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TOWN OF ACTON

BOARD OF HEALTH MEETING

July 29, 1986

Present: Chairman Daniel Costello, Charlotte Sagoff, Eleanor Voorhies, Richard Stephens, George Emmons
Associate Member: Richard Oakley
Staff: Steven Calichman, Edward Wirtanen, Marion Donahue, Carol Holley

The meeting started at 7:35. Mrs. Sagoff immediately moved that the Board take up no new business after 11 p.m. The motion was seconded and unanimously passed.

A review of correspondence ensued, then a review of the Minutes of the July 15, 1986 meeting. The minutes were corrected and given to the secretary for amendment. Regarding the portion of the minutes dealing with the Kay Companies and the anhydrous ammonia and genusolv tanks, Mr. Stephens stated the importance of specifying in the permits the contents of the tanks.

Ms Voorhies moved that the minutes be approved as corrected. The motion was seconded by Mr. Emmons, and unanimously passed.

Mr. Emmons and Mr. Calichman reported their findings on what became of Board of Health Minutes once they have been approved and sent to the Selectmen. It appeared that the Library did not automatically receive a copy of the minutes, but the Library stated to Mr. Emmons that they would like to have them for their Acton Collection. According to Ann Simione, the minutes of Boards and Committees are sent to the Town Clerk.

In a further review of correspondence, Mr. Calichman discussed the issue of effluent from the aeration tower at W.R. Grace, and the question of whether or not Sinking Pond is being affected. The Conservation Commission, he stated, is concerned with whether or not damage is being done to the ecosystem.

A short discussion of funds available for additional Board of Health staff was held.

There was a discussion concerning correspondence from F. Alex Parra, attorney for Mr. Bachrach, owner of FINAST shopping center. There is a problem with water seeping from the bank between the plaza and Yankee Village. This water has a high Fluoride content, 4.1ppm. (as well as high COD, high alkalinity and high conductance). Mr. Calichman stated that this could contain hazardous waste and the DEQE should be contacted. It was the opinion of Mr. Calichman that water with this Fluoride content was not a result of the Yankee Village treatment plant discharging, and stated that dye tests proved negative in determining that the Yankee Village Sewage Treatment Plant was the source. It was the opinion of Mr. Calichman that the extensive construction in the area may have changed the flow of groundwater, causing the seepage.

The memo written by Mr. Stephens re the Nursing Office Computer was reviewed.

8:00 p.m. 11 Oneida Road. Special Permit (Aquifer Protection). Mr. Dolan had requested a special permit to construct leach pits as opposed to a leaching field. Mr. Costello asked whether or not it was a question of pits versus field, or whether it was a matter of aquifer protection. Mr. Stephens moved that a special permit be granted to construct the leaching pits, subject to the following conditions:

1. No underground fuel storage tanks are permitted on the site.
2. Septic tank will be pumped a minimum of once every 2 years.
3. The site will fully conform to the Town of Acton Hazardous Material Control By-law.
4. The sewage disposal system for the proposed buildings at this site are to be approved by the Acton Board of Health staff.
5. 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.
6. Sewage Disposal System is a minimum of 100 feet from flood plain and/or wetlands.

Ms Voorhies seconded the motion, which was unanimously carried.

8:15 p.m. L&S Construction. Special Permits (Aquifer), Macleod Lane. After a brief review, Mr. Stephens moved that a special permit be granted to construct in a recharge protection area, subject to the following conditions:

1. No underground fuel storage tanks are permitted on the site.
2. Septic tank will be pumped a minimum of once every 2 years.
3. The site will fully conform to the Town of Acton Hazardous Material Control By-law.
4. The sewage disposal system for the proposed buildings at this site are to be approved by the Acton Board of Health staff.
5. 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.
6. Sewage Disposal system is a minimum of 100 feet from flood plain and/or wetlands.

The above conditions were stated for the permits on both Lot 11 and Lot 13, Macleod Lane. The motion was seconded by Ms Voorhies, and unanimously passed.

8:20 A discussion was held on why people have to appear before the Board with lengthy explanations and discussions on routine permit and variance granting.

