



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

MEETING MINUTES
March 18, 2013

Board of Health Members Present:

Dr. Susan Horowitz, Chairman
Robert Fleischer, Member
Jason Weber, 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 7:05 pm in the Town Hall.

Minutes

Member Fleischer moved to accept the minutes of January 7, 2013 as edited. Member Weber seconded the motion. The motion carried unanimously.

Other Business

Member Fleischer said that he attended the NABH quarterly meeting. He said one point that was raised was for the local BOH's to make sure their fees were adequate to cover review of documents and plans that DEP would no longer be covering. He said they also talked about medical marijuana and how the only way to prevent a dispensary from coming to towns was through zoning.

8 Hazelwood Ave – Present: Attorney Bob Collins; Nicholas Paulding, GPR, Inc.

Mr. Collins said that he and Mr. Paulding were present on behalf of John Comeau to request variances in order to upgrade the septic system. He said that the property was surrounded by water and that the groundwater was not far below the surface. He said that they were proposing a tight tank for the two (2) bedroom seasonal cottage. He added that they were going to be before the Conservation Commission on April 9th. Chairman Horowitz asked how high the groundwater was and how far the tight tank would be from the lake. Mr. Paulding said that the water was less than 1ft above the lake and the tank was 26ft from the lake which met the 25ft offset. Chairman Horowitz asked if a barrier was going to be used. Mr. Paulding said that there was no barrier adding that four (4) steps would be taken out and a wall would be installed. Chairman Horowitz asked if there was any way to help protect the tank from leaking. Mr. Paulding said that the proposed tank was a monolithic tank (made out of concrete) with the seam higher up on the tank. Chairman Horowitz asked if it could be examined every year. Mr. Grossman said it could be built into the Operation and Maintenance plan that once a year when it was pumped it would have to be inspected.

Member Fleischer moved that the Board grant the variance as requested in a letter dated March 18, 2013 from GPR, Inc. for 8 Hazelwood Ave as requested along with the requirement that a yearly inspection be done and submitted to the Board of Health. Member Weber seconded the motion. The motion carried unanimously.

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 6 months from 3/18/13. 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 2-bedroom house is to remain a 2-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.
10. A yearly inspection of the tight tank is required and written proof of said inspections shall be submitted to the Board of Health.

154 Farmers Row - Mr. Bardwell Salmon, owner

Mr. Grossman said that the state required bed and breakfasts were required to have motel licenses. He said that the Sunset Farm Bed and Breakfast had been there for years and he was looking to see that they were brought into compliance.

Member Fleischer moved that the Board issue a motel license to Sunset Farm Bed and Breakfast on Farmers Row. Member Weber seconded the motion. The motion carried unanimously.

30 Kaileys Way – Present: Mr. Bridge, owner

Mr. Bridge explained that he wanted to add an additional room in an addition off the living room to be used as a piano room. Member Fleischer asked how many bedrooms there was and how large the addition was. Mr. Bridge said there were four (4) bedrooms and the proposed addition was 18x16. Mr. Grossman said that he had no issues and because of the room count he was required to request a deed restriction to limit the number of bedrooms.

Member Weber moved that the Board approve the request for a deed restriction for an addition on the property located at 30 Kaileys Way for the use as a piano room adding that the difference between the two (2) plans presented was strictly placement and had no relevance with this approval.

There was a brief discussion about having a cased opening so as to not provide for privacy.

Member Fleischer seconded the motion. The motion carried unanimously.

158 Hill Road - Present: Eric Jackel

Mr. Jackel said that he was in the process of adding a 20x24 addition to their home. He said that originally they had no intention of finishing the lower level at this time but things had changed during the process and they now wanted to finish the lower level for use as a playroom. He said that they bought the home believing it was a four (4) bedroom as it was represented but had just found out that it was actually only a three (3) bedroom. He said that Mr. Grossman told him that a deed restriction was one way they would be able to finish the lower level within a reasonable timeframe. Chairman Horowitz asked if there was anyway the Board could help. Mr. Grossman said that he had gone over a couple of options with Mr. Jackel but that the true approved capacity was for three (3) bedrooms. Discussion about the bedroom count misrepresentation ensued briefly.

Member Weber moved that the Board accept the request for a deed restriction for 158 Hill Road for the finishing of an addition. The home is to be restricted to three (3) bedrooms. Member Fleischer seconded the motion. The motion carried unanimously.

Member Weber moved that the Board ask the Seller's agent to come before the Board at their next meeting. Member Fleischer seconded the motion.

Member Weber amended his original motion to include having the Title 5 inspector invited to attend also. Member Fleischer seconded the amended motion. The motion carried unanimously.

West Main Street – Fucillo Property / 366 Lost Lake Drive

Chairman Horowitz said that she had spoken with Richard Fucillo in response to the last letter they had sent him. He said that he was unaware of Mr. Blouin's plans and of the debris that had been deposited. She asked if they should consider filing in court. Mr. Grossman said that the Board had decided to give Mr. Johnson and Mr. Blouin until May 6th at which time they could make a decision. Chairman Horowitz said that if nothing had been done by May 6th, it was her inclination that they should be prepared to file the necessary paperwork with the courts. She asked how they go about condemnation of the home at 366 Lost Lake and whether or not that was the responsibility of the building department. Mr. Grossman said that it was easier for the Board of Health to condemn the structure. Member Weber asked if they should be trying for progress during the nice weather and revisit the condemnation discussion in the fall. Mr. Grossman said that the house was unsafe adding that clean-up needed to happen.

78 Maplewood Ave

Ms. Dunbar explained that she had been contacted by the current owner to request that the Variance Approval Letter be amended to read that the property be restricted to seasonal use unless plans for another use are reviewed and approved by the Board of Health. The Board had no problem with the requested change.

Chairman Horowitz adjourned the meeting at 8:30 pm.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant