point, the issue should go to a receiver to finish the job".

Mr. Johnson explained that he has worked diligently in his attempt to comply and that only 10% of the clean up remains to be done. He stated that "it was a work in progress" and that the Board should be commending him for what he has already accomplished. Mr. Johnson stated that he and neighbor Dan Wolfe met with Mr. Grossman at the site. He said that Mr. Wolfe was present in order to take notes to point out those items that needed to be disposed of. He stated that the property status was improving on a daily basis.

Chairman Hanninen reminded Mr. Johnson that the timeframe has elapsed and the Board's patience has been "tried". He asked Mr. Johnson to estimate how much time was needed for full compliance. Mr. Johnson felt that he has made significant progress and was well on his way to be free of violations. He said that he needed only one more truckload and a weekend to accomplish the rest. He assured the Board that there wasn't anything toxic on his land.

Attorney Rauhala concurred with Mr. Johnson that he was doing an effective job in working towards a favorable resolution. He asked the Board to allow Mr. Johnson more time to finish.

Chairman Hanninen asked Mr. Grossman to give him an estimate of what is remaining. Mr. Grossman stated that approximately 80 to 85% was removed. He reminded the Board that Mr. Johnson was beyond the court order time to comply.

Member Horowitz stated that there was still a risk for fires because of the amount of wood on the property. She stated that neighbors in the area were at risk. Mr. Johnson stated that he met with the Fire Department and was told that he had less wood present than nearby residents who burn wood.

Member Horowitz agreed to give Mr. Johnson (2) weeks and meet again on September 2, 2008 at 7:30pm and if the property wasn't 100% in compliance to the Board's and Mr. Grossman's satisfaction, she would recommend that this issue be handed over to a court receiver.

133 Gratuity Road Present: Neil Gorman, Ross Associates

Mr. Gorman provided the certified mail receipt cards for the file. He stated that the existing system was in failure and provided a design for a local upgrade and requested the following variances:

310 CMR 15.406 – Local Upgrade Approval

310 CMR 15.405(1)(h) Reduction of the required five (5) foot separation between the bottom of the soil absorption system and the high ground water to four (4) feet.

Town of Groton's Local Regulations

Section I.A.5 Minimum of five (5) feet of pervious material between the bottom of the leaching facility and the ground water elevation. (4) feet provided.

Section I.E.5 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 area. (21) 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. Walls are not allowed to adjust the side slope requirement and offset. A wall is proposed within the 3:1 side slope requirement along the driveway.

Section I.F.1 Leach beds will be sized at 150% of Title 5 requirements . Leach bed is sized in accordance with the Title 5 sizing requirements.

Mr. Gorman stated that the proposed design was being placed in the most advantageous place on the property to maximize offsets from nearby wetlands. He stated that the foundation was very low so a raised system was not possible.

Chairman Hanninen asked Mr. Grossman to provide his comments. Mr. Grossman supported the design due to the restrictions of wetlands, street line and property lines. He recommended that the Board approve the variances.

Mr. Grossman informed the Board that he has received complaints concerning the condition of the property in terms of trash and refuse and asked that Mr. Gorman pass along this to the homeowner.

Member Horowitz questioned the need for the retaining wall. She asked if there were any other alternatives available, i.e. Presby system. Mr. Grossman stated that it was appropriate for this site. Member Horowitz asked if the property was served by town water. Mr. Grossman stated "yes". Member Horowitz recommended that conditions be placed on the permit that would not allow an increase in size, footprint, square footage, sewage flow or bedrooms and to have these conditions be placed on the property deed.

Member Horowitz made a motion to approve the requested variances with the conditions stated. The motion was seconded by Member Weber.

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

Transfer Station Stickers Present: Jim Selders, Bruce Dubey, Ed Wirtanen

The Board listened to a presentation from Mr. Selders supporting the idea to eliminate the sale of transfer station stickers by shifting more of the cost for trash bags and allowing non-residents access to the Transfer Station. He asked the Board to re-examine the process and putting a stronger focus on simplifying it. He stated that his plan would increase recycling as well.

Member Horowitz stated that as long as she has been a member of this Board, transfer station stickers have been "a bone of contention". She said that the town made a decision 5 to 6

years ago to subsidize the transfer station and the Board of Selectmen discouraged having non-residents use our facilities.

Chairman Hanninen thanked Mr. Selders for his efforts. The Board asked that he and the Recycling Committee come back with other alternatives for consideration.

409 Old Ayer Road Present: Douglas Smith, Soilsmith Designs; Abutters Edie Tompkins & Judy Adams

The hearing was continued from August 4, 2008 in order to obtain more information concerning the existing well and surrounding wells.

Mr. Smith presented a new plan with a minor modification which satisfied the Board and neighbors and will meet the necessary setbacks.. Mr. Grossman supported the plan as designed and recommended approval but asked the Board to consider the number of total rooms. Member Horowitz requested that the Board condition any approval that a two bedroom deed restriction be recorded. She made a motion to approve the requested variances with the condition. The motion was seconded by Chairman Hanninen.

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

430 Old Ayer Road Present: Stan Dillis, Ducharme & Dillis; Chris Kelly, Imelda Kelly, Lisa Kelly, Graham Rae, abutter

Mr. Rae requested that the Board resolve water issues resulting from the septic system construction on 430 Old Ayer Road. He felt that the elevations were incorrect and water was pooling on his property.

The Board acknowledged that the design was incorrect and that a swale needed to be installed and grading adjusted for removal of water away from the abutter. Member Weber stated that the installer needed to address the problem and correct it.

Member Horowitz made a motion to have the drainage issued corrected in accordance with Title 5 requirements before October 1, 2008. The motion was seconded by Chairman Hanninen.

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

358 Townsend Road Present: Stan Dillis, Ducharme & Dillis

Mr. Dillis presented a design plan for a septic repair and requested the following 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. Relief is sought from the requirement to perform in-season testing for Class I soils.

Section I.C.8 - At least five (5) feet of naturally occurring materials must be placed over ledge; fill shall not be used to meet this requirement. Relief is sought from the requirement for five feet of material. There is approximately 4-5 feet of naturally occurring materials within the limit of the system.

Mr. Grossman stated that he does not have a stamped survey plan as required by the Groton Board of Health Local Regulations (section I.C.3) and must be requested as a variance.

Member Horowitz questioned why testing was done out of season. Mr. Dillis stated that the house is for sale and the upgraded needed to get done as soon as possible.

Member Weber made a motion to accept the two variances requested plus an additional variance (I.E.3). The Board wanted no conditions placed on the permit. The motion was seconded by Member Horowitz.

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

Debra Butcher requested that an amended letter be submitted to the Board of Health office to include the added variance.

#### OTHER BUSINESS

##### Bailer Shed Update

Mr. Dubey stated that the old siding has been torn down and replaced. He said that the contractors will be back this week. Chairman Hanninen recommended that Mr. Dubey get a schedule from the contractors on when work will be done.

##### Sewer Letter

The Board modified the letter to include issues concerning public health and safety as well as having a footnote about the proper decommissioning of unused wells on the property.

##### FY09 Goals and Objectives

The Board tabled this to the next meeting on September 2, 2008.

##### Septic & Well Regulations – Fines for Non-Compliance

The Board tabled this to the next meeting on September 2, 2008.

The meeting adjourned at 9:30pm.

GROTON BOARD OF HEALTH

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Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,  
Debra A. Butcher