



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

**Town of Groton Sewer Department**  
173 Main Street  
Groton MA 01450

**Date:** December 2, 2020

**Time:** 2:00 P.M.

**Location:** Virtual Meeting Using Zoom

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

**Others Virtually Present:** Ann Livezey/Water & Sewer Assistant, Lauren Crory/Business Manager,  
Judy Anderson, Rhonda Mullins, Bob Collins and John Irvine

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The Meeting was called to order by James Gmeiner at 2:00 P.M.

**197 Main Street Capacity/Connection Fee**

Mr. Collins said he wanted to clarify that this property at 197 Main Street was considered listed as a two family, two houses attached together on the corner of Main Street/Court Street. Mr. Collins said it was three units with a commercial unit in front that was leased to NE Telephone at one time. Mr. Collins told the BOSC they have gone to the Zoning Board for approval to convert to 3-units. One unit has 2-beds and the one has 3-beds and the new unit would be 1-bed. There would be a total of six bedrooms, so there would be no increase in capacity. Mr. Collins told the BOSC that he understands there would be a hook up charge for the 3<sup>rd</sup> unit, but the other two units would be grandfathered in.

Mr. Orcutt said under the new bylaw when we create a dwelling unit within a building, we assess a connection fee. He did add that there would be a potential increase to the system, the existing plan has 2 kitchen sinks, 2 bath, 3 toilets & 2-tubs and now you would be adding more. Mr. Bouchard asked if it was and an existing two family to a three family or existing one family to three family. Mr. Collins replied that it was a two-family going to a three family. Mr. Bouchard said he feels it would be one additional connection fee and asked the BOSC agreed.

***Mr. Orcutt made a motion to access one additional dwelling unit to 197 Main Street, with the existing two units being grandfathered in, Mr. Bouchard seconded and the motion passed unanimously. Roll Call: Gmeiner- Aye, Orcutt- Aye and Bouchard-Aye.***

**247 Main Street – Refund/Abatement Request**

Mr. Gmeiner told the BOSC that an email correspondence came in for additional sewer capacity that was assessed a year ago for an addition, but the homeowner decided not to. Mr. Orcutt said they did an addition in the back and the basement and he did assess an additional capacity charge, but he did not

count the bedroom on the third floor. Mr. Orcutt said the owner considers this an office, but it does have a closet, door and a bathroom. He said when he did the original assessment, he should have assessed two bedrooms not one. Mr. Gmeiner asked if only one additional bedroom had been assessed at this time and Mr. Orcutt replied "yes". Mr. Gmeiner asked if the building inspector considered this a bedroom and Mr. Orcutt said "yes" it considered a five bedroom. Mr. Bouchard asked what was the request and Mr. Orcutt replied "to abate the sewer connection charge". Mr. Gmeiner asked the amount that he was charged and Ms. Crory replied \$2k for one additional bedroom. Mr. Gmeiner said he agrees with Mr. Orcutt because they did not do addition, but it now went from a 4 bedroom to a five bedroom and they only paid 1/3 of the fee. Mr. Bouchard asked if we know when the additional bedroom was added and Mr. Orcutt replied "over the summer when they reconstructed the house". Mr. Orcutt said when you look at the building plan, it's a bedroom.

Mr. Gmeiner asked that a letter be sent that we considered the request and since the room in the attic was not in the original assessment and it has been determined it is a bedroom, the refund was denied. Mr. Gmeiner also asked that he be informed he can formally apply for an abatement.

### **29 Whiting Avenue – 2<sup>nd</sup> Abatement**

Ms. Crory told the BOSC that a 2<sup>nd</sup> abatement has been requested, she told the BOSC that the first abatement was for use from May-August. She said the last abatement was for 31-sewer units, but now they are applying for a 2<sup>nd</sup> abatement from August-November for the use that overlapped. Mr. Orcutt said we granted the first abatement with the intent to have a 2<sup>nd</sup> meter installed and he states on his 2<sup>nd</sup> abatement request he will consider that in the spring 2021.

Mr. Orcutt made a motion to abate 1/3 of the amount. Mr. Bouchard stated that the meeting was August 19<sup>th</sup>, so should we pro rate the amount. He also asked the BOSC about the \$75.00 administrative charge that was stated in the August 19<sup>th</sup>, 2020 minutes that would be assessed if a 2<sup>nd</sup> abatement was applied for.

***Mr. Gmeiner made a motion to abate 11 sewer units at \$18.55/unit minus a \$75.00 Administrative fee, for a total abatement amount of \$129.05, Mr. Orcutt seconded and the motion passed unanimously. Roll Call: Gmeiner- Aye, Orcutt- Aye and Bouchard-Aye.***

### **102 Nod Road – Capacity/Connection Fee**

Mr. Gmeiner told the BOSC that he has looked at the property card and saw nothing that would require additional flow. Mr. Bouchard said that since they are not changing the bedroom count and not increasing room count, it should not put them over the allotted flow. Mr. Bouchard asked if this was just a formality on their part and Mr. Gmeiner said it was brought to Mr. Orcutt's attention and he felt it should be run by the commissioners.

