



## TOWN OF GROTON

Board of Health  
173 Main Street  
Groton, MA 01450

## BOARD OF HEALTH

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

Date: Monday, August 5, 2019  
Time: 7:00 PM  
Location: 1<sup>st</sup> Floor Meeting Room, Groton Town Hall, 173 Main Street  
Members Present: Jason Weber, Chairman; Dr. Susan Horowitz, Member; Robert Fleischer, Member; Ira Grossman, Nashoba Associated Board of Health Agent  
Others Present: Sammie Kul; Chris MacKenzie from Ducharme & Dillis

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Chairman Weber called the meeting to order at 7 p.m.

### **44 FARMERS ROW – Septic Design System Variance Request**

Chris MacKenzie of Ducharme & Dillis presented on behalf of property owner, the Lawrence Homestead Trust and requested the following variances for 44 Farmers Row:

#### **Local Regulation Variances:**

1. Section 315-1(A): Two percolation tests must be performed to prove suitable primary and reserve areas.  
(Only 1 percolation test performed in area adjacent to the primary disposal area)
2. Section 3145-1(E): There must be a minimum of five feet of pervious material between the bottom of the leaching facility and the estimated seasonal high ground water table.  
(4-foot separation is proposed)

Ira Grossman has no objections. The proposed system is comprised of two tanks and a pump chamber. Brief discussion ensued regarding testing results and system details.

Mr. MacKenzie confirmed with the current homeowners that they did not have any plans of turning this 11 bedroom property into a condo. Mr. Grossman will notate on the septic permit if the requested variances are approved that this was approved for a single family home.

An abutter from 79 Long Hill Road was present at the meeting. Mr. Grossman informed the abutter that there are no anticipated impacts to the abutter's property given the proposed plans. Chairman Weber offered an overview of how the proposed system would work and why this would be a significant improvement compared to the existing system.

**Robert Fleischer moved to accept the variances as presented subject to the following BOH Standard Conditions:**

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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 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.
- 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 11-bedroom single family house is to remain an 11-bedroom single family 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 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.

**Dr. Susan Horowitz seconded and the motion carried 3:0**

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### **113 MILL STREET – Discussion of Noncompliance for Innovative System Contract**

Ira Grossman provided brief background to Board members. Non-Compliance notice was mailed to the home owner at 113 Mill Street on July 15, 2019 regarding a suspension of the required maintenance and service contract for their Subsurface Sewage Disposal Systems JET unit.

The contract is no longer valid and there has been no response from the home owner regarding the status of where things stand. Brief discussion ensued regarding options for next steps.

The Board requested that a follow up letter be sent via certified mail and that Mr. Grossman contact the home owner by phone to inform the home owner of the pending circumstances. Home owner will be asked to provide response with next course of action or otherwise appear before the Board at the next meeting to discuss if they are unable to comply. Failure to respond may result in an issuance of an order to comply.

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## NEW/OLD BUSINESS

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### MEETING MINUTES

The Board reviewed the meeting minutes dated July 15, 2019. Chairman Weber had one grammatical edit.

**Dr. Susan Horowitz moved to accept the meeting minutes dated July 15, 2019 as amended. Robert Fleischer seconded and the motion carried.**

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### INVOICES

Board members reviewed and signed permits.

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### CONSIDER A BYLAW THAT WOULD BAN THE USE OF POLYSTYRENE FOOD SERVICE CONTAINERS

The Select Board forwarded the attached correspondence for the Board of Health's consideration.

Brief discussion ensued regarding whether this request should be treated as a new bylaw endorsed by the Board of Health that the Town may vote on or if it is something that should be proposed as a new Board of Health regulation.

Chairman Weber will contact the Board of Health liaison on the Select Board and ask them to provide more context regarding this request so they may make an informed decision.

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**Dr. Susan Horowitz moved to adjourn the meeting at 7:43 p.m. Robert Fleischer seconded and the motion carried.**

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Minutes by Sammie Kul.

