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ACTON BOARD OF HEALTH  
MINUTES OF MEETING  
JUNE 9, 1987

DATE July 6, 1987  
Richard Brown  
TOWN CLERK, ACTON

Board Members present: Daniel Costello, Chairman; Richard Stephens, Charlotte Sagoff, George Emmons. It was learned that Associate Member Richard Oakley had been appointed a member by the Selectmen, but had not yet been sworn in. Mr. Oakley was also present, as was Associate Member Campbell Amos.

Staff members present were Director Douglas Halley and Secretary Carol Holley.

Guests at this meeting were Mr. Beddard from Village Arms Apartments, requesting a lifeguard variance, and Mr. & Mrs. L. Charles Allard, regarding septic problems at Redstone Condominiums.

The meeting opened at 7:35 p.m. The minutes of the previous meeting were reviewed, and unanimously accepted as amended.

During a review of the minutes, there was a discussion regarding witnessing of soil testing for repairs. Mr. Halley noted to Mr. Costello that, at the present time, staff does not remain on site to witness exact perc rates for perc testing where the rates run well over 30 minutes per inch. It was noted that since the EPA Design Manual presented design criteria for perc rates up to 120 minutes per inch, staff should remain on site for at least two hours witnessing perc tests when necessary. Mr. Halley noted that he lacked adequate staffing to dedicate that much time to testing for repairs, and it was also stated that since no fees are charged for soil testing for repairs it was not economically in the best interests of the Department to expend such large periods of time on witnessing percolation tests. Mr. Costello stated that he felt it was appropriate for the Department to collect fees for time so spent. Mr. Costello also noted that careful witnessing of percolation testing would help the Town to determine exactly which areas have exceedingly poor percolation rates and develop a strategy regarding the possibility of future areas of Town appropriate for sewerage.

Mr. Stephens moved that staff explore the possibility of hiring additional personnel specifically for the witnessing of soil testing. Mr. Emmons seconded. All in favor.

The minutes of the Executive Session of the meeting of May 26 were accepted, with one correction, by unanimous vote.

8:01 p.m. 150 Strawberry Hill Road. Request for a variance on dual septic tanks. Mr. Costello asked if the tanks were piped in series or parallel. It was stated that these tanks were piped in series. Mr. Costello noted that having two tanks, if piped in series, served no better function than having only one tank on site. Mr. Halley noted that it was staff's opinion that the tanks could be replaced when the leaching area was being replaced, and stated that the property owner had agreed to bring the leaching area up to code upon transfer of title of the property. Mr. Stephens moved that this request for a variance be denied. Mr. Emmons seconded. All voted in favor of denial.

A discussion regarding the enforceability of variances that run with the title to a property ensued. At the present time, the Board of Health has no legal means to properly enforce these variances. Mr. Halley noted that when the Conservation Commission issues an Order of Conditions, it must be recorded at the Registry of Deeds before any work can commence. Mr. Costello noted that the recording of a Covenant at the Registry would be an appropriate means of enforcing these variances. Mr. Costello also noted that suspense files for variances such as this should be established. Mr. Stephens requested staff to refer to Town Manager, and perhaps Town Counsel, regarding the appropriateness of recording Covenants. Mr. Costello directed Mr. Halley to write an IDC to Town Manager on this matter.

8:11 p.m. Variance request for lifeguard. Village Arms Apartments. Mr. Halley stated that staff recommended that a lifeguard be required for holidays and weekends at this apartment complex. Mr. Bedard, of maintenance staff at Village Arms, noted that after the first few weeks of the summer the novelty of the pool wore off and usage dropped markedly. He stated that the complex is comprised of 123 housing units but he did not believe there were many children in residence. Mr. Stephens asked about count records for pool usage. Mr. Bedard replied he had none immediately available. Mr. Costello asked if this pool could be opened on weekends only, with a lifeguard. Mr. Bedard found this option unacceptable. Mr. Halley stated that Mrs. Donahue had never seen many people using this pool when she had conducted her inspections of it in the past. Mr. Stephens moved that a temporary variance be granted for the opening of this particular pool, to run through June 21st, 1987, and directed Mr. Bedard to provide counts on weekends. Mr. Costello wished Mr. Bedard to note when the pool has more than 20 people within the enclosure at any time during the week. This variance is to be reconsidered pending a count of children. Mr. Stephens also stated in his motion that the appropriate signs warning lack of a lifeguard be properly placed. Mr. Emmons seconded. All voted in favor.

8:25 p.m. Redstone Condominiums. Mr. Halley noted he had received certification from Mr. Perry, a plumber, that water saving devices had been installed in all units. Some discussion was held regarding Mr. Halley's memorandum regarding a telephone conversation with Fred DeFeo, engineer for Redstone. Board members seriously questioned the reasoning behind Mr. DeFeo's statements in the telephone conversation that he had abandoned the concept of interceptors for the site, and now was of the opinion that the problems experienced by Redstone had no on-site solutions. Mr. Allard, a non-resident unit owner, noted that he had no knowledge of the current situation and had appeared at the meeting in response to a letter sent to all unit owners by the Board of Health. He expressed some discontent with the condominium Trustee. Messrs Costello, Stephens and Emmons wished to have Messrs. Silman and DeFeo appear at the next meeting to discuss this matter and present evidence supporting Mr. DeFeo's current opinions. Mr. Emmons moved to have Mr. DeFeo appear at the next meeting, on June 16. Mr. Stephens seconded. All in favor.

8:46 p.m. Request for special permit, rear of 27 Parker Street. Mr. Stephens noted that the perc rate was 3.5 minutes per inch, and therefore the installation of pressure dosing or filter material was not required. He moved that a special permit be granted subject to the following conditions:

1. No underground fuel storage tanks allowed on 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 building at this site is to be approved by Board of Health staff.
5. Sewage Disposal System is a minimum 100 feet from flood plain and/ or wetlands.

Mr. Stephens moved that staff be directed to draft guidelines for issuance of special permits in order to transfer this function to staff for single family dwellings. Mr. Emmons seconded. All voted in favor.

8:51 419 Main Street, Request for Variances.

An IDC from Edward Wirtanen, Sanitarian and a sketch plan of the proposed septic repair were reviewed. The site problems which resulted in the need for variances were discussed. Mr. Halley endorsed the functional quality of the design. Mr. Stephens moved to grant the following variances, as outlined in Mr. Wirtanen's IDC:

- Variances from Title 5:
1. 15.02(17) Construction in fill
  2. 15.03(7) Distance (1)(2)
  3. 15.15 Leaching Trenches (6) Reserve Area

Variances from Acton's Article 11:

4. 11-2 Provisions of Title 5 Apply to Acton
5. 11-15.9 Minimum 12 inches stone below bed.

Mrs. Sagoff seconded the motion. All in favor.

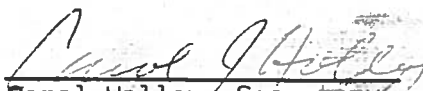
9:09 p.m. Amended revision of Regulations re containers. Mr. Stephens moved that the regulation modified at the previous Board of Health meeting be further modified per staff memorandum. Mr. Emmons seconded. All in favor.

9:15 Wayland Group Report.

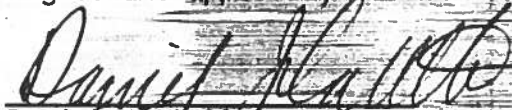
The Board engaged in a lengthy, informal discussion regarding the possible slant, various data in the Wayland Group report, past, present, and possible future problems with the Nursing Service, and computer related issues. Mr. Costello requested that he be provided with a copy of the myriad forms now required for the nurses to fill out for each visit.

At 9:30 p.m., George Emmons moved to adjourn. Mr. Stephens seconded. Unanimous.

Respectfully submitted,

  
 Carol Holley, Secretary

Signed and approved,

  
 Daniel Costello, Chairman