

**TOWN OF GROTON
Groton Board of Health
173 Main Street
Groton, MA 01450
(978) 448- 1120**

**Office Hours: Monday – Friday 7am- 3pm
e- mail: dbutcher@ci.groton.ma.us**

**MEETING MINUTES
October 17, 2005
Town Hall, Groton, Massachusetts**

Board of Health Members Present:

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

Others Present:

Debra Butcher; Ben Cutone (arrived at 7:45pm)

Meeting Called to Order:

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

Minutes:

The regular session minutes of September 19, 2005 were tabled.

Septic System Permits Signed/Approved:

None

Bills Signed/Approved:

- *Airgas-\$23.70
- *ApparelMaster-\$96.60
- *Ayer Auto Parts-\$107.14
- *CCP Industries-\$316.75
- *Evans on the Common-\$159.99
- *Global Petroleum-\$318.26
- *Moison's Ace Hardware-\$65.74
- *Moore's Lumber-\$35.67
- *Covanta Haverhill-\$6623.83
- *Lamarre & Son-\$5651.91
- *Belledeu & Co.-\$220.16
- *Groton Herald-\$44.00
- *W.B. Mason-\$32.37
- *Levine Fricke-\$1023.50

7 Hemlock Road Present: Judith Graves, Ross Associates

Ms. Graves requested the following local variances:

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Town of Groton's Local Regulations

Section I.A.2 - Deep observation holes for the determination of groundwater elevations may be performed during the months of March and April. *Testing conducted in June 2005.*

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. *Twenty feet required; 17 feet provided.*

Section I.F.1 - Leach beds and pits will be sized at 150% of Title 5 requirements. *Leach beds sized at 100% of Title 5 requirements.*

Ms. Graves stated that the variances were necessary due to the limited lot size. She stated that the current system was in failure. She stated that the property would be served by town water.

Member Horowitz stated that these conditions were common at the lake. She requested that the well be abandoned according to the Town's regulations when the property is connected to town water. She recommended that the Board condition the permit that the footprint remain the same and the dwelling remain as a three bedroom.

Member Horowitz made a motion to accept the requested variances with the condition noted. The motion carried unanimously.

7 Baby Beach Road Present: Elvis Dhima, Landtech Consultants, Inc.

Mr. Dhima requested approval to construct a 3,000 gallon tight tank due to the site constraints of the property. He stated that the existing dwelling consisted of three bedrooms on a 3,000 square foot lot with close proximity to Lost Lake and with the majority of the lot located within the 50-foot wetlands buffer. Mr. Dhima stated that the dwelling was currently being served by a failed onsite cesspool.

Chairman Hanninen requested comments from Health Agent Ben Cutone. Mr. Cutone stated that the tight tank was necessary due to the fact that the lot cannot accommodate a leaching facility.

Chairman Hanninen questioned what the current bedroom count was. Ms. Butcher provided the Assessors' card which indicated that there were currently two bedrooms on record.

Member Horowitz questioned whether the site was served by town water. Mr. Dhima stated "yes". She asked if a filing had been made with the Conservation Commission. Mr. Dhima stated that he wasn't sure but would check with his office.

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Member Horowitz made a motion to accept the request for the construction of a 3,000 gallon tight tank with the following conditions:

1. The house shall remain as two bedrooms.
2. The footprint of the dwelling shall not change.
3. Conservation Commission approval must be obtained.

The motion carried unanimously.

Tessa David, Director, North Central Regional Solid Waste Cooperative

Ms. David provided a committee work status on various projects she's working with:

1. Rainbarrels – Ms. David stated that the sale of rainbarrels has been very successful. She said she will continue to insert flyers into the Groton Water Department's resident invoices. The Board suggested that West Groton Water Supply District insert the same notices into their invoices.
2. Grotonfest – Ms. David stated that the committee had a booth and provided information on mercury in conjunction with Clean Harbors who also attended.
3. Paint Collection Days – Ms. David stated that paint collection days have concluded for the year. She stated that more training was necessary for personnel in the proper handling of paint.
4. Pay-As-You-Throw – Ms. David stated that several defected bags were returned and were refunded. She stated that she continues to work with the bag vendor to improve the quality.
5. Compost Bins – Ms. David reported that compost bins have sold out.

