



Chair/James Gmeiner
Vice Chair/Michael Bouchard
Clerk/Thomas Orcutt

Town of Groton Sewer Department

173 Main Street
Groton MA 01450

Date: June 14th, 2023
Time: 2:00 PM

Members Present: Chair/James Gmeiner
Vice Chair/Michael Bouchard
Clerk/Thomas Orcutt

Others Present: John Amaral/Omni Properties, Robert W. Anctil Esq./Perkins & Anctil, Greg Roy/Dillis & Roy, Ann Livezey/Assistant, Judy Anderson/Resident

The Meeting was called to order by James Gmeiner at 2:00 PM

Mr. Gmeiner told the BOSC that the sewer camera is in and asked Ms. Crory to get the bill from Pepperell so we can get it in for the end of the fiscal year.

Mr. Gmeiner said that the pump station at Nod Road was evaluated and the goal is to increase the flow to 450gpm. Replacing the pumps will allow this and they will be replaced with suction pumps, they also discovered that the generator will need to be replaced due to the increase in pump horsepower.

2:15 Public Hearing to Consider the Connection Fees for 500 Main Street

Mr. Bouchard opened the public meeting at 2:15 pm and Mr. Orcutt read the following notice:

Notice of Public Hearing

*In accordance with Chapter 83 of the Massachusetts General Laws, and the Town of Groton Usage Fee Regulation, and particularly Regulation for Payment of Wastewater System Costs, §396-5-E, the Groton Sewer Commission will hold a Public Hearing, **Wednesday, June 14th, 2023 at 2:15 P.M.** at Town Hall, 173 Main Street to consider connection fees for 500 Main Street.*

Mr. Gmeiner said pursuant the regulations 396-5E this public hearing is to consider waiving the connection fees. After meeting with Mr. Amaral, his Attorney and the Engineer there is a disagreement of how the regulations read and how the connection fees are calculated. Mr. Gmeiner stated that his initial understanding of the regulations was that a Connection Fee was due for each building space with a credit for existing flow. In this case, it should be the total number of bedrooms divided by 330gpd times the connection fee. The applicant disputes the connection fee amount based on their research and feels there should be no connection fees due according to the 1990 agreement.

Mr. Gmeiner said he has reviewed the regulations several times and after his review he agrees that the regulations do not say that when there is a change of use that the starting point is the number of building spaces but rather the starting point is the total number of bedrooms divided by 330 gpd . . He wanted to make it clear that we are interpreting the way the regulations as they are written.

Mr. Anctil suggested a vote saying that the BOSC is interpreting the regulations and are not waiving anything. He did say if the BOSC wants to look at it as a waiver, he is ok with that but they are not asking for any special treatment. Mr. Gmeiner was in agreement with Mr. Anctil and stated that we are not waiving anything that we are interpreting the way the regulations are written.

Mr. Anctil suggested that the motion should be “after hearing the presentation of the applicant we have determined the connection fees owed are consistent with Mr. Roy’s letter dated May 22, 2023 and the amount due \$491,250.00 based on his calculation”.

Mr. Amaral told the BOSC that they have had a good presentation with the ZBA and Water Department and the Sewer Commission has listened and taken the time to review the discrepancy of the regulations. He feels they have always had good working sessions and he appreciates the process and how we got to this agreement.

Mr. Orcutt feels we have heard both sides and feels that what is being proposed is fair and equitable. Mr. Gmeiner added that the regulations did not read as he thought they read and we are not really waiving in this situation and wanted a motion not to have a waiver.

Ms. Anderson told the BOSC because the current regulations are not clear in some aspect that there is wiggle room. She feels that the BOSC should do what they feel is correct -now and then at a later date go in and make the regulations clear.

Mr. Gmeiner asked if there were any more comments from the public or the board and there were none.

Mr. Orcutt made a motion to close the public hearing at 2:34 pm.

Mr. Gmeiner suggested a motion upon consideration of the regulations after interpreting and reading we believe that what was proposed is a starting point and it should be total bedroom count for the existing use and Title V for any new use.

Mr. Orcutt stated the BOSC reviewed the application for 500 Main Street and determined there is no waiver associated with 500 Main Street.

Mr. Anctil suggested saying that the applicant appeared before the BOSC and requested a waiver of fees and after consideration we decided not to waive those fees and it was determined the connection fees due are based on the letter submitted by Mr. Roy dated May 22, 2023 in the amount of \$491,250.00.

Mr. Gmeiner made a motion finding after consideration the BOSC finds the letter dated May 22, 2023 submitted by Dillis & Roy correctly states the fees due under our regulations and there will be no waiver. The fee due for 500 Main Street is \$491,250.00, Mr. Orcutt seconded and the motion passed unanimously. Roll Call: Gmeiner-Aye, Bouchard – Aye and Orcutt – Aye.

Pepperell IMA

No Discussion

201 Boston Road/Lindemer New House

Project completed

Review I&I

No Discussion

Review Nod Road Pump Station and Flow evaluation

No Discussion

220 Main Street (Parish house) - Capacity

No Discussion

Expansion Limits

No Discussion

FY22 & FY23 Budget

Ms. Crory will bring updated information for the next meeting.

Other Business: Bills, Minutes, etc.

Next Meeting – June 21st, 2023

BILLS SIGNED – No bills signed

MINUTES: Mr. Gmeiner made a motion to approve the minutes of April 5th, 2023, April 19th, 2023 as written and May 19th as amended Mr. Orcutt seconded.

ADJOURN – Mr. Orcutt made a motion to adjourn at 3:11P.M. Mr. Bouchard seconded the motion. Roll Call Gmeiner –Aye Bouchard - Aye

Respectfully submitted,

Ann Livezey
Water & Sewer Assistant