

**Meeting Minutes
September 8, 2003
Town Hall, Groton, MA**

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Jodi Deuger (arrived at 7:15pm); Matthew Waterman (arrived at 8:40pm)

Others Present:

Debra Butcher; Ben Cutone (arrived at 8:30pm)

Meeting Called to Order:

Dr. Horowitz called the meeting to order at 7:15pm once a quorum was established.

Minutes:

The regular session minutes of July 21, 2003 & August 11, 2003 were approved as amended by Dr. Horowitz.

Permits Approved/Signed:

- *619 Boston Road; AL Prime Energy
- *Wharton Row, Lot 28; Gillis Homes
- *Martins Pond Road, Lot 2; Joseph Sgrosso
- *654 Longley Road; Nancy Cappallo
- *296 Townsend Road; Margy Norrish
- *451 Boston Road, Steven & Julie Roux

Bills Approved/Signed:

- *CTC Communications (SW)-\$30.60
- *CTC Communications (BOH)-\$64.18
- *Rick Lamarre & Sons-\$805.86
- *Rick Lamarre & Sons-\$779.13
- *Advance Security Systems-\$18.33
- *Tank Recyclers-\$153.00
- *Buckley Energy-\$608.33
- *Buckley Energy-\$62.38
- *Geo Insight-\$5283.20 (revolving fund-Surrenden Farm)
- *Dr. Susan Sundstrom-\$3100 (revolving fund-Surrenden Farm)
- *Groton Electric Light-\$65.14
- *Groton Electric Light-\$39.39
- *Groton Electric Light-\$7.31
- *Reliable Office Products-\$33.84
- *Belmont Springs-\$27.00
- *Moison Ace Hardware-\$93.12
- *Groton Electric Light-\$58.15
- *Groton Electric Light-\$31.17
- *Groton Electric Light-\$7.53
- *Rick Lamarre & Sons-\$787.05
- *Rick Lamarre & Sons-\$748.44
- *Rick Lamarre & Sons-\$872.19
- *Rick Lamarre & Sons-\$1009.80
- *Covanta Haverhill-\$4415.04
- *ApparelMaster-\$77.28

13 Highland Road: Present: Mark Szela, P.E. from Goldsmith, Prest & Ringwall

The hearing was scheduled to begin at 7:00pm but due to a lack of a quorum, Dr. Horowitz requested that the hearing be continued to September 22, 2003.

Member Jodi Deuger arrived at 7:15pm. The Board reviewed the minutes of July 21, 2003 and August 11, 2003.

314 Reedy Meadow Road: Present: Cynthia Pitkin & Ahmad Hamzehdoost; Richard Larkin, Esq., Duncan Brown. P.E.

Attorney Larkin explained that the property passed a Title 5 inspection (7/23/03) by Forest Hill Septic and it indicated that the house contained five actual bedrooms but had a three bedroom septic system. He stated that a building permit dated 7/12/83 indicated that the house was approved for a four bedroom dwelling and the septic was approved by the Board of Health.

Discussion continued on the history of the house and permits issued from the Building Department. Mr. Brown provided the Title 5 definition of a bedroom. Dr. Horowitz stated that if the house contained five bedrooms, there would be a possibility that the capacity of the system would need to be increased. She recommended that their Health Agent inspect the house for a room count and report back to the Board. The Board took no action.

Deerhaven Subdivision: Present: David Moulton, Paul McNaulty, PE, Robert Black

Dr. Horowitz stated for the record that Mr. Moulton's wife was a client of hers.

Mr. Moulton requested to build a home with five bedrooms, which was originally designed for four bedrooms. The house is part of the common system which was designed for a total of 48 bedrooms for 12 four-bedroom dwellings. He stated that the subdivision has been reconfigured to have only 11 dwellings built which would create extra capacity to accommodate the five bedroom house. Mr. Moulton commented that another alternative would be to have a sewage disposal system which would still keep the total bedroom count under the original threshold of 48 total bedrooms.

Discussion continued regarding notice from the Planning Board and Building Dept. concerning required affordable housing. Mr. Moulton stated that it was their intent to build a duplex on Lot 19 and he has notified the Planning Board of the proposal.

Member Jodi Deuger stated that she didn't have any issues as long as the total bedroom count remained at 48. Dr. Horowitz recommended that the applicant keep the Planning Board updated on the development. Mr. Moulton stated that he would. Member Jodi Deuger made a motion to approve the increase in number of bedrooms of one house from four to five bedrooms as long as the total bedroom count remain as a 48 bedroom design and conditioned upon the Planning Board approval requirements for the development. The motion was approved unanimously (members Dr. Horowitz and Ms. Deuger).

