

**Acton Board of Health**

**Minutes**

**March 14, 2005**

Members Present: William McInnis, Chairman; Mark Conoby, Member; Joanne Bissetta, Member, Roxanne Hunt, Member and Pam Harting-Barrat, Associate.

Staff Present: Doug Halley, Brent Reagor and Sheryl Ball.

Others Present: Gary McNabb, Richard Doherty and Paul McGovern.

The meeting was called to order at 7:35 p.m.

**Minutes**

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to accept the minutes of January 10, 2005 as written.

**Massage Practitioner – Keith Moore**

The Health Department has received an application for a license to practice massage from Keith Moore. Mr. Moore is applying for a massage practitioner license only at this time. Mr. Moore is currently looking for a location to work out of. Mr. Moore has submitted all necessary documentation and the Health Department recommends approval of his request. Mr. Moore was not present for this hearing, however, the Board granted the license based on Health Department recommendation as the Health Department has met with Mr. Moore on numerous occasions. On a motion made by Ms. Hunt, seconded by Ms. Bissetta, the Board unanimously voted to grant a Massage Practitioner License to Keith Moore.

**Variance – 22 Orchard Drive**

The Health Department is in receipt of a variance from 310 CMR 15.284 for Remedial Use of a Microfast 0.5 with the allowed 2' reduction in ESHGW separation and Article 11-9.1 for the use of Title 5 LTAR and Article 11-9.6 for a reduction in the depth of stone from the owners of 22

Orchard Drive. The current system is in failure and the site is restricted by ledge, slope and high groundwater. Mr. Conoby asked about utilizing a two compartment tank. Mr. Reagor stated that they do not make two compartment tanks for Microfast systems. Ms. Harting-Barrat asked if the deck will be removed due to construction of the system. Mr. Doherty who is the homeowner and designer stated that they will be removing the deck and will replace it with a patio. The system will be reduced by approximately 25% by using Title 5 Loading rate. The Health Department recommends approval of this request as the system meets maximum feasible compliance based on lot restrictions.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from 310 CMR 15.284, Article 11-9.1 and Article 11-9.6 to the property located at 22 Orchard Drive with the following conditions:

1. The Microfast shall, at all times, be in compliance with the most recent edition of the MADEP Remedial Use Approval letter.
2. The system shall be constructed in accordance with a plan stamped by Richard Doherty, PE dated 2/1/2005.

#### **Variance – 182 School Street**

The Health Department is in receipt of a request from the owner of 182 School Street for a variance from 310 CMR 15.405(b) for a reduction in the setback from the septic system to a foundation wall. The Health Department has reviewed the plans and has found that construction of the failed system is limited by severe slopes, ledge and site restrictions. The proposed system will be 10' from the foundation. The Health Department recommends approval of this design because in order to meet the 20' setback, a retaining wall would need to be built approximately 8 feet in height. Mr. Conoby asked about the barrier between the two chambers as the system has been designed to be two separate systems because of the slope. Mr. Conoby suggested an additional barrier be constructed between the field and foundation. The water line will be sleeved due to the crossing of the septic lines. Mr. Conoby asked why they were seeking the maximum variance. Mr. Reagor stated that the constraints of the lot require these variances and that a two compartment tank has been added with an effluent tee filter to compensate for the variances.

On a motion made by Ms. Hunt, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance from 310 CMR 15.405(b) to the property located at 182 School Street with the following conditions as amended:

1. The system is pumped at least once every two years.
2. The system is built in accordance with a plan stamped by Scott Hayes, PE dated 1/28/2005.
3. The force main shall be sleeved 10' on each side of the water line crossing.
4. A 40 mil poly barrier shall be installed halfway between the edge of the field and the foundation wall.

#### **Variance – 145 Strawberry Hill Road**

The Health Department is in receipt of a request from the owner of 145 Strawberry Hill Road for a variance from 310 CMR 15.405(1) (e) for a reduction in the distance from the system to the drinking water well and Article 11-9.6 for a reduction of depth of stone. The site is restricted by a significant amount of bedrock and high groundwater with approximately 50% of the system within the 100' well buffer radius. The well is approximately 400 feet deep and is located approximately 75' from the system. Mr. Reagor stated that some possible reasons why the existing system that is 10 years old failed prematurely may be due to the fact that the water softener was being discharged into the septic system and was four feet in the ground without ventilation. The Health Department recommends approval of this request.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from 310 CMR 15.405(1)(e) and Article 11-9.6 to the property located at 145 Strawberry Hill Road with the following conditions:

1. The system is pumped at least once every two years.
2. The property shall, at all times, be in compliance with the testing requirements for private wells, set forth in Article 9 of the Acton Board of Health Regulations.
3. Prior to completion of the Certificate of Compliance, the property shall submit evidence of #2 above.
4. The system shall be constructed in accordance with a plan stamped by Jefferson Perley, PE dated 2/4/2005.

