

MEETING MINUTES
Approved
October 6, 2008
Town Hall, Groton, Massachusetts

Board of Health Members Present:

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

Others Present:

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

Meeting Called to Order:

Chairman Hanninen called the meeting to order at 7:32pm.

Minutes:

The minutes of August 18, 2008 were approved as written. The minutes of September 2, 2008 & September 15, 2008 were approved as amended.

Septic Permits Approved/Signed:

- *Robin Hill Road, Lot 36A; Fox Meadow Realty Trust
- *Robin Hill Road, Lot 39; Fox Meadow Realty Trust
- *Forest Drive, Lot B44A; Robert Lacombe

Bills Approved/Signed:

- *Advance Security Systems-\$18.33
- *Airgas-\$351.63
- *E&R Cleaners (3 invoices @ \$29.59 each)-\$88.77
- *Groton Electric Light Dept.-\$21.13
- *Groton Electric Light Dept.-\$108.29
- *Moison Ace Hardware-\$556.90
- *Moore's-\$17.79
- *Myette Power-\$30.58
- *Poland Springs-\$9.44
- *Roy Shepherd-\$17.79
- *Verizon (SW)-\$19.30
- *Verizon Wireless-\$56.44
- *Verizon Wireless-\$13.68
- *Covanta-\$6,977.35
- *Verizon (BOH)-\$38.53
- *Verizon Wireless (MRC)-\$178.06
- *Nashoba Associated Boards of Health-\$5910.75

133 Gratuity Road Present: Heidrun Becker, owner

The Board of Health requested a meeting with Ms. Becker to review the status of her failed onsite sewage disposal system and the condition of the property in regards to refuse and trash based on complaints received from neighbors.

Ms. Becker wrote a response letter to the Board in which Chairman Hanninen read into the record. Ms. Becker's letter stated that she has picked up her permit and construction on her septic system would begin soon. She stated that Septic Inspector and Pumper Robert Lacombe has been regularly checking her system and found it to be in working order. Ms. Becker stated

that she is preparing to rent a dumpster to remove all refuse and trash off the property within weeks.

Health Agent Ira Grossman reported that he drove by the property today and no dumpster was present at that time. He stated that there were large trash cans full of debris and that progress was taking place. Mr. Grossman stated that as long as there was progress with the clean up, he had no further concerns.

Ms. Becker apologized to the Board and indicated that because she lived alone, it would take time for final compliance. The Board thanked her for coming in. No further action was taken.

Emergency Dispensing Plan/Mutual Aid

Mr. William Shute postponed the meeting until additional information is obtained from the Worcester Regional Medical Reserve Corps.

15 Whitewood Road: Present: John Scira, owner; Atty. Peter Knox; Elizabeth Montgomery, abutter

The meeting was continued from September 15, 2008 in order to research prior minutes on this property.

Attorney Knox presented water quality tests collected by Skillings & Sons and tested by Nelson Analytical Lab.

Mr. Grossman stated that his review of the Title 5 determination from previous minutes showed that the engineer reported that the property contained “wall to wall ledge”. He asked the Board to make their determination on whether there was a failure to protect public health regarding the proposed upgrade due to bedrock and nearby private wells.

Discussion followed concerning State codes and tight tank construction. Attorney Knox stated that the Code provides specific criteria design in regards to failures. He stated that a tight tank would devalue his client’s property.

Attorney Knox asked the Board to “pass” the system or give his client the right to rent the property. Mr. Grossman stated that in 2002, the applicant requested the approval for a tight tank and the property remained vacant for a long period of time.

Member Weber questioned whether anybody was presently living at the dwelling. Mr. Scira stated “no”. He said he is currently seeking renters and will allow them to rent with the option to buy.

Mr. Grossman stated that the system is a failure by definition of Title 5. He recommended that the Board make the determination that the system failed to protect public health and needs to be upgraded. He stated that given that the dwelling has been unoccupied since approximately December 2006, the water quality tests for the well may not be representative of the actual impacts of after occupancy. He said that the well is reported to be only 69 feet from the leaching area and within an area of shallow ledge.

Attorney Knox asked the Board to allow people to live there and have his client do testing once there are people in the house. Mr. Grossman stated that if effluent gets into a crack in the

bedrock, it could affect wells in the area. He urged the Board to consider the septic system to be a failure.

