



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

**MEETING MINUTES  
September 13, 2010**

**Board of Health Members Present:**

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

**Others Present:**

Nashoba Associated Board of Health Agent Ira Grossman  
Margot Hammer

**Meeting Called to Order:**

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

**Old Business:**

Clover Farms: Discussion ensued; Hoyt's Wharf Road: issues resolved; deed restrictions: work group still addressing; 993 Boston Road: Discussion about whether it is habitable. Mr. Grossman said the court documents only reference the septic issues.

Discussion ensued regarding goals and objectives.

Member Horowitz said she got a call about a golf course pumping water from wetlands for irrigation and an abutter's well allegedly drying up as a result. Discussion ensued regarding appropriate recourse and how / if to address this in the well regulations.

**Bills Signed:** Terracon, Verizon Wireless, MassLock, Inc.

**Permits Signed:**

Chapel Hill Trust, Worthen Dr., Lot 12A; Kelley, 222 Reedy Meadow Road; Landwest, Inc., Cherry Tree Lane, Lot 56

**162 Common Street**

**Present: No one was present, no signed contract was available.**

No further update since the last meeting. Mr. Grossman said that the applicant should be taken to housing court seeking a stipulation that the system be repaired by a date certain.

Discussion ensued regarding the compelling health issues being experienced by Mr. Smith.

Chairman Weber recommended that someone call Mr. Smith in the morning to follow up at the meeting next week. He said he thought the town would look bad if they brought an injured elderly man to court.

Mrs. Collette suggested contacting the son to attend.

### **15 Throne Hill Road**

**Present: Jeff Hannaford, engineer, Mike Grady, abutter**

Mr. Hannaford presented the abutters' notification cards. He said the septic needs repairing and a variance is required because of the slope of the lot; a pump and significantly more fill would be required if the setback requirements were met.

Mike Grady, abutter, requested clarification regarding what the system will look like.

Mr. Hannaford said it is a series of trenches replacing the leach field, noting that the new field will have an increased setback of 24 feet, with the other existing field being 15 feet from the road. He said the system will have six trenches.

Mr. Grady said he was concerned about his well.

Discussion ensued regarding the exact location of the well, etc.

Mr. Grossman said he has no comments or objections.

Member Horowitz made a motion to grant the variance as requested for 15 Throne Hill Road:

### **Groton Board of Health Regulations:**

E. (7) – Minimum distance from a road line to leach area, 35 feet required, 24 feet provided.

The motion was seconded by Member Fleischer and passed unanimously.

### **Standard Conditions:**

*The Board of Health granted the variance with the following 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 activities (or related activities) 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 permit 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. If the project is not completed, including issuance of a Certificate of Compliance, within two (2) years from the date of sewage disposal system permit failure, it is the responsibility of the applicant to request an extension. The Board of Health may grant extensions for additional time provided that the applicant submits a written request for renewal no later than 30 days prior to expiration of the permit.
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 four-bedroom house is to remain a four-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 certified copies of the variance 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.

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#### **148 Lost Lake Drive**

**Present: Jeff Hannaford, engineer**

Mr. Hannaford said there has been a late development regarding the number of bedrooms and thus the plan has been revised from four to three bedroom and as such, a variance is not required. He requested a continuation until Mr. Grossman's review and approval, at which time the variance request would be rescinded. He then submitted new plans to Mr. Grossman.

Discussion ensued regarding whether a continuation would be required.

Mr. Hannaford said he wants a continuation since many abutters needed to be notified and this keeps the hearing/application open.

Chairman Weber made a motion to continue the hearing to 10/4/10 at a time to be determined. Member Horowitz seconded and the motion passed unanimously.

#### **8 Weymisset Road**

**Present: Bruce Ringwall, engineer**

Mr. Ringwall, engineer for Prest, said his client wants to add a room for piano, etc. and suggested a deed restriction limiting the dwelling to three bedrooms so it will continue to comply with the existing septic permit.

Discussion ensued regarding the bedroom count and the proposed addition.

Member Fleischer said he wants to know what problem the deed restriction solves.

Mr. Ringwall said he would need to design a bigger system because of the room count formula. He said he wants it to be clearcut both now and in the future.

Mr. Grossman said it is a bureaucratic answer to a mathematical problem.

Member Horowitz made a motion to accept the deed restriction for three bedrooms at 8 Weymisset Road. Member Fleischer seconded and the motion passed unanimously.

