

MINUTES



ACTON BOARD OF HEALTH

DECEMBER 3, 1990

MEMBERS PRESENT: George Emmons (Chairman)

Joseph Glannon

Gerhard Heinrich

Marilyn Hotch

Jonathan Bosworth

STAFF PRESENT: Doug Halley (Health Director)

Sheryl Howe

OTHERS PRESENT: Doris Apfelbaum

Henry Apfelbaum

Kevin Sweeney

John Dunphy

AMENDMENT OF NOVEMBER 26, 1990 MINUTES:

On a motion made by Mr. Heinrich, seconded by Mr. Bosworth, the Board voted to amend condition four (4) of 421 Great Road - Village Arms - Variance to read as follows:

4. Village Arms Trust shall install and certify the placement of a water meter to gauge water usage at the property and submit the water readings to the Health Department every six months.

All members voted in favor with Mr. Glannon abstaining.

40 ROBBINS STREET - VARIANCE:

The owners of the property located at 40 Robbins Street seek a variance from 310 CMR 15.15 Figure I regarding the installation of a clay barrier in place of slope requirements. As per D.E.P. policy the design of the clay barrier will be four feet below the bottom of stone of the septic system. A variance from Acton Regulations 11-12.2 is also needed because the septic system is less than 75 feet from the wetlands. The proposed repair has been designed to be 50 feet from the wetlands which meets the State regulations but not Acton's regulations.

On a motion made by Mr. Glannon seconded by Mr. Bosworth, the Board voted to grant variances from State Regulations 310 CMR 15.15 Figure I to allow the installation of a clay barrier and Acton Regulations 11-12.2 to allow installation of a septic system 50 feet from wetlands.

TEMPLE BETH ELOHIM - APPROVAL FOR KITCHEN:

The Health Department has received a request from the Temple Beth Elohim regarding the licensing of their existing kitchen facility. The Temple previously appeared before the Board in August of 1987 regarding a proposed expansion. A utility kitchen was not proposed at that time nor was the additional flow into the septic system accounted for. The Temple was granted a variance previously by the Board of Health in 1978 to design the septic system based a percolation rate below 20 minutes per inch and not the existing rate of over 20 minutes per inch. The representatives of the Temple, the Apfelbaums, distributed to the Board members copies of their water meter records. These water records verified that the water use is extremely low and the existing system could accommodate the proposed use in the utility kitchen. The proposed use of the kitchen will remain the same with the addition of a baker utilizing the kitchen twice weekly to bake breads.

A previous Board of Health granted a variance to the Temple based on the design submittal at that time and in 1987 the system was increased to accomodate the expansion of the building. The Health Department questioned if licensing the kitchen would fall under the previous variance.

On a motion made by Mr. Glannon, seconded by Ms. Hotch, the Board unanimously voted to allow the Temple Beth Elohim to obtain a license for the existing kitchen because the ususage would not exceed the usage authorized by the previous Board or prior approval for expansion.

LOT 5A & 6A MACLEOD LANE - SPECIAL PERMITS:

Mr. Dunphy, representative of the owner of the property, located at Lot 5A & 6A, seeks a special permit for work in an aquifer. For lot 5A there was also a request to allow the expansion area septic system to be 75 feet from the wetlands rather than the 100 feet that the Board typically requires in special permits. It is also proposed that the owners be allowed to use the State Code requirements regarding leaching trenches for Lot 5A. Both lots are approximately one mile to the nearest municipal well. The Board questioned Mr. Dunphy, representative of the owners, to see if the leaching system could be shifted or decreased in area in order to obtain the 100 feet that the Board requires. Mr. Dunphy stated that the distance between the leaching trenches could be reduced from the required twelve feet, however, a variance would have to be granted. The Board discussed the 75 foot distance to wetlands in an aquifer zone at great length and concluded that they would rather give a variance to distance between trenches over distance to wetlands.

On a motion made by Ms. Hotch, seconded by Mr. Glannon, the Board unanimously voted to grant a variance to Lots 5A & 6A MacLeod Lane to allow the use of the State Code requirements for trenches and an exception to Acton Regulations 11-15.10 to use less than the required twelve feet between trenches in order to achieve as close to 800 square feet of leaching as possible.

