

ACTON BOARD OF HEALTH

MEETING MARCH 25, 1991

MEMBERS PRESENT: George Emmons (Chairman)  
Joseph Glannon  
Gerhard Heinrich  
Jonathan Bosworth  
Doug Miller (Associate)

STAFF PRESENT: Doug Halley (Health Director)  
Sheryl Howe

OTHERS PRESENT: Robert Greenough  
Jack Dunphy  
Kevin Sweeney  
David Beardsley  
Dave Lewter  
Joe Prendergast  
Kathleen Foley



MINUTES:

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to accept the amended minutes of October 15, 1991.

On a motion made by Mr. Glannon, seconded by Mr. Emmons, the Board unanimously voted to accept the minutes of February 27, 1991.

**OTHER:**

The Board briefly discussed the evaluation of medicare/medicaid. Mr. Halley has reviewed the federal regulations for the nursing service and has submitted an outline for the Board to review.

**ASSABET SAND & GRAVEL - HAZARDOUS MATERIALS CONTROL PERMIT:**

Assabet Sand & Gravel seek a hazardous material permit for 16 Knox Trail, Acton. Assabet Sand & Gravel supplies sand and gravel to the construction industry. The primary hazardous materials stored are repair oils, greases and solvents which are used for maintenance of company trucks. A containment dike was constructed around the hazardous material storage area in 1988. The material is stored on metal racks for easy access. The waste oil tank is equipped with a hose that draws the oil directly from engines to minimize any possible spills. The waste oil is removed by a licensed disposer of hazardous waste. There is also a Safety Kleen parts cleaning machine on site and the solvents are supplied and removed by Safety Kleen. Speedy dry is used to absorb any spills that occur.

On a motion made by Mr. Glannon, seconded by Mr. Heinrich, the Board unanimously voted to grant a hazardous materials storage permit to Assabet Sand & Gravel, 16 Knox Trail with the following conditions:

1. Speedy dry, or its equivalent, must be stored and available for use in all areas where hazardous materials are used or stored. All contaminated Speedy Dry, or its equivalent, must be disposed of properly through a licensed hazardous material handler.
2. Copies of all invoices for any hazardous materials received or disposed of shall be submitted to the Health Department annually upon renewal of the hazardous materials storage permit.
3. Emergency procedures, or a contingency plan, should a spill occur, must be submitted to the Health Department within 30 days after approval of the hazardous materials storage permit. The emergency procedures shall be posted in clear view of all employees in any room where hazardous materials are stored or used.
4. Any area where hazardous materials are either stored or used must have secondary containment. Such secondary containment shall meet the specifications of the Health Department.

**LOT 7, 12, 14 & 15A MACLEOD LANE - SPECIAL PERMITS AND VARIANCES:**

Mr. Sweeney, represented by Mr. Dunphy of Acton Survey & Engineering, seeks special permits for Lot 7, 12, 14 & 15A MacLeod Lane for work in an aquifer. In addition, lots 7 and 14A seek variances to Acton Regulations.

All systems have been designed to the worst percolation rate on site. The perc rates on these four lots ranged from 2-25 minutes per inch. The systems that could not meet six feet or more to groundwater were designed with pressure dosing of the system. All lots are approximately one mile to the nearest municipal well. Lot 7 also needs a variance to Acton Regulation 11-15.10. The requirement of 12 feet spacing in between each leaching trench cannot be met if the 100 feet minimum distance to the wetlands is required. On a motion made by Mr. Heinrich, seconded by Mr. Glannon, the Board unanimously voted to grant a variance from 11-15.10 to Lot 7 MacLeod Lane for the system to be designed in accordance with the plan designed by Acton Survey and Engineering.

Lot 14A needs a variance to 11-15.1, Excessive percolation rate. Within 15 feet from the proposed septic system a percolation rate of twenty-five minutes per inch was observed.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a variance to 11-15.1 to Lot 14A MacLeod Lane to allow construction of a septic system in soils with an excessive percolation rate in accordance with the plans submitted by Acton Survey & Engineering dated March 13, 1991.

On a motion made Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to grant a special permit to Lot 15A MacLeod Lane with the following conditions:

1. No underground fuel storage tanks shall be permitted on the site.
2. Septic tank shall be pumped a minimum of once every two years.

