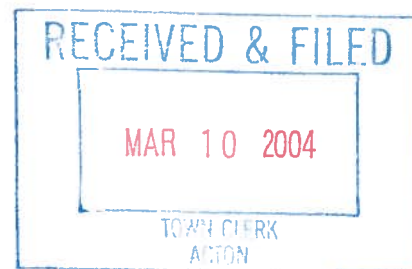


Acton Board of Health – Minutes  
December 8, 2003  
Room 126, Town Hall



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

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

Others: James Okun, Debbie Listernick, Alice Daly, Philip Rouhart, David Brusie, Stacy Rogers, Carol Holley, Mary Michelman, Steve Anderson, Kanayo Lala, Raj Devarajan, Frank Panetta, Mark Donohoe, Mark & Lucinda Sears.

The meeting was called to order at 7:45 p.m.

**Minutes**

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to accept the minutes of October 27, 2003.

On a motion made Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to accept the minutes of November 17, 2003.

**Massage Practitioner – Philip Rouhart**

Mr. Rouhart is seeking a Massage Practitioner License from the Board. Mr. Rouhart will be working at Moodz Day Spa in Acton. The Health Department has received all the required information from the applicant and recommends that the Board grant this license. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to grant a Massage Practitioner License to Philip Rouhart.

**Massage Practitioner – Alice Daly**

Ms. Daly is seeking a Massage Practitioner License from the Board. Ms. Daly will be working at her own establishment located at 481 Great Road which she has already obtained a license for. The Health Department has received all but a negative TB test from Ms. Daly. Ms. Daly indicated that she would be having the test next week and would forward the results to the Health Department. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously

voted to grant a Massage Practitioner License to Alice Daly conditioned on submittal of a negative TB test.

#### **Variance – 68 Seminole Road**

The Health Department has received a request from the owners of 68 Seminole Road for a variance to Article 11-7.2, reduction in setback to vegetated wetlands, Article 16-4.2.10, reduction in the required setback from a leaching area to a wetland in an aquifer zone and Article 16-6.2.7 for a reduction in the required setback from a septic system to a wetland in an aquifer zone. These variances were requested and approved by the Board at a previous meeting, however, the applicant has redesigned the system to accommodate 5 bedrooms. The new design has a greater separation to wetlands. The Health Department believes that the applicant should justify why secondary treatment of the wastewater should not be provided due to the increased size. The Board stated that an additional 1000 gallon tank added to the proposed 1500 gallon two compartment tank with a zabel filter and pumping every two years would provide additional compensation for the additional bedroom. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Article 11-7.2, 16-4.2.10, 16-6.2.7 to 68 Seminole Road with the following conditions:

1. An MADEP approved effluent tee filter is installed on the last outlet of the septic tank. This filter is to be serviced a minimum of once per year.
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 proposed 1500 gallon two compartment septic tank shall be followed by a single compartment 1000 gallon settling tank prior to the distribution box.
5. The system shall be built in accordance with the above listed conditions and a plan stamped by Steven Calichman, RS, to be submitted to the Health Department for approval.

#### **Variance - 23 Nashoba Road**

The Health Department is in receipt of a request from 23 Nashoba Road seeking a variance from Article 11-9.6 for a reduction in stone for the reconstruction of a failed septic system. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from Article 11-9.6 to 23 Nashoba Road with the following conditions:

1. The system is required to be pumped a minimum of once every two years.

2. The system is built in accordance with a plan stamped by Christopher Lorrain, PE, dated 11/5/2003.
3. A two compartment septic tank and effluent tee filter is installed.

**WR Grace – Discussion**

See Court Reporter minutes dated 12/8/2003

**Variance – 13 Westside Drive**

The Health Department has received a request for relief from the setback requirements to Title 5 to allow for the addition of a family room located at 13 Westside Drive. The proposed location of the addition places the septic tank 7' from the slab and 9' from the leaching area. Mr. Halley stated that he is concerned with the precedent in granting this variance. The Board discussed rotating the addition and cantaleving the addition to meet the setbacks. The septic tank will also need to be relocated. The contractor and owners stated that this would be acceptable to them. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to deny the variance request to 13 Westside Drive due to the proposed changes.

**Variance – 8 Winter Street**

The Health Department is in receipt of an application for Remedial Use Approval from 310 CMR 15.284 to allow an Innovative/Alternative Technology for the property located at 8 Winter Street. The applicant is proposed to take advantage of the reduction in the groundwater offset from 5' to 3' in order to minimize the mound in the yard. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to grant Remedial Use Approval from 310 CMR 15.284 to 8 Winter Street with the following 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) and 30 mg/L total suspended solids (TSS). The effluent pH shall not vary more than 0.5 standard units from the influent water supply.
3. Operation and Maintenance Agreement:
  - A. Throughout its life, the Owner of the System shall have the System properly operated and maintained in accordance with Company's and designer's

operations and maintenance requirements and this Approval and be under an operation and 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 the MADEP.
  - ii. Contains procedures for notification to the local approving authority and the MADEP within five 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 local approving authority and the MADEP shall be notified, in writing, within seven days every time the operator or operators are changed.
3. The owner shall furnish the local approving authority or MADEP any information, which the MADEP may request regarding the System, within 21 days of the date of receipt of that request.
  4. Within 30 days of the approving authority's issuance of the Certificate of Compliance for the system, the owner shall submit a copy of the Certificate of Compliance to the MADEP
  5. By January 31<sup>st</sup> of each year for the previous year, the System owner shall submit to the MADEP and the local approving authority 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.
  6. 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 local approving authority and the MADEP prior to issuance of the Certificate of Compliance.