8:24 The design of Kay Company's secondary containment was discussed. Mr. Calichman stated that other parties did not require a block building, citing a review by Building Inspector Gary Rhodes, who stated that the structure was no problem since the outer main building wall had a 4 hour fire rating; all it needs is 3 hours. Mr. Costello stated that he had thought the Kay Company had offered to construct a block building. Mr. Stephens stated that when he made the motion, he felt that the professional structural engineer would be competent to decide the material. He also stated that he thought the tenants of the building would have preferred block construction. Mr. Calichman stated, upon query by Mr. Costello, that he just wanted the Board to be happy with the design of a wooden building. The Board stated that there would be no problem with the building being made from wood.

8:27. Carol Coughlin, 180 Newtown Road. Mr. Costello asked if Mr. Calichman had any problem with deep hole testing being done at this time of the year. Mr. Calichman stated that, in light of the fact that some testing had been previously done in the general area by the Town, Mrs. Coughlin should be allowed to pursue deep hole tests and other appropriate testing. Ms Voorhies moved to approve. Mr. Stephens seconded, and asked about the "pretty good material" mentioned by Mr. Calichman. A review of the data ensued. Mr. Stephens asked about proximity to an aquifer zone. Maps were checked, and it was found that the locus is almost opposite Fort Pond Road. Mr. Stephens reminded the Board that a special permit will be required, and that Mrs. Coughlin will have to come back before the Board in that regard. The motion to allow testing at this date was unanimously carried, due to hardship faced by Mrs. Coughlin and her family that was mentioned in her letter to the Board.

8:30. Nancy Tavernier of the Citizen's Coalition presented the results of the survey about sewerage taken at the Jamboree the previous weekend, and distributed copies of the results to Board members. A discussion was held about whether or not the results would be skewed due to the type of person responding, to which Ms Tavernier stated that all passersby were asked to participate, which she felt negated the problem of skewed results.

8:35. Mr. Dolan appeared before the Board regarding the property at 11 Oneida. He wished to make sure that Board members were aware of the material found in the deep test holes, stating that fine sand was found at the bottom, and that in a 12 foot hole, no groundwater had been discovered. He stated that the bottom of the leach pits would be well above the bottom of the test holes. Mr. Costello stated that staff was perfectly capable of determining the need or lack thereof of filter medium during site inspection.

8:39. Mr. Sweeney appeared before the Board. He had a question regarding lot 9 (in the same development as lots 11 and 13) Macleod Lane, for which a permit had been approved July 11, 1985. He did not wish to change the distance from a drain pipe. The Board stated to Mr. Sweeney that, since the project was still in the design stage, they wished him to abide by the 100 foot distance requirement. A lengthy discussion was held regarding the definition of wetlands, flood plains, tributaries, etc. Mr. Wirtanen stated that the drain line in question was in effect a tributary to a wetland in a Recharge Protection Area, hence the 100 foot requirement. Mr. Oakley asked if the drain pipe were solid, to which Mr. Sweeney replied that the segments of pipe were usually mortared on the top but not on the bottom. More definitions were discussed, including the distinction between surface and subsurface waters, the definition of watercourse, etc. Mr. Stephens felt that it was important to consider how the Lycott study would interpret the drain. Mr. Costello stated that this may be an issue for the Board to consider at a later date.

Mr. Sweeney also asked to discuss the issue of a filter medium, citing his belief that such a medium is not needed, that it is not required elsewhere, that Acton is so strict that he has trouble getting acceptable material (aggregate) trucked in, etc. He discussed a project he was doing in Plymouth. Again, Mr. Costello stated that this was an issue that should be discussed by the Board at a later date, stating that the Board was willing to address the matter as part of their planning process, if indeed getting proper material was becoming so difficult. Mr. Stephens stated, regarding filter medium with slow perc rate, that the whole point of the leaching system is to bring bacteria in contact with air, and rapidly percolating material becomes too depleted of

oxygen. An alternate to slowly percing leach systems might be high pressure pipes. At this point, Mr. Costello stated that the discussion could continue for a long period of time, and asked Mr. Sweeney if he had anything regarding special permits granted him that evening, to which Mr. Sweeney replied no. Mr. Costello stated to Mr. Sweeney that there will be further discussions about whether or not Acton's regulations are too stringent. He did not like to hear that Acton's regulations were anti-housing, as alleged by Mr. Sweeney. They are pro public health and the environment. He stated that the Board would be in the process of reviewing regulations. Mr. Sweeney then went on to state that several design criteria allowed in other states were not allowed in Massachusetts.

