

TOWN OF GROTON

Groton Board of Health
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MEETING MINUTES September 27, 2004 Town Hall, Groton, Massachusetts

Board of Health Members Present:

Susan Horowitz, Chairman; Robert Hanninen

Others Present:

Debra Butcher; Ben Cutone, R.S. (arrived at 8:10pm)

Meeting Called to Order:

Chairman Horowitz called the meeting to order at 7:00pm.

Minutes:

The Special Session minutes of August 3, 2004 were approved as written. The regular session minutes of August 23, 2004 were amended.

Septic Permits Approved/Signed:

- *647 Martins Pond Road (Lot 2); Joseph Sgrosso (Renewal)
- *47 Old Orchard Street; Ken MacLeod

Septic Permit(s) Not Approved:

- *Worthen Drive, Lot 5; D.P. (Mickey) Higgins (Transfer/Renewal) – The Board of Health requests historical use of land prior to approval of permit.

Bills Approved/Signed:

- *GeoInsight-\$1544.40
- *Dr. Susan Sundstrom-\$5800.00
- *CCP Industries-\$106.71
- *UMass Memorial-\$1625.00
- *East Coast Electronics-\$585.00
- *CTC Communications (Solid Waste)-\$32.07
- *CTC Communications (BOH)-\$61.80
- *Buckley Energy-\$141.96

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Surrenden Farm: Present: Atty. Donald Cooper; Atty. Ray Lyons; William Conley

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

Chairman Horowitz stated that discussions among the town's attorney, the applicant's attorney and Paul Locke from the Department of Environmental Protection began and that D.E.P. has agreed to act as an intermediary between the Town of Groton and Surrenden Farm representatives. Chairman Horowitz felt that this would assist in getting over the "impasse" to move forward in the decision process. A draft copy of the "Text of Vote" was submitted to the record containing three paragraphs for the Board to vote on (attached).

Member Hanninen felt strongly that the D.E.P. shouldn't be the final arbitrators of what decisions the Board of Health is required to make and felt that paragraph # 3 took away the Board's local control and decision making. He felt that the consultants for both sides were close in their technical review and should ultimately come to an agreement. He felt that the consultants were having a problem with the testing assessment. Member Hanninen stated that he reviewed all the technical data located in the Board of Health office. He said that after his review of the data, he felt that 20ppm and 22.4 ppm were statistically the same number.

Dr. Horowitz said that the Board of Health should proceed in having the D.E.P. mediate the process because the Board needs the D.E.P. to help deal with the health based risks associated with this site. She said that both parties have agreed to use the Massachusetts Contingency Plan Method 3 to reach conclusions and that the Board should vote to adopt paragraph # 3.

Member Hanninen felt that the Board should make the final determination and not the D.E.P. Chairman Horowitz responded and said that the Board would be making the final vote, however, the Board should take D.E.P.'s lead in making that vote and the MCP is how the Board will make their decision.

Member Hanninen stated that he didn't have a problem adopting paragraphs 1 & 2, only paragraph # 3 as written. Dr. Horowitz felt that paragraph # 3 was a conclusion of both paragraphs 1 & 2 which will be used as guidance. She asked Attorney Doneski if she was correct in her assessment.

Attorney Doneski stated that when the Board of Health makes its final determination, the Board of Health should adopt the D.E.P.'s position.

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Dr. Horowitz questioned what Newbury Street Development's position is if the Board of Health didn't adopt paragraph # 3 as written. Attorney Cooper felt that it would be undesirable for his client to change the language.

Discussion continued regarding the language in paragraph # 3. Dr. Horowitz felt that it was important for all parties to come to an agreement on the language. She recommended that the attorneys meet to rewrite paragraph # 3 and come back before the Board. The Board took no action.

Moose Trail, Parcel 130/48: Present: Attorney Howard Hall, Denise Johnson, Dan Wolfe, Tom Wilson

On behalf of his client, Ms. Johnson, Attorney Hall presented a sewage disposal engineering plan for this site. He requested the following variance approval:

Town of Groton's Sewage Regulations

Section I.E.9 - Minimum of 15 feet must be available between the edge of a soil absorption system and an adjacent side slope, measured from the top of the peastone elevation in the soil absorption system. The finished side slope is not to be steeper than 3:1 (horizontal-vertical). Walls and impervious barriers are not allowed to adjust the side slope requirement and offset. ***Proposal for a retaining barrier.***

Attorney Hall stated that the variance was necessary to allow for the design and construction of the septic system and given the proximity of the wetlands, distance to roads and required setbacks, the placement of the system was the only available option. He stated that the required 3:1 slope could not be maintained and requested that the Board allow a retaining barrier. He stated that this property was new construction with the intent to build a three bedroom home.

