



**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, October 2, 2017  
Time: 7:00 PM  
Location: 2<sup>nd</sup> Floor Meeting Room, Town Hall, Groton  
Members Present: Robert Fleischer, Chairman; Dr. Susan Horowitz, 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.

### **102 TOWNSEND ROAD – SDS VARIANCE REQUEST**

Jack Maloney of Ducharme & Dillis presented, on behalf of Effie and Robert Steward, the proposed plan to the Board and requested the following variances:

#### **Local Variances**

- 1) 315-1 Testing Requirements, (a): Two groundwater observation holes and two percolation tests must be performed on each lot. (Provided-one deep hole).

#### **Title V Variances**

- 1) 15.102 Deep Observation Hole Data, (2): A minimum of two deep holes shall be performed in the presence of the approving authority at every proposed disposal area. (Provided-one deep hole).
- 2) 15.104 Percolation Testing, (4): At least one percolation test shall be performed at every proposed disposal area. (Provided-no perc testing).

#### **Local Upgrade Approval**

- 1) 15.405(1)(b) System location setbacks from cellar wall-10' (Provided-7.3')

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

**Dr. Horowitz moved to accept the variances 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 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 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.

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

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**17-19 WEST MAIN STREET** – SDS Variance Request was continued to Monday, October 16, 2017.

**5 BABY BEACH ROAD** – SDS Variance Request Discussion

John Hylan was present and asked the Board of Health would consider approving the use of a tight tank. A brief discussion ensued, and it was agreed that Mr. Hylan would contact Ira Grossman and schedule a time for Mr. Grossman to inspect the property.

**MINUTES**

The Board reviewed the minutes dated September 18, 2017. Dr. Horowitz moved to accept the minutes dated September 18, 2017, as written.

The Board reviewed and signed invoices and permits.

### **382 CHICOPEE ROW – SDS Variance Request**

Neil Gorman of David E. Ross Associates, Inc., presented, on behalf of Everett Cole, the proposed plan to the Board and requested the following variances:

#### **Title 5 Local Upgrade Approval:**

15.405(1)(h) – Reduction of the offset between the bottom of the soil absorption system and the high groundwater elevation from five (5) feet to four (4) feet.

#### **Groton Board of Health Regulations:**

315-1. B – Deep observation holes for determination of groundwater elevations may be performed in the months of March and April. Proposed: deep observation test holes performed in July, groundwater elevation determined by redoximorphic features in accordance with Title 5.

315-1. E – There must be a minimum of five feet of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. *Proposed: an offset of four (4) feet is provided.*

Mr. Gorman noted that the Conservation hearing is closed and is expected to issue an order of conditions. Chairman Fleischer read the memo dated September 26, 2017, from Thomas D. Orcutt, Water Superintendent. (see attached) Mr. Orcutt recommended that the BOH not approve the offset to groundwater variance. Ira Grossman said he had no objection to the proposed plan. A discussion ensued, and the Board agreed to accept the out of season testing variance only.

**Chairman Fleischer moved to accept the 315-1. B variance for testing out of season 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 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.

**Dr. Horowitz seconded and the motion carried. 2:0. (Jason Weber, absent)**

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**Dr. Horowitz moved that the variance for ground water off set be denied.**

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

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#### **42 MARTINS POND ROAD – SDS Variance Request**

Neil Gorman of David E. Ross Associates, Inc., presented, on behalf of Gregory and Mary Herald, the proposed plan to the Board and requested the following variances:

##### **Title 5 Local Upgrade Approval:**

15.405(1)(h) – Reduction of the required five (5) foot separation between the bottom of the soil absorption system and the high groundwater elevation to three (3) feet.

15.405(1)(j) – Reduction of the requirement of a twelve (12) inch separation between the inlet and outlet and the high groundwater. *Proposed: an offset of approximately two (2) inches is provided.*

##### **Groton Board of Health Regulations:**

315-1. B – Deep observation holes for determination of groundwater elevations may be performed in the months of March and April for soils with faster than 5 minutes per inch. *Proposed: deep observation test holes performed in July for soils with a 2 minute per inch percolation rate.*

315-1. E – There must be a minimum of five feet of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. *Proposed: an offset of three (3) feet is provided utilizing the Presby Enviro-Septic leaching system (Remedial Use Approval).*

315-3.H – At least five (5) feet of naturally occurring materials must be in place over ledge; fill shall not be used to meet this requirement. *Proposed: twenty-six (26) inches of naturally occurring materials exist in the location of the proposed leaching system.*

315-3. K – Whenever a system must be pumped, the soil absorption system shall be pressure dosed. *Proposed: the proposed leaching system is a Presby Enviro-Septic leaching system which cannot be pressure dosed.*

315-5. A – Leaching facilities must be located at least 100 feet away from any wetland, watercourse, wetland vegetation, seasonal streams, and drainage ditches. *Proposed: an offset of seventy-eight (78) feet is provided between the leaching system and the pond.*

A discussion ensued. Mr. Grossman said he has no objections to the proposed plan.

**Dr. Horowitz moved to accept the variances 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 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.

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

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#### **49 LONG HILL ROAD – WELL Variance, PUBLIC HEARING**

Howard Scott Baker was present and asked for the following well variances:

Reg. 330-6.C. A well shall be located a minimum of 50 feet from a property line.  
Proposed: 37 feet from the property line.

Reg. 330-6.C. A well shall be located a minimum of 100 feet from any type of surface water or wetland. Proposed: 38 feet to the wetland.

Reg. 330-6.C. A well shall be located a minimum of 75 feet from a road or road right-of-way. Proposed: 30 feet to the road.

**Dr. Horowitz moved to accept the well variances as proposed subject to the BOH Standard Conditions below.**

#### **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.

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

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#### **49 VALLEY ROAD – Well Variance, Public Hearing**

Donald Black presented on behalf of property owner, John Scira. Mr. Black asked the Board for a variance to provide safe drinking water to the property by flushing the existing well and addressing treatable conditions that exist after a supervised flushing and two subsequent water tests that meet current water quality standards.

A discussion ensued about testing the well for bacteria and mediation.

**Dr. Horowitz moved to allow a variance for the existing well to be retained, only if the well can be found to be free of bacteria. If not, the Board will review and determine if town water or a new well would be needed. The existing well water must be tested every six months for the first year and every year after until connection to town water is made. The existing well water sampling is to be done by a BOH staff member.**

**Chairman Fleischer seconded and the motion carried. 2.0 (Jason Weber, absent)**

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The meeting ended at 8:55 p.m.

Respectfully submitted by Robin Eibye, Executive Assistant.

**APPROVED: OCTOBER 16, 2017**

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