9:00 p.m. Larry Wiederholt et al. Recycling Center for Acton Transfer Station. The group presented their latest plans for the permanent recycling center to be built on the landfill site. It was stated that there was no facility for the recycling of waste oil, because there was no market for the material and it was expensive to have it removed. Upon query of why this group needed to appear before this particular Board, Mr. Calichman cited the appropriate regulations on salvaging of materials. Mr. Calichman also suggested that the permit be granted at no charge to the Conservation group as a gesture of appreciation of their work. Mrs. Sagoff translated this suggestion into a motion. Mr. Emmons asked what happened to the oil, to which Mr. Calichman stated that it was considered hazardous material due to the substances which could be mixed in with it. He went on to state that wherever you buy the oil that store is supposed to take used oil back. Mr. Calichman stated that it was also possible to simply put the oil in with other trash at the transfer station for transporting and burning. Mr. Stephens went on to discuss the siting of the recycling area, stating that he felt it was not in the most convenient location to encourage recycling. After further discussion of the traffic flow in the landfill area, Mr. Weiderholt and company agreed to talk with Mr. Durling, who designed the plan, to see if something else could be done. He stated that the site was not their choice, but was given to them some time ago. Mrs. Sagoff then moved that the Board accept the plan, subject to exploration of better traffic flow, and that the permit fee be waived. Ms Voorhies seconded. Mr. Stephens restated: We the Board of Health very much approve of having a recycling center, and would like to have it placed to be as convenient as possible, and also there is no cost to issue the permit. The motion was unanimously passed.

9:15. Kelley's Corner and 20 Year Plan, 201 Study. George Emmons opened the discussion with a question regarding variances needed by Meineke Muffler. The appropriate documents to review, according to Mr. Costello, were: Mr. Emmons's note, Mr. Durling's correspondence, Mr. Costello's draft memorandum, the Rotodisk material on treatment plants, and the Coalition's survey. Mr. Costello called a brief recess so that the Board could review these documents. Mr. Emmons stated that he wished discussion could have preceded the drafting of the memo. Mr. Costello retorted that the memo was marked draft for review, and that the Board had to start someplace. A recess then was called.

9:50 Chairman Costello declared the recess over, upon confirmation from Board members that they had had time to review the documentation. Mr. Costello asked that his draft memo be reviewed first.

Mr. Stephens went over the draft memo, point by point, stating what he agreed and disagreed with. He opened by stating that the position the Board took

with South Acton was that we would support effective solutions to the South Acton problem. The Town voted to close the lagoons and pay extra money for pumping. One critical issue is South Acton, and that there are two, at least other areas - Kelley's Corner and Indian Village, and I think we need to adopt an overview that we are willing to take any position the Town wants to effectively address issues. This is a complicated issue with the septic tanks, water, etc. We should keep an open mind. I think the memo jumped to a lot of conclusions that I am not prepared to accept. Regarding these conclusions - the difference between needing and desiring sewers is a philosophy, not a conclusion. On #3, the need for sewers - South Acton and maximum acceleration and the need in other parts of town not being documented, I agree with that. #7 I think is in the long run there will always be some on septic tanks. Whether that percentage is 95% or 5% is the question, but there will always be a point to consider. If 7 & 8 are put together, it is again philosophy - essentially to that the debate will continue. Even though this is true, I am unsure that this advances our position. Sewers are an acceptable alternative. This town has gone for a long time on the premise that on site is also an acceptable alternative. For South Acton this is not acceptable.

Mr. Calichman interjected that the older sections of town would need sewers first.

