

MEETING MINUTES
July 21, 2003
Town Hall, Groton, MA

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Jodi Deuger, Matthew Waterman (arrived at 7:45pm)

Others Present:

Debra Butcher

Meeting Called to Order:

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

Minutes:

Regular Session June 9, 2003 were approved unanimously as written.

Regular Session June 23, 2003 were approved unanimously as written.

Bills Approved/Signed:

*Casey & Dupuis-\$3,182.00

*Buckley Energy-\$35.44

Permits Approved/Signed:

*14 Spruce Road; Katrina Myers

*Orion Way, Lot 4; Orion Homes

*25 Hemlock Road; Charles Place

*Spruce Road, Lot 285-289; Tim Kelly

Selectmen Virginia Wood

Ms. Wood requested an informal discussion with the Board to discuss any issues that the Board of Selectmen may be able to assist the Board of Health with. She stated that her Board was currently drafting their goals and objectives for the coming year and part of that plan was to meet with other departments on a regular basis.

Dr. Horowitz commented that the Board was currently involved in discussions concerning Lost Lake and homes in that area that are served by wells which may need to be replaced. Discussion continued regarding agencies that may assist in funding sources for residents whose wells may be in jeopardy.

Ms. Wood suggested that the Board of Health develop their own goals for the coming year. The Board of Health recommended that quarterly meetings occur with Ms. Wood in the future.

Surrenden Farm: Present: Dr. Susan Sundstrom, Geo Insight representatives Kevin Trainer & Rick Wozmak, Joseph Falzone, Larry Beals, Atty. Mark Johnson, Deborah Farnsworth, Michael Murphy, Dennis D'Amore, Attorney Ray Lyons, Joshua Degen, Bruce Clement

Mr. Beals stated that the intent of the meeting was to provide an update on the Planning Board process. He stated that the Definitive Plan was submitted to the Planning Board and was still ongoing. He also stated that his client was close in finalizing a Notice of Intent with the Conservation Commission. Mr. Beals stated that his client has read the report from Geo Insight Inc. dated July 17, 2003 and wanted to address their concerns.

Mr. Beals stated that there was a difference of opinion on the set of background standards that were to be used to determine the baseline and level of contamination in the soils. He stated that his client has obtained levels of

safety directly from the State Massachusetts Contingency Plan (MCP).

Licensed Site Profession Kevin Trainer provided his determination based from an environmental standard. He stated that the land was used as an orchard and pesticides were used containing arsenic. Mr. Trainer questioned whether the regulations under the MCP applied under the law to land under Chapter 21E. He said that he consulted with representatives from the Department of Environmental Protection to determine if pesticides were applied in accordance with the labeling if the developers were exempt from the MCP process. Based on his research, he felt that the MCP regulations did not apply to this parcel of land. Rick Wozmak concurred and suggested that the town "throw out the MCP requirements" when making their determination. He stated that it was not in the best interest of the Town to use the MCP standards to determine what background was but only to manage these soils based on risk.

Discussion continued regarding remediation of the soils. Mr. Trainer reviewed his concerns based upon his evaluation of the land. He stated that the developers should scrape the top six inches of soil from the site thus eliminating the high concentration of arsenic found in the soils. He recommended that the remaining soils containing arsenic be moved to the orchard open space area. The consultants from Geo Insight recommended that in order to protect future residences, anything remaining in the soil area should be recorded at the Registry of Deeds.

Discussion continued concerning risks to human health standards. Michael Murphy stated that his client would be performing risk assessments while removing the top six inches of soil. Dr. Sundstrom stated that she was not comfortable with the number of "parts per million" that the developer was going to use. She said she would like to see that number be around "20 ppm" of arsenic for residential use. Both parties argued over the levels that they would require.

Dr. Horowitz stated that she would like every lot have a risk assessment performed. Member Matthew Waterman suggested that four samples per lot be taken, preferably on four corners of the lot. Member Waterman said he wanted to see a standard set, require a deed notification for every lot, have a minimum of four soil samplings taken on each lot and a soil deposition plan for the open space.

