



**Acton Board of Health**  
Meeting Minutes  
November 16, 2020  
7:30 P.M.  
VIRTUAL PARTICIPANTS VIA ZOOM

**Present:**

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

Virtual Associate Members Present: Dr. Thomas Jacoby and Dr. Rekha Singh

Virtual Staff Present: Sheryl Ball-Health Director

Virtual Present: Peg Mikkola, Peter Light, Diann Oster, Ted Doucette, Joe Will, Sean McCue, John Petersen and Lori Cooney.

**1. Opening**

Chair - William McInnis opened the meeting at 7:31 P.M. A script was read that was provided by the Town stating why the meetings are virtual during this crisis.

**2. Regular Business**

**Director Operational Updates –**

Ms. Ball stated that the Governor's new mask order takes effect and she is concerned with potential compliance. Ms. Ball mentioned that we have had some complaints from the users of the skatepark, basketball courts, tennis courts and other public areas and stated that she would like to continue to allow residents to use these properties but needs the users to be in compliance with the order. The Board stated that people need to change their behavior and utilize a mask when out in public and urged the residents to comply so these places can stay open.

**Nursing Service Director Updates-**

Ms. York stated that Acton currently has 270 positive cases, 23 in active isolation, 226 recovered and 21 fatalities. Ms. York mentioned that we have had 26 new cases in the last 7 days with a lot more contacts identified with each case. Ms. York stated that the cases are trending towards social gatherings and recommended that everyone follow the CDC and DPH guidance for gatherings. Ms. York thanked the school nurses for all their help with contact tracing for their students. Ms. York mentioned that we still have an adequate supply of PPE's. The Board asked about the demographics for the positive cases and Ms. York stated that the



trend is from families who are inviting people to their homes. Ms. York stated that Life care has been COVID free since June and Benchmark at Robbins Brook Senior Living has had one employee test positive but fortunately had not been to work. Ms. York urged all to limit family gatherings.

### **Acton Boxboro Regional School District – Superintendent Peter Light**

Superintendent Light was present before the Board to seek Board input on current administration guidance in regards to COVID-19. Supt. Light stated that he has approximately 1000 students and thanked all of his staff for helping to navigate all COVID-19 guidelines. As of today, there have been 26 positive cases within the school community with over 300 close contacts identified. The school also keeps a database of all of the contacts/positive cases to help track dates of return to work, results of tests, etc. Supt. Light also spoke about how quarantine protocols are different as elementary classes are held in one room while secondary schools switch classrooms, however, they have chosen to err on the side of caution when someone in the class tests positive. Supt. Light noted that they typically quarantine the entire class, especially amongst elementary classes. Supt. Light also stated that he is providing the school community with metrics to help provide transparency to the public but with the new metrics outlined by the State this looks different for the school in Boxboro as there is significant difference in population between the two towns. When making decisions that affect the schools, Supt. Light is using the Acton data. The State metrics were recently changed which now allows the schools to stay open longer as this change lowered many districts from high to low or moderate risk. Supt. Light asked the Board for support/guidance regarding the current metrics and what this could mean if we dip into high risk category. Supt. Light also pointed out that he intends to keep students in the classroom as long as possible but there may be a point where changes may need to be made if levels change to high risk, more students/staff are identified as positive cases or close contacts or if there is transmissions within the school community. In addition there are other considerations to take into account if too many staff is out sick and substitute teachers are hard to come by. Supt. Light also mentioned that he has air purifiers in spaces that don't have good ventilation in the hopes that school can continue to remain open. Supt. Light stated that this is especially important as they are seeing an uptick in mental health disorders and these students would benefit from in school learning. The Board asked Supt. Light where students are eating lunch and he stated that elementary students are eating at their desks and the Jr. and Sr. High school are eating in the cafeteria and other converted rooms to allow for social distancing. The Board also asked about transportation to school and Supt. Light stated that the busses are very limited to allow for social distancing. The Board also asked about COVID-19 testing and Supt. Light stated that the State's mobile unit responded when there was a school based transmission previously and they were very pleased with the response. The Board thanked Supt Light for the information and offered their support for the district's current approach. All members expressed concern with the holiday season and everyone is worried about what family gatherings/travel will bring in the next few weeks.



The Board also encouraged all to practice in home, covid safe practices to help keep the schools open.

#### **Article 9 – Public Hearing – MINIMUM STANDARDS FOR WELLS AND PRIVATE AND SEMI-PUBLIC WATER SUPPLY**

The Chair opened the public hearing. Ms. Ball stated that this public hearing was advertised in the local paper for 2 weeks and the Health Division sent out the proposed changes to many well companies. One company responded with their concerns and the Board took that comment and made the following changes to the Article:

#### **NAME CHANGE - ARTICLE 9. MINIMUM STANDARDS FOR WELLS AND PRIVATE AND SEMI-PUBLIC WATER SUPPLY**

And also added the following section:

9-6.4.2 Notwithstanding the requirements of 9-6.4, the Health Department may grant approval for the installation of Geothermal Wells in public water supply areas when the following conditions have been met:

- a. All wells for geothermal use shall be artesian or bedrock wells with a closed loop system in the well and can only be used for the lot where the well is installed. A plan showing the location of the geothermal wells and detailing the system, including piping, non-toxic heat transfer media and construction, shall be submitted to the Health Division for approval.
- b. All geothermal wells shall be registered with the State Regulatory Authority. An as-built plan of the well location shall be provided along with coordinates.
- c. All geothermal wells shall also comply with applicable local and state regulations.
- d. If the geothermal wells not be used for a period of two years unless otherwise extended by the Health Division, it shall be abandoned and permanently secured by acceptable methods as approved by the Health Division.

