

**Board of Health Meeting Minutes**  
**November 6, 2006**  
*Approved*

Board of Health Members Present:

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

Others Present:

Ben Cutone; Debra Butcher

Meeting Called to Order:

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

Minutes:

The regular session minutes of September 18, 2006 were approved as written. The regular session minutes of October 16, 2006 were tabled.

Septic Permits Approved/Signed:

- \*Orchard Lane; Lot 1; Groton Land Foundation
- \*Orchard Lane; Lot 2; Groton Land Foundation
- \*Orchard Lane; Lot 3; Groton Land Foundation
- \*402 Chicopee Row; Thomas Delaney
- \*Autumn Leaf Drive, Lot 7; Candlelight Realty Trust
- \*36 Bixby Hill Road; Margaret Barrett
- \*345 Longley Road; R.M. Ratta (agent)
- \*749 Lowell Road; MJP Building & Development

Bills Approved/Signed:

- \*Ayer Auto Parts-\$168.80
- \*Moore's Lumber-\$25.94
- \*Covanta-\$6,580.28
- \*Airgas-\$26.36
- \*Advance Security Systems-\$18.33
- \*Moison Ace Hardware-\$114.36
- \*Unifirst-\$13.12
- \*Unifirst-\$13.12
- \*Unifirst-\$13.12
- \*Unifirst-\$13.12
- \*Broadmeadow Sign Studio-\$253.00
- \*Groton Electric Light Dept.-\$18.45
- \*Groton Electric Light Dept.-\$59.74
- \*East Coast Electronics-\$650.00
- \*Verizon (BOH)-\$36.16
- \*Verizon (SW)-\$20.33
- \*W.B. Mason-\$360.41
- \*Dunn Battery-\$28.95
- \*Belmont Springs-\$24.04
- \*Airgas-\$139.87

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Public Hearing – Regulation for Development of Non-Subdivision Lots and Commercial Properties

Present: See attached list

The public hearing was continued from September 18, 2006.

Member Hanninen began the public hearing by providing history and the intent of the proposed regulation. Member Dr. Horowitz stated that the Board conducted their initial public hearing in March 2005. She said that currently there is no control by any Board in Town for "Approval Not Required" lot development. Dr. Horowitz stated that the Board developed a policy a few years back where information is requested on the history of the property. She said that during the construction phase for Shaw's Supermarket, the Board met with the applicant and received documentation on the proposed fill source.

Member Hanninen stated that it isn't out of the ordinary for the Board to have a regulation in place to protect the public health. He used Honeywell's acquisition of Conductorlab as an example of the possibility that they wouldn't have purchased Conductorlab.

Chairman Weber explained that the purpose of the regulation was to ensure residents of a reasonable and balance level of public safety and to try to arrive at one way of handling issues consistently.

Resident Dan Wolfe stated that he was in attendance last March when the room was full of interested people who were very vocal against the proposed regulation. He questioned what prompted the Board to revisit this when there was a public cry against it.

Member Hanninen stated that during the last year, the Board was very busy working with the applicants for the Surrenden Farm development. He stated that it was now time to revisit this and make a decision whether to adopt the regulation or not.

Resident Robert Pine stated that this was a very complex issue where the proposed language in the regulation sounded benign but it wasn't from a residential standpoint. He stated that the cost for remediation would create a financial burden on landowners.

Discussion followed regarding arsenic levels across the town. Mr. Pine stated that there was no documented evidence that arsenic in soil is a health risk. He stated that the Board should be focusing on educating the public on arsenic issues in their water source and having residents test their wells. He felt that this was a control mechanism on residential development.

Member Horowitz read a portion of the proposed regulation which stated that "the Board may require the applicant to conduct testing and analysis of soils and/or water quality for the presence of heavy metals, pesticides, volatile organic compounds, and any other potential contaminants". She stated that the regulation was not just about arsenic issues but addressed other significant threats to public health. She stated that Town Council believed that this regulation would benefit public safety issues in town.

Member Hanninen agreed that this regulation was not just an arsenic regulation. He stated that "as a Scientist, he objected to Mr. Pine's conclusion". He stated that the regulation was written in an attempt to reduce risk to humans. Mr. Pine responded and said that there was no clear evidence on one side.

Resident Jane Allen questioned what this would cost for people. Member Horowitz stated possibly nothing. She said that the Board wants history of the property if the information is available. She said that residents should research the land through the Assessors' office on what it was previously used for.

Resident Robert Kiley stated that the regulation, as written, was open-ended. He also stated that he had concerns for the landowners who were forced to do testing and found this to be problematic in terms of resale. He felt it was not fair and equitable and residents were at the mercy of the Board of Health if this regulation passed.

Member Hanninen stated that currently the Department of Environmental Protection has standards

for arsenic which is 20 parts per million. Resident Robert Pine argued that the Board was "picking and choosing" when to use those standards.

Resident William Conley stated that he has attended the previous two public hearings and stated that the Board was giving the appearance that arsenic was a town-wide health risk.

Discussion followed concerning the methodology in town about the number of parts per million for naturally occurring arsenic and its variability. Member Horowitz stated that this regulation as written was the most protective for the town. She said that it wasn't her desire to have residents pay thousands of dollars for remediation. She said it would give residents a choice to be concerned or not to be concerned. She stated that her own property had apple trees on it and she has lived there for over 30 years.

Resident Robert Pine recommended that the Board promote a property notification process through a deed notification instead of adopting a regulation like this. Member Hanninen recommended that the public provide input on how to improve the regulation and to have Chairman Weber contact Town Council about a notification requirement. Chairman Weber made a motion to continue the public hearing to January 15, 2007 at 7:30pm. The motion carried unanimously.

