

**TOWN OF GROTON**  
Groton Board of Health  
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**Meeting Minutes**  
**June 14, 2004**  
**Town Hall, Groton, Massachusetts**

**Board of Health Members Present:**

Dr. Susan Horowitz, Chairman; Robert Hanninen; Matthew Waterman (arrived at 9:05 pm)

**Others Present:**

Ben Cutone, R.S.; Debra Butcher

**Meeting Called to Order:**

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

**Minutes:**

The regular session minutes of March 22, 2004, April 12, 2004 & May 24, 2004 were approved as written.

**Bills Approved/Signed:**

- \*Bobcat of Boston-\$743.12
- \*Lesco-\$216.00
- \*ApparelMaster-\$77.28
- \*Consolidated Trucks-\$675.50
- \*Belmont Springs-\$29.00
- \*Groton Electric Light-\$75.36
- \*Groton Electric Light-\$6.86
- \*Groton Electric Light-\$36.84
- \*Buckley Energy-\$909.83
- \*Fleet Pride-\$146.47
- \*Mobile Consultants-\$10.08
- \*Moison Ace Hardware-\$501.26
- \*Advance Security Systems-\$18.33
- \*Airgas-\$23.26
- \*Casey & Dupuis-\$11.93
- \*Belledeu & Co.-\$345.00

**Permits Approved/Signed:**

- \*31 Bayberry Road; Tammie Zemler
- \*331 Longley Road; Jim Byrne

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- \*323 Martins Pond Road; Dominick Sama
- \*179 Mill Street; Michael Currie
- \*213 Whiley Road; Lauren Sellars
- \*785 Boston Road; Samantha Realty Trust LLC
- \*15 Northwoods Drive; Kevin Fowler

Board of Health Reorganization – Dr. Horowitz recommended that this be tabled until all members of the Board were present.

Landfill Monitoring: Present: James Greacen, Chairman

Mr. Greacen presented the top two proposals from Pine & Swallow and Levine Fricke for the landfill monitoring project. He stated that both companies were capable in meeting the needs of the town. He stated that both proposals were comparable in costs with the only difference being that Pine & Swallow was a local company and any travel costs would be less expensive, whereas, Levine Fricke was based in Braintree, Massachusetts.

Discussion continued regarding contract extensions with fixed costs for the second and third year. Mr. Greacen stated that he would recommend that the Board enter into negotiations with Levine Fricke based on his review of their submitted proposal.

The Board had no other questions. Member Robert Hanninen made a motion to enter into contract negotiations with Levine Fricke for a one year landfill monitoring contract with the possibility for the second and third year. The motion was seconded and approved.

70 Pepperell Road: Present: Tom Byrne, homeowner

Mr. Byrne requested that the Board consider allowing him to construct a rental unit in the basement of 70 Pepperell Road. He stated that after speaking with Health Agent Ben Cutone, he understood that he must enlarge the septic tank.

Dr. Horowitz requested comments from Mr. Cutone. Mr. Cutone stated that the property was approved for a three bedroom with a recently installed leach bed. He said that during the approval process, a variance was granted by the Groton Board of Health requiring 150% of Title 5 sizing for leach beds to 100% of Title 5 requirement.

Mr. Cutone stated that Mr. Byrne would like to install an accessory apartment in the basement while still maintaining the total bedroom count as three. He stated that he advised Mr. Byrne to discuss this construction with the Board prior to applying for the necessary permits through the Building Department.

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It was Mr. Cutone's recommendation to grant the variances because there would be no increase in flow for the septic system as it would remain a three bedroom dwelling.

Discussion continued regarding local restrictions on accessory apartments from the Planning Board. Dr. Horowitz stated that there was currently none, however, an opinion from the Building Inspector should be obtained. She suggested that this be tabled for two weeks until an opinion is given from the Building Inspector and Board of Health Member Matthew Waterman. The Board took no further action.

59 Blossom Lane: Present: Dr. Ralph Baker, homeowner

Dr. Baker's property had a Title 5 conducted on June 1, 2004 and it failed. He requested a meeting with the Board to discuss the possible use of sewage disposal system infiltrators and a combined septic tank/pumping chamber for an upgrade to his system. He stated that his property was being sold.

Dr. Horowitz requested comments from Mr. Cutone. Mr. Cutone stated that the new technology allows for a higher application rate than what was currently allowed by Title 5. He said that sewage disposal system infiltrators would be used in a bed configuration design and Groton regulations require 150% of Title 5 sizing for bed designs.

Dr. Baker stated that the Department of Environmental Protection allows this system design under its general use requirement. He questioned whether the local Board of Health was aware of this and whether the Board of Health would be willing to allow this approach to an upgrade.

Dr. Horowitz asked if the new technology was more expensive than a traditional system upgrade. Dr. Baker stated it was less expensive, however, it would allow for a longer duration of the system.

Mr. Cutone had no issues allowing this design because it met Title 5 requirements. Dr. Horowitz stated that she felt Dr. Baker's credentials "spoke for itself" and would give him the "green light" to pursue this. Dr. Baker stated that the system would be done by the end of August.

36 Willowdale Road: Present: William St. George, homeowner; several neighbors and abutters

Mr. Cutone reported that 98% of the yard had been cleaned up as noted during his inspection on June 14, 2004. He felt that Mr. St. George has done an

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excellent job of complying with the Board's order and continues to be cooperative with him.

