

**Acton Board of Health  
Minutes**

**November 7, 2005**

**Members Present:** Mark Conoby, Joanne Bissetta, Member, Pam Harting-Barrat and Phillip Alvarez, Associate with voting powers(Voting for Bill McInnis) and Rita Dolan.

**Staff Present:** Brent Reagor and Sheryl Ball.

**Others Present:** Debra Simes, Virginia Layton-Leal, Nancy Webber, Jolene Peck, Melissa Mason, George Dimakarakos, Thomas Schaejbe, Jeff Hannaford, and Ralph Wegener.

The meeting was called to order at 7:32 p.m.

**Virginia Layton-Leal- Massage Practitioner**

The Health Department is in receipt of an application for a license to practice massage from Virginia Layton-Leal. Ms. Layton-Leal has completed all of the necessary documentation and will be working out of a licensed establishment (Be Well and Beyond, 77 Great Road, Acton, MA) . The Health Department recommends approval of this request. Ms. Layton-Leal graduated from the Palmer Institute of Massage and Bodywork in August, 2005 and has a student license in Cambridge. On a motion made by, Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a Massage Practitioner License to Virginia Layton-Leal.

**Nancy Webber – Massage Practitioner**

The Health Department is in receipt of an application for a license to practice massage from Nancy Webber. Ms. Webber has completed all of the necessary documentation and will be working out of a newly licensed establishment (currently under review) Dr. V. Varese, 42 Davis

Road, Suite 2, Acton, MA). The Health Department recommends approval of this request. Ms. Webber recently graduated from the Palmer Institute of Massage. On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a Massage Practitioner License to Nancy Webber.

#### **Jolene Peck – Massage Practitioner**

The Health Department is in receipt of an application for a license to practice massage from Jolene Peck. Ms. Peck has completed all of the necessary documentation and will be working out of a pending licensed establishment (Complete Body Conditions, 525 Main Street, Acton, MA) . The Health Department recommends approval of this request. Ms. Peck has recently graduated from the Salter School and is currently licensed in Tewksbury. On a motion made by, Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a Massage Practitioner License to Jolene Peck.

#### **Melissa Mason – Massage Practitioner**

The Health Department is in receipt of an application for a license to practice massage from Melissa Mason. Ms. Mason has completed all of the necessary documentation and will be working out of a newly licensed establishment (Jon Claude Salon, 157 Great Road, Acton, MA) . The Health Department recommends approval of this request. The Board asked what hot stone massage is. Ms. Mason stated that the temperature of the stones is about 120 degree. On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a Massage Practitioner License to Melissa Mason.

#### **Meadowbrook – 424 Great Road**

The Health Department is in receipt of an application for a variance from 310 CMR 15.405(b) for a reduction in the setback from leaching area to a cellar wall, 310 CMR 14.405(d) for a 25% reduction in the size of the leaching field, Article 11-9-6 for a reduction in the depth of stone, Article 11-9.1 for a reduction in the required LTAR, and Article 16-6.0 for a reduction in the offset to groundwater to the property located at 424-428 Great Road. The Health Department sent an order letter to the Meadowbrook Condo Association in January 11, 2005 that required them to take action to restore a non-functioning septic system. The present septic system was

