

ACTON BOARD OF HEALTH
MINUTES OF MEETING
FEBRUARY 24, 1987

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Barbara Brown
TOWN CLERK, ACTON

Present: Daniel Costello, Chairman, Board members Richard Stephens and George Emmons, Associate member Richard Oakley. Staff present: Marion Donahue, Carol Holley,

The meeting opened at 7:41 p.m. Mr. Stephens moved that the minutes of the meeting of February 10 be accepted as corrected. Mr. Costello seconds. All in favor.

A review of correspondence followed. Regarding a memorandum from Priscilla Greene of the Nursing Service, Mr. Emmons moved that the fee for Home Health Aide to be billed to Medicare be increased to \$16.50. Mr. Stephens seconded. All voted in favor.

The database file summary sheet was reviewed. Certain additions were made. It was stated to the Board that their experimental street, Newtown Road, averaged 7 minutes staff time per file so far.

Regarding a memorandum about unlicensed septic haulers and disposal works installers, staff was requested to perform further legal research and then contact the parties with a cease and desist order. Mr. Emmons expressed support for the Interim Director on any actions he wished to pursue against these parties.

8:02 Bruce Stamski, Joyce Foley. Special Permit, Variances, 138 Great Road. Mr. Costello stated that 138 Great Road involved two or three issues. One of these issues is that the property lies in a red zone. Mr. Moran wishes to appeal the Board's previous denial of an aquifer protection special permit. The second issue would be the granting of two variances under Acton's Article 11; one for minimum square footage leaching area and one for area between the trenches. Mr. Stamski stated that, in reading Regulation 11-15.1, he noted that State requirements may be used subject to Board of Health approval. Mr. Stamski felt this matter involved more an approval of design than a variance from regulations. Mr. Stephens felt that this interpretation was correct, but there was still a matter of minimum square footage to be addressed. Square footage requirements have more than exceeded Title 5. The problem with the site, per Mr. Stamski, is distance from the ditch line and limiting the amount of fill which is acceptable in flood plain zoning. Constraints dictated the placement of the system. The system on the plan is the maximum size possible. Mr. Stamski can't get 800 square feet of system unless he went less than 75 feet from the brook. Right now the system contains 498 square feet, and if we went to 50 foot trenches it would be very, very close to 800 square feet.

Mr. Costello asked about the elevation of the pipeline with respect to the elevation of the bottom of the trenches. The pipeline is not on the property. Mr. Stamski said that, basically, the building that would be placed there has less flow than a house, and measures approximately 30x50 feet. The bottom of the ditch is at elevation 136, and the bottom of the system is at 138.6. The system is above the bottom of the ditch. Mr. Costello wished to know the reason for that particular configuration on the lot. Mr. Stamski noted that the parking area is already paved, and placing the system where

he did required the least amount of fill for the system and no fill for the building. Mr. Stamski went over the site plan for the Board. The existing system is a sort of cesspool, it is believed, which is about 20-40 feet off the brook and appears to be functioning. It does have to be in the groundwater according to the grading of the site. There is a basement in the existing building but the proposed building will be on a slab. The Board of Appeals and the Conservation Commission have approved. The design parameters suggested by Mr. Stamski properly deal with groundwater levels. The size of the proposed building has been reduced by about 90 square feet so the design of the septic system represents two square feet per gallon design flow. The design is 4 feet above maximum groundwater level. Mr. Stamski thinks that the design is maximized for the site at this time. Upon query by Mr. Stephens, Mr. Stamski stated that the highest water usage would be for offices. Mrs. Donahue expressed no recommendations for this design when asked by Mr. Costello.

Mr. Costello stated that this is a matter of a pre-existing use in a red zone, which the Temporary Aquifer Protection Regulation does not provide for. Ms Foley noted the difference between development of virgin land and recycling a property. She also noted that there is a matter of upgrading a questionable septic system. Mr. Stamski stated that he could not comply with Title 5 and the Flood Plain By-law with the existing structures because there is a cellar.

Ms Foley asked to be introduced to the Board. Mrs. Donahue introduced her to Board members present. Ms Foley then introduced herself, and stated her presence at the meeting was because she was acting as consultant for Bob Moran, the owner of the subject parcel. Ms Foley questioned whether the system was in a red or yellow zone. At the time the Lycott study was done, no monies were appropriated for a precise survey. She opined that there might be controversy over the exact location of red versus yellow zones and where they would apply on this site. It was possible that the building could be in the red zone and the system in the yellow. She also challenged the TAPR on the basis that it was a temporary regulation but had been in effect for over two years. Ms Foley requested the Board to reconsider its previous denial of a special permit for this site.

