



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, November 7, 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
Absent:
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.

RAISE TOBACCO SALES AGE TO 21 DISCUSSION – Lester J. Hartman, MD, MPH, FAAP

Dr. Hartman introduced himself and provided the Board with a Massachusetts Tobacco Sales Age Map that illustrated the towns that have increased the age to 21. Dr. Hartman also provided the Board with samples of products that were bought in Groton earlier that day, and explained why raising the tobacco sales age to 21 could be expected to yield many public health benefits. Dr. Hartman noted that the American Heart Association and American Lung Association both support raising the tobacco sales age to 21.

Robert Fleischer asked Dr. Lester to elaborate on why flavors are used in products. Mr. Lester said the products with flavoring appeal to children and young adults. Dr. Lester said children and young adults 14-18 years of age are the most targeted age group for tobacco products.

A discussion ensued about the Town of Groton changing the BOH regulations to raise the tobacco sales age to 21.

Jason Weber moved to schedule a public hearing to raise the tobacco sales age to 21. Susan Horowitz seconded and the motion passed. 3:0

651 OLD DUNSTABLE ROAD – Change in Use

Jack Visniewski presented on behalf of homeowners, Sarah and Joe Bozek. Mr. Visniewski explained that Mrs. Bozek is interested in opening a dog grooming business in her home that is located at 651 Old Dunstable Road. Mr. Visniewski provided the Board with a tight tank design and gave an overview of the proposed plan. The Board asked the BOH agent, Ira Grossman his thoughts on the proposal. Mr.

Grossman said he had no objections. A brief discussion ensued about “change in use” and the Board decided that the dog grooming business did not constitute a “change in use”.

Susan Horowitz moved that 651 Old Dunstable Road be allowed to install the proposed industrial waste holding tank to be used for a home dog grooming business, and that such business will not constitute a change in use. Jason Weber seconded and the motion passed. 3.0

72 MARTINS POND ROAD – SDS Variance Request

Doug Smith presented on behalf of homeowner, John S. Sheedy. Mr. Smith provided plans to the Board and confirmed the house is a three-bedroom home. The Board reviewed the plans. Mr. Smith requested the following variances and provided an explanation for each:

- 1) Chapter 315-1 .E-There must be a minimum of 5’ of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. Proposed an offset of 4 feet is provided in accordance with Title 5 Regulations.
- 2) Chapter 315-3. H-At least 5’ of naturally occurring materials must be in place over ledge. Fill shall not be used to make this requirement. Variance requested as there is no place on this lot to achieve this requirement, 4’ is provided, consistent with title 5.
- 3) Chapter 315-1. B- Deep observation holes for determination of groundwater elevations must be performed in the months of March or April. Requesting a variance for utilizing off season testing. (Test holes were conducted August 2, 2016).
- 4) Chapter 315-5.A – Distance requirements leaching facilities must be located at least 100’ from wetlands, watercourses, streams etc. Variance requested to be 70’ from wetlands.
- 5) Chapter 315-3. C - Survey plan not included. Granite bound found at the Northwestern boundary and property marker at the southwestern boundary exactly 150’ as deed specifies that side boundary and the edge of Martins Pond Rd are 2 lot lines which are closest to this proposed SAS which are both 40’ + away. Requesting a variance to the rule as the cost of a survey would be an unreasonable hardship for the property owners.
- 6) Chapter 315-6 -Square footage requirements. Leach beds will be sized at 150% of title 5 requirements. Request to take this 150% size and apply a 40% reduction allowed with Presby systems.

State Title 5 Variance:

- 7) Title 5 policy on the use of the B Horizon for soils absorption systems for system upgrades per policy BRP/DWM/PeP-POO-6.

Mr. Weber asked Mr. Grossman for his opinion on the requested variances. A brief discussion ensued about the locations and markers on the plan.

Mr. Weber moved to accept the following variances subject to the BOH Standard Conditions:

- 1) Chapter 315-1 .E-There must be a minimum of 5’ of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. Proposed an offset of 4 feet is provided in accordance with Title 5 Regulations.

- 2) Chapter 315-3. H-At least 5' of naturally occurring materials must be in place over ledge. Fill shall not be used to make this requirement. Variance requested as there is no place on this lot to achieve this requirement, 4' is provided, consistent with title 5.
- 3) Chapter 315-1. B- Deep observation holes for determination of groundwater elevations must be performed in the months of March or April. Requesting a variance for utilizing off season testing. (Test holes were conducted August 2, 2016).
- 4) Chapter 315-5.A – Distance requirements leaching facilities must be located at least 100' from wetlands, watercourses, streams etc. Variance requested to be 70' from wetlands.
- 5) Chapter 315-3. C - Survey plan not included. Granite bound found at the Northwestern boundary and property marker at the southwestern boundary exactly 150' as deed specifies that side boundary and the edge of Martins Pond Rd are 2 lot lines which are closest to this proposed SAS which are both 40' + away. Requesting a variance to the rule as the cost of a survey would be an unreasonable hardship for the property owners.
- 6) Chapter 315-6 -Square footage requirements. Leach beds will be sized at 150% of title 5 requirements. Request to take this 150% size and apply a 40% reduction allowed with Presby systems.

