



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

**MEETING MINUTES**  
July 18, 2011

Board of Health Members Present:

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

**Invoices Signed:**

Verizon Wireless; Nashoba Associated Boards of Health; CDW Government

**Permits Signed:**

37 Boathouse Road; 6 Redskin Trail; Mockingbird Hill Road (8-5 bedroom single family homes – Shared System A); Mockingbird Hill Road (6-5 bedroom single family homes – Shared System B);

Shared System A Individual Permits – Mockingbird Hill Road, Lot 21; Mockingbird Hill Road, Lot 22; Mockingbird Hill Road, 24; Mockingbird Hill Road, Lot 25; Mockingbird Hill Road, Lot 32; Mockingbird Hill Road, Lot 33; Mockingbird Hill Road, Lot 34; Mockingbird Hill Road, Lot 35

Shared System B Individual Permits – Mockingbird Hill Road, Lot 26; Mockingbird Hill Road, Lot 27; Mockingbird Hill Road, Lot 28; Mockingbird Hill Road, Lot 29; Mockingbird Hill Road, Lot 30; Mockingbird Hill Road, Lot 31

**Minutes**

**Member Horowitz made a motion to approve the minutes of June 6, 2011 as amended. Member Weber seconded the motion and all were in favor with a unanimous vote.**

**Member Horowitz made a motion to approve the minutes of June 20, 2011 as written. Member Weber seconded the motion and all were in favor with a unanimous vote.**

**Project Interface**

Present: Steve Boczenowski

Mr. Boczenowski explained that the last time he was before the Board he had talked about his organization, TADS, and how they would like to bring Project Interface to the towns of Groton and

Dunstable. He said that his organization had been actively fundraising to be able to cover the costs of Project Interface for the first two (2) years at a cost of \$14,000. He asked the Board what their level of interest was.

Chairman Fleischer said that it sounded like a good service and he was in favor of it.

Member Weber said that he was on board with the program as he had previously stated. He added that the services could potentially be better utilized if the Board of Health worked together with the school system to raise awareness.

Member Horowitz said that she didn't see any downsides to the services.

**Member Weber moved that they, the Board of Health, recommend to the Board of Selectmen that they support the effort made by Mr. Boczenowski and his organization, TADS, to bring Project Interface to the Groton community.**

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

### **15 & 23 Whitewood Road**

Present: John Scira, Landowner; Tom Orcutt, Groton Water Department

Mr. Scira said that he had received estimates to tie into town water anywhere from \$25,000-\$33,000 and as per Mr. Grossman's advice he had contacted four (4) lending institutions to inquire about loans.

Tom Orcutt said that he had met with Mr. Scira and had provided him with two (2) different cost estimates for materials each based on two (2) different distances to the home. He added that the Water Department offered a 12 month financing plan.

Mr. Scira asked the Board for additional time to get a couple of more estimates. Member Horowitz said that she didn't see a problem with allowing Mr. Scira a short extension of time to allow him to speak with contractors and banks. Mr. Grossman added that part of the tight tank certificate of compliance being issued was tying into town water.

**Member Horowitz made a motion to continue the hearing to September 19<sup>th</sup> at which time Mr. Scira is to come in with financing and construction plans in place and to provide a start date for the tie in to town water.**

**Member Weber seconded the motion.**

Tom Orcutt stated that the Water Department shuts down on November 15<sup>th</sup> for the winter.

**All were in favor with a unanimous vote.**

### **22 Redskin Trail**

Present: Attorney Bob Collins, Cindy, Rob Oliva, David E. Ross Associates, Michael Mavilia

Attorney Collins explained that Mr. Oliva of David E. Ross Associates had just finished drawing a conceptual sketch and handed it to Mr. Grossman. He said that they were prepared to submit a plan to the Board of Health if they could be given another 2-3 weeks extension. He added that local variances

needed to be requested. He said that the 2<sup>nd</sup> piece of paper he had handed to Mr. Grossman was a letter signed by his client, Richard Mavilia, stating that he agreed to pursue Title 5 compliance expeditiously. Attorney Collins assured the Board that a system would be installed before the end of the year.

Chairman Fleischer asked when the Board could expect an application. Mr. Oliva said in approximately 2-3 weeks.

Member Horowitz reminded Attorney Collins that Mr. Mavilia was not suppose to rent the apartment if it were to become vacant which it recently did and asked if the tenant could be asked to vacate.