**Mr. Gmeiner made a motion not to assess a fee for 102 Nod Road and Mr. Orcutt 2<sup>nd</sup> and the motion passed unanimously. Roll Call: Gmeiner- Aye, Orcutt- Aye and Bouchard-Aye.**

### **Donelan's – Capacity/Connection Fee**

Mr. Orcutt told the BOSC that a building permit has been filed and the board needs to decide how to assess the fees for "3 offices". Mr. Bouchard asked if this is consistent with the application and Mr. Orcutt

said the application has not been filled out yet. Mr. Orcutt said commercial space is based on sq. ft and it was a grocery store and there is a different assessment for office space. Mr. Gmeiner said according to the property card he saw it was 240 sq ft and Title V for a supermarket is 97 gallons/sq ft., so flow would be  $11408 \div 1000 \times 97 = 1,106$ . Mr. Gmeiner said for office space would be 75 gallons/sq. ft. Mr. Orcutt said they are subdividing one building to 3-office spaces. Mr. Gmeiner said he is not seeing it as a new connection, they are creating new building spaces. Mr. Bouchard said according to the Regulations 396-5 (see below)

**396-5 Charges established; calculation.**

**A.**

*A Sewer Connection Fee shall be charged to the owner of the property at the time a Building Permit is requested with work described to be new building space or a modification to existing building space which will result in increased wastewater flow or a connection to the Common Sewer or an application for a sewer connection or change of use is filed with the Sewer Commission., The sewer connection fee shall be paid prior to the issuance of a building permit. Each Building Space within a building or structure shall be assessed a separate Sewer Connection Fee. Changes in a Building Space which result in increased wastewater flow (as set forth in 310 CMR 15.00 (Title V)) will be charged a Connection Fee for the increased flow.*

Mr. Bouchard said they will not be increasing waste flow, but will be a connection. Mr. Orcutt replied “yes” and Mr. Gmeiner added it would be going from one space to three. Mr. Bouchard said the building space definition (see below) does not address going one-three offices, but does for four offices, so it is an area within the building being leased or sold independently.

**BUILDING SPACE**

*The area within a building or structure which is capable of being leased or sold independently. By way of example, a building may contain 4 separate offices; or several separate retail spaces; or a certain number of apartments or dwelling units. The building containing 4 separate offices would have 4 Building Spaces; a building containing several separate retail spaces would have Building Spaces equal to the number of separate retail spaces; and a building containing a certain number of apartments or dwelling units would have Building Spaces equal to the number of apartments or dwelling units.*

**Mr. Orcutt made a motion to assess 240 Main Street (2) sewer connection fees, Mr. Bouchard seconded the motion and it passed unanimously: Roll Call: Gmeiner-Aye, Orcutt-Aye and Bouchard-Aye**

Mr. Bouchard suggested we wait until we get the application filled out before we assess a fee. Mr. Orcutt agreed and rescinded his motion.

**227 Boston Road - Sewer Connection Update**

Mr. Orcutt told the BOSC he received 2-sets plans and was not sure where to sign the document. Mr. Orcutt also told the BOSC that there is an issue with the document and that it requests they will be our agent. Mr. Bouchard asked what that meant to him and Mr. Orcutt replied that they can do whatever they want and we can't pass that off. He told the BOSC that Mass Dot holds us liable for five years even though it considered a private line. Mr. Gmeiner said he thought on 11/25/20 he prepared a permit to have Mr. Orcutt sign off on and hard copies were in the mail. Mr. Gmeiner stated we only have plans and no application and asked Mr. Orcutt to reach out to them and tell them to send the application.

**1-3 Forge Village – Sewer Connection**

Mr. Gmeiner asked if an application has been submitted for sewer connection. Mr. Orcutt replied no application and no plans have been submitted. He also told the BOSC that Mr. Black is in the middle of doing the work and that Ms. Livezey sent out the application to them today. Mr. Gmeiner asked if the work was being done and not inspected and Mr. Orcutt said he would check with Mr. Rafferty. Mr.

Gmeiner said we need an application before we do the work, so we can inspect. He also suggested Mr. Orcutt reach out to Mr. Rafferty to get someone to do the inspection. Mr. Bouchard asked if the work being done is at the building heading to sewer and Mr. Orcutt replied it was the street to building. Mr. Gmeiner asked that we contact the contractor to contact Environmental Partners to perform an inspection and submit an application.

### **Shaw's – Sewer Connection**

Mr. Irvine was present and said he was not part of this plan when it first started and was handed this project a year and a half ago. He stated they had a fully functioning system with no complaints and we were required to make a connection to town sewer and they have been working on that. He told the BOSC that the contractor is ready to connect any day and that they have already spent a significant amount to disconnect their working system at the towns request. Upon getting the invoice from the town this was all new to them and nobody was aware and that they have not received the original invoice. He said they have already spent \$227K to connect and no where in his budget is a district fee of \$154K.

