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Acton Board of Health

December 19, 2011

TOWN CLERK, ACTON

Members Present: Mark Conoby-Chairman, Dr. William Taylor, Michael Kreuze and William McInnis

Staff Present: Doug Halley-Director of Acton Board of Health  
Weiyuan Sun-Administration

Other Present: Steve Anderson, Jim Okun, Peg Mikkola, Gal Wexelblat, Paul Wexelblat, Murray Levine, Ron Beck, Erna Brandon, Rich Foley, Jean Foley, Steven Graham, Jason Brady and Laura Graham

Location: Acton Library, Acton, MA 01720

The meeting was called to order at 7:35 P.M.

**Steve Anderson and Jim Okun-W.R. Grace Discussion**

Mr. Steve Anderson, Town Counsel for Acton and Mr. Jim Okun environmental toxicologist for O'Reilly, Talbot and Okun discussed the Institution Control Plan as submitted by Tetra Tech for the WR Grace Superfund site. Counsel suggested that the Board might want to consider the following for the private well permit applications:

1. To apply for a private well permit, the applicant must also send a copy of the application to EPA, DEP, and WR Grace. The purpose of sending that form is to get their insights and comments within a specific amount of time.
2. The form should indicate that the Board may accept the recommendations of EPA, DEP, and WR Grace in deciding whether or not to issue the permit.
3. If EPA, DEP, and WR Grace do not comment within the specific amount of time, then it is assumed they have no objections to the permit.

To ensure that the permit process is protective, the case-specific comments from EPA, DEP, and WR Grace will be detailed within the permit.

On a motion made by Dr. Taylor, seconded by Mr. Kreuze, the Board unanimously voted to direct staff to work with Counsel to develop an approval permit process as suggested by Counsel.

**Request to Amend Article 9**

A group of Acton residents requested that the Board develop a regulation for the decommissioning of a private well. According to the DEP guidance for the decommissioning of a private well; "Regardless of the type used, the grout used for plugging shall be sufficiently fluid so that it can be applied through a pipe from the bottom of well upward." The board's current policy requires that any decommissioning of a private well must follow this guidance but agreed to revise their regulations to reflect this policy.

**Bueno Y Sano Restaurant -Board Approval**

Due to the betterment fee and wastewater flows, the business property at 263 Main St, Acton was approved for 12 seats in 2005. The Acton Board of Selectman approved Bueno Y Sano restaurant to increase the amount of seats up to 30. However, according to the Sewer Assessment Bylaw, wastewater flow greater than the initial assessment requires a privilege fee.

Mr. Chris Starr, the owner of Bueno Y Sano restaurant provided their water use records from two other locations. In addition, Mr. Starr requested that the board give the restaurant 6-12 months to observe water use and wastewater flow records before determining the privilege fee. The applicant is responsible for the additional privilege fee for the increased seats.

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to approve 30 seats for Bueno Y Sano Restaurant located at 263 Main Street conditioned on paying the privilege fee.

**Mr. Murray Levine-Board Approval**

Due to the betterment fee and wastewater flows, the business property at 263 Main St, Acton was approved for 5 seats in 2005. The Acton Board of Selectman approved Mr. Levine’s yogurt restaurant to increase the amount of seats up to 10.

Mr. Murray Levine, the business owner, provided water use records for his similar facility of So Fun Yogurt in PA. He proposed 10 seats for his facility instead of the five seats from his landlord. The board also agreed with Mr. Levine that a restaurant is a place people eat. The applicant is responsible for the additional privilege fee for the increased seats.

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to approve 10 seats for Mr. Murray Levine’s Yogurt business conditioned on paying the privilege fee.

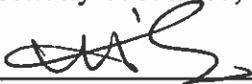
**6 Jay Lane – Release of Deed Restriction**

The Board voted to release the deed restriction at 6 Jay Lane at a previous meeting. Staff asked the Board to sign the document this evening.

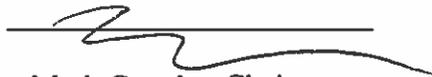
**Adjournment**

On a motion made by Dr. Taylor, seconded by Mr. McInnis, the Board unanimously voted to adjourn at 8:57 P.M.

Respectfully Submitted,



Weiyuan Sun  
Acton Board of Health



Mark Conoby, Chairman  
Acton Board of Health