



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

Town of Groton Sewer Department

173 Main Street
Groton MA 01450

Date: February 28th, 2024

Time: 2:00 PM

Members Virtually Present: Chair/James Gmeiner
Clerk/Thomas Orcutt

Others Present: Melissa Robbins/Farrell & Robbins, Patrick Bogle, Erin Mark/Paralegal, Russell Ursprung/Resident, Carol Mici/Resident, Alice Smith/Resident, Judy Anderson/Resident, Becky Pine/ Select Board Member/, Don Black/Resident Lauren Croy/Business Manager and Ann Livezey/Assistant

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

Review Nod Road Pump Station and Flow Evaluation

No update and still waiting for the Land Use meeting to be held

Review Sewer Commission Applicants

No update and the election will be held May 5th, 2024

Pepperell IMA

The BOSOC is still waiting to hear from Pepperell

Review I&I

No Update

Discuss Regulations Regarding Change of Use

Mr. Gmeiner is still reviewing

797 Boston Road – Sewer Capacity – Public Hearing

Mr. Gmeiner opened the public hearing at 2:15p.m. and read the following Notice.

In accordance with Chapter 83 of the Massachusetts General Laws, the Town of Groton Four Corners Sewer Regulations, and the Policy and Guidelines for a Submission to Extend Sewer District, the Groton Sewer Commission will hold a public hearing on Wednesday, February 28th, 2024 at 2:15 P.M. via Virtual Meeting using Zoom Pursuant to the Governor's Executive Order to consider a proposed sewer extension to the property shown on Assessors' Map 133 Lot 49-0 (797 Boston Road). Please see Meeting posted at <https://www.grotonma.gov/events/> for details regarding Zoom meeting information.

Ms. Robbins told the BOSC she is here on behalf of the 797 Boston Road sewer district extension. She said the project proposed has been submitted to the Planning Board for a special permit and it will be a 55 and over senior development. It will consist of two buildings one with 12 (1) Bedroom Units and the other 12 (2) Bedroom Units and they tried to tie the building & design into the area so it would blend into the community. Mr. Bogle from Howard Stein Hudson said this will be 24-units age restricted and 50% affordable and they will be using 3,120 gpd. He said they are proposing a septic system in zone 3 and the sewer district that surrounds the property is to the North and West. They are also proposing a septic system with standard pressure dose trenches due to the fact it is in zone 3. This would require advanced nitrogen treatment prior to the pressure dosing and additional maintenance for the elderly housing. Being an on-site septic system, they would have to disturb the land and down the road it would need to be replaced. Therefore, they would like to incorporate this into the towns sewer district since it is directly adjacent to it. Ms. Robbins said in accordance to the zoning by laws in Groton 50% of these units will be rented as affordable to 55 and over who qualify and because 50% of the project is affordable that means that all 24 will be counted as subsidized housing inventory once approved. Also, she stated if they do not go forward with this development the site owner would rescind the capacity request and return it to the Sewer Commission.

Mr. Gmeiner said that originally, we discussed briefly about the available capacity and we mentioned a written development agreement that limits this project to 24 units for over 55 housing with 50% affordable and in accordance with the zoning regulations with sewerage flow of 3,120 gpd. Ms. Robbins agreed and she will get that written up before town meeting.

Mr. Orcutt said he is happy to bring this to town meeting and feels they have provided all the necessary information. Mr. Gmeiner added this is part of Zone 3 for water resource which will have some impact on the town wells if things go into the ground. It will also require a system that deals with removing nitrogen and for regular septage flow there are other issues with things that go down septic tanks. He feels if this can be sent to a sewer treatment plant it would be better for the town wells.

Mr. Gmeiner said he wanted to make note that according to the Ayer IMA we are limited in what we can send to Ayer and that is 40,500 gpd. He said we do have enough room for this project and for what has been developed so far and also what has been reserved for the 3-unfinished Shaw's pads. Presently before we considered this project there was not enough calculated based on the number of sq. ft. for NE Power that was zoned business, but there is enough for this project and we would still have a cushion of 6,500 gpd.

