

Acton Board of Health  
Room 126, Acton Town Hall  
Acton, MA 01720

September 14, 2015

Members Present: Michael Kreuze –Chairman, William McInnis, Dr. William Taylor, Joanne Bissetta and Mark Conoby

Staff Present: Sheryl Ball-Health Agent  
Weiyuan Sun-Administration

Other Present: JingBo Li, David Hebert, Dick Dolan, Katie Green and Peg Mikkola

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

### **Minutes**

On a motion made by Ms. Bissetta, seconded by Mr. McInnis, the Board unanimously voted to approve the Board of Health minutes dated March 30, 2015 as amended.

On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to approve the Board of Health minutes dated July 27, 2015 as amended.

On a motion made by Dr. Taylor, seconded by Mr. McInnis, the Board unanimously voted to approve the Board of Health minutes dated August 17, 2015 as amended.

### **28 Conant Street- Variance**

The Health Department received a request for a variance from 310CMR 15.104 to allow a sieve test , 310 CMR 15.211 for a reduction in the setback to the SAS from the water line (6'8" proposed), Article 16.6.2.7 for a reduction in the setback to the wetlands (53'), and Article 11.9.16 for a reduction in the required stone (6") under leaching area for the property located at 28 Conant Street. The Board discussed this request and suggested that magnetic tape be placed on both the water line as well as the septic components. On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to grant a variance 310CMR 15.104, 310 CMR 15.211, Article 16.6.2.7 and Article 11.9.16 for the property located at 28 Conant Street with the following conditions:

1. The septic tank shall be pumped a minimum of once every two years.
2. Magnetic tape shall be placed on water line and all septic lines.
3. The septic tank shall be dual compartment and shall include a DEP effluent filter.
4. The JET 500 system shall, all the times, be maintained in compliance with the most recent General Use Certification of Secondary treatment units.
5. The system shall be constructed in accordance with the above listed conditions and a plan stamped by Stan Sosnicki, R.S.

### **Ten Day Emergency Beaver and Muskrat Permit- Extension**

The Health Department received a request from MassDOT for an emergency ten day beaver and muskrat permit to allowing for trapping that has caused flooding on Route 111 near the Boxborough town line. Ten day emergency beaver and muskrat permit expired on August 27, 2015 and the applicant is seeking a ten day extension as the beavers were not active during the first 10 day permit. The Health Department recommended that the Board approve another ten day extension period emergency permit, beginning on August 28, 2015. On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to approve an extension of the emergency beaver and muskrat trapping permit to MassDOT for the property located on Route 111 near the Boxborough town line for a period of ten days effective August 28, 2015.

**Private Commercial Hauler Regulations**

The Board of Health continued discussion for an incorporated waste management for Commercial Haulers regulations. The Health Department would like the Board to update the commercial haulers regulations to incorporate recycling into their regulations. This will allow the Town to apply for many recycling grants that the State of Massachusetts offers. The Board members considered a list of annual customer information such as numbers of customers, frequency of services, pick up schedule, location, the total tonnage and weight units/type of recyclable and trash; also the numbers of commercial hauler registered by the Health Department. The Health Department will schedule a public hearing in the future to discuss this regulation change.

**Spruce Street Cafe**

The Health Department received a request from Legend's Café (Spruce Street Café-previous business name) for a variance to increase the amount of seats and allow the business to open 7 days per week for the property located at 5A Spruce Street. Previously the Board of Health approved an increase for the previous tenant from 23 to 50 seats conditioned on limited hours of no more than five days per week. The new owner, Legend Café proposed is requesting 36 seats for seven days. On a motion made by Mr. Conoby, seconded by Dr. Taylor, the Board unanimously voted to grant a variance to Legend's Café located at 5A Spruce Street to allow operation of 7 days per week and no more than 36 seats. The Board stated that Legend's Café could bring actual water flow records to the Health Department in one year to determine if the amount of seats could be increased.

**Adjournment**

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board voted to adjourn at 8:44P.M.

Respectfully Submitted,



Weiyuan Sun  
Acton Board of Health



Michael Kreuze -Chairman  
Acton Board of Health