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DATE July 6, 1987  
Barbara Brown  
TOWN CLERK, ACTON

ACTON BOARD OF HEALTH  
MINUTES OF MEETING  
MAY 26, 1987

Board members present: Richard Stephens, Acting Chairman, Charlotte Sagoff, George Emmons, Associate members Richard Oakley and Campbell Amos.

Staff present: Doug Halley, Director, Carol Holley, Secretary, late arrival Edward Wirtanen, Sanitarian

Guest: Steven Ford, manager for Parker Village & Parker's Crossing

The meeting opened at 7:30. While the FYI packet was being perused, Mr. Halley noted that the federal government had decided that SARA does apply to the WR Grace site, according to EPA. A review of the minutes of the previous meeting followed. Mr. Emmons moved to accept the minutes as amended. Mr. Stephens seconded. All in favor.

7:33 p.m. Mrs. Sagoff related the conference at which five communities having hazardous waste problems were called together by a medical school. She noted the severity of the problems suffered by the other communities and their helplessness compared to Acton. She related the situation in the West with power plants, and noted the plight of the Indians in that area. She stated that the quality of the information given was very high, and noted that many of the people in the affected communities were uneducated but faced serious problems. She noted that Acton is just the very beginning of a movement of Towns suing industrial polluters.

A brief discussion of AIDS Committee Meeting minutes ensued. Mr. Halley noted that Mrs. Stevens is looking for about \$2,000, and as soon as a proposal is drafted it will be presented to the Board of Health for action.

An article regarding bottled water regulations to be drafted was reviewed. It was viewed with some irony that many citizens of Acton are reluctant to drink the continually monitored and tested Water District product but were willing to expend a great deal of money for an unknown in "spring water".

In response to a notice from staff on future legal notice budget line cuts, Mr. Emmons volunteered to draft an Article 11 overlay regarding building in a yellow aquifer protection zone. He is also interested in exploring the ramifications of building construction in a red zone. Mrs. Sagoff interjected that the Board of Health should be able to deny any building in a red zone, and asked what the State considered to be an appropriate buffer area. It was noted that the State requires that a 400 foot radius around a well be maintained as a buffer, while Acton believes that control of an aquifer should be at least the distance traveled by groundwater in one year to the well, which is, on the average, 1,000 feet. Mr. Stephens hypothesized that some time in the near future the Town is going to have to be prepared to buy some land to protect aquifers.

7:41 Regarding amendments to regulations concerning trash and dumpsters, Mr. Emmons moved to accept as written the amendments submitted. Mrs. Sagoff seconded. All voted in favor. The following regulations are to be enacted.

Regulation 2.6. All garbage and rubbish as defined by Article II of the Sanitary Code shall be stored in such a way as not to become offensive in any manner. Garbage cans should be adequate in size and have tight lids. Access to any trash containers to be picked up by personnel licensed to do so by the Town of Acton must be free of ice and snow and paths sanded for safe footing.

Regulation 2.6-1. All garbage and rubbish containers sized two cubic yards or more and leased for a period of more than three (3) months to a private party by a commercial trash hauler licensed by the Town of Acton shall be registered with the Board of Health. Registration will require a nominal fee, and submission of the following information:

1. Name of owner/lessor of container
2. Name of lessee, and address, and telephone number
3. Location of container
4. Site of disposition of container contents

All containers shall be maintained in such a manner as to be in compliance with Article II of the State Sanitary Code and Acton Regulations 2-2 through 2-6, above.

7:45 p.m. Wayland Group Report spinoff - IDC from Don Johnson. Regarding Mr. Johnson's request for input by June 1, Mr. Halley related that the Wayland Group recommendations generated complications to the matter of Priscilla Greene's leaving Town employ as Nursing Supervisor. He noted that Julia Stevens, currently co-supervisor, is concerned about her pending role as Nursing Administrator. Mr. Stephens noted Mrs. Greene's feelings about the merger and her frustrations experienced with the administrative end of the Nursing Service. Mr. Stephens stated his inclination to appoint Mrs. Stevens, or any other successor to Mrs. Greene, as a permanent supervisor and after a three month period ask the supervisor for his/her feedback on whether or not the administrative end is out of control. Whether the Board of Health or Don Johnson appoints the Nursing Supervisor was discussed. The proportion of savings relative to the total cost of the Nursing Service program as noted in the Wayland Group report was discussed. Mr. Stephens asked about the quality of care and the burdens of administration, and noted that it would be good to go slowly, but to go as if we have an agency to run. Mr. Emmons agreed that a 3-6 month waiting period might be a good approach. Mr. Stephens could see no reason why the cost of this service will go out of sight before next July 1. Mr. Emmons recommended public meetings to take the pulse of the town regarding attitudes on the merger. Mr. Oakley, a local pharmacist, noted that the people he deals with wish very strongly to retain the nursing service. Whatever the procedure is, Mr. Stephens noted it inappropriate to make a decision at this time. Mr. Halley noted that the nursing service wants to contract a database service, and a lengthy discussion of the computer aspect of the Nursing Service operation ensued. Mr. Emmons raised the questions of whether or not the Board of Health could hire one secretary to do all the computer work, both nursing and septage management. Mr. Emmons also asked if it were possible to obtain financial statements on the Nursing Service more frequently than on an annual basis, and requested quarterly reports.

