

**Acton Board of Health**

**Minutes**

**January 10, 2005**

Members Present: William McInnis, Chairman; Mark Conoby, Member; Joanne Bissetta, Member; Robert Oliveri, Member and Pam Harting-Barrat, Associate and Rita Dolan, Associate.

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Tom Snick, Walter Hicks, Duncan Brown, John & Christine Bonica, Stanley Wirsig, Eileen and John Lucey and Mary Michelman.

The meeting was called to order at 7:32 p.m.

**Minutes**

On a motion made by Mr. Oliveri, seconded by Mr. Conoby, the Board unanimously voted to accept the minutes of October 25, 2005 as amended.

On a motion made by Mr. Conoby, seconded by Mr. Oliveri, the Board unanimously voted to accept the minutes of November 8, 2004 as amended.

**Hearing – Bonica Excavation - 7 Pinewood Road & 63 Liberty Street**

A hearing regarding Bonica Excavation has been scheduled to discuss complaints from the property owners of 7 Pinewood Road and 63 Liberty Street. Mr. Bonica submitted a letter to the Board today requesting that the hearing be rescheduled until the next meeting as his attorney is unable to attend tonight's hearing. Mr. McInnis stated that Mr. Bonica has a right to have his attorney present and that the hearing will be rescheduled until January 24, 2005.

On a motion made by Mr. Conoby, seconded by Mr. Oliveri, the Board unanimously voted to continue the hearing until January 24, 2005.

**Hazardous Materials Control Permit – Acton Medical Associates**

The Health Department is in receipt of an application from Acton Medical Associates, PC for a Hazardous Materials Control Permit for their facility at 321 Main Street. The Health Department has reviewed the application and has performed a site visit of the lab and x-ray developing unit. It was determined that the x-ray area is the only area that stores over 25 gallons of chemicals and would be required to get a Hazardous Materials Permit. The Board asked why the lab did not fall within the Board's requirement for a Hazardous Materials Permit. Mr. Reagor stated that the lab unit is self contained, with minimal quantities stored and disposal is placed in biohazard bags and taken off site by a licensed disposal company. The Health Department recommends approval of the permit in categories #2, #4 and #13. Mr. Oliveri asked if there were any chemicals stored on site that would require neutralizers. Mr. Wirsig, representative of Acton Medical, stated that all chemicals stored shall be soaked up with speedy dry and disposed of by a licensed disposal should a spill occur and no neutralizers are needed. On a motion made by Mr. Oliveri, seconded by Ms. Bissetta, the Board unanimously voted to grant a Hazardous Materials Control Permit to Acton Medical Associates, 321 Main Street with the following conditions:

1. All 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 Material Safety Data Sheets (MSDS's) for the Hazardous Materials shall be maintained on site. MSDS's 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. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, DEP, 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. All Hazardous Wastes must be disposed of by a Licensed, DEP, approved hauler or be recycled on site.
6. Copies of all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
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 the Hazardous Materials or Waste storage or use area.
12. No Hazardous Materials or Wastes shall be discharged into a sink or toilet.
13. A safety eye wash station shall be installed where any Hazardous Materials or Wastes are handled 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.
23. Directions written in two languages, English and second language used two or more employees (when applicable), shall be posted in clear view, listing emergency procedures.
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 EPA and DEP 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.
27. All regulated medical wastes shall be disposed of by a Licensed. DEP, approved hauler or be recycled on site.

#### **Variance – Tedeschi's Food Shops**

The Health Department has received a letter from Rick Armstrong, food service coordinator for Tedeschi Food Shops, requesting five stool seats and two tables with three seats a piece. Mr.

Armstrong stated that the seats will not impact their water consumption as no additional dishes or pots for washing will be required as they will serve product only with paper or disposable goods. The existing septic system built in 1969 that services the facility is a 1000 gallon septic tank and an 800 square foot leaching field. The system is shared by Tedeschi's and Domino's along with the upstairs offices. The system was permitted for 615 gallons per day and current usage averages 440 gallons per day for the entire building. The building is served by Concord Water. The Health Department recommends two tables with a total of six seats with monitored water flows and the additional five stools upon receipt of proof showing the water flows to be within 450 gpd. The Board stated that the septic system is nearing its lifespan. Mr. Conoby stated that based on the age of the existing system he would like to see a Title 5 inspection of the current system prior to granting this request based on precedent the Board has used in the past. Mr. Reagor stated that the soils are very good at this site. Mr. McInnis stated that the inspection should be done to make sure that the system is currently functioning properly. Mr. Reagor suggested that a Board of Health agent verify the proper functioning of the system along with the company that has been maintaining the system. The Board questioned whether bathrooms are available to the patrons. Tedeschi's stated that bathrooms are not available to the patrons. The Board asked Tedeschi's to have a hand sanitizer available for their customers. On a motion made by Mr. Conoby seconded by Ms. Bissetta, the Board unanimously voted to allow two tables with a total of 6 seats with the following conditions:

