



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

**MEETING MINUTES
October 7, 2013**

Board of Health Members Present:

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

Others Present:

Nashoba Associated Board of Health Agent Ira Grossman
Margot Hammer

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:00 pm in the Town Hall.

Old Business:

Mr. Grossman gave an update of Mr. Scira in court, noting that the judge did not appear and nothing was resolved. He said Mr. Scira told him he would hire a new engineer to redesign the septic, noting that Mr. Scira said he had no memory of being told he couldn't re-rent the properties. Discussion ensued regarding how to deal with reminding him.

Title V regulations/fee: \$25 fee to be charged by Nashoba and provisions as to changes in State regulations related to Title V inspections were discussed. Mr. Grossman said Nashoba gets hundreds of Title V inspection requests. **Member Horowitz suggested a provisional approval with information in the next packet and made a motion for such. Member Fleischer seconded and the motion passed unanimously.**

Update: the shared septic system at the James property next to Myette's. Mr. Grossman said there has been nothing in writing regarding reparations to the septic system such that the situation is in limbo. He said that ultimately, the owner would be told to discontinue use of the system without resolution.

Bills Signed: Terracon, Verizon Wireless x2, Nashoba Ass. Boards of Health

Permits Signed:

Rosenberger, 170 Old Ayer Road.; Alcott , Anthony Drive, lot 1.

89 Boathouse Road-Rosa

Present: No one was present: a letter requesting more time was submitted

SDS compliance is at issue. Member Horowitz disclosed that she is on the Lost Lake Sewer Advisory Commission with Mr. Michael Rosa.

Mr. Grossman said that Atty. Collins submitted a letter asking for more time, noting that the owner will not use the property until all issues are resolved. He said this has been going on for six or seven years and there are significant issues. Member Horowitz said that if town water is brought down it would be a big help. She then suggested revisiting this in April before summer prep begins. Of note: this is a seasonal property. Member Fleisher said he does not have a problem with an April meeting.

Member Horowitz made a motion to continue the hearing to April 2014. Member Fleischer seconded and the motion passed unanimously.

Squannacook Hall

Present: Dan Wolfe, engineer, Chris Brown, partner in purchase; Michelle Collette, Town Planner

Dan Wolfe said he was contacted by Halsey Platt about his intent to buy Squannacook Hall, noting that the plan is to make four apartment units. He said he was before the board about a year ago and there were no retrievable files about capacity of the building. He said he looked at the historical use: function hall, boy scouts, etc., noting that Title V for a function hall is 15 gallons/day/seat. He said that a seat average is 176 and if one does math, the septic size would be ridiculous for a lot that size. He said he also looked at theater/auditorium, and those seats are 3/gal/day which equals 528 gallons per day. 2640 to 528 is the range in gallons /day. He said he went with the lower estimate and if the new proposal is five bedrooms it would require a 558 gallon per day system. He said the system seems to be under-designed by about 22/gal/day, which could be rectified with an increase of as little as one foot in width and with that change could handle the capacity of a five bedroom use. He said this is not an increase in flow, noting that if the system has to conform to Title V in all ways then there isn't room. He stressed that a 550-gallon replacement system is doable and if the BOH agrees that 550 gallons is acceptable flow for future use then they can move forward.

Member Fleischer asked whether if Mr. Wolfe had designed for 550 last year, then would he not need to be here now.

Mr. Wolfe said that was correct, noting that the Town Manager was concerned that the site didn't have enough space so they went offsite to talk and test on the Wheatley's property. He said that although Mr. Wheatley was initially cooperative, he decided he didn't want someone else's septic system on his property. He said they did a test hole on the hall site and got good percs, noting that they can have the driveway and parking area as is and it will work. He stressed that they have somewhere to put the

system, although there isn't room for a large system and thus they settled last year on the 528 level, for a theater/auditorium.