State Title 5 Variance:

- 7) Title 5 policy on the use of the B Horizon for soils absorption systems for system upgrades per policy BRP/DWM/PeP-POO-6.

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.

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

366 WEST MAIN STREET – SDS Upgrade Discussion

Chris Mackenzie introduced himself and provided copies of the proposed system to the Board. Mr. Mackenzie explained that due to the flood zone and other limitations, the proposed system was a Presby System design. Mr. Mackenzie provided a detailed review of the proposed system. A discussion ensued about conservation demands and the use of a tight tank. Mr. Grossman said he is not in favor of using a tight tank, and has discussed such with Takashi Tada.

31 FIR STREET – SDS Variance Request

Daniel B. Wolfe presented on behalf of homeowner, Mr. Arthur Campbell. Mr. Wolfe provided plans to the Board, and the Board reviewed the plans. Mr. Wolfe requested the following variances and provided an explanation for each:

1. Reg. 315-1. B. Groundwater to be determined in March & April. (test holes done August 3, 2016, estimated high groundwater determined by Soil Morphology, which meets Title 5).
2. Reg. 315-5. F. A minimum of 35 feet to be available between the edge of any street line and the proposed leach area. (11 feet shown, meets Title 5).
3. Reg. 315-5. G. A minimum of 20 feet to be available between any property line and the proposed leach area. (17 feet shown, meets Title 5).

The Board asked Mr. Grossman if he had any objections with the requested variances. Mr. Grossman said he had no objections with the variances or the proposed plan.

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

1. Reg. 315-1. B. Groundwater to be determined in March & April. (test holes done August 3, 2016, estimated high groundwater determined by Soil Morphology, which meets Title 5).
2. Reg. 315-5. F. A minimum of 35 feet to be available between the edge of any street line and the proposed leach area. (11 feet shown, meets Title 5).
3. Reg. 315-5. G. A minimum of 20 feet to be available between any property line and the proposed leach area. (17 feet shown, meets Title 5).

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 that occurred on March 29, 2016. 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 three-bedroom house is to remain a three-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.

331 WHILEY ROAD – SDS Variance Request

Daniel B. Wolfe presented on behalf of homeowner, Mr. Tiago Araujo. Mr. Wolfe provided plans to the Board and provided an explanation on exactly where the home is located. Mr. Wolfe requested the following variances and provided an explanation for each:

1. Reg. 315.1.b - Deep observation test holes for the determination of groundwater elevation may be performed during the months of March and April. *Proposed: deep observation holes performed in August and September.*
2. Reg. 315.3.d - The sewage disposal system must be located on the same lot as the facility it is intended to serve; for the purpose of this regulation, a lot shall not be interconnected by an easement or right-of-way. *Proposed: septic tank and leaching area located on an easement on the opposite side of Moose Trail.*
3. Reg. 315.3.l - No component of a sewage disposal system shall be located under any portion of a public or private road right-of-way. *Proposed: Sewer line from the facility to the proposed septic tank is located under Moose Trail.*

4. Reg. 315.5.f - A minimum of 35 feet must be available between the edge of any street, passageway or road line and the entire exterior perimeter of any proposed leach areas. *Proposed: an offset of 11 feet provided.*
5. Reg. 315.5.l – A minimum of 15feet must be available between the edge of a soil absorption system and an adjacent side slope. Walls and impervious barriers are not allowed to adjust the side slope requirement and offset. *Proposed: An impervious polyethylene barrier is proposed with an offset of 10 feet from a portion of the soil absorption system.*
6. Reg. 330-6D- A suction line or supply line shall be located a minimum of 25 feet from a building sewer. *Proposed: An offset of less than 25 feet is provided.*

Mr. Wolfe said the Groton Conservation Trust agreed to allow the use of the land. Dr. Horowitz asked Mr. Grossman if he had any objections to the proposed plan. Mr. Grossman said he did not have any objections.

A discussion ensued about bedroom count and whether or not the home is a one-bedroom or two-bedroom home. Mr. Grossman said he was happy to look at the home to confirm if it meets the requirements for a one-bedroom or a two-bedroom home.

Mr. Weber moved to accept the following variances [1] subject to the BOH Standard Conditions and [2] contingent upon an agreement reached between the property owner and the BOH agent regarding the bedroom count:

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 prior to occupancy or 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 (as determined in condition #2 stated above) 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.

NEW/OLD BUSINESS

60 AMELIA WAY – SDS Permit Discussion

Kevin Bonomi, Vice President of Asset Management for Grand Coast Capital Group provided an overview of the development. A discussion ensued about granting a one-year extension on the permit. The Board agreed to approve the permit.

The meeting adjourned at 9:15 p.m.

Respectfully submitted by Robin Eibye, Executive Assistant

APPROVED: DECEMBER 19, 2016
