

**TOWN OF GROTON**

Board of Health  
173 Main Street  
Groton, MA 01450

Date: Monday, December 19, 2022

Time: 7:00 PM

Location: 1st Floor Meeting Room, Groton Town Hall

Members Present: Michelle Collette, Robert J. Fleischer, Evan Thackaberry

Others Present: Kevin Ritchie, Jack Maloney, John Petropoulos, Myra & Bob Lockett

---

Michelle Collette called the meeting to order at 7:00 p.m.

---

**48 HAYDEN ROAD – Discussion of Septic Design System Variance Request**

Kevin Ritchie from Civil Solutions Inc. presented on behalf of his client Debra Dagle and requested the following variances:

**LOCAL VARIANCES:**

- 1.) 310 CMR 15.405(1)(b) to reduce the requisite from a leaching area to a cellar wall from 20 feet. ( Provided: 15 feet)
- 2.) 315-1.E to reduce the requisite offset to groundwater from 5 feet. (Provided: 3 feet with the use of a Presby Enviro-Septic Treatment system.)
- 3.) 315-5.F to reduce the requisite offset from a road side line from 35 feet. (Provided 22 feet)
- 4.) 315-5.A to reduce the requisite offset from a leaching area to a wetland from 100 feet. (Provided: 55 feet.)
- 5.) 315-1.B to allow an upgrade design in a class I soil with observation holes out of season. (Provided: September)
- 6.) 315-6 to allow the design of a leaching field with less than 150% of Title V requirements.

Ira Grossman had no objections.

**Robert Fleischer moved to accept the variances as presented for 48 Hayden Road as stated in the letter dated October 11, 2022, 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.

For Failed Systems:

- 6.) Compliance with Title 5 shall be within 2 years from September 2022 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 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.

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

---

### **31 FITCH'S BRIDGE ROAD- Discussion of Septic Design System Variance Request**

**Robert Fleischer moved to open the continued hearing on 31 Fitch's Bridge Road. Evan Thackaberry seconded and the motion carried.**

Ira Grossman had recommended that the Board of Health open the continued hearing and vote to close the hearing. A new hearing is required with a new variance request. The engineering company has been informed that a new notice and hearing is necessary prior to proceeding.

**Robert Fleischer moved to close the public hearing on 31 Fitch's Bridge Road. Evan Thackaberry seconded and the motion carried.**

---

### **35 GRANITEVILLE ROAD– Continuation of Discussion of Septic Design System Variance Request**

Jack Maloney from Dillis & Roy Civil Design Group was present on behalf of his client Tyler Shute and proposed the following variances:

#### **LOCAL VARIANCES:**

- 1.) 315-1(e): There must be at least 5-feet of pervious material between the bottom of the S.A.S. & any impervious layer. (Provided 47")
- 2.) 315-1(e): There must be at least 5-feet of pervious material between the bottom of the S.A.S. & the E.S.H.W.T. (Provided 4-feet)
- 3.) 315-3(h): At least 5-feet of naturally occurring material must be in place over ledge, fill shall not be used to meet this requirement. (Provided: 4-feet)
- 4.) 315-3(i): Perc rates over 14 mpi require trenches. (Provided-Presby type system)
- 5.) 315-3(k): Whenever a system must be pumped, the S.A.S. shall be pressure dosed. (Presby type system designed-no pressure dosed Presby system allowed.)
- 6.) 315-5(i): A minimum of 15' must be available between the edge of a S.A.S. and the adjacent side slope. The finished side slope shall not be steeper than 3:1 (h/v) (provided: 12.5' to 40 mil poly barrier backed with a wall of 2'x2'x4' concrete blocks, then 2:1 side slope).
- 7.) 315-6: Leaching beds shall be sized at 150% of title 5 requirements. (Presby enviro-septic wastewater treatment system).

#### **TITLE V VARIANCES:**

None Required. The Sewage Disposal System is designed in Accordance with the State of Massachusetts Title 5 Regulations: requirements for the Subsurface Disposal of Sanitary Sewage.

#### **TITLE V LOCAL UPGRADE APPROVALS:**

- 1.) 15:404(3)(c) A minimum of 4-feet of naturally occurring pervious soil below the entire S.A.S. (Provided-47" including the "B" Horizon)
- 2.) 15.405(1)(k): At least one deep hole has been performed in the proposed disposal area

- 3.) 15.405(1) (j): Reduction of the required 12" separation between the inlet/outlet tees and the E.S.H.W.T. (Provided @ E.S.H.W.T for pump chamber & 0.17' above for septic tank).

Ira Grossman had no objections

Mr. Ritchie said that there were no building permits required for the installation of the retaining wall.

