

**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, April 4th, 2022

Time: 7:00 PM

Location: 173 Main Street, Groton Town Hall

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

Others Present: Robert Mignard

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

**15 RHODENDA ROAD – Condemnation Hearing**

Robert Mignard

Tenant moved out; misc. debris

Secure house; shut off utilities; leave furnace on to avoid mold

Real estate agent – put it on the market; sell it as is

IG – alleviate public health threat – if tenant no longer there, no immediate danger; if no use with septic system then not as much pressure to fix it

Won’t and can’t be re occupied

Don’t see reason to do a condemnation

Cannot be reoccupied until it meets codes as per boh letter sent to them

Code violations would be taken care of as part of building process

MC – failed septic system was major issue

If this is going to be sold as is; then title 5 will show that system is failed. How does that work with buyers or lenders?

IG – both well and septic on there; water quality test and title 5 required to sell

To circumvent that – can do it in accordance with title 5; recognize failed system etc.

“we” obligated to do it

Ig can help bob with that; cash buyer is not exempt from that (title 5 requirements)

MC – wants to confirm – pottable water installed, COC etc.

IG – we can put notes in the viewpoint system to alert to this

MC – should we put this in writing?

Bob make a motion recording this

Mc moved that the BOH note that our findings

Prop is now vacant and unoccupied

Current owner intends to sell the prop as is and that the BOH send letter to current owner explaining that failed septic system must be replaced w/a new septic system & a COC

WELL MUST BE TESTED & MEET WATER QUALITY STANDARDS; AND THAT OTWN WATER IS AVAILABLE

All to the satisfaction of NABH

Before any permits could be issued or any future occupancy can take place

Evan seconded

ROBERT MIGNARD – house is 85 years old; old beat up house that needs to go

16,000 square feet on nice quiet road

Mr. m has spoken to his real estate agent – buyer would meet all of the codes (boiler plate language as part of listing); his intent is for the buyer to take that on

Intent of the letter so that buyer understands this as well

Mr. m thinks this will be bought by a developer not a young couple

IG – any sale of property requires title 5; doesn’t say WHO is responsible for it

LETTER can be passed on

Any potential buyer is aware of this; full disclosure

Realtor knows this area well

All in favor

**IG will work on letter – get it done in a few days**

Mr. m sealed it up tonight

**OLD / NEW BUSINESS**

13 West Main Street – Request for a Septic System Variance Extension \*

Frank vangeli not present

Working on getting actual quote

IG – fair request

**Evan moved to extend variance approval to November 16, 2022.**

**Mc seconded; all in favor**

**36 THRONE HILL ROAD – Septic Design System Variance Request**

Bob f – disclosed that he’s former customer

Owner present (joe) – putting house on market to sell; failed last fall

Kevin presented

Using presby

Test holes done last December

Soil testing was done out of season

Mc ASKED - Kevin has filed with conservation; have hearing scheduled for the 12th

IG no comments

Mc moved to grant vars as outlined in letter dated 3/10/2022;

**DATE OF FAILURE – EARLY OCTOBER SO 10/1/2021 – SO EXPIRATION DATE IS 10/1/2023**

4 bedrooms

Evan seconded; all in favor

1) A variance is hereby requested from Groton Board of Health Regulation 315-1.E to allow an upgrade design with a 2 foot groundwater offset instead of the requisite 5 foot offset with the use of a Presby Enviro-Septic Treatment system.

2) A variance is hereby requested from Groton Board of Health Regulation 315-6 to allow the design of a leaching field with less than 150% of Title V requirements.

3) 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 observation holes conducted out of season.

4) A variance is hereby requested from Groton Board of Health Regulation 315-5.A to reduce the requisite offset from a leaching area to a wetland from 100 feet to 76 feet.

COVID #’S – BIT OF AN INCREASE IN MS

EVAN ASKED HER WHAT THE PLAN WAS – IS THERE A THRESHOLD

MC – INCREASED TOWNWIDE TOO

HOPEFULLY BY NEXT MEETING WILL SEE IF WE CAN GET DR. C IN OR UNDERSTAND WHAT PLAN WILL BE

BOB – SEVERAL MOTIONS MADE AT LAST SCHOOL COMMITTEE MEETING

EVAN – IT ACTUALLY CHANGED AFTER THE ONE WE ATTENDED; DROPPED IT W/NO CONDITIONS; JUST DOING WHAT STATE REQUIRES

BOB – DESI

MC – DOES DESI HAVE JURISDICTION OVER PRE SCHOOL

IG – WHOLE SCHOOL THING HAS BEEN VERY INTERESTING SINCE DAY 1

APRIL VACATION COMING UP TOO; MAYBE W/THE WEATHER IT’LL GO DOWN

EVAN – APPEARS TO BE IN CLUSTERS SO MAYBE SPREADING W/IN SCHOOLS

**26 CONNOLLY DRIVE – Septic Design System Variance Request**

Kevin

Will be using presby

Property is on town water

Evan asked about old leach field; old one d/c from house

IG – truly fixing something that is not environmentally friendly; no objections

THERE IS NO FAILURE DATE

**IG – 2 YEARS FROM DATE OF THE SOIL TESTING SO 11/10/2021 SO TWO YEARS FROM THAT; MOTION IS AMENDED TO INCLUDE THE STANDARD CONDITIONS**

Town does not allow for retaining walls

Evan moved to grant vars requested in letter dated 3/10/2022, subject to standard conditions

Mc seconded; all in favor

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 observation holes 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 foot offset.
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 field with less than 150% of Title V 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.
6. A variance is hereby requested from Groton Board of Health Regulation 315-5.G to reduce the requisite offset from a leaching area to a property line from 20 feet to 10 feet.