Discussion continued regarding material/debris located inside a boat on the property. The neighbors felt that Mr. St. George was using the boat as a dumpster. Mr. Cutone stated for the record that he did not inspect the interior of the boat, only the exterior of the property. Dr. Horowitz recommended that the property continue to be inspected bi-monthly through to September. If inspections are satisfactory, she recommended that it be reduced to once per month and diminished from that point on. She commended Mr. St. George on making good progress with his property.

Mr. St. George suggested that inspections be done regularly until the end of the calendar year. The Board asked Mr. Cutone to make regular inspections and to keep the Board updated on the status.

16 Moors Road: Present: Tessa David, homeowner

Ms. David stated that she purchased the property with a passing Title 5 report. However, after a water test was done, there were elevated levels of nitrates in detected in her well water. She felt that the levels were a result of an application from ChemLawn fertilizer to the yard. She said that this resulted in an amended Title 5 report needing further review by the local Board of Health. She felt that the Board should determine that the Title 5 be reissued as a pass.

Health Agent Ben Cutone stated that after review of the Title 5 report, he sent a letter to the homeowner notifying them that the Title 5 report needed to be upgraded within two years of the notice. He said that this was because the well was less than one hundred feet but more than 50 feet from the sewage disposal system's leach field. He said that the inspection revealed that the well water quality showed that the nitrates exceeded the maximum contamination levels, therefore, the Title 5 failed the inspection.

Mr. Cutone recommended that the well be tested two more consecutive times. He said that if both samples are below the standard, he felt comfortable in passing the Title 5.

The Board agreed to table discussion until additional samples were obtained. The Board took no action.

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Surrenden Farm: Present: See attached.

Atty. Ruth Silman requested that the Board wait until Member Matthew Waterman was present before any discussion began.

*Member Waterman arrived at 9:05 pm.*

Atty. Silman provided an agenda of items that her client would like addressed at the meeting (copy attached). She stated a stenographer was present to record minutes for her client.

1. Verification of copies of raw data package – Copies of the raw data were sent to Dr. Sundstrom just prior to the meeting of June 14, 2004.
2. Proceeding with road work – The applicant can't proceed with the road work until testing is completed of the contaminants. The Planning Board has iterated that the applicant has not complied with their special permit and this would need to be revisited with them.
3. Correction to the March 22, 2004 draft Board of Health meeting minutes – Atty. Silman stated that she meant to say "remediation would not occur until each individual parcel was sampled". The Board of Health interpreted her original statement and insisted that no remediation would be done until the entire site was sampled.
4. Release of the AR lots for construction – According the Planning Board, this can't be accomplished until all the roadways are built.
5. Stockpiling plan for the Eastern Open Space – The applicant discussed the raw data

and Member Hanninen and Dr. Horowitz have iterated their concerns about whether this should be allowed or not.

6. Risk assessments for the Eastern Open Space – Discussion occurred regarding whether the town should accept the liability. Michelle Collette explained that there will be a Conservation Commission restriction, i.e. special permit and that the town does not have to take it. Discussion also continued regarding sampling and a plan is to be submitted to Dr. Sundstrom and GeoInsight.
7. Western Open Space Plan – Dr. Sundstrom and GeoInsight are waiting for the final data and maps in order to present their comments.
8. Discussion of risk, background, proposed MCP changes and averaging and its acceptance in the MCP – Dr. Sundstrom and GeoInsight believe that the risk based health number is 20 parts per million (ppm). Mr. Stephenson of Ambient and Ms. Shatkin of the Cadmus Group disagree and stated that 30 ppm was the number. There was ensuing discussion on how to arrive at this number. The Board of Health will make that determination at the next meeting after Dr.

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Sundstrom and GeoInsight have a chance to evaluate the special studies that Ambient has completed with the accompanying metals.

9. Remediation plan for the Single Family Condominium lots – Dr. Sundstrom and GeoInsight did not have the completed data in maps of sampling in the single family condominium lots and will comment at the next Board of Health meeting.
10. Notice Language – The Board of Health reiterated that Member Waterman had required deed notification from their initial meetings and depending on the degree of remediation that occurs and contamination is left, the Board may require deed restriction and/or AUL (activity use limitations).
11. Approval to remove the oil contaminated soil pile – This was at the original dwelling and the Board of Health accepted the remediation.

## OTHER BUSINESS

1. Lost Lake Weed Committee – Member Robert Hanninen motion to have Dr. Horowitz continue as the Board of Health's representative to this committee. The motion was seconded and approved.
2. Nod Rod Dump – Member Hanninen asked that this site be monitored for leaching.
3. Boutwell School – Dr. Horowitz requested copies of the soil remediation.
4. Septic Management Plan – The Board would like to maintain reports of pumping records and require that all septic system be pumped for Title 5 reports.
5. Body Art Regulations – The Board requested that physicians handle needles. The Board will revisit this at a later date.
6. Smoking Ban – The Board will revisit that after the State makes a decision on a state-wide ban.

The meeting adjourned at 11:20 pm.

## GROTON BOARD OF HEALTH

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Dr. Susan Horowitz, Chairman

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Matthew Waterman

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Robert Hanninen

Respectfully Submitted,  
Debra A. Butcher