



## Acton Board of Health

Meeting Minutes  
October 7, 2019  
7:30 P.M.  
Acton Town Hall  
472 Main Street  
Room 9

### **Present:**

Members Present: William Taylor, Chairman, William McInnis (Chairman for continuation of the Public Hearing Only), Michael Kreuze, Joanne Bissetta and Mark Conoby

Associate Members: Dr. Thomas Jacoby voting for William Taylor for continuation of public hearing only)

Staff Present: Sheryl Ball-Health Director

Other Present: Lester Hartman, MD, Anna Bettencourt, Jon Shaer, Detective Luke Penney, Peggy Mikola, Kirk Fitzpatrick and Virginie Landre

Absent: Rekha Singh

### **1. Opening**

Chair – Bill Taylor opened the meeting at 7:30 P.M.

### **2. Regular Business**

#### Approval of Meeting Minutes

The Board tabled approval of the minutes to the next meeting.

#### **A. Director-Operational Update**

- Ms. Ball updated the Board on the status of the Insulet Well
- Ms. Ball reminded the Board that there will be an additional Board of Health meeting on October 16<sup>th</sup> at 7:30 PM in Room 9 of the Acton Town Hall.



### 3. New/Special Business

#### A. 14 Newtown Road – Variance for Setbacks for a Closed Loop Well for heating and cooling:

The Health Department is in receipt of a request for a variance from Acton Rules and Regulations Article 9-2.5 to drill a well to be used for heating and cooling only at the property located at 14 Newtown Road, Acton. Acton Board of Health Rules and Regulations Article 9-2.5 state that all wells must be located 100' from all leaching systems. The proposed well be a closed loop system and will be located approximately 70' from the owners septic system and 65' from the abutter at 10 Newtown Road. The DEP only requires that these types of wells be 25' from any leaching system. The Health Division will look into updating our regulations to further define wells to include this type of well and allow for a reduced setback. On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to approve the variance from Article 9-2.5 to allow for a reduction in the setbacks to a Closed Loop Geothermal well at the property located at 14 Newtown Road with the following conditions:

1. A Well permit for 14 Newtown Road must be obtained by the department.
2. The well shall be a closed loop geothermal well and can never be used as a drinking water well or irrigation well.
3. In accordance with the regulations, this well shall be registered with the DEM.
4. Design plans shall be approved by the Health Division prior to installation.

#### B. 16 Woodbury Road - Variance Request

The owners and their representative, Civil Solutions, Inc., are requesting a variance from 310 CMR 15.211 and Article 11 section 11-6.1.1 for a reduction in setbacks to a wetland and 310 CMR 15.405(1)(i) to utilize a sieve analysis as the soil was too wet to run a perc for the property located at 16 Woodbury Road. The Engineer was present to discuss the variances and stated that the lot is restricted by wetlands and a compliant system is not possible. On a motion made by Ms. Bissetta, seconded by Mr. McInnis, the Board unanimously voted to grant a variance from 310 CMR 15.211, 310 CMR 15.405(1)(i) and Article 11-6.1.1 to the property located at 16 Woodbury Lane with the following conditions:

- 1) Nitrogen reduction technology shall be utilized
- 2) The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by MADEP for the I/A technology utilized.
- 3) The septic tank shall be pumped a minimum of once every two years.
- 4) The system shall be constructed in accordance with the above listed conditions and the plan stamped by Kevin Ritchie, dated July 26, 2019.



### C. Continuation of Public Hearing for Article 18; Regulations Concerning Tobacco

William McInnis re-opened the public hearing that was continued from September 23, 2019 and stated that Thomas Jacoby will be vote for William Taylor as he was not present for the September 23, 2019 meeting. Ms. Ball highlighted the proposed changes to the regulation to the Board. Since the meeting of September 23, 2019, the Governor of Massachusetts declared a Public Health Emergency due to an outbreak of vaping related lung disease, by issuing a temporary four-month ban on the sale of all flavored and non-flavored vaping products and devices through January 25, 2020. The Board discussed this temporary ban and also stated individually their support of the proposed amendments to Acton Rules and Regulation Article 18. Dr. Jacoby stated that he is in support of the restriction of flavored products to adult only stores but would like to exclude mint and menthol from that ban. A motion was made by Dr Jacoby to exclude mint and menthol but that motion failed to receive a second. Detective Luke Penney and also School Resource Officer was present to discuss his concerns and the prevalence of vaping amongst the school age children. Dr. Hartman was present to ask the Board to vote in favor of these amendments. John Shaer and Anna Bettencourt both asked the Board to not support these amendments and to consider waiting until action is taken on Governor Baker's Emergency ban. On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to approve the amendments to Article 18 which include the restriction of flavored tobacco products to adult only stores and to increase the distance from 10 to 30' for smoking outside of any public accessible building.

#### **4. Adjournment**

On a motion made by Mr. Kreuze, seconded by Ms. Bissetta, the Board unanimously voted to adjourn at 9:20 PM.

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

- Agenda, BOH October 7, 2019- Revised to Sewage Disposal System Repair Variance- 16 Woodbury Lane
- Minutes, September 9, 2019 and September 23, 2019
- Closed Loop Well- 114 Newtown Road
- Sewage Disposal System Repair Variance- 16 Woodbury Lane
- Continuing Public Hearing for Article 18, Regulation concerning Tobacco

Respectfully Submitted,



Weiyuan Sun  
Acton Board of Health



Dr. William Taylor-Chairman,  
Acton Board of Health