



Acton Board of Health

Meeting Minutes

November 15, 2022

7:30 PM.

VIRTUAL PARTICIPANTS VIA ZOOM

Present:

Virtual Members Present: Mark Conoby, Dr. William Taylor, Dr. Jacoby and William McInnis. and Michael Kreuze was not present.

Virtual Associate Members Present: Dr. Singh voting for absent Michael Kreuze.

Virtual Staff Present: Sheryl Ball-Health Director, Matt Murphy, Corey York, Jill Salamon, Public Health Nurse

Others Present: Himaja Nagireddy, Select Board Liaison, Alma Sandman, Josh Lariscy, Nicole Graham, Michael Schulze, Colleen Graham, Lloyd Christmas, Elaine Doyle, Helena Chan, Kim Kastens, Janice Ward, Mark Buxbaum, Kelley, Don Hoban, Gilbert Carley, Kimberly Kuhn, Marion Richardson, Randall Warniers, Erich Kronewett, Herong Lei, Julie, Kate Cowden, Meghan Argo, Rachel Rubin, Shirin V., Stephen Liu, Aam, Alissa Nicol, Phone user, Vanessa, Xiao Guo, Patrick Kronenwett, William Klauer, Mike, Rachel Wulsin, Melanson, Xiaoning, Moni, Roxanne in the Woods, Drew Vardakis, Hongfeng Deng, Gari, Bhanu Gopal, George Rautenberg, James Fuccione, Jeremy, Kate Crosby, Marcy Hoban, Moni, Michelle, Ruth Okin, Martin Pitwood, Erich J, Jack Richardson and Ed & Dan Dudgeon

1. Opening

Chairman – Mark Conoby opened the meeting at 7:33 P.M. A script was read that was provided by the Town stating why the meetings are virtual and this meeting of the Board of Health was called to order.

2. Regular Business

Health Director Update

Ms. Ball informed the Board that a State of Massachusetts capacity assessment was just completed by the Health Division. The assessment was done in three phases with the last one looking for documents to be uploaded for proof of various inspections. This assessment was done to identify needs that each community is facing with the hopes of dedicated State funding to address those needs.

Household Hazardous Waste Day was one of the biggest turnouts that we have ever had and we serviced just under 350 vehicles. Ms. Ball stated that residents seem to like the weekday night and the weekend event so we will continue to offer these options in the coming years. The Board



stated that it was dark and questioned whether that presented issues of holding the event at night? Ms. Ball stated that we had emergency lights and it was well lit for safety.

Ms. Ball also stated that we have resent notification to businesses about the polystyrene ban that goes into effect on January 1st and now we are working on ensuring that the public is aware of this change.

Nursing – Update

Ms. Salamon was present and stated that RSV cases have been on the rise within the pre-schools recently and we have had 28 COVID cases in the month of November. Ms. Salamon stated we are getting many calls from daycares regarding cases of RSV and stressed that parents should keep their child home until they are fever free for 24 hours and use proper handwashing. The Board asked Ms. Salamon if parents get RSV and Ms. Salamon stated that there are respiratory viruses that adults can get as well as RSV.

Ms. Salamon stated that we are monitoring five (5) residents who recently returned from Uganda which currently has an outbreak of Ebola. Ms. Salamon stated that we are in constant contact with the State epidemiologist and none of those 5 have visited the high-risk sections of Uganda.

Ms. Salamon mentioned that a Bivalent booster clinic was conducted yesterday in conjunction with Acton Pharmacy and we also went to some of our Homebound seniors to administer the shot yesterday.

