



**TOWN OF GROTON**  
Board of Health  
173 Main Street  
Groton, MA 01450

**BOARD OF HEALTH**  
Michelle Collette, Chair  
Robert J. Fleischer, Member  
Evan Thackaberry, Member

Date: Monday, May 1, 2023  
Time: 7:00 PM  
Location: 1st Floor Meeting Room, Groton Town Hall  
Members Present: Michelle Collette, Chairperson; Robert J. Fleischer, Member; Evan Thackaberry, Member; Ira Grossman, Board of Health Agent  
Others Present: Jack Maloney, Dillis & Roy Civil Design Group, Jeff Hannaford

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

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### **72 MAPLEWOOD AVENUE-Discussion of Septic Design System Variance Request**

Jack Maloney of Dillis & Roy Civil Design Group presented on behalf of their client, and requested the following variances for 72 Maplewood Ave:

#### **LOCAL BOARD OF HEALTH APPROVAL:**

- 1.) Chapter 315-1 Testing Requirements (A)-The Board of Health shall require that each individual lot shall meet all applicable requirements of Title V and the Groton Board of Health. Two groundwater observation holes and two percolation tests must be performed on each lot to prove a suitable primary and expansion area for each lot. This requirement shall also apply to a subdivision for which a preliminary or definitive plan has been submitted. (Provided: No testing necessary)
- 2.) Chapter 315-5(A) – Distance requirements leaching facilities must be located at least 100' from wetlands, watercourses, streams etc. Variance requested to be 70' from wetlands.(Provided: 23 feet)

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

- 1.) Section 15.405(1) (a) Reduction to system setbacks for property lines provided system is within the property lines. (Provided: 23 feet)

Mr. Maloney said that the existing cesspool would be removed and replaced with a 2,500 gallon tight tank. A pumping contract has been established with Bancroft Silva Septic Services.

Ira Grossman said that the lot size would be unresponsive of a conventional system and testing is unnecessary. The lot is restricted and there are no alternative locations for the installation of the septic system. The system being installed is a holding tank and there are no leaching components.

The Conservation Commission has approved the requested plan.

**Evan Thackaberry moved to accept the variances as presented for 72 Maplewood Avenue, subject to a satisfactory review by Town Counsel of an agreement for an escrow in the amount of \$1,000.00 on the system, and the Discussion of a 2 bedroom Deed Restriction and the Board of Health Decision Notice is to be recorded with the Middlesex South Registry of Deeds prior to the issuance of the Building Permit and also subject to the BOH standard conditions below.**

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- 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 May 1, 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.
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- 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.**

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**11 PAINTED POST ROAD- Variance Request to State Sanitary Code 410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets and Discussion of Deed Restriction**

Property owner Maria Albright was present and provided a brief overview of the proposed plans for finishing the attic. The additional 709 square feet would allow for an area for crafting. There are two preexisting windows and two additional windows would be installed, totaling 57.61 square feet of glass.

Ira Grossman said with the installation of the two additional windows the variance requirement is unnecessary.

**Robert Fleischer moved to require a four bedroom Deed Restriction at 11 Painted Post Road and that the Board of Health Decision Notice is to be recorded with the Middlesex South Registry of Deeds prior to the issuance of the Building Permit.**

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

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**216 CHERRY TREE LANE-Variance Request to State Sanitary Code 410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets and Discussion of Deed Restriction**

Property owners Jennifer and Christopher White were present and provided a brief overview of the proposed plans for the basement. They are requesting to finish 1200 square feet to provide a recreation space and a classroom to accommodate their four homeschooled children. There are two proposed points of egress. Ms. White said they would be meeting with an HVAC company to determine the most optimum ventilation system.

Ira Grossman had no objections.

**Robert Fleischer moved to grant the variances as presented for 216 Cherry Tree Lane to 410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets and the Discussion of Deed Restriction and the Board of Health Decision Notice is to be recorded with the Middlesex South Registry of Deeds prior to the issuance of the Building Permit.**

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

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## **REVIEW BOARD OF HEALTH REGULATIONS**

The Board reviewed the revisions to the following regulations:

### **Chapter 307 Solid Waste**

The Board was satisfied with the minimal change to the renewable date from November to January 1st.

### **Chapter 315 Subsurface Sewage Disposal**

*315-3 Design Requirements.* Mr. Grossman said when a septic system is installed that does not meet the State requirements the slope needs to be 3-1 and in smaller lots with a leaching field close to the property line sometimes that slope cannot be accommodated. The State has a guideline that allows the septic designer to utilize a barrier or a retaining wall to reduce that slope. The fill easement is required to be contained in the lot. Mr. Fleischer questioned why this regulation should be different from the State. Mr. Grossman said that in rare occurrences retaining walls have failed or easements were not recorded. This ensures a more restricted way.

