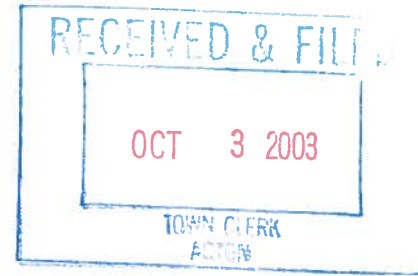


Acton Board of Health – Minutes  
June 9, 2003  
Room 126, Town Hall



Board Members Present: William McInnis, Chairman, Mark Conoby and Roxanne Hunt.

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

Others: Mary Michelman, Rosalie Berry, Lon Nichols, Jane Ceraso,  
David Schofield, Nancy O'Brien, Justin Candor, Rebecca Walz,  
& Craig Harris

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

**W.R. Grace – Scope of Work**

See Court Reporter Minutes of June 9, 2003

**Variance – 58 Seminole Road**

The Health Department has received a request from the owner of 58 Seminole Road, seeking a variance from Article 16-4.2.10 allowing a reduction in the required set back from the system to the wetland in an Aquifer Zone. The system is currently in failure and the wetlands have been flagged by the Conservation Department. Mr. Halley stated that the system has been placed in the best location. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Acton Rules and Regulations, Article 16-4.2.10 to 58 Seminole Road with the condition that the system be built in accordance with a plan stamped by Eric Durling, PE dated 5/19/2003.

**Variance Request – 11 Henley Drive**

The property owner of 11 Henley Drive is seeking a variance from Article 11-9.1 & 11-9.6 to allow for the reduction in leaching area and for the reduction of the required stone. Mr. Schofield, Design Engineer, stated the variances are needed to keep the required setback for the well, reduce the mound height and to avoid bad test holes that were conducted. Mr. Conoby stated that if the well has not been registered and tested that it should be done now. The Health Department stated that the proposed plan represents the best option for the lot. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Acton Rules and Regulations, Article 11-9.1 & 11-9.6 to 11 Henley Road with the following conditions:

1. The system be built in accordance with a plan stamped by David Schofield, RS dates 5/15/2003.
2. At all times during the life of the system it shall be in full compliance with the MADEP Remedial Use Approval Letter for the "JET" Home Aerobic Wastewater System 1500 Series Media Plants Models: J-500 (formerly J-353), J-750, Jet-1000, Jet-1250 and Jet-1500, dated 4/30/2001.
3. The existing well shall be tested and registered with the Board of Health.

#### **Variance Request – 21 Birchridge Road**

Mr. Donahoe, Engineer for 21 Birchridge Road was present to discuss this variance request from Acton Rules and Regulations, Article 11-9.1, 16-4.2.10 and Title 5, 310 CMR 15.405(1)(b), 15.405(1)(f) and 15.405(1)(g) and an Aquifer Special Permit. The property is surrounded by wetlands. An order of conditions from the Conservation Department has been obtained and the wetlands have been flagged. The system was designed in a location offering the greatest level of environmental protection as possible. The Health Department recommends approval of these variances due to the site constraints. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from Acton Rules and Regulations, Article 11-9.1, 16-4.2.10 and Title 5, 310 CMR 15.405(1)(b), 15.405(1)(f) and 15.405(1)(g) and an Aquifer Special Permit to 21 Birchridge Road with the following conditions:

1. The Fast system is installed and maintained in accordance with the most current version of the MADEP General Use Approval for the technology.
2. The system is built in accordance with a plan stamped by Mark Donahoe, PE, dated 5/28/2003.
3. A confirmatory deep test hole for the estimated seasonal high groundwater elevation is witnessed by an Agent of the Acton Board of Health prior to construction.

#### **Post Construction Variance Request – 302 Central Street**

The property owners of 302 Central Street are seeking a post construction variance to allow for the placement of a septic tank 7' feet from the property line. During construction the septic tank and pump chamber were placed closer than the required 10' from the property line due to plumbing and structural elements of the house and a severe slope in the yard. The tanks were relocated to accommodate a newly divided lot. During construction, the Health Department determined that there was no other feasible option and instructed the installer to proceed ahead. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to grant

a port construction variance from 310 CMR 15.211 to 302 Central Street with the condition that a revised engineered as-built is submitted to the Health Department showing the current location of the septic tank and pump chamber.

