



Acton Board of Health

Meeting Minutes

June 7, 2022

7:30 PM.

VIRTUAL PARTICIPANTS VIA ZOOM

Present:

Virtual Members Present: Mark Conoby, Acting Chair, Dr. William Taylor, Dr. Jacoby and Michael Kreuze. William McInnis was not present.

Virtual Associate Members Present: Dr. Singh voting for absent William McInnis

Virtual Staff Present: Sheryl Ball-Health Director, Jill Salamon, Public Health Nurse

Others Present: Himaja Nagireddy, Select Board Liaison, Andy Hershenow, Chuck Caron, Dan Penney, Jeff Savard, John Leighton, Maria Tobias, Paco Maroto, Tom Meusel and Vinay Goel.

1. Opening

Acting Chair – Mark Conoby opened the meeting at 7:34 P.M. A script was read that was provided by the Town stating why the meetings are virtual during this pandemic and this meeting of the Board of Health was called to order.

2. Regular Business

Health Director Update

Ms. Ball indicated that she did not have an update.

Nursing – Update

Ms. York stated that our numbers are fluctuating between 20 and low 40's but mentioned this only includes the documented cases and school aged children tested through the school. Ms. York also mentioned that as of May 25, 2022 there is new guidance for Children in Child Care, K-12, OST, and Recreational Camp Settings which is noted below:

- Quarantine for asymptomatic exposed children, regardless of where the exposure occurred, is no longer required for these settings. Children who are identified as close contacts may continue to attend programming as long as they remain asymptomatic. Those who can mask should do so until Day 10. A test on Days 2 and 5 is recommended, but not required.
- Children who test positive must isolate for at least 5 days. If they are asymptomatic or symptoms are resolving and they have been fever free for 24 hours, they may return to programming after Day 5, provided:
 - If the child is able to mask, they must do so through Day 10.



- If the child is unable to mask, they must have a negative test on Day 5 or later in order to return to programming prior to day 11.
- Symptomatic children can remain in their school or program if they are tested immediately onsite, and that test is negative. Best practice would also include wearing a mask, if possible, until symptoms are fully resolved.
 - If the symptomatic child cannot be tested immediately, they should be sent home and allowed to return to their program or school if they test negative, or they have been fever-free for 24 hours without the use of fever-reducing medication and their symptoms have resolved, or if a medical professional makes an alternative diagnosis. A negative test is strongly recommended for return if the latter two conditions are met.

Ms. York also stated that she is not aware of any new cases in our congregate care setting. The Board asked Ms. York about the uptick in cases within the schools and Ms. York stated that there were a lot of indoor gatherings that contributed towards these higher numbers but all cases were relatively mild. The Board also asked Ms. York if she was aware of any new guidance from the State and Ms. York stated no.

Ms. Ball mentioned the Town is asking people to be vaccinated and right now there is not a long wait to obtain a vaccine so we are not looking to do vaccine clinics but we will reassess if that changes.

Emergency Beaver Trapping Permit – Town of Concord –Nagog Pond

The Health Division has received a request for an emergency beaver trapping permit from the Town of Concord due to beaver activity that is threatening a public water supply in Nagog Pond. There is an active lodge within the lake (reservoir) that is deemed a threat to human health and safety. This application was received by the Town of Concord who utilize this reservoir for some residents of Concord and for some of the properties located in Acton along Great Road.

The Health Department conducted an inspection of this area along with the Natural Resources Director and has confirmed that in accordance with the Rules and Regulations that a threat to Human Health and Safety by beaver or muskrat activity within a drinking water supply exists. Unfortunately, it was also determined that this site is not a candidate for alternative measures other than trapping due to the potential impact to a drinking water supply and the threat of introducing potential diseases which beavers are known to carry. The Health Division recommends that the Board of Health approve a 10-day emergency permit, beginning on Wednesday, May 23, 2022, giving the licensed trapper and its agent the right to use restricted traps and breach the dams or dikes subject to the conditions of the Conservation Commission. The Board asked if the Town tests the water for parasites and giardia and Ms. Ball stated she would find out.

On a motion made by Dr. Taylor, seconded by Dr. Jacoby, the Board unanimously voted to grant an emergency beaver trapping permit to the Town of Concord for beaver activity located at Nagog Pond beginning on May 23, 2022 for a period of 10 days along with another 10-day



extension if needed, giving the licensed trapper the right to use restricted traps and breach the dam or dikes.

The chair took roll call and all were in favor.

Emergency Beaver Trapping Permit – 9 Washington Drive & 5,7,9 and 11 Jackson Drive

A request has been made for an emergency beaver trapping permit due to beaver activity with flooding occurring on 9 Washington Drive and 5,7,9 and 11 Jackson Drive which is impacting numerous trees that are at risk of falling which could cause property damage. An environmental consultant, Chuck Caron, was hired to do an assessment by the property owners and has submitted a report stating that he believes there is an imminent hazard on these sites of the flooded trees falling. The Health Department conducted an inspection of these areas along with the Natural Resources Director and has confirmed that in accordance with the Rules and Regulations that a threat to Human Health and Safety by beaver or muskrat-caused activity has created structural instability on properties owned by the applicant and the homes on Jackson Drive. The Massachusetts Beaver guidance for local BOH's states that if such animal problem poses an imminent threat of substantial property damage or income loss, which shall be limited to: flooding of residential lands in which the municipal board of health, its chair or agent or the state or federal department of health can determine that a threat to human health and safety exists.

Unfortunately, it was also determined that this site is not a candidate for alternative solutions other than trapping due to the location of the beaver activity and the surface levels of the water bodies. All impoundments are level and in order to use alternative methods (i.e. pipes installed into the dam) the flooded area needs to be higher in one location rather than level to help with water flow.

The Health Division has also advised the applicants that they should contact the Conservation Department to discuss any potential work on the trees within the wetland. Ms. Ball also explained that this request is unusual which is why at the request of the Conservation Director the environmental company was hired by the owners of these properties. Mr. Caron stated that he conducted an assessment and determined that these trees are at risk of falling. In addition, Ms. Ball stated that the above recommendation by the Health Division was taken directly from the State guidance for Boards of Health in order to issue this permit. Based on this information, the Health Department recommends that the Board of Health approve a 10- day emergency beaver trapping permit, beginning on Wednesday, June 8, 2022, giving the licensed trapper and its agent the right to use restricted traps and breach the dams or dikes subject to the conditions of the Conservation Commission.

On a motion made by Mr. Kreuze, seconded by Dr. Taylor, the Board unanimously voted to grant an emergency beaver trapping permit to the 9 Washington Drive and 5,7,9 and 11 Jackson Drive beginning on June 8, 2022 for a period of 10 days with the possibility of another 10-day extension if needed, giving the licensed trapper the right to use restricted traps and breach the dam or dikes.

The Chair took roll call and all were in favor.



Emergency Beaver Trapping Permit – 4 Duston Lane

A request has been made for an emergency permit beaver trapping permit due to beaver activity with flooding occurring on 4 Duston Lane very close to their septic system. The Health Department conducted an inspection of these areas along with the Natural Resources Director and has confirmed that in accordance with the Rules and Regulations that a threat to Human Health and Safety by beaver or muskrat-caused flooding of a residential septic system.

Unfortunately, it was also determined that this site is not a candidate for alternative solutions other than trapping due to the location of the beaver activity and the surface level of the existing water bodies. All impoundments are level and in order to use alternative methods (i.e. pipes installed into the dam) the flooded area needs to be higher in one location rather than level to help with water flow.

Based on this information, the Health Department recommends that the Board of Health approve a 10-day emergency permit beginning, Wednesday, June 8, 2022, giving the licensed trapper and its agent the right to use restricted traps and breach the dams or dikes subject to the conditions of the Conservation Commission.

On a motion made by Mr. Kreuze, seconded by Dr. Singh, the Board unanimously voted to grant an emergency beaver trapping permit to the property located at 4 Duston Lane beginning on June 8, 2022 for a period of 10 days with the possibility of another 10-day extension if needed giving the licensed trapper the right to use restricted traps and breach the dam or dikes.

The Chair took roll call and all were in favor.

Variance – 286 School Street

The owner of the property located at 286 School Street is seeking a variance from 310 CMR 15.211 to allow for a replacement of an existing deck with footings that are currently one foot from the septic tank. The Health Division reviewed the files and found that the existing deck was permitted in March of 1994. In addition, a septic system was approved and installed in 1995 and plans show the tanks abutting the current deck.

Unfortunately, the Health Division cannot locate building plans to understand how this was approved. The current deck is 28 years old and is in desperate need of replacement. In conversations with this department, we have asked the homeowner to cantilever the deck in order to get the footings as far away as possible from the septic tank and to use specialized footings that can be dug to at least the bottom depth of the tanks that are closer than 10' feet. These specialized footings can be drilled down into the ground without the need for excavation, thereby eliminating the issue of damaging the tanks during construction. There are calculations in the Board packet that show the expected loads of each footing. The homeowner has taken Health suggestions, however, this resulted in some footings still being as close as 2.5', 2.8' and 4'4' from the septic tank. The Board stated the proposed replacement deck will provide better protection than what is currently present and



stated that the replacement deck must remain the same size with no increase in square footage. On a motion made by Mr. Kreuze, seconded by Dr. Taylor, the Board unanimously voted to approve a variance from 310 CMR 15.211 to allow for the replacement deck to have footings 2.5', 2.8' and 4'4' from the septic tank with the following conditions:

1. All footings closer than 10' shall be dug to at least the bottom elevation of the septic tank and pump chamber.
2. Goliathtech or similar footings approved by Health Director shall be utilized.

Minutes – May 3, 2022

On a motion made by Dr. Jacoby, seconded by Dr. Taylor, the Board voted to accept the minutes of May 3, 2022. The Chair took roll call and all were in favor.

Next Meeting

The next BOH meeting is scheduled for July 5, 2022.

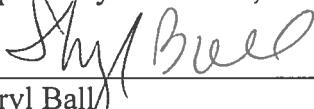
4. Adjournment

On a motion made by Dr. Taylor, seconded by Dr. Jacoby, the Board unanimously voted to adjourn at 8:30 PM. The Chair took roll call and all were in favor.

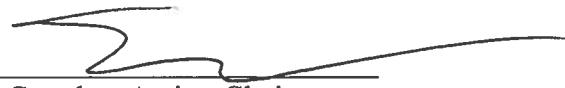
Documents and Exhibits Used During this Meeting;

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Emergency Beaver trapping permit applications from 4 Duston Lane, 9 Washington Drive and Lake Nagog, map and recommendations from Health staff
- Variance request, loading calcs, staff recommendation for 286 School Street
- Minutes from 5-3-22

Respectfully Submitted,



Sheryl Ball
Acton Board of Health



Mark Conoby- Acting Chairman,
Acton Board of Health