



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, March 18, 2019
Time: 7:00 PM
Location: 1st Floor Meeting Room, Town Hall, 173 Main St.
Members Present: Robert Fleischer, Chairman; Dr. Susan Horowitz, Member; Ira Grossman, Nashoba Associated Board of Health Agent
Member Absent: Jason Weber
Others Present: Sammie Kul; Please see Sign-In Sheet

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

93 MILL STREET – Discussion of Deed Restriction

Property owner of 93 Mill Street Frank Brockelman was present and provided the Board with a 4-bedroom Deed Restriction notice for review.

Ira Grossman provided a brief overview to the Board. Mr. Grossman informed them that the correct floor plan showing four bedrooms is now on file with the Assessor's Office and Board of Health.

Chairman Fleischer confirmed with the property owner that no work was being done and that the proposed Deed Restriction Notice was only intended to provide clarification on the number of total rooms.

Dr. Susan Horowitz moved to accept the Deed Restriction as proposed for 93 Mill Street.

Chairman Fleischer seconded and the motion carried 2:0

93 MILL STREET – Septic Variance Request

Kevin Ritchie from Civil Solutions presented on behalf of Frank Brockelman 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 4 feet to 3 feet with the use of the Presby Enviro-Septic Wastewater Treatment system.
- 2) A variance is hereby requested from Groton Board of Health Regulation 315-5.F to allow placement of a leaching area to 28 feet from a road line rather than the requisite 35 feet.

- 3) 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.

Ira Grossman has no objections to the proposed upgrade.

There was an abutter from 90 Mill Street present. Abutter expressed concern as there are two street drains located on the street that channel into the back of her yard.

Mr. Ritchie replied that they will provide a new proposal if there are any issues with the new system. Brief discussion ensued regarding features of the new system. Mr. Grossman agrees that the new system will be an improvement from the current one.

Dr. Susan Horowitz moved to accept the variances as presented 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) For Failed Systems:
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 the 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 2:0

13 PEPPERELL ROAD – Septic Variance Request

Kevin Ritchie from Civil Solutions presented on behalf of Linda Shea and requested the following variances:

- 1) Approval is sought under 310 CMR 15.405(1)(b) to reduce the requisite offset from a foundation to a septic tank from 10 feet to 8 feet.
- 2) Approval is sought under 310 CMR 15.405(1)(b) to reduce the requisite offset from a foundation to a leaching area from 20 feet to 15 feet.
- 3) 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.
- 4) A variance is hereby requested from Groton board of health regulation 315-5.F to reduce the requisite offset from a leaching area to a property line from 20 feet to 10 feet.
- 5) A variance is hereby requested from Groton board of health regulation 315-5.I to allow the use of a poly liner to meet breakout grading slope requirements.
- 6) A variance is hereby requested from Groton Board of Health Regulation 315-6 to allow the design of a leaching field with less than 150% of Title V requirements.
- 7) 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.

Ira Grossman has no objections to the proposed upgrade.

Dr. Susan Horowitz moved to accept the variances as presented 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) For Failed Systems:
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 the 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 2:0

119 WEST MAIN STREET – Septic Variance Request

Jack Maloney from Ducharme & Dillis was present and requested the following variances:

Local Board of Health Variances:

- 315-1: Testing Requirements: (B)-Deep Holes to be performed in March & April. (Provided: June)
- 315-1: Testing Requirements: (E)-There must be at least 5-Feet of pervious material between the bottom of the S.A.S. and E.S.H.W.T. (Provided-3-Feet)
- 315-3: Design Requirements: (H)-At least 5-Feet of naturally occurring material must be in place over ledge. (Provided: 2.5-Feet)
- 315-5: Distance Requirements: (F)-A minimum of 35' must be available between the edge of any street and the entire exterior of the S.A.S. (Provided-22'±)
- 315-6: Square Footage Requirements: Leach beds will be sized at 150% of Title 5 requirements. (Provided Presby sizing per D.E.P. approval)

Local Upgrade Approvals:

- 15.405(1)(H): Reduction of the required 5-Foot separation from the bottom of the S.A.S. to the E.S.H.W.T. (Provided-3-Feet as per Presby approval by D.E.P.)

Mr. Maloney received a negative determination from Conservation.

Date of failure of septic system was on June 10, 2018. Ira Grossman has no objections to the proposed upgrade.

Property will eventually be placed on sale.