Mr. Costello stated that if we implement a program maintenance system we may get different data - we will gather more data that may not support Anderson-Nichols or Durling's memo.

Mr. Stephens stated that we should adopt the Anderson-Nichols approach, particularly if we separate residential areas from commercial areas. Suggestions that the larger systems should be on treatment plants. #9. The basic recommendations of Anderson-Nichols should be adopted - I have no problem with that. I do not have too many comments on the recommendations. I want to read them a lot more carefully and think about them. Nothing jumps out as something I really object to. Additionally, the Board of Health recommendations. I have an X over #2. I agree that we should have better numbers about cost.

Mr. Costello: I was talking about updating in terms of sizes, not cost - pipe size - the purpose of that is that when the South Acton system is designed, it is designed according to some master plan.

Mr. Stephens asked, what is the difference in terms of pipe between 20,000 and 40,000 gallons per day carrier?

Mr. Costello replied that Metcalf & Eddy sized according to projection of population.

Mr. Stephens stated that according to code, there is a minimum pipe size.

Mr. Costello stated that the minimum size is 8" but it is either 24" or 30" line that goes through South Acton one the Metcalf & Eddy design.

Mr. Emmons stated that he was unprepared to say that we have an adequate summary of Anderson-Nichols recommendations without further study. If we are

going to make a statement later on, #9, on a basic summary and recommendations of the Anderson-Nichols report, at that point I want to go from paragraph #3 to #9, I am not willing to make a statement without a summary of Anderson-Nichols report recommendations. I am not prepared to accept 1 & 2 of Paragraph 3 as the only items of the Anderson-Nichols report without first going to #9 and reviewing the Anderson-Nichols report.

Mr. Calichman asked if it were possible for Mr. Emmons to pick out a set of recommendations.

Mr. Emmons replied that he was willing to do that, to prepare an initial report on the conclusions. He would also like to see the SEA supplemental report included in the relevant documents because it was commissioned to get new data to base a decision on. He would change that to say that the data were assembled and provide the basis that it was deemed that South Acton would be sewered.

Mr. Calichman stated that he would agree with that.

Mr. Costello stated that he assumed that the South Acton issue is put to bed.

Mr. Emmons stated that he is not willing to count that chicken until it is put in the pot. A discussion then ensued about how far the South Acton chicken could go toward being cooked and still have things go awry....

Mr. Emmons stated that on page 2 of Mr. Costello's draft, "but in a manner that assures that any solution to South Acton is not jeopardized" - I do not agree with attaching this statement here. I am afraid that in the context of the paragraph it is not the right thing to say. Comments 1 and 2 are redundant. Comment 1 is correct - there is a distinct difference between the need and the desire for sewers, and that cuts both ways - you can want and not need them, but you can also need but not want them. I think that 1 & 2 should be combined, they are supplementary.

Mr. Stephens stated that there is a difference. Cutting both ways - what are the biases on that?

Mr. Emmons stated that he felt his biases were clear. "It is no secret that I am in favor of sewerizing, and I am in favor of looking very carefully at including Kelley's Corner. It is clear that Mr. Bachrach is included in that set of problems. Mr. Yetman said it would almost break him. Kelley's Corner may not need sewers but if in any way it could be done it would ease the problem.

Mr. Stephens enumerated four specific approaches:

1. On site - Anderson-Nichols
2. On site with clustered treatment - South Acton cluster, Kelley's Corner cluster, Indian Village cluster
3. Master plan for sewer development in the entire town
4. Sewer the entire town

I think that we are at the point of saying as a Board that we can not live with one approach alone. The Board of Health is in favor of South Acton sewerizing. We are currently practicing #2. From a health point of view, we should be willing to accept all four points of view. Is there a need even if people don't want them, or do people want them even if they do not need them? Sewers definitely work and on-site systems work in some parts of town.

Mr. Costello asked that for the purpose of this memo, are we going to try to define what the future study should be, or just define that there should be a future study?