Discussion ensued regarding whether the town should sign first, or the property owner and Mrs. Collette said historically, the property owner signs first.

#### **65 Rawding Road (65 Rocky Point)**

**Present: Bruce Ringwall, engineer, Doug Deschenes, attorney**

Mr. Ringwall was present as representative of the purchaser of the property, Fletcher. He said there is no problem with the permit but his client wants the height restriction and building square footage limit removed. He said the system has been combined to one big Presby system. He said the restriction for seven bedrooms is acceptable.

Mrs. Collette said they should use the DEP deed restriction at this point, and noted that the deed restriction is to control the bedroom count, making the height and building square footage limits irrelevant because this could make it impossible to put on a deck, etc.

Member Fleischer wants to know the criteria for how a bedroom is determined.

Member Horowitz this is because the BOH overstepped its bounds when limiting height and square footage and had to undo the restrictions. She this was done to try to control and limit the number of bedrooms.

Mr. Ringwall said in this case, there are existing structures, including a boathouse. He said it is one of few on the lake and it is considered a one-bedroom dwelling.

Discussion ensued regarding the strict interpretation of what is a bedroom, including privacies, etc.

Member Horowitz said arched, wide doorways are in place as condition to try to limit the ability to make a bedroom.

Discussion ensued regarding enforcement criteria.

Member Horowitz made a motion to accept the request to remove the height and square footage limits on the deed for 65 Rawding Road.

Mr. Grossman said the permit was granted but not acted on.

Mr. Ringwall said the new owner wants to install a new system this fall.

Mr. Grossman said this is not a transfer of the permit, noting that the new owner should get a new permit and pay the associated fees.

Atty. Deschenes said the bank wants a valid septic permit.

Mr. Grossman reiterated that the new owner should get the permit and suggested that the deed recording from the previous permit might not have been done.

The motion was seconded by Member Fleisher to remove the height and square footage limits and the motion passed unanimously.

### **619 Boston Road**

**AL Prime**

**Present: Howard Speischer**

Atty. Speischer, agent for A.L. Prime, said after much litigation, etc., permits were finalized and work has been completed, and they are now applying for a food service permit.

Mr. Grossman said they are here because of a change to food service (food prepared on-site) from the original permit, which was for already prepared foods. He said the town needs to determine if there is a change in use.

Atty. Speischer said the court ruled there is no change in use, noting he will get a common vics license from the BOH if necessary.

Mr. Grossman said a food service license allows them to prepare food on the premises. He said they have brought public water to the site so food preparation could happen on the site now, although originally, there was no discussion about a food service establishment, which would require grease traps, etc.

Atty. Speischer said this is just a cut above what was originally permitted, for coffee prep, hotdogs, etc.

Mrs. Collette said there has been much litigation, the property is zoned B-1, and has had a water resource review and site plan approval from the PB. She said the tanks were supposed to be replaced, along with other improvements, but nowhere has there been a discussion about a food service establishment. She thinks they would need to go back to the PB to determine whether the water resource district would be protected and whether parking is adequate for this type of store. She stressed that nowhere in the

record is there contemplation for food service and that they need to go back to the PB for review.

Member Horowitz asked Mr. Grossman what the grease trap retrofitting would entail.

Mr. Grossman said a portion of the parking lot would need to be removed to install a grease trap to protect the septic system.

Atty. Speischer said he thinks his client is not proposing food service that would require a grease trap. He said he thinks this falls under an expanded convenience store, noting that if the BI determines they need to return to the PB, they will. He said he is just asking the BOH if the facilities are adequate for the type of service they are proposing, and they will get whatever permits are determined necessary. He then asked whether, based on the plans submitted, the facility adequate for food service as proposed.

Member Horowitz said she wants to protect the septic system and asked about whether the board could condition coffee prep as part of the permit. She said she felt that hotdog and pizza prep would require washing at the end of the day that could be problematic for the septic system.

Mr. Grossman said he and the other health agent feel that the small type of proposal wouldn't really cause a lot of grease, noting that this has only just come up, though, and that he feels the client was not forthcoming with information.

Atty. Speischer said he understands that with what has been physically installed, they could have limited food service as proposed.

Mr. Grossman said he feels that if the menu is limited, a grease trap won't be necessary.

Discussion ensued regarding what volume could be expected, and how big the cooking unit/s are.

Mr. Grossman said he has an issue with operations growing over the years.

