



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

MEETING MINUTES
January 9, 2012

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.

Permits Signed:

274 Boston Road; 111 West Main Street

Invoices Signed:

Verizon Wireless; Nashoba Associated Boards of Health; Groton Herald

366 Lost Lake Drive

There was no one present

Mr. Grossman explained that the Board of Health had received 2 complaints within 2 days for the property located at 366 Lost Lake Drive. He said that when he was reassigned to Groton in 2008 he had inherited the clean up order for the property and court case. The judge at the time ordered that the wooden pallets be cleaned up and that the fence be repaired. He explained that permission to access town council was given by the Town Manager and that a letter had been drafted giving Mr. Johnson 30 days to clean up the property.

Member Horowitz asked how many cars Mr. Johnson had on the property. Mr. Grossman replied nine (9) cars total.

Chairman Fleischer asked what the specific Board of Health issue was and added that the property was obviously a mess. Mr. Grossman said that it was a violation of Chapter 2.

Member Horowitz asked what was going on with the collapsing roof. Mr. Grossman said that the building commissioner was taking care of it and added that he also enlisted the help of the Fire Chief. Member Horowitz asked if they could condemn the property. Mr. Grossman said that they could if they wanted to. Member Horowitz explained that the Board worked on this case for three (3) years. She said

that time had been given to the property owner, that he moved the piles but never cleaned them up, but that in the last four (4) years he had made the property look twice as worse.

Member Horowitz made a motion to condemn the property.

Mr. Grossman suggested that an Order be sent giving Mr. Johnson 30 days to clean up. He also suggested that the Board deal with the structure as a separate issue from the exterior of the property.

Dan Wolfe explained to the Board that he was a supporter of Mr. Johnson the last time he was before the Board of Health regarding this matter but said that he had changed his tune. He said that he saw Mr. Johnson a few days prior with another pallet in the back of his pickup truck.

Member Weber made a motion to tackle this in 2 phases as per Mr. Grossman suggested.

1. Send out a hard order giving Mr. Johnson 30 days to clean up.
2. Set up a hearing appointment for their first meeting in February to discuss 366 Lost Lake Drive and the Standards for Fitness and Human Habitation.

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

Member Weber asked Mr. Grossman if it was appropriate to condemn the property. Mr. Grossman said that because the roof was collapsing it was considered a non-habitable structure.

Member Weber made a motion to start the condemnation process of 366 Lost Lake Drive.

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

128 Main Street

Present: George Pergantis

Mr. Grossman explained that Mr. Pergantis was still not in compliance with the apartments located at 128 Main Street. He said that Mr. Pergantis had done some work on the exterior of the buildings but was ordered to stop by the Historic District Commission. Mr. Grossman added that the trash had not been cleaned up nor had the mold in the basement been remediated.

Member Horowitz asked if DEP should be notified of the possibility of a dump located at the rear of the property. Mr. Grossman said that because this was something that could be handled internally, DEP would not get involved until such time that they would have to.

Member Horowitz asked if Mr. Grossman knew where the lead paint clapboards were disposed of. Mr. Grossman said that he did not know.

Mr. Pergantis said that he had completed all items asked of him. He said the pool fence was locked and the temporary fence was coming down. He said that Barbara Ganem of the Conservation Commission had stopped by and walked the rear of the property. He asked the Board to approve his food service permit to operate the Carriage House as a restaurant and added that it had always been a restaurant.

Chairman Fleischer stated that connection to town sewer was a condition that needed to be satisfied prior to the issuance of a food service permit. Mr. Pergantis said that he hired an engineer who was working on the plans now and that connection to town sewer would be completed in April. Mr. Grossman reminded Mr. Pergantis that as voted on by the Board of Health he was suppose to hook up buildings 2 and 3 to town sewer by February 20th.

Mr. Pergantis asked said that he would like to use the existing septic tank to accommodate 86 seats in the restaurant until town sewer was connected. Member Horowitz said that he must hook up to town sewer prior to approval of a food service permit.

