

**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, April 6, 2020

Time: 6:00 PM

Location: Virtual Meeting via Zoom

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

Others Present: Mark Haddad, Town Manager; Kevin J. Ritchie; Francis McPartlan; Russell Arena; Stephen Gentile; Mahender Singh; Gino Frattallone

Jason Weber called the meeting to order at 6:00 p.m.

**REVIEW UPDATED LIST OF ESSENTIAL SERVICES FROM GOVERNOR BAKER AND DETERMINE WHETHER TO ISSUE EMERGENCY ORDERS TO CEASE NON-ESSENTIAL CONSTRUCTION AND LANDSCAPING PROJECTS**

Mark Haddad was following up to see whether the Board of Health would like to issue any additional orders in response to Governor Baker’s amended order given on March 31st, 2020.

Mr. Haddad provided overview of the latest updates issued by the governor as well as the current status of building projects in town. As discussed at the Board of Health’s last meeting building inspection activity is still being limited to new construction and emergency situations only.

The Governor’s order states that it is up to each individual town to enforce this order therefore Mr. Haddad wanted to ensure that the Board of Health was comfortable with the provisions and had no further recommendations. The Board members replied that they did not have anything further revisions and were in agreement that the Town should adhere to the recent order issued by the governor.

**Robert Fleischer moved to adopt the governor’s regulations for essential services with regard to building construction.**

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

**CONSIDER ISSUING EMERGENCY ORDER TO CLOSE SARGISSON BEACH**

Mark Haddad expressed concern with the recent gatherings taking place at Sargisson Beach and would like to request that the Board of Health issue an order to close the beach for public health safety reasons.

Although an order was issued to close the beach’s parking lot this has not prevented gatherings from taking place on the beach premises. Fishing is currently not allowed but the trails nearby are still open to the public. Brief discussion ensued regarding consideration of alternative options such as putting up signage to enforce social distancing measures. Additional signs may prove to be ineffective if people still do not abide by the regulations. The Town’s priority is to ensure safety for their residents.

**Dr. Susan Horowitz moved to close Sargisson Beach. Robert Fleischer seconded and the motion carried.**

**CORONAVIRUS – PROVIDE ANY UPDATES AND DISCUSS POSITION ON SHARING NEWS OF POSITIVE COVID-19 CASE(S)**

Town wide total number of cases may be retrieved on a weekly basis however only total number of cases by county is currently being shared with the public in Groton.

Robert Fleischer expressed concern as the regional total is currently provided at the county level in which our county is very large in comparison to others in the state. This number may not serve the residents of Groton as well with it being a smaller town. Members however emphasized the importance of looking at the population density of a county, town or city versus strictly the number of total cases.

Ira Grossman said that knowing the total number of cases in Groton may provide a false sense of security or may cause others to avoid the town. Having knowledge of this data does not change the precautionary measures residents should be taking to prevent themselves from contracting the virus.

Brief discussion ensued regarding the benefits and drawbacks of making this data available to the public.

**Dr. Susan Horowitz moved to provide the total number of positive COVID-19 cases in the Town of Groton to the public. Robert Fleischer seconded.**

**Dr. Susan Horowitz and Robert Fleischer voted in favor; Jason Weber voted against. 2:1**

**24 CONNOLLY DRIVE – SEPTIC DESIGN SYSTEM VARIANCE REQUEST**

Kevin J. Ritchie of Civil Solutions, Inc. presented on behalf of property owners William and Susanna Arthur and requested the following variances for 24 Connolly Drive:

1. A variance is hereby requested from Groton Board of Health Regulation 315-1.B to allow an upgrade design in a class I soil with testholes conducted out of season.
2. A variance is hereby requested from Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 3 foot groundwater offset instead of the requisite 5 feet.
3. A variance is hereby requested from Groton Board of Health Regulation 315-3.H to allow placement of a leaching area in an area with less than 5 feet of naturally occurring pervious material.
4. A variance is hereby requested from Groton Board of Health Regulation 315-6 to allow the design of a leaching bed with less than 150% of Title V requirements. Leach bed is sized in accordance with Presby Enviro-Septic System design requirements.
5. A variance is hereby requested from Groton Board of Health Regulation 315-3.K to allow a pump system that does not utilize pressure distribution. The proposed system utilizes the Presby Enviro-Septic which does not allow for pressure distribution.

Mr. Ritchie provided brief overview of proposed plans and informed members a Presby system will be used.

Ira Grossman has no objections as this is a fairly limited site.

**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 3-bedroom house is to remain a 3-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.**

The septic permit for 24 Connolly Drive will be considered endorsed and issued based on tonight’s vote by the Board members to approve the variances being requested.

**VILLAGE MEADOWS – NITROGEN AGGREGATION PLAN DISCUSSION**

Francis McPartlan of Ducharme & Dillis presented on behalf of property owner R.D. Kanniard Homes, Inc. in regards to 372 Townsend Road.

Mr. McPartlan provided overview of property details to Board members. He is seeking the Board’s approval to apply the Nitrogen Aggregation Plan as presented to the applicable lots within this subdivision.

Ira Grossman informed members there are no technical issues as proposed. Mr. McPartlan is seeking the Board’s endorsement of this request.

