

ACTON BOARD OF HEALTH
MINUTES OF MEETING
JUNE 13, 1987

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Barkham Brown
TOWN CLERK, ACTON

Board members present: Richard Stephens, Acting Chairman, Charlotte Sagoff, George Emmons, Richard Oakley, Associate member Campbell Amos.

Staff present: Doug Halley, Carol Holley

Guest: John Dunphy, Acton Survey & Engineering

The meeting opened at 7:40 p.m. The minutes of the previous meeting were reviewed and one typographical error noted. The minutes were unanimously accepted with correction of that error.

7:45 p.m. Coach Estates. Variance Request for Lifeguard. The renovations to the fencing around the pool enclosure were discussed. The small number of children in the complex was noted. Mr. Emmons assumed the Chair. Mr. Stephens moved to grant a variance to the lifeguard requirement for Coach Estates to operate a swimming pool without a lifeguard, except during those times when more than twenty people are using the pool, at which time a lifeguard must be present who is certified according to Acton's rules and regulations. Mrs. Sagoff seconded; all voted in favor.

7:46 p.m. Mr. Emmons informally introduced his draft special permit conditions to be incorporated into regulations. The difference between a floodplain and a wetland was discussed, as well as the importance of staying 100 feet away from the boundaries of each. Mr. Halley noted that a flood plain is relevant only at approximately 100 year intervals. Under Title 5, it is possible to put a septic system in a flood plain. Mr. Stephens noted that designing a system in a flood plain would, in times of flooding, raise the bacteriological content of the surface waters to unacceptable levels. The use of filter medium in fast percing aquifer protection areas was discussed in some detail, as well as appropriate means of identifying proper filter media such as zero fines, perc rates, etc. Mr. Halley was asked to speak to Mr. Jim Kreissl at EPA in the midwest, who developed the concept of a filter medium. Mr. Stephens was adamant that a means be introduced to encourage the development of a biological mat and be incorporated into regulations. The lack of a track record in Acton regarding septic systems with filter medium installations was noted. Pressure dosing as an alternative means of design to protect groundwater was discussed. Title 5 is to be referenced henceforth when pressure dosing is given as an alternative for aquifer protection areas. Whether to define septic systems as "single family home" versus size of the system was discussed.

8:04 p.m. Review of Prendergast Development monitor well test results. Mr. Stephens briefly explained the history of the Acton Woods Mall site, the usage of the land and the proximity to the Conant Well and brook which prompted the Board of Health to ask for these monitoring wells. It was noted that Mr. Oakley was unfamiliar with the norms for these substances. Mr. Stephens stated he saw nothing unusual in the test results.

8:10 p.m. Three special permit requests for construction of single family homes on Lots D, E and F, Windsor Ave. by Authentic Homes in a recharge protection area were heard. Mr. Emmons moved to grant special permits for these three lots subject to the following conditions:

1. No underground fuel storage tanks allowed on site.
2. Septic system shall be pumped a minimum of once every two years.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
4. The sewage disposal systems for the proposed buildings at these sites are to be approved by Acton Board of Health staff.
5. Leaching facility to be designed and installed with 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 pressure dosing of the system may be used pursuant to Title 5.
6. Sewage disposal system to be a minimum of 100 feet from floodplain and/or wetlands.

Mrs. Sagoff seconded the motion. Unanimous in favor.

8:16 7 Hemlock Lane, Mrs. Flanagan. Request for Variances for septic repair. After review of the plan and some discussion of the poor soils (stumps, fill, boulders) on the site and other problems with the site, the Acton Board of Health upon motion by Mr. Emmons seconded by Mrs. Sagoff unanimously voted to grant the following variances to Title 5 and Acton Rules and Regulations:

1. 15.02(13) Volume of Sanitary Sewage.
2. 15.03(4) Percolation Test
3. 15.03(6) Required Depth of Pervious Material
4. 15.03(7) Distances (1)(2)
5. 15.14 Leaching Trenches
6. 15.14(8) Reserve Area.
7. 11-2 Provisions of Title 5 apply
8. 11-9 Percolation Test
9. 11-15 Leaching Facilities - Minimum Requirements

Variances regarding septic tank size were not granted.

8:36 p.m. Village Arms Apartments. Variances from Lifeguard Requirement. Upon review of a letter indicating the number of children under 12 (23 in total), the Board stated that too many children lived in the development for the lifeguard requirement to be waived. Therefore, the temporary variance that had been granted at the previous meeting to allow for lifeguards only on weekends and holidays was not rendered permanent by unanimous vote on motion made by Mrs. Sagoff and seconded by Mr. Emmons.