The Board of Health thanked Ms. David for her continuing efforts.

Surrenden Farm Present: See attached.

Chairman Hanninen opened the meeting by stating that he was asked to reconsider a motion concerning deed notifications made at the October 3, 2005 meeting and took responsibility of it being back on the agenda.

Chairman Hanninen stated that a letter from Dr. Sundstrom was received by the Board expressing her disappointment that Chairman Hanninen had not taken her advice. He said that while Dr. Sundstrom and he professionally disagreed about the methods, Dr. Sundstrom pointed out some inconsistencies of the Method I background versus risk issues. He said that since he supported a risk-based performance standard, some notification seemed to be consistent in this situation.

Member Horowitz stated that she asked for this reconsideration after reading Dr. Sundstrom's letter and speaking with her. She felt that deed notifications were appropriate for this situation. She said that after reading Dr. Sundstrom's letter concerning the new vegetable pathway requirement that the DEP is proposing, it would be beneficial if the Board revisited her advice.

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Member Horowitz said that it is the Board's responsibility to protect the lives of those people who will live on this land and that those people deserved to know what they were going to live on. She stated that the Board has spent over two years listening to their consultants and she was going to take their advice. She said that the Board had an obligation to the people who will live on this property and felt strongly enough that she would resign from the Board if residents were not notified about arsenic on their property.

She also recommended that the Board discuss how the disposal area was going to be handled and whether it would be fenced in or a sign would be present. It was her suggestion that in order to get people's attention, a substantial fence with signs should be present notifying people to be aware of arsenic and pesticides.

Member Horowitz stated that the Board should also vote whether to accept or not to accept the open space with the conservation restriction and that it be kept in private ownership.

Member Weber asked if Dr. Shatkin would comment on the vegetable pathway concerns. Dr. Shatkin stated that it was her opinion that the gardening pathway did not contribute to a significant risk of harm. She addressed Dr. Sundstrom's letter concerning the issue of "hot spots". Dr. Shatkin stated that there were no hot spots on this site. She said that after compiling over 900 samples to show that there's a range of concentrations, there is no area that can be defined as being 10 to 100

times the surrounding area.

Dr. Shatkin expressed concern that the subject of gardening was coming up at this late stage. She said that during her discussions with Dr. Sundstrom, both felt that it was insignificant.

Discussion continued concerning the garden pathway and the direct ingestion from them. Dr. Shatkin prepared a grid on the whiteboard showing 19 crops and their concentration of arsenic in the plant to the arsenic in the soil. (Picture of whiteboard attached).

Discussion followed regarding the study on the 19 crops and gardening pathways. Dr. Shatkin concluded that it was not going to pose a significant risk from arsenic in the soil at 20 parts per million and don't need a deed restriction.

Member Horowitz agreed that Dr. Sundstrom agreed Dr. Shatkin that this wasn't a pathway that was important because she said Dr. Sundstrom assumed that there was going to be a deed notification on the property. She read Dr. Sundstrom's prepared report for the record.

Attorney Cooper stated that he didn't understand why the discussion was occurring regarding Surrenden Farm only. He stated that the Board should be "warning the entire Town of Groton" that residents shouldn't be eating vegetables that they were harvesting.

Attorney Orsi made the following proposal for the Board's consideration:

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No deed notification or deed restriction required for the age-restricted units. For Lots 8 & 9, which contain the single family condominium units, the condominium master deed and the rules and regulations of the condominium will provide that no unit may have a vegetable garden. The remaining lots, other than the lots on which there will be a horse farm or a private agricultural farm, if remediation is required on the lot, there will be a deed notification placed on the lot and that the lot will not allow a vegetable garden. With respect to any lot that is sold for private agricultural use or is a horse farm, there will be a deed notification placed on the lot but not a deed restriction.

