



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, May 20, 2019
Time: 7:00 PM
Location: 1st Floor Meeting Room, Groton Electric Light Department, 23 Station Ave.
Members Present: Robert Fleischer, Chairman; Dr. Susan Horowitz, Member; Jason Weber, Member; Ira Grossman, Nashoba Associated Board of Health Agent
Others Present: Sammie Kul; Please see Sign-In Sheet

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

100 BOATHOUSE ROAD – Septic Variance Request

Jack Maloney from Ducharme & Dillis Civil Design Group, Inc. was present on behalf of property owners Chris and Andrea Miller to request the following variances:

Local Variances from S.D.S. Regulations Requested:

1. 315-1(A): Two groundwater observation holes and two percolation tests must be performed on each lot. (Provided-No Testing).
2. 315-1(B): Testing requirements(b): deep observation holes for the determination of groundwater may be performed during the months of March and April. (Provided: July, groundwater determination based on 310 CMR 15.100-103)
3. 315-3(K): Pumped system must be pressure dosed. (Pressure dosing not provided due to leaching galley design).
4. 315-5(A): Leaching facilities must be located at least 100-feet from any wetland, watercourse, etc. (provided: 52-feet).
5. 315-5(F): A minimum of 35-feet must be available between the edge of any street, passageway or road line and the entire perimeter of any proposed leach areas. (Provided: 9-feet).
6. 315-5(G): A minimum of 20-feet must be available between any property line and the entire exterior perimeter of any proposed leach areas. (Provided: 3-feet).
7. 315-5(I): A minimum of 15-feet must be available between the edge of a soil absorption system and the adjacent side slope. Walls and barriers are not permitted. (Provided: Poly barrier set at 4-feet from edge of stone).
8. 315-6: Square footage requirements: leach beds and pits will be sized at 150% of title 5 requirements. (Title 5 sizing as per 310 CMR 15.242 and 15.253 have been utilized)

Local Variances from Well Regulations:

330-6: Well location requirements (c): Leaching facility to a well-100' (Provided-50.5' from well at #99 boathouse road)

Local Upgrade Approval Request:

- 15.405(1)(a): Reduction of system location setbacks for property lines. (provided-9')
- 15.405(1)(b): Reduction of system location setbacks from a foundation. (provided-14')
- 15.405(1)(e): Reduction of system location setback to a wetland. (provided-52')
- 15.405(1)(f): Reduction of system location setback to surface water. (provided-52')
- 15.405(1)(g): Reduction of system location to a private well. (provided-50')
- 15.405(1)(k): at least one deep hole has been performed in the proposed disposal area (provided-1-deep and 1-perc)

Jason Weber moved to accept the variances as presented for 100 Boathouse Road subject to the following BOH Standard Conditions and added that the Board of Health approves the proposal with the exception of the Poly barrier and with the condition that in the event of a failure that the owners would at that time understand that the then current owners remedy that failure with the best available technology. A revised plan with the wall design is to be submitted by the engineer.

SDS Standard Regulations:

- 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 Select Board, 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 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 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.

Ira Grossman said that the site is extremely difficult and is limited in size due to the well and wetlands. Mr. Grossman reminded the Board about their requirement to have 99 Boathouse Road connect to Town Water when it becomes available. The well at 99 Boathouse Road is the location of the well causing them to ask for the offset variance, not their own well or a new well being installed.

Brief discussion ensued regarding abutting properties and what type of systems they have.

Jason Weber asked if this was the best that could be done here to alleviate situation. Mr. Grossman replied that quality wise, the proposed system is not innovative and there are better technology options available. An alternative system would produce better effluent but comes with an additional cost to cover the equipment. Chairman Robert Fleischer asked whether a tight tank was an option. Mr. Grossman replied that a tight tank was not a good alternative to the proposed.

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

199 CHERRY TREE LANE – Discussion of Deed Restriction

Walter Godfrey, installer and Ravi Sivasankaran, property owner of 199 Cherry Tree Lane was present.

Ira Grossman provided brief overview. The basement is being redone to add a bathroom but the bathroom itself was not approved as part of the original building application nor was it included as part of the original building plans.

