

Acton Board of Health – Minutes

May 5, 2003

Room 126, Town Hall



Board Members Present: William McInnis, Chairman, Mark Conoby, Roxanne Hunt and Rita Dolan, Associate Member.

Staff Present: Doug Halley, Health Director & Sheryl Ball, Secretary

Others: James Okun, Josh Chernin, Debbie Listernick, James Johnson, Mary Justice Johnson, Mary Michelman, Carol Holley, Stacy Rogers, Rosalie Berry, Steve Anderson, George Johnston and Lisa Brandon.

The meeting was called to order at 7:30 p.m.

**Minutes**

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to accept the minutes with corrections dated March 24, 2003.

**WR Grace – Scope of Work**

See Court Reporter Minutes of May 5, 2003.

**Acton Public Health Nursing Service – Policies & CMS Quality Initiative**

The Acton Public Health Nursing Service is seeking Board of Health approval of the following three (3) revised policies, Patient Grievance, Confidentiality and Electronic Security. The policies have been amended to make the policies more effective. Ms. Dolan stated that the policies have all been approved by the Professional Advisory Committee (PAC). Mr. Conoby suggested that the APHNS have a separate policy for the Release of Insurance Records regulations. It was stated that the Release of Insurance regulations are already covered within the confidentiality policy. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to accept the revised policies on "Patient Grievance, Confidentiality and Electronic Security" as submitted.

The Acton Public Health Nursing Service (APHNS) also presented the Board with the results of the CMS Quality Statistics (Medicare). These statistics show the APHNS agency's average compared to the State and Phase I States Average. The results show that the APHNS did not have significant variations from the Phase I States and the variations present were due to the fact that APHNS is a smaller agency which Medicare did not factor into their statistics. Mr. Halley stated the he is not in favor of the way this survey was conducted. Ms. Dolan stated the results would be more accurate if they were broken down into different categories showing the agencies size. The Board suggested placing an article in the Beacon showing what the APHNS is all about.

#### **Variance Request – 12 Whittier Drive**

Mr. Ronald Yates of 12 Whittier Drive is seeking a variance from Title 5 to allow for the septic system to be replaced at 12 Whittier Drive. The Title 5 variance from 310 CMR 15.211 Minimum Setback Distances (1), (20" required setback from full foundation, 15' provided) The proposed system has been placed in the best area of the lot due to site restriction. Mr. Conoby suggested that a geotextile or poly barrier be placed between the septic system and the foundation. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Title 5 regulations 310 CMR 15.211 to 12 Whittier Drive with the condition that a poly barrier be placed between the system and the foundation and that the system be built in accordance with a plan stamped by Eric Durling, PE dated 4/21/03.

#### **Comprehensive Permit– 520 Main Street**

The Board of Appeals has asked for the Board of Health's comments on the septic system for a Comprehensive Permit for 520 Main Street. Mr. Halley has submitted his comments for Board of Health approval. Area residents were in attendance with various concerns. Mr. James Johnson, 19 Hemlock Lane, submitted a letter to the Board expressing concerns regarding the septic effluent and runoff from 520 Main Street's system which he felt could seriously affect the ecosystem of the vegetated wetland which is bounded also by the residences on Hemlock and Greenwood Lane. Mr. Johnson is concerned that the wetland will turn into a swamp and destroy the vegetation. The Board stated that they would take Mr. Johnson's comments under consideration. Mr. Halley stated that the issues regarding runoff and drainage would fall under the Planning Board or Engineering Department's jurisdiction. Ms. Lisa Brandon, 12 Hemlock Lane, stated that she was pleased to see the recommended comments from the Health

Department, however, she is also concerned about this lot being developed and the impact it will create. Ms. Justice, 15 Hemlock Lane, stated that there will be a lot of additional people per acre and is concerned about light, noise and septic issues. Mr. Halley stated that Health Department has recommended that the septic system be treated and the developer has given no indication that they wouldn't comply with that request. Ms. Justice requested that a professional be hired to evaluate the impact of the soils and the wetlands. Mr. Halley stated that hiring a professional even if this was not a comprehensive permit would be outside of our regulations. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to submit Mr. Halley's letter dated April 29, 2003 to the Board of Appeals.

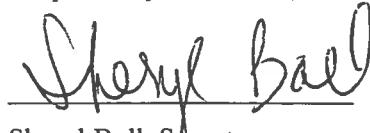
#### Other Business

- **Household Hazardous Waste Day** - Mr. Halley stated that Household Hazardous Waste Day was a success and that on average we serviced a vehicle every 23 seconds. Mr. Halley stated that \$7,000 was collected for CRT's. Ms. Dolan suggested we lower the fee for CRT's for seniors.
- **Smoking Policies** – Ms. Dolan stated that the Town of Framingham is attempting to overturn the Smoking Ban that was recently put into place. Mr. Halley stated that the Court has ruled previously that cities and town's have the right to ban smoking.
- **Article 11** – Mr. Reagor has submitted changes to Article 11 of the Acton Board of Health rules and regulations for the Board's review. The Board agreed that a public hearing regarding these changes should be scheduled but first asked Mr. Reagor to submit a copy to all of the installers and engineers for their comments.

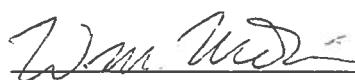
#### Adjournment

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,



Sheryl Ball, Secretary  
Acton Board of Health



William McInnis, Chairman  
Acton Board of Health