

**TOWN OF GROTON  
Groton Board of Health  
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**MEEING MINUTES  
August 15, 2005  
Town Hall, Groton, Massachusetts**

**Board of Health Members Present:**

**Robert Hanninen, Chairman; Dr. Susan Horowitz; Jason Weber**

**Others Present:**

**Debra Butcher; Ben Cutone, R.S.**

**Meeting Called to Order:**

**Chairman Hanninen called the meeting to order at 7:33pm.**

**Minutes:**

**The regular session minutes of July 18, 2005 and August 1, 2005 were tabled.**

**Septic Permits Approved/Signed:**

**\*960 Lowell Road; Lot 1; Millstone Hill Realty Trust  
\*960 Lowell Road; Lot 2; Millstone Hill Realty Trust  
\*960 Lowell Road; Lot 3; Millstone Hill Realty Trust  
\*785 Boston Road (a.k.a. 3 Forge Village Road); Samantha Realty Trust  
\*56 Old Orchard Street; Richard Chalmers  
\*255 Pepperell Road; Ted & Michele Kosciak  
\*1 Lost Lake Drive; Unit B; Chris Tofte  
\*1 Lost Lake Drive; Unit A; Chris Tofte  
\*152 Gay Road; Ozzie Fihlo  
\*486 Townsend Road; James McPherson  
\*137 Maple Avenue; George Hayes**

**Bills Signed/Approved:**

**\*Ayer Auto Parts- \$177.76  
\*Belledeu & Co.- \$11.97  
\*Bechard Tire Company- \$324.00  
\*Covanta- \$5569.10  
\*Fleet Pride- \$24.15  
\*Lamarre & Son- \$4854.96  
\*Advance Security Systems- \$18.33  
\*Moison Ace Hardware- \$94.70  
\*Airgas- \$24.50  
\*Fleet Pride- \$751.24  
\*ApparelMaster- \$77.28**

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**Al Streibel, 100 Paquawket Path:** Mr. Streibel was not in attendance.

The Board of Health received a letter from Mr. Streibel expressing concern about poor drainage in the area and mosquito problems.

Member Susan Horowitz stated that the Board of Health sponsored an article at Town Meeting in 2001 to rejoin the Central Massachusetts Mosquito Agency to obtain funding for mosquito spraying. She said that after further research, she changed her position about spraying because she felt that it would be a waste of money. Member Horowitz stated that the Conservation Commission didn't support brush cutting as well.

Debra Butcher reported that she contacted the Central Massachusetts Mosquito Agency and received a preliminary quote of \$62K to rejoin.

The Board voted unanimously to send Mr. Streibel a letter informing him of the cost to rejoin. The Board also requested that Health Agent Ben Cutone research information on entomology laboratories to try to test our own mosquito pools.

The Board took no further action.

**10 Nate Nutting Road:** Present: David & Cynthia Royal, owners; (attached)

David & Cynthia Royal were present requesting a well variance in order to relocate their well. The following variance was requested:

**Section IV: Well Location and Use Requirements**

**Public or Private Way, Common Drive, Roadway Easement**

*75 feet required; 49 feet provided.*

Mr. Royal provided abutter notifications for the record.

Mr. Royal stated that their home was currently a non-conforming structure and was located approximately 47 feet from Nate Nutting Road and approximately 45 feet from the side lot line. He said that they are currently putting on a new addition and the well needed to be relocated to the front yard, closer to the setback area.

The Board of Health received a letter from Attorney Russell Mann representing Heidi Fenstermacher, abutter to the applicant. Chairman Hanninen read the letter into the record.

After a brief discussion on possible well locations and construction requirements, Member Jason Weber made a motion to accept the variance with the following conditions:

1. The well shall be at least 50 feet from the property line.
2. The well shall be at least 100 feet from the septic system.
3. The well shall be constructed using a heavy duty casing and seal.
4. Connection to town water shall be required when available.

The motion carried unanimously.

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**Underground Storage Tanks, Town of Groton Code 280: Present: Chief Joseph Bosselait**

**The Board of Health requested that they maintain participation in the review for all applications for underground storage tanks during the permitting process.**

**The Board voted to conduct a public hearing amending the current Code. Health Agent Ben Cutone will prepare language for the Board to consider at the public hearing.**

**Surrenden Farm: Present: See attached.**

**Chairman Hanninen opened the meeting by stating that the major issue would be to hear Paul Locke from the Department of Environmental Protection clarify his response to questions submitted from consultants of the applicant and the Town. Formal introductions from both the applicant and the Town followed.**

**Attorney Donald Cooper stated that both the applicant and the Town were interested in knowing how the Massachusetts Contingency Plan would deal with the risk that has been discovered from arsenic on the proposed development site.**

**Attorney Cooper said that during discussions between the Board's consultants and the applicant's consultants, both sides indicated that they were addressing the issues the same way under the Massachusetts Contingency Plan but were presenting different versions on how things would get done. He stated that after "agreed-to" questions were proposed to Mr. Locke, disagreements still existed on four of the questions. Mr. Cooper stated that the purpose of the meeting with Mr. Locke was to get explanations to how the MCP works in this situation and how the DEP would apply it.**