#### **Variance Request – 15 Deacon Hunt Road**

The Health Department has received a request for a variance to Article 11-9.1 and 310 CMR 15.405(b) and (i) for the property located at 15 Deacon Hunt Drive. This property currently has two systems which are both in failure. The site is very restrictive due to high groundwater elevations, existing slopes and size of property. The system was designed in the most suitable area of the property. A poly barrier and retaining walls are proposed due to the existing slopes on the property. The Board asked if the homeowner was aware of the condition restricting the increase in square footage of the building. The realtor present for the homeowner stated that she was unaware of the condition and asked if there was any other alternative design. Mr. Donohoe, Engineer, stated that an I/A system could be designed and would eliminate the build out restriction. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Article 11-9.1 and 310 CMR 15.405(b) and (i) to 15 Deacon Hunt Drive with the following conditions:

1. The system is required to be pumped a minimum of once every two years.
2. No increase in design flow or square footage of the building is allowed. All subsequent owners of the property must be notified in writing of this condition.
3. Before the Disposal Works Construction Permit is issued by the Health Department, the applicant shall submit acceptance of these conditions in writing.
4. The system is built in accordance with a plan stamped by Mark Donohoe, P.E. dated 6/2/2003.
5. A DEP approved effluent filter shall be installed in the last outlet tee of the final septic tank.
6. A confirmatory deep test hole for the ESHGW elevation shall be witnessed by Doug Halley prior to the start of construction.

#### **Variance Request – 40 Agawam Road**

The owner of the property located at 40 Agawam Road is seeking a variance from Article 11-7.5 to allow for replacement of an onsite wastewater system on a lot different than the one it serves. The lot is being subdivided and the proposed system will be placed within an easement in order to keep this system 100' from the wetland buffer. The Health Department stated that this system is

in the best suitable area. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance to 40 Agawam Road from Article 11-7.5 with the following conditions:

1. The system is required to be pumped a minimum of once every two years.
2. A financial plan must be submitted and approved by the Health Department in accordance with Article 11-7.6 detailing how the system will be maintained and replaced if necessary.
3. The system is built in accordance with a plan stamped by Mark Donohoe, PE, dated 6/2/2003.
4. An easement recording shall be provided to the Health Department which satisfies DEP's requirements for systems located on adjacent properties.

#### **Variance Request – 74 Nagog Hill Road**

The owner of the property located at 74 Nagog Hill Road is seeking a variance from Article 11-9.6 reducing the minimum amount of stone from 12" to 6". The Health Department recommends approval of this variance stating that the design is the best suited for the lot due to site restrictions. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to grant a variance to Acton Rules and Regulations, Article 11-9.6 to 74 Nagog Hill Road with the condition that the system be built in accordance with the plan stamped by David Perley, PE, dated May 8, 2003.

#### **BOC Gases - Lawsbrook Road**

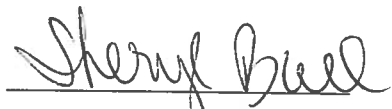
The Health Department has received a proposal from BOC Gases to restart the hydrogen filling system at their 37 Lawsbrook Road facility. The system will require the installation of a new 11,000 gallon hydrogen storage tank, vaporizers, cryogenic pump, four exterior filling stations and an indoor cylinder filling room. The Board stated that they would like to see a Emergency Response Plan and a Health & Safety Plan within 30 days. Mr. Candor, representative of BOC Gases, stated that they will be implementing a full hazardous materials team for added protection. Ms. Walz, also representing BOC Gases, stated that there are monitors and flame detectors built into the tanks with 24 hour remote service for added safety. The Health Department has reviewed this proposal and finds it consistent with the Board's Hazardous Material Control Bylaw and the current permit issued to BOC Gases. On a motion made by Mr. Conoby, seconded

by Ms. Hunt, the Board unanimously voted to grant BOC Gases a use amendment to their Hazardous Materials Control Permit issued on 5/1/2003 with the condition that BOC submit a Health & Safety Plan and an Emergency Response Plan within 30 days.

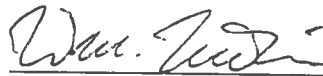
**Adjournment**

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to adjourn the meeting at 9:40 p.m.

Respectfully Submitted,



Sheryl Ball, Secretary  
Acton Board of Health



William McInnis, Chairman  
Acton Board of Health