### **Hazardous Materials Control Permit – Squirrel Hill Road**

The Health Department is in receipt of an application from Colonial Acres IV Condominium Association for a Hazardous Materials Control Permit for their facility at 1 Squirrel Hill Road. The Health Department has reviewed the application and conducted a site visit. Mr. McGovern is present to discuss this request. The Board asked the Mr. McGovern what chemicals will be used at the site. Mr. McGovern stated that the system is currently only used by 4 houses and the flow is so light which has not required chemical additives. The site will utilize methanol as needed which is stored in a 55 gallon drum with 110% containment. This site has been looked at by the Fire Department and the room is ventilated and alarms are on the containers. The Board asked if a lesser amount of Methanol could be stored. Mr. Halley stated that at full operation the 55 gallons will be needed. The Board is concerned with the flammability of the methanol. Mr. Halley stated that the Fire Department has inspected the site.

On a motion made by Ms. Bissetta, seconded by Ms. Hunt, the Board unanimously voted to grant a Hazardous Materials Control Permit to 1 Squirrel Hill Road with the following conditions:

1. All hazardous Materials and Wastes shall be stored in a containment area capable of containing 110% of the largest volume stored in the containment area.
2. All Material Safety Data Sheets (MSDS's) for the Hazardous Materials shall be maintained on site. MSDS's shall be reviewed with employees at the time of their employment and on an annual basis thereafter. MSDS must be made available to all employees upon request.
3. A Contingency Plan, including emergency contact numbers (Telephone numbers of owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations shall be submitted 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, DEP, Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees where Hazardous Materials or Wastes are used or stored.
5. All Hazardous Wastes must be disposed of by a Licensed, DEP, approved hauler or be recycled on site.

6. Copies of all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Materials Containers shall be labeled and dated when filling first began.
8. Speedy Dry or its equivalent shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
10. 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.
11. Protective equipment, including chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in the Hazardous Materials or Waste storage or use area.
12. No Hazardous Materials or Wastes shall be discharged into a sink or toilet.
13. A safety eye wash station shall be installed where any Hazardous Materials or Wastes are handled or used.
14. A fire extinguisher, containing an appropriate fire extinguishing agent, shall be placed in the Hazardous Materials Storage area.
15. No food or drink shall be stored or consumed in any area where Hazardous Materials are stored or used.
23. Directions written in two languages, English and second language used two or more employees (when applicable), shall be posted in clear view, listing emergency procedures.
25. Prior to any new chemical or processes being used, the Board of Health shall be notified.
26. The operation of this facility shall be in compliance with all present and future regulations of EPA and DEP at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.
27. All regulated medical wastes shall be disposed of by a Licensed DEP, approved hauler or be recycled on site.

**Continuation of Hearing – Bonica Excavation**

An agreement between Mr. Bonica and the owner of 7 Pinewood Road has been reached. The Health Department recommends that Mr. Bonica be given the time to complete the necessary work as outlined in the agreement. This will allow the Health Department to look at the system as repairs are being made to determine the problems. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously moved to continue the hearing until the first meeting in June.

**Other**

**WWTP - Adams Street Treatment Plant** - Mr. Halley indicated that the public notice for the groundwater permit application to increase the quantity of discharge per day has been placed in the paper and requests for public hearing can be made up to 30 days from March 10, 2005.

**WR Grace** – Mr. Halley stated that W.R. Grace is scheduled for the next meeting and the Board may want to think about the way we want to proceed with the hearing.

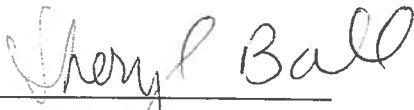
**Legislative Breakfast Forum** – Mr. Reagor indicated that there is a breakfast on March 23, 2005 at the Town Hall from 8:00 – 9:30 AM sponsored by MHOA.

**Nursing Supervisor position** – Mr. Halley indicated that there are two internal applications and he hopes to begin interviewing next week.

**Adjournment**

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,



Sheryl Ball, Health Secretary

Acton Board of Health



William McInnis, Chairman

Acton Board of Health