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Barbara Brown
CLERK, ACTON

ACTON BOARD OF HEALTH
MINUTES OF MEETING
September 22, 1987

Board members present were Daniel Costello, Chairman, Richard Stephens, Charlotte Sagoff, Richard Oakley, Associate member Cam Amos. Staff present were Doug Halley, Director, and Carol Holley, clerk.

Guests were Atty. Charles Kadison and his clients, Sam Cannarozzi et als, James Fenton, Mr. & Mrs. Wilson, L WV observer Joanne Hasse, reporter Maggie Walsh.

The meeting opened at 7:35 p.m. with a review of the minutes of the previous meeting. Mr. Oakley moved that the minutes of the previous meeting be accepted as corrected. Mrs. Sagoff seconded. Messrs Oakley and Costello and Mrs. Sagoff voted in favor, Mr. Stephens abstained as he had been absent that meeting.

A review of FYI correspondence ensued. Mrs. Sagoff asked about the progress of certain legal actions, including the suit the Town had filed regarding the Grace closure plan. It was noted that EPA has joined in this action. A health assessment form used by the Town of Millis was reviewed, and Mrs. Sagoff noted that traffic impact indeed was a health matter due to air quality impact. Mr. Costello related that many traffic studies deal with changes in air quality and noise, which are both health issues. Mr. Costello suggested that Mrs. Sagoff draft regulations requiring the studies noted in the Millis application. Information on hydrogeological studies was also reviewed.

The upcoming meeting regarding Kelly's Corner was noted. The issue of finding the water main break at Redstone was discussed, and how the cause of the Redstone septic system failure could impact a study for a sewer tie-in was noted. Mr. Stephens asked if the Board of Health would have any information to share at this meeting. Mr. Costello noted that Redstone's problem could very well be due to a broken water main, and an on-site system could work. SEA's assessment of the Kelly's Corner data, and the multiple errors found in the first draft results, were reviewed and noted. Mr. Halley was asked by Mrs. Sagoff to provide SEA with a written critique, and Mr. Costello took issue with SEA's definition of "failure" which is noted as record of overflow, blockage, or more than two pumpings a year. It was noted that grease trap and commercial pumping had not been differentiated from residential pumping activity. Mr. Stephens branded the SEA data as seriously flawed. Mr. Halley stated that more investigation must be done before any properties can be deemed a failure.

Further correspondence was reviewed. Mrs. Sagoff asked some questions about the Lycott figures regarding the septic lagoon closures, and techniques used were explained by Mr. Stephens. Mrs. Sagoff noted that all VOC's are now gone.

8:10 p.m. 494 Main Street, Center Store, appearance of Atty. Kadison et als regarding a take out food service operation combined with a retail operation.

Mr. Halley also asked the Board about allowance for seating, but Mr. Kadison interjected that seating was not in the current plans. Mr. Cannarozzi, upon query of Mr. Costello, stated that a grease trap did not exist with the current system but one was to be installed to prevent septic problems. Mr. Halley recommended that the Board of Health approve the application for the proposed change of usage in the Center Store. It was noted that the area to be changed is the first floor only, not affecting the apartment upstairs. It was asked if Article 11 applied to this usage. Mr. Halley replied that Article 11 has no design flows for take-out and stated that there is adequate design flow for eight seats with other current usages of the structure remaining the same. Mr. Costello noted that nothing on the matter really required Board of Health action, and the change was approved by the Board.

8:25 p.m. 825 Main Street. Request for variance for addition to existing home without alterations to septic system.

Mr. Halley noted that some of these matters involved with 815 Main Street were of a "catch-up" nature. The original repair permit indicated design flow of 440 gallons per day. Mr. Halley asked for a variance from Acton's minimum square footage for leaching, which is 900 square feet. Mr. Stephens noted that Acton's rules are in excess of State Code, for good reason, and systems that have been installed under current local regulations have not had any known history of failure. Mr. Costello wished to find out exactly what was necessary to bring this site up to code for 4 bedrooms. Mrs. Sagoff noted that it seemed to her that a lot more research needed to be done regarding this site before variances can be granted. Mr. Stephens felt that this site needs at least one more leaching pit and a reserve area designated before this matter can be properly dealt with. Mr. Costello asked Mr. Halley to look into this matter further. Mr. Oakley moved to table, Mrs. Sagoff seconded, and all voted in favor.

8:45 p.m. Septic inspection regulations.

