



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

**MEETING MINUTES**  
**March 5, 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.

**Invoices Signed**

Deluxe

**Permits Signed**

176 Whiley Road, 16 Ridgewood Ave, 66 North Street, 37 Hawtree Way, 518 Farmers Row

**Minutes Approved**

Member Horowitz made a motion to approve the minutes of December 5, 2011 with minor edits. Member Weber seconded the motion and all were in favor with a unanimous vote.

Member Horowitz made a motion to approve the minutes of January 9, 2012 with minor edits. Member Weber seconded the motion and all were in favor with a unanimous vote.

**366 Lost Lake Drive**

Present: Luke Johnson, owner

Mr. Johnson explained that he had been continuing to clean up the area Mr. Grossman and he had agreed to work on, the area closest to the road. He said that he emptied the cars and took five (5) truckloads of stuff off site. He said that he would have done more but he had family matters that he had to leave town to deal with. Mr. Grossman suggested that more time be given in lieu of family tragedy. Member Horowitz suggested continuing the discussion for two (2) weeks and asked Mr. Grossman for a recommendation for improvement. Mr. Grossman said that he would like to see everything visible from

the road removed. Member Weber asked if this was a realistic goal for one (1) person in two (2) weeks. Mr. Grossman said that it may require more help but that it was attainable.

**Member Horowitz made a motion to continue the discussion until the Board's next meeting on March 19, 2012 and added that everything outside of the fence that was visible from the road be removed/cleaned up. Member Weber seconded the motion. All were in favor with a unanimous vote.**

It was decided that the Board would discuss the possible condemnation of 366 Lost Lake Drive at their March 19, 2012 meeting.

#### **409 Old Ayer Road**

Jodie Gilson, owner; Thomas Gibbons, attorney

Attorney Gibbons said that he and his client had been before the Board a few times to discuss upgrading the SDS located on the property. He said that his client, Ms. Gilson, had decided to replace the system by August 30, 2012 (the date the issued permit expires). Attorney Gibbons handed the Board a water sample taken February 29, 2012. Member Horowitz explained to Ms. Gilson that if the system was not completed by August 30<sup>th</sup> the Board would have her back for another meeting.

#### **BOH Participation in Earth Day**

Chairman Fleischer explained to the Board that he was working with Groton Local on their Earth Day celebration and wanted to get the members feedback on the possibility of setting up a table with brochures and handouts at the Williams Barn on Saturday, April 21, 2012. Member Horowitz thought it was a good idea. Chairman Fleischer asked if they had done anything like this in the past. Member Horowitz said that they had put out a table at Grotonfest one year. Mr. Grossman was asked if he could provide Chairman Fleischer with some brochures to put on the table. Member Weber asked if the table could be left unattended or if someone should be there. Member Horowitz said she thought a passive table would be okay.

#### **8 Cypress Road / 15 Whitewood Ave**

Present: John Scira, property owner

Mr. Scira explained that he had been unable to complete the town water hookup required to obtain his Certificate of Compliance thus far due to a continued financial hardship. He explained that he had one renter who was five (5) months behind on their rent and another tenant who was out of work and three (3) months behind. Mr. Scira said that he had exhausted all financial avenues at that time.

Mr. Grossman reminded the Board that they approved 15 Whitewood Road for a tight tank with the condition that it be connected to town water. He also mentioned that a shared system had been designed for the block of homes adjacent to 15 Whitewood and that they needed to discuss when the shared system was going to be permitted.

Mr. Grossman said that he understood that the town was likely to put an article on the fall town meeting warrant regarding the installation of sewer in the Lost Lake area. He asked that Board if they wanted to hold off on further discussion with Mr. Scira until then.

**Member Horowitz made a motion to continue the discussion until the town votes on town sewer after the October 2012 Fall Town Meeting, assuming that it is put on the warrant and voted on at town meeting.**

Mr. Scira said that he had placed several other properties on the market including his own in an effort to generate some cash flow. Chairman Fleischer asked how bad the failures were and if water tests were being done continually. Mr. Grossman said that they were in failure because of the radius to the wells.

**Member Horowitz modified her motion to include if any rentals at 9, 11 & 23 become vacant they cannot be re-rented, that the water at 15 Whitewood Ave be tested every three (3) months and that Mr. Scira update the Board every other month.**

Member Weber asked if it was possible to verify that the wells are no longer connected. Mr. Grossman said that they could ask the water department for a meter reading.

**Member Weber seconded the motion and added as an amendment to the original motion that they would like to have verification that the wells were not being used.**

Member Weber told Mr. Scira that it was up to him to make sure he was providing the Board with updates on this situation every other month as motioned. Mr. Scira said that he would. He also said that with regard to 8 Cypress Road, he had cleaned up the trash and installed a security camera which had since been torn down. Mr. Grossman confirmed that the property had been cleaned up.

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

#### **66 North Street**

Present: Attorney Bob Collins, Stan Dillis, engineer

Attorney Collins explained that he was before the Board with a unique situation. He said that the Croteau's needed to upgrade their existing system but that the existing house required a fill easement on the adjacent piece of property in order to upgrade the system. He said that the Croteau's had been granted a Special Permit by the Planning Board to build on the adjacent parcel.

