

**TOWN OF GROTON**

Board of Health

173 Main Street

Groton, MA 01450

**BOARD OF HEALTH**

Michelle Collette, Chairman

Robert J. Fleischer, Member

Evan Thackaberry, Member

Date: Monday, July 18th, 2022

Time: 7:00 PM

Location: 1st Floor Meeting Room, Groton Town Hall, 173 Main Street

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

Others Present: Christopher MacKenzie, Dillis & Roy Civil Design Group, Inc.; Brian Stevenson; Robert Foley; Jaydeep B. Patel, Country Farms; Jodie Brighenti and Michelle Howell, Tobacco Control Alliance

**Michelle Collette called the meeting to order at 7:00 p.m.**

**0 OLD DUNSTABLE ROAD, LOT 1A – Continuation of Septic Design System Variance Request**

Christopher MacKenzie of Dillis & Roy Civil Design Group, Inc. presented on behalf of their client, Brian Stevenson and requested the following variances for 0 Old Dunstable Road, Lot # 1A (Map: 248, Parcel: 5):

**Local Variances - Board of Health Regulation #4:**

* Leaching facility to a property line, 20’ (Provided-Primary-12.1’, Reserve-11.2’)

Mr. MacKenzie submitted green cards from abutter mailing which included all of the meeting details and provided overview of final revised plans.

Ira Grossman has no objections.

Abutter Robert Foley from 12 Crystal Springs Lane was present and stated that he was not in favor of this variance request.

Mr. Foley expressed concern about any excavation that would be taking place near the conservation land.

Mr. Grossman said that the only variance being requested was for the property line offset. The conservation protection already fully meets the necessary requirements.

Mr. Stephenson said that the proposed plans are to move the D Box and add a trench. There are no trees coming down and no heavy excavation planned.

Board members responded that they were comfortable with the proposed plans as it did not pose any public health or safety risks to the town.

**Robert Fleischer moved to accept the variances as presented for 0 Old Dunstable, Lot 1A in the letter dated March 18th, 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. 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.**

**127 MAIN STREET, COUNTRY FARMS – Hearing Request for Cease-and-Desist Order Issued on June 16th, 2022 for Violation of State Law “An Act to Modernize Tobacco Control” and 105 CMR 665.000**

The owner of Country Farms Jaydeep Patel was present. Mr. Patel apologized for committing the offense of selling a tobacco product to a minor and was coming before the Board to see if reducing the three-day suspension period and / or reducing the $1,000 fine were options that could be considered.

Jodie Brighenti and Michelle Howell from the Tobacco Control Alliance Group conducted this inspection at Mr. Patel’s business in May and found that he was in violation. Ms. Brighenti informed members that the fine was set by the state regulations and could not be lowered by the Board nor could the suspension period be shortened as the 3-day period was the minimum requirement.

**Evan Thackaberry moved to deny the request dated June 22nd, 2022 from Jaydeep Patel of Country Farms to reduce the tobacco sales suspension and / or fine and to close the public hearing. Robert Fleischer seconded and the motion carried.**

**Michelle Collette moved to set the 3-day suspension period for Country Farms to start on Friday, July 22nd, 2022 through close of business Sunday, July 24th, 2022. Evan Thackaberry seconded and the motion carried.**

Ms. Brighenti will follow up with Mr. Patel with next steps.

**OLD / NEW BUSINESS**

**PROVIDE RECOMMENDATION TO SELECT BOARD REGARDING HOW TO PROCEED WITH NOD ROAD LANDFILL**

The Board members reviewed the report and recommendations from Luke Fabbri of Geological Field Services and was satisfied that the report was very comprehensive. Members thought the observed leachate should be tested to ascertain what contaminants may be on the site. They also wondered about the possibility that there may be PFAS since the report referenced a fire extinguished by the Fire Department in 1974.

In the letter dated June 30, 2022, Mr. Fabbri offered to present the findings to the Town Boards and residents to answer any questions. The Board members agreed this would be beneficial and informative for all of the parties involved including the public.

**Evan Thackaberry moved to recommend to the Select Board that the Geological Field Services be asked to do a presentation to the Select Board, Board of Health, Greenway Committee and abutters on their findings in order to allow everyone an opportunity to ask any questions. Robert Fleischer seconded and the motion carried.**

**REVIEW DRAFT LETTER TO SUPERINTENDENT OF GROTON-DUNSTABLE REGIONAL SCHOOL DISTRICT**

Board members reviewed the draft letter to the Groton Dunstable Regional School Committee regarding any plans for a re-masking policy for the upcoming school year.

**Robert Fleischer moved to send the letter to the Groton Dunstable Regional School Committee as drafted. Evan Thackaberry seconded and the motion carried.**

The Dunstable Board of Health will be copied on the letter also.

**SHEPLEY HILL VILLAGE – Discussion of Use of Administration Fee**

Michelle Collette recused herself and asked Robert Fleischer to act as Chair for this agenda item due to a conflict of interest. Ms. Collette’s daughter was involved with the real estate transaction for the Shepley Hill Village in 2020.

The original proposed plans showed this development as being presented as a condominium association however recent plans are showing individual lot lines. In order to complete the Board of Health review this issue would need to be resolved first. The review process is very legal in nature and Ira Grossman is asking that the Board exercise their right on how the administrative fee is used for these types of reviews for large projects.

Mr. Grossman asked that the Board consider hiring an outside consultant to review the legal aspect of this with the administrative funds.

The initial fee of $1,000 was established by the town’s regulations and any additional requirements would be communicated to the applicant.

**Evan Thackaberry moved to authorize the use of the administrative fee in support of reviewing the Shepley Hill Village proposed septic system. Robert Fleischer seconded and the motion carried with Michelle Collette abstaining.**

Mr. Grossman informed members that the development is proposing to use well water for the site. There have been no septic permits issued yet or any drilled water well supplies.

**Evan Thackaberry moved that the required water testing for the Town of Groton would be sufficient in order to support an issuance of the Building Permit for Shepley Hill Village. Robert Fleischer seconded and the motion carried with Michelle Collette abstaining.**

**REVIEW BOARD OF HEALTH REGULATIONS**

Board members will begin reviewing a couple of the Board of Health regulations at the next meeting as a starting point.

**MEETING MINUTES**

The Board reviewed the meeting minutes dated June 6th, 2022.

**Robert Fleischer moved to accept the meeting minutes dated June 6th, 2022 as amended. Evan Thackaberry seconded and the motion carried.**

**INVOICES AND PERMITS**

Board members reviewed and signed invoices and permits.

**ON-GOING ISSUES**

**COVID UPDATES**

The town received over 2,000 free COVID test kits from the state. These will be available at different town buildings for distribution to the public.

**Evan Thackaberry moved to adjourn the meeting at 8:25 p.m. Robert Fleischer seconded and the motion carried.**

Minutes by Sammie Kul.

**APPROVED: August 1, 2022**