

**MEETING MINUTES**  
***APPROVED***  
**September 15, 2008**  
**Town Hall, Groton, Massachusetts**

Board of Health Members Present:

Robert Hanninen, Chairman; Dr. Susan Horowitz, Jason Weber (arrived at 7:45pm)

Others Present:

Ira M. 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 August 18, 2008 minutes.

Septic Permits Approved/Signed:

\*855 Boston Road, Todd DeVinney  
\*133 Gratuity Road; Heidrun Becker

Bills Approved/Signed:

\*Advance Security Systems-\$18.33  
\*Airgas-\$30.88  
\*Global Montello Group-\$85.14  
\*Moison Ace Hardware-\$6.99  
\*Verizon Long Distance (SW)-\$.24  
\*ZEP Sales & Service-\$230.10  
\*Routhier Tire-\$277.50  
\*Covanta-\$4,731.34  
\*East Coast Electronics-\$650.00  
\*E.L. Harvey & Sons-\$4,263.21  
\*Custom Courier-\$164.56  
\*MAHB (membership)-\$100.00  
\*Verizon Long Distance (BOH)-\$.13  
\*Verizon Wireless (MRC grant)-\$177.61  
\*JGI Eastern (landfill monitoring contract)-\$4,882.90

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

Mr. Mavilia presented a copy of his failed Title 5 report to the Board but insisted that his system was in good working order. Chairman Hanninen asked Health Agent Ira Grossman what steps needed to be taken in regards to Mr. Mavilia's system. Mr. Grossman stated that the code states that Mr. Mavilia has up to (2) years to repair his system unless the Board of Health deemed that it was a public health issue and orders him to correct it sooner. Mr. Grossman stated that Mr. Mavilia was advised to keep

his apartment unoccupied but it was recently rented. Mr. Grossman stated that Mr. Mavilia was told to apply for a building permit for the creation of the apartment, however, the subsurface sewage disposal system was only designed for a (2) bedroom home and it currently consists of (5) bedrooms.

Mr. Mavilia insisted that his dwelling has always been assessed as a two family home. He said his tax bills reflect this since his family moved into the dwelling in 1976. He reported that the dwelling does have (3) bedrooms upstairs and (2) bedrooms downstairs. Mr. Mavilia showed the Board a copy of the Assessors' record card referencing a two family dwelling. The Board's Agent accepted this as showing a two family home.

Mr. Grossman stated that according to Title 5 calculations for the well and septic, there isn't enough capacity because there is not enough land to meet code. He said that the Assessors' office has this property listed as (1) unit with (4) bedrooms total, yet everything in our records indicate that it is a (2) bedroom home. He said that the code is very specific where there shall not be an increase above the approved capacity. He said that (1) bedroom is allowed per 10,000 square feet of land. Mr. Mavilia stated that he owns additional, adjoining land to upgrade the system.

Mr. Mavilia stated that he has lived in town over 30 years and has paid his taxes. He said he makes his living from the rental income of the property.

Mr. Grossman asked the Board to make a determination on when the system needed to be upgraded. Member Horowitz stated that Mr. Mavilia should have up to two years. Mr. Grossman reported that nitrates, found in a sample collected by the client, was another failure criteria for the system. He stated that the nitrate level was over 7.

Member Horowitz asked if the property was going to be sold. Mr. Mavilia stated that he and his wife were considering it. Mr. Grossman stated that system was in failure and that the Board needed to determine a timeline for compliance. Chairman Hanninen stated that the applicant needed to get an engineer involved and determine how much capacity and land area there was. He recommended that regular water tests be drawn by either a certified laboratory or the Board's Health Agent for the protection of the tenants.

Member Horowitz agreed and suggested that quarterly water tests be performed. Chairman Hanninen instructed the applicant to have another test done with a chain of custody by November 3, 2008.

Member Horowitz stated that she had no problem allowing the upgrade to be done within the allowable (2) year period unless it became a public health issue. Chairman Hanninen made a motion to require the following actions to be taken:

1. Title 5 Inspection Reported dated 9/2/08 (failure): The Board of Health will allow up to (2) years to upgrade the septic system unless it becomes an

imminent public health threat. At that time, the Board of Health may order that it is upgraded sooner.

2. A well water test must be taken by a Massachusetts Certified Laboratory or by the Board's Health Agent and the results submitted to the Board of Health on or before their next meeting with the applicant on November 3, 2008 at 7:30pm.
3. By November 3, 2008, the Board requires that the applicant engage a civil engineer to upgrade the sewage disposal system. The engineer shall also make a determination if it's feasible to get additional bedrooms above the existing two bedroom approval and to keep the Board apprised of the progress.

The motion was seconded by Member Horowitz.

VOTE: Member Horowitz-Aye; Chairman Hanninen-Aye; Member Weber-Abstained. The motion carried with 2 votes in favor and one abstention.

