



TOWN OF GROTON
Board of Health
173 Main Street
Groton, MA 01450

BOARD OF HEALTH
Jason Weber, Chairman
Susan Horowitz, Member
Robert J. Fleischer, Member

Date: Monday, July 15, 2019
Time: 7:00 PM
Location: 1st Floor Meeting Room, Groton Electric Light Department, 23 Station Avenue
Members Present: Jason Weber, Chairman; Dr. Susan Horowitz, Member; Robert Fleischer, Member; Ira Grossman, Nashoba Associated Board of Health Agent
Others Present: Sammie Kul

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

28 TAYLOR STREET – Septic Design System Variance Request

Kevin Richie from Civil Solutions presented on behalf of property owner Stephen Lombardo and requested the following variances for 28 Taylor Street:

- 1) Approval is sought under 310 CMR 15.405(1)(i) to allow the use of a sieve analysis where a percolation test could not be performed due to groundwater interference.
- 2) 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 3 feet with the use of the Presby Enviro-Septic Wastewater Treatment system.
- 3) A variance is hereby requested from Groton Board of Health Regulation 315-5.F to reduce the requisite offset from a road side line from 35 feet to 29 feet.
- 4) 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.
- 5) 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.

Robert Fleischer disclosed to the public that he has a pending agreement with Civil Solutions.

Mr. Ritchie provided background for 28 Taylor Street and brief discussion ensued. Ira Grossman has no objections given what they have to work with as it is a small lot.

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 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 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.

Robert Fleischer seconded and the motion carried 3:0

The following variance from the original request will be removed as there will not be a pump system therefore the below does not apply:

- 5) 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.

60 TOWNSEND ROAD – Septic Design System Variance Request

Kevin Richie from Civil Solutions presented on behalf of property owner Alfred Wyatt and requested the following variances for 60 Townsend Road:

- 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 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 315-6 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.

Robert Fleischer disclosed to the public that he has a pending agreement with Civil Solutions.

Mr. Ritchie provided background for 60 Townsend Road and brief discussion ensued. Ira Grossman has no objections given the small size of the lot. (This system does have the benefit of having a pump so it will produce a better distribution.)

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 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 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.

Robert Fleischer seconded and the motion carried 3:0

10 CYPRESS ROAD – Septic Design System Variance Request

Mark LaVallee from Goldsmith, Prest & Ringwall, Inc. presented on behalf of property owner Gary Whittemore who was also in attendance and requested the following variances for 10 Cypress Road:

Regulation 315.5(F) – Distance Requirements

Required: 35-foot separation, edge of any street
Requested: 27± foot separation, edge of any street

Mr. LaVallee provided background and brief discussion ensued.

Ira Grossman said that the driveway is on the leaching area which the Code says you should avoid whenever possible.

Jason Weber commented on the location of the vent protruding up over the grade. Mr. Whittemore informed members that the plan is to move it to another location per Goldsmith's recommendation. Mr. Grossman confirmed that as this detail will be included in the As-Built they will not need to provide updated plans.

The septic permit is good for three years. This is only an upgrade and being done voluntary.

A 2-bedroom Deed Restriction for the existing two-bedroom dwelling will be required.

Robert Fleischer moved to grant the variances as presented subject to the vent being relocated from the area of the driveway.

Mr. Weber asked what can be done to help increase the amount of oxygen in the leaching areas. Brief discussion ensued. Mr. Grossman suggested a 10 ft. property line offset vs. the 20 feet required so as to allow the leaching area to be only partly under the driveway.

Robert Fleischer moved to amend his original motion to include a second variance of a sideline reduction to 10 ft in addition to moving the vent to a different location subject to the following BOH Standard Conditions:

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- 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.

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

Mr. LaVallee submitted a copy of the Building Permit Plan to the Board of Health at this meeting.

261 PEPPERELL ROAD – Revisions to Approve Variance Plan

Robert Carlezon from Grady Consulting, LLC presented on behalf of property owner Stephen L. Piso and requested the following variances for 261 Pepperell Road:

Local Variance Request

1. Sec.315-1(B) -Use of a deep hole in a month other than March and April with a perc test less than five minutes/inch with Class I soil.
2. Sec.315-5(E) -Reduction in horizontal distance between ledge and the exterior perimeter of the leach area from the required 25-ft to 10-ft.
3. Sec.315-5(1) - Use of a poly barrier and retaining wall to adjust the side slope requirement and offset.

Mr. Carlezon provided background and brief discussion ensued. Original variance request was approved back in January of this year. Construction started three weeks ago and the contractor discovered a huge piece of ledge close to where the septic system location was proposed. System now has to be moved further down as a result.

As the BOH Standard Conditions state within the BOH Decision notice, any changes that are made are required to come before the Board.

Ira Grossman strongly advised against doing an innovative system due to the amount of ledge present.

The revised variance(s) being requested would serve as an addendum to the original variance request that was previously approved. The only new variance being requested is the below:

3. Sec.315-5(1) - Use of a poly barrier and retaining wall to adjust the side slope requirement and offset.

Robert Fleischer 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 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.
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- 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.

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

NEW/OLD BUSINESS

NEW ENGLAND SHIRDI SAI TEMPLE

Well driller reached out last week to let Ira Grossman know that they would begin the process of requesting a well variance for the irrigation well that was drilled at 99 Shirdi Way. We have not received anything yet.

46 REDSKIN TRAIL

Ira Grossman provided brief update of recent communication with applicant and his wife. The Groton Board of Health office informed applicant and his wife of process by which they may appeal the BOH Decision that was made at their hearing.

INVOICES

Board members reviewed and signed permits.

MEETING MINUTES

The Board reviewed the meeting minutes dated July 1, 2019.

Dr. Susan Horowitz moved to accept the meeting minutes dated July 1, 2019. Robert Fleischer seconded and the motion carried.

Dr. Susan Horowitz moved to adjourn the meeting at 8:06 p.m. Robert Fleischer seconded and the motion carried.

Minutes by Sammie Kul.

APPROVED: August 5, 2019

APPROVED