Habitat for Humanity:

The Board voted unanimously (members Dr. Horowitz and Ms. Deuger) to waive the \$100 fee for the sewage disposal permit.

Gibbet Hill Restaurant: Present: Larry Beals, Steve Webber

Mr. Beals presented an overview of the proposed restaurant. He stated that it was his client's intent to renovate buildings into a restaurant and as well as a function hall for periodic functions. He stated that his client was preparing for the permitting stage for the septic system and the food service establishment requirements.

Member Jodi Deuger asked if the road would change. Mr. Beals stated that the road would remain the same but the entrance will change.

Discussion continued regarding the septic system location. Mr. Beals stated that it was his intent to keep the farm areas away from the proposed septic system area. He stated that the design proposed for the primary area was under the parking lot with a reserve area. He said that initial testing with Ben Cutone was performed and recently scheduled more testing in October with him to finalize a design plan. Mr. Beals stated that the Planning Board has closed their hearings on the proposal but has not rendered their decision yet.

Ms. Deuger asked if the Webbers' were running the restaurant. Mr. Beals stated that his client would hire a professional restaurant consultant to assist the family.

Robert Black asked if the client had considered sewage to serve the restaurant. Mr. Beals stated that they have but there was no capacity available from the Town.

The Board thanked Mr. Beals for the update. The Board took no action.

Surrenden Farm: Present: Larry Beals, Ruth Silman of Nixon Peabody LLP, William Conley, Robert Orsi, Ray Lyons, Joseph Falzone, Mark Johnson, Debra Farnsworth, Michael Murphy, Dennis D'Amore, Dr. Susan Sundstrom, Kevin Trainer & Rich Wozmak from Geo Insight, Planning Board members Joshua Degen & Bruce Clement

Ms. Silman from Nixon Peabody LLP, representing the developer, introduced herself and stated that there have been productive meetings between the developer's consultants and the Board's consultants. A letter dated September 5, 2003 (attached) summarizing the issues that the two sides have agreed upon for was submitted to the record.

Ms. Silman stated that both parties have come to an agreement to perform a pilot program on a portion of the single family condominium lots and the results will be submitted to the Town. Board Member Jodi Deuger asked to hear from Dr. Sundstrom.

Dr. Sundstrom summarized her findings and confirmed that both parties have made progress as outlined in the September 5,

2003 letter. She stated that the issues on which the parties had not yet agreed upon were regarding the depth of exposure and possible risk. She explained that the top 18 inches to possibly 24 inches were the area of concern to her. She said that she did not believe that only placing a layer of clean soil on top of contaminated soil would be appropriate to remediate the situation. She explained how the pilot program would occur and suggested that the lots with the highest concentration of arsenic in the top 6" be scraped off and replaced, rototilled and sampled again in order to achieve a level of "no-significant" risk.

Dr. Horowitz asked if the pilot program would apply to the entire development. Ms. Silman stated that this was only a pilot program and the developer agreed to conduct it on 7 lots. Dr. Sundstrom stated that some of the lots were never an orchard.

Member Matthew Waterman arrived at 8:40pm.

Dr. Horowitz questioned whether the roadways have been sampled and what the plan was for those soils. The developer stated that samples were taken throughout the site, however, they focused primarily on the residential lots. Ms. Silman stated that the overall concentration of arsenic in the soil will not increase in the private open space area after the fill from other portions of the site were placed there. The Board of Health agreed that the developer begin the pilot program and report back at the next Board of Health meeting in early October.

OTHER BUSINESS

1. Portable Toilets – The Board agreed to conduct a public hearing in October.
2. Town Beach – The Board requested that the Conservation Commission conduct a site walk to determine the cause of the bacteria which closed the beach three times this summer. Discussion regarding the source of contamination, i.e. animals, soiled baby diapers, failed septic systems was discussed.
3. 18 Breakneck Road – Mr. Cutone stated that he sent the owner a letter summarizing the Board's decision to fine him \$500 per day beginning on September 1, 2003. He stated that the owner has not complied with the Board's order. The Board of Health voted unanimously to seek Town Counsel opinion on the legal issues involved.
4. 16 Cypress Road – Mr. Cutone stated that he has driven by the property daily and has not seen any trucks going into the site. The Board voted unanimously to have Mr. Cutone send an order letter to remove the materials from the facility and provide disposal receipts to the Board.
5. Transfer Station Update – Mr. Dubey stated that the Pay-As-You-Throw program was going smoothly. He stated that disposal costs have decreased and reported that recycling numbers have increased since July.

The meeting adjourned at 9:20pm.

GROTON BOARD OF HEALTH

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Dr. Susan Horowitz
Chairman

Jodi Deuger

Matthew Waterman

Respectfully Submitted,
Debra A. Butcher