



## **Acton Board of Health**

### **Meeting Minutes**

**August 26, 2025**

**7:30 PM.**

**Hybrid Meeting COA Building 30 Sudbury Rd and via Zoom**

#### **Present:**

**Members Present:** Mark Conoby – Chairman and William McInnis

**Virtual Members Present:** Dr. William Taylor and Dr. Rekha Singh

**Staff Present:** Penelope Funairole – Health and Human Services Director,  
Matthew Dow – Environmental Health Director

**Others Present:** Alissa Nicol – Select Board Liaison, Linsey Hurley, Dave Lunger  
and Ben Denman – DC Bean & Associates

**Others Present Virtually:** Robert Melvin – Stamski & McNary and Doug Halley

#### **1. Opening**

Chairman – Mark Conoby opened the meeting at 7:31 PM. A script was read that was provided by the Town and this meeting of the Board of Health was called to order.

#### **2. Regular Business**

##### **Environmental Health Director Update**

Environmental Health Director Matthew Dow provided an update regarding Dover Heights, informing the Board that he, Penny, and Mark would be meeting with the owner, engineer, and DEP next Thursday, September 4th at the DEP office in Worcester to discuss the large septic system at 117 Central Street. He noted DEP had requested the meeting. Matthew mentioned that the owner had picked up their permit and was ready to begin work, but had voluntarily put this on hold until after the DEP meeting.

Regarding Gould's Plaza, Matthew reported that they had sent the Administrative Consent Order (ACO) response letter from the state to Town Council for their interpretation on whether the entire facility needs to be upgraded or just the failed system. He noted this letter was also sent to Land Tech engineering firm, the town's consultants, for their interpretation as well. Mark clarified that the Board had previously determined an upgrade of all the systems was required, and Land Tech also observed it was required.



Matthew also provided an update on mosquitoes, stating that the Town of Acton is currently at low risk for Triple E and high risk for West Nile virus. He has been in regular contact with Central Mass Mosquito Control Project, who conducted spraying on August 21st. They will continue larval control in town and monitor the mosquito population for the virus in conjunction with Mass Department of Public Health. Matthew noted that multiple positive mosquitoes were found in one of the traps in Acton. The town encourages residents to take appropriate steps to prevent mosquito bites, including using EPA-recommended repellent, installing screens, draining standing water, wearing protective clothing, and avoiding outdoor activities from dusk till dawn. Matthew confirmed Tim from Central Mass Mosquito Control would be presenting at the September 26th Board meeting.

### **Health and Human Services Director Update**

Health and Human Services Director shared a brief update, noting she had been on vacation between meetings. She reported they were getting ready to start planning for the community needs assessment, including recruiting people for focus groups and interviews. They are waiting on question sets from their contractor and have met with the REACH team within town staff to discuss recruitment methods. She noted their student would likely start within the next two weeks to help coordinate this work.

She also informed the Board that two additional opioid settlements had been released to communities. While not large payments, they will bring approximately \$60,000 more toward Acton's opioid settlement funds. These funds will be analyzed as part of the need's assessment, and recommendations for their use will be presented to the community at Town Meeting in the Spring. Board members requested clarification on the total settlement amount and the process for allocating the funds, which will be determined through the community health needs assessment and strategic planning process.

### **Any Board Members Future Agenda Items**

Board Member Mark Conoby suggested including a public input section in future agendas to properly accommodate public comments. He also mentioned the Board should review their goals in September or later in the Fall, including discussing inspection staffing needs to ensure appropriate coverage.

During this portion of the meeting, Linsey Hurley from Half Moon Hill addressed the Board regarding concerns about fluoride in the water system. She shared information about potential health risks associated with water fluoridation, referencing a documentary called "Fluoride Gate and American Tragedy" and a book titled "The Fluoride Deception." Dave Lunger from Wampanoag Drive followed up with concerns about fluoride levels, noting that the Acton Water District states they maintain fluoride at 0.7 parts per million, but sampling showed levels of 0.9 and previously 1.0. Board members agreed to check with the Water District about these concerns.