8:03 p.m. Doug Halley briefly reviewed with the Board of Health his shopping list for new office equipment in relation to current budget funds available, due primarily to a long-term lack of director. Mr. Stephens stated that he would like to see budget funds available for repairs to the Nursing Service computer.

8:15 p.m. Review of Meineke Muffler as-built submitted by Acton Survey. The background of this issue, and how a failed system could heal itself by resting a field, and other details of the history of the site were discussed. Mr. Halley was requested to meet with Mr. Dunphy to assess particulars. Mr. Emmons moved to table the matter of Meineke Muffler's septic system until the next meeting. Mrs. Sagoff seconded. All in favor.

8:32 p.m. Special Permit request for 27 Parker Street. After brief discussion, Mr. Emmons moved that a special permit be granted for a septic system at 27 Parker Street subject to the following conditions:

1. No underground fuel storage tanks permitted on the site.
2. Septic tank will be pumped a minimum of once every two years.
3. The site will fully conform to the Town of Acton Hazardous Material Control By-law.
4. The sewage disposal system for the proposed buildings at this site are to be approved by the Acton Board of Health staff.
5. The leaching facility is designed and installed with an intermediate layer with a percolation rate of between 6-10 minutes per inch in those areas that have a percolation rate of less than 2 minutes per inch, or designed with pressure dosing of the system.
6. Sewage Disposal system is a minimum 100 feet from flood plain and/or wetlands.

Mrs. Sagoff seconded. All voted in favor.

8:36 p.m. Mr. Emmons moved to go into executive session to discuss matters of potential litigation. Mrs. Sagoff seconded. All in favor.

9:18 Mr. Emmons moved to go out of executive session. Mrs. Sagoff seconded. All in favor.

9:19 Mr. Halley discussed the philosophy of design of repair septic systems with the Board members. He noted that Mr. Wirtanen spends a great deal of time as consultant to septic installers on design of repairs. Mr. Stephens noted that Mr. Wirtanen is overworked. Mr. Stephens noted that repairs must be designed to minimize variances. Mr. Halley noted that, legally, Board of Health staff cannot design these systems, but can offer suggestions. Mr. Stephens noted priorities in Code compliance:

1. Depth to groundwater
2. Square footage relative to perc rate
3. Distances to buildings, drains, etc.
4. Distances to lot lines.

The fact that the Department does not charge a fee for witnessing soil testing for repairs was discussed. On another matter, Mr. Stephens noted that Article 11 of Acton Board of Health Rules and Regulations should be rewritten to reflect trench leaching area minimum of 1.3 square feet per gallon.

9:40 p.m. Variance request, repair of septic system at 3 Broadview.

Mr. Halley noted that EPA guidelines were met with this repair. The perc rate was approximately 60 minutes per inch. The plan for the repair system was reviewed and discussed in detail. Mr. Emmons moved to grant the following variances required to execute the repair of the septic system:

1. Title 5, 15.03(6) Required Depth of Pervious Material.
2. Title 5, 15.14(9) Impervious Material.
3. Article 11, Section 3. Provisions of Title 5 apply to all permits issued by the Board of Health.
4. Article 11, Section 11-11. Impervious Material.

Mrs. Sagoff seconded. All in favor.

9:47 p.m. Request for Variances. Repair to septic system at 59 Main St.

Design criteria and perc rate were noted by Mr. Halley. There is 1108 square feet of leaching area in the proposed trench system. The variance regarding slope was discussed. Mr. Emmons moved to grant the following variances:

1. Title 5, Section 15.03(6) Required depth of pervious material.
2. Title 5, Section 15.14(6) Construction.
3. Title 5, Section 15.14(9) Impervious material.
4. Article 11, Section 4. Provisions of Title 5 apply to all permits issued by the Acton Board of Health.
5. Article 11, Section 11-11. Impervious material.

Mrs. Sagoff seconded. All in favor.

9:54 p.m. 1 Ashwood Road, request for variances for repair of septic system.

Mr. Oakley asked about perc rates.

