

Acton Board of Health – Minutes
October 27, 2003
Room 126, Town Hall

Board Members Present: William McInnis, Chairman, Mark Conoby, Robert Oliveri, Robert Matusow and associate member Rita Dolan.

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

Others: Jim Franklin, Sere Scanlon, Todd Fenniman, Denise Theodores, Ginger Hobson, Laura Jacobs, Jonah Laufer, Bridget Nedzi, Charles Rogers, Neil Cronin, David Pinsky, Joanne Bissetta, Karen Orazio Venizelos and Patrick Forsyth.

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

Minutes

On a motion made by Mr. Oliveri, seconded by Mr. Conoby, the Board unanimously voted to approve the minutes of October 6, 2003.

Discussion– Rex Lumber

Mr. Halley briefly updated the Board as to the status of the complaint by Ginger Hobson against Rex Lumber regarding the noise. The Health Department has been in contact with Rex and is still awaiting the final report from the professional sound testing. Rex Lumber was asked to appear before the Board this evening and was unable to attend. The Board stated that they would like to see a copy of the sound testing report, a compliance plan and interim measures if the results show non-compliant noise levels within fourteen days. Mr. Fenniman, attorney representing the Hobson's stated that there are many neighbors in attendance this evening, all with concerns regarding the noise levels. Ms. Hobson stated that she is not happy that the report has not been received and that Rex was unable to attend, stating that it delays resolution of the noise issue. It was also stated that the noise levels seem to be escalating over the last month. It was asked if the Town could restrict hours of operation during the problem hours. The Board stated that the Town has the capability of imposing a \$300.00 fine if Rex is found to be out of compliance, however, the Town can not define mitigation measures until the data is received. The Board directed Mr. Halley to hold an office hearing with Rex Lumber within 48 hours of their receipt of a request to meet to discuss the current status of the order letter. On a motion made by Mr. Conoby, seconded by Mr. Oliveri, the Board unanimously voted to direct the Health Director to hold an office

hearing with Rex Lumber regarding the outstanding order letter and to also request that the draft data from the sound monitoring be submitted along with the mitigation information within fourteen days.

On a motion made by Mr. Conoby, seconded by Mr. Oliveri, the Board unanimously voted to request from Rex Lumber detailed interim mitigative measures and a timeline for compliance for inclusion in the Board's packet at their next regularly scheduled meeting.

Variance – 7 Windsor Ave

The Health Department has received a request from Dr. Karen Orazio-Venizelos for a variance from the design flow specified in 310 CMR 15.203 for a dentist's office. A dentist office requires 200 gallons per day per seat. The on-site septic system has a total of 325.8 gallons per day available. Dr. Orazio-Venizelos has requested permission for up to four (4) chairs and has proposed to use newer dental equipment that will utilize approximately 22 gallons per day plus restroom flow. After reviewing the information submitted, the Board determined that the use is more comparable to a doctor's office based on the new technology low flow water equipment usage. On a motion made by Mr. Conoby, seconded by Dr. Matusow, the Board unanimously stated that the proposed use is approved as it is more comparable to a doctor's office.

Variance – 481 Great Road

The Health Department has received a request for a variance from Mr. Chuck Allard, owner of 481 Great Road for an Article 11-7.3 variance for a reduction in the required wetland setback, Article 16-4.2.4 for a waiver of the nitrate loading and an Aquifer Special Permit for work within the aquifer and also for interpretation of the design flow from a full service restaurant to a fast food restaurant. The Board has previously seen this request and had asked the engineers to redesign the plan to include a fast system due to the closeness of the wetlands. On a motion made by Mr. Conoby, seconded by Dr. Matusow, the Board unanimously voted to grant a variance from Article 11-7.3, 16-4.2.4, a Aquifer Special Permit and to allow the restaurant to have a design flow of a fast food restaurant to the property located at 481 Great Road with the condition that the system be built in accordance with the following conditions and a plan stamped by Joseph March, PE, dated 10/1/2003:

