

**TOWN OF GROTON
Groton Board of Health
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**MEETING MINUTES
September 19, 2005
Town Hall, Groton, Massachusetts**

Board of Health Members Present:

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

Others Present:

Ben Cutone, R.S.; Debra Butcher

Meeting Called to Order:

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

Minutes:

The Board took no action.

Septic Permits Approved/Signed:

- *44 Kemp Street; Jack & Debra Fleischman
- *40 Park Drive; Marc Smith
- *28 Whitewood Road; John Keane
- *409 Pepperell Road; Valerie & Frank Jenkins
- *Whiley Road; Lot 3B; Robert Lacombe
- *Whiley Road; Lot 4B; Robert Lacombe
- *Whiley Road; Lot 5B; Robert Lacombe
- *69 Painted Post Road; Dan Cedrone
- *293 Chicopee Row; Paul Routhier

Bills Approved/Signed:

- *Airgas-\$24.50
- *NE Baling Wire-\$666.06
- *Verizon (SW)-\$17.66
- *Covanta-\$6024.80
- *Lamarre & Son-\$4644.09
- *Shattuck Printing-\$49.00
- *Verizon (BOH)-\$35.26
- *Nashoba Boards of Health-\$5738.75
- *Clean Harbors-\$4800.00

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27 Windmill Hill Road: Present: Michael Crounse, Goldsmith, Prest & Ringwall, attached abutters' list.

Mr. Crounse stated that a failed Title 5 was conducted in January 2005 and a 3 bedroom upgrade was proposed for this site. He said that the site was approximately one-half to two-thirds wooded with a topography that sloped towards the center of the backyard. He said that testing was conducted in June with groundwater witnessed at 8 inches and the system designed was pressure dosed. Mr. Crounse stated that the site was narrow and that due to the site conditions and high ground water, the design of the proposed septic system required variances.

Town of Groton's Local Regulations

Section I.A.1 - Two (2) groundwater observation holes and two (2) percolation tests must be performed on each lot. *One groundwater observation hole and no percolation test conducted.*

Section I.A.2 - Deep observation holes performed during the months of March and April. Holes performed in months other than March and April will be limited to Class II and Class III soils. *Deep observation holes performed in June with Class I soils.*

Section I.A.5 - Five feet of pervious material between bottom of leaching facility and the ground water elevation. *Four feet provided.*

Section I.C.5 - Area between trenches shall not be used for future expansion of the system. *Expansion trench located between primary trenches.*

Section I.E.3 - Minimum of ten feet must be available between the primary and expansion leaching facilities. *Expansion trenches located between primary trenches.*

Title 5

310CMR15.104(4) - Two (2) percolation tests shall be performed at the proposed disposal area. *Percolation rate determined by Title 5 alternative to percolation testing policy for system upgrades.*

Chairman Hanninen requested comments from Health Agent Ben Cutone. Mr. Cutone stated that the site was an extremely wet site especially during the spring. He stated that the applicant proposed a sieve analysis because the soil was too wet to perform a traditional percolation test. He said that the proposed design allowed for better breakdown of materials because it increases the surface area.

Member Weber questioned whether a tight tank would be an appropriate solution for this site. Mr. Cutone stated that the Department of Environmental Protection would never approve a tight tank because the engineer has demonstrated a design proving that the soils would accept effluent.

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Member Horowitz requested that the dwelling never become any larger than it is currently. Discussion continued regarding surface water runoff and drainage. Abutters present for the discussion expressed concern about surface water runoff and questioned the possibility of providing a drainage swale to improve water flow.

Abutter Michelle Collette stated that she supported the design because groundwater was high in the area and properties on Windmill Hill were very wet. She encouraged the Board to look at an increased level of treatment for this site to protect the groundwater.

The Board requested a site walk. Member Horowitz made a motion to continue the hearing to October 3, 2005 at 8pm. The motion carried unanimously.

28 Whitewood Road: Present: Dan Wolfe, Ross Associates; John & Marylou Keane, owners; Beth Montgomery, abutter

For the record, Dr. Horowitz stated that the Keane's were clients of hers.

Mr. Wolfe stated that the property was for sale and has a failing Title 5 performed in May 2005. He said the property was in the Lost Lake area with limited area to work with for a replacement system. Mr. Wolfe stated that there was an existing cesspool in hydraulic failure on the property and town water was being proposed. He said the proposed design was a vast improvement over what existed.

