

Acton Board of Health

March 12, 2007

Members Present: William McInnis, Chairman, Dr. Bill Taylor, Pam Harting-Barrat and Joanne Bissetta, Member

Staff Present: Doug Halley, Health Director, Heather Hasz and Sheryl Ball.

Others Present: Cheryl & Chuck Lowe, John Keramaris and Tina Grosowsky.

The meeting was called to order at 7:30 p.m.

Minutes

On a motion made by, Dr. Taylor, seconded by Dr. Harting-Barrat, the Board unanimously voted to approve the minutes of February 12, 2007 with corrections.

Presentation – Wellness University

Heather Hasz was present to discuss Wellness University which will be held on Saturday, April 28, 2007 at the Parker Damon Building. Wellness University is a collaboration of the Board of Health, COA and Recreation Department. These three departments worked together and received a grant from the Northeast Suburban Health Alliance/CHNA 15 DoN funds from Lahey Clinic. While in the planning process, during discussions with Emerson Hospital for activities for the day, Emerson decided they would like to be involved for the day and gave Wellness University substantial fiscal support. This free day is designed for Acton residents age 50 and older with registration beginning at 9:00 AM followed by a presentation by Christine Schuster, President and CEO of Emerson Hospital. The day will consist of morning and afternoon classes which will require pre-registration and they will be limited to 150 participants. Ms. Hasz stated that there will be 12 doctors that will be speakers throughout the course of the day. Additionally, a vendor hall will be set up for participants to peruse during breaks and lunch will

be provided free of charge. Ms. Hasz indicated that the planning of the day has been ongoing for the last two 2 months and she has been working closely with Debby Mozzicato from the Council on Aging. Ms. Hasz indicated that if participants are lacking we will open this day up to people from other towns. Ms. Hasz further stated that this grant requires that participants complete evaluations at the end of the day and in order to encourage people to complete them they will be raffling off a basket that has been donated. The day has been advertised on Comcast local news, Banners, Town of Acton website, Acton Beacon, Action Unlimited and through a mass mailing to residents of Acton age 50 and older. The "Elderberries" will also be discussing the day on their local cable show. Ms. Hasz summed up the presentation by stating that Volunteers are needed if anyone would like to help stating that free lunch and tee-shirts will be provided. The Board stated that they applaud their efforts and that this is a great service. Mr. Halley pointed out that this is Ms. Hasz's second grant program and also applauded her efforts, also.

Variance -1 Coughlin Street

The Health Department is in receipt of an application from 310 CMR 15.284 - Title 5 Remedial Use Approval and an Article 11-8.1 variance for a reduction in the required leaching area to the property located at 1 Coughlin Street. The septic system is currently in failure. The Health Department has reviewed this request and finds that the site is restricted by the severe slope across the entire lot and the presence of bedrock ledge. The reduction in the leaching size has been requested due to the installation of a Presby system which allows for a smaller area due to the way the pipes are placed. This site was also found to have a very small amount of natural material in which to place the septic system. Mr. Halley stated that the Presby system addresses issues such as depth to ledge, smaller leaching and cost. The Health Department recommends approval of this request.

On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a variance from Article 11-8.1 and 310 CMR 15.284 to the property located at 1 Coughlin Street with the following conditions:

1. The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by MADEP for the Presby Enviro-Septic System.
2. The septic tank shall be pumped a minimum of once every two years.

3. The system shall be constructed in accordance with the above listed conditions and a plan stamped by Christine Chisholm, RS, dated 2/26/2007.

Variance – 6 Spencer Road

The Health Department is in receipt of an application from 310 CMR 15.284 - Remedial Use Approval, 310 CMR 15.405(1)(b) - Local Upgrade Approval and an Article 11-8.1 variance for a reduction in the minimum leaching size to the property located at 6 Spencer Road. The Health Department has reviewed this request and finds that the site is restricted by wetlands, drainage easements and position of the lot. The reduction in the leaching size has been requested due to the installation of a Presby system which allows for a smaller area due to the way the pipes are placed. This property is also asking for a reduction from the setback to the foundation. The system is located in the best area of the lot. The Health Department recommends approval of this request as the proposed system is an upgrade from the existing system which is currently in failure.

On a motion made by Ms. Bissetta, seconded by Dr, Harting-Barrat, the Board unanimously voted to grant a variance from 310 CMR 15.284, 15-405(1) (b) and Article 11-8.1 to the property located at 6 Spencer Road with the following conditions:

1. The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by the MADEP for the Presby Enviro-Septic System.
2. The septic tank shall be pumped a minimum of once every two years.
3. The system shall be constructed in accordance with the above listed conditions and a plan stamped by Steven Calichman, RS, dated 2/27/2007.

Variance – 175 School Street

The Health Department is in receipt of a request for a variance from 11-8.1 for a reduction in the leaching area and also 310 CMR 15.284 – Remedial Use Approval for the property located at 175 School Street. The Health Department is seeking two separate approvals from the Board of Health due to the need of an additional deep test hole that will need to be conducted within the same area as the existing septic system. The Health Department will determine which approval is

needed based on the result of the test hole during construction. The proposed plans include the use of a Presby system for both approvals and one approval would also need approval for Remedial Use dependent on the result of the deep test hole.

