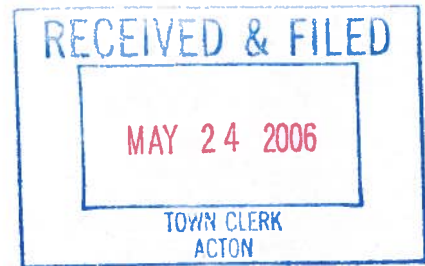


**Acton Board of Health**

**Minutes**

**April 24, 2006**



Members Present: Mark Conoby, Acting Chairman, Joanne Bissetta, Member, Dr. Bill Taylor, Member, and Dr. Harting-Barrat .

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Isabella Choate, Duncan Brown, PE, Tom, Pat and Will Easterly, Ralph Hubbamel, Selina Maitregr, Gloria Jacobs and Laurence Jacobs.

The meeting was called to order at 7:38 p.m.

**Minutes**

On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to accept the minutes of March 27, 2006 as amended.

**Public Hearing – Mercury Recovery Policy**

The Health Department is recommending the Board adopt a Mercury Recovery Policy similar to the Town of Boxboro's. If the Board votes to adopt this policy, NESWC will send out mailings to encourage citizen participation in the Mercury Recovery Program. The Health Department believes there is a value in a mailing and would recommend adoption of this policy. On a motion made by Joanne Bissetta, seconded by Dr. Harting-Barrat, the Board adopted the Mercury Recovery Policy with amendments. Dr. Taylor would like to see results of how much mercury is recovered as a result of the program.

**Variance – 170 School Street**

The Health Department is in receipt of an application from the owner of 170 School Street for a variance from Article 11-7.2 for a reduction in the setback to a wetland, Article 11-9.6 for a reduction in the depth of stone, and 310 CMR 15.405(1)(a) for a reduction in the setback to the foundation wall. The Health Department has reviewed the plans and finds that construction on the site is limited by wetlands, placement of the house and the shallow depth to groundwater. A poly barrier has been proposed between the system and the foundation wall. The applicant has also provided a 2,000 gallon – 2 compartment septic tank with an effluent tee filter in order to provide additional environmental compensation. On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to approve a variance from Article 11-7.2, Article 11-9.6, and 310 CMR 15.405(1)(a) to the property located at 170 School Street with the following conditions:

1. The septic tank shall be pumped at least once every two years.
2. The system shall be built in accordance with the plans stamped by Paul McNulty, PE dated 4/10/2006.

**Variance – 42 Ethan Allen Drive**

The Health Department is in receipt of an application from the owner of 42 Ethan Allen Drive for a variance from 310 CMR 15.405(1)(g) for a reduction in the setback to a subsurface drain. Construction is limited by wetlands, placement of the house, severe slopes and the depth to groundwater. The subsurface drain is located upgradient from the septic system. The proposed design of the septic system shows only the grading and poly barrier is located within the easement. This is the third septic system since the home has been built. The slope of this land requires that the drainage be pulled away from the neighboring property. Mr. Brown, design engineer has designed trenches that step down. This system is in gross failure. The Health Department stated that upon construction the drainage system must be inspected to determine if the pipe is solid or perforated. If the pipe is perforated it will need to be replaced. Mr. Conoby suggested that a cleanout be placed at the right angle to ensure that the pipe does not clog in the future. The owner of 44 Ethan Allen Drive stated that there is a large perennial garden that she placed within the driveway easement owned by 42 Ethan Allen Drive that will need to be removed if the system is built as designed. She further stated that she would like to see the septic

system redesigned, moving the system approximately 2 feet to eliminate the need to remove the garden as it will cause undue stress on her and the plants. The abutter also stated that trees will be removed and all their privacy will be gone. The abutter stated that she would greatly appreciate anything that can be done to accommodate her concerns. Mr. Reagor stated that the whole system would need to be shifted which could create a grading issue towards the house. Mr. Reagor questioned whether or not the trenches could be staggered. Mr. Reagor also stated that he is concerned with the integrity of the slope. Mr. Conoby stated this septic system is in failure and stated that the Board could approve the variances and ask the engineer to reevaluate the proposed plan to see if the gardens can be accommodated and brought back to the health department for approval. The lot will be surveyed and staked. On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a variance to 310 CMR 15.405(1)(g) to the property located at 42 Ethan Allen Drive with the following conditions:

1. The septic tank shall be pumped at least once every two years.
2. Prior to commencement of construction, the applicant shall verify, with a witness by an Agent of the Acton Board of Health, that the drain line between the proposed SAS and the house is solid pipe. If the pipe is found to be perforated at any point, it shall be replaced with solid PVC schedule 40.
3. A crushed stone swale shall be installed along the edge of 44 Ethan Allen's driveway, then following the property line, to carry surface drainage away from the abutting property.
4. The property shall be surveyed and staked prior to commencement.
5. The system shall be built in accordance with the above conditions and a plan stamped by Duncan Brown, PE to be submitted to the Health Department subject to approval dated 4/14/2006.

### **Emergency Trapping Permit– 51 Flint Road**

The Health Department is in receipt of a request for an emergency beaver trapping permit from the owners of 51 Flint Road. This property abuts the large flood/wetland area associated with Fort Pond Brook. During an on-site inspection by the Health and Conservation Departments, a beaver dam was spotted at the southern end of the wetland and is causing septic system flooding

along Flint Road creating a public health and safety issue as defined in Chapter 131 of the General Laws of Massachusetts. The Health Department recommends approval of this. On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously voted to grant an emergency 10 day beaver trapping permit, with a permit date to begin on April 25, 2006 for a period of 10 days. Mr. Jacobs, 51 Flint Road, stated that this has been an on-going issue.


**Other -**

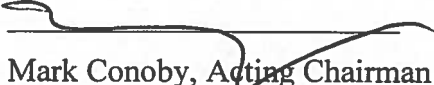
- Mr. Reagor stated that the Health Department has received a smoking complaint from the DPH regarding smoking in town buildings. The Health Department had received anonymous complaints from a citizen who has now made complaints to the State. The Health Department belongs to a Tobacco Control Program and Ms. Growosky has conducted inspections of the town facilities. Ms. Growosky will conduct further follow-up.

**Adjournment**

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to adjourn the Board of Health meeting at 9:20 P.M.

Respectfully Submitted,

  
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Sheryl Ball, Health Secretary  
Acton Board of Health

  
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Mark Conoby, Acting Chairman  
Acton Board of Health