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INTERDEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone 978-264-9634 - Fax 978-264-9630

April 16, 2003

TO: Board of Appeals

FROM: Doug Halley, Health Director

SUBJECT: Comprehensive Permit 520 Main Street

The Health Department has reviewed the proposed Comprehensive Permit for 520 Main Street with Bill McInnis, Board of Health Chairman. The Chairman notes that the Board of Health's standing policy is not to recommend waivers from the Board's Health Regulations without a hearing to assess the manifest injustice of the regulation in question and how the same degree of environmental protection that the regulations require can be provided. The Board believes that their regulations have been developed and amended over the years based on the specific problems encountered within Acton. In particular as wastewater problems have manifested the Board as amended their regulations accordingly or has recently been witnessed the Town has invested in a sewer system to take care of problems that could not be addressed by regulations.

The proposed Comprehensive Permit at 520 Main Street in particular will be seeking relief from three critical elements of the Board's regulations. The Board has adopted more restrictive regulations than the State for these critical elements due to observed environmental impacts from developments similar to the proposed development. The three critical elements that the Board of Health requests that the Board of Appeals considers prior to approving this development are as follows:

1. Article 11-7.3
No Sewage Disposal System with a capacity of 2,000 gallons per day or over shall be constructed within one hundred (100) feet of any wetland.
2. Article 11-9.1
Leaching facilities for any use shall be constructed to meet the requirements given in Table 2.
3. Article 11-9.7
The minimum distance between sidewalls of leaching trenches must be twelve (12) feet when the area between trenches is used for a reserve area.

For the past 15 years the Board of Health has been conducting water quality tests at 40 locations within the Town's brooks and streams. These bacteria tests have shown that the standards established by the State for swimming waters are exceeded 25% to 30% of the time. It is the Board's strong belief that as septic systems age they contribute to the overall quantity of bacteria levels. This concern is increased as septic systems are located closer to a wetland or stream.

As a response to these historical findings the Board of Health has adopted regulations that have increased the separation between wetlands and septic systems. In particular the Board has established a setback of 100' for septic systems with design criteria of over 2,000 gallons per day.

The proposed septic system for this proposal is designed to discharge 7,040 gallons per day. The wetlands adjacent to this property discharge into Conant Brook. The Board of Health samples this Brook at its intersection with Main Street, directly downstream from this proposal. During low flow conditions Conant Brook has averaged 235 Coliform Fecal Units for the past ten years. It is the Board's goal to bring all of the Town's Brooks and streams within the swimming water standards of 200 Coliform Fecal Units at all times. The Board believes that minimum setbacks to wetlands are an important component in maintaining appropriate water quality levels in all brooks and streams.

The Board has also adopted a policy intended to further protect the brooks and streams and to provide additional treatment to a septic system's subsurface discharge. This policy allows a septic system to approach the Title 5 setback standard if treatment is provided which ensures that the discharge will not exceed 10 ml of nitrates. The Board's policy is intended to promote treatment for small systems and to improve groundwater quality recognizing that the quality of groundwater directly impacts the quality of water in wetlands, brooks and streams.

Should the Board of Appeals decide it is necessary to waive the Board of Health regulations the Board of Health requests that the waiver be granted consistent with the Board's current policy.

The other two elements that are critical to the Board are difficult to assess at this time because additional soil testing must be conducted. The Board would appreciate an opportunity to address these elements once a full design of the septic system has been developed. At that time the Board would be able to provide comments on the waivers of those two requirements.

CC: Don Johnson, Town Manager
Brent Reagor, Sanitarian



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Acton Board of Health - Telephone (978) 264-9634

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TO: Acton Board of Appeals

FROM: Brent L. Reagor, R.S., Health Agent *BR*

RE: Comprehensive permit/Franklin Place (Hearing #03-08)
520 Main Street

DATE: April 9, 2003

The Health Department has the following comments:

- 1) Under the authority of 310 CMR 15.102(2), the approving authority (the Acton Board of Health) has determined that four (4) additional deep test holes are required in the proposed area for onsite sewage disposal, the locations of the deep test holes to be designated by the Health Director.
- 2) As required by 310 CMR 15.104(4), at least one (1) additional percolation test must be performed in the proposed onsite sewage disposal area.
- 3) Within the "Petition for Comprehensive Permit", submitted by the applicant, the onsite sewage disposal system is referred to numerous times as a "shared system". This terminology is incorrect. Under 310 CMR 15.002, a shared system is defined as:

"A system sited and designed in accordance with 310 CMR 15.100 through 15.293 which serves, or is proposed to serve, more than one facility or more than one dwelling on a single facility and which has been approved in accordance with 310 CMR 15.290 through 15.293. A system serving a condominium unit or units located on the same facility is not a shared system."

The system should be appropriately described in the petition so as to be compliant with the language of 310 CMR 15.000 (Title 5).

- 4) No provisions for domestic solid waste disposal are shown on the site plan.