

RECEIVED & FILED

DATE 5/1/87

Barbara Brown
TOWN CLERK, ACTON

TOWN OF ACTON
BOARD OF HEALTH MEETING
MARCH 10, 1987

Board members present: Chairman Daniel Costello, members Richard Stephens, Eleanor Voorhies, George Emmons, and associate member Richard Oakley. Staff present: Sanitarians Edward Wirtanen and Marion Donahue, secretary Carol Holley.

The meeting opened at 7:37 p.m. with a review of the minutes of the February 24, 1987 meeting. Mr. Stephens moved that the minutes be accepted as edited. Mr. Emmons seconded. Unanimous in favor.

7:41 p.m. Sam Manka, 124 Main Street. Request for variances. Mr. Costello asked Mr. Wirtanen if the system could be redesigned to reduce the number of variances required. Mr. Wirtanen replied that this was the optimal design. The property is in the South Acton sewer area, so this is a temporary repair. Mr. Stephens asked about the fact that the system was designed two and a half feet above groundwater. It was stated that this elevation of groundwater was the recognized maximum and a matter of seasonal conditions. Upon query, the perc rate was noted to be 13 minutes per inch. After more questions and answers, Mr. Wirtanen stated that the present septic system on the premises was not adequate for Mr. Manka's use of the property. Mr. Stephens moved that the Board of Health grant four variances to Title 5 as requested, and five variances to Acton Regulations, Article 11 as requested with the condition that, when the South Acton treatment plant is available, this property be tied in as soon as possible. Mr. Emmons seconded. All voted in favor of granting the following variances:

1. 310 CMR 15.02(17) Construction in fill. 10 feet instead of 25.
2. 310 CMR 15.03(7) Distances (1)(2). 5 feet from property line instead of 10. 5 feet of slope instead of 30.
3. 310 CMR 15.14(2) 2.5 feet above groundwater instead of 4.
4. 310 CMR 15.14(8) No reserve area.
5. 11-2 Provisions of Title 5 met.
6. 11-9.1.4. 784 square feet of leaching area instead of 900.
7. 11-10 2.5 feet above maximum groundwater instead of 4.
8. 11-15.1 1.8 square feet per gallon design flow instead of 2.
9. 11-15.10 6 feet between trenches instead of 12.

7:46 p.m. Redstone Condominiums. Marion Donahue reported on the installation of the emergency drain. She noted that, when the leaching area was breached for the installation, large amounts of sewage gushed out and over 7500 gallons were pumped in order to drain the area enough to install a pipe. A weakness has been noted in pavement of the driveway, from which sewage is leaking even after the installation of the drain. No pipes were discovered when the leaching area was breached, either because they are not there, or they are short. FJ Ratta had met with condominium inhabitants and presented them with his recommendations, which included regular, frequent pumping and the installation of water saving devices. Mr. Stephens asked if anything had been discovered during the installation to contradict the preconceived notion held by the Board that the problem with Redstone was primarily a groundwater problem. Ms Donahue stated that the liquids seemed to be coming from the buildings. She showed the as-built plan of the drain to the Board members.

It was asked if the staff had received any communication from Mr. DeFeo regarding subsequent phases of the repair. Mr. Costello asked if the problem was that the bed has died of old age or if there is a groundwater problem. Mrs. Donahue mentioned that Mr. DeFeo had recommended installation of water saving devices to Redstone residents. Upon query as to whether or not step 1 was working, it was stated that the system is still breaking out. Mr. Stephens asked where the temporary link was, and it was indicated on the plan. Mr. Costello asked if Mr. DeFeo was going to submit a report. Mrs. Donahue stated that she would contact Mr. DeFeo.

