

**MEETING MINUTES**  
**Approved**  
**February 17, 2009**  
**Town Hall, Groton, Massachusetts 01450**

Board of Health Members Present:

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

Others Present:

Debra A. Butcher

Meeting Called to Order:

Chairman Hanninen called the meeting to order at 7:30pm.

Minutes:

The regular session minutes of December 1, 2008 were approved as amended.

Septic Permits Signed/Approved:

\*16 Hayden Road; Richard & Sheila Lacourse

\*10 Paul Revere Trail; Janet Rumson

\*243 Lost Lake Drive; Michelle Pero

Bills Signed/Approved:

\*Advanced Security Systems-\$19.33

\*Airgas-\$30.88

\*Ayer Auto Parts-\$19.31

\*Global Montello Group-\$80.06

\*Global Montello Group-\$217.47

\*Groton Electric Light Dept.-\$287.84

\*Groton Electric Light Dept.-\$56.23

\*New England Baling Wire-\$1840.40

\*Verizon Long Distance (SW)-\$.29

\*Covanta-\$5939.23

\*Verizon Long Distance (BOH)-\$.12

\*Verizon (MRC)-\$172.85

243 Lost Lake Drive: Present: Russ Wilson, R. Wilson & Sons; Craig Miles, abutter

Mr. Wilson provided the certified abutters' mail receipts for the record. He presented an engineered plan for the upgrade of the septic system that has (2) houses on the lot. His design proposes to put in two tanks to a pump chamber to serve both dwellings. He reported that there were no adjacent wetlands and the soils were sand and gravel and suitable for the design.

Mr. Wilson requested the following variances:

Town of Groton's Local Regulations

Section I.A.2 - Deep observation holes for ground water elevations may be performed in March and April. Soil testing was performed in November 2008.

Section I.E.7 - Distance Requirements: Minimum of twenty (20) feet must be available between any property line and the entire exterior perimeter of any proposed leach area. Twenty feet required; 10.2 feet from the edge of the leaching trenches to a property line proposed.

Member Horowitz questioned whether town water would be utilized. She referred to Health Agent Ira Grossman's comments into the record. She stated that Mr. Grossman required that the existing well be properly abandoned and given the restrictive layout of the lot, town water should be connected.

Chairman Hanninen questioned whether there were any issues from the lone abutter present. Mr. Miles stated that he had no problem with the design other than concern for the distance proposed from his well. He stated that once the final design was prepared, he was fine with it.

Chairman Hanninen requested that a registered well driller abandon the well. He questioned whether there were any additional issues from the Board. Member Horowitz asked that conditions be placed on the permit in order that the building not be allowed to increase in size and sewage flow. Member Weber made a motion to accept the written variance request with the following conditions:

1. The existing well must be abandoned by a licensed well driller in accordance with the Town of Groton's Well Regulations.
2. The building may not be increased in size, footprint, square footage, sewage flow or bedrooms. These conditions must be recorded on the property deed.
3. Municipal water must be connected.

Member Horowitz questioned how deep ground water was. Mr. Wilson stated greater than 30 feet.

The motion was seconded by Chairman Hanninen.

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

The sewage disposal permit was signed by the Board.

27 Whitney Pond Road Present: Russ Wilson; R. Wilson & Sons; Robert Moore

Chairman Hanninen opened discussion and stated that the hearing was continued in order for the applicant to clarify the separate ownership issue on the lots and the boundary lines.

Mr. Wilson stated that the applicant wants to install a septic system across the street to a separate lot in which he owns. He stated that the vacant lot was permitted and represented as being one made from the "combined" parcels of land. Mr. Hanninen stated that it was Health Agent Ira Grossman's opinion that if the lot is not as represented, he would recommend that the permit be voided and an accurate representation of the legal bounds be submitted.

Mr. Wilson stated that the plan needed serious retaining walls if constructed and had Conservation Commission concerns due to the close proximity of the lake. He asked that the Board consider the design in consideration of staying out of the buffer zone.

Member Horowitz recommended continuing the hearing until there was clarification on the legal issues of ownership and waiting until Mr. Grossman was present. She made a motion to continue the hearing. The other Board members agreed.

