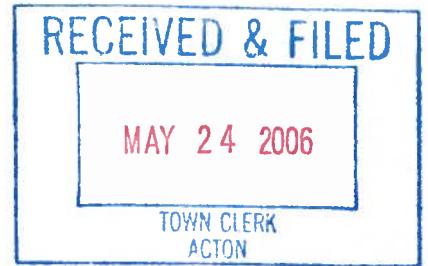


Acton Board of Health

Minutes

March 27, 2006



Members Present: William McInnis, Chairman, Mark Conoby, Member, Joanne Bissetta, Member, Pam Harting-Barrat, Dr. Bill Taylor, Member and Philip Alvarez, Associate.

Staff Present: Doug Halley, Health Director, Brent Reagor, Sheryl Ball.

Others Present: Tina Grosowsky, Carol Holley, Amber Castell, Karm Ratnam, Tom DiPersio, Jr., John Keramaris and George Keramaris.

The meeting was called to order at 7:34 p.m.

Minutes

On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to accept the minutes of February 27, 2006 as written.

Public Hearing – Tobacco Regulation

The Board opened the public hearing. The Board stated that they would like the new tobacco regulations in place prior to Town Meeting. The Board discussed whether or not they should include private clubs in the new regulations. Dr. Harting-Barrat spoke about people smoking outdoors at NARA Park and asked if the Board could regulate this. Dr. Harting-Barrat stated that there should be a sign posted at NARA Park stating that "We care about our children please don't smoke". Mr. McInnis would like the Board to adopt this proposed regulation and if need be hold a future public hearing to make any needed amendments. Ms. Grosowsky thanked Mr. Alvarez for all the work he did on the new regulation. Mr. McInnis asked if there were any comments from the public. Hearing no public comments a motion was made by Mr. Conoby,

seconded by Ms. Bissetta, with the Board unanimously accepting and approving the Tobacco regulations in the packet as noted with corrections. Additionally, the Board recommended that the existing Tobacco Control Bylaw be deleted at Town Meeting. Mr. McInnis stated that the deletion of the Tobacco Control Bylaw is under consent and will not be talked about at Town Meeting unless someone specifically asks that it be pulled. Mr. McInnis stated that if this happens he will speak to the article.

Variance – 436 Great Road

The Health Department is in receipt of an application from the owner of 436 Great Road for a variance from Article 11-7.1 for a reduction in the setback to a wetland, Article 11-9.1 for a reduction in the LTAR, Article 11-9.6 for a reduction in the depth of stone, Article 16-6.2.7 for a reduction in the setback to a wetland in an aquifer zone, 310 CMR 15.405(1)(a) for a reduction in the setback to the property line and 310 CMR 15.405(1)(f) for a reduction in the setback to a wetland. The Health Department has reviewed the plans and finds that construction on the site is limited by wetlands and construction in the front of the building would require a loss of parking spaces. The applicant has provided a Microfast system which will provide additional environmental protection. This site is being renovated which warranted construction of the septic system. The soils were tested and it was determined that the back of the lot would be the only area suitable for the new septic system as grading would be an issue in the front portion. Tom DiPersio, Jr., design engineer, stated that the site is severely limited by wetlands and could not meet breakout in a portion of the lot. The Board asked about the other businesses in the same building. This plan has already gone before Conservation and was granted an order of conditions conditioned on Board of Health approval. On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to approve a variance from Article 11-7.1, Article 11-9.1, Article 11-9.6, Article 16-6.2.7, 310 CMR 15.405(1)(a), 310 CMR 15.405(1)(f) to the property located at 436 Great Road with the following conditions:

1. The Microfast 1.5 wastewater treatment system shall, at all times, be governed by the most recent MADEP General Use Approval issued for that treatment system.
2. The northern property line shall be surveyed by a Registered Professional Land Surveyor and staked in the field prior to the commencement of construction and maintained during construction. The same P.L.S. shall certify the property line on the as-built.

3. The system shall be constructed in accordance with a plan stamped by Thomas DiPersio, Jr. PE to be submitted to the Health Department for approval.

