

**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, October 19th, 2020

Time: 7:00 PM

Location: Virtual Meeting via Zoom

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

Others Present: Caitlin and Virgil Vaillancourt;

Jason Weber called the meeting to order at 7:04 p.m.

**53 Carmichael Way – Well Variance Request**

IG – 2 geo bore holes

Local variance request

CHECK AUDIO

Bob – letter from Skillings said this is technically not a well; engineering grounds not a well but BOH grounds it is

Michelle – seems very reasonable and CHECK AUDIO

ALL IN FAVOR

**Board of Health Member Vacancy Applicant Discussion**

Mc thanking SH for 20 years of service to the town

Land use dept; in coordination with other depts;

BOH – critical dept.

PUBLIC HEALTH ASPECT – critical especially during these times; CHECK AUDIO

35 years of experience in gov.; keep communication open; impressed w/boh’s ability to work with homeowners; BOH has done outstanding job

JW – asked MC for history w/town

1978 – conservation commission for 10 years

1983 – staff of PB; Town Planner and after than LAND USE DIRECTOR

Served on a # of different agencies; conductor lab 1987; hazardous waste

STORMWATER Inspector

ADA Coordinator

JW – any questions for Board?

MC – how do you think your role in COVID Pandemic – how do the 2 of you see your role in guiding the public towards a healthier future?

BOB – in some ways we are the intermediary b/t the state; town; SB

State regs & guidance

CHECK AUDIO

JASON WEBER – BOH Role – an elected, not appointed body; hopefully quite represented; scope is limited on purpose; about balancing property rights and personal rights on the one hand; CHECK AUDIO; Public Health; finding the right balance

Not well known but statewide; BOH’s have substantial power to impose constraints; feels like a heavy responsibility; as a board really use the science and a dose of logic and life experience to ensure we don’t go overboard

PANDEMIC – partial credit; the SB deserves substantial credit; conflict is good and can be handled appropriately;

“mediated” the town’s CHECK AUDIO; Do what’s necessary; foster and enable

MC – all about finding the proper balance

Bob – protecting public health; wells, variances, etc. – on the other hand; CHECK AUDIO; Notion that some of those areas in which our areas go beyond the state minimum; thoughts?

MC – that is a hard question bc I think all of the BOH regs has to be based upon a rational interest that it protects public health; CHECK AUDIO; other stuff more stringent

Local bylaws and regs can be more stringent than what the state regs are; have to know there’s a rationale; visiting regs regularly to make sure they’re up to date

Additional steps? Jason – may not be appropriate to make a vote

Bob moved to boh send its recc to sb of mc as replacement for absent member in the boh; jason seconded for discussion; CHANGE TO VACANCY VS. ABSENT

Bob – mc is eminently qualified; knows how land use works; etc.

All in favor of candicy of mc – both

**Continued Discussion of Local Regulation Interpretation**

Jason provided overview

BOH – as written, don’t have an allowance for this for new construction

IG – correct; size for a leaching field

JW – per DEP guidance allow for reduced – CHECK AUDIO

Presby gets 40% reduction – using Presby as an example

CHECK AUDIO

“new construction” case

Function of evolution of time

CHECK AUDIO

Topic for tonight is…

New construction item – update reg as whole? Get same reduction

CHECK AUDIO

Any disagreements that that’s where we’re at? No

BOB – fix our regs; can’t just do right now; need to have a hearing I think

Depends on how soon they need it

Move to update the regs at an opportune time

Grant variance? No variance request before you

IG – spoke to Dan since we last met

Would be appropriate to come up w/ a policy for rn – don’t distinguish b/t some of the newer technologies; NO option for alternative innovative technology; CHECK AUDIO

Propose a policy for rn to get through this gap period; regs should be changed in the future

Consider the policy

2) to say that it would be a variance – formal process to have this disc.

3) don’t think it applies at all CHECK AUDIO

DAN – took a shot to try to draft something

“unwritten policy” that DAN needed clarification for

System design are designed w/the 150% over the design; CHECK AUDIO

Remedial use; general use; meaning new construction

When DEP has a technology in front of them; CHECK AUDIO - am adhering to your bylaws; built into it 150%

IG – to Dan – that’s where we disagree

JASON – CHECK AUDIO; discount of 40% of use for alternative system is applied to that #, correct? Yes

BOB – have been assuming that the only way to satisfy a reg is to change the reg; how about a third way – reg doesn’t apply in this case?

IG – your regs are fairly specific; not a policy – CHECK AUDIO

Were written before creation of some of these technology that allow for these reductions; won’t clarify anything

Dan’s interpretation of it is it is not your reg which it is;

Innovative and alternative technology isn’t done specifically with CHECK AUDIO

Transmittal # after approval

Presby – doesn’t fall w/in traditional chart under Title 5; these are approved under CHECK AUDIO

JASON – what’s the best way to move forward? What does IG recommend? Clearest way to move fwd?

IG – recc – look at this – CHECK AUDIO consider the policy letter and see that it recognizes these; time to look at regs and change them and this could a section

CONSIDER THIS AS A POLICY

Jason – for today’s situation – does Dan need to request a variance? NO.

