

ACTON BOARD OF HEALTH  
MINUTES OF MEETING  
FEBRUARY 10, 1987

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Barbara Brown  
TOWN CLERK, ACTON

Board members present were Daniel Costello, Chairman, Richard Stephens, Eleanor Voorhies, and Associate Member Richard Oakley. Staff present were Edward Wirtanen and Marion Donahue, Sanitarians, and Carol Holley, Secretary.

The meeting opened at 7:40 p.m.

After review and discussion, Mr. Stephens moved that the minutes of the Board of Health meeting on January 27, 1987 be accepted as amended. Miss Voorhies seconded; all voted in favor. The Board then reviewed the minutes of the meeting on February 3, 1987. Mr. Stephens moved that these minutes be accepted as amended; Miss Voorhies seconded. All voted in favor.

A draft File Data Summary Sheet was reviewed. The Board requested the following additions:

1. Address of owner, in case of absentee owners
2. Under septic system, the type of system be specified - field, trench, etc.
3. Variances that had been granted on the subject property.
4. Grease trap, sand/gasoline trap.
5. Pump dates should indicate last 5 times pumped.
6. Presence or absence of underground storage tanks.

It was suggested that a representative street, with developments of mixed ages, be used as a trial run for time estimate purposes in establishing data base material. Mr. Costello requested that Newtown Road be used for this purpose as it has many homes of varying ages. Mr. Costello requested staff to remind him to find his version of a data base form.

Correspondence regarding Redstone Condominiums was reviewed. Mr. Wirtanen related that he had heard from FJ Ratta Co. that construction would begin soon. Mr. Costello reminded Mr. Wirtanen to tell the parties involved that they were under a 30-day completion date.

Correspondence from Joyce Foley was reviewed, regarding 138 Great Road. It was related that she would not be in before the Board that evening. Mr. Wirtanen was directed to review the proposed plan for this site. According to Mr. Wirtanen's best recollection, the proposal conformed to Title 5 but not Acton code. It was requested that a list of deviations from code be compiled. Miss Voorhies moved to table the matter for two weeks. Mr. Stephens seconded. All in favor.

Regarding a memorandum giving a capsule history of the repair process at 263 Main Street, Mr. Stephens asked if a special request for a tight tank had been made. Mr. Wirtanen stated that the occupancy permit for the site was a temporary occupancy permit, and if the Board of Health feels it necessary to revoke this permit, the Building Commissioner will comply.

8:12 p.m. Special Permits for lots A, B, C Windsor Ave. Authentic Homes. Mr. Costello stated that it would be appropriate to consider these three lots all together. Mr. Stephens moved to grant a special permit 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 two 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 is to be approved by Acton Board of Health Staff.
5. Leaching facility is designed and installed with either an intermediate layer with a percolation rate of between 6 and 10 minutes per inch in those areas that have a percolation rate of less than 2 minutes per inch or a properly designed pressure distribution system.
6. Sewage disposal system is a minimum 100 feet from flood plain and/or wetlands.

Miss Voorhies seconds. All vote in favor. It was stated that the design criteria for the pressure dosing system would need to be clarified.

Mr. Oakley asked if, considering the condition regarding the Hazardous Material Control By-Law, the property owners were provided with a copy of the By-Law. It was explained that, while this condition was always covered, it usually was applicable only to commercial sites.

Mr. Wirtanen then related that he had met with Capt. Craig of the Fire Dept. and Doug Halley of the Conservation Commission regarding the Hazardous Material By-Law and appropriate incident response procedures.

8:20 p.m. A review of minutes from a previous Board of Health meeting with Attorney Dave Barrat was briefly conducted.

8:25 p.m. Mr. Yetman. Meineke Muffler, 263 Main Street.

Mr. Stephens stated that, as of Mr. Yetman's last appearance before the Board, a discussion was in process regarding the alternatives between a leaching system and a tight tank. Mr. Yetman stated that currently all his abutters were using his toilet facilities, as their septic systems were distressed and his was not. He requested re-testing of his system, as he was having no problems. If his system is bad and it can be proven to him, he would be willing to install a tight tank as soon as the ground thawed. Mr. Stephens asked if he would rather have a tight tank, to which Mr. Yetman replied affirmatively. Mr. Yetman stated he did not wish to spend money on a system just to have to redo it in a few years. Mr. Stephens stated that in the past, a determination was made that the system had failed. Perhaps Mr. Yetman's engineer would make a statement that, upon observation, the system indeed has not failed. Mr. Stephens stated he would be surprised if Mr. Dunphy had gone to the trouble of designing a repair for an unstressed system.

Mr. Stephens averred that no application and/or plans have been submitted for a tight tank. Per statement of Mr. Wirtanen, tight tanks are not approved by

the town but by the State, as this goes under "miscellaneous disposal." Mr. Yetman would have to justify this variance to Title 5. The State would permit it, but they could issue a condition to seek approval of the Acton Board of Health. Mr. Stephens stated that what he would like to do is tie up all the actions at the same time: (1) the current system be inspected by Mr. Yetman's engineer and its condition be determined: if the system is determined to have failed, then the plans for tight tank will be submitted to the Board along with a report of the engineer's inspection and the Board would then submit the plans to the State; (2) if the engineer does not detect a clear failure and he requests testing, then a test would be conducted and a field charge levied and if the test shows a failure the plans would be submitted, and if the test shows no failure then the matter will come before the Board and it will be determined why the system was once failed and is no longer failing. The purpose of this is to have everything tied down so there is no return to the starting point. The only way we return to the starting point is if the test does not indicate failure. Sometimes tests do not work. It is important to understand that if we test and we do not find anything, that is not a declaration that the system works. Mr. Costello requested that when Mr. Dunfy inspects the system, staff should be there. Time frame for this inspection should be less than thirty days.

Mr. Stephens moved that an order be issued to Mr. Yetman to file plans for his system in no later than 30 days, and the Board will expect within the next 30 days an engineer's report of an inspection witnessed by Board of Health staff and consider retesting of the system. Miss Voorhies seconds. Yetman stated that this inspection could involve removal of material, and there was a great deal of snow banked on his property. Mr. Costello stated that will be up to the engineer and staff to determine if conditions require an extension. All vote in favor.

8:40 p.m. The rest of the correspondence was reviewed. Mr. Wirtanen's comments on revised plans for Rosestone were read, and comments made.

The warrant articles to be considered at Town Meeting were read and discussed. Discrepancies in time estimates for data bank establishment were noted.

9:05 Applications for a building to be constructed by the Water District for development of a treatment plans by Town Wells were discussed. The Board of Health feels it is probably appropriate to install a treatment plant in the area, even though it is a well buffer and therefore a no-building zone.

9:07 Attorney David Barrat and engineer Roger Parsons. Hookup of Littleton development into North Acton Treatment Plant.

Mr. Parsons presented plans for Carter Realty development of DellDale Farm property, 74 acres in size. Mr. Parsons stated that it was requested by the Littleton Conservation Commission that this development become a cluster. To make this project economically viable, about 55 homes needed to be built. Littleton wished the proposed development to tie into the North Acton plant. Mr. Kirk Ware of the plant stated he would have to expand by 25,000 gallons per day. North Acton would still be within its original permit parameters of 200,000 gallons. Particulars of the North Acton plant were discussed.

Legal arrangements to ensure payments of sewer bills were explained. DEQE would have to oversee the capacity increase for North Acton and the installation of the sewers. This is completely a private situation.

Upon query by Mr. Wirtanen, it was learned that the necessary zoning had not been accomplished, and the developers had wished to pursue the zoning matter and the treatment plant matter simultaneously. Mr. Wirtanen asked if Mr. Ware were going to file the appropriate requests for soil testing for his expansion. Attorney Barrat stated that he believed so.

Mr. Costello asked why the developers did not pursue the option of their own treatment plant with leaching area on their site. Mr. Stephens asked if there were any areas on the property suitable for accepting the effluent. It was determined that distance from the treatment plant precluded use of the proposed open areas as expansion area for the North Acton plant's leaching system.

Mr. Stephens asked what the benefits to Acton would be, if this arrangement were pursued. Mr. Barrat stated that there would be neither gains nor dangers for Acton.


Mr. Costello stated that because they believe they have permitted capacity of 300,000 gallons per day does not mean that they should encourage full use. Mr. Costello opined that if they went through the permitting process today, different criteria would be applied to the development of the treatment plant regarding impact on groundwater quality. Mr. Costello expressed leanings against expansion. Mr. Barrat stated that North Acton is confident that DEQE will approve their plans. Mr. Costello stated that the Town now wishes to become more involved in treatment plants than in the past, as difficulties with some plants have surfaced.

Mr. Costello stated that the matter at hand was a policy decision, and he felt it would be setting a dangerous precedent in policy if the Board of Health acted without referring this matter to the Selectmen. Mr. Costello stated that he felt decentralized leaching facilities minimized impact on any one area of the aquifer. Mr. Costello restated the Selectmen would have to participate in this decision regarding Town policy. Conservation and Planning Boards might be asked for input as well. The engineer expressed a willingness to speak to any and all boards in the Town regarding this matter. He stated it will cost about \$200,000 to hook up. The sewer line would be about \$30,000, plus the fees.

Mr. Oakley stated that as of yet, the Board had no decision to make without input from other entities. Mr. Stephens asked about timing of the project. The engineer stated that it was started in October of 1986, and the enabling legislation is coming before Littleton Town Meeting in the fall. Definitive plans would be ready in the fall.

Mr. Stephens stated that per DEQE, hydrogeological studies would have to be done. He stated it was necessary to have an answer as to why it was important for Acton to do this. Atty. Barrat asked if they would like to have answers regarding possible negative impact. Mr. Stephens preferred arguments for benefits. After mutual expressions of appreciativeness and wishes for a good evening, Messrs. Barrat and Parsons left, and Mr. Stephens moved to adjourn. Miss Voorhies seconded. All voted in favor.

Respectfully submitted,

  
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Carol Holley, Secretary

Signed and approved,

  
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Daniel Costello, Chairman

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