

ACTON BOARD OF HEALTH
MINUTES OF MEETING
DECEMBER 16, 1986

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Barbara Brown
TOWN CLERK, ACTON

Present: Charlotte Sagoff, George Emmons, Eleanor Voorhies. Staff present: Edward Wirtanen.

Mrs. Sagoff assumed chair pending arrival of Mr. Stephens. Miss Voorhies took notes pending arrival of secretary.

The meeting opened with a review of correspondence. Eric Durling of the Engineering Department has been appointed Interim Health Director. A letter from Fred DeFeo, engineer for Redstone, was reviewed. Mr. DeFeo was unable to attend the meeting due to prior commitments.

8:00 p.m. Mr. Stephens arrived. Chair was transferred to Mr. Stephens. A motion was made to accept the minutes of the previous meeting, seconded, and voted unanimously.

Further review of correspondence: The warrant article regarding staffing of the Health Department was read. Further discussion of Mr. DeFeo's letter was held. Mr. DeFeo will be asked to attend a working meeting of the Board on January 6.

8:15 p.m. Mr. Dunphy and Mr. Yetman, Meineke Muffler. Arrival of secretary. The DEQE policy regarding tight tanks was discussed. These are not allowed for new construction, but can be allowed for failed systems with no feasible alternatives. The possibility of installation of an incinerating toilet, with other wastewater flowing into a tight tank system, was discussed. The Acton Water District uses an incinerating toilet and holding tank for gray water. Both the tank and the incinerating toilet would be required. Regarding the original repair plan for the site with an interceptor drain surrounding the area, it was felt by Mr. Dunphy that part of the interceptor was not necessary. Mr. Dunphy indicated to the Board on a map where the interceptor trench would be of benefit. He stated that on a 1927 soils map of Middlesex County, the entire area of Kelley's Corner had been designated as "muck". The town had installed a large drain on Main Street and a culvert runs underneath the bowling alley and a 24" drain line runs through the entire area and discharges just below the Foster & Foster driveway. Mr. Dunphy stated that the only alternative to the tight tank system would be a system that would involve the removal of 6-8' of overburden. Order-of-magnitude cost estimates have not been done. It was estimated that 800-1,000 yards of gravel, installation, and resurfacing of the area would be involved in pricing. Mr. Yetman alleged that if it was within his fiscal reach to fix the system in this manner, he would have already done it. An off-the-cuff estimate of the implementation of Mr. Dunphy's plan would be \$50,000. Mr. Yetman wished to obtain 2-3 estimates for cost of the present, revised repair plan. Mr. Stephens stated that the Board would be required to amend its present standing order for repair if the new plan was to be implemented. Mr. Emmons stated that a variance for a tight tank would be granted by the Board on the basis of extreme hardship and, in order to obtain the facts a new proposal must be submitted and hardship demonstrated. Some questions were raised about the ability of any material not excavated out to leach properly. After some discussion, it was decided that Mr. Yetman could feasibly obtain new estimates and appear before the Board on January 27th, and was ordered to do so. Mr. Dunphy then provided staff with a copy of 1975 DEQE policy on tight tanks.

8:45 Discussion of Sunoco Station on Kelley's Corner. Engineer Michael Kosmo was to submit plans. The question of use of number of islands as determinant of flow was discussed. Staff awaits information from Schofield Brothers.

8:46 Further review of correspondence. Regarding Rosestone, the Board of Appeals has placed many constraints on the project, and among these constraints is the submission of plans for Health Department approval. They already have their permit, and are trying to meet their conditions. Mr. Emmons suggested that Health and Selectmen get together to generate a statement for future condominium owners that the septic system was built to comply with Title 5, and not Acton Code. This would warn buyers and encourage developers to try to comply with Acton Code. Mr. Wirtanen stated that he believed that this is the first comprehensive permit Acton has dealt with.