Jason Weber asked whether they should do research first as they have not received this type request in some time and if there would be any drawbacks to continuing this discussion at their next meeting. Mr. McPartlan replied that he has been working on this issue with the client for several years and that it is time sensitive. If the Board could vote on this tonight it would help to keep the process moving forward as they have future meetings already scheduled with the other necessary parties involved.

Mr. Grossman clarified the details of the request being made and informed members that the applicant met the requirements of the Nitrogen Aggregation Plan and were in compliance with the applicable codes. There are no variances being requested for the subdivision.

**Robert Fleischer moved to approve the Nitrogen Aggregation Plan for 372 Townsend Road as presented.**

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

**99 SHIRDI WAY (NESSP TEMPLE) – NOISE DISCUSSION**

Ira Grossman provided brief overview to members.

The abutting neighbors to the NESSP Temple who reside in Littleton have filed a noise and odor complaint to the Town of Groton. James Garreffi who is the Board of Health inspector for Littleton recommended that no action be taken at this time as stated in his email below summarizing the details of his findings:

*Stephen,*

*After the initial sound readings taken with the Town’s sound meter the results were close to the levels the DEP has determined to be a violation of their Air Pollution regulations (see the attached DEP policy). As we discussed the Town’s sound meter is used as a screening tool and because I don’t know when it was last calibrated I did not feel comfortable using that device to make enforcement decisions; the DEP’s has a sound meter they calibrate on a regular basis and I borrowed their device in order to make additional measurements (see the attached sheet). I made three measurements with the DEP sound meter: one on a Saturday when the fan was operating and two when the fan wasn’t operating.*

*The sound levels for the days when the fan was not operating were 38-40 decibels (dB) – the slight variation in the reading appeared to be the sound of leaves rustling; during one of the measurement the commuter train went by spiking the sound level to 50dB.*

*The sound level for the day when the fan is operating was 50 decibels; the sound was consistence (it appeared the fan is balanced).*

*All measurements were made at the stone wall behind your house.*

*I haven’t noted any odors on the days I made measurements.*

*Based on the measurements provided it appears the sound level may at times slightly exceed the 10 decibel level but the difference is small and variable based on the measurement duration of time (5 minutes).*

*Though my measurements provide an instance when the fan operation exceeded the DEP policy I’m not recommending enforcement at this point but I would recommend the Board have the abutting property owner consult with an environmental engineer to set up recording equipment to capture readings over a longer period of time (both ambient and when the fan is operating) to determine the frequency of the sound levels over the 10 decibel differential.*

*Jim*

Both abutting neighbors Russell Arena and Stephen Gentile were present. Each provided a detailed timeline of their experiences and the events that have occurred related to the temple noise and odor issues.

Temple owner Mahender Singh was also present and provided his response to the complaints.

Mr. Arena and Mr. Gentile as well as those from the Town of Littleton would like to work towards a solution to resolve this matter so that all parties involved can move past this.

Board members and participants discussed a couple of suggestions including hiring an independent mechanical or sound engineer or possibly moving the location of the exhaust fan in an attempt to help redirect any odors. They can also perhaps look into installing a filtration system of some sort to help with the air movement of the odor.

Board members agreed further research should be done so that all parties involved can present feasible options to help resolve this matter.

**Dr. Susan Horowitz moved to continue this discussion to the next Board of Health meeting after all parties involved have had an opportunity to do some research and gather more information.**

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

**NEW/OLD BUSINESS**

**SANDY POND HVDC CONVERTER STATION – 55 RADISSON ROAD, AYER MA – VARIANCE REQUEST**

Ira Grossman provided brief overview of the request being made which was related more to a plumbing code variance. Members were previously notified of this situation by email.

Applicant has suggested that the Board of Health consider acknowledging receipt of the petition that was emailed to them, state whether or not they agree no action is required by the Board of Health relative to this application for the stated reasons, and that the Board of Health take no exception to the application if they are so inclined.

**Robert Fleischer moved to direct that the Board of Health agent for the Town of Groton issue a letter stating that the Board members have been notified of the situation and have no comments.**

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

**240 BOSTON ROAD – DEED RESTRICTION**

Board members reviewed draft of Deed Restriction Notice provided by property owners of 240 Boston Road.

Ira Grossman recommended that the Board approve it. The property is approved for only three bedrooms.

**Robert Fleischer moved to grant the Deed Restriction Notice for 240 Boston Road restricting this property to three bedrooms.**

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

**DOLLAR TREE STORE – TOWN SEWER CONNECTION**

The Dollar Store that will be opening in Groton at the same plaza as Shaw’s were recently notified that tie in to Town Sewer is required.

Brief discussion ensued regarding the details of the recent grant provided to Shaw’s to extend their connection date to September 1st, 2020.

Ira Grossman will draft a letter for distribution to the appropriate parties and make them aware that connection to Town Sewer will be required by the same date as Shaw’s otherwise they may be ordered to shut down the business until they are in compliance.

**MEETING MINUTES**

The Board members agreed to schedule a meeting on April 9th, 2020 to review the meeting minutes dated:

* March 2nd, 2020
* March 16th, 2020
* March 24th, 2020

**Dr. Susan Horowitz moved to adjourn the meeting at 8:34 p.m. Robert Fleischer seconded and the motion carried.**

Minutes by Sammie Kul.

**APPROVED: May 4, 2020**