Mrs. Collette said the PB voted unanimously to endorse town meeting approval of the concept plan. She said it was originally built as a fire station and used as a senior center where five meals per week were served, prior to the reuse of the VFW for a Senior Center. She said other community groups ran out of Squannacook Hall, noting that a feasibility study of total renovation of the hall was done about five years ago. She said septic was one of the show stoppers, stressing that this is a very important historical building and noting that Halsey Platt and Chris Brown will do right by the building on a historical level. She said that if the building didn't sell, the town would have to demolish it. She said that West Groton needs affordable market rate housing, noting that she hopes the BOH can think creatively to make this work under Title V.

Member Horowitz asked why Mr. Gross has a problem with this.

Mr. Grossman said the only permit found was for 40 people capacity in 1980 with a cesspool and thus they should meet the full compliance requirements because this is much bigger and a different use. He also noted that parking should not be over a leach field if avoidable and said they would be putting pavement over most of the lot for parking. He said the building has never been used for apartments or dwelling unit/s, noting that it could be four one-bedroom units. He stressed that there is a big difference between new construction and an upgrade.

Member Fleischer said the difference between four and five bedrooms doesn't affect new use versus upgrade.

Mr. Grossman said that is correct, but four bedrooms meets the design criteria of last years design, noting that there are other issues too.

Chris Brown said he wants the project to work if it is financially feasible, noting that the building needs a lot of work.

Member Fleischer said a new system hasn't been built and thus he feels differently about expanding the design rather than upgrading an existing system.

Member Weber said the board approved a system last year, which was an upgrade of an existing use.

Mr. Grossman said it was a five-foot offset rather than two.

Member Weber said he feels this is a net benefit to the public so the board should make it a go, in order to preserve the building, noting that although a theater would benefit the town as a whole, housing is an important benefit to a few.

Mr. Wolfe said they would be increasing the housing stock.

Member Weber said it is a net net benefit to the Town, as a summary of Mr. Wolfe's request.

Member Fleischer said that even with the septic approval from last year, it does not mean the town would spend the money in maintenance/upkeep.

Mr. Wolfe said there is not a lot of parking there, noting that the system is specifically designed knowing there would be traffic over it. He said that if calculations for 40 people in a function hall were used, they would need 600 gallons and this is less.

Member Weber said that if the site is marginally okay at 528 and there is a jump up 4% to 550 gallons, what happens to that system in terms of impact.

Member Fleischer expressed concern about whether it falls under the different use category and thus needs to comply as new construction.

Mr. Grossman said he feels that four separate units with appliances that could be going at the same time is very different than a function hall, creating a different stress on the system.

Mr. Wolfe said a bedroom doesn't really put 110 gallons down the drain and other safety factors are built into the design. He said the peak use in the past was with a cesspool, with none of the environmental safeguards like today. He stressed that the use would not be greater than 550 gallons.

Member Fleischer said he understands what Mr. Grossman is saying but feels it is unrealistic to assume all systems are uniform.

Member Weber asked what a worse case scenario would be, such as that it gets built and the system dies, asking what the recourse would be if it is paved over.

Mr. Wolfe said this is like any number of lots in Lost Lake, whereby they are excavating out the old system to replace with better technologies. He said the board faces the same thing with any upgrade.

Member Weber asked about four bedrooms instead of five.

Mr. Brown said he hasn't done a feasibility study for four, noting that he may not be interested. He said five might not be feasible either.

Member Weber asked whether they could continue and ask for a four-bedroom review.

Mr. Brown said he would have to ask his partner, noting that he doesn't want to get too involved if it is not going to move forward.

Member Fleischer said that if the board determines a change in use then he wouldn't have to make a decision about number of bedrooms.

Mr. Grossman said the short answer is what capacity was approved last year is where it should stay. He said he doesn't care about a change in use per se but wants to keep it in the range of the last approval.

Member Weber asked what the biggest sources of flow are.

Mr. Grossman said washing machines, dishwasher and then showers.

Discussion ensued regarding whether washers/dryers should be provided and how this change could affect notification of abutters.