On a motion made by Ms. Hotch, seconded by Mr. Glannon, the Board unanimously voted to grant special permits to Lot 5A & 6A MacLeod Lane 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 building 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 or a minimum of six foot separation shall occur between groundwater and the bottom of the leaching system.
6. Floor cleaning procedures for the building shall use only nontoxic and biodegradable cleaning compounds.
7. Sewage disposal system shall be a minimum of 100 feet from flood plain and/or wetlands.
8. Floor drains are not permitted.

**150 STRAWBERRY HILL ROAD - VARIANCE:**

The owner, Mr. Norton, of the property at 150 Strawberry Hill Road seeks a variance to allow the two 900 gallon septic tanks that now exist on site to remain during a system upgrade rather than install a new 1,250 gallon tank. The regulations state that the minimum size of the first tank has to be 1,250 gallons. Mr. Norton proposes to increase his leaching system from 920 square feet to 1,000 square feet. The Board of Health in 1987 granted a variance to the owner to allow the retention of an undersized leaching

field and septic tank. The Board conditioned that variance to say that if ownership changed the variance would expire. At this time Mr. Norton would like to resolve this issue. The Health Department would recommend granting this variance with the condition that the septic tank be pumped annually. On a motion made by Mr. Heinrich, seconded by Ms. Hotch, the Board unanimously voted to grant a variance to Acton Regulations 11-4.4 regarding minimum tank size to the property located at 150 Strawberry Hill Road with the following condition:

1. That the two 900 gallon septic tanks be pumped annually and the leaching system is to be increased from 920 square feet to 1000 square feet.

237 CENTRAL STREET - SPECIAL PERMIT FOR WORK IN AN AQUIFER:

The owner of the property located at 237 Central Street seeks a special permit for work in an aquifer. The system has been designed with pressure dosing and is approximately 3,600 feet from the nearest municipal well. This site is located in Zone 3 of the aquifer.

On a motion made by Ms. Hotch, seconded by Mr. Bosworth, the Board unanimously voted to grant a special permit to 237 Central Street 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 building 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 or a minimum of six foot separation shall occur between groundwater and the bottom of the leaching system.
6. Floor cleaning procedures for the building shall use only nontoxic and biodegradable cleaning compounds.
7. Sewage disposal system shall be a minimum of 100 feet from flood plain and/or wetlands.
8. Floor drains are not permitted.

**19 OLDE VILLAGE ROAD - SPECIAL PERMIT FOR WORK IN AQUIFER:**

The owner of the property located at 19 Olde Village Road seeks a special permit for work in an aquifer. The system has been designed with pressure dosing and is approximately 2,000 feet to the proposed Conant II well and approximately 4,000 feet from the existing Conant well. This site is located in Zone 3 of the aquifer.

On a motion made by Mr. Glannon, seconded by Ms. Hotch, the Board unanimously voted to grant a special permit to 19 Olde Village Road 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 building 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 or a minimum of six foot separation shall occur between groundwater and the bottom of the leaching system.
6. Floor cleaning procedures for the building shall use only nontoxic and biodegradable cleaning compounds.
7. Sewage disposal system shall be a minimum of 100 feet from flood plain and/or wetlands.
8. Floor drains are not permitted.

**AIRCO - SPECIAL PERMIT:**

The Board of Health previously issued a special permit to Airco on May 21, 1990 and part of that approval consisted of removal of underground storage tanks. Presently, Airco would like to remove the two existing gas tanks and place them above ground. Airco seeks an amendment to the previous special permit to allow the Acetone tank to remain underground because in the opinion of the Fire Chief this tank is highly flammable and it is not recommended to place it above ground.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to amend the special permit issued on May 21, 1990 as follows:

1. That the acetone tank currently on site be allowed to remain in place on site until a replacement tank is permitted by Board of Health. The approved replacement tank shall be installed no later than June 1, 1991.

2. That the three fuel oil tanks and two diesel oil tanks be pressure tested immediately in accordance with the Town of Acton Hazardous Materials Bylaw and shall be emptied immediately and removed promptly if the tanks fail the test, and if the tanks prove satisfactory then they shall be tested annually. Any future replacement of these tanks should be done above ground, unless the Fire Chief, for safety reasons recommends alternative measures. The two underground gasoline tanks shall be emptied and removed by at least June 1, 1991.

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

NEXT MEETING:

The next regularly scheduled meeting will be held on December 17, 1990 and the following meeting will be held on January 14, 1991.

Respectfully Submitted,

Sheryl Howe

Sheryl Howe, Secretary

Signed and Approved,

George Emmons

George Emmons, Chairman