



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

MEETING MINUTES
August 1, 2011

Board of Health Members Present:

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

Others Present:

Nashoba Associated Board of Health Agent Ira Grossman
Land Use Assistant Dawn Dunbar

Meeting Called to Order:

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

Invoices Signed:

Verizon Wireless; City of Worcester – PHER funds reimbursement

Permits Signed:

290 Whiley Road; Arbor Way, Lot 34

22 Redskin Trail

No one was present

Mr. Grossman explained that he received a plan and a variance request letter from David E. Ross Associates on July 28, 2011 and said that the hearing would be continued to Monday, August 15, 2011 based on the plan having been submitted.

Member Weber made a motion to continue the hearing to Monday, August 15, 2011. Member Horowitz seconded the motion and all were in favor with a unanimous vote.

48 Throne Hill Road

John Sotera, homeowner; Dan Wolfe, engineer

Mr. Wolfe an engineer with the firm of David E. Ross Associates said that he and his client were before the Board requesting variances in order to upgrade the septic system on the property. Mr. Wolfe presented the proposed plan to the Board and requested the following variances:

Local Upgrade Approval

15.405(1)h – Reduction of the required 4' separation from the bottom of the soil absorption system to the high groundwater. A proposed 3' offset is proposed.

Local Regulations - Groton Board of Health

Section 1.A.2 – Deep observation holes for the determination of groundwater elevations shall be performed during the months of March and April. Groundwater elevations were determined in June.

Section 1.A.5 – There must be a minimum of 5' of pervious material between the bottom of the leaching facility and the groundwater. A 3' separation has been proposed.

Section 1.C.8 – At least 5' of naturally occurring material shall be in place over ledge. A depth of 28" to 32" of naturally occurring material exists below the proposed leaching facility.

Section 1.F.1 – Leach Beds shall be sized at 150% of Title 5 requirements. Presby Enviro-Septic bed design for 100% of Title 5 requirements.

Mr. Wolfe explained that this was designed to be a mounded system but that there was the ability within the house to alter / raise the plumbing and that a pump system would not be required. Mr. Wolfe added that the plan would need to go to DEP for further approval because it was a Presby Enviro-Septic System.

Mr. Grossman had no comments or concerns.

Member Weber made a motion to approve the variances to the Local Upgrade Approval and Groton Board of Health regulations as requested and submitted by Daniel Wolfe of David Ross Associates in a letter dated July 21, 2011.

Member Weber read the following Standard Conditions:

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 (or related activity) 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 approval 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. Compliance with Title 5 shall be within 2 years from the date of the sewage disposal system failure unless otherwise ordered to "upgrade" at a sooner date. The applicant must comply with the requirements of Title 5 for a "failed" system pursuant to section 15.305.
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 a certified copy of a Notice of 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.

Member Horowitz seconded the motion and all were in favor with a unanimous vote.

290 Whiley Road

Present: Mr. & Mrs. Mann, homeowners; Dan Wolfe, engineer

Member Horowitz disclosed that the homeowners were clients of hers.

Mr. Wolfe explained that the Mann's were before the Board to request variances in order to upgrade their septic system. Mr. Wolfe read the following requested variances:

Local Upgrade Approval

15.405(1)a – Reduction of system location setbacks to property lines from 10 feet down to 2 feet to the street line.

15.405(1)b – Reduction of system location setback to cellar wall from 20 feet to 18 feet.

15.405(1)b – Increase in the maximum depth of system components from 36" to 72".

Local Regulations - Groton Board of Health

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

Groundwater elevations were determined in May.

Section 1.C.11 – Whenever a system must be pumped, the soil absorption system shall be pressure dosed.

Pressure dosing is not provided.

Section 1.E.1 – Leaching facilities must be located at least 100' from any wetland.

An 81 foot offset is provided.

Section 1.E.6 – A minimum of 35' must be available between the road line and the proposed leach area.

An offset of 2 feet is provided.

Section 1.E.7 – A minimum of 20' must be available between any property line and the proposed leach area.

A 16 foot setback from the property line is provided.

Section 1.E.9 – A minimum of 15' must be available between the edge of a soil absorption system and an adjacent side slope. Walls and impervious barriers are not allowed to adjust side slope requirements.

An impervious barrier is proposed to adjust the site slope requirement.

Member Horowitz asked if they should be concerned about vehicles driving over the system with it being so close to the road. Mr. Wolfe said that because it was six (6) feet underground which was more than maximum depth of 36" that it would not be a problem.

Mr. Grossman had no comments or concerns.

Member Weber made a motion to approve the request for three (3) Local Upgrade Approvals and five (5) variances from the Groton Board of Health regulations made by Daniel Wolfe of David Ross Associates in a letter dated July 5, 2011.

Member Weber read the following Standard Conditions:

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 (or related activity) 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 approval 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. Compliance with Title 5 shall be within 2 years from the date of the sewage disposal system failure unless otherwise ordered to "upgrade" at a sooner date. The applicant must comply with the requirements of Title 5 for a "failed" system pursuant to section 15.305.
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 a certified copy of a Notice of 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.

