

RECEIVED & FILED

DATE *March 26, 1988*
Barbara Brown
TOWN CLERK, ACTON

ACTON BOARD OF HEALTH
MINUTES OF MEETING
October 13, 1987

Board members present: Daniel Costello, George Emmons, Associate member Cam Amos. Staff present: Doug Halley, Director, Carol Holley, secretary.

While waiting for Mr. Stephens to appear for a quorum, at 7:40 p.m. Mr. Costello asked for a show of hands from the numerous spectators to indicate who was from the Northbriar Subdivision and who represented Payless Cashways. Over twenty individuals from Northbriar were in attendance at the meeting. A review of correspondence ensued pending Mr. Stephen's appearance. Mr. Emmons expressed satisfaction with Acton's participation in a Miami, Ohio groundwater study. Mr. Costello asked Mr. Halley to look into a study undertaken by the Cape Cod Regional Planning Council, which is a very large report.

Mr. Stephens arrived at 7:46 p.m. He moved that the minutes of the previous meeting be accepted. Mr. Costello seconded. Mr. Stephens and Mr. Costello voted in favor; Mr. Emmons abstained as he had been absent that meeting. The minutes of the executive session of the previous meeting were reviewed. Mr. Stephens moved to accept these minutes, Mr. Costello seconded, and Messrs Stephens and Costello voted in favor while Mr. Emmons abstained.

Mr. Emmons, in a review of correspondence, recommended the ACES video to the large contingent of observers. A memo from Mr. Halley on Hazardous Waste Day was reviewed, and the Board commended Mr. Halley on his excellent job in organizing and facilitating the hazardous waste collection, and encouraged him to do this again and again. Mr. Halley asked that Ed Wirtanen and the other towns and the League of Women Voters also be commended in the record. All voted in favor.

7:56 p.m. 815 Main Street, reconsideration of variance request.

Correspondence from Steve Calichman was reviewed regarding the construction of leach pits at this site. Mr. Calichman noted that stone had been installed around the leach pits, thereby enlarging the leaching area and making a variance unnecessary. Mr. Halley noted that a special permit might be granted without the criteria of filter medium and pressure dosing, as this was an existing system. It was noted that the site is in an aquifer protection area. A discussion took place regarding Acton Rules and Regulations and the lack of distinguishing between leaching fields, pits, and trenches in sizing requirements. The subject system had been a repair and installed after the adoption of the Temporary Aquifer Protection Regulation.

Mr. Stephens moved that a special permit be granted to 815 Main Street to allow an addition to the premises, subject to the following conditions:

1. No underground fuel storage tanks permitted on the site.
2. The septic tank will be pumped every two years.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
4. The sewage disposal system is approved by Board of Health staff.
5. The sewage disposal system is a minimum 100 feet from floodplain and/or wetlands.

Mr. Emmons seconded; all voted in favor.

8:00 p.m. Assistant Town Manager Carol Fox made a brief appearance.

8:02 p.m. Gould's Shopping Center, Great Road. Request for a special permit to repair the graywater leaching system.

Mr. Halley noted that this had come up at the last meeting without receipt of adequate background data to make a determination to recommend issuance of a special permit. He noted that this is a reconstruction of a graywater system which has failed. Mr. Costello asked if the slop sinks were tied into this system. The plan and the components of the system were reviewed. Mr. Costello reminded the Board that a system that employs a pump before a grease trap would not work as the grease would be emulsified. It was noted that the pump in this design was after the grease trap. Mr. Costello recommended that this grease trap should be monitored every month for the first year, until a flow trend has been established, and then the Director could determine how often the grease trap should be pumped. The tank should also be monitored.

Mr. Stephens moved to grant a special permit for 260 Great Road, subject to the following conditions:

1. No underground fuel storage tanks permitted on the site.
2. The septic tank and grease trap shall be monitored at least monthly until such time as the appropriate frequency, at least monthly, of pumping is established by the Director of the Board of Health.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
4. The sewage disposal system for the building at this site and the monitoring plan are to be approved by the Acton Board of Health staff.
5. Floor cleaning procedures for the building will use only nontoxic or biodegradable cleaning compounds.
6. Sewage disposal system is a minimum 100 feet from the flood plain and/or wetlands.
7. Floor drains are not permitted.

