

Acton Board of Health

Minutes

September 18, 2006

Members Present: William McInnis, Chairman, Pam Harting-Barrat and Joanne Bissetta, Member.

Staff Present: Doug Halley, Health Director, Heather Hasz, Health Inspector and Sheryl Ball.

Others Present: Greg Winter, John McAllister, Stephanie Lombardi and John Wnukowski

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

Minutes

On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to accept the minutes of August 21, 2006 as amended.

Variance – 18 Alcott Street

The Health Department is in receipt of an application for a variance from Article 11-6.1.1 for a reduction in the setback to a wetland for both the pump chamber and septic tank for the property located at 18 Alcott Street. The existing septic system is in failure. The site is limited by the placement of the building sewer and its proximity to the wetlands. The plan as designed meets all other applicable rules and regulation and the Health Department recommends approval of this request.

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance from Article 11-6.1.1 to the property located at 18 Alcott Street with the following condition:

1. The system be built in accordance with a plan stamped by Joseph March, PE dated September 6, 2006.

Discussion – Close of Irrigation Well Hearing:

Mr. Halley stated that due to member changes within the Board of Health the existing open hearing regarding WR Grace will need to be closed and to take no finding. Mr. Halley also stated that it would be prudent to take all the previous information under advisement when the hearing is reopened. This all has to be done since Town Counsel has ruled that when the Board of Health membership changes and a quorum of the original members cannot be met the public hearing needs to be closed and a new hearing will need to be opened to begin discussions with a new quorum of Board of Health members. Mr. Halley stated that we will need to schedule the hearing at an upcoming Board of Health Meeting. Dr. Harting-Barrat expressed concern with being part of the quorum as she is employed by the EPA. Dr. Harting-Barrat stated that she will vote to close this hearing conditioned on the fact that she will not be part of the discussion when the hearing is reopened. Currently there is a 500' administrative hold on issuance of well permits surrounding the WR Grace site and so far no well applications have been received within this area.

Variance – Spring Hill Commons

John McAllister, Norfolk Ram Group, engineering group for the project was present along with Greg Winter, representative of V.P Equity Residential Group to discuss the issues surrounding this site and obtain variance approval. The variances requested are from Article 16-4.2.10 for a reduction in the required setback for treatment and disposal from a recharge area, Article 16-6.2.7 for a reduction in the required setback to the flood plain and an Aquifer Special Permit Zone 3. There are 5 apartment complexes located at 411,419 & 421 Great Road and 25 & 33 Harris Street within this site which are separated by wetlands. There is currently an Administrative Consent Order against this property and a treatment plant will need to be built that will service all five buildings. Based on the condition of the soils the best feasible location for the infiltrators are on the opposite end of the treatment plant which will be located on Harris Street. Mr. McAllister also stated that they will need a hazardous materials control permit for the property due to the storage of chemicals in the treatment plant. Ms. Hasz, Board of Health

Inspector, stated that they will address the Hazardous Materials Control Permit once the treatment plant has been built. Mr. Winter stated that there are some neighbors wells located within 100' of the proposed treatment plant. They have met with three abutters and they are trying to negotiate a deal to get them connected to the town water supply. Mr. Winter stated that they have offered to connect these abutters to the Town Water supply at the developers expense and are even negotiating a length of time that they will be responsible for the yearly water bills as abutters are concerned with the cost of the water usage bills. In the past the Board of Health has granted variances to build closer to the wells based on good faith effort to work with neighbors. The closest well is located approximately 45 feet to the leaching area, however the wells are located at a higher gradient than the treatment plant. The Board asked Mr. Winter if they would consider holding their offer to tie the abutters into the Town Water for 24 months in case of sale. Mr. Winter agreed. Mr. Winter stated that these meetings with the abutters are ongoing and he will continue to work with them. Mr. Winter also stated that some landscaping will be done to act as a shield for the abutter. Mr. Winter stated that the neighbors have also expressed concerned with the mounding of the leaching area and they are afraid of the water runoff. As a result of that they will be installing a new drainage system and have been working closely with the Town's Engineering Department. As part of this project the owners are seeking to re-build the burnt down building. The treatment plant has been designed to accommodate 20,570 gallons per day. It was stated that this site has been reviewed and analyzed by the DEP and the Health Department and it is not in the applicant's best interest to have the plant and beds located so far away, however, this was determined to be the best available location and better soils. It has been proposed to retain the existing septic tanks for overflow for a few days of excess storage should there be a power failure. A title 5 inspection will need to be conducted of the septic tanks in order to retain them. This proposal is consistent with the draft treatment plant regulations that the Health Department has been working on. The Board asked the Health Department to get a copy of the proposed treatment plant regulations to the engineer. The Health Department has reviewed the plans and finds that the plan is designed with tertiary treatment, approval has been obtained from the DEP and maximum feasible compliance has been met. The Health Department recommends approval of this request.

On a motion made by Ms. Bissetta, seconded by Dr. Harting- Barrat, the Board unanimously voted to grant a variance from Article 16.4.2.10, Article 16-6.2.7 and an Aquifer Special Permit

– Zone 3 to Spring Hill Commons located at 411 & 419, 421 Great Road and 25 & 33 Harris Street with the following condition:

1. The system shall be built in accordance with the plans approved by the MADEP and the Health Department.

Variance – 85 Taylor Road

The Health Department is in receipt of a request for a variance from 310 CMR 15.405(1)(j) for a reduction in the required separation between a septic tank and pump chamber inlet and outlets estimated seasonal high groundwater, 310 CMR 15.405(1)(b) for an increase in the depth of cover, 310 CMR 15.284 for Remedial Use Approval for a Presby Environmental Septic to allow for a 2' reduction in the depth to groundwater for the property located at 85 Taylor Road. The existing septic system is in failure. The Health Department has reviewed the plans and finds the site has high groundwater, the existing plumbing is located deep into the ground due to the toilet in the basement and the Presby Environmental System provides additional treatment compared to other approved I/A technologies. The Health Department recommends approval of this request. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance to 310 CMR 15.405(1)(j), 310 CMR 15.405(1)(b) and 310 CMR 15.284 310 CMR 15.284 to the property located at 85 Taylor Road with the following conditions:

1. The septic tank and pump chamber shall be H-20 rated structures.
2. The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by MADEP for the Presby Enviro-Septic System.
3. The inlet and outlet of both the septic tank and pump chamber shall be sealed with hydraulic cement or installed with watertight sleeves.
4. The system shall be constructed in accordance with the above listed conditions and a plan stamped by Steven Calichman, RS, to be submitted to the Health Department for approval.

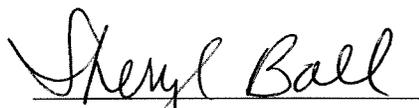
Other

- Mr. Wnukowski stated that he was present for an appeal hearing that was not conducted at the request of the landlord and wanted the record to reflect that he was present. Mr. Wnukowski further stated that the work has not been completed.
- Ms. Bissetta stated there is still runoff coming from the property on the corner of the Arlington and Houghton and asked the Health Department to check this.
- Dr. Harting-Barrat asked the Health Department about the storage of heavy equipment on Nashoba Road/Huron Road. The Health Department will advise the Building Department. Dr. Harting-Barrat also asked the Health Department to check what was being piped from a home on Oneida/Huron in to the street catch basin. Dr. Harting-Barrat stated that there was a smell to the area.

Adjournment

On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to adjourn the Board of Health meeting at 8:40 P.M.

Respectfully Submitted,



Sheryl Ball, Health Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health