



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

**BOARD OF HEALTH**  
Robert J. Fleischer, Chairman  
Susan Horowitz, Member  
Jason Weber, Member

## MINUTES

Date: Monday, March 7, 2016  
Time: 7:00 p.m.  
Location: Town Hall, Second Floor Meeting Room, 173 Main Street, Groton  
Members Present: Robert Fleischer, Chairman; Dr. Susan Horowitz, Member; Jason Weber, Member  
Remote Participation: None  
Others Present: Ira Grossman, Nashoba Associated Board of Health Agent; Robin Eibye, BOH Administrative Assistant; Vlad Murnikov; Ted Doucette, Doucette Engineering; Jack Maloney, Ducharme & Dillis Design

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

### **345 MARTINS POND ROAD – SDS Variance Request**

Vlad Murnikov and Tatiana Murkinkova, owners, were present.

Ted Doucette presented on behalf of owners, Vlad Murnikov and Tatiana Murkinkova, highlighting the following:

1. Request reduction in the groundwater offset from four feet to two feet in accordance with the Envirospetic Wastewater Treatment System Massachusetts Design and Installation Manual (Mass. Design Manual) and the Mass DEP remedial approval. With the construction of the Presby Enviro-Septic Waste Water Treatment System (Presby ES) a reduction in the groundwater offset from four feet to two feet is allowed in accordance with the Mass Design Manual and the DEP remedial approval. The additional treatment provided by the Presby ES will allow the proposed septic system to be constructed at a lower elevation, reducing the height, the amount of septic sand and the amount of general of fill required.
2. Request elimination of the requirement to show a reserve area. As stated above, the property provides several challenges and there is sufficient area for only a primary soil absorption system; as is typical with many remedial designs, a reserve area cannot be provided.
3. Request reduction in the offset from a property line and road line to a soil absorption system from 10 feet to not less than 5 feet (5.89 feet as shown on the plan) with a property line certified by a Registered Land Surveyor, and from 35 feet to not less than 5 feet (5.89 provided on the plan). Reducing the offset from a property line and the distance from a road line, allows the system to be located further from the steeper slope, and in turn reduces the amount of fill required.
4. Request relief from the Groton by-law requiring leach beds to be designed at 150% of the Title 5 design area. The proposed system is designed in accordance with the Mass Design Manual with a

conservative adjustment to provide additional factor of safety. Reducing the Groton Board of Health requirement to exceed the Title 5 design requirement by 150 percent will reduce the amount of fill as described previously above.

5. Request relief from the Groton by-law limiting slopes to no greater than 3H:1V. The design plan shows a 2H:1V slope that is necessary as the adjacent natural grade is steeper than 3H:1V. Without the steeper grade the slope will not intercept the existing grade requiring to fill the slope for 50 feet, and filling against the garage foundation.
6. Request relief from the Groton by-law requiring leach beds to be pressure dosed. This is specifically prohibited by the Mass Design Manual as shown on page 13 submitted with this letter.

Member Weber asked Ira Grossman to provide his thoughts. Mr. Grossman said that he is comfortable with the design noting it is a straight forward system. Member Horowitz inquired about the slope grading. Mr. Doucette replied that the barrier was moved out five feet.

**Member Horowitz made a motion to accept the variances as written with the following Board of Health 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 three (3) bedroom house is to remain a three (3) 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 copy of this 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 Weber seconded and the motion carried 3:0.**

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## 29 ARROW TRAIL – SDS Variance Request

Mr. Jack Maloney, Sr. Project Manager at Ducharme & Dillis Design Group, was before the board to present the variance request as outlined in the January 15, 2016 letter. The variance requests are as follows:

### Local Regulations

1. **315-5.F** A minimum of 35-feet must be available between the edge of any street, passageway or road line and the entire perimeter of any proposed leach areas. (Provided: 6.5-feet).
2. **315-5.G** A minimum of 20-feet must be available between any property line and the entire exterior perimeter of any proposed leach areas. (Provided: 6.6-feet).
3. **315-3.I** A minimum of 15-feet must be available between the edge of a soil absorption system and the adjacent side slope. Walls and barriers are not permitted. (Provided: Poly barrier set at 6-feet from edge of stone).

