



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

Date: Monday, July 16, 2018
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;
Fran Stanley; James Morin, NorthEast Classic Engineering; Connie Haas;
Patty and Anthony Saint Hillaire of Groton Floats and Groton Therapeutic
Massage; John Petropoulos

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

49 Valley Road – Noncompliance Discussion

Mr. Grossman provided a brief overview. There has been a recent sale of this property and noncompliance issues have been found with respect to well and septic. Since that time, Mr. Grossman reported that the owner progressed to substantial compliance and that he is presently working on the final details with the property owner.

95 Beecher Road – Well Variance Hearing and SDS Variance Request

James Morin, R.S. of NorthEast Classic Engineering presented and requested the following variances:

- 1) A variance is hereby requested from Groton Board of Health Regulation 315-1(b): Deep observation holes for the determination of groundwater elevations may be performed during the months of March and April.
- 2) A variance is hereby requested from Groton Board of Health Regulation 330-4(c): The requirement to connect to a municipal water supply if lot line is within 500 feet of a water main.

Mr. Morin explained that the owners are planning to replace a system that is currently in failure prior to offering the property for sale. Mr. Grossman said he had no objections to the out of season testing under these circumstances. Mr. Grossman added that the new septic system proposed has been modified to H₂O loading due to its location.

Jason Weber moved to approve the septic variance for out of season testing provided the applicant remains in compliance with the Board of Health's standard set of conditions for septic variances. Susan Horowitz seconded. Robert Fleischer read the standard set of conditions into the record (reproduced below). Board of Health members modified the conditions slightly to fit the present fact pattern. **Motion carried 3:0.**

Standard Board of Health Septic System 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 which is July 16, 2018 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 the expansion plans to be 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. Morin explained that the homeowners' present well is an artesian well drilled more than 275 feet deep. In the homeowners' opinion, the existing well has performed well and there is no need to change it. Mr. Morin noted that the land abuts conservation owned land on two sides and that land is unlikely to ever be developed. Also, Mr. Morin stated that the elevation changes between the owners' house and the water main is apt to make a public water supply hook up both challenging and expensive. Mr. Grossman said that he has requested water testing results for the well from the homeowner and has not received it. Mr. Morin stated that he does not want the owners to incur the expense of water testing if it turned out that they would be required to hook up to the public water supply.

Mr. Weber said that he is inclined to grant the well variance but only if the well water tests show a clean result in all respects. Homeowner Connie Haas entered the meeting. There was a brief

discussion of the Groton water quality standards which consists of 25 measures and also a radon test. Mr. Weber said that he would only be comfortable waiving the hook up requirement if the test results are all passing and unambiguously so. The Board of Health members agreed to meet again on July 30th if the water test fails.

Jason Weber moved to accept the applicants' request for a variance from the requirement to connect to the public water supply subject to an unambiguously clean water test for all tested measures and subject to the Board of Health's standard set of conditions for well variances.

Susan Horowitz seconded. Robert Fleischer noted that the applicant plans to use the existing well as is but that any applicable elements such as number one and number 6 of the Board of Health standard conditions must be followed (reproduced below). **Motion carried 3:0.**

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.

Jason Weber moved to continue the hearing for the well variance until July 30, 2018. Susan Horowitz seconded. Motion carried 3:0.

Groton Floats, 491 Main St., Unit B – Specialty Pool Variance Request

The Groton Floats single float pod is currently in use in Groton. The applicant had requested a variance from the Commonwealth's specialty pool regulations that the float pod to be drained every 14 days. The applicants view that provision as cost prohibitive. Mr. Grossman spoke with an official at the Commonwealth's department of public health and the state asks for its regulations to be enforced which would have the applicants following the pool guide. The state has been able to find harmful bacteria in salt water pods elsewhere in Massachusetts. There may be an estimated seven (7) float pods in operation across the Commonwealth now. A task force has been meeting for a year in an attempt to come up with appropriate float pod specific regulations.

Jason Weber stated his concern that the state wants enforcement but that Somerville has opted out of enforcement by not considering float pods specialty pools. Jason Weber asked for a continuance and stated that he intends to speak with the state and also to contact Somerville officials to try to gain insight into their rationale. Applicants Patty and Anthony Saint

Hillaire entered the meeting. At the Board of Health members' request, Patty Saint Hillaire plans to email a list of towns that presently have float pods. Mr. Grossman asked the applicants to provide a write up of Groton Floats' procedures for checking water quality and the use of any sanitary agents.

Mr. Grossman stated that it is his job to tell the Board of Health members what the codes are. He suggested that the Groton Floats float pod needs to meet the pool code in its entirety.

Jason Weber moved to continue the matter to 7 pm on August 6, 2018, for the purpose of gathering additional information. Susan Horowitz seconded and the motion carried 3:0.

53 Sunset Road – Well Variance Hearing

Mr. Grossman explained he does not expect the applicants to attend since the matter has already been handled. Specifically, since these homeowners' well ran dry, their request for permission to drill a well was deemed an emergency so Mr. Grossman has already issued this permit.

Orchard Land Parcel ID 232-30 – Land Discussion

John Petropoulos and the Board of Health members had a preliminary discussion regarding arsenic both naturally occurring as well as man applied on this parcel. Brooks Orchard is a large parcel of land that has two large pastures that were former apple orchards. There are also some wooded areas that were not in cultivation as well as a lake.

John Petropoulos is doing his research and considering the purchase of this property. If he purchases, he intends to build several houses and also allow beef cattle to graze the pasture land. In the course of his research, John Petropoulos has digitized all the soil testing results that he could find and is happy to make this information available to the Town. Jason Weber thanked John Petropoulos for coming and everyone agreed to resume the discussion at a later time.

Annual Reorganization

Susan Horowitz nominated Robert Fleischer to be Chairman. Robert Fleischer accepted the nomination. Susan Horowitz and Jason Weber voted 2:0 in favor of making Robert Fleischer the chairman for the board. Robert Fleischer abstained

Other Business

The Board reviewed the minutes dated June 18, 2018. Small changes were made.

Jason Weber moved to accept the minutes as corrected. Susan Horowitz seconded and the motion carried 3:0.

The Board reviewed and signed permits.

The Board reviewed and signed invoices.

Mr. Grossman reported that Town Counsel has initiated litigation against GTP Development LLC with respect to failure of this business to abandon septic and connect to the town sewer (see Town of Groton v. GTP Development LLC, et al Middlesex Superior Court, C.A. No. 1881-CV-1868). The property address is 100 Boston Road which includes the CVS Pharmacy building and the Emerson Hospital building. Service of process was difficult due to the state of the agent listings for this legal entity. Presently, Town Counsel has allowed the defendant some extra time to allow them to obtain a pump that will be needed for the public sewer connection; however, the Town does have a court date in the event that the defendant does not proceed with the installation and connection.

Susan Horowitz moved to adjourn the meeting at 8:30 p.m. R Fleischer seconded and the motion carried.

Minutes by Fran Stanley.

APPROVED: August 6, 2018

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