

**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: Thursday, May 21st, 2020

Time: 6:30 PM

Location: Virtual Meeting via Zoom

Members Present: Jason Weber, Chairman; Robert J. Fleischer, Member; Ira Grossman, Nashoba Associated Board of Health Agent

Members Absent: Dr. Susan Horowitz, Member

Others Present: Daniel B. Wolfe of David E. Ross Associates, Inc.; Sanford Leavenworth; Robert Anctil; George Dimakarakos of Stamski and McNary, Inc.; Bruce Wheeler of Academy Hill; Jason Kauppi, Town Moderator; Michael Bouchard, Town Clerk

Jason Weber called the emergency Board of Health meeting to order at 6:39 p.m.

**50 and 52 Island Road – Septic Design System Variance Request**

Daniel B. Wolfe of David E. Ross Associates, Inc. presented on behalf of their client, Mr. Sanford Leavenworth and requested the following variances for 50 and 52 Island Road:

**Local Upgrade Approvals Required:**

15.405(1)(a) – Reduction of System location setbacks from property lines:

An offset of zero (0) feet is provided between septic tank A and the property line.

An offset of three (3) feet is provided between the pump chamber and the property line.

15.405(1)(e) – Reduction of septic tank offset to wetlands/surface water from twenty-five (25) feet to fourteen (14) feet.

15.405(1)(f) – Reduction of system location setback from surface waters from fifty (50) feet to twenty-seven (27) feet.

15.405(1)(j) – Reduction of the requirement of a twelve (12) inch separation between the inlet and the outlet tees and high groundwater.

**Groton Board of Health Subsurface Sewage Disposal Regulations:**

315-1.B – Deep observation holes for the determination of groundwater elevations may be performed during the months of March and April. Proposed: Deep observation test holes were performed in November.

315-3.K – Whenever a system must be pumped, the soil absorption system shall be pressure dosed. Proposed: The proposed soil absorption system is the Presby Enviro-Septic Leaching system, which cannot be pressure dosed.

315-3.L - No component of a sewage disposal system shall be located under any portion of a public or private road right-of-way. Proposed: The sewer line, septic tank A, and the pump chamber are under the right-of-way.

315-5.A – Leaching facilities must be located at least 100 feet from any wetland, watercourse, wetland vegetation, seasonal streams and drainage ditches. Proposed: An offset of twenty-seven (27) feet is provided.

315-5.F – A minimum of 35 feet must be available between any street, passageway or road line and entire exterior perimeter of any proposed leaching areas. Proposed: An offset of 10.5 feet is provided.

315-6 - Leach beds and Pits will be sized at 150% of Title 5 requirements. Proposed: We have designed this system at 150% of the Presby approved sizing requirements.

**Groton Board of Health Well Regulations:**

330-6(C) Well Location Distances:

Well shall be offset 100 feet from any type of water/wetland. Proposed: An offset of twenty-one (21) feet is provided.

Well shall be offset 50 feet from a public or private way, common drive, roadway, easement or parking lot. Proposed: An offset of one (1) foot is provided from a common driveway / private way.

Well shall be offset 50 feet from a property line. Proposed: An offset of twenty-five (25) feet is provided.

330-6(D) - A water supply line shall be located a minimum of 25 feet from a building sewer, 50 feet from a septic tank, and 100 feet from a leaching field. Proposed: We have proposed a new water supply line to be no closer than 10 feet from a sewer line, 10 feet from a septic tank, and 48 feet from a leaching field.

Presby Enviro-Septic Approval: This upgrade proposes to incorporate the use of the Presby Enviro-Septic pipe, which has been shown to provide equal, if not improved, environmental protection over Title 5. This system is proposed with a full five-foot groundwater offset and is sized 150% in excess of the DEP approval for this alternative technology.

Mr. Wolfe provided overview of revisions made as follow up to Monday’s meeting.

The revised plans showed a change in the well location. In the previous proposal the well was formerly on the south side of Point Road and intended to serve both houses.

State regulations state that the well has to be on the lot that it serves therefore the proposed location of the well has been moved to the north side of Point Road and will only be serving 50 Island Road.

The property at 52 Island Road has an existing point well. A water test was completed for this well back in early March. The results that came back showed clean potable water. However, the water test did not analyze all components listed within the local regulations therefore applicant is looking for approval contingent upon results of water quality testing. A new water sample was submitted earlier today for testing.

Brief discussion ensued regarding local well regulations.

Robert Fleischer said a point well is not bad but we will need to wait to see the outcome of the tests. Other than that, he is inclined to grant the waiver. Mr. Fleischer asked whether a second well can be drilled if the tests do not pass. Mr. Wolfe replied that it depends on what does not pass and he would have to perform some research based on those results.

