



**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 21, 2016  
Time: 7:00 PM  
Location: GELD Building Conference Room, 23 Station Avenue, 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; Amory Thorndike, Vector Disease Control; Neil Gorman, David E. Ross Associates; Rose Mary Chaulk, Rose Land Survey; Mary Livingston; Doug Smith, Soilsmith Design; Russell and Susan Mallard;

---

The meeting was called to order by Chairman Fleischer at 7:00pm in the conference room of the GELD building at 23 Station Avenue, Groton.

### MOSQUITO MONITORING AND SURVEILLANCE PRESENTATION

Amory Thorndike, Business Development Representative at Vector Disease Control International, provided a summary of Vector's 23 year history, 25 offices across the United States, and its operations and intended growth plan within Massachusetts since 2013.

Mr. Thorndike provided an overview of mosquito control, surveillance, monitoring, and testing for disease. Dr. Horowitz explained the BOH's needs to Mr. Thorndike. Mr. Thorndike spoke about the importance of public awareness campaigns and educating residents on what they can do to help.

Dr. Horowitz asked Mr. Thorndike if he was willing to attend the Annual Town Meeting in April to present and discuss mosquito monitoring and surveillance.

Dr. Horowitz asked Mr. Thorndike how long he's been in his role. Mr. Thorndike explained that he's been in his current role for approximately six months. Mr. Thorndike explained that Vector also offers tick control services. The Board stated they were interested in receiving more information from Vector on such.

### 450 TOWNSEND ROAD – SDS Variance Request

Neil T. Gorman, Project Manager at David E. Ross Associates, Inc., was before the Board to present the variance request as outlined in the January 18, 2016, letter. The variance request is as follows:

*310 CMR 15.000 Title 5 – Local Upgrade Approvals:*

1. **15-405(1) (h)** – Reduction of the required separation between the bottom of the leaching facility and the high groundwater from five (5) feet to four (4) feet.

*Groton Board of Health Regulations:*

1. 315-1.B – Deep observation holes for the determination of groundwater elevations may be performed during the months of March and April. Proposed: Deep observation holes performed in the month of December.
2. 315-1.E – There must be a minimum of five feet of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. Proposed: an offset of four (4) feet is provided between the bottom of the leaching facility and the groundwater elevations

Member Weber asked Mr. Grossman for his opinion. Mr. Grossman stated that he didn't have any objection to the proposed system. Chairman Fleischer asked if there was a recorded date of failure, and Mr. Grossman stated he had not received a Title 5 inspection.

**Member Horowitz moved to accept the variance requests as outline in the January 18, 2016, letter along with 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.
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 four (4) bedroom house is to remain a four (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 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 December 2, 2017.

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

---

**48 REEDY MEADOW ROAD – SDS Variance Request**

Rose Mary Chaulk of Rose Land Survey was before the Board to present the variance request as outlined in the February 24, 2016, letter. She went on to request the following variances:

1. 310 CMR 15.404 (3) C – 4' pervious material needed. (44"-54" requested) The proposed system is located on the lot where there is maximum depth of soil. There are no other locations available on the lot.
2. Groton regulation 315-1 (C) – In season groundwater. (September testing) On site soil morphology shows the groundwater to be below the C horizon. The underlying ledge is fractured but not weathered or exposed to groundwater. For the design the top of the ledge was used as a seasonal high groundwater.
3. Groton regulation 315-6 – Leach beds sized at 150%. (100% Title V provided) In doing the design we have not asked for a variance of 4' separation from seasonal high groundwater for repairs but instead we have 6-8' of sand between the bottom of the stone and the ledge to provide extra protection. Existing conditions make enlarging the system to 150% problematic.

The Board inquired about the date of failure; Mr. Grossman noted he had not received a Title 5 inspection.

Member Weber asked Mr. Grossman if there was room for improvement with the proposed system's design. Mr. Grossman stated that he's in favor of the proposed system's design.

**Member Weber made a motion to accept the variances as written in the letter received on February 24, 2016, 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 four (4) bedroom house is to remain a four (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 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 six months from today, March 21, 2016.

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

---

**73 CHESTNUT HILL ROAD – Airbnb Discussion**

Mr. Grossman provided a brief update to the Board stating he found an Airbnb posting for 73 Chestnut Hill Road.

Member Horowitz began by offering to recuse herself because Mary Livingston is a client. Chairman Fleischer and Member Weber stated that they saw no need for Member Horowitz to do so.

A discussion ensued about Airbnb and the town regulations. The Board asked Mr. Grossman how many Airbnb listings were located in the town of Groton and Mr. Grossman stated he was aware of three, including this one.

Mary Livingston provided an update about Airbnb and her experience with it. She said that she used Airbnb as a vehicle to locate long term housemates and not to find short-term renters.

The Board decided further discussion and guidance was needed to determine what constitutes a business solicitation vs. roommate matching. Mr. Grossman agreed to gather additional information.

