

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**October 19, 2022**  
**Approved: November 8, 2022**

*Board of Health Members present:* Libby Levison; Sharon McCarthy; Chris Mitchell, Chair.

*Others Attending, including but not limited to:* Jim Garreffo, Health Agent, Nashoba Associated Boards of Health (NABH); Hugh Silk, 75 Oak Hill Road; Dan Wolfe, PE, David E. Ross Associates, Inc.

*Mr. Mitchell called the meeting to order at approximately 7:10 p.m. and provided remote meeting instructions.*

**PUBLIC COMMENT**

None.

**NEW BUSINESS**

**75 Oak Hill Road: Consider extension on Binding Agreement regarding septic and well installation**

Mr. Silk indicated that he would talk to Skillings & Sons to see whether they are still on schedule to dig the new well and decommission the two wells in November and would advise the BOH of status of scheduling via e-mail. The BOH Members and Mr. Garreffo indicated that as the Silks are making progress on the install they feel comfortable with affording the Silks an extension on the waiver. Ms. McCarthy made a motion to extend the waiver for 120 additional days from the current date of expiration; Ms. Levison seconded. All were in favor by roll call vote.

Mr. Mitchell suggested the BOH consider the septic permit for 75 Oak Hill Road out of order to allow for Mr. Silk's attendance. Mr. Garreffo indicated that he has no concerns with the application for a gravity system at the front of house with a tank to a GeoMat system. Ms. McCarthy made a motion to approve the septic permit for 75 Oak Hill Road; Ms. Levison seconded. Mr. Garreffo indicated that he will be able to issue the well permit for Skillings' based on the septic plan once an application is received. All were in favor by roll call vote.

**6C Trail Ridge Way: Hearing for variance request from the State Sanitary Code requirements of 105 CMR 410.250 (A) and consideration of two-bedroom deed restriction**

The BOH considered the variance request in connection with a building permit application to finish a basement at 6C Trail Ridge Way. The members discussed the importance of ensuring proper air exchange if a variance from the requirement for sufficient translucent glass is allowed. The Members requested Mr. Garreffo write the property owners to ensure they understand the requirement for sufficient air exchange. Ms. Levison made a motion to allow the variance from the Sanitary Code for Unit 6C Trail Ridge Way conditioned on receipt of written confirmation from the homeowner that he/she understands the requirements for sufficient air exchange as explained in the BOH's anticipated letter; Ms. McCarthy seconded. All were in favor by roll call vote.

The BOH Members also considered whether a two-bedroom deed restriction is required. Mr. Garreffo explained that both the Master Deed and the Master Deed Addendum do not specifically

state the number of bedrooms for the unit and suggested a bedroom deed restriction be recorded to the Unit Deed to ensure the approval is clear for future owners. Ms. Levison made a motion to approve a two-bedroom deed restriction for 6C Trail Ridge Way; Ms. McCarthy seconded. All were in favor by roll call vote.

### **52 Tahanto Trail: Consider bedroom count**

Mr. Wolfe stated that in preparation for designing an upgrade system for the property owners, his review of documents at the Nashoba Associated Boards of Health and the Harvard Board of Health reflect differing approvals for the existing septic system. Mr. Wolfe indicated that while the original permit reflects “three bedrooms” the house was built with five bedrooms, a repair permit reflects a five-bedroom system and assessor’s records reflect four bedrooms, as one of the walls dividing two of the bedrooms was removed. Mr. Wolfe explained that he will be designing a five-bedroom septic system but should the BOH determine that the approval was originally for three bedrooms, he will need to test for and include a reserve area. Mr. Wolfe stated that he believes the property owners would be able to find a sufficient reserve area if needed. The Members stated that they are comfortable accepting the application as an upgrade of a five-bedroom system.

### **Prepare response to PHEP Region 2 Survey: SNS Drills/AAR 2022-2023**

Ms. Levison stated that PHEP Region 2 Coordinators have indicated that the After Action Report (AAR) from the COVID-19 test kit distribution will fulfill this year’s set-up requirements and they would like to have a discussion to discuss the AAR further.

