

Errata Sheet  
Board of Health Minutes  
Meeting of July 15, 1986

The following paragraph was omitted from the original minutes:

9:36 p.m. Mrs. Karen Ferrante, 12 Smart Road, Request for variance. Mrs. Ferrante wishes to add a bedroom without enlarging her septic system to meet Acton Code. It was stated by staff that the current system was working properly and that groundwater was not a problem. Mr. Stephens moved that a variance be granted subject to the following conditions:

1. A 1,000 tank be installed
2. The present leaching field may be used only so long as the Ferrantes own the house. Should the property be sold, the septic system will have to be brought up to code.

Miss Voorhies seconded the motion, which was carried by unanimous vote.

Respectfully submitted,

Carol Holley  
Carol Holley, Sec'y

Signed and Approved,

Daniel Costello  
Daniel Costello, Chairman

RECEIVED & FILED  
DATE 11/17/86  
Barbara Brown  
TOWN CLERK, ACTON

RECEIVED & FILED  
TOWN OF ACTON  
BOARD OF HEALTH MEETING  
July 15, 1986

DATE Aug. 22, 1986

C. Beaubien

Ass't TOWN CLERK, ACTON

Present: Dan Costello, Richard Stephens, Eleanor Voorhies, George Emmons.  
Staff: Steve Calichman, Ed Wirtanen, Marion Donahue, Carol Holley.

The meeting began at 7:40 p.m. with a review of correspondence. Mr. Stephens and Mr. Emmons discussed 138 Great Road being in a well buffer zone. Mr. Calichman stated that Mr. Moran, the owner, was interested in building a small office building on the site. Mr. Stephens felt that the Board needs to discuss the matter of the area being in a well buffer zone, and asked that the matter be brought on the agenda for a later Board meeting.

Mr. Costello asked that the Greater Lawrence Sanitary District totals be placed on a spread sheet. Mr. Calichman mentioned using pump slips vs Greater Lawrence totals as a means of monitoring pumbers to insure that they submit pump slips, which is a condition of their being licensed with the Town.

Correspondence #8 (letter to Eric Durling from James R. Fuller dated 7/1/86) regarding lagoon closure, was discussed. Mr. Stephens suggested resampling at a later date. The Board reached the consensus that they did not object to any of the alternatives presented to them in this correspondence.

Returning to aquifer protection issues, the Board of Health informally decided that Board of Health well buffer zones remain red. There was a question as to whether the Ice House Pond was red or yellow zone, and as to whether or not Town Meeting stripped the area out of Aquifer Protection Zoning.

Upon review of correspondence #10 regarding septic repair, Mr. Costello remarked that this letter from DEQE was critical in nature. The letter included the following language: "be advised that we in this office feel that a subsurface sewage disposal system should be designed in accordance with Title 5 to treat the expected daily flow of sewage to it."

Regarding correspondence #11 (letter to Stephen Karp from James R. Fuller re Powder Mill Plaza Notice of Violation dated 5/22/86), Mr. Calichman stated that the sewage was being trucked to Greater Lawrence, not discharged into the river. Mr. Calichman summarized for the Board actions taken to date.

Regarding correspondence #12 (Notice of Public hearing from Acton Board of Appeals re dredging in the tailrace area, High Street), letters were sent out requesting that sampling be done. Mr. Costello requested Mr. Calichman to write to the Board of Appeals asking them to take the matter under advisement pending completion of testing.

A motion was made to ask Mr. Calichman to write a letter to the Board of Appeals to take the matter of dredging under advisement. The motion was seconded and unanimously passed.

Minutes of the Kelley's Corner public meeting were reviewed. Mr. Calichman suggested that no official action be taken until revised copies have been typed up. Mr. Calichman requested that the Board's revisions be submitted to staff by Monday, July 21.

Minutes of July 1 meeting were reviewed and revised. Mr. Stephens moved that the minutes be accepted. Miss Voorhies seconded. All voted in favor, except Mr. Emmons who abstained.

Mr. Emmons raised the question of what happened to the Board of Health minutes of meetings after submission to Selectmen. This issue will be looked into.

7:45 Brookside Condominium. Request for Variance for Lifeguard.