**38 RIDGEWOOD AVENUE – SDS Variance Request continued from March 7, 2016.**

Member Horowitz noted that she recently visited the property and was “not happy.” Doug Smith of Soilsmith Designs stated that he recently communicated via email with Barbara Ruskin of 28 Ridgewood Avenue. He noted that since his communication, she was “a bit less concerned” with the project. Mr. Smith provide copies of these email communications with Ms. Ruskin to the Board for its review.

Mr. Smith addressed Ms. Ruskin’s concerns, specifically the wall and the trees slated for removal. Mr. Smith noted that several other properties in the area have walls comparable in size. In addition, Mr. Smith provided the Board with a graph showing which trees were slated for removal. In doing so, he noted the relatively low impact of the proposed removals, both in number and diameter/size/age.

Member Horowitz asked why a tight tank was not proposed. Mr. Smith replied that it would be too difficult to pump a tight tank. The Board asked Mr. Grossman for his opinion. A brief discussion ensued. Mr. Grossman explained that he does not object to the proposed system based on the fact that there does not appear to be a better, realistic approach.

Member Horowitz restated her concerns about the property, with a focus on the challenges of installing a septic system on it. A brief discussion ensued about annual inspections. Member Weber asked whether there should be a required timeline for repair in the event of any failure and a brief discussion on this topic ensued.

Mr. Smith was before the Board to present the variance request as outlined in the January 26, 2016, letter. The variance request is as follows:

Town of Groton Board of Health variances requested:

- 1) Chapter 315-5. I – A minimum of 15’ must be available between the edge of soil absorption system and adjacent side slope, the finished side slope is not to be steeper than 3/1. Walls and 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.
- 2) Chapter 315-5.A – Distance requirements leaching facilities must be located at least 100’ from wetlands, watercourses, streams etc. Variance requested to be 58’ from the pond.

- 3) Chapter 315-1 B –Deep observation holes for determination of groundwater elevations must be performed in the months of March or April. Use of holes other than March and April are limited to class 11 and class 111 soils. Requesting a variance to allow soil testing in the month of September.
- 4) Chapter 315-5. F- A minimum of 35' must be available between the edge of any street or passageway or road line and the entire exterior perimeter or any proposed leach areas. An offset of 8.7' is provided.
- 5) Chapter 315-5. G- A minimum of 20' must be available between any property line and the entire exterior perimeter of any proposed leach areas. An offset of 5' is provided.

State Title 5 Variances Requested:

- 1) 15.405 (1) (g) State local upgrade approval reduction in separation distance from private water supply, wells to soil absorption system. 100' required. 84' provided from one abutters well and 92' from another abutter's well.
- 2) 15.405 (1) (a) Reduction of system location setbacks, otherwise established in 310 CMR 15.211 for property lines provided that the system is within the property lines from 10' to 5'.
- 3) 15.405 (1) (k) At least one deep hole has been performed in the proposed disposal area and it has been determined by the approving authority that the deep hold adequately characterizes the soils for the purpose of designing the soil absorption system.

**Member Weber moved to accept the variance requests as outlined in the January 26, 2016, letter 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 occur within two years or prior to occupancy after a transfer of ownership, whichever comes first. The property owner 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 house is to remain a two (2) 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. In the event of any system component failure the property owner will remediate it within six months from the date of failure.

**Member Horowitz seconded and the motion carried 2:0 with 1 abstention (Member Horowitz)**

---

**66 BOSTON ROAD – Sewer Waiver Discussion**

A discussion ensued about whether or not the property located at 66 Boston Road was occupied. Mr. Grossman confirmed that 66 Boston Road is currently unoccupied. The Board questioned if the property owner would be willing and able to attend a BOH meeting. It was decided to continue the discussion to the next meeting on Monday, April 4, 2016.

**Member Horowitz moved to continue the discussion to the next meeting on April 4, 2016.**

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

---

**NEW/OLD BUSINESS**

**Variances signed:**

1. 2016-03 – 51 Kemp Street
2. 2016-04 – 44B Graniteville Road
3. 2016-01 – 345 Martins Pond Road
4. 2016-05 – 1 Radio Road
5. 2016-02 – 29 Arrow Trail

**Invoices approved and signed:**

1. Verizon
2. Nashoba Associated Boards of Health 4<sup>th</sup> Quarter fee

**Member Horowitz moved to accept the Minutes dated January 4, 2016, as written.**

**Chairman Fleischer seconded and the motion carried 2:0 with 1 abstention (Member Weber)**

---

**Member Weber moved to accept the Minutes dated December 7, 2015; November 16, 2015; November 2, 2015; October 5, 2015, and March 7, 2016.**

**Member Horowitz seconded and the motion passed 3:0**

---

**At 9:25 p.m., Member Weber moved to adjourn the meeting.**

---

Respectfully submitted by Executive Assistant, Robin Eibye.