Mr. Emmons seconded, and asked about a definition of "biodegradable". All voted in favor.

8:12 p.m. Concordian Motel. Request for special permits for repairs of multiple septic systems.

It was noted that a special permit was already granted for units 24-33. Mr. Stephens asked if there were anything in this permit request that would suggest something was different. Mr. Halley related that as far as special permits are concerned, they are about the same.

Mr. Stephens moved that a special permit be granted for the Concordian Motel in its entirety for any repairs to be done for the next two years, subject to the approval of the Health Director and the following conditions:

1. No underground fuel storage tanks permitted on the site.
2. Septic tank will be pumped every year.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.

4. The sewage disposal systems for the buildings at this site are to be approved by Acton Board of Health staff.

5. Leaching facility is designed and installed with an intermediate layer with a percolation rate of between 6 and 10 minutes per inch in those areas that have a percolation rate of less than 2 minutes per inch, or with pressure dosing of the system, said pressure dosing to be designed in accordance with the State Environmental Code.

6. Floor cleaning procedures for the buildings will use only nontoxic and biodegradable cleaning compounds.

7. Sewage disposal system is a minimum 100 feet from flood plain and/or wetlands.

Mr. Emmons seconded, all voted in favor.

8:17 p.m. 134 Great Road (Beef 'n' Ale)

Mr. Stephens asked for clarification that this system was to be repaired and not expanded. Mr. Halley advised that it was a repair and not a restaurant expansion. Mr. Halley noted that the distance between the trenches in the expansion area required a variance as the trenches are only four feet apart. One perc rate was noted at 4 minutes per inch, another at 13 minutes per inch. (For sake of clarification, Mr. Stephens requested that variance request forms be revised to indicate both State and local variances.) Per query of Mr. Costello, Mr. Halley noted that the water main was on the other side of the street. To avoid distance variances, the system width would have to be increased by approximately 14 feet. It was asked if a grease trap were on the plan. Mr. Costello suggested that this be tabled, and Mr. Stephens so moved pending information on the grease trap and lot line setbacks. Mr. Emmons seconded; all voted to table.

8:22 p.m. 8 Oakwood Drive. Request for installation of monitor pipe to confirm groundwater elevation prior to construction of interceptor.

Mr. Halley related that the applicant was asking for a monitor pipe in by the system to monitor groundwater and, in the event that groundwater does come within four feet of the system, then an interceptor trench will be installed. Mr. Stephens asked about the expense of installing the interceptor. Per query of Mr. Costello it was noted that this is a repair. Mr. Stephens assumed that the plan was approved with the interceptor trench for a reason, and asked if there were any reason why this would be flawed or erroneous information. Mr. Halley noted that there is no recommendation from staff for this measure, and stated that if the Board allowed this procedure a certain loss of control over the repair would result. Mr. Stephens asked if this system were already built, and suggested that it would be cheaper to do both construction projects at once. The system is built to be exactly 4 feet from the groundwater and, per query of Mr. Stephens, there is no reason to believe that this is a mistake. Mr. Stephens moved to table this matter pending a reason to take other action. Mr. Halley noted that this repair would not receive a certificate of compliance until the interceptor was constructed. The homeowner spoke, stating that she lacks the \$9,000 to install the interceptor at this time, but she would do it in the future if groundwater does end up to intrude upon the system. Mr. Stephens noted that they have to leave the plans as they are unless the Registered Sanitarian could prove that his recommendation on the plan was too severe. Mrs. Swick, the homeowner, stated

Mr. Stephens related that there is asbestos removal inside and out, and structural removal, and then removal of foundations, tanks, and drains. He asked if these areas had been previously tested or inspected. Per request of Mr. Halley, Mr. Johnstone stated that the foundations will remain as part of a parking area. The Board members then discussed among themselves whether or not to permit demolition of a routine nature, while tabling the rest. At the same time, Mr. Halley was going over particulars of the site with Grace personnel.