Member Weber requested that the deed notification include language that the property was a former apple orchard. Chairman Hanninen agreed that the language of the notice and the restrictions be finalized by agreement between counsel for the Board and the counsel for the applicant. He made a motion that the following motion:

The language from Attorney Orsi will be worked out amount counsel and voted on by the Board of Health after the language is worked out relative to restrictions, no restrictions, condo agreements, and lots which may or may not have needed remediation. Attorney Cooper asked if Surrenden Farm was going to be back on the agenda for the final language for the motion. Chairman Hanninen stated that "we were not coming back". He requested that counsel for both sides draft the final details.

Discussion followed concerning the open space. Dr. Horowitz made a motion to not accept the open space with a conservation restriction and that it be kept in private ownership with a conservation restriction. The motion was seconded and voted unanimously.

OTHER BUSINESS

Transfer Station Present: Bruce Dubey, Transfer Station Supervisor
 Mr. Dubey provided an update on the following:

1. Department of Environmental Protection Inspection – Mr. Dubey stated that the inspection

was conducted two weeks ago and went fine. He stated that the only recommendation from them was to place the phone number of the Groton Police Department nearby the phone in case of emergencies.

2. Transfer Station baler – Mr. Dubey stated that the baler article had been removed by the Selectmen. He stated that he would make another attempt at it in the spring. He stated that he is awaiting notification from the Capital Planning Committee to review the request with them.
3. Holiday Schedule – The Board voted and unanimously approved the following holiday schedule for the Transfer Station:
 - Friday, November 11, 2005 – Veteran's Day - *Closed*
 - Saturday, December 24, 2005 – *Closed at noon.*
 - Saturday, December 31, 2005 – *Closed at noon.*

The Board requested that the schedule be placed on the Town's website and in the local newspapers.

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Gamelin Property – Preliminary Subdivision Plans – Comments to Planning Board

The Board voted unanimously to send the following comments:

1. The Board of Health requires, in writing, the historical use of the property.
2. The Board of Health would like to know what the distance is to town water.
3. No sewage disposal engineering plans have been submitted, The Board of Health is happy to see that the proposal is for a separate primary and reserve area.
4. Lots 7 & 8: What are the distances to the turnaround from the septic system?
5. Soil testing has not yet been performed.

HEALTH AGENT UPDATE

Department of Public Health Mosquito Testing

Mr. Cutone stated that he was notified by Matt Osborne, a field coordinator at D.P.H. that they recently collected 13 pools of mosquitoes along Boston Road and Indian Hill Road and that none of the pools tested positive for any viruses. He said that similar testing was conducted in Ayer as well with the same results. Ms. Butcher reported that this information was forwarded to the Groton Herald for publication.

366 Lost Lake Drive

Mr. Cutone stated that he recently met with Mr. Johnson and stressed to him how serious the situation was in regards to his property. Mr. Cutone told Mr. Johnson that a dumpster was needed to help with the cleanup. Mr. Cutone stated that Mr. Johnson's reply to disposing items into a dumpster was "I'm unable to do that". Mr. Johnson told Mr. Cutone that he was investigating the possibility of selling his property and that the cleanup would be part of the purchase price.

18 Breakneck Road

Mr. Cutone stated that 90% of the cleanup has been conducted. He stated that he has learned that the house would be leveled and the lot would be sold. He stated that the Town would be receiving \$5K from the estate as part of the court order.

The meeting adjourned at 11:05pm by unanimous vote.

GROTON BOARD OF HEALTH

Robert Hanninen, Chairman

Dr. Susan Horowitz

Jason Weber

Respectfully Submitted,
Debra A. Butcher