Mr. Emmons stated that if possible, we should explore what would be in a future study and define some areas where we have concerns. I would approach this study with a task breakdown method. Regardless of my statement of advocating sewers strongly, which I do, I am a practical person. I do not think that either of those approaches are where we will wind up - #1 or #4.

Mrs. Sagoff asked, why is it not possible to say, go ahead with South Acton in a manner so that it can accommodate other areas of town and determine them later?

Mr. Emmons stated, again, regarding #9, I think we should be more specific. What do we recommend? We might want to add to this as we go, but I am not sure what they will hit. Adopt a 20-year program? Yes. I do not want to be peeking into everybody's septic tank. A computerized data base goes a long way to identifying when people need to pump. I would like it the owner's responsibility. I think it is the owner's responsibility to file the pump slip. I think it would go a long way to lots of things including identifying what areas of town have problems. It is a big task and not easy, but I think it should be done. The Town has the responsibility to regulate septic systems. Going with the computerized data base there is clout. If nothing shows up in the data base, you are notified.

Mr. Costello stated that the purpose of the memorandum is not to be specific. We can debate the terms of the various programs for another 30 years.

Mr. Emmons replied that as far as the periodic evaluation of conditions and trends, I am for that, too. One thing that I do not think we want to get too hung up on is a model of population growth and failure rate. No elaborate studies need to be done. Let's be more involved in making the systems work, not in making the models work.

Mr. Stephens stated that the purpose of the computer is not to get hung up on models but to generate a load of paperwork, generate reminders, etc. Our failure rate could be better, but it is not bad.

Mrs. Sagoff stated that these letters that will go out will educate people; they just don't know about their systems and their system's requirements.

Mr. Emmons stated that data base is a good management tool, there is a matter of personnel and workload.

Mr. Stephens stated that on-site systems solution will not work in its entirety. one new piece of data since Anderson-Nichols is South Acton. We came to the conclusion that the cluster type .. the town's approach has really been predominantly on-site with specific hot zones dealt with. On site systems with development of a sewer master plan is needed. There is absolutely no need for sewerizing the entire town.

Mr. Emmons stated that the Board could make a statement that the Board of Health does recognize a spectrum of 4 - I am trying to get something out of here tonight which is interim. We recognize a 4-spectrum and the answer lies somewhere in between.

Mr. Costello stated that he thought everybody agreed with that.

Mr. Emmons asked, but has the Board said that?

Mr. Stephens stated that he thought that this memo could be made to state that certain areas need cluster systems, but that there is nothing that indicates that there is a need for town-wide sewers.

Mr. Costello stated that that may come out under systems and trends. We have to look at the two critical aspects as to on-site solutions. You have to go back and study the report and study why the systems failures are going to decrease. If recalculating the model does not support that system failures are going to decline, we have to go back and state that it may be appropriate for the town to adopt option #4, or we have to adopt the Lycott model, then it may be time to address the adoption of town wide sewerizing if the nitrate levels so indicated. If the trends are not supported on a periodic basis, the town should then consider sewers on a town-wide basis.

Mr. Emmons stated that he would be a little bit loose as to what is required to perform tests.

Mrs. Sagoff stated that tests and standards will change.

Mr. Emmons stated that rules and regulations - do we want to uniformly prescribe the same leaching area for all types of soils? How do you want to regulate pumping rates for different parts of town? Owner's responsibilities? Regulations for condo conversion? What about replacing old amortization systems? Mandatory system upgrades in aquifer protection areas? No real regulation of package treatment plants.

Mr. Costello stated that the Board does regulate treatment plants, except for nitrate removal. Everything else is regulated.

Mr. Calichman stated that in slow perching soil we use Title 5 requirements, because they are stricter than Town's. For good perching soil we exceed Title 5 regulations. The fact that systems that have gone in over the last 15-16 years have a good track record - maybe 6 failures out of 1,000.

Mr. Costello stated that this is why we need a data base - so that we can get the facts straight.

Mr. Emmons stated that new conditions, like condo conversions, or using package plants to treat individual owners and may require regulations regarding the owners and management of the thing. Management regulation as opposed to building regulation should be considered.

