



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

**MEETING MINUTES**  
**May 21, 2012**

**Board of Health Members Present:**

Robert Fleischer, Chairman  
Dr. Susan Horowitz, Member  
Jason Weber, 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**

105 Nashua Road

**Minutes**

Member Horowitz made a motion to approve the minutes of March 5, 2012 as edited. Member Weber seconded the motion and all were in favor with a unanimous vote.

Member Horowitz made a motion to approve the minutes of March 19, 2012 as edited. Member Weber seconded the motion and all were in favor with a unanimous vote.

Member Horowitz made a motion to approve the minutes of April 2, 2012 as written. Member Weber seconded the motion and all were in favor with a unanimous vote.

Member Horowitz made a motion to approve the minutes of May 7, 2012 as written. Chairman Fleischer seconded the motion and all were in favor with a unanimous vote. Member Weber abstained from the vote.

**11 Cedar Road**

Present: Frank & Beth Wojtas, homeowners

Mr. Grossman explained that the Wojtas's had been asked to attend the meeting to discuss the failed septic system at their 11 Cedar Road home. He said that they had been notified in 2010 that their water test results showed a high nitrate level. He said that according to a recent water test the nitrates had further increased. Mrs. Wojtas said that they had contacted the BOH in 2010 to obtain a copy of their Title 5 inspection but that they didn't know what the increase in nitrates meant. She also told the Board that they had their system pumped a few weeks prior. Mr. Grossman said that the septic system had

been in failure for at least seven (7) years and needed to be brought into compliance. He was concerned about the increase in the nitrates.

**Member Horowitz made a motion to continue the discussion until July 16, 2012 at 7:00pm with the following condition:**

1. **A water test be performed to include ammonia, nitrates and nitrites prior to July 16, 2012.**

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

### **247 Whiley Road**

Present: David Murray, owner

Mr. Grossman explained that Mr. Murray was before the Board to request permission to install a sewage ejector pump in a proposed basement bathroom as well as request a bedroom count deed restriction in order to finish off the basement. He said that the proposed finish basement would put the home at 15 rooms on a 4 bedroom septic system. He told the Board that if they did not agree to the finish basement, in order for Mr. Murray to get approval to do the work, they would need to upgrade the septic system to a six (6) bedroom system. Mr. Murray said that his buyers had to be moved in sometime in July and that he thought he had room to upgrade the system.

Chairman Weber asked if there was any way they could approve the proposed finished basement so as to not hold up the sale of the home and have the system upgraded within a certain amount of time. Mr. Grossman said that as long as Mr. Murray was willing to increase the capacity of the system and the Board was willing to enter into an agreement to let the buyers move in as scheduled, he was okay with the agreement.

**Member Weber made a motion to allow the approval for a sewage ejector pump and finished basement at 247 Whiley Road with the following conditions:**

1. **The system will be upgraded to allow for a six (6) bedroom capacity;**
2. **Buyers will be allowed to move in as scheduled in July;**
3. **Septic must be upgraded within six (6) months.**
4. **Certificate of Compliance to be issued with above conditions noted.**

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

### **Groton General Store**

No one was present

Mr. Grossman explained that a potential buyer had requested an appointment with the Board to discuss the possibility of obtaining a food service permit to allow a chain like Subway or Dunkin Donuts to occupy some of the space. Mr. Grossman explained that the store is a public water supply that is not currently in compliance with water testing and reporting as well as a list of violations found during a site visit a month or so prior. Mr. Grossman said that he would not endorse a food service permit.

### **89 Boathouse Road**

Present: Mr. Rosa, owner; Peter Blaisdell, engineer

Mr. Grossman explained to the Board that the septic system at 89 Boathouse Road had been in failure since 2006 with water test results showing elevated nitrates. Permission at an earlier meeting had been granted by the Board to allow Mr. Grossman to file the necessary paperwork in court to seek compliance. Mr. Rosa had since contracted with an engineer to design an upgraded system.

Mr. Blaisdell talked about the topography of the property and that it was only used in the past as a seasonal camp and added that the property had not been used in over two (2) years. He said that another water test was conducted and it showed that the nitrates had dropped from the previous level of 10.8 to 5.9. During the survey it was discovered that the system was not located on Mr. Rosa's property. He said that they heard town sewer might be coming and that a vote was anticipated at the fall town meeting.

Member Horowitz asked if the neighbor's were contacted and whether or not they were willing to help with the situation. Mr. Rosa said that the neighbor was worried about his property and what it could do to his mortgage. Member Horowitz said that she was willing to allow Mr. Rosa to wait until after the fall town meeting, if the home remained unused and if he continued to sort things out. Mr. Rosa's attorney said that it was a reasonable request. Mr. Rosa said that he was more than happy to continue to work things out with his neighbor in an attempt to bring the property into compliance.

**Member Horowitz made a motion to continue the discussion until after the Fall Town Meeting and see Mr. Rosa back before the Board on November 5, 2012 to see what legal resolution was made and what the options for bringing the property into full compliance are. She added that the property in the meantime was not to be used.**

**Member Weber seconded the motion adding that the Board did not want to be asked for more time prior to the November meeting and that they were to come prepared with a plan of action.**

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

#### **27 Forest Drive**

Present: Dennis Lacombe, contractor; Mrs. Cole, homeowner

Mr. Lacombe explained to the Board that he was present on behalf of Mrs. Cole to request a bedroom count deed restriction in order to allow for the basement of the home located at 27 Forest Drive to be finished.