Member Weber questioned whether a delay would present a hardship to the owner. Mr. Moore stated “no”. He said that there needs to be clarification of ownership. He made a motion to continue the hearing until March 16, 2009 at 7:30pm. The motion was seconded by Member Horowitz.

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

10 Paul Revere Trail Present: Jeff Hannaford, Norse Design Services; Janet & David Rumson, owners

Mr. Hannaford provided the certified abutters’ mail receipts to the file. He provided an engineering plan for the upgrade of a failed onsite sewage disposal system listed as “Off Pine Trail” in the Board of Assessors’ office.

He stated that the site conditions were restrictive due to the lake area and necessitated the need to design a system as “far back from the lake as possible”. He reported that the upgrade for the existing two bedroom cottage had limited acreage (1/2 acre) as well.

Due to site constraints, he requested the following variances:

Town of Groton’s Local Regulations

Section I.E.7 - Minimum of twenty (20) feet must be available between any property line and the entire exterior perimeter of any proposed leach areas. Twenty feet required; 10 feet provided.

Section I.C.7 - When engineered plans are required, the plans must be submitted by a registered sanitary engineer, a registered professional engineer with experience in sanitary engineering or a registered sanitarian with a co-stamp indicating review of the plan by an engineer meeting the referenced experience.

Mr. Hannaford stated that he held none of the above credentials which necessitated the need to include this variance to the property. Member Horowitz questioned whether Mr. Hannaford had a professional engineer on staff. Mr. Hannaford stated “no”.

Title 5: 310 CMR 15.000

310 CMR 15.405(1)(g) - Distance from a private well to a soil absorption system; 100 feet required; 75 feet provided.

Mr. Hannaford stated that well water was tested and the results were good. Member Horowitz asked what kind of well existed. Mr. Hannaford stated “a driven point well”. She questioned whether town water was available. Mr. Hannaford stated “no”.

Discussion continued concerning the placement of the system. Member Horowitz made a motion to accept the variance with the condition that town water and sewer be connected once it becomes available. She also requested that the building not be allowed to be increased in size, footprint, sewage flow, square footage or bedrooms and that the conditions are recorded

on the property deed. The motion was seconded by Chairman Hanninen. Member Horowitz questioned whether the property was for sale. Mrs. Rumson stated “yes”, however, she wasn’t sure the potential buyer wants to pursue the purchase based on the conditions presented.

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

Groton Wellness Present: Drs. Robert & Jean Evans

Chairman Hanninen requested that Dr. Evans present his request to the Board. Dr. Evans stated that Groton Wellness wants to operate a Colon Hydrotherapy Unit for their clients. He stated in order to obtain the necessary permits, the State requires that he “petition” the Board of Health for their support in a letter to accompany his application to the State Plumbing Commission.

Chairman Hanninen stated that the unit was currently not an approved device by the Plumbing Inspector, however, the unit is federally approved and operational in other states but not in Massachusetts.

Dr. Evans stated that he bought the unit and hired a plumber to install it. He stated that upon an inspection by the town’s plumbing inspector, he was told to disconnect the unit until his application was approved by the State.

Member Horowitz recommended continuing the discussion until such time that they received written comments from the plumbing inspector and the Department of Public Health. She made a motion to continue the discussion until March 2, 2009 at 9:00pm. The motion was seconded by Chairman Hanninen and voted unanimously.

16 Hayden Road: Present: Kevin Ritchie, P.E., Civil Solutions

Mr. Ritchie provided the certified abutters’ mail receipts to the file. He stated that the existing three (3) bedroom dwelling, located close to Forge Village Road and for sale, has a failed septic system that is shared with 14 Hayden Road. Mr. Ritchie stated that the design provided was for a system to serve only 16 Hayden Road. He stated that due to extensive wetlands, he was proposing a JET I/A system design and that it was his client’s intention to eliminate the existing well and connect to town water.

Member Horowitz questioned how shallow ground water was. Mr. Ritchie stated it approximately at 45 inches. He stated that JET systems needed an operation and maintenance contract that needed ongoing inspections and he requested that the Board include conditions in their approval.

