

TOWN OF GROTON

Groton Board of Health
173 Main Street
Groton, MA 01450
(978) 448-1120
FAX: 978-448-1130

e-mail: dbutcher@ci.groton.ma.us

MEETING MINUTES February 22, 2005 Town Hall, Groton, Massachusetts

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Matthew Waterman; Robert Hanninen

Others Present:

Debra Butcher; Ben Cutone

Meeting Called to Order:

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

Minutes:

The regular session minutes of December 20, 2004 and January 18, 2005 were approved. The regular session minutes of January 3, 2005 were amended.

Permits Approved/Signed:

None

Bills Approved/Signed:

- *Apparel Master-\$77.28
- *Buckley Energy-\$129.70
- *CTC Communications (SW)-\$30.65
- *Evans on the Common-\$115.00
- *Shattuck Oil-\$165.13
- *Shattuck Oil-\$225.74
- *Taylor Oil Northeast-\$757.09
- *Belledeu & Co.-\$110.16
- *CTC Communications (BOH)-\$62.72
- *Grafax-\$84.25

56 Old Orchard Street: Present: Stan Dillis, Ducharme & Wheeler

Mr. Dillis presented an septic system upgrade design plan and requested the following variances be approved:

Town of Groton's Local Regulations

Section I.A.5 Minimum of five feet of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. The

February 22, 2005 meeting minutes

Page 2

offset above groundwater may be increased depending upon climatic and/or site conditions encountered. *Five feet required; four feet provided.*

Title 5 Regulations

310CMR15.212(b) Five foot offset required in soils within 2min/inch percolation rates. *Five feet required; four feet provided.*

Mr. Dillis stated that the current owners of the property were elderly and cost was a major factor in the upgrade.

Chairman Horowitz requested that the dwelling never be allowed to get larger than a three bedroom dwelling. Member Waterman requested that language on the permit include a restriction on square footage and made a motion to accept the variances with that condition. The motion was seconded and approved unanimously.

366 Lost Lake Drive: Present: Lawrence Johnson

Health Agent Ben Cutone reported that the homeowner has made "little to no improvements" on the cleanup of this property. He stated that there appeared to be additional pallets placed on the site. Mr. Cutone provided pictures taken of the site today (2/22/05) for the record.

Mr. Johnson stated that he has moved items around the property but maintained that it has been difficult due to severe cold weather conditions and snow. He apologized that it has taken so long to see any progress towards an improvement. Mr. Johnson stated that he uses most of the wood on his property for heating purposes so he wasn't inclined to get rid of it.

Mr. Cutone stated that the current state of the property was a violation of the housing code and poses a threat to both Mr. Johnson and his neighbors should a fire break out because of the wood and old cars. Member Waterman requested that the Board see more effort on Mr. Johnson's part to clean the site. Mr. Waterman requested that the Board revisit this in two weeks time.

Discussion continued concerning the weather conditions. The Board agreed to allow Mr. Johnson one month to remove items from his property which would bring him closer to better weather conditions. Mr. Cutone will meet with Mr. Johnson to review what needed to be removed. The hearing was continued to March 21, 2005 at 7:30pm for a status report.

331 Whiley Road: Present: Daniel Wolfe, P.E.; Ross Associates

Mr. Wolfe presented an septic system upgrade design for this property and requested the following variances:

Town of Groton's Local Regulations

Section I.E.6 Minimum of thirty five (35) feet must be available between the edge of any street, passageway or road line and the entire exterior perimeter of any proposed leach areas. *Thirty five feet required; ten feet provided.*

February 22, 2005 meeting minutes

Page 3

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; eleven feet provided.*

Section I.C.4 The sewage disposal system must be located on the same lot as the facility it is intended to serve; for the purpose of this regulation; a lot shall not be interconnected by an easement or right-of-way. *Sewage disposal system proposed for construction within an easement on Lost Lake Road lot nos. 3808, 3809, 3810, 3811.*

Mr. Wolfe stated that the property was very close to the road in the Lost Lake area. It has a failing septic system with the leaching area "bleeding" out of the ground and down the hill. Mr. Wolfe

stated that testing was conducted. He said that funding was an problem for the homeowners, however, because the system was in such a bad condition, various individuals in town have donated their efforts at no cost to help the owners.

