

TOWN OF ACTON  
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ACTON BOARD OF HEALTH

MINUTES MARCH 11, 1991

MEMBERS PRESENT: George Emmons (Chairman)

Joseph Glannon

Gerhard Heinrich

Marilyn Hotch

Jonathan Bosworth

STAFF PRESENT: Doug Halley (Health Director)

Rose Erdozaincy

Sheryl Howe

OTHER PRESENT: Joseph Juppi

Kathleen Foley

David Lewter

David Beardsley

MINUTES:

On a motion made by Mr. Bosworth, seconded by Mr. Heinrich, the Board unanimously voted to accept the minutes of January 28, 1991, February 11, 1991 and February 25, 1991.

PROPOSED CHANGE TO ACTON RULES AND REGULATION 11:

The Health Department has recommended proposed changes to regulation 11. The Board reviewed the proposal and discussed possible changes. Mr. Halley used the figures that the Board has used in the past for granting variances and created a chart for the Board to review.

The Board discussed possible adoption of this chart as a policy not a regulation. The Board stated that they like to see each individual variance request come before the Board.

PHOTO PLUS VIDEO - HAZARDOUS MATERIAL PERMIT APPLICATION:

The owner of Photo Plus Video, Joseph Juppi, seeks a hazardous materials control permit. The Health Department has conducted an inspection of the property. The primary business is the retail sale of photo and video equipment and the processing of film. The hazardous chemicals stored on site are developing replenishers, fixers and bleachers. These chemicals are stored in original containers until needed. The processing tanks on site are made of high impact anti-corrosive material. Used chemicals are placed in a silver recovery unit to reclaim any silver lost. The

de-silvered chemicals are pumped into four (4) fifty five (55) gallon drums. Once these drums are full they are removed by a licensed hazardous material remover. Mr. Juppi has written a detailed booklet on spill prevention and passes this out to all employees. Overall this facility is well maintained.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a hazardous material permit to Photo Plus Video, 100 Powdermill Plaza with the following conditions:

1. All 55 gallon drums for de-silvered chemicals shall be placed in a secondary containment area which is capable of holding 110% of all stored materials.
2. Emergency procedures on controlling any type of spill within the facility shall be written and submitted to the Health Department for approval prior to the final issuance of this permit. A copy of the approved emergency procedures must be posted in clear view of all employees.
3. Employees shall wear protective equipment, including goggles, gloves and aprons, when mixing or using hazardous materials.
4. Copies of all invoices for all hazardous materials received or disposed of must be submitted to the Board of Health.
5. The person in charge of operations at this facility must be present when de-silvered chemicals are pumped into the 55 gallon drums or Photo Plus Video must show the Board that any and all employees are capable of handling a hazardous spill or leak during this process.

6. The appropriate amount of Speedy Dry shall be placed in the area of the mini-lab to enable the facility to contain any spills that may occur in this area.

THE DAILY GRIND - HEARING:

On March 5, 1991, the Health Department, conducted a routine inspection of the Daily Grind, 344 Great Road. During the inspection, conducted by Rose Erdozaincy, it was noted that raw muffin dough is being cooked on site. The Health Department noted that in accordance with State Regulations, this is food preparation. In May of 1990, the Daily Grind came before the Board and obtained a variance for a twelve seat gourmet coffee and tea products store whose primary business is over the counter sales of bulk coffee for take-out. The Board's reasoning in granting this variance was based on the measures taken to reduce water flow from this site. The proposed discharge flow, under Title 5 would exceed the maximum amount of allowed water flow by 350 gallons per day for this type of use. Eight conditions were placed by the Board in order for this type of store to be utilized at this site. Condition number three (3) stated that all food items offered for sale by applicant will be prepared off-site, thereby eliminating significant water usage associated with on-site preparation of food.

The Health Department has brought the Daily Grind to the Board regarding the interpretation of approval that was previously granted in May 1990. The Daily Grind, represented by attorney Kathleen Foley, stated that the Daily Grind did not interpret cooking dough for muffins as food

preparation. The Daily Grind buys frozen dough already prepared and cooks muffins in tins on site. The Daily Grind also heats homemade soup prepared off-site in crock pots located on site.

The question was asked as to what point the water flow would be critical and stress the system. The Health Department recommends the installation of a water meter on site at the Daily Grind so actual water readings from that site can be seen.

Originally, before this mall was constructed the soils that were tested for the capability of a sewage disposal system were stripped and pushed in a large pile. The Board of Health placed conditions on the owner that because some of the tested soils were pushed away no food establishment facilities would be allowed at this site.

The major problems at this site are the interpretation as to what food preparation is. The State definition is making raw product edible. The Daily Grind feels that what they are doing on site falls within the scope of the variance that the Board of Health previously granted.

That Board feels that more information should be presented before the final vote.

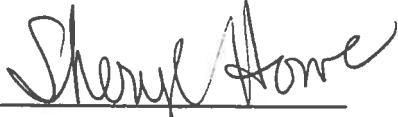
On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to table this request until the next meeting.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to adjourn at 10:00 PM.

**NEXT MEETING:**

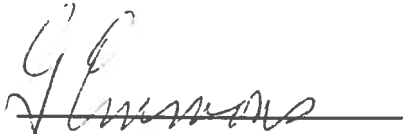
The next regularly scheduled meeting will be held on April 8, 1991 at 7:30 P.M. in the Town Hall. The following meeting will be held on April 22, 1991.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sheryl Howe". The signature is written in dark ink and is positioned above a horizontal line.

Sheryl Howe, Secretary

Signed and Approved,

A handwritten signature in cursive script that reads "George Emmons". The signature is written in dark ink and is positioned above a horizontal line.

George Emmons, Chairman