



AGENDA

BOARD OF HEALTH

MAY 14, 1990

7:30 P.M. REVIEW MINUTES

7:45 P.M. SETRA SYSTEMS - HAZARDOUS MATERIALS APPLICATION

8:15 P.M. 127 CONCORD RD & 15 HORSESHOE DR. - APPLICATION BY 127 CONCORD ROAD FOR SEWAGE DISPOSAL SYSTEM AND APPLICATION FOR INSTALLATION OF WELL FOR 15 HORSESHOE DR.

8:45 P.M. DAVE BEARDSLEY - FLOW VARIANCE FOR COFFEE SHOP

9:15 P.M. MASSAGE REGULATIONS

ACTON BOARD OF HEALTH

MINUTES OF MEETING

MAY 14, 1990

MEMBERS PRESENT: Joseph Glannon (Chairman)

George Emmons

Marilyn Hotch

Jonathan Bosworth

STAFF PRESENT: Doug Halley (Health Director)

Steven Ward

Sheryl Howe

OTHERS PRESENT: Bernard Boccia

Mark Dowling

Pat Sawyer

Dana Sawyer

Bruce Stamski

Joseph Gimbel

Jack Dunphy

Kathleen Foley

David Lewter

David Beardsley

Edwina Marcus

MINUTES:

On a motion made by Ms. Hotch, seconded by Mr. Bosworth, the Board unanimously voted to accept the minutes of April 23, 1990.

SETRA SYSTEMS - 45 NAGOG PARK - HAZARDOUS MATERIAL STORAGE APPLICATION:

Setra Systems seeks a hazardous materials storage permit for 45 Nagog Park. The primary hazardous material stored is trichloroethane which is mostly stored in the storage room with a limited amount stored in the scale department. The trichloroethane is used as a degreaser in a closed system. The used trichloroethane is captured and returned to the company from which it was purchased for recycling purposes. The Health Department has inspected and found Setra Systems to be in compliance with the Hazardous Material Control Bylaw with the exception of a containment dike which needs to be installed in order to capture 110% of a spill should it occur. Setra Systems has asked to have a tray to capture a spill instead of a concrete wall. The Health Department is satisfied with a tray as long as it is made of steel.

The Board discussed with representatives from Setra that if at all possible the Board would like to see an alternative degreaser used.

On a motion made by Ms. Hotch, seconded by Mr. Bosworth, the Board unanimously voted to grant this Hazardous Materials Storage Permit to Setra Systems, 45 Nagog Park with the following conditions:

1. Containment tray must be made of steel.
2. Containment tray is secured so that no movement of tray can occur.
3. Tray can hold liquid volume equivalent to 110% of original container of hazardous materials.

127 CONCORD ROAD & 15 HORSESHOE DRIVE - VARIANCE FOR IRRIGATION WELL AT 15
HORSESHOE DRIVE AND APPLICATION FOR A PROPOSED SEPTIC SYSTEM AT 127 CONCORD
ROAD:

The owners of the property at 127 Concord Road submitted plans to the Health Department on March 21, 1990 regarding a proposed septic system for a new lot at 127 Concord Road. All rules and regulations have been met concerning the proposed septic system. On March 27, 1990 an application for a variance to install an irrigation well at 15 Horseshoe Drive (which abuts 127 Concord Road) was submitted to the Health Department. The proposed location of the well would be less than 100 feet of the proposed septic system. The Board discussed alternatives for the relocation of the proposed septic system and also the relocation of the proposed well. The owner of the property at 15 Horseshoe Drive stated that the placing of the well to at least 100 feet from the proposed septic system at 127 Concord Road is difficult because of the slopes in the property and the amount of trees at 15 Horseshoe Drive. The proposed septic system could be moved, however, soil testing for the lot was only done in the area where the system is proposed because there was no indication at the time of testing that the neighbor wished to install a well. The Board inquired whether a compromise could be worked out between the two neighbors. The owner of 15 Horseshoe stated that he would be in contact with the well drilling company within the next few days to find out if a location further from the septic system would be feasible.