**APPROVED: September 16, 2019**

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## Sammie Kul

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**From:** Mark Haddad  
**Sent:** Thursday, August 1, 2019 10:17 AM  
**To:** Sammie Kul  
**Cc:** Dawn Dunbar; John Giger  
**Subject:** Ban on Polystyrene Containers  
**Attachments:** 20190801111009970.pdf

Good Morning Sammie:

At the regularly scheduled meeting of the Select Board held on Monday, July 29<sup>th</sup>, the Board voted unanimously to request that the Board of Health consider a bylaw that would ban the use of polystyrene food service containers in the Town of Groton.

To assist the Board in their consideration of this request, I am attaching to this email some relative information for your use.

Thank you for your attention to this matter. Please let me know if you have any additional questions or concerns.

Mark

***Mark W. Haddad***

Town Manager  
Town of Groton  
173 Main Street  
Groton, MA 01450  
(978) 448-1111  
FAX: (978) 448-1115  
[mhaddad@townofgroton.org](mailto:mhaddad@townofgroton.org)

Select Board Proposed Agenda Item  
submitted by John Giger  
July 14, 2019

See if a majority of Select Board members want to ask the Groton Board of Health to consider proposing a restriction to prohibit food establishments in Groton from dispensing prepared food and drink in disposable food service containers made from expanded polystyrene.

Exhibit A: MassGreen.org (<http://www.massgreen.org/reducing-polystyrene.html>)

Exhibit B: Town of Westford Polystyrene Restriction By-Law

Exhibit C: Citizens Petition in the Town of Grafton

Exhibit D: United States Public Interest Research Group (U.P. PRIG) News Release dated June 1, 2018 (<https://uspirg.org/news/usp/world-health-organization-finds-increased-cancer-risk-chemical-found-plastics>)

## **EXHIBIT A**

### **Polystyrene Restriction**

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## **RESOURCES FOR REDUCING POLYSTYRENE IN YOUR COMMUNITY**

### **Polystyrene Facts**

Informational resources about Styrofoam and other polystyrene products, including their effects on health and the environment.

### **Polystyrene Legislation**

Texts of legislation banning polystyrene passed or proposed in Massachusetts and elsewhere, with notes on some of the options your community can consider.

### **Polystyrene Alternatives**

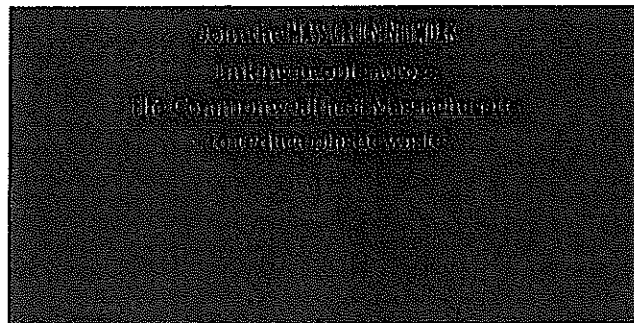
Primers on alternatives to polystyrene, with information on local and online vendors.

### **Reducing Disposables**

Replacing polystyrene with more ecologically responsible products is a great first step. Why not go further and replace disposable products with reusable ones?

### **Isn't Plastic Greener?**

There is a common misconception that polystyrene has a smaller impact on the environment than plastic. Click here to see why this view is mistaken.



<http://www.massgreen.org/reducing-polystyrene.html>

## **EXHIBIT B**

### **Polystyrene Restriction**

*General Bylaws of the Town of Westford, Massachusetts*

2018

#### **Ch. 135: Polystyrene Restriction**

[Adopted 4-02-2016 ATM Art. 20]

**§ 135.1 Findings and Intent.**

- Whereas, the Town has a duty to protect the health of its citizens and the natural environment.
- Whereas, Styrofoam is the brand name for polystyrene (Dow Chemical Co.), a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be non-biodegradable.
- Whereas, expanded polystyrene containers are not part of the Town's regular recycling program.
- Whereas, styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Depart. of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals to the food chain.
- Whereas, several communities in Massachusetts have banned disposable food service containers, including Amherst, Brookline, Great Barrington, Nantucket, Somerville, South Hadley, Williamstown as well as major cities such as Los Angeles, Chicago, Miami Beach, New York City, Portland, and Seattle. This bylaw is patterned after similar ones enacted in Massachusetts.
- Whereas, appropriate alternative products are readily available from vendors and are already being used by many of our businesses.