1. Tedeschi's shall provide, on a bi-monthly basis, the water use records for 75 Great Road.
2. Should water use for 75 Great Road exceed an average of 500 gallons per day over a six month period Tedeschi's shall appear before the Board of Health to determine if seats should be retained within the facility.
3. Should water use continue to average 450 gallons per day or below over a six month period Tedeschi's that the Health Director may approve an additional 5 stool seats.
4. An agent of the Board of Health shall witness a function check of the system within six months of the granting of the seating or the property owner shall have an official title 5 inspection performed with six months.

**Beaver Permit's – Town of Concord and Town of Acton**

The Health Department is in receipt of a request from the Highway Department stating that the culvert located at Kingman Road has been blocked by Beavers and has caused flooding of roads and neighboring septic systems. The Health Department has inspected the area and has seen signs of beaver activity. On a motion made by Mr. Oliveri, seconded by Mr. Conoby, the Board unanimously voted to grant an emergency beaver trapping permit to Town of Acton for a period of 10 days.

Joanne Bissetta recused herself for the Town of Concord beaver trapping permit request as she is an employee of the Town of Concord. The Health Department is in receipt of a request for an Extension to the Emergency Beaver Trapping Permit previously granted by the Board of Health to the Town of Concord. This extension has been asked for to alleviate the beaver problem on Nagog Pond. The Board asked the status of beaver trapping season. It was stated that box traps are allowed during trapping season and once the beaver is trapped it still needs to be killed. On a motion made by Mr. Conoby, seconded by Mr. Oliveri, the Board unanimously voted to grant the extension of the beaver trapping permit to the Town of Concord for a period of ten days.

**Variance – 156 Arlington Street**

The Health Department is in receipt of a variance request from Article 11-7.2 for a reduction in the required setback from a BVW to the system, Article 16-6.2.7 for a reduction in the required setback from a BVW in a Zone 3 and 310 CMR 15.405(1)(a) for a reduction in the required setback from a foundation wall for the reconstruction of the failed onsite wastewater system serving the dwelling at 156 Arlington Street. The Health Department has reviewed the plans and finds that construction is constrained by Grassy Pond Brook and that the proposed system is in the only viable location. The water and gas lines will be relocated to accommodate the new system. The applicant has proposed a 2 compartment tank with effluent tee filter and 40 mil poly liner four feet deep between the edge of the system and the foundation wall. Mr. Conoby asked about the elevation of the basement compared to the septic system. Mr. Reagor stated that groundwater levels are currently at their highest and the basement shows no sign of water problems. On a motion made by Mr. Oliveri, seconded by Ms. Bissetta, the Board unanimously

voted to grant a variance from Article 11-7.2, Article 16-6.2.7 and 310 CMR 15.405(1)(a) for the property located at 156 Arlington Street with the following conditions:

1. The system is pumped a minimum of once every two years.
2. The system is built in accordance with a plan stamped by Steven Calichman, RS dated 12/2/2004..

**WR Grace – Continuation of Hearing**

Mr. McInnis called the hearing to order. Mr. McInnis asked if there is a benefit to move this hearing to February. Mr. Reagor stated that Mr. Halley indicated that they will be ready to have the hearing at the January 24<sup>th</sup> hearing. On a motion made by Mr. Conoby, seconded by Mr. Oliveri, the Board unanimously voted to continue the hearing until the first meeting in February at 7:30 PM.

**Other**

Acton Water District – Perchlorate regulations. We have yet to receive anything. Brent will follow up with Water District.

On a motion made by Mr. Oliveri, seconded by Mr. Conoby, the Board unanimously voted to adjourn the meeting at 9:21 p.m.

Respectfully Submitted,



Sheryl Ball, Health Secretary  
Acton Board of Health



William McInnis, Chairman  
Acton Board of Health