

TOWN OF ACTON

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ACTON BOARD OF HEALTH

MINUTES

JULY 8, 1991

MEMBERS PRESENT: Marilyn Hotch (Acting Chairman)  
Gerhard Heinrich  
Jonathan Bosworth  
Doug Miller (Associate)

STAFF PRESENT: Doug Halley (Health Director)  
Sheryl Howe

OTHERS PRESENT: R. Giuliano  
J.V. Giarrusso  
Chris Allen  
Joseph March  
Jayne Carter  
David Beardsley

MOBIL OIL - SPECIAL PERMIT, VARIANCE & HAZARDOUS MATERIALS:

Mobil Oil has proposed to construct a convenience store/gas station. The existing facility will be torn down and the service station will no longer be utilized. Mobil Oil is before the Board of Health to seek a variance, special permit and a hazardous materials permit for proposed reconstruction of their establishment. Mobil Oil seeks to install a clay barrier between the septic system and the remediation well to allow for protection against any possible contamination of septic to the groundwater. The variance is from 310 CMR 15.03 (7) Distances (1)(2) for distance to a well, distance to a catch basin and distance to a trench drain. The variance from 310 CMR will need final approval from the State. A variance from Acton rules and regulations also needs to be obtained from regulation 11-15.1 to allow the utilization of regulation 11-15.10. The proposed system will provide for 1.48 square feet per gallon discharged.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a variance from 310 CMR 15.03 (7) Distances (1)(2) and from Acton regulations 11-15.1 to allow the utilization of 11-15.10 in accordance with plan submitted by Bayside Engineering.

Mobil Oil also seeks a special permit for work in an aquifer. The proposed septic system meets the Board's usual requirements.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a special permit for work in an aquifer to Mobil Oil, 553 Mass. Ave., with the following conditions:

1. No underground storage tanks for non-combustible materials shall be permitted on the site.

2. Septic tank shall be pumped a minimum of once every year.
3. The site shall fully conform to the Town of Acton Hazardous Materials Control Bylaw.
4. The sewage disposal system with a leaching capacity of 1.48 square foot per gallon for the proposed building at this site shall be approved by Acton Board of Health staff.
5. Leaching facility shall be designed and installed with pressure dosing of the system, said pressure dosing to be designed in accordance with State Environmental Code.
6. Floor cleaning procedures for the buildings shall use only nontoxic and biodegradable cleaning compounds.
7. Sewage disposal system shall be a minimum 100 feet from flood plain and/or wetlands.
8. Floor drains are not permitted.
9. The monitoring wells on site shall be sampled and tested at least twice a year with the results of those samples be given to the Board of Health. The tests shall be performed by an E.P.A. approved testing lab and be analyzed for hydrocarbons, and volatile organic compounds, fecal and total coliform as well as any other standards related to septic system discharge that the Health Director may feel appropriate.
10. A certificate by a qualified engineer certifying that all safety, monitoring and spill prevention devices are in proper order and in compliance with the approved Emergency Response Plan.
11. An impervious barrier of clay shall be placed between the proposed remediation well and the proposed septic system, specifications of the barrier shall be approved by the Health Director and D.E.P.

Mobil Oil also seeks a hazardous materials control permit for their existing use. The existing facility utilizes a full service station. The Health Department feels that at this time a temporary hazardous materials permit should be issued with an another submittal after construction of the new facility. Once the renovations are complete the amount of hazardous materials will be reduced. The existing site is classified as a 21E site and is in the process of clean-up. The clean-up will consist of remediation by water extraction.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a temporary hazardous materials control permit to Mobil Oil, 553 Mass. Ave., with the following conditions:

1. Storage of hazardous materials for the proposed reconstruction must receive new approval by the Board of Health within thirty (30) days after completion of reconstruction.
2. All hazardous materials must be disposed of by a licensed, approved hauler.
3. The septic tank shall be tested annually using chemical analysis regarding possible volatile organic compound contamination. A copy of the testing report shall be submitted to the Board of Health annually.
4. All new motor oil and antifreeze shall be stored in a containment area that can hold 110% of all stored material.
5. Directions listing emergency procedures, should a spill occur, shall be posted in clear view of all employees.
6. Copies of all invoices must be submitted to the Board of Health for all hazardous materials disposed and received.

7. Speedy Dry or its equivalent shall be on hand and kept in the service bay area in case of a hazardous waste or materials spill.
8. Prior to any new chemicals or processes being used the Board of Health must be notified and compliance with the Hazardous Materials Storage bylaw must be achieved.
9. The operation of the facility shall be in compliance with all present and future regulations of E.P.A. & D.E.P. at all times.
10. Floor cleaning procedures and bathroom sanitation products for all buildings shall use only nontoxic and biodegradable cleaning compounds.
11. All floor drains within the building shall enter closed systems by November 1, 1991 and the wastes within the closed systems shall be removed only by a licensed hazardous waste hauler.
12. A contingency plan shall be submitted to the Board of Health for approval within sixty (60) days after approval of this permit.