Discussion continued concerning additional conditions. Member Horowitz stated that she would like to see the following conditions placed on the permit:

1. The building shall not be increased in size, footprint, sewage flow, square footage or bedrooms and these conditions must be recorded on the property deed.
2. A full Title 5 inspection must be conducted yearly for (5) years and copies sent to the Board of Health office.
3. The garage may not be used as habitable living space.

4. The onsite well must be abandoned in accordance with the Town of Groton's Well Regulations.
5. The property must be connected to town water.
6. A yearly inspection of the JET system must be conducted in accordance with the approval letter from the D.E.P. and recorded on the property deed.

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

VOTE: Chairman Hanninen-Aye; Member Horowitz-Aye; Member Weber-Aye. The motion carried unanimously. The Board signed the sewage disposal permit.

19 Baby Beach Road Present: Kevin Ritchie, P.E.; Civil Solutions; John Diezemann, abutter

Mr. Ritchie provided the certified abutters' mail receipts to the file. He stated that there is an existing cesspool serving the dwelling. He reported that testing was done in April during normal in-season testing and the water table was at the lake level. He said that he was proposing a JET I/A system to eliminate the existing cesspool with a pump system. He also stated that a retaining wall was needed to meet breakout.

Member Horowitz stated that due to the close proximity to the lake (13 feet), she would recommend that the Board deny the variances and request a tight tank design in its place. She called this situation "horrendous", however, she commented that he was creative in his engineering to be able to put a system there.

Abutter John Diezemann stated that while he detests the use of tight tanks, he felt that the board should find a workable solution for the homeowner. Chairman Hanninen stated that he actually "circled 13 feet" distances on the request letter and because of the concern for the lake, he would agree that a tight tank installation would be a better solution. He recommended that in future situations that the engineer schedule "preliminary" talks with the Board prior to engineering a plan. Member Weber stated that the "answer to this request was clearly the availability of sewer". Chairman Hanninen made a motion to "deny" the requested variances and for the engineer to come back with tight tank design. He stated that the reason for the denial was due to the system being too close to the lake. The motion was seconded by Member Horowitz and voted unanimously.

Chairman Hanninen made a motion to have the well abandoned in accordance with the Town of Groton's Well Regulations by July 1, 2009. The motion was seconded by Member Horowitz and voted unanimously.

OTHER BUSINESS

Clover Farm Market

The Board voted unanimously to issue an order letter to correct to Ms. Hurst. The Board would like to review the draft prior to it being sent out. Member Weber asked that a chronology of dates is included in the letter to Ms. Hurst with actions taken. The Board asked to have the Selectmen copied on the letter.

Groton School – Phosphorus Removal – Comments to the Planning Board

The Board asked to have more time to review this application. Chairman Hanninen's preliminary review of the project showed that there isn't a problem because there will be usage of secondary containers and that they would be storing chemicals properly.

124 Mill Street – Memorandum from the Building Inspector

The Board asked that more information is obtained from the Conservation Commission prior to any further comments. Member Horowitz made a motion to solicit feedback from the Conservation Commission and for the Board to revisit the site. The motion carried unanimously.

430 Old Ayer Road

Ms. Butcher provided an update to the Board. She stated that a new water quality test will be conducted with the proper chain of custody and submitted to Mr. Grossman for review. She stated that Mr. Lagasse has committed to resolving the issues surrounding the water problems in the spring.

ADMINISTRATIVE ASSISTANT UPDATE

Board of Health Meeting Packets

In an attempt to save postage for the town, meeting packets will be available for the Board to pick up at Town Hall by the end of the day on Thursday prior to a Monday evening meeting. The Board asked that an email is sent to notify them that they are ready.

Bruce Dubey

Ms. Butcher reminded the Board that Mr. Dubey will be on vacation the week of March 1<sup>st</sup> through March 7, 2009. She stated she will notify the Town Manager and Highway Surveyor.

Form of Intent

Ms. Butcher reported that a new procedure is in place with the land use departments using a "Form of Intent". The form will be circulated among all departments for comment in an effort to expedite permitting. Member Horowitz requested that a copy of the form be in the next board packet.

With no additional business before the Board, 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