Mr. Wolfe said abutters were notified about the variance hearing, noting that no variances have changed with the one-foot wider system for five bedrooms.

Discussion ensued regarding where lot lines between the church and hall lie and church parking issues.

Mrs. Collette said one-advantage of four units with one with two bedrooms is that rental housing for parents with a child would be available. She said there is so little rental housing available in town that the social good for the community is compelling.

Mr. Grossman said that is not a guarantee that the units won't become condos in the future.

Mr. Brown said he would like to see the building saved, noting that they will have a big mortgage.

Member Fleischer said he has no problem with the slight increase and in fact doesn't think it is an increase because it is not a built system.

Member Fleischer made a motion to approve the increase in capacity to Squannacook Hall to 550 gallons for a five bedroom residential use.

Member Weber said a town official came before the board making a compelling argument that the town needs this housing.

The motion was seconded and passed unanimously.

Central Mass Mosquito Control Project

Present: Tim Deschamps, engineer

Discussion ensued regarding what type of presentation is made at Town Meeting.

Mr. Deschamps said that it is best if someone from the BOH makes a presentation and introduces him.

Discussion ensued regarding how to present and who should present.

Member Weber discussed some of his ideas on how to present.

Member Fleischer said spraying isn't the primary function but is why the board is in favor of this process, to reduce the mosquito population.

Member Horowitz said the beaver control issue is a big benefit and will be a big selling point.

Mr. Deschamps said removing beavers reduces mosquito habitat and also helps preventing septic system failure. He said the main goal is to live with beavers as best as possible so the idea is to do dam breaching and water level controls.

Member Weber asked to be sent his presentation.

Discussion ensued regarding how the service works and who is notified.

45 Nate Nutting Road-Elwood 2008 Family Trust

Present: Dan Wolfe, engineer

Mr. Wolfe said his clients have a failing septic system, noting that there is a lot of ledge on the property. He said he found a good area for a replacement system but it requires two variances: one for out of season ground water testing and the second for depth of soil present. He said they have 52 inches of soil, which is in excess of Title V but not the town regs, noting that this is the only location where the system can come into compliance. He also noted that when the variance request letter was sent, a mistake was made and thus he wants the latest letter submitted 10/7/13 referenced.

Mr. Grossman said Mr. Wolfe is correct that it is the best place and makes it compliant.

Member Fleischer made a motion to grant the variances as requested for 45 Nate Nutting Road:

Groton Board of Health Regulations:

Section 1.A.1 - Two (2) groundwater observation holes and two (2) percolation tests must be performed on each lot to prove suitable primary and expansion area for each lot. *Proposed: one percolation test provided.*

Section 1.C.8 – At least five feet (5) feet of naturally occurring pervious materials must be in place over ledge; fill shall not be used to meet this requirement. *Proposed: Fifty-two inches (4.33 feet) of naturally occurring pervious material exists at the proposed leaching area site. Bottom of soil absorption system to be constructed approximately 5 feet f inches (5.44') above ledge.*

The motion was seconded by Member Horowitz and passed unanimously.

Standard Conditions:

The Board of Health granted the variance with the following 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 activities (or related activities) 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 permit 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. If the project is not completed, including issuance of a Certificate of Compliance, within two (2) years from the date of sewage disposal system permit failure, it is the responsibility of the applicant to request an extension. The Board of Health may grant extensions for additional time provided that the applicant submits a written request for renewal no later than 30 days prior to expiration of the permit.
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 three-bedroom house is to remain three-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 certified copies of the variance 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.

14 Paul Revere Trail- Rex Watkins Family Trust

Present: Mr/Mrs. Watkins

Mr. Watkins said he didn't understand why the cottage is restricted to one bedroom, noting that according to assessors it is a two-bedroom cottage like abutting cottages. He said two rooms have bunks and the cottage is the same footprint as 10 Paul Revere Trail and they were granted permits for two bedrooms. He said he had to record the deed before the meeting because he was up against a deadline, noting that he wants

to know the procedure for changing the deed to two bedrooms. He said he originally applied for two bedrooms.

