



TOWN OF GROTON
Board of Health
173 Main Street
Groton, Massachusetts 01450

MEETING MINUTES
December 3, 2012

Board of Health Members Present:

Dr. Susan Horowitz, Chairman
Jason Weber, Member
Robert Fleischer, Member

Others Present:

Land Use Assistant, Dawn Dunbar
Nashoba Associated Board of Health Agent, Ira Grossman

Meeting Called to Order:

Chairman Horowitz called the meeting to order at 7:00 pm in the Town Hall.

RCAP Solutions SDS Loan Program – Present: Jim Starbard

Mr. Starbard said that RCAP was available to assist the Town of Groton with the SDS loan program process. He said that RCAP was in receipt of a grant which would allow them to assist five (5) towns in Central Mass with the process all the way through a town meeting vote. At that point the town had the option to administer the loans through betterments through their tax bills or sub out to an outside firm. Member Weber asked how unpaid loans would be collected. Mr. Starbard said that it would be collected by placing a tax lien on the property. Member Weber asked if the guidelines were set up or if the Board could get them. Mr. Starbard said that the Board could set the guidelines.

Mr. Starbard suggested that the Board request the full \$300K right from the beginning that way if they had the demand and needed additional monies, they would not have to worry about waiting for another town meeting vote. He said that they could provide the loans at either 2% or 5% interest and that the Board would continue with their normal permitting process.

Mr. Grossman said that the Town Manager was very interested in getting involved with this and added that there was a need for this. He said that the next step would be to start the paperwork and set up the parameters and program objectives.

Member Weber moved that the Board review all material and discuss further at their next meeting in two (2) weeks. He further motioned for the Board to possibly take a vote at their next meeting and think about drafting parameters and guidelines. Member Fleischer seconded the motion and all were in favor with a unanimous vote.

89 Boathouse Road – Present: Mr. Rosa, owner

Mr. Rosa explained that it had been determined that his septic system was in fact located on his neighbor's property. He said that he had contacted his neighbor and that his neighbor had concerns about space on his property should he need to upgrade his own septic system. Mr. Rosa said that he could install his system on someone else's property and didn't know what else to do. Member Horowitz asked if the system was in failure. Mr. Grossman said that it was and had been since 2006. He added that a tight tank was a likely

option for Mr. Rosa. Mr. Grossman added that another member of the family owned a piece of property across the street and maybe the system could be placed on that property with an easement.

Member Fleischer asked if the property was on town water and how far away it was if not already connected. Mr. Rosa said that he was not already connected it was about 3 to 4 tenths of a mile away and he had already been in contact with his neighbors to see if they would be interested in bringing town water down the street and didn't have a positive response.

Chairman Horowitz continued the hearing until the first meeting in April at the request of the Mr. Rosa. Mr. Rosa was asked to continue working through any legal matters he had with his neighbor and come to the April meeting with a plan to upgrade the failed system.

240 Boston Road – Present: Steve Sears, engineer; John Visconti, owner

Mr. Sears said that he was before the Board to request 2 local variances in order to upgrade the failed septic system at 240 Boston Road. The variances were:

1. 315-1.E – Five feet of pervious material between the bottom of the leach area and groundwater required. (4 feet designed, meets Title 5).
2. 315-3.I – Perc rates over 14 min/inch require leach trenches. (Presby leach field designed at 150% with 20min.inch perc rate because a trench system will not fit due to existing wetlands, existing driveway, existing well and existing lot lines).

He said that there would be no increase in the flow and that it was to remain a three (3) bedroom home. Chairman Horowitz asked how high the mound was going to be. Mr. Sears said that it would be 4ft high at its highest point. Mr. Grossman said that he had no objections to the plan.

Member Fleischer moved to grant the variances as requested for Visconti Realty Trust for 240 Boston Road in a letter dated November 13, 2012 from David Ross Associates.

Member Fleischer read the following standard conditions:

1. The applicant must submit any proposed change in the above referenced plans to the Board of Health for its review and approval before the change is implemented.
2. The applicant is responsible for obtaining any other permits (including but not limited to) those required by the Board of Selectmen, Conservation Commission, Building Inspector, DPW Director, Planning Board, Stormwater Advisory Committee, and Zoning Board of Appeals.
3. Any construction (or related activity) within 100 ft of a wetland or resource protection area requires approval of the Groton Conservation Commission.
4. It is the applicant's responsibility to insure that the contents of this approval are made known to all contractors who perform work at this site.
5. It is the applicant's responsibility to contact Dig Safe prior to the commencement of any work at the site.
6. Compliance with Title 5 shall be within 2 years from the date of the sewage disposal system failure unless otherwise ordered to "upgrade" at a sooner date. The applicant must comply with the requirements of Title 5 for a "failed" system pursuant to section 15.305.
7. Any change in use or increased sewage flow is not to be made without prior approval of the Board of Health and any other applicable Board or Commission.

8. The existing 3-bedroom house is to remain a 3-bedroom house with no increase in the number of bedrooms, unless expansion plans are reviewed and approved by the Groton Board of Health.
9. This variance shall not be in effect until a certified copy of a Notice of Decision is recorded at the Middlesex South Registry of Deeds. Evidence of such recording shall be submitted to the Board of Health by the applicant.

Member Weber seconded the motion and all were in favor with a unanimous vote.

Mr. Visconti asked Ms. Dunbar to send the approved variance to 57 Parkhurst Street, Dunstable, MA 01817
attn: John Visconti.

366 Lost Lake Drive – Present: Luke Johnson, owner; Christian Walzel, abutter; Jeff Hulslander, abutter
Mr. Grossman said that he talked to Michelle Delmar at the State regarding burning wood waste and air pollution. It was asked that Terradyne be contacted regarding the release of materials to employees; Mr. Grossman said that he didn't intend to do anything about this.

