



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, November 5, 2018
Time: 7:00 PM
Location: Lunch Room, Town Hall, 173 Main St.
Members Present: Robert Fleischer, Chairman; Dr. Susan Horowitz, Member, Jason Weber, Member; Ira Grossman, Nashoba Associated Board of Health Agent
Others Present: Sammie Kul, See Sign in Sheet

Chairman Fleischer called the meeting to order at 7 p.m. Jason Weber arrived at 7:03 p.m.

501 Farmers Row – Decision Regarding the Number of Bedrooms Approved vs. Actual Number of Bedrooms

Mr. Ira Grossman provided background to members.

The Inspector had reported 3 bedrooms however documentation in the Assessor's Office and the Board of Health records showed two. The septic system did not meet full compliance with new construction guidelines if there was an increase from the permitted 2-bedroom.

Robert J. Fleischer asked Mr. Grossman as to whether property would have met requirements as a 3 bedroom back when house was first built. Discussion ensued regarding Code and testing requirements during that time period.

Robert Scott Hayes purchased property as a 3 bedroom as did the previous owner.

Mr. Grossman said that Title 5 is very specific and may not use prior code guidelines to apply to a recent report. The records with the Assessor's Office have it listed as a 2 bedroom. Discussion ensued regarding system and Title 5 requirements.

Mr. Grossman informed the Board that the approved capacity is for a 2-bedroom based on the Title 5 report. Mr. Grossman's recommendation therefore is to keep it at two bedrooms unless full compliance could be met including a 1500-gallon septic tank and the groundwater offset which is currently less than 2 ft vs. the 5 ft code requirement.

Chairman Fleischer is inclined to accept the property as a 3 bedroom if the original permit could have been approved for that capacity. Discussion ensued of possible reasons as to why that was not the case.

Jason Weber stated that if the Board was to approve this request to change the number of bedrooms one condition would be to make it necessary to fully disclose septic system information as well as the findings discovered including any likely remediation costs.

Mr. Grossman informed the Board that the Assessor records will need to be changed to reflect the number of bedrooms.

Mr. Weber moved to correct the previously issued subsurface sewage disposal construction works permit to reflect the actual number of bedrooms in the dwelling to be three (3) with the following conditions:

- 1) Approve as a 3-bedroom system per the historical conditions of the dwelling.
- 2) Correct the permit and recognize property as a 3-bedroom single family dwelling.
- 3) Applicant to request the Assessor records be corrected.
- 4) Provide notice to any potential buyers that it is their responsibility to recognize conditions under which the septic system may need to be approved, subject to standard terms.

The applicant is required to record the Board of Health's conditions at the Registry of Deeds.

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

31 Fir Road – Septic Upgrade Request with Local Variances

Sandi Fauvel is the real estate broker representing Rajesh Khanna. Property at 31 Fir Road was bank owned and septic system had failed. Previous owner had filed for a new septic design and submitted all of the requirements. The house went into foreclosure and as a result the process was never finished.

Rajesh Khanna and Sandi Fauvel presented and requested the following variances:

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).

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).

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).

Ira Grossman provided feedback from an abutting neighbor and does not have any objections to the variance request. The system has been in failure for two years. Nothing has changed since the original request and this would be treated as a new permit.

Jason Weber moved to accept the variances as requested with the condition that they add a clause that the work be completed prior to occupancy and subject to the following BOH 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. Notice of Board of Health Decision #2018-09 expires on October 16, 2020.
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 this Notice of Board of Health 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. Susan Horowitz seconded and the motion carried 3:0

191 Pepperell Road – Septic Upgrade Request with Local Variances

Kevin J. Ritchie of Civil Solutions Inc. presented and requested the following variances:

- 1) A variance is hereby requested from Groton Board of Health Regulation 315-1.E to reduce the requisite offset to groundwater from 5 feet to 4 feet with the use of the Presby Enviro-Septic Wastewater Treatment system.
- 2) A variance is hereby requested from Groton Board of Health Regulation 315-6 to allow the design of a leaching bed with less than 150% of Title V requirements.
- 3) A variance is hereby requested from Groton Board of Health Regulation 315-3.K to allow a pump system that does not utilize pressure distribution. The proposed system utilizes the Presby Enviro-Septic which does not allow for pressure distribution.
- 4) A variance is hereby requested from Groton board of health regulation 315-1.B to allow an upgrade design in a class I soil with observation holes conducted out of season.

Mr. Ritchie provided an overview of the design plan. Discussion ensued covering the details of the type of work being proposed.

Mr. Ritchie has met with the Conservation Commission and they do not have any issues with the proposed work. Once the Board of Health provides approval Mr. Ritchie will forward this update to the Conservation Committee and close this case out.

Ira Grossman has no objections. He advised that Mr. Ritchie needs to add his intention to use a poly liner either as an addendum or as a 5th variance to the existing request.

Mr. Ritchie will add it as a 5th variance and send the updated copy to the Board of Health.

Jason Weber moved to accept the variances as presented with the addition of the 5th variance acknowledging the use of a poly liner subject to the following BOH 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. Notice of Board of Health Decision #2018-10 expires on October 11, 2020.
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 this Notice of Board of Health 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 3:0.

NEW / OLD BUSINESS

The Board reviewed and signed permits.

The Board reviewed and signed invoices.

Ira Grossman discussed with the Board options for scheduling drill dates as part of the process for the Emergency Dispensing Site Facility.

Chairman Fleischer proposed utilizing the school system and completing the drill date during the students' winter break in February. Mr. Grossman will contact the Superintendent of Schools.

The Board reviewed the meeting minutes dated August 20, 2018.

Dr. Susan Horowitz moved to accept the minutes. Chairman Robert Fleischer seconded and Jason Weber abstained.

The Board reviewed the meeting minutes dated September 17, 2018. One edit was made.

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

The Board reviewed the meeting minutes dated October 2, 2018.

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

Dr. Susan Horowitz moved to adjourn the meeting at 8:18 p.m. Jason seconded and the motion carried 3:0.

Minutes by Sammie Kul.

APPROVED: December 3, 2018



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Susan Horowitz, Member
Jason Weber, Member

SIGN IN SHEET - BOH Meeting - November 5, 2018

PRINT FIRST AND LAST NAME

PRINT ADDRESS

ROBERT SCOTT BURGESS

42 MARTINS POND ROAD

Coisance Detwiler

22 Elm St

Chip Detwiler

22 Elm St.

Gordon Burgess

PANDRA Fauvel

London Inwood / 31 FIR RD.

Joseph Trevino

38 Martins Pond Rd

Kevin J. Ritchie

191 Pepperell Rd.

Rajesh Khanna

31 Fir Rd.