



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

**MEETING MINUTES**  
**October 1, 2012**

Board of Health Members Present:

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

Others Present:

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

Meeting Called to Order:

Chairman Horowitz called the meeting to order at 6:48 pm in the Town Hall.

**Permits Signed**

Culver Road, Lot A-2; 685 Martins Pond Road; 191 West Main Street; 176 Whitman Road

**Invoices Signed**

Nashoba Associated Boards of Health; Verizon Wireless; Custom Carrier

**Minutes**

**Member Weber made a motion to approve the minutes of August 6, 2012 as drafted. Member Fleischer seconded the motion and all were in favor with a unanimous vote.**

**Member Weber made a motion to approve the minutes of August 20, 2012 as drafted. Chairman Horowitz seconded the motion and all were in favor with a unanimous vote. Member Fleischer abstained from the vote.**

**Member Weber made a motion to approve the minutes of September 7, 2012 as amended. Chairman Horowitz seconded the motion and all were in favor with a unanimous vote.**

**Lost Lake Sewer – Present: Tom Orcutt; Carol Quinn, Rosemary Balquier; Angela Garger; Bob Rafferty**

Chairman Horowitz started by saying that the Board of Selectmen had asked her to speak at Town Meeting and that they needed to discuss their position on the town sewer article. Member Fleischer said that it certainly supported what they were trying to do to help failing septic systems in and around Lost Lake. Member Weber said that there seemed to be many people saying that sewer would cost too much money, that it was too complicated and that shared septic systems should be built instead. Ms Quinn said that the Lost Lake Sewer Advisory Committee had originally looked at shared systems but they would need lots of them and there wasn't enough available area. Ms. Blaquier of Woodard & Curran said that they had also looked at Groton Baptist Camp's field but that it would have been next to impossible. Member Weber asked

if it was fair to say that there was no other approach. Mr. Rafferty of Woodward & Curran said there was “no other approach.”

Mr. Grossman explained that he had been asked by Town Manager Haddad to draft connection requirement language and to present it to the Board for their approval. Chairman Horowitz said that she assumed they were not suggesting mandatory connections. Mr. Grossman confirmed. Chairman Horowitz said she thought the Lost Lake Sewer Advisory Committee had done a great job of informing the public but added that there were still a lot of people that were uninformed. Ms. Quinn said that a 10 page FAQ was being mailed out to every household in Groton and that this was the last chance to reach everyone and hopefully answer a significant number of questions. She said that there was a significant number of people in opposition due to financial concerns even with the town contributing 25% towards the project. Member Weber said that that would be the place where the vote would be won or lost and that the argument would need to be compelling.

**Member Weber made a motion to support the Lost Lake Sewer connection information in its current draft for representation at town meeting. Member Fleischer seconded the motion. All were in favor with a unanimous vote.**

**409 Old Ayer Road** – Present: Attorney Thomas Gibbons

Attorney Gibbons was present to represent his client, Jodie Gilson. He said that at the last meeting he had asked for an extension to the already issued septic permit that expired in August 2012. He was granted an extension through October 2, 2012. He said that he was happy to report that the equipment was on site and that they were going to begin digging the next day. He asked the Board for an extension through the end of October so that the work could be completed. Mr. Grossman had no issues. Member Weber asked how long the work would take. Mr. Grossman said “a couple of weeks.”

**Member Weber made a motion to extend the sewage disposal permit at 409 Old Ayer Road until October 15, 2012. Member Fleischer seconded the motion. All were in favor with a unanimous vote.**

**Clover Farm General Store** – Present: Janet Shea

Ms. Shea said that she was before the Board to ask to have her food service permit amended. She had contracted with a vendor who sold thaw & serve pies, bagels and soups. She said this would all be considered take out. Member Fleischer asked if she was heating the pies. Ms. Shea said no, she was selling them frozen. She did ask if it was okay to heat up a frozen cup of soup at the customer’s request. Mr. Grossman said that any pre-packaged food sold as take away was okay and within the limits of her food service permit.

