



ACTON BOARD OF HEALTH  
MEETING 9/11/89

MEMBERS PRESENT: Joseph Glannon (Chairman)  
George Emmons  
Gerhard Heinrich  
Jonathan Bosworth (Associate)

STAFF PRESENT: Doug Halley (Health Director)  
Steven Ward  
Sheryl Howe

OTHERS PRESENT: Jack Dunphy  
Joanne Connell

The meeting opened at 7:34 P.M.

MINUTES:

On a motion made by Mr. Heinrich, seconded by Mr. Emmons, the minutes of August 17, 1989 were unanimously accepted.

65 CENTRAL STREET - VARIANCE:

The owner, Kenneth P. Moyer, seeks variances from Title 5 for the repair of a septic system on his property located at 65 Central Street, Acton. Mr. Moyer has requested variances from Regulation 15.14(2), 15.03 (7) Distances, and 15.03 (4)(c)(5). Mr. Halley recommended that these variance requests be granted. Mr. Halley feels that a variance from section 15.14 (2) to allow the system to be built within three feet of high groundwater should be approved because Mr. Moyer is maintaining the minimum depth for trenches and is required to raise the ground elevations and still cannot meet break out regulations according to Title 5. He also feels that the variance request from 15.03 (7) should be granted with the criteria that the street line be surveyed and staked out prior to construction. An impervious barrier of either clay or a geotextile should also be placed in areas where break out requirement is not met, where the distance to the existing dwelling is less than twenty feet or wherever the distance to the wetlands is less than fifty feet. Finally, the last variance request is for 15.03: (4)(e)(5) for a percolation rate in excess of 30 mpi. Mr. Moyer has provided four (4) square feet of leaching for each gallon of effluent discharged.

Mr. Dunphy of Acton Survey & Engineering represents Mr. Moyer. Mr. Dunphy feels that in the amount of space provided in the lot the best solution is to go for these variances. The lot consists of mostly ledge. Mr. Dunphy feels that the best solution would be to build the new system in front and to the left of the house in order to stay the farthest away from the wetlands which are located along the back of the lot. Presently, the existing system is in failure.

On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to approve these variances to 15.14 (2), 15.03 (7), 15.03 (4)(c)(5) with the following conditions:

1. That the septic system be built according to the plan prepared by Acton Survey & Engineering dated August 29, 1989 with the proposed changes as required in these conditions.
2. That the street layout be surveyed and staked prior to the beginning of construction of the septic system.
3. That an impervious barrier of either clay or a geotextile be placed in the following areas:
  - a. in any area where break out regulations cannot be met.
  - b. where the distance to the existing water line is less than ten feet.
  - c. where the distance to the wetlands is less than fifty feet.
4. That the variance approval with conditions be recorded at the Registry of Deeds and cross referenced.

**89 ARLINGTON STREET - SPECIAL PERMIT & VARIANCE:**

St. Elizabeth's church located at 89 Arlington Street seeks a special permit for work in an aquifer. The parish hall will be a two story building, however, the first level which will be the basement will count as free empty space according to the design requirements. The Board briefly discussed granting this special permit for work within an aquifer.

Mr. Dunphy of Acton Survey and Engineering has proposed a pressure dosed system in order to satisfy the Board's usual requirements. Since the usage of the building has not yet been determined the septic system was sized (5 gallons per person per day) to cover any possible usage.

On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to grant St. Elizabeth's church located at 89 Arlington Street a special permit for work within an aquifer with the following conditions:

1. No underground fuel storage tanks shall be permitted on the site.
2. Septic tank shall be pumped a minimum of once every year.
3. The site shall fully conform to the Town of Acton Hazardous Materials Control Bylaw.
4. The sewage disposal system for the proposed buildings at this site shall be approved by Acton Board of Health staff.
5. Leaching facility shall be designed and installed with pressure dosing of the system, said pressure dosing to be designed in accordance with State Environmental Code.
6. Floor cleaning procedures for the building shall use only nontoxic and biodegradable cleaning compounds.
7. Sewage disposal system shall be a minimum 100 feet from flood plain and/or wetlands.
8. Floor drains are not permitted.