Mr. Stephens, in reply to Ms Foley, stated that in terms of distance it could be questionable whether or not the site was in a red zone but that the types of soil encountered during testing confirmed it was in a red zone. He further stated that the Groundwater Protection Coordinating Committee and the Board of Selectmen had expressed an interest in protecting Ice House Pond as a water resource. Mr. Stephens stated that what is at issue is that two boards exist that wish to protect the area. Mr. Stamski noted that zoning has been passed that places the site in a protection area and as a no-building area. Mr. Costello stated that the underlying issue is that, by permitting this activity in that particular location, is the Board of Health compromising the water quality in Ice House Pond? Is the proposed use worse than, equal to, or better than the present use? Mr. Stephens wished to deal with the question in the framework of what is best for Ice House Pond. Ms Foley stated it is obvious that the use of Ice House Pond would be for recreational purposes, but questioned the possibility of other uses. Mr. Stephens stated that it is clearly in the red zone and is to be protected, and what is the best way to protect this aquifer?

Mr. Stephens asked about the current system. Mr. Stamski stated that there is a pipe going out into the yard area and not into the ditch, and there is no evidence of breakout, but, clearly, from the grades..during the summer it would be above groundwater. Mr. Costello asked if this cesspool operated four feet above groundwater levels. Mr. Stamski stated it is not 4 feet above and probably in some seasons is submerged.

Mr. Costello moved to grant a variance from Acton Regulation 11.15-1 and allow provision of 500 square feet and regulation 11.15-10 permitting space between the trenches of 6 feet. He also moved to grant a special permit, with 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 year.
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 the Acton Board of Health staff.
5. Leaching facility to be 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/inch, or with pressure dosing.
6. Floor cleaning procedures for the building will use only non-toxic and biodegradable cleaning compounds.
7. Sewage disposal system a minimum of 75' from floodplains.
8. No floor drains allowed.

Mr. Stephens seconded, for purpose of discussion. Mr. Stamski stated that he was not 75' away from floodplain. The closest to the floodplain is about 43'. The flood plain is an area that is already paved. 100' from the flood plain would place the system off site. Mr. Stephens asked if there were a minimum size below which trenches really don't work. Mr. Stamski replied that this was office use, which was minimal. He stated that the system for this site is not an atypical one.

A brief recess was declared for the Board to get sodas.

After the recess, and upon query by Mr. Stephens, Mr. Stamski stated that they are 75 feet from wetlands. The floodplain is not wet. They are above the 10 year flood plain but below the 100 year floodplain elevation. The plan was discussed in terms of possible revisions and their drawbacks. Regarding moving the system closer to the property line in order to protect the aquifer in compliance with requests from Selectmen and GWPCC. Mr. Stephens emphasized that, other regulations notwithstanding, the system must be designed in order to best protect the aquifer. Mr. Emmons agreed that it is important to protect the aquifer. All voted in favor of granting the variances, and in favor of granting the special permit, with an amendment of condition number 7 to reflect a distance from floodplains being a minimum of 43 feet.

9:15 p.m. Mr. John MacLeod, Acton Water District. Installation of a new water main and pumping station in a red zone. Request for special permit. The water main is to lead to a combined treatment plant to serve several wells.

Mr. Stephens stated that, even though this is a red zone, the red zone is created to serve the well and the permit must be granted. He moved that a special permit be granted subject to the following conditions:

1. No underground fuel storage tanks are permitted on the site.
2. No septic tank.
3. The site will fully conform to the Town of Acton Hazardous Material Control By-Law.
4. Only water will be used to clean the floor.
5. No floor drains permitted.

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

An informal discussion with Mr. MacLeod ensued, regarding chemicals in the water, how long it had been since the system had been flushed (last in 1978), which wells had what problems, etc. It was noted that the current brown color of most town water was due to the fact that the Whitcomb well is in use and there is a problem with coloration due to vegetation in the well area.


9:25 p.m. Rosestone/Parker Village. Joint treatment plant. Mr. Costello stated that this matter was no longer relevant as the state does not approve of joint treatment plants. Staff was requested to get a copy of the State regulations regarding joint treatment plants. This is to be provided to Board members in their next packets.

Regarding a review of and IDC on use of Town Counsel, Mr. Costello noted that the underlining was for him. Staff was asked to request a spot on the next GWPC meeting agenda for aquifer protection regulations and mapping. Pending this meeting, Mr. Emmons and Mr. Stephens will table their efforts on the TAPR.

Parker Village correspondence was reviewed. The Board expressed disgruntlement at the fact that the pipe had not been dealt with to date. Other internal memoranda were reviewed and discussed.


At 9:50 p.m., Mr. Stephens moved to adjourn. Meeting adjourned.

Respectfully submitted,



Carol Holley, Secretary

Signed and approved,



Daniel Costello, Chairman