



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

**MEETING MINUTES  
December 7, 2015**

Board of Health Members Present:

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

Others Present:

Ira Grossman, Health Agent  
Regina Beausoleil, Interdepartmental Assistant

Meeting Called to Order:

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

**Boathouse Road Municipal Water Extension discussion**

The Board sent a letter to all Boathouse Road residents to express and explain how important it is for them to have a municipal water supply. The letter noted that there are 4-5 septic disposal systems expected to come online in the future and that it was not a given that the existing wells were in good shape.

Member Weber stated the challenge for the Board is that while the group as a whole will benefit from municipal water, each property owner is incented to wait and let someone else pay for it. As a result, it would be a good idea from both a public health and a fairness perspective for the neighborhood to get together and discuss the issues, namely [1] extending municipal water and [2] equitable cost sharing. Member Weber said that the board could mitigate the first mover disadvantage by requiring all of the wells to be tested, but that he preferred that the neighborhood work it out themselves.

Member Horowitz stated because the lots are so small the septic systems are restricted by the presence of a well.

Chairman Fleischer opened up the meeting to the public.

PK Mavilia, 101 Boathouse Road said 99 Boathouse Road just had a new well drilled. He said the water has been tested every year since 1992 and has had good quality results. The town has not taken Boathouse Road in its entirety (only 99 Boathouse and then 101 Boathouse Road).

Tom Orcott said that Boathouse Road residents would need access easements or utility easements. He said that when an applicant applies to the Board of Water Commissioners for a water extension, the Board typically grants a license for 1,3 or 5 years. He offered the example of a license recently granted to Barbieri to extend the main by 190 feet. He explained that the Board withdraws in these cases to allow the first mover to recoup their expenses. He suggested that a new license could be crafted for the Coles so they could recoup their capital, noting that they have waited patiently.

The Coles said it was their understanding that the goal was to extend the water from where it was today at a cost of approximately \$60K.

Member Weber stated he would be advocating for a license much longer than 5 years, noting that it should be crafted to ensure there is equity.

Mike Slatka, 7 Boathouse Road, said the first 400 feet of pipe is there because he installed it, noting that in 1988 the Town of Groton put in town water. He said the roads were all dirt at the time and asked what could be done. He said that someone told him to find a contractor, post a bond and get the job done, which cost \$8,800. He suggested that people should talk to other contractors to get prices, and coordinate with the Highway Dept. to do it at a favorable time of year e.g. regarding any existing work plans and/or (re)paving the road.

Mr. Grossman said that Boathouse Road in particular is showing an unusual number of properties that are looking to upgrade, noting that the topography is unique and extreme. He said Title 5 requires a certain distance between a well and an SDS, noting that that's where they are running into trouble with the small lots, the lake and the topography. He said it opens up the possibilities for a property owner with a small lot. He said some of the homes still have point wells that are less than 50 feet, noting that that is a failure by Title 5.

Member Weber stated his opinion that the Town should pay for this, noting that an Article at Town Meeting could be brought forth. Tom Orcott replied that the Budget is tight and that Mr. Weber should talk to the Town Manager before making any recommendations.

### **29 Arrow Trail – Jack Maloney**

Discussion ensued regarding the bedroom count. The property is currently in limbo. The contractor came to do exterior work only and it was discovered that interior work was also being done. The original property was a seasonal camp that burned down and was rebuilt as a 3-bedroom house. However, there are no supporting documents that show an approved 3-bedroom capacity. There is a cesspool in the backyard, a well on the side of the house, and town water is available. There is a little area of fill that was used for dumping some construction debris.

*Member move to have the Board honor the Assessor card for this property as a 3 bedroom.  
Member Horowitz seconded the motion and the vote was unanimous.*

**116-120 Boston Road**

Mr. Grossman stated that in his opinion all of the parties to the original agreement are still bound by the agreement, including the Town of Groton, the Board of Health, Dorothy Janes, and the 120 Boston Road owner.

Mr. Grossman said there were still outstanding issues, and that 116 hasn't tied into sewer yet. He said according to the agreement, if 116 did not tie in within a reasonable period of time then 120 could do it for 116 Boston Road. He noted that the Department of Environmental Protection is also a party to the agreement. He said the agreement needs to be dissolved and technically all of the parties need to agree to do so.

Mr. John Amaral, one of the owners of 120 Boston Road, said Town Counsel needs to be engaged. He noted that he was told by Town Counsel that the settlement agreement included all related lawsuits being dropped. He said the owner of 116 Boston Road is limited to access and egress, noting that two (septic) tanks sit on her property. He said he is not prepared to pay (for tie-in) or to go onto the property at 116 Boston Road.

Mr. Grossman said that according to his understanding of the agreement, it was necessary for the 116 Boston Road property to tie into sewer. He said this was true even if it meant e.g. putting in a grinder pump and knowing it would never be used, or obsolete prior to an eventual use.

Mr. Amaral said he feels no one is "coming down" on the abutter and asked why the "someone from the town isn't stepping up and putting a lien on the property?" He noted that the property owner of 116 Boston Road has been in non-compliance for over a year.

Mr. Grossman countered, saying that the duty to "do something" lies with the parties to the agreement.

Member Horowitz asked how this situation could be resolved. Mr. Grossman said he has spoken with Town counsel asking this question and has "not gotten far."

Member Weber said "although 116 could take care of it, why would they?" He said he would suggest that 120 Boston Road could take care of this or the Board of Health could go after the property owner of 116 Boston Road.

Mr. Amaral said he believes that Town Counsel will not have a problem dissolving the agreement, and that he did what town counsel told them to do.

Member Weber suggested that the Board reach out to Town Counsel, noting that the property owner of 116 Boston Road should foot the bill.

John Amaral stated that his frustration is not with the Board or Mr. Grossman, but with the behavior of the abutter.

**112 Kemp Street – Doug Soilsmith Design**

Doug Smith was before the board to present the variance request as outlined in the November 3, 2015 letter. The variance request is as follows:

3 bedrooms

*Member Weber made a motion to accept the variance request as outlined in the November 3, 2015 letter along with the BOH Standard Conditions. Member Horowitz seconded the motion and the vote was unanimous.*

**945 Townsend Road – Jeff Hananford**

Doug Smith was before the Board to present the variance request as outlined in the October 30, 2015 letter. The variance request are as follows:

3 bedrooms

*Member Horowitz made a motion to accept the variance request as outlined in the October 30, 2015 letter along with the BOH Standard Conditions. Member Weber seconded the motion and the vote was unanimous.*

*Member Horowitz made a motion to adjourn at 9:00PM. Member weber seconded the motion and the vote was unanimous.*

Respectfully submitted  
Regina Beausoleil  
Interdepartmental Assistant

**Commented [JW1]:** Is this perhaps a carry-over? Think we need the property owner's name here.