



Acton Board of Health

Meeting Minutes
December 16, 2019
7:30 P.M.

ROOM 9, TOWN HALL, 472 MAIN STREET

Present:

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

Associate Members: Dr. Thomas Jacoby, Rekha Singh was absent

Staff Present: Sheryl Ball-Health Director

Other Present: Gene Beresin, Michaela Moran, Kim Kastens, Peg Mikkola, Alissa Nicol, Seth Donohoe and Jeff Chormann

1. Opening

Chair - Dr. William Taylor opened the meeting at 7:30 P.M.

2. Regular Business

A. Director-Operational Update

Ms. Ball updated the Board on a notice that was sent to Acton Residents that utilize water provided by the Town of Concord. The notice informed residents that Bromate was found in their testing of their water supply. The Town of Concord explained in their letter that this was due to peak demands in the summer, that required them to utilize water from Nagog Pond. The pond water is disinfected with ozone as the pond has natural traces of bromide in the water. Bromate is not found in the Town's other sources and the pond water is only added during the high demand.

3. New/Special Business

Variance- 36 Quaboag Road

The Health Department received a request from Seth Donohoe, Ducharme and Dillis, on behalf of the property owners at 36 Quaboag Road for a variance from Article 11-6.1.1 and 16.6.2.7; for a reduction in the setback to the SAS, Septic Tanks and Pump Chamber. The Site is restricted by wetlands to the rear of the property and underground utility lines located towards the front. Nitrogen reduction technology has been added to provide additional environmental compensation.



On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board of Health voted to approve the variance from Article 11-8.1.1 with the following conditions:

1. The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by MADEP for the Presby Enviro-Septic System.
2. The septic tank shall be pumped a minimum of once every two years.
3. The system shall be constructed in accordance with the above listed conditions and the plan stamped by Seth Donohoe, revised dated on 12/6/2019.

The Board vote was 4-1. Motion passes.

Board Reorganization

On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to appoint William McInnis as the chairman of the Board of Health effective January 1, 2020.

On a motion made by Mr. Kreuze, seconded by Ms. Bissetta, the Board unanimously voted to appoint Mark Conoby as the vice chairman of the Board of Health effective January 1, 2020.

Discussion – WR. Grace

The Health Department is seeking an updated vote from the Board to continue the Administration Hold within 500 feet of the WR. Grace site. Ms. Ball indicated that she could not find the information on the vote that the Board previously conducted. The Board suggested that the Health Department search records dating back to 1990. Ms. Ball stated that the plume of contaminants have moved since the initial vote and felt we should reaffirm the vote. In order to create a document for the public, Ms. Ball also asked for clarification on the area that is impacted. The Board discussed whether the identified area should be the plume for VDC's, VOC's and the points at which the 500' should commence. Dr. Kim Kastens, Green Acton, was present to discuss WR. Grace and noted that while writing an article she requested the Health Department to provide a copy of the letter documenting the Administrative Hold. Dr. Kastens, representing Green Acton, also stated that she traveled to EPA in Washington to ask them to require WR Grace to test for 1:4 Dioxane as it was not included in the existing ROD as it was not recognized at that time. The Board and Dr. Kastens spoke about the maps of the plumes of contaminants that exist and how they have changed through the years. It was stated that it is important to find the previous decision by the Board of Health prior to reaffirming this hold. The Board asked the Health Department to reschedule this discussion after an extensive search of the files has occurred.

Piper Lane/90 School Street 40B Condo Development- Discussion

The Board received an email from Jeff Chormann, 13 Piper Road, discussed the containments of lead and arsenic that have been found on this property due to years of being used as an apple orchard. Mr. Chormann is retired from the DEP, and stated that workers should be notified of the risks of working on this site, the proposed storm water management system must be re-looked at as not to exacerbate the existing conditions and he recommends that the BOH request the developer to develop a Public Involvement Plan.



Ms. Ball stated that she has conferred with the DEP and already recommended the following two conditions to the Zoning Board of Appeals:

1. In areas where buildings or pavement are not present, there shall be three feet of clean soil or loam placed on the ground surface to isolate the soil with elevated arsenic and lead concentrations.
2. Any soil which is to be transported off site with elevated arsenic or lead concentrations must be shipped to an approved disposal facility with proper documentation. Before construction, the developer must let the Health Division know an estimated number of loads which will be brought to a disposal facility. During construction, the Health Division will require copies of the manifest records to be submitted for the truckloads which are shipped to the disposal facility.

Ms. Ball stated that the application of pesticides may be exempt to historical apple orchard from the MCP, however we need to ensure there is no risk to public health. Ms. Ball would like to schedule a meeting with the developer to discuss Mr. Chormann's concerns and then schedule a meeting with all parties at a future Board of Health meeting. The Board asked Ms. Ball to look at the Board of Health's rights in regards to 40B development. Ms. Ball stated that she would and get back to the Board.

4. Adjournment

On a motion made by Mr. Kreuze, seconded by Mr. McInnis, the Board unanimously voted to adjourn at 9:25PM.

Documents and Exhibits Used During this Meeting;

- Concord Public Works – Important Information about your Drinking Water, Legal Notice in the Concord Journal, Fact sheet on Bromate from concordma.gov website, and Concord Public Works Bromate in Drinking Water Frequently Asked Questions
- Memo from Acton Health Department – Variance Request recommendation for 36 Quaboag Road
- Memo from Ducharme and Dillis Request for Variance 36 Quaboag Road
- Memo from Sheryl Ball – RE: WR Grace irrigation well hold
- Memo from Maryellen Johns dated June 21, 2002
- Maps of WR Grace Plume from 2012 and 2018
- Board of Health Minutes from June 24, 2002, October 28, 2002, November 25, 2002
- Draft Email to ZBA regarding additional conditions
- Email from Jeff Chormann
- Letter from USEPA to Kim Kastens re: WR GRACE



Respectfully Submitted,

Sheryl Ball
Acton Board of Health

Dr. William Taylor- Chairman,
Acton Board of Health