



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

**MEETING MINUTES  
July 1, 2013**

**Board of Health Members Present:**

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

**Others Present:**

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

**Meeting Called to Order:**

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

**14 Paul Revere Trail - Present:** Jeff Hannaford, engineer; Steven Beard, abutter; Paul Watkins, owner

Mr. Hannaford introduced himself as representative for the owners of 14 Paul Revere Trail. He said that the property was right on the lake on a small lot of approximately 13,000sqft. He said part of the (septic) system was in fill and part was in a small knoll on the lot and the dwelling was serviced by private well. He said that the well was situated near the lake, about 11ft off the rear lot line. The proposed upgraded system would be 65ft from the well and 90ft from the well on an adjacent lot. The property was also next to two (2) wetlands, the lake and a vegetated wetland and the public boat launch was also next to the property. He added that they could meet the 100ft offset to the vegetated wetlands but only could only place the proposed system 80ft from the lake. The proposed system would have a new 1500gal septic tank and a new leach field which was 5ft above the water table.

Mr. Beard, an abutter, had no issues with the proposed location.

**Member Horowitz moved to accept the variances for 14 Paul Revere Trail as written. Member Fleischer seconded the motion. Member Fleischer noted that the required distances (in feet) were not included in the letter only the proposed footage was given. The motion carried unanimously.**

Member Fleischer 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, to include the issuance of a Certificate of Compliance, shall be completed by August 31, 2013. 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 one (1) bedroom house is to remain a one (1) 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 and certified copy of a Notice of Decision shall be recorded at the Middlesex South Registry of Deeds. Evidence of such recording must be submitted by the applicant to the Board of Health prior to issuance of a Certificate of Compliance.

Mr. Watkins asked what this would do to his deadlines. Mr. Grossman said that the failure to upgrade had been pending action in court. Because the owners made arrangements with him to work on the upgrade he postponed the court date until July 15 and asked the Board at that time to continue until September 30<sup>th</sup>. Chairman Weber said that they could have the variance letter and Notice of Decision drafted and signed within the next week to not further hold any forward progress up.

**Member Horowitz moved that the Board allow Mr. Grossman to continue the court date for 14 Paul Revere Trail until September 30<sup>th</sup>. Member Fleischer seconded the motion. The motion carried unanimously.**

**32 Blossom Lane** – Present: Rhonda Mullins, owner; Doug Smith, engineer with Soilsmith Designs

Mr. Smith said they were before the Board to request variances in order to upgrade the septic system. The variances requested were:

*Groton Regulations*

1. *Reduction to groundwater. Groton regulations 315-1E states that a 5' separation is required between the bottom of the leaching facility and the groundwater elevation. We are providing a 4' separation.*
2. *315-3C – Groton regulations require an official stamped copy of the survey plan for the referenced lot. We are seeking a variance as the lot plan recorded from the registry of deeds book 7564, page end dated 1939 combines both lots 224-8 and 225-76. The deed, Book 61448, page 561 describes the lot exactly and a mortgage plan with surveyor stamp has been submitted. In addition both abutters have recorded septic plans which verify these boundary lines.*

*Local Upgrade Variances*

1. *310-CMR 15.405(i) – A sieve analysis performed by a certified lab (U Mass Amherst) in accordance with department guidance due to the soil being too wet to perform a percolation test.*
2. *Local upgrade approval for reduction of the 12" separation to inlet and outlet tees of tank and pump chamber and high groundwater.*

Member Horowitz asked how large the mound would be. Mr. Smith said the mound would be 3ft on the upper side and 5ft on the low end. Member Horowitz asked if Mr. Grossman had any issues with the mound or with the request for a variance from providing a survey plan. Mr. Grossman said that he did not.

Chairman Weber asked if they should state what the reduction of the separation was. Title 5 called for a 12" separation. Mr. Grossman said it was about 10". Mr. Smith said that he would be comfortable with saying it was 10 ½".

**Member Fleischer moved to grant the variances as requested in a letter dated June 10, 2013 from Soilsmith Designs for 32 Blossom Lane with the understanding that the Local Upgrade Variance for reduction of the separation from 12" was approved for 10" and above. Member Horowitz seconded the motion. The motion carried unanimously.**

**89 Boathouse Road** – Present: Nicholas Rosa, owner; Peter Blaisdell, engineer; Robert Collins, attorney

Attorney Collins said that they were present to request variances and to seek approval to install a tight tank at 89 Boathouse Road. He said that Mr. Grossman was receiving the revised plan that evening and that it would hopefully resolve his concerns. He added that since Mr. Grossman had not had time to review this plan, he didn't expect that the Board would act on it that night. He said that in order to clear up the bedroom count issue, Mr. Rosa was happy to allow Mr. Grossman an opportunity to walk through the dwelling to do a room count. He said that there were 3 rooms used for sleeping. Attorney Collins said that the well was slightly less than 50ft away. He said that they had been unable to locate the well on Mark Enwright's property next door.

