

**TOWN OF GROTON**

Board of Health

173 Main Street

Groton, MA 01450

**BOARD OF HEALTH**

Robert J. Fleischer, Chairman

Michelle Collette, Member

Evan Thackaberry, Member

Date: Monday, October 4th, 2021

Time: 7:00 PM

Location: 1st Floor Meeting Room, Groton Town Hall

Members Present: Robert J. Fleischer, Chairman; Michelle Collette, Member; Evan Thackaberry, Member; Ira Grossman, Nashoba Associated Board of Health Agent

Others Present: Daniel B. Wolfe, David E. Ross Associates, Inc.; Jeff Hannaford, Norse Design Services, Inc.; Brad Bauer; Tom Orcutt, Groton Water Superintendent; Bob Rafferty, Environmental Partners; Joe Barrila and Dave Giannetta, J&D Construction Realty LLC

Robert Fleischer called the meeting to order at 7:00 p.m.

**3 HIGHLAND ROAD – Septic Design System Variance Request**

Daniel B. Wolfe of David E. Ross Associates, Inc. presented on behalf of their client, Ms. Amy Abbot and requested the following variances for 3 Highland Road:

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

315-3.D – The sewage disposal system must be located on the same lot as the facility it is intended to serve and shall not be interconnected by an easement or right-of-way. *Proposed: The leaching area is located on the opposite side of Weymisset Road, on land held in common ownership to provide the most compliant and environmentally save system possible.*

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 force main delivering effluent to the leaching area is located under the Weymisset Road right-of-way.*

315-5.F – A minimum of 35 feet must be available between the edge of any street, passageway, or road line and the entire exterior perimeter of any proposed leach areas. *Proposed: An offset of 20 feet is provided to Weymisset Road.*

**Groton Board of Health Well Regulations:**

330-6.C – The minimum offset from any type of surface water/wetland shall be 100 feet. *Proposed: An offset of 28 feet is provided from the new well to Lost Lake.*

The proposed plan includes installation of a new artesian well.

Brief discussion ensued regarding the approval process for obtaining permission to cross a public way. From what Mr. Wolfe recalls the Town issues a license that is signed by both the DPW Director and property owner once permission has been granted by the Town. Board members agreed any executed contract should be recorded with the Registry of Deeds. Mr. Wolfe will look into this and go through the proper channels.

Ira Grossman has no objections to the proposed plans.

**Michelle Collette moved to accept the variances as presented for 3 Highland Road in the letter dated June 18th, 2021 subject to receiving approval and the proper license from the Town of Groton granting permission to cross a public way and in conjunction with the BOH Septic and Well Variances 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 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.
3. This variance shall not be in effect until both the Notice of Board of Health Decision and the License granted by the Town of Groton are recorded at the Middlesex South Registry of Deeds. Evidence of such recording shall be submitted to the Board of Health by the applicant.
4. The applicant will notify the Board of Health at least 48 hours prior to the commencement of construction of the well. Additionally, the applicant will provide the Board of Health office with emergency contact information for all site contractors.
5. This permit runs with the land and applies to any successor in interest or successor in control.

**Evan Thackaberry seconded and the motion carried.**

**117 BROADMEADOW ROAD – Septic Design System Variance Request**

Jeff Hannaford of Norse Design Services, Inc. presented on behalf of their client, Mr. Ray Caruso and requested the following variances for 117 Broadmeadow Road:

1) Title 5, 310 CMR 15.405(1)(b), Distance from a crawl space to Soil Absorption System

 20 feet Required – 12 feet Proposed

2) Title 5, 310 CMR 15.405(1)(h), Reduction of 4 foot separation from bottom of soil absorption system to high groundwater elevation from 4 feet to 2 feet.

3) Local Board of Health 315-1.E, 5 feet of pervious material between bottom of bed &

groundwater– 2 feet provided.

4) Local Board of Health 315-1.E, 5 feet of pervious material between bottom of bed & Impervious

layer– 2 feet provided.

5) Local Board of Health 315-1.K, Pressure dosing required for pump systems – Gravity dosing

provided.

6) Local Board of Health 315-6. Square Footage Requirement

 150% of Title 5 Required for Leach Beds & Leach Pits

 114% Proposed

The proposed plan is for use of a Presby System. Mr. Grossman has no objections.

Mr. Grossman noted that there is a discrepancy with the number of bedrooms listed under the Assessors records. The septic system is designed for a 3-bedroom house but the Assessors records have this property listed as 4-bedroom house. This will need to be corrected with the both the Assessor’s Office and Building Department.

Two abutters to the property were present. Mr. Hannaford addressed their concerns and confirmed that there will be no increase in the water runoff with the upgrade.

**Michelle Collette moved to accept the variances as presented for 117 Broadmeadow Road in the letter dated September 30th, 2021 subject to the 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.
4. Applicant is responsible for correcting the records with the Building Department and Assessor’s Office to reflect the correct number of bedrooms for this property as 3 bedrooms.

