



TOWN OF GROTON

Board of Health
173 Main Street
Groton, MA 01450

BOARD OF HEALTH

Michelle Collette, Chair
Robert J. Fleischer, Member
Evan Thackaberry, Member

Date: Monday, February 5th, 2024
Time: 6:30 PM
Location: Town Hall, 1st Floor Meeting Room 173 Main St Groton MA
Members Present: Michelle Collette, Robert J. Fleischer, Evan Thackaberry
Members Not Present:
Others Present: Katie Berry, Kalene Gendron, Attorney Tom Gibbons, Bill Rand, Ruth Maxant-Schulz, Amy Ryan, Alison Eydenberg, Catherine Dignam, James Sabino, Groton Residents

Michelle Collette called the meeting to order at 6:30 p.m.

45 West Main Street, Maxant-Schulz, Housing Code Compliance Updates- Ruth Maxant-Schulz came before the board to discuss the open housing code compliance violations. Kalene Gendron, Health Agent, shared that the water temperature violations have been addressed in 2 of the 3 water locations, with the bathtub fixture being off by only a few degrees. The other critical violations that had been cited have been remedied. Michelle Collette noted that in regards to the non-critical violations, there is still work to be done, though Ms. Maxant-Schulz has made substantial improvements. Bob Fleischer confirmed that the additional heating units that have been installed are wired into the home. Bob Fleischer moved to close the condemnation hearing for 45 West Main Street, Evan Thackaberry seconded, and the motion carried unanimously. Though the condemnation hearing has been remedied and closed, there are still housing code violations. Ruth Maxant-Schulz requested a variance to CMR 410.200 Provision and Metering of Electricity or Gas, tenant does not have access to the electrical panel. The board discussed the basement location of the panel with Ms. Maxant-Schulz, and its inability to be accessed by the tenants, and her opposition to the tenants having access to it. Bob Fleischer stated that he would like Ruth Maxant-Schulz to provide an estimate to make changes to the access to the electrical panel. Michelle Collette requested that Ms. Maxant-Schulz provide the estimate within one month, Evan Thackaberry stated that the current set up does not meet code and presents a hazard currently. Michelle Collette requested the corrective plan for the electrical access to be presented by the March 4, 2024 meeting. Bob Fleischer moved to continue this housing code violation discussion to March 4th, 2024, Evan Thackaberry seconded, and the motion carried unanimously. Ms. Schulz provided a written plan for corrective action for the CMR 410.500 Ceiling violation in the apartment. Ruth Maxant-Schulz stated that due to the work needed to remedy the ceiling, the room needs to be emptied prior to the repair of the drop ceiling tiles. Evan Thackaberry asked for clarification on the tile material and that the insulation is sitting on top of the drop ceiling tiles, as that is not the correct way to install. Ms. Schulz stated that she intended to do the work once the tenant has moved out, to which Michelle Collette stated that was not suitable to wait. Bob Fleischer moved to continue this violation discussion to March 4th, 2024, Evan Thackaberry seconded, and the motion carried unanimously. Ruth Maxant-Schulz requested a variance to CMR 410.420 Habitability requirements, room size, as the room in question is 66 sq ft and has no windows, two entries, and does not meet other minimum standards for habitation. Michelle Collette stated that this description does not sound suitable for a child's bedroom, and that she would not approve a variance. Evan

Thackaberry moved to deny the variance for habitability requirements, room size, Bob Fleischer seconded, and the motion carried unanimously.

747 Lowell Rd, Fairbairn, Condemnation Hearing, Continued- Atty Tom Gibbons came before the board to discuss the property. Atty Gibbons stated that the building has been unoccupied, secured, winterized, and posted, as requested in December 2023. Atty Gibbons stated that Civil Solutions has submitted a SDS plan for review to Nashoba Associated Boards of Health. Michelle Collette clarified that the SDS plan is for the garage septic only. Atty Gibbons requested a continuance to April or May 2024, stating that if the property sells in the meantime the board will be notified. Kalene Gendron clarified that the septic for the garage “apartment” did pass title 5, though it was initially uninspected and unpermitted upon its installation. The Health Agent, Kalene Gendron, will review the submitted permit plans. Bob Fleischer moved to continue the hearing to April 1st, 2024, Evan Thackaberry seconded, and the motion carried unanimously.

