

Acton Board of Health

Minutes

July 24, 2006

Members Present: William McInnis, Chairman, Mark Conoby, Vice Chairman, Dr. Bill Taylor, Member, Pam Harting-Barrat, and Phillip Alvarez voting for Joanne Bissetta and Rita Dolan, Associate.

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Mark Donohoe and Paul Gabroury

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

Minutes

On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to accept the minutes of June 19, 2006 as amended.

Title 5 Waiver Request – 8 Spencer Road

The applicant has withdrawn this request.

Nomination – WRAC Member Notification

The Board of Selectmen have recently completed the Comprehensive Water Resource Management Plan and have created the Acton Water Resources Advisory Committee to oversee this process. The committee will have 13-15 members consisting of a member of the Board of Selectmen, Board of Health, Conservation, EDC/EDIC, Citizens at Large, ACHC, Finance Committee, Planning Board, School Committee, ACES and a Business Owner. This committee will be a sworn advisory committee to the Selectmen. The Board needs to nominate a member of the Board of Health to serve on this committee. On a motion made by Dr. Harting-Barrat,

seconded by Dr. Taylor, the Board moved to appoint Joanne Bissetta the primary member to the WRAC. On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board moved to appoint Phil Alvarez as alternate member of the WRAC.

Emergency Preparedness Update

Mr. Reagor stated that the Health Department, along with Police and Fire, has been working on an Emergency Preparedness Plan. The Board has asked for information on background, emergency dispensing sites and physical facilities and manpower. Mr. Reagor showed the Board a power point presentation on the status of Acton's planning. Mr. Reagor stated the State has distributed money to local Health Departments to be used for emergency preparedness supplies. Each city and town has been divided into Regions and Acton is part of Region 4A. Additionally, Mr. Halley has participated in table top exercises along with 34 other communities. The plan includes the Acton Boxboro High School to be the emergency dispensing site as Acton will need to vaccinate 100% of the population within 72 hours and it was the only facility large enough to accommodate this. It was also stated that there will be satellite parking and busses will transport people to the High School. If an emergency were to occur a reverse 911 phone call system is in place and will be utilized to contact the residents of Acton. The Health Department has actively sought volunteers and has approximately 120 people signed up with various backgrounds. If an emergency were to occur a base of 75-100 people will be needed per shift with 12 hour shifts. The Board asked why there is only one dispensing site. Mr. Reagor stated that a second site was discussed but it was felt that too many staff would be needed to man two sites. The Board thanked Mr. Reagor for the presentation.

Variance – 512 Main Street

The Health Department is in receipt of an application for a variance from 310 CMR 15.405(1)(a) for a reduction in the required setback to a property line for the property located at 512 Main Street. The Health Department has reviewed this request and finds that the site is limited by the size and presence of bedrock. The applicant has provided an effluent tee filter in order to provide additional environmental compensation. The Health Department recommends approval of this request. The system as proposed will have retaining walls due to the high groundwater

located on site. The property has already been surveyed and Mr. Donohoe is confident that the lot lines are correct.

On a motion made by Mr. Conoby, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a variance from 310 CMR 15.405(1)(a) to the property located at 512 Main Street with the following conditions:

1. The northeastern property line shall be surveyed and staked in the field by a Professional Land Surveyor prior to commencement of construction, and the stakes shall be maintained during the construction process. The certifying Land Surveyor shall also certify the property lines on the as-built drawing.
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 Mark Donohoe, PE, dated 6/21/2006.

Emergency Beaver Trapping Permit – 20 Main Street

The Health Department is in receipt of a request for an Emergency Beaver Trapping Permit at the request of the owner of 20 Main Street. This property abuts a large flood plain/wetland area in South Acton near the Maynard border. The property has been flooded as a result of the rising water elevation and is impacting the private drinking water well and the dwelling which is creating a threat to the Public Health and Safety. The owner has contracted with a licensed trapper. The Health Department recommends approval of this request.

On a motion made by Dr. Harting-Barrat, seconded by Mr. Conoby, the Board unanimously voted to grant an Emergency Beaver Trapping Permit to commence on July 25, 2006 for a period of 10 days.