**Evan Thackaberry seconded and the motion carried.**

**244 OLD AYER ROAD – Septic Design System Variance Request**

Daniel B. Wolfe of David E. Ross Associates, Inc. presented on behalf of their client, Mr. Ryan O’Neill and requested the following variances for 244 Old Ayer Road:

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

315-1.E – There must be a minimum of five feet of pervious material between the bottom of the leaching facility and the groundwater elevation and/or any impervious layer. *Proposed: A four (4) foot offset to groundwater has been maintained for this system upgrade.*

315-3.I – Walls and impervious barriers are not allowed to adjust the side slope requirement and offset. *Proposed: An impervious barrier is provided for the upgrade of this system in accordance with Title 5.*

**Local Upgrade Approval:**

15.405(1)(g) – Reduction of system location to private water supply well. *Proposed: A 77-foot offset to the existing well and a 74-foot offset to the existing suction pump, is provided.*

Ira Grossman recommended that this upgrade be completed as soon as possible due to the proximity of the well to the septic system. A water test will also be required as a result of the location of the cesspool.

**Michelle Collette moved to accept the variances as presented for 244 Old Ayer Road in the letter dated June 18th, 2021 subject to the BOH Standard Conditions below.**

1. A water quality test is to be submitted to the Board of Health prior to commencement of the system installation.
2. This septic upgrade is to be completed by October 4, 2022.
3. 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.
4. 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.
5. Any construction (or related activity) within 100 ft of a wetland or resource protection area requires approval of the Groton Conservation Commission.
6. 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.
7. It is the applicant’s responsibility to contact Dig Safe prior to the commencement of any work at the site.
8. 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.

**Evan Thackaberry seconded and the motion carried.**

**162 DUCK POND DRIVE – Discussion of Proposed Floor Plans and Deed Restriction Notice**

Property owner of 162 Duck Pond Drive Brad Bauer was present and provided overview of proposed plans to existing attic space.

Mr. Bauer’s wife is an artist and would like to convert the attic space into an art studio for wax and textile canvas projects. There will be no use of paints or dyes therefore there will not be any byproducts as a result. There are windows in the attic which will help to provide ventilation.

A 4-Bedroom Deed Restriction is also being brought before the Board for review and approval.

Ira Grossman has no objections.

**Evan Thackaberry moved to accept the 4-Bedroom Deed Restriction as presented for 162 Duck Pond Drive.**

**Michelle Collette seconded and the motion carried.**

**864 LOWELL ROAD – Discussion of a Proposed Tight Tank at the Whitney Pond Wells Water Treatment Plant for the Operation of a Public Water Supply**

Tom Orcutt, Groton Water Superintendent and Bob Rafferty from Environmental Partners were present and provided overview of proposed plans at 864 Lowell Road.

A water treatment facility is being constructed at this site and a tight tank will be used to service the space. The building will be part of the public water supply therefore a septic system cannot be installed there.

Ira Grossman has no objections.

**Michelle Collette moved to approve the tight tank application submitted for the Whitney Pond Wells Water Treatment Plant as described in their email dated September 30th, 2021 from Environmental Partners and as shown on the plans submitted with the application.**

**Evan Thackaberry seconded and the motion carried.**

**37 SHEPLE LANE – Variance Request to State Sanitary Code 410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets**

Joe Barrila and Dave Giannetta of J&D Construction Realty LLC were present and requested a variance to the State Sanitary Code *410.250 Habitable Rooms Other Than Kitchen-Natural Light and Electrical Outlets* for 37 Sheple Lane.

Mr. Barrila and Mr. Giannetta provided an overview of the proposed plans for the basement. They are looking to finish this space to create a game room / play room for the future occupants.

Michelle Collette confirmed with the applicants that this property is new construction. The foundation has already been poured and they are currently in the process of framing and roughing the house therefore they are unable to add any windows or doors in the basement.

Brief discussion ensued regarding current layout of basement and community sewage disposal system for the property.

**Evan Thackaberry moved to accept the variances as presented for 37 Sheple Lane to the State Sanitary Code *410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets* as described in the letter dated September 20th, 2021.**

**Michelle Collette seconded the motion. Robert Fleischer and Evan Thackaberry voted for the motion with Michelle Collette abstaining. The motion carried by a majority vote 2:1.**

**OLD / NEW BUSINESS**

**MEETING MINUTES**

The Board reviewed the meeting minutes dated August 30th, 2021.

**Michelle Collette moved to accept the meeting minutes dated August 30th, 2021. Robert Fleischer seconded and the motion carried by majority vote with Evan Thackaberry abstaining.**

The Board reviewed the meeting minutes dated September 20th, 2021.

Robert Fleischer made minor edits to include that Evan Thackaberry is the newly selected member to the Board of Health.

**Robert Fleischer moved to accept the meeting minutes dated September 20th, 2021 as amended. Michelle Collette seconded and the motion carried by majority vote with Evan Thackaberry abstaining.**

**PERMITS**

Board members reviewed and signed permits.

**Michelle Collette moved to grant annual hauler permit renewals to:**

1. **DPS Trash & Recycling**
2. **Waste Not**
3. **Waste Management**
4. **G.W. Shaw and Son, Inc.**
5. **Republic Services**

**Evan Thackaberry seconded and the motion carried.**

**Michelle Collette moved to grant annual tobacco permit renewals to:**

1. **A.L. Prime Energy**
2. **Boston Road Market**
3. **Country Farms**
4. **Craven’s Package Store**
5. **HEG Groton**
6. **Groton Market, Inc.**
7. **Mobil**

**Evan Thackaberry seconded and the motion carried.**

**Michelle Collette moved to adjourn the meeting at 8:47 p.m. Evan Thackaberry seconded and the motion carried.**

Minutes by Sammie Kul.

**APPROVED: October 18, 2021**