

Acton Board of Health – Minutes
September 8, 2003
Room 126, Town Hall

Board Members Present: William McInnis, Chairman, Mark Conoby, Roxanne Hunt, and Associate Member Cathy Block

Staff Present: Doug Halley, Health Director, Brent Reagor, Health Agent & Sheryl Ball, Secretary

Others: William Hurd, Dick & Anita Dolan, Nancy O'Brien and Duncan Brown.

The meeting was called to order at 7:32 p.m.

Minutes:

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to approve the minutes of June 9, 2003 as amended.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to approve the minutes of June 23, 2003 as amended.

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to approve the minutes of August 11, 2003.

Variance & Aquifer Special Permit – 5 Spruce Street

The Health Department has received a request from the owner of 5 Spruce Street for an Aquifer Special Permit and variances from Article 11-7.2, 16-4.2.10 and 310 CMR 15.405(1)(a), (1)(g) and 310 CMR 15.284. The property is very limited in size with wetland issues. The proposed plans have been redesigned to eliminate the need for a retaining wall. The owner has also asked for increased seating in the existing restaurant to increase the amount of seats to 40. The system as designed would accommodate 23 seats, however, this increase in seating would require a Site Plan Special Permit. Mr. Conoby stated that since the system is designed for 23 seats he would recommend approval for that amount only and would not be inclined to issue a variance for additional seats at this time. Mr. Reagor explained that this system is similar to the one at the new Brookside Shops. This property has been flagged by the Conservation Director and will need an aquifer special permit due to the multi-use of the building. On a motion made by Mr.

Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance to Article 11-7.2, 16-4.2.10 and 310 CMR 15.405(1)(a) , (1)(g) and 310 CMR 15.284 and an Aquifer Special Permit with conditions:

1. The System is approved for the treatment and disposal of sanitary sewage only. Any wastes that are non-sanitary sewage generated or used at the facility served by the System shall not be introduced into the System and shall be lawfully disposed.
2. Effluent discharge concentrations shall meet or exceed secondary treatment standards of 30 mg/l biochemical oxygen demand (BOD₅), 30 mg/l total suspended solids (TSS) and the Total Nitrogen (TN) of the effluent shall not vary more than 0.5 standard units from the influent water supply.
3. Operation & Maintenance Agreement
 - a. Throughout its life, the Owner of the System shall have the System properly operated and maintained in accordance with the Company's and the Designer's Operation And Maintenance requirements and this Approval and be under an Operation & Maintenance Agreement (O&M). No O&M Agreement shall be for less than one year.
 - b. No System shall be used until an O&M Agreement is submitted to the approving authority which:
 - i. Provides for the contracting of a person or firm competent in providing services consistent with the System's specifications and the operation and maintenance requirements specified by the Designer and those specified by DEP.
 - ii. Contains procedures for notification to the Board of Health and DEP within five (5) days of a System failure, malfunction or alarm event and for corrective measures to be taken immediately; and
 - iii Provides the name of the operator, which must be a Massachusetts Certified Operator as required by 257 CMR 2.00 that will operate and monitor the System. The owner of the System shall at all times have the System properly operated and maintained, at a minimum every three months and every time there is an alarm event. The Board of Health and the DEP shall be notified, in writing, within seven days every time the operator or operators are changed.
- 4 The owner shall furnish the DEP any information, which the DEP may request regarding the System, within 21 days of the date of receipt of that request.
- 5 Within 30 days of the Board of Health's issuance of the Certificate of Compliance for the system, the owner shall submit a copy of the Certificate of Compliance to the DEP.
- 6 Within thirty (30) days of each required inspection, the System owner shall submit to the DEP and the Board of Health an O&M checklist and a technology checklist, completed by the System operator for each inspection performed during the previous calendar year. Copies of the checklists are attached to this approval.
- 7 The owner of the System shall record in the appropriate registry of deeds a notice that discloses the existence of this Remedial Use approved alternative system. A copy of the book and page number of the recording must be provided to the Board of Health and the DEP prior to the issuance of the Certificate of Compliance.

- 8 The owner of the System shall provide a copy of this Approval, prior to the signing of a purchase and sale agreement for the facility served by the System or any portion thereof, to the proposed new owner.
- 9 Effluent from the system shall be monitored quarterly. The following parameters shall be monitored: pH, BOD₅, TSS, NO₃-N and Total Nitrogen (TN). All monitoring and operation and maintenance data shall be submitted to the local approving authority and the DEP within thirty (30) days of the date of collection. After three years of monitoring and reporting and at the written request of the owner, only the Board of Health may reduce the monitoring and reporting requirements.
- 10 When a sanitary sewer connection becomes feasible, within 60 days of such feasibility, the owner of the System shall obtain necessary permits and connect the facility served by the System to the sewer, shall abandon the System in compliance with 310 CMR 15.354, unless a later time is allowed, in writing, by the Board of Health, and shall in writing notify the DEP of the abandonment.
- 11 Any increase in seating or additional services for the food service establishment at 5A Spruce Street shall not be granted without the written permission of the Acton Building Department and the Acton Board of Health.
- 12 No floor drains are permitted in the facility unless directed to a Non-hazardous Industrial Waste Holding Tank.
- 13 Only biodegradable cleaning agents shall be used.