Mr. Stephens moved to grant a special permit for the demolition of buildings on the WR Grace site as shown on the plan, including

1. only removal of asbestos
2. structural removal to foundations, and specifically excluding foundations or soil renovations or new construction, subject to the following conditions:
3. site inspection by the Director prior to the work beginning, with 24 hours notice. If, in the Director's opinion, there are hazardous materials present that would impact the aquifer underlying the site, then the director is empowered by this Board to immediately revoke this special permit and halt construction until such time as the hazardous materials issue could be resolved.

Per query of WR Grace, the Board was not ready to act on the new boilers until the Director assesses the site for presence of hazardous materials regarding oil products and contaminants. Mr. Costello noted that the Board is trying to respond to WR Grace's concerns on asbestos removal. Mr. Johnstone clarified that the Board is looking for specific drawing on the tank and Mr. Stephens noted that the Board wished to address the concern for the major aquifer right under the proposed boiler. Mr. Costello noted that the Board will be looking for emergency response plans. Mr. Stephens found no problems with granting conceptual consent and details will be submitted later. WR Grace was told it would be on the agenda for the 27th.

Mr. Emmons then seconded the motion for a special permit with conditions, and all voted in favor.

9:01 p.m. Ten minute recess declared.

9:14 p.m. Special permit request for building a radio tower off Knox Trail, in multiple aquifer protection zones. Mr. Halley recommended that a special permit be issued. Mr. Emmons moved to issue a special permit subject to the following conditions:

1. No underground fuel storage tanks permitted on the site.
2. No septic tank allowed.
3. The site will fully conform to the Town of Acton Hazardous Materials Control Bylaw.
4. No sewage disposal system on the site.
5. Floor cleaning procedures for the buildings will use only nontoxic and biodegradable cleaning compounds.
6. Floor drains are not permitted.

Mr. Emmons asked about oil-filled transformers. He then added this condition:

7. No oil filled transformers on the site unless certified by analysis to be PCB-free.

Mr. Stephens seconded. All voted in favor.

her installer had recommended the monitor pipe. Mr. Costello reminded Mrs. Swick that a motion to table does not construe a motion to deny, and also noted that it has been tabled to a date certain. Mr. Emmons wished to amend the motion to have the installer contact Mr. Leach, the designer. Messrs Costello and Stephens felt this was a staff matter. All voted in favor of tabling.

8:31 p.m. WR Grace. Request for special permit to demolish buildings on the property and construct new boiler and oil tanks at the daramic plant and another area of the site.

Mr. Halley expressed concern over the demolition of buildings near the tank car area. It was also noted that fuel oil is involved. One of the buildings slated for demolition is a boiler building that has antiquated equipment. Per query of Mr. Costello, it was stated that these oil storage tanks proposed will have concrete pads under them and they will be diked, all according to API code. Mr. Halley noted that asbestos removal will be going on at this site. He related that staff will be meeting with Town Counsel to determine how this process is going to relate to the Closure Plan. Mr. Halley expressed concern regarding existing floor drains and tanks.

Mr. Stephens defined two issues: one is taking out, the other is putting back. This was viewed as a continuation of prior demolition by Grace personnel, and part of the renewal process. Seeding and loaming to return disturbed areas was planned to produce a more natural look and it would be done. Emergency response plans were reported to have been filed. Mr. Costello stated that these plans must be updated to correspond to the new facilities. It was observed that some of the buildings have some equipment and tanks in them. Most of the tanks were cleaned in 1981 when the organic division moved out. All tanks will be taken off site and disposed of in accordance with regulations to an approved site. Grace personnel noted that this project was not to interfere with the closure plan and was viewed as separate. Mr. Stephens asked if there were a list of hazardous materials they expected to encounter, and Grace personnel stated they did not expect to find any hazardous materials because the area had been cleaned up before. Mr. Costello asked about the size of the new oil tanks; one was noted to be 15,000 gallons and one 5,000 gallons. They will be filled from tank trucks. Per query of Mr. Stephens, Mr. Halley stated that he has not visited this site recently. Mr. Halley asked that this matter be tabled pending a meeting with Town Counsel and pending further discovery regarding the materials in the buildings, and suggested that he may ask for a 21E-type site study confirming that there are not hazardous materials in the premises, particularly in the area around the tank car locus.