### Local Upgrade Approval

1. **15.405(1) (a):** Reduction of system setback for property lines. (Proposed-6.5').
2. **15.405(1) (b):** Reduction of system setback from cellar wall. (Proposed-8.3').

Member Weber inquired about the variance for the slope. Mr. Maloney noted the variance on the letter dated January 15, 2016. The Board probed Mr. Grossman for his recommendation. Mr. Grossman said he was in favor of the proposed system. A brief discussion ensued.

**Member Weber moved to accept the variance requests as outline in the January 15, 2016, letter along with conditions that methods of construction Title 5 be followed with respect to deleterious material and subject to the BOH 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 three (3) bedroom house is to remain a three (3) 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 copy of this 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.

10. Compliance shall be prior to occupancy or the regulations change.

**Member Horowitz seconded and the motion carried 3:0.**

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#### **1 RADIO ROAD – SDS Variance Request**

Mr. Jack Maloney, Sr. Project Manager at Ducharme & Dillis Design, began his proposal for a 3,000 gallon concrete tight tank. He requested the following variances:

##### Local Variances

1. **Chapter 315-5(F)** A minimum of 35' must be available between the edge of any street line and the exterior perimeter of a leaching facility. (Provided: 15.3-feet to the Tight Tank).
2. **315-7** Tight Tanks shall not be used for sewage disposal.

Mr. Maloney made note that this is a seasonal residence and will remain so. He went on to request the following Title 5 local upgrade approval:

1. **15.405(1) (e)** Reduction of system location setbacks to a wetlands. (Provided-20.0' to high water elevation)

The Board turned to Mr. Grossman for his input. Mr. Grossman said he did not have any objections to the tight tank, adding that he does not recommend doing anything other than a tight tank. Chairman Fleischer inquired as to the type of well on the property. A brief discussion ensued.

**Member Horowitz made a motion to accept the variances as written with the following 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 two (2) bedroom seasonal home is to remain a two (2) bedroom seasonal home 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 copy of this 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.

10. Compliance with Title 5 must be within one year from today, March 7, 2016.
11. If town water becomes available, the owner must hook up to town water.
12. The residence must remain as a seasonal residence only.

**Member Horowitz seconded and the motion carried 3:0.**

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#### **44B GRANITEVILLE ROAD – SDS Variance Request**

Mr. Jack Maloney, Sr. Project Manager at Ducharme & Dillis Design, began by stating the current system has failed. He is proposing a new two-compartment tank. He confirmed the total bedroom count is four.

Member Weber asked for Mr. Grossman's input. Mr. Grossman noted that full compliance can be met, however, price is a factor. Mr. Maloney clarified that cost played a huge factor in the system's design. The original design came in at approximately \$45,000 and the proposed system is significantly less expensive. Mr. Grossman said that he did not have any objections to the proposed system. Chairman Fleischer inquired whether the system is equally protective to public health. Mr. Grossman made clear that the proposed system is equivalent.

**Member Horowitz made a motion to accept the variances for 44B Graniteville Road as written with standard conditions.**

1. Chapter 315-1 (E): There must be a minimum of 5' of pervious material between the bottom of the leaching facility and the groundwater. (Provided: 4-feet).
2. 315-3 (I): Percolation rates over 14 mpi require leaching trenches. (Provided: 30' x 67' leaching field/bed. Please note the bed is sized per Groton BOH Reg.315-6, where 150% of Title 5 requirements have been utilized).

*The Board of Health 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.

**Commented [JW1]:** Any particular reason these are inline vs. separated as in the previous sections?

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 three (4) bedroom "condex" is to remain a three (4) bedroom "condex" 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 copy of this 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.
10. In the event of system failure, the most up-to-date technology must be used when replaced.

