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DATE Sept 29, 1987

Barbara Brown  
TOWN CLERK, ACTON

ACTON BOARD OF HEALTH  
MINUTES OF MEETING  
AUGUST 4, 1987

Board members present were Daniel Costello, Chairman, Richard Stephens, Charlotte Sagoff, Richard Oakley and Associate Member Cam Amos.

Staff present were Doug Halley, Director, and Carol Holley, clerk.

Observing was Brian Lafferty.

7:36 p.m. After review and comment, Mr. Oakley moved that the minutes of the previous meeting be accepted as amended. Mrs. Sagoff seconded. All in favor.

7:44 p.m. Variance Request for 7 Robinwood Road for use of family room as in-law suite. Mr. Jerinic, the property owner, stated that he wished to add this room as a 5th bedroom for his mother. He related to the Board that Mr. Wirtanen had told him he met state standards, but had a little less than met Acton requirements. He noted that the soils were excellent, and stated that his family was growing up and on the way out. He noted that the septic system's deficiencies were less than 10% short of what Acton required. Mr. Stephens asked about legal procedures regarding similar temporary variances. Mr. Halley said that statements could be recorded in the Registry of Deeds. Mr. Stephens moved to grant a variance to Acton's Article 11-15 for septic tank capacity and leaching area to allow a fifth bedroom to be in use at 7 Robinwood Road, with a 1,200 gallon septic tank instead of a 1250 gallon tank, and with 912 square feet of leaching area instead of 1000 square feet. This variance is to be temporary only as long as Mr. Jerinic's mother occupies said bedroom. Mrs. Sagoff seconded. All voted in favor.

7:50 p.m. Harvard Court Apartments, request for variance and declaration of emergency. Upon query by Mr. Costello, it was learned that staff had not visited the site recently to confirm that the septic system was still breaking out. It was also noted that a final, approvable plan had not yet been obtained. Mr. Costello emphasized his position that to declare an emergency when specific evidence of clear and present health hazard was not at hand was an unwise action. He noted that Mr. Murphy, the property owner, should be notified that if an emergency is declared and construction proceeds without prior DEQE approval, DEQE can later deny any variances and force dismantling of the repair system. Mr. Halley questioned the likelihood of these circumstances. After further discussion on procedure, this matter was referred to Mr. Halley for further action on the staff level.

8:01 p.m. Payless Cashways. Request for Special Permit, 976 Main St.

Mr. Costello observed the lack of an emergency response plan in the Board's packet for the evening. Mrs. Sagoff emphasized that this plan needs to be site specific and not generic in nature, and asked if the firm that Payless Cashways had contracted to draw up the plan were going to look over the property to see what was involved with this particular site, to ensure it is properly taken care of. She noted that the Board could not possibly pass a generic plan. Payless Cashways replied that he would have to go back to

his contractor to make the plan site-specific, stating that the plan was generic in nature due to his lack of understanding in how a hazardous materials management program and control program should be designed. Mrs. Sagoff asked that any reports be submitted with lead time adequate for proper Board of Health review.

Mr. Stephens stated that he was concerned as the plan did not now state which product to use with which hazardous material. Mr. Stamski replied that this aspect of the program is what the personnel training program would be about, which materials to use when. Mr. Stamski stated that this contractor offered to provide the materials and provide the training. Mr. Stephens expressed concern that when there is a spill, someone would have to read the papers and think about the material to use, and agreed that someone from the contractor's staff needs to talk to Payless Cashways about what is special about this site and to decide what is most dangerous to the water and the best way to clean it up, should there be a spill.

Payless Cashways stated that their attempt to get a management report together was not adequate. They stated they are 13 months, at least, from being able to open the doors.

Mr. Stephens noted that the hiring of professionals to deal with the storage and giving some thought to the location of storage of specific materials had been to some degree done, and he was comfortable with putting off a detailed plan until later, but he did feel that more discussion with the contractor prior to construction of the building needed to be done. The exact scope and materials involved needed to be dealt with.

Payless Cashways noted that training would have to be done prior to the facility's being completed. They also noted that even a site-specific plan will probably need some modifications.

