

TOWN OF GROTON

Board of Health
173 Main Street
Groton, MA 01450

Date: Monday, April 3, 2023

Time: 7:00 PM

Location: 1st Floor Meeting Room, Groton Town Hall

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

Others Present: Sammie Kul; Jack Maloney of Dillis & Roy Civil Design Group, Jeff Hannaford

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

15 RHODENDA ROAD– Continuation of Discussion of Septic Design System Variance Request, Discussion of Deed Restriction Notice and Building Plan Review

Jack Maloney of Dillis & Roy Civil Design Group presented on behalf of their client Kandaraqj Krishnakumar, and requested the following variances for 15 Rhodenda Road:

LOCAL VARIANCES:

315-1: Testing Requirements: B: Deep Observation Holes, for the Determination of Groundwater, elevations may be performed in March & April. (Provided September test date)

315-5: Distance Requirements: F. A minimum of 35' must be available between the edge of any street and the S.A.S. (Provided-12.6')

Mr. Maloney said that the site was restricted leaving limited space for the septic system. The existing well would be removed and in regards to the two-bedroom deed restriction additional windows would be installed.

Ira Grossman commented that the proposed renovation includes an office and a closet that could be misconstrued for a third bedroom. He urged the Board to consider the design of the renovation and said that the property was subject to condemnation and a written inspection is necessary prior to occupancy. Mr. Grossman also noted that the well had been decommissioned.

Mr. Thackaberry moved to accept the variances as presented for 15 Rhodenda Road as stated in the letter dated November 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.
- 6) For Failed Systems:
Compliance with Title 5 shall be within 2 years from April 3, 2023 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.

REVIEW BOARD OF HEALTH REGULATIONS

Ms. Collette said that the following regulations were subject for revision: Chapter 330 Wells, Chapter 315 Subsurface Sewage Disposal, 307 Solid Waste, and Chapter 322 Tobacco. The draft of each regulation and proposed revisions would be made available to review on the Town Website.

Ms. Collette said after conversing with Ira Grossman in regards to notifying abutters on both well and septic system variances, he said that there are only two surrounding Towns that send out notifications. It is rare that abutters have any issues with repairing or upgrading existing systems. Mr. Thackaberry agreed that there are no public health risks being imposed on abutters. Mr. Fleischer said that he was supportive of notifying abutters, however, suggested that a simpler process be acquired rather than utilizing certified mail which can be costly.

Jeff Hannaford, of Norse Design Services, said that he had reviewed the revisions of the regulations and has written a letter of concerns to submit to the Board. Mr. Hannaford provided a brief history of his background and years of experience in septic designs. He said that he works in numerous Towns and converses with installation contractors regularly. He then addressed his concerns within the regulations of Chapter 315 Subsurface Sewage Disposal. He disagreed with the 20 foot street setback requirement in Section F. and questioned why it is not compatible with Title 5 regulations. 20 feet is a very significant number. Mr. Hannaford said that the DEP is performing a study in regards to 315-1 (E) to verify if 4 or 5 feet of pervious material is an adequate number. The results have not been concluded. He said with newer innovative systems being cleaner they do not require additional material as a conventional system would. Mr. Hannaford suggested eliminating the regulation until the results have been finalized by the DEP. Ms. Collette agreed that innovative systems are environmentally friendly however; conventional systems still would require 4 to 5 feet of material.

Mr. Hannaford then questioned the reasoning behind 315-3 Design Requirements H. and 315-6 Square Footage Requirements. Ms. Collette said the answers would be deferred to the next meeting when Mr. Grossman was present.

Ms. Collette said that the hearing to discuss the revisions to the Board of Health Regulations is scheduled for May 1, 2023.

Ms. Collette said that Mr. Grossman advised for the elimination of water testing of irrigation wells and that the Tobacco fines are consistent with the Commonwealth.

The Board had a brief discussion and agreed that the \$300 permit fee for trash pickup is satisfactory. Surrounding towns had been researched and their fees are very similar.

Ms. Collette said she would like for the regulations to be adopted and set in place prior to the end of June.

OLD / NEW BUSINESS

MEETING MINUTES

There were no minutes available for the Board to review.

ONGOING ISSUES

COVID UPDATE

The number of cases continues to remain satisfactory.

PFAS

The Select Board had a meeting with the School District, Engineers, Pepperell Water Department, and the Groton Water Department. The pros and cons were discussed of all alternative solutions. The Select Board voted 3 to 1 in favor of receiving water from Dunstable through the Pepperell Water Department. One member was opposed and one had abstained. Tom Orcutt requested that the warrant article remain on the ballot for the upcoming Town meeting. Ms. Collette noted that the Town of Pepperell possesses a well that is out of service due to PFAS levels.

SPORTSMAN CLUB

The remediation work is in progress and should come to completion soon. The Select Board and the Council on Aging are exploring the opportunity of establishing an outdoor fitness court on the Sportsman Club site and a grant has been received to assist in funding.

Evan Thackaberry moved to adjourn the meeting at 8:08pm. Robert Fleischer seconded and the motion carried.

Minutes by: Kristine Fox.

Approved June 5, 2023