8:40 p.m. Mr. Halley noted that no one from Redstone Condominiums was present, and that return receipts for certified mail had not been received by the Board of Health office. Mr. Stephens noted that this matter could be referred to a magistrate. Appropriate enforcement procedures were discussed. Mr. Halley suggested that Mr. Silman, Redstone Trustee, be ordered to appear at a Board of Health meeting within thirty days and copies of the order be forwarded to all unit owners. Mr. Stephens asked Mr. Halley to follow up.

8:47 p.m. Review of memorandum regarding Meineke Muffler septic system. Mr. Stephens expressed concern as to how Mr. Dunphy was designing a repair system and at the same time certifying that it was in good working order. After further discussion of the history of this particular situation, it was noted that there is no evidence of failure on which to base a repair order. Mr. Halley related that Mr. Wirtanen, Sanitarian, was of the opinion that it could be ordered repaired because it did not meet code. The Board's opinion was that this system was built before codes were enacted and therefore was to some degree grandfathered. Discussions as to Mr. Yetman's low water usage, and commendations therefore, were offered. During this discussion, the apparent history of distress of the Bowladrome septic system was noted.

Mr. John Dunphy appeared to speak on another matter and upon query by Mr. Stephens related that excavations had discovered three sides of the Meineke leaching area by following the edge of the peastone, and the fourth side was not excavated due to the presence of underground power lines in the area. Mr. Dunphy also noted that, in his opinion, water meter readings were not relevant to the actual load on the septic system because most of the water used at the muffler shop was for cooling metal. Mr. Emmons moved to table the matter pending further development of data from Mr. Yetman in the form of quarterly water usage reports for an indefinite period of time. Staff was requested to inquire of Town Manager proper status of a bond posted by Mr. Yetman regarding the septic system repair. Mrs. Sagoff seconded. All in favor.

9:15 Mr. John Dunphy, Acton Survey and Engineering. Special Permit Request for septic system in recharge protection area, AC Chevrolet, 171 Great Road. Mr. Dunphy noted that an addition to the existing facility was planned that would add ten new employees. A drainage line was noted on the plan, and Mr. Dunphy stated that this line would be moved to accommodate septic system modifications. Mr. Dunphy requested that the existing septic system at the site be utilized and modified to properly serve the extra design flow cause by the addition. It was noted that average daily water usage was 700 gallons, part of which went to washing cars and watering the landscaping. Mr. Dunphy noted that a special permit had previously been granted for the MDC gas trap/tight tank system. Upon query by Mr. Stephens, Mr. Halley recommended granting of the special permit. Mr. Emmons moved to grant a special permit to AC Chevrolet to allow them to continue to use their existing leaching field subject to the condition that they move the existing drain line and send up a letter to the Board of Health each time the system is pumped notifying the Board of the condition of the septic system. Mrs. Sagoff seconded. Mr. Stephens asked if any variances were requested. Mr. Dunphy replied in the negative. All in favor of granting special permit.

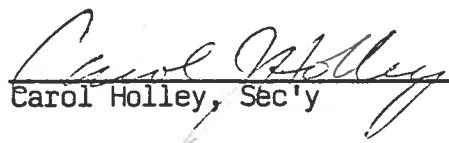
9:30 p.m. Mr. Dunphy informally discussed a potential division of a lot on Willow Street and noted the probable distances between primary and reserve leaching areas and wetlands. He noted that the proposed septic system could run as close as 80 feet. He noted perc rates and grading of the property. The Board stated that he could submit plans. Mr. Stephens noted that while one concern of the Board was keeping 100 feet away, another concern was a perc rate of less than 2 minutes per inch. Mr. Dunphy, following this discussion, left.

9:36 p.m. Mr. Stephens asked about the recent Supreme Court decision requiring regulatory agencies to compensate property owners for properties rendered undevelopable by regulations. How this applied to Acton's aquifer protection areas was discussed. Mr. Emmons noted that the EPA had probably developed useful materials on acceptable degradation of existing water supplies due to development. Zero discharge, not zero building, in the well buffer area sounded safe in terms of the recent Court decision to Mr. Stephens.


9:40 Mrs. Sagoff noted that DEQE had funded a filmmaker who had developed a 15 minute video on Hazardous Waste, and 5 minutes were about Acton. DEQE had requested various groups to review the piece, to be available after July 15. Mr. Emmons volunteered his home and VCR for a Board meeting to view the film.

There being no further business before the Board, Mr. Emmons moved to adjourn, Mrs. Sagoff seconded, and the vote was unanimous in favor. The lack of a Celtics game was noted.

Respectfully submitted,


Carol Holley, Sec'y

Signed and approved,


Richard Stephens, Acting Chairman
COSTELLO, CMN

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