

## **Acton Board of Health**

### **Minutes**

**May 23, 2005**

Members Present: Mark Conoby, Acting Chairman, Joanne Bissetta, Member, & Roxanne Hunt, Member, Pam Harting-Barrat, Associate Member and Rita Dolan, Associate.

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Maureen Fiorentino, Chris Rodger and Laura Lawson

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

#### **Massage Practitioner – Laura Lawson**

The Health Department is in receipt of a request for a Massage Practitioner Permit from Ms. Lawson. Ms. Lawson presented the Board with additional letters of reference and submitted a copy of her transcript. The Board asked Ms. Lawson if she was licensed in any other towns. Ms. Lawson indicated that Acton would be her first license. Ms. Lawson will be working out of an existing licensed establishment at 11 Davis Road. On a motion made by Ms. Hunt, seconded by Ms. Bissetta, the Board unanimously voted to grant a Massage Practitioner permit to Laura Lawson.

#### **Variance – W. Acton Condo's – 255-261 Arlington Street & 293-295 Central Street**

The Health Department is in receipt of a variance request from Article 11-9.1 for reduction in the LTAR and 310 CMR 15.405(1)(a) for a reduction in the property line setback and 310 CMR 15.405(1) for a reduction in the minimum leaching area to the property located at 255-261 Arlington Street & 293-295 Central Street. The current system is in complete failure. The Health Department has performed extensive reviews and revisions of the plans submitted by the applicant. The site is restricted by size and current groundwater levels and the area located under the existing parking lot has an extensive storm water collection system. The system will be 6'

from one property line and 8' from another. The system has been designed with pressure distribution and will need to be pumped and cleaned annually. The proposed design achieves maximum feasible compliance. Additionally as part of the Comprehensive Water Resources Plan, this area has been identified as an area in need of a solution and a draft Phase 1 sewer expansion is underway and it is anticipated to be complete in the next five years. On a motion made by Ms. Bissetta, seconded by Ms. Hunt the Board unanimously voted to grant a variance to Article 11-9.1, 310 CMR 15.405(1)(a) and 310 CMR 15.405(1) to the property located at 255-261 Arlington Street & 293-295 Central Street with the following conditions:

1. If it determined that this property will not be served by an offsite wastewater disposal solution by three years from the date of approval, the applicant shall return to the Board of Health for a hearing on a requirement to install advanced treatment of the wastewater in the form of an Innovative/Alternative Treatment system.
2. The septic tank serving the West Acton Condos shall be pumped on an annual basis, and the effluent tee filter shall be inspected twice a year and cleaned at a minimum of once per year.
3. The property lines including those in the vicinity affected by the 310 CMR 15.405(1)(a) Local Upgrade Approval shall be staked in the field by a Professional Land Surveyor, registered in the Commonwealth of Massachusetts, prior to the commencement of any construction. The same surveyor shall certify the lot lines on the as-built plans.
4. The owners of the property shall submit, in writing, an acceptance of these conditions to the Health Department prior to issuance of the Certificate of Compliance for the system.
5. The system shall be built in accordance with the above conditions, and a plan stamped by Paul McNulty, PE dated 5/9/2005/

#### **14 Spencer Road**

The Health Department is in receipt of a request for a variance from 310 CMR 15.284 for a reduction in the required separation to groundwater and Article 11-9.6 for a reduction in the depth of stone to the property located at 14 Spencer Road. The Health Department has reviewed the proposed plans and finds that construction is limited by the depth to groundwater. Without the requested variance the site would contain retaining walls on three sides. Additionally as part

of the Comprehensive Water Resources Plan, this area has also been identified as an area in need of a solution and a draft Phase 1 sewer expansion is underway and it is anticipated to be complete in the next five years. The Health Department recommends approval of this request. On a motion made by Ms. Bissetta, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from 310 CMR 15.284 and Article 11-9.6 with the following conditions:

1. The Singulair 960/N shall, at all times, be in compliance with the most recent MADEP Remedial Use Approval transmittal.
2. The system shall be constructed in accordance with the plan stamped by Jefferson Perley, PE, dated 3/14/05.

#### **Sampling Reduction – 8 Winter Street**

The Health Department has received a request from the O & M company regarding a reduction in the required sampling interval from quarterly to yearly for the property located at 8 Winter Street. The Microfast system was installed in April 2004 and the applicant is eligible to request a reduction in the required sampling after one year of compliant sampling. The system in the last year has performed well below the maximum limits with the BOD averaging 7.0 mg/L and the TSS 4.75 mg/L. The Health Department recommends this request. On a motion made by Ms. Hunt, seconded by Ms. Bissetta, the Board unanimously voted to reduce the sampling requirements for the MicroFast system located at 8 Winter Street with the following conditions:

1. The Microfast unit serving 8 Winter Street, shall, at all times, be in compliance with the most recent version of the MADEP Remedial Use Approval transmittal issued for the technology per the December 8, 2003 Board of Health approval letter.
2. If at any time, sample results are received showing non-compliance with either or both of the required parameters, the testing interval shall revert to a quarterly basis until such time that one year of full compliance can be demonstrated.

#### **Discussion – Regulations (Tobacco, Article 2, 11, 19 & 20)**

The Board tabled discussion on the proposed regulation changes until such a time that all members are present.

#### **Other**

- Ms. Bissetta referenced the letter from the DEP in the FYI packet regarding build out restrictions. Mr. Reagor stated that we are in the process of getting additional interpretation of the letter and will get back to the Board.

### **Adjournment**

On a motion made by Ms. Hunt, seconded by Ms. Bissetta, the Board unanimously voted to adjourn the meeting at 8:25 p.m.

Respectfully Submitted,

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Sheryl Ball, Health Secretary

Acton Board of Health



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Mark Conoby, Acting Chairman

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