16 Townsend Rd, Johnson, Sewage Disposal System Capacity/ Deed Restriction Discussion- The homeowner was not present. Evan Thackaberry moved to continue this discussion to March 4th, Bob Fleischer seconded, and the motion passed unanimously.

Main St – Vicinity of #240 Main St, Complaint- Bill Rand, of 31 Hollis St, addressed the board, to discuss noise in the neighborhood area behind and around the vicinity of 240 Main St. Mr. Rand stated that the noise of concern emanates from the equipment of the roof of 240 Main St. Bill Rand went over the chronology of the complaint, and the nature of the noise complaint, being made by 9 residents in the affected area. Michelle Collette shared that Kalene Gendron is at work reviewing and assessing the complaint, though founding these complaints do take time. Mr. Rand shared that the property owner, Gus Widmayer, had worked with him to determine the cause of the sound until reaching an impasse in December 2023. Mr. Rand described potential remedies, as used by Groton Hill Music. Kalene Gendron stated that she must corroborate the sound, and determine decibel levels. Mr. Rand shared that he has provided decibel measurements, that he has taken with his cellphone, as he has determined that the ambient level is 33dB, significantly lower than the levels he has found of 55dB when the compressors are running. Mr. Rand discussed the line of sight of the units to the residential homes, which make a significant impact on the noise emitted. Evan Thackaberry asked if there is a specific time in which the sound is most noticeable, to which he said it begins in March and continues through October. Another Groton resident, neighbor Alison Eydenberg, shared that she had made this complaint to the Planning Board, and that it was dismissed. She felt that the way the Planning Board handled the neighbor complaints regarding Groton Hill Music were handled with seriousness, and that this has not been equitable. Bill Rand shared that the location of this complaint is relevant, to avoid road noise and determine an ambient baseline, and this is why he used 3:00am to determine his independent baseline ambient decibel reading of 33dB. Michelle Collette thanked the residents, and assured that this complaint will be taken seriously, and that Kalene Gendron will work on this. Alison Eydenberg asked if the board knows why the town does not have a noise ordinance, to which Michelle Collette stated that that is something they could investigate, because other towns do, Mr. Rand noted that there are Department of Environmental Protection regulations mandating sound suppression.

OLD / NEW BUSINESS:

Health Agent’s Report and Correspondence- Cypress Rd refuse complaint, COIN Program- Kalene Gendron shared that she did review a refuse complaint on Cypress Rd, which has since been cleaned up.

Kalene Gendron also stated that the town is in receipt opioid grant funds, and that she will discuss with the Police Chief, to determine potential appropriate use of funds. Evan Thackaberry moved to authorize Kalene Gendron as PHEP Representative, Bob Fleischer seconded, and the motion carried unanimously.

Letter of Support Request for CPA Project 2025-06 Outdoor Fitness Court- Michelle Collette shared information with the board regarding the National Fitness Campaign/ Blue Cross Blue Shield Outdoor Fitness Courts. Bob Fleischer moved to craft a letter of support for the project, Evan Thackaberry seconded, and the motion carried unanimously.

Trash Hauler Permits- Bob Fleischer moved to approve and sign Waste Management and EL Harvey and Sons trash hauler permits, Evan Thackaberry seconded, and the motion carried unanimously.

Sign permits/ invoices- The board discussed that the final invoice for Verizon, as the phone will no longer be needed by the Nashoba Associated Board of Health Agent.

Minutes- The Board reviewed the December 18th, 2023 meeting minutes, Bob Fleischer moved to approve the minutes as submitted, Evan Thackaberry seconded, and the motion carried unanimously. The Board reviewed the January 16th, 2024 meeting minutes, Bob Fleischer moved to approve the minutes as submitted, Evan Thackaberry seconded, and the motion carried unanimously.

Schedule Next Meeting

Board of Health will meet Monday March 4th, 2024 at 6:30pm.

ON-GOING ISSUES

- A. **PFAS Updates-** No updates.
- A. **Squannacook Sportsmen's Club Site Updates –** No updates.

Bob Fleischer moved to adjourn at 8:05pm, Evan Thackaberry seconded, and the motion carried unanimously.

Minutes by Katie Berry.

APPROVED: 3/4/2024
