



ACTON BOARD OF HEALTH

MINUTES

SEPTEMBER 24, 1990

MEMBERS PRESENT: George Emmons (Chairman)

Joseph Glannon

Jonathan Bosworth

STAFF PRESENT: Doug Halley (Health Director)

Sheryl Howe

OTHERS PRESENT: Armand Dufresne

Ham Gordinier

Robert Keller

Dennis J. Mahoney

MINUTES:

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to accept the minutes of August 13, 1990 following corrections.

On a motion made by Mr. Bosworth, seconded by Mr. Glannon, the Board unanimously voted to accept the minutes of August 27, 1990 following corrections.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to accept the minutes of September 10, 1990 following corrections.

**HAZARDOUS MATERIALS CONTROL BYLAW:**

The Board reviewed the proposed bylaw and made corrections. Sections 4-7 were discussed and it was determined that this bylaw should come before the Board at the next meeting.

**ARMAND DUFRESNE - PLANNING COUNCIL PRESENTATION:**

Mr. Dufresne discussed the status of the Master Plan, which is presently in the review process. Mr. Dufresne asked the Board to review and comment in writing on parts of the Master Plan that might be of interest to each Board member. Mr. Dufresne would like the Board to be critical in their comments and would like the comments within 60 days.

Mr. Dufresne also discussed the Affordable Housing Zoning Bylaw.

The proposed affordable housing bylaw will affect the Board of Health, therefore, Mr. Dufresne would like the Board to review and comment on the areas applicable to the Board of Health. Mr. Dufresne discussed alternatives so that more of Acton could have affordable housing. Mr. Dufresne would like any comments by November 16, 1990.

**ROBERT KELLER - MASSAGE PRACTITIONER PERMIT & MASSAGE ESTABLISHMENT PERMIT:**

Mr. Keller seeks a massage establishment and a massage practitioner permit. Mr. Keller also seeks a variance to allow a 7:00 A.M. opening. The Health Department has inspected the premises at 532 Great Road and recommends approval of these permits. All documentation has been submitted to the

Health Department and was found to be in order. The present massage regulations state that operating hours of an establishment must be between 8:00 A.M. to 9:00 P.M. Mr. Keller feels that a 7:00 A.M. opening would allow for clients to come before work.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to grant a massage practitioner permit and a massage establishment permit for 532 Great Road to E. Robert Keller.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to grant a variance from massage regulation 5.10 to allow Mr. Keller to open at 7:00 A.M.

#### 67 CENTRAL STREET - VARIANCE:

The owners of the property at 67 Central Street seek variances to 310 CMR 15.12 - Reserve Area, 310 CMR 15.03 - Distance between leaching bed and foundation wall and 310 CMR 15.03 (6) - Excessive percolation rate. A slow percolation rate and restrictive lot conditions make it difficult to construct a sewage disposal system on this lot. The percolation rate was 56 minutes per inch and based on this percolation rate the system was designed to provide 5.6 square feet of leaching area for every gallon discharged. The system will be designed to be 4 feet above groundwater. The Health Department recommends approval of these variances based on the difficulties that the owners face with the lot size and nearby wetlands. These variances will also have to be approved by the State.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to grant these variances from 310 CMR 15.12, 15.03 and 15.03(6) to 67 Central Street with the following conditions:

1. The owner shall place a septic tank, with a water tight receptacle, providing five (5) days storage capacity, or a minimum of 2000 gallons, whichever is more.
2. An alarm shall be installed with a float or level switch set in the tank at two inches above the outlet invert.
3. The tank outlet pipe shall be fitted with a manual operating valve or gate that allows the pipe to be sealed, thus converting the system into a tight tank, should the replacement leachfield fail.
4. The replacement leachfield area shall be oversized in direct proportion to the exceedence of the 30 min./in. percolation rate.
5. The owner shall have the septic tank pumped annually and provide the Board of Health with the septage hauler's receipts as evidence as such.
6. The existing house foundation, in any area within twenty feet of the septic system and below the highest leaching portion of the system, shall have an impervious barrier placed between the foundation and the septic system.
7. These approval stipulations shall be recorded at the Middlesex Registry of Deeds and cross referenced to the title deed of the property.

197 MAIN STREET - VARIANCES:

The owners of the property at 197 Main Street seek variances from 310 CMR 15.03 (7) and Acton Board of Health Rules and Regulations 11-12.2. The lot is restrictive and close to wetlands thereby making it difficult to reconstruct a sewage disposal system. The groundwater at this lot was

found to be 3 feet below the existing elevation of the ground. One quarter of this lot is located in the wetlands. The proposed plan has been designed to raise the system and retain the area with a one foot wide concrete wall. This has been designed to eliminate any possible breakout. On a motion made by Mr. Bosworth, seconded by Mr. Glannon, the Board unanimously voted to grant these variances to 310 CMR 15.03(7) and Acton Regulation 11-12.2 to 197 Main Street with the following conditions:

1. The concrete barrier must be at a minimum one (1) foot in width and at least four (4) feet below the lowest leaching portion of the system, with a minimum of two (2) feet of the barrier into natural soils.
2. The existing house foundation, in any area within twenty (20) feet of the septic system and below the highest leaching portion of the system, shall have an impervious barrier placed between the foundation and the septic system.

172 MAIN STREET - VARIANCE:

The owners of the property at 172 Main Street seek a variance from 310 CMR 15.14. The lot has high groundwater and tight lot restrictions making it impossible to meet side slope requirements. The designed plan is proposed with a clay barrier. The percolation rate is 20 minutes per inch. This variance request is in accordance with the State's D.E.P. policy 87-1. The Health Department recommends approval of this variance.

1. The clay barrier must be at a minimum two (2) feet in width and at least four (4) feet below the lowest leaching portion of the system, with a minimum of two (2) feet of the barrier into natural soils.

On a motion made by Mr. Glannon seconded by Mr. Bosworth, the Board unanimously voted to adjourn at 9:45 P.M.

Respectfully Submitted,

Sheryl Howe

Sheryl Howe, Secretary

Signed and Approved,

George Emmons

George Emmons, Chairman