

Acton Board of Health – Minutes  
June 23, 2003  
Room 126, Town Hall



Board Members Present: William McInnis, Chairman, Mark Conoby, Robert Matusow and Roxanne Hunt.

Staff Present: Doug Halley, Health Director, Brent Reagor, Health Agent & Sheryl Ball, Secretary

Others: Rosalie Berry, Nancy O'Brien, Dick Dolan, Guy & Sheryll McKay, & Kirk Fitzpatrick.

The meeting was called to order at 7:35 p.m.

**Minutes:**

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to approve the minutes of May 5, 2003 with corrections.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to approve the minutes of May 19, 2003 with corrections.

**Variance – 249 School Street**

The Health Department has received a request from the owner of 249 School Street, seeking a variance from Article 11-9.6 and 310 CMR 15.405(1)(b). The front yard has been determined to be the most suitable area due to the ledge in the backyard. The plans have been designed with a two compartment septic tank to accommodate for the reduced stone variance. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance to 249 School Street from Article 11-9.6 and 310 CMR 15.405(1)(b) with the following conditions:

1. The system is required to be pumped once every two years.
2. An MADEP approved effluent filter is installed in the last outlet tee of the septic tank.
3. A two-compartment septic tank is installed in lieu of the proposed single compartment tank.
4. The cover over the effluent filter is built to the final grade with a cast iron manhole frame and cover.
5. A revised plan showing the above listed conditions is submitted to the Health Department for approval.
6. A poly barrier shall be installed between the foundation and the system.

**Variance – 29 Ethan Allen Drive**

The Health Department has received a request from the owner of 29 Ethan Allen Drive, seeking to rescind a variance from 310 CMR 15.405(i) allowing a reduction in the required set back to the ESHGW elevation granted previously on July 22, 2002. The cost of the fill required to be brought in with a compliant system was the determining factor of this previous variance and also a portion of the lot is in the Town of Boxboro and would necessitate the need for a variance from Boxboro. The owner of the property has now determined that the previously granted variance is unacceptable and the plan has been redesigned with the required 4' offset to ESHGW. The Board stated that they need to rethink their policy on granting variances to 310 CME 15.405 which allows the reduction of separation to groundwater from 4' to 3' and also places a build out restriction on the home. The buyer typically finds this condition unacceptable and asks that the plan be redesigned and that the previous variance request be rescinded. Mr. Halley stated that the Board should consider adopting a policy not to allow the groundwater offset variance unless the design shows why there are no other options. On a motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to rescind the variance to 310 CMR 15.405 (i) issued to 29 Ethan Allen Drive granted on July 22, 2002 and to approve the system as designed with the following conditions:

1. The system be required to be pumped once every two years.
2. The Article 11 variances and other Local Upgrade Approval granted for the previous submittal remain in place with the acceptance of the revised plan by the Board of Health.
3. The system is built in accordance with a plan stamped by Steven Calichman, R.S. dated 6/2/2003.

**Variance Request – 15 Deacon Hunt Drive**

The Health Department has received a request from the owner of 15 Deacon Hunt Drive, seeking to rescind a variance from 310 CMR 15.405(i) allowing a reduction in the required set back to the ESHGW elevation granted previously on June 9, 2003. The engineer has redesigned the system to meet the 4' groundwater offset and will need to place retaining walls and move a hill to construct the system. Ms. Nancy O'Brien, representative of the owners, have indicated to her that a higher mound is more preferable to the build out condition. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to rescind the variance to 310 CMR 15.405 (1) issued to 15 Deacon Hunt Drive granted on June 9, 2003 and that the proposed

septic system be built in accordance with a revised plan stamped by Mark Donohoe, P.E., dated June 12, 2003 with the following conditions:

1. The septic tanks are required to be pumped a minimum of once every two years.
2. A DEP approved effluent filter shall be installed in the last outlet tee in the final septic tank.
3. The previously approved variance from Article 11-9.1 and Local Upgrade Approval from 310 CMR 15.405(b) remain in place with the acceptance of the revised plan by the Board of Health.

