

**Acton Board of Health**

**Minutes**

**June 5, 2006**

Members Present: William McInnis, Chairman, Mark Conoby, Member, Joanne Bissetta, Member, and Dr. Bill Taylor, Member.

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Dick Dolan, Peg Mikkola, Ronald Sutherland, Andrew Munro, Claire Pelletier, Sue Howe,

The meeting was called to order at 7:37 p.m.

**Minutes**

On a motion made by Dr. Taylor, seconded by Mr. Conoby, the Board unanimously voted to accept the minutes of May 8, 2006 as amended.

On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to accept the minutes of May 22, 2006 as amended.

**Public Hearing – Article 11**

The Board opened the Public Hearing regarding amendments to Article 11. Mr. Reagor stated that the Health Department received comments from some engineers and installers and admitted them to be part of the record. The Board discussed the proposed changes and made amendments to the regulation to make them more consistent with the Title 5 amendments that have just gone into effect. Mr. Reagor outlined some of the changes including the distance from the septic system to sonar tubes and loading rates which as amended are still approx 25% larger than Title 5

requirements. Mr. Dolan stated that he has been in business in Acton and is concerned about changing the loading rates to require smaller systems stating that when this was in place before and Acton had a lot of failures. Mr. Dolan encouraged the Board to keep the loading rates to 800 sq ft for a 3 bedroom and 900 for a 4 bedroom. Mr. Dolan also stated that the average family uses more water which attributes to higher flows. It was stated that most variances today are granted for a reduction in size of leaching. The Board discussed the reduction in leaching requirements in depth and agreed with the Health Departments proposed changes. The Board stated that they would like the changes to take effect July 1, 2006. On a motion made by Ms Bissetta, seconded by Dr. Taylor the Board unanimously voted to close the public hearing and incorporate comments. On a motion made by Mr. Conoby, seconded by Dr. Taylor, unanimously voted to approve the changes to article 11 with an effective date of July 1, 2006.

#### **Variance – 14 Cherry Ridge Road**

The Health Department is in receipt of an application for a variance from Article 11-9.1 for a reduction in the LTAR to the property located at 14 Cherry Ridge Road. The Health Department has reviewed this request and finds that the applicant will be using aggregate free chambers to maximize the waster water interface, and the construction is limited by the depth to groundwater and expansion of the system would require retaining walls. The system as designed meets the proposed revisions to Article 11.

On a motion made by Ms. Bissetta, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from Article 11-9.1 to the property located at 14 Cherry Ridge Road with the following conditions:

1. A two compartment septic tank, fitted with an effluent tee filter, shall be installed in lieu of the proposed single compartment tank.
2. The septic tank shall be pumped a minimum of once every two years.
3. The system shall be built in accordance with the above conditions and a plan stamped by Eric Durling, PE, dated 5/23/2006.

**Title 5 Waivers**

The Board stated that this discussion regarding Title 5 waivers is a continuation of discussion from the last Board of Health meeting. The Board discussed types of failures which they felt would warrant a T5 waiver. The Board also discussed the conditions that they would place on any waiver requests and also discussed the length of time the waivers would be good for. Mr. Reagor stated that in order to apply for a Title 5 Waiver you would need evidence of a failing Title 5. Mr. Munro stated that limiting the waiver to two years would leave the homeowners wishing to sell in a bind. Mr. Munro further stated that he would be concerned with the neighborhood voting for the sewer appropriation needed at town meeting if everyone was forced to build a septic system to sell their home. Legislation is also needed to change the privilege fees for people in the sewer district to betterment fees. Mr. Munro stated that the legislation is moving forward. Mr. Reagor stated that the legislation has moved to the third reading and the neighborhood and staff has been pressuring our State Representative to push this along. Mr. Reagor stated the Board had granted Title 5 waivers to residents in the first sewer district in South Acton and some residents had systems in bad failure and we were able to limp them along prior to the sewer being available. Mr. Sutherland asked the Board the time line of sewers being available. Mr. McInnis stated that the Board is discussing the timeline tonight. Mr. Reagor stated that Flint, Tuttle, and Spencer Road area has been identified as a high need area. The Board asked about the kind of failures in this area and Mr. Reagor stated that the lower area is coming of age and the systems are tired and are in groundwater. Mr. Conoby stated that the BOS has a financial commitment to the sewer project. The Board stated that they would like to see a draft of conditions prior to voting on this. Some of the conditions discussed were as follows:

1. Require Title 5 inspection
2. Annual pumping including function check.
3. Buyer would need to submit written acceptance of the conditions
4. Additional interim measures as required.
5. Reserve right to amend or modify these conditions.

The Board also stated that in the event the sewers do not become available within 5 years from date of letter then the waiver shall become null & void and plans to reconstruct the septic system would be required within x days. The Board was in consensus with this discussion. The Board

asked the Health Department to draft up letter of conditions for Board review at their next meeting.

**Other -**

- The Board asked if Assabet Crossing is in the sewer district. The Health Department stated that when the final betterments were being assessed it was discovered that this area has frontage in the sewer district. As a result of this discovery Assabet Crossing was added to the sewer district. The residents had requested abatements and the Board of Selectmen voted to take no action.

- Mr. McInnis asked if the Board wants to do anything about avian flu. Mr. Reagor stated that we are heavily involved at both local and state level with pandemic flu planning. The Board asked for a 45 minute presentation at their next meeting.

**Adjournment**

On a motion made by Ms. Bissetta, seconded by Mr. Conoby, the Board unanimously voted to adjourn the Board of Health meeting at 9:40 P.M.

Respectfully Submitted,



---

Sheryl Ball, Health Secretary  
Acton Board of Health



---

William McInnis, Chairman  
Acton Board of Health