

ACTON BOARD OF HEALTH

MEETING 11/13/89

MEMBERS PRESENT: Joseph Glannon (Chairman)

George Emmons

Gerhard Heinrich

Marilyn Hotch

Jonathan Bosworth (Associate)

STAFF PRESENT: Doug Halley (Health Director)

Steven Ward

Sheryl Howe

OTHERS PRESENT: Richard Porter

Julia Stevens

Katherine Meyer

Jean Worfolk

Margery Burgess

Kathleen Harrigan

Jack Dunphy

The meeting opened at 7:40 P.M.

ACTON PUBLIC HEALTH NURSING SERVICE - MS. STEVENS:

Ms. Stevens requested that the Board of Health re-appoint the members of the Professional Advisory Committee, as required by law.

On a motion made by Ms. Hotch, seconded by Mr. Heinrich, the Board unanimously voted to appoint the PAC members from the list presented to the Board of Health on November 13, 1989 for the term of one year to serve on the committee as listed below:

1. Lorraine Carvalho
2. Marlene Bergart
3. Richard Porter, M.D.
4. Sylvia Brown
5. E.F. Voorhies
6. Edwin Knights, M.D.
7. Jane Gruber
8. Julia Stevens
9. Marjorie Burgess
10. Kathleen Harrigan
11. Jean Worfolk
12. Kate Meyer

Ms. Stevens also discussed medicare reimbursement. In the past years the Nursing Service has had to pay back to medicare between \$2,000 - \$3,000 per year. The Board should make sure the charge to medicare is representative of the true cost of the service. In any case the rates should be raised to the allowable medicare limits because the pay back to medicare at the end of the year is not detrimental to the Nursing Service.

Ms. Stevens also discussed the Nursery School inspections. Ms. Stevens is aware that other agencies are giving back the inspections to the State and

by doing this would free some of the nurses time. Ms. Stevens also mentioned that job reclassifications were on the top of Mr. Murray's (Assistant Town Manager) list and would hopefully be done soon. Emerson Hospital referrals were discussed. Mr. Halley and Ms. Stevens met with Emerson Hospital for the monthly meeting and discussed the discrepancies in the amount of referrals. Lastly, Ms. Stevens discussed the Ms. Templeman case. Mr. Burtt is no longer the conservator and a temporary legal guardian has been appointed. The weekend companion has been given the duties of the laundry, which relieves the home health aide of these duties.

421 GREAT ROAD - VILLAGE ARMS:

At their regularly scheduled meeting of October 30, 1989, the Board tabled this variance request in order for further analysis of the proposed septic system repair at 421 Great Road to occur between Mr. Halley & Jack Dunphy (Acton Survey & Engineering). After much thought the two (2) alternatives that were discussed are as follows:

1. Installation of a system that has 4,600 (6,600 minimum required) square feet of leaching approximately one foot (minimum four foot is required) above high groundwater with possibilities of designing the system this year.
2. Raise the system and install 3,150 (6,600 minimum required) square feet of leaching, add retaining walls (which cause the decrease in the size of the leaching field) with possibilities of installation in the spring. Maintain a minimum four feet above groundwater.

Discussion ensued as to which alternative is the best for the public health and environment. Regardless of the decision the owner of the property is in the process of installing low flow water devices in the entire building.

Mr. Dunphy considered these alternatives the most feasible, however, other factors (e.g. utility lines, size of lot & driveway) make the decision extremely difficult. The Board discussed every possible effect that might occur with alternatives 1 & 2. Mr. Halley recommends alternative number one because the previous system was approximately 3,000 square feet of leaching and lasted only 14 years. Along with his recommendation he also stated that a long term solution of a sewage treatment plant must be obtained within ten (10) years time. Mr. Halley also stressed that this repair should be declared an emergency.

