



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 18, 2017
Time: 7:00 PM
Location: 2nd Floor Meeting Room, Town Hall, Groton
Members Present: Robert Fleischer, Chairman; Jason Weber, Member;
Dr. Susan Horowitz, 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.

331 WHILEY ROAD – PUBLIC HEARING – WELL VARIANCE REQUEST

Dan Wolfe of David E. Ross Associates Inc., on behalf of Leidiane and Tiago Araujo, presented the proposed plan to the Board and requested the following variance:

Reg. 330-6.C. A well shall be located a minimum of 50 feet from a property line.
Proposed: An offset of 13 feet is provided.

Reg. 330-6.C. A well shall be located a minimum of 100 feet from a sewer line.
Proposed: An offset of 40 feet is provided.

Mr. Weber asked why the well site wouldn't be placed closer to the corner of the property line. Mr. Wolfe said that because the property is slopped, it would be unsafe for installation equipment to access the area.

A brief discussion ensued, and Ira Grossman said he had no objections to the proposed variances.

Susan Horowitz said she was concerned that the homeowner would seek further variances and continue working around the rules and regulations. A discussion ensued about bedroom count vs. total room count and deed restrictions.

Mr. Weber said it was important for the property owner to understand the appropriate use of a 2-bedroom home.

Mr. Weber moved to accept the variance as listed above subject to the BOH Standard Conditions below and that any further modifications to the home require Board of Health review and approval.

The Board agreed that the intent of the restriction is to allow the property owner to enjoy the full value of the property, which is a two-bedroom home, and to ensure it remains a two-bedroom home in practice as well as on paper for the purpose of protecting the public's 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, Highway Surveyor, Planning Board, Stormwater Advisory Committee, and Zoning Board of Appeals.
3. It is the applicant's responsibility to ensure that the contents of this permit are made known to all contractors who perform work at this site.
4. It is the applicant's responsibility to contact Dig Safe prior to the commencement of any work at the site.
5. The applicant will notify the Board of Health at least 48 hours prior to the commencement of construction. Additionally, the applicant will provide the Board of Health office with emergency contact information for all site contractors.
6. This permit runs with the land and applies to any successor in interest or successor in control.
7. Any future modifications to the home require Board of Health review and approval. The intent of this restriction is to allow the property owner to enjoy the full value of the property, which is a two-bedroom home, and to ensure it remains a two-bedroom home in practice as well as on paper for the purpose of protecting the public's health.

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

34 NASHUA ROAD – SDS VARIANCE REQUEST

Jack Maloney of Ducharme & Dillis presented, on behalf of Joseph and Karen Levandusky, the proposed plan to the Board and requested the following variances:

Local Upgrade Approval 310 CMR 15.405

315-1(E): There must be a minimum of 5' of pervious material between the bottom of the leaching facility and groundwater. (Provided: 4-feet).

315-3(H): At least 5-Feet of naturally occurring materials must be in place over ledge, fill shall not be used to meet this regulation.

Local Upgrade Approval Requested:

15.405(1)(h): The approving authority may reduce the required four-foot separation in soils with a recorded percolation rate of more than two minutes per inch between the bottom of the S.A.S. and E.S.H.W.T. (Provided-4-feet)

Dr. Horowitz moved to accept the variance as proposed subject to the BOH Standard Conditions below.

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 and 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 6-bedroom house is to remain a 6-bedroom house with no increase in the number of bedrooms, unless expansion plans are reviewed and approved by the Groton Board of Health.
9. Any changes in the room layout, number of rooms, expansion or modifications shall be reviewed for approval by the Groton Board of Health.
10. 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.

49 OFF PRESCOTT (Well #1) – PUBLIC HEARING – WELL VARIANCE REQUEST

54 OFF PRESCOTT (Well #2) – PUBLIC HEARING – WELL VARIANCE REQUEST

Farshad Pourmousa presented the proposed plan to the Board and requested the following variances for 49 Off Prescott (Well #1):

Reg. 330-6.C. A well shall be located a minimum of 50 feet from a property line. Proposed: An offset of 35 feet is provided.

Reg. 330-6.C. A well shall be located a minimum of 100 feet from any type of surface water or wetland. Proposed: An offset of 60 feet is provided.

Reg. 330-6.C. A well shall be located a minimum of 100 feet from septic. Proposed: An offset of 75 feet is provided.

Farshad Pourmousa presented the proposed plan to the Board and requested the following variances for 54 Off Prescott (Well #2):

Reg. 330-6.C. A well shall be located a minimum of 50 feet from a property line. Proposed: An offset of 30 feet is provided.

Reg. 330-6.C. A well shall be located a minimum of 100 feet from any type of surface water or wetland. Proposed: An offset of 60 feet is provided.

Reg. 330-6.C. A well shall be located a minimum of 100 feet from septic. Proposed: An offset of 70 feet is provided.

Mr. Weber moved to accept the variances as proposed subject to the BOH Standard Conditions below.

It was confirmed that the permit may not be finalized or closed until the Board of Health receives the revised easement language.

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, Highway Surveyor, Planning Board, Stormwater Advisory Committee, and Zoning Board of Appeals.
3. It is the applicant's responsibility to ensure that the contents of this permit are made known to all contractors who perform work at this site.
4. It is the applicant's responsibility to contact Dig Safe prior to the commencement of any work at the site.
5. The applicant will notify the Board of Health at least 48 hours prior to the commencement of construction. Additionally, the applicant will provide the Board of Health office with emergency contact information for all site contractors.
6. This permit runs with the land and applies to any successor in interest or successor in control.

31 FLAVELL ROAD – SDS VARIANCE REQUEST

James Morin of North East Classic Engineering, on behalf of Nancy Brine, presented the proposed plan to the Board and requested the following variance:

Local Upgrade Approval Requested:

- 1) 15.211 Offset from private well 100' required; 68' provided
- 2) 15.211 Offset from wetlands 100' required; 30' provided
- 3) 15.255 Breakout grading 15' 3to1' required Wall at 15" and 40- mil barrier provided.

Mr. Weber asked Ira Grossman for his recommendation, and Mr. Grossman said he had no objections to the proposed system. A brief discussion ensued.

Dr. Horowitz moved to accept the variance as listed above subject to the BOH Standard Conditions below.

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

49 LONG HILL ROAD – PUBLIC HEARING – WELL VARIANCE REQUEST

Mr. Grossman explained that all the abutters were not properly notified.

Dr. Horowitz moved to open the Public Hearing for 49 Long Hill Road, and to continue the Hearing to October 2, 2017, to allow for proper notification of abutters.

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

The Board reviewed and signed the Tobacco Regulations.

MINUTES

The Board reviewed the minutes dated August 7, 2017. Dr. Horowitz moved to accept the minutes dated August 7, 2017, as written.

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

The Board reviewed and signed invoices and permits.

Respectfully submitted by Robin Eibye, Executive Assistant.

APPROVED: MONDAY, OCTOBER 2, 2017
