

TOWN OF GROTON

Groton Board of Health

173 Main Street

Groton, MA 01450

(978) 448-1120

FAX: 978-448-1130

e-mail: dbutcher@ci.groton.ma.us

Special Session Meeting Minutes

Surrenden Farm

Tuesday, August 3, 2004

Town Hall, Groton, Massachusetts

Board of Health Members Present:

Dr. Susan Horowitz, Chairman; Matthew Waterman, Dr. Robert Hanninen

Others Present:

Debra Butcher

Meeting Called to Order:

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

Permits Signed/Approved:

*15 Windmill Hill Road; Karen & William Murphy

*Martins Pond Road; Lot 5; B Squared Corp.

*48 Schoolhouse Road; Delmer Woodward

Bills Signed/Approved:

*BFI-\$336.85

*Groton Electric Light-\$50.93

*Groton Electric Light-\$7.19

*Groton Electric Light-\$24.85

*ApparelMaster-\$77.28

*Belmont Springs-\$28.34

*Advanced Security Systems-\$18.33

*Casey & Dupuis-\$252.78

*W.B. Mason-\$60.14

*Moison Ace Hardware-\$104.30

Surrenden Farm Present: See attached.

The hearing was recorded by a stenographer hired by the applicant for Surrenden Farm.

Dr. Horowitz opened the meeting by stating that the only agenda item to be discussed is to consider the single family development area of the proposed Surrenden Farm land.

Dr. Horowitz requested that attendees sign the "attendance sheet" and to state their names clearly for the record.

Attorney Donald Cooper provided a proposed meeting agenda for discussion (attached). Mr. Cooper stated that his client received the town's report, generated by GeoInsight and Dr. Susan Sundstrom, on the arsenic impacts and response to the metal sampling data today (8/4/04) through Attorney Ray Lyons' office. He requested that the Board allow him at least two weeks to review the data and to respond in writing. The Board agreed.

Dr. Horowitz stated that on July 12, 2004, the Board of Health voted 2-1 to support their proposed sampling plan for the western open space and roadway. She stated that the town's consultants would not be in attendance and that the vote was contingent upon theirs and Town Counsel's review and approval of the plan. Dr. Horowitz stated that after the Town's consultants reviewed the plan, they did not concur with the sampling plan.

In recapping their presentations of July 12, 2004, both Drs. Shatkin and Stephenson discussed the levels of arsenic contamination found on the site and its effects on human health. Dr. Shatkin felt that the arsenic health-based standard could be as high as 30ppm without harm to human health. Dr. Shatkin stated that there was no evidence of migration from the soil closer to the surface and she concluded that traces of arsenic at the deeper levels were naturally occurring, therefore, its removal should not be the responsibility of her client.

When asked to respond to the latest report from GeoInsight and Dr. Sundstrom, Dr. Shatkin requested additional time to respond in writing.

Kevin Trainer of GeoInsight gave a powerpoint presentation evaluating the human health risks associated with the historical use of pesticide applications in soil and their response to the metals sampling data. He stated that their report evaluated the naturally occurring materials and background concentrations of arsenic and how they derived the human health risk based standard for arsenic to be 20 mg/kg or 20 parts per million (ppm).

He stated that it was their recommendation that the Board set the standard at 20 ppm as the remedial standard for residential development. Mr. Trainer stated that even if the arsenic was a "naturally occurring" risk, it would need to be a concern of the Board. Mr. Trainer concluded his presentation by reporting that the soil at the site be removed up to a depth of three feet and that the harmful soil be removed from the site.

GeoInsight consultant Richard Wozmak stated that there wasn't any difference in this situation than if a residence had a radon problem. He stated that the Board must make the owner remediate the problem.

Dr. Susan Sundstrom stated that the recommendation was due to the possibility that exposure by residents to the soils below the surface could present harmful, long term health effects on humans.

Discussion continued regarding the degree of parts per million of arsenic detected in the soils and at what level it would be harmful. The applicant's consultants felt that the number presented by the town's consultants were not accurate.

Chairman Horowitz said that the Board of Health needed to establish a town-wide health-based standard and that she supported Dr. Sundstrom's recommendation that if data showed contaminated soils were over 20 ppm, the soils would need remediation for residential use.

Attorney Cooper stated that the Board of Health was holding his client to a higher standard than they held others to. He stated that there were over 350 existing homes in Groton that are situated on old apple orchards describing properties on Blossom Lane, Fertiledale Drive, Gratuity Road and Smith Street farm who have homes built on

farmland.

Attorney Cooper specifically cited a recent septic system hearing for a former Board of Health member for property at 59 Blossom Lane where the Board gave preliminary approval for an upgrade. He questioned why the Board of Health failed to require soil testing for arsenic on his property. Attorney Cooper stated that the Board was "engaging in arbitrary applications of standards" where there is a known high concentration of arsenic present in the soils. He stated that the Board was setting an unfair precedent for his client and asked that the Board apply decisions with more uniformity.

Discussion continued regarding a health based standard on whether it was 20ppm or 22.4ppm. Member Matthew Waterman suggested splitting the difference between what the Board of Health's consultant's position of 20 ppm and the rate of 22.4ppm which the applicant's consultant's were proposing. Chairman Horowitz stated that it should be the position of the Board of Health to set the standard and to accept their consultant's rate. She stated that the Board should only be concerned for the people who are going to eventually live on this land.

Based on scientific background, Dr. Sundstrom concluded that anything higher than "20ppm was an unacceptable health standard and a risk to human health".

Chairman Horowitz asked whether the Board was prepared to make their recommendation. Robert Orsi, attorney for the Campbell Trust, requested that the Board allow the Surrenden Farm team sufficient time to review the Town's report.

David Doneski, Kopelman & Paige attorney for the Town, concurred with Attorney Orsi and advised the Board to allow the applicant additional time for review.

Due to vacation conflicts with the applicants' consultants, the Board of Health and the Surrenden Farm team agreed to continue the meeting to Tuesday, September 14, 2004.

Special Session Minutes

August 3, 2004

Page 4

The meeting adjourned at 10:30pm.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz
Chairman

Matthew Waterman

Dr. Robert Hanninen

Respectfully Submitted,
Debra Butcher