

ACTON BOARD OF HEALTH

MINUTES

OCTOBER 7, 1991

MEMBERS PRESENT: Jonathan Bosworth (Chairman)

George Emmons

Gerhard Heinrich

Marilyn Hotch

Doug Miller (Associate)

STAFF PRESENT: Doug Halley (Health Director)

Sheryl Howe

OTHERS PRESENT: Kenneth Dow

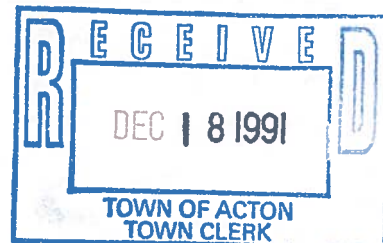
Joe March

Ron Clapp

Weezie Beardsley

David Beardsley

The meeting opened at 7:33 P.M.



**MINUTES:**

On a motion made by Mr. Emmons, seconded by Ms. Hotch, the Board unanimously voted to accept the minutes of September 16, 1991 following corrections.

**481 MAIN STREET & 8 CONCORD ROAD - VARIANCE REQUEST:**

Stamski & McNary, design engineers, seek variances for reconstruction of a septic system for the parsonage located next to the Acton Congregational Church on the corner of 481 Main Street and 8 Concord Road. The percolation rate on site was found to be 51 minutes per inch. The proposed system will be designed with 2,496 square feet of sidewall which does not meet D.E.P. requirements for a lot with a percolation rate over 30 minutes per inch. The lot restrictions and high groundwater make it difficult to redesign a new system. Variances will be needed from 310 CMR 15.02 (13) Volume of Sanitary Sewage, 15.02 (22) Reserve Area, and 15.03 (4)(e)(4) Excessive Percolation Rate.

The Health Department believes that granting these variances is the best possible solution for this particular property. Final approval of these variances will be needed from the State.

On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to grant variances from 310 CMR 15.02 (13), 15.02 (22), and 15.03 (4)(e)(4) to 481 Main Street & 8 Concord Road with the following conditions:

1. The proposed pump chamber and septic tanks shall be capable of providing five (5) days storage capacity or a minimum of 6,000 gallons.

2. A second alarm shall be installed with a float or level switch set in the pump chamber at two inches above the outlet invert.
3. The pump chamber outlet pipe shall be fitted with a manual operating valve or gate that allows the pipe to be sealed thus converting the system into a tight tank, should the replacement leachfield fail.
4. Water saving devices shall be placed in all water use areas. The applicant shall submit semi-annual water records to the Board of Health.
5. The septic tank shall be pumped a minimum of once per year.
6. These approval stipulations shall be placed in the deed of record for this property at the Middlesex Registry of Deeds.

BACKYARD POOLS / 511 NAGOG SQ - HAZARDOUS MATERIALS CONTROL PERMIT:

Mr. Clapp, owner of Backyard Pools, seeks a hazardous materials control permit. The store contains swimming pool related items. Some hazardous materials stored are hydrogen peroxide, chlorides, sulfates, carbonates, bromides, acids and bases. Most materials are stored in the show room with some stored in a storage area. Materials are stored in the original retail containers. Mr. Clapp identifies chemicals and trains anyone who handles them. Mr. Clapp would eventually like to get away from Chlorine related products and replace them with a product called Baquacil.

On a motion made by Mr. Emmons, seconded by Ms. Hotch, the Board unanimously voted to grant a hazardous materials control permit to Backyard Pools, 511 Nagog Square with the following conditions:

1. All boxes within the storage area shall remain, at a minimum, 6" off the floor.
2. A set of procedures for storage and clean-up of chemicals at this site shall be submitted within thirty (30) days of approval of this permit. The procedures shall in particular note incompatible chemicals that must be stored separately.
3. A contingency plan for segregating specific materials and for containing spills shall be submitted within thirty (30) days after approval of this permit.
4. A checklist and location of all materials on-site shall be submitted to the Fire Department.
5. Materials containing hydrochloric acid shall be separated from all other hazardous materials.