8:00 p.m. Mr. Yetman, Meineke Muffler. Mr. Stephens asked if the muffler shop septic system operated well, and if this was the conclusion to be drawn from Mr. Dunphy's report. Mr. Wirtanen stated that there was not dye shown on the test. He was not aware of any previous testing. Mr. Wirtanen noted that the controversy centered around Mr. Calichman and a statement by the Yetman brothers that they would repair the system and bring it up to code in order to obtain a temporary occupancy permit. The only information in the file on this system is that in 1980 a 1,000 gallon tank was installed, and presumably hooked into something. Mr. Wirtanen assumed that the bottom line was either some information was to be provided, or the system was to be brought up to code. Mr. Emmons stated he was under the impression that there had been clear evidence of failure. Mr. Yetman was under the impression that the system had failed also. Mr. Wirtanen noted that at a previous meeting that the testing procedure does not necessarily mean a non-failure of the system if the dye is not seen. Mr. Wirtanen noted that the Board might be pursuing the wrong avenue in pushing for a repair when in fact they should be seeking more information. Mr. Wirtanen felt that seeking more information raised no objections from him, but that the burden of providing said information should rest with Mr. Yetman. Mr. Wirtanen noted that he did not know what was there, or why the matter had been initiated. He does know that there is only a temporary occupancy permit and that the system was not connected to the suspected discharge pipe. Whether or not there was a system, and what kind, was discussed, as well as whether or not a failure might exist. Mr. Yetman stated that he knows there is a system because it was found during excavations for a 21E study looking for hazardous materials in the soil. Some stone and trenching was uncovered at that time. Mr. Yetman guessed the stone and trenching was about 7 feet down. He stated he knew there was a leaching field of approximately 600 square feet and 3 leaching trenches as he recollects seeing plans when he was initially looking at the property before purchase. He remembered the issue being that the system did not meet code. After some historical conjecture on the part of Mr. Yetman, Mr. Stephens interrupted to state that there seems to be a system and it seems to be in the back part of the lot and about 7 and a half feet down. Mr. Costello asked Mr. Wirtanen for a recommendation. Mr. Wirtanen replied with a suggestion that Mr. Yetman pursue records at Gulf Oil, and/or explore the system with Mr. Dunphy. Mr. Yetman stated he could show the approximate area for the system. Mrs. Donahue asked Mr. Yetman if there were any objections to digging for the system. Mr. Yetman reminded her of the large snow banks currently over the area. Mr. Costello stated that staff and Mr. Yetman and Mr. Dunphy could get together to explore the field, and Mr. Yetman expressed cooperative spirit. Mr. Dunphy's report on the dye test procedure was then reviewed, and Mr. Emmons requested that it be resubmitted due to the number of errors contained therein. Mr. Yetman was given a suspense date of 30 days. Mr. Stephens moved to table pending further information, Mr. Emmons seconded; all in favor. Tabled for 30 days.

8:25 p.m. Mr. Hastings for Sun Oil. Mr. Hastings presented a plan which he had just received and which, he stated, he did not completely understand. He stated that copies of this septic plan had been forwarded to his company in Philadelphia to be reviewed by their in-house engineer. Mr. Stephens asked if he had been advised whether or not any variances were required. Mr. Hastings stated that Michael Kosmo was the engineer and he felt that this would more than meet standards. Sunoco should have the plan back from headquarters by the end of the month. As soon as the building department acts on the permit application he would like to begin work. Mr. Stephens moved that the matter be taken under advisement pending review of staff. Mr. Emmons seconded. All in favor.

8:35 p.m. George Emmons. 61/61A lands. Mr. Emmons requested his fellow board members to help him generate a priority parcel list of 10 parcels most wanted by the Board of Health. The various properties were shown by Mr. Emmons on a map. The mechanism of Town acquisition of 61/61A lands was explained by Mr. Emmons. Mr. Costello expressed a wish to acquire lands along Nashoba Brook. The use of these lands was discussed, with a focus on aquifer protection. The parcels deemed desireable by Board of Health members were:

Palmer land, 133 Great Road
Whittier land on Main Street
Conant land on Main Street
Diduca land on Great Road
Flagg land on Strawberry Hill Road
Morrison land on Concord Road
Moritz land on Wetherbee Road
Anderson land on Newtown Road

Possibly but not as strongly desired:

Two parcels of Whittier land on Main Street
One parcel of Conant land on Main Street

8:46 It was noted that McDonald's had not responded to the Board of Health's request that they appear at this meeting.

8:47 Temporary Aquifer Protection Regulations

Mr. Wirtanen related that staff of the Conservation, Engineering, Planning and Health Departments and the Water District had held a joint meeting regarding coordination of aquifer protection. These individuals had started to pull together to develop a single map. It was noted that the Water District is revising its maps, to include some new potential water supply sites and eliminate others. Mr. Stephens expressed support for this joint effort and requested that the Board of Health map drawn May 11, 1985 be included in the discussions. Mr. Stephens felt strongly about defining red zones along property lines with one year travel time to potential well. Mr. Wirtanen stated that the Water District concepts are called watersheds, and terminology needs to be clarified. Mr. Wirtanen stated concern with the actions of the Board of Health as they have on four different occasions departed from the straight and narrow of the TAPR. He expressed an opinion that a certain door had been opened. He requested the Board to reassess the feelings on the TAPR.

He discussed pressure dosing versus filter medium and expressed disagreement with the use of filter medium. Mr. Stephens stated he would like to see amendments to Article 11 to reflect requirements for construction in aquifer zones.

9:00 p.m. Belated, cameo appearance by Jack Dunphy, engineer for Mr. Yetman. The Board related a brief summary of their discussions with Mr. Yetman and asked him what had been happening with McDonald's. Mr. Dunphy expressed apologies for the errors in his report on the Meineke dye test, relating that his secretary had been caught in an airport problem in Virginia and had been extremely fatigued when the report was typed. He stated he had not heard from McDonald's for quite some time, since early January when they told him a plumber had been engaged to do some interior work. Mr. Costello requested staff to investigate the plumbing work if possible by checking to see if a plumbing permit had been issued. Mr. Emmons asked Mr. Dunphy if he felt an exploration of the Meineke field were possible. Mr. Dunphy expressed doubts as to the effectiveness of that course of action. Mr. Dunphy left for another meeting.

9:05 p.m. Return to discussion of amendments to regulations. Mr. Stephens noted that the only activity which should be allowed in red zones would be improvements to pre-existing uses. Pressure dosing was discussed. Mr. Stephens stated he would attempt to contact Mr. Kreissl at EPA again to discuss appropriate aquifer protection criteria. MDC Gas traps were discussed. Mr. Wirtanen stated that these were now State regulated.

9:20 p.m. Mr. Costello asked the Board about a time for interviewing applicants for position of Health Director. Staff was instructed to inform Town Manager that the Board of Health would interview the three candidates at 7:30, 8:30 and 9:30 p.m. on Tuesday, March 17.

9:25 p.m. Further review of correspondence. Regarding a request for variances from Article 11 submitted on behalf of the Yates family at 12 Whittier Drive, Mr. Stephens moved that variances to article 11 be granted to run concurrent with the Board of Appeals Special Permit for an in-law apartment. The tank is to be pumped every two years. Miss Voorhies seconded. All voted in favor.

9:30 p.m. Mr. Wirtanen mentioned repairs in potential sewer zones which have been back-burnered. He asked for guidance. He also related the particulars of three recent releases of hazardous materials and staff responses thereto. He mentioned that a Nagog Woods resident had lodged a complaint against the way Health Department staff handled a complaint about Town water by referring the complainant to the Water District. Mr. Stephens asked about grounds for asking the Water District to better maintain their water lines. Mr. Costello expressed concern about water line maintenance as it had been determined that sluggish water lines had been found to harbor Legionnaire's Disease.

9:41 p.m. Mr. Stephens moved to adjourn. All in favor. Meeting adjourned.

Respectfully submitted,

Carol Holley
Carol Holley, Sec'y

Signed and approved,

Daniel J. Costello
Daniel Costello, Chairman

0371Z