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TOWN OF ACTON
BOARD OF HEALTH
MINUTES OF MEETING
JULY 14, 1987

DATE August 26, 1987
Barbara Brown
~~TOWN~~ CLERK, ACTON

Board members present: Daniel Costello, Chairman, Richard Stephens, Charlotte Sagoff, George Emmons, Richard Oakley, Associate member Cam Amos.

Staff present: Doug Halley, Director; Edward Wirtanen, Sanitarian; Carol Holley, Secretary.

Guests: Representatives from Parkers Crossing, Thomas Arnold, Redstone's counsel; Fred DeFeo, Redstone's engineer; Virginia Hardy, of Redstone and Kelley's Corner Citizen's Committee for Sewer Study, Mr. & Mrs. Charles Allard, Redstone owners.

The meeting opened at 7:15 p.m. Mr. Stephens moved that the minutes of the previous meeting be accepted as corrected. Mr. Emmons seconded. All voted in favor, with a request to put on record notation of the secretary's use of synonyms.

7:20 p.m. Review of memorandum regarding Payless Cashways site plan review. The use of Zoning Aquifer Protection Areas vs Lycott Aquifer Protection Areas was discussed. Mr. Halley was requested to submit a revised memorandum regarding the Health Department review of this site plan, noting that the Board of Health still uses the Lycott map for definition of its aquifer protection zones. A discussion of a well buffer area being defined as cone of depression vs one year travel time to a well was held. Monitor wells surrounding the area and the time intervals between testing of these wells for hazardous materials was discussed, and the Board agreed that every 4 months would be preferable to every 6 months for checking the wells. Mr. Halley related that GZA had expressed to him that every 4 months was an acceptable interval.

7:26 p.m. Request for Special Permit, repair of septic system at 68 Estabrook Road. Upon query by Mr. Stephens, Mr. Wirtanen related that this was an antique system, a cesspool, that had reached the end of a normal lifespan. Mr. Stephens moved to grant a special permit subject to the following conditions:

1. No underground fuel storage tanks permitted on the site.
2. The septic tank will be pumped every two years.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
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 area is to be pressure dosed to ensure complete distribution.
6. The septic system is 100 feet from floodplain and/or wetlands.

Mrs. Sagoff seconded. All in favor.

Special permit request for repair at 2 Brookside Circle was considered. Again, this failure was due to overuse and old age. It was noted that the percolation rate was less than 2 minutes per inch.

Mr. Stephens moved to grant a special permit for the repair system subject to the following conditions:

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

Mr. Emmons seconded. All voted in favor.

A Request for Special permit for a repair at 767 Main Street was considered. Again this was an old cesspool. The percolation rate was noted as under 2 mpi. Mr. Stephens moved to grant a special permit, subject to the same conditions enumerated for 2 Brookside. Mr. Emmons seconded. All voted in favor.

A special permit request for the installation of a new septic system at 94 Arlington Street was considered. The percolation rate was noted to be 3 minutes per inch. Mr. Stephens moved to grant a special permit subject to the following conditions:

1. No underground fuel storage tanks on site.
2. Septic tank will be pumped every two years.
3. Site will fully conform to Town of Acton Hazardous Material Control Bylaw.
4. Sewage disposal system for the proposed buildings at this site to be approved by Acton Board of Health staff.
5. Sewage disposal system a minimum 100 feet from flood plain and/or wetlands.

Mr. Emmons seconded. All voted in favor.

A special permit request for the construction of a new septic system at 15 Kinsley Road was considered. Mr. Stephens moved to grant a special permit subject to the following conditions:

1. No underground fuel storage tanks on the site.
2. Septic tank will be pumped every two years.
3. Site will fully conform to Town of Acton Hazardous Material Control Bylaw.
4. Sewage disposal system to be approved by Acton Board of Health staff.
5. Leaching facility designed and installed with an intermediate layer with a percolation rate of between 6 and 10 mpi in those areas having a percolation rate of less than 2 mpi, or with pressure dosing to ensure complete distribution.
6. Sewage disposal system to be 100 feet from floodplain and/or wetlands.