Discussion ensued regarding why this level of food service hasn't been discussed before now when the permitting process has been ongoing for several years.

Member Horowitz said she would like to see a picture of what they are proposing.

Atty. Speischer described the hotdog and pizza ovens.

Mrs. Collette suggested deferring this issue until the BOH meeting next week to give the new BI a chance to get up to speed. She said occupancy permits were issued last week just for the facilities as they were presented for the past permitting process. She said the Fire Chief might have concerns about the ovens, etc., noting this is new information that was not presented at the previous meetings.

Member Fleischer said he wants to see some attempt to quantify the amount of grease, etc., to get some hard numbers.

Atty. Speischer said the BOH shouldn't hold up this part of the process because they think additional permits are required.

Member Horowitz said that if these ovens are at other stores, they should be able to get the information relatively easily.

Discussion ensued regarding when to continue the hearing to.

Atty. Speischer asked for the 8:30 pm time slot on the 20<sup>th</sup> of September.

Member Horowitz said she will bring up the issue of the abutters' wells, and that baseline numbers be obtained.

Atty. Speischer said he doesn't have the right to go onto abutters' properties.

Member Horowitz said if they have permission, they should check the wells.

Member Horowitz made a motion to continue the hearing to 9/20/10 at 8:30 PM. Member Fleischer seconded and the motion passed unanimously.

#### **Emergency Well Permits 8:18 PM:**

#### **297 Reedy Meadow Road – ED AND CAROLYN Perkins**

Present: Ed and Carolyn Perkins

Mr. Grossman said he already gave permission to the applicant to fix the well and they just need to figure out how to clean up the business part. He said he feels there is justification to void the need to notify abutters.

Mrs. Perkins said the well is 40 feet instead of the required 50 from the property line, but it is well over 100 feet from the closest abutting septic system.

Mr. Grossman said he has no problem with this but there is no section that deals with emergency well procedures.

Discussion ensued regarding the proximity of well lines to property lines, etc. and whether there is an alternative location for the well. Mrs. Perkins said there is no alternative because of the narrow shape of the lot and the location of wetlands.

Member Horowitz made a motion to accept the variance for an artesian well at 297 Reedy Meadow Road and Member Fleisher seconded. Member Weber asked whether abutters should be notified after the fact and Member Horowitz noted that she felt it was a good idea. The Board determined that there would be no conditions to the variance except that the abutters be notified by receiving the decision.

Mrs. Perkins said she would be happy to talk to the abutters.

Mrs. Collette said she was going to suggest that a letter be prepared for the BOH to sign stating that on such and such date a variance was granted and a copy of the written decision be sent to abutters. She said the Perkins lot is a five-acre hammerhead lot sharing a driveway with other hammerhead lots so the area is not very dense, noting that this shouldn't hold up construction.

Member Fleischer agreed that construction should not be held up due to the emergency nature of the situation.

The motion to grant a variance to 297 Reedy Meadow Road with copies of the decision sent to abutters, passed unanimously.

### **28 Labbe Road- Pietras**

**Present: Mr. Pietras, son of owners**

Mr. Pietras said his parents are elderly and abutters know about the well/water problems and have been helping.

Mr. Grossman said he is not comfortable handling this as an emergency permit because there is a public water supply within 500 feet that the applicant could hook up to. He said he had emails back and forth from and to Mr. Orcott and they need to do a cost analysis.

Mr. Pietras showed a plan that had the well 81 feet from the closest abutting septic system.

Member Horowitz asked why this was not in the packet.

Mrs. Collette said this was new information.

Mr. Grossman asked about the swing distance.

Mr. Pietras said there was more than 81 feet.

Member Fleischer asked if there had been a cost estimate for hooking up to town water done.

Mr. Pietras said it is complicated, noting that Town water was first brought down for a condo development. He said his parents were originally given an estimate of \$30,000 some years back and he thinks now it would be much more expensive. He said they would need to hire a private contractor and get special pipes, noting that his mother pleaded with him not to go that route. He said he has spoken to all abutters.

Mr. Orcott said the soonest he could bring water to then would be in two weeks because there is no water there and he does not know what the Cons. Comm. would need. He said he would like to have them as customers but feels it is too complicated



and time consuming. He noted that the BOH has granted a variance once before for a situation like this.

Mr. Pietras said his parents have been without water since August and he was told by Roger Skilling that if he had a permit, they could have a well within days.

