

TOWN OF ACTION

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ACTON BOARD OF HEALTH

OCTOBER 5, 1992

MINUTES

MEMBERS PRESENT: Bill McInnis (Chairman)

Cordelia Alfaro

James Barbato

Jonathan Bosworth

Mark Conoby

STAFF PRESENT: Doug Halley (Health Director)

Sheryl Ball

OTHERS PRESENT: Muriel Crowley

Steve Mague

George Kennedy

Brian Murphy

Nancy Murphy

Robert Stout

Karen Stout

David Kearns

Martha Wood  
Ed Sweda  
Marc Berman  
Harriet Kodis  
Bob Guba  
Mark Levine  
Mike Speciner

The meeting opened at 7:33 P.M.

MINUTES:

On a motion made by Mr. Conoby, seconded by Ms. Alfaro, the Board unanimously voted to accept the minutes of September 14, 1992 following corrections.

39 ETHAN ALLEN DRIVE - VARIANCE:

Mr. Steve Mague of Schofield Brothers, on behalf of the property owner at 39 Ethan Allen Drive seeks a variance from State regulation 310 CMR 15.03 (7) Distances (1)(2). The existing septic system on site is in failure. Mr. Mague tested and area of the lot that he felt was the best possible area due to high groundwater and steep slopes. Mr. Mague tested and area on the site that he felt was best suited for a septic system. The existing system will remain on site to be rested for future use. A clay barrier was proposed to provide the same degree of environmental protection as intended in Title 5. All other State and local requirements have been met.

On a motion made by Mr. Barbato, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from 310 CMR 15.03 (7) Distances (1)(2) to the owners of 39 Ethan Allen Drive with the condition that the system be built in accordance with the plan submitted by Schofield Brothers dated September 9, 1992.

**9 LADYSLIPPER LANE - VARIANCE:**

Robert and Karen Stout owners of 9 Ladyslipper Lane seek a variance from regulation 11-14.1 to allow the addition of a fifth bedroom to their existing four bedroom home. The septic system consists of a 1000 gallon septic tank with 990 square feet of leaching field. The septic tank requirement for a five bedroom home is 1250 gallons. The existing septic tank is 250 gallons short of the requirement. The Health Department feels that annual pumping of the septic tank would be sufficient protection in granting this variance.

On a motion made by Ms. Alfaro, seconded by Mr. Barbato, the Board unanimously voted to grant a variance from regulation 11-14.1 to 9 Ladyslipper Lane with the following conditions:

1. That the septic tank be pumped on an annual basis.
2. That the septic system shall be brought into compliance upon reconstruction or repair of the septic system.

**90 MAIN STREET - VARIANCE:**

The owners of 90 Main Street have requested a variance from Title 5 setback regulations, regarding a proposed addition to their home. The existing septic tank is located 5' from the house foundation and is underneath an extensive deck, which has supports within 2' of the tank. Town records show that approval was not granted for construction of the existing deck. The Health Department is concerned with the possible intrusion of septicage into a habitual space and is concerned with the load from the deck footings will adversely impact stress on the tank. The Health Department stated that the septic tank shall be relocated so it is a minimum five (5) feet from the footings of the deck and the proposed addition.

On a motion made by Mr. Bosworth, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from 310 CMR 15.03 (7) Distances (1)(2) to 90 Main Street with the following conditions:

1. The existing supports for the deck and the footings for the new addition shall not be closer than 5' from the septic tank or field.
2. The proposed addition shall not be a bedroom nor shall it be constructed in a manner that it could be represented as a potential bedroom.
3. Any footings or pier supports within 5' to 10' of the septic tank must be extended down to an elevation equal or greater than the bottom elevation of the septic tank.

PROPOSED TOBACCO BYLAW:

The proposed bylaw was reviewed by the Board with significant audience input. The proposed bylaw will be discussed at a future meeting and a public hearing is tentatively scheduled for November 23, 1992. The bylaw will then be presented to the town manager for his review and then be scheduled for a Selectmen's meeting.

On a motion made by Ms. Alfaro, seconded by Mr. Bosworth, the Board unanimously voted to adjourn at 10:26 P.M.

NEXT MEETING:

The Next regularly scheduled meeting will be held on October 19, 1992 in Room 126 of the Town Hall. The following meeting is scheduled for November 2, 1992.

Respectfully Submitted,

Sheryl Ball

Sheryl Ball  
Health Secretary

Wm. McInnis

William McInnis  
Chairman