9:06 Patrick Forsyth, 478 Mass. Ave. Request for Variance to Acton Code. Mr. Forsyth is constructing an addition to his residence, adding a 4th bedroom. The septic system is 800 square feet; Acton Code prescribes 900 square feet as proper leaching area for a 4-bedroom house. After an extensive review of the plans to determine just what the potential number of bedrooms would be before and after construction, and a discussion regarding a proposed condition that the system be brought to Acton Code should a transfer of ownership occur, Miss Voorhies moved to grant a variance to Acton Code for the addition of the bedroom without expansion of the leaching area, subject to the condition that should a transfer of ownership occur, the leaching system be brought into compliance with Acton Code. Mrs. Sagoff seconded, and all voted in favor.

9:35 Attorney David Barrat, Kirk Ware of North Acton Treatment plant, and developers of land in Littleton. The builders wished to develop a parcel of land in Littleton right over the Town Line, comprising of the construction of 55 homes. Due to constraints imposed by Littleton Conservation Commission, leaving a green belt adjacent to Route 2A, the lot sizes were reduced to 1/2 acre and the soils were not conducive to subsurface disposal. Therefore, the builders approached the Treatment Plant operators for permission to run a private sewer system into the North Acton Treatment plant, which has a manhole near the proposed area, across the road. The development would generate 25,000 gallons per day in flow. North Acton has the capacity to handle 300,000 gallons per day. North Acton is planning to expand their facilities at this point in order to accommodate future development in the Nagog Woods area. Atty. Barrat had requested a hearing before the Board to obtain their comments and concerns on the matter. Littleton officials approved of the tie-in to the Acton private treatment plant. Upon query by Mr. Emmons, it was stated that the developers had looked into installation of their own small treatment plant, but it was considered less economically viable than a tie-in. Upon query by Mrs. Sagoff, it was stated that the proposed sewer line would be 300 feet to the property line. It was stated that ledge would not be a problem to get the sewer line in. Mr. Emmons moved to take the matter under advisement and seek legal counsel. Attorney Barrat stated that Board of Health staff had met with him regarding this situation and had raised two issues: whether or not Nagog Treatment plant was in some way restricted to handling only Acton waste, and the handling of the liens on properties of users under a covenant with the treatment plant. The last tie-in had been with the Sisson property on Nonset path. The plan would have to be submitted

to DEQE for approval. Mr. Ware briefed the Board on the operation of the plant. Mr. Wirtanen encouraged Mr. Ware to expeditiously apply for permission for groundwater testing if he wished to expand his facilities. All voted in favor of tabling pending legal advise. Attorney Barrat requested and was granted permission to discuss the matter with attorney Callaghan so long as the time spent with Attorney Callaghan was not an expense charged to the Town.

10:02 Rosestone. Before the hearing commenced, methods of protecting aquifer areas was discussed. Pressure dosing as an alternative to the intermediate filter layer was mentioned as having been recommended by Mr. Kreissl of EPA. It was questioned if this was in conflict with Title 5.

Inserted in the agenda, at the last minute, were applications for Special Permits for property on Strawberry Hill and Esterbrook Roads. Mr. Emmons moved to grant special permits on all three parcels involved with the following conditions (Lot 1 Strawberry Hill Road, Lots 5 & 6 Esterbrook Road, applicant W.P. Flagg Trust #1):

1. No underground fuel storage tanks.
2. Septic system to be pumped every two years.
3. Compliance with Acton's Hazardous Material Control By-Law.
4. Septic system plans subject to Board of Health staff approval.
5. Installation of a 6" intermediate layer of material with a perc rate of 6-10 minutes/inch
6. Septic system to be minimum of 100' from wetlands/flood plains.

Miss Voorhies seconded; all voted in favor of granting special permits.

