



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

MEETING MINUTES
December 5, 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 Director Michelle Collette

Meeting Called to Order:

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

Conductorlab Committee

Robert Hanninen, Chairman of the Conductorlab Oversight Committee, updated the Board of Health on progress at the Conductorlab site owned by Honeywell. Dr. Hanninen said the levels of trichloroethylene and hexavalent chromium are coming down. The new treatment process includes new procedures such as oxidation reduction. Honeywell is planning to turn off the treatment plant after one year of satisfactory water quality test results and will move toward site closure. The Department of Environmental Protection (DEP) must review and approve the site closure plan. Honeywell will market the site with the required Activities and Use Restrictions to be record at the Registry of Deeds after the DEP has signed.

Dr. Hanninen requested that the Board of Health have a representative on the Committee in order to provide long-term monitoring of the site.

The motion was made by Weber, seconded by Fleisher, that the Board of Health recommend that the Board of Selectmen appoint Susan Horowitz as its representative to the Conductorlab Oversight Committee. The motion passed unanimously.

Tobacco Permits

The Board of Health signed the following Tobacco Permits:

| | |
|--------------------------|------------------|
| Groton Market | 235 Main Street |
| Groton Convenience Store | 871 Boston Road |
| Mr. Mike's Mobil | 6 Boston Road |
| Craven's Package Store | 777 Boston Road |
| Shaw's Supermarket | 760A Boston Road |
| Donelan's supermarket | 250 Main Street |
| Country Farm | 127 Main Street |
| CVS Pharmacy | 100 Boston Road |
| Groton Exchange | 318 Boston Road |
| AL Prime | 619 Boston Road |

Variance Request – Camp Kaleidoscope

Terri Martin of the Groton Community School met with the Board to request a variance to allow a ratio of 1:8 rather than 1:5. The Board had granted this variance in previous years.

The motion was made by Horowitz, seconded by Weber, to grant the variance for the Groton Community School’s Camp Kaleidoscope to have a staff to student ratio of 1:8 with the condition that the variance be renewed annually. The motion passed unanimously.

Deed Restriction – James Long, 316 Chicopee Row

The Board met with James Long of 316 Chicopee Row to discuss his plans to finish the basement in his home. He submitted a copy of the floor plan to the Board. He said he has no intention to use the area as a bedroom. He agreed to record a deed restriction limiting the number of bedrooms.

The motion was made by Weber, seconded by Horowitz, to accept a deed restriction specifying that there shall not be more than four bedrooms in the house located at 316 Chicopee Row with the condition that the restriction be recorded at the Registry of Deeds. The motion passed unanimously.

Daniel Murdock, 234 Hoyts Wharf Road

The Board discussed the application for a new well submitted by Daniel Murdock for 234 Hoyts Wharf Road. Well driller Robert Tupper submitted a letter dated November 4, 2011 with the well completion report submitted to the Department of Environmental Protection (DEP). He said there is a difference between a permit to repair a well and a permit to replace a well. Mr. Murdock said the Board granted a variance for his sewage disposal system on October 3, 2011.

Mr. Grossman said a permit for a new well is required under both State and Town regulations. He said such permits are reviewed on a case-by-case basis. Water quality test results must be submitted to the Board of Health.

The motion was made by Weber, seconded by Horowitz, that the Board of Health is satisfied that its concerns with the well at 234 Hoyts Wharf Road have been resolved with the well completion report and submission of water quality testing. The motion passed unanimously.

SAFE Program

The Fire Chief requested that the Board of Health co-sign its application for a grant under the “SAFE” Fire Prevention Program.

The motion was made by Weber, seconded by Horowitz, to authorize the Chairman of the Board of Health to sign the SAFE Program grant application. The motion passed unanimously.

Variance Request – David Moulton, 8-10 Valleria Drive

The Board reviewed the request for a variance submitted by David Moulton to upgrade the sewage disposal system at 8-10 Valleria Drive. Mr. Moulton and design engineer Russ Wilson of R. Wilson Associates were present.

Mr. Wilson submitted the certified mail cards documenting that abutters were notified. He said the soils are sandy loam and the system must be raised one foot. Mr. Grossman said he agreed with the proposed design solution.

The motion was made by Horowitz, seconded by Weber, to grant a variance of the following regulations with the standard conditions:

310 CMR 15.405 – Local Upgrade Approval

- 310 CMR 15.405 (1)(h) – offset to groundwater: 4 ft. required – 3 ft. provided.
- 310 CMR 15.404 (2)(c) – 4 ft. of natural pervious soil required – 3.0 ft. and 2.7 ft. (test holes 1 and 2 respectively) provided.

Groton Board of Health Regulations

- Sec. A(5) – Separation to Groundwater: 5 ft. required – 3 ft. provided.

Ivan Dell’Era, 41 Magnolia Drive

The Board met with Mr. Dell’Era to discuss his application to build a deck above his geo-thermal well. The well was installed in 2008. He submitted plans showing the deck above the well with two steps to the proposed hot tub. he said the deck cannot be visible from other properties as mandated by the condominium documents. He submitted an e-mail from the well driller, Skillings and Sons, regarding other geo-thermal wells located under pavement and cement. He submitted a letter dated December 5, 2011 from his chiropractor stating that the hot-tub is needed for his back pain.

Mr. Grossman said state and local regulations require unobstructed access to maintain and repair the well. In addition, there must be no sources of contamination above the well.

Member Horowitz asked if the request is only for this property. Mr. Grossman said, “yes,” the request is only for the Exclusive Use Area (EUA) at 41 Magnolia Drive.

Member Horowitz said if there is a problem with the well, the owner will own the problem. Mr. Dell’Era said there is a cover eight feet of dirt on top of the well. Skillings will trace the line from the well to the house before the deck is built.

The motion was made by Horowitz, seconded by Weber, to sign off on the building permit only for the deck and hot tub over the existing geo-thermal well at 41 Magnolia Drive and that any other uses must be submitted to the Board of Health for its review and approval. She noted that the property owner acknowledged his responsibility for repairs to the well. The motion passed unanimously.

Other/Old Business:

The Board discussed the following matters:

Richard Mavilla, 22 Redskin Trail

The Board discussed the on-going sewage disposal violations at 22 Redskin Trail and noted that Mr. Mavilla had not met the November 30, 2011 deadline.

The motion was made by Horowitz, seconded by Weber, to file a complaint in Housing Court to enforce the requirement to install a new sewage disposal system at 22 Redskin Trail. The motion passed unanimously.

Michael Coviello, 148 Lost Lake Drive

Mr. Grossman reported that he did a final inspection at 148 Lost Lake Drive and that the sewage disposal system has been installed; therefore no court action is required.

The motion was made by Horowitz, seconded by Weber, to require completion of the installation of the sewage disposal system at 148 Lost Lake Drive by December 31, 2011. **The motion passed unanimously.**

Clover Farms, 9 West Main Street

Mr. Grossman said he would prepare a draft response to the letter from Clover Farms store owner Jan Hurst for the Board's review at its meeting on January 9, 2012. The Board agreed.

George Pergantis, 128 Main Street

Mr. Grossman reported to the Board about his inspection of the housing units at 128 Main Street on December 5, 2011. Mr. Pergantis cannot rent any apartments to new tenants until all outstanding housing code violations have been corrected. The Board is assessing a fine of \$100 per day. Court action is the next step. Mr. Grossman will send another letter regarding outstanding issues to Mr. Pergantis. The Board will discuss the matter at its meeting on January 9, 2012.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director