



## Acton Board of Health

Meeting Minutes

May 13, 2019

7:30 P.M.

ROOM 9, TOWN HALL, 472 MAIN STREET

### **Present:**

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

Associate Members: Dr. Rekha Singh voting for Mr. Michael Kreuze  
Dr. Thomas Jacoby voting for Mr. William McInnis

Staff Present: Sheryl Ball-Health Director, Weiyuan Sun-Health Administrator

Other Present: Tony Buscemi, Tony Buscemi Jr., Barbara Nichols, Peggy Mikkola, Sean Reynolds, Chris William, Kathleen Guidea, Ted Doucette, Scott Buchanan, Laura Lefebvre, Peter Bay, Michael Geis and Terra Friedrichs

Absent: Michael Kreuze and William McInnis

### **1. Opening**

Chair - Dr. William Taylor opened the meeting at 7:30 P.M.

### **2. Regular Business**

#### **A. Approval of Meeting Minutes**

On a motion made by Ms. Bissetta, seconded by Dr. Jacoby, the Board unanimously voted to approve the Board of Health minutes dated April 8, 2019.

#### **B. Director-Operational Update**

- Ms. Ball informed the Board that spring Household Hazardous Waste Day will be held on Saturday, June 1, 2019 from 9:00am to 11:30pm and notice has been mailed to all residents.
- A property located in the proposed sewer district is in failure and is being pumped weekly. They would like permission to correct the system temporarily until the sewer becomes available. The Board directed Ms. Ball to have the installer bring the proposed recommendations to a future Board meeting for discussion.

### **3. New/Special Business**

#### **A. Tobacco Violation- Buscemi's Liquor and Variety- 37 Main Street**



The Board of Health received notification from the Massachusetts Tobacco Cessation and Prevention Program (MTCP) that an employee of Buscemi's Liquor and Variety sold tobacco products to a minor on February 28, 2019. Mr. Tony Buscemi and Mr. Tony Buscemi Jr, the managers of Buscemi's Liquor and Variety stated that the employee, a newer hire made a mistake and did not check the customer's photographic identification before selling the tobacco product. Mr. Buscemi pointed that this was first time happened; and his employee apologized. Mr. Buscemi mentioned that he will take this violation very seriously and will reinforce training and to all of his employees as well as update all employees on the stores procedure. Buscemi's Liquor and Variety also uses the POS system to scan a license to insure their customers' age by present date of year and age. Mr. Buscemi paid the fine of one hundred dollars.

B. Tobacco Violation-West Acton Mobil- 553 Mass Ave

The Board of Health received notification from The Massachusetts Tobacco Cessation and Prevention Program (MTCP) that an employee of West Acton Mobil sold tobacco products to a minor on March 27, 2019. Ms. Kathleen Guidea, represented the manager of the West Acton Mobil and stated that the employee made a mistake and did not check the customer's photographic identification before selling the tobacco product. Ms. Guidea mentioned that the store will give one chance to this employee and will update all employees with policies and procedures regarding tobacco sales. They take this violation very seriously. West Acton Mobil paid the fine of one hundred dollars.

C. File Correction-1 Hatch Road

The Health Department is in receipt of a request for a file correction, located at 1 Hatch Road. The septic system was installed in 1960 with 3 bedrooms. The house was originally built as colonial style with 4 bedrooms. The Health Director Ms. Sheryl Ball inspected this property to confirm this home was built as a four bedroom. On a motion made by Mr. Conoby, seconded by Dr. Singh, the Board unanimously voted to correct the file for the property located at 1 Hatch Road to reflect that the home is approved and permitted for four (4) bedrooms.

D. Title 5 Variance Request-24 Duggan Road

The Health Department is in receipt of a request for a variance from Article 16-6.2.7 for a reduction in the setback to the wetlands from Doucette Engineering for a septic system on behalf of the owners of 24 Duggan Road. The proposed septic system is in an aquifer protection zone 3 and the required setback is 100' from the wetland. This plan as proposed is 50' from the wetlands. The Health Department recommends nitrogen reduction be implemented as per the policy adopted by the Board of Health. The Board asked if the design could be moved further away from the wetlands. Mr. Doucette stated that more fill would be required. The Board stated that a variance can only be granted when there is manifest injustice to the homeowner and this plan does not meet that condition. On a motion made by Mr. Conoby seconded by Ms. Bissetta, the Board unanimously voted to table this request until after the Conservation Commission meeting.

E. Title 5 Appeal- 198 Arlington Street



The Board of Health received notification from owner of 198 Arlington Street of 3 difference certification results. On Monday, May 13, 2019, the Board of Health heard your appeal of a Title 5 inspection conducted by Tom O'Driscoll of ABC Cesspool, Inc, dated May 2, 2017 for the property located at 198 Arlington Street in Acton.

The inspection report from 2017 was marked as failed because of "Static liquid level in the distribution box above the outlet invert due to an overloaded or clogged SAS or cesspool." The Board reviewed two other inspection reports that were performed by Grant Septic Techs and Butler Septic Services, LLC., and found that they were marked as conditional pass and passing. The Board found too many inconsistencies with the report from Butler and disregarded that passing report. In reviewing the report from Grants Septic Techs which stated a new Dbox is needed the Board found that the inspector went above and beyond the requirements outlined in 310 CMR 15.302(3).

On a motion made by Bissetta, seconded by Dr. Singh, the Board unanimously voted to accept the conditional pass T5 by Grants Septic Techs with the following conditions:

1. The T5 dated 4/17/2019 conducted by Grant's Septic Techs may not be used for closing, if the property is sold or transferred a new T5 inspection must be conducted.
2. If the Town sewer becomes available to this property it is recommended connection within 180 days.
3. D-Box must be replaced and installed by a licensed Installer.

#### F. Acton Water Solar Partners, LLC- Hazardous Materials Control Permit Application

The Acton Water Solar Partners, LLC has applied for a hazardous materials permit. The proposed site located on 28 Lawsbrook Road. Acton Water Solar Partners, LLC will be storing battery fluid and transformer liquid. Acton Water Solar Partners has been designated the categories of 4: "Hazardous Materials User" and 9: "Hazardous Materials Storer Small Industry." The Acton Health Department recommends the following conditions for permitting:

On a motion made by Ms. Bissetta, seconded by Dr. Rekha, the Board unanimously voted to grant a hazardous materials control permit to Acton Water Solar Partners, LLC at 28 Lawsbrook Road, with the following conditions:

1. All liquid Hazardous Materials and Wastes shall be stored in a containment area capable of containing 110% of the largest volume stored in the containment area.
2. All Materials Safety Data Sheets (MSDSs) for the Hazardous Materials shall be maintained on site. MSDSs shall be reviewed with employees at the time of their employment and on an annual basis thereafter. MSDS must be made available to all employees upon request.
3. A Contingency Plan, including emergency contact numbers (Telephone numbers of owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations shall be submitted and updated annually, to the Board of Health, Fire Department, Police Department, and Civil Defense.
4. 4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees where Hazardous Materials or Wastes are used or stored.
5. 5. All Hazardous Wastes must be disposed of by a Licensed, D.E.P. approved, hauler or be recycled on site.



6. 6.Copies of either all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. 7.All Hazardous Materials Containers shall be labeled and dated when filling first began.
8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
11. Protective equipment, including chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
13. A safety eye wash station shall be installed where any Hazardous Materials are stored or used.
14. A fire extinguisher, containing an appropriate fire extinguishing agent, shall be placed in the Hazardous Materials Storage area.
15. No food or drink shall be stored or consumed in any area where Hazardous Materials are stored or used.
25. Prior to any new chemical or processes being used, the Board of Health shall be notified.
26. The operation of this facility shall be in compliance with all present and future regulations of E.P.A. and D.E.P. at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.

#### 4. **Adjournment**

On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to adjourn at 9:22 PM.

#### **Documents and Exhibits Used During this Meeting;**

- Memo From Sheryl Ball, Tobacco Violation, Buscemi's Liquor and Variety, 37 Main Street
- Memo From Sheryl Ball, Tobacco Violation, West Acton Mobil, 533 Mass Ave
- Memo From Sheryl Ball, Tobacco Violation, 7-Eleven, 75 Great Road
- Memo From Sheryl Ball, File Correction, 1 Hatch Road
- Memo From Sheryl Ball, Title 5 Variance Request, 24 Duggan Road
- Memo From Sheryl Ball, Title 5 Appeal, 198 Arlington Street
- Memo From Evan Carloni, Acton water Solar Partners, LLC., Hazardous Materials Control Permit Application

Respectfully Submitted,

Weiyuan Sun  
Acton Board of Health

Dr. William Taylor- Chairman,  
Acton Board of Health