

Meeting Minutes  
November 10, 2003  
Town Hall, Groton, MA 01450

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Jodi Deuger, Matthew Waterman (arrived at 8:10pm)

Others Present:

Benjamin Cutone, R.S. (arrived at 8:15pm); Debra Butcher

Meeting Called to Order:

Dr. Horowitz called the meeting to order at 7:30pm.

Minutes:

The regular session minutes of September 22, 2003 were approved as amended. The regular session minutes of October 28, 2003 were approved as written.

Permits Approved/Signed:

- \*61 Hoyts Wharf Road; Charlene Dias
- \*312 West Main Street; Robert & Harriet Leland
- \*686 Old Dunstable Road; Fang & Lei Li

Bills Approved/Signed:

- \*Belmont Springs-\$28.20
- \*Moison Ace Hardware-\$72.58
- \*May & Hally (service)-\$25.90
- \*Evans on the Common-\$198.00
- \*McDevitt Trucking-\$480.18
- \*Groton Electric Light-\$7.53
- \*Groton Electric Light-\$49.15
- \*Groton Electric Light-\$26.95
- \*Groton Herald-\$56.00
- \*Rick Lamarre & Son-70.21
- \*Rick Lamarre & Son-\$766.26
- \*Rick Lamarre & Son-\$831.60
- \*Rick Lamarre & Son-\$776.16
- \*Rick Lamarre & Son-\$833.58
- \*Rick Lamarre & Son-\$893.97
- \*Rick Lamarre & Son-\$709.83
- \*Rick Lamarre & Son-\$814.77
- \*Covanta Haverhill-\$4309.20
- \*Ayer Auto Parts-\$39.85
- \*CCP Industries-\$155.72
- \*Advance Security Systems-\$18.33
- \*Shattuck Printing-\$105.00
- \*Onyx Special Services-\$517.11

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FY05 Budgets

The Board of Health voted unanimously (with members Dr. Horowitz and Jodi Deuger present) to level fund its Board of Health budget. They voted unanimously to increase its FY05 Solid Waste budget by \$15K to cover the purchase of Transfer Station bags.

Surrenden Farm: Present: See attached

Attorney Ruth Silman opened discussion by stating that there were two issues that her client would like the Board of Health to consider. The first issue was that she asked that the Board submit a letter to the Planning Board indicating that no remediation was necessary on the age-restricted units (Lot 8). Dr. Susan Sundstrom reported that she had enough information for Lot 8 and concluded that the soils had no problems and were well below risk standards at 10 parts per million. Attorney Ray Lyons drafted a letter (attached) indicating that the Board of Health affirmed that remediation activities were not necessary on Lot 8. Member Jodi Deuger made a motion to accept the letter concerning Lot 8 and submit to the Planning Board. The motion was seconded by Member Waterman and approved unanimously and Chairman Horowitz signed the letter.

Attorney Silman stated that the second issue was the results of the Pilot program. She said that the risk assessment was submitted to Dr. Sundstrom and GeoInsight and that the test program was a success. She said that based on the successful pilot program, she requested that the Board permit her client to proceed with the same methodology with the remaining lots to be remediated.

Attorney Silman said that due to weather conditions, her client would like to proceed to the next phase. She stated that she would like to obtain the Board's approval on the same methodology on the (6) 80,000 s.f. and (13) 30,000 s.f. lots while using the same pilot program. She stated that it was her client's understanding that approval to the next phase on these 19 lots did not constitute approval of the entire project.

Discussion continued regarding the road construction. Mr. Falzone stated that he has received approval from the earth removal committee on the runoff issues.

Dr. Sundstrom stated that she briefly reviewed the report that was received November 7, 2003 and had additional questions on the method that was used. She said that she felt the developer did not test deep enough to yield enough information to make a reliable determination of the extent of possible contamination. She stated that the developer rototilled 6-12" of soil and scraped off the top 6" of contaminated soil. She stated that they took samples 0-18" on 3 lots. She said that all samples returned were below the risk standard of 20ppm. Dr. Sundstrom reported that the majority of the contamination is in the top 18", however, she would like to see sampling done below 18" to see if contamination was limited to the top or whether there was contamination deeper than that.