**PFAS MEETING LAST MONDAY**

MEMBER OF GD BOH WAS THERE

MC – should we send follow up letter from those we haven’t heard from

Bob – cost is part of the problem; is it convenient to do it?

Evan – can reach out again and stress the importance

MC – asked IG about this – standard water quality test does not include PFAS – IG said they have done that for certain areas of town in Harvard

IG – harvard’s standard water quality testing – if there were conditions known to the boh then you can add it; rather than changing it their regs, instead request them to include it

Took ambiguity out of it – apply it to certain properties on certain streets

Do it as a policy rather than changing local regs

Put together policy about 2 years ago; and yes there were issues with it

Drinking water standard on it – one of the issues they faced from residents

Make sure treatment equipment was considered

IG – know that you have a known site – it would be just a notification that goes to the state; any potential buyer would be aware of it etc.

BOB – pol not reg? IG – it already existed so instead of changing the regs, you would change the language

Bob – part of the problem is we don’t know which area it is yet aside from the GDHS

IG – again not a required test for most of the population

We know of one site

Bob – well of the HS is not in the center of the HS property; if it abuts the property makes sense but those closest to the well may be more affected

Depends on where “fracture” goes

Depends on where ground water flow goes

None of the abutters who have tested have had levels above it

IG – would not suggest to send another letter

Already notify the direct abutters

If you saw that one of those abutters, had it

Within 300 ft. – already a broad capture area

School will be doing their investigation

MC – if there is any possible PFAS contamination – concerned about households w/small children and women that are pregnant

**157 MAPLE AVENUE – Variance Request to State Sanitary Code 410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets**

Homeowners were present

Air exchanger will be put in there; no bedrooms

Evan asked how many - 3 exits altogether

LR & GYM has 2 windows

Will add a lot of recessed lighting

New bathroom in basement, not existing

Would want something additional anyway since won’t have that window open all of the time

Mc moved to grant variance to john & beth – 157 Maple Avenue

Evan seconded

**Michelle Collette moved to grant the variances as presented for 332 Longley Road to the State Sanitary Code *410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets* as described in the letter dated February 16th, 2022 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.**

Went back to PFAS discussion

Maybe wait to see more data; test results from abutters; how long it’ll take gd lsp to make

Ig guessing that will not happen overnight

MC – do the real estate broker have an obligation to disclose? IG – not sure

Can certainly pass on the letter they receive

BOB – if require testing for the sale

Evan – how expensive are our systems? IG - $3-5K range

Under 20 parts per trillion, don’t have any record of manufacturer proving it’ll decrease it

Mandated over 20 for the PFAS6

**645 MARTINS POND ROAD – Pool Cover Variance Request**

Melissa McAdams

Plunge pool – a little bigger than a hot tub; can cool down and heat it up

Hot tub there now but broken so going with plunge pool to get more use out of it

IG – local regs bc it’s a “pool”

Locking – similar to what would be used for a hot tub

BOB – asked about other pool cover; IG – said this is not automatic

MC – pool is 5ft

BOB – building commissioner is aware; ig has not spoken to him;

Evan – not required to fence in a backyard with a hot tub; just a pool

IG – trigger word is pool

Water depth is 36 inches

IG – do not stand on it per warning

MC – how does it lock?

Straps

7 wide x 13 length – dimensions

No standard size for a pool?

BOB – less concerned about what they call it vs. what it is

IG – if it’s a pool that’s what’s required

MC – read what Merlin is and is not responsible for

BOB – meets requirements though

Landscaper has done a number of these in NH

Evan – is property open to neighbors in general

Shared drive – 1 of 4 houses

Each lot is about 2 acres

No issues w/neighbors kids; they’re older anyway, in college; cover on and locked when not in use

Evan – molded seat inside of it? NO, there’s a bench inside of it to access; built in

IG has no objections

BOB F – IF BOB G OKAY WITH IT THEN BOH IS OKAY WITH IT TO

Evan moved to grant variance requested 3/22/22 for 645 MPR; enclosure required for swimming pools; mc seconded; all in favor.

**OVERDUE TO REVISIT REGS**

Deadline was January

Define what a pool is

IG – suggested talk about what needs to be done; work session – not open to the public

How much time – 2 hours probably

ADD IT ON FOR A MEETING WHERE AGENDA IS SMALL

Might see more of these coming since approaching warmer season

IG – could streamline process for natural light variance too

Can IG do checklist of things we see often to be addressed

NOD ROAD

Town Manager – Reserve Fund Transfer;

Executed a contract; things are in progress

GFS visiting Wednesday

So, it is moving forward

**OLD / NEW BUSINESS**

**MEETING MINUTES**

The Board reviewed the meeting minutes dated March 7th, 2022.

**Michelle Collette moved to accept the meeting minutes dated March 7th, 2022. Evan Thackaberry seconded and the motion carried.**

**PERMITS AND INVOICES**

Board members reviewed and signed permits and invoices.

**Michelle Collette moved to adjourn the meeting at 8:21 p.m. Evan Thackaberry seconded and the motion carried.**

Minutes by Sammie Kul.