1. The system is approved for the treatment and disposal of sanitary sewage only. Any wastes that are non-sanitary sewage generated or used at the facility served by the System shall not be introduced into the System and shall be lawfully disposed.
2. Effluent discharge concentrations shall meet or exceed secondary treatment standards of 30 mg/l biochemical oxygen demand (BOD5) and 30 mg/L total suspended solids (TSS). The effluent pH shall not vary more than 0.5 standard units from the influent water supply.
3. Operation and Maintenance Agreement:
 - A. Throughout its life, the Owner of the System shall have the System properly operated and maintained in accordance with Company's and designer's operations and maintenance requirements and this Approval and be under an operation and maintenance agreement (O & M). No O & M agreement shall be for less than one year.
 - B. No system shall be used until an O & M agreement is submitted to the approving authority which:
 - a. provides for the contracting of a person or firm competent in providing services consistent with the System's specifications and the operation and maintenance requirements specified by the designer and those specified by the Department of Environmental Protection.
 - b. Contains procedures for notification to the local approving authority and the Department of Environmental Protection within five days of a System failure, malfunction or alarm event and for corrective measures to be taken immediately; and
 - c. Provides the name of the operator, which must be a Massachusetts certified operator as required by 257 CMR 2.00 that will operate and monitor the system. The owner of the system shall at all times have the system properly operated and maintained, at a minimum every three months and every time there is an alarm event. The local approving authority and the Department of Environmental Protection shall be notified, in writing, within seven days every time the operator or operators are changed.
4. The owner shall furnish the Department of Environmental Protection any information, which the Department of Environmental Protection may request regarding the System, within 21 days of the date of receipt of that request.

5. Within 30 days of the approving authority's issuance of the Certificate of Compliance for the system, the owner shall submit a copy of the Certificate of Compliance to the Department of Environmental Protection
6. By January 31st of each year for the previous year, the System owner shall submit to the Department of Environmental Protection and the local approving authority an O & M checklist and a technology checklist, completed by the System operator for each inspection performed during the previous calendar year. Copies of the checklists are attached to this approval.
7. The owner of the system shall record in the appropriate registry of deeds a notice that discloses the existence of this Remedial Use approved alternative system. A copy of the book and page number of the recording must be provided to the local approving authority and the Department of Environmental Protection prior to issuance of the Certificate of Compliance.
8. The owner of the System shall provide a copy of this Approval, prior to the signing of a purchase and sale agreement for the facility served by the System or any portion thereof, to the proposed new owner.
9. Effluent from a system serving a facility with a design flow of less than 2000 GPD shall be monitored quarterly. Both influent and effluent from the system serving a facility with a design flow 2000 GPD to 10,000 GPD shall be monitored monthly. At a minimum, the following parameters shall be monitored: pH, BOD5, Total Nitrogen and TSS. All monitoring and maintenance data shall be submitted to the local approving authority and the Department of Environmental Protection by January 31st of each year for the previous calendar year. After one year of monitoring and reporting and at the written request of the owner, the Department of Environmental Protection may reduce the monitoring and reporting requirements.
10. When the sanitary sewer connection becomes feasible, within 60 days of such feasibility, the owner of the System shall obtain necessary permits and connect the facility served by the System to a sewer, shall abandon the System in compliance with 310 CMR 15.354, unless a later time is allowed, in writing, by the local approving authority, and shall in writing notify the Department of Environmental Protection of the abandonment.
11. No floor drains are permitted in the facility unless they are connected to the Non-hazardous industrial waste holding tank that is proposed.

Variance – 662 Mass. Ave.

The Health Department has received a request from the future owner of 662 Mass. Ave. regarding an interpretation of the condition that there be no increased square footage or design flow for the property. This condition was placed on the property in 1998 when the property received a variance to Article 11. The future owner proposes to add a shed dormer to allow access to hidden wasted storage space in the attic. The applicant would also like to change the current floor plan to better utilize the space but will not add to the allowed room count of 7 rooms with a maximum of 3 bedrooms. The Health Department recommends approval of this variance since there will be no increase in the square footage just an increase in existing cubic area. The Board discussed this request and determined that by adding a dormer and keeping the room count the same, they still meet the original conditions of the previous variance. On a motion made by Mr. Oliveri, seconded by Mr. Conoby, the Board unanimously stated that this request is within the conditions granted previously by Board of Health.

Other Business

- Mr. Halley stated that Quail Ridge Country Club will be coming before the Board asking for permission for the installation of wells for irrigation purposes. Mr. Halley asked the Board to think about the impact these wells could have.

On a motion made by Mr. Oliveri, seconded by Mr. Conoby, the Board unanimously voted to adjourn the meeting at 9:55 p.m.

Respectfully Submitted,

Sheryl Ball

Sheryl Ball, Secretary
Acton Board of Health

William McInnis

William McInnis, Chairman
Acton Board of Health