There is a plumbing permit for this property but developer did not come before the Board for review and approval.

Mr. Grossman has no objections to the Deed Restriction Notice.

Jason Weber moved to accept the request for the Deed Restriction for 199 Cherry Tree Lane.

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

Board members will invite the developer for these properties to the next Board of Health meeting.

CAMP KALEIDOSCOPE – Camp Variance Request

The Board discussed the variance request that would allow Camp Kaleidoscope to have one supervisory staff person for every eight campers age six or under.

Ira Grossman has no objections.

Jason Weber moved to accept the variance request for Camp Kaleidoscope to have one supervisory staff person for every eight campers age six or under, recognizing that this is the same as we have seen in past seasons and accepting it for the same reasons as we have accepted it.

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

Jason Weber also requested that a representative from the camp be present in the future when this is brought before the Board of Health again.

LONG COPE ROAD, LOT 74 – Septic Variance Request

Paul Litchfield of Merrimack Valley Builders, Inc. presented on behalf of Burlwood Realty Corporation and requested the following variances for Lot 74 on Long Cope Road:

Section 315-5 Distance Requirements

315-5.F A distance of 10 feet is proposed between the exterior perimeter of the leach area and the line of Berry Trail (an unimproved way) instead of the required 35 feet and 15 feet between the exterior perimeter of the reserve area and Berry Trail.

315-G A distance of 17 feet is proposed between the proposed reserve area and property lines instead of the required 20 feet.

The reason that all of the requested variances are needed is the shape and dimensions of the existing lot. The lot would be undevelopable if all of the required setback distances were enforced.

Mr. Litchfield also provided a draft of the condo docs to the Board for review in advance of the meeting.

The proposed plans have changed from six to four bedrooms with two bedrooms in each unit to conform to how the other houses are.

The site plan changes are minor technical things that will not change the variances being requested.

This lot requires a variance in order to be able to build on it.

An abutter asked whether the road was being properly prepared. Mr. Litchfield was informed by their real estate attorney that the content of the condo docs may only include anything related to the footprint of condo.

Abutters also asked about how this will affect traffic and expressed their concerns regarding nearby conservation land, tax property costs increasing for property owners in this area and proposed building plans being in compliance with zoning regulations.

Mr. Litchfield said that even if they proposed building a single-family house, he would still be required to request the same variances.

Chairman Robert Fleischer acknowledged the neighborhood concerns and set up a date and time to go view the lot with the other Board members.

Jason Weber provided the following feedback to the draft of the condo docs, as a condo owner himself:

-The Board of Health will most likely want to see a Title 5 Report completed every 18 months. This would be better for the septic system, easier for the home owners to comply with. This added requirement may cost a little more but would be worth it considering all things.

Mr. Litchfield was very receptive to this recommendation and would be happy to oblige.

Mr. Weber said any approval would be conditional upon that.

Also, with regard to the fees being collected annually this is not sufficient and we should assume 30 years if erring on the optimistic side. Therefore Mr. Weber suggested making this clause conditional provided that we do not know who will be the owner when the system fails and this will ensure that everything was written up fairly.

This agenda item will be continued for discussion at the next Board of Health meeting on June 3rd.

NEW / OLD BUSINESS

80 COMMON STREET – Sign Deed Restriction

Board members already reviewed plans for 80 Common Street at their last meeting and provided signatures for the Deed Restriction Notice.

401 NASHUA ROAD – Finalize Discussion of Decision Document

Jason Weber will make edits to the most recent draft from Ira Grossman and forward it along to the other Board members.

MEETING MINUTES

The Board reviewed the meeting minutes dated May 7, 2019.

Dr. Susan Horowitz moved to accept the meeting minutes dated May 7, 2019. Chairman Robert Fleischer seconded and the motion carried with Jason Weber abstaining.

Board members signed and reviewed permits.

Dr. Susan Horowitz moved to adjourn the meeting at 8:37 pm. Jason Weber seconded and the motion carried.

Minutes by Sammie Kul.

APPROVED: June 3, 2019
