



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, September 19, 2016
Time: 7:00 PM
Location: 2nd Floor Meeting Room, Town Hall, 173 Main Street
Members Present: Robert Fleischer, Chairman; Dr. Susan Horowitz, Member;
Absent: Jason Weber, Member
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.

UNCONNECTED SEWER PROJECT – William Beresford

William Beresford said he's a law abiding citizen who's been connected to Town sewer since July 2015, and is upset that not all of his neighbors have hooked up in accordance with the law. Mr. Beresford asked the Board what they were doing to enforce the law. Ira Grossman said he has three addresses that "will go to court" and two additional addresses that are signed up with an installer and ready to move forward. Mr. Beresford said the whole procedure was unfair because there has been no enforcement since it was voted in at Town meeting in the spring of 2015. Dr. Horowitz said that if the non-compliant addresses don't comply, then the court will be used to enforce the order. Dr. Horowitz explained that the BOH is handicapped due to the Water Dept.'s involvement and the fact that the court system takes time. Mr. Beresford said he is not happy that the non-compliant neighbors will go through another winter without having to hook up and pay the extra fees. Before leaving the meeting, Mr. Beresford said he will continue to write letters to the editor of the local paper.

39 ARBOR WAY – Deed Restriction

Homeowner, Joe Suprenant presented a set of plans to the Board. Mr. Grossman explained that the total room count is in question. The Board reviewed the plan and it was confirmed that the home has a total of ten (10) rooms. A brief discussion ensued. Mr. Suprenant acknowledged that he did not take the kitchen into consideration when calculating the total room count. Mr. Suprenant agreed the total room count was ten (10).

Dr. Horowitz moved to accept the deed restriction for 39 Arbor Way to increase the room count from nine (9) to ten (10) and keep the bedroom count to four (4).

Mr. Fleischer seconded and the motion carried. 2:0. (Jason Weber, absent)

380 TOWNSEND ROAD – SDS Variance Request

Kevin Ritchie of Civil Design Group presented on behalf of homeowners, Bill and Pauline O’Neil. Mr. Ritchie provided plans to the Board and the Board reviewed the plans. Mr. and Mrs. O’Neil confirmed a Title 5 inspection had not been completed. Mr. Ritchie requested the following variances:

1. 310 CMR 15.405(1)(a) to reduce the requisite offset from a property line to a septic tank from 10 feet to 5 feet.
2. 310 CMR 15.405(1)(b) to reduce the requisite offset from a slab foundation to a septic tank from 10 feet to 8 feet.
3. 310 CMR 15.405(1)(b) to reduce the requisite offset from a slab foundation to a leaching area from 10 feet to 8 feet.
4. Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 4 foot groundwater offset instead of the requisite 5 feet. This design utilizes the Presby Enviro-septic Wastewater treatment system.
5. Groton Board of Health Regulation 315-5.F to allow placement of a leaching area 26 feet from a road line rather than the requisite 35 feet.
6. Groton Board of Health Regulation 315-5.G to allow placement of a leaching area 11 feet from a property line rather than the requisite 20 feet.
7. Groton Board of Health Regulation 315-6 to allow the design of a leaching bed with less than 150% of Title V requirements.

Dr. Horowitz asked Mr. Grossman for his opinion on the requested variances. Mr. Grossman said the proposed system is a good compromise and is in favor of the proposed system.

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

1. 310 CMR 15.405(1)(a) to reduce the requisite offset from a property line to a septic tank from 10 feet to 5 feet.
2. 310 CMR 15.405(1)(b) to reduce the requisite offset from a slab foundation to a septic tank from 10 feet to 8 feet.
3. 310 CMR 15.405(1)(b) to reduce the requisite offset from a slab foundation to a leaching area from 10 feet to 8 feet.
4. Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 4 foot groundwater offset instead of the requisite 5 feet. This design utilizes the Presby Enviro-septic Wastewater treatment system.
5. Groton Board of Health Regulation 315-5.F to allow placement of a leaching area 26 feet from a road line rather than the requisite 35 feet.
6. Groton Board of Health Regulation 315-5.G to allow placement of a leaching area 11 feet from a property line rather than the requisite 20 feet.
7. Groton Board of Health Regulation 315-6 to allow the design of a leaching bed with less than 150% of Title V requirements.

Groton 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 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. Fleischer seconded and the motion carried. 2:0. (Jason Weber, absent)

41 WEST MAIN STREET – Variance Request

Kevin Ritchie of Civil Design Group presented on behalf of the homeowner, Rebecca Babcock and presented the plan to the Board for review. Mr. Ritchie confirmed a Title 5 inspection was performed and the SDS failed. The Board reviewed the plan. Mr. Ritchie requested the following variances:

1. 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. 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. This design utilizes the Presby Enviro-septic Wastewater treatment system.

3. Groton Board of Health Regulation 315-3.K to allow an upgrade design without pressure dosing where pumping is required. The Presby Enviro-septic Wastewater treatment system does not allow for pressure dosing.
4. Groton Board of Health Regulation 315-6 to allow the design of a leaching bed with less than 150% of Title V requirements.

Dr. Horowitz asked Mr. Grossman if he had any objections. Mr. Grossman said he had none.

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

1. 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. 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. This design utilizes the Presby Enviro-septic Wastewater treatment system.
3. Groton Board of Health Regulation 315-3.K to allow an upgrade design without pressure dosing where pumping is required. The Presby Enviro-septic Wastewater treatment system does not allow for pressure dosing.
4. Groton Board of Health Regulation 315-6 to allow the design of a leaching bed with less than 150% of Title V requirements.

Groton 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 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 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. Fleischer seconded and the motion carried. 2:0. (Jason Weber, absent)

NEW/OLD BUSINESS

98 SKYFIELDS DRIVE – Environmental Hazard

Mr. Grossman said the homeowner has not been in contact since the letter dated May 23, 2016, notifying the homeowner about the complaint and the environmental conditions of the property was sent. Mr. Grossman proposed moving forward with an order. A brief discussion ensued.

Dr. Horowitz moved that Mr. Grossman issue an order for 98 Skyfields Drive.

Mr. Fleischer seconded and the motion carried unanimously 2:0. (Jason Weber, absent)

MRSA – A brief discussion ensued about the BOH responsibilities in regard to Town athletics and MRSA.

WELL REGULATIONS – A discussion ensued about private wells and well regulations.

TINY HOUSES – A discussion ensued about “tiny houses”. Mr. Grossman ensured the Board that “tiny houses” are not of concern as they fall under current BOH regulations and would be required to meet the health department requirements.

The Board reviewed the minutes dated August 15, 2016.

Dr. Horowitz moved to approve the minutes dated August 15, 2016, as written.

Mr. Fleischer seconded and the motion carried unanimously 2:0. (Jason Weber, absent)

At 8:20 p.m., Dr. Horowitz moved to adjourn the meeting.

Respectfully submitted by Robin Eibye, Executive Assistant

APPROVED: DECEMBER 19, 2016
