



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

**MEETING MINUTES
August 16, 2010**

Board of Health Members Present:

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

Others Present:

Nashoba Associated Board of Health Agent Ira Grossman
Margot Hammer, Zoning Assistant

Meeting Called to Order:

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

Old Business:

Discussion ensued regarding the revamping of the well regulations and who to get feedback from. A list was started of areas that needed addressing.

125 Peabody Street has no Title V inspection on record. The board agrees that a letter should to be sent to the owners addressing this.

122 Old Ayer Road has a Title V failure. The board agrees that a letter should to be sent to the owners addressing this.

Permits Signed:

21 Redskin Trail; Lot 35, Arbor Way; 54 Kemp St., 666 Lowell Rd.; 146 Ames Road; Lot B-34 Winding Way; 20 Taylor St. Lot 1, Mill St.; Lot 2, Jenkins Rd.

162 Common Street

Ralph Smith was unable to attend the meeting. He left a message that he needed surgery today but has several bids and expects to have a contract by the next BOH meeting.

Scheduled for September 13, 2010 at 7:10 PM.

39 Island Road

Present: Peter Sheldon, agent for McDonough

Atty. Sheldon said he last saw a letter wanting to discuss "the discrepancies" between two Title V inspection reports, but noted that he is not sure what these discrepancies are. He said his client is in her late 70's, lives in Winchester and doesn't like to drive at night. He said Mr. Grossman has had many conversations with Mr. Babineau, Title V inspector, regarding this system, noting that he has a report from Mr. Babineau dated 6/30/10.

Mr. Grossman said that the core issues relate to discrepancies in the two reports around the leaching area/bed, trenches etc. He said Title V has different sized systems and distributions boxes. He said the Board didn't feel comfortable that there is not one superseding report.

Atty. Sheldon said in the 2005 report there is a reference to a sketch of the septic system and D box, noting that the report was done by Mr. Campano. He said he thinks there may have been a back up of liquid into the tank, but he can't speak as to why the Campano and Babineau reports had different measurements. He said Mr. Babineau told him the tank has been there for many years, and that it is a very rugged, home made tank. He said the existing tank must have been there in 2005 but he can't confirm any of the other readings, noting that much of it was relying on hearsay.

Member Fleischer said the sketch is partly observation and partly hearsay.

Atty. Sheldon said he thinks it is wrong for the Board to consider both reports, noting that Mr. Babineau completed his report and it should be the one the board uses.

Chairman Weber asked Mr. Grossman whether he was okay with using Mr. Babineau's report.

Mr. Grossman said yes, but wants to be sure the board is comfortable with the large discrepancies between the two reports.

Chairman Weber asked whether, if the report were correct, the system would pass.

Mr. Grossman said it wouldn't "beaureaucratically" fail but the system has two small six-foot trenches that are not acceptable according to Title V. He said Mr. Babineau did due diligence as to what is required by Title V but Mr. Campano appeared not to follow these regulations. He said the Board could rescind the upgrade order if it decided the two six foot trenches 50 feet from the well are okay.

Member Horowitz asked whether, if the system does fail, a compliant system could be installed, or whether a tight tank be necessary.

Mr. Grossman said he couldn't tell, partly because he doesn't have the exact lot size. He said the system is probably 50 feet from the well, instead of the required 100 feet.

Atty. Sheldon said the health issue here is because the septic system is less than 100 feet from the well, noting that the water test was done and the water is fine. He said there are no conditions to passing, (no odor, etc.) and this is consistent with the anecdotal evidence that the system has been working fine since the '05 inspection was done. He said he wants the board to rely on Mr. Babineau's more thorough inspection, noting that the well is up slope, that there is very sandy soil and that there is no evidence of breakout.

Member Horowitz asked what the request is here.

Mr. Grossman said they want the order to upgrade rescinded.

Member Horowitz suggested the board condition the revocation such that if the system fails a new system or tight tank needs to be installed.

Mr. Grossman said that is not necessary given the Title V regulations.

Member Horowitz asked about requiring yearly water or septic testing.

Mr. Grossman said the board could, but he doesn't think it is a good idea.

Chairman Weber asked how long the house has been occupied.

Atty. Sheldon said he didn't know, but currently a couple with a small child resides there.

Discussion ensued regarding who sent the order to upgrade (BOH), and the size of the lot.

