

ACTON BOARD OF HEALTH

MINUTES OF MEETING

MAY 21, 1990

MEMBERS PRESENT: Joseph Glannon (Chairman)
George Emmons
Gerhard Heinrich
Marilyn Hotch
Jonathan Bosworth

STAFF PRESENT: Doug Halley (Health Director)
Steven Ward
Sheryl Howe

OTHERS PRESENT: Lisa Whittemore
Shirley Lynch
Calista Hollyer
Laura Hayes
Neal Grolnic
John Lentine
James Johnson
Dana Sawyer



The meeting opened at 7:34 P.M.

MINUTES:

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to accept the minutes of March 19, 1990.

On a motion made by Mr. Bosworth, seconded by Mr. Heinrich, the Board unanimously voted to accept the minutes of April 30, 1990.

AIRCO - 37 LAWSBROOK ROAD - SPECIAL PERMIT FOR WORK IN AN AQUIFER:

Airco located at 37 Lawsbrook Road seeks a special permit for work in an aquifer. The proposed work area is in Zone 3. During a site inspection made by the State (D.E.P.) an investigation of the septic tank showed some V.O.C. contamination of the septage. D.E.P. has ordered Airco to replace the existing septic system. The existing septic tank will be removed in accordance with D.E.P.

On a motion made by Mr. Emmons, seconded by Mr. Bosworth, the Board unanimously voted to grant this special permit for work in an aquifer to Airco, 37 Lawsbrook Road with the following conditions:

1. This permit is limited to replacement of the septic system and is not intended for any other activities on site.
2. No materials shall be discharged into the septic system other than sanitary waste.
3. No industrial waste shall be discharged into the septic system.
4. No underground fuel storage tanks shall be permitted on the site.
5. Septic tank shall be pumped a minimum of once every year, with the effluent being tested yearly for V.O.C. levels with the results submitted to the Board of Health.

6. The site shall fully conform to the Town of Acton Hazardous Materials Control Bylaw.
7. The sewage disposal system for the proposed building at this site shall be approved by Acton Board of Health staff.
8. 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.
9. Floor cleaning procedures for the buildings shall use only nontoxic and biodegradable cleaning compounds.
10. Sewage disposal system shall be a minimum of 100 feet from flood plain and/or wetlands.
11. Floor drains are not permitted.
12. An investigation shall be conducted to determine the sources of Volatile Organic Compounds and Metals in the septic tank sludges from the previous septic system. Means of preventing such discharges to the replacement septic system shall be instituted in conjunction with an the on-site educational program mandated by D.E.P. for all employees prior to certificate of compliance being issued.
13. A report of the results from the aforementioned investigation shall be submitted to the Health Department prior to a certificate of compliance being issued for the proposed septic system.

FOUR MASSAGE PRACTITIONER APPLICATIONS & MASSAGE ESTABLISHMENT APPLICATION:

Laura Hayes, Lisa Whittemore, Shirley Lynch, and Calista Hollyer seek massage practitioner permits for work in Acton. Laura Hayes seeks a massage establishment permit for an establishment located at 42 Davis Road, Suite #2 - Laura Hay's private office. Lisa Whittemore, Shirley Lynch and

Calista Hollyer seek a massage establishment permit for an establishment located at 42 Davis Road - Muscular Therapy Associates.

The Board discussed Laura Hayes application first. The Health Department received excellent recommendations and Ms. Hayes has met all necessary credentials. However, the type of body work that Ms. Hayes performs is not regulated under Board of Health rules and regulations. Ms. Hayes works with balancing energy and structure in the body. This type of procedure is not presently addressed or approved by the American Massage Therapy Association. A bill is presently before the State legislator which may regulate all types of "body works" and massage comprehensively. The Health Department feels at this time that Ms. Hayes' application should be tabled pending proposed regulations by the Board of Health.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board voted to table Lisa Hayes' application as recommended by the Health Department for a massage practitioner until the proposed massage regulations have been adopted by the Board; on the basis that Ms. Hayes does not fall under the existing regulation. The vote was four to one with Mr. Glannon casting the opposing vote.

The Board then moved on to the applications of Calista Hollyers, Lisa Whittemore's and Shirley Lynch's. The Health Department recommends approval, however, certificates or diploma's from their schools of massage need to be submitted. All references were checked out and each applicant received glowing recommendations. All applicants schools are licensed by the Massage Therapy Association. Each of the three applicants will practice different types of massage at different hours in the same location.

On a motion made by Ms. Hotch, seconded by Mr. Emmons, the Board unanimously approved to grant a massage practitioner permit to Calista Hollyer, Lisa Whittemore, and Shirley Lynch for the practice of massage in Acton.

