



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

MEETING MINUTES
August 6, 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 7:05 pm in the Town Hall.

Permits Signed

Maple Ave, Lot 1; Maple Ave, Lot 2; 11 Townline Road; 6 Wyman Road, Lot 2; 54 Hill Road

Minutes

Member Weber made a motion to accept the minutes of July 16, 2012 as amended. Member Fleischer seconded the motion and all were in favor with a unanimous vote.

11 Townline Road – Present: Chad Falardeau, owner; Gary Shepherd, engineer

Mr. Shepherd explained that he was before the Board to request variances so as to upgrade the septic system at 11 Townline Road. He said the home was a 3-bedroom, it was zoned for B-1, and that the owner was currently running his landscaping business from the property. He said the soils were good and that they had good perk rates. Mr. Shepherd requested the following variances:

Groton Board of Health Regulations

Section I (A)(2): Deep observation holes for the determination for ground water elevation must be performed during the months of March and April for Class I soils. Soil evaluation was performed in December.

Section I (C)(11): Whenever a system requires a pump, the soil absorption system shall be pressure dosed. A Presby Enviroseptic Leach System is proposed, which cannot be pressurized.

Section I (E)(1): Leaching facilities must be 100-feet from wetlands. An offset of 79-feet to a wetland and 56-feet to a non-vegetated drainage ditch is proposed.

Section I (F)(1): Leach beds shall be sized at 150% of Title 5 requirements. The proposed leaching area is designed in accordance with the sizing specified in the Presby Enviroseptic approval letter.

Local Upgrade Approval

15.405(1)(h): The reduction of the required separation between the bottom of the soil absorption system and the seasonal high ground water level from five feet to four feet is proposed.

Mr. Grossman said he had no issues with the plan or the proposed variances. Member Weber asked how far the property was from town water. It was discussed and determined that town water might extend down Townsend Road only as far as Fieldstone Drive (Academy Hill subdivision).

Member Fleischer moved to grant the 4 BOH regulation variances and 1 local upgrade approval requested for 11 Townline Road in order to upgrade the septic system. Member Weber seconded the motion. All were in favor with a unanimous vote.

Member 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 shall be within 2 years from the date of the sewage disposal system failure unless otherwise ordered to "upgrade" at a sooner date. 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 3-bedroom house is to remain a 3-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.

Groton Convenience Store – Present: Mr. Patel, store manager

Ms. Dunbar explained that she had spoken with Mr. Patel earlier in the afternoon and was informed that he would not be able to make the meeting. Mr. Grossman said that as of this afternoon, he had not received any of the required contracts from Mr. Patel and suggested to the Board that they give notice of food license revocation. He said without a food permit, the public water supply non-compliance would not be an issue.

Mr. Patel arrived late to the meeting with a copy of a pest control agreement and maintenance agreement for the septic tank. He said that a plumber was going to be checking the line to the septic tank and fixing it as needed that week. He said that he had been in contact with the owner who gave him permission to sign a contract with Small Water Systems. Chairman Horowitz said that they needed a date in which everything outstanding was going to be completed. Mr. Patel said he could have it all done in 2-3 weeks. Chairman Horowitz said that anything that wasn't completed or supplied to the Board was to be done prior to their next meeting on September 17th.

366 Lost Lake Drive – Present: Luke Johnson, owner; Christian Walzel, abutter; Jeff Huslander, abutter

Mr. Johnson told the Board he thought he had made progress but again didn't do as much as he would have liked. He said his help bailed on him that past weekend due to the heat and he was unable to move larger items without their help. Mr. Grossman concurred that not everything was done but progress had been made. Mr. Walzel said that things were definitely moving slowly and he had growing concerns about the accumulating stuff on the Pine Trail property. Chairman Horowitz asked if it was more stuff had accumulated than two (2) weeks prior. Mr. Walzel said "yes." Mr. Johnson said that he was using the Pine Trail property as only a place to process.

Mr. Huslander asked if anything was being done about the fence. Mr. Grossman said that they had been concentrating on the stuff inside of the fence. Chairman Horowitz said it was their plan to clean and then work on the fence. Mr. Huslander said it wasn't the clean he thought it was going to be.

