



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

MEETING MINUTES
November 15, 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
Land Use Assistant Dawn Dunbar

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:03 pm in the Town Hall.

Permits Signed:

907 Boston Road; 698 Townsend Road, U.A. #2

Variances Signed:

21 Moose Trail; Groton Community School "Camp Kaleidoscope"; 181 Flavell Road

Invoices Signed:

Terracon

Minutes Approved:

The minutes from November 1, 2010 were accepted, as amended. All were in favor.

The minutes from May 17, 2010 were accepted, as amended. All were in favor.

14 Paul Revere Trail

Present: David Watkins and Family

The Watkins Family was before the Board to discuss possibilities available to them so that they may remedy a failed SDS on the property.

Mr. Watkins explained that it would be ideal if they could find out a time frame as to when town sewer would be available for them to hook up to but thus far they are not able to find out when this is.

Member Fleischer stated that detailed specs have not been completed yet.

Member Horowitz told the Watkins Family that they should contact Carol Quinn of the Lost Lake Sewer Commission. She might be able to give them timeframes for when town sewer might become available. She assumed that it might not be for another 5 years.

Mr. Grossman added that there are currently no funds set aside for town sewer on Lost Lake and no plans have been drawn up as of yet.

Mr. Watkins explained that given the situation, they are aware that they need to upgrade the system but that financially they are not able to do both, upgrade system and then have to connect to town sewer.

Mr. Grossman stated to the Board that the property had a failed Title 5 in 1997. An order was issued in 2009 and the Watkins Family has been back and forth before the Board. The Watkins Family has been told that the house may not be used during the summer but that it has been used. The Watkins Family had told the Board before that once the estate was settled, the system would be upgraded. Mr. Grossman further explained that there is no way to forgo upgrading the system at this time. Without the town having voted on town sewer they have no other option.

Chairman Weber suggested that the advice of Member Horowitz be followed and further explained that there is currently an order for the matter to be addressed.

Mr. Watkins stated that there was a failure by definition. The family is willing to upgrade the system. He claimed that the failure in 1997 was never brought to their attention and that 2009 was the first time they had heard about the failure. Mr. Watkins asked the Board to consider any other options for them for the future. He further added that the home is only used for cookouts and swimming and not for overnight use. He stated that it has been in the family since 1959.

Chairman Weber asked Mr. Grossman if there was another option.

Mr. Grossman replied that there is the ability to install a holding tank instead of a cesspool. The system is less than 50 feet to the well. It is the worst scenario you can have. Mr. Grossman stated that a tight tank would be the least expensive route to go.

Mr. Watkins asked if the Town would waive any fees to tie in to town septic or provide betterment.

Mr. Grossman replied that it was not possible.

Mr. Grossman explained that if there is a town by-law mandating homeowners to tie into town sewer if it becomes available, you must comply. If there is no bylaw, you would be okay to continue with a conventional system but not a tight tank.

Chairman Weber stated that property ownership has obligations to remedy the situation and comply with the law. The point that there have been no complaints is a non-issue.

Member Horowitz added that the Board is in charge of protecting human health and environmental health. The fact that there are problems on the lake is no secret. A cesspool is not conducive to helping the lake stay weed free. A cesspool is the worst thing for the lake.

A Watkins family member stated the boat ramp near the property is a disgrace.

Member Horowitz told them that they needed to see the Conservation Committee about the boat ramp.

Chairman Weber asked if the cesspool could be filled in and a porta-toilet be brought in.

Mr. Grossman replied that that is not an option. The system needs to be upgraded to Title 5 standards.

Mr. Watkins stated that a tight tank would limit him and that he would rather install a full system.

Chairman Weber responded by saying that it appeared that Mr. Watkins had answered his own question. He added that if the Watkins Family believed town sewer was coming sooner rather than later, that they should install a holding tank for lower costs and wait for town sewer.

Member Horowitz added that you can use a tight tank towards upgrading to a full system. She also reiterated that the family should speak with Carol Quinn to see if she can give a time frame for town sewer.