Dr. Horowitz asked why "Dig Safe" was already contacted for location of utilities. Mr. Beals stated that it was the applicant's intent to stake out all the utility locations for them prior to contracting any work. Dr. Horowitz also recommended that the applicant meet with the Water Department as well.

Mr. Trainer agreed with Member Waterman's recommendation and argued that a background number, agreed to by both parties, needed to be established. Attorney Lyons made a suggestion to have both parties' professionals meet outside a Board of Health meeting to establish that level of safety and to continue the discussion at the next Board of Health meeting on August 11, 2003. Both parties agreed. No action was taken by the Board.

Surrenden Farm – Reimbursement: Present: Ray Lyons

Mr. Lyons presented a contract for his client to reimburse all expenses associated with Geo Insight, Inc. Member Jodi Deuger made a motion to accept the contract as written and authorize the Board's Chairman to sign the document. The motion carried unanimously.

Boathouse Road, Lot 225: Present: Russ Wilson, R. Wilson & Associates; Mark Enright, Robert Riccadelli

Mr. Wilson presented an upgrade design plan for the Board's review and approval. He requested the following variances:

Town of Groton's Local Regulations

- | | | |
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| Section I.A.2 | - | (2) deep holes for groundwater determination must be performed in March or April. Request "out of season" testing performed in June 2002. |
| Section I.E.1 | - | Distance from leaching facility to wetlands, 100 feet required, 32.2 feet provided. |
| Section I.E.3 | - | Minimum of 10 feet required between primary and expansion area, 10 feet required, 2 feet provided. |
| Section I.E.6 | - | Minimum of 35 feet required between the road line and the leaching area, 35 feet required; 2.5 feet provided. |
| Section I.E.7 | - | Minimum of 20 feet required between the property line |

Section I.E.9 - and the leaching area, 20 feet required, 2.5 feet provided.
Retaining Walls are not allowed, 60 linear feet of retaining wall proposed.

Title 5 Regulations

310CMR15.211(I) - Property line to S.A.S., 10 feet required, 2.5 feet provided.
Property line to septic tank, 10 feet required, 4.7 feet provided.
Wetlands to S.A.S., 50 feet required; 32.2 feet provided.
S.A.S. to side slope, 15 feet required; 10 feet provided.

Mr. Wilson stated that the property was seasonal and was unoccupied currently. He stated that the area for the system was limited and proposed an alternative treatment system that would best suit the site.

He stated that he has met with the Conservation Commission regarding stabilizing the slope area and has received an approval from them to construct.

Member Jodi Deuger stated that she would like to see the property prior to making her decision on the variances. Member Waterman also stated that a site visit would be worthwhile to determine the Zone II issues.

Dr. Horowitz recommended that a tight tank be constructed. She stated that she didn't like retaining walls which would be needed under this design plan. Mr. Enright stated that the abutters on the street want a new septic system to make the property more presentable. Mr. Wilson stated that a tight tank design would require a 5000 gallon tank.

Dr. Horowitz suggested that the Board table any further discussion until a site visit was conducted. The Board voted unanimously to continue the hearing until August 11, 2003 at 8pm.

OTHER BUSINESS

1. Well Regulations
The Board voted unanimously to incorporate Town Counsel's comments into the document and make the regulations effective August 11, 2003. The Board also approved the "Annual Inspection Form for Public Water Supplies" drafted by Ben Cutone.
2. Portable Toilet Permit
The Board tabled discussion until their Health Agent returned from vacation.
3. Tobacco Certification
Member Jodi Deuger made a motion to approve Frank Mastrangelo's certificate for merchants who have complied annually with tobacco compliance.
4. Groton Landmark
Dr. Horowitz stated that she will contact the reporter to discuss errors in his recent article regarding Brooks Orchard.
5. Moison Ace Hardware
The Board requested that a letter of apology be sent to Moison's Ace Hardware resulting from an incident involving a Transfer Station employee.

The meeting adjourned at 9:35pm.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz
Chairman

Jodi Deuger

Matthew Waterman

Respectfully Submitted,
Debra A. Butcher

