

Acton Board of Health

July 23, 2007

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

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

Others Present: Karen Rivero, ACES Representative, Peg Mikola, Charlene Rose, Garrison Crowell and Ken Schwartz.

The meeting was called to order at 7:34 p.m.

Minutes

On a motion made by Dr. Taylor, seconded by Dr. Harting-Barrat, the Board unanimously voted to approve the minutes of May 7, 2007 with corrections.

On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to approve the minutes of June 11, 2007 with corrections.

Change of Use – 60 Great Road

The applicant has withdrawn his request.

Show Cause Order – Quail Ridge Country Club

The Health Department was notified that Quail Ridge Country Club (QRCC) has violated the consent decree issued by the DEP for water withdrawal. QRCC withdrew approximately 12-13 million gallons of water within a 90 period which also violated the Board of Health irrigation permit that was approved on October 25, 2004. The Board of Health's condition #14 stated that no more than 0.1 million gallons of water could be pumped per day and no more than 7.1 million

gallons could be pumped in a 90 period. In order to address this violation, Mr. Halley contacted Town Counsel and was advised to draft an Order to Show Cause for the Board's review. If the Board of Health approves this request then QRCC will be served with an order that would require them to appear at the Board's August 13, 2007 meeting. Mr. McInnis stated that this is a process to start the hearing and stated that QRCC should be brought before the Board to address these violations. It was stated that the Town didn't become aware of this violation until after the State issued the Notice of Non-Compliance. The State and the Town will address these violations separately as two separate permits were issued. Mr. McInnis asked the Board if they would like to authorize Mr. Halley to speak with QRCC prior to the hearing. The Board was in agreement to have Mr. Halley speak with QRCC prior to the hearing. Dr. Taylor stated that the withdrawal numbers are staggering and asked if they are able to reduce the withdrawal. The Board stated that they would like to see water saving mechanisms (different types of remedial) put in place and a plan as to how they will prevent this from happening again. Dr. Harting-Barrat stated that she would like to see monthly water withdrawal reports. Mr. McInnis polled the Board. On a motion made by Mr. Alvarez, seconded by Dr. Taylor, the Board unanimously issued a show cause order to Quail Ridge Country Club and authorized Mr. Halley to commence discussions with QRCC. The Board signed the Show Cause Order.

Variance – 13 Willow Street

The owner of the property located at 13 Willow Street is seeking a variance from Article 11-6.1.3 to allow for the footings of a deck to exist within 10 feet of the septic system. The deck as proposed would have two of three footings within the 10' setback (4'9" proposed) to the septic tank. The Health Department has reviewed this request and finds that the two footings in question would not exert a diagonal (45 degree) force from the base of the footing on the sidewall or end wall of the septic tank. The Health Department recommends this request as long as this structure remains a deck. In the past we have allowed this as long as the footing is as deep as the bottom elevation of the septic tank. The holes will be hand dug. On a motion made by Mr. Alvarez, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a variance from Article 11-6.1.3 to the property located at 13 Willow Street with the following conditions:

1. The Health Department shall witness the excavated sonotubes holes prior to placement of the tubes.
2. The proposed deck shall not be expanded or converted into any other structure without approval of the Board of Health.
3. If the septic system should fail and need to be replaced, the septic tank shall be placed 10' from the deck to fully comply with Article 11.

Change of Use – CVS – 344 Great Road

The Health Department has received materials and information from Mr. Ken Swartz, representing CVS Pharmacy at 344 Great Road to establish a Health Care Center at this location. The center would offer their customers a convenient solution for assistance with minor health related issues. The plaza where CVS is located is serviced by an on-site wastewater system with limited capacity. The Board has previously granted three changes of use proposals for this property. CVS estimates that they will service 30-40 patients per day with a net increase of customers to be equal to 3-4 extra customers per hour. Mr. Swartz has provided the Board with water usage records from other CVS's who have implemented this program and these records show minimal change in water usage. Mr. Swartz is also providing water saving measures. The Health Department recommends approval of this request. Mr. Halley also stated that they are awaiting State approval and this request would be conditioned on State approval. Mr. Swartz stated that these are in operation in other many other states. The Board expressed their concern with space and parking. Mr. Swartz stated that the other locations are not having these issues as there is not much of a backlog. Mr. Swartz stated that he would provide an annual record of water usage for the entire plaza. The Board stated that with the water saving mechanisms and with the records from other establishments that are currently operating these facilities that they would support a change of use. The Board stated this was one of the most detailed and comprehensive packets that have seen in a long time and complimented Mr. Swartz.