WR Grace related that they are interested in moving forward as quickly as possible. They have monies available right now for the project, and the approach of winter was of concern. Removal of asbestos involves a lot of water and cold weather impedes the process. Mr. Johnstone of WR Grace replied to a question regarding asbestos contaminated water by stating it was removed from the site. It was noted that removal and demolition were two separate contracts. The siding on the buildings also contained asbestos.

9:16 p.m. Beef 'n' Ale. The owners of the restaurant appeared, and expressed displeasure with the Board's decision to table.

9:17 p.m. 416 Arlington Street. Request for special permit to repair ~~septic~~ system.

Mr. Halley recommended that the Board issue this special permit. Mr. Stephens moved to grant a special permit subject to the following conditions:

1. No underground fuel storage tank permitted on the site.
2. Septic tank will be pumped a minimum of once every two years.
3. The site will fully conform to the Town of Acton Hazardous Material Control Bylaw.
4. The sewage disposal system for the gilding at this site is to be approved by Acton Board of Health staff.
5. Leaching facility is designed and installed with an intermediate layer with a percolation rate of between 6 and 10 minutes per inch in those areas that have a percolation rate of less than 2 minutes per inch or with pressure dosing of the system, said pressure dosing to be designed in accordance with State Environmental Code.
6. Sewage disposal system is a minimum of 100 feet from flood plain and/or wetlands.

Mr. Emmons seconded, all voted in favor.

9:19 p.m. 9 Musket Drive. Request for variances.

It was noted that this variance requested involve 25' of fill around the perimeter of a repair system. The request was for approval of 10' of fill instead of 25'. Site constraints were noted as rationale for the variance. It was also noted that the system was designed to be only 3.5' above maximum groundwater found on May 11, 1987. Mr. Costello asked why they could not conform to the groundwater elevation. Mr. Halley cited breakout problems and expense of extra fill. Mr. Costello asked if they would have breakout problems if they conformed to code. Mr. Costello recommended that this matter be tabled. Mr. Emmons so moved until the next meeting so that the question of elevation over maximum groundwater could be reinvestigated, and specific and positive statement made supporting the other requests. If this design can be made to comply with code the repair could proceed. Mr. Stephens seconded; all in favor.

9:28 p.m. Review of variance requests for repair at Concordian Motel. The variances were due to site constraints because of proximity of buildings, pool, water lines, etc. One variance to State code for distance and one for Acton Code were required. The variance involving distance to a catchbasin was tabled pending research on possibility of moving the catchbasin. Mr. Emmons moved to grant variances to State and Acton regulations for distance between trenches to allow four feet between trenches for units 9-18 of the Concordian Motel, and in addition moved to grant variances to Acton code for distance between trenches for units 19-33 to allow 6 feet between trenches. Mr. Stephens seconded; all voted in favor.

9:28 p.m. Discussion of Septic Inspection Regulation

Mr. Halley suggested that a licensing procedure for this particular function was in order. Mr. Stephens asked about certification procedures so that members of an installer's firm were certified by the Board of Health as competent to inspect. This could be in the form of an experience sheet. Mr. Stephens moved that, regarding Regulation 11-19.2 of the Acton Board of Health

Rules and Regulations, the Regulation be amended by inserting in the first sentence "all licensed installers provided the individual is pre-certified by the Director of Health" and further adding the sentence "The procedures for certification and fee will be established by the Board of Health." Mr. Emmons seconded. All voted in favor. Mr. Stephens further moved that a certification fee of \$25.00 be established. Mr. Emmons seconded. All voted in favor.