Ms. Smith thanked the applicant for proposing this development for the Four Corners, she is pleased to see a housing development will be deferred to the planning board. She asked the BOSC about the policy in 2023 stating not to extend the sewer district. She is concerned about going outside the district and with respect to the properties that are in the district and that allocation. She asked if there is sufficient capacity to go outside with the current capacity and if not, what does that legally mean for those residential properties that are in the district along with the NE Power commercial property. Mr. Gmeiner said that policy was in place because at the Four Corners there was an Inter Basin Transfer to get us to the 40,500 gpd and to be able to send more affluent to Ayer we would have to go through the Inter Basin Act. He said this is why we came up with this policy and it applies to both districts The Center Sewer & The Four Corners Sewer. NE power is the only property that is

zoned business and nothing been done and it has not been promised to them. All the residential properties have connected and we have reserved flow for the development of the unbuilt Shaw's pads. NE Power may end up losing some if this project goes through. With this policy is in place the BOSC can weigh whether they will continue to follow or waive the policy. He said this project should be considered because it offers affordable housing for the town and apartments. He also feels that if we can accomplish a goal to facilitate that without damaging the original intent which was a commercial development for that property we should.

Ms. Smith said there could not be any legal action from NE Power because they have been paying for sewer access and not given it. Mr. Gmeiner said nothing has been paid and we do not allow prepayment for something that has not been built. Ms. Smith asked about the drinking water and the town well, what would be the consequence for the current town wells. Mr. Orcutt said the previous policy vote was to protect the limited capacity we have and when The Four Corners was established it was for commercial business and some residential housing. He said we elected to include a parcel for NE power and they have not come forward and there is the nitrogen loading issue as Mr. Gmeiner mentioned. He feels this project allows us to fulfill the housing component in the original expansion of the district and protects public health in terms of the nitrogen loading. Mr. Orcutt feels that because this is over 55 housing with 1-2 bedrooms the additional water capacity will be minimal. Mr. Gmeiner added if there is a larger septic system used for this project and there are a lot private wells in the area there is always that possibility they could be affected. He said it's better not to have a large septic system around the wells and feels therefore feels sewerage would be a better option.

Ms. Smith said she is in favor for connecting to the sewer and just wanted to have these questions answered. She asked about in the event this project does not go through and the sewer would be returned to the town would it be appropriate to include a phrase in the warrant similar to what she saw in the Groton Herald for the Planning Board. Mr. Gmeiner said he has been in contact with Town Counsel and we cannot put anything in the article but we can have a private development agreement and the applicant has agreed to do this.

Ms. Smith asked what is a Sewer Enterprise Fund. Mr. Gmeiner said we have two funds one for the Center Sewer District and one for the Four Corners Sewer District. He said the Center Sewer District was established in 1993 and the Four Corners Sewer District in 2017 and they bring in their own money in and we maintain it. He said before the Sewer Districts were established the money came in and went to a general fund and was spent on whatever the town needed it for. In the early 90's he said there was substantial funds came in and that should have been used to pay off temporary borrowing but went towards balancing annual budgets and keep a few employees employed rather than an override. He said an Enterprise fund is a separate operating budget and we always earn more than out expenses which allows us to save money for the future. He said we have a reserve fund for Four Corners and the Center Sewer and if there is a problem we would avoid a special assessment. The article that is on the warrant is due to the way municipal finance works and if we are exceeding our expenditures, we would need a transfer. For the center we are pulling money from reserves to replace connection fees we have not collected yet. Mr. Gmeiner explained if we run a negative balance it would go on the tax rate, so we do these transfers to avoid that.

Ms. Smith asked if all the fees associated to the sewer will be the developer's responsibility, Mr. Gmeiner replied "yes". Ms. Pine said she is happy to see a housing project being proposed and she asked if they will go forward with the project if the sewer connection is not approved. Ms. Robbins replied "yes" they have a septic design in place and have been working with the Nashoba Board of Health. Ms. Pine suggested they come meet with the Affordable Housing Trust before Town Meeting and that would help them in supporting the article. Ms. Pine wanted to confirm these would all be rental units and Ms. Robbins replied "yes". Ms. Pine said she would like to explore the subsidized housing in more detail and Ms. Robbins said she would be happy to have a meeting to discuss in further detail. Ms. Pine asked that she reach out to Ms. Stanley to schedule. Ms. Pine

wanted to add that she in agreement with Mr. Gmeiner for the town meeting to have a legal agreement as discussed stating that the capacity will be for this project and this purpose only.

Mr. Orcutt made a motion to close the public hearing Mr. Gmeiner seconded 2:47 p.m. Mr. Gmeiner seconded the motion passed unanimously. Roll Call: Gmeiner-Aye and Orcutt-Aye

Mr. Gmeiner made a motion to support this article contingent upon entering a development agreement to limit use of this property to 24-units with over 55 housing and 50% affordable in accordance with Town of Groton Bylaws 218.3 with Title V sewerage flow at 3,120 gpd, Mr. Orcutt seconded the motion passed unanimously. Roll Call: Gmeiner-Aye and Orcutt-Aye

6 Fairway Drive – Sewer Connection – Public Hearing

Mr. Gmeiner opened the public hearing at 2:50 p.m. and read the following Notice.