BOB – do want 50% greater size to apply – we just want it to be calculated appropriately

Bob – this has to be word crafted a bit

Objective / understanding is that our regs increase field size; doesn’t apply strictly to presby but CHECK AUDIO

Spec. requirements to a presby system

CHECK BOOK / AUDIO

Leach bed formation – 40%

CHECK AUDIO FOR AMENDMENT; AMENDED MOTION

**NEW / OLD BUSINESS**

BOB – For discussion only – Russ Harris

Asked me questions on BOH related matters in town; didn’t have any info about them; couldn’t get info from other persons who are part of this meeting

Who’s the point of contact?

Chairman; administrative; health agent for some?

Totally uninformed might have been BOH matters; hard to discuss outside of a meeting.

RUSS – editor of Groton Herald -

Covid info – CHECK AUDIO

“rumor” is – to get a response to that

JASON – CHECK AUDIO / mission statement

Get info out tonight; better job in the future

IG – No testing site that got shut down; “assumed” testing COVID site; CHECK AUDIO

Kicked it up to the state level; nothing the BOH had to take any action on; doctor’s office offering it as a service

Nothing you needed to do and no action

RUSS – did call and got no response; a little more to the story; unsanctioned tests; biggest concern – gerontology practice; CHECK AUDIO; beyond unauthorized site

No response from NABH

State is the big actor

JASON – CHECK AUDIO

Can reach out to Chair directly

EMAIL WORKS BETTER THAN THE OTHER METHODS

Russ – has not been that much interaction b/t Groton herald and BOH

**116 Schoolhouse Road \* – Follow up Discussion for Septic Design System Variance Request**

Have not received anything since – 1 or 2 lots?

Merged together for the purposes of CHECK AUDIO

Waiting for a plan w/appropriate; seems reasonable to Jason

Ig – just going to wait for a plan to come in; when it comes in it either meets the requirements or CHECK AUDIO

**41 Tavern Road \* – Discussion of Chicken Coop**

A letter went out to the homeowner; neighbors reached out to the Building Dept.

Keeping of birds; Bob G has been dealing with this individual

Generated letter asking a series of questions; answered some of these questions; keeping 100 foul; chicken, ducks or geese; not doing any sales of the birds; egg sales and keeping of the birds; manure? Piling it on the corner of the lot – not doing anything with it

CHECK AUDIO

Concern: nuisance

Reduce amount of birds? Ig – told homeowner IDK

What guidance / what reply he can give

Less than 1-acre lot – house has town water

Biggest issue is manure

CHECK AUDIO

Something to consider;

CHECK AUDIO

Real issue

Not sure what safe # of chicken is

Nitrogen loading

Consequences of that; direct issue is the manure

IG – doesn’t qualify RIGHT TO FARM the way it’s written

May be do our HW

IG – depends on what you’re seeking

A biased party

Goal is the protection of the groundwater

Jason – provide homeowner with guidance – a great guidance from us would be CHECK AUDIO

Some amt of manure that is safe amount

CHECK AUDIO

Bob – let homeowner know one of the biggest concerns is the manure; CHECK AUDIO

Michelle – this topic comes up periodically as a stormwater management issue; equestrian community has a good handle on manure management

Soil conservation service; Middlesex conservation district CHECK AUDIO

Public information sessions

CHECK AUDIO

Tavern Rd is not very far

Stormwater management

Reach out to bodies Michelle has mentioned to help us out

JASON – do want to try and address this

Intent is to raise them for sale; if so dept of agric needs to come out but won’t come out right now bc of covid

SHORT TERM / LONG TERM

ST – ig propose he come up w/ a manure management plan that does not include throwing it in the corner; CHECK AUDIO

Jason – LET’S SEND HIM AN EMAIL – COME UP W/ A PLAN AND PROVIDE TO BOH; WILLIAM SHOULD WORK WITH APPROPRIATE PARTIES; IF CAN’T DO IT, LET BOARD KNOW; IF NOT WITHIN REASONABLE TIMEFRAME;

Michelle agrees it does

Stormwater report

Burden of investigating this is the owner

Along with the ownership of chicken comes a certain set of responsibilities; disposing of waste appropriately

If starting out, may be different

**MEETING MINUTES**

The Board reviewed the meeting minutes as amended (grammar adjustments to follow) dated September 21, 2020.

**Robert Fleischer moved to accept the meeting minutes dated September 21st, 2020 as amended. Jason Weber seconded and the motion carried.**

**PERMITS**

**INVOICES**

Board members reviewed and approved the following invoices:

PERMITS – LOTS 1-3 LONGLEY ROAD

West Main St. – Upgrade

IG can sign on the Board members behalf

**SEND PERMITS TO BOH MEMBERS –**

Wednesday morning CHECK AUDIO

Bob moved to authorize ig to sign the permits; new lot permit and out of season permit; jason seconded; all in favor.

**Robert Fleischer moved to adjourn the meeting at << 8:44 >> p.m. << jason >> seconded and the motion carried.**

Minutes by Sammie Kul.