RICHARD CARTER - IRRIGATION WELL VARIANCE:

The Carter's are present before the Board requesting a well variance for an irrigation well located at Lot 42 Stoneymeade Way. The Board questioned the impact that bedrock wells, used for irrigation purposes, have on groundwater supplies. Mr. Halley stated that there are no studies that address the issue of the impact that bedrock wells have on surficial groundwater supplies. Mr. Halley also stated that this area has high groundwater. The State D.E.P. and private consultants feel that these bedrock wells do not drain the town's drinking water supply.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a variance to the Carter's, Lot 42 Stoneymeade, for a bedrock well used for irrigation purposes only with the following conditions:

1. The proposed well must be a bedrock well.
2. A chemical and bacterial analysis shall be conducted yearly with a report submitted to the Board of Health.
3. Any test results that are greater than 50% of the allowed state requirements shall cause immediate cessation of the well or the implementation of a filtering program to remove the identified contaminants.
4. Any underground water sprinkler system shall have all water lines installed at a minimum of ten feet from the septic system and all sprinkler heads a minimum of twenty-five feet from the septic system. Prior to installation a plan showing the proposed location of the underground water sprinkler system shall be submitted to the Health Department for approval.
5. There shall be no cross-connections with any public water supply line.

AIRCO GASES - 37 LAWSBROOK ROAD - VARIANCE PUMP PRIOR TO TANK:

Airco seeks a variance to install a pump prior to a septic tank in their Helium facility located at 37 Lawsbrook Road. The Helium facility plant presently employees two (2) people. A variance from State regulations 310 CMR 15.06 (18) is required. D.E.P. policy 87-6 states that a proposal for the use of a pump to discharge to a tank may be considered provided that

only a small amount of the total sewage is discharged in that manner and that the pump used for such pumping be of a low volume capacity. The Health Departments concern with this proposal is that the turbulence created by the pump will deter settlement and may cause the intrusion of solids into the leaching system. Mr. Halley stated that the proposed flow diffuser box would prevent the intrusion of solids into the leaching field. Mr. Halley also stated that because of the low flow volume involved the intrusion of solids into the leaching facility would not be likely. On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a variance to state regulations 310 CMR 15.06 (18) to allow a pump prior to a septic tank with final approval from the state with the following conditions:

1. The sewage pumped from the Helium facility shall enter a flow diffuser box prior to being discharged into the septic tank.
2. All toilet fixtures within the helium facility shall be low flow (1.5 gallons per flush).
3. The septic tank shall be pumped and inspected each year by a licensed pumper and inspection with a report submitted to the Board of Health.
4. The effluent within the septic tank shall be tested annually for the presence of hazardous materials with a report submitted to the Board of Health.

DAILY GRIND - REQUEST FOR FROZEN YOGURT MACHINE:

The Daily Grind seeks approval from the Board for a yogurt machine. The Board has previously granted the Daily Grind approval for limited food

preparation at 342 Great Road. The Daily Grind seeks the limited food preparation approval to include frozen yogurt. The Daily Grind has researched different types of yogurt machines to find the machine that used the least amount of water. The machine that is proposed is called the "Flavor" machine. The machine utilizes pre-packaged yogurt which is added into a bowl and mixes fresh fruit or any type of flavor and comes out of the machine in the consistency of soft serve. Mr. Beardsley, co-owner of the Daily Grind, invited Mr. Halley to witness the use of this machine in order to see the minimal cleaning that is needed. The Health Department recommends approval of this use with the condition that the approval be granted from July to September. The Health Department will then require water readings from the "Flavor" machine. The Daily Grind will then seek approval on a full time basis if the water usage is minimal. The Board stated to Mr. Beardsley that if the readings were too high then the machine will have to be removed. Mr. Beardsley stated that he would remove the machine if needed.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant limited approval of the "flavor" machine from July 8, 1991 to September 8, 1991 with the following condition:

1. A water flow meter be installed on the "flavor" machine.

At or around September 8, 1991 the Daily Grind may return to the Board for reconsideration of the limited approval.

10 WILLIS HOLDEN DRIVE - VARIANCE - EXCESSIVE PERCOLATION:

Mr. Nania, owner of 10 Willis Holden Drive seeks a variance from Acton rules and regulations 11-15.1 to allow for the reconstruction of the septic system with a percolation rate over 20 minutes per inch. The percolation rate was 22.7 minutes per inch. A slightly over designed trench system has been provided with 1,100 square feet of sidewall and 600 square feet of bottom area.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a variance from Acton regulations 11-15.1 - Excessive percolation rate, to 10 Willis Holden Drive with final approval of the plan from the Health Department.

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

NEXT MEETING:

The next regularly scheduled meeting will be held on August 12, 1991 at 7:30 P.M. in the Town Hall. The following meeting will be held on August 26, 1991.

Respectfully Submitted,

Sheryl Howe

Sheryl Howe, Secretary

Signed and Approved,

George E. Emmons

George Emmons, Chairman