



## **Acton Board of Health**

### **Meeting Minutes**

**March 5, 2024**

**7:30 PM.**

**Hybrid Meeting Room 9 Acton Town Hall and via Zoom**

#### **Present:**

**Members Present:** Mark Conoby – Chairman and William McInnis

**Virtual Members Present:** Dr. William Taylor

**Staff Present:** Matthew Dow – Interim Health Director, Felix Garcia – Health Inspector and Penny Funairole – Health and Family Services Director

**Others Present:** Alissa Nicol – Select Board Liaison, Margaret O'Brien, Ian Schenkman, Katie Enright, David Formato and N. Scott Buchanan

**Others Present Virtually:** Doug Halley – Acton Exchange, Michael Pattison and Nicole Mandra

#### **1. Opening**

Chairman – Mark Conoby opened the meeting at 7:32 P.M. A script was read that was provided by the Town and this meeting of the Board of Health was called to order.

#### **2. Regular Business**

##### **Introduction of Health and Family Services Director**

Mr. Dow introduced the new Health and Family Services Director Penny Funairole to the Board. She comes to us from the city of Medford with over 15 years' experience working in public health. With a hands-on leadership style and a passion for serving others, Penny has dedicated her career to addressing critical issues such as substance use, mental health, emergency preparedness, public health and equity.

Mrs. Funairole addressed the Board and thanked them very much. She expressed how excited she is to be working for the Town of Acton. She said how impressed overall, she is with the camaraderie, the structure, the organization of the community. She said she is excited to put her fingers to the keyboard and get moving.

##### **Health Director Update**



Mr. Dow informed the Board that they have set the 2 household hazardous waste dates for Saturday June 1, 2024 from 9:00-11:30 AM and Tuesday September 24, 2024 from 4:00-6:30 PM. Both events will take place at the DPW Building 14 Forest Rd, Acton.

Mr. Dow also informed the Board that they just sent out a letter to home owners who have not pumped their septic system in the last two years. The Health Division has received many calls of people confirming their pumping. However, the Health Division has been finding the pumping companies have not submitted the required documentation to the Division.

### **Nursing Service Update**

Mr. Dow informed the Board that over the last month there have been 20 COVID cases and 34 Flu cases reported in Town, but that these numbers are probably on the lower side since people are doing home testing. Mr. Dow also updated the Board that there are 2 COVID cases at Benchmark at Robbins Brook and no cases of COVID at LifeCare.

### **3. New / Special Business**

#### **Hazardous Materials Control Permit – Next Grid, LLC, 55 Knox Trail**

Mr. Dow informed the Board that Margaret O'Brien and N. Scott Buchanan are seeking a Hazardous Materials Permit from the Board of Health on behalf of Next Grid, LLC. The owner Michael Pattison was online for questions. Ms. O'Brien informed the Board this will be an unmanned site, but operation and maintenance contractors would be visiting the site every 6 months to perform a service check. She continued by saying there will be 2 hazardous materials on the proposed site. The first type is a mineral oil for the transformers and the second is battery fluid for the battery energy source. Mr. Conoby asked about secondary containment for the hazardous materials and the applicants Ms. O'Brien and Mr. Buchanan discussed that all transformers are double walled. Ms. O'Brien continued that all battery cabinets are protected from fire and each battery cabinet has its own HVAC unit and heat sensors. When temperatures rise, air conditioning will kick on and cool the unit. If they continue to rise, it will trigger an aerosol fire suppression system that's present for each battery cabinet. Mr. Pattison explained to the Board that it is a Potassium Nitrate aerosol fire extinguisher. Mr. McInnis explained to the applicants that fire is one of the Towns biggest concerns. The Board was informed that the site will be hooked up with a networking operating center which remotely notifies the Fire Department in case of an emergency. Mr. Conoby asked about intrusion alarms and Mr. Pattison answered there are no alarms, but the entire site will be surrounded by a seven-foot fence and that each cabinet will be individually locked. Both Mr. Conoby and Mr. McInnis asked about some sort of Jersey barrier or blockade so that vehicles will not slip on the ice and snow and bang into the cabinets. Mr. Conoby asked the applicants how close the cabinets will be to the monitoring wells. This information is something the applicants will have to provide the Board of Health. Ms. O'Brien continued to address the concerns that the Board has such as Fire Department training on site twice a year. The applicant found that to be excessive. Mr. Conoby explained to them that the two trainings are for all the firefighters to get familiar with the site and



