

Acton Board of Health
Room 126, Acton Town Hall
Acton, MA 01720

RECEIVED
OCT 31 2013

TOWN CLERK, ACTON

August 12, 2013

Members Present: Michael Kreuze -Chairman, William McInnis, Dr. William Taylor and Joanne Bissetta

Staff Present: Sheryl Ball-Health Agent and Weiyuan Sun-Administration

Other Present: William Klauer, Benjamin Ewing and Katie Green

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

Woodlawn Cemetery-Morrison Farm

Bill Klauer Cemetery Commission was present to discuss the land that about the Morrison property on Concord Road, Health Department records indicate that this land was approved to be purchased by the Annual Town Meeting on March 12, 1951 (Article 41). The Cemetery Commissioners were authorized to purchase two parcels of land approximately 42 acres to use for burial purposes.

Further records from the Health Department indicate that Acton Board of Health authorized the Cemetery Commissioners to use the land for burial pursuant to MGL Chapter 114, Section 34 on September 25, 1956. Excepted from this assignment was a roughly triangular piece of land abutting the Morrison Farm known as Parcel C. At that time, the reason for exception was protection of the well for the owners of the Morrison property. Town water was brought down Concord Road and the Morrison property connected to town water in the 1960's. However, The Health Department is unable to locate any documents or minutes to indicate that Parcel C was later assigned by the Board of Health for burial purposes. The Town Clerk also indicated that there are no minutes in regards to this issue. The Board of Health has asked the Cemetery Department to provide any documentation they may have. Barring the possibility of other department having the documentation the Board of Health must assume that burials can not be allowed on Parcel C until the process that was detailed below was completed.

The requirements for the Assignment of Cemeteries by the Board of Health are follows:

New or Expanded Cemeteries

1. No land other than that already used or appropriated can be used, for burial unless by permission of the town (town meeting) or of the mayor and alderman of the city in which the land is located (M.G.L. c. 114 s. 34). No approval is to be given until the use is approved in writing by the board of health were the town is located, after giving public notice and holding a hearing.
2. The board of health must include in its records a description of such lands sufficient for their identification.
3. No land is to be used for burial if it is so situated that surface water or ground drainage from the site can enter into any stream, pond, reservoir, well, filter gallery or other water used as source of public water supply or any tributary of a source that is so sued, until a plan or description of the lands proposed for such use have been submitted to and approved in writing by DEP.(M.G.L.c. 114, s. 35).

4. Any person aggrieved by the action of a board of health in approving the purchase, taking or use of any lands of cemetery purposes any, within 60 days, appeal from the order of the board to DEP. DEP, after a hearing, may rescind the order or may modify and amend the order by approving a part of the lands proposed for use as a cemetery. (M.G.L. c.114, s.36).

The board asked if the well was decommissioned. The Health Department stated that they will check into this request and update the Board.

57 Hammond St.-Variance

The Health Department has received a variance request from Acton Board of Health Rules and Regulation 11-6.1.1 to the property located at 57 Hammond Street. There are two existing tanks, approximately 25' & 30' from a Bordering Vegetated Wetland that will remain as the site is limited. A pump chamber is proposed which will be located approximately 28' from Bordering Vegetated Wetland.

The existing sewer line exits the dwelling below the existing slab in the rear. The site is severely constrained with a sloping topography from north to south and Bordering Vegetated Wetland to the east, south and west of the dwelling. The entire upland area is within the 100' Buffer Zone of the Bordering Vegetated Wetland. The soil absorption system has been located in an area that is greater than 75' from the Bordering Vegetated Wetland. All the tanks meet Title V setback 310CMR 15.211.

On a motion made by Mr. McInnis, second by Dr. Taylor, the Board unanimously voted to grant a variance from Acton Rules and Regulations Article 11-6.1.1 for the property located at 57 Hammond Street with the following condition:

1. The system shall be built in accordance with a plan stamped by George Dimakarakos, date August 12, 2013

Adjournment

On a motion made by Mr. McInnis and seconded by Dr. Taylor, the Board unanimously voted to adjourn the meeting at 7:58pm.

Respectfully Submitted,



Weiyuan Sun, Administrator
Acton Board of Health



Michael Kreuze -Chairman
Acton Board of Health