



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

MEETING MINUTES
March 7, 2011

Board of Health Members Present:

Jason Weber, Chairman
Robert Fleischer, Member

Board of Health Members absent:

Dr. Susan Horowitz, Member

Others Present:

Nashoba Associated Board of Health Agent Ira Grossman
Land Use Director/Town Planner Michelle Collette

Meeting Called to Order:

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

Permits Signed:

Sewage Disposal System D-Box Replacement, Stanley Lackey, 501 Boston Road

4 Fawn Terrace Lane

The Board met with Jeff Dickinson of 4 Fawn Terrace and Jim Selders of the Deer Haven Homeowners Association. Mr. Grossman told the Board that Mr. Dickson applied for a building permit to finish his basement. The house presently has four bedrooms. There would be a total of ten rooms in the house including the finished basement. The bedroom calculation is five based upon the total number of rooms divided by two. Title Five states:

“Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed in this definition by granting to the Approving Authority a deed restriction limiting the number of bedrooms to the smaller number.”

Mr. Grossman said he has no concerns about the finished basement, provided a deed restriction is on record; however, that the community sewage disposal system is presently in failure.

Mr. Dickinson agreed to record a Deed Restriction at the Registry of Deeds as required in Title Five.

Jim Selders addressed the status of the failed sewage disposal system which serves 11 homes in the Deer Haven subdivision. Mr. Selders said a snowmobile may have broken a PVC pipe at the surface of the leaching field causing effluent to break out. The homeowners will repair the

damage and investigate other potential problems. A Title Five inspection was done in the fall of 2010 and did not identify any problems. The repair man will be at the site tomorrow.

Mr. Grossman said he would wait to see if the problem is resolved. There was a separate area of breakout that has not been investigated yet. He will work with Civil Solutions, the homeowners association's engineer, on additional investigation of the problem to determine if follow up action is required.

The motion was made by Weber, seconded by Fleischer, to sign off on the building permit application to construct a finished basement at 4 Fawn Terrace with the condition that a deed restriction limiting the number of bedrooms to four is recorded at the Registry of Deeds. The motion passed unanimously.

14 Paul Revere Trail

The Board met with John Sullivan and David Watkins to discuss the failed sewage disposal system at 14 Paul Revere Trail. Mr. Grossman provided the Board with a history of the failed system. Since 1998, the Board of Health issued several orders regarding the failed system, most recently in 2009. The property owner has not submitted any application to upgrade the system and the property is still in use.

Mr. Sullivan said the failed sewage disposal system is not a health issue because the system only failed "on paper" because of dimensional requirements. The sewage disposal system is approximately 30 ft from the well. Mr. Sullivan said they had their well water tested and are willing to do so again. He requested that the Board of Health grant a 60-day continuation to see what will happen with the Lost Lake sewer project.

Mr. Grossman said the sewage disposal system is close to both the pond and the wetlands. It has been in failure since 1998 with continued use of the property. Compliance is required within two years of the system failure. He recommended that the Board require installation of a tight tank to address the immediate future. A tight tank is more affordable than a new system and will prevent effluent from flowing into the pond and wetlands. The Lost Lake sewer system may not be installed for two to three years.

Mr. Sullivan asked how many other properties are not in compliance with Title Five. He asked why they should incur the expense of installing a tight tank if sewer will be available in the future. He reiterated his request for a 60-day continuation.

Chairman Weber outlined options for the applicant:

1. Install a tight tank now;
2. Postpone installation of the tight tank for 60 days with no use of the cottage;
3. Continue the matter beyond 60 days with the expectation that the property would not be used.

Mr. Grossman recommended that the applicant explore a suitable solution with a design engineer now. The property will be required to tie into the sewer system when it becomes available. However, a three-year delay to wait for sewer is not acceptable from a public health standpoint.

The motion was made by Weber, seconded by Fleischer, to give Mr. Sullivan and Mr. Watkins a 90-day continuation with the condition that there be no use of the house during this time. If any use of the house is called to the Board of Health's attention, the matter will be brought up at the next Board of Health meeting. The motion passed unanimously.

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Mr. Watkins agreed not to use water in the house, but said he wants to be able to walk on the property and check the house. The Board agreed, reiterating the requirement that the house not be used.

AL Prime, 619 Boston Road

The Board met with Attorney Howard Speicher and construction manager Jeff Robards regarding the well at the AL Prime property located at 619 Boston Road. Abutter John Kane was present.

Mr. Grossman said the well that existed prior to the renovations of the gas station and new convenience store should have been decommissioned or permitted as an irrigation well prior to the sale of coffee or other food items.

Attorney Speicher said the commercial property is on public water and the owner would like to use the existing well for irrigation in accordance with the Board's well regulations. Mr. Speicher said there are only two outstanding issues – the permit application form must be submitted and a sign must be posted on the well.

Mr. Grossman agreed that once the application is submitted, permit issued, and sign on the well posted, then the food service permit can be issued. Mr. Speicher agreed to post a sign stating that the well is for irrigation and that it is non-potable water.

Abutter John Kane expressed concerns about AL Prime's lack of compliance with conditions such as the Planning Board's site plan review condition that snow banks not be over three feet high. He said excess snow was not removed from the premises this winter. The Board of Health said that the conditions of the site plan approval have nothing to do with the irrigation well and are not under the Board of Health's jurisdiction. Mr. Kane expressed concern about the potential impact from the stockpiled snow on his private well.

New Business - 458 Townsend Road

Mr. Grossman informed the Board that a deck had been enlarged at 458 Townsend Road without a permit. The homeowner would like to add a screen porch on this deck which is located on top of the property's sewage disposal system. He expressed concerns about the structural integrity of the deck and the possibility of gases emitted from the sewage disposal system entering the porch. He said he could not approve the screened porch as designed and will ask the applicant to submit alternative plans. The Board agreed.

Minutes – January 24, 2011

The Board voted unanimously to approve the minutes of January 24, 2011 with the corrections suggested by Chairman Weber.

Meeting adjourned at 8:30 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner