

MINUTES
BOARD OF HEALTH MEETING
JANUARY 27, 1987DATE 2/26/87
Barbara Brown
TOWN CLERK, ACTON

Board members present: Richard Stephens, Eleanor Voorhies, George Emmons.
Staff present: Edward Wirtanen, Marion Donahue, Carol Holley.

Pending the arrival of Daniel Costello, Mr. Stephens chaired the meeting. The meeting opened at 7:46 p.m. At 7:50 Mr. Costello arrived and the chair was turned over to him, prior to any Board actions.

7:50 p.m. Review of correspondence.

Miss Voorhies moved that the minutes of the previous meeting be accepted as corrected. Mr. Emmons seconded. Unanimous in favor.

A draft data base form was reviewed, and found to have some items in excess of those recommended by Mr. Costello in his data base design, and lacked others recommended. Mr. Stephens felt that the initial data base entries should be limited to six fields: name, address, septic system/cesspool, dates pumped, etc. The possibilities of a central Town data processing system was discussed. Mr. Stephens expressed an opinion that the number of references used in the initial input be limited to three.

Regarding corresponding about Powdermill Plaza treatment plant, it was suggested that staff research the original discharge permit to determine where sampling should be taken - at the end of the outfall pipe, or inside the building. The circumstances leading up to this letter were discussed, as well as the treatment plant operator's plan to determine the source of the high bacterial count. Regarding correspondence from the K Companies about water usage at 100 Discovery way, Mr. Costello requested staff to obtain water meter readings.

A letter to Eliot Mental Health regarding Town funding was reviewed. Miss Voorhies moved that staff be directed to write Town Manager to express the Board of Health's unanimous support for funding of the Eliot Clinic at the level requested by them. Mr. Stephens seconded. The Board unanimously voted to send this communication regarding their support.

Mr. Stephens was then requested by Mr. Costello to look into figures submitted on Nursing rates.

Correspondence from DEQE regarding three new Hazardous Waste sites was reviewed. Concord Auto Auction had been cited for discharging chemicals used in cleaning engines some time ago. It was believed that this process had long since been abandoned. Mr. Emmons asked if the Auto Auction's listing as a hazardous waste site could be related to the fact that they were in the process of cleaning up gasoline from a ground spill. Regarding the cited Gordon Martin property on Main Street, Mr. Wirtanen stated that a hazardous materials investigation had been initiated there when soil testing was witnessed, and the State called in. The site had been used to bury empty fuel tanks. Regarding the citing of the Sanitary Landfill, staff was directed to confirm that the State was referring to the landfill as opposed to the septage lagoons.

Water testing results from Brook Run condominiums were extensively discussed. Numerous solvents not normally used for residential purposes were found when a sample was taken from an aeration chamber after a peroxide treatment. The Board expressed a great deal of concern regarding the presence of these chemicals. It was questioned whether or not the presence of these solvents could have been a result of an unauthorized attempt to rejuvenate a failing septic system. Mr. Costello stated that the Board of Health is against the use of any rejuvenating chemicals other than hydrogen peroxide. It was confirmed that these chemicals had not been found when the well at the site was tested. Staff was directed to contact Rutland Sanitation, which had performed a peroxide treatment prior to the sampling from the aeration chamber, and also to send a notice to all concerned parties that hydrogen peroxide was the only rejuvenating chemical permitted in Acton.

8:31 p.m. Mr. Yetman, Meineke Muffler.

Mr. Yetman had appeared before the Board in December and had been directed to obtain estimates for the execution of a repair plan submitted by Mr. Dunphy. He had contacted seven (7) licensed installers, but had received only one proposal with a cost estimate, from Mr. Ratta. Mr. Yetman believed he had not received one from Mr. Dolan of ABC Cesspool because Mr. Dolan had left for vacation. The estimates showed \$15,000 for the construction of a leaching field, \$15,000 for the construction of an interceptor drain, and \$3,800 for construction of a tight tank system. No estimates for repaving or special duty police that might be required due to the nature of the site had been obtained. Mr. Yetman stated that the job would be difficult to perform due to the nature of the area, and he felt that Mr. Ratta really did not want to do it. Mr. Yetman then questioned the fact that the system at Meineke Muffler had indeed failed, questioned the accuracy of dye testing, and requested further testing to determine the condition of the system. He stated that his system, to his belief, was in good operating condition. Staff stated that dye testing showed effluent from the Meineke system breaking out near Foster and Foster. Mr. Stephens confirmed to Mr. Yetman the credibility of dye test results. Mr. Wirtanen was requested by Mr. Costello to review the records of the Meineke site and come up with a recommendation for action/no action. Mr. Yetman requested to be notified by mail of his next appearance before the Board, probably at the next meeting.

8:46 p.m. Land Bank. Doug Halley, Conservation Administrator.