Chairman Hanninen made a motion to consider the septic system located at 15 Whitewood Road to be a failure. He said it was the Board's obligation to protect public health. The motion was seconded by Member Horowitz.

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

The Board agreed to give Mr. Scira (2) years to bring the system into compliance unless there was an imminent health hazard. Chairman Hanninen recommended that the property is monitored and the well tested often.

Mr. Grossman urged the Board to have the well tested prior to any occupancy. Member Horowitz recommended that people whose wells are within 100 feet be informed and abutters on well water should have them tested. Chairman Hanninen suggested that the closed well on the other side of the road be tested at Mr. Scira's expense.

Member Weber recommended that wells within 100 feet be tested at the town's expense in order to achieve a baseline. Member Horowitz disagreed because she felt that the owner should have proceeded with a tight tank years ago when it was first presented to the Board.

Chairman Hanninen made a motion that wells within 100 feet of this system or outside of the 100 feet be tested within the next month at the town's expense to get a baseline and the well at 15 Whitewood Road be tested every 3 months to show that there are no pollution issues at Mr. Scira's expense and to notify abutters within 300 feet of the Board's decision. The motion was seconded by Member Weber.

VOTE: Member Weber-Aye; Chairman Hanninen-Aye; Member Horowitz-No. The motion passed with 2 in favor and 1 opposed.

Academy Hill, Lot A-8 Present: Matt Goodfriend, Project Manager; Mike Pelletier, Skillings & Sons

Mr. Goodfriend requested a variance to the Town of Groton's Well Regulations for a setback from the Geothermal well to the sewer line.

Town of Groton's Well Regulations:

Section VI: Well Location and Requirements

Setbacks: Sewer Line; 100' feet required; 60' provided.

Mr. Goodfriend stated that the proposed Geothermal well was a closed well buried deep into bedrock. He explained that the well would be used as a source of heat into the house and is constructed with a heavy bentonite seal.

Chairman Hanninen requested comments from Health Agent Ira Grossman. Mr. Grossman stated that he supported the variance because it is a closed looped system. Member Weber stated that Geothermal wells are defined in the Board's regulations so the variance process was necessary.

Chairman Hanninen questioned whether there were any issues with the Conservation Commission. Mr. Goodfriend stated “no”. Chairman Hanninen made a motion to approve the variance. The motion was seconded by Member Horowitz and voted unanimously.

430 Old Ayer Road Present: Christopher Kelley, Lisa Kelley; Audrey Brice; Graham Rae; Brian Lagasse

Chairman Hanninen read Ms. Imelda Kelley’s letter, dated September 19, 2008, into the record advising her contractor, Brian Lagasse, that she would cover costs for materials up to \$1,000 for the installation of a pipe to alleviate the drainage problems from her septic system.

Mr. Christopher Kelley thanked the Board for allowing time on the Board’s agenda to discuss this ongoing problem. He stated that his mother was unavailable to be present and that he would be speaking on her behalf. He stated that groundwater continues to puddle on the property, however, work to correct the problem hasn’t begun. He also reported that his mother has not received a firm estimate to complete the job.

Mr. Brian Lagasse, contractor for the project, stated that he spoke with Ms. Kelley and assured her that the work would be done once the water receded and the ground dried. Mr. Kelley stated that he understood that the conditions prevent the pipe to be installed; however, he said that the problem has been dragging on and a resolution was needed in order to sell the property. Mr. Lagasse stated that he offered to install the pipe at no cost, however, the materials needed to be paid for.

Member Horowitz questioned what would happen if the site never completely dries up. Mr. Lagasse stated that if that happened, the elevations would be wrong and they would need to deal with mud. Health Agent Ira Grossman agreed with Mr. Lagasse and stated it would be expensive if the site was not dry enough.

Mr. Lagasse offered to dig the trench and then wait until the area dries out in the spring before installing the pipe. Mr. Grossman cautioned the Board that an open channel would not be a good way to resolve this because it would allow additional water into the area.

The Board requested an update by November 1, 2008 by all parties. Abutter Graham Rae requested that the Board require a temporary drainage resolution. Chairman Hanninen agreed. Ms. Lisa Kelley questioned whether the plan needed to be followed. Mr. Lagasse stated that he would dig a ditch to direct the water.

Chairman Hanninen requested that this property be put on the Board’s agenda for November 3, 2008 for an update.