**§ 135.2 Effective Date.**

- A. This bylaw shall take effect July 1, 2017.
- B. Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.

**§ 135.3 Definitions.**

**Disposable food service container** shall mean single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages, including, without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to plates, cups, bowls, trays, hinged or lidded containers, cups, lids, straws, and utensils. It does not include single-use disposable packaging for unprepared foods.

**Expanded polystyrene** shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term also includes clear or solid polystyrene,

which is also known as "oriented," or referenced in this bylaw as "Rigid Polystyrene." Rigid Polystyrene is generally used to make clear clamshell containers, lids, and cutlery.

**Fineable offense** is defined as a knowing common use of item or items restricted by the bylaw. Common use refers to item or items that are part of one's normal or daily use.

**Food establishment** shall mean any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et seq., shall be considered a food establishment for purposes of this bylaw.

**Prepared food** shall mean any food or beverage prepared on the food establishment's premises using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment's premises.

**Town Facility** shall mean any building, structure, land, or recreational area owned, leased, or operated by the Town of Westford.

**§ 135.4 Prohibitions.**

- A. Except as provided herein, food establishments are prohibited from dispensing prepared food and drink in disposable food service containers made from expanded polystyrene. All food establishments are strongly encouraged to use reusable food service containers and cutlery, and when possible biodegradable, compostable alternatives. Compostable materials must meet ASTM (American Society of the International Association for Testing and Materials) Standards for compostability.
- B. Town departments or agencies shall not purchase or use disposable food service containers made from expanded polystyrene while in the performance of official Town duties.
- C. Individuals, contractors, vendors, or other entities shall not use disposable food service containers made from expanded polystyrene in a Town facility or Town property while acting or performing under a Town contract, lease, license, permit, grant, or other agreement.
- D. Nothing in this section shall prohibit someone from purchasing or using said containers for personal use, nor shall it prohibit any individual from purchasing or using said containers for a private function or when serving food on property owned by that person.

**§ 135.5 Variance.**

- A. Any food establishment or Town Department and its agencies may make a written application to the Board of Health for a variance from this bylaw.
- B. Every application for a variance is subject to a public hearing. Notice of the hearing shall be posted as part of a public notice of the Board of Health meeting at which the application will be considered. Notice shall be posted no less than 48 hours before the meeting.
- C. By vote of a majority of its full authorized membership, the Board of Health may grant a variance in cases where a suitable biodegradable, compostable, reusable or recyclable



alternative does not exist for a specific usage, and/ or enforcement of this bylaw would cause undue hardship to that food establishment or Town Department.

- D. A variance may be granted for up to six months and extended for like periods upon submission of a renewal application.
- E. Any variance granted by the Board shall be in writing.
- F. A copy of the variance granted under this Section shall be available for public inspection on the premises for which it is issued.

**§ 135.6 Enforcement, Penalties and Fines.**

- A. The Board of Health or its designee shall have primary responsibility for enforcement of this bylaw. This shall include: establishment of regulations or administrative procedures, inspections, and issuance of citations for violations.
- B. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and CMR 590.15, may suspend or revoke the license or permit for any establishment failing to comply with this bylaw.
- C. Violations of this by law may result in monetary penalties, provided however that any such assessment shall be by a non-criminal disposition as provided in MGL Chapter 40, Section 21D, and Section 1.3 of the bylaws; provided however, that the following penalties shall apply:
  - 1. First offence – a written warning specifying the violations and appropriate penalties for future violations.
  - 2. Second offence - \$50
  - 3. Third offence - \$100
  - 4. Fourth and subsequent offence - \$200

Fines for repeated violations in a one year period are cumulative as provided in Section 1.3B of the bylaws.

