

**TOWN OF GROTON**

Board of Health

173 Main Street

Groton, MA 01450

**BOARD OF HEALTH**

Robert J. Fleischer, Chairman

Michelle Collette, Member

Evan Thackaberry, Member

Date: Monday, February 7th, 2022

Time: 7:00 PM

Location: Zoom

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

Others Present: Christopher MacKenzie; Sriprasad Ganapathi and Sumana Sriprasad, Nishant Pentapalli, Nicholas Hamel; Dr. Laura Chesson; Thomas Orcutt

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

**495 CHICOPEE ROW – Septic Design System Variance Request**

Christopher MacKenize of Dillis & Roy Civil Design Group, Inc. presented on behalf of their client, Autumn Hills Land Co., LLC and requested the following variances for 495 Chicopee Row:

**310 CMR 15.405 Local Upgrade Approvals:**

1. 310 CMR 15.405(1)(h): Reduction of the required 4-foot separation between the bottom of the leach area and the estimated seasonal high ground water table.

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

**Town of Groton Local Board of Health Variances:**

1. 315-1.E: A minimum of 5-feet of pervious material between the bottom of the leach area and the estimated seasonal high ground water table is required.

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

2. 315-5.I: finished side slope is not to be steeper than 3:1. Walls or impervious barriers are not allowed to adjust the side slope.

(2-foot-high landscape retaining wall at toe of side slope to allow existing cart road to orchard to remain in place is proposed)

Ira Grossman has no issues with the proposed plans.

**Michelle Collette moved to accept the variances as presented for 495 Chicopee Row in the letter dated December 27th, 2021 subject to the 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 2-bedroom house is to remain a 2-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 both the Notice of Board of Health Decision and the License granted by the Town of Groton are recorded at the Middlesex South Registry of Deeds. Evidence of such recording shall be submitted to the Board of Health by the applicant.

**Evan Thackaberry seconded and the motion carried.**

**MAPLE AVENUE, LOT # 1 – Septic Design System Variance Request**

Christopher MacKenize of Dillis & Roy Civil Design Group, Inc. presented on behalf of their client, Maple Realty Trust and requested the following variances for Maple Avenue, Lot # 1:

**Town of Groton Local Board of Health Variance:**

1. 315-3.K: Whenever a system must be pumped, the soil absorption system shall be pressure dosed. (Pumped system with gravity fed Presby Enviro-Septic system is proposed, Pressure distribution of a Presby system is prohibited)

Ira Grossman has no objections.

**Evan Thackaberry moved to accept the variances as presented for Maple Avenue, Lot # 1 in the letter dated January 12th, 2022 subject to the 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 New Systems:

If the project is not completed, including issuance of a Certificate of Compliance, within 3 years from the date the sewage disposal system permit is issued, it is the responsibility of the applicant to request an extension. The Board of Health may grant extensions for additional time provided that the applicant submits a written request for renewal no later than 30 days prior to expiration of the permit.

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 proposed 5-bedroom house is to remain a 5-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.

**Michelle Collette seconded and the motion carried.**

**MAPLE AVENUE, LOT # 2 – Septic Design System Variance Request**

Christopher MacKenize of Dillis & Roy Civil Design Group, Inc. presented on behalf of their client, Maple Realty Trust and requested the following variances for Maple Avenue, Lot # 2:

**Town of Groton Local Board of Health Variance:**

1. 315-3.K: Whenever a system must be pumped, the soil absorption system shall be pressure dosed. (Pumped system with gravity fed Presby Enviro-Septic system is proposed, Pressure distribution of a Presby system is prohibited)

Ira Grossman has no objections.

**Michelle Collette moved to accept the variances as presented for Maple Avenue, Lot # 2 in the letter dated January 12th, 2022 subject to the 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 New Systems:

If the project is not completed, including issuance of a Certificate of Compliance, within 3 years from the date the sewage disposal system permit is issued, it is the responsibility of the applicant to request an extension. The Board of Health may grant extensions for additional time provided that the applicant submits a written request for renewal no later than 30 days prior to expiration of the permit.

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 proposed 5-bedroom house is to remain a 5-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.

**Evan Thackaberry seconded and the motion carried.**

**OLD / NEW BUSINESS**

**MEETING MINUTES**

The Board reviewed the meeting minutes dated August 16th, 2021.

**Michelle Collette moved to accept the meeting minutes dated August 16th, 2021 as amended. Robert Fleischer seconded and the motion carried by majority vote with Evan Thackaberry abstaining.**

**MAPLE AVENUE, LOT # 3 – Septic Design System Variance Request**

Christopher MacKenize of Dillis & Roy Civil Design Group, Inc. presented on behalf of their client, Maple Realty Trust and requested the following variances for Maple Avenue, Lot # 3:

**Town of Groton Local Board of Health Variance:**

1. 315-3.K: Whenever a system must be pumped, the soil absorption system shall be pressure dosed. (Pumped system with gravity fed Presby Enviro-Septic system is proposed, Pressure distribution of a Presby system is prohibited)

Ira Grossman has no objections.

**Evan Thackaberry moved to accept the variances as presented for Maple Avenue, Lot # 3 in the letter dated January 12th, 2022 subject to the 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 New Systems:

If the project is not completed, including issuance of a Certificate of Compliance, within 3 years from the date the sewage disposal system permit is issued, it is the responsibility of the applicant to request an extension. The Board of Health may grant extensions for additional time provided that the applicant submits a written request for renewal no later than 30 days prior to expiration of the permit.

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 proposed 5-bedroom house is to remain a 5-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.

