

**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, February 3, 2020

Time: 7:00 PM

Location: 1st Floor Meeting Room, Groton Town Hall, 173 Main Street

Members Present: Jason Weber, Chairman; Dr. Susan Horowitz, Member; Robert J. Fleischer, Member; Ira Grossman, Nashoba Associated Board of Health Agent

Others Present: Sammie Kul

Jason Weber called the meeting to order at 7:00 p.m.

**8 TAVERN ROAD – Discussion of Deed Restriction**

Applicant David Donovan from 8 Tavern Road was present.

Board members reviewed floor plans and confirmed layout details with Mr. Donovan.

Ira Grossman has no objections.

**Dr. Susan Horowitz moved to accept the Deed Restriction for 8 Tavern Road.**

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

**1 & 3 FORGE VILLAGE ROAD – Request to Extend Deadline for Sewer Connection**

Board members reviewed request to extend deadline for sewer connection for 1 & 3 Forge Village Road by six months. This property is the same space that was previously occupied by Dunkin.

Ira Grossman sees no objections.

**Robert Fleischer moved to grant the extension for sewer connection.**

**Dr. Susan Horowitz seconded and the motion carried.**

**78 GRATUITY ROAD – Septic Design System Variance Request**

Chris MacKenzie of Ducharme & Dillis presented on behalf of property owner Gary Hegeman and requested the following variances for 78 Gratuity Road:

Local Upgrade Approvals (310 CMR 15.000)

310 CMR 15.405(1)(h): Reduction of the required 5-foot separation between the bottom of the leach area and the estimated seasonal high ground water table.

(4-foot separation between the bottom of the leach area and the estimated seasonal high ground water table is proposed)

Local Regulation Variances:

Section 315-1(B): deep test holes to be performed during the months of March and April in Class I soils with less than a 5 minute per inch percolation rate.

(Deep test holes performed in October due to time constraints to replace septic system)

Section 315-1(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)

Section 315-3(K): Whenever a system is pumped, the soil absorption system shall be pressure dosed.

 (Use of pressure distribution lines is prohibited with a Presby system)

Section 315-6: Leach beds and Pits will be sized at 150% of Title 5 system sizing requirements.

(System size based on Presby system design manual sizing requirements is proposed)

The existing system is currently in failure. Mr. MacKenzie is proposing to install a Presby system.

A resident that was in attendance confirmed groundwater and system design details.

Ira Grossman has no objections.

**Robert Fleischer moved to accept the variances as presented subject to the following 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 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.

1. 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.
2. The existing 4-bedroom house is to remain a 4-bedroom house with no increase in the number of bedrooms, unless expansion plans are reviewed and approved by the Groton Board of Health.
3. 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.**

**765 BOSTON ROAD (IXTAPA) - Request to Extend Deadline for Sewer Connection**

Attorney Robert L. Collins was present as representative for Robert J. Lacombe. Mr. Collins is requesting to extend sewer connection deadline for 765 Boston Road (Ixtapa) to next spring of 2021.

Applicant has no issues with fulfilling requirement to connect and is currently working with the Sewer Commission to determine connection fee.

Ira Grossman informed members that this property has had a Title 5 inspection completed recently.

**Dr. Susan Horowitz moved to extend the sewer connection deadline to March 31st, 2021.**

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

**POTENTIAL MORATORIUM FOR THE USE OF BIOSOLID FERTILIZER – Follow Up Discussion**

John Smigelski, George Moore, and Sally Smith from the Agricultural Commission along with Joshua Degen were present.

Mr. Smigelski asked what products contain PFAS and what is PFAS.

Ira Grossman, Board of Health agent, explained that PFAS is category or group of chemicals with strong bonds (between carbon and fluorine) and which do not easily break down. These chemicals are found in nonstick coatings, athletic wear, and firefighting foam among many other widely used man made products. PFAS itself is not listed on any of these product labels.

Chair Weber observed that context mattered. Although PFAS were harmful in drinking water it did not necessarily follow that one should throw out all of their athletic clothing and non-stick cookware.

Member Fleischer stated that he supported a moratorium on the use of biosolids-based fertilizer products in Groton. This support was contingent on such a moratorium not posing an undue burden on local agriculture.

Mr. Degen observed that other states have already banned the use of biosolids-based fertilizer. He offered Maine and Michigan as examples.

Ira Grossman explained that the state recognizes the current approach to biosolids-based fertilizer as an emerging issue for public safety. There are efforts underway to implement something (regulation) by this spring.

Discussion ensued on how best to approach and inform those impacted by the proposed moratorium. Ideas included newspaper, online, and cable news efforts. The importance of connecting effectively with farmers and others who may be directly impacted was agreed to. The merits of various time spans and their relationship to the agricultural season was addressed.

Chair Weber said he had no objection to the proposed moratorium and asked for a motion or further discussion.

**Dr. Susan Horowitz moved to approve the proposed draft moratorium on the use of biosolids-based fertilizer products through December 31 2020. Robert Fleischer seconded, and the motion carried.**

As a follow-up, George Moore agreed to contact the MA Farm Bureau and Department of Public Agriculture and solicit their help/guidance on communications.

**NEW/OLD BUSINESS**

**CONSIDER A BYLAW THAT WOULD BAN THE USE OF POLYSTYRENE FOOD SERVICE CONTAINERS – Follow Up Discussion**

Board members discussed different ways to bring this topic to the public’s attention such as placing an article in the paper or advertising this on TV.

They would like to include this as a placeholder article as a proposed bylaw for the Fall Town Meeting and will work on putting together a draft bylaw.

**43 WEST MAIN STREET – Follow Up Discussion on Order to Correct**

Both the tenants and property owner of 43 West Main Street were present.

Progress has been made but there are still unregistered cars, other assorted trash receptacles, and waste lumber in the yard per Ira Grossman. There are other items that still need to be addressed such as the siding and roof.

Property owner has obtained a contract with a waste removal company.

She also had a roofing company come out to fix the roof so that repair has been completed.

With regard to the siding on the front of the house property owner is having trouble finding the same color shade as existing siding.

Board members extended the deadline to comply to April 20, 2020 after asking property owner if she would like more time. The property owner will set up a meeting with Ira Grossman to discuss the remaining items on the order issued.

**Robert Fleischer moved to continue this hearing to April 20, 2020. Dr. Susan Horowitz seconded and the motion carried.**

**REVIEW DRAFT WARRANT ARTICLE FOR 2020 SPRING TOWN MEETING – Central Mass Mosquito Control Program**

Board members reviewed the Warrant Article to join the Central Mass Mosquito Control Program.

They support the Warrant Article as written and will send it to the Select Board for consideration.

**MEETING MINUTES**

The Board reviewed the meeting minutes dated January 6th, 2020.

**Robert Fleischer moved to accept the meeting minutes dated January 6th, 2020 with edits. Dr. Susan Horowitz seconded and the motion carried.**

**INVOICES**

Board members reviewed and signed variances, permits and invoices.

**Dr. Susan Horowitz moved to adjourn the meeting at 8:54 p.m. Jason Weber seconded and the motion carried.**

Minutes by Sammie Kul.

**APPROVED: March 2, 2020**