25 Stonebridge Way Present: Ted Doucette, Polaris Engineering; Mr. & Mrs. Snell

Mr. Doucette requested an informal discussion with the Board to discuss sewage disposal options for an in-law apartment and garage. He stated that the dwelling currently consisted of (4) bedrooms. He reported that soil testing has been conducted but couldn't determine ground water at that time. He proposed that that Board allow him to install the septic tank and connect it to the distribution box and do ground water testing next spring and submit a complete six-bedroom engineering plan at that time.

Chairman Weber requested comments from Health Agent Ben Cutone. Mr. Cutone stated that he has no concerns having the Board allow them to obtain a building permit with a temporary sewage disposal system connection with the condition that no occupancy is obtained until a Certificate of Compliance is issued by the Board of Health. He stated that it is his opinion that the Board should not condition that a confirmatory ground water hole be performed at the time of inspection because if the ground water is higher than what was designed for, the engineer would need to redesign and the contractor would need to stop work. Mr. Cutone stated that the applicant would need (2) tanks as part of their design.

The Board voted unanimously to allow Mr. Cutone to sign the building permit with the condition that there is no occupancy until the Certificate of Compliance is issued. The Board requested that the new sewage disposal system be designed in full compliance with Title 5 and the Town of Groton's Local Regulations.

## OTHER BUSINESS

FY07 Goals & Objectives Present: Tessa David & Bruce Dubey

The Board of Selectmen requested each Board/Commission/Department to submit their FY07 Goals & Objectives to them by November 10, 2006. The Board voted unanimously to submit the following Board of Health and Recycling Committee goals:

1. Review proposed regulation for "Development of Non-Subdivision Lots and Commercial Properties".
2. Review all other Board of Health regulations for any needed amendments.
3. Continue conversations concerning the Nod Road dump issues pertaining to runoff into the Nashua River.
4. Continue LEPC direction.
5. Investigate a database of land use permitting and applications with the Computer Committee.
6. Promote our contributions of the Board of Health and individuals to the Town of Groton.

7. Develop a public education communications approach.
8. Promote paint recycling (within the community as well as to local organizations).
  - a. Increase awareness of program and opportunities for reusable paint.
  - b. Encourage paint recycling at paint collections versus at Household Waste collections.
9. Increase opportunities and awareness for appropriate household hazardous waste and mercury disposal while minimizing costs.
  - a. Explore training for paint and hazardous waste presorting to reduce costly chemist costs necessary for approximately 20% of the items at special collections.
  - b. Consolidate collections with cooperative member communities to expand service and reduce costs.
  - c. Examine feasibility of permanent regional facility.
10. Conduct public education to promote recycling and composting.
  - a. Encourage home composting through distribution of compost bins.
  - b. Encourage composting through use, both give and take of town compost pile.
11. Continue collaboration to increase recycling opportunities.
  - a. Explore new opportunities for increasing recycling and reducing costs.

Groton Transfer Station Inspection Present: Bruce Dubey; Tessa David; Dan Wolfe

Mr. Dubey reported that D.E.P. is requiring that inspections be conducted to evaluate and report on the current operation of the transfer station as part of their operating permit. He stated that he has obtained (2) quotes from local engineering firms in order to comply with the requirement. Mr. Dubey said that he has since learned that the State would allow the inspection to be done by a non-engineer.

Ms. David stated that due to decreased funding, the Department of Environmental Protection no longer has the staff to do the inspections which they previously did. She said that she has spoken with a representative of D.E.P. and other equals in other regions of the Cooperative and they stated that the inspection did not need to be conducted by an engineer so she offered to conduct the inspection herself.

The Board was very grateful that this could be done without cost to the Town. Member Hanninen made a motion to allow Tessa David, Director for the North Central Solid Waste Cooperative, to do the inspection. The motion was approved unanimously.

The Board requested that this information be passed onto the newspapers, Board of Selectmen and Finance Committee because it would save money for the town.

Wastewater Issues in Lost Lake/West Groton Present: Dan Wolfe

Member Hanninen requested that the Board have a discussion after watching a presentation from Woodard & Curran at the Board of Selectmen's meeting. The Board requested that the Selectmen's office contact the Groton Conservation Trust for using Trust land for a small packaged treatment facility.

Surrenden Farm Update

Member Hanninen stated that the Town is proposing to have a Special Town Meeting on December 11, 2006 for more funding to transfer ownership for the Town and to place a State conservation restriction on the Town Forest.

Request for Comments-Shared Driveway-Longley Road (Raciot/Hohman)

The Board voted 2-0 (Chairman Weber abstaining) that they had no comments at this time.

Request for Comments-Site Plan Review-West Groton Water-Academy Hill

The Board voted unanimously that they had no comments at this time.

Board of Health Monthly Meetings

The Board of Health meetings will remain on the first and third Monday of each month.

Groton Dunstable Regional High School

Mr. Cutone stated that he has been notified by the Sewer Commission that the industrial waste water holding tank at the High School will be abandoned because the lab will be directly connected to the sewer line and the tank would be filled with water. He stated that he has instructed the Sewer Commissioners that the tank should either be removed from the site or filled with hydraulic cement or some other suitable material and not to be crushed and filled because of its past chemical contents.

Brooks Orchard – Sewage Disposal Construction Permits Present: Dan Wolfe  
The Board signed the permits for Orchard Lane, Lots 1, 2, & 3.

HEALTH AGENT UPDATE

366 Longley Road

Mr. Cutone stated that there has been no action on either side and that he is still waiting for a response from Town Council. The Board requested that Chairman Weber contact Town Council directly.

The meeting adjourned at 10:10pm.

GROTON BOARD OF HEALTH

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Jason Weber, Chairman	Dr. Susan Horowitz	Robert Hanninen

Respectfully submitted,  
Debra A. Butcher