



**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, December 19, 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  
Others Present: Ira Grossman, Nashoba Associated Board of Health Agent  
Robin Eibye, Executive Assistant

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

### **202 Pepperell Road – SDS Variance Request**

Homeowner, Richard Doyle was present. Jonathan Markey presented on behalf of Mr. Doyle. Mr. Markey provided copies of the plan to the Board for review. Mr. Markey requested the following variances:

1. **315-1a Percolation Testing.** This regulation requires a minimum of 2 percolation tests be performed on a lot. A variance is requested to allow construction of the reserve area utilizing one percolation test. The area for the proposed disposal system contained consistent soil characteristics in all testing areas.
2. **315-1b Deep Hole Observation Testing.** This regulation requires that deep hole observation pits conducted in Class I soils be performed in the months of March and April. Unfortunately, the existing system is in hydraulic failure, and therefore, waiting for in season testing is not possible. A variance is requested to allow construction of the system based on high water mottling which was observed in both test pits at approximately the same elevation.
3. **315-5f Leaching System-Roadway Setback.** This regulation requires the system be constructed no closer than 35 to the existing roadway. Due to site constraints consisting of wetlands, grading, poorly drained soils, and abutting wells, the system can only be constructed in the area proposed. A variance is request to allow construction of the system 10' from the roadway sideline.
4. **315-5g Leaching System-Property Line Setback.** This regulation requires the system be constructed no closer than 20 to any existing property line. Due to site constraints consisting of wetlands, grading, poorly drained soils, and abutting wells, the system can only be constructed in the area proposed. A variance is request to allow construction of the system 10' from the front property line (also the roadway sideline).

5. **315-5i Wall and Impervious Barrier prohibition.** This regulation prohibits the use of walls and impervious barriers to meet breakout grading requirements. Due to site constraints, the only location for the location of the proposed repair system is within the grading of the existing driveway, which accesses a garage under. A variance is requested to allow the use of an impervious barrier along a portion of the system. The use of the barrier will allow the driveway as constructed to remain in use.

Mr. Weber asked Mr. Markey why the proposed system's location could not be moved to the opposite side of the property. Mr. Markey said it was not an option due to land elevations. Mr. Weber asked Mr. Grossman for his opinion on the variance request. A brief discussion ensued and Mr. Grossman said he had no objections to the proposed plan.

**Mr. Weber moved to accept the following variances subject to the BOH Standard Conditions and prior to occupancy:**

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**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 occur by September 30, 2018. 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.**

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### **37 BOATHOUSE ROAD – Non-compliance Discussion**

Homeowner, Mr. Pickol was not present. However, the Board received a letter from Mr. Pickol on December 9, 2016, in which Mr. Pickol authorized Mr. Don Black to serve as his agent. Don Black introduced himself as Mr. Pickol's agent, and presented on behalf of Mr. Pickol. Mr. Black acknowledged the property is littered with trash and debris, and requested a six-month period to clean up the property. Mr. Fleischer asked Mr. Black if he believed the resources were available for the clean-up. Mr. Black said there are volunteers willing to help remove the debris and to clean up the property. The Board asked Mr. Grossman for his opinion. Mr. Grossman said that rubbish and debris were scattered throughout the property, and from what he could see the debris was not usable. A discussion ensued about timelines, and the Board agreed that June 1, 2017, should allow Mr. Pickol and/or his agent(s) sufficient time to clean up the property. Mr. Black agreed to work with Mr. Pickol to ensure the property is cleaned up prior to June 1, 2017.

**Dr. Horowitz moved to accept that 37 Boathouse Road, owned by Mr. Pickol, be cleaned up by June 1, 2017. Mr. Weber seconded and the motion carried. 3.0.**

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

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### **33 RIDGEWOOD AVENUE / 38 RIDGEWOOD AVENUE – Consideration of Certificate of Compliance**

A discussion ensued about the water analysis report for 33 Ridgewood Ave. This has been undertaken as part of the Order of Conditions for approval of Title 5 compliance for 38

Ridgewood Avenue. The tests results received by the Board both [1] indicated a failure in water quality (for 33 Ridgewood) and [2] were not done in full compliance with Groton's regulations.

A discussion of the test results, and the consequences thereof for the properties involved ensued. The Board agreed the current water quality tests for 33 Ridgewood should be retested in full compliance with Groton's regulations. The current tests indicate a health issue with the well for 33 Ridgewood and this is not expected to change. However, the Board was reluctant to take any further action based on the current test.

It was agreed that the Certificate of Compliance for 38 Ridgewood Avenue should not be issued until [1] the water (for 33 Ridgewood) is retested per Groton's Well Water Sampling and Quality Testing Requirements, and [2] meets Groton's Quality Testing Requirements.

#### **RAISE TOBACCO SALES AGE TO 21 Discussion**

A discussion ensued about raising the tobacco sales age to 21.

The Board agreed to hold a public hearing on Monday, February 6, 2017, to adopt new tobacco regulations.

#### **BADDACOOK POND – BOH Support Discussion**

Dr. Horowitz said she is concerned about the health and survival of Baddacook Pond and asked the Board to support the removal of weeds from the pond. A discussion ensued about saving the pond and acceptable treatments.

**Mr. Weber moved to support the removal of weeds from Baddacook Pond by any method that is both safe and effective. Dr. Horowitz seconded and the motion carried. 3.0**

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The Board discussed and agreed to meet on Monday, January 9, 2017, due to the fact that the first and third Mondays in January are holidays.

**Dr. Horowitz moved to approve the minutes dated September 19, 2016, as written.**

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

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**Mr. Weber moved to accept the minutes dated December 5, 2016, as amended.**

**Dr. Horowitz seconded and the motion carried 3.0.**

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**Mr. Weber moved to accept the minutes dated November 7, 2016, as written.**

**Dr. Horowitz seconded and the motion carried 3.0.**

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**Dr. Horowitz moved to adjourn the meeting at 8:40 p.m.**

**The meeting adjourned at 8:40 p.m.**

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Respectfully submitted by Robin Eibye, Executive Assistant

**APPROVED: MONDAY, JANUARY 9, 2017**

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APPROVED