Facility Nitrogen Aggregation Plan – Colonial Path Subdivision – Sylvia Street

The Health Department is in receipt of an application for an approval of a Facility Nitrogen Aggregation Plan for the Colonial Path Subdivision located off of Sylvia Street. This plan has been designed per DEP guidance and regulation 310 CMR 15.216 which states that Nitrogen Sensitive Areas may be developed at greater than 440 gpd per acre when land has been set aside and deed restricted as “Nitrogen Credit Land” This deed restricted “Nitrogen Credit Land” can never be developed. This requirement has existed in Title 5 since about 1996 and has been

utilized in other communities but is more common in the Cape. Development is limited in Zone 2 of the aquifer protection zone to 440 gpd per acre. It was stated that wetlands can be utilized as "Nitrogen Credit Land." Mr. Gaboury, developer of Colonial Path, is looking at alternatives to be able to develop the land located at the end of Sylvia Street. Mr. Gaboury has an agreement with the owners of 24 Liberty Street to utilize 100,000 sq. ft. of their property which will be used as "Nitrogen Credit Land." Mr. Reagor stated that the credit land is heavily wooded wetlands. Mr. McInnis asked who will enforce this. Mr. Reagor stated that it falls under DEP or local health departments. This would need to be disclosed to future homeowners and also recorded on the deed of the credit land. The Health Department recommends approval of this request as equivalent environmental compensation has been met. On a motion made by Dr., Taylor, seconded by Dr. Harting–Barrat, move to grant approval with the following conditions:

1. The proposed facility in question is located within Zone II, delineated in 2003, for the town of Maynard Rockland Avenue drinking water supply wells.
2. This Zone II relates to the protection of drinking water supply wells developed at depths greater than 400' into the bedrock. The delineation, performed by the United States Geological Survey, demonstrated pumping/drawdown influence within a radius of the wells that included the Sylvia Street site.
3. The applicant proposes to utilize 100,000 square feet of land located at 24 Liberty Street, which is located within the same Zone II, as nitrogen credit land. This land, when added to the facility land, would allow for the development of five, four-bedroom houses.
4. The applicant has yet to submit a surveyed plan, stamped by a Registered Professional Land Surveyor, of the proposed Nitrogen Credit Land. This will be required by MADEP as part of the submittal.

Aquifer Special Permit – Lot 6 – 118 Willow Street

The Health Department is in receipt of an Aquifer Zone 3 Special Permit for the construction of a new single family dwelling at Lot 6 – 118 Willow Street. A review of the plans shows that the proposed construction is in compliance with all applicable regulations.

On a motion made by Dr. Harting Barrat, seconded by Mr. Alvarez, the Board unanimously voted to grant an aquifer special permit to Lot 6 – 118 Willow Street with the following condition:

1. The septic tank serving the swelling shall be pumped a minimum of once every two years.

Aquifer Special Permit – Lot 7 – 118 Willow Street

The Health Department is in receipt of an Aquifer Zone 3 Special Permit for the construction of a new single family dwelling at Lot 7 – 118 Willow Street. A review of the plans shows that the proposed construction is in compliance with all applicable regulations. On a motion made by Dr. Harting Barrat, seconded by Mr. Alvarez, the Board unanimously voted to grant an aquifer special permit to Lot 7– 118 Willow Street with the following condition:

- 1. The septic tank serving the swelling shall be pumped a minimum of once every two years.

Aquifer Special Permit – Lot 8 – 118 Willow Street

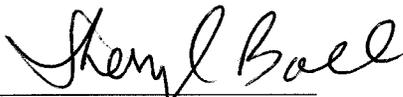
The Health Department is in receipt of an Aquifer Zone 3 Special Permit for the construction of a new single family dwelling at Lot 8 – 118 Willow Street. A review of the plans shows that the proposed construction is in compliance with all applicable regulations. On a motion made by Dr. Harting Barrat, seconded by Mr. Alvarez, the Board unanimously voted to grant an aquifer special permit to Lot 8 – 118 Willow Street with the following condition:

- 1. The septic tank serving the swelling shall be pumped a minimum of once every two years.

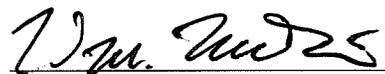
Adjournment

On a motion made by Dr. Harting-Barrat, seconded by Mr. Alvarez, the Board unanimously voted to adjourn the Board of Health meeting at 10:05 P.M.

Respectfully Submitted,



Sheryl Ball, Health Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health