Assistant Assessor Rena Swezey stated that she had walked the property recently and the owners have filed for an abatement on the property.

Mr. Wolfe stated that his client was not encouraged to construct a tight tank because it was very expensive to maintain.

Member Hanninen made a motion to approve the above requested variances provided that the property was restricted to two bedrooms and the existing footprint of the dwelling remained the same. The motion was seconded and approved unanimously.

OTHER BUSINESS

Hollingsworth & Vose: Present: Kathy Puff

The Board has received verbal complaints of odor (burnt plastic smell) coming from the H&V plant. Ms. Puff stated that she was aware of the complaints but has not identified the problem completely. She is aware that the odor is strong during certain weather conditions, however, it was difficult to monitor. The Board requested that a log indicating time/date of odor complaints be kept in the office and then reported to Ms. Puff. They felt this could identify the problem. Chairman Horowitz recommended that the newspapers be contacted to put an article in the news. Member Waterman didn't support that request because it would not be good press for Hollingsworth & Vose. Ms. Puff stated that she preferred that the newspapers were not contacted. She stated that she would contact the neighboring homes and request that future complaints be documented with times/dates and forwarded to them to help assess the problems. The Board agreed to revisit this in the May/June timeframe.

Board of Assessors: Present: Chairman Ed Kopec; Asst. Assessor Rena Swezey

Board of Assessor Chairman Ed Kopec stated that his Board was very concerned about the possible adoption of any regulation concerning testing of non-subdivision lots because of the possibility for decreased property values. Ms. Swezey stated that her office would be flooded with residents asking for property abatements if such a regulation was enforced making property unbuildable.

February 22, 2005 meeting minutes

Page 4

Chairman Horowitz provided a history of the Board of Health's discussion on how the proposal originated and stated that it was being "forced" on them by Bill Conley. She stated that Town Counsel was notified and they advised the Board of Health that they could adopt a regulation requiring lot testing on ANR lots and commercial properties. She stated that the Board would be conducting a public hearing in March to hear residents' concerns. Chairman Horowitz agreed to contact Town Counsel again to express the Assessors' concerns.

Groton Herald: The Board addressed a letter in the *Groton Herald* that erroneously stated that the Board of Health adopted a regulation concerning lot testing for non-subdivision lots. The Board voted 3-0 to submit a letter to the newspaper stating that the Board voted to conduct a public hearing only.

Rocky Hill – Special Permit Plan – Comments to the Planning Board

The Board voted unanimously to submit the following comments concerning a special permit for affordable units:

1. Provide the Board of Health with a written historical use of the property.
2. Remove the dumpster pad from the sewage disposal system reserve area.

3. The Board of Health is aware that this project is within a Zone III wellhead protection area.
4. The Board is requesting that the proposed expansion sewage disposal system for Bldg. B be located so that a sewer line is not required to intersect a water supply line.

40B Follow-Up Questions

Chairman Horowitz attended the workshop on February 17, 2005 with Kopelman & Paige Attorney Jason Talerman and Zoning Board of Appeals' consultant, Attorney Mark Bobrowski. She stated that if town boards had follow-up questions, they could submit them through the Selectmen's office. The Board of Health voted 2-0 (Chairman Horowitz and Member Hanninen voting) to submit the following questions:

1. If a developer has an alternative that doesn't make the project uneconomic but needs a waiver, it is in the Town's best interest to have the ZBA make the developer pursue the alternative?
2. Should the engineering peer review include the listing of conformances to local by-laws and subdivision rules and regulations?
3. What happens if the Town finds out after the hearing has been closed that the developer does not have site control?
4. Jurisdiction – If the developer says no to a request because it's too much money, do you ask for a pro-forma? Who has to prove the economics?
5. Why shouldn't the ZBA (or the Selectmen) start with density and put the lowest number of units on the table? Doesn't the consultant really know that in the beginning of the process?

February 22, 2005 meeting minutes
Page 5

The meeting adjourned at 9:40pm.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz, Chairman

Matthew Waterman

Robert Hanninen

Respectfully submitted,
Debra A. Butcher