Corey York – DPW Director -Sewer updates

Mr. York was present to update the Board on sewers in Acton. Mr. York stated that the Town has hired Wright Peirce to conduct a study of the Great Road corridor and they are in the process of evaluating potential waste water options for that area. Mr. Conoby asked what the goals and the timeline of the study are. Mr. York stated that they are looking at the CWRMP as well as potential build out, vacancies, demands and usage. Mr. York stated that we are hoping for a plan this winter. The Water Resource Advisory Committee is also looking at this extensively to see how to improve water quality. Mr. York stated that we will need to see the results before we can identify needs. Mr. York stated that he will share those results with staff to share with the Board. The Board asked about potential discharge areas and Mr. York stated that we are looking at all options, including connecting to the Adams Street plant, on site options or possibly connecting to the many private treatment plants that may have extra capacity. Mr. York stated the focus of the study is from Main Street to the Town of Concord line. The Board asked why the rest of Great Road is not included. Mr. York stated that we will look the private treatment plant at Nagog Park as well but the plan is not to include at this time.

Ms. Nagireddy sits on the Water Resource Advisory Committee (WRAC) committee and spoke to whether development would adversely impact water resources and mentioned that they are



thinking about future sustainability, recharge, surface water discharge, stressed water sources and the need for more water as well as water quality.

Mr. York also stated that we are also looking at a capacity study for the Adams Street Treatment Plant and have conducted soil tests to further analyze this plant and then we will follow up with time line.

Emergency Beaver Trapping Permit – Town of Concord –Nagog Pond

The Health Division has received a request for an emergency permit for beaver trapping from the Town of Concord for an emergency permit for beaver trapping due to beaver activity that is threatening a public water supply in Nagog Pond. There is an active lodge within the lake (reservoir) that is deemed a threat to human health and safety. This application was received by the Town of Concord who utilize this reservoir for some residents of Concord and for some of the properties located in Acton along Great Road.

The Health Department conducted an inspection of these areas along with the Natural Resources Director and has confirmed that in accordance with the Rules and Regulations that a threat to Human Health and Safety by beaver or muskrat activity within a drinking water supply exists.

Unfortunately, it was also determined that this site is not a candidate for an alternative other than trapping due to the potential impact of the Town's drinking water supply and the threat of introducing diseases which beavers are known to carry. The Health Division recommends that the Board of Health approve a 10-day emergency permit, beginning on Thursday, October 27, 2022, giving the licensed trapper and its agent the right to use restricted traps and breach the dams or dikes subject to the conditions of the Conservation Commission.

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to grant an emergency beaver trapping permit to the Town of Concord located at Nagog Pond beginning on October 27, 2022 for a period of 10 days giving the licensed trapper the right to use restricted traps and breach the dam or dikes.

The chair took roll call and all were in favor.

Public Hearing – Acton Board of Health Rules and Regulations – Article 11

The Chair opened the public hearing.

Ms. Ball stated that the proposed changes before you this evening were advertised in the Lowell Sun and also sent to all engineers and designers for comments which were all favorable. Ms. Ball outlined the proposed changes which include:

1. Amending Article 11-5.1 as noted - Deep test holes, for determining the Estimated Seasonal High Groundwater Elevation, within Aquifer Zones 1, 2, 3 and 4 (as defined in Article 16) for new construction, may not be excavated year-round. in June, July, August, September, and October.



2. 11-7.2 All residential septic tanks, cesspools, or other structures shall have their contents pumped out a minimum of once every two years by a septic hauler licensed by the Town of Acton. The Health Director may approve an extension to this requirement under appropriate circumstances for up to one year.
3. Addition of section 11-14 to include Enforcement and Penalties. This language was taken directly from Article 16.

The Board discussed the proposed changes and Mr. McInnis voted to close the public hearing. On a motion made by Mr. McInnis, seconded by Dr. Jacoby, the Board unanimously voted to approve the proposed changes to be effective within 30 days from this evening. The Chair took roll call and all were in favor.

Hazardous Materials Control Permit Application– Continued from 10/18/22 – 100 Discovery Way.

Ms. Ball spoke to updates that the Health Division has received in response to concerns that the Board of Health outlined at the last meeting. Ms. Ball stated that all concerns have been addressed except for receiving a copy of the sound study, site and company contact lists, comprehensive final emergency response plan and an independent field evaluation for compliance with safety and applicable codes. Ms. Ball further stated that these are being completed and we would expect them soon. Mr. Lariscy stated that he sent their responses to the concerns that the Board outlined at the last meeting and that the outstanding items identified by Ms. Ball are currently being worked on and will be given to staff once available. The Board questioned Mr. Lariscy about whether or not Bluewave has ever had to do an emergency stop of their other sites and if the system is tested. Mr. Lariscy stated that he is not aware of any estops but would have to check if they have been done in the event of a power failure and noted that they are remotely tested annually.