**Member Horowitz made a motion to approve the variance request to allow for a fill easement under the local regulations. Member Weber seconded the motion.**

Member Weber asked if the fill easement was temporary, why they were not requesting a temporary fill easement. Attorney Collins said that they still wanted the easement in place so that no one could change the grades in the future.

**All were in favor of the above motion.**

#### **Lots 4 & 6 Tavern Road**

Present: Attorney Bob Collins

Attorney Collins was before the Board to request a variance to allow for the septic systems to be located closer to the paper streets that were located adjacent to Tavern Road. He said that he had been before the Planning Board and had the lots approved and recorded. He said that this was the largest privately

owned property in the Lost Lake area and that the vernal pools on the property had been preserved. He said that the Woodle's cabin was to remain on 12 acres and that cluster housing had been approved near the developed area of Tavern Road. He also said that he planned to file a Bill in Equity for the existing paper streets, which would extinguish the paper streets, and would eventually make the variance request not necessary.

Member Horowitz asked Attorney Collins why he was not waiting until the Bill in Equity was in place. Attorney Collins said that he wanted to have the septic permits in hand because the Bill in Equity would take some time. Michelle Collette said that she supported Attorney Collins request. She said that the paper streets cause an enormous amount of confusion and it would be helpful for future buyers to have variances. Mr. Grossman said that he didn't have any issues as long as the paper streets were dissolved or the variance was granted.

**Member Horowitz made a motion to accept the requested variance for Lots 4 & 6 Tavern Road to allow the septic systems to be built closer to the paper streets, Cedar Road south of Harding based on the fact that the paper street is going to be extinguished with a Bill in Equity. Member Weber added that if the road was constructed, the variance would be voided.**

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

#### **124, 126, & 128 Main Street**

Present: George Pergantis, owner; Gloria Lammi

Mr. Pergantis explained that the installation of town sewer had been completed and that the de-leading had also been done. He said that he was waiting on a certificate from the state with regard to the lead. Mr. Grossman confirmed that a letter of interim control was what they were waiting for.

**Member Weber moved that the matter of fines be continued until all items have been completed, including the letter of interim control. Member Horowitz seconded the motion.**

Ms. Lammi asked if they could bring the letter to Dawn Dunbar so that they don't have to attend another meeting. The Board members approved that request.

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

Member Horowitz thanked Mr. Pergantis for allowing the Board, Mr. Grossman and Ms. Braley of Nashoba Associated Boards of Health to conduct a site walk of the Carriage House and explained that it allowed them to see what it was they were discussing. She said that Bridgette Braley was content with the conditions of the kitchen. She said that there appeared to be an odor of mold and thought that maybe the discolored ceiling tiles should be taken down and looked at. Chairman Fleischer asked how difficult it would be to test for mold. Mr. Grossman said that he didn't know what they would gain from testing because mold is virtually everywhere. He said that the tiles could be removed and replaced but that without water mold wouldn't grow and prosper. He said that it would be prudent to request that the discolored tiles be replaced but that a mold test would not be necessary. Member Horowitz asked how one would get rid of the musty smell. Mr. Grossman said that he didn't think you could where it's an old building and where there is a lack of air exchange present. Member Weber asked if there was mold in the ceiling tiles if it would present a health risk. Mr. Grossman said that only if someone was allergic to mold.

Michelle Collette said that Mr. Pergantis was scheduled to be before the Planning Board on March 22, 2012 and the Historic District Commission on March 20, 2012.

**Member Horowitz made a motion to continue the discussion until the Planning Board and Historic District Commission vote on the Carriage House. Member Weber seconded the motion. All were in favor with a unanimous vote.**

Member Horowitz said that they should hold off on discussing the alleged dump on the property until the weather gets better.

### **Old/Other Business**

#### **22 Redskin Trail & 148 Lost Lake Drive**

Mr. Grossman told the Board that he was before Housing Court the previous Monday with regard to the failed septic systems at 22 Redskin Trail and 148 Lost Lake Drive. There was an agreement between Mr. Mavilia's attorney and Mr. Grossman to have the system in compliance by March 30, 2012 at 22 Redskin Trail. No one was present for 148 Lost Lake Drive, who was given, by the court, until mid April to have the system in compliance.

#### **21 Redskin Trail**

Mr. Grossman explained that the septic system at 21 Redskin Trail was still not in compliance with Title 5. He said that the system had been installed but that as part of the Certificate of Compliance Mr. Mavilia was supposed to have the correct number of bedrooms recorded on his deed. He asked the Board how they would like to proceed.

**Member Horowitz made a motion to take 21 Redskin Trail to housing court to enforce an order to obtain a Certificate of Compliance. Member Weber seconded the motion. All were in favor with a unanimous vote.**

**Member Horowitz made a motion to adjourn the meeting at 8:45pm. Member Weber seconded the motion. All were in favor with a unanimous vote.**

Respectfully submitted,

Dawn Dunbar  
Land Use Assistant