



## **Acton Board of Health**

Meeting Minutes

April 22, 2025

7:30 PM.

Virtual Meeting via Zoom

### **Present:**

**Virtual Members Present:** Mark Conoby – Chairman, William McInnis, Dr. William Taylor and Dr. Rekha Singh

**Virtual Staff Present:** Matthew Dow – Environmental Health Director

**Others Present Virtually:** Alissa Nicol – Select Board Liaison

**Others Present Virtually:** Paul Kirchner – Stamski and McNary and Marc Hamel – School District

### **1. Opening**

Chairman – Mark Conoby opened the meeting at 7:39 PM. 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**

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

Mr. Dow provided an update on several ongoing issues. Regarding Gould's Plaza, he reported that an engineer had drafted a plan which was sent to the owner for review. Once reviewed, it would be sent to the Health Division for their review. The process was described as slow but moving forward.

For Dover Heights, Matt mentioned that the engineer claimed to be drafting a plan. However, upon checking previous meeting minutes, it was noted that the plan was supposed to be submitted 60 days after the January 14th meeting, putting the engineer over the deadline.

Mr. Conoby expressed concern about both systems being in failure and plans not being submitted as promised. He instructed Matt to contact the responsible parties, request all plans, remind them of the timelines, and add these items to the next agenda.

Mr. Dow also reported on a seat count conducted at Rapscallion. He found 44 seats outdoors and 48 seats indoors, totaling 92 seats, which exceeded the permitted 54 seats. The owner was informed and promised to remove some seats. Mr. Conoby expressed concern about repeated violations and suggested drafting a letter to the owner explaining the findings and requesting a



written compliance plan. He also suggested that the restaurant keep a log of indoor and outdoor seating to avoid misunderstandings.

Alissa raised a question about the common and alcoholic beverage license renewal process. Matt agreed to look into the status of Rapscallion's license and any other outstanding permits or issues.

Mr. Dow mentioned the upcoming Hazmat Day on June 21st at 14 Forest Road from 9 to 11:30 AM. Mark suggested publicizing this information in the municipal quarterly and at transfer stations.

### **Nursing Service Update**

Mr. Dow provided an update from the nursing service. From February 25th, the Acton Nursing Services reported treating 31 cases of COVID, 31 cases of norovirus, 128 cases of influenza, and 1 campylobacter case. It was clarified that these numbers reflected public health reporting, not necessarily cases seen by the nursing service.

Alissa announced that at the recent nursing services advisory committee meeting, it was reported that the per diem nurse position had been filled for the first time in three years.

### **Any Board Members Future Agenda Items**

There was no specific discussion on future agenda items. However, the board agreed to add a section for citizen comments or other issues to future agendas to ensure the public has an opportunity to raise concerns.

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

#### **979 Main Street – Waiver from Town of Acton Health Division Rules and Regulations: 16-4.2.7**

Paul Kirchner from Stamski McNary presented a request for a waiver from regulation 16-4.2.7 regarding an offset to wells for a property at 979 Main Street. The property is located in Zone 1, which required board approval for the variance.

Paul explained that the proposed soil absorption system was within 300 feet of a private well within Zone 1. Due to wetlands and the proximity to a public well, the proposed location was deemed the best option despite not meeting the 300-foot setback requirement.

The Board raised concerns about the property line running through the building and the depth of the private well. They requested more information about the well's depth, registration status, and recent water quality testing results.



Mr. Conoby suggested adding independent high-water alarms for both the pump chamber and septic tank as an extra precaution. He also recommended sampling the monitoring wells for background data prior to issuing a certificate of compliance for the new system.

The board decided to defer granting the waiver until more information was provided and the concerns were addressed. Paul agreed to work with Matt to resolve these issues and return with a revised plan at the next meeting.

### **Boardwalk School: Update**

Marc Hamel from the school district provided an update on the Boardwalk School's wastewater system. He reported that monitoring well testing showed total nitrogen levels were still over the limit, with some wells showing levels more than twice the expected limit.

The school had hired a plumbing firm to conduct daily monitoring of water usage from March 27 to April 18. Without the final report, the average usage appeared to be about 4,100 gallons per day. The plumbers also checked all fixtures for leaks and excessive water usage.

Mr. Hamel mentioned that they found some fixtures with excessive run times, including toilet basins that weren't shutting off properly after flushing. He theorized that small particles from the rainwater catch system might be causing issues with the flushometers.

The Board expressed concern about the high nitrogen levels and requested continued monthly testing. They also suggested focusing on understanding why the monitoring wells showed such different results and why the down-gradient well (monitoring well 8) was showing such high levels.

Marc agreed to continue with the testing and to provide updates at future meetings. The Board emphasized the importance of bringing the system into compliance and protecting the environment and community.

### **Minutes – February 25, 2025**

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to approve the meeting minutes from February 25, 2025. The Chair took roll call and all were in favor.

### **Adjournment**

On a motion made by Mr. McInnis, seconded by Dr. Singh, the Board unanimously voted to adjourn at 8:49 PM. The Chair took roll call and all were in favor.

### **Next Meeting**



The next Board of Health meeting will be on Tuesday May 13, 2025.

**Documents and Exhibits Used During this Meeting;**

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- BOH Letter for Waiver from 16-4.2.7
- Letter to Board 979 Main Street
- 979 Main Street Revised Plan
- Pinchin Summary Letter GW Sampling 75 Spruce St.
- Board of Health meeting minutes from 2/25/2025

Respectfully Submitted,

Matthew R. Dow

Matthew Dow  
Environmental Health Director

Mark Conoby

Mark Conoby, Chairman  
Acton Board of Health