**Member Horowitz made a motion to accept the bedroom count deed restriction for 27 Forest Drive restricting the property to a four (4) bedroom home. Member Weber seconded the motion. All were in favor with a unanimous vote.**

#### **60 Valley Road**

Present: Paul Johnson, homeowner; Martha Greenwood

Mr. Johnson explained that he was given an appointment so as to discuss the possibility of installing a tight tank on his property and get an update on sewer so that he didn't have to do things twice. Mr. Johnson also informed the Board that the design engineer would not sign off on his plan. Mr. Grossman explained that it was a conversation he needed to have with the engineer. Member Horowitz told Mr. Johnson that he still had another year remaining on his permit and that he still had time to see what the outcome of the fall town meeting was. Mr. Johnson expressed his frustration and told the Board that he was being forced to see legal counsel. Member Weber said that it was clear that he was upset but that those reasons were not clear to the Board. He said that they were not forcing Mr. Johnson to do anything at that moment but that they were trying to help guide him.

Member Weber told Mr. Johnson that he was in the same position as many others in the Lost Lake area and that the Board understood that he didn't want to have to be charged for things twice. Mr. Grossman said that there was going to be some sort of holding tank needed and that a tight tank would be larger than what is typically installed. Member Horowitz said that the bottom line was that Mr. Johnson's permit was valid until August 2013 and that he had time to see what happens at the fall town meeting with sewer in the Lost Lake area. She suggested that he speak to the engineer or think about finding a new engineer if terms could not be met.

### **93 West Main Street**

No one was present

Mr. Grossman explained that the owner would like to add a second floor to the existing home. It would be one single room. Mr. Grossman had no problem with allowing this to happen because he was not adding to the existing footprint just increasing the height. He said that the regulations required that it be brought to the Board's attention. Member Weber said if there was no meaningful change of use, then they would be satisfied with the request. If the request were to change, further evaluation would be needed.

**Member Weber made a motion to approve the request for a building permit for 93 West Main Street based upon the understanding that a second story would be added; that it would add one additional room and that if it ever becomes a bedroom that the owner must seek BOH approval first. Member Horowitz seconded the motion. All were in favor with a unanimous vote.**

### **366 Lost Lake Drive**

Present: Luke Johnson, owner; Jeff Huslander, abutter; Christian Walzel, abutter

Mr. Johnson told the Board that he had not accomplished as much as he would like. He said that he knew he had bit off more than he could chew. He had a few setbacks over the past couple of weeks including an illness and lack of help. Mr. Grossman confirmed that the cars had not been removed and that the progress was slow. He mentioned being concerned with the new home on Pine Trail becoming cluttered with material. Mr. Johnson said that he was using the Pine Trail home as a working area and a temporary situation and thought that he was still making good progress. Member Horowitz said that a description of expectations for the next step had been given at the last meeting and that objective had not been met. She suggested filing paperwork with housing court if the next steps were not met by the next meeting. Mr. Johnson was surprised by the response and thought the response was harsh. He thought that he had continued to make good progress. Both Mr. Grossman and Member Horowitz said they disagreed and added that progress had been made up till this point.

Member Weber said that he visited the property prior to the meeting and observed from his car the variety of animals that were running in and out of the property and said that the BOH was trying to prevent public health issues. He said that he also noticed a new pile at the Pine Trail property.

Member Horowitz suggested that by their next meeting in two (2) weeks, Mr. Johnson meet with Mr. Grossman to designate the next area to be cleaned as well the removal of the five (5) unregistered cars from the property. Mr. Grossman added that the area to concentrate on would be everything from the left corner to the right corner to the street on the Lost Lake side. Mr. Johnson thought that the milestone was harsh. Member Horowitz disagreed. Mr. Huslander and Mr. Walzel, both abutters, offered to help Mr. Johnson if he got a dumpster delivered to the site. Member Weber asked if Mr. Johnson was willing to accept their offer. Mr. Johnson was not willing to allow his neighbors to help and said there were other solutions.

**Member Weber made a motion to continue the discussion for two (2) weeks and added that by their next meeting on June 4, 2012 Mr. Johnson was to have the five (5) unregistered cars removed and have the area from the left corner to the right corner to the street on the Lost Lake side cleared of debris. Member Horowitz seconded the motion. All were in favor with a unanimous vote.**

#### **Old/ Other Business**

##### **124-128 Main Street**

Member Horowitz said that the Planning Board conducted a site walk and may have also been witness to debris being buried at the rear of the property. Mr. Grossman said that the last discussion they had with Mr. Pergantis was the possibility of digging test holes or use ground penetrating radar. Dawn Dunbar suggested to the Board that they submit comments to the Planning Board which would be looked at as part of their site plan review.

**Member Weber made a motion to submit comments to the Planning Board with a copy to the Conservation Commission. Member Horowitz seconded the motion. All were in favor with a unanimous vote.**

Member Horowitz also asked for a certified letter to be sent to Mr. Pergantis requesting the certificate of interim control for the lead paint.

**Member Weber made a motion to adjourn the meeting at 9:20pm. Member Horowitz seconded the motion. All were in favor with a unanimous vote.**

Respectfully submitted,

Dawn Dunbar  
Land Use Assistant