On a motion made by Ms. Hotch, seconded by Mr. Emmons, the Board voted to approve a request for a variance from 310 CMR 15.00: The State Environmental Code, Title 5 for a proposed emergency septic system repair at 421 Great Road. The vote was three (3) to one (1) with Mr. Emmons casting the dissenting vote. The variance from section 15.15 (3) - Groundwater would allow the construction of a leaching field within one (1) foot of observed high groundwater and is subject to the following conditions:

1. Within sixty (60) days the applicant shall hire an engineering consultant to prepare a report and estimate of the cost of construction for a tertiary treatment septic system with subsurface discharge for the replacement of the septic systems at 23 & 25 Harris Street and 411, 419, 421 Great Road.
2. Within six (6) months the applicant and/or its successors shall establish and fund a capital reserve account sufficient to fund the estimated cost of a treatment facility (as estimated in condition 1) within ten (10) years after the start of the account. Beginning with the establishment of the capital reserve account and on each yearly

anniversary the applicant shall fund one tenth of the total estimated cost. The account shall be established in a form satisfactory to the Board of Health by means of an interest - bearing bank escrow account. The applicant and/or its successors shall maintain the account throughout the need for this variance replenishing the full amount within one year of any disbursement. Disbursement shall be only for the repair or improvement of any existing septic system on the above listed properties prior to the construction of a treatment plant. At the end of ten (10) years plans for a tertiary treatment septic system with subsurface discharge, for the above listed properties, shall be submitted to the Board of Health for their approval with construction beginning within sixty (60) days after the Board's approval, unless the Board finds that an equivalent level of environmental protection can be provided through other measures.

3. The applicant and/or its successors shall submit to the Board of Health an annual financial report prepared in accordance with generally accepted accounting principles consistently applied, which documents all expenses for the septic systems operation, maintenance, repair and replacement during the previous year and reports on the status of the financial obligations set forth in condition two (2).
4. The applicant and/or its successors shall install low flow toilets and fixtures in any water use area within the building of 421 Great Road that does not presently have water conservation devices and submit verification to the Board.

5. The septic tanks and pump chambers at 421 Great Road shall be pumped and maintained in strict conformance with Board of Health Reg 11-24.1 so that at no time does septage or effluent overflow from the system prior to the completion of construction of the proposed system.
6. Water gauges for 421 Great Road shall be either repaired or put in place to monitor the water consumption in the building. Quarterly reports shall be submitted to the Board showing the average daily flow in gallons. Any quarter which exceeds an average daily flow of 2,400 gallons shall cause the owner of the property to identify, correct and reduce the water flow until it is again below 2,400 gallons.
7. The stream and wetlands on the property shall be tested in the first year on a quarterly basis and thereafter on a semi-annual basis, both up gradient and down gradient of all the septic system located on the property. The test shall be a bacteriological test for total and fecal coliform with the results submitted to the Board of Health.
8. In the event that the testing, as stated in condition 7, shows an increase in the bacteriological degradation of the stream or wetlands, the applicant and/or its successors shall take steps to identify the cause of degradation and to take action up to and including immediate construction of a tertiary treatment system as stated in condition two (2) or increased payments into the escrow account to allow the construction to occur at an earlier date.
9. The proposed septic system shall be at a minimum of one foot above the observed high groundwater.

496 GREAT ROAD - VARIANCE:

The owner of the property located at 496 Great Road seeks a variance from Title 5 for the distance to the property line. A variance is also needed from Acton rules and regulations, minimum size of leaching system. The minimum size of a leaching field according to Acton's rules and regulations is 1,760 square feet of leaching and the proposed amount is for 1,680 square feet. Mr. Halley stated that the State has granted such variances from the distance to the property line in the past and he feels confident that the State will have no problem approving this.

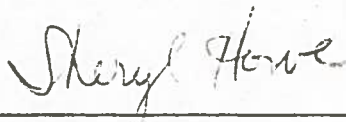
On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to grant these variances from Title 5 for the setback to the property line being one foot instead of the required ten (10) feet. The second variance is to Acton rules and regulations for a minimum size of leaching system to be 24' by 70'.

On a motion made by Mr. Heinrich, seconded by Ms. Hotch, the Board unanimously voted to adjourn at 11:10 P.M.

NEXT MEETING:

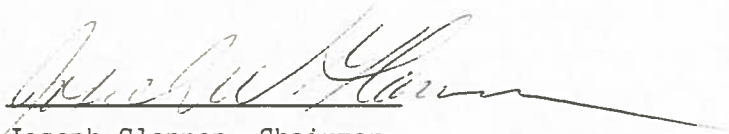
The next regularly scheduled meeting will be held on November 27, 1989 at 7:30 P.M. in Room 126 of the Town Hall. The following meeting will be held on December 18, 1989 in Room 126 at 7:30 P.M.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sheryl Howe".

Sheryl Howe, Secretary

Signed and Approved,

A handwritten signature in cursive script that reads "Joseph Glannon".

Joseph Glannon, Chairman