



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

**MEETING MINUTES  
November 3, 2014**

Board of Health Members Present:

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

Others Present: Ira Grossman, Health Agent

Regina Beausoleil, Interdepartmental Assistant

Meeting Called to Order:

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

**42 Ridgewood Road – Dan Wolfe, David E. Ross Associates, Carol Quinn - Homeowner**

Dan Wolfe was before the Board representing Carol Quinn of 42 Ridgewood Avenue. He presented the variance for Well and Septic as outlined in the variance request letter dated October 8, 2014. Mr. Wolfe stated this was the best outcome for the property given the property's steep terrain behind the house.

Chairman Weber asked Mr. Grossman if there was a better alternative for this system. Mr. Grossman stated that given the topography of the land this was the best outcome.

*Member Horowitz made a motion to accept the variances for both well and septic as requested in the aforementioned variance request letter from David E. Ross Associates, on behalf of homeowner Carol Quinn of 42 Ridgewood Avenue, with the provision that if Town water and/or Sewer were to become available the property would then need to connect. The property should also adhere to annual water quality testing of the well. The Standard conditions as outlined to the applicant with regards to both the well and septic are applicable. Member Fleischer seconded the motion and the vote was unanimous.*

**Raw Milk – Helen Cahene, Applicant**

Chairman Weber gave a brief recap of the last time Ms. Cahene was before the Board in regards to the variance request for the sale of Raw Milk. Chairman Weber read aloud the current Town of Groton Regulation Chp 295-1 as follows:

No person, firm or corporation shall sell, offer for sale, hold in possession with intent to sell, exchange or deliver any milk or cream in the Town of Groton unless such milk or cream is certified, according to MGL C. 180, §§ 20 to 25, inclusive, or pasteurized as provided for in MGL C. 94, § 1. This rule shall not apply to milk intended to be delivered for the purpose of pasteurization. No milk offered for sale shall be pasteurized more than once..

Chairman Weber then read aloud the proposed revision, which was as follows:

No person, firm, corporation shall sell, offer for sale, hold in possession with intent to sell, exchange or deliver any milk or cream in the Town of Groton unless such milk is pasteurized. In order to sell, trade, share or give raw milk to any persons outside of a direct family member or family "unit" the Groton Board of Health shall be required to hold a public hearing regarding a specific application for the sale of "raw milk" and "raw milk products". No persons shall be considered for the sale or sharing of "raw milk" until such time that the MA Department of Agriculture (MDAR) has been consulted and a review of the facility is initiated. Unpasteurized milk sales and processing shall at all times adhere to and be subject to all applicable Massachusetts state regulations to include: 330 CMR 27.00: STANDARDS AND SANITATION REQUIREMENTS FOR GRADE A RAW MILK and as certified pursuant to MGL 94 section 16A.

Member Fleischer remarked that it is reasonable to rely on the state and that he would like to see more data provided by the state. Ms. Cahene asked why the variance process needed to stay in place given that the State would notify the Board of any applicants. She stated the efforts required to submit to the state and to seek a local variance seemed redundant. Member Horowitz stated she would rather be notified by the applicant as a "heads up" with more information rather than by the state with no information as to what is proposed.

***Member Horowitz made a motion to revise the current Town of Groton regulation: Chp 295-1 regarding the Sale of Raw Milk to the aforementioned proposed revision read aloud by Chairman Weber. Member Fleischer seconded the motion and the vote was unanimous.***

**Lot 7 Drumlin Hill Road – Daniel Gardner, Greener Living Homes, Rob Oliva, David E. Ross Associates, Inc.**

Mr. Oliva was before the board requesting a well variance as outlined in the variance requested letter from David E. Ross Associates, Inc, on behalf of Daniel Gardner of Greener Living Homes dated, October 14, 2014.

Member Horowitz stated she vaguely recalled this particular lot creating quite a controversy years ago. She wanted the present board to be aware there was a previous issue. Chairman Weber asked Mr. Grossman if there was a better alternative to the proposal. Mr. Grossman stated this was the best outcome due to unsuitable test holes at the front of the property. What was presented before the board was the best available outcome given what was known based on limited information.

Charles Comeau of 37 Drumlin Hill Road a direct abutter to the property stated the controversy years ago was that plans were presented with wells that were found to be overlapping each other.

He stated Mr. Gardner has taken care to avoid his well and he appreciated that effort. Mr. John Eschel of 12 Saddle Lane asked if it was at all possible to construct a dwelling larger and possibly with more bedrooms than what is proposed. Chairman Weber explained to Mr. Eschel the Title 5 formula that is commonly used to determine the size of acceptable systems. Mr. Oliva stated the proposed lot can only handle a 3 bedroom system.

Jackie Eschel of 12 Saddle Lane asked if it was unheard of for a builder to set aside money in escrow in the event something goes wrong with the wells, as the abutters will have no recourse. Mr. Grossman stated the probability of this happening and being able to trace it back to the proposed well was extremely low.

John Goodale of 30 Drumlin Hill Road asked what has changed from the first time the proposed lot has come before the Board to now. Mr. Comeau answered stating plans before were presented with unviable results. It was then sold to Habitat for Humanity.

***Member Fleischer made a motion to accept the well variance as requested in the aforementioned variance request letter from David E. Ross Associates, on behalf of Daineil Gardner, Greener Homes Living for Lot 7 Drumlin Hill Road, with the provision that if Town water and/or Sewer were to become available the property would then need to connect. The proposed house is to remain a 3 bedroom house. The decision by the Board shall be recorded at the South Middlesex Registry of deeds and will run in perpetuity with the property. The vote went as follows:***

***Member Fleischer – Aye***

***Member Horowitz Abstained***

***Chairman Weber – Aye***

### **101 Lost Lake – Zoning Board of Appeals Decision Appeal**

Mr. Grossman informed the Board the ZBA granted a special permit for 101 Lost Lake Drive. Mr. Grossman felt the board should appeal the decision based on the initial denial of a septic permit under the guise of the property being “rebuilt” as opposed to new construction. He stated the Planning Board will be discussing it at their next meeting as well.

Member Horowitz stated she was not happy with the ZBA’s decision and felt it appropriate for the Board of Health to reply with an appeal if it was able to do so. She said that if not, a letter of support to the Planning Board if they choose to appeal the ZBA decision would be wise.

***Chairman Weber made a motion to join any existing town board or committees appeal or initiate an appeal to the ZBA variance granted for 101 Lost Lake Drive. Member Horowitz seconded the motion and the vote was unanimous.***

### **CHP 190 – Next step Non-Compliance**

Mr. Grossman reminded the board that the deadline for a response from property owners who had received the September letter of non-compliance regarding town sewer was fast approaching. Property owners were to have initiated some sort of action regarding connecting to Town Sewer by November 15, 2014. To date he had not seen a single Title 5 result. Mr.

Grossman asked what the next steps the Board would like to take. He suggested a letter drafted by the Board be sent out by the Sewer Department. The Board agreed.

Chairman Weber made a motion to adjourn the meeting at 9:00PM Member Horowitz seconded the motion and the vote was unanimous.

Respectfully submitted,

Regina Beausoleil  
Interdepartmental Assistant