Ira Grossman mentioned that shallow wells are not permitted under Groton’s local regulations.

**Robert Fleischer moved to accept the variances as presented subject to the results of the water quality test for the existing well and subject to the following BOH Standard Conditions below:**

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.

1. 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.
2. 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.
3. 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.

**Jason Weber seconded and the motion carried.**

Attorney Robert Anctil was present. Brief discussion ensued regarding details for legal documentation required for a shared septic system that provides financial assurance mechanism.

Mr. Grossman said that in the past they have requested annual statements showing that escrow payments have been made.

Board members agreed this part of the process should be delegated to Mr. Grossman.

**Robert Fleischer moved that this be delegated to Ira Grossman the Board of Health agent as it has been done so in the past. Jason Weber seconded and the motion carried.**

**LOT # 4, CHERRY TREE LANE – Septic Design System Variance Request Follow Up**

George Dimakarakos of Stamski and McNary, Inc. presented on behalf of their client, Academy Hill, LLC and requested the following revised variances for Lot # 4 on Cherry Tree Lane as follow up to Monday’s meeting:

The following waivers are necessary from the Board of Health in order to provide a 4-bedroom sewage disposal system at the referenced property.

**Town of Groton Board of Health Regulations Chapter 315 Subsurface Sewage Disposal Regulations**

**315-3 Design Requirements**

**D. *The sewage disposal system must be located on the same lot as the facility it is intended to serve…***

The fill required for the leaching facility crosses the lot line to the south.

**315-5 Distance Requirements**

**C. *A minimum of 10 feet must be available between the primary and expansion leaching facilities.***

The reserve soil absorption system is proposed 2’ off the primary leaching facility.

**G. *A minimum of 20 feet must be available between any property line and the entire exterior perimeter of any proposed leach areas.***

The proposed leaching areas are 10’ off the nearest property line.

The Cherry Tree Subdivision was approved as an Open Space Development which allows denser development in order to preserve Open Space. As part of the approval, 216 acres was deeded as Conservation land under a Conservation Restriction. Because of this, the lots are dense and areas for development limited. Also, the limited area on Lot 4 outside the 100’ buffer zone to wetlands precludes the ability to have a separate primary and reserve area on the site without grading onto a neighboring property. The system is conservatively sized with the slowest percolation rate on the site even though a faster percolation test was performed in the footprint of the proposed system.

Mr. Dimakarakos provided brief overview of revised plans and updated waivers being requested.

Mr. Grossman said this is about as good as you can get things over there and that it may be more palatable in the long run. He has no issues with the lot line separation.

**Robert Fleischer moved to grant the waivers as presented subject to the following BOH Standard Conditions below and also emphasized that this is an unusual situation:**

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. 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.
7. 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.
8. 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.

**Jason Weber seconded and the motion carried.**

Mr. Weber noted that this is an exceptional circumstance and that this approval is not something the Board of Health usually grants. Mr. Weber emphasized that this is a unique situation.

**SPRING TOWN MEETING – Discuss Whether to Proceed with Rescheduled Date of June 13th, 2020 or Consider Postponing**

Town Moderator Jason Kauppi was present and informed members that the current rescheduled date for the Spring Town Meeting is tentatively planned for June 13th, 2020. It will be held outdoors in the field at the Florence Middle School at 10AM that morning. Any decisions to change this date will need to be made by June 1st, 2020.

Brief discussion ensued regarding factors to consider in order to allow for a safe environment for the meeting. Mr. Kauppi is looking for guidance and recommendations from a Board of Health perspective.

Mr. Kauppi will be requesting that attendees wear masks. There will a separate area set up for individuals who cannot wear a mask.

The setup of the seating will ensure that the social distancing precautions are maintained. Attendees will be asked to raise their hands and use voter cards. The number of items on the warrant will be limited so that the meeting can progress in a timely fashion. The meeting should take less than an hour to complete.

Hand sanitizer will also be provided. Ira Grossman said these are all good measures to take and that other towns are using a similar approach.

This topic will be added to the agenda for the next Board of Health meeting on June 1st, 2020 for further discussion.

Mr. Kauppi will send a draft of the plans and checklist for the Spring Town Meeting to the Board members for review.

Michael Bouchard, Town Clerk was present and asked that the Board members review his draft plans and checklist for holding the Town Election as well. He will plan to circulate this for their review and discussion at the next meeting also.

**MEETING MINUTES**

Board members asked to review and vote on the meeting minutes for April 9th, 2020 and May 4th, 2020 at the next scheduled meeting on June 1st, 2020.

**Robert Fleischer moved to adjourn the meeting at 7:34 p.m. Jason Weber seconded and the motion carried.**

Minutes by Sammie Kul.

**APPROVED: July 6, 2020**