On a motion made by Mr. Hotch, seconded by Mr. Emmons, the Board unanimously voted to table the request for a variance on the well until May 21, 1990 at 9:45 P.M. so that the applicant for the septic system permit and the proponent for the well variance could explore all possibilities for resolving the matter mutually satisfactory to both. The Board also requested that the Health Department staff be present when the well driller explored alternative locations for the well.

DAVID BEARDSLEY - ACTON WOODS PLAZA - VARIANCE FOR FLOW FOR A PROPOSED COFFEE SHOP:

Beans Inc., represented by Attorney Kathleen Foley, seeks a variance from Acton Rules and Regulations 11-15.1 to allow twelve seats for a proposed gourmet coffee and tea shop. The proposed design discharge flow would exceed Acton Regulations for the maximum amount of water flow by approximately 350 gallons per day. The store will be used primarily for takeout with a small amount of consumption for sampling purposes on the premises. The owners have proposed to use only recyclable paper and plastic products and the customers will purchase any products over the counter. Any food served will be prepared off-site. Prendergast Development Corporation (owners of the mall) who were represented at the meeting endorsed the request for a gourmet coffee and tea shop on the grounds that no additional stress will be put on the system. The Health Department recommended the proposed use with the condition that water bills be submitted to the Health Department yearly.

On a motion made by Mr. Emmons, seconded by Ms. Hotch, the Board unanimously voted to grant this variance to Acton Rules and Regulations 11-15.1 to Beans Inc, for a twelve (12) seat gourmet coffee, tea and products store located at Acton Woods Plaza whose primary business is over the counter sales of bulk coffee for take out with the following conditions:

1. Use only recyclable paper and plastic products for the sampling, thereby eliminating the washing of any items associated with the on-site sampling.
2. Have customers purchase said items at the counter rather than having waiters or waitresses, thereby creating the presumption that items are being offered for sale on a "take-out basis" and that the seating is offered solely as a convenience.
3. All food items offered for sale by applicant will be prepared off-site, thereby eliminating significant water usage associated with on-site preparation of food.
4. Use only a price per item board rather than menus, thereby again distinguishing itself from a restaurant type setting and reinforcing the fact that the store's focus is to sell bulk products rather than to sell brewed coffee and tea.
5. Discourage the use of the bathroom by the public so as to minimize the water usage by not offering the facility to the public, although if a customer asks to use the facility, they will not be denied.
6. Encourage off-site consumption whenever possible.
7. Do anything reasonable to minimize water use.
8. Yearly reports on water usage for the entire shopping center shall be submitted to the Health Department.

PROPOSED MASSAGE REGULATIONS:

The Board discussed and made some changes to the proposed massage regulations. The Board stated that these proposed regulations will be discussed further at a later date.

OTHER BUSINESS:

The Board in September of 1989 unanimously approved a lead paint removal policy which was to stay in effect until June 30, 1990. The Health Department recommends adopting this policy permanently because this policy has been successful in the past year. This policy has helped to assist the Acton Housing Authority in ensuring that their units are lead free. On a motion made by Ms. Hotch, seconded by Mr. Bosworth, the Board unanimously voted to adopt the following policy into a permanent regulation:

1. For all comprehensive housing inspection that certifications by an inspector from the State approved list of lead paint inspectors be provided to the Board of Health regarding the presence of lead paint in the unit whenever a child of six (6) or under currently occupies the unit or in the opinion of the Health Department inspector is likely to be an occupant of the unit in the future. All certification shall be supplied by the owner of the unit at the owner's expense and shall be submitted to the Health Department within twenty-one (21) days after the inspection.

On a motion made by Mr. Emmons, seconded by Mr. Bosworth, the Board unanimously voted to adjourn at 10:12 P.M.

NEXT MEETING:

The next regularly scheduled meeting will be held on May 21, 1990 at 7:30 P.M. in Room 126 of the Town Hall. The following meeting will be held on June 11, 1990 in Room 121.

Respectfully Submitted,

Sheryl Howe

Sheryl Howe, Secretary

Signed and Approved,

Joseph Glannon

Joseph Glannon, Chairman