built in 1997 after receiving three variances from the Board of Health. The septic tanks were reconfigured after the initial installation placing the tanks in a series in the hope that this would reduce the amount of suspended solids entering into the leaching field. The design engineers, Stamski and McNary, recently submitted a request to the Health Department for approval of the same replacement system. Based on concerns from the Health Department regarding the failure of the present system after 8 years testing was done to confirm the total suspended solids were reduced as a result of the septic tanks being placed in series. The test results showed that the suspended solids were reduced to a satisfactory level. The site contains 53 units with 89 bedrooms which places them just below the total design flow for a Treatment Plant. It was also noted that Meadowbrook has hooked up to town water which allows them to monitor daily water usage and low flow fixtures have been installed in order to reduce the water flow. Mr. Schaejbe stated that the on site well was retained at that time for possible future use as an irrigation system. Mr. Conoby stated that the well must be utilized within two years of decommission or the well will need to be abandoned. Mr. Conoby stated that he is concerned with replacing a failed 8 year old system with a re-built system in the same location with the same reductions/variances. Mr. Conoby asked why treatment wasn't proposed. Stamski & McNary stated that they were concerned with the same things as the Board but after testing it was determined that 99% reduction in solids have shown him that the issues have been addressed. Mr. Dimakarakos indicated that to add treatment would be an additional \$60,000 with approximately \$7000 per year for operating expenses. The Board asked the property manager, Tom Schaejbe, if they had the system terra-lifted. Mr. Schaejbe stated that about a year after the system was built the septic company recommended that the system be terra-lifted. The Board informed Mr. Schaejbe that terra-lifting is illegal and could have hurt the system. Mr. Schaejbe stated that the DEP left a business card on site after the system was terra-lifted and when the Condo association called DEP they never responded back to them. The Board reminded Mr. Schaejbe that with any septic work a repair permit should have been pulled by the Condo association. Mr. Conoby asked what the impact of the terra-lifting had on the life of the system. Mr. Schaejbe stated that there is damage to the pipes from the terra-lifting process. Mr. Reagor stated that the Health Department wants assurance that the fill material underneath the system is Title 5 fill. Mr. Schaejbe indicated that all owners will be consulted after approval by the Board. On a motion made by Bissetta, seconded by Dr. Harting-Barrat, unanimously voted to

grant a variance from 310 CMR 15.405(b), 310 CMR 14.405(d), Article 11-9-6, Article 11-9.1, Article 16-6.0 to the property located at 424-428 Great Road.:

1. The Condominium Association shall provide the residents of the property with literature regarding proper practices that maximize the life on the onsite wastewater system. These should include methods to reduce water usage and prohibitions on the flushing of non-biodegradable materials.
2. The Association shall advise all owners not to excessively populate the units, since effluent flow is related to occupancy.
3. The Association shall repair and improve the system as follows:
  - a. Replace all four leaching fields and any sewage laden fill.
  - b. Install an inlet tee on the first septic tank.
  - c. Provide properly sized effluent filters on all septic tank outlet tees; all filters being outfitted with alarm systems.
4. The Association shall pump the septic tanks, especially the first one in series, on a more frequent basis.
5. The Association shall continue to monitor water usage throughout the three buildings to prevent prolonged hydraulic overload of the system.
6. The Association shall submit a schedule for septic tank pumping, filter cleaning, and system inspection to the Health Department for approval.
7. The Association shall submit a Total Solids and Total Suspended Solids sampling schedule for approval by the Health Department.
8. Any substantial increase in solids loading or water use shall require the submittal of a Remedial Action Plan by the Association. This plan shall include provisions for additional treatment of the waste stream as may be directed by the Board of Health or its designated agent.
9. All copies of inspection reports, pumping slips, and sampling results shall be submitted to the Health Department within 30 days.

#### 6 Hatch Road – Variance

The Health Department is in receipt of a request for a variance from Article 11-7.2 for a reduction in the setback to a wetland. Article 11-9.1 for a reduced LTAR. Article 11-9.1 for a

waiver of the minimum required leaching area and 16-6.2.7 for a reduction in the required setback to the flood plain to the property located Article at 6 Hatch Road. The Health Department has reviewed the proposed plans and finds that the site is limited by the presence of wetlands, the width of the lot, placement of the house and the presence of a flood plain. The applicant has proposed a two compartment tank with an effluent tee filter to provide maximum feasible compliance and will use leaching chambers to maximize the sidewall area. The Board questioned if there are setback distances from the property line to a retaining wall. Mr. Reagor stated that a retaining wall can be placed on the property line.

On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat the Board unanimously voted to grant a variance from Article 11-7.2, Article 11-9.1, and Article 11-9.1, 16-6.2.7 to the property located at 6 Hatch Road with the following conditions:

1. The system shall be pumped at least once every two years.
2. The eastern property line shall be staked prior to commencement of construction.
3. The system shall be constructed in accordance with the plan stamped by Mark Donohoe, PE dated 10/25/2005.