Attorney Collins said that he understood but didn't think that they could legally ask the renter to vacate under these circumstances. He assured the Board that they system would be maintained and said that the system had been pumped three (3) times over the course of the last six (6) months and added that the system was non-compliant by virtue of the nature that there was a metal tank installed.

Member Horowitz asked if the new tenant was aware of the problems. Cindy said that she had spoken to them. Member Horowitz asked Mr. Grossman to send the new tenants a letter informing them of the history and issues pertaining to the septic system and the future hearing dates. Attorney Collins said that he would also speak with the tenants and inform them of the same.

Attorney Collins said that he understood that this had been a long process and that David Ross Associates would work hard to get this plan done. Attorney Collins requested a four (4) week extension.

Member Horowitz asked Mr. Grossman how long it would take to get on the court docket for a condemnation hearing. Mr. Grossman replied that it would take a few weeks.

Attorney Collins said that if the Board did not see plans in a timely manner they could continue with the condemnation hearing. Member Weber said that the Board would like to have some concrete dates set. Michelle Collette suggested that if David Ross Associates submitted plans to the Board by August 1<sup>st</sup>, the Board would know whether or not to continue the condemnation hearing on August 15<sup>th</sup>. Attorney Collins and Mr. Oliva agreed to try to have plans submitted by August 1<sup>st</sup>.

Member Horowitz said that if the Board extended the condemnation hearing to August 15<sup>th</sup> it was the Board's expectation that the system needed to be upgraded by the end of 2011. Attorney Collins said that they needed to go before the Conservation Commission for an Order of Conditions.

Michael Mavilia stated that he had grown up in the house on 22 Redskin Trail and for anyone to say that the system was not in failure is being untruthful. He added that the former tenants had documented in their police report that the effluent was discharging and that Richard Mavilia had been asked by the Board not to re-rent the apartment. Member Weber asked that the comments be restricted to the matter at hand.

Chairman Fleischer said that it sounded like they were hopefully close to a resolution and that variances should be submitted to the Board within the next month.

Member Horowitz asked that the police report being referred to be entered into record and stated that on May 13, 2011 Officer Candow and Officer Henehan entered the apartment at 22 Redskin Trail did in fact smell a sewage odor.

Cindy said that the allegations made about stepping on effluent on the floor and sewage being pumped into the lake was not true. She said that as everyone knew there were ongoing problems between Richard and Michael Mavilia. Member Weber reminded the room that they needed to stick to the matters at hand. He added that what mattered would be the facts that would become known as the process moved forward.

**Member Weber made a motion to continue the hearing to August 1, 2011 at 7:00pm at which time a plan and variances are to be submitted to the Board for consideration at its meeting on August 15, 2011. If no such plan or variances are submitted by August 1, 2011 the Board will instead continue with the condemnation hearing on August 15, 2011 at 7:00pm.**

**Member Horowitz seconded the motion.**

Michael Mavilia asked what would happen if the plan that David Ross Associates didn't work, what happened then. Chairman Fleischer said that David Ross Associates are professionals and that the Board worked with professionals all the time. They would make something work. Member Horowitz said that if they could not fit a full system on the lot than a tight tank could be permitted as the state regulations.

**All were in favor of the above motion with a unanimous vote.**

### **12 Quail Ridge Road**

Present: Jim Hammond

Mr. Grossman explained that developer David Moulton would like to extend an existing deck but that they extension would infringe on Title 5 offsets. He said that Title 5 stated that the Local BOH could approve a variance for a lesser offset. Title 5 asked for 10 feet and Mr. Moulton was requesting less than the 10 feet but more than 5 feet. He said that he didn't have any objections as the deck would not be right on top of the components of the leach field.

**Member Weber made a motion to approve the Local Upgrade Variance for the placement of sonatubes to be greater than five (5) feet away from the leaching area and that the deck will provide a non-habitable space above.**

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

### **Old/Other Business**

Michelle Collette told the Board that she had come to the meeting because Mr. Mavilia was on the agenda. She explained to the Board that Land Use staff has been subject to continual complaints made by both Richard and Michael Mavilia and their families. She wanted to make sure that the Board Members were aware of the inordinate vitriol of complaints.

**Member Horowitz made a motion to adjourn the meeting at 9:15pm. Member Weber seconded the motion and all were in favor with a unanimous vote.**

Respectfully submitted,

Dawn Dunbar

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