



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

MEETING MINUTES
November 19, 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 7:00 pm in the Town Hall.

Permits Signed

219 Reedy Meadow Road; Tavern Road, Lot 1; 87 Skyfields Drive; 33 West Main Street

Minutes

Chairman Horowitz moved to accept the minutes of 11/5/12 as edited. Member Weber seconded the motion and all were in favor with a unanimous vote.

8 Hazelwood Ave – No one was present.

Mr. Grossman said that they had received a letter from Attorney Bob Collins that Mr. Comeau had contacted Goldsmith, Prest & Ringwall to design a system for 8 Hazelwood Ave. Mr. Grossman said that they had requested to meet with him on December 5th. He said that he would place them on the January agenda if they didn't move forward with the design as the letter suggested.

15 Whitewood Road – No one was present.

Mr. Grossman said that the Board had approved the use of a tight tank on the property with the condition that if town sewer was not approved by a town meeting, a shared system would have to be installed. He said that the tight tank was approved as an interim measure and still had not been signed off on; Mr. Scira was to decommission the existing well and hook-up to town water as part the conditions. Mr. Grossman added that two (2) of Mr. Scira's other properties had housing code violations that had not been rectified. Chairman Horowitz said that in a letter from Attorney Collins, Mr. Scira would hook-up to town water by May 1, 2013. She asked that a letter be sent to Mr. Scira informing him that if he had not connected to town water by May 1, 2013, the Board would pursue appropriate legal action.

7 Hazelwood Ave – No one was present.

Mr. Grossman said that a verbal approval was given for an emergency well replacement. The work had been completed but the paperwork was only semi-completed. He said that a letter was sent requesting that a water quality test and septic location plan be submitted and that without that, the septic was considered to be in failure because he believed the well to within 50ft of the septic system. Chairman Horowitz asked that another letter be sent to the homeowner stating that because we didn't have a sketch showing the location

of the septic system, our records indicated that the system was considered to be in failure by definition. Mr. Grossman said that he was going to send Mr. Bob Tupper of The Wash Well Company, the installer, a letter also.

Bliss Bakery – No one was present

Mr. Grossman said that Bliss Bakery had inquired as to whether or not they could open up a temporary retail only shop at Riverdale Farm from December 1 – December 25. He explained that the farm stand did not have a sewage disposal system. They have a porta-toilet and are serviced by town water. Mr. Grossman said that he would not recommend that they be granted permission to sell prepackaged foods without having the proper the facilities on site. Member Weber asked why he would not be okay with a temporary permit. Mr. Grossman said that he is very uncomfortable with temporary permits because they always morph into something more. Member Fleischer was concerned about the lack of washing facilities. Member Weber thought they should consider constructing a temporary permit in an effort to support local business. Member Weber suggested that all goods be packaged off site and that no food was to be open on the premise. Mr. Grossman added that proper refrigeration would need to be present. Chairman Horowitz added that the dates needed to be specific, December 1-December 25 as stated on the Form of Intent. Mr. Grossman said that he would be comfortable with that solution, temporary retail only permit for the dates specified by Chairman Horowitz for the sale of prepackaged baked goods only.

Member Weber made a motion to allow Bliss Bakery to obtain a temporary, retail only food service permit for December 1 - December 25 to sell goods at Riverdale Farm. All items sold must be delivered as prepackaged off premise and must not be opened once on the premise. Member Fleischer seconded the motion. All were in favor with a unanimous vote.

11 Cedar Road – Present: Frank Wojtas, owner

Mr. Grossman told Mr. Wojtas that because sewer had been voted down by the recent town meeting, he was going to have to begin the process of upgrading the septic system. Mr. Wojtas said that he had contacted an attorney to sort out some other details relative to the septic. Mr. Grossman said that this failure went back to the previous owner. Mr. Wojtas handed Mr. Grossman the results of a new water test. Mr. Grossman said that the nitrates were above the minimum levels but an improvement. Mr. Wojtas asked if a tight tank was an option. Mr. Grossman said that if a conventional system could not be placed on the property then a tight tank would be a viable option. Mr. Grossman said that he would like to see an application for soil testing soon and a permit to be issued in the early spring.

Member Weber moved to grant the property owners 90 days to provide engineered plans to the Board. Member Fleischer seconded the motion. All were in favor with a unanimous vote.

Mr. Wojtas was asked to return to the first Board of Health meeting in March.

14 Paul Revere Trail - No one was present.

Member Fleischer moved to approve the letter to 14 Paul Revere Trail as drafted and further moved that it be sent to the owner. Member Weber seconded the motion. All were in favor with a unanimous vote.

Trash Hauler Hours

Ms. Dunbar explained that she had received an inquiry from Waste Not as to whether or not they could start collecting trash at 6am instead of 7am. Chairman Horowitz asked that more information, with regard to local bylaws, be gathered and that they could discuss it at their next meeting.