On a motion made by Mr. Conoby, seconded by Dr. Taylor, the Board unanimously voted to close the public hearing. The chair took roll call and all were in favor.

On a motion made by Mr. Kreuze, seconded by Ms. Bissetta, the Board unanimously voted to accept all changes to Article 9. The Chair took roll call and all were in favor.

#### **7 South Street - Variance**

The owners of the property located at 7 South Street are seeking a variance from Article 16-4.2.7 for a reduction in the setback from the SAS to a private drinking water well from 150' in



Zone 2 to 104' to allow for replacement of a failing septic system. Ms. Ball indicated that upon research of the street file there was a note in the file from 1991 stating that this property along with all others in this area should hook up to town water. Mr. Doucette, engineer for the property was present and stated that the homeowner would prefer to retain the drinking water well. The Board reviewed this request and stated that the well would need to be tested for compliance with Article 9 and if the results pass the chemical and bacteria analysis then this could be retained for the current homeowner only and once the property is transferred it would need to be connected to Town water. On a motion made by Mr. Conoby, seconded by Dr. Taylor, the Board voted to grant a variance from Acton Board of Health Rules and Regulations article 16.4.2.7 – to allow for the reduction in the setback from 150' to 104' to the current private drinking water well located at 7 South Street to allow for the repair/replacement of the onsite septic system with the following conditions:

- The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by MADEP for the Presby Advanced Enviro-Septic System.
- This approval is for the current residents only and is not transferable to any new owners. Upon sale, transfer or change of ownership, the property must be converted to the Public Drinking water supply and the existing well shall be decommissioned or you may apply to this department for approval to utilize for an accessory use (irrigation, geothermal, etc).
- The current well shall be tested immediately for Coliform, Percholate, Chloride, Color, Hardness, Iron, Manganese, Nitrate, Odor, pH, Turbidity in accordance with Acton Board of Health Rules and Regulations Article 9 with the results submitted to this office prior installation of new system. If the well is not in compliance, then the property will be required to convert to the public drinking water supply.
- The septic tank shall be pumped a minimum of once every two years.

The system shall be constructed in accordance with the above listed conditions and the plan stamped by Ted Doucette, drawing number 2020-139.

The Chair took roll call and the vote was 4-1. Motion passes.

#### **Variance – 101 Stow Street**

The owner of the property located at 101 Stow Street is seeking variances from 310 CMR 15.211 for a reduction in setback from SAS to cellar wall -20' required, 15' approved, Article 16-6 – Figure 1, reduction in separation of groundwater from 6' to 5', Article 16-4.2.10 for a reduction in setback from leaching area to any recharge, retention, detention or surface drainage area- 100' required, 50' approved and Article 16-6.2.7 for a reduction from SAS to a flood plain/wetlands from 100' to 0' to allow for repair/replacement of a failed septic system. This property is severely restricted and maximum feasible compliance has been met, as long as nitrogen reduction technology is installed. On a motion made by Mr. Conoby, seconded by Ms.



Bissetta, the Board unanimously voted to grant a variance from 310 CMR 15.211. Article 16-6, Figure 1, Article 16-4.2.10 and Article 16-6.2.7 with the following conditions:

- 1) An impervious barrier shall be installed between the foundation and SAS.
- 2) Installation of nitrogen reduction technology shall be utilized and shall be pumped per manufacturers' guidelines.
- 3) The plan shall be resubmitted to the Health Division and subject to review and approval by Health Division.

The Chair took roll call and all were in favor.

#### **Emergency Beaver Trapping Permit – 40 Brook Street**

A request has been made of an emergency permit for beaver trapping due to beaver activities at 40 Brook Street with flooding occurring on said property in close proximity to the onsite septic system and barn. The Health Department has confirmed that in accordance with the Rules and Regulations that a threat to Human Health and Safety caused by surface water encroachment to the septic system and barn exists at 40 Brook Street. Based on this information, the Health Department recommends that the Board of Health approve a 10 day emergency permit, beginning on November 18, 2020, giving the Town and its licensed agent the right to use restricted trap and breach the dams or dikes subject to the conditions of the Conservation Commission.

On a motion made by Mr. Kreuze, seconded by Ms. Bissetta, the Board unanimously voted to grant an emergency beaver trapping permit to the property located at 40 Brook Street, beginning on November 18, 2020 for a period of 10 days.

The chair took roll call and all were in favor.

#### **Minutes**

On a motion made by Ms. Bissetta, seconded by Mr. Kreuze, the Board unanimously voted to approve the minutes dated November 2, 2020. The Chair took roll call and all were in favor.

#### **4. Adjournment**

On a motion made by Mr. Conoby, seconded by Dr. Taylor, the Board unanimously voted to adjourn at 9:48 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
- Letter to School Committee from Superintendent Light
- 7 South St – Variance Request, letter from staff, septic plans and proposed conditions for approval.
- 101 Stow Street – Variance Request, recommendations from staff, septic plan



- Draft of Article 9
- Beaver Trapping Permit Request – 40 Brook St, application and staff recommendation
- Minutes from November 2, 2020

Respectfully Submitted,

Sheryl Ball  
Sheryl Ball  
Acton Board of Health

William McInnis  
William McInnis- Chairman,  
Acton Board of Health