Chairman Horowitz asked for comments from Health Agent Ben Cutone. Mr. Cutone stated that the barrier would be completely below grade and was in full compliance with Title 5. He stated that this property was on the Board's agenda last year, however, the request was denied because the applicant failed to appear at the meeting.

Chairman Horowitz stated that the proposed barrier was for the reserve area and was a different plan. She stated that she was not happy granting variances to new construction and didn't like this site. She would like to conduct a site visit and have the engineer lay out the design before making a

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decision. Mr. Cutone will schedule the site visit. The Board voted to continue the hearing to October 4, 2004.

Mill Run Place: Present: Robert Walker

Mr. Walker requested an interpretation of the Board of Health's Well Regulations in regards to irrigation wells. He requested approval to install an irrigation well within 75 feet of a parking lot and drive. He stated that the well would be used for irrigation purposes only and would be an artisan well.

Health Agent Ben Cutone stated that because there was no definition provided for a public or private way, he felt it would be best for Mr. Walker to get an interpretation from the Board. He said that if the Board votes to approve this, he would draft a permit for an irrigation well only.

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Discussion continued regarding possible contamination issues from road sand and salt. The Board asked that the applicant construct a well into the bedrock to prevent any contamination. Dr. Horowitz asked that the applicant have a water test because of its close proximity to the Conductorlab site.

The Board had no other issues. Chairman Horowitz made a motion to approve an irrigation well for Ryan Development with the following conditions:

1. 6" well casing will be extended for an additional 40 feet into competent bedrock. This will ensure that any fractures on the surface of the bedrock will be sealed off.
2. The casing will be grouted in place by the use of a bentonite mixture. This will provide extra protection on the seal at the drive shoe.
3. The seal at the drive shoe (on bottom of casing) will be tested by air before the drilling of the hole commences.
4. A water test must be performed immediately after the installation of the well and should consist of: Groton's standard water test with VOC's under E.P.A. method 524 standards with heavy metals.

The motion was seconded by Member Hanninen and approved.

Corner of Longley Road/Nashua Road: Present: James Casella; attached attendance sheet

The hearing was continued from August 23, 2004. He requested an informal decision from the Board prior to obtaining engineering designs. The proposal was for a low income 2 bedroom dwelling.

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Mr. Casella stated that he sent out abutters' notices concerning the lot and investigated different options for water treatment to serve this lot, such as reverse osmosis. The Board of Health listened to several of the abutters' who stated that they were against any construction on this lot due to traffic safety issues and potential for water contamination and runoff and requested that the Board deny any variances to construct the well.

Dr. Horowitz stated that this was why she insisted that the neighbors be notified so input from them could be recorded in the record. She thanked them for attending. She stated that construction would be feasible if the lot was served by town water.

After a brief discussion and further input against the project from the abutters' the Board stated that they would be inclined to deny a formal request. Mr. Casella stated that he would discuss this with the property owner for a determination on whether to pursue a formal well variance.

William Shute – Emergency Management

Mr. Shute came before the Board to update them on his emergency management training with new computer software. He stated that the meeting was "purely" informational and felt his training was beneficial as the town's representative. He discussed the types of software which included syndromic surveillance and other means for effective emergency

communications. He stated that the Nashoba Boards of Health was beginning to coordinate plans with the town for drills and other practices necessary for any town outbreaks or bio-terrorism situations.

OTHER BUSINESS

Shaw's Supermarkets – The Board of Health learned about the possibility of contaminated soils being brought into town from Fort Devens in Ayer for use as fill for the supermarket. The Board requested that Health Agent Ben Cutone make frequent inspections of the soils prior to transporting it to Groton. They asked that the soils be separated from any area of fill that is potentially contaminated and to keep a record of every truckload that leaves the site at Devens and comes to Groton. They asked that the records be kept on the job site and the Board of Health office. The Board recommended that random testing be conducted on the transported materials and for Ben Cutone to send the project engineer a letter of the Board's requirement. Member Hanninen made a motion to accept these conditions. The motion was seconded and approved.

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Academy Hill Special Permit modification - Comments to Planning Board

The Board of Health has not yet received sewage disposal system engineering plans for this project. A sewage disposal system with a proposed flow of 10,000 gallons/day or more must be reviewed and approved by the D.E.P. per Title 5. The Board requests a written historical use of this site prior to any construction.

Comprehensive Permit for 32 Jenkins Road – Comments to Board of Selectmen

The Board of Health has not yet received sewage disposal system engineering plans for this project. The Board requests a written historical use of this site prior to any construction.

Groton Gardens – Comments to the Zoning Board of Appeals

It is the Board of Health's understanding that this project shall be served by town water and sewer. The Board requested a written historical use of this site prior to any construction.

The meeting adjourned at 10:15pm.

GROTON BOARD OF HEALTH

Dr. Susan Horowitz
Chairman

Matthew Waterman

Robert Hanninen

Respectfully Submitted,
Debra A. Butcher