Member Horowitz seconded the motion and all were in favor with a unanimous vote.

60 Valley Road

Present: Paul Johnson, homeowner; Martha Greenwood

Mr. Johnson began by expressing his frustration for never having been notified that his system was in failure. He asked to see the report that stated it was in failure.

Member Weber told Mr. Johnson that he understood he was frustrated but asked that the conversation remain calm and that he would have an opportunity to be heard.

Mr. Grossman said that testing had been done in 2008 and it had revealed that the sewage disposal system was within 50 feet of the well. This was a failure by definition. Mr. Grossman said that Dan Wolfe of David Ross Associates had designed a plan to upgrade the system, a permit was issued and Mr. Johnson had been before the BOH and Conservation Commission for approvals in 2008. He said that a letter was sent to Mr. Johnson in April 2011 and a follow-up letter in July 2011 informing him that the 2 year compliance date was approaching and work had not commenced yet. Letters sent to the 60 Valley Road address had not been returned and were assumed delivered.

Member Weber asked when the system had failed. Mr. Johnson said that he had voluntarily done a Title 5 inspection in March 2008 because he was thinking about building up or selling his property.

Mr. Grossman said that a Title 5 was not done by Ross Associates but in fact a survey was done which showed that the SDS was less than 50 feet from the well and reiterated that this was a failure by definition. The soil testing also revealed that the existing system was within the high groundwater table which was another failure criteria.

Mr. Johnson said that he was never told that the system was in failure. Ms. Greenwood added that after the survey had been done, they found out that Mr. Wolfe was a member of the Conservation of Trust which they said was a conflict of interest seeing their property abuts the conservation trust land.

Member Horowitz told Mr. Johnson and Ms. Greenwood that the bottom line was that their system was in failure by definition and that they were being informed at the time of the meeting that the system was in failure for 2 reasons: 1) high groundwater table and 2) the SDS is less than 50' from a well. She added that Mr. Wolfe was a well-known engineer that the Board had worked with for many years and didn't believe that because he was a part of the Conservation Trust that there was a conflict of interest.

Member Weber said that the survey was a separate issue and not a matter for the Board of Health. He said if they thought the survey was incorrect that they should get a new one done.

Mr. Johnson asked why his property was not grandfathered. Member Horowitz said that Title 5 went through major changes in 1995 and that the changes triggered the local Boards of Health to look into these matters. She said that his septic system could potentially be polluting the lake as well as their well and even though the system may work, it could be harming public health. She suggested they make an appointment with Mr. Grossman to discuss the options available to them.

Member Horowitz asked that the correct mailing address for Mr. Johnson be entered into the record as PO Box 156 Shirley, MA 01464.

Chairman Fleischer asked what kind of timeframe Mr. Johnson was receiving. Member Horowitz said that they were considering the failure date as of tonight, August 1, 2011 and that he had 2 years to upgrade his system.

Mr. Johnson asked if there were grants available to him. Mr. Grossman said that there were local banks that would provide a low interest loan but that he wasn't sure about any grants. Mr. Grossman cautioned Mr. Johnson that innovative or alternative systems like what they were thinking of installing required lifetime maintenance agreements which could be costly.

Member Horowitz made a motion to establish a date of failure for the SDS located at 60 Valley Road as of August 1, 2011.

Member Weber seconded the motion and all were in favor with a unanimous vote.

Member Weber made a motion to send a follow-up letter to the homeowner requesting them to have the well tested and results provided to NABH.

Member Horowitz seconded the motion and all were in favor with a unanimous vote.

65 Rawding Road

Mr. Grossman asked for the Board Members permission to make a modification/field change on the permit due to issues with the original topography that was done.

Member Horowitz made the motion. Member Weber seconded the motion and all were in favor with a unanimous vote.

21 Redskin Trail

Present: Dan Wolfe, engineer

Mr. Wolfe explained that he was before the Board a year ago for Mr. Michael Mavilia with a plan to upgrade the septic system. He said that they had almost completed the install of the system but needed to come before the Board to ask permission to make a field change to the original plan and permit. He said that they could not put the system down as low as they had designed it due to ledge. He had spoken with Mr. Grossman and asked if the system could be moved over five (5) feet.

Member Horowitz made a motion to allow a field change of the design and install at 21 Redskin Trail for Michael Mavilia.

Member Weber seconded the motion and all were in favor with a unanimous vote.

Well Regulations

Member Horowitz made a motion to accept the Well Regulations as written and modified.

Member Weber seconded the motion and all were in favor with a unanimous vote.

A public hearing will be held on October 3, 2011 to accept the changes to well regulations.

Member Horowitz made a motion to adjourn the meeting at 9:00pm. Member Weber seconded the motion and all were in favor with a unanimous vote.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant