



ACTON BOARD OF HEALTH

MINUTES

NOVEMBER 26, 1990

MEMBERS PRESENT: George Emmons (Chairman)

Joseph Glannon

Gerhard Heinrich

Marilyn Hotch

Jonathan Bosworth

STAFF PRESENT: Doug Halley (Health Director)

Sheryl Howe

OTHERS PRESENT: John Dunphy

John P. Bellantoni

Elsa Reeves

Charles Reeves

Laura Hays

William Kennaugh

Barbara Whalen

Thomas Whalen

Kathy Stamatelopoulos

Steve Panakis

Kostos Asprogiannis

MINUTES:

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board unanimously accepted the minutes of October 15, 1990.

On a motion made by Ms. Hotch, seconded by Mr. Heinrich, the Board unanimously accepted the minutes of November 5, 1990.

421 GREAT ROAD - VILLAGE ARMS - VARIANCE:

Village Arms, represented by John Dunphy, was present before the Board of Health to obtain variances from State regulation 310 CMR 15.14 Figure I and Acton regulations 11-15.1 and 11-15.10. This issue of the proposed reconstruction of the septic system was previously brought to the Board and discussed in great length. A thorough investigation was done at this site and due to wetlands and other existing uses there are few alternatives.

Due to the conflicts in designing the system D.E.P. was contacted and asked for their opinion. D.E.P. stated that at a minimum they would require a four foot depth to groundwater. The owner has previously installed low flow water fixtures in all apartment units. In order to maintain four feet to groundwater the proposed design will need a variance for minimum size of leaching, to Acton Regulations 11-15.1 which requires two square feet per gallon discharged. In addition the system will be unable to meet breakout requirements as per Title 5.

On a motion made by Mr. Glannon, seconded by Ms. Hotch, the Board unanimously voted to grant variances to Village Arms, 421 Great Road, to

State Regulations 310 CMR 15.14 Figure I - breakout and Acton Regulations

11-15.1 - Minimum size of leaching, and 11-15.10 - Minimum gallons discharged with the following conditions:

1. Prior to construction of the system an additional percolation test and deep test hole shall be conducted to verify that the design meets Title 5 requirements.
2. The concrete retaining wall shall be one foot in width and at least four feet below the finished grade on both sides of the wall and a minimum of two feet into natural soils.
3. Village Arms Trust shall install and certify the placement of water saving devices at all water use locations at the property and shall maintain their usage with certification to the Board annually.
4. Village Arms Trust shall install and certify the placement of a water meter to gauge water usage at the property.
5. Village Arms Trust, upon approval of these variances, shall pay Two Thousand Five hundred and No/100 (\$2,500.00) dollars to the Town of Acton as per the revised draft agreement dated February 1990 and prepared by Louis Levine. No work shall be commenced under the variance until the \$2,500.00 has been paid under the draft agreement.

LAURA HAYS & ELSA REEVES - MASSAGE APPLICATIONS:

Laura Hays and Elsa Reeves seek massage practitioner and massage establishment licenses. Laura Hays was before the Board previously and the Board tabled her request until such a time that the new massage regulations were passed. The Health Department has inspected the establishment and finds all to be in order. Ms. Hays is a registered polarity practitioner.

The Board discussed whether Ms. Hays application falls under the massage regulations. Ms. Hays stated that to be a registered polarity practitioner you must have 460 hours of training. Ms. Hays also stated that she has done many other hours in different types of body work. Acton's massage regulation 2.2b states that an applicant must complete 500 hours of education in a certified massage or muscular therapy school. The Board feels that Ms. Hays has professional commitment and experience and also has the equivalent of more than the required amount of education. On a motion made by Mr. Heinrich, seconded by Ms. Hotch, the Board unanimously voted to grant a massage establishment permit to 42 Davis Road for Laura Hays.

On a motion made by Mr. Glannon, seconded by Ms. Hotch, the Board unanimously voted to grant a variance to Acton Regulations 2.2b regarding educational requirements to Laura Hays for a massage practitioner license.

Elsa Reeves, also applying for a massage establishment and practitioner permit was before the Board for approval of her petition. Elsa Reeves was present at the meeting to answer any possible questions. The Health Department has inspected her facility at 16 Wyndcliff Drive and found all to be satisfactory. Ms. Reeves has exceeded the required amount of hours under regulation 2.2B, however, the school is not certified by American Muscular Therapy Association. The Board feels that Ms. Reeves is also professional and has experienced equivalent to that required by section 2.2. of the Acton Massage Regulations.

On a motion made by Mr. Heinrich, seconded by Ms. Hotch, the Board unanimously voted to grant a variance to 2.2B to issue a massage practitioner license to Elsa Reeves.

On a motion made by Mr. Heinrich, seconded by Ms. Hotch, the Board unanimously voted to grant a massage establishment license to 16 Wyndcliff Drive to Elsa Reeves.

