

**MEETING MINUTES**  
*Approved*  
**November 3, 2008**  
**Town Hall, Groton, Massachusetts**

Board of Health Members Present:

Robert Hanninen, Chairman; Dr. Susan Horowitz; Jason Weber (arrived at 7:45pm)

Others Present:

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

Meeting Called to Order:

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

Minutes:

The minutes of October 6, 2008 were approved as amended. The minutes of October 21, 2008 were approved as written.

Bills Signed/Approved:

- \*Advanced Security Systems-\$18.33
- \*CCP Industries-\$653.68
- \*E&R Cleaners (6 invoices @ \$29.59 each)-\$177.54
- \*Groton Electric Light Department-\$20.06
- \*Groton Electric Light Department-\$116.63
- \*Northeast Hinge Distributors-\$76.10
- \*W.B. Mason (SW-split invoice) -\$89.62
- \*W.B. Mason (BOH-split invoice)-\$271.45

Septic Permits Signed/Approved:

- \*217 Forge Village Road; Wayne Morrison
- \*172 Lowell Road, Component Repair; Charles Brindle
- \*98 Indian Hill Road; J.P. Gillard
- \*100 Whitman Road, Sewer Line; Sean O'Neill

21 Redskin Trail Present: Michael & Pamela Mavilia; Richard Mavilia

The meeting was continued from September 15, 2008 in order for the applicant to obtain a water quality analysis report done with a chain of custody and to have documentation that shows that a civil engineer has been engaged to upgrade the sewage disposal system.

Mr. Mavilia stated that the laboratory staff at Nashoba Analytical sampled the well today (November 3, 2008) but the results were not yet available. He did provide a written proposal for professional services from David E. Ross Associates to complete the design phase of the septic system. Mr. Mavilia stated that once he pays the required \$500 retainer, the process would proceed.

Chairman Hanninen recommended that the Board continue the meeting for (2) weeks in order for Mr. Mavilia to obtain a "signed" contract with the engineer. Member Horowitz made a

motion to continue the meeting to November 17, 2008 at 7:30pm. The motion was seconded by Member Weber.

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

430 Old Ayer Road Present: Christopher Kelley (representing homeowner and mother Imelda Kelley); abutters Mary Lavallee, Graham Rae

Mr. Kelley reported that the work to install the drainage pipe has been completed. Chairman Hanninen asked if there were any issues remaining. Mr. Kelley stated that his mother has worked out an agreeable arrangement with the installer which redirects and discharges the water and that it was working functionally. He stated that it was agreed that the area would be seeded and mulched as the final stage of completion. He reported that a final payment is outstanding until there is an inspection by the health department.

Abutter Graham Rae reported that there has been limited rainfall and therefore, the area has dried out. He said he was worried if there was significant rainfall and what that would present in terms of drainage.

Abutter Mary Lavallee agreed. She stated that she is concerned about water seeping down near her driveway which has already caused her driveway to sink.

Chairman Hanninen stated that the Board could keep this issue open until springtime. Ms. Lavallee reported that it was necessary to put in hay bales to divert water and there were severe conditions present when there was heavy rainfall.

Health Agent Ira Grossman stated that he has inspected the site several times. He stated that he would speak with the engineer about the grading. He stated that he would provide confirmation once the grading plans are reviewed. The Board recommended putting the property on its agenda in December if there were any issues that required any further action.

162 Hayden Road Present: Roger Cruz, homeowner

Mr. Cruz stated that during the process of applying for a building application to finish his basement, it was necessary for him to obtain Board of Health approval for a deed restriction because it would result in more than (7) total rooms with a (3) bedroom septic approval. He requested that the Board approve the deed restriction.

Chairman Hanninen asked if Health Agent Ira Grossman had any issues or concerns. Mr. Grossman stated that the basement was clearly not meant to be a bedroom and he had no concerns with the approval. He stated that the office had standard deed restriction language maintaining that the dwelling remain as a (3) bedroom home and that it would require the applicant to file the notice on the property deed.

The Board had no concerns with the request. Member Horowitz made a motion to approve the request and allow Mr. Grossman to sign the building application allowing the construction as long as it does not increase the number of bedrooms. The motion was seconded by Member Weber.

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

309 Martins Pond Road Present: John Visniewski, Cornerstone Land Consultants

Mr. Visniewski provided the certified mail receipts for the record. He stated that the sewage disposal system design was for the replacement of an existing system serving a three bedroom dwelling. He stated that the dwelling was on the corner of Martins Pond Road and Chestnut Hill Road but access to the property is off Chestnut Hill Road. Mr. Visniewski stated that testing was conducted behind the existing house where steep slopes were present. He stated that his design was for a proposed pump system utilizing a Presby Enviro-Septic leaching system with a 40% reduction in the leaching area and a 2 foot reduction in groundwater.