Calista Hollyer, Lisa Whittemore and Shirley Lynch also seek a massage establishment permit for 42 Davis Road, Acton - Massage Therapy Associates. The Board discussed whether or not the establishment will meet the proposed regulations when they are adopted. The Board stated that the massage establishment permit should be granted at this time in anticipation of implementation and enforcement of the proposed massage regulations.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to grant a massage establishment permit to 42 Davis Road - Massage Therapy Associates.

REX LUMBER - 840 MAIN ST. - HAZARDOUS MATERIALS CONTROL PERMIT APPLICATION:

Rex Lumber seeks a hazardous materials control permit. The Health Department has inspected and has found everything to be satisfactory with the exception of the contingency plan which will have to be brought up to the standards as required by the Health Department. The containment dike is made of plastic which Rex Lumber feels is better than the concrete. None of the chemicals will react with the plastic and the dike is double thick and can not be moved without excessive effort. The Health Department recommends this hazardous material permit with the condition that the contingency plan be changed to address the questions that they asked in a memo by the Health Department of May 16, 1990 from a representative of Interact. Interact who was represented at the meeting stated that there would be no problem in changing the contingency plan.

On a motion made by Mr. Emmons, seconded by Ms. Hotch, the Board unanimously voted to grant this Hazardous Materials Permit to Rex Lumber, 840 Main Street with the following conditions:

1. The site must remain in compliance with Acton's Hazardous Material Control Bylaw at all times.
2. Any change of use, type or significant change in quantity of hazardous materials will require a new permit from the Board of Health.
3. All Hazardous Materials on site shall be stored in secondary containment areas with the ability to hold 110% of the material contained within.
4. Secondary containment areas shall be permanent and be sufficiently immobilized to prevent any accidental spills.
5. Only hazardous materials which do not react with plastic or the substances making up the proposed containers shall be stored in the containers.
6. That the contingency plan be completed as per the specifications of the Health Department.

6 ELM COURT - SPECIAL PERMIT FOR WORK IN AN AQUIFER:

The owners of the property at 6 Elm Court seek a special permit for work in an aquifer. The proposed system is to be pressure dosed and is approximately one mile from the nearest well. The Health Department recommends approval of this special permit.

On a motion made by Mr. Emmons, seconded by Ms. Hotch, the Board unanimously voted to grant this special permit for work in an aquifer to 6 Elm Court 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. Floor cleaning procedures for the building 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.

1 REVOLUTIONARY ROAD - VARIANCE:

The owners of the property seek a variance to breakout regulations from Title 5, 310 CMR 15:12 to allow installation of an impervious barrier. The existing septic system is built on a slope, therefore requiring an impervious barrier. The proposed plan meets all other criteria of the State Environmental Code. The State issued a policy 87-1 placing conditions on what they will approve concerning impervious barriers.

On a motion made by Mr. Emmons, seconded by Mr. Bosworth, the Board unanimously voted to grant a variance from 310 CMR 15.12 to allow installation of an impervious barrier at 1 Revolutionary Road.

15 HORSESHOE - WELL VARIANCE - TABLED FROM 5-14-90:

The owner of the property located at 15 Horseshoe Drive seeks a variance for an irrigation well. The proposed well must be located at a minimum of 100 feet from the new septic system located at 127 Concord Road. The well is to be a bedrock well. The Board discussed possible adverse effects of allowing numerous wells to be drilled in Acton for irrigation purposes. The Board's main concern is the impact on the Town's water supply. The Board discussed placing limitations on irrigation wells in the future. On a motion made by Mr. Emmons, seconded by Mr. Bosworth, the Board unanimously voted to grant this variance to 15 Horseshoe Drive to allow an installation of an irrigation well with the following conditions:

1. That the well be at least 100 feet from all existing septic systems and also from the proposed septic system located at 127 Concord Road.
2. That the well be a bedrock well.
3. That the well be tested as per the specifications of the Acton Regulations.
4. That there be no cross connections to the regular water service to this address.

During discussion the Board discussed the language of a policy that the Board wishes to impose concerning future well variances. The Board also discussed formulation of a policy concerning future well variances.

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously voted to adjourn at 10:15 P.M.

NEXT MEETING:

The next regularly scheduled meeting will be held on June 11, 1990 at 7:30 in Room 121 of the Town Hall. The following meeting will be held on June 25, 1990 in Room 126 of the Town Hall.

Respectfully Submitted,

Sheryl Howe

Sheryl Howe, Secretary

Signed and Approved,

Joseph Glannon

Joseph Glannon, Chairman