

Acton Board of Health

March 21, 2011

Members Present: Mark Conoby, Chairman, Bill McInnis, Vice Chairman, Joanne Bissetta, Member, Dr. William Taylor, Member and Michael Kreuze, Member.

Staff Present: Doug Halley, Health Dept. Director, and Isabel Roberts.

Others Present: Joesepeh Peznola, Peggy Mikkola, Nick Keramaris, John Keramaris, Todd Chaplin and owner of record for 32 Stoneymeade Way.

The meeting was called to order at 7:30pm

On a motion made by Ms. Bissetta, seconded by Mr. McInnis, the Board unanimously voted to approve the Board of Health Minutes dated December 13, 2010, as amended.

On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted to approve the Board of Health Minutes dated January 10, 2011, as amended.

On a motion made by Mr. Kreuze, seconded by Dr. Taylor, the Board voted 4 to 1, with Ms. Bissetta abstaining, to approve the Board of Health Minutes dated February 15, 2011

32 Stoneymeade Way – Variance Request

Mr. Halley presented the Board with a request from the owners of record to increase the bedroom count from 4 bedrooms to 5 bedrooms. The property was purchased in June, 2010 with the understanding that it was a 5 bedroom house based on the Assessors' property record information. However, since reviewing a new building permit for this property it was discovered that the Health Department records only indicate a 4 bedroom septic system. After further investigation the following was discovered:

- The home was built in 1992. The building permit application showed proposed four (4) bedroom home, however, the plans approved at that time show a 5 bedroom home. This department signed off on that building permit.

- The septic permit was issued by this office in 1992 was for a four bedroom home. However, the septic tank capacity is 1500 gallons and the leaching trenches total 936 square feet and current LTAR rates allows for 524.16 gpd short of the required 550 gpd for a 5 bedroom home, hence, the system is only 26 gpd short.

The Health Department recommends approval of the variance from Acton Rules and Regulations Article 11.8.1 allowing for the increase in number of bedrooms, from 4 to 5. The Board inquired as to the proposed work on the house and the current number of bedrooms. The owner of record stated that she is planning to finish the basement area and fully understands that with or without the variance approval from the Board, the property would exceed the number of total rooms, since it currently has 11 rooms, which would require a deed restriction.

On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted to approve the increase in number of bedrooms from 4 to 5, with the condition that the system is pumped once every other year.

Strawberry Hill Road Apartments – Variance Request

Mr. Halley presented to the Board an updated variance from 19-1.30(3), 19-4.80, 19-9.30, 19-4.10, 19-4.30, 19-8.00 (and all its sub sections), and 19-4.51 for the proposed onsite sewage system. The Board questions whether the proposed design has provided maximum feasible compliance. Mr. Keramaris stated it is and furthermore, the SAS is located in the most remote part of the lot. It was noted that no hydrogeology studies have been done prior to the design. The Department of Environmental Protection has required a construction start date of March 31, 2012. The Board also stated that the Board of Health Rules and Regulations, Article 16 is not being complied with through what is being proposed. Mr. Keramaris verbally requested a variance from Article 16 and stated he would follow up with a written request to the Health Department. This request was accepted by the Board.

On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted to grant variance(s) from Board of Health Rules and Regulations: 19-1.30(3), 19-4.80, 19-9.30, 19-4.10, 19-4.30, 19-8.00(and all its sub sections), 19-4.51, 16-4.2.9 and 19-4.2.11 with the following conditions:

1. Installation of monitoring wells, one (1) up gradient and two (2) down gradient of the disposal system, in a location subject to Health Department approval. Testing of the wells shall be performed, at a minimum, semiannually in the months of April and October for the following parameters:
 - Fecal & Total Coliform
 - Nitrate Nitrogen
 - Total Phosphorus
 - Dissolved Phosphorus
2. On an annual basis, the Board of Health, either on its own motion, or upon written request from the permittee, may review the sampling frequency and the tested parameters and may modify one or both if it deems it necessary. Baseline sampling from said wells shall be conducted prior to the issuance of certificate of compliance and the result of which shall be submitted to the Health Department within 30 days of testing;
3. The applicant shall obtain all Town issued permits related to the system, prior to the installation of the system;
4. Require an annual operation permit pursuant with Art. 19-1.20 and further require the following information from the owner prior to operation of the system:
 - a. The name, address, phone number and emergency contact information for the owner, chief operator, and back-up operator
 - b. A copy of the current operations and maintenance contract Operation and maintenance Manual which includes the current staffing plan
 - c. Any other relevant information required by the Board or its Agent
5. The applicant shall provide a project and inspection schedule prior to commencement of construction, subject to Health Department approval

At the time of disconnection of service from existing system, the owner or agent shall notify and allow inspection by the Health Department.

6. The applicant shall submit to the Health Department, in digital format, all correspondence, materials, testing submitted to MA DEP pertaining to the design, construction, and operation of system within 30 days of said submission;
7. The applicant shall provide a financial plan, subject to Health Department approval, which details the ongoing maintenance, operation, and replacement for the system to the Health Department prior to the issuance of Certificate of Compliance.
8. The applicant shall submit to the Health Department as part of the financial plan, documentation to ensure all parcels going forward will have access to the on-site subsurface sewage disposal system.
9. Installation of the approved on-site subsurface sewage disposal system shall be completed within 180 days from the permit date. An extension may be requested, to the Board of Health if need be.
- 10.

Other Business

Mr. Halley updated the Board about the Nursing service, saying they are still financially struggling, despite reducing expenditures wherever possible.

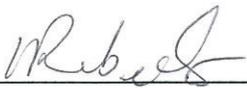
Emerson Hospital, who currently has a program very similar to the services of the Acton Nursing Services, may, at some time in the near future cease to provide the services. This would certainly increase the work load of the Acton Nursing Service. Also, the Town of Concord have approached Mr. Halley, stating that they are interested in having the Acton Nursing Service provide service to the Town, since they feel the services that are provided by Emerson Hospital are not sufficient.

In the upcoming Town meeting, an Article is being presented to develop emergency procedures and exercises for the Town of Acton. Mr. Halley will be responsible for this.

Adjournment

On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously voted to adjourn at 8:30PM.

Respectfully Submitted,



Isabel Roberts, Health Secretary
Acton Board of Health



Mark Conoby, Chairman
Acton Board of Health

**Town of Acton
Board of Health**

Meeting Agenda

March 21, 2011
Acton Memorial Library
7:30 p.m. – 9:00 p.m.

7:30

**32 Stoneymeade Way
Variance Request**

7:50

**Strawberry Hill Road Apartments
Permit Approval**

8:30

Minutes

**December 13, 2010
January 10, 2011
February 15, 2011**