The representative for Brookside stated that he wished to amend the request for variance to state that a lifeguard not be present only from 6:00 to 8:00 p.m., and that there would be a lifeguard at other times. Mr. Stephens moved that a variance be granted with the standard provisions, with the exception that a lifeguard is to be on duty except from 6:00 p.m. to 8:00 p.m. provided that there are not more than twenty people in the pool at that time. Mr. Costello seconded the motion, and it was unanimously passed to grant the variance.

8:00 p.m. Mr. and Mrs. Forbes, 25 Martin Street, Variance.

Mrs. Forbes stated that the family wished to add on to their home, that the addition would not create any new bedrooms. It was also determined that the locus was within the area voted to be sewerized with South Acton at a later date. There is ample land for future expansion of a septic system if necessary, 4.2 acres. Mrs. Forbes showed the architect's drawings to the Board. Mrs. Forbes asked what modifications to the septic system would be required. Mr. Stephens inquired as to groundwater conditions, and learned from Mr. Calichman that groundwater and soil were good. Mr. Calichman further stated that technically nothing was required, but he suggested that a 1,000 gallon septic tank be installed since construction was going on anyway, citing the low cost of the tank and the benefits to the septic system. A consensus was reached to ask the Forbes to install a 1,000 gallon tank in front of the existing 500 gallon tank. The Board determined that, under these circumstances, no variance was even required and that no official action needed to be taken.

8:13 p.m. Pending the arrival of Mr. Bemis from the Kay Companies, the Board reviewed the package submitted by Mr. Bemis. A detailed discussion ensued regarding lethal limits, and whether lethal limit was a viable standard for the Town of Acton. Mr. Stephens suggested that a toxicologist be consulted on the health effects of the first 2 minutes exposure in case of a disaster. Mr. Stephens expressed concern as to the safety factors. Mr. Stephens stated that the toxicity figures were geared to healthy adults, not children or elderly or ailing individuals. There was also a question as to whether ammonia hugs the ground or disperses. Mr. Stephens felt that Digital, a near neighbor to the proposed plant, be contacted for input. There was some question as to whether or not a public hearing would be required under the hazardous material bylaw, to which Mr. Calichman responded it was not. Conant School is 1,600 feet from the proposed site, and this raised several safety questions. Mr. Costello stated his favoring of an underground storage facility, and commented on Kay Company's unwillingness to consider same. Mr. Emmons stated concerns that an emergency response plan be drawn up.

Mr. Bemis and Mr. Gordon, the consultant, then gave their presentation. Mr. Stephens expressed the Board's concerns for elderly and children. Mr. Gordon stated that at 2,000 ppm, exposure to the ammonia fumes could not be tolerated for more than one breath, that such a concentration would be "very irritating". Upon query by Mr. Stephens, Mr. Gordon stated that putting the tanks underground, so far as he knew, presented no danger, but he had never heard of anyone ever doing it. Ammonia is lighter than air, so it would go up anyway. Mr. Stephens stated the advantages of protection from fire and vehicles of an underground facility. He then clarified underground as being submerged, but not covered. Mr. Gordon stated that then water would have to be pumped out, etc. Mr. Bemis stated that the more elaborate the design, the more systems would be susceptible to failure. Mr. Gordon stated that as a rule, ammonia tanks just seem to not have accidents. Mr. Costello asked what the concentration would be at 1600 feet (the distance to the Conant school). Mr. Gordon replied that it would be less than 200 ppm, or a strong smell, not injurious for 2 minutes of exposure. Below 50 ppm, ammonia cannot even be smelled, according to Mr. Gordon. Mr. Calichman restated the question of why the company was resistant to an underground tank, and Mr. Bemis stated that it was a question of difficulty in maintenance. Mr. Bemis, upon query by Mr. Stephens, stated that he would be happy to meet with Capt. Craig of the Fire Department for plans against fire. Mr. Gordon stated that heat would not affect the tank because it had a blow valve to release vapor pressure. After some further discussion, Mr. Stephens asked that the matter be tabled pending more health effects data. Mr. Emmons seconded the motion to table the matter.