10:17 Rosestone Hearing. Mutual introductions of parties representing Rosestone and Parker Village Condominium Trust. Mr. Wirtanen then summarized a memorandum from Mr. Durling regarding the fact that official comments on the review of plans are still in process. Mr. Lafferty, developer, reviewed the comprehensive permit process. He stated that he felt things had not progressed expeditiously through the Board of Health office, due to turnover in personnel. Testing on site had been done to staff satisfaction. Only nuts & bolts items on the plans that have been submitted will need revision. The basic area for the leaching system has been ascertained. Mr. Corey, the engineer, reviewed the plan with the Board. It was stated that the system elevation was 4-5' above groundwater. Mr. Corey went through an extensive relation of calculations of leachate travel time to groundwater, after which Mr. Stephens stated travel time to groundwater was not relevant. It appeared that Mr. Corey had misinterpreted the justification of filter medium as a slowing device, not a device to help properly oxidate the leachate. Mr. Corey discussed the use of geotextiles as filter media. Mr. Stephens stated that this was not the appropriate situation for experiments in new materials. Upon query about pressure dosing the system to insure good distribution, Mr. Corey stated that, for this particular system with a design flow of 880 gallons per day, it was not practicable. Mr. Lafferty stated that the system would have to be designed in compliance with Title 5, but he also wished to meet all criteria proposed by the Board of Appeals. Mr. Lafferty stated that when he first spoke with Mr. Calichman, use of 1.5 square feet per gallon of flow was approved by him. Comprehensive permits also require developers be obligated to properly maintain a system for 15 years after construction. The Acton Housing Authority was to receive three apartments. Mr. Emmons asked Mr. Lafferty for justification of his massive request for records, which Mr. Lafferty declined to provide. He stated he was tabling his request for 30-60 days.

Mr. Stephens asked about the impact of the new system on existing septic systems in the area. Mr. Corey stated that the fact that the proposed system is below elevations of existing systems led him to believe they would have no impact. Mr. Rowe of Parker Village Condominium Trust stated that their engineer had felt otherwise, upon review of revised plans. Mr. Lafferty stated that the only changes that have been made were due to groundwater elevations. Mr. Stephens noted that the septic system is not on the same piece of property as the buildings. Mr. Lafferty contended that it is the same piece of property due to an easement, which had been established per a Board of Health request in the past. Parker Village's counsel wished to comment. Mr. Stephens stated that the issues to be dealt with were: (1) whether or not the septic system is on the same piece of property; (2) items of concern to Parker Village because the new system is in such close proximity to an already aggravated system, and what will be impact be; (3) other impacts, such as the pool, and a private well on Parker Village; (4) technical design details; (5) the filter medium. Counsel for Parker Village stated that the easement was granted for an 18 unit building which was never built, and which is not going to be built by the Laffertys. He attempted to go into an extensive legal discussion regarding the viability of the easement. Mr. Corey stated that test data indicated that the system had to be on the easement, and that it was a given that they had the easement to use and it was the best area available. The plans were then further reviewed by Mr. Corey. Mr. Stephens asked about the approximate cost of the septic system. Mr. Corey stated that estimates had not been solicited. Upon further query, he doubted it would near the \$100,000 mark. Mr. Stephens asked about a treatment plant, to which Mr. Lafferty replied he had approached the neighboring condominiums regarding a treatment plant and was turned down. This was contested by individuals from Parker Village. Mr. Corey claimed also that odors from a treatment plant can be a problem. Mr. Coughlin of Parker Village expressed some concerns regarding the impact of the proposed development on the area, and submitted photographs. He stated that he came to the Board seeking protection. He was not aware of any discussions regarding the sewage treatment plant joint effort. He stated that no as-built plans of Parker Village's systems exist. The attorney then wished to raise the issue as to where the original system for Parker Village is located, and the issue of the permit making the assumption that the easement is valid. The attorney stated he will provide a legal submission within seven days. Mr. Stephens wished to discuss the matter of aggravating a troubled system and increased load. He also asked about leaching pits instead of trenches. Mr. Stephens asked that plans be provided to Mr. Costello. Mr. Emmons moved, due to the lateness of the hour (midnight) that the matter be taken under advisement. Mrs. Sagoff seconded, and all voted in favor.

12:10 Mrs. Sagoff moves to adjourn. Meeting adjourned.

Respectfully submitted,

Carol Holley
Carol Holley, Sec'y

Signed and approved,

Daniel Costello
Daniel Costello, Chairman