The engineering department is updating the Metcalf-Eddy report - where are we going to dispose of sewage? Going into Maynard, or into the Assabet?

Mr. Stephens stated that he was not sure that he agreed with the conclusions that everything has to go into a river. If he looks at the paper and sees the development we expect, one of the desireable objectives of a sewer system would be to get the water back into the aquifer.

Mr. Costello stated that it was not the water in the sewer system that depletes the aquifer, it is the lowering of the groundwater table due to the construction of the sewers. The outside of the sewers act as drains and interceptors. All these issues should be addressed.

Mr. Emmons stated that he did not agree with the last sentence of the draft IDC, necessarily. He was not sure that on-site procedures will last. He is extremely reluctant to have people put in extremely expensive systems that will fail.

Mr. Stephens stated that he thought that this Board is very patient and sympathetic. He does not believe that the Board can sit around and wait for the town to take action.

Mr. Oakley stated that the State says that we have to fix these failed system. The State could override us.

Mr. Costello stated that if you think that Redstone, Meineke issues are difficult, just think of what could happen if the sewers for South Acton go down the tubes at the next town meeting, the Board will have some horrendous decisions to make.

Mr. Stephens stated that as we deal with other issues, and the other main issue is growth.

Mr. Costello stated that the town of Acton is very cheap in terms of spending money on planning.

Mr. Stephens stated that Concord knows how to control growth, Acton does not.

Mr. Emmons stated that growth can and does have impact in that development can create havoc. We should point out that the town by controlling its growth will be controlling its sewage disposal problems at the same time. It is not our major function to hold back the dike of growth.

Mr. Calichman took up the example of Concord, stating that when their sewer system was first built, it was operating pretty much at capacity and served only a limited area of town. The approach of this Current Board is that we are concerned with public health, not growth. We are not the tool to control growth. I think it is inappropriate.

Mrs. Sagoff stated that for the past ten years, people have talked about changing zoning..

Mr. Stephens stated that if we base on this memo, I would do 2 things: reduce the history to basic issues, and

Mr. Costello stated that he had a problem with that because if we don't look at the trends I think we are burying our heads in the sand.

Mr. Stephens stated that at the present time, there is no indication of need for us to do anything. There are some areas of town where a solution is needed.

Mr. Costello stated - how about we assign Mr. Stephens and Mr. Emmons to recast this memo and we will meet on August 5?

Mr. Stephens and Mr. Emmons accepted the assignment.

Mr. Stephens stated he agreed with the conclusions of Erik Durling's memo. A detailed review of the memo ensued.

Mr. Costello asked if the Board wanted to go on to Mr. Emmons's memo.

Mr. Stephens stated that he believed that interceptor sewers will prove to be too expensive and available to other tie-ins. The brunt of the towns approach should be looking for trouble spots and buying land under the land bank program for future sites for treatment plants. This takes the heat off Maynard and the Assabet River.

Mrs. Sagoff asked if he meant it was ok to have a playground on a leaching field?

Mr. Stephens replied, absolutely!

Mr. Emmons stated that a 20 year plan is a perilous undertaking. You need flexibility, contingency planning, periodic reevaluation. The land bank idea is a good concept to explore.

Mrs. Sagoff stated that she thought the state did not want a lot of package plants.

Mr. Costello stated that on page 2 of his memo, Mr. Emmons mentioned that the Town of Acton has not accepted a plan. Mr. Costello was unaware that one had been submitted. The Anderson Nichols recommendations state that we do nothing, just remain as is - Mr. Costello disagreed with that statement in the memo as well.

Mr. Stephens stated that new information since Anderson Nichols was confirmation of S. Acton being a problem area.

There was some further discussion, among which was an exchange with Nancy Tavernier, observer, about economics. Mr. Costello stated that economics was not the field of the Board of Health.

Mrs. Sagoff moved to adjourn, Mr. Emmons seconded, vote unanimous.

11:15 p.m. Adjourned.

Respectfully submitted,

Carol Holley
Carol Holley, Sec'y

Signed and Approved,

Daniel Costello
Daniel Costello, Chairman