Mr. Grossman said that the cars needed to go and that the area discussed that the last meeting needs to be finished. Mr. Johnson said at the last meeting the trailer of lumber and insulation was not considered trash. Mr. Grossman said that everything on the trailers needed to be discarded. Mr. Grossman said that he would like to see the goal from the last meeting met to include the front and right hand side on the Lost Lake Drive side of the property and the cars to be removed.

The discussion was continued for two (2) weeks until the Board's meeting on August 20, 2012.

9 West Main Street, Clover Farm General Store – Present: Janet Shea, owner

Mr. Grossman said that Ms. Shea was present to discuss the issuance of a food service permit for the Clover Farm General Store. He said that Bridgette had met with Ms. Shea and conducted an inspection. He suggested that they discuss putting into place a Memorandum of Understanding between the BOH and Ms. Shea.

Ms. Shea said she had no issues with signing a Memorandum of Understanding and had no problem with having no seats available to patrons. Mr. Grossman said that as per Ms. Shea's request the food service permit would be limited to smoothies, coffee and prepackaged goods.

Member Fleischer made a motion to grant a food service permit to Clover Farm General Store subject to the conditions of an executed Memorandum of Understanding signed by the members of the Board of Health and Ms. Shea on August 6, 2012 as drafted. Member Weber seconded the motion. All were in favor with a unanimous vote.

15 Whitewood Road – Present: John Scira, owner; Attorney Bob Collins

Attorney Collins explained that he sent a letter a few weeks ago to the Board that Mr. Scira had contracted with RL Lagasse to install a water service to 15 Whitewood by the end of 2012. He said that the installation was very expensive and that Mr. Scira was faced with financial difficulties. He said that his client would install the water service by the end of the year but that any additional time the Board could offer would be welcomed.

Mr. Scira asked why the well couldn't be left alone as he had just installed a tight tank. Attorney Collins said that the well was only 48 feet from the tight tank and that a 50 foot offset was required under Title 5. Mr. Scira asked if he could move the tank. Attorney Collins said he thought that might cost more than installing town water. Mr. Grossman said that a variance could be requested in which case abutters would need to be notified, a public hearing held and if approved at the local level it would need to go to the State (DEP) for a final approval. Mr. Grossman added that because an as-built had not been submitted to him, the distance from the well to the tight tank was still undetermined.

Attorney Collins asked if the Board would consider continuing the discussion until their next meeting at which time he and his client would have additional time to cost out the various options available to Mr. Scira. Member Fleischer said that he would like to see a time certain given to the Board at the next meeting. Chairman Horowitz agreed and continued the discussion until their August 20th meeting at 8pm.

49 Valley Road – Present: John Scira, owner; Attorney Bob Collins

Attorney Collins said that he was looking for the Board to allow him to record for Mr. Scira a copy of a DEP approval letter from 1994 originally issued to the previous homeowner, Mr. Lewis. It had never been recorded as it should have been. Mr. Grossman said he had no problem with it being recorded now, just as long as it was done.

Member Weber made a motion to authorize Dawn Dunbar to have the letter attested by the Town Clerk that the 1994 letter issued by DEP to Mr. Lewis was found in the BOH file and is a true copy. Member Fleischer seconded the motion. All were in favor with a unanimous vote.¹

Rocky Hill Subdivision – Present: Attorney Bob Collins

Attorney Collins explained that he was before the Board because his client, David Moulton, Rocky Hill subdivision had to make a change to the shared system previously approved by DEP. When the change was brought to DEP for approval, they in turn said to bring it back to the local board for approval and said that they would no longer be approving these systems. Mr. Grossman had reviewed the proposed changes and had no problems with them. As part of the shared system, an escrow agreement between the developer, the town and the bank needs to be put in place whereas \$7K would be required to be deposited into a bank account yearly for 10 years. These funds would cover the cost of replacing the system should something happen down the road.

Member Fleischer made a motion to approve the modifications to the shared system at the Rocky Hill subdivision. Member Weber seconded the motion. All were in favor with a unanimous vote.

Member Weber made a motion to approve the escrow agreement as drafted for the shared system at the Rocky Hill subdivision. Member Fleischer seconded the motion. All were in favor with a unanimous vote.

The meeting was adjourned at 8:55pm.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant

¹ The 1994 Letter from DEP to Mr. Lewis was not a letter that was found in the BOH files; a copy was given to the BOH by Mr. John Scira. The Nashoba Associated Boards of Health files had a copy of the letter and the Town Clerk attested to that copy.