

Acton Board of Health

June 2, 2008

Members Present: William Taylor, Chairman, Joanne Bissetta, Vice Chairman, Pam Harting-Barrat, Member, William McInnis, Member, Mark Conoby, Member and Phil Alvarez, Associate.

Staff Present: Doug Halley, Health Director and Sheryl Ball.

Others Present: Doug Wilkins, Esq., Steven Graham, Esq., Selectmen Terra Friedrichs, Paul Gabrieley and Peggy Mikkola, Representative of League of Women Voters.

The meeting was called to order at 7:33 p.m.

Minutes

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to approve the Board of Health minutes dated April 28, 2008 as amended.

Variance – 55 Woodbury Road

The Health Department is in receipt of a request for a variance from 310 CMR 15.284 – Remedial Use, and 310 CMR 14.405(1)(h) – Reduction in groundwater separation for the property located at 55 Woodbury Road. The system at this property is in failure. The Health Department has reviewed the plans and finds that the property is limited by high groundwater and percolation rates. The percolation rate at this site was 40 minutes per inch. On a motion made by Mr. McInnis, seconded by Phil Alvarez, the Board unanimously voted to grant a variance from 310 CMR 15.284 and 310 CMR 14.405(1)(h) to the property located at 55 Woodbury Road with the following conditions:

1. The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by the MADEP for the Cultec C4 Chamber Panels.
2. The septic tank shall be pumped once every two years.

3. The system shall be constructed in accordance with the above listed conditions and in accordance with the plan stamped by James Morin, dated 5/14/2008.

Reconsideration of Agreement – Quail Ridge Country Club

Steve Graham, representing Quail Ridge Country Club (QRCC) was present before the Board to ask for some changes to the original agreement between QRCC and the Town of Acton. The original agreement that was reached called for an upfront payment of \$5000 to pay for a consultant and \$20,000 for a penalty and \$30,000 for the supplemental environmental project. Our Town Counsel contacted QRCC seeking payment and was asked if there could be an amendment to the agreement. QRCC is currently running approximately 1 million in deficit and is being funded through private citizens. QRCC is currently not in a position to refinance and is seeking an amendment to pay \$5000 immediately and then beginning July 1st make five (5) - \$10,000 dollar payments every month for five months. QRCC has also reached an amended agreement for the fines that were assessed by the State and payments are ongoing with them. Mr. McInnis asked to see QRCC's financial documents as they are asking us to re-open a previous agreement. Atty. Graham stated that he would provide a letter from QRCC stating that they are not in the position to pay the funds in the original agreement. He further explained that one of the reasons they are converting part of the golf course into housing is for the financial gain. The housing is projected to be 172 units of 55 and older and a 9 hole course. The Board asked Town Counsel, Doug Wilkins, his opinion of the proposed amendment. Atty. Wilkins stated that the request is reasonable and if the Board chose not to accept the amendment litigation could possibly take longer. On a motion by Bill McInnis, seconded by Dr. Harting-Barrat, the Board unanimously voted to accept the revised settlement agreement to Quail Ridge Country Club conditioned on providing financial statements.

Variance – 2 Myrtle Drive

The Health Department has received a request from the owners of 2 Myrtle Drive for a variance from 310 CMR 15.212(1)(a) – Reduction in Groundwater, 310 CMR 15.405(1)(i) – Sieve Analysis and 310 CMR 15.405(1)(j) – Reduction in the required separation between the inlet and outlet tees. The Health Department has reviewed the plans and finds that the site is restricted by high groundwater and percolation rates. A sieve analysis was conducted due to the wetness of

the soil. The Board recommends approval of this plan. This is a Presby system which does treatment within the leaching facility. D.E.P. has granted Presby approval of these systems conditioned on obtaining both Board of Health and D.E.P. approval. The Health Department has reviewed this request and finds that the property is constrained by severe slopes which would raise the land significantly above finished grade. The plan as designed meets maximum feasible compliance. On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a variance from 310 CMR 15.212(1)(a), 310 CMR 15.405(1)(i) and 310 CMR 15.405(1)(j) for the property located at 2 Myrtle Drive with the following conditions:

1. The system shall at all times, be maintained in compliance with the most recent remedial use approval issued by the MADEP for Presby Enviro-Septic leaching system.
2. The septic tank shall be pumped once every two years.
3. All boots or pipe joints are sealed with hydraulic cement or solvent welded connections, or installed with watertight sleeves and the tank is proven water tight.
4. The system shall be constructed in accordance with the above listed conditions and in accordance with plan stamped by Paul McNulty, dated 4/22/2008.

Facility Nitrogen Aggregation Plan – 4 Centennial Lane

Mr. Paul Gapriey is looking for the Board's approval for a facility nitrogen aggregation plan for the property located at 4 Centennial Lane. The developer previously came to the Board for a development off of Main Street and had received approval for this type of use but wanted pre-approval for this site prior to submitting the septic plan. The proposed facility in question is located within Zone II, delineated in 2003, for the Town of Maynard – Rockland Ave. drinking water wells. Mr. Gapriey contacted the same land owner to obtain the nitrogen credit land which he has purchased to satisfy the D.E.P. regulations. On a motion made Mr. McInnis, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant approval for a facility nitrogen aggregation plan to 4 Centennial Lane with the following conditions:

1. The applicant shall communicate, in writing to each potential owner, the nature and potential impacts of the facility deed restrictions placed upon each lot within the subdivision as a result of this Nitrogen Aggregation Plan.
2. The Health Department shall review and approve the completed application packet prior to D.E.P. transmittal.

3. The applicant shall notify the Board prior to requesting any future variances from the construction of a soil absorption system on this property.

Other –

APHNS – Acton Public Health Nursing Service – Dashboard Report – Merrily Evdokimoff, APHNS Director, provided the Board with the quarterly report from January – April, 2008. The summary shows that re-hospitalization rate has improved along with improved communication between the MD and patient. Ms. Evdokimoff also stated that visits have increased. The Board stated that they would like to see the trends of the APNHS including the number of patients served. The Board also wants to receive financial statements in the future.

Adjournment

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to adjourn at 9:00 PM.

Respectfully Submitted,

Sheryl Ball, Health Secretary
Acton Board of Health

William Taylor, Chairman
Acton Board of Health