Dr. Susan Horowitz moved to accept the variances as presented 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) For Failed Systems:
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 the 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 2:0

LONG COPE ROAD, LOT 74 – Septic Variance Request

In order to allow enough time to address concerns from abutters (please refer to the attached letter) applicant Paul Litchfield has requested continuance of discussion to the next Board of Health meeting. Mr. Litchfield received the list of concerns at the meeting.

The Board chose to read the letter from the abutters into the record so that they could address any concerns that could be answered during this meeting.

Chairman Fleischer read list of concerns below:

- 1) Why was a Public Hearing not held when there are Variance requests on a Non-Conforming Lot?**

Chairman Fleischer confirmed that this is a Public Hearing.

- 2) In a letter dated February 28, 2019, Eastern Land Survey Associates, Inc. references drawing F 18671, Map 129, Lot 7 A, Long Cope Road, Groton, MA.**

- a. After an extensive records search, we find no Lot 7 A in the Long Cope Road area.**
- b. All Agenda items tonight give specific reference to all septic variance requests, this one does not.**

Ira Grossman confirmed that the abutters notice should have read Lot 74 and the 7A referenced is a typographical error.

- 3) In a discussion with Tom Orcutt, Groton Water Superintendent, it was pointed out that the line of demarcation for the Zone II Aquifer was arbitrary and could be off by as much as 100 feet, thereby possibly placing the lot in question within Zone II.**

The Board will defer to Tom Orcutt on this question and cannot comment until they seek more information.

- 4) Assessor's records reference Burlwood Realty Corp. as the owner of record yet,**

- a. Paul Litchfield is the applicant.**
- b. A septic design plan was drawn for Merrimack Valley Builders.**
- c. Who is the Owner/Developer?**

Paul Litchfield informed the Public that Burlwood Realty is the owner of the property, Robert W. Murray out of Burlington (Café Escadrille) owned the property and that he (Paul Litchfield) is from Merrimack Valley Builders.

- 5) The Groton Board of Assessor's Property Record Card lists the parcel with the classification 1320-Vacant Land Unbuildable.**

- a. This property has an assessed value of \$12,600.**
- b. Average land values for Buildable lots in the immediate area are \$142,600.**
- c. The last sale on the property was on August 8, 1949. This property has been under a devalued classification since that time.**

Mr. Grossman replied that this is not a Board of Health issue.

- 6) Under Division 3: Board of Health Regulations, Chapter 315 Subsurface Sewage Disposal Regulations 315-5, Distance Requirements:**

- a. The word minimum appears in lines C - I inclusive.**

- b. Line H allows the Groton Board of Health to increase minimums when concern to the environment or public health is an issue :
- c. The applicant requests significant Variances on 315-5 C; 315-5 F; 315-5 G.
- d. When minimum standards are set by the Board, why would the Board of Health consider anything less than minimums?

Applicant has requested continuance to the next Board of Health meeting.

- 7) **Mr. Paul Litchfield, in a letter dated December 7, 2018, states that the changes in BOH regulations have created a hardship on this property.**

- a. **We submit to the Board that all of the other properties built on Long Cope Road were compliant with Title V and Groton Board of Health regulations and did not request variances.**

Applicant has requested continuance to the next Board of Health meeting.

- 8) **The applicants Land Surveyor, Christopher R. Mello, PLS, writes in his letter dated February 28, 2019, "The reason that all of the requested variances are needed is the shape and dimensions of the existing lot. The Jot (Lot?) would be undevelopable if all of the required setback distances were enforced".**

Applicant has requested continuance to the next Board of Health meeting. This is an editorial from the applicant's engineer.

Abutters expressed concern regarding trees being cut down and fallen trees posing some risk. Mr. Grossman informed the Public that the trees are not a Board of Health issue but he will look into it.

The basis for continuance of discussion is due to Mr. Litchfield having received the letter containing the list of concerns just now during this meeting.

NEW / OLD BUSINESS

The Board reviewed and signed invoices.

The Board reviewed the meeting minutes dated March 4, 2019.

Dr. Susan Horowitz moved to accept the minutes. Chairman Fleischer seconded and the motion carried 2:0

Dr. Susan Horowitz moved to adjourn the meeting at 8:15 pm. Chairman Fleischer seconded and the motion carried 2:0

Minutes by Sammie Kul.

