

**LUNENBURG BOARD OF HEALTH**  
**MEETING MINUTES**  
*May 6, 2013*

The meeting was opened at 7:00 PM by Chairman George Emond at the Ritter Memorial Building

Present: George Emond, David Shea, Perry Jewell, Jack Rabbit and Dave Passios.

**MINUTES APPROVED:**

March 18, 2013 motion by Shea, second by Jewell, all in favor.

**TITLE 5 INSPECTION REPORTS ACKNOWLEDGED:**

45 Penninsula Drive  
563 Mass Avenue  
172 Peninsula Drive  
160 Burrage Street  
158 Electric Avenue  
305 Leominster Shirley Road – Fail  
585 Page Street  
55 Brookview Terrace  
227 Pleasant Street  
120 Robbs Hill Road  
405 NW Townsend Road  
122 Cross Street  
964 Flat Hill Road  
145 Pleasant Street  
129 Pleasant Street  
291 Lancaster Avenue

**SEPTIC PERMITS SIGNED:**

155 Island Road

**89 WILDWOOD ROAD**

Tim Maginnis and Todd Cellura met with the Board with regard to this property and a requested variance from a Lunenburg Board of Health regulation concerning offset to wetlands. Also present were Courtney Zicvoginovic, abutter, and Jerry Croto, an area resident.

This lot is vacant. Mr. Maginnis stated that he received a letter from Agent Jim Garrefffi requiring revisions to the septic plan very recently and were unable to complete the revisions and resubmit the plan prior to attending tonight's meeting.

Chairman Emond read Agent Garreffi's comments regarding the plan as submitted. Dave Shea asked for an explanation as to Mr. Garreffi's concerns regarding a fully compliant system. Mr. Maginnis stated that he believes that in accordance with DEP Title 5 Regulations he has prepared a fully compliant system and will protect the groundwater of this site. He also stated that he previous worked for DEP.

The site is small, approximately 13,000 square feet in area and is noted as being unbuildable by the Lunenburg Assessors office. According to Chapter 40, Section 6 of Mass. Regulations, the lot would be 'grandfathered' for zoning purposes because of other actions taken by the Legislature in the past.

The Board explained to Mr. Maginnis that the purpose of the Lunenburg 100 foot offset regulation is to minimize the potential impacts on the waterways of the Town for replacement septic systems for existing systems that have failed, since many houses are still on private well and the Town water is drawn mostly from gravel well fields. The regulation allows the Board to examine, in greater detail, sewage disposal systems located near wetlands to insure the best possible protection of the environment and the groundwater. Variances to this regulation for new construction are very rarely granted.

After discussion and due to the fact that Agent Jim Garreffi has not had an opportunity to review the plan as revised, this matter was continued until May 20, 2013 at 7:00 pm.

Mr. Zivoginovic, an abutter to the property, stated that is he concerned about granting the requested variance both as it may affect his property and as a precedent to other small, undevelopable properties in Lunenburg.

Mr. Croto stated that he wants to understand the current policy of the town with regard to granting variances. Mr. Croto gave a history of the development of his lots as well as the surrounding lots and stated that he is concerned about the Board setting a precedent.

### **ARO ESTATES**

Chairman Emond advised that although the required testing has been completed by Mr. O'Brien and Agent Jim Garreffi, the results are no yet available for review.

This matter was continued until May 20, 2013.

Meeting adjourned 8:05 PM.