Mr. Grossman said the Assessors' Office notes the property as having one bedroom, the application as finally received was for one bedroom, the design was for one bedroom, and thus it is one bedroom.

Mr. Watkins said the septic system is designed for three bedrooms, noting that he is not asking for three, but just two, which is what was always there. He said he applied for two bedrooms, noting that he then got a letter stating that the dwelling is one bedroom and he would be fined 100 dollars a day if he didn't file the deed restriction.

Member Weber asked for clarification regarding what he actually applied for.

Mr. Grossman said he had his chance to explain to the board.

Mr. Watkins said his engineer told him he should fight the fight after the fact.

Mr. Grossman said this has been going on since 2010 so he has had ample time to explain. He asked the applicant whether he had a floor plan.

Mr. Watkins said he did not.

Member Horowitz said he could make an appointment for Mr. Grossman to go to the site and if Mr. Grossman determines it could be a two-bedroom capacity, the issue could be revisited before the board and the deed restriction could be changed.

Mr. Watkins asked whether Mr. Grossman has the authority to determine a floor plan.

Discussion ensued regarding what Mr. Grossman would be looking for and what Mr. Watkins would be required to do.

Mr. Grossman cited what regulations he uses to determine bedroom count.

Member Weber said that most people don't look to increase the bedroom count because of pay increased taxes, but noted that the board will look into it. He then asked about what type of system is in the ground.

Mr. Watkins said it is a 330-gallon system for three bedrooms. He said the Assessor's Office doesn't tax re: number of bedrooms but on square footage. He said he thinks he can do this another way without the health agent coming onto the property.

Member Weber said it seems like he is resisting, noting that he doesn't understand why. He said that Mr. Grossman is not necessarily going to go against him.

Mr. Watkins said that these cottage bedrooms may not be bedrooms under the standard standards.

Discussion ensued regarding why and how he submitted for one bedroom rather than two. It appears that if the Assessor's records had been updated prior to his submission, then two bedrooms would have been applied.

Member Weber asked again why the applicant is so reluctant to have the health agent visit the property.

Mr. Watkins said Ms. Swezey said she has been after the BOH to not rely on the Assessors' cards to determine bedroom count.

Member Weber et al said that that was ridiculous and there has made no mention about this to the BOH.

Member Weber said they could go back and forth all night and suggested that the applicant should give Mr. Grossman and the BOH a chance here.

Member Fleischer asked why he cares whether it is one or two bedrooms.

Member Weber said that doesn't matter because it is personal property.

Mr. Watkins said it seems he has to prove that he has two bedrooms.

Mr. Grossman said this has been going on for years and that applicant has done nothing until there was a deadline, noting that he will come out if the applicant wants him to.

13 West Main St. – Vangelli
Present- Frank Vangelli

Mr. Grossman said he just did a housing inspection and there were a number of code violations, noting that he doesn't know why Mr. Vangelli is here tonight.

Mr. Vangelli said he was confused, noting that he had been travelling and responded when he returned. He said he doesn't understand the violations, such as unpainted pressure treated bulkhead doors, etc. He asked whether the BOH always agrees with everything Mr. Grossman sees.

Member Horowitz said he is the board's agent and suggested that Mr. Vangelli should go in to meet with him and if necessary come back before the BOH.

Member Weber explained some of the processes to Mr. Vangelli.

Mr. Grossman said he can help review and resolve the issues without bothering the board tonight.

Mr. Vangelli asked whether a building that was renovated 30 years ago has to meet current code if it is not being sold.

Mr. Grossman said a tenant called in a complaint so he did a code inspection.

Member Weber said that the obligations of a landlord are different than an owner/resident.

Minutes:

Member Horowitz made a motion and Member Fleischer seconded to approve minutes from 8/5/13 with corrections. The motion to approve passed with two yeas and one abstention.

The meeting was adjourned at 9:15 pm.

Respectfully submitted by,
Margot Hammer