7. 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.
8. Effluent from a system serving a facility with a design flow of less than 2000 GPD shall be monitored quarterly. Both influent and effluent from the system serving a facility with a design flow 2000 GOD to 10,000 GPD shall be monitored monthly. At a minimum, the following parameters shall be monitored: pH, BOD5, Total Nitrogen and TSS. All monitoring and maintenance data shall be submitted to the local approving authority and the MADEP within thirty days of the sampling date and by January 31<sup>st</sup> of each year for the previous calendar year. After one year of monitoring and reporting and at the written request of the owner, the MADEP may reduce the monitoring and reporting requirements.
9. When the 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 a sewer, shall abandon the System in compliance with 310 CMR 15.354, unless a later time is allowed, in writing, by the local approving authority, and shall in writing notify the MADEP of the abandonment.
10. No floor drains are permitted in the facility unless they are connected to the Non-hazardous industrial waste holding tank that is proposed.

#### **65-71 Powdermill Road – Aquifer Special Permit & Variance**

The Health Department has received a request from the owners of 65-71 Powdermill Road for a variance from Article 9-6.4 for the use of a private well in an area where public water is available, Article 16-4.2.10 for a reduction in the required setback from the leaching area in an Aquifer zone and an Aquifer Zone 3 Special Permit for work on a multi-use structure. The Board asked what the anticipated cost difference was to connect to the Town Water supply vs installing a private well. It was stated that the cost difference would be approximately \$47,000. The Board discussed the impacts of reducing the setback to the leaching facility. The aquifer is located up gradient from the leaching area and stated that the leaching area needs to be moved to be at least 40' from the recharge area instead of the proposed 34'. Mr. Halley stated that the underground recharge basin would be similar to an onsite septic system and is designed to accept storm water flows. The Board stated that this lot has met maximum feasible compliance, the lot has unique site considerations and that there is an underground

recharge area. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Article 9-6.4, Article 16-4.2.10 and an aquifer special permit to the property located at 65-71 Powdermill Road in accordance with the plans as submitted and amended 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 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. All tenants within the buildings will be required to be in compliance with the Town of Acton Hazardous Materials Control Bylaw at all times.
5. No floor drains will be allowed within the facility unless they discharge to a non-hazardous waste industrial waste holding tank.
6. 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.
7. The private well shall be tested once per year, and shall be required to be in compliance with all EPA Primary Drinking Water Standard and if the well does not meet standards they must either apply treatment or connect to the Town water supply.
8. The monitoring well installed in the recharge area shall be tested for E coli, NO3-N and Total Phosphorus once per year, the results of the sampling to be submitted to the Health Department within thirty (30) days of its occurrence.
9. The system shall be built in accordance with the above conditions and a plan stamped by Mark Donohoe, PE dated 12/3/2003.
10. The covers of all subsurface concrete structures associated with the onsite wastewater system are brought to finish grade with a cast iron frame and manhole cover.
11. The leaching area shall be a minimum of 40' feet from the aquifer recharge area.

#### **Post Construction Variance - 9 MacGregor Way**

The property located at 9 MacGregor Way, currently under construction to expand an existing 4 bedroom home to an 8 bedroom home. As part of this construction, the onsite septic system needs to be upgraded to accommodate the bedroom increase. The Health Department has received the proposed plans and noted that the septic tank had already been installed. Therefore, the owners are requesting a post construction variance from 310 CMR 15.405(1)(b) for a

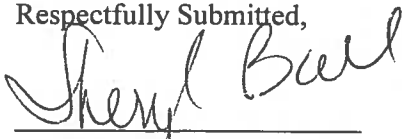
reduction in the required setback for a septic tank to a foundation wall (10' required, 4' requested). The owner along with his engineer was present to discuss this request. The owner, Dr. Raj Devarajan, stated that he hired a contractor for the remodeling project and has since fired him due to numerous issues. Mr. Devarajan also stated that the tank was placed close to the foundation due to ledge. The Board stated that they would like the Health Department to witness a deep test hole to confirm the ledge presence prior to granting approval. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to table this request to 9 MacGregor Way until such a time that a confirmatory deep test hole can be dug.

**Other Business**

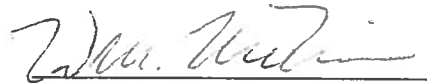
- Mr. McInnis stated that Mr. Oliveri has informed him that he would like to see a smoking bylaw for apartment complexes. It was stated that the Board will discuss this further upon Mr. Oliveri's return.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to adjourn the meeting at 10:20 p.m.

Respectfully Submitted,



Sheryl Ball, Secretary  
Acton Board of Health



William McInnis, Chairman  
Acton Board of Health