

MEETING MINUTES
November 25, 2002

Board of Health members present:

Dr. Susan Horowitz, Jodi Deuger, Matthew Waterman

Others present:

Ben Cutone, R.S.; Debra Butcher

Meeting called to order:

Chairman Horowitz called the meeting to order at 7:00pm.

Permits Approved/Signed:

*271 Pepperell Road; Roger Kanniard

Bills Approved/Signed:

*CTC Communications (BOH)-\$83.01

*CTC Communications (SW)-\$37.91

Gibbet Hill Orchard: Present: Deborah Farnsworth, Denis D'Amore, Michael Murphy, MyKroWaters; Larry Beals, Joseph Falzone, Ray Lyons, Robert Orsi, William Conley, Mark Johnson; Judith Cutler, Kopelman & Paige; and interested abutters and residents (see attached)

Chairman Horowitz opened the public hearing at 7:03 pm. Member Jodi Deuger left the meeting to attend another meeting.

Denis D'Amore, Licensed Site Professional, opened discussion by giving the Board of Health a powerpoint presentation of the pilot testing. He stated that two sites were tested on (3) acres with 120 soil samples taken. He stated that MyKroWaters conducted an evaluation of shallow soils on a 215 acres of land located on Shirley Road. He said that the purpose of the study was to evaluate concentrations of arsenic and pesticides detected in shallow soils. He stated that in 1997, there was evidence of elevated levels of arsenic found, especially in areas of the apple orchards. He described the process in which roto-tilling the soils would occur on the land. He also described how two soil remediation methods would be conducted. One involving the removal of the top six inches of soil and replacing it with clean fill and the other involving the mixture of the top 18 inches of soil with up to 8 inches of clean fill and roto-tilling the soil together.

Discussion continued regarding the levels of arsenic and methods of remediation.

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Chairman Horowitz questioned how many developable lots were being proposed. Larry Beals stated that the preliminary plan was being reviewed by the Planning Board and that they were meeting with them on December 5, 2002. He said the process usually requires the applicant to meet with the Planning Board several times.

Attorney Judith Cutler stated that the purpose of the meeting with the Planning Board was to determine whether the land was safe for residential development and require extraordinary engineering techniques to determine what risks exists on the site in order to determine a number of lots for development.

The Board of Health received a letter, dated October 21, 2002 and received by the Board of Health on November 25, 2002, from residents in Ayer, MA requesting that soil testing be done prior to any approval by the Town of Groton. (Letter submitted into record.)

After a brief discussion, Chairman Horowitz recommended that the Board of Health receive input from their own Licensed Site Professional of their choice. The other Board members agreed. She stated that the Board members were "not experts to make an assessment" and needed further input. Applicant Joseph Falzone told the Board

that he would be willing the pay for any person the Board chose to review the report.

The Board agreed to write a letter to the Planning Board stating that the Board of Health was reviewing the risk analysis report and had not made a determination to the acceptability of the report.

Member Jodi Deuger made a motion to continue the public hearing to December 9, 2002 after their LSP had a chance to review and report on the assessment study. The motion was approved unanimously.

272 Reedy Meadow Road: Present: Dan Wolfe, P.E., Ross Associates

Mr. Wolfe was present asking the Board of Health for the following variance:

Town of Groton's Local Regulations, Section I.A.2

Deep observation holes for the determination of ground water elevations may be performed during the months of March and April. Use of holes conducted in months other than March and April will be limited to Class II and Class III soils, with a percolation rate of greater than five (5) minutes/inch. Observation holes in March and April may be required by the Board of Health or its agent at their discretion on all sites.

Mr. Wolfe stated that test holes for ground water determination was conducted in September 2002 for an upgrade. Mr. Wolfe stated that the they were responding to the needs of the applicant.

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The Board had no concerns on the variance. Member Matthew Waterman made a motion to approve the variance as requested. The motion was seconded and approved unanimously.

48 School House Road: Present: Rose Mary Chaulk, Bill Boston Survey

The following variance was requested:

Town of Groton's Local Regulation, Section I.A.2:

Deep observation holes for the determination of ground water elevations may be performed during the months of March and April. Use of holes conducted in months other than March and April will be limited to Class II and Class III soils, with a percolation rate of greater than five (5) minutes/inch. Observation holes in March and April may be required by the Board of Health or its agent at their discretion on all sites.

Ms. Chaulk stated that the septic system needed to be replaced because of it being undersized and inadequate. She stated that the actual groundwater at the time of testing would have been in the vicinity of 20-plus feet.

The Board had no concerns with the upgrade. Health Agent Ben Cutone stated that he reviewed the plan but did not do the soil evaluation. Member Matthew Waterman made a motion to accept the variance. The motion was seconded by Member Jodi Deuger and voted unanimously.

Health Agent Ben Cutone stated that he has not received his certification for soil evaluation yet. Member Waterman felt it was necessary for the above types of variances. After a brief discussion, the Board agreed to allow "out-of-season" ground water variances for repairs to be reviewed by the Health Agent and "red flagged" on the permit for the Board's review. The motion was made by Member Waterman and approved unanimously.

GENERAL BUSINESS:

Title 5 Changes: The Board discussed the proposed Title 5 changes offered by the State and whether a written response was necessary. Chairman Horowitz had concerns that the proposed new law would allow development where it previously would occur if percolation rates changed.

Baddacook Pond Road: The Board discussed the recent application before them on a well variance. Member Matthew Waterman made a motion to allow the Board's Chairman to call Town Counsel for a determination on whether the Board of Health had the right to know what the property's future use was. The motion was seconded and approved unanimously.

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Health Agent – Towns: Ben Cutone stated that his town assignment would be changing after the Thanksgiving holiday. He said he will no longer have the Town of Ashby after that time.

Pay-As-You-Throw: The Board of Health voted unanimously to request Town Counsel review on this. The motion was made by Member Matthew Waterman and seconded by Chairman Horowitz.

Adjournment: Member Jodi Deuger made a motion to adjourn at 9:40 pm. The motion was seconded by Member Waterman and voted unanimously.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz

Jodi Deuger

Matthew Waterman

Respectfully Submitted,
Debra A. Butcher