

Acton Board of Health – Minutes  
August 25, 2003  
Room 126, Town Hall

Board Members Present: William McInnis, Chairman, Roxanne Hunt, and Dr. Robert Matusow.

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

Others: Peter McKeon, William McKeon, Chuck Hartwell, Dick Dolan, Mark O'Hagen, Richard Doherty, George Dimakarakos and Dennis Cunningham.

The meeting was called to order at 7:40 p.m.

**Hearing – 15 Deacon Hunt Drive**

The previous owner, Mr. William McKeon, of 15 Deacon Hunt has asked for a hearing before the Board of Health to discuss a matter related to a Title 5 Inspection that was conducted at the time he was selling his home. Mr. McKeon is asking that the Board of Health forward a complaint to the DEP against Title 5 Inspector, Chuck Hartwell of ABC Cesspool. Mr. McKeon stated that it is important to him to bring this matter to the Board's attention. Mr. McKeon stated that he purchased the home in August of 2002. Mr. McKeon stated that the previous owners, Mr. John Zavgren, hired Mr. Hartwell to conduct a Title 5 in March of 2002. Mr. Hartwell completed and passed a Title 5 and submitted it to the Board of Health on April 3, 2002. Mr. Halley reviewed the passing Title 5 and noted that Mr. Hartwell conducted his Title 5 on the system built in 1963 and a newer system was put in 1976. At this time, Mr. Halley notified Mr. Hartwell and the Zavgren's of this error. Mr. Hartwell issued a letter to the Board of Health in July of 2002 stating that he did conduct his inspection on the septic system that was not in use and that he would inspect the other system and send a newer report to the Board of Health based on this finding which to this date has not been submitted. Mr. Hartwell did state that the older system could be utilized by excavating the splitter box and switching back to the older rested system. In August of 2002, Mr. McKeon stated that he purchased the property and was given a copy of the passing Title 5 conducted on the old system that was not in use. In January 2003, after 6 months of living in Acton, Mr. McKeon placed his home on the market and had a Title 5 inspection by Statewide Environmental Services, Inc. Mr. McKeon stated that on the Title 5 report, Statewide Environmental Services, Inc. stated that further evaluation needs to be conducted by the Local Approving Authority, noting that the original septic system was physically disabled by bending the elbow 90 degrees in the first "D" Box and that the liquid level in the current "D" box was 4.5"

above the invert with staining at 8.5" above the invert. Mr. McKeon stated that he spoke with Mr. Halley regarding this information and that Mr. Halley agreed to come out and witness additional inspection by Statewide. Mr. McKeon stated that this issue has been financially and emotionally devastating by these problems. Mr. McKeon stated that he is bringing this matter to the Board in the hopes that Mr. Hartwell's negligence will never be a problem to anyone else. Mr. McInnis stated that the Board may only vote to recommend that the DEP look into this issue as the complaint is against a Title 5 Inspector who is licensed by the State. On a motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to forward this complaint to the D.E.P.

#### **Aquifer Special Permit– 816 Main Street**

The Health Department has received a request from the owner of 816 Main Street for an Aquifer Special Permit. The owner has proposed to raze the existing structure and construct a self-storage facility. The site is currently an active 21E Site. The Board stated that they would like to see the applicant submit a Hazardous Materials Control Permit Application for the 21E site remediation and include a health and safety plan for the construction activities that will occur on site. On a motion made by Dr. Matusow, seconded by Ms. Hunt, the Board unanimously voted to grant the Aquifer Special Permit to 816 Main Street contingent upon satisfactory review by the Health Department and with the following conditions:

1. No floor drains are to be installed on the property unless they are directed to an Industrial Waste Holding Tank that has been approved by the Acton Board of Health.
2. Only biodegradable cleaning agents are allowed. These cleaning agents must meet the approval of the Acton Health Director.
3. This permit shall not become effective until the applicant has submitted a Hazardous Material Control Permit Application for the site remediation that will be conducted under Chapter 21E. The application must include a health and safety plan for the construction activities that will occur on the site including the construction of the septic system.

#### **Variance & Aquifer Special Permit – 5 Spruce Street**

The Health Department has received a request from the property owner to withdraw this request as the plans will be redesigned and will come before a future Board of Health Meeting. On a

motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to take no action on this request due to an incomplete application.

#### **Discussion – 520 Main Street**

The engineer for the property was present to discuss the proposed septic system for this Chapter 40B property. Mr. Halley stated that the Health Department has reached a satisfactory arrangement regarding the Board's previous concerns. The Board directed Mr. Halley to submit a letter to the Board of Appeal indicating that the developer and the Board of Health have made significant progress towards addressing all the Board of Health's previous concerns.