Mr. Gmeiner said this invoice was sent to Albertson's, the people who pay the water bills and he told Mr. Irvine the issue is that we have to pay the neighboring Town of Ayer and their numbers have been bumped up. He said the calculation was based on Equivalent Residency Unit and the Town of Ayer has a connection fee of \$5,400.00 per ERU, which is based on a three-bedroom house or 330/gpd. Shaw's calculation is based on that. Mr. Irvine asked if there was an opportunity that they did not have to connect and Mr. Gmeiner said that the requirement originally went out to the landowner from the BOH. Mr. Irvine said that this covers multiple years and nobody knew of such a potential and from what he understood they asked, but were told No. Mr. Orcutt said that the reason the waiver was not granted was because Shaw's is in the water resource division. Mr. Orcutt said he also heard that the water quality test for phosphates was over the limit and maybe was a technical failure or there may have been some other reason the BOH required connection. Mr. Gmeiner said he has not seen anything from the BOH and asked if they had met with anyone and Mr. Irvine replied that they did get an extension from the BOH because they had an issue hiring a contractor. Mr. Irvine also said they have not had any communication with the land owner.

Mr. Gmeiner told Mr. Irvine that of that \$154K, \$104K goes to Ayer and he told him that we do have the ability to pay overtime to Ayer and that they may be able to help pay the invoice over a years' time. Mr. Irvine said he would have to think about it and that none of them knew the invoice was coming and the fact they may have been able to appeal. Mr. Gmeiner said that would have only been for a short time. Mr. Irvine said it's probably too late to appeal and said the construction is just about done and maybe they should speak to Ayer and tell them we did not know.

Mr. Irvine said when the Dollar Tree was going in, they were already in the process and it was agreed when we connect Dollar Tree would connect. Mr. Irvine said there is Dollar Tree, small office and three pads for future building that all will be tied in from the work they have done. Mr. Orcutt said that they all will be assessed a connection fee. Mr. Irvine said he can't understand because they are getting a fee they did not know was coming and they cannot find a record of anything. Mr. Bouchard suggested that maybe we should look through the BOH minutes. Mr. Gmeiner told Mr. Irvine that payment is due before the connection can be made. Mr. Gmeiner said the Town of Ayer is going to want their money, so we need to figure out how to get this paid. Mr. Gmeiner asked the BOSC on their thoughts of allowing the connection and making a payment arrangement. He also stated there is not a whole lot of flexibility on the number because of our obligation to Ayer. Mr. Gmeiner said he is inclined to let them hook up and try

working out a payment arrangement. Mr. Irvine said if we don't think we can approve our situation he feels he should go back to the BOH and ask. He feels they may have wasted \$227K and paying monthly fee's on top of this. Mr. Orcutt said he would rather them not hook up if they are not in compliance and he also stated if they decide not to hook up the Four Corners Sewer Budget cannot handle that.

### **436 Main Street**

Mr. Orcutt told the BOSC he is not sure what to do with this and we need another contractor to bid this. Mr. Gmeiner said because the bid that came in is high, he feels we need an extension from Honeywell. Mr. Gmeiner said he would draft a letter for an extension agreement.

### **Four Corner Sewer Regulations**

The BOSC will continue the discussion at the next meeting.

### **FY21 & FY22 Budget**

Mr. Orcutt said the budget meeting went well with Mr. Haddad. He asked if the BOSC was good with the change Mr. Haddad made with Phase 2 of the Pepperell debt that once Phase 1 is complete the Town will then share in Phase 2 at a 50/50 split. The BOSC was all in agreement they would pick up a 100% for FY22 Budget.

***Mr. Orcutt made a motion that the Groton Center Sewer District would pick up 100% of the Phase 2 Pepperell debt for FY22, Mr. Bouchard seconded the motion and it passed unanimously. Roll Call: Gmeiner-Aye, Orcutt-Aye and Bouchard-Aye***

Mr. Gmeiner asked that a letter be sent to the Town Manager and Fin Com stating the request that once Phase 1 is complete the Town will then share in Phase 2 at a 50/50 split.

Other Business:

Mr. Orcutt told the BOSC there is a concept plan and discussion tomorrow for 18-dwelling units at the end of Court Street on Mr. Elliot's property. Mr. Orcutt said he would make sure that he mentions they need to come before the BOSC for capacity. He thinks that it will be over 55 and if it is that would be 150 per unit and Mr. Gmeiner replied that we should still have enough capacity for this.

**Next Meeting** – December 16th, 2020

**BILLS SIGNED** - No bills were signed at this meeting

**MINUTES:** - No minutes were approved

**ADJOURN** – *Mr. Orcutt made a motion to adjourn at 3:45P.M. Mr. Gmeiner seconded the motion. Roll Call Gmeiner – Aye and Orcutt - Aye*

Respectfully submitted,  
Ann Livezey  
Water & Sewer Assistant