**Member Horowitz seconded and the motion carried 3:0.**

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#### **51 KEMP STREET – SDS Variance Request**

Mr. Doug Smith of Soilsmith Designs began by saying that he went before the Conservation Committee and received approval. He made note that the residence is on town water. Mr. Smith explained he is requesting the following variances:

1. Chapter 315-1. E. There must be a minimum of 5' of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. Proposed an offset of 4 feet is provided in accordance with Title 5 Regulations.
2. Chapter 315-3. H. At least 5' of naturally occurring materials must be in place over ledge. Fill shall not be used to make this requirement. Variance requested as there is no place on this lot to achieve this requirement, 4' is provided, consistent with Title 5.
3. Chapter 315-5. I. A minimum of 15' must be available between the edge if soil absorption impervious barriers are not allowed to adjust the side slope requirement and offset. Requesting variance to allow use of 40 mil poly barrier and wall.
4. Chapter 315-5. A. Distance requirements leaching facilities must be located at least 100' from wetlands, watercourses, streams, etc. Variance requested to be 21' from wetlands, 86' to pond and 52' from brook.
5. Chapter 315-1. B. Deep observation holes for determination of groundwater elevations must be performed in the months of March or April. Requesting a variance for utilizing off season testing. (Test holes were conducted December 8, 2015).

State Title 5 Variances:

1. 310 CMR 15.405 (i) (e) Reduction of system location setbacks from bordering vegetated wetlands. 50' required and 21' provided.
2. Title 5 policy on the use of the B Horizon for soils absorption systems for system upgrades per policy BRP/DWM/PeP-POO-6.

Mr. Grossman clarified that the proposed project was acceptable. Member Horowitz asked why a Presby system was not used for this project. Mr. Grossman replied, saying that he would not recommend a Presby system for this particular project. A brief discussion ensued.

**Member Horowitz made a motion to accept the variances for 51 Kemp Street as written with standard conditions subject to occupancy or accordance with changes in regulations.**

***Groton Board of Health Standard Conditions***

*The Board of Health granted the variances with the following 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 three (3) bedroom house is to remain a three (3) 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 copy of this 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.
10. Compliance shall be prior to occupancy or the regulations change.

**Member Weber seconded and the motion carried 3:0.**

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#### **4 ALDER ROAD** – Property transfer discussion continued from Feb. 1, 2016

Mr. Grossman provided an update, stating he has an application from the owner and they are moving forward.

#### **38 RIDGEWOOD AVENUE** – SDS Variance Request

Member Horowitz began by inquiring about the letter of concern from abutter, Barbara Ruskin. Ms. Robin Eibye noted that the letter was submitted after 5:30 p.m. this evening. Member Weber went on to read the letter aloud.

Mr. Doug Smith, of Soilsmith Designs, followed on saying that he received an email late this afternoon from Ms. Barbara Ruskin listing her concerns. Mr. Smith said that he tried several times over the past few months to contact Ms. Ruskin, but was unable to do so.

Beginning his planned presentation, Mr. Smith said that Ridgewood Road is very steep with 152 steps down to the lake. He's proposing to take the existing system out and install an e-pump and generator.

Mr. Smith noted that the system meets requirements. He went on to explain that directional drilling can be employed to bring the system under water and up the hill.

Member Horowitz asked for Mr. Grossman's opinion. Mr. Grossman said that the installation is extremely complicated and noted that the water supply to the home is via a well.

**Member Weber moved to continue the discussion to March 21, 2016. Noting that based on Mr. Grossman's recommendation, the majority of the board looks upon the application favorably. Member Horowitz seconded the motion and the motion passed unanimously.**

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#### **NEW/OLD BUSINESS**

A discussion ensued regarding Whitney Pond Road Title 5 violations.

**Invoices signed:** Verizon

**At 9:12 p.m., Member Weber moved to adjourn the meeting.**

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Respectfully submitted by Executive Assistant, Robin Eibye.