#### **Variance Request – 481 Great Road**

The Health Department is in receipt of a request from the owners of 481 Great Road for a variance from Article 11-7.3, Article 16-4.2.4, Aquifer Special Permit and a design flow interpretation for the construction of an onsite wastewater system. Mr. Halley stated the plaza has shown some signs of problems in the past and that the owner is showing a good faith effort to upgrade this system. The site is limited due to high groundwater, ledge and the presence of a brook in the back portion of the property. The owners are also requesting a waiver from the requirement for nitrate loading assessment. Mr. Halley stated that we would require tertiary treatment due to the distance to groundwater and due to the design flow. Mr. McInnis stated that he would like Mr. Conoby present to discuss this request. On a motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to place this discussion on a future agenda to discuss this request further.

#### **Variance– 4 Minot Ave.**

The Health Department has received a request from the owners of 4 Minot Ave for a variance from 310 CMR 15.03(7) and Article 11-7.2 and 16-6.2.7. The current system has failed a Title 5 inspection. The engineer has designed the new (4) bedroom system in the same location as the old system due to the better soil conditions. The engineer has proposed that the existing septic tank be reused. The Board asked why the system could not be designed in the front portion of the lot. Mr. Halley stated that there is a drainage easement that runs along the front portion of the lot and the existing water line would need to be removed. The engineer stated that he has proposed a 40 mil poly barrier to protect the pipes closest to the wetlands and the home. On a motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to grant a variance to the property located at 4 Minot Ave with the condition that the system be built in accordance with a plan stamped by Stephen Garvin, dated July 10, 2003 and the an effluent filter be installed.

**Variance – 6 Houghton Lane**

The Health Department has received a request for a variance from Article 16-6.2.7 and Article 11-7.2 for the property located at 6 Houghton Lane. The property's backyard has wetlands approaching the back portion of the foundation. The proposed new system will be located in the front portion of the property and will be approximately 55' from the wetlands and 25' from the flood plains. The second variance is to allow for sidewall credit in the design flow of the system. The system was designed to meet all other regulations and has been located as far away from the wetlands as possible. On a motion made Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to grant a variance to 6 Houghton Lane with the following conditions:

1. The system is pumped once every two years.
2. An MADEP approved effluent filter is installed on the outlet tee of the septic tank.
3. The septic tank cover over the effluent tee filter shall be brought to the final grade elevation and capped with a cast iron manhole frame and cover.
4. The system is built in accordance with the above conditions and a plan stamped by Mark Donohoe, PE dated 8/4/2003.

**Variance – 22 Central Street**

The Health Department is in receipt of a variance from Article 11-9.6 for the property located at 22 Central Street. This property has been designed with a two compartment tank and an effluent filter to accommodate for the reduced stone depth. On a motion made by Dr. Matusow, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Article 11-9.6 to 22 Central Street with the condition that the system be constructed in accordance with a plan stamped by Joseph March, PE dated 7/16/2003.

**Variance – 29 Paul Revere Road**

The Health Department is in receipt of an Application for an Aquifer Special Permit for the property located at 29 Paul Revere Road. The proposed design has the septic tank and the pump chamber only in Zone 2 while the leaching field is located in Zone 4. On a motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to grant an Aquifer Special Permit to 29 Paul Revere Road with the condition that the system be constructed in accordance with a plan stamped by Mark Donohoe, PE dated 7/25/2003.

**Aquifer Special Permit – 25 Powdermill Road**

The Health Department is in receipt of an Application for an Aquifer Special Permit for the property located at 25 Powdermill Road. The property will be used as a residential and commercial business and requires Board of Health approval. On a motion made by Dr. Matusow, seconded by Ms. Hunt, the Board unanimously voted to grant an Aquifer Special Permit to 25 Powdermill Road stating that the existing apartment be grandfathered and that the onsite wastewater system be complaint with all other sections of Article 11, 16 and 310 CMR 15.000 and the following conditions shall apply:

1. No floor drains are permitted in the facility unless directed to a non-hazardous industrial waste holding tank approved by the Health Department.
2. The applicant must demonstrate compliance with the Town of Acton Hazardous Materials Control Bylaw to the Health Director prior to the occupation of the building.

**Aquifer Special Permit – 60 Powdermill Road**

The Health Department is in receipt of an Application for Aquifer Special Permit for the property located at 60 Powdermill Road. This property has come before the Board for variances previously but an aquifer special permit was never granted. The Health Department recommends approval of this special permit. On a motion made by Dr. Matusow, seconded by Ms. Hunt, the Board unanimously voted to grant an Aquifer Special Permit to 60 Powdermill Road with the following conditions:

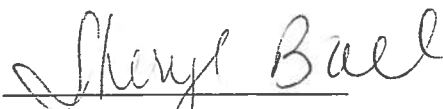
1. No floor drains are permitted in the facility unless directed to a non-hazardous industrial waste holding tank approved by the Health Department
2. The applicant must demonstrate compliance with the Town of Acton Hazardous Materials Control Bylaw to the Health Director prior to the occupation of the building.

**Other Business**

- Mr. Halley stated that a bird has tested positive for the West Nile Virus which was picked up from the Conant School on Taylor Road.

On a motion made by Ms. Hunt, seconded by Dr. Matusow, the Board unanimously voted to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,



Sheryl Ball, Secretary  
Acton Board of Health



William McInnis, Chairman  
Acton Board of Health