Further discussion ensued, and the motion to table was not acted on. Mr. Gordon suggested an alternative to underground storage, stating that a concrete bunker would have similar protective properties. He stated that from a maintenance point of view, above ground would be preferable. Mr. Bemis stated that if the tank were in a block building with a release valve on the top, it could control concentration levels in case of a problem. Mr. Stephens amended the previous motion to state that a permit be granted on the condition of secondary containment. Mr. Bemis stated that daily inspection of the facility was required. The discussion switched briefly to the Genesolv tank and procedures to be followed in case of a leak, and the dangers to groundwater involved with this substance. Mr. Bemis reiterated the company's responsibility in promptly cleaning up any leaks.

Mr. Stephens then moved that the Board of Health grant permits for the two tanks subject to the following conditions: that the structural design be submitted and approved including a building around the ammonia storage tank, to minimize damage due to vandalism, fire, leakage, and that such design is to be stamped by a registered Massachusetts engineer, and subject to approval of the staff. The Genesol tank shall be double walled. Mrs. Voorhies seconded the motion, and all voted in favor.

9:32. Bob O'Neil. Application for Special Permit, Lot 2 Forest Road. Mr. Stephens asked if there were anything to be concerned about, to which staff replied no. Mr. Stephens moved that a special permit be granted with the conditions that (1) No underground fuel storage tanks are permitted on the site; (2) The septic tank will be pumped a minimum of once every two years;

(3) the sewage disposal system for the proposed buildings at this site are to be approved by the Acton Board of Health staff; (4) leaching facility are designed and installed with an intermediate layer with a percolation rate of between 6-10 minutes per inch in those areas that have a percolation rate of less than 2 minutes/inch; and (5) sewage disposal system is a minimum 100 feet from flood plain and/or wetland. The motion was seconded by Mrs. Voorhies, and the vote was unanimously in favor.

9:36 p.m. Mrs. Charles Ferrante, 12 Smart Road, Variance request to add an addition including an extra bedroom to the house without adding to the size of the leaching area. It is currently a 3 bedroom house.

9:37 p.m. Mrs. Sagoff arrives

Mr. Calichman stated that he did a site inspection at 12 Smart Road and the current system appears to be working fine. The ground water presented no problems. Mr. Stephens moved that a variance be granted to allow the current leach field to be used with the conditions of the addition of a 1,000 gallon tank, and that if the property is to be sold, the system must be brought up to code. Mrs. Voorhies seconded the motion, which was unanimously carried. In a followup discussion regarding procedures with the State, Mr. Calichman stated that if the current leach area meets Title 5 standards, the variance will not require DEQE approval.

9:45 A 5 minute break was declared.

9:51 Mr. William Yetman, Meineke Muffler, Kelley's Corner.

Mr. Calichman stated that Mr. Yetman had requested to come in after receipt of a letter regarding his compliance with a previous agreement to complete a subsurface sewage disposal system repair within 120 days of Board of Health Approval of plans. According to Mr. Yetman, the proposed system has an estimated cost of \$35,000 - \$50,000, and calls for interceptor trenches on all four sides of the field. Primary and reserve areas are to be put in at the same time. There is a possibility of a problem with ledge in the area. Mr. Yetman expressed concern that the time was running out on his \$1,000 bond. There was a question on whether or not Mr. Yetman received proper notification on approval of system plans. Mr. Costello asked how many days extension on the time for performance would be reasonable. Mr. Emmons asked if the plan indeed was to go ahead and build the system per the submitted plans. Mr. Yetman stated that he was trying to find a less costly solution to his problem, and stated that the Sunoco station across the street used his bathroom when they were having problems, and that the vast majority of his water usage was for cooling metals, and that very little actually went into the system. He also stated that he had been told when he purchased the property that a new system was in place. Mr. Calichman stated that he had been told that a new tank had been installed, but not a new system. Mr. Costello stated that it was his understanding Mr. Yetman's request was for an extension of time for compliance. Mr. Calichman recommended 90 days. Mr. Emmons moved that the Meineke plan be sent to the State for approval, citing his concern that material from the leach field could overflow into the interceptor tanks, thereby causing problems. A discussion ensued regarding whether or not the Meineke plans should have been sent to the State for approval.

