

**MEETING MINUTES**  
***Approved***  
**April 6, 2009**  
**Town Hall, Groton, Massachusetts 01450**

Board of Health Members Present:

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

Others Present:

Ira M. Grossman; Debra Butcher

Meeting Called to Order:

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

Minutes:

The regular session minutes of March 16, 2009 were tabled.

Septic Permits Signed/Approved:

\*309 Martins Pond Road; Mary Lynne Sirutis

Bills Signed/Approved:

- \*Advance Security Systems-\$19.33
- \*Airgas-\$30.88
- \*Dennis Burke-\$1,099.22
- \*E&R Cleaners-\$30.04
- \*Global Montello Group-\$1,051.53
- \*Global Montello Group-\$438.14
- \*Groton Electric Light Dept.-\$204.68
- \*Groton Electric Light Dept.-\$67.87
- \*Moison Ace Hardware-\$21.98
- \*Verizon Wireless (SW)-\$12.74
- \*E.L. Harvey-\$2902.74
- \*Verizon Wireless (MRC)-\$177.85
- \*Terracon-\$1,075.54
- \*Nashoba Associated Boards of Health-\$5,910.75

14 Hayden Road Present: Kevin Ritchie, Civil Solutions

Mr. Ritchie requested an informal discussion with the Board to discuss a proposed JET pressure dosed design and leach field and its proximity to an adjacent wetland. He stated that the dwelling is a (2) bedroom house served by town water and that the septic system for 16 Hayden Road was on this property.

Mr. Ritchie stated that the design would require several variances in order to maximize the distance to the wetlands. Discussion followed regarding the proposed variances needed.

Health Agent Ira Grossman stated that Mr. Ritchie could improve upon the design and pull the system even farther away from the wetlands. He said that he was concerned about the well on the abutting property that hasn't put in their replacement system yet. He stated that a survey plan should be done to establish property lines.

Member Horowitz asked how close to the well this would be. Mr. Grossman stated it was approximately 50 feet and that it was not abandoned yet. Mr. Ritchie replied that once the well is gone, there would not be

an issue. Mr. Grossman stated that he was concerned with the sequence. Member Horowitz requested that Mr. Ritchie inform the owners of 16 Hayden Road that their well will be jeopardized and that testing should be done.

Member Horowitz questioned how old the house was and whether the property was being sold. Mr. Ritchie stated that it was built in 1952 and that they were proposing to sell. He said that the owners of 16 Hayden Road were not selling. Member Horowitz recommended that the plan be designed "as far away from the wetlands" as possible.

Member Horowitz made a motion to require that the owners of 16 Hayden Road test their well for coliform bacteria and provide an explanation why the Board is requiring this. The motion was seconded and voted unanimously.

The Board took no further action.

109 Chicopee Row Present: Brendan Lowry, homeowner

The Board requested a meeting with Mr. Lowry in order that he provide an update and inspection on the status of the certification of his septic system. Chairman Hanninen asked if Mr. Lowry had any issues that they may be able to resolve. Mr. Lowry stated that he has not obtained a contract yet.

Health Agent Ira Grossman stated that in order to obtain the certification, the following needed to be done:

1. Obtain a signed contract with a licensed wastewater operator for the FAST system.
2. Submit the engineer's as-built and certification.
3. Recorded deed notice for the use of the FAST system.

Member Horowitz questioned whether Mr. Lowry understood what was required when he purchased the house. Mr. Lowry stated "yes".

Chairman Hanninen recommended that Mr. Lowry review what was needed during Mr. Grossman office hours on Wednesday, April 8, 2009. He asked if a month's time was enough for him to obtain what was needed. Mr. Lowry stated "yes".

Member Horowitz made a motion to require that the above action items be completed within 30 days. The motion was seconded and voted unanimously.

Town Meeting Articles – Present: Carol Quinn & Angela Garger, Lost Lake Sewer Committee Members

*Dr. Horowitz disclosed that both Ms. Quinn and Ms. Garger were clients of hers.*

Ms. Quinn and Ms. Garger were present seeking support for Articles 22 & 23 at the spring town meeting. Article 22 involves support to conduct an income survey for the Lost Lake area and Article 23 involves support for the Lost Lake Wastewater Plan.