Mr. Stephens related the history of EIR's, and how consulting firms became so wrapped up in format that they lost track of the real reason for the EIR. He stated that he was interested in content, not formalities.

Payless Cashways felt that their intent was establishing compatibility with and membership in the Acton community. They asked if submission of a specific plan could be a condition of approval. Mr. Stephens replied that a very specific plan could wait, in his judgment, until 60 days prior to opening the door. What is needed now is the overall approach to the building that assures that these materials under the worst case conditions could be containable. The specific materials need to be evaluated. What has not been established is whether or not the building can be controlled. This planning process was what would uncover all the problems.

Mr. Costello asked how much material would be on site that could be considered hazardous. Payless Cashways replied that the bulk of the material would not be hazardous. Mr. Stephens asked if the paint and liquid inventory were over 1,000 gallons. Mr. Stephens surmised that it probably was. Payless Cashways could not specifically state.

Mr. Costello related that on other sites curbed containment areas had been required. Mr. Stephens referred to the problems now faced at Seabrook, where

a great deal of invested money was going to waste for lack of proper emergency considerations prior to construction.

Upon query by Mr. Oakley, Payless Cashways stated that there would be no recycling of materials on the site.

Mr. Stephens inquired about garden supplies, such as herbicides and pesticides, relating that Acton standards for organic solvents are about one jigger per 1,000 gallons. Pesticides are even lower in permissible ppb's. Mr. Stephens noted that, when looking at the site, the Board is absolutely serious about zero discharge.

Mr. Costello stated that the plan has to include procedures for handling broken bags in the parking lot, etc.

Attorney Lou Levine questioned the Board of Health's expertise on this matter. He also stated that the Board would have final power. Mrs. Sagoff noted that it is the Board's responsibility to do this. Mr. Stephens noted that Attorney Levine asked to retain a consultant to review the plan, and emphasized that this consultant would have to be a disinterested party. Otherwise, Mr. Stephens had no problems with the hiring of an independent consultant for technical review. He also emphasized that the nomenclature "consultant" did not guarantee competence.

Mr. Stamksi suggested that Payless Cashway's consultant and the Board of Health work together to establish a plan, if it was agreed that this procedure was a good idea.

Regarding other issues, Mr. Stephens noted that he had some problems with the hydrogeological study and travel time calculations. He felt a certain travel time submitted by GZA was not to the well to which the groundwater was actually flowing.

Mr. Costello asked if Payless Cashways was before the Board to request a special permit. Mr. Stamski replied in the affirmative. Mr. Stephens started to draft conditions for issuance of a permit, and then asked about construction timing and occupancy timing. Payless Cashways stated that occupancy would not happen until mid-1988, with a 7-8 month construction schedule. Mr. Stamski stated that, realistically, it would not be occupied before June 1988, and Payless Cashways stated that occupancy probably would not occur until about August, 1988.

Mr. Costello asked about feasibility of installing monitor wells for base line establishment 9 months before occupancy. Mr. Stamski agreed they could be installed before November, 1987.

Regarding condition #3, the submission of a hazardous waste plan approved by the Board of Health, this would be done prior to construction. Condition #4 was to be installation of monitoring wells at least 9 months before construction. Mr. Stamski clarified that prior to construction, the conceptual hazardous materials plan needs to be submitted. The detailed plan is to be submitted prior to occupancy.

The conditions for special permit were then read off by Mr. Stephens as follows:

1. Submission of a site specific hazardous management plan to the Board of Health 45 days prior to commencement of construction, and approval by the Board of Health prior to construction, with a detailed implementation plan to be submitted 45 days prior to occupancy of the site.

2. Installation of a groundwater monitoring system approved by the Board of Health a minimum of nine months prior to occupancy of the site. The test and monitoring plan is to be approved by Board of Health staff.

3. Site plan and any changes to the site plan must be approved by the Board of Health with respect to groundwater and health effects.