hazards, and because they all work different shifts and times. The next question that Mr. Conoby brings up is what is the response time for the contractor to be able to be on site if there is an accident or emergency. The O&M contract has not been selected for this site yet. Ms. O'Brien continued with requirements that the applicant feels they do not have to adhere by. She discussed the noise study and that it may not need to be done due to the location of the site. Mr. Conoby disagreed and suggested a baseline sound study be done before the project begins. Ms. O'Brien discussed the need to still have the Fire Department review and comment on the project. Lastly, Mr. Conoby brought up the comments from the Acton Water District. The applicants feel that all of the AWD requirements can be met. The Board left it that the applicants must follow up with the Health Division with the remaining items before the Board votes on the hazardous materials control permit.

#### **Variance Request Regulation 16-4.2.9 – 117 Central Strat (Dover Heights) Large Septic System**

Mr. Dow introduces Ian Schenkman, David Formato and Katie Enright to the Board as they are applying for a variance from Regulation 16-4.2.9: On site Sewer Treatment Plants, with advanced capabilities, shall be required for all projects in excess of 10,000 gallons per day within any aquifer protection zone. Mr. Formato of Onsite Engineering informs the Board that there is a section in Title 5 that states for pre-existing systems that are over 10,000 gallons per day and under 15,000 gallons per day are allowed to remain on septic as essentially a grandfather use, provided they provide a Title 5 inspection every 3 years. Mr. Formato continued that the system actually passed every aspect of a Title 5 inspection. It failed on separation to groundwater. He said when the Title 5 report was issued to the Board it was also issued to the State, and that the State is the permitting authority not the local Health Department. Mr. Formato explained that the leaching field will be moved from a Zone 3 into a Zone 4 aquifer protection zone. Mr. Conoby asked if the engineer has looked into any I/A technology to reduce the size of the leaching field. Mr. Formato explained that because of the concept of the large system, you will not get any reduction to leaching. Mr. McInnis asked about manifest injustice and wanted some clarification of the numbers that were provided to the Board. Mr. Formato tells the Board that the cost of construction and supplies has sky rocketed. Mr. Conoby discusses economic hardship and explains to the applicants that there are other condominiums that have had to construct a sewer treatment plant. Mr. Conoby continued that the applicants must have the same degree of environmental protection. Mr. McInnis discussed with the applicants that hopefully they can provide tertiary treatment or an improvement in that direction. Also, could they provide any data on the cost of a treatment plant.

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to table the discussion of the variance request for regulation 16-4.2.9.

#### **92B Willow Street – Update / Order and Enforcement**

Mr. Dow gave an update on 92B Willow Street to the Board. He reached out to Town counsel for an update, and was told the Housing Court had not made a decision at this time. The Board agreed to keep this on the agenda for the next meeting.



## Minutes – February 6, 2024

On a motion made by Dr. Taylor, seconded by Mr. McInnis, the Board unanimously voted to accept the minutes of February 6, 2024. The Chair took roll call and all were in favor.

## Adjournment

On a motion made by Dr. Taylor, seconded by Mr. McInnis, the Board unanimously voted to adjourn at 9:12 P.M. The Chair took roll call and all were in favor.

## Next Meeting

The next Board of Health meeting will be on March 26, 2024

### Documents and Exhibits Used During this Meeting:

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Hazardous Material Control Permit Application from Next Grid, LLC
- Variance Request from Onsite Engineering for regulation 16-4.2.9
- Board of Health meeting minutes from 2/6/24

Respectfully Submitted,

Matthew R. Dow

Matthew Dow  
Interim Health Director

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Mark Conoby, Chairman  
Acton Board of Health