BEAN'S INC. / KEY WEST COFFEE & TEAS - PERMANENT FROZEN DESSERT PERMIT:

Bean's was presently before the Board seeking a frozen dessert permit. The Board had granted a two month frozen dessert permit with conditions, commencing on July 8, 1991 and expiring September 8, 1991, in order to determine the extra water usage that the yogurt machine would require. A water meter was installed on the yogurt machine in order to obtain accurate readings. Bean's also was required to submit monthly water readings to the Health Department. This information was submitted and the yogurt machine was

found to use approximately 19 gallons of water per day. The Health Department feels this is within the parameters and recommends that Bean's be granted a permanent frozen dessert permit to be renewed annually. On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to grant an annual frozen dessert permit to Bean's, Inc. d/b/a Key West Coffee and Teas.

**69 GREAT ROAD - SPECIAL PERMIT:**

Elm Associates, Inc., owners of the property located at 69 Great Road seek a special permit for work in an aquifer. Elm Associates would like to expand the existing use of Colonial Spirits to include a bottle recycling center. The Health Department brought this to the Board because of the proposed size of the addition. The existing septic system is in good working order and has the capacity to handle the proposed addition.

On a motion made by Mr. Emmons, seconded by Ms. Hotch, the Board unanimously voted to grant a special permit to Elm Associates, 69 Great Road with the following conditions:

1. The underground fuel storage tank shall be removed at a tank age of 20 years, unless the structure of the tank is sound. Proof of soundness must consist of results of a tightness test which follows the requirements of 527 CMR section 9.13 and must be provided annually to the Board.
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. Floor cleaning procedures for the buildings shall use only nontoxic and biodegradable cleaning compounds.
5. No washing of recycled bottles or cans shall occur on site.

**LOT 15 STONEYMEADE WAY - IRRIGATION WELL VARIANCE:**

Mr. Bellantoni, owner of Lot 15 Stoneymeade seeks a variance for an irrigation well in a public water supply area. The property is in Zone 4 of the town's aquifer and groundwater was found to be at six (6) feet. The Health Department recommends that the proposed well be a bedrock well. On a motion made by Mr. Emmons, seconded by Mr. Heinrich, the Board unanimously voted to grant a variance to allow an irrigation well at Lot 15 Stoneymeade with the following conditions:

1. The proposed well must be a bedrock well.
2. A chemical and bacterial analysis shall be conducted annually 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 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 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.
5. There shall be no cross-connections with any public water supply line.

EXXON - 289 MAIN STREET - VARIANCE TO HAZARDOUS MATERIAL REGULATIONS:

Exxon has requested a variance from the Hazardous Materials regulations 1.3.1 "Abnormal Loss of Material or Waste". The definition of "Abnormal Loss of Material or Waste" means a loss of greater than .05% of the material stored over a period of one calendar month, unless such limit is undetectable in which case the Board of Health shall set the limit. Exxon feels that it would be impossible to operate their retail facilities under those guidelines. Exxon feels that .5% flow through over a thirty day period is more appropriate and would supply adequate protection to the environment. Exxon would like to follow the Massachusetts Fire Code regulations which allows for .5% flow through in a calendar month. The Board discussed this proposal and felt that Exxon needs to gather more specific information to support their request. On a motion made by Mr. Emmons, seconded by Ms. Hotch, the Board unanimously voted to table Exxon's request until more information can be gathered.

On a motion made by Mr. Emmons, seconded by Ms. Hotch, the Board unanimously voted to adjourn at 8:52 P.M.

**NEXT MEETING:**

The next regularly scheduled meeting will be held on October 21, 1991 in Room 126 of the town hall. The following meeting will be held on November 4, 1991.



Respectfully Submitted,

*Sheryl Howe*

Signed and Approved,

*Jonathan Bosworth*  
Jonathan Bosworth, Chairman