#### **Post Construction Variance – 46 Seminole Road**

The Health Department has been notified by the As-Built Certifying Engineer for the property located at 46 Seminole Road that the system has been installed too close to the Town's Right of Way along Seminole Road. The Board previously granted a variance to this property on September 12, 2005 allowing the system to be no closer than 5' from the Town's Right of Way. The applicant is now asking for a post-construction variance from 310 CMR 15.405(1) to allow the setback to the Right of Way to be 3'. Mr. Reagor stated that the previous approval from the Board of Health did not require staking of the lot and the Health Department recommends approval of this post construction variance. Mr. Hannaford, Norse Engineering, stated that the leaching field was placed 3' to the Town's Right of Way due to minor changes made during installation (ie: plumbing was re-routed, septic tanks shifted slightly so it would not be located under an existing walkway).

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a post construction variance from 310 CMR 15.405(1) to the property located at 46 Seminole Road with the following conditions:

1. The septic tank shall be pumped at least once every two years.
2. The as-built submitted to the Health Department shall also be stamped by a Registered Land Surveyor certifying the front property line.

### **Acton Gas – Hazardous Materials Control Permit**

The Health Department is in receipt of an application for a Hazardous Materials Control Permit for Acton Gas, 341 Great Road. Acton Gas is a gas station which also performs minor automotive repairs and automotive inspections. The facility consists of a three bay garage (one for inspections and two for service). There is also a waste oil tank behind the building with containment. The hazardous chemicals that are stored on site are gasoline, in underground tanks, oil and minimal automotive fluids. Heather Marceau has inspected the facility and finds it to be well organized and a neat working area and recommends the following conditions. On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to grant a Hazardous Materials Control Permit to Acton Gas 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 Materials 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 (Health, Fire, Police, D.E.P., 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, D.E. P. 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 DEP 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 any 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.
21. Gas cylinders shall not be rolled, even for short distances. They shall be moved by a suitable hand truck, in accordance with an OSHA standard that applies.
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 E.P.A. and D.E.P. 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 – 42 Seminole Road

The Health Department is in receipt of an application for variance from Article 11-7.2 for a reduction in the required setback to a wetland, Article 16-6.2.7 for a reduction in the required setback to a flood plain, and 310 CMR 15.405(1) for a reduction in the setback to the property line to the property located at 42 Seminole Road. The Health Department has reviewed the plans and finds that the site is restricted by the presence of wetland, width of lot, placement of the house and the presence of a wetland. The applicant has proposed a two compartment tank with effluent tee filter in order to provide maximum feasible compliance. On a motion made by Dr.

Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance from Article 11-7.2, Article 16-6.2.7 and 310 CMR 15.405(1) with the following conditions:

1. The septic tank shall be pumped at least once every two years.
2. The Right of Way shall be staked and maintained in the field prior to the commencement of construction.
3. The system is built in accordance with the above conditions and a plan stamped by Stephen Poole, PE dated 11/1/2005.

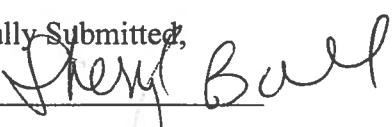
**Other –**

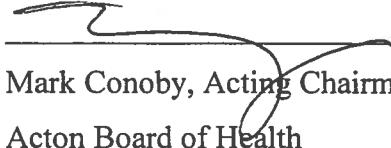
- Mr. Reagor stated that Acton along with most communities submitted substantial comments to the DEP in regards to the proposed changes to Title 5.
- MHOA Conference – Mr. Reagor stated that he was elected to be secretary to the MHOA. Mr. Reagor also stated that Doug was elected regional representative to MHOA.

**Adjournment**

On a motion made by Ms. Bissetta, seconded by Dr. Harting-Barrat, the Board unanimously voted to adjourn the meeting at 8:50 p.m.

Respectfully Submitted,

  
Sheryl Ball, Health Secretary  
Acton Board of Health

  
Mark Conoby, Acting Chairman  
Acton Board of Health