

Acton Board of Health – Minutes
August 11, 2003
Room 126, Town Hall

Board Members Present: William McInnis, Chairman, Mark Conoby, and Dr. Robert Matusow.

Staff Present: Doug Halley, Health Director & Sheryl Ball, Secretary

Others: Rosalie Berry, George Dimakarakos, Chuck Resevick, Mary Michelman, Richard Doherty, Guy McKay, Christine Mirra , & Pamela Hall.

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

Article 11 – Revisions

The Board discussed the proposed Article 11 revisions and the comments from the Conservation Commission asking the Board to incorporate their definition of a wetland into Article 11. Some of the Board comments were changing the wording in 11-5.1 regarding deep test hole season for repairs and new construction and also the Board's authority in 11-2.1. The Board closed the hearing and will incorporate comments.

Variance – 982 Main Street

The Health Department has received a request from the owner of 982 Main Street seeking the Board's support for a variance from the State Plumbing Code to allow one unisex bathroom which will be open to employees only. On a motion made by Mr. Conoby, seconded by Dr. Matusow, the Board unanimously voted to support the one unisex bathroom in lieu of two single sex bathrooms to the property located at 982 Main Street.

Massage Practitioner – Christine Mirra

The Health Department has received an application for a license to practice massage from Christine Mirra. Ms. Mirra will be working out of a newly licensed massage establishment, A Touch of Heaven. Ms. Mirra has submitted all documentation necessary to obtain a massage practitioner license. On a motion made by Mr. Conoby, seconded by Dr. Matusow, the Board unanimously voted to grant a massage practitioner license to Christine Mirra.

Variance Request – 2 Westside Drive

The Health Department has received a request for a variance request for 2 Westside Drive from 310 CMR 15.211 for minimum setbacks to a pool. The proposed location of the pool places the pool 10' from the leaching area and 20' is required. The Board stated that they would like to see the distances verified during an onsite inspection during construction. The Board modified the proposed conditions to reflect that the pool may remain in place upon sale, however if the septic system is impacted by the pool in any way the pool must be removed. Mr. Conoby clarified that this variance is granted to the pool only. On a motion made by Mr. Conoby, seconded by Dr. Matusow, the Board unanimously voted to grant a setback variance from the septic system to the above ground pool at 2 Westside Drive with the following conditions:

1. An inspection shall be done of the septic system and setbacks shall be verified before and after installation to ensure that the system has not been affected by the site construction.
2. If impacts to the septic system caused by the pool at any time are observed, the pool shall be removed.
3. This variance is granted to the pool only and does not include setback variances to a deck or patio.

Discussion – 520 Main Street

Mr. McInnis asked the representative of 520 Main Street to highlight any changes made as a result of the Board of Health comments to the Board of Appeals. Mr. Dimakarakos, representative of Stamski & McNary, spoke about the Board of Health's five (5) concerns stating that more soil testing has been done, including 4 additional deep test holes and one additional percolation test. Mr. Dimakarakos also stated that the developer has agreed to place deed restrictions on the property limiting each unit to two (2) bedrooms and this condition will be placed in the master deed. Mr. Dimakarakos stated that additional leaching area has been added and now meets Acton Board of Health Rules and Regulations. Mr. Dimakarakos also stated that alternative treatment has been proposed to compensate for the Board's other two (2) concerns, one being the separation between the leaching trenches and the reduction to wetlands setback. Mr. Dimakarakos introduced Mr. Chuck Resevick, from Aquapoint, who was present to discuss the alternative treatment that has been proposed. Mr. Resevick stated the developer has proposed the "Cadillac of Bioclere Systems", stating that the effluent will be treated to a high level similar to a full scale treatment plant. Mr. Resevick explained the proposed Bioclere unit removes suspended solids so well that it will need a chemical feed of sodium acetate. Mr. Resevick stated

that they are recommending sodium acetate instead of using methanol which can be explosive. Mr. Halley stated that the proposed separation to trenches and setbacks to the wetlands are still a concern. Mr. Halley expressed his concern with providing a future reserve area between the existing trenches stating that he is not confident that would work. The Board asked about designing the reserve area underneath the parking lot. Mr. Dimakarakos stated that the site would need to be elevated 6-8' to accommodate the reserve area and would not be acceptable. It was also asked if the reserve could be installed at the same time for future use. The Board stated they would continue this discussion at the next available meeting. The Board also suggested that Mr. Halley & Mr. Dimakarakos address the Board's concerns prior to the next meeting.

Aquifer Special Permit Request – 816 Main Street

The Health Department has received a request for an aquifer special permit for the property located at 816 Main Street for the construction of a new onsite wastewater system. This property is currently an active "21E" Tier 1C Hazardous Waste Site. The proposal is to raze the existing structure on the site and construct a self-storage facility with associated office space. The Board stated that they would like to see the site cleaned of the gasoline and diesel contaminants, however, they would like to see an approved Health and Safety Plan prior to Board's approval. The Board asked that Mr. Halley speak with the owners to work out a Health & Safety plan prior to next meeting.

Hearing Request – 4 Wilson Lane

Mr. Halley stated that the owners have met with the Health Department and agreed to conduct an official Title 5 of their property. On a motion made by Mr. Conoby, seconded by Dr. Matusow, the Board unanimously moved to open the hearing and to uphold the Health Department's order letter subject to the conditions as agreed upon by the owner and the Health Department.

On a motion made by Mr. Conoby, seconded by Dr. Matusow, the Board unanimously voted to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,



Sheryl Ball

Sheryl Ball, Secretary
Acton Board of Health



William McInnis

Chairman
Acton Board of Health