

TOWN OF ACTON
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ACTON BOARD OF HEALTH

MINUTES

JANUARY 27, 1992

MEMBERS PRESENT: Jonathan Bosworth (Chairman)

James Barbato

Cordelia Alfaro

Mark Conoby

Bill McInnis (Associate)

STAFF PRESENT: Doug Halley (Health Director)

Rose Erdozaincy

Sheryl Howe (Health Secretary)

OTHERS PRESENT: F.J. Ratta

Louise Bielinki

Lou Bielinki

William Yetman

MINUTES:

On a motion made by Mr. Conoby, seconded by Mr. Barbato, the Board unanimously voted to accept the minutes of January 13, 1992.

40 MOHAWK DRIVE - VARIANCE:

Mr. Paul Overgaag, owner of 40 Mohawk Drive, seeks a variance to allow the reconstruction of his septic system. The existing septic system is in failure. The proposed system cannot meet Title 5's breakout regulation - 310 CMR 15.14 Figure I (Illustration B) due to steep slopes and lack of impervious material, this proposal is the best alternative possible. The Health Department feels that an impervious clay barrier, in all breakout areas, would provide the same degree of environmental protection.

On a motion made by Ms. Alfaro, seconded by Mr. Conoby, the Board unanimously voted to grant a variance to 310 CMR 15.14 Figure I (Illustration B) to 40 Mohawk Drive with the condition that the system be built in accordance with a plan stamped by Brad Leach dated January 7, 1992.

2 BROADVIEW ROAD - VARIANCE:

Mr. Bielinki, owner of 2 Broadview Road, seeks permission to construct a new septic system and extend his existing septic system. The existing septic system is exhibiting signs of failure. The Health Department has received numerous complaints regarding breakout of septage from abutters to the property.

Mr. Ratta, representative for the Bielinki's, stated that at this time the financial hardship on the Bielinki's makes it impossible to replace this system. Mr. Ratta proposes to modify the existing system by extending the

field to increase the leaching area. It is anticipated that this extension will provide the Bielinki's a temporary remedy so that the replacement system can be constructed at a better financial time. The Bielinki's stated that a time period of two years would be an adequate extension. Mr. Ratta also proposes to install observation wells to make monitoring of the system easy.

On a motion made by Mr. Conoby, seconded by Mr. Barbato, the Board unanimously voted to grant a variance from 11-15.1 to Mr. & Mrs. Bielinki of 2 Broadview Road due to the stated hardship subject to the following conditions:

1. The corrective action will be done in two phases. The first phase shall consist of a minimum of 300 square feet of leaching area added onto the existing leaching field.
2. The second phase shall be the construction of a septic system as shown on a plan developed and submitted by Environmental Improvement Resources.
3. During construction of Phase I, the existing leaching field shall be inspected and should it be warranted a hydrogen peroxide treatment shall be done to the existing system.
4. Phase I shall be constructed within thirty (30) days after approval of this variance.
5. Phase II shall be constructed within two (2) years of approval of this variance. This condition of approval shall be re-evaluated by the Board of Health one year after approval of this variance.

6. Should the septic system exhibit signs of failure in any way, prior to the completion of Phase II, such as break-out or back-ups, the owner shall notify the Acton Health Department, and shall pump to correct the problem immediately and/or immediately construct Phase II.
7. This approval is granted to the current owners, of this property (Louis & Louise Bielinki) and shall not be transferable or assignable to any other owner, person or entity. Reconstruction of the system, in accordance with Phase II, must commence within sixty (60) days with any transfer or assignment of any right, title or interest of this property.

MEINEKE MUFFLER - 263 MAIN STREET - HAZARDOUS MATERIALS APPLICATION:

Mr. Yetman, owner of Meineke Muffler, 263 Main Street, seeks a hazardous materials control permit. Their primary business is the removal and replacement of exhaust systems. The building has two (2) 275 gallon heating oil tanks on the property. In the future Mr. Yetman would like to install an additional 275 gallon tank to be used to accept waste oil.

Mr. Yetman proposes to collect the waste oil and use it to heat his building.

During an inspection by the Health Department a floor drain was noticed that needs to be addressed by the Board. The Board recommended that the floor drain be investigated to see if a D.P.W. gas and oil trap or a plumbing oil and grease trap has been installed and if it has not one should be installed in a reasonable amount of time. The Board also recommended that trap covers be placed over the floor drains whenever a car is being serviced that could cause a potential spill of oil and/or gas.

On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to grant a hazardous materials storage permit to Meineke Muffler, 263 Main Street, with the following conditions:

1. Speedy Dry, trap covers, or its equivalent shall be made available wherever unexpected or accidental spills may occur.
2. The owner(s) of Meineke Muffler shall contact the Health Department after installation of the waste oil tank. The tank shall be placed above ground in a 110% containment spill area.
3. Emergency procedures in the event of a spill, shall be placed in the bay work area in full view of all employees.
4. The existing fuel oil storage tanks shall be tested for integrity after twenty years, and every fuel oil storage tanks shall be tested for integrity determination of integrity shall cause the immediate removal of the tanks by a licensed Hazardous Materials Contractor.
5. The floor drain in the bay area shall be permanently sealed or a D.P.W. grease and oil trap shall be installed as per the specifications of the Acton Engineering Department.

87 SCHOOL STREET - VARIANCE REQUEST:

Mr. Murdough, owner of 87 School Street, seeks a variance from 310 CMR 15.14 Figure I for the reconstruction of his septic system. The excessive grades and steep slopes make it impossible to meet Title 5's breakout regulation. The existing cesspool is in failure. Strict application of Title 5 would cause manifest injustice to the homeowner. This request will also require a street cut permit from the Town's Engineering Department.

The over dig for the septic system extends out to the street. The Health Department feels this is the best possible alternative.

On a motion made by Mr. Conoby, seconded by Ms. Alfaro, the Board unanimously voted to grant a variance from 310 CMR 15.14 Figure I, to 87 School Street for the reconstruction of a septic system with the condition that the system be built in accordance with a plan stamped by Brad Leach.

On a motion made by Mr. Barbato, seconded by Mr. Conoby, the Board unanimously voted to adjourn at 9:16 P.M.

NEXT MEETING:

The next regularly scheduled meeting will be held on February 10, 1992 at 7:30 P.M. in the Town Hall. The following meeting will be held on February 24, 1992.

Respectfully Submitted,

Wayne Hove

Signed and Approved,

Jonathan Bosworth
Jonathan Bosworth, Chairman