4. No underground storage tanks on the site.

5. The sewage disposal system for the proposed building at this site is to be approved by Acton Board of Health staff.

6. There will be no discharges whatsoever from any portion of this site into the well buffer zone of any public water supply (present or future), the well buffer zone being defined as the zone providing a minimum of one-year travel time to the nearest well in the direction of flow. Should such a discharge be discovered, the owners will take immediate action to eliminate the discharge from such well buffer zone(s) and to clean up whatever damage may have occurred.

7. The pavement will be sealed to eliminate leaching from the pavement with a high density paving grade (Mass DPW asphalt grade Class I M311 Mix type or equivalent).

8. Electrical transformers will contain no oil or will be certified as PCB-free by analysis (zero PCB's).

9. Neither salt nor other snow melting chemicals shall be used at this site, nor will other chemicals be applied to the external grounds without Board of Health approval.

10. All materials not stored within the main retail building will be reviewed by the Board of Health and those which are deemed to be of concern with respect to groundwater or health effects must be stored indoors.

11. No floor drains are permitted within the buildings, except for those in sanitary facilities.

12. The septic tank will be pumped a minimum of once each year.

13. The leaching facility is to be designed with a pressure dosing system, said pressure dosing system to be designed in accordance with the State Environmental Code.

14. Floor cleaning procedures for the buildings will use only nontoxic or biodegradable cleaning compounds.

15. The sewage disposal system is a minimum of 100 feet from flood plain and/or wetlands.

Mr. Stephens moved that a special permit be granted to Payless Cashways for this site, subject to the fifteen conditions previously discussed. Mrs. Sagoff seconded. All voted in favor.

9:11 p.m. Temple Beth Elohim. Discussion of prior Board Action, Discussion of usage of design criteria.

Mr. Halley related that when the street file for the Temple was reviewed for a building permit for an addition, certain design problems were uncovered. He noted that a variance had been granted in 1979, but the minutes of the meeting were in storage. The congregation had requested a Board of Health hearing to confirm their decision of several years ago.

Expansion of the building was discussed in detail, with changes in kitchen design, sanctuary area, and classroom area noted. A chart provided by the architect on space usage was reviewed. Mr. Henry Apfelbaum, of the building committee, related that the current sanctuary doubles as a social hall with folding chairs being necessary for services. The addition was to provide space for a permanent sanctuary with sliding partitions to the current multi-purpose area for "high holy day" services. Classroom and library space are to be added downstairs. Past and projected growth of the congregation were noted.

The design of the septic system in terms of Title 5 and Acton Code were noted. This system is 7 years old, and Mr. Apfelbaum said there had been no problems with the system despite less than ideal maintenance.

Duncan Brown, septic design engineer from Charles Perkins Co., discussed various design criteria, percolation test results, and alternate methods of calculating septic design flow. The addition of two trenches to the current leaching area was proposed. The reserve area was noted to be between the trenches. After further discussion regarding kitchen use and general water usage by religious establishments, Mr. Stephens moved to grant a variance to Article 11 to allow construction in an area which may have a percolation rate of 26 minutes per inch, subject to the condition that the leaching system be expanded as proposed with the addition of two 100' trenches. Mr. Stephens noted that this design is based upon specific data on flow rates. Mr. Oakley seconded. All voted in favor.

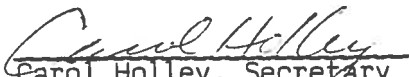
10:00 p.m. The Board of Health directed staff to write DEQE to request another Title 5 workshop. Other items on the MAHB newsletter were noted and discussed.

The Board briefly discussed the recent difficulties regarding DEQE's closing Greater Lawrence Sanitary District to out-of-district septage haulers for a trial period. The Board requested staff to explore alternative sites, in particular Greater Blackstone and Wayland Sudbury.


Staffing problems were discussed. Mr. Costello asked Mr. Halley to explore contracting with engineers in the private sector for septic plan review, or contracting with staff sanitarians at Nashoba Associated Boards of Health. The creation of administrative assistant and senior sanitarian positions was suggested by Mr. Stephens as encouragement for applicants.

10:25 p.m. Mrs. Sagoff moved to adjourn. Mr. Oakley seconded. All in favor.

Respectfully submitted,

  
Carol Holley, Secretary

Signed and approved,

  
Daniel Costello, Chairman

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