



**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, May 2, 2016  
Time: 7:00 PM  
Location: 2<sup>nd</sup> Floor Meeting Room, Town Hall, 173 Main Street  
Members Present: Robert Flei.scher, Chairman; Dr. Susan Horowitz, Member; Jason Weber, Member  
Remote Participation: None  
Others Present: Ira Grossman, Nashoba Associated Board of Health Agent

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The meeting was called to order by Chairman Fleischer at 7:00 p.m.

### 19 SMITH STREET – Sewer Waiver Discussion

Kevin Ritchie presented on behalf of owners, Henry and Jane Shustin. Mr. Ritchie proposed a 2,000 gallon, two-compartment Presby System and requested the following variances:

1. From Groton Board of Health Regulation 315-1.B to allow an upgrade design in a class I soil with observation holes conducted “out of season”. The use of soil mottling in the presence of your Health Agent was used to determine the estimated seasonal high water table.
2. From Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 3 foot groundwater offset instead of the requisite 5 feet. Advanced treatment is being provided with the use of a Presby Enviro-Septic system. This variance will eliminate the necessity for the installation of a pump chamber.
3. From Groton Board of Health Regulation 315-5.F to allow placement of a leaching area 24 feet from a road side line rather than the requisite 35 feet

Mr. Grossman stated he did not have any objections to the variances. It was confirmed that the Title 5 for 19 Smith Street is listed as a six-bedroom house.

Culver Road abutter, Mr. Ludlow, noted concerns with the drainage easement. Mr. Ludlow expressed his concerns with the leach field’s location and possible issues with septic run-off. Mr. Grossman made note that there should be no intrusion of ground water into the septic system.

### **Member Horowitz moved to accept the following variances subject to the BOH Standard Conditions:**

1. To allow an upgrade design in a class I soil with observation holes conducted “out of season”. The use of soil mottling in the presence of your Health Agent was used to determine the estimated seasonal high water table.

2. To allow an upgrade design with a 3 foot groundwater offset instead of the requisite 5 feet. Advanced treatment is being provided with the use of a Presby Enviro-Septic system. This variance will eliminate the necessity for the installation of a pump chamber.
3. To allow placement of a leaching area 24 feet from a road side line rather than the requisite 35 feet.

### **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 6-bedroom house is to remain a 6-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 Fleischer seconded and the motion carried 2:0. (Jason Weber, absent)**

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#### **67 ISLAND POND ROAD – SDS Variance Request**

Kevin Ritchie presented on behalf of owner, John and Laurie Masiello. Mr. Ritchie confirmed that there's an existing well. Mr. Ritchie said the owners, Laurie and John Masiello would like to abandon the existing well and septic system.

Mr. Ritchie proposed a two-compartment septic tank with a pump chamber that would require directional drilling. Mr. Ritchie confirmed that Title 5 is for a three bedroom house.

Mr. Ritchie confirmed the locations of the proposed new well and septic system. The following variances were requested:

1. A to allow placement of a leaching area 70 feet from a pond rather than the requisite 100 feet.

2. To allow placement of a well 21 feet from a pond rather than the requisite 100 feet.
3. To allow placement of a well 21 feet from a property line rather than the requisite 50 feet.
4. To allow placement of a water supply line 16 feet from a building sewer rather than the requisite 25 feet.

Ira Grossman noted he had no objections to the well; however, he advised against approving a septic system for anything larger than a one-bedroom house. A brief discussion ensued about the pumping system.

Owner, John Masiello requested a continuation to the next BOH meeting on Monday, May 16, 2016.

**Member Horowitz moved to continue the SDS Variance Request for 67 Island Road to the next BOH meeting on Monday, May 16, 2016.**

**Member Fleischer seconded and the motion carried 2:0. (Jason Weber, Absent)**

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

Mr. Grossman informed the Board of a food poisoning complaint against Filho's Cucina located at 235 Main Street. An inspection revealed eight critical violations.

At 7:45 p.m., Member Weber joined the meeting.

A discussion ensued about outstanding BOH minutes. Mr. Fleisher agreed to review the outstanding minutes for changes and present for approval at the next BOH meeting on Monday, May 16, 2016.

The Board reviewed the minutes dated April 4, 2016.

**Mrs. Horowitz moved to approve the minutes dated April 4, 2016, as written.**

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

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**Mr. Weber moved to pursue legal action against the three remaining properties that have failed to connect to the Town Sewer System.**

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

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At 8:25 p.m., Mrs. Horowitz moved to adjourn the meeting.

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

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Respectfully submitted by Executive Assistant, Robin Eibye.

**APPROVED: May 16, 2016**

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