10:05 p.m. Arrival of Ed Wirtanen, Sanitarian. He described in detail the many problems faced with the design of this system in fill, and the issues involved with the site. Mr. Emmons moved that this situation be declared an emergency, and that the variances listed below be granted with the condition that the septic tank be pumped every six months:

1. Title 5, Section 15.02(13) Volume of sanitary sewage.
2. Title 5, Section 15.02(17) Construction in fill.
3. Title 5, Section 15.03(6) Required depth of pervious material.
4. Title 5, Section 15.03(7) Distances.
5. Title 5, Section 15.14(1) Leaching trenches, leaching area.
6. Title 5, Section 15.14(2) Leaching trenches, groundwater.
7. Title 5, Section 15.14(3) Leaching trenches, spacing.
8. ~~Title 5, Section 15.14(8) Reserve Area.~~
9. Title 5, Section 15.14(9) Impervious material.
10. Article 11, Section 11-2 Provisions of Title 5 apply.
11. Article 11, Section 11-10 Groundwater.
12. Article 11, Section 11-11 Impervious material.
13. Article 11, Section 11-12.1 Distances.
14. Article 11, Section 11.15.3 Construction in fill.

Mrs. Sagoff seconded. All voted in favor.

10:15 p.m. 8 Oakwood Road, request for variances for repair of septic system. It was noted that Town Engineering Dept. approval would be required in the case of this repair for tie-in of interceptor drain into a catch basin. Mr. Wirtanen noted that the interceptor should lower the groundwater to more than four feet below the system. Mr. Emmons moved to grant the following variances for the issuance of a permit to repair the subject system:

1. Title 5, 15.03(4) Percolation tests.
2. Title 5, 15.15(3) Groundwater.
3. Title 5, 15.15(6) Reserve Area.
4. Article 11, 11-2 Provisions of Title 5 apply.
5. Article 11, 11-9 Percolation test.
6. Article 11, 11-10 Groundwater.

Mrs. Sagoff seconded. All voted in favor.

10:20 p.m. Request for variances for septic repair, 43 Ethan Allen Drive. Mr. Wirtanen described the plan and the restrictions on design imposed by the lot. Historical data were noted. Mr. Emmons moved that the following variances be granted to allow for the subject repair:

1. Title 5, 15.02(13) Volume of Sanitary Sewage.
2. Title 5, 15.03(7) Distances (1)(2)
3. Title 5, 15.14(2) Groundwater
4. Title 5, 15.14(8) Reserve area.
5. Title 5, 15.14 Leaching Trenches (1) Leaching Area Required.
6. Article 11, Section 11-2. Provisions of Title 5 apply.
7. Article 11, Section 11-10. Groundwater.
8. Article 11, Section 11-12.1 Title 5 Distances.

Mrs. Sagoff seconded. All in favor.

10:26 p.m. Swimming Pools. Variances for lifeguard requirements. Mr. Steven Ford, manager for Parker Village and Parker Crossing Swimming pools, in attendance.

Mr. Ford noted that the low use of the pools and the predominately adult population of these two complexes did not, in his opinion, warrant the expense of a lifeguard. Exact cost figures for weekend lifeguards were related. Staff noted an IDC from Sanitarian Marion Donahue stating that, in her opinion, a lifeguard should be present at Parker Village due to the number of children there. After a great deal of discussion and research of the records, Mr. Stephens moved to grant to Parker's Crossing and Parker Village swimming pools the same variances granted to them last year, subject to the same conditions, subject to further review by staff, requiring them to engage lifeguards for the weekend. Mrs. Sagoff seconded. All voted in favor.

10:50 p.m. ~~Drummer Farms Condominium~~ Request for lifeguard variances. ~~Meadowbrook Condominiums~~. Request for lifeguard variances. Mr. Stephens moved that variances be granted to both Meadowbrook and Drummer Farms to operate in the same manner, and subject to the same conditions, as in the previous year, pending further staff review. Mrs. Sagoff seconds. All in favor.

10:55 Deutsch, request for distance variance for building permit application. Due to inadequate data on the exact nature of the addition and the distances to the septic system components, this matter was tabled, and referred back to staff.

11:01 p.m. Nagog Children's Center. Old business. The Board of Health wished to have 1.3 square feet of trench leaching area per gallon of design flow. Mr. Wirtanen noted that conditions on site rendered this not feasible. Mr. Emmons moved to deny the request for expansion of the day care center. Mrs. Sagoff seconded. All in favor.

11:07 p.m. Mrs. Sagoff moved to adjourn. Mr. Halley quickly distributed memorandum regarding a meeting on Grace's Phase IV, which was subject to a brief discussion. Mr. Emmons then seconded the motion to adjourn. All in favor.

Meeting adjourned, 11:15 p.m.

Respectfully submitted,

Carol J. Holley  
Carol J. Holley, Sec'y

Signed and approved,

Daniel Costello  
Daniel Costello, Chairman

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