Member Weber asked whether there could be a short term fix with a condition that if house was sold, the new owners needed to hook up to town water.

Mr. Grossman said he feels that if there is a working well, it is not worth doing. He said he does feel, though, that if there is town water available, a variance should not be granted. He also said the septic system 81 feet away is too close.

Discussion ensued regarding the cost of a well: six to 10,000 dollars vs. 15,000 or so for water hookup. Mr. Orcott said he can't say what the exact cost is and noted that they have no water now.

Mr. Grossman reiterated that he feels there are too many issues here to grant a permit on an emergency basis and when the well is 81 feet from a septic system.

Mr. Pietras said he understands Mr. Grossman's concern and living on West Street has given him an appreciation of town water. He said his parents raised five children in this house and his parents had the water tested regularly before this was "done" because there were so many kids.

Member Weber noted that if the well is drilled and there is a problem and the water is contaminated, then they would have to go to town water.

Discussion ensued regarding the BOH regulations vs. Title V regulations. Mr. Grossman said when town water is available, the BOH makes the applicant tie in.

Mr. Orcott said there has been one exception.

Discussion ensued regarding the risks of digging a well.

Member Fleischer made a motion to grant five variances for the emergency well as requested (street, property line, wetland, septic distance, water supply distance and sending the decision to abutters), noting that item number #7 is to recommend an annual test and #8 to tie in to town water if sold.

Member Weber said he had received multiple emails addressing this but was reluctant to send them out to the other members and be in violation of the open meeting law.

Mrs. Collette said the BOH should strongly recommend connecting to town water when the house is sold and to get water tested on a regular basis, rather than conditioning it. She said when the property is conveyed in the future, Title V inspectors would see this as part of the public record.

Mr. Grossman said his recommendations are to test on a yearly basis.

Member Horowitz seconded the motion and it passed unanimously.

**Habitat for Humanity – Drumlin Hill Road**

**Present: Dan Wolfe, agent for Habitat**

Mr. Wolfe said he represents Habitat, noting that the property came before the BOH in 1991 to request a well variance from property line setback. He said the permit was granted and never acted on and has since expired, and in the meantime, Habitat has acquired the property. He said it is still a vacant lot and Habitat hopes to build on it, noting he has had two meetings with the Housing Partnership that were well attended by abutters with concerns about property values, etc. He said the most outspoken abutter has a well close by, perhaps 41 feet from the proposed well. He said they have voluntarily moved the well to another part of the property so that it is more than 100 feet away; Habitat will be using the friendly 40B process such that town bylaws will be cast aside. He said he is here tonight to show that the lot can be redesigned to completely comply with Title V, noting that manhole risers will be to grade, etc. and would also comply with local BOH regulations except for a placement to one property line that would be less than 50 feet. He stressed that this is still very much in the planning phase.

Discussion ensued regarding the process.

Mr. Wolfe said Mrs. Collette has done some research regarding the history of the project, noting that Mr. Morgan was burying stumps in the area. He said there is no verification that this is the lot but Mrs. Collette thinks this is the one. He said they have done testing but haven't come up with any foreign substances, noting that there is no resolution or summary of the project. He suggested testing a few more random spots.

Member Fleischer asked what would happen if stumps are discovered during construction.

Mr. Wolfe said the stumps would need to be removed if found.

Chairman Weber noted that a paved driveway could be an issue if there are stumps on the site.

Mrs. Collette said the stump dump was likely on this lot and abutting conservation land, noting that stumps can create sinkholes.

Teri Ragout, Housing Partnership, said the abutters are vehemently opposed and will express said feelings strongly.

Chairman Weber said the board seems to be generally in favor of the proposal.

Member Horowitz said she would like to see the minutes from 2001.

Discussion ensued regarding what may have transpired in 2001.

Further discussion ensued regarding what Habitat will need to do to proceed.

Mr. Wolfe said they would get whatever permits necessary.

**Minutes:**

Member Horowitz made a motion and Member Fleischer seconded to approve minutes from 8/16/10 with corrections. The motion to approve passed unanimously.

Member Horowitz made a motion to approve the 7/12/10 minutes with corrections; Member Fleischer seconded and the motion passed unanimously.

Member Horowitz made a motion to approve the 6/7/10 minutes with corrections; Member Fleischer seconded and the motion passed unanimously.

The meeting was adjourned at 9:30 pm.

Respectfully submitted by,  
Margot Hammer

**Minutes approved 10/4/10**