Mr. Emmons seconded. All voted in favor.

7:36 p.m. 13 Notre Dame Road, request for variance from Acton's Article 11. Mr. Stephens asked Mr. Wirtanen why it was necessary to request this variance, to allow 6" instead of 12" of stone. Mr. Wirtanen explained the problems with elevations if 12" of stone were to be used, which would generate a need for multiple variances from State code. He briefly referred to the inordinate delays now being suffered at the hands of DEQE. Mr. Stephens asked for further information on the merits of 6" vs 12" of stone. Mr. Wirtanen stated that he had no idea why Acton Code required 12" of stone, as this regulation had been enacted prior to his tenure with the Health Dept. Mr. Halley noted that he felt that if there was a decision to be made between variances to Acton code and variances to Title 5, Title 5 should hold sway. Mr. Stephens moved to table the matter. Mr. Oakley seconded. All in favor.

7:47 p.m. Reconsideration of a lifeguard variance from Parker's Crossing. Representatives from the Condominium expressed their displeasure at being required to retain a lifeguard for holidays and weekends when they had not been required to do so in the past. After considerable discussion and a search of records, it was noted that the requirement for a lifeguard on weekends and holidays was generated by a misunderstanding of Mr. Stephens' motion regarding this lifeguard variance, and a motion was made to clarify and reaffirm the previous motion. Mr. Emmons seconded this motion, and all voted in favor.

While the records were being searched on the Parker's Crossing pool, a memo from Interim Nursing Supervisor Julia Stevens regarding revenues was discussed. Pursuit of more Occupational Health Clinics as a source of revenues was recommended. The cost of nursery school inspections in terms of nurses' time versus the fees charged for same was questioned, and whether the Nursing Service should continue to perform these inspections was discussed. Another note from Mrs. Stevens regarding sex education was also discussed.

8:05 p.m. Redstone Condominiums, regarding lack of action on septic repair.

Attorney Thomas Arnold of Concord, representing Redstone, gave opening remarks to the effect that SEA was beginning to investigate the Kelley's Corner area for sewer potential, and there was no immediate health hazard presented by the Redstone septic system. He noted that there was a potential annual charge of \$3,500 for condominium owners for septic maintenance, and wished the Board to consider other options pending the results of the sewer study. He recommended long term, total area solutions as opposed to per site solutions.

Ginny Hardy of Redstone spoke to confirm attorney Arnold's introduction, and noted that she was a member of a citizen's committee working with SEA, and enumerated other individuals on this committee. She noted that SEA's study was to commence shortly. She expressed her opinion that the emergency interceptor trench apparently was working, and the current run-off problem is only when it is actually raining, not for days afterward as before, and the run-off appears to be rainwater and not sewage mixed with rainwater. She confirmed previous reports of installation of water saving devices. Ms Hardy emphasized that many unit owners were on fixed incomes and the potential costs would be a hardship for about half the unit owners.

Mr. Stephens interjected that construction time of septic repairs are often three to six months, and these problems are always seasonal, and noted that the sewer project will take ten years, and Redstone is alone in claiming to be an insoluble problem at Kelley's Corner.

Mr. Stephens asked Mr. DeFeo what the status of the groundwater problem was. Mr. DeFeo related that when the emergency interceptor trench was put in, it was only 4-4.5 feet deep to the ledge. During periods of heavy rain, the water level rises over the crack in the driveway, which is lower than the trench. The trench is taking and distributing some water but not enough to solve the problem. He reminded the Board of discussions with the school department, noting that he had never connected with Superintendent Kessler. The trench on school property would have to run about 250 feet, and there is evident surface ledge. This could not be done economically. Redstone ran out of money, so he did not do further research or testing. Mr. DeFeo does not believe he can get an adequate trench to carry the water, and feels he has no solution.