It was noted that unqualified home inspectors had been certifying some septic systems, declaring others failed, and using methods that were improper or inappropriate, often with erroneous results. The thrust of this regulation is to ensure for the public that septic systems are being certified by duly qualified individuals. Mr. Costello wished to amend the draft regulation to reflect only those individuals who are authorized by Code to design septic systems being professional engineers or registered sanitarians. Mrs. Sagoff noted that a licensed pumper as listed in the draft did not necessarily understand the workings of a septic system. The draft was radically edited, and the Board voted unanimously upon motion of Mrs. Sagoff, seconded by Mr. Oakley, to adopt the amended version:

"Regulation 11-19.2

All inspections of existing septic systems shall be carried out by individuals with one or more of the following qualifications: Professional Engineer, Registered Sanitarian. Those individuals performing septic system inspections in the Town of Acton shall notify the Acton Board of Health of the inspection and the results thereof. Any septic system that is found to be in a state of failure by a qualified inspector shall be further inspected by an agent of the Board of Health to confirm the situation.'

9:15 p.m. 111 Stow Street, Request for Special Permit and Variance

Mr. Costello discoursed briefly on the difference between repair and alteration. Regarding the perc rate and the aquifer protection area, Mr. Halley noted that the system was designed to include introduction of a filter layer. Mr. Stephens moved to grant a special permit subject to the following conditions:

1. No underground fuel storage tanks allowed on the site.
2. Septic tank will be pumped a minimum of once every two years.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
4. The sewage disposal system for the proposed buildings at this site is to be approved by Acton Board of Health staff.
5. Leaching facility is 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 per inch, or with pressure dosing of the system to be designed in accordance with State Environmental Code.
6. Sewage disposal system is a minimum 100 feet away from flood plain and/or wetlands.

Mr. Stephens further moved that a reserve area be specified on the plot plan, waiving setback requirements to the property line. Mr. Oakley seconded and all voted in favor.

9:09 p.m. Special permit for repair of septic system, Concordian Motel, 71 Hosmer Street.

This site is in a recharge protection area. Mr. Costello noted that Mr. Halley had the authority to order removal of an underground sprinkler pipe. Mr. Stephens moved to grant the required special permit, subject to the following conditions:

1. No underground fuel storage tanks allowed on the site.
2. The septic tank will be pumped a minimum of once annually.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
4. The sewage disposal system for the buildings at this site is to be approved by Board of Health staff.
5. Leaching facility is 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 per inch, or with pressure dosing of the system, said pressure dosing to be designed in accordance with State Environmental Code.
6. Sewage disposal system is a minimum of 100 feet from floodplain and/or wetlands.

Mr. Oakley seconded the motion. All voted in favor.

9:15 p.m. Discussion of resumption of the Groundwater Protection Coordinating Committee. Either Mr. Emmons or Mr. Oakley will probably serve.

9:22 p.m. Discussion of arrival of Deb Halko, food service expert, and whether or not results of food service inspections should be published. The Board leaned in favor of publication of certain findings.

9:25 p.m. Mr. Stephens moved to go into executive session to discuss a matter of litigation. All in favor.

9:30 p.m. Mrs. Sagoff moved to go out of executive session. Mr. Oakley seconded. All in favor.

9:31 p.m. Mr. James Fenton for the Wilsons, request for variance to drill private well, Breezy Point Road.

Mr. Fenton discussed the details of the site regarding ledge presence and the distance of several hundred feet between the house and the water main. For a 2" line to tie into the main the Water District demanded a charge of \$7,920, which Board members considered exorbitant. It was noted that tying into Town water would cost in excess of \$20,000. The Wilsons, the petitioners, related that this house was in a subdivision of their own property, and they had used a private well for decades with no apparent problems, while admitting that they had not had the well tested for many years. It was estimated that the private well would cost about \$5,500. Mr. Fenton guessed that the value of the property once salable would be \$400,000, which the Board felt was too low an estimate. After considerable further discussion, including the fact that the Water District demand charge should be tied into usage instead of pipe size, Mr. Stephens moved to grant a variance to Acton Rules and Regulations subject to the condition that the well water be tested every two years, with copies of reports submitted to the Board of Health office. Mr. Oakley seconded. Messrs Stephens and Oakley and Mrs. Sagoff voted in favor, Mr. Costello voted against.

9:55 p.m. Mrs. Sagoff moved to adjourn. All in favor.

Respectfully submitted,

Carol Holley
Carol Holley, Sec'y

Signed and approved,

Daniel Costello
Daniel Costello, Chairman

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