



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, August 15, 2016
Time: 7:00 PM
Location: 2nd 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; Robin Eibye, Executive Assistant

Chairman Fleischer called the meeting to order at 7:00 p.m.

Oriole Drive – Subdivision Review

Attorney, Robert Collins said he was here to remind the Board that in 2007, a shared septic disposal system (SDS) variance was approved. Attorney Collins noted he had previously provided a copy of the variance letter to Ira Grossman for his records. A discussion ensued about the on-going monitoring and compliance of shared systems. Attorney Collins said he always ensures that deeds for properties with shared systems include information on system maintenance.

47 Hoyts Wharf – Deed Restriction

Dave Martin presented on behalf of the homeowner, Brendan Mahoney. Mr. Martin noted that the plan illustrates an office on the lower level in the rear of the home. In addition, the plan includes a kitchen and bath renovation. Ira Grossman suggested that the Board needed clarification of the total room count. The Board reviewed the provided plan. Mr. Martin said the proposed plan includes an open kitchen/family room with a continuous floor and ceiling. A discussion ensued about the proposed plan's total room count. The Board agreed that the proposed plan included nine rooms in total. Mr. Grossman observed that [1] the use of an injector pump requires a 1,500-gallon tank and [2] currently there was a 1,000-gallon tank in place. A discussion ensued about tank replacement and the reasons for such.

Member Weber moved to accept the request for Ira Grossman to endorse the building application with the condition that the proper ejector pump was selected and that a properly sized septic tank was installed as part of the building application.

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

89 Boat House Road – Non-compliance Review

Nicholas Rosa noted his failed septic system and past discussions regarding sewage in the lake. Mr. Rosa said he stopped using the property and was frustrated. Mr. Rosa explained that he did what the Board asked and called his neighbors on Boat House Road about connecting to town water and sewer. Mr. Rosa went on to say that although he applied for a building permit he is willing to rescind the application because he's not planning to do anything with the property at this time.

Mr. Weber asked how the Town distinguishes between properties that are used and those that are abandoned. Mr. Grossman said he believed there was no longer a Town bylaw regarding abandonment.

The Board thanked Mr. Rosa for taking the time to come in and provide an update.

34 West Main Street – SDS Variance Request

Kevin Ritchie of Civil Design Group presented on behalf of the homeowners, Laurie & Michael Cote. Mr. Ritchie requested the following variances:

1. A variance is hereby requested from Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 2-foot groundwater offset instead of the requisite 5 foot offset. This design utilizes the Presby Enviro-septic Wastewater treatment system, which allows for a 2-foot reduction in the offset to groundwater. This variance will eliminate the need for a pump and pump chamber.
2. A variance is hereby requested from Groton Board of Health Regulation 315-5.F to allow placement of a leaching area 13 feet from a road line rather than the requisite 35 feet. This variance is requested in order to maximize the offset to a wetland.
3. A variance is hereby requested from Groton Board of Health Regulation 315-3.I to allow the use of a leaching field in a soil with a percolation rate greater than 14 minutes per inch.
4. A variance is hereby requested from Groton Board of Health Regulation 315-5.A to allow placement of a leaching area 97 feet from a wetland rather than the requisite 100 feet.

Mr. Weber asked Mr. Grossman for his opinion. Mr. Grossman said the proposed system was perfectly acceptable.

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

1. A variance is hereby requested from Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 2-foot groundwater offset instead of the requisite 5 foot offset. This design utilizes the Presby Enviro-septic Wastewater treatment system, which allows for a 2-foot reduction in the offset to groundwater. This variance will eliminate the need for a pump and pump chamber.
2. A variance is hereby requested from Groton Board of Health Regulation 315-5.F to allow placement of a leaching area 13 feet from a road line rather than the requisite 35 feet. This variance is requested in order to maximize the offset to a wetland.

3. A variance is hereby requested from Groton Board of Health Regulation 315-3.I to allow the use of a leaching field in a soil with a percolation rate greater than 14 minutes per inch.
4. A variance is hereby requested from Groton Board of Health Regulation 315-5.A to allow placement of a leaching area 97 feet from a wetland rather than the requisite 100 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 ensure 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 3-bedroom house is to remain a 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 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.

66 Townsend Road – Variance Request

Kevin Ritchie of Civil Design Group presented on behalf of the homeowner, Joanne E. Daley. Ms. Daley was in attendance. Mr. Ritchie requested the following variances:

- 1) A variance is hereby requested 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.
- 2) A variance is hereby requested from Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 2 foot groundwater offset instead of the requisite 5 feet. This design utilizes the Presby Enviro-septic Wastewater treatment system. This variance will eliminate the need for a pump and pump chamber.
- 3) A variance is hereby requested from Groton Board of Health Regulation 315-5.F to allow placement of a leaching area 13 feet from a road line rather than the requisite 35 feet. This variance is requested due to the limited amount of area between the dwelling and the road line.

Mr. Weber asked Mr. Grossman if he had any objections or recommendations for improvement. Mr. Grossman said he had none.

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

- 1) A variance is hereby requested 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.
- 2) A variance is hereby requested from Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 2 foot groundwater offset instead of the requisite 5 feet. This design utilizes the Presby Enviro-septic Wastewater treatment system. This variance will eliminate the need for a pump and pump chamber.
- 3) A variance is hereby requested from Groton Board of Health Regulation 315-5.F to allow placement of a leaching area 13 feet from a road line rather than the requisite 35 feet. This variance is requested due to the limited amount of area between the dwelling and the road line.

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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.
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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 3-bedroom house is to remain a 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 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 Weber seconded and the motion carried 3:0.

NEW/OLD BUSINESS

98 Skyfields Drive – Environmental Hazard

A discussion ensued about 98 Skyfields Drive and the letter dated May 23, 2016, notifying the homeowner about the complaint and the environmental conditions of the property. Mr. Grossman suggested that the Board send a follow up letter with a deadline for compliance. The Board agreed that [1] the pool represented an environmental hazard and [2] a letter should be sent as soon as possible.

200 Whiley Road – Deed Restriction

Mr. Grossman noted that he recommended a 'seasonal dwelling' deed restriction for the property. The Board reviewed the Grant of Title 5 Bedroom Count Deed Restriction. A discussion ensued about why the Grant of Title 5 Bedroom Count Deed Restriction excludes the words 'seasonal dwelling'.

Member Weber said he would sign the deed restriction as written. Mr. Fleischer said he would sign it as well. Dr. Horowitz noted she was not comfortable signing the document.

Westport Animal Cruelty Incident Discussion

Dr. Horowitz provided an explanation of the incident that occurred last month.

The Board reviewed the minutes dated July 18, 2016.

Dr. Horowitz moved to approve the minutes dated July 18, 2016, as corrected.

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

At 9:08 p.m., Dr. Horowitz moved to adjourn the meeting.

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

Respectfully submitted by Robin Eibye, Executive Assistant

APPROVED: September 19, 2016

APPROVED