**Lost Lake Sewer – discussion continued**

Mr. Grossman mentioned to the Board that the inter-basin transfer had not been approved by the state yet. Member Weber asked if they should formally vote to take a position on the project if the state had not approved the inter-basin transfer yet or wait until the state votes. Ms. Blaquier said that they had been before the Wastewater Resource Management Committee on September 13<sup>th</sup> and the official vote was going to be held on October 11<sup>th</sup>. She added that the staff had recommended to the Committee that it be approved.

**366 Lost Lake Drive** – Present: Luke Johnson, owner; Christian Walzel, abutter; Jeffrey Hulslander, abutter

Mr. Grossman reminded the Board that he was not present for their last meeting but thought that after visiting 366 Lost Lake Drive that day that not much progress had been made. Member Fleischer said that he drove by the property and thought that there appeared to be less stuff than when they started but that it was hard to judge the progress since their last meeting. Chairman Horowitz said that she had anticipated a better report. Mr. Grossman said that he was not sure what to recommend. The debris along the Lost Lake Drive roadside, debris in front of the house and the cars were all things Mr. Johnson was asked to remove a month and a half ago. Mr. Johnson said that he was surprised by the reaction and did not think they were on the same page. Member Fleischer asked what had been done over the last month. Mr. Johnson said that he had cleared out the area that was covered. Mr. Walzel, an abutter, said that he had the same concerns as always; that the property on Pine Trail was not becoming as "maxed out" as the Lost Lake Drive property had been. Mr. Johnson said that he wasn't sure what maxed out meant but that he was not violating any codes for rubbish and that the material was all things he was working on.

Chairman Horowitz suggested arranging a site walk so that they could all be on the same page. It was asked if Friday at 11am would work and if Mr. Johnson could not be present, would they have his permission to enter his property. Mr. Johnson said that he would see if he could be there and added that he had no problem if they entered his property without him being there.

Mr. Grossman said that he had received a complaint for material being dumped on a property on West Main Street. He said that the material was stuff that had come from Mr. Johnson's property on Lost Lake Drive. He said that he sent an order to the landowner to have it removed. Mr. Johnson was shocked by the complaint and added that he had permission from the landowner and the police to store the debris on the West Main Street property. Mr. Grossman said that because it was an issue with the Board of Health because it was not building material, it was refuse and an order to remove was being sent to the landowner. Mr. Johnson said that he had spoken to the Building Commissioner about the material. Mr. Grossman asked if the Building Commissioner had seen the material in question. Chairman Horowitz asked for Ms. Dunbar to speak with the Building Commissioner and request his opinion as to whether it's buildable material or not.

Chairman Horowitz continued the meeting until November 5<sup>th</sup> at 8:00pm and asked in the meantime that a letter be requested from the Building Commissioner. A site walk would be conducted on Friday, October 5<sup>th</sup> at 11am. Mr. Hulslander asked if the Building Commissioner could be asked to attend the site walk. Chairman Horowitz said that they could ask if he was available but that they could not require him to go.

Member Weber asked what Mr. Johnson was building on the West Main Street property. Mr. Johnson said "nothing, just storing the material there." Member Weber asked Mr. Johnson what he was planning on doing with the material. Mr. Johnson said that he was going to restore the roof and repair the building at 366 Lost Lake Drive. Mr. Grossman said that a previous application for a building permit had been denied due to the amount of debris around the house.

