

**Acton Board of Health**

**Minutes**

**October 2, 2006**

Members Present: William McInnis, Chairman, William Taylor, Vice Chairman and Joanne Bissetta, Members.

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

Others Present: Mary Michelman, Uday Hegde

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

**Minutes**

On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to accept the minutes of September 18, 2006 as amended.

**Variance – 8 Orchard Drive**

The Health Department is in receipt of an application for a variance from 310 CMR 15.284 for a reduction in the depth to groundwater utilizing a Presby Enviro-Septic and Article 11-8.1 for a reduction in the minimum size to the leaching area for the property located at 8 Orchard Drive. The existing septic system is in failure. The site is limited by an almost 10' slope and high groundwater. Mr. McInnis questioned the size of the leaching stating that he has a problem with the smaller leaching area. Mr. Reagor explained that the Presby system is designed for the area that the pipes are covering and if the leaching area were increased it would utilize the same amount of pipes as this system was designed for but the pipes would be placed farther apart and a larger area of sand would be needed. Mr. Reagor stated that the biomat forms only at the sand surface where the pipe meets only. The system has to have a dual vent utilizing the house vent and the lower level vent. The approval of this system requires that the system be inspected once

per year. Mr. McInnis asked what kind of addition is proposed. The system is designed for the house that is currently there with an addition of a garage. The Board asked the Health Department to check on the addition as they wouldn't want it to be habitable space due to the reduction in the size of the system. The plan as designed meets all other applicable rules and regulation and the Health Department recommends approval of this request as additional environmental compensation has been met with the use of the Presby System. On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to grant a variance from 310 CMR 15.284 and Article 11-8.1 to the property located at 8 Orchard Drive with the following condition:

1. The system shall be governed, in perpetuity, by the most recent version of the MADEP Remedial Use Approval issued for the Presby Enviro-Septic.
2. The septic tank is pumped a minimum of once every two years.
3. The system is constructed in accordance with a plan stamped by Steven Calichman, R.S., dated 9/25/2006.

#### **Variance – 28 Mohawk Drive**

The Health Department is in receipt of an application for a variance from 310 CMR 15.405(1)(a) for a reduction in the setback from a leaching area to a foundation wall and Article 11-8.1 for a reduction in the leaching area for the property located at 28 Mohawk Drive. The existing septic system is in failure. The system will need to be placed in the front yard due to ledge in the back yard and the system utilizes Cultec technology in order to provide additional environmental compensation. The addition for this property is a proposed garage. Some mounding of the system is required. In order to achieve the additional 50 sq ft of leaching we would require a variance to the water line or a retaining wall and possibly a property line variance. The plumbing is being re-routed to the front of the property. The system as designed meets all other applicable rules and regulation and the Health Department recommends approval of this request.

On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance from 310 CMR 15.284 and Article 11-8.1 to the property located at 28 Mohawk Drive with the following conditions:

1. The system is built in accordance with a plan stamped by Steven Calichman, RS dated September 8, 2006.

2. The septic tank is pumped a minimum of once every two years.

### **Public Hearing – Close of Irrigation Well Hearing:**

Mr. McInnis summed up the discussion of the last Board of Health meeting to update Dr. Taylor. The Board is seeking to have the Irrigation Well Public Hearing closed and to issue no finding. This is a legal matter and will be re-opened once we have more information. It is currently good until December 25, 2006. The Board will reevaluate the need to extend the administrative hold at their November 6, 2006 meeting. On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to close the private irrigation well public hearing with no finding. It was stated that an Administrative Hold allows the Health Department to hold and not act on any well applications within the 500' area until such a time that the Hold is no longer in place by the Board.

### **Public Comment**

Ms. Michelman asked about the status of the administrative hold and when it will expire. Ms. Michelman expressed her desire to continue with the hold after the December 25, 2006 expiration date.

### **Hazardous Materials Control Permit – Acton Auto Inspectors**

Acton Auto Inspectors of 408 Mass. Ave is seeking a Hazardous Materials Control Permit to perform minor automotive repairs. The facility consists of a two-bay garage (one bay dedicated to inspections and one bay dedicated to repairs. There are two waste oil tanks which provide secondary containment. This business is separate from the gas station on site. A site visit of the facility shows that the area is well organized and neat and has met all the requirements. The Health Department has classified this site as a small haz waste generator, haz mat user and a small haz waste storer. On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously voted to grant a Hazardous Materials Control Permit to Acton Auto Inspectors, 408 Mass. Ave. with the following conditions:

1. All liquid 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.
8. Speedy Dry or its equivalent shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
9. Floor cleaning procedures and bathroom sanitation products shall use only nontoxic and biodegradable cleaning compounds.
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.
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.
18. D.E.P. Generator Registration shall be provided annually upon renewal of the Hazardous Materials Storage Permit.
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.

### **Variance – 17 Marian Road**

The Health Department is in receipt of a request for a variance from Article 9-2.5 for a reduction in the setback from a septic system to a well for the new property located at 17 Marian Road. The well is located approximately 80' from the septic system. This well is approximately 4-500 feet into the ground and will service both the air conditioning and the heat of the home. The original well location was compliant with Article 9 however, that area was inaccessible due to trees and power lines. The well will be utilized as a ground source heat pump and not a drinking water well. The homeowner was present and explained they are asking for this type of well as they are building an energy star plus home commonly called a Leed Home. The homeowner stated that this is a closed loop system. The Board was concerned with the antifreeze that is used within the system and asked that the antifreeze be non-toxic. The Health Department recommends approval of this request.

On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to grant a variance from Article 9-2.5 to the property located at 17 Marian Road with the following conditions:

1. The well shall be restricted to only servicing the ground source heat pump system for the single family dwelling at 17 Marian Road.
2. If, at any time in the future, the house is no longer serviced by the ground source heat pump, the well shall be decommissioned in accordance with applicable local and state regulations.
3. No irrigation system shall be installed, which is not serviced by the Acton Water District.
4. Non toxic antifreeze shall be utilized within the closed loop system. A copy of the MSDS sheet for the antifreeze shall be submitted to the Health Department
5. No submersible well pump shall be installed in the well.

### **Other**

- Mr. Reagor updated the Board regarding the runoff issue on Arlington Street. Mr. Reagor stated on a drive by there was no runoff noted. Mr. Reagor also stated

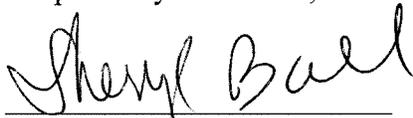
that the Building department is in the process of ordering the property owner to remove the heavy equipment that has been stored on Nashoba Road. Mr. Reagor further stated that a pipe was not observed running into the storm drain at the property located on Oneida Road. The Health Department will re-check the area.

- Mr. McInnis stated that since the Board recently re-organized he would like to set some goals for the upcoming year. He asked the Board to think about some goals that they would like to see implemented which will be scheduled for a future agenda. It was stated that some items that could be discussed would be the bird flu as it can occur at any time of the year and the Board should look at public health outreach including the non English speaking groups.

**Adjournment**

On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously voted to adjourn the Board of Health meeting at 9:00 P.M.

Respectfully Submitted,



Sheryl Ball, Health Secretary

Acton Board of Health



William McInnis, Chairman

Acton Board of Health