Mr. Wolfe requested the following variances:

Local Upgrade Approval – Title 5

15.405(1)a

- Reduction of the required offset from a property line to the leaching area from 10 feet to 2 feet.
- Reduction of the required offset from a property line to the septic tank from 10 feet to 3 feet.
- Reduction of the required offset from a foundation to a leaching area from 20 feet to 10 feet.
- Reduction of the required offset from a foundation to the septic tank from 10 feet to 8 feet.

15.405(1)e

- Reduction in the required 100 foot offset from an existing well to the leaching area. A 90-foot offset is provided to the abutters' well and an 85-foot offset is provided to the locus well.

Town of Groton's Local Regulations

Section I.A.2 - Deep observation holes shall be performed during the

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Section I.E.6 - months of March and April. *Testing performed on June 29, 2005.*
Minimum offset from the leaching area to the road sideline
is 35 feet. *Ten feet provided.*

Section I.E.7 - Minimum offset from the leaching area to the property line
is 20 feet. *Two feet provided.*

Health Agent Ben Cutone agreed with Mr. Wolfe. He stated that he had no objections with the proposed variances because he felt they would be more protective of public health.

Member Horowitz questioned whether any barrier protection could be provided to protect neighboring homes. Mr. Wolfe suggested that his client could provide a barrier lining the areas within a 100 foot radius of nearby wells.

Member Weber questioned whether there was a superior alternative available. Mr. Wolfe said "no" because the system as proposed would work well.

Abutter Beth Montgomery expressed concern about her own well. She asked if there was any recourse the Board could provide her if her well became contaminated. Mr. Wolfe assured her that there would be no threat to her well since the failed cesspool was more of a liability to her than what was being proposed.

Member Horowitz suggested that a barrier be placed around Ms. Montgomery's well. She asked about the condition of her well. Ms. Montgomery stated that her well was approximately 300 feet deep. She said that she had her well tested and the "test results came back fine."

Member Horowitz recommended that the house never be allowed to enlarge as a condition of an approval.

Discussion continued around town water availability. Mr. Keane stated that he had his well tested in May and his well tested fine. He stated that he was escrowing funds in order to connect to town water.

Chairman Hanninen felt the proposed design improved the situation in the area. Member Horowitz made a motion to approve the variances with the following conditions:

1. An impervious barrier is placed along the edge of the foundation as well as any locations less than 100 feet from abutting wells.
2. The existing well must be abandoned according the Town of Groton's Well Regulations by obtaining a permit prior to the deconstruction of the well.
3. The dwelling must remain as a two bedroom house.

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Surrenden Farm: Present: See Attached.

Chairman Hanninen opened the hearing by stating that the Board of Health received a copy of the sampling plan from Ambient Engineering and the remediation plan from Dr. Joanne Shatkin of The Cadmus Group. He stated that the Town's consultants have reviewed the reports and have submitted their comments. He outlined a plan on the procedure for the meeting.

Chairman Hanninen recognized Dr. T.J. Stephenson from Ambient Engineering to begin the discussion on the sampling plan. He provided an overview of the entire plan. ***See attached plan entitled "Surrenden Farm Sampling Plan dated August 2005".***

Chairman Hanninen requested comments from members of the Board and audience. Kevin Trainer of GeoInsight stated that he and Dr. Susan Sundstrom agreed with the sampling plan as submitted.

Member Horowitz questioned whether a GPS system would be used for locations and whether GeoInsight would be present during the sampling. Dr. Stephenson said a GPS system would be used and that GeoInsight would be notified of the date/time, however, the sampling plan would continue even if they were not present.

Discussion continued regarding the wetlands area on the eastern side. Chairman Hanninen questioned whether that area was tested. Dr. Stephenson stated that the lots had not been tested and they would not receive any disposal material. Dr. Susan Sundstrom stated that she assumed that both wetland areas were going to be tested. She questioned whether the applicant would evaluate human and environmental risks in trespasser scenarios.

Dr. Joanne Shatkin stated that the reason for sampling the wetlands on the western portion was because those lots were going to be accessible to residents who lived nearby, however, the wetland areas on the eastern portion were not going to be accessible because they would be in private ownership.

Dr. Sundstrom disagreed and felt they were equally as important because trespassers were likely to go on all the land around the wetland areas.