Chairman Weber noted the board doesn't have a universally accepted survey.

Member Horowitz made a motion to revoke the order to upgrade as requested:

Rescinding of the order to upgrade the septic system.

Member Fleischer seconded and the motion passed unanimously.

21 Redskin Trail

Present: Dan Wolfe, agent for Mavilla

Mr. Wolfe said the property is in lake area, noting his client also owns a lot that has frontage on Pine Trail. He said two local variances are required, one being groundwater testing in January instead of March and April. He said there is no evidence of any groundwater to 12 feet down, noting that the soil is comprised of sand and gravel material so it is unlikely to find any. He said the second variance is the offset from the street, which under the local BOH regulations requires 35 feet, while Title V requires 10 feet, which is what the offset is. He said the slope of the lot makes it necessary to tuck the system in where it is situated. He said the final variance required is the offset to abutting wells, one of which serves a residence across the street and the other a residence on Pine Trail. He said the distances are 95 feet from the second well and 71 feet from the first, noting that the board can issue a waiver down to 50 feet under Title V.

Discussion ensued on the following aspects:

1. what bodies of water may be nearby
2. how abutters may be affected by these setbacks
3. how the lot configurations were made
4. related well locations

Mr. Grossman noted that a lawyer represented that Pine Trail was not a town road and thus this could be considered as part of the lots in question.

Mr. Wolfe said the lawyer was also the developer and he (Wolfe), was not the engineer at that time.

Discussion ensued regarding how to make sure that even properties in foreclosure will receive notification that there is a septic system closer to their well than allowed without a variance.

Member Horowitz asked whether a 200-foot deep well could be impacted by a failed septic system.

Mr. Grossman said it would not be affected if constructed correctly.

Member Horowitz made a motion to grant the variances as requested with the caveat that notices be put into board of health records (Groton and Nashoba) at town hall that the abutting properties at 11 Pine Trail (well 71 feet away) and 8 Pine Trail (well 95 feet away) have wells that are closer than the required 100

feet from the septic system for 21 Redskin Trail, and with the following conditions attached:

1. The applicant must submit any proposed change in the above referenced plans to the Board of Health for its review and approval before the change is implemented.
2. The applicant is responsible for obtaining any other permits (including but not limited to) those required by the Board of Selectmen, Conservation Commission, Building Inspector, DPW Director, Planning Board, Stormwater Advisory Committee, and Zoning Board of Appeals.
3. Any construction activities (or related activities) within 100 ft of a wetland or resource protection area requires approval of the Groton Conservation Commission.
4. It is the applicant's responsibility to insure that the contents of this permit are made known to all contractors who perform work at this site.
5. It is the applicant's responsibility to contact Dig Safe prior to the commencement of any work at the site.
6. If the project is not completed, including issuance of a Certificate of Compliance, by 16 August 2011, it is the responsibility of the applicant to request an extension. The Board of Health may grant extensions for additional time provided that the applicant submits a written request for renewal no later than 16 July 2011, 30 days prior to expiration of the permit.
7. Any change in use or increased sewage flow is not to be made without prior approval of the Board of Health and any other applicable Board or Commission.
8. The existing 4-bedroom house is to remain a 4-bedroom house with no increase in the number of bedrooms, unless expansion plans are reviewed and approved by the Groton Board of Health.
9. This variance shall not be in effect until certified copy of the variance decision is recorded at the Middlesex South Registry of Deeds. Evidence of such recording shall be submitted to the Board of Health by the applicant.

Chairman Weber seconded and the motion passed unanimously

Variances requested:

310 CMR 15.405 – Local Upgrade Approval:

15.405(1)(g) – Reduction of system location set back from private water supply wells. An offset of seventy-one (71) feet from the nearest private water supply will be provided and ninety-five (95) is provided to a second well.

Groton Board of Health Regulations:

Section 1.A.2 – Deep observation holes for determination of groundwater elevations may be performed during the months of March and April.

Proposed: Groundwater elevations determined in January.

Section 1.E.6 – A minimum of thirty-five (35) feet must be available between the edge of any road and the entire perimeter of any proposed leach area. An offset of ten (10) feet is provided.

Mr. Mavilla said he wants more time than this September to complete the system because of money constraints, noting he is asking for a year to get the system built.

****This system is to be completed by August 16, 2011***

270 Boston Road

Present: Dan Wolfe, agent

The meeting began at 8:02 pm.