In accordance with Chapter 83 of the Massachusetts General Laws, the Town of Groton Sewer Regulations, and the Policy and Guidelines for a Submission to Extend Sewer District, the Groton Sewer Commission will hold a public hearing on Wednesday, February 28th, 2024 at 2:30 P.M. via Virtual Meeting using Zoom Pursuant to the Governor’s Executive Order to consider a proposed sewer extension to the property shown on Assessors’ Map 115 Lot 25-0 (6 Fairway Drive). Please see Meeting posted at <https://www.grotonma.gov/events/> for details regarding Zoom meeting information.

Mr. Gmeiner asked Ms. Livezey if all the return receipts were received and she replied “yes”. Mr. Ursprung said in December his septic system failed and he did send the paperwork to the BOSC. He said he also submitted a letter generated by Mr. Lagasse stating it’s not feasible to install a septic system on his property. Mr. Ursprung said his neighbor at Lovers Lane which is across the street has a grinder pump and has extended out to 119 to connect.

Mr. Gmeiner said we received the Title V report of failure and the letter from Mr. Lagasse stating it is not possible to install a septic in the front of the property or the rear. Mr. Ursprung said he lives at the base of the hill and he is at the corner of Lovers Lane and Fairway Dr. He said there is a steep slant and he is in a zone that all the water rushes down. Mr. Gmeiner said the original septic permit from 1966 stated that the soil is clay and Mr. Ursprung said “yes”. Mr. Gmeiner asked if this was a 3-bedroom and he said “yes”. Mr. Orcutt asked if this is a single family or does it have an in-law apartment and Mr. Ursprung said “no”. Mr. Orcutt originally was inclined to extend the district to this property because a few years ago the neighbor reached out to the abutters and nobody wanted to connect. He said we did pass a motion last spring about extending the district, but there was a caveat for emergency issues or environmental issues that we could do a waiver and he feels this is a public health issue so he is ok with this. Mr. Gmeiner said we do have sufficient capacity for this 3-bedroom house and told Mr. Ursprung that will need a low-pressure grinder pump and he would be responsible for the costs of getting the connection to the house. He also said once it is approved to be in the district it is required by the BOH you have to connect.

Mr. Orcutt made a motion to close the public hearing Mr. Gmeiner seconded 2:58p.m. Mr. Gmeiner seconded the motion passed unanimously. Roll Call: Gmeiner-Aye and Orcutt-Aye

Mr. Orcutt made a motion to support 6 Fairway entering into the Groton Center Sewer District Mr. Gmeiner seconded the motion passed unanimously. Roll Call: Gmeiner-Aye and Orcutt-Aye

201 & 227 Boston Road

Mr. Black said he is here to discuss the drainlayers license and application. He said item #2 calls for a current copy permit bond \$5k and a street opening bond for \$5K and not sure what this is. Mr. Gmeiner said this is usually based on work performed in public way. Mr. Gmeiner said he is willing to waive that due to the work being done on private property. Mr. Black said he will drop off all the information to the Sewer Department by the end of next week. Mr. Gmeiner told Mr. Black that if Mr. Lindemer was to split off these lots an easement will be required.

Mr. Orcutt made a motion to waive the bond on the private property located at 227 Boston Road Mr. Gmeiner seconded the motion passed unanimously. Roll Call: Gmeiner-Aye and Orcutt-Aye

FY24 & FY25 Budget

Ms. Crory said the transfer is in for town meeting and Center Sewer will have a transfer of \$52,500.00 and that will cover the connection fee shortage.

Other Business: Bills, Minutes, etc.

Mr. Gmeiner told the BOSC that the flow meter at Mill Run Plaza has been located by Pepperell and told the BOSC that the condo association will be responsible for the removal.

He also suggested we contact Pepperell to do the I&I work.

Next Meeting – March 13th, 2024

BILLS SIGNED – No bills signed

MINUTES: No minutes approved

ADJOURN – *Mr. Orcutt made a motion to adjourn at 3:10P.M. Mr. Gmeiner seconded. Roll Call Gmeiner–Aye and Orcutt-Aye*

Respectfully submitted,

Ann Livezey
Water & Sewer Assistant