Jeffrey Hannaford, a septic designer, commented that had reviewed the draft and noted that there were no changes addressing his concerns from the prior meeting. The Board asked for Mr. Hannaford to address each issue when the topic is discussed.

*315-5 Distance Requirement (F).* Mr. Hannaford commented that Title 5 requirements allow for a 10 foot setback as well as the majority of the surrounding Towns and questioned the additional 10 feet that is needed. He recommended striking both F & E due to no proper evidence supporting the proposed 20 feet. Ms. Collette said that the additional feet allows for adequate room to work away from the street edge and to ensure that there is no encroachment or disturbances imposed on the abutting property. Mr. Grossman said that the previous Board had recommended 35 feet for the concern of cars being parked along the roadside during snow removal.

*315-6 Square footage requirements.* The Board agreed that there was an error in the language written and that they would continue the hearing until the next scheduled meeting.

*315-7 Tight Tank; privies.* Mr. Grossman suggested that the escrow account be in the amount of \$1,000 rather than \$1,500.

*315-8 Review of Plan C.* The Board discussed abutter notification when there is a variance request and the best way to proceed. The Board agreed to continue notifying abutters however, by utilizing regular mail where a receipt can be acquired. This process would reduce costs and time consumption.

Mr. Hannaford commented that the change needs to coincide with the language within the Title 5 requirement that an abutter needs to be notified by certified mail if there is a reduction or well set back variance requested.

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Mr. Hannaford then questioned (315-1 E) Testing Requirements and why the additional foot of material is necessary when Title 5 only requires 4 feet. He suggested eliminating the term "natural occurring" to allow for outside material to be brought in. Ms. Collette said that the additional foot is significant to assist in purifying what is being leached into the ground and maximizes groundwater protection. Mr. Hannaford then asked why ledge is treated differently. Mr. Grossman said that Groton contains fractured bedrock and contaminants can travel a further distance.

### **Chapter 322 Tobacco**

Fines were revised to be consistent with the Commonwealth.

### **Chapter 330 Wells**

The Board discussed removing the water testing requirements from irrigation wells. Mr. Grossman was supportive of the elimination of testing. If testing were to show contamination there is no requirement necessary for the water to be treated.

Definitions of PFAS and Public Water System were included into the regulations and referenced from the State. Minor language changes were made and the Board agreed that any notice of variances would be conducted through general mail.

### **Hazardous Materials**

Ms. Collette said that other Town Departments had called to the attention the concern for fill being brought into the Town for extensive projects not meeting certain standards. The Board was concerned that the specified amount of 2,000 cubic yards of material requiring laboratory results was a significant amount. The Earth Removal threshold was set to 500 cubic yards which allows for the majority of single family constructions. Anything that exceeds that amount is required to be approved by the Select Board. The Board agreed that the 2,000 cubic yards should be reduced to 500 cubic yards.

**Evan Thackaberry moved to continue the hearing on the discussed sections of the Board of Health regulations until the next scheduled meeting on May 15, 2023.**

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

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### **OLD/ NEW BUSINESS**

#### **Discuss Food Safety Regulations: 105 CMR-59000 Standards for Food Establishments\***

Ms. Collette addressed the memo from the Town Council in regards to the utilization of the certified kitchen at the Senior Center. She then commended Nashoba Associated Boards of Health members Ira Grossman and Bridgette Braley.

#### **Nuisance Complaint, 350 Longley Road**

Mr. Grossman said that a complaint was received in regards to an abutter feeding wildlife. The individual said that their quality of life is being impacted and that they are concerned with predators being attracted and increased roadway hazards. The abutter was

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contacted and confirmed that a minimal amount of seed is being fed to birds on a daily basis. Mr. Grossman said that there are no laws prohibiting the act and that a nuisance order should not be issued. He conversed with the DPW director in regards to posting proper wildlife crossing signage to ensure that all precautions are being addressed. Mr. Grossman said he would continue to monitor the situation. The Board agreed that they would not take any action at this time.

### **ON-GOING ISSUES**

#### **PFAS Updates:**

Ms. Collette said at the Town Meeting it was voted to support the warrant article to extend the public water to the high school from the Groton Water Department. Additional engineering studies are to be conducted.

### **MEETING MINUTES**

There were no meeting minutes to review.

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**Robert Fleischer moved to adjourn the meeting at 9:02 PM. Evan Thackaberry seconded and the motion carried.**

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Minutes by: Kristine Fox.

Approved: May 15, 2023

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