

Acton Board of Health

April 23, 2007

Members Present: Dr. Bill Taylor, Acting Chairman, Pam Harting-Barrat and Joanne Bissetta, Members, Phil Alvarez, Associate Voting for Bill McInnis arrived at 7:39PM. (William McInnis, Chairman was not present)

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Peg Mikola, League Observer, Karen Rivero, ACES, Robert Hendrie, Alex Parra, Stephen Marsh, William McCracken, Duncan Brown, Alice Shafer and Kirk Fitzpatrick

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 approve the minutes of March 26, 2007 as amended.

Public Hearing – Changes to Tobacco Regulation

Dr. Taylor opened the Public Hearing at 7:36 PM. Mr. Reagor stated that with the Public Hearing being declared open the Health Department recommends continuation of this hearing to allow Mr. McInnis to be able to attend as he made significant changes to the tobacco regulation.

On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to continue the public hearing until May 7, 2007 at 7:30 PM.

Audubon Hill North - Approval

The Health Department is in receipt of a letter from Duncan Brown, PE who is serving as a consultant to the Audubon Hill North Condominium Association. The association has

experienced malfunctions recently in their onsite wastewater system and desires to prevent future difficulties. The onsite wastewater system for Audubon Hill North serves both the condos which are age restricted to age 55 and older and also the town senior center. The Department was contacted by Duncan Brown, Engineer regarding the difficulties they have had with the onsite septic system. Audubon Hill wants to take a proactive approach to address this issue. Upon reviewing the proposed remediation plan, outlined by Mr. Brown, the Health Department determined that the Board needed to be the decision making authority for this request. Audubon Hill South also had experienced mechanical failures and they spent 1 year working on it and the field has recovered. Mr. Brown stated that the system is 15 years old with good soil but he feels lack of maintenance caused these problems. Some of the problems noted were, gravel in the pump chamber which they think is a result of a broken sewer line, floating scum, trenches are long and need to be vented, D Boxes are tipped, exposed pipes, the existing manhole covers have settled and eroded and the invasion of groundwater. Mr. Brown has proposed ways to fix these problems and would like Board approval to do so. Mr. Brown also stated that he is look at current water usage from the senior center. Mr. Brown stated that they will consider biological additives if needed. On a motion made by Dr. Harting-Barrat, seconded by Mr. Alvarez, the Board unanimously voted to approve the proposed remediation plan for the onsite wastewater system serving the Audubon Hill North Condominiums outlined in a letter from Duncan Brown, PE dated April 13, 2007 with the following conditions:

1. A written report, included further recommendations, shall be produced detailing the information gained during the investigations listed in #2, #3, #6, #9 and the weekly monitoring tube readings in #5. This report shall be submitted to the Health Department within ninety (90) days.
2. Separate minor repair permits will be required for each of the following proposed actions:
 - Installation of the monitoring tubes and the vent pipes.
 - Installation of the inspection manholes and elevation of the existing d-boxes
 - Any repairs to tanks or sewer lines.
 - Application of MassDEP approved additives to soil absorption systems.

Variance – 97 Windsor Ave.

The Health Department is in receipt of an Article 15.384 –Remedial Use Approval, Article 11-8.1 for a reduction in the required minimum disposal area, Article 16-6.2.5 to reduce the separation to groundwater and Article 16-6.2.7 for a reduction in the setback to a vegetated wetland. The Health Department reviewed this request and found low wetlands and the entire lot is surrounded by wetlands. 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 15.384, Article 11-8.1, Article 16-6.2.5 and Article 16-6.2.7 to the property located at 97 Windsor Ave with the following conditions:

1. The system shall, at all times, be in compliance with the most recent Remedial Use Approval issued by Mass. DEP for the Presby Enviro-Septic.
2. The septic tank shall be pumped a minimum of once every two years.
3. The system shall be constructed in accordance with the above conditions and a plan stamped by Kevin Ritchie, PE, to be submitted to the Health Department for approval.

Post Construction Variance – 48 Hayward Road

The Health Department is in receipt of a post construction Remedial Use Approval from 310 CMR 15.284 to allow for the replacement of the malfunctioning onsite wastewater system at 48 Hayward Road. Upon starting the installation of the system, groundwater was found to be at a higher groundwater table. As a result of this finding, the system was redesigned for remedial use. It was determined that the change in groundwater was affected by the removal of five large pine trees.

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a post construction Remedial Use Approval, 310 CMR 15.2.84 for the property located at 48 Hayward Road with the following conditions:

1. The system shall, at all times, be in compliance with the most recent Remedial Use approval issued by MassDEP for the Presby Enviro-Septic.
2. The septic tank shall be pumped a minimum of once every two years.

Permit Extension – 93 Taylor Road

The owners of the property have requested Board approval for a septic permit extension at the property located at 93 Taylor Road. This property has been in litigation and the permit expired during the course of litigation. The Health Department is recommending continuation of this request to Monday, May 7th to allow for Mr. McInnis to be present as he is the only Board member currently on the Board that was involved in the original approval. Both of the involved parties were notified of this request and are present tonight. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to continue this request until May 7, 2007.

Mr. Marsh stated for the record that he would like to protest this decision due to the timeline that he is under and he further stated that he understands why the Board took this action tonight.

Other

- **Town Meeting** – Mr. Reagor stated that all the sewer articles were passed at town meeting.
- **Hazardous Waste Day** – Mr. Reagor stated that we are looking for volunteers for Hazardous Waste Day on Saturday, May 5, 2007 if any Board members are available. Ms. Mikkola, League Representative, stated that she would ask other League members and that she may be available to help.

Adjournment

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

Respectfully Submitted,

Sheryl Ball, Health Secretary
Acton Board of Health

William Taylor, Acting Chairman
Acton Board of Health