Mr. Blaisdell added that there was a suction line that would come up to the tank. He said that as a result, Mr. Grossman had asked for the tank to be pumped every 30 days. Mr. Blaisdell said that because he and owner couldn't locate Mr. Enwright's well, they noted on the plan that it was within 200 ft. Member Fleischer asked if the Board could proceed without knowing where the well on Mr. Enwright's property was. Mr. Grossman said the Board had never done that before. Mr. Grossman said that he would be hesitant to suggest the Board approve a reduction from the required 50ft separation for a suction line to a tight tank. Attorney Collins said he wasn't sure where else they could put the tank. Mr. Grossman suggested changing the suction line to a pressure line and/or to move the tank closer to the street with an additional cover, as a couple of options available to them.

**Member Horowitz moved to continue the hearing until August 19, 2013. Member Fleischer seconded the motion. The motion carried unanimously.**

**78 Maplewood Ave** – Present: Kevin Ritchie, engineer; Mike Smutek, owner

Mr. Ritchie explained that they had just recently been approved by the Board to install a tight tank on the property but they were now looking to have the seasonal restriction removed from the variance's standard conditions so that the property could be used year round. The Smutek's had a buyer that intended to live on the property year round. Mr. Ritchie argued that the property had been assessed incorrectly. Ms. Dunbar explained that she had spoken to the Assessors' office who confirmed the fact that it was being assessed correctly for seasonal use. Chairman Weber asked how they could take something seasonal and convert it to year round use. Member Horowitz suggested maybe redesigning the plan for a full system. Mr. Grossman said that it was permissible to have a tight tank for year round use but the review by the State would be tougher. He said that under the local regulations, the conversion of a property to year round use mimicked zoning and must meet certain criteria.

Mr. Smutek said it was his desire to put in a conventional system but when Mr. Grossman visited the site, he was under the impression that a conventional system was not a feasible option due to wells and the lake. He said that he had a prospective buyer who mentioned using an IA system to which Mr. Grossman said it wasn't a practical option either due to setbacks.

Member Fleischer said that it sounded as though if the property had already been approved for year round use they would have been asked to approve a tight tank as it seemed like the only option. Mr. Grossman suggested holding off on changing the variance letter until this went through the ZBA. Chairman Weber asked if they could write the ZBA a letter stating the BOH was inclined to approve the tight tank for year round use if they ZBA approved the application. Mr. Grossman said it was meaningless to the ZBA because an application hadn't been submitted yet. Mr. Smutek said he was trying to sell the property to someone who wanted to change that status at some point in the future. Member Horowitz said she would prefer to do what they are being advised to do as Mr. Grossman had a better handle on these types of situations.

Mr. Ritchie said that one of the technical deficiencies listed by DEP was that the plan had to reference seasonal use. He asked if the 10<sup>th</sup> standard condition could be stricken altogether. Chairman Weber said that the reason they lock these things down is to make sure records match and his only concern with striking the condition is that it would create a gray area. Member Fleischer asked if they could vote now and then that if the ZBA granted year round use of the property they would rescind the seasonal language. Mr. Grossman said that the ZBA will be asking for the Board's input and whether or not it meets Title 5 requirements. He said that with any other deed restriction, if a change is made the restriction can be removed.

July 1, 2013

Page 4

Chairman Weber said that it was his understanding that if / when the ZBA were to request input, that the Board of Health would likely find that a tight tank (system already approved) would be in compliance with Title 5 if / when ZBA granted approval for year round use.

Chairman Weber asked how long the ZBA process would be. Ms. Dunbar said about three (3) months. Chairman Weber said that the Board seemed favorable at this time adding that he knew it was an unfavorable outcome but hoped Mr. Smutek would continue pushing for year round use.

#### **Old/Other Business**

##### **SDS Regulations**

Chairman Weber took time to review additional changes to the Sewage Disposal System Regulations that were originally proposed in 2011.

##### **Cyanobacteria**

Member Horowitz asked if it was possible for the State to conduct frequent testing or if it could be something that the Board pays for. Ms. Dunbar said that she had done some research and was unable to find costs associated with testing. Mr. Grossman said that the State would come out if there was a problem but not for each bubble that shows up.

##### **Mosquitoes**

It was discussed and decided that the Board would request that a placeholder be put on the Fall 2013 Town Meeting Warrant to propose involvement in the Central Mass Mosquito Control Project.

##### **9,11,15,23 Whitewood Road**

Member Horowitz said that she had been treating Mr. Scira's dog more frequently lately. The first time started out as an emergency. Mr. Grossman thought it was fine if Member Horowitz took a step back and didn't make any decisions with regard to issues surrounding Mr. Scira's properties. He added that he thought it would be prudent to order an issue for the install of the shared system at 9,11,15 & 23 Whitewood Road.

**Member Fleischer moved that an order be issued to Mr. Scira with regard to the install of the shared system at 9,11,15 & 23 Whitewood Road. Chairman Weber seconded the motion. Member Weber and Fleischer approved the motion. Member Horowitz abstained from the vote.**

The meeting was adjourned at 9:40pm.

Respectfully submitted,

Dawn Dunbar  
Land Use Assistant