SDS – Davis System

Chairman Horowitz explained that she had received a call from Selectman Jack Petropoulos inquiring about the Davis System. Mr. Dan Wolfe said that Harold Davis had developed this system 10-15 years ago but he

wasn't sure if it was allowed for use in Massachusetts. Chairman Horowitz told Ms. Dunbar that she may get a call from Selectmen Petropoulos requesting an appointment with the Board to discuss the Davis System.

366 Lost Lake Drive – Present: Luke Johnson, owner; Christian Walzel & Jeff Hulslander, abutters

Mr. Johnson said that he had spent the last two (2) weeks attending to the plywood at the rear of the house. Chairman Horowitz said that they had been asking since the spring to have the wood pile removed. Mr. Johnson said that he had been burning it. Mr. Grossman said that it was wood waste which was considered rubbish and should not be burned. He said that wood waste burns dirty and creates more carbon dioxide. Mr. Johnson said that it burned fine. Member Fleischer asked if it could be sorted and restacked and added that aesthetics was not their focus. Mr. Grossman said that it was currently up against the house which was a big concern for him. Chairman Horowitz asked if there was anyone at the State they could contact for a determination.

Mr. Hulslander said that he had not noticed any change from the last meeting. Mr. Johnson said that everything was now behind the fence and could not be seen from the road. Mr. Grossman said that the main objective was still to have the property cleaned and free of rubbish/refuse. He said that did not have compliance with that to date. Mr. Johnson argued that it was not rubbish and didn't feel it should have to be removed. Mr. Grossman said that all they seemed to be doing was going round and round at this point and that the Board needed to determine whether or not the wood waste was rubbish or not. He said that the code was very clear in its definition. Mr. Grossman said that Board of Health was the final authority on defining the material. Discussion ensued on how to proceed with the pile of wood. Chairman Horowitz said that because they had come to an impasse, they would by their next meeting have obtained a determination from DEP. She said that if DEP determined that it was an environmental hazard, it would be the Board's decision on how to proceed.

Member Fleischer moved to continue the discussion for two (2) weeks until their next meeting. Member Weber seconded the motion and all were in favor with a unanimous vote.

33 West Main Street – Present: Dan Wolfe, engineer; Tom Delaney, DPW Director; George Wheatley

Mr. Wolfe said that he was before the Board on behalf of the Town of Groton to request variances in order to upgrade the septic system at 33 West Main Street, Squannacook Hall. Mr. Wolfe said that because Squannacook Hall had many uses over the years, he was asked by Tom Delaney to get it back to a usable piece of property. He said that it was a small lot, about 1.4 acre and that there were wetlands out back. The existing system consisted of a single trench and the septic system was found to be located under the handicap ramp. The building had a posted occupancy of 176 people which they found may have been used many years ago as a theatre requiring 528 gal/day. The usage would be equivalent to a four (4) bedroom. Mr. Wolfe was proposing the use of a Presby system as well as the following variances and local upgrade approvals:

Local Upgrade Approval

- 15.405(1)a – Reduction of the Septic Tank setback from the Property Line from 10' to 6'.
- 15.405(1)b – Reduction of the Septic Tank setback from the Cellar Wall from 10' to 4'.
- 15.405(1)k – Two deep holes required per disposal area. One deep hole provided.

Groton Board of Health Regulations

- Chapter 315-1.E – A 5' Groundwater offset is required. A 2' offset is proposed with the use of the Presby Enviro-Septic Pipe.
- Chapter 315-3.K – Whenever a system must be pumped, the soil absorption system shall be pressure dosed. The Proposed Presby Enviro-Septic System cannot be pressure dosed.
- Chapter 315-5.F – A minimum of 35' must be available between the edge of any street and the entire exterior perimeter of any proposed leach area. An offset of 23' is proposed.

- Chapter 315-5.G – A minimum of 20' must be available between any property line and the proposed leach area. A 10' offset is provided.
- Chapter 315-6 – Leach beds shall be sized at 150% of Title 5 requirements. The proposed leach bed had been sized in accordance with the Presby Enviro-Septic sizing requirements.

Mr. Grossman had no concerns. His main question was relative to the use and a theatre sounded like a reasonable use. Mr. Delaney said that he didn't know what the final use would be but they needed a functioning system to be able to determine that. Mr. Wolfe said that a local theatre group had expressed interest in the property. The system only allowed for 528 gal/day and could only be converted to a four (4) bedroom should the town want to do that.

Member Fleischer moved to grant the variances as requested for 33 West Main Street in a letter dated October 4, 2012 by David E. Ross Associates. Member Weber seconded the motion and all were in favor with a unanimous vote.

Chairman Horowitz adjourned the meeting at 8:50pm.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant