



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

MEETING MINUTES
December 20, 2010

Board of Health Members Present:

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:

Member Fleischer called the meeting to order at 7:03 pm in the Town Hall.

Permits Signed:

Lot 20 Mockingbird Hill Road

Trash Hauler Permits:

GW Shaw & Son, Inc., Allied Waste; Waste Management; Waste Not

Tobacco Permits:

Groton Exchange

Minutes Approved:

Member Horowitz made a motion to accept the minutes from December 6, 2010. Member Fleischer had not finished reviewing and the motion was dropped.

Squannacook Hall

Present: George Wheatley, Jr.

Mr. Wheatley explained that when he was before the Board the last time, Mr. Grossman had asked for a list of uses for the hall. Other than civic uses, he is not sure how else it might be used. He wondered whether or not it was possible to put the leaching field in the front yard depending upon what, if anything was already located in the front yard.

Mr. Wheatley understood that the system is old and needs to be upgraded. He asked the Board if the space in the front yard would meet the requirements.

Mr. Grossman responded that soil testing would need to be done before the Board could tell Mr. Wheatley if the front yard would work. Mr. Grossman reminded Mr. Wheatley that this had been discussed before.

Mr. Grossman then asked Mr. Wheatley why he was before the Board.

Mr. Wheatley responded that he was looking for the Board to tell him if it made sense to proceed with a plan for upgrading the septic, installing a tight tank or if the building was considered non-functional.

Mr. Grossman again explained that testing would need to be done. A tight tank cannot be installed unless it is proven that a septic system will not work on the property and secondly can only be used if the use of the property does not change.

Member Fleischer asked how "use" was defined.

Mr. Grossman explained that "use" would be defined based on how the property was historically used.

Mr. Wheatley added that in the past it was used as office space, a senior center prior to that and used for community use prior to that.

Member Fleischer asked if use would have to be defined if a tight tank was installed.

Mr. Grossman stated that the biggest use would be office space at 75gallons/1000sqft.

Member Horowitz asked what was currently going on with talks of town sewer in West Groton.

Mr. Wheatley responded that the West Groton Sewer Commission had not met since 2009.

Member Horowitz stated that she knew Mr. Wheatley had been before the Board of Selectmen recently and that the selectmen were in no hurry to rehab the building as there wasn't a need for use.

Member Horowitz asked if because they didn't know what was currently in the ground if it negated the use of the system because the building had not been used in 5 plus years.

Mr. Grossman replied that if the historical use stayed the same and the Board agreed with that use that it does not have to change.

Member Horowitz asked if the septic system does have to be upgraded did it have to be a Presby system.

Mr. Grossman replied that if a septic system would not fit that a tight tank could be installed.

Member Horowitz commented that until Mr. Wheatley had testing and a plan done, the Board could do nothing.

Mr. Wheatley explained that he was looking for some guidance from the Board on what the building could be used for. Once he knew what uses were acceptable he could move forward.

Mr. Grossman explained that the building could not be used for anything that would be considered commercial use. That would be a change in use.

Mr. Wheatley asked if a function hall could be considered commercial use and Mr. Grossman replied "yes."

Member Horowitz stated that Mr. Wheatley's next step should be to contact the West Groton Sewer Commission and get them involved.

Mr. Wheatley agreed and thanked the Board for their time.

14 Paul Revere Road

Present: David Watkins and 1 other family member

Member Horowitz asked what the family had found out from Carol Quinn of the Lost Lake Sewer Commission.

The Watkins Family Member responded that Carol Quinn of the Lost Lake Sewer Commission wouldn't know about the funding until late January. They were also under the impression that if funding was approved that construction would commence in 2011.

He then asked the Board if they could come back in February when they had more news about funding. He added that the property was not being used right now and that it is only used during the summer months.

Member Horowitz stated that because everyone was waiting to hear about the funding that it would be okay to meet again in February.

Mr. Grossman added that last he had heard news about funding wouldn't be available until March.

Member Horowitz suggested to the Watkins Family that they go to the sewer meeting in January to see if there are any updates.

14 Paul Revere Road was continued until March 7, 2011 at 7:00pm.

122 Hayden Road

Present: Michael Jacobs – homeowner

Mr. Grossman explained to the Board that Mr. Jacobs was before the Board to request a Deed Restriction for a proposed 2 additional rooms he wanted to add in his attic.

Mr. Jacobs stated that he purchased the property in December 2009 and that the prior owner had finished the attic without permits.

Mr. Grossman added that the prior owner had been ordered to demolish the finished attic because it was done without permits.

Mr. Jacobs showed the Board pictures of the open, studded attic space as it was now. He explained that he would like to move a wall and create 1 large open space with an open handrail around the staircase.

Member Horowitz asked what the problem with the plan was that Mr. Jacobs had presented.

Mr. Grossman replied that this was a new proposal and different from what he had reviewed the week prior.

Member Fleischer asked Mr. Grossman what would keep it from being considered a bedroom.

Mr. Grossman replied that there could be no door at the bottom of the stairs; nothing that would create privacy.

Member Horowitz stated that if Mr. Jacobs kept it an open space it was a moot point.

Mr. Grossman stated that as long as it was kept a 3 bedroom house and Board was okay with the open space in the attic, he was okay with the plan.

Mr. Jacobs asked if there was a need for a deed restriction.

Mr. Grossman explained that regardless of sqft, as long as it was not a bedroom and the 8 room maximum was not exceeded a deed restriction was not needed.

Member Horowitz asked if Mr. Grossman needed to review the plans further.

Mr. Grossman replied that as long as it was an open space the Board does not need to re-visit the conversation.

Member Fleischer asked for clarification on whether or not a variance for the septic was being asked for.