Dr. Horowitz agreed and stated that this was a huge public health concern for the Town. She said that whatever happens on this property was going to impact the orchards in Town. Michael Murphy from MicroWaters spoke and felt it was premature to speak on the results until Dr. Sundstrom had the data on sampling on soils from 18 to 36" below. Dr. Horowitz stated that the Board of Health needed to be assured that this methodology worked for soils below 36" and determine whether it needed to be remediated prior to moving forward on the project.

Member Jodi Deuger argued that the applicant should not be allowed to move forward until Dr. Sundstrom had enough data to review. Chairman Horowitz suggested that the applicant submit the data to the Board's consultants for them to review and report back to the Board. Attorney Silman requested that the Board consider allowing her client to proceed on the other

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lots. Member Deuger answered that she would prefer that they not go forward until reports were received.

Attorney Ray Lyons stated that "nobody gets harmed by letting his client move forward". Dr. Horowitz asked where the removed soils were going. Mr. Lyons stated to a "designated storage area".

Resident Joshua Degen spoke as a member of the Earth Removal Committee. He stated that the Committee has not voted or acted on the petition.

Developer Joseph Falzone stated that 10% of the planned 130 units will be reserved for affordable housing units.

Dr. Horowitz stated that the Board of Health must focus on the lots and the people who will eventually live there. She requested that the information be submitted to the Board's consultant and continue the hearing for two weeks. She asked that Dr. Sundstrom receive the data for sufficient time for her full review.

Dr. Sundstrom stated that the risk assessment needs to be generally consistent with the methodology-3 type of risk assessment under the Massachusetts Contingency Plan regulations.

Both parties agreed to the next step and the applicant agreed to provide more complete testing data and background study on the disputed lots. The Board voted unanimously to not allow the applicant to move forward past the single-family condominium lots. The hearing was continued to November 24, 2003 at 8:45pm.

- Landfill Capping Committee: Present: James Greacen, Chairman

Mr. Greacen stated that the Landfill Capping Committee was ready to disband and that the Board of Health should be taking over the regular maintenance of the capped landfill. He recommended that the Board hire a professional engineer to maintain

the monitoring wells and to do regular inspections of the cap. Mr. Greacen stated that there has not been any formal monitoring of the methane gas or groundwater at the site in at least two years. He said that hiring a professional to oversee this project is mandated as part of State regulations for landfill closures.

He prepared a preliminary draft of bid specifications for the project. He recommended that the Board budget approximately \$25K in next year's budget for the monitoring of the wells.

Discussion continued concerning having the committee continue to oversee the landfill until the bid process was complete. Mr. Greacen agreed and said that he would have bids returned before the end of the calendar year.

Member Jodi Deuger made a motion to amend its FY05 Board of Health budget to increase its "Engineering/Consultant" line item in its FY05 budget by \$25K to cover expenses associated with the landfill monitoring. The motion was seconded and approved unanimously.

Health Agent Ben Cutone stated that the Town of Ashby recently budgeted for their landfill. He will contact them to see what amount they budgeted for.

The Board thanked Mr. Greacen and his committee for their efforts.

#### Other Business

Thompson Mill Pond – Member Waterman requested information on where soils were going from the dredging of the pond. Dr. Horowitz stated that the soils were designated to be under

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the control of the Highway Surveyor. She will contact Mr. Delaney to see where the excess soils were going.

The meeting adjourned at 9:20pm by majority vote.

GROTON BOARD OF HEALTH

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Dr. Susan Horowitz, Chairman

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Jodi Deuger, Member

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Matthew Waterman, Member

Respectfully Submitted,  
Debra A. Butcher