**Evan Thackaberry moved to accept the variances as presented for 35 Granite Road as stated in the letter dated October 26, 2022, 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.

For Failed Systems:

- 6.) Compliance with Title 5 shall be within 2 years from the testing holes 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 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.

**Robert Fleischer seconded and the motion carried.**

---

### **31 KEMP STREET – Discussion of Septic Design System Variance Request**

A representative from Eastern Land Surveyor was present on behalf of his client Clayton Morin and requested the following variances:

#### **LOCAL VARIANCES:**

- 1.) 315.3H less than 5 feet of naturally occurring pervious soil over ledge (provided 36" to 46")
- 2.) 315-5A leach bed is less than 100 feet from wetland (provided: 80+feet)
- 3.) 315-5F Leach are is less than 35 feet from street line (provided: 17+ft)
- 4.) 315-5I An impervious Barrier and Retaining Wall are proposed
- 5.) 315-1B Groundwater in Class I soils was determined in September, not in March or April as required
- 6.) 315-5D A minimum of 25 feet must be available between an unsuitable test hold and the perimeter of the leach area (Provided: 16 ft, more or less)

#### **TITLE V VARIANCES:**

- 1.) 310 CMR 15.415 2 four feet of naturally occurring pervious soil is not present on the site. ( Provided 36" to 46")
- 2.) 310 CMR 15-212 Depth to groundwater- A ground water separation of four feet is proposed for the S.A.S where percolation rate of less than 1 inch in 2 minutes was determined.

Ira Grossman had no objections.

A resident of Kemp Street misunderstood the notification letter and believed that the meeting was in regards to acquiring public water in West Groton. She said that she is not a direct abutter of 31 Kemp Street. The Board of Health explained that any resident within 300 feet of a septic system variance request is notified.

Myra Lockett, a resident of Kemp Street was displeased with the proposed stamped concrete retaining wall and said it would devalue not only her dwelling but the entire neighborhood. She suggested installing a stone wall.

John Petropoulos, a resident of Kemp Street, requested that the proposed retaining wall be similar to the existing stone walls throughout the neighborhood and that low bushes be planted.

The property was described as being very overgrown and that the retaining wall potentially would not be visible from the Street. The Representative said that the Conservation Commission has already approved the proposed plan and any additional changes would require another hearing.

Ms. Collette reminded the residents that plantings can be encouraged from BOH however; it is outside of their jurisdiction.

Bob Lockett, a resident of Kemp Street asked for clarification in regards to the role of notifying abutters. Ms. Collette explained that abutters are notified when variances are being requested that may impact their properties. Mr. Lockett said that the aesthetics should be considered.

Mr. Petropoulos requested that the variance in proximity to the street not be approved until there is no negative impact on the aesthetics. The Board explained that variances being requested to the Board of Health are only directed at public health.

The Representative said that he would consider adding bushes to ensure that the retaining wall is not observed from the street.

**Evan Thackaberry moved to accept the variances as presented for 31 Kemp Street as stated in the letter dated November 3, 2022, 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.

For Failed Systems:

- 6.) Compliance with Title 5 shall be within 2 years from September 2022 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 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.

**Robert Fleischer seconded and the motion carried.**

---

## **OLD / NEW BUSINESS**

### **Review and Approve Hauler and Tobacco Permits**

The review and approval of the permits were tabled until the next scheduled meeting.

### **Update on Food Service Permits**

Ms. Collette said that the Select Board grants common victualler licenses annually and they require renewal by the end of the year. A victualler license also entails acquiring a food service permit from the Board of Health. There are currently three or four individuals that are noncompliant. The Select Board has been asked to withhold those permits until the delinquent fees are paid in full.

## **MEETING MINUTES**

There were no meeting minutes available for the Board of Health to review.

## **ON-GOING ISSUES**

### **COVID UPDATES**

Student case numbers are satisfactory.

### **PFAS UPDATES**

There have been several meetings between the Groton Dunstable Regional School District, the Town Manager, and the Water Departments from Groton, Pepperell, and Dunstable in regards to exploring the most efficient and cost effective solution in providing clean public water to the high school. Currently they are proposing on utilizing water from the Town of Pepperell. Residents in close proximity to the high school that also obtain high levels of PFAS

would be provided with water. The playing fields are to be evaluated and soil testing will be performed.

#### **SQUANNACOOK SPORTSMANS CLUB SITE UPDATES**

The remediation work is proceeding and is expected to be completed by spring. The fence has been installed as requested by the Board of Health

---

**Robert Fleischer moved to adjourn the meeting at 8:10 pm. Evan Thackaberry seconded and the motion carried.**

---

Minutes by Kristine Fox

APPROVED