**Michelle Collette seconded and the motion carried.**

**8 MOCKINGBIRD HILL ROAD – Variance Request to State Sanitary Code 410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets and Discussion of Deed Restriction Notice**

Sriprasad Ganapathi and Sumana Sriprasad was present and requested a variance to the State Sanitary Code *410.250 Habitable Rooms Other Than Kitchen-Natural Light and Electrical Outlets* and presented a draft of their Deed Restriction Notice for their property at 8 Mockingbird Hill Road.

Mr. Ganapathi provided an overview of the proposed plans for their basement. The basement area (walk out basement) will have a total of five windows and one door capable of providing natural light. They do not have the ability to add additional windows and would like to complete the basement and, in this process would also like to add drywall to all sides of walls including concrete facing in this area, a regular ceiling and a finished floor.

Their electrician will be applying for the electrical permit for outlets and lighting and they will be planning to install 10 recessed, hardwired lights in the ceiling to provide artificial lighting.

This room will have 4 exits - one through the stairs to the kitchen, and two to the other area of the basement which has a walk out basement door with approximate glass is for light of 22” X 66” and 5 total regular windows of those two windows having size of 28” X 52” and other three windows having size of 32” X 52”.

Ira Grossman has no objections.

**Michelle Collette moved to grant the variances as presented for 8 Mockingbird Hill Road to the State Sanitary Code *410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets* as described in the letter dated November 18th, 2021 and the Deed Restriction Notice limiting the property to 5 bedrooms with the condition that the information on the proposed bathroom grinder and pump be submitted for review prior to commencing any construction and that both the Board of Health Decision Notice and Bedroom Deed Restriction be recorded with the Middlesex South Registry of Deeds prior to the issuance of the Building Permit.**

**Evan Thackaberry seconded and the motion carried.**

**16 FLAVELL ROAD – Discussion of Well Abandonment and Connection to Town Water**

Nicholas Hamel was present and coming before the Board to request a waiver to connect his property to town water.

Ira Grossman provided overview to Board members.

Mr. Hamel’s property is within 500 feet of town water system. The two options are to either connect to town water per the Town regulations or grant Mr. Hamel permission to do a water treatment for radon and include this on the Deed Notice for his property.

Brief discussion ensued regarding benefits of a radon mitigation system.

Board members agreed recording this information with the deed would be acceptable based on details of the situation presented.

**Michelle Collette moved to grant the waiver being requested for 16 Flavell Road in which the existing private well with the radon treatment system will be allowed for use with the condition that all necessary documents of the treatment system be recorded at the Middlesex South Registry of Deeds.**

**Evan Thackaberry seconded and the motion carried.**

**17 CARDINAL LANE – Variance Request to State Sanitary Code 410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets**

Nishant Pentapalli property owner of 17 Cardinal Lane was present and requested a variance to the State Sanitary Code *410.250 Habitable Rooms Other Than Kitchen-Natural Light and Electrical Outlets.*

Mr. Pentapalli provided an overview of the proposed plans for their basement. Their plan is to finish their basement for the purposes of an in-home theater, office room and kids play area. The basement currently has 5 windows, each measuring 16” by 32” and is deemed not enough to provide natural light, nor the ability to expand or add new windows. Their basement also has an exit door that opens outside towards the bulkhead door and a staircase to the upper main floor.

Ira Grossman has no objections to the proposed plans.

**Michelle Collette moved to grant the variances as presented for 17 Cardinal Lane to the State Sanitary Code *410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets* as described in the letter dated February 2nd, 2022 with the condition that the information on the proposed bathroom grinder and pump be submitted for review prior to commencing any construction and that the Board of Health Decision Notice be recorded with the Middlesex South Registry of Deeds prior to the issuance of the Building Permit.**

**Evan Thackaberry seconded and the motion carried.**

**DISCUSSION OF CURRENT TOWN-WIDE MASK MANDATE FOR ALL INDOOR ESTABLISHMENTS OPEN TO THE PUBLIC**

Brief discussion ensued regarding Emergency Regulation: Face Coverings issued on January 3, 2022 set to expire on February 10th, 2022 unless renewed by the Board of Health.

Board members agreed that this can be revisited if a spike in case numbers occur. In the meantime, they can make mask wearing a recommendation.

School Superintendent Dr. Laura Chesson reviewed recent case numbers and school updates with the Board members.

**Michelle Collette moved that the mandate that was adopted on January 3rd, 2022 will be set to expire on February 10th, 2022 as written and in its place the Board of Health will adopt a recommendation that people are encouraged to wear masks in public spaces and public buildings with the exception of individuals with a medical exemption.**

**Evan Thackaberry seconded and the motion carried.**

**71 NOD ROAD – Discussion of Potential Site Assessment at Abandoned Landfill**

Michelle Collette informed members that the Groton Greenway Committee were meeting later this month to discuss the abandoned landfill at 71 Nod Road. However as per the discussion the Groton Greenway Committee had with the Board of Health they need to go through the proper channels and obtain permission before doing anything at the site. Ms. Collette will reach out to the appropriate contacts to remind them of this.

**DISCUSSION OF PFAS AT GROTON-DUNSTABLE HIGH SCHOOL**

Discussion ensued regarding recent PFAS findings at the Groton-Dunstable High School.

The Board of Health will mail out a notice to abutting properties to the high school to inform them of this and also recommend that they test their well water for PFAS and submit the results to the Board of Health.

**Evan Thackaberry moved to adjourn the meeting at 9:27 p.m. Michelle Collette seconded and the motion carried.**

Minutes by Sammie Kul.

**APPROVED: February 6, 2023**