3. The site shall fully conform to the town of Acton hazardous materials control bylaw.
4. The sewage disposal system for the proposed buildings at this site shall be approved by Acton Board of Health staff.
5. Sewage disposal system shall be a minimum 100 feet from flood plain and/or wetlands.
6. Floor drains are not permitted.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to grant a special permit to Lot 7 MacLeod Lane with the following conditions:

1. No underground fuel storage tanks shall be permitted on the site.
2. Septic tank shall be pumped a minimum of once every two years.
3. The site shall fully conform to the Town of Acton Hazardous Materials Control Bylaw.
4. The sewage disposal system for the proposed buildings 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. Sewage disposal system shall be a minimum 100 feet from flood plain and/or wetlands.
7. Floor drains are not permitted.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to grant a special permit to Lot 11 MacLeod Lane with the following conditions:

1. No underground fuel storage tanks shall be permitted on the site.

2. Septic tank shall be pumped a minimum of once every two years.
3. The site shall fully conform to the Town of Acton Hazardous Materials Control Bylaw.
4. The sewage disposal system for the proposed buildings 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 or a minimum of six foot separation shall be provided between the bottom of the septic system and the groundwater.
6. Sewage disposal system shall be a minimum 100 feet from flood plain and/or wetlands.
7. Floor drains are not permitted.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to grant a special permit to Lot 14A MacLeod Lane with the following conditions:

1. No underground fuel storage tanks shall be permitted on the site.
2. Septic tank shall be pumped a minimum of once every two years.
3. The site shall fully conform to the Town of Acton Hazardous Materials Control Bylaw.
4. The sewage disposal system for the proposed buildings at this site shall be approved by Acton Board of Health staff.
5. Sewage disposal system shall be a minimum 100 feet from flood plain and/or wetlands.
6. Floor drains are not permitted.

DAILY GRIND - SECOND HEARING:

The Daily Grind is present tonight for a second hearing. At the previous meeting this issue was tabled so more information could be gathered. The Health Department reviewed all pertinent information dating back to 1983. The original proposal of the mall caused concern because with the soils on the site, which had been observed and recorded with a four minute per inch percolation rate were removed prior to septic plan approval. At that time the Board of Health determined that no "Wet" uses would be allowed on site. In 1986, Palate's Delite requested that the Board allow them to have a gourmet coffee and tea shop. The Board allowed Palate's Delite to brew and serve coffee with limited food preparation on site (the cutting of cheese). The Daily Grind when they approached the Board last year developed a proposal which gained the Board's approval. The Daily Grind stated verbally and in writing that no food preparation would be done on site and water usage would be kept at a minimum. As noted at the previous meeting the Daily Grind was found to be preparing muffins and serving hot soups. The concerns the Board has with this is that no food preparation is allowed and the water usage involved with doing food preparation could prove excessive. The Daily Grind stated that approximately 70% of the water goes out the door in coffee cups rather than in the septic system. The existing water use from this site is 1,900 gallons per day and the maximum is 2,100 gallons per day.

On a motion made by Mr. Glannon, seconded by Mr. Heinrich, the Board unanimously voted to affirm that the current variance that the Daily Grind is operating under does not authorize the two instances of food preparation (soups & muffins) currently be utilized on site.

On a motion made by Mr. Emmons, seconded by Mr. Bosworth, the Board made a motion to allow the continuation of the existing operation with no further changes in food preparation techniques, (i.e. muffins prepared from frozen dough, thawed, and cooked on site, pans may be washed, soups can be reheated, cookies can be prepared from frozen dough, thawed, and cooked on site, and par-baked croissants can be reheated). Any other uses or changes must be approved by the Board of Health. The board shall be notified so it may consider any other activities associated with sales of prepared foods over the counter. A meter shall be placed on the coffee machine in order to monitor the quantity of water used in preparation. The conditions are for the present tenant only, not automatically transferable, and these conditions are proposed because present water usage does not indicate any stressing of present system or full utilization as indicated in percent of capability currently in use.

The vote was 2 against to 2 for. The motion failed.

The Daily Grind would like to appeal this decision and requests thirty days (30) in order to gather material. The Daily Grind would also like to continue the limited food preparation until the appeal can be heard on May 6, 1991.

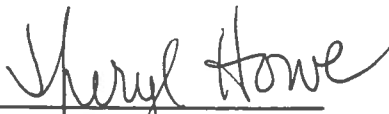
On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to adjourn at 11:05 P.M.

**NEXT MEETING:**

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



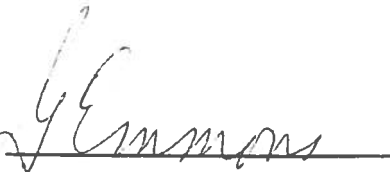
Respectfully Submitted,



---

Sheryl Howe, Secretary

Signed and Approved,



---

George Emmons, Chairman