



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

**MEETING MINUTES**  
**July 16, 2012**

Board of Health Members Present:

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

Others Present:

Nashoba Associated Board of Health Agent, Ira Grossman  
Land Use Assistant, Dawn Dunbar

Meeting Called to Order:

Chairman Horowitz called the meeting to order at 7:03 pm in the Town Hall.

**Permits Signed**

750 Townsend Road; 21-23 Valliria Drive

**Minutes**

**Member Fleischer made a motion to accept the minutes of July 9, 2012 as amended. Member Weber seconded the motion and all were in favor with a unanimous vote.**

**11 Cedar Road**

Present: Frank Wojtas, owner

Mr. Wojtas handed water test results to the Board. Mr. Grossman said that he met with Mr. Wojtas and recommended that the Board allow for a continuance until after the fall Town Meeting vote. If the vote for sewer does not pass, the septic system would have to be upgraded. Chairman Horowitz asked if water tests should be done every three months. Mr. Grossman said that biannually, even annually would be okay.

**Member Weber made a motion to continue the discussion until November 5<sup>th</sup>, 2012 with the condition that a water test be performed and results submitted to Mr. Grossman prior to the November 5<sup>th</sup> meeting. Member Fleischer seconded the motion. Mr. Grossman asked that the water test include testing for coliform. All were in favor with a unanimous vote.**

**5 Baby Beach**

No one was present

Mr. Grossman said that it was requested at the Board's June 4th meeting that the applicant come prepared that evening with engineered plans to show compliance with Title 5. Ms. Dunbar told the Board that she had received an email from Mr. Shattuck stating that he had hired Ducharme and Dillis Civil Design Group to bring the property into compliance.

**Member Fleischer made a motion to continue the hearing until August 20, 2012. Member Weber seconded the motion. All were in favor with a unanimous vote.**

### **366 Lost Lake Drive**

Present: Luke Johnson, owner; Christian Walzel, abutter

Mr. Grossman explained that he had driven by the property earlier that day and commented that progress had been made since the last meeting. Chairman Horowitz said that pictures Mr. Grossman took showed two (2) cars still on the property. Mr. Johnson said that he had worked to clean-up the rear of the property towards the hillside and the barn/garage. He said that one of the cars in the picture was legally registered and insured and a car that he usually leaves in Maine but has not had a chance to bring it there this year. Mr. Grossman said that he had concerns about the four (4) cars that were left on the property (two (2) inside the fence and two (2) outside the fence.) He said that because the property was located in the aquifer protection zone he wanted to check the by-law with regard to cars. Mr. Grossman suggested that the next section to be cleaned be the area from the front of the house on Pine Trail toward Lost Lake Drive. Chairman Horowitz said that by their next meeting on Monday, August 6<sup>th</sup>, Mr. Johnson was to clean the area as described by Mr. Grossman. She asked that Mr. Grossman look into the by-laws regarding the cars and the aquifer protection zone. Mr. Johnson said that he would meet with Mr. Grossman on site to review the area described.

### **15 Whitewood Drive**

No one was present

Ms. Dunbar explained that she had received a letter from Attorney Robert Collins, who was representing Mr. Scira that he had a conflict that night and asked that the discussion be continued to the Board's next meeting.

**Member Fleischer made a motion to continue the matter until the Monday, August 6<sup>th</sup>, 2012. Member Weber seconded the motion and all were in favor with a unanimous vote.**

### **9 West Main Street**

Present: Janet Shea

Ms. Shea said that she had just purchased the Clover Farm Market from Ms. Hurst and that she was interested in reopening as the Clover Farm General Store. She said that she wanted to offer beer, wine, candy, grocery items, such as milk and thought about preparing "to-go" items, such as sandwiches on the premise. Ms. Shea said that she had a vendor who would supply pre-packaged goods and had no problem with not preparing foods on site. She said she didn't want a big take-out menu but more so wanted to bring back the corner general store.

Mr. Grossman said that he noticed on Ms. Shea's application for Food Service Permit that she had listed 12 seats. Ms. Shea said that she was told the property had 12 seats. Mr. Grossman said that there was a Memorandum of Understanding (MOU) done between the Town of Groton BOH and Ms. Hurst stating that she was allowed 12 chairs not 12 seats and that those chairs could not be placed around the tables. Ms. Shea said that it was okay with her to not allow consumption of food on the premise. Chairman Horowitz asked Ms. Dunbar to supply Ms. Shea with a copy of Ms. Hurst's MOU so she could read what they were talking about. Mr. Grossman suggested to Ms. Shea that she make an appointment to sit down with Bridgette Braley of Nashoba and himself. Chairman Horowitz told Ms. Shea that they were here to support her and her business and told her that if she had any questions at all to see Mr. Grossman.