## **Town of Grafton**

## **EXHIBIT C** **Polystyrene Restriction**

### ARTICLE 38. CITIZENS PETITION – POLYSTYRENE REDUCTION BYLAW

To see if the town will vote to adopt the following Polystyrene Reduction bylaw:

#### POLYSTYRENE REDUCTION BYLAW

##### Section 1.

"Director", The Director of Public Health Services or the Town Manager/Board of Selectmen designee. "Disposable Food Service Container" means single-use disposable products for serving or transporting prepared ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.

"Food Establishment" means any operation that stores, prepares packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. Seq., shall be considered a food establishment for purposes of this ordinance.

"Expanded polystyrene" means blown polystyrene (polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).

"Prepared Food" means any food or beverage prepared on the food establishment's premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment's premises.

##### SECTION 2.

Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.

##### SECTION 3.

- (a) The Director may promulgate rules and regulations to implement this section.
- (b) Each Food Establishment as defined in Section 1, above, located in the Town of Grafton shall comply with this by-law.
- (c) If it is determined that a violation has occurred the Director shall issue a warning notice to the Food Establishment for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the Food Establishment.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

- A) \$50 for the SECOND offense paid within 21 days to the Department of Health.
- B) \$100 for the THIRD offense and all subsequent offenses.

4) No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) calendar day period.

5) A Food Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

6) All subsequent offenses may be penalized by a non-criminal disposition as provided in the General Laws, Chapter 40, Section 21D.

All of the requirements set forth in this by-law shall take effect January 1, 2020. In the event that compliance with the effective date of this by-law is not feasible for a Food Establishment because of either unavailability of alternative food service containers or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

or to take any other action relative thereto.



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## NEWS RELEASE

# WORLD HEALTH ORGANIZATION FINDS INCREASED CANCER RISK FOR CHEMICAL FOUND IN PLASTICS

### Contact

Alex Truelove,  
Kara Cook-Schultz,

For Immediate Release  
FRIDAY, JUNE 1, 2018

After years of debate and evidence collection, the World Health Organization (WHO) has just reclassified styrene from being a "possible carcinogen" to a "probable carcinogen." Styrene is a chemical building block of polystyrene, the plastic material used to make styrofoam and many other plastic products.

"Styrene is in so many of the single-use containers that we use everyday, including foam cups and to-go containers, SOLO cups and plastic lids. Now that WHO has shown that this stuff is a probable carcinogen, it's time to get it off the shelves and out of our homes," said Kara Cook-Schultz, Toxics Director for U.S. PIRG Education Fund.

In addition to being a probable carcinogen, many single-use plastic products made from polystyrene are also wasteful and unnecessary. So much plastic waste has been created and thrown away that there are floating masses of plastic debris in the ocean twice the size of Texas.

"For decades, we've known that polystyrene is terrible for wildlife because it doesn't biodegrade -- hundreds of species have been found to ingest plastic fragments, often fatally," said Alex Truelove, Zero Waste Director for U.S. PIRG Education Fund. Now, in addition to persisting in the environment for hundreds of years, we now know that the primary compound of polystyrene is probably carcinogenic. It's yet another reason to get rid of the stuff once and for all."

Earlier this week, our partner Environment America launched the Wildlife Over Waste Campaign to pass statewide bans on polystyrene containers. "Nothing we use for five minutes should threaten public health and persist in the environment for hundreds of years," concluded Truelove. "Safer and more sustainable alternatives already exist -- it's time to ban polystyrene containers."

<https://uspirg.org/news/usp/world-health-organization-finds-increased-cancer-risk-chemical-found-plastics>