



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

MEETING MINUTES
May 23, 2011

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
Pierre Comtois – Lowell Sun

Meeting Called to Order:

Member Fleischer called the meeting to order at 7:05 pm in the Town Hall.

Invoices Signed:

Verizon Wireless

Permits Signed:

25 Ridgewood Ave; Townsend Road, Lot A; Sand Hill Road, Lot 1

Lot 20 Rocky Hill

Present: Attorney Robert Collins, David Moulton, Developer

Attorney Collins stated that he was before the Board for his client, David Moulton, asking the Board for permission to place a 4-bedroom deed restriction on the home as there are too many rooms according to Title 5. He said his client would be willing to install glass doors leading into the study so as to not create privacy and would like to finish a room off the master bedroom/master bedroom closet. He explained the only access would be from the master suite and according to Title 5 could not be considered a bedroom because it doesn't have its own access.

Mr. Grossman had no objection.

Member Horowitz moved to accept the deed restriction on Lot 20 Rocky Hill as a 4-bedroom with the study and optional finish space off master suite being finished. The study is to have glass doors installed to make the room open. Member Fleischer seconded the motion and all were in favor with a unanimous vote.

Chairman Weber was not present for the above vote.

Member Horowitz moved to nominate a new Board of Health Chair. Chairman Weber nominated Member Fleischer to serve as the new Board of Health Chair. Member Horowitz seconded the nomination. Member Fleischer accepted the nomination and all were in favor with a unanimous vote.

Member Weber moved to accept the minutes of April 20, 2011. Chairman Fleischer seconded the motion and all were in favor with a unanimous vote. Member Horowitz abstained from the vote as she was not present for the meeting.

Camp Massapoag

Present: Jeffrey Hannaford, Norse Design

Mr. Hannaford stated that he was before the board on behalf of his client, Greater Lowell YMCA because there is a regulation on Title 5 that speaks to Nitrogen Sensitive Areas unbeknown to him. Any system in excess of 2,000 gal/day requires the use of a re-circulating sand filter. He explained that because the camp was only open between June and August the cost to install the filter was an issue for his client. He explained that he had been in contact with David Boyer at DEP Central Region and had also had discussion with David Ferris at DEP in Boston and both had agreed that it would be a waste of an investment for the camp and suggested he seek a variance from the local Board of Health. He mentioned that they had also been advised not to stop construction while they seek the variance. Mr. Hannaford said that they had adjusted the elevations of a pump chamber if a sand filter is required at a later date. He added that part of the requirements for the system is that the water is to be tested annually.

Mr. Grossman had no concerns.

Member Horowitz moved to accept the variance to not require the installation of a re-circulating sand filter or equivalent at this time. She added if anything were to change such as elevation in nitrogen levels or an increase in the number of camp members that they will re-visit the Board of Health and re-evaluate.

Member Weber seconded the motion and all were in favor with a unanimous vote.

6 Redskin Trail

Present: Jeffrey Hannaford, Norse Design

Mr. Grossman said that Mr. Hannaford was here on behalf of his client Frank Veducchio who has been hired to design the septic system. Mr. Hannaford said that he was before the Board seeking 7 variances from both Title 5 and Local Regulations. He said that Mr. Veducchio's lot was approximately 17,000 sqft, on the corner of Lost Lake Drive and Redskin Trail, and had an onsite private well.

Mr. Hannaford read the following variances:

Title 5 310 CMR

1. 15.405(1)(b) – Distance from a cellar wall to Soil Absorption System – 20 feet required
10 feet proposed
2. 15.405(1)(b) – Increase the max. depth of Soil Absorption System – 36" required
52" proposed
3. 15.405(1)(g) – Distance to a well from Soil Absorption System – 100 feet required
72 feet proposed
4. 15.405(1)(k) – No. of deep hole tests in Soil Absorption System – 2 required - *1 proposed*

Groton Board of Health Regulations

1. E.(1) – Distance to a wetlands from Soil Absorption System – 100 feet required

50 feet proposed

2. E.(6) – Distance to a street from Soil Absorption System – 35 feet required

32 feet proposed

3. E.(9) – Allowing an Impervious Barrier in lieu of meeting the 15 foot side slope setback to a Soil Absorption System

Mr. Grossman pointed out that the neighbor to the right of Mr. Veducchio's property was in the process of upgrading and moving the well to the other side of the lot. He added that it was his recommendation that the existing 1 bedroom house remain a one bedroom house even though the system is designed to accommodate a 2 bedroom house. He also recommended that the Board set very clear timelines for completion and attempt to be reimbursed for the expenses incurred to have the sheriff put locks on the house.