### **3. New/Special Business**



### **979 Main Street: Continuation & Action**

Robert Melvin from Stamsky & McNary attended on behalf of Paul Kirchner regarding 979 Main Street, which had previously come before the Board for a variance for an offset to a well. The Board had asked that they either register the well or connect to town water. Robert reported that the applicant had signed an agreement with Provincial Engineering to investigate the feasibility of registering the well with DEP.

Board members expressed concern about the failed septic system that is in Zone 2 of a public water supply, noting the issue has been ongoing for nearly two years. The Board emphasized the need for expeditious action before winter arrives. They advised that if the well is registered, it would be in Zone 1, requiring a nitrogen reduction treatment system (rotating sand filter or alternative equivalent technology).

The Board clarified that regardless of whether the well is registered or town water is connected, the septic system needs to be repaired immediately with the appropriate nitrogen reduction technology. They determined that the variance should include conditions that the system be repaired with a rotating sand filter or alternative equivalent technology, and that the well either be registered as a public water supply with DEP or connected to municipal water within 60 days.

Motion: Dr. Taylor motions, seconded by Dr. Singh to approve the variance for upgrading the system subject to approval of the Health Division, with conditions including: adding a recirculating sand filter or equivalent technology; registering the well as a public water supply with DEP and testing it, or connecting to municipal water within 60 days; adding a deed restriction prohibiting sale, transfer, or subdivision of the property without town approval; and requiring department approval of the submitted plan. The motion passed unanimously with all members voting aye.

### **DC Beane and Associates/David Bamforth – Hazardous Materials Control Permit – 115 River Street – Continuation**

Ben from DC Beane, representing David Bamforth (owner of 115 River Street), presented on three outstanding items that had been required for their hazardous materials permit: UL testing, a sound study, and secondary containment around the battery.

Ben provided documentation showing:

1. A TUV evaluation (third-party testing laboratory) confirming the battery storage unit complies with NFPA 70, UL 9540, and NFPA 791 standards
2. An Acentech sound study confirming compliance with Massachusetts noise ordinance 310 CMR 7.10
3. Photos showing the secondary containment solution, which includes a housekeeping pad that the battery sits on and a firm structure around the perimeter to contain any potential spills



The Board confirmed that the battery system includes a 5-gallon fire suppression system, and the containment can hold approximately 16 gallons, meeting the 110% containment requirement. Ben noted the batteries themselves are sealed.

The Board acknowledged that all previously required conditions had been fulfilled, with only a final inspection remaining. They thanked Ben for the thorough application and documentation.

Motion: Mr. McInnis motions, seconded by Dr. Taylor to approve the permit with the conditions as noted. The motion passed unanimously with all members voting aye.

### **Minutes – July 29, 2025**

Motion: Mr. McInnis moved to approve the minutes as written. Dr. Taylor seconded the motion. The motion passed unanimously with all members voting aye.

Before adjourning, a Select Board liaison Alissa Nicol noted that Town Hall and library hours had changed, reducing staff work weeks from 40 to 36 hours. The Select Board has started meeting at 6:00 PM instead of 7:00 PM, and Boards were asked to consider earlier meeting times if possible.

Former Health Director Doug joined the meeting briefly to greet the Board and note that next year would mark 35 years of service for Mark and Bill on the Board of Health. He expressed interest in interviewing them about their long service.

### **Consent Items**

No discussion occurred for this agenda item.

### **Adjournment**

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to adjourn at 8:24 PM. The Chair took roll call and all were in favor.

### **Next Meeting**

The next Board of Health meeting will be on Tuesday September 9, 2025.

### **Documents and Exhibits Used During this Meeting:**

- Town of Acton script for Boards and Committees opening meeting
- Board of Health agenda
- 979 Main St SDS
- 979 Main St BOH Rev Letter Packet
- Letter to Board 979 Main St
- DC Beane – Garage 42 Noise Compliance Survey
- 115 River Street – Battery Storage Unit Berm





- Nardone FES
- BOH Recommendations for Hazardous Materials Permit – 115 River Street
- Board of Health meeting minutes from 7/29/2025

Respectfully Submitted,

Matthew R. Dow  
Matthew Dow  
Environmental Health Director

Mark Conoby  
Mark Conoby, Chairman  
Acton Board of Health