Mr. Halley briefly described the land bank program. An extensive discussion of possible uses for the subject properties ensued. Mr. Halley stated that in drafting of the land bank bylaw great care would have to be taken so that possibly conflicting interests were not served. The land bank is to be created primarily for conservation purposes; use of subject properties should not conflict with the basic conservation intent. It was agreed, after some discussion, that certain land bank properties could be used for leaching areas for communal treatment plants in the future; however, the treatment plant structure itself could not be located on the property. The property could also be used for running a sewer line through, as long as no buildings are constructed. The Board stated that they support the Land Bank.

The use of 61 and 61A lands as possible leaching areas was discussed. These properties would not have the restrictions regarding construction that land bank properties would have. It was suggested that the 61 and 61A parcels be identified and reviewed for possible use as communal leaching areas and/or treatment plant sites.

9:26 p.m. Bruce Stamski, MaryLee Swartz. Variances for perc rate, property on Hammond Street.

Mr. Stamski presented a sketch plan and gave a summary of perc test results for the areas of the proposed septic systems. All are in compliance with Title 5; however, some perc tests yielded rates slower than allowed by Acton Code. The Board reviewed a precedent case on 50 Arlington Street, in January of 1985. Mr. Stephens moved to grant a variance on lots 1, 3, and 4 of the Swartz property on Hammond Street with the following conditions:

1. A 2,000 gallon septic tank be installed
2. No garbage disposals allowed in the residence.
3. Leaching area to be 30% greater than that required by Title 5.
4. A restriction be recorded on the deed limiting the use of the property to a single family dwelling.

Miss Voorhies seconded the motion, which carried unanimously.

9:35 p.m. FJ Ratta, regarding repairs.

Mr. Ratta opened his discussion with a proposed repair at the Turner residence on Rose Court. The family circumstances were reviewed. Mr. Ratta wished to use previous test data from the original design plan instead of performing a new round of tests. Testing that had been witnessed by Board of Health staff was not on record. Mr. Ratta wished to not use the design reserve area due to poor soil conditions, but excavate out and remove the existing, failed system and replace it with a new system in the same area. Mr. Ratta then went on to describe the hardships presented by the Health Department's current procedures regarding the design and approval of repair plans. He expressed the opinion that the current procedures resulted in increased costs and delays. He wished the Board to consider all repairs as emergencies in order to eliminate certain procedural matters. The Board expressed disagreement with this procedure. He also wished the Board to discontinue their current procedural policies, which he found cumbersome and counterproductive. The Board reminded Mr. Ratta that the procedures were a matter of State and not Town regulations, and that they had been directed by Town Counsel to follow said procedures. The Board stood firm on its present mode of operations. The Board instructed Mr. Wirtanen to review the plan Mr. Ratta had prepared regarding the Turner repair.

Mr. Ratta then asked if the Town could provide an area where septage hauling trailers could be parked, for use as a transfer station from pumping trucks. The Board felt that a transfer area was not a bad idea, but felt that the Town had expressed in Town Meeting that it did not wish to become involved. It was suggested to Mr. Ratta that the septage haulers get together and present their case to Town Meeting.

Mr. Ratta then asked the Board to embark on a public education campaign, as septic system failures are primarily caused by human misuse. The Board agreed with the need for such educational procedures, and stated that they would be instituted along with the Septage Management Program in the near future. Mr. Costello also stated that Mrs. Sagoff, a Board member currently on vacation was to initiate a column on health matters, hopefully to be published locally. Channel 17 was mentioned as a possible medium as well.

10:45 p.m. Setting of nominal fee for filing of Transfer of Title/Septic System Construction Permit. Mr. Stephens moved said fee to be set at \$10.00. Miss Voorhies seconds. All vote in favor.

10:47 Redstone Condominiums.

An extensive discussion on appropriate procedures with the State on the granting of emergency permits versus the granting of variances was discussed. Mr. Costello was of the opinion that any temporary measures did not require granting of a variance due to the temporary nature of the construction. He felt that this entailed a construction permit and no more. Mr. Stephens was requested to discuss the matter with appropriate personnel at DEQE the following morning, and staff was directed to follow the procedures researched by Mr. Stephens. The issuance of orders to install low-flow devices was briefly discussed, but no orders were issued at the time. Such installations had been recommended by the Board and Mr. DeFeo at a previous meeting.

Note: As a result of Mr. Stephens's telephone conversation with Mr. James Fuller, the staff was directed to proceed under the agreement with DEQE that the Board's declared emergency did not require DEQE approval. A copy of the plans was sent to Mr. Fuller for information purposes only, per his request.

There being no further business, at 11:25 Miss Voorhies moved to adjourn. Meeting adjourned.

Respectfully submitted,



Carol Holley, Sec'y

Signed and approved,



Daniel Costello, Chairman