Chairman Fleischer asked if home was currently being occupied. Mr. Grossman responded that it was being occupied but in direct violation of the court order. There was brief discussion as to whether or not legal expenses could be recouped. It was decided that they could not recover these costs.

Member Horowitz moved to accept the seven (7) variances as referenced above with the following conditions:

- 1. The 1-bedroom home is to remain a 1-bedroom home.**
- 2. The system is to be installed and certificate of compliance is to be issued no later than November 1, 2011.**
- 3. If town water or town sewer becomes available, the homeowner is to connect to whatever is available.**

Member Weber seconded the motion and asked that reimbursement for the lock fee be added.

Chairman 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 approval 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, by November 1, 2011, 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 1-bedroom house is to remain a 1-bedroom house with no increase in the number of bedrooms (providing the SDS is installed and a Certificate of Compliance is issued).
9. The property is to be connected to town water and/or town sewer as soon as it becomes available to the property.
10. This variance shall not be in effect until a certified copy of a Notice of 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.

Member Weber asked if there was a reason they could not approve the home as a 2-bedroom. Mr. Grossman said that they had to design the system for a 2-bedroom minimum but it was his belief that what the home had approved is the number of bedrooms you should stick with.

All were in favor with a unanimous vote.

36 Anthony Drive

Present: Jason MacDonald, homeowner; Mr. Bovill, contractor

Mr. Grossman explained that Mr. MacDonald was asked to come before the board to request a variance from the Board for the destruction of a well because it was done without the proper permitting. Mr. Grossman said that if the Board was comfortable that the well may have been a point well that they could issue the variance.

Member Horowitz asked Mr. Grossman if he would have been able to tell if there was a point well there. Mr. Grossman said that there would be no way to tell if there was a hole or a void in the ground. Member Horowitz asked if the contractor knew what was being dug up and if he could certify that. Mr. Grossman replied that he would know and he could certify.

Member Weber asked what the public health part of this was. Mr. Grossman said that if there was a void there could be direct contamination and if the void was open, someone could fall in.

Mr. Grossman said that he would entertain a motion to grant the variance to destroy the well without the permit.

Member Weber motioned to approve the variance to destruct the well without a permit contingent upon the following:

1. **Receipt of a document from the contractor providing the following information:**
 - a. **Where was the potential well**
 - b. **A description of what it was that was dug up**
 - c. **How what was dug up was destroyed**
2. **Establish a July 1, 2011 deadline to get the missing documents to the Groton Board of Health and Nashoba Associated Boards of Health as listed in a letter from Mr. Grossman to Mr. MacDonald dated April 5, 2011.**

Member Horowitz seconded the motion and all were in favor with a unanimous vote.

Old/Other Business

65A Island Pond Road

Mr. Grossman told the Board Members that the tenants had vacated the premise and Mr. McCarthy had been told that it cannot be re-occupied. He explained that the Town had attempted to set up a meeting with Mr. McCarthy but that Mr. McCarthy had cancelled due to no legal representation.

Member Horowitz suggested waiting for the Town to make an appointment with Mr. McCarthy prior to further discussion.

Tick and Mosquito Discussion

Member Weber said that he asked for this to be put on the agenda as it had been a topic of discussion on the Talk about Groton Listserv.

Member Horowitz said that 5 or 6 years ago the Town spent approximately \$55,000 for Mass Mosquito to spray. The spray essentially only covers approximately 100 feet in from the road and with the 2 acre zoning minimum it does not cover much of the properties.

Truax – Mill Street

Mr. Grossman said that there had been a complaint filed by an abutter about the Truax property on Mill Street. Member Horowitz asked if there was any way to verify if the shed located on the rear of the property was being occupied. Mr. Grossman said that there was no way to verify without going onto the property which he could not do.

Procedure for signing permits

Chairman Fleischer said that at their meeting on 4/20/11 the question of what the protocol was for the signing of permits.

Mr. Grossman said that his interpretation of the open meeting law was that any action taken by the board, such as signing a permit, needs to be done at a meeting so it is recorded.

Member Weber said that he recommended the Board grant Mr. Grossman or his role as empowering agent the authority to sign straightforward permits or in agent's judgment emergency permits. Member Horowitz said that she did not agree as this could allow potential issues down the road with abusive roles. Member Weber replied that there was no need to do anything further about this topic at this time based on Member Horowitz's reservation.

The meeting was adjourned at 8:50pm.

Respectfully Submitted,

Dawn Dunbar