7 EMERSON DRIVE - MOBILE HAZARDOUS MATERIAL PERMIT APPLICATION:

Mr. Kennaugh, owner of Complete Change, Inc., seeks a hazardous material permit for his business located at 7 Emerson Drive. Mr. Kennaugh has purchased a mobile truck to do on-site oil changes at various sites. The Health Department has inspected the vehicle and finds that the storage of hazardous materials within the vehicle is done in an acceptable manner. The Board questioned how oil filters will be disposed of. Mr. Kennaugh stated that they will be thoroughly drained into a pan and disposed of properly. Mr. Kennaugh has one 50 gallon waste oil drum and two 32 gallon drums of oil. D.E.P. has granted Mr. Kennaugh a small generator permit. On a motion made by Ms. Hotch, seconded by Mr. Heinrich, the Board unanimously voted to grant this Hazardous Material Permit for a Mobile Oil Change to Complete Change, Inc., 7 Emerson Drive with the following conditions:

1. Hazardous waste manifests & D.E.P. Generator Registration shall be provided yearly upon renewal of the Hazardous Materials Storage Permit.
2. Emergency Equipment (speedy dry or its equivalent) shall be provided both within the vehicle and on-site where the vehicle is parked overnight. This equipment shall be labeled clearly and be readily accessible.
3. When parked overnight the vehicle shall be a minimum 150' from any open drain or catch basin or any environmentally sensitive areas such as wetlands.

4. Clean-up directions detailing the emergency procedures when a spill occurs shall be displayed in clear view and shall be posted.
5. Applicant must submit to the Health Department an emergency response plan.

ACTION REFINISHING - 63 HARRIS STREET - HAZARDOUS MATERIAL PERMIT

APPLICATION:

The owners of Action Refinishing seek a hazardous material permit for their business located at 63 Harris Street. The Board questioned some of the chemicals used and suggested that the owners seek alternatives if possible. The Board feels that chemicals that are safer to the environment should be used. The Health Department has inspected the facility and found storage of hazardous materials acceptable, however, absorbent material (i.e. speedy dry) must be located on site in case of an accidental spill. The Health Department also feels that septic tank effluent must be tested for any evidence of V.O.C. contamination. After much discussion regarding the frequency of testing it was determined that once annually would be sufficient.

On a motion made Mr. Heinrich, seconded by Ms. Hotch, the Board unanimously voted to grant a hazardous materials permit to Action Refinishing, 63 Harris Street with the following conditions:

1. Owner shall provide absorbent material in all areas where hazardous materials are stored or used.
2. Owner shall provide an on-going educational process on hazardous materials for all employees.

3. A contingency plan shall be submitted outlining all actions that will be taken should a spill occur on site.
4. The septic tank effluent shall be tested yearly by a Laboratory licensed by the State for any evidence of V.O.C. contamination and such a report shall be submitted to the Board of Health. The first test shall take place within four (4) weeks of this date.

251-257 MAIN STREET - VARIANCE

The Health Department has received two requests from two separate food service operators, for a strictly take out pizza and sub shop with no seating located at 251-257 Main Street (Next to the Health Stop). A variance from Acton Rules and Regulations 11-15.1 - Minimum Leaching is needed. The existing septic system for the proposed use is presently shared by the Acton Bowldrome and Health Stop.

The current flow based on water meter charts is 750 gallons per day from the Health Stop and Bowldrome. The flow for a take-out restaurant would be 150 gallons per day. Under Title 5 there is presently enough flow to accommodate a take-out restaurant (150 gallons per day). The Board feels that as a safety measure the water meter readings for the proposed use and existing uses should be submitted to the Health Department every six months. The Health Department will monitor the readings closely and if the use exceeds 1,000 gallons per day then the leaching will have to be increased.

On a motion made by Ms. Hotch, seconded by Mr. Bosworth, the Board unanimously voted to grant a permit to 251-257 Main Street by granting a variance to 11-15.1 with the following conditions:

1. Semi-annual water records indicating all discharges to the system shall be submitted for review and approval to the Health Department.
2. If in any given period the water flow from all uses exceeds 1,000 gallons per day, on an average, the owner of the property shall take action to either increase the leaching field proportionate to the excess flow or to reduce water usage through water conservation until the flow is below 1,000 gallons per day.
3. These properties shall connect into the proposed Kelly's Corner Sewer Facility as soon as it is available.
4. The proposed restaurant shall install low flow water fixtures.

On a motion made by Mr. Glannon, seconded by Mr. Heinrich, the Board unanimously voted to adjourn at 10:30 P.M.

NEXT MEETING:

The next regularly scheduled meeting will be held on December 3, 1990 at 7:30 P.M. and the following meeting will be held on December 17, 1990.

Respectfully Submitted,

Sheryl Howe
Sheryl Howe, Secretary

Signed and Approved,

George Emmons
George Emmons, Chairman