Attorney Donald Cooper felt that an ecological risk assessment was outside the Board's jurisdiction. He said that "they did not want to imply that they would test the wetland".

Chairman Hanninen requested comments from Attorney David Doneski. Mr. Doneski stated that two points existed. He said that since prior discussions included an ecological risk, it was in the Board's discretion to determine the risks before them. He said that he would agree with the applicant that the primary discussions have been in respect to human health but he didn't think that the Board was precluded from hearing comments about another kind of risk.

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Dr. Stephenson summarized the discussion by stating that the applicant would modify their sampling plan to include comments about the high numbers on the eastern portion and they would present a plan to sample the wetlands for human health risk.

Member Weber made a motion to accept the sampling plan proposed and modified. The motion was seconded by Dr. Horowitz. VOTE: Weber-Aye; Horowitz-Aye; Hanninen-Aye. The motion carried unanimously.

Attorney Cooper opened the discussion on the remediation plan. He stated that the remediation plan provided to the Board was a compromise on the applicant's part. He stated that both sets of consultants claimed to follow the Massachusetts Contingency Plan but differed on the results. He said that by compromising, his client agreed to follow the town's consultants' concern that the top foot of soil be less than 20 parts per million, regardless of background. He stated that the Board requested this on the site walk to come up with a workable solution. Attorney Cooper stressed that the Board should apply the same standard to at least every subdivision that came before them as well as to the rest of the Town.

Dr. Joanne Shatkin of The Cadmus Group presented the remediation plan entitled ***"Proposed Remediation Plan for Surrenden Farms' Residential Lots dated September 9, 2005"***. Plan submitted for the record.

She stated that the plan as submitted ensures that future development of Surrenden Farms achieves a condition of "no significant risk" of harm to human health. She stated that it was her goal to remediate the soils that would protect public health. She said that the number "20" was the background concentration of arsenic in the soils at Surrenden Farm and achieved a condition of no significant risk.

Discussion continued regarding the depth of remediation and the background concentrations and when soil needed to be removed.

Dr. Sundstrom stated that her plan provided for better protection for human health and consistent with the MCP. ***See attached "Recommended Remedial Plan – Residential Lots, SFC Common Area, and Unrestricted Areas – Surrenden Farm"***.

Dr. Sundstrom stated that both her and Kevin Trainer of GeoInsight developed a plan that involves the remediation goal of 20 parts per million based on the exposure assumptions that Mr. Paul Locke provided in his responses for direct contact with soil and an acceptable health risk of 1 in 100,000 or 1 times 10 to the minus 5th. She said that the 20 parts per million does not consider the risks that would be due to exposure to home-grown products which she said Mr. Locke provided for. She said

that her plan looked at an average concentration of 20 parts per million and if it didn't meet that, remediation was necessary.

Dr. Sundstrom stated that her plan disagreed with the applicant's because she felt that clean fill should not be taken into consideration in establishing an average concentration.

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Discussion continued concerning the statistical data sets. Member Weber agreed to gather the data sets, evaluate them and aggregate regions. The Board agreed to continue the meeting so Member Weber can gather the information. Member Weber made a motion to continue the hearing until September 26, 2005 at 7:30pm. The motion carried unanimously.

OTHER BUSINESS

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Transfer Station Present: Bruce Dubey

Mr. Dubey requested that the Board vote to support an article at Special Town Meeting for a replacement baler for the Transfer Station. He stated that the existing baler was in disrepair and the proposed new one would be more cost efficient to the Town. He provided an overview of the model he was interested in and how it would increase revenue. Member Horowitz made a motion to support the article. The motion carried unanimously.

HEALTH AGENT UPDATE

366 Lost Lake Drive Present: David Doneski, Esq.

Mr. Cutone stated that "some improvement" has been made on the property. He stated that junk cars have been removed, however, there is still a large amount of metal present. Mr. Cutone stated that it appears that Mr. Johnson is still bringing material onto the site and shuffling around other debris. He reminded the Board that Mr. Johnson's "self-imposed" deadline of September 21, 2005 was close.

Attorney Doneski advised the Board to abide by Mr. Johnson's commitment at this time and inspect the property after the deadline.

The meeting adjourned at 11:30pm.

GROTON BOARD OF HEALTH

Robert Hanninen Chairman	Dr. Susan Horowitz	Jason Weber
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Respectfully Submitted,
Debra A. Butcher

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