

**Acton Board of Health**  
**December 8 2014**  
**Acton Town Hall- Room 126**

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

Staff Present: Sheryl Ball- Health Agent

Others Present; Debby Andrill, Nadia Franciscono, Danny Factor, Debra Simes, Jenn  
Campbell, Terra Friedrichs, Franny Osman, Mark Donohoe, Bill Hall,  
Mathais Rosenfeld and Peter Henry.

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

**Minutes**

On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted to approve the Board of Health minutes dated October 27, 2014 as amended.

**Housing Appeal- 11 Davis Road Unit A5**

The Health Department has received an appeal to the Housing order issued to the property owner, Mr. Daniel Factor, located at 11 Davis Road Unit A5. A site inspection was conducted by Evan Carloni, Health Inspector on October 27, 2014 from a complaint received from Chris Patten who is a resident as well as a maintenance employee. That inspection revealed a compost pile located in the common area adjacent to the outside window of the occupants unit. Mr. Carloni issued an order letter based on the State Sanitary Code regulation 105 CMR 410.602(D) to Mr. Factor stating that he had 14 days to correct this order. Mr. Factor appealed this decision. Mr. Factor began by stating that Ms. Franciscono also residing at this address was hard of hearing and that she did not require a hearing device to be provided to her but asked all parties to speak loudly so she could participate in the discussion. The Health Department issued an order letter based on the State Sanitary Code regulation 105 CMR 410.602(D). Mr. Factor stated that compost is not garbage. Discussion ensued regarding rights to compost in common areas as this address is a condominium. Mr. Factor and Ms. Franciscono stated that they should be able to compost and further stated that it is covered with a tarp, it's regularly watered, contents are vegetarian and that they adhere to the guidelines for small composters. Other members in the audience spoke to Mr. Factor's rights to compost. The Board discussed this issue and stated that since this is occurring in common land that an approval letter should be required from the condominium association as a complaint was made by a resident. Mr. Factor stated that the property manager removed the compost from the area. The Board stated that if the compost has been removed there is no longer a violation. On a motion made by Mr. McInnis, seconded by

Ms. Bissetta, the Board unanimously voted to sustain the complaint and the Health Department must conduct an inspection within 24 hours to ensure that this violation has been removed.

### **Housing Appeal- 7 Larch Road**

The Health Department has brought this appeal back before the Board as a follow up from the Board of Health meeting held on October 27, 2014. Mr. Carloni stated that no work has been done since the meeting dated November 6, 2014 that occurred with the tenants, a representative of the owner and a potential contractor. Given the time that has lapsed and since no progress has been made, the Health Department recommends that the landlord provide us with a service contract within 7 days with work to be completed within 14 days or fines will be levied for the violations that have not been corrected. Additionally the occupants must also continue to adhere to 105 CMR 410.810 or fines may be levied against them.

On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted that the landlord must provide a contract with 7 days with work to be completed within 14 days to the property located at 7 Larch Road. The Board further stated that fines may be levied for violations that remain uncorrected and the occupants must adhere to 105 CMR 410.810 or fines may be imposed on them also.

### **Variance – 87 Hayward Road**

The owners of the property located at 87 Hayward Road have requested a variance from 310 CMR 15.229 to allow for pumping prior to a septic tank for the repair of the onsite wastewater system. This repair allows for a 1500 gpd increase to the total flow making the total design 7500 gpd. Measures have been put into place to ensure that the maximum amount of solids will be captured prior to discharge. On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance to 310 CMR 15.229 for the property located at 87 Hayward Road with the following conditions:

1. The septic tank shall be pumped on an annual basis.
2. Visual and auditory alarms shall be placed in an area that can be seen and heard by employees.
3. The system shall be constructed in accordance with the above listed conditions, and a plan stamped by George Dimakarakos, PE.

### **Variance 117 Arlington Street**

The Health Department has received a request for a variance from Acton Rules and Regulations Article 16-4.2.10 to allow for the reduction to the setback in the wetland for the property located at 117 Arlington Street. This property is limited due to wetlands located on both sides of the property. The system has been located down gradient from the wetlands to the East and Perkins Lane further acts as a protective barrier. On a motion made by Ms. Bissetta, seconded by Mr. McInnis, the Board unanimously voted to grant a variance from Article 16-4.2.10 to the property located at 117 Arlington Street with the following conditions:

- 1) The septic tank shall be pumped a minimum of once every two years.
- 2) The septic tank shall be dual compartment and shall include a DEP effluent filter.

- 3) The system shall, at all times, be maintained in compliance with the most recent General Use Approval issued by the MADEP for CULTEC, Inc. Systems.
- 4) The system shall be constructed in accordance with the above listed conditions, and a plan stamped by Mark Donohoe, PE dated 11/20/2014.

**Approval – 525-541 Mass. Ave**

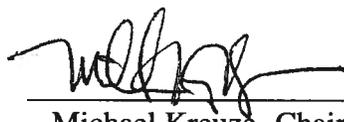
The Health Department has received a request from 7<sup>th</sup> Settlement Brewery to utilize Tavern flows from Title 5 to allow for occupancy at the property located at 525-541 Mass. Ave. The tavern flows are 20 gpd per seat. The applicant currently operates a similar facility in Dover, NH and water records indicate that approximately 10 gallons per seat are being utilized. The applicant will also be brewing beer on site in the future and will seek permission for tight tank installation. On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted to designate this facility as a tavern.

**Adjournment**

On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted to adjourn at 9:45 P.M.

Respectfully Submitted,

  
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Sheryl Ball  
Acton Board of Health

  
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Michael Kreuze -Chairman  
Acton Board of Health