Ms. Quinn stated that there may be stimulus money available for the town to offset any local costs. She stated that her committee was moving forward in obtaining funding at town meeting.

Chairman Hanninen stated that while he was "enthusiastically" supportive about this, he was also reluctant due to the state of the municipal economy.

Member Horowitz suggested that the committee make it apparent that the money was not coming from taxpayers. Member Weber stated that the articles clearly explain costs but no benefits and most people will only see the costs associated with these articles unless they were involved with public health. Mr. Weber suggested that the committee articulate the benefits as well.

Hearing no other comments, Chairman Hanninen made a motion to support Articles 22 and 23 at town meeting because it would improve the water quality and health of the town. The motion was seconded and voted unanimously. Chairman Hanninen agreed to speak in favor of the article.

#### 993 Boston Road Present: Matthew Field

Chairman Hanninen stated that the purpose of the meeting was to determine whether the Board would vote to condemn the property due to the failed sewage disposal system.

Mr. Field apologized to the Board for missing the last scheduled meeting and explained that it was due to the ice storm. Mr. Field stated that they have gone to land court to determine lot line confirmation in regards to 993 Boston Road and 719 Boston Road to give the town 45 feet.

Health Agent Ira Grossman stated that he reviewed the plan and saw no change in the lot lines. He said the dimensions were the same. He stated that if the lot lines were changed, he would need to see the plan to confirm that and Mr. Field would need to revise the septic plans and start the hearing process.

Discussion followed concerning the lot line configuration. Mr. Field stated that he would be pursuing a variance hearing because the Board's agent wants the system in compliance. Mr. Grossman stated that he felt that Mr. Field was delaying the process and told the Board that the applicant's deadline for compliance by June 1, 2009 should be maintained.

Member Horowitz recommended that Mr. Grossman speak with the applicant's engineer and continue the discussion to May 4, 2009 at 8:45pm. Chairman Hanninen requested that Mr. Field submit a plan to Mr. Grossman by April 21, 2009 in order to realistically discuss it on May 4, 2009. Mr. Field indicated that he would have the plan to Mr. Grossman by that date.

#### 8 Redskin Trail

The homeowner was not present for the meeting.

Mr. Grossman stated that the system was in failure and has not been upgraded. He stated that he sent a letter to the homeowner on January 30, 2009 advising him that he had 30 days to respond and there has been no action from the homeowner.

Mr. Grossman recommended that the Board vote to take this matter to housing court. Member Weber asked why Mr. Grossman chose housing court. Mr. Grossman stated that housing court was set up for issues like these and that the process was easier than regular court.

Member Horowitz made a motion to allow Mr. Grossman to file a complaint against the homeowner(s) of 8 Redskin Trail in housing court. The motion was seconded and voted unanimously.

Clover Farm Market Present: Attorney Robert Collins

Atty. Collins stated that together with Ms. Hurst, he has worked out and prepared a re-draft of the Memorandum of Understanding between the Town of Groton and Clover Farm Market and presented it in a letter dated April 2, 2009 to the Board.

Discussion followed on each addition proposed. Health Agent Ira Grossman wanted clarification (Section #2) not mentioned in the re-draft for exterior vs. interior seating and for chose chairs "for sale". He wanted to be very clear on the issue of benches for customer convenience while in the store.

Atty. Collins requested that the Board accept the following underlined amendment to Section #2:

*There shall not be more than twelve (12) chairs, stools, benches or the like capable in the aggregate of seating 12 individuals for patron use in the retail selling space of the market.*

Hearing no objections, Chairman Hanninen called for a motion. Member Horowitz moved to accept the rewritten Memorandum of Understanding, dated April 2, 2009 between the Town of Groton and Clover Farm Market. The motion was seconded by Chairman Hanninen and voted unanimously.

Chairman Hanninen moved to withdraw the Board of Health's order letter dated March 4, 2009 to Clover Farm Market. The motion was seconded by Member Horowitz and voted unanimously.