Mr. Wolfe said this is a tough property, noting that the only variance requested is on pressure dosing, which entails injecting the system all at once. He said there are great benefits in using the Presby Enviro-Septic system here, but the soil absorption system cannot be pressure dosed. He said the Presby system has a reduced footprint size and thus the area that needed to be cleared is much smaller.

Member Fleischer made a motion to grant the following variance as requested:

Groton Board of Health Regulations:

Section 1.C.1 – Whenever a system must be pumped, the soil absorption system shall be pressure dosed. Proposed: The proposed Presby Environ-Septic System leach field cannot be pressure dosed.

Mr. Wolfe asked that this not be required to be filed at the registry of deeds.

Discussion ensued regarding whether that condition could be removed.

Chairman Weber said he feels that in this case, the standard conditions shouldn't be added on. Member Fleisher agreed and Horowitz said she wants the conditions to stay.

Chairman Weber moved to amend the previous motion, to allow the removal of the standard variance conditions, because the town will be changing the condition that requires the above requested variance.

Ms. McDonough said this variance makes a huge difference and allows a lot of trees to be saved on the lot.

Member Fleischer seconded the motion to amend and the vote was two to one, with Member Horowitz voting against.

Member Fleisher moved to approve the amended motion to grant variance without the standard conditions. Chairman Weber seconded and the motion passed with two yeas and one abstention from Member Horowitz.

15 Throne Hill Road

Present: Jeff Hannaford, agent

The meeting began at 8:13 PM.

Mr. Hannaford said he is requesting a variance from minimum setback distance from the road to a leach area, noting that the lot slopes down to the road, necessitating the location of the septic system closer to the street. He said sliding the system further from the street would require raising and elevating the system to fit in with the contours of the lot, and thus he wants a variance for 24 feet instead of 35. He said he wants the system to be kept as narrow as possible.

Mr. Grossman said he had no comments after reviewing the plan, noting that the permit is prepared in the event the board grants the variance.

The applicant had not notified the abutters and the abutters of abutters and thus the hearing is rescheduled to 7:15 PM on September 13, 2010 to allow him to do this.

51 Kailey's Way – Accessory Apartment

Present: Tim Boudreau, contractor, Patricia Carey, Mr. Carey

The meeting began at 8:19 PM.

Member Horowitz said she thinks the hearing will be continued because she has thoughts on an easy resolution.

Mr. Grossman suggested that the situation could be easily resolved this evening, at least in part.

Mr. Boudreau said one issue is that the dwelling should have a five bedroom septic system because of the accessory apartment, and it has a four bedroom design. He said a second issue is the encroachment on septic expansion area and the third is the tank design, which either needs to be a two-tank set up or a single tank with a baffle. He said this could be resolved, and he is speaking to Stan Dillis about it.

Mr. Grossman said that if the board puts in a deed restriction for a 4 bedroom dwelling, the room count issue would be resolved and will show a four-bedroom septic approval.

Discussion ensued regarding whether the board is comfortable with the deed restriction.

Ms. Carey requested clarification regarding what the other issues were and whether moving the apartment addition back would alleviate the expansion area issue.

Mr. Grossman felt that it could.

Discussion ensued regarding how Title V figures room count.

Ms. Carey said there is no privacy on the first floor because it is an open floor plan.

Mr. Grossman said that is why he has no problem with the deed restriction.

Chairman Weber asked how far the property is from water.

Mr. Boudreau said it was likely Baddacook Pond, about ½ mile away.

Member Horowitz moved that the board accepts the deed restriction for a four-bedroom dwelling at 51 Kailey's Way. Chairman Weber seconded.

Discussion ensued regarding the impact of having a deed restriction in place.

Mr. Boudreau asked whether a building permit could be issued while Stan Dillis is working on the septic plan.

Mr. Grossman said that should not happen and all three items should be addressed prior to the issuance of a building permit.

The motion passed unanimously.

Minutes:

Member Horowitz moved to approve with changes the 8/2/10 minutes. Chairman Weber seconded and the motion passed unanimously.

Member Horowitz moved to approve with changes the 7/19/10 minutes. Member Fleischer seconded and the motion passed unanimously.

The meeting was adjourned at 9:22 PM.

Respectfully submitted,

Margot Hammer

Minutes approved 9/13/10