Mr. Lariscy stated that his company has been in contact with the owner of this site about moving the location further away from the residential neighborhood and showed the Board a proposed location within the driveway that they are considering. The Board asked Mr. Lariscy to submit the new proposed location to staff and allow them ample time to review the changes prior to coming back before the Board. The Board previously addressed concerns with adding bollards to prevent a vehicle accident and this new location being within the driveway makes that concern needed even more. The Board also questioned when the decision to move the location was identified and Ms. Ball stated that officially today. The Board also asked Mr. Lariscy if he would like to withdraw the current application or amend due to the change in location. Mr. Lariscy stated he would like to amend. The Board also asked about potential vandalism and potential animal invasion and Mr. Lariscy stated that there is a perimeter fence with a lock box that the Fire Department can activate and the fencing will keep the animals out of the enclosure. The Board also asked whether a tour of the site could be arranged and it was suggested that the applicant mark the new area so concerned parties could identify the new location. The Board also questioned the 1hr timeframe for a technician to get to the site and whether they would be



on call 24 hours a day and Mr. Lariscy stated that would be the most time it would take for a technician to arrive but noted that technicians may be closer with a faster response time and there are technicians on call 24 hours per day.

Matt Murphy from the Town will be assisting staff with fielding concerns from the public. The public rose the following concerns:

1. Bluewave's customer ratings.
2. How long these batteries are good for and the safety of these batteries. Mr. Lariscy stated that these batteries have about a twenty-year life span.
3. Would trees be cut in the proposed new location? Mr. Lariscy stated that some will need to be taken down but not as many as the prior location.
4. Is the new proposed location within the wetland buffer zone. Mr. Lariscy stated that they are working with the conservation commission and some utility work will be within the 100 foot wetland buffer zone.
5. Could the new proposed area be flagged? Mr. Lariscy stated that they would flag the new proposed location.
6. What sounds are emitted from the site? Are there sound studies from currently operational sites? Mr. Lariscy stated that the sound study will be forthcoming.
7. At the battery end of life will this process need to be re-permitted? Yes
8. Will the fire department need any new specialized equipment? No
9. In the event of a fire how long will the smoke last and what gasses are emitted? Depends on the event but primarily it would be a smoke event.
10. Would evacuation be needed as these batteries produce hydrofluoric acid. Mr. Lariscy stated that this would be part of the emergency response plan.
11. What is the elevation of the proposed site as concerns were addressed with the potential of a 100- year flood.

On a motion made by Mr. McInnis, seconded by Dr. Jacoby, the Board unanimously voted to continue this application until the next convenient BOH meeting in order for the applicant to obtain approval for the new location and address concerns raised this evening.

The Chair took roll call and all were in favor.

Minutes – October 18, 2022

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board voted to accept the minutes of October 18, 2022. The Chair took roll call and all were in favor.

Next Meeting

The next BOH meeting is scheduled for December 6, 2022.

4. Adjournment

On a motion made by Mr. McInnis, seconded by Dr. Jacoby, the Board unanimously voted to adjourn at 9:49 PM. The Chair took roll call and all were in favor.



Documents and Exhibits Used During this Meeting;

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Emergency Beaver trapping permit application, map and recommendations from Health staff for Town of Concord – Nagog Pond.
- Proposed changes to Article 11 of Acton Board of Health Rules and Regulations
- 100 Discovery Way, Health recommendations, draft decommissioning plan, BlueWave response to Board's concerns
- Minutes from 10-18-22

Respectfully Submitted,

Sheryl Ball
Sheryl Ball
Acton Board of Health

Mark Conoby, Chairman
Acton Board of Health