Variance– 9 Hayward Road

The Health Department has received a request from the owner of 9 Hayward Road for a variance to Article 11-9.6 for the repair of the septic system. The variance is needed to prevent the construction of a concrete retaining wall due to the lots existing slopes. The engineer has designed a poly barrier to add extra protection to accommodate the reduction in the leaching stone. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance to Article 11-9.6 with the following conditions:

1. The system shall be pumped at least once every two years.
2. The system shall be built in accordance with the plan stamped by Steven Calichman, RS dated 5/29/03.

Variance– 68 Seminole Road

The Health Department has received a request from the property owner at 68 Seminole Road for a variance from Article 11-7.2 and 16-6.2.7. This property is a small lot with existing slopes and surrounding wetlands. The Health Department has reviewed this plan and finds that the plan demonstrates the maximum compliance. On a motion made by Ms. Hunt, seconded by Mr.

Conoby, the Board unanimously voted to approve a variance from Article 11-7.2 and Article 16-6.2.7 with the following conditions:

1. An MADEP approved effluent tee filter is installed on the last outlet of the septic tank.
2. The cover over the effluent tee filter shall be brought to final grade with a cast iron manhole frame and cover or approved equivalent.
3. The system shall be pumped at least once every two years.
4. The system is built in accordance with the above listed conditions and a plan stamped by Steven Calichman, RS dated 8/27/2003.

Variance – 8 Winter Street

The Health Department has received a request from the property owner at 8 Winter Street for a variance from Article 11-9.6 for a reduction of leaching stone. This plan originally asked for a groundwater variance but was redesigned without the offset request. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to grant a variance to Article 11-9.6 with the following conditions:

1. The system shall be pumped a least once every two years.
2. The cover over the effluent tee filter shall be brought to final grade with a cast iron manhole frame and cover or approved equivalent.
3. The system is built in accordance with the above listed conditions and a plan stamped by Christopher Lorrain, PE dated 8/26/2003.

Variance Request – 12 Nash Road

The Health Department has received a request for a variance for the property located at 12 Nash Road from 310 CMR 15.405(1)(a) & (b) and Article 11-9.1, Article 14-4.2.10 and Article 16-6.2.7. This system was designed to on the left front property keeping the system as far away from the wetlands and away from the town drainage easement. The Board stated that they would like to see the property line that the system is up against professionally surveyed. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from 310 CMR 15.405(1)(a) & (b) and Article 11-9.1, Article 14-4.2.10 and Article 16-6.2.7 to 12 Nash Road with the following conditions:

1. An MADEP approved effluent tee filter is installed on the outlet of the septic tank.
2. The cover over the effluent tee filter shall be brought to final grade with a cast iron manhole frame and cover or approved
3. The system shall be pumped at least once every two years.

4. The system is built in accordance with the above listed conditions and a plan stamped by Duncan Brown, PE, dated 8/22/2003.
5. The property line must be surveyed in the vicinity closest to the septic system is within 5 feet or less.

Variance- 38 Harris Street

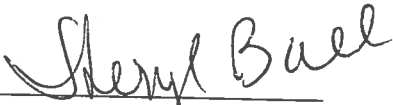
The Health Department has received a request from the owners of 38 Harris Street seeking a post construction variance to Article 11-9.6. During construction, this property encountered ledge across the majority and the system was redesigned. The depth of the leaching stone was reduced to minimize with need for ledge removal. An MADEP effluent tee filter was installed as a measure of equivalent of environmental protection. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a post construction variance to 38 Harris Street with the condition that the placement of the MADEP approved effluent filter be shown on the as-built.

Other Business

- West Nile Virus - Mr. Reagor stated that Acton has now had four (4) birds test positive for the West Nile Virus. Central Mass Mosquito Control Project is testing mosquitos in the Acton area to see if any are affected with the virus. It was stated that public awareness and education is key to minimizing human exposure.
- NARA Park - The Board looked over the sampling results of the water testing at NARA Park for the 03 season. It was stated that the results showed there was no correlation in increased bacteria counts with water temperature.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,



Sheryl Ball, Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health