On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to grant a variance from Article 11-8.1 as approval A and a variance from Article 11-8.1 and 310 CMR 15.284 as Approval B and to authorize the Health Department to determine whether Approval A or Approval B is needed depending on the result of the deep test hole and whichever course is needed the other approval would become null and void for the property located at 175 School Street with the following conditions:

1. A deep test hole, for determination of the Estimated Seasonal High Groundwater elevation, shall be excavated in the proposed SAS area immediately prior to construction.
2. The septic tank shall be pumped a minimum of once every two years.
3. The system shall be constructed in accordance with the above listed conditions and a plan stamped by Steven Calichman, RS dated 3/5/2007.

Discussion – Tobacco Regs

Mr. Halley presented the Board with an additional draft of the Tobacco Regulations via e-mail at 7:00 PM from Phil Alvarez with further revisions.

Mr. McInnis stated that Ms. Grosowsky is seeking to change the Board's current regulations to increase the fines from \$100 to \$200 for first offense and to create a buffer zone for any workplace to 30'. Mr. McInnis suggested that the Board should work from the existing Tobacco Regulations rather than from the additional revisions provided by Mr. Alvarez for tonight's meeting in order to avoid any confusion. This meeting is for discussion only as a public hearing will need to be scheduled prior to the Board voting a change. The Board was in consensus to increase the fines and also discussed a change that would allow Ms. Grosowsky to fine both the clerk and the owner instead of just the actual person doing the selling. Mr. McInnis expressed concern with fining clerks as most are only paid minimum wage and fines may be too harsh for them. Dr. Harting-Barrat and Ms. Bissetta were both in favor of fining both parties. Mr. McInnis suggested a fine for the clerk be a lower amount and the owner a higher amount.

The Board also discussed adding a buffer zone of 30' from any entrance to any workplace. Dr. Harting-Barrat stated that she would have no problem with the creation of a 30' buffer zone. Ms. Grosowsky stated that Roche Bros has already built a shelter area and other companies are starting to build them. Ms. Grosowsky stated that any shelters would have to be 30 feet away from the entrances also. Mr. McInnis expressed concern with the 30' and suggested a 10' buffer as some companies would be building shelters or allowing their employees to smoke in the middle of the parking lot. Ms. Grosowsky stated that she settled on 30 feet away because she didn't want people running into any smoke. Dr. Harting-Barrat stated that she likes the buffer as she does not like to see smoking on the sidewalks in front of the businesses. The Board stated that they understand that each company is different and discussed placing conditions that there be no smoking allowed on any sidewalk in front of businesses.

The Board asked Ms. Grosowsky to take a look at Mr. Alvarez's draft to see if there was anything she could incorporate into the existing regulations. Tina would look at Phil's draft to see if there is something that we can add to the current regulations. Mr. McInnis stated that he will work on the existing regulations and make some changes for the next Board meeting.

Housing Appeal – Landlord

The Board opened the hearing at 8:57 PM. Mr. Keramaris, agent for appellant, is before the Board to appeal an order letter issued by the Health Department to repair a bolt on the side of the toilet in the unit located at 14 Strawberry Hill Road #20B. Mr. Keramaris stated that he feels the bolt was loose due to the toilet being moved or kicked. Mr. Keramaris stated that he has fixed items in the apartment as a result of approximately 8 or 9 requests for inspections and a full housing inspection was conducted in October by the Health Department and he wanted to point out that even after a full inspection these new violations continue to happen. Mr. Keramaris stated that he has no problem fixing these violations but wanted it on public record that he thinks the tenant is causing these violations as a result of their actions. Mr. Keramaris stated that the tenant has gone to extreme lengths to avoid eviction. Mr. Keramaris presented the Board with a copy of the Department of Public Health Housing Code 105 CMR 410.352 which states that the tenant shall "exercise reasonable care in the proper use and operation thereof" and stated that he feels the tenant is not exercising reasonable care. Mr. Halley stated that the Housing Code

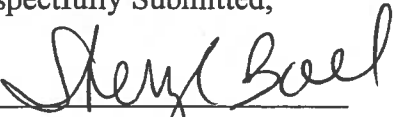
requires the Town to issue an order to the landlord to fix any violations within the unit. Mr. Halley further stated that we would have to witness the tenant doing the damage in order take the tenant to Housing Court. Mr. McInnis stated that they are a Health Board and cannot act as judges. Mr. Keramaris stated that the last meeting he was ordered to repair an oven handle and he has repaired it but wanted the Board to know that the handle was bent and wondered how a brand new stove could have a bent handle. The Board stated that they cannot take action on this as it would be a housing court matter. Mr. Keramaris stated that he understands that but wants to appeal to the Board so they are aware as to what's going on. Mr. Keramaris stated that there is an April 5th hearing date scheduled with the Housing Court. The Board stated that the law requires us to inspect the unit upon tenant request and send an order letter if there are any problems that need to be fixed and then the Health Department follows up with a re-inspection to ensure compliance.

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to deny the appeal and order the landlord to fix the violation.


Adjournment

On a motion made by Ms. Bissetta, seconded by Dr. Harting- Barrat, the Board unanimously voted to adjourn the Board of Health meeting at 9:30 P.M.

Respectfully Submitted,



Sheryl Ball, Health Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health