Mr. Costello noted that something must be done this summer in order to not repeat the problems of last spring. He queried Mr. Ratta, the septic installer whose firm built the emergency trench, and Mr. Ratta opined that the major problem is not so much groundwater as flow and related that he had contacted the condominium association regarding his recommendations for installation of water saving equipment, which could control 40-50% of daily flow.

A discussion of whether the run-off, indicated by a permanent stain in the driveway, was primarily a health problem or a safety problem was held. Mr. Ratta indicated that the problem at Redstone, whose system once functioned adequately, might be due to underground shifts. He noted that if diversion of the groundwater could be implemented, a solution might be obtainable. Mr. Costello interjected that this had been all discussed extensively over several years. Mr. Ratta stated he felt this system could be gotten to work well enough with reasonable investment of effort and money until such time as the Town sewers the area. Mr. Costello summarized that he hears everyone saying that there is no long-term solution to the problem.

Attorney Arnold responded to Ratta's comments with the safety/groundwater versus health/sewage outbreak question. Upon query by George Emmons of testing done on the runoff, Mr. Oakley stated he had seen test results reporting coliform too numerous to count. Mr. Arnold suggested that the problem might not be the total flow from the septic system but what breaks out there goes down the driveway. If there is a way to deal with the breakout that is more cost effective a solution than tight tanks.

Mrs. Sagoff asked Mr. DeFeo what his reactions would be to Mr. Ratta's suggestions for an interceptor. Mr. DeFeo recounted the ledge problems, compounded by the search for a discharge point for trench contents - where is all this water to go? All the alternatives will cost money, and none of them could be believed to be more than 50-50 effective. Mr. DeFeo presented a plan of the site to the Board, and outlined where a trench would have to go. Mr. Stephens asked where the water was coming from. Possible sources were indicated on the plan. Mr. Costello reminded that the system had worked for a reasonable period of time, and asked about in-place replacement of the system. Mr. DeFeo felt that a repair system could cost \$50,000, with no guarantee. Trenches going to a tank could be installed, but there is too much water to prevent outbreak and/or frequent pumping.

Mr. Stephens felt that many things could be done with drainwater, but contaminated water must be disposed of properly to safeguard public health. Separation of groundwater and effluent needs to be accomplished. Mr. Costello related that tight tanks will have to be installed very soon. Mr. DeFeo suggested installation of another trench in another location. Mr. Stephens asked about specific gallonage, how to get rid of effluent, and aerating the wastewater. It was noted that this seasonal problem may not warrant Town expenditure of millions of dollars to sewer the area.

Mr. Arnold conveyed the concern of the condominium association about the costs of year-round pumping of a tight tank system. If there is a seasonal problem, the solution would be to require remedial action when the seasonal problem occurs. Mr. Stephens countered this remark by stating that this has always been a reactive situation, which is unacceptable. Mr. Arnold then asked for a one-month delay in Board action for a proposal for a seasonal solution acceptable to the Board to be developed. Mr. DeFeo asked if the Board would be willing to put an interceptor under the parking lot and at the end of the trench put a manhole which, if it fills, they would pump, and noted that the manhole installed with the current trench is for observation purposes only.

Mr. Costello expressed willingness to consider a tight tank system for only certain times of the year. Mr. DeFeo stated that the proposed trench could operate as a tight tank when necessary, and proposed test borings, but disagreed with reconstruction of the existing field.

Mr. Stephens moved to table for thirty days for staff and Mr. DeFeo to work out the solution, after which time Mr. DeFeo and Redstone representatives would again appear before the Board. The next meeting with Redstone was scheduled for August 18, 1987. Mr. Emmons seconded, and all voted in favor.

8:50 p.m. Meeting adjourned by motion made by Mrs. Sagoff and seconded by Mr. R. Oakley.

Respectfully submitted,

Carol Holley
Carol Holley, Secretary

Signed and approved,

Daniel Costello
Daniel Costello, Chairman