Transfer Station Stickers Present: Jim Selders; Recycling Chairman Tessa David; Transfer Station Supervisor Bruce Dubey

Mr. Selders prepared a transition plan for a sticker-free operation for the Transfer Station. He stated that the purpose of the document was to improve efficiency and convenience for residents by removing the sticker requirement and adjusting the price structure for orange trash disposal bags.

Member Horowitz apologized because she didn't have an opportunity to review the document because she just received it that day.

Ms. David thanked Mr. Selders for his efforts and encouraged Mr. Selders to become a member of the Recycling Committee. She stated that the Recycling Committee was in the process of reviewing the details of the proposal and that they were not 100% comfortable with it. She stated that transfer station stickers represented a fixed cost for the town with revenues around \$50K. She researched other towns and contacted DEP and it was determined that towns should not put all the cost on bags because the program will fail.

The Board felt that more time was needed to review this proposal and that it couldn't be implemented for FY10's budget.

Groton School –Bio-Mass Boiler System Present: Attorney Robert Collins; Hale Smith, CFO Groton School; John Hinckley; Jeff Forward, Richmond Energy Associates; Brian Lagasse; Richard Lewis; Nancy & Roy MacGregor

Attorney Collins, representing Groton School, presented a proposal for the replacement of one of the school's oil burners with a bio-mass boiler. He stated that the school's plan was to install the new boiler in the existing boiler house. He said that it would use wood chips as the source of fuel.

Jeff Forward from Richmond Energy gave a presentation and spoke of other schools utilize this resource. He stated that there are at least 30 schools in Vermont who have bio-mass boilers. He stated that Mount Wachusett Community College in Gardner uses this type of boiler. Mr. Forward estimated that Groton School would use 4,000 tons of chips annually. He said that wood chips burn very hot and produce steam which would be piped underground throughout the school.

Attorney Collins stated that he has already brought this proposal to several other departments and received positive feedback from other boards.

Member Horowitz stated that the Board had no regulations surrounding this type of system so there was no permitting requirements needed from them.

The Board supported the technology and thanked all parties for attending the meeting.

15 Whitewood Avenue Present: John Scira, owner; Attorney Peter Knox; Beth Montgomery, abutter

Chairman Hanninen requested comments from Health Agent Ira Grossman. Mr. Grossman stated that a Title 5 Inspection Report was done in March 2007 showing that further evaluation was needed by the Board of Health. Mr. Grossman stated that since there was no water quality report submitted, the correct certification should have been a failure. He said that Mr. Scira was present to have the Board make a determination that the Title 5 report should be a "pass".

Attorney Knox presented a well water analysis report from Nelson Analytical Lab and collected by Skillings & Sons in July 2008 and showed "acceptable" test marks. Attorney Knox also presented a letter from Robert Lacombe, dated September 12, 2008, stating that he has serviced the septic system for the last 15 years and found it to be sound with no breakout.

Discussion followed concerning bedrock and that in 2002, a plan to install a tight tank was submitted but was never installed. Member Horowitz questioned whether a tight tank should be installed. Mr. Grossman stated "yes" but only if no Title 5 options were available.

Mr. Grossman stated that given that the dwelling has been unoccupied since December 2006, the water quality results for the well may not be representative of the actual impacts after occupancy. He said that the well was reported to be 69 feet from the leaching area within an area of shallow ledge.

Member Horowitz questioned where town water was location. Mr. Grossman stated that based on a memorandum from the Water Superintendent, it was approximately 140 l.f. away with some ledge.

Member Horowitz stated that she would like to continue the hearing until she had an opportunity to review prior minutes concerning this property. She made a motion to

continue the hearing to October 6, 2008 at 8:30pm. The motion was seconded by Chairman Hanninen.

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

## OTHER BUSINESS

### Baddacook Pond Boating Incident

The Board requested that every effort is made to retrieve the boat battery from the pond and have the responsible party responsible for any associated costs.

### Groton School – Site Plan Review – Comments to Planning Board

The Board voted unanimously to send the following comments:

1. Groton School should install the best available control technology to prevent pollutant emissions and to practice best management practices with this project.
2. The Board requests that air quality results are submitted to this office from other projects that have this technology.

### Transfer Station Update Present: Bruce Dubey

Mr. Dubey provided an update on the baler shed stating that the doors should be in place by Wednesday and that the building is approximately 80% complete. He stated that he has contacted the contractor and requested a letter stating completion dates. Mr. Dubey stated that funding is being held until the project is completed.

## HEALTH AGENT UPDATE

No report was given by Health Agent Ira Grossman.

## ADMINISTRATIVE ASSISTANT UPDATE

### Sewer Letter

Ms. Butcher stated that the first phase of letters was submitted to the Sewer Department for a September mailing. She stated that the letter was sent to the Town's Website and to the local newspapers for publishing.

### October 2008 Board of Health Meeting Dates

The Board voted unanimously to conduct Board of Health meetings on Monday, October 6, 2008 and Tuesday, October 21, 2008 (due to Fall Town Meeting).

The meeting adjourned at 10:05pm.

## GROTON BOARD OF HEALTH

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Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,  
Debra A. Butcher