**Mr. Locke introduced himself and stated that he was currently the acting Division Director for Policy and Program Development for the Bureau of Waste Site Cleanup. He stated that prior to this position, he was in the Office of Research and Standards which conducted risk assessments. He said that he was part of the team that wrote the risk assessment guidelines that have been discussed as part of the questions provided.**

**Mr. Locke stated that the way regulations are set up is by performance standards and unfortunately, the end result is that people come to different conclusions when given the same set of regulations and goals. He said he wasn't surprised that both sets of consultants had differing opinions and conclusions in this project.**

**Mr. Locke provided his explanation to the question concerning current vs. future residential exposure. He stated that in the end, it would be a common-sense approach to make sure the development was safe and protective for whoever would be living there.**

**Discussion continued regarding the current vs. future scenario and lifetime exposures and cancer risks in the soils. Mr. Locke referenced another project currently before the DEP with a park in Cambridge that contained a variety of urban-filled materials. He stated that the DEP is requiring different things in different areas depending upon the exposure levels and the applicant is required to bring in clean loam in those areas that's acceptable for growing anything. Mr. Locke stated that because the park is a public agency, they would be required to keep the site safe for digging and to look at 0 to 3 foot depth as being current exposures and then the future exposures.**

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**Dr. Horowitz stated that bringing in topsoil only dilutes the site. Mr. Locke stated that in some cases, dilution ends up being the solution. Mr. Locke stated that he wasn't advocating diluting the**

site, however, regulatory programs include it.

Discussion continued regarding average concentrations. Kevin Trainer of GeoInsight spoke to qualify the idea that the top foot needed to reach a condition of “no significant risk because of residential exposure. He stated that both Dr. Sundstrom and himself had serious concerns about averaging clean soil in with the impacted soil at the site. He stated that it was his position that this did not fall into the standard practice at most sites and it was consistent with the MCP. Mr. Trainer said that clean soil that is brought in is not usually averaged in.

Discussion continued regarding activity and use limitations and deed notifications. Mr. Locke stated that for residential properties where there is surficial soil to three feet, you cannot use an activity and use limitation on exposed soil down to three feet. Dr. Horowitz questioned whether a deed notification should be used. Mr. Locke stated “no” because the assumption is that if someone was living at the site, digging was going to occur and nothing was going to prevent that. Mr. Locke stated that is why the DEP requires for residential use that when there is exposed dirt, a risk assessment is required for a residential scenario for the soil of zero to three feet.

Dr. Horowitz questioned whether people buying these properties could be told that they are living on an ex- orchard site that’s been remediated. Mr. Locke stated that they could and that anybody could put a deed notice on their property informing people of what it previously was. He said that you couldn’t restrict the exposure in order to achieve a level of “no significant risk”. Dr. Horowitz stated that she wanted to be able to protect people by letting them know what they’re buying. Mr. Locke stated that this was an acceptable use of AUL’s if done purely voluntarily.

Mr. Locke addressed question no. 3 which dealt with pesticides below a depth of three feet. Mr. Locke stated that the DEP is bound by the concept of no significant risk, but stated that risk is very subjective. He said that nobody ever talks about “zero” risk situations because the only way that can be achieved is by eliminating exposure in its entirety. He said that it’s a comfort level by taking into account what background is, whether it’s for arsenic or rabies.

Mr. Locke stated that when he was reviewing the numbers for this project, they were coming out very close together, at approximately 20ppm value. He understood that this is probably where the tensions existed because the numbers were close, whether the levels were pesticide related or background related. He stated that the MCP is often written to provide flexibility to strike a balance in the decision process.

Member Horowitz questioned Mr. Locke about his conversation with Dr. Sundstrom last year and when he indicated that the Town should be looking at health- based risk (20ppm). She asked where did that fall into a no significant risk scenario.

Mr. Locke stated that it was outside of the context of the MCP so the pesticide exclusion didn’t count, however, it is the Board’s interpretation of the health risk. The 20ppm is just a benchmark and the Board of Health has the ability to require more or less stringent

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requirements. He said that the “standard as proposed last year, and I believe is still proposed, is 20 for arsenic”.

### **Health Agent Update**

**366 Lost Lake Drive** – Health Agent Ben Cutone conducted a drive- by of the property and noted that some cars have been removed from the site, however, the mass majority of refuse has not

decreased. Mr. Cutone stated that he spoke with Mr. Johnson and informed the Board that it was very difficult for Mr. Johnson to part with refuse items due to internal conflicts he possesses. He assured the Board that he would keep an eye on the property and provide updates.

Other Business

- Peterborough Oil, Boston Road (Mr. Mike’s Mobile) – Site Plan Review

The Board voted unanimously to send the following comments:

- 1. The Board of Health recommends that any underground storage tanks be inspected prior to any construction.
- 2. The Board of Health recommends that the Planning Board review the storm water management plan.

Local Emergency Planning Commission

Dr. Horowitz requested that Bill Shute be contacted on when the next meeting was planned. She said it has been a while since the last meeting.

The meeting adjourned at 10:50pm.

GROTON BOARD OF HEALTH

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Robert Hanninen	Dr. Susan Horowitz	Jason Weber
Chairman		

Respectfully Submitted,  
Debra A. Butcher