### **14 Cherry Tree Lane**

Present: Brooke Lambert, owner

Chairman Horowitz disclosed that Mrs. Lambert was a client of hers.

Mrs. Lambert was before the Board to seek a bedroom count deed restriction for a finished attic space. Mr. Grossman said that he had no objection to the finished space.

**Member Weber made a motion to approve the bedroom count deed restriction for the finished room on the third floor limiting the home at 14 Cherry Tree Lane to a four (4) bedroom home. Member Fleischer seconded the motion and all were in favor with a unanimous vote.**

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

##### **Rocky Hill Subdivision – Shared System**

Mr. Grossman explained that an agreement between the Town of Groton Board of Health and Fox Meadow Realty Corp. was sent to Town Counsel for review as instructed at the last meeting. DEP has decided not to review shared system plans any longer. It has been left up to the local boards to perform the review and approval processes. Mr. Grossman said that he was okay with the proposed changes to the shared system and asked if the Board wanted to approve the changes and issue new permits in a meeting. They were looking to re-route the sewer line and add an additional pump chamber.

Chairman Horowitz said that she would like to have them in to present the proposed changes for approval. She asked that they be placed on the August 6, 2012 agenda.

##### **Groton Inn**

Ms. Dunbar explained to the Board that Mr. Pergantis's attorney had sent a letter to the Town questioning the change of use determined by the Building Commissioner. Town Counsel was asked to respond to the letter. Mr. Grossman said that there was no current food service permit for the property and historically there was no record of a separate application having been filed for the Carriage House/Function Hall.

Chairman Horowitz asked about the alleged illegal landfill at the rear of the property and if anything was being done about it. Mr. Grossman said that the Board sent comment to the Planning Board but because Mr. Pergantis withdrew his application, no further investigation had been done and no further action had been taken. Mr. Grossman said that one option was to issue a new Order and have Mr. Pergantis in to discuss the issue. There was further discussion about whether or not a backhoe could dig up an area to see if anything was dumped there or if ground penetrating radar could be used to detect anything. The Board asked that Mr. Grossman look into ground penetrating radar and see how much it would cost to have it done.

##### **8 Cypress Road & Parcel on Georgia Road – Scira Properties**

No one was present

Mr. Grossman told the Board that he sent them some comments relative to the ZBA hearing regarding applications Mr. Scira had turned in for two (2) of his properties, 8 Cypress Road and a parcel on Georgia Road. He told the Board that Mr. Scira had been ordered to demolish the two (2) units and the reason for the application to the ZBA was that he wanted to retain rights to rebuild at a later date. Member Weber asked if they would be treated as new construction. Mr. Grossman said that they would but that it was a little more complicated than that.

**Chairman Horowitz said that she would entertain a motion to allow Mr. Grossman to send the memo regarding 8 Cypress Road and a Parcel on Georgia Road to the ZBA on behalf of the Board. Member Fleischer moved the above motion. Member Weber seconded the motion and all were in favor with a unanimous vote.**

##### **9 Westview Street**

Mr. Grossman said that the BOH had received a complaint for a couple of issues at 9 Westview Street to include a septic odor and a pool fence in need of repair. He said that a letter had been issued but that he was waiting for a couple of items to be attended to still. He asked the Board how they wanted to proceed in

order to obtain compliance. Chairman Horowitz asked that the owner be placed on the BOH agenda for Monday, August 6<sup>th</sup>.

**235 Riverbend Drive**

Present: Jeremy Fordham, Owner; Ursula Graf, broker

Mr. Grossman explained that it had come to his attention that a shallow well had been “replaced” on the property in May and he had issued an Order to either destroy the well or request a variance from the local well regulations. He said that shallow wells were not permitted by the BOH. Mr. Fordham said that the work was done prior to his purchasing the home at the end of June and that he wanted to do what was necessary to comply. Mr. Grossman said that he was happy to walk Mr. Fordham through the process. It was left that Mr. Fordham would contact Chelmsford Well Company, the installer, to obtain any information relative to the well that he could. Once a variance request is submitted, a future meeting date would be assigned.

Chairman Horowitz adjourned the meeting at 9:03pm.

Respectfully submitted,

Dawn Dunbar  
Land Use Assistant