St. Elizabeth's also needs a variance to regulation 11-15.1. Mr. Dunphy has provided only one (1) square foot per gallon with the Board's usual requirement being 1.33 square foot per gallon. The regulation 11-15.10 states that the requirements for trenches and pits by Title 5 may be used subject to the approval and discretion of the Board but specifically requires that the distances between trenches to be twelve feet (12) feet. Mr. Dunphy feels it is necessary to have the Board adopt a written regulation. Then if the Board chooses to alter its regulation it

should then be amended. The Board briefly discussed whether Mr. Halley should arrange a meeting with local civil engineers to receive their input on how regulation 11-15.10 should read. The Board would like this information before they make a decision for changes to the regulation. On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to table this request pending response from Mr. Halley for recommended changes to regulation 11-15.1 and 11-15.10.

7 JEFFERSON DRIVE - VARIANCE:

Mr. & Mrs. Connell seek a variance for an excessive perc rate for their property located at 7 Jefferson Drive. Norse Environmental Services, Inc., is in the process of designing the system and has allowed for an interceptor drain which would provide the four (4) foot offset to groundwater that is needed. Four(4) perc tests were done on this property and they ranged from a hole that was abandoned to 22 mpi. Because of the high groundwater the new system has been designed using a 35 mpi perc rate. On a motion made by Mr. Heinrich, seconded by Mr. Emmons, the Board unanimously voted to grant this variance from 11-15.1 with the following conditions:

1. That the system be designed according to the plan submitted by Norse Environmental Services, Inc. to the Health Department.
2. That they comply with all Acton Regulations and Title 5.

5 ORCHARD DRIVE - VARIANCE:

ABC Cesspool has been hired by the owner's of the property to repair the septic system located at 5 Orchard Drive and they are in need of a variance from Title 5 to allow an impermeable barrier to be constructed in place of the required amount of fill. This variance also requires approval from the State and from Title 5 for the slope requirement. Mr. Halley feels that



the placement of the house does not allow the system to be built in any other area and that an impermeable barrier should be placed in all areas where break out would be a concern. The system needs to be raised and therefore can not meet slope requirements.

On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to grant a variance from 310 CMR 15.20 with the conditions that an impermeable barrier be constructed from either a clay material that is impermeable to water and has a minimum width of one (1) foot, or from a geotextile material with similar capabilities; said barrier to extend from the highest elevation of leaching to a distance of four (4) feet below the bottom elevation of leaching.

LEAD PAINT REMOVAL - POLICY:

The Board discussed the States policy on lead paint which has given the local Boards of Health the responsibility for the testing for lead paint in residential buildings. The State has now required that an inspection of lead paint be done when a comprehensive inspection for a housing unit, is performed. Mr. Halley feels that the Town does not have the time and resources to conduct the tests properly or to train the agents properly. The state allows towns to test with sodium sulfide, however, this method is much less accurate than the X-ray machine which costs approximately \$10,000. The Board is concerned that lead may be missed with the affordable but much less accurate method (sodium sulfide) and with insufficiently trained inspectors liability would be of great concern. Mr. Halley feels that the Board should adopt a policy to implement its duties under the lead paint law.

On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted that the Acton Board of Health adopt a regulation for lead paint as follows:

"For all comprehensive housing inspections that certifications by an inspector from the State approved list of lead paint inspectors be provided to the Board of Health regarding the presence of lead paint in the unit whenever a child of six or under currently occupies the unit or in the opinion of the health department inspector is likely to be an occupant of the unit in the future. All certification shall be supplied by the owner of the unit at the owner's expense and shall be submitted to the Health Department within twenty-one days after the inspection. This regulation shall expire on June 30, 1990."

On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to adjourn at 11:00 P.M.

NEXT MEETING:

The next regularly scheduled meeting will be held on September 25, 1989 at 7:30 P.M. in Room 126 of the Town Hall, 472 Main Street, Acton, MA 01720. The following meeting will be held on October 2, 1989 at 7:30 P.M. in Room 121 which will be a work meeting. The following meeting will be held on October 16, 1989 at 7:30 P.M. in Room 126 of the Town Hall, 472 Main Street, Acton, MA 01720.

Respectfully Submitted,

Sheryl Howe

Sheryl Howe, Secretary

Signed and Approved,

Joseph Glannon

Joseph Glannon, Chairman