Mr. Grossman stated that the order is due to expire in February 2011 and that his recommendation is to not extend.

Chairman Weber stated that because there are others on the agenda the conversation needed to end. The next step is for the Watkins Family to outline their next steps and make another appointment to speak with the Board.

Mr. Watkins asked who they needed to talk to in order to request an extension.

Member Horowitz replied that it was the BOH. She reiterated that the tight tank was the best option for the future.

Chairman Weber asked the family to take a month, get more information and come back before the Board on December 20th at 7:00pm.

Chairman Weber requested that 14 Paul Revere Trail be placed on the agenda for December 20th at 7:00pm.

48 Schoolhouse Drive

Present: Del Woodward, Owner
Rose Mary Chaulk, Rose Land Survey

Ms. Chaulk explained that her client is before the Board to request a variance for out of season testing. She then showed the Board a plan and discussion ensued regarding the plan.

Mr. Grossman reiterated that the proposed office needed to remain for office use only.

Chairman Weber asked if Mr. Woodward understood the limitations.

Mr. Woodward replied that he did and it would be for office use only.

Member Fleischer asked Mr. Woodward what the business was.

Mr. Woodward replied it was plumbing.

Member Horowitz moved to accept the variance for out of season testing and Member Fleischer seconded the motion.

All members were in favor.

Chairman Weber 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 activities (or related activities) within 100 feet 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 3 years from date variance is issued, 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 25 April 2012, 30 days prior to expiration of 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 4 bedroom house is to remain a 4 bedroom house with no increase in the number of bedrooms, and with additional office use not to exceed more than 400 gallons per day, unless expansion plans are reviewed and approved by the Groton Board of Health.
9. This variance shall not be in effect until certified copy 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.

Ms. Chaulk asked the Board if she was the one to draw up a deed to be recorded.

Mr. Grossman replied that the variance can be used as the recordable document.

409 Old Ayer Road

Present: Attorney Thomas Gibbons
Jody Gilson, Homeowner

Attorney Gibbons explained that his client was before the Board on June 7, 2010 to discuss her failed septic system. On June 3, 2010 options were previously discussed. Since then she has acquired additional land.

Attorney Gibbons stated that his client is looking for additional time to decide what to do with the additional land. She would like to make it all agricultural. He added that the technical failure is due to high water. He stated that the well was tested after the June 7th meeting and the results came back normal. Attorney Gibbons asked the Board to grant his client a one year extension so she could discuss options with her family.

Member Horowitz asked if there was currently a tenant living at the property.

Mrs. Gilson responded "yes", and stated that the tenant had been there for a year now.

Mr. Grossman stated that he did not recommend allowing the extension as she had already been granted enough time.

Member Horowitz stated that if the land is going to go back to agriculture that she would like to see it be given time.

Chairman Weber asked if a decision could be made in less than a year.

Attorney Gibbons replied that it's a big financial decision. If a decision was decided on earlier they would come back sooner.

Mr. Grossman added that the system has been in failure since 2007.

Chairman Weber stated that it is in the best interest to resolve this quicker.

Member Fleischer stated it would be better if there was a definitive deadline.

Member Horowitz explained that if the Board allowed the decision to be extended until November 2011, and if the tenant moves out, the property is to remain vacant and that the well is to be tested every 4 months.

Chairman Weber asked why Mrs. Gilson was requesting a year; why not 6 months. He further asked if a decision was going to take a year.

Attorney Gibbons replied that his client needs the time to assemble facts and speak with her family before making a definitive decision.

Chairman Weber moved to approve 6 month extension with a condition that if residence is to go vacant it is to stay vacant. All were in favor.

Chairman Weber asked that 409 Old Ayer Road be placed on the Monday, June 20, 2011 agenda.

Attorney Gibbons asked if the date on the plans could be extended to August 2011. He did not want the plan to slip through the cracks and expire.

Chairman Weber replied that this was acceptable.