Chairman Horowitz asked if any progress had been made since the last meeting. Mr. Grossman said "no." Mr. Johnson said that he disagreed. He said that he had spent a lot of time on the wood pile with a hammer to see what pieces were bad. Chairman Horowitz said that a hammer couldn't be a judge of that. She asked if the Board had the authority to call it rubbish and asked if Mr. Grossman thought the State would come out to help with this determination. Mr. Grossman said that he asked Ms. Delmar to come out for a site visit and she was non-committal. He said that the EPA says not to burn wet, moldy and diseased wood.

Chairman Horowitz said that they had been having the same argument for months and minimal work had been done over the past two (2) weeks. She said that they heard from the State that it's an air pollution issue and air pollution causes a nuisance. She told Mr. Johnson that he didn't have the ability to disagree with Mr. Grossman. Mr. Johnson said that he didn't see this as a health concern. Chairman Horowitz reiterated that they had heard from the State this it is a health issue and that mold is a huge factor in people's health. Mr. Johnson said that he didn't think mold was an issue. Chairman Horowitz said that it was a huge issue and it was evident that this required a ruling from the State. She told Mr. Johnson that just because he didn't agree; it didn't mean that it wasn't right. Member Fleischer said that there was a huge difference between wood piled up as it is on his property and wood scattered throughout the woods. Member Fleischer asked how Mr. Johnson dried the wood before he burned it. Mr. Johnson said that he brings it in the house dries it and burns it the same day.

Chairman Horowitz asked what the next step was. Mr. Grossman said that they should try one more time to remove the pile of wood near the house and sort it so that he can look at it. Chairman Horowitz said that the property looked better than it did 6 months ago but it was still viewed as a hazard for the neighborhood. She said there was too much wood and therefore it presented a safety risk for the neighborhood, should a fire ever start.

Member Weber said that he didn't think it was appropriate for them to contact Terradyne. He said that he was having a hard time coming up with a rule declaring what items was health related and what was aesthetic related. Member Fleischer said that it was their duty to enforce the regulations. Member Weber agreed and said that they needed to figure out how to resolve this matter. Mr. Walzel pointed out that Mr. Johnson had originally said he was using the wood as building material and now he claimed he was using it to heat his home. Mr. Johnson said that all building material had been moved off the property. Chairman Horowitz told Mr. Johnson that DEP had definition for reasons and that they would see what they could do to get a representative from DEP out for a site visit.

Mr. Johnson commented on the other properties around town with piles of wood and asked if they were being told to throw it out. Mr. Grossman said that this came about as a result of a complaint and just because wood is burnable, it doesn't mean that all wood should be burned.

Chairman Horowitz continued the discussion for two (2) weeks and requested that Mr. Grossman attempt to contact the state and request that they perform a site walk and make a determination on the wood in question. Mr. Johnson said that he would like to hear what the state had to say. Member Weber asked Mr. Johnson if he was willing to accept what the state had to say. After a brief period of silence, Member Weber said that he "took that silence as a no" and said that whatever determination the state made, that would be what the Board and Mr. Johnson would have to follow.

Member Fleischer moved to continue for two (2) weeks. Member Weber seconded the motion and all were in favor with a unanimous vote.

11 Whitewood Road – No one was present

Mr. Grossman said that he had done a housing inspection at 11 Whitewood Road in September where Mr. Scira, the owner, was ordered not to reoccupy should the dwelling become vacant. He said that it had come to attention recently that Mr. Scira himself had now begun to occupy the dwelling which was a violation of the order. Mr. Grossman explained that he had been asked by Mr. Scira to perform an inspection the on Friday, November 30th and Mr. Scira never showed up.

Mr. Grossman drafted a letter for the Board to review and comment on. Ms. Dunbar was asked to send it out once given the okay with the Board.

Old/Other Business

Member Weber talked about a report he had heard on NPR with regard to fracking. He asked whether the Board should consider regulating the use of toxic fracking materials. Mr. Grossman said that wells were fracked with high pressure water. Member Weber suggested that in order for the Board to make sure they were covered, anything other than water and non-toxic materials should be banned. Chairman Horowitz asked Member Weber to draft something up for review and consideration.

Chairman Horowitz said that she had read an article on "Nanny Pods", a trailer placed in one's yard for family member(s) to live thus allowing for easy care of patients. Mr. Grossman said that anything greater than 100sqft was considered habitable space and was covered by the code.

184 North Street

Mr. Grossman said that based on the housing inspection he had done in the fall the system was in failure and needed to be upgraded. He said that the owner had requested permission to re-rent the now vacant unit prior to the system being upgraded. He said that the short answer was no, as it was in violation of the code but wanted to hear what the Board thought. Chairman Horowitz suggested that the owner needed to fix the septic prior to re-renting.

Walk-In

Cyanobacteria – Present: Angela Garger, Erick Garger, Carol Quinn

Ms. Garger said that they had seen signs of algae in the cove near Redskin Trail and that it appeared as though DPH was not coming out to test based on recent email correspondence. She asked if the Board could have it tested. Mr. Garger said that it was not normal green algae and should be tested. Mr. Grossman said that it was not a typical bloom and that when he went out to take a look at it, he was unable to obtain a great sample. He also said that he would have to find out where to have it tested and how much it would cost. Chairman Horowitz asked that he look into the testing. Mr. Garger said that it was spreading and that he wouldn't be able to access the water from his dock because of it. Mr. Grossman said that he wasn't sure that it was growing.

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Member Weber moved to have the algae tested with Mr. Grossman's help. Member Fleischer seconded the motion and all were in favor with a unanimous vote.

Mr. Garger said that Mr. Grossman could access the algae from his dock.

The meeting was adjourned at 9:00pm.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant