

**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, May 4th, 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; Alison S. Manugian, Select Board Chair; Joshua A. Degen, Select Board Vice Chair; Rebecca H. Pine, Select Board Member; Jason Kauppi, Town Moderator; Michael Bouchard, Town Clerk; Chris MacKenzie, Ducharme & Dillis Civil Design Group; George Dimakarakos, Stamski and McNary, Inc.; Bruce Wheeler, Academy Hill

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

**REQUIRING MASKS IN TOWN-OWNED BUILDINGS**

Effective May 6th, 2020 face masks or face coverings will be required to be worn in public spaces per the Governor’s order issued on May 1st, 2020 where social distancing cannot be achieved.

The Select Board will be reviewing the Return to Work protocols for town employees at tonight’s Select Board meeting. A press release outlining the details will be posted online on the Town website to inform the public of the agreed upon guidelines.

Brief discussion ensued between Board of Health members and Select Board members regarding best way to enforce requirement of face masks.

**Robert Fleischer moved to adopt the recommendations of the Governor and charge the Police force with issuing fines and asking them to enforce it.**

**Dr. Susan Horowitz seconded.**

Further discussion ensued.

With respect to minors under the age of 18 parents shall be held responsible for ensuring that these recommendations are followed.

The Town Manager and the Police Chief will discuss how to handle situations in which individuals cannot wear a face mask due to having a medical condition. Ultimately it is up to the local community to enforce these recommendations.

**Robert Fleischer moved to amend the motion to include that the Board of Health would like to encourage the use of discretion on behalf of the enforcement party (Police).**

**Dr. Susan Horowitz seconded and both the motion to amend the original motion and the amended motion carried.**

**REQUIRING MASKS AT TOWN ELECTION**

Guidelines for wearing a mask or face covering at Town Election was also covered in the Governor’s order issued on May 1st, 2020.

The Town Clerk will be encouraging residents to utilize absentee ballots in an effort to provide protection for poll voters and any employees or volunteers working on Election day.

Residents who have a medical condition and cannot adhere to the face mask requirement as a result will be provided a provisional ballot.

Preliminary election results are announced the same day and the final results are available after four days.

**REQUIRING MASKS IN RETAIL OR COMMERCIAL ENVIRONMENTS**

Brief discussion ensued regarding seeking the same level of support from the Board of Health for enforcement of the face mask requirement in retail and commercial environments.

**Robert Fleischer moved to support the enforcement by the Police per the Governor’s order in both retail and commercial environments with an appropriate discretion to be used by the Police force.**

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

**RESCHEDULING TOWN MEETING**

Town Moderator Jason Kauppi and members of the Select Board were present.

Brief discussion ensued regarding rescheduling Town Meeting to a later date and different types of protective controls to consider.

Mr. Kauppi thinks having the Town Meeting outdoors would be a good option given the current circumstances. Ira Grossman said there are a lot of benefits to having it outdoors including better air flow along with a number of other positive factors.

Chair Jason Weber suggested that Town Meeting should be postponed for 30 days and that the scheduling should be reassessed on an ongoing basis, as appropriate/necessary.

Dr. Susan Horowitz and Robert Fleischer agreed.

Mr. Kauppi will look at alternative dates and venue options.

Jason Weber called the Board of Health meeting back to order at 7:02PM.

**17 BIXBY HILL ROAD – SEPTIC DESIGN SYSTEM VARIANCE REQUEST**

Chris MacKenzie of Ducharme & Dillis Civil Design Group presented on behalf of their client, Lagasse Trucking Co., Inc. and property owner Charlene Robinson and requested the following variances for 17 Bixby Hill Road:

**Local Upgrade Approvals (310 CMR 15.000)**

1. 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 as allowed in the special conditions section 3.b of the D.E.P. approval letter for the Presby system is proposed)

1. 310 CMR 15.405(1)(j): Reduction of the required 12-inch minimum tank inlet and outlet tee separation from the estimated seasonal high ground water table.

(Approximately 6-inch separation is proposed)

**Local Regulation Variances:**

1. Section 315-1(B): Deep test holes in Class I soil shall be performed during the months of March and April.

(Deep test holes performed out of season due to existing system condition)

1. Section 315-1(E): There must be a minimum of 5-feet of pervious material between the bottom of the leaching facility and the estimated seasonal high ground water table.

(4-foot separation as allowed in the special conditions section 3.b of the D.E.P. approval

letter for the Presby system is proposed)

1. Section 315-3(H): At least 5-feet of pervious material must be in place over ledge.

(4-foot separation as allowed in the special conditions section 3.b of the D.E.P. approval

letter for the Presby system is proposed)

1. 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)

1. Section 315-5(F): A minimum of 35 feet must be available between a street or road line and the perimeter of the leach area.

(21-foot setback of a leach area from the street line is proposed)

1. 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)

Mr. MacKenzie provided brief overview of proposed plans which include utilizing a Presby system.

Ira Grossman has no objections to this and emphasized that completion of the upgrade is time sensitive due because the system is currently in total hydraulic failure. Mr. LaGasse recently dug a shallow trench to help prevent effluent from further bubbling to the ground after the Board of Health received complaints from neighbors.

The upgrade was originally ordered to be completed by the end of May but Mr. Grossman does not see this happening. Therefore, the goal should be to ensure that this is completed in phases while maintaining an aggressive schedule.

An abutting neighbor was present and strongly urged that the system be replaced.

Another directly abutting neighbor was present and confirmed with both Mr. MacKenzie and the Board members that the proposed plans would not impact her property.

**Dr. Susan Horowitz moved to accept the variances as presented with a targeted completion date by end of May 2020 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.

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

**LOT # 4, CHERRY TREE LANE – SEPTIC DESIGN SYSTEM VARIANCE REQUEST**

George Dimakarakos of Stamski and McNary, Inc. presented on behalf of their client, Academy Hill, LLC and requested the following variances for Lot # 4 on Cherry Tree Lane:

**Town of Groton Board of Health Regulations Chapter 315 Subsurface Sewage Disposal Regulations**

**315-3 Design requirements**

**E. *The area between trenches shall not be used for future expansion of the system.***

The reserve soil absorption system is proposed as between the primary trenches. Per Title 5, 310 CMR 15.251: Trenches (d) “The minimum separation distance between any two trenches shall be….where the area between trenches is designated as reserve area, three times the effective width or depth of each trench, whichever is greater.” Six feet is provided between the two-foot-wide, two-foot-deep trenches.

Bruce Wheeler from Academy Hill was also present and provided an overview to members.

Applicant and client have been working with Ira Grossman to determine the best options available.

Discussion ensued regarding layout of the land and a few different suggestions that may resolve this issue. Mr. Grossman said this was not a standard lot and also that the lot did not contain good soil.

Applicant needs to find a separate reserve area in accordance with the Town’s regulations as the current proposal is not in compliance.

Mr. Grossman said that he may support a property line offset versus digging new trenches within trenches. Mr. Wheeler observed that creating an internal lot line will have little to no impact on the abutting property.

**Robert Fleischer moved to continue this discussion to the next Board of Health meeting to allow the applicant an opportunity to revise his proposal.**

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

**LANDFILL MONITORING SERVICES – REVIEW CONTRACT PROPOSAL FROM GEOLOGICAL FIELD SERVICES (GFS)**

Ira Grossman reviewed the contract proposal from Geological Field Services (GFS) with the Town Manager and Land Use Director and had no further comments for GFS. The services included within the contract proposal meets the Town’s obligations.

**Robert Fleischer moved to accept the contract proposal from Geological Field Services.**

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

**NEW/OLD BUSINESS**

**8 TAVERN ROAD – DEED RESTRICTION NOTICE**

Ira Grossman provided a brief overview. The Board members voted to approve the Deed Restriction for 8 Tavern Road at a previous meeting. However, the document submitted contained the buyer’s information. The seller’s attorney objected to the Deed Restriction being recorded by the buyers as the purchase transaction was not complete yet. Therefore, the seller’s attorney has requested that the Board review an updated copy with the seller’s information listed for recording purposes.

Board members felt comfortable providing conditional approval as long as the seller’s Deed Restriction Notice contained no differences from the previous copy approved aside from listing the seller’s information instead of the buyer’s information.

**Dr. Susan Horowitz moved to provide conditional approval for the Deed Restriction Notice for 8 Tavern Road dated March 11th, 2020.**

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

**DESIGNATE AUTHORIZED SIGNER(S) FOR INVOICES**

Bills or Warrants for Payment (G.L. c.41, §56) from KP Law was referenced which:

*Allows multiple-member bodies, including boards of selectmen, to delegate to a single member authority to review and approve bills and warrants for payment, and further requires such member to make available at the next meeting a record of all action taken. The Division of Local Services has indicated that it is also possible to designate a “back up” for this purpose.*

**Robert Fleischer moved to designate the Chairperson as the authorized signer for invoices. Dr. Susan Horowitz seconded and the motion carried.**

**Robert Fleischer moved to accept Dr. Susan Horowitz’s office to document signatures. Jason Weber seconded and the motion carried.**

**MEETING MINUTES**

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

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

The meeting minutes dated April 9th, 2020 will be reviewed at the next Board of Health meeting.

**Robert Fleischer moved to adjourn the meeting at 8:28 p.m. Dr. Susan Horowitz seconded and the motion carried.**

Minutes by Sammie Kul.

**APPROVED: June 1, 2020**