15 Whitewood Road

Present: John Scira, owner

Mr. Grossman explained that the system was in Title 5 failure and that there are bedrock issues on the property. The 2 year period had come and gone and that 1 water test had been supplied instead of multiple tests as required. He added that Mr. Scira had come in with plans that needed to be submitted to Town Counsel and DEP for additional approval.

Mr. Scira handed the Board a copy of the latest well tests.

Mr. Grossman stated that the nitrates are at 6.1 which are above the required level and thus his system is in failure.

Mr. Scira added that he was hoping town sewer would be brought in.

Member Horowitz asked if the 4 houses were being kept separate and if they were occupied.

Mr. Scira replied, "yes" to both questions.

Mr. Grossman stated that the nitrates had risen from around 4 mg/L to above 6 mg/L since the last testing.

Member Horowitz explained that Mr. Scira is going to have to find out when sewer is coming and give the Board a plan. She explained that if 15 Whitewood becomes

vacant, it is to stay vacant. Member Horowitz also added that Mr. Scira is over his time limit for compliance.

Member Fleischer asked if the failure was only on 1 of the 4 properties.

Mr. Grossman replied "yes" but the others had not had inspections that he is aware of. He also added that Title 5 states that upgrades are to be completed within 2 years from failure date. This property is showing trends of worsening failure.

Chairman Weber asked why the Board had not seen progress.

Mr. Scira replied that Whitewood Road was supposed to be provided with municipal sewer.

Member Horowitz asked that Mr. Scira speak with Carol Quinn of the Lost Lake Sewer Commission and come back before the Board on Monday December 6, 2010.

All were in favor.

52 Dolan Drive

Present: Gerald Cahill

Mr. Cahill was before the Board to request approval for a deed restriction to finish the basement at his residence. He added that it is being finished for the purpose of a craft room/playroom only.

Mr. Grossman stated that he had no objections.

Chairman Weber made a motion to accept a deed restriction at 52 Dolan Drive to allow for basement to be finished as a craft room/playroom.

Member Horowitz seconded the motion.

All were in favor.

Old/Other Business

6 Weymissit

Mr. Grossman explained to the Board that he received a complaint from a neighbor that the property was covered in trash and appeared abandoned. Mr. Grossman inspected the property and found it to indeed be abandoned and trash, etc covering the property grounds. He has spoken with the lender, Bank of America, since a Notice for Foreclosure has been issued. He is currently working with the bank and Town Counsel to remedy the situation although it is not going to be easy.

122 Old Ayer Road

Mr. Grossman asked Chairman Weber if he had a chance to review and send out a 2nd Notice letter that he had drafted. Chairman Weber had not but would review and edit, if necessary, the letter and send out ASAP.

Clover Farm

Member Horowitz explained that she had spoken with Michelle Collette about Mrs. Hurst and her Groton Local electronic posting for putting together a community kitchen for artisans to have a commercial kitchen to prepare and share their food.

Member Horowitz suggested sending Mrs. Hurst a copy of her MOU as a reminder of her limitations. Member Horowitz does not want this to escalate into anything but felt as though a simple reminder of her MOU would be a start. She also suggested that Attorney Bob Collins be copied on this correspondence as he is the attorney on record.

Chairman Weber suggested that it would go a lot smoother if any correspondence be hand delivered.

Member Fleisher stated that it seemed as though Mrs. Hurst was committed to going above and beyond her MOU. He asked if there is any action the Board could take. Member Horowitz responded that they could shut her down but mentioned that the Town is sensitive towards local businesses.

Member Fleischer asked if there was any likelihood that the system would be properly upgraded.

Member Horowitz replied that it is not likely as the costs are too expensive.

Chairman Weber stated that he'll "see what he can do" with talking to Mrs. Hurst and giving her the Board's correspondence.

Standard Conditions

Member Fleischer asked the Board if there was a way to make the standard conditions more formal.

Chairman Weber asked that a time in February be set aside to review the documents. He requested that the second meeting in February be set aside as a working meeting.

Chairman Weber called the meeting to end at 9:00PM.

Respectfully submitted,

Dawn Dunbar, Land Use Assistant