

TOWN OF GROTON

Groton Board of Health
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MEETING MINUTES August 23, 2004 Town Hall, Groton, Massachusetts

Board of Health Members Present:

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

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

The regular session minutes of June 28, 2004 and July 12, 2004 were approved as amended. The Special Session minutes of August 3, 2004 were tabled.

Permits Approved/Signed:

- *59 Blossom Lane; Judith Baker
- *446 Boston Road; Dr. Lydia McClure
- *133 Nashua Road; Michael Kerkman

Bills Approved/Signed:

- *Airgas-#23.26
- *Ayer Auto Parts-\$472.84
- *Buckley Energy-\$165.29
- *Buckley Energy-\$990.61
- *CTC Communications (SW)-\$35.36
- *Dunn Battery-\$24.95
- *Covanta (July)-\$3902.53
- *Lamarre & Son-\$6071.67
- *Belledue & Co.-\$11.97
- *CTC Communications (BOH)-\$55.92
- *Dr. Susan Sundstrom (invoice # 516)-\$4100.00

August 23,2004 meeting minutes

Page 2

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59 Blossom Lane: Present: Dr. Ralph & Judith Baker, homeowners; William Conley; Atty. Robert Orsi; Board of Assessor Hugh McLaughlin; Steve Webber

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

Dr. Baker stated that the property failed a Title 5 inspection and needed variances waived in order to permit use of the B-horizon and infiltrators granted under the "General Use" guidelines of D.E.P. He requested the following variances to upgrade his system:

310 CMR 15.405 – Reduction of groundwater from 4' required to 3' provided.

Town of Groton's Local Regulation, Section I.A.5 – Reduction of groundwater from 5' required to 3' provided.

Dr. Baker stated that the reason for the variances was to limit the height of the system and the amount of fill needed to construct the system. He stated that space was available for the replacement system, but would be tight due to the proximity of the property line. He said that by reducing the elevation of the bottom of the soil absorption system to three feet, it would minimize the extension of fill needed. Dr. Baker stated that the property was served by town water.

Health Agent Ben Cutone stated that a B-horizon is authorized for upgrades with no special variances needed from the Board of Health.

Discussion continued regarding the maintenance of the tank. Dr. Baker stated that the tank would be maintained like any other installed with a traditional system. Member Waterman questioned the need for the B-horizon layer policy when there seemed to be sufficient material present. Dr. Baker stated it would disturb the soil less and clean sand would be brought in.

Attorney Robert Orsi, representing the Campbell Trust, stated that he had no objection to the approval of Dr. Baker's variance request, but questioned if the Board would apply the same standard for soil testing for arsenic to depths of 3 feet as required of the applicant for Surrenden Farm. He stated that the Board should require any soil removed be taken to a licensed facility and that a deed notification be recorded for future owners.

Dr. Horowitz stated that she spoke with Town Counsel and it was his opinion that this property, and others located in that area, were in compliance with the State and local regulations at the time of its construction. She stated there

August 23, 2004 meeting minutes

Page 3

were no regulations in place at that time to address issues at those properties. She said that in January of 2004, the Board of Health adopted a policy to require that all new applications for development submit a history of the land use. She said that the Surrenden Farm project falls under that requirement. Dr. Horowitz stated that the 350 houses were grandfathered under a state statute and referenced statute no. 260.

Attorney Orsi stated that the Board of Health has "broad police powers" and has the authority to take action on each application. He stated that if 20 ppm was the risk-based standard for human health that the Board of Health uses for residential development, it should be applied

to all properties.

Member Robert Hanninen stated that when the 1978 Lead laws were changed, residents didn't need to immediately clean up their properties right away. It was a gradual phase in the remediation process. He felt that this issue was similar to the current situation with those existing properties.

Member Hanninen asked Dr. Baker if he was going to notify the new owners of the situation with the previous land use and if there would be any removal of the soil. Dr. Baker stated that there would be no need to remove soil from the site. He said the old tank would be the only item to be removed. He said that the design plan calls for the top soil to be stripped off the area and stockpiled and put back prior to seeding. He said that the risk of erosion and sedimentation would be brief. Dr. Baker stated that the site would be spread with hay/straw to provide temporary stabilization. He assured the Board that he would notify the future buyers about the former orchard activity.

