

## **Acton Board of Health**

**October 22, 2007**

**Members Present:** William McInnis, Chairman, Pam Harting-Barrat, Member, Joanne Bissetta, Member and Phil Alvarez, Associate voting for Bill Taylor

**Staff Present:** Doug Halley, Health Director and Sheryl Ball.

**Others Present:** Stan Sosnicki, Peggy Mikkola, Carol Holley and John Benkert

The meeting was called to order at 7:34 p.m.

### **Variance – 60 Great Road**

The applicants are requesting a variance from Article 16-6.2.7 for a reduction in the setback to a wetland to the property located at 60 Great Road. The Board of Health met previously regarding this property and gave the Designer direction. However, during the design it was determined that Nashoba Brook was closer to the property line than originally thought. Based on this information the system was placed as far away as possible which is 60'. The Health Department recommends this request. The applicant has proposed a system that will be designed four feet above groundwater which would be added compensation to protect the brook. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance to Article 16-6.2.7 to the property located at 60 Great Road.

### **Perchlorate Discussion**

Mr. McInnis asked Ms. Holley about her presentation to the Board of Selectmen regarding perchlorate issues. As a result of the Board of Selectmen meeting, it was stated that they would need more information to proceed forward. The Board of Health discussed Ms. Holley's letter. Ms. Holley's first concern was with outdated MSDS's forms that were presented to the Town from the developer, Mr. Fenton. Ms. Holley stated that she would like the language changed in

the blasting permit application. The Board stated that the Town received a legal opinion that this would be hard to achieve as the accuracy of what the applicant is certifying especially in regards to MSDS sheets would be too difficult to determine the accuracy. Ms. Holley also requested that the Health Department and the Fire Department share information to ensure that no private wells are within a 500-1000 foot radius of any blasting area. Ms. Holley stated that perchlorate travels at an undetermined pace and that in this case the blasting occurred in October and the wells did not show up with perchlorate hits until March. Ms. Holley further stated that perchlorate does not naturally occur in this area. It was also stated that we would need to determine the flow of water underground to see the risks of possible well contamination. Mr. Halley stated well sanitation can cause hits of perchlorate as chlorine is used. Ms. Holley stated that there are filters that one can purchase to remove perchlorate from contaminated wells. Mr. Halley also stated that perchlorate is not currently a banned substance. Ms. Holley stated that a Planning board condition stated that the developer was required to test wells within ½ mile prior to blasting. The Planning Board found that the developer did not ignore the conditions as the MSDS sheets submitted by the developer show that perchlorate was not used. The Board agreed that they would look into ways to control blasting around private wells. Ms. Holley's also expressed concern with obtaining the records from the blasting company. The Board directed Mr. Halley to get these records via the Fire Chief, who is entitled by law to obtain them. The Board then asked Mr. Halley to report their findings back to the Selectmen, and thanked Ms. Holley for her time.

### **Second Hand Smoke Discussion**

The Board stated that the Selectmen have asked the Board of Health to speak with John Benkert's regarding second hand smoke. Mr. Benkert would like to improve the quality of air in Acton and also feels his quality is impacted as he has an abutting property with chain smokers. Mr. Benkert stated that this poses a significant health risk to his family. Mr. Benkert requests that we tighten up our regulations as he feels that the current regulations stating that 10 feet to entry ways of any businesses is not adequate. Mr. Benkert also spoke to having the town create a bylaw that does not allow any smoking both inside and outside of the property that it owns. The property in question with the abutting chain smokers is owned by the Acton Housing Authority.

The Board explained that the Town does not have ownership of the property and asked Mr. Benkert if he could speak to the Housing Authority to see if maybe they would create a designated area for smoking in an area that would not impact the neighbors. Mr. Benkert has had several meetings with the director of Acton Housing Authority and does not feel that he has gotten anywhere with those meetings. Dr Harting-Barrat stated that since the Acton Housing Authority owns this property, the jurisdiction is through the housing authority which is separate jurisdiction to the town. The Board discussed several alternatives with Mr. Benkert. Mr. Halley stated that he would contact the Acton Housing Authority to set up a time to talk with them about these concerns. Mr. Benkert was also advised to find the actual vendor who controls this property and to speak with them about his concerns. The Board asked Mr. Halley to report their findings back to the Selectmen, and thanked Mr. Benkert for his time.

#### **Nursing service fees**

The Acton Public Health Nursing Service (APHNS) is seeking Board of Health approval for the establishing the fees that they may charge for the Flu Clinic and the Podiatry clinic. The APHNS has recommended these fees as they are the rates reimbursable by the State.

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to establish the Flu Clinic fee at \$20.00 per injection and \$30.00 for the Podiatry Clinic.

#### **Vote for Chairman**

Mr. McInnis stated that since Bill Taylor is currently vice chair and is slated to be nominated for the Chair but in his absence we will hold this vote until the next meeting.

On a motion made by Dr. Harting-Barrat, seconded by Phil Alvarez, the Board unanimously voted to appoint Joanne Bissetta as Vice Chairman.

#### **Other**

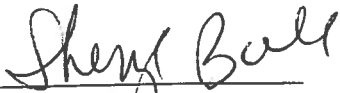
- The Board discussed the collection of fluorescent light bulbs that is in the works with Ace Hardware. Also the League of Women Voters has a program called Lighten Up and their main goal is to educate the public on the proper disposal of mercury light bulbs.


- River visions – November 10, 2007 8-12:00 PM – Mr. Halley stated that SUASCO has provided us with 2 free passes if any Board members are interested.

**Adjournment**

On a motion made by Dr. Harting-Barrat, seconded by Mr. Alvarez, the Board unanimously voted to adjourn at 9:30 PM.

Respectfully Submitted,

  
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Sheryl Ball, Health Secretary  
Acton Board of Health

  
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William McInnis, Chairman  
Acton Board of Health