OTHER BUSINESS

FY08 Goals and Objectives

The Board voted unanimously to submit the following Goals and Objectives to the Board of Selectmen:

1. Coordinate health related emergency response with LEPC Groton and Nashoba Associated Boards of Health and Worcester Medical Corps (ongoing).
2. Investigate a database of land use permitting and applications expanding upon the model to be developed for the Station Avenue 43D Expedited Permitting (with the Computer Committee).

3. Promote Board and individual contributions to the Town and other Boards via announcements, memos, and press releases.
4. Continue to promote public health awareness through public education communications, seminars, news articles and postings.
5. Review and enact needed amendments to Board of Health regulations once per year except in emergencies.
6. Gather information from reliable sources concerning the Nod Road dump closure pertaining to runoff into the Nashua River.
7. Promote paint recycling (within the community as well as to local organizations).
8. Promote opportunities and awareness for appropriate household hazardous waste and mercury disposal while minimizing costs.
9. Maintain consolidated collections with cooperative member communities to expand service and reduce costs.
10. Encourage recycling and composting through home composting and the use of the Town compost piles.
11. Investigate modification in fees and programs for the recycling center while maintaining revenue.
12. Explore opportunities for increasing recycling or energy generation to reduce costs or increased revenue.

Letter of Support

Ms. Butcher informed the Board that the Town of Pepperell was soliciting support letters from member towns of the Nashoba Associated Boards of Health in preparation of town meeting. The Board voted unanimously to send a letter stating that the Town of Groton has been a member town since 1932 and is very satisfied with the services the town receives and the cost for these services.

Fran's Frank and Things

Member Weber stated that he drove by the site on October 5, 2008 at approximately 6:15pm and witnessed the cart on the site. Chairman Hanninen added that the cart was present at 6:30am this morning (October 6, 2008). Member Horowitz stated that according to sources, the cart comes and goes.

Health Agent Ira Grossman reported that the cart is often hidden behind the PC Myette building at nighttime. Chairman Hanninen requested that a letter be sent detailing what the Food Code requires. Mr. Grossman stated that it is the owner's responsibility to prove to the Board that the unit is being moved daily.

Member Horowitz motioned to send a letter stating what the requirements are. The motion was seconded by Member Weber and voted unanimously.

Oak Ridge Manor Subdivision Plans – Comments to Zoning Board of Appeals

The Board voted unanimously to send the following comments:

1. The plan should be viewed as a "new" submittal rather than as a minor change.
2. The change in the use from "over-55" to "conventional" living units does represent additional flow under Title 5 and will change the septic design flows. New septic plans must be submitted for review to the Board of Health.
3. As previously stated by the Board of Health, the Groton Water Department water supply will be necessary for the project.
4. Complete comments of the project cannot be made without a set of septic plans to review.

Academy Hill Condominium Documents

Ms. Butcher stated that according to Interim Administrative Office Jeff Ritter, the cost to review the documents by Town Counsel would be \$200. She requested permission to notify the applicant and have a check issued to the town and deposited so town counsel could draw against it in their review. The Board voted unanimously to approve the process.

Battery in Baddacook Pond

Member Weber stated that he still had concerns about possible contamination of the pond from the marine battery. Member Horowitz stated that she spoke with Larry Swezey who stated that it was his opinion that the battery rested in approximately 8-10" of mud and would be impossible to locate, even for scuba divers. She stated that the Water Department had no concerns at this time. Mr. Grossman stated that he had no concerns either after speaking with the State because the reported levels were considered low according to the Department of Environmental Protection. Member Weber stated that he would contact Mr. Swezey for information on a dive effort.

Recycling Committee

The Board voted unanimously to send a letter commending them and the transfer station personnel for their efforts in recycling by increasing revenue by \$38K. The Board requested that this be sent to the local newspapers and to the town's website.

Hazardous Waste Collection Day – September 29, 2008

The Board acknowledged how smooth and successful the day went and voted to send a note to Tessa David.

Bailer Shed Invoice

The Board voted unanimously to hold the unsigned invoice for the bailer shed until such time that Transfer Station Supervisor Bruce Dubey has advised the Board that the project was completed in its entirety (i.e. punch list, etc.). The Board requested that the invoice be signed by Mr. Dubey prior to the Board approving it.

The meeting adjourned at 9:30pm.

GROTON BOARD OF HEALTH

Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,
Debra A. Butcher