Variance – 431 Main Street

The Health Department is in receipt of an application from the owner of 431 Main Street for a variance from Article 11-7.1 for a reduction in the required setback from a wetland, Article 11-9.6 for a reduction in the depth of stone, and Article 310 CMR 15.284 for a remedial use permit. Construction is limited by high groundwater, ledge and bordering wetlands. The existing house had an activated gray water system that discharged to the wetland which is being currently decommissioned. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance to Article 11-7.1, Article 11-9.6 and 310 CMR 15.284 to the property located at 431 Main Street with the following conditions:

1. At all times, in perpetuity, the system is compliant with the provisions and requirements present in the most recent MADEP Remedial Use Approval for the Jet J-500 technology.
2. The system shall be constructed in accordance with a plan stamped by Steven Calichman, RS dated 3/10/2006.

Variance – 175 Arlington Street

The Health Department is in receipt of an application from the owners of 175 Arlington Street for a variance from Article 11-7.1 for a reduction in the setback to the wetlands, Article 16-6.2.7 for a reduction from the setback to a wetland in an aquifer zone and Article 16-6.2.7 for a reduction in the setback from a flood plain in an aquifer zone.

This is an emergency upgrade and the existing system is only 9 years old. The system was inspected and found to have significant roots within the D Box and two feet into the leaching pipes and the sump pump was being discharged into the septic system. The existing system was built prior to the current Title 5. The sump pump will be disconnected from the system. On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to grant a variance from Article 11-7.1 and Article 16-6.2.7 to the property located at 175 Arlington Street with the following conditions:

1. The septic tank shall be pumped a minimum of once every two years.

2. The system shall be constructed in accordance with a plan stamped by Mark Donohoe, PE to be submitted to the Health Department for approval.

Emergency Repair Permit – 4 Assabet Crossing

The Health Department is in receipt of an application for an emergency repair permit for the replacement of a distribution box at 4 Assabet Crossing as it would be manifest injustice to connect to the town sewer. This property is located in the Sewer District and is similar to the emergency repairs done at Mill Corner. The Title 5 was a conditional pass. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously approved an emergency repair permit consistent with the Middle Fort Pond Sewer District Onsite Wastewater System Repair Policy to the property located at 4 Assabet Crossing with the following conditions:

1. This permit is for the replacement of a distribution box and adjacent pipe only.
2. This permit is valid for 30 days from the date of issuance.
3. The septic tank serving the dwelling shall be pumped on an annual basis
4. If the property fails a future Title 5 Inspection or requires any further repair work, the property shall be required to connect to the sewer within 120 days.

Discussion – Comprehensive Water Resource Management Plan (CWRMP)

The Board discussed the Comprehensive Water Resource Management Plan that will go before Town Meeting in the spring. The Board reviewed the motion that will go before town meeting. The Board agreed to accept the report as a draft. On a motion made by Dr. Taylor, seconded by Dr. Harting-Barrat, the Board unanimously voted to accept the Comprehensive Water Resource Management Plan.

Emergency Beaver Trapping Permit – Idylwilde

The owners of the property located at 366 Central Street which is the site of Idylwilde Farms has requested an emergency beaver trapping permit from the Board due to flooding of their agricultural fields by the existence of beavers. The Health Department has confirmed that there is an economic agricultural threat as a result of the beavers and recommends approval of an emergency trapping permit. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta

the Board unanimously approved a 10 day emergency permit, beginning on March 28th, giving the applicant the right to use restricted traps and breach the dams or dikes subject to the conditions of the Conservation Commission.

Other -

Carol Holley – Ms. Holley was present before the Board to inform the Board that some neighboring properties to Ellsworth Village have tested their wells for perchlorate. Mr. Ratnum, of 6 Brabrook Road, well was shown to have 1.38 parts per billion of perchlorate (under current MCL's). Ms. Holley believes that the Ellsworth Village developer has utilized perchlorate blasting compounds. The site plan special permit for Ellsworth Village specifically outlines that perchlorate blasting compounds are not allowed to be used. Mr. Halley indicated that the Planning Board has set aside a hearing on April 11, 2006 to discuss this issue. Mr. Fenton has provided MSDS's that have shown that the blasting compounds used were perchlorate free.

Board Reappointment – Mr. Reagor asked the Board if they wished to be re-appointed and to let the Health Department know what they decide.

Mercury Recovery – Pam asked about the dentists. It was stated that the DEP is pursuing the dentists' individually.

Dr. Matusow - The Board expressed their condolences to family of past Board member, Dr. Matusow.

Adjournment

On a motion made by Dr. Harting-Barrat, seconded by Mr. Conoby, the Board unanimously voted to adjourn the Board of Health meeting at 9:20 P.M.

Respectfully Submitted,



Sheryl Ball, Health Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health