After some further

discussion, revolving around variances, whether or not the plan originally approved would be the final plan acted upon, and whether or not the question before the Board was extension of time for performance or a request to change the plans, Mr. Stephens suggested that the Board extend Mr. Yetman's compliance date by 90 days. He further stated that the purpose of this motion would be to remove the time barrier, and if we wish, to continue our discussions with Mr. Yetman. He also suggested that, after the motion, staff be asked to review the plan in light of possible variances required. Mr. Emmons seconded the motion for a 90 day extension. Mr. Costello suggested that, during the 90 days, Mr. Yetman come in with an alternate proposal right away. Mr. Costello voted against the 90 day extension; the motion carried with Mr. Stephens, Mr. Emmons, Mrs. Sagoff and Mrs. Voorhies voting in favor. Mr. Stephens, after the vote, stated that as far as he was concerned, there was a solution in place and 90 days was ample time to fix the property. Mr. Emmons moved that staff sit down with Mr. Yetman to discuss options that might be available at lesser cost. Mr. Costello stated that, under the spirit of the law, this was what the staff had already done. The letter of the law is very clear that he has to hire a licensed engineer or registered sanitarian to prepare the plans. A discussion ensued as to how Mr. Yetman could properly get relief. Mr. Yetman gave a synopsis of his expenses to date and the projected expenses. Mr. Stephens stated that Mr. Yetman had an approved plan, and 90 days to do it. He suspected the Board would see Mr. Yetman at their next meeting.

10:22 Mr. Dolan. 24 Mohawk Drive. Variance.

A new plan was submitted to Board and staff review. Mr. Dolan stated that he was looking for a variance because the natural material is less than 4.0' in depth above ledge. He wished to build up to 4 feet above ledge. A discussion of the ledge configuration in the area ensued. Mr. Stephens asked how the plan related to Town of Acton code, and Title 5. Mr. Costello noted that the application for a variance had not been properly filled out and signed by the property owner, and suggested to Mr. Dolan that he take steps to bring the paperwork in order. Mr. Stephens moved that the Board grant a variance to Section 15.03 of Title 5, waiving the required depth of pervious material to allow the system, if approved by staff. Mr. Voorhies seconded the motion, which unanimously passed.

10:37 Charlotte Sagoff re: Pesticide Bill

Mrs. Sagoff stated that the Board should support the pesticide bill, as it has some very good and careful controls over pesticide use regulations. Mr. Costello made a motion requesting the Board of Health to write a letter to representatives Loring and Cellucci. Mrs. Sagoff restated the motion, Mrs. Voorhies seconded it, and it was unanimously carried.

10:52 Mr. Chris DeRosa re Meadowbrook Condominium Conversion

Mr. DeRosa stated that it was a condition of the Condominium Conversion requested by the Board of Selectmen that he appear before the Board of Health with reports as to the water supply and septic system of Meadowbrook for the Board's "review and comment." He stated that no action by the Board was required at this time except that they "review and comment." He stated his willingness to work with the Board at a later date to meet their requirements.

The report by Charles Perkins, Inc. and the water tests were reviewed. A discussion ensued on the condition of the leach fields and the maintenance thereof, and the cost of hooking into Town water. Mr. DeRosa stated that as part of the general plan for the condominium property, the sum of \$10,000 per year was being set aside in an interest bearing escrow account to provide for future major septic repair. No money was planned to be set aside for hookup to Town water, and he felt that the sum required by the Water District would impose a hardship. Upon query by Mr. Stephens as to the accountability of the Trustees of the condominium association, Mr. DeRosa gave his assurances. Mr. Emmons asked if the Board could state that they have reviewed the report and made note of the deficiencies on the property, and would expect further contact with Mr. DeRosa. Mr. Stephens then moved that as part of the condominium conversions provisions, the Board accept the recommendations of Charles Perkins and order that those recommendations be done as part of the conversion process, and, further, that the sum of \$10,000 per year be set aside as part of an escrow fund for septic repair. Mrs. Voorhies seconded the motion, which was passed unanimously.