On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor the Board unanimously voted to grant a change of use to CVS located at 344 Great Road with the following conditions:

1. CVS shall provide to the Health Department water use records on an annual basis.
2. A .5 gpm aerator shall be installed on the hand washing sink.
3. Non-water antibacterial cleansers shall be used whenever appropriate.

4. This permit will become null and void if the state does not grant approval.

Variance – 22 Blackhorse Drive

The Health Department is in receipt of a variance from Article 11-8.1 for a reduction in the minimum leaching area, Article 16-6.2.5 for a reduction in the required separation to groundwater and 310 CMR 15.284 – Remedial Use Approval to the property located at 22 Blackhorse Drive. The Health Department has reviewed these plans and finds that the site is limited by high groundwater, slopes and placement of existing gas lines. In order to meet the regulations a retaining wall and the removal of trees would have been required. The Health Department recommends approval of this request. This is an Eljen system which consists of secondary treatment approved by the state. The Board stated that in order to meet the minimum leaching size would have required bending of lines which would increase the chances of blockage. On a motion made by Mr. Alvarez, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a variance from 11-8.1, Article 16-6.2.5 and 310 CMR 15.284 to the property located at 22 Blackhorse Drive with the following conditions:

1. The septic tank shall be pumped a minimum of once every two years.
2. The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by MADEP for the Eljen GSF system.
3. The system shall be constructed in accordance with a plan stamped by Steven Calichman, RS dated 7/11/2007.

Emergency Trapping Permit – Stow Street

The Town of Acton Engineering Department has requested an emergency beaver trapping permit due to flooding on Stow Street caused by beaver activity within the town's culvert. The Health Department has confirmed this request and has determined that there is a threat to Human Health and Safety caused by the flooding and restriction of the public way. The Health Department recommends approval of this request for a 10 day period beginning on July 23, 2007. On a motion made by Dr. Harting-Barrat, seconded by Mr. Alvarez, the Board unanimously voted to grant an emergency beaver trapping permit for a period of ten days beginning July 23, 2007.

Sampling Reduction –3-5 Spruce Street

The owners of the properties located at 3-5 Spruce Street have requested that the sampling requirement under their remedial use approval to be reduced from quarterly to yearly based on the submittal of the past 4 years of acceptable standards. This also needs to be approved by the State and these samples results all meet state requirements. The Health Department recommends that condition #9 be modified to reflect yearly sampling. This septic system has worked great. On a motion made by Dr. Harting-Barrat, seconded by Mr. Alarez, the Board unanimously voted to grant a sampling reduction from quarterly to yearly to the property located at 3-5 Spruce Street.

Sampling Reduction – 481 Great Road

The owners of the properties located at 481 Great Road have requested that the sampling requirement under their remedial use approval to be reduced from quarterly to yearly based on the submittal of the past 2 years of acceptable standards. This system was required by the Board as it was located near the wetlands under General Use approval requested by the Board of Health. On a motion made by Dr. Harting-Barrat, seconded by Mr. Alvarez, the Board unanimously voted to grant a sampling reduction from quarterly to yearly to the property located at 481 Great Road.

Board Reorganization

Mr. McInnis stated that in alignment with the Town's fiscal year he would like to open discussion as to the appointment of Chairman and Vice Chairman for the upcoming year. Mr. McInnis stated that the Vice Chairman typically steps up to become chair and asked Dr. Taylor if he was interested. Dr. Taylor stated that he would like Mr. McInnis to continue as Chairman as he felt he was still in the learning stages. On a motion mad by Dr. Taylor, seconded by Mr. Alvarez, the Board voted to appoint Mr. McInnis Chairman to the Board of Health. Mr. McInnis stated that he would love to do it but questioned whether they should wait to Ms. Bissetta was present. The Board stated that they would hold the Vice Chairman vote unit her return. The motion was passed unanimously.

Board of Health Agent Appointment

The Health Department requests that the Board of Health appoint Sheryl Ball as a Health Agent to allow her to take the Soil Evaluators Course and give the department additional back-up in this area. On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to appoint Sheryl Ball as a Health Agent.

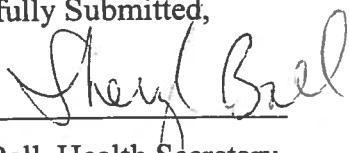
Other

- **Betterment Agreement** – The Board signed a betterment agreement for the property located 8 Oneida Road.

Adjournment

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

Respectfully Submitted,



Sheryl Ball, Health Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health