9:50 p.m. Payless Cashways. Request for variance to drill private well.

Mr. Halley stated that, in their original proposal, this site showed bringing in Town water, and Payless Cashways now desires to alter the plan to install a well on the site. Mr. Stephens noted that a permit is currently in existence. Attorney Levine stated that the original plan, in his memory, showed a well. He discussed a hydropneumatic system in the planning stage for firefighting purposes. He cited that a private well is the only remaining source of water for the site given the recent vote of the Acton Water District to deny the site Town water. He further noted that the amount of water that would be used at the site would be "de minimus", and patiently explained to the Board that "de minimus" was a legal term denoting "negligible". Mike of GZA was in attendance at the meeting and Mr. Stephens thanked and complimented him for his extra efforts in clarifying time and travel distances. GZA noted that the well would be located in the same aquifer as the Town well, the demand on the aquifer would be the same, no matter whether the source were a Town water main or a private well. The other issue to be dealt with was a potential 21E site across the brook and street, and GZA advised that the water direction of travel was such that a private well would not be impacted by that site.

Mr. Stephens asked why the AWD had turned down the application for water tie in, and it was noted that it was the democratic process working for political reasons.

Mr. Costello asked if the original hydrogeologic study was based on an assumption of public water supply. GZA replied that private water supply had indeed not been taken into account. The use of public water supply had been inferred. GZA related that, if anything, the private well would probably keep the contaminants closer to this site.

Mr. Stephens moved to table pending further study. Mr. Emmons seconded. All voted in favor.

Mr. Pat Burns of 6 Sawmill Road was given permission to take the floor. He noted that most of the numerous public present at the meeting were from the Northbriar subdivision, with a few coming from older development in the area. He expressed concern with the private wells in the area that have gone dry this summer in response to what he termed a moderate drought. The siphoning off of water was feared to be detrimental to their homes. Upon query by Mr. Stephens, Mr. Burns stated that these individuals are opposed to the Payless Cashways installation on the proposed site. Further development would not be a good idea, and abstaining from development is the best way to protect the aquifer. Other items "disruptive to the lifestyle" were a concern to the residents.

Mr. Costello explained the special permit process for construction in an aquifer zone and noted that Payless Cashways has met the requirements to date.

He stated that the Board of Health must now reexamine the data. Mr. Stamski noted that prior to the next meeting an analysis regarding private water supply needs to be done by their consultant. Mr. Stephens reemphasized that the Board needs to examine data and noted that tabling ives everyone two weeks to ensure that the records are straight. He noted that he did not feel that the Board of Health should be used as a vehicle to accomplish people's political means.

Mr. Emmons asked about recovery time for aquifer. Mr. Stamski noted that 380 feet away from the site there is a hydrant. Mr. Costello asked them to address the issue of fire protection. He suggested getting a licensed fire protection engineer regarding the water supply issues. One citizen asked about fire containment vis a vis release of pollutants into the aquifer when containers are damaged by fire.

Mr. Stephens noted receipt of hazardous materials plan information. He also reviewed information from GZA regarding conductivity data. The matter of Payless Cashways was then closed.

The Board informally discussed SEA figures on Kelly's Corner. Mr. Costello asked to have them placed on the agenda for the next meeting.

Mr. Stephens wished to briefly discuss Payless Cashways. Relationships between leaching systems and private wells, and distance requirements and the validity of these requiements were discussed.

Mrs. Kuenzler's letter, Mr. Emmons's reply, and pumping figures were briefly discussed.

Septage hauler's licensing procedures were discussed.

10:50 p.m. Mr. Emmons was officially assigned to the Groundwater Protecton Coordinating Committee. Uniformity of enforcement was discussed as a problem.

11:02 p.m. Mr. Stephens moved to adjourn, Mr. Emmons seconded, all in favor.

Respectfully submitted,

Carol Holley
Carol Holley, Secretary

Signed and approved,

Daniel Costello
Daniel Costello, Chairman

0740Z