

**TOWN OF GROTON**

Board of Health

173 Main Street

Groton, MA 01450

**BOARD OF HEALTH**

Robert J. Fleischer, Chairman

Jason Weber, Member

Michelle Collette, Member

Date: Monday, July 19th, 2021

Time: 7:00 PM

Location: 1st Floor Meeting Room, Groton Town Hall

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

Others Present: Robert L. Collins, Representative for 186 Main Street; Marcus Rodriguez of Ream Designs; John Truesdell, Jr., Property Owner of 11 Wintergreen Lane; Rishikesh Tiwari and Parthavi Pathak, Property Owners of 1 Mockingbird Hill Road

Robert Fleischer called the meeting to order at 7:00 p.m.

**186 MAIN STREET – Well Variance Request**

Attorney Robert L. Collins presented on behalf of his client, Ward Holdings LLC and requested the following variances for 186 Main Street:

**1) Chapter 330, Section 330-4 Well Construction Permit**

As this property is serviced by municipal water and is thus within 500 feet of a municipal water main, the well would require a Variance under Section 330-4 (C and D).

**2) Chapter 330, Section 330-6 Well Location**

The applicant is requesting a variance to the proposed offset for a drilled well to the property line, resource area, and parking lot.

Michelle Collette recused herself from the Well Variance Request for 186 Main Street due to the representative being her brother-in-law. Ms. Collette filed a disclosure with the Town Clerk earlier today.

Mr. Collins did consult the Superintendent of the Groton Water Department and he said he was agreeable to the idea of a drilled irrigation well being installed at this property.

Ira Grossman has no objections. There will be signage posted specifying that the well is for irrigational use only.

**Jason Weber moved to accept the variances as presented for 186 Main Street in the letter dated June 17th, 2021.**

**Robert Fleischer seconded the motion for any further discussion.**

Board members requested that the Board of Health Decision Notice for this variance approval be recorded at the Middlesex South Registry of Deeds so that this information is on file for any future owner(s) of this property.

**Jason Weber moved to amend the motion to include that 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 the amended motion.**

**Both the original and amended motion carried with Michelle Collette recusing herself.**

**111 WINTERGREEN LANE – Pool Variance Request**

Marcus Rodriguez of Ream Designs presented on behalf of their client, John Truesdell, Jr. and requested the following variances for 111 Wintergreen Lane:

**1) Chapter 319 – Swimming Pools, Section 319-1 Enclosure Required**

The applicant is requesting that a variance be granted to allow for the use of an automatic pool cover rather than the required fence per Chapter 319-1.

Mr. Rodriguez provided an overview of the safety specs and features for the pool cover.

Ira Grossman said this is his first time receiving this type of variance request during his tenure as the Board of Health agent for Groton. Mr. Grossman thinks the pool cover is a great idea as long as someone is responsible for turning it on and off.

Board members asked if adding a fence in addition to the pool cover was an option.

Mr. Rodriguez replied that there are some significant elevation changes within the driveway. The property currently overlooks the natural forest woodland. In an effort not to block these views they would have to enlarge the run of any fence installed. Originally, they were planning to install a traditional fence but were informed that a pool cover may satisfy the enclosure requirement in lieu of a fence.

Brief discussion ensued. The Conservation Commission did provide an approval decision back in November with regard to any disturbed land in the backyard.

Board members asked whether the pool cover would be as effective as a fence and if there is a way to manually open and close it if there is no power available.

Mr. Ream was informed by the Building Department that the pool cover is equivalent to a fence for enclosure purposes. The Building Commissioner did speak to Mr. Grossman about this. The pool cover is considered to be an equivalent to the fence as a barrier in accordance with the Building Pool Enclosure Code.

**Jason Weber moved to contingently approve the variance as presented for 111 Wintergreen Lane in the letter dated July 7th, 2021 pending a confirmatory conversation with the Town’s Building Commissioner confirming that the pool cover is equivalent to a fence as a barrier from a safety perspective.**

**Michelle Collette seconded the motion for any further discussion.**

Robert Fleischer said that Mr. Grossman already confirmed that the pool cover is equivalent to a fence as a safety barrier with the Building Commissioner therefore an additional confirmation is unnecessary.

**Jason Weber retracted his original motion and moved to approve the variance as presented for 111 Wintergreen Lane in the letter dated July 7th, 2021.**

**Michelle Collette seconded the motion for any further discussion.**

**The motion carried by majority vote with Michelle Collette voting nay.**

Ms. Collette does not have enough information available to vote on this variance request.

**1 MOCKINGBIRD HILL ROAD - Variance Request to Board of Health Code 410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets**

Rishikesh Tiwari and Parthavi Pathak, property owners of 1 Mockingbird Hill Road were present and requested a variance to Board of Health Code *410.250 Habitable Rooms Other Than Kitchen-Natural Light and Electrical Outlets*.

Mr. Tiwari provided an overview of the proposed plans to their basement. They are looking to finish the media space and will look at additional areas where they can add more sources for ventilation.

Ira Grossman has no objections.

**Michelle Collette moved to accept the variances as presented for 1 Mockingbird Hill Road to the Board of Health Code *410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets* as described in the letter dated July 7th, 2021.**

**Jason Weber seconded and the motion carried.**

**OLD / NEW BUSINESS**

**PROPOSED REVISION TO CHAPTER 319 – SWIMMING POOLS**

Board members will do some research and reschedule this topic for a future meeting when both the Building Commissioner and the Fire Chief are both available to attend.

**INVOICES**

Board members reviewed and signed invoices.

**ANNUAL HOLIDAY – EID AL-ADHA**

The annual Eid Al-adha celebration will be held tomorrow at 401 Nashua Road. The property owner has already notified the Police Department and Board of Health as a courtesy to inform them of his plans.

**BOARD OF HEALTH ANNOUCEMENT**

Jason Weber informed Board members that he would be resigning from the Board shortly. Mr. Weber will be spending a large amount of time in CA during the next couple of years and does not feel he will be able to continue fulfilling his role as a Board member as a result. He is honored to have served on the Board for 16 years.

Michelle Collette and Robert Fleischer thanked Mr. Weber for his many years of service and being a superb member.

**Jason Weber moved to adjourn the meeting at 8:22 p.m. Robert Fleischer seconded and the motion carried.**

Minutes by Sammie Kul.

**APPROVED: August 2, 2021**