

Acton Board of Health

February 8, 2010

Members Present: Joanne Bissetta, Chairman, William McInnis, Member, Mark Conoby, Member and Bill Taylor, Member.

Staff Present: Doug Halley, Health Dept. Director and Isabel Roberts.

Others Present: Peggy Mikkola, League of Woman Voters.
Thomas Walsh, 77 Harris Street

The meeting was called to order at 7:30pm

Minutes

On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to approve the Board of Health minutes dated December 14, 2009.

80 HARRIS STREET LOTS A & B – AQUIFER PERMIT APPROVAL

The Health Department is in receipt of Aquifer Special Permit applications and materials for two residential developments proposed for 80 Harris Street (Lot A & B). Doug presented to the Board the following information: Lot A consists of 15 residential units with a wastewater flow of 4,950 gallons per day. The system will be pressure dosed and along with a 7,500 gallon pump chamber will have a 10,000 gallon and a 5,000 gallon septic tank. Lot B consists of 11 residential units with a wastewater flow of 3,960. This system will also be pressure dosed and along with a 6,500 gallon pump chamber will have a 8,000 gallon and a 4,000 gallon septic tank. Each lot is proposed to be a separately owned condominium with each unit having the right to discharge to the system servicing that lot.

The applicant has provided a Nitrate Loading Assessment, as required. These calculations indicate that the existing nitrate loading is 6.27mg/l, while the post development nitrate loading will be 12.78 mg/l. In addition the applicant has provided water balance calculations which indicate that the on-site recharge will be increased from 510,730 cf/year to 758,454 cf/year.

This is largely due to off site water being brought to the site and then recharged as effluent to the septic systems.

Based on this information the Health Department recommends the following:

1. Prior to the installation of either leaching area the Property Owner shall conduct a baseline test for nitrate levels and e.coli at a location downstream from the project where the tributary for Nashoba Brook flows under the former Railroad Right of Way.
2. Annual testing of that location will be conducted by the Health Department. Should any annual test result for nitrate levels be greater by 18 mg/l than the initial baseline nitrate levels determined in Condition 1 a second test within 30 days of the analysis report will be conducted. Should the second test also exceed the baseline plus 18 mg/l the Property Owner shall appear before the Board with a mitigation plan that will reduce nitrates to a level at or below the original baseline levels.
3. The applicant shall contribute \$5,000 to a fund to be available to and administered by the Health Department to study and monitor Nashoba Brook downstream from the Property, as the stormwater system drains into Nashoba Brook watershed.
4. The applicant shall install effluent tee filters in the outlet tees of all septic tanks to increase the retention of solids and improve the quality of the effluent that reaches subsurface disposal area.
5. The applicant shall provide a proposed operation and maintenance plan for the system consistent with 310 CMR 15.290(2)(b)
6. The applicant shall provide a description of form of ownership consistent with 310 CMR 15.290(2)(c)
7. The applicant shall provide a description of a financial assurance mechanism consistent with 310 CMR 15.290(2)(d)

The Board discussed concerns about granting the application and decided that there are still a number of questions, additionally, the Board requested that the applicant attend the next Board of Health Meeting. On a motion made by Mr. Taylor and seconded by Mr. McInnis, the Board unanimously voted to continue the agenda item until 02.22.2010.

TITLE V WAIVER – 13 SPENCER RD

The Board is in receipt of a Title V waiver as allowed under 310 CMR 15.301(4)(b) for the property located at 13 Spencer Road. Doug presented the Board with the following information. In 2009 a Special Town Meeting failed to approve the funding mechanism to provide the sewers for this neighbourhood. After that Special Town Meeting a Wastewater Advisory Neighbourhood Taskforce was formed and was given the charge to examine all wastewater solutions for the neighbourhood, including the sewer option. At this point the taskforce is still in the preliminary stages of its investigations and likely will not have a recommendation until early 2011. In addition the sewer option for the neighbourhood was submitted for funding consideration within the State Revolving Fund Program.

Properties within this neighbourhood had previously received a waiver based on the actions taken by the 2007 Annual Town Meeting, which committed the initial funds for a pre design of a wastewater system for the neighbourhood. At this point the Board has not taken action to expunge an existing waiver based on the 2009 Special Town Meeting vote nor has the Board determined to continue to grant a waiver request for any property in this neighbourhood. Should the Board determine to approve this waiver request the Health Department would recommend the following conditions:

1. 13 Spencer Rd shall connect to the sewer system within 90 days of it's availability.
2. Should the septic system break out on the surface or back up into the structure, or if in the opinion of the Health Director, a public health hazard exists, the owner shall take whatever measures are necessary to correct the problem, up to and including replacing the system.
3. The owner of 13 Spencer shall submit to the Board of Health their written acceptance of these conditions.
4. The Board of Health reserves the right to require the installation of a compliant septic system if in the Board's opinion, sewers will not be available within five years from the granting of this waiver.
5. Maintenance schedules, as called out in the Acton Board of Health's regulations, shall be adhered to as long as the on-site septic system is in operation.

After much discussion the Board voiced a number of concerns about the granting of a Title V

waiver. The Board decided to request guidance from Town Counsel regarding the granting of the Title V waiver. On a motion made by Mr. McInnis, seconded by Mr. Taylor the Board unanimously voted to continue the agenda item until a response is given by Town Counsel.

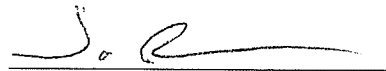
Adjournment

On a motion made by Mr. McInnis, seconded by Mr. Taylor, the Board unanimously voted to adjourn at 8:45PM.

Respectfully Submitted,



Isabel Roberts, Health Secretary
Acton Board of Health



Joanne Bissetta, Chairman
Acton Board of Health