#### **Groton General Store – Present: Piyush Patel**

Mr. Patel told the Board that the water sample had been taken and tested and everything came back fine. He said that he had completed everything asked of him in letters dated August 1 and August 31, 2012. Mr. Grossman said that he had asked for contracts to be obtained and for copies of the contracts and to date had not received those contracts. Mr. Patel said that he had called a plumber whose price was too high and thus that was the only outstanding item. Member Weber asked if Mr. Grossman had received proof that the condensation lines to the chiller units could not be piped to the septic system, if he had received an as-built and certificate for the industrial waste tank and septic tank and if Mr. Patel was in compliance with the state water requirements. Mr. Grossman said that he had not received any of the above mentioned. Mr. Patel said the tank had not been certified because he did not know who to contact. Mr. Grossman suggested contacting Russ Wilson, the engineer that designed and installed it.

Chairman Horowitz asked what the consequence should be if it was not completed by the November 5<sup>th</sup> meeting. Mr. Grossman recommended that the food service permit not be issued and that the General Store be returned to a retail only permit once everything had been completed. The Board accepted the recommendation and told Mr. Patel that they would continue the discussion until November 5<sup>th</sup> at 8:15pm.

**5 Baby Beach** – Present: Stan Dillis, engineer; Joe Ferguson, abutter; Timothy Jones, abutter

Mr. Dillis said that he was before the Board on behalf of the property owner to upgrade the septic system on the property with a tight tank. The best location for the tight tank due to the size of the lot was along the property line with the use of a retaining wall. Mr. Dillis said that they had received an Order of Conditions from the Conservation Commission. Mr. Dillis requested the following Title 5 Local Upgrade Approvals:

310 CMR 15.405 (1)(a): To all reduction of system location setbacks for property lines.  
Tight Tank to property line - Required: 10 feet Proposed: 3 feet

310 CMR 15.405 (1)(b): To allow reduction of system location setbacks to a cellar wall.  
Tight Tank to cellar wall - Required: 10 feet Proposed: 5 feet

310 CMR 15.405 (1)(f): To allow reduction of system location setbacks to surface water.  
Tight Tank to surface water - Required: 25 feet Proposed: 13 feet

Mr. Grossman said that it had been reported to him as having no plumbing which would make it non-habitable. He said to consider it as an upgrade; they would have to look at the past use. If there was in fact no plumbing, it would be considered new construction. If it was used on a seasonal basis as indicated by the owners, it had a “structure” label and would be considered an upgrade. Chairman Horowitz asked Mr. Dillis if there was presently plumbing there. Mr. Dillis said that there was no plumbing but added that town water was available on Baby Beach Road.

Mr. Ferguson, an abutter confirmed that there was no plumbing and added that the electrical meter had not moved in 3 years. He said that he didn’t want to see a tight tank that close to the lot lines as he was the abutter on the other side of that line. Member Fleischer asked if it would be eligible to connect to town sewer if it was passed at town meeting. Mr. Grossman said that it would be something that the Board would have to decide.

Member Weber asked if they were paying taxes on the property as if it had a habitable structure. Mr. Dillis said “yes.” Member Weber stated that the town should not charge a landowner for a habitable property and then claim and treat it as inhabitable during the same time period. Chairman Horowitz said that they should request a ruling from the building inspector as to whether or not it’s abandoned or not. She added that in light of this, they could not vote that evening.

**Member Fleischer moved to continue the hearing indefinitely until such time the issue is worked out with the owner and the assessor. Member Weber seconded the motion and all were in favor with a unanimous vote.**

**235 River Bend Drive** – Present: Jeremy Fordham, owner

Mr. Grossman explained that Mr. Fordham was before the Board to request a variance for an irrigation well that had been installed by the previous owner without a permit. Mr. Fordham said that the original irrigation well had been installed in 1993 and a repair had been made to the well in May of 2012. Mr. Grossman said that Mr. Fordham was trying to make the well complaint. Mr. Grossman had no objections to the request.