Member Horowitz stated that according to the plans it was to be an 8 room house and therefore no deed restriction was necessary.

Member Horowitz moved that the house was to remain an 8 room house and therefore a deed restriction was not required and that the 3rd floor space was to be finished as an open space.

Member Fleischer seconded the motion and asked for clarification on the next step of the process.

Mr. Grossman responded that it will go to the building department next with a copy of the Boards meeting minutes.

All were in favor of the motion.

13 Branch Lane

Present: Neil Gorman, David E. Ross Associates

Faith Little, daughter of property owner

Mrs. Clayton, abutter

Member Horowitz disclosed that Mrs. Little was a client of hers.

Mr. Gorman stated that they were before the Board seeking a Local Upgrade Approval as well as 6 variances to the Groton Board of Health Regulations for 2 leaching systems that were in failure (one goes to an apartment) on the property located at 13 Branch Lane. He further explained that a whole new system for the property was what was being proposed. They also proposed installing the system in a new leaching field. Extensive testing had been completed on the 2.99 acre parcel of land and test holes showed that most of the property was not adequate to meet Title 5 requirements.

Mr. Gorman added that test holes 710-7 and 710-11 had comparable pervious soil tests and both had greater than 2 feet of pervious soil. He further proposed installing a Presby System and with the Boards approval it would have to go to DEP for final approval.

Mr. Gorman then read the following proposed variances:

Local Upgrade Approval:

- 15.405(1)h – Reduction of the required separation between the bottom of the leaching system and the high groundwater from 5 feet to 4 feet.

Groton Board of Health Regulations:

- Section 1.A.2 – Deep observation holes for determination of groundwater elevations may be performed during the months of March and April. Proposed: Groundwater elevations were determined in July.
- Section 1.A.5 – There must be a minimum of five feet of pervious material between the bottom of the leaching facility and the ground water elevation and/or any impervious layer. Proposed: A groundwater offset in the range of 4 to 6 feet within the system is provided.
- Section 1.C.8 – At least five feet of naturally occurring material must be in place over ledge; fill shall not be used to meet this requirement. Proposed: Depth of soil is 24” within Test Hole 710-11.
- Section 1.C.11 – Whenever a system must be pumped, the soil absorption system shall be pressure dosed. Proposed: Pressure dosing is prohibited with the Presby Enviro-Septic pipe systems.
- Section 1.E.5 – A minimum of 25 feet (horizontal distance) must be available between ledge and the entire exterior perimeter of any proposed leach areas. Proposed: The soil absorption system is within areas with less than 4 feet of naturally occurring pervious soil.
- Section 1.F.1 – Leaching beds and pits shall be sized at 150% of Title 5 requirements. Proposed: A Presby soil absorption system is proposed in accordance with minimum sizing requirements.

Mr. Grossman stated that because of the acreage he had hoped for more available locations.

Member Horowitz moved to accept the above variances for 13 Branch Lane and for a Presby system to be installed with standard conditions.

Member Fleischer seconded the motion.

Member Horowitz asked Mrs. Clayton, an abutter present, if she had any questions or concerns.

Mr. Gorman explained that Mrs. Clayton was present as the proposed leaching area directly abuts her property and that they were hoping to preserve the current tree line that separated the properties. He added that a couple of larger trees could be saved but others would have to be taken down so grading would be possible.

Member Fleischer asked if the Presby system would have to go to DEP for approval.

Mr. Grossman replied “yes.”

Ms. Little asked if the system would be a problem with DEP.

Mr. Gorman responded that once it went through local board, DEP should not have a problem with it.

Ms. Little asked how long the process would take.

Mr. Grossman responded that because of winter, the system would not be installed until springtime.

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 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 2 years from the date the sewage disposal system permit 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 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 5-bedroom (2-family) house is to remain a 5-bedroom (2-family) 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 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.

All were in favor of the motion.

Old/Other Business:

Terracon:

Present: Michelle Collette, Land Use Director

Michelle Collette stated that the Board had asked her at their last meeting to obtain a revised proposal from Terracon for 3 years instead of the 1 year that had provided the Board with 2 weeks prior.

Member Horowitz asked if the Board was suppose to sign the new 3 year proposal that night.

Michelle Collette recommended that the Board send the proposal to Town Counsel for review prior to signing. She told the Board members that she had spoken with Chairman Jason Weber earlier in the day and Chairman Weber stated that he could go either way; either go with the 1 year and go back out to bid over the next year or go with the new 3 year proposal and not have to re-bid.

Michelle Collette mentioned to the Board that she had spoken with Mark Haddad, Town Manager, regarding the new proposal and to make sure the costs were within a marginal cost area.

Member Horowitz stated that it was unlikely that someone else would come in for thousands less making it worth it go back out to bid. She also inquired as to whether or not Tom Delaney of the Building Department had been consulted with.

Michelle Collette responded that she had spoken with Tom and that he seemed to be happy with Terracon.

Member Horowitz asked if Mark Haddad had any problems with the Board locking in for another 3 years.

Michelle Collette responded "no."

Member Horowitz moved to send the 3-year proposal to Town Counsel for review and vote on the proposal at their next meeting following review and comment by Town Counsel.

Member Fleischer seconded the motion and all were in favor.

A.L. Prime

Mr. Grossman provided the Board members with a draft of a letter he would like to have sent to AL Prime. The letter was a reminder to AL Prime that they need to update the well to comply with the regulations since nothing had been done since they were before the Board back in September.

Member Horowitz moved to allow Mr. Grossman to send the letter on behalf of the Board.
Member Fleischer seconded the motion and all were in favor.

Member Fleischer adjourned the meeting at 8:15PM.

Respectfully submitted,

Dawn Dunbar