He requested the following variances:

Town of Groton's Local Regulations:

Section I.C.11 - Whenever a system must be pumped, the soil absorption system shall be pressure dosed. For all system designs > 2000 gpd, the system shall be inspected per Title 5, 310 CMR 15.253(2)(d) not less than four times per year. *Approval granted to allow a pumped system without pressure dosing because a Presby Enviro-Septic Leaching system design manual does not allow pressure dosing.*

Section I.F.1 - Leach beds and pits will be sized at 150% of Title 5 requirements. Leaching areas based on percolation rates greater than 14 minutes/inch shall have a reserve area of 150% of the primary area. *Approval granted to allow a bed design based on 100% of the Title 5 requirements.*

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 (20) feet required; seventeen (17) feet provided.*

Chairman Hanninen questioned whether Health Agent Ira Grossman had any comments or concerns. Mr. Grossman stated that he did not. Member Weber asked Mr. Grossman if he had concerns regarding the steep slopes. Mr. Grossman stated that it would work fine.

Member Horowitz requested that the Board put conditions that would require the restriction of the size of the house and also require that a full Title 5 inspection be conducted annually for five years once it is installed.

Member Horowitz made a motion to grant the requested variances with the condition that the dwelling not increase in size, footprint, square footage, sewage flow and bedrooms and that the conditions are recorded on the property deed and that a full Title 5 inspection be conducted annually for five consecutive years. The motion was seconded by Member Weber.

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

Clover Farm Market Present: Jan Hurst, store owner; See Sign-In Sheets.

Chairman Hanninen thanked the audience for attending and provided a brief guideline as to how the meeting would be conducted. He asked that speakers identify themselves by name and address and to address all comments to the Board members. Chairman Hanninen read Food Inspector Bridgette Braley's approval letter into the record and referenced the original application that declared that no seats were requested in order for occupancy.

Health Agent Ira Grossman stated that the Board needed to determine whether there has been a change in use under Title 5 guidelines for the store with the addition of seats. Mr. Grossman stated that based upon Title 5 laws, he would declare the store in violation having seating and tables available for patrons.

Ms. Jan Hurst requested that the Board work with her. She stated that prior to her assuming ownership of the store, the store has always been a gathering place for townspeople as well as a place for food to be served and that it was difficult for her to accept that this was a change in use. She stated that she could no longer remain in business unless a compromise was reached between herself and the Board. She asked if the Board could modify her permit to keep the store and its community tradition alive and allow her to have patron seating.

Mr. Grossman stated that he has been an inspector with Nashoba Boards of Health for over 20 years and during that time he has never seen seating at the store beyond what the former owner needed to sit down while on the job. He stated that during his most recent inspection, he observed a number of tables and chairs intended for customer use.

Resident Barney Blood stated that the store had a restaurant in it and he ate there many times in the past. He supported the current use and said that seating must be allowed due to its having been there before.

Former owner Winthrop Sherwin stated that he worked in the store for over 70+ years and there was a restaurant in the back of the store. He said that Ms. Hurst was the only person who expressed interest in maintaining the spirit of the store.

Resident Julia Byers stated that the neighborhood always thought of Clover Farm to be a store and not a restaurant. She stated that while shopping at the store, she has never seen anyone using the bathroom.

The Board listened to other testimony from residents who stated that they never used the bathroom and that there was virtually no usage of the septic system. Most of the testimony related to the chairs that are scattered throughout the floor.

The Board asked Ms. Hurst if she would like to continue the hearing in order to give her more time to consult with experts and provide a list of compromise measures for the Board to consider. She stated that she would. The Board voted unanimously to continue the meeting to December

1, 2008 at 8:30pm and instructed Ms. Hurst to no add any items to the menu and to only continue operations in its current state.

## OTHER BUSINESS

### Academy Hill Condominium Documents

The Board voted unanimously to accept the comments from Town Counsel in their email of October 28, 2008.

### Bailer Shed Update

Bruce Dubey reported that he was dissatisfied with the window installation and that there were scratches on the new doors installed. He said that he was working with the Building Inspector to complete the inspection process. He stated that the contractor wants 75% of the payment. Chairman Hanninen stated that he was not in favor of releasing 75% payment and asked Mr. Dubey to get the Town Accountant involved.

## HEALTH AGENT UPDATE

Health Agent Ira Grossman had no updates for the Board.

## ADMINISTRATIVE ASSISTANT UPDATE

### Performance Evaluations

Chairman Hanninen reminded the other Board members that Performance Evaluations were due to Personnel by November 14, 2008.

The meeting adjourned at 10:25pm.

## GROTON BOARD OF HEALTH

---

Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,  
Debra A. Butcher  
Administrator