



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

**MEETING MINUTES
July 7, 2014**

Board of Health Members Present:

Jason Weber, Chairman
Robert Fleischer, Member
Susan Horowitz, Member

Others Present:

Ira Grossman, Health Agent
Regina Beausoleil, Interdepartmental Assistant

Meeting Called to Order:

Chairman Weber called the meeting to order at 7:05 pm in the Town Hall.

46 Old Orchard Street – Kevin Ritchie, Civil Solutions

Mr. Ritchie was before the Board to present on behalf of present owner, Joshua Tolles. Mr. Ritchie outlined the SDS Variance Request as stated in a letter dated June 19, 2014. He stated there was currently a buyer lined up and would like to close as soon as possible. Mr. Grossman stated he had no issues with the design.

Member Fleischer made a motion to approve the Variance request as outlined in the letter from Civil Solutions dated June 19, 2014:

Local Regulations

- **310 15.405(1)(I)** *To allow the use of a sieve analysis where a percolation test could not be performed due to groundwater interference. Proposed: Allow the installation of the proposed system in an expeditious manner.*

315-1(E) *Allow 4 feet of pervious material between the bottom of a leaching facility and the groundwater elevation rather than the requisite 5 feet. Proposed: 4 feet to eliminate the need for a pump and a pump chamber.*

Member Horowitz seconded the motion and the vote was unanimous.

55 West Main Street – Kevin Ritchie – Civil Solutions, Inc.

Mr. Ritchie was before the Board to present an SDS Variance request as outlined in a letter dated June 20, 2014. Mr. Ritchie is proposing to re-use an existing 1500-gallon tank. Mr. Grossman stated he was concerned with the request to re-use the tank. He said there is nothing stating the tank was structurally sound. Mr. Ritchie said there was a note on the plan that a Title 5 is required. If it was not in good shape it would need to be increased to H20.

Chairman Weber asked if there was something you can add to make the Tank H20? Mr. Grossman answered more concrete or mesh fiber.

Mr. Ritchie stated he had no problem with doing a Title 5 inspection.

Member Fleischer agreed to a conditional approval that a Title 5 inspection be done, if the tank doesn't pass then it will need to be replaced. He further instructed that Mr. Grossman be present during the inspection.

Member Fleischer made a motion to grant the variance as request and outlined in the June 20, 2014 letter:

Local Regulations

- **310-15.405(1)(B) Allow the use of tanks with more than 3 feet of cover material placed over the tanks. Proposed: Existing plumbing cannot be changed and all tanks will be provided with risers with manhole covers to within 6 inches of finished grade.**
- **315-1(B) Deep observation holes for the determination of groundwater elevations may be performed during the months of March and April. Use of holes conducted in months other than March and April will be limited to Class II and Class III soils, with a percolation rate of greater than five minutes/inch. Observation holes in March and April may be required by the Board of Health or its agent at their discretion on all sites. Proposed: Allow an up-grade design in a class I soil with observation holes conducted out of season.**

**In order for the tank re-use a Title 5 inspection with Health Agent Ira Grossman present needs to be performed. The Tank must pass title 5 requirement. If not, it must be upgraded to H20. Member Horowitz seconded the motion and the vote was unanimous.*

43 Boston Road – Vincent Atwood, Homeowner

Mr. Atwood was before the board to formally apply for a variance to the pending CHP 190 regulation to tie into Sewer. He stated he recently had a Title 5 done to his system and it passed. Chairman Weber stated since the house is currently on the market, the new owners will have to comply. Mr. Atwood asked if the Board would entertain a legally binding agreement to tie in after a certain amount of time. Member Horowitz asked if the Board allowed a legally binding agreement if it could be 2 years or at time of sale.

Member Horowitz made a motion to revisit the connection after a legally binding agreement is done by the Board and signed by all parties. Member Fleischer seconded the motion and the vote was unanimous.

Raw Milk

**Jean Evans Nordin stated for the Board and audience members she was recording audio and visual of this portion of the meeting.*

Member Horowitz stated that the Board would rather have some control rather than no control over the sale of Raw Milk in Town.

Member Fleischer asked if a public hearing would be required in order to change the bylaw.

Member Horowitz cautioned that the Board would not be changing the bylaw but rather put conditions on it. Member Horowitz made it clear she wasn't against it, but felt the Board should go along with the States certification process. Member Fleischer agreed stating the current state protocol is what he is inclined to do. Chairman Weber stated he would like the Board to have some control over labeling and be provided with sales records. Chairman Weber asked if the state does a pre-inspection. Ms. Cahen answered that farmers would request inspections prior to construction, during and after. There was a brief discussion regarding notification from the state of any illnesses. Mr. Grossman stated the Town would not need additional notification as the state has always been good about notifying Nashoba, copies to the Town would be unnecessary and would just add a level of paperwork.

Chairman Weber attempted to summarize the discussion:

*Both parties will need time to review with the state

*Science seems to be inconclusive

1. Repeal the existing regulation
2. Grant a variance request
3. Set a review date

Ms. Cahen asked if the Board would like a formal variance request. Chairman Weber stated yes and that any other parties interested in raw milk sales moving forward will have to do the same. Meredith Scarlett of 245 Lowell Road stated she would like to see the ordinance lifted. Ms. Cahen stated by removing it, the Board would be doing the public a favor by having some control over minimizing the risk of illness by removing the black market aspect of it. Ms. Cahen agreed to file a formal variance request.

Member Fleischer made a motion to adjourn the meeting at 9:00PM. Member Horowitz seconded the motion and the vote was unanimous.

Respectfully submitted

Regina Beausoleil

Approved 1/4/16