

**Acton Board of Health**

**Minutes**

**April 11, 2005**

Members Present: William McInnis, Chairman, Mark Conoby, Joanne Bissetta, Member, Pam Harting-Barrat, Associate Member and Rita Dolan, Associate.

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Deanie Zeitlin, Oleg Volinsky and Diana Jenks

The meeting was called to order at 7:35 p.m.

**Minutes**

On a motion made by Ms. Bissetta , seconded by Mr. Conoby the Board unanimously voted to approve the minutes dated March 14, 2005 as amended.

On a motion made by Ms. Bissetta , seconded by Mr. Conoby the Board unanimously voted to approve the minutes dated March 28, 2005 as amended.

**Massage Practitioner – Deanie Zeitlin**

The applicant Ms. Zeitlin has requested that the Board grant a variance from the requirements of Acton Board of Health – Article 13-2.2 (c) which requires that the applicant show certification that they are free of tuberculosis. In the past the Board has considered a variance from the Mantoux test with the condition that a chest x-ray be conducted. Ms. Zeitlin stated that she is a Shiatsu practitioner and is about ready to graduate and would like to be licensed in Acton. Ms. Zeitlin stated that because of skin sensitivities she does not want the Mantoux test and also does not feel that she should put radiation into her body with the chest x-ray. Ms. Zeitlin stated that surrounding towns do not have a Tb test requirement and have had no positive outbreaks. Mr. Conoby stated that Tb can be inactive and therefore you may not know if you have Tb. The Board stated that this requirement is recommended by the DPH and the Board considers this a

potential health threat. The Board explained their position of protecting the public health and the state has a Tb test in their model regulations. Mr. McInnis stated that the Board believes that a Tb test is required and instructed Ms. Zeitlin to check with her physician to see if there are other types of Tb tests available as the Board will not waive this requirement.

#### **Variance – 91 Concord Road+**

The Health Department is in receipt of a variance from Article 11-9.6 for a reduction the depth to stone and 310 CMR 15.405(1)(a) for a reduction in the setback from the septic tank to the foundation to the property located at 91 Concord Road. The Health Department has reviewed the plans and found that the system is in failure and without the reduction in stone the grading would extend into the Town's right-of-way and the other direction would require grading into the abutters property. Also, another location on the lot would require multiple bends and the system would be closer to the wetlands. The Conservation Department flagged the wetlands in order to maintain the 100' to the wetlands. The property is located in Zone 3 and felt that this variance has the least impact to the property. A two compartment 1500 gallon tank will be utilized with an effluent tee filter.

On a motion made by Mr. Conoby, seconded by Ms. Bissetta the Board unanimously voted to grant a variance to Article 11-9.6 and 310 CMR 15.405(1)(a) to the property located at 91 Concord Road with the following conditions:

1. The system is pumped at least once every two years.
2. The system is built in accordance with a plan stamped by Eric Durling. PE dated 4/4/05.

#### **8 Durkee Lane**

Mr. Volinsky has requested a variance to allow for the deck footings to be approximately 5' from the leaching bed. Mr. Volinsky stated that an addition was put on the home in 1981 by the previous owners and was constructed with footings 5' feet from the leaching bed. The deck that Mr. Volinsky would like to construct will not be located any closer than the existing non-conforming footings. The Board asked why this request is being brought to them. Mr. Reagor stated that Title 5 does not speak to the setbacks of footings. As a policy, the Health Department has always allowed the footings to be as close as 5' to the septic tank with the condition that the footing be placed below the bottom elevation of the tank. However, with this request the Health

Department felt it was necessary to seek the Board's approval as it goes beyond the Department's policy. The Board stated that the footings should be hand dug to avoid hitting the field with heavy equipment. Mr. McInnis stated that he understands that there are existing piers that are too close to the leaching area and isn't sure that we should allow additional footings. McInnis asked what the standard distances are. Mr. Reagor stated that it is 10' to a slab and 20' to a full foundation. On a motion made Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to recommend that the Health Department approve this building permit.

1. The Health Department shall witness the bottom of the footing excavation prior to placement of any concrete.
2. When the leaching field is replaced, a ten foot minimum setback to all the footings, along with the applicable setbacks in 310 CMR 15.000 shall be maintained.

### **Discussion – Regulations**

The Board of Selectmen voted an increase of the Health Departments fees on March 28, 2005. Mr. Reagor stated that as a result of this increase our regulations will need to be amended to incorporate the new fee structuring. Among the fee increases are fees associated with Health Department inspections, Title 5 inspectors will also need to be licensed by the Health Department prior to inspecting systems in Acton, dumpster fees, motels inspections, 2<sup>nd</sup> time plan review fees, and I/A maintenance fees to name a few. Mr. Reagor explained that the licensing of the Title 5 inspectors will allow for better enforcement and advertising to the Title 5 inspector and the dumpster regulation will help us with enforcement. Mr. Reagor stated that the applicant will now get the Health Department's review and re-review of a proposed septic plan prior to being charged for a re-submittal. Mr. Conoby stated that the regulations should state that they will be charged only if a substantial revision would be needed. Mr. Reagor also provided the Board with a copy of the proposed wastewater treatment plant regulations which follow the current DEP regulations. Mr. McInnis stated that the proposed I/A regulations will discourage homeowners to utilize these types of systems. Mr. McInnis stated that he likes these kinds of systems and recommended that systems designed for under 660 gpd would not be subject to a fee. Mr. Conoby suggested charging the companies that service the I/A systems instead of the homeowners. Mr. Reagor suggested that the Board review these proposed regulations and submit their comments to the Health Department for future Board approval.

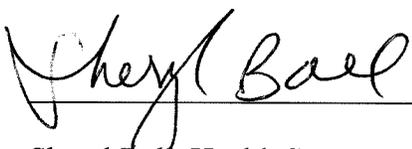
**Other**

- Joelle Darcy accepted the position of Nursing Administrator.
- Diana Jenks, Acton citizen stated that noise has increased four times in the Great Road area due to the police and fire vehicles and cell phone conversations through the walls, TV's noise – kids are crying and can't find peace and quiet. She also stated that she has spoken with Representative Eldridge.
- WR Grace – Mr. Reagor explained that WR Grace has indicated that they may not be coming to the May 9, 2005 Board meeting. Mr. Reagor stated that we will keep the Board updated.
- Adams Street Wastewater Treatment Plant Groundwater discharge permit – Mr. Reagor stated that we expect to get our new permit tomorrow which will allow for an additional 49,000 gpd.

**Adjournment**

On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to adjourn the meeting at 9:29 p.m.

Respectfully Submitted,



Sheryl Ball, Health Secretary

Acton Board of Health



William McInnis, Chairman

Acton Board of Health