#### **Variance Request – 172 School Street**

The Health Department has received a request for a variance to Article 11-7.2 for the property located at 172 School Street to allow for a reduction in the required setback to a bordering vegetated wetland for a new home. The applicant has also proposed advanced treatment utilizing a Single Home FAST sewage. On a motion made by Dr. Matusow, seconded by Ms. Hunt, the Board unanimously voted to grant a variance to 172 School Street from Article 11-7.2 with the following conditions:

1. The system is required to be pumped once every two years.
2. The conditions set forth in the MADEP General Use Approval Letter W012530 dated August 13, 2001.
3. Effluent from the system shall be monitored quarterly. At a minimum, the following parameters shall be monitored: pH, BOD, TSS, TKN, NO3-N. Every time the system is monitored; the water meter reading shall also be recorded. All monitoring data shall be submitted to DEP and the Local Approving Authority within thirty (30) days of the sampling date.
4. The system is built in accordance with a plan stamped by Mark Donohoe, PE, dated 6/6/2003.

#### **Variance Request – 12 Revolutionary Road**

The Health Department has received a request for a variance to Article 11-9.6 for the property located at 12 Revolutionary Road. The variance requested for the reduction in the required depth of leaching stone is to minimize the grading. To compensate for the reduction in stone a dual compartment tank and a filter has been designed in the plan. On a motion made by Ms. Hunt,

seconded by Mr. Conoby, the Board unanimously voted to grant a variance to Article 11-9.6 to the property located at 12 Revolutionary Road with the following conditions:

1. The system is required to be pumped once every two years.
2. The system is built in accordance with a plan stamped by David Perley, PE, dated 5/5/2003.

#### **Variance & Aquifer Special Permit Request – 982 Main Street**

The Health Department has received a request for a variance to Article 16-4.2.8 for the property located at 982 Main Street for the construction of a new onsite wastewater system. The Grease trap is 55' from the onsite well with the requirement being 150'. The Health Department has reviewed the proposed plans and finds them to conform to all other applicable Title 5 and Acton Regulations. On a motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to grant a variance to Acton Rules and Regulations, Article 16-4.2.8 to 982 Main Street with the following conditions:

1. The system is required to be pumped at least once every two years.
2. The system is built in accordance with a plan stamped by Peter Parent, PE, dated 6/4/03.
3. The Grease Trap shall be inspected and maintained in accordance with Title 5.

On a motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to grant an Aquifer Special Permit to 982 Main Street with the following conditions:

1. All cleaning agents utilized at the property shall be biodegradable and shall meet the approval of the Health Director.
2. No floor drains are allowed in any building unless they are connected to a tight tank system.

#### **Hearing Request – 4 Wilson Lane**

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to continue the hearing to the next regularly scheduled meeting at the owners request due to being out of town on business.

#### **Hearing Request – 127 Summer Street**

The owners of the property located at 127 Summer Street are requesting a variance from Article 16 to allow the retention of an unusable irrigation well with reduced setbacks to an existing septic system. The owners have indicated that the well is capped with heavy metal and is unusable. Mr.

Halley stated that the owners have another existing well that is used for irrigation purposes. The Board asked Mr. Halley to verify that the well is capped and considered safe. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to continue this variance request subject to Health Department verification that the well is permanently sealed and safe.

#### Other

- **6 Houghton Lane** – The Health Department is in receipt of a letter from 6 Houghton Lane stating that their septic system is in failure due to the development in town which has caused flooding on the property. Mr. Halley stated that the system is 50 years old which is a long life for a septic system.
- **Lahey Clinic Study** – Mr. Halley asked the Board if they are interested in asking Lahey Clinic to come to Acton to discuss their findings on their “Mood, Food & Sex” study. The Board asked Mr. Halley to ask the schools if they would participate. The Board instructed Mr. Halley to approach the schools and ask for their involvement.
- **SRF Loan Replacement** – Mr. Halley presented the Board with information regarding the State’s Septic System Loan Replacement & Sewer Connection Program. Funds could be available to the residents of Acton with 0% interest over a term of 20 years. The funds are given to the Town to disburse dedicating the money towards rectifying failing Title 5. A few residents have expressed interest in the program. The Board stated that it would be important to be able to verify applicant’s financial data confidentially and agreed with going before the Selectmen for approval of this program.
- **W.R. Grace** – Mr. Halley spoke with Ms. Johns from W.R. Grace who stated that Grace was not amendable to paying for a Health Risk Assessment without more information. The Board authorized Mr. Halley to hire O’Reilly, Talbot and Okun to make up a work plan to present to Grace for rational as to why Grace should consider paying for a Health Risk Assessment.

#### Adjournment

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to adjourn the meeting at 9:40 p.m.

Respectfully Submitted,

Sheryl Ball

Sheryl Ball, Secretary

Acton Board of Health

William McInnis

William McInnis, Chairman

Acton Board of Health