



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: Tuesday, September 3, 2019
Time: 7:00 PM
Location: 2nd Floor Meeting Room, Groton Town Hall, 173 Main Street
Members Present: Dr. Susan Horowitz, Member; Robert Fleischer, Member; Ira Grossman, Nashoba Associated Board of Health Agent
Members Absent: Jason Weber, Chairman
Others Present: Sammie Kul; Please See Sign-In Sheet

Dr. Susan Horowitz called the meeting to order at 7:01 p.m.

1 PEPPERELL ROAD – Septic Design System Variance Request

Jack Maloney of Ducharme & Dillis presented on behalf of applicant Brian Lagasse and requested the following variances for 1 Pepperell Road:

1. 310 CMR 15.405(1)(a): Reduction of the required 10-foot setback of a tight tank from a property line.
(1-foot setback from a property line is proposed)
2. 310 CMR 15.405(1)(b): Reduction of the required 10-foot setback of a tight tank from a cellar wall.
(8-foot setback from a cellar wall is proposed)
3. 310 CMR 15.405(1)(g): Reduction of the required 10-foot setback of a tight tank from a water supply line.
(1-foot setback from a water line is proposed, if relocation of the water service is not possible)

The existing system is in failure. A tight tank is going to be installed as there is no room for a traditional system. The proposed septic plan is designed to service only the post office.

Brief discussion ensued regarding tight tank services and maintenance contract requirements associated with it.

Robert J. Fleischer moved to accept the variances as presented with an expiration date of September 3, 2020 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 Post Office use is approved for the Title 5 design flow of 200 gallons per day with no increase in the use or gallons per day, 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.

Susan Horowitz seconded and the motion carried 2:0

BROOKS ORCHARD – Discussion of Neighborhood Concerns

Resident Josh Degen was present along with his neighbors. Mr. Degen provided timeline of events that have transpired over the past six weeks at the Brooks Orchard Farm that abuts his property. A sample of the fertilizer which is composted sludge was brought before the Board.

The fertilizer which is categorized as "Type 1" material was dropped off at the farm at the end of July and left there until August 6th. The foul odor from the fertilizer was present for several weeks forcing neighbors to cancel outdoor events. The Fire Chief was called out there as a couple of the piles began smoldering. Neighbors expressed concerns of exposure to chemicals and heavy metals in the air as a result. A brief discussion ensued about the conversation Ira Grossman had with the farmer and his work to spread and fill in the material. Board members wanted to know if an order could be issued to correct this situation.

Ira Grossman spoke to the state who confirmed that Type 1 material does not require any special handling conditions. They do not anticipate any hazardous material. Brief discussion ensued

regarding what preventive measures may be taken to avoid having this type of situation occur again in the future. The Board will discuss any follow up at the next meeting.

Robert Fleischer moved that the Board issue a nuisance order to the farmer to complete the application of the fertilizer material within five business days using the appropriate techniques.

Robert J. Fleischer amended the motion to include that the fertilizer be spread and tilled into the soil per MA DEP regulations.

Susan Horowitz seconded and the motion carried 2:0

29 BRANCH LANE - Septic Design System Variance Request

Kevin Ritchie from Civil Solutions presented on behalf of property owner, Eleanor G. White Investment Trust and requested the following variances for 29 Branch Lane:

- 1) A variance is hereby approved for 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 approved for 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 approved for 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.

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

The Title 5 failed and the date of failure of the existing system was April 18, 2019.

Ira Grossman has no objections. The slope of the land limits them in terms of options.

Abutter from 21 Branch Lane was present. Mr. Ritchie confirmed this would not have an impact on their property.

Robert J. 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.
- 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 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 2:0

21 JENKINS ROAD - Septic Design System Variance Request

Jack Maloney of Ducharme & Dillis presented on behalf of property owner, Leslie Wickfield and requested the following variances for 21 Jenkins Road:

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

- 315-1: Testing Requirements: (E)-There must be a minimum of 5-feet of pervious material between the bottom of the proposed S.A.S. and the groundwater elevation.
- 315-3: Design Requirements: (I)-Perc rates over 14 MPI require leaching trenches. (Presby type system provided).
- 315-5: distance requirements:(g)-20' must be available between any property line and the exterior perimeter of the proposed leach area. (provided-17 feet).
- 315-6: S.F. requirements: leach beds will be sized at 150% of title 5 requirements. (Provided-Presby system sized as per Presby approval letter from D.E.P.)

Local Upgrade Approval Request:

- 15.405(1)(H): The Approving Authority may reduce the required 4-foot separation between the bottom of the proposed S.A.S. and E.S.H.W.T. (Provided: 3-foot separation).
- 15.405(1)(i): A sieve analysis may be performed if a perc test cannot. (Provided: a sieve analysis-see attached data results).

Ira Grossman has no objections. The slope of the land limits them in terms of options.

Robert J. 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.
- 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.

Dr. Susan Horowitz seconded and the motion carried 2:0

NEW/OLD BUSINESS

INVOICES

Board members reviewed and signed permits.

Robert J. Fleischer moved to adjourn the meeting at 8:17 p.m. Dr. Susan Horowitz seconded and the motion carried.

Minutes by Sammie Kul.

APPROVED: September 16, 2019



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Susan Horowitz, Member
Robert J. Fleischer, Member

SIGN IN SHEET - BOH Meeting – September 3, 2019

PRINT FIRST AND LAST NAME

PRINT ADDRESS

PRINT FIRST AND LAST NAME	PRINT ADDRESS
JACK MALONEY	N. Groton P.O. + 21 Jenkins
Susan Walko	21 Jenkins
Michael Walko	21 Jenkins
Connie Sartori	38 Mill St. - Groton Herald
Kelly Conroy	150 main St Groton
NICK LONGO	690 Pleasant St Danvers
JOSE DEBEN	409 MARYS POND RD
Dem Luther	137 Chestnut Hill Rd
Bill NORRISH	126 CHESTNUT HILL RD.
Kevin Ritchie	Civil Solutions
EILEEN LUCAS	129 CHESTNUT HILL RD.
John Bunney	129 chestnut Hill Rd.
Kong Chan	76 Blossom Ln
JOAN HUBER	21 BRANCH LANE
Mary Livingston	73 Chestnut Hill Rd.