APPROVED: April 1, 2019



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

SIGN IN SHEET - BOH Meeting - March 18, 2019

PRINT FIRST AND LAST NAME

PRINT ADDRESS

Frank Brockelman

93 Mill St. Groton

Jack Maly

William & Dina

Bonnie Carter

8 LONE LANE

John Carl

8 LONE LANE

Kevin Ritchie

Carol Bohannon

Paul Dickfield

42 Kent St.

DAVID TIMS

8 ALONG COPERD GROTON

Priscilla Schultz

19 Lone Lane

Henry Parker

135 Pine Hill Rd Chelmsford

Donna Parker

41 Whitney Pond Rd Groton

LAURENCE HURLEY

315 Lost Lake Dr.

Cathy Berse-Horley

315 Lost Lake Dr.

Don Black

573 Langley Rd, Groton

Joe + Emily Borez

23 Whitney Pond Rd.

Heather Rhodes

50 Arrow Trl

John Reilly

50 Arrow Trl.

Groton Board of Health

173 Main St.

Groton, MA 01450

March 18, 2019

RE: Long Cope Road – Septic Variance Request.

We the undersigned are Abutters to the property known as Lot(s) # 3730A – 3734 listed on Assessor's Map# 129; parcel 74, and request this letter be read into the record at the Groton Board of Health meeting on March 18, 2019, referencing the Long Cope Road – Septic Variance Request.

The undersigned have the following concerns:

1. Why was a Public Hearing not held when there are Variance requests on a Non-Conforming Lot?
2. In a letter dated February 28, 2019, Eastern Land Survey Associates, Inc. references drawing F 18671, Map 129, Lot 7 A, Long Cope Road, Groton, MA.
a. After an extensive records search, we find no Lot 7 A in the Long Cope Road area.
b. All Agenda items tonight give specific reference to all septic variance requests, this one does not.
3. In a discussion with Tom Orcutt, Groton Water Superintendent, it was pointed out that the line of demarcation for the Zone II Aquifer was arbitrary and could be off by as much as 100 feet, thereby possibly placing the lot in question within Zone II.
4. Assessor's records reference Burlwood Realty Corp. as the owner of record yet,
a. Paul Litchfield is the applicant.
b. A septic design plan was drawn for Merrimack Valley Builders.
c. Who is the Owner/Developer?
5. The Groton Board of Assessor's Property Record Card lists the parcel with the classification 1320 – Vacant Land Unbuildable.
a. This property has an assessed value of \$12,600.
b. Average land values for Buildable lots in the immediate area are \$142,600.

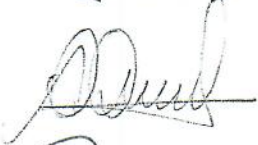
SB LOT 74

- c. The last sale on the property was on August 8, 1949. This property has been under a devalued classification since that time.
6. Under Division 3: Board of Health Regulations, Chapter 315 Subsurface Sewage Disposal Regulations 315-5, Distance Requirements:
 - a. The word minimum appears in lines C – I inclusive.
 - b. Line H allows the Groton Board of Health to increase minimums when concern to the environment or public health is an issue.
 - c. The applicant requests significant Variances on 315-5 C; 315-5 F; 315-5 G.
 - d. When minimum standards are set by the Board, why would the Board of Health consider anything less than minimums?
7. Mr. Paul Litchfield, in a letter dated December 7, 2018, states that the changes in BOH regulations have created a hardship on this property.
 - a. We submit to the Board that all of the other properties built on Long Cope Road were compliant with Title V and Groton Board of Health regulations and did not request variances.
8. The applicants Land Surveyor, Christopher R. Mello, PLS, writes in his letter dated February 28, 2019, "The reason that all of the requested variances are needed is the shape and dimensions of the existing lot. The Jot (Lot?) would be undevelopable if all of the required setback distances were enforced".

We the undersigned thank you for your time and consideration and respectfully request that you do not grant any of these Variances. Furthermore, as a health and safety issue, we request that you direct Mr. Litchfield to repair and reclaim the damage and desecration he left on the lots he tested in April of 2018.

Sincerely,

Eric W. Zachostal



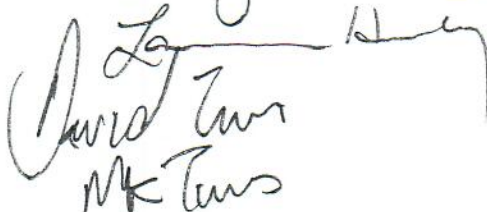
Donna L. Parlee

Priscilla R. Schults

Alberta E. Erickson

Karl Aug

Cathy B. H.


David L. Lums
MK Lums





Carl L. Lums

