

TOWN OF ACTON
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ACTON BOARD OF HEALTH

MINUTES

FEBRUARY 8, 1993

MEMBERS PRESENT: Bill McInnis (Chairman)
Cordelia Alfaro
Jonathan Bosworth
Mark Conoby
Peter Vaillancourt (Associate)

STAFF PRESENT: Doug Halley (Health Director)
Sheryl Ball

OTHERS PRESENT: Malcolm Burdine
Robert Young
J. Russell Hodgdon
Brian Lawlor
B. McCain
Peter Kavanagh
Gita Bhatt

The meeting opened at 7:30 P.M.

MINUTES:

On a motion made by Ms. Alfaro, seconded by Mr. Bosworth, the Board unanimously voted to accept the minutes of January 25, 1993.

502 GREAT ROAD - VARIANCE:

Bruce Saluk & Associates requests on behalf of the Hudson National Bank variances from 310 CMR 15.03 Leaching Area, 310 CMR 15.08 Reserve Area and 11-15.1 Acton Leaching Area requirements to allow the construction of a septic system at 502 Great Road, Acton. The site previously had an existing building and septic system until approximately November 1990. The Building Department at that time issued an order letter to the property owner to repair the existing structure or to demolish it. The Hudson National Bank obtained the site thru foreclosure proceedings and chose to demolish the building and the existing septic system was capped with the intention of using it again at a later date. After demolition the bank hired Bruce Saluk & Associates to examine the condition of the existing septic system. The system did not have adequate separation to groundwater and the percolation rate was 34 minutes per inch. The bank stated that since the Building Commissioner ordered the demolition, they have experienced manifest injustice by the acts of the Town. The bank also stated that the owners should have been notified of the potential problems associated with re-building this lot and been given a chance to address it prior to demolition.

The proposed reconstruction of the septic system provides for 4.4 square feet (1,500 square feet of leaching sidewall) of sidewall for every gallon discharged and also to be at least four (4) feet above groundwater. The proposed design meets the standards that the D.E.P has set forth previously.

After hearing all the facts regarding this variance request the Board stated that more documentation should be submitted showing that there is indeed manifest injustice.

On a motion made by Mr. Conoby, seconded by Mr. Bosworth, the Board unanimously voted to table this variance request until February 22, 1993.

GITA BHATT - MASSAGE PRACTITIONER LICENSE REQUEST:

Ms. Bhatt seeks a massage practitioner license in the Town of Acton.

Ms. Bhatt has submitted all necessary documentation to the Health Department. Ms. Bhatt presently proposes to work out of a facility which has been inspected and licensed. There are also three other licensed massage practitioners who presently work out of the same facility. The Health Department based on review of documentation submitted recommends Ms. Bhatt for a massage practitioner license.

On a motion made by Mr. Conoby, seconded by Mr. Bosworth, the Board unanimously voted to grant a massage practitioner license to Gita Bhatt for work in Acton.

KMART - 252 MAIN ST.- HAZARDOUS MATERIALS CONTROL PERMIT APPLICATION:

Kmart was before the Board previously on January 25, 1993. At that time the Health Department was asked to re-inspect the facility to see what and how hazardous materials are stored in the retail area of the store. The first inspection consisted only of an inspection of the automotive repair garage located on site.

The Health Department has inspected the whole facility located at 252 Main Street and recommends Kmart for a hazardous materials control permit.

On a motion made by Mr. Bosworth, seconded by Ms. Alfaro, the Board unanimously voted to grant a hazardous materials control permit to Kmart, 252 Main Street, with the following conditions:

1. All hazardous material and waste shall be stored in containment areas capable of storing 110% of the largest unit volume, stored in the containment area.
2. All Material Safety Data Sheets (M.S.D.S), for each hazardous material, used or sold on site, shall be submitted to the Health Department. They shall also be stored on site, and shall be made available to all employees upon request and reviewed with all employees on a regular basis.

3. A Contingency Plan, including emergency contact telephone numbers (Telephone Numbers of the owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations, shall be submitted by KMart, and updated annually, to the Board of Health, Fire Department, Police Department and Civil Defense.
4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.), should a spill occur, shall be posted in clear view of all employees wherever hazardous materials or wastes are used or stored.
5. All hazardous wastes must be disposed of by a licensed, D.E.P. approved hauler, or be recycled on site.
6. Copies of all invoices or all manifests, for any Hazardous Material or Waste, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Material or Waste containers shall be labelled and dated when filling first began.
8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Material or Waste spill.
9. Rubber gloves, aprons and boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Material or Waste storage or use area.

10. Within thirty (30) days after the issuance of this permit and prior to the next pumping of the septic tank, a sample shall be taken from the septic tank and analyzed for hydrocarbons and volatile organic compounds. This procedure shall be performed annually by a D.E.P. certified testing lab, each time prior to pumping the septic tank. The results of all tests shall be submitted to the Board of Health within thirty (30) days after testing.
11. All floor drains shall be sealed or discharged into a closed system, with the waste disposed of by a D.E.P. approved Hazardous Waste Hauler.
12. No hazardous material or waste shall be discharged into a sink or toilet.
13. A sketch of the retail floor area and storage area, showing locations of all hazardous materials, shall be submitted to the Board, within thirty (30) days after approval of this permit.
14. This facility shall be considered a Small Quantity Generator under the Town's Hazardous Materials Control Bylaw.

1993 PRIORITIES:

The Board reviewed the list of priorities for 1993 that Mr. Halley presented to the Board. The Board discussed the priorities briefly and stated that the list should be brought before the Board as an agenda item again at a future meeting.

OLD BUSINESS:

The Board asked Mr. Halley to write a summary of the tobacco bylaw that will be presented to Town Meeting.

On a motion made by Mr. Conoby, seconded by Ms. Alfaro, the Board unanimously voted to adjourn at 9:37 P.M.

Respectfully Submitted,

Sheryl Ball

Sheryl Ball
Health Secretary

Wm. McInnis

William McInnis
Chairman