Member Horowitz moved to allow Ms. Hurst to withdraw her appeal of the Board's order in her letter dated March 11, 2009. The motion was seconded by Chairman Hanninen and voted unanimously.

243 Lost Lake Drive Present: Russ Wilson, R. Wilson & Assoc.; Gerald Lilly, 241 Lost Lake Drive

Mr. Wilson provided the certified mail receipts for the file. He explained that due to the discovery of an abutting well (245 Lost Lake Drive) that was within 100 feet of the proposed leach field, it was necessary to move the system to the rear of the lot as shown on the plan dated February 18, 2009.

Mr. Wilson requested the following variances:

#### Town of Groton's Local Regulations

Section I.A.2 Testing Requirements: (2) deep observation holes for the determination of ground water elevations may be performed during the months of March and April. *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 perimeter of any proposed leach areas: *Request for approval to allow 12.3 feet and 12.9 feet from the edge of the leaching trenches to property lines.*

Chairman Hanninen asked if Mr. Grossman had any concerns or comments. Mr. Grossman stated "no". Member Horowitz stated that she had no concerns as well.

Chairman Hanninen asked if there were any concerns by the abutter. Mr. Lilly stated that he was all set with the location of the leach field.

Member Horowitz moved to accept the revised plan 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 when available.

The motion was seconded by Member Weber and approved unanimously.

#### OTHER BUSINESS

##### Crystal Springs Definitive Subdivision Plan

Mr. Grossman stated that during his preliminary review of the subdivision, he noticed that the plans indicated that all the homes were five bedrooms and that some of the lots were not large enough to support a five bedroom home because they were less than 50,000 square feet.

The Board asked that we respond with what was written in prior memorandums and with any additional comments from Mr. Grossman.

##### Gibbet Hill – Agreement Concerning Removal of Underground Septic Tanks

*There were only two Board members present for this discussion.*

The Board modified the draft agreement to require inspections of the septic tank covers and asked that the document be recorded once it was signed. Chairman Hanninen moved to approve the modified agreement between the Town of Groton and Gibbet Hill Farm. The motion was seconded and approved 2-0.

##### Goldsmith, Prest & Ringwall – 8 Hazelwood Avenue

The Board voted unanimously to send a letter to Goldsmith, Prest & Ringwall and reference the law under the State Sanitary Code which gives the local Board of Health authority to order a Title 5 report when there is evidence that the system is in failure.

##### Keith Burcett – Temporary Salary Adjustment

The Board voted unanimously to approve an 8% wage increase for Mr. Burcett who is working out of class during the absence of the Transfer Station Supervisor. The increase is retroactive to March 9, 2009.

##### 28 Graniteville Road – Deed Restriction

Mr. Grossman stated that the homeowner is applying for a building permit for an addition. He said that it would either require a new septic system or an approved deed restriction which is what the homeowner is willing to do. Mr. Grossman stated that a floor plan was provided and that he felt comfortable with the plans.

Member Horowitz moved to approve a deed restriction for (3) bedrooms. The motion was seconded by Member Weber and approved unanimously.

##### Groton Public Library – Request to Waive Transfer Station Sticker Fee

The Board of Health will issue a letter on Board of Health stationery authorizing access for library personnel for the disposal of library trash and recyclables. Library personnel must identify themselves to the Transfer Station personnel. The Board of Health voted unanimously to approve the request with an expiration date of June 30, 2009 which runs with the transfer station sticker period.

29 Boathouse Road

The Board voted unanimously to send a letter to the Conservation Commission stating that the Board had serious concerns with the request for the construction of an accessory apartment and to include that any upgrade to the septic system needed to be in full compliance with Title 5.

Board of Health Meeting Time

The Board voted unanimously to begin meetings at 7:00pm instead of 7:30pm beginning on April 21, 2009. They requested that the Town Clerk's office be notified of the change in time.

Office Assistant Job Title

The Board requested a copy of the personnel posted minutes from 2000 to reflect a change in the job description and title.

The meeting adjourned at 10:00pm.

GROTON BOARD OF HEALTH

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Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,  
Debra A. Butcher