**Member Fleischer made a motion to grant the requested variances for the irrigation well at 235 River Bend Drive in a letter dated 9/10/12 with the following condition: if the irrigation well fails, a deep well will be installed.**

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

**182-184 North Street** – Present: Roxanne Caldwell, owner; Stacey Kauppi, tenant; Ray, tenant

Mr. Grossman explained that he had conducted an inspection at 182-184 North Street as requested by the tenant on August 31, 2012. He said the purpose for the discussion was because the owner had requested an appeal. He added that the appeal period had expired and was only for 7 days after issuance of the order. Member Fleischer stated that the letter wasn't asking for anything and looked for clarification. Mrs. Caldwell, the property owner said that she was looking for an extension. Mr. Grossman asked what items she was asking to have extended. Mrs. Caldwell after a brief discussion said that she was looking to have an extension on everything. Mrs. Caldwell said that she was unable to gain access to the apartment. Mr. Grossman asked Ms. Kauppi, the tenant if she was allowing Mrs. Caldwell to access the apartment. Ms. Kauppi said that she was. Ms. Kauppi added that they currently had no heat. Mrs. Caldwell said that the tenant had taken the furnace apart. Ms. Kauppi added that it was at the owner's request. Mr. Grossman said that the furnace needed to be inspected and fixed by a licensed professional within 24 hours from the time of the meeting. Chairman Horowitz added that that deadline could not be extended. Ray, the other tenant, said that they could smell septic gases in the house. Chairman Horowitz said that a septic company would need to look at the septic system within the next 24 hours. Chairman Horowitz asked if the rest of the uncompleted items should be given a 30 day extension or a two (2) week extension. Mr. Grossman recommended two (2) weeks as the owner had already had 30 days and nothing had been completed. Chairman Horowitz asked why things had not been done over the past 30 days. Mrs. Caldwell said that because things were tense with her daughter, the tenant, and that she had been doing her best.

**Member Fleischer made a motion to grant a two (2) week extension to Mrs. Caldwell with the exception of the following items which were to be completed within 24 hours:**

1. Heat
2. Septic system

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

**Agricultural Commission** – Present: George Moore, Meredith Scarlet

Mr. Moore explained that it had been suggested by the Planning Board that the Commission talk with the Board of Health and ask if the Board would take a position on the Zoning Amendment article that would be presented at town meeting by the Agricultural Commission. He said that they were not looking to make a lot of changes. They were looking to remove the special permit requirements in order to make it easier for agricultural businesses to obtain permits.

Ms. Scarlet said that agricultural labor housing should be added to the regulations. She added that the Planning Board felt that it was a substantial change to remove the need for special permits. Chairman Horowitz asked what the Planning Board's concerns were. Ms. Scarlet said that the Planning Board was afraid of large pig farms being allowed to surface in town and afraid that the BOH and building department would be cut out of the permitting process. Mr. Moore added that they were also afraid that by removing the need for a special permit that the abutters would have no recourse.

Chairman Horowitz said that she was an abutter advocate and would want to see abutters continue to be able to voice their opinion. Ms. Scarlet said that the Planning Board would be continuing their discussion at the meeting on Thursday evening. Chairman Horowitz said that she would attend. Mr. Moore asked if they could get something in writing from the Board that they had no objections. Member Weber said that they would have a member of the Board present at the Planning Board's meeting on Thursday. Chairman Horowitz said that she wanted to hear the Planning Board's objections prior to making a decision.

**Mosquitoes**

Ms. Dunbar said that she placed this topic on the agenda as requested by Chairman Horowitz to see what the Board's thoughts were on holding an information meeting with a presentation by Central Mass Mosquito Control Project (CMMCP). Member Weber said that he was in favor and thought it was a good idea to have a yearly update from CMMCP even if the town decides not to participate in the program.

**Lost Lake Sewer**

**Member Weber made a motion to accept the connection requirement language as written and further moved to authorize Ms. Dunbar and Mr. Grossman to work together to replace the term "the Groton BOH" with a better term.**

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

Chairman Horowitz adjourned the meeting at 9:30pm.

Respectfully submitted,

Dawn Dunbar  
Land Use Assistant