The Board had no further comments.

Motion: Member Matthew Waterman made a motion to grant (2) variances requested in Dr. Baker's letter dated July 9, 2004 subject to the condition that the permit states that no expansion of the square footage or the existing building or design flow is allowed. Member Robert Hanninen added to the motion and stated that the condition should include the following:

- 1. During construction, no material should be taken off the site;*
- 2. a silt fence should be installed to stabilize the site during construction;*
- 3. the site should be further stabilized with mulch or hydroseeding;*
- 4. the new owners should be notified of the long term arsenic contamination present.*

The motion was seconded and approved unanimously.

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August 23, 2004 meeting minutes
Page 4

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Corner of Nashua Road/Longley Road, Assessors 226/63: Present: James Casella

The meeting was continued from July 26, 2004. Mr. Casella stated that he contacted the Water Department for an extension of town water. The water department provided a memo to the Board stating that the water main was currently over a mile from this location with no plans of extending it.

Mr. Casella requested variances to build an affordable home on this site. The following variances were requested:

Town of Groton's Well Regulations – Section VI: Well Location

Offset to street- 75 feet required; *less than 75 feet provided to both Longley Road and Nashua Road.*

Town of Groton's Septic Regulations – Section I.E.7

Minimum of twenty (20) feet must be available between any property line and the entire exterior perimeter of any proposed leach areas; *less than 20 feet provided.*

The Board expressed concern of potential contamination of the well from road salt. Dr. Horowitz recommended that the applicant connect to town water.

The Board made other suggestions that should be explored by the applicant including pursuing a reverse osmosis treatment prior to a contamination issue. The applicant agreed to explore other options and will notify abutters of a new date and time for public discussion. The Board took no action.

OTHER BUSINESS

Transfer Station – Transfer Station Supervisor Bruce Dubey requested permission from the Board to relocate his composting pile to the Transfer Station (near the Paint Shed) so it could be monitored closely. He stated that it is currently near the Highway Department and improper material is often being disposed into it. Dr. Horowitz questioned whether the Conservation Commission needed to be contacted. Mr. Dubey stated "no". Dr. Horowitz questioned whether it would create an odor problem. Mr. Dubey stated that odor would only occur when it is turned over, however, there are times now that the Transfer Station creates an odor from trash. The Board had no objection to the request.

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August 23, 2004 meeting minutes
Page 5

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Squannacook Hills – Comments for Zoning Board of Appeals

Member Matthew Waterman recused himself from discussion as his employer is the engineer of record.

Health Agent Ben Cutone stated that his only comment would that there have been no septic system plans submitted. He said that the site was served by West Groton water. Dr. Horowitz requested that the applicant provide a history of the previous land use.

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Steve Webber – Mr. Webber requested guidance from the Board on property he purchased at 40 Hemlock Park Road. He stated that it was his plan to demolish the existing dwelling and rebuild a new home maintaining a four bedroom design and replace the septic system. He questioned what the Board would require to rebuild because he understood that the Board was now requiring that the land is tested for contaminants. He said that he didn't want to demolish the house and not be able to rebuild because there may be issues with the soils. Dr. Horowitz stated there would not be an issue to replace it and to contact the Building Inspector.

September Board of Health meetings - The Board of Health discussed its September meeting schedule and agreed on the following dates: Tuesday, September 14, 2004 & Monday, September 27, 2004.

Surrenden Farm – Dr. Horowitz would like to have a discussion on the 350+ properties that

the team from Surrenden Farm referred to during their August 3, 2004 meeting. She asked if this could be conducted in "Executive Session". Board of Health Administrator stated that it could not because it does not meet the criteria for convening Executive Session.

The meeting adjourned at 9:30pm.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz, Chairman

Matthew Waterman

Robert Hanninen

Respectfully Submitted,
Debra A. Butcher