11:35 Mr Emmons moved that the Board take up the issue of Kelley's Corner. Mr. Costello stated that Kelley's Corner is not part of a 20-year plan, and added that tests showed nothing remarkable in terms of pollution. He saw two issues in the area: Sunoco, which was not perceived as impossible to solve due to low water usage (he suggested cutting out public restrooms and reserving the facility for employees only)...(side discussions by other Board members)....and Redstone. Mr. Calichman stated that he reread the reports. In Redstone, the front system has been working properly as far as anyone can tell. The area of the front, with 10 foot offset, is 2,134 sq. ft. based on dimensions of 22 x 97. The flow of this system for 48 bedrooms in 24 units, per coce, is 110 gal/bedroom, or 5280 gallon flow. According to observer Nancy Tavernier, the water records show 800,000 gallons flow/year water usage, or 2,222 gallons per day. Calculations indicated that trenches 3 feet deep by 3 feet wide, 6 feet on center x 97 feet would yield 2619 square feet. According to Code, a 2134 square foot field with 5280 gallons per day equals 2.47 feet/gallon. Mr. Costello stated that there appeared to be an on-site solution to Redstone, namely to build a package treatment plant and use the system for the treated effluent. This could be done according to Code. Mr. Emmons stated the alternative of combining Sunoco, Meineke, and Redstone into an interceptor sewer. He cited conversations he had had concerning possibility of state funding. Mr. Costello stated that, after 30 years, South Acton was close to a solution. He recommended caution in interfering with the South Acton plan. The Board, stated Mr. Costello, had received a strong letter from DEQE stating that it did not recognize interim solutions. We need to address the issues of the failing systems. Anderson Nichols report has proved conservative in its predictions; we are in pretty good shape compared to their predictions of system failures. We should go back and review the decision on sticking to on-site solutions. Based on all information available, are we going to be exposed to escalating system failures until there are so many that we can't keep up with them? Anderson Nichols report predicted an increase, then a decrease as old systems are fixed. The Lycott Groundwater Quality study information now available confirms our good status. We should stick to our on-site policy. The Town has no long range planning. It seems to me that that should be the major modification. The Town needs a large master plan re land use, and scenarios with/without sewers. When we construct South Acton, we should construct according to a master plan so that the money would be invested with the

knowledge that once the master plan is complete, it can still be carried forward. We can require developers to hold money in escrow, etc.

George Emmons recommended that the Town staff prepare appropriate relevant data for Kelley's Corner sewage disposal. Certain areas we should track right now. I would recommend this to the Groundwater Protection Commission. Mr. Costello stated that we are lacking hard data on individual systems. Once we get this, we will not be guessing about what systems are where and in what shape. We also recognize that we have several systems out there about which we know nothing. George Emmons stated that the Selectmen asked us to give them recommendations regarding Kelley's Corner as that is the current hot spot in Town. Mr. Costello stated that there were two things - Kelley's Corner, and the 20 year plan, requested by Selectmen. Mr. Emmons moved that Town Staff prepare relevant data for Kelley's Corner, for example but not limited to depth of groundwater, location of leach fields, etc., to determine what is going on and to actively monitor appropriate points. Mr. Costello pointed out that Board of Health Staff doesn't have the time to perform these additional tasks.

Mr. Stephens stated that he wasn't sure he understood the purpose of all this data, or how it differs from what was presented at the public meeting, nor does he understand how this will provide a solution to the Town or to Kelley's Corner. Mr. Costello asked Mr. Emmons what additional information he was seeking. Mr. Emmons replied that he is seeking to find out and make engineering assessments of where are the points in view of septic systems and interceptor trenches, that sort of data could then be used to monitor the area, to indicate the conditions where groundwater is high and flows near leaching fields and these are examples that seem to be potentially useful. Mr. Emmons advised that he had spoken with Mr. Murphy who requested that the issue of staff assignments be left to him. Mr. Costello stated that if we are looking for the staff to do this, you are looking at a minimum of a year before we get any information. Mr. Stephens stated that one of the key issues is apparent from the academic discussions that say, wouldn't it be nice if we had a Kelley's Corner solution, then the South Acton solution has got to go, and the more we talk about MacDonald's, etc., the slower the solution will be. Until we can somehow get that solution in place, I get very nervous trying to get the state or federal government to build something. Point number 2 is that I think it is also important to ring a bell that starts pushing for a treatment plant. We should start gathering data and to pressure on-site solutions. Mr. Costello stated that no medium or long range plan is going to fix these problems.

12:15 a.m. Mrs. Sagoff moves to adjourn. Mrs. Voorhies seconds. Meeting is adjourned.

Respectfully submitted,

Carol J. Holley, Sec'y

Signed and Approved,

  
Daniel Costello, Chairman