



**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 16, 2016  
Time: 7:00 PM  
Location: 2<sup>nd</sup> Floor Meeting Room, Town Hall, 173 Main Street  
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

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

### **16 CEDAR ROAD – SDS Variance Request**

Jeff Hannaford of Norse Design Services, Inc., presenting on behalf of Brickstone Solutions, LLC, introduced himself. Mr. Hannaford stated that 16 Cedar Road had recently tied into Town water supply, and that the proposed plan meets the 100 foot offset. He requested the following variances:

- 1) Title 5, 310 CMR 15.405(1) (a), Distance from a Property Line to Soil Absorption System. 10 feet Required – 7 feet Proposed
- 2) Local Board of Health 315-5.G Distance from Property Line to Soil Absorption System. 20 feet Required – 7 feet Proposed
- 3) Local Board of Health 315-5.I. Impervious Barriers Not Allowed Impervious Barrier Proposed

Mr. Weber asked Ira if the SDS would be safer if it were moved closer to the road. Mr. Grossman explained it was not possible to move the SDS closer to the road due to the location of the neighbor's well.

Abutter, Thomas Roche of 266 Newbury Street, Peabody, stepped forward and stated his only objection was that he was not granted a variance for his property when he had previously appeared before the Board. In his view, to deny his variance and accept this one was unfair. He then repeated that he had no objections to the proposed plan per se.

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

- 1) Title 5, 310 CMR 15.405(1) (a), Distance from a Property Line to Soil Absorption System. 10 feet Required – 7 feet Proposed

- 2) Local Board of Health 315-5.G Distance from Property Line to Soil Absorption System. 20 feet Required – 7 feet Proposed
- 3) Local Board of Health 315-5.I. Impervious Barriers Not Allowed Impervious Barrier Proposed

**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 2-bedroom house is to remain a 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 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.

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

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**2 BISHOPS WAY – SDS Variance Request**

Jack Maloney of Ducharme & Dillis presented on behalf of owner, Jonathan McSweeney.

The following variances were requested:

- 1) 315-1. Testing Requirements: (E)-There must be a minimum of 5-feet of pervious material between the bottom of the leaching facility and the groundwater elevation.
  - a. (Provided-4-feet)
- 2) 315-5.Distances: (A)-Leaching facility must be located at least 100' from any wetland. (Provided-69')

- 3) 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.
  - a. (Provided: 11-feet).
  
- 4) 315-6. Square Footage Requirements: Leach beds will be sized at 150% of Title 5 requirements. (PROVIDED-100%)

Dr. Horowitz asked why a Presby system was not considered. Mr. Maloney said that a Presby system would be taller by one foot, resulting in a mound and likely cause ponding of water so it was not favorable. Mr. Fleischer asked Mr. Grossman if he approved of the proposed system. Mr. Grossman said the proposed system was reasonable.

**Dr. Horowitz moved to accept the following variances subject to the BOH Standard Conditions:**

**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 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.

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

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**67 ISLAND POND ROAD** – SDS Variance Request. Continued from May 2, 2016.

Connie Sullivan, attorney for owners, John and Laurie Masiello, introduced himself. Attorney Sullivan made note that after a long and convoluted process, John and Laurie Masiello happily purchased the property located at 67 Island Pond Road. Attorney Sullivan stated that the owners intend to preserve the

footprint of the home; however, they would like to add a second story with an additional (third) bedroom. He characterized the intended usage of the property as part of a "family compound" for the family of one of the owner's children. He noted that the Masiellos had been careful throughout to follow the rules, to comply with all of the town's boards, and to be "good neighbors."

Kevin Ritchie then presented on behalf of owners, John and Laurie Masiello. Mr. Ritchie confirmed the property is approximately 12 acres. Mr. Ritchie proposed a septic tank with a pump chamber and a new well. The following variances were requested:

- 1) 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.

Attorney Sullivan noted that prior to the Masiellos' ownership, the property generally slept 12 or more people. He noted that in practice there were two existing bedrooms. A discussion ensued about changing the footprint of the home. Mr. Grossman noted that his recommendation would be to approve as a one-bedroom upgrade with the ability to come back to the Board at a later time. A brief discussion ensued about the bedroom count. With the agreement of the Masiellos it was decided that Ira Grossman would inspect the home to determine if the "so-called" 2<sup>nd</sup> bedroom met the legal definition for one.

**Dr. Horowitz moved to continue the SDS Variance Request for 67 Island Road to the next BOH meeting on Monday, June 6, 2016.**

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

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## **NEW/OLD BUSINESS**

**11 PINE TRAIL** – Mr. Grossman distributed photos of 11 Pine Trail to the Board. Mr. Grossman recommended that a letter be sent to the owner requesting the containers and debris be removed.

**Dr. Horowitz moved for Ira Grossman to take appropriate action at his discretion.**

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

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**Dr. Horowitz moved to approve the minutes dated**

**August 17, 2015, July 20, 2015, July 6, 2015, June 16, 2015, June 1, 2015, May 18, 2015, April 27, 2015, April 6, 2015, March 2, 2015, and January 5, 2015, December 15, 2014, and March 17, 2014, as corrected.**

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

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The Board reviewed the minutes dated May 2, 2016.

**Dr. Horowitz moved to approve the minutes dated May 2, 2016, as corrected.**

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

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**At 8:30 p.m., Dr. 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: June 6, 2016**

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APPROVED