Member Weber asked about the items that were disposed of and possibly buried at the rear of the property. Mr. Pergantis said that his helper didn't know he could dump things out there. Member Weber asked if all items had been removed. Mr. Pergantis said that there was nothing there, that nothing had been buried and that everything had been cleaned up. Member Weber asked if there was anything containing lead paint disposed of there. Mr. Pergantis said that there was nothing there.

Mr. Grossman asked if he could do an inspection on Tuesday morning, January 10th at 10am. Mr. Pergantis agreed.

Member Weber asked if Mr. Pergantis had submitted an application for a food service permit. Mr. Pergantis said that he had. Mr. Pergantis added that as soon as the plans were ready he was going to the sewer department. He said that the sewer department wanted engineered plans and that the old ones he had were not sufficient.

Chairman Fleischer said that if an agreement was signed by the February deadline he would consider extending their previous agreement until spring. He added that he would agree to let Mr. Pergantis open a restaurant until he connected to town sewer.

Mr. Grossman suggested that the Board continue the discussion until their next meeting in two (2) weeks.

Member Horowitz motioned that Mr. Grossman was scheduled to perform an inspection on Tuesday, January 10, 2012 and that the discussion would be continued until their next meeting on January 23, 2012.

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

518 Farmers Row

Present: Dan Wolfe of David Ross Associates

Mr. Wolfe that he was before the Board to request three (3) local variances for the property located at 518 Farmers Row. He said that the homeowner, Mr. & Mrs. Luther were looking to upgrade their system so that they may sell their home. He read the following variances:

Groton Board of Health Regulations

- Section 1.A.5 – There must be a minimum of 5' of pervious material between the bottom of the leaching facility and the groundwater. A 3' separation has been proposed utilizing the Presby Enviro-Septic system.
- Section 1.C.11 – Whenever a system must be pumped, the soil absorption system shall be pressure dosed. This system is gravity fed because the Enviro-Septic piping cannot be pressure dosed.
- Section 1.F.1 – Leach beds shall be sized at 150% of Title 5 requirements. The Presby Enviro-Septic bed is designed at 100% of the Title 5 requirements.

Member Horowitz asked how high the mound would be. Mr. Wolfe said that it would be 4 ft at its highest point.

Member Horowitz made a motion to accept the requested variances for a sewage disposal upgrade located at 518 Farmers Row.

Member Weber seconded the motion.

Peter Gardner of 521 Farmers Row was also present and asked if the disturbed conservation land needed to access the new system was going to be restored. Mr. Wolfe said that yes, it would be restored as required by the Conservation Commission.

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. Compliance with Title 5 including issuance of a Certificate of Compliance shall be completed by December 2, 2013. The applicant must comply with the requirements of Title 5 for a "failed" system pursuant to section 15.305.
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 4-bedroom house is to remain a 4-bedroom 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 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.

All were in favor of Member Horowitz's original motion with a unanimous vote.

60 Pacer Way

Present: Mr. Pei & Mrs. Liu, homeowners

Mr. Grossman explained that Mr. Pei & Mrs. Liu were before the Board to request a bedroom count deed restriction so that they may finish their basement. He said that they had a total of nine (9) rooms.

Mrs. Liu explained that the prior owner had pulled permits to finish the basement but never started the work. She said that they also wanted to finish the attic and added that the prior owner had also pulled a permit to do that and never started that either. Mr. Pei & Mrs. Liu handed the Board Members their plans as well as the original permits issued to the prior homeowner. Mr. Grossman said that he was not aware of the plans to finish the attic and added that according to their plans would make that a total of 12 rooms. Mr. Pei said that they needed the extra rooms for playrooms.

After a brief discussion and review of the plans, Member Horowitz made a motion to accept the bedroom count deed restriction restricting 60 Pacer Way to four (4) bedrooms.

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

Member Horowitz made a motion to adjourn the meeting at 8:36 pm.

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

Respectfully submitted,

Dawn Dunbar
Land Use Assistant