### **Consider process for approving septic permits**

Mr. Garreffi asked the BOH Members about their preference regarding whether or not they would like to review all permits or just those which need variances or approvals. Mr. Mitchell suggested that the BOH move forward with Mr. Garreffi issuing any permits which meet full Title 5 requirements and provide a report of those issued at the next meeting thereafter; all agreed. It was confirmed that the BOH Members will continue to review permits which require local upgrade approval or variances.

### **Report from All Boards Meeting (9/28/22)**

Mr. Mitchell suggested this item be discussed at the next meeting. He indicated he will send the Members his notes from attendance in the interim.

### **Plan for meeting FY24 budget calendar deadlines**

Mr. Mitchell indicated that the budget will need to be prepared in the next two meetings. Ms. Levison asked that the budget not be prepared at the last minute, and that all members send their ideas for activities by November 4<sup>th</sup> so she can begin drafting the budget. Ms. Levison suggested a short budget meeting on November 22<sup>nd</sup>, and a full BOH meeting on November 29<sup>th</sup>. Ms. McCarthy indicated she may not be able to meet on the 22<sup>nd</sup>. Ms. Levison suggested the members consider sponsoring a Styrofoam collection.

### **Discuss follow-up actions from Annual Town Meeting**

Mr. Mitchell reported that there were some questions about the levels of fines presented in the non-criminal disposition bylaw. The group agreed that clarification from Town Counsel would be

appreciated; Ms. Levison also agreed to reach out to Cheryl Sbarra of the MA Association of Health Boards for advice.

Mr. Mitchell also reported that although Article 6 passed the BOH has since learned that some residents expressed concerns about how it will be enforced. The BOH Members agreed that outreach and education concerning the intent will be important.

### **Plan for revisions to the marijuana, tobacco, and private wells regulations for alignment with the proposed non-criminal disposition bylaw**

The Members agreed to revise the waste hauler regulation in November, and the remaining regulations in December.

### **Understanding BOH role in the food waste ban (effective Nov. 1<sup>st</sup>)**

The BOH discussed whether it will have a role in enforcing the food waste ban. Mr. Mitchell suggested the hauler regulation revisions might include a statement that haulers are required to advise their customers of applicable changes in waste ban rules in advance of the effective date. Mr. Garreffi advised that the DEP webpage has a helpful tool to determine whether the food waste ban will apply to a facility; Ms. Levison stated she will review the same to identify whether the food waste ban will apply to the Harvard Public Schools.

### **Report from attendance at NEWMOA Webinar: Solidification/Stabilization to Manage PFAS (9/22/22)**

Mr. Mitchell indicated that the webinar was very technical and did not require a full report to the BOH. He stated that there have been some very positive advancements in treatment without using carbon geared toward public water supplies, but he expects that the science will be transferrable to treatment of private supplies.

### **Report from attendance at NABH get-together (9/15/22)**

Mr. Mitchell reported that the get-together was a great gathering where he met BOH Chairs from 3-4 other Towns. He indicated that the other Towns are dealing with very similar issues. Mr. Mitchell stated that he thought the meeting was a worthwhile use of time and suggested that the group meet similarly throughout the year.

### **Update regarding request for additional COVID-19 test kits and further discussion regarding distribution**

Ms. Levison stated she currently has 10 boxes of 90 kits each, and Mr. Garreffi indicated that an additional 10 boxes are available for pick-up. Ms. Levison stated that one box in her possession has a printed expiration date of January 2023. Ms. McCarthy suggested that distribution be advertised in advance of gathering for the holidays. Mr. Garreffi indicated that the kits can be stored at NABH until the Board is ready for distribution. It was agreed that the BOH will offer the Schools the 900 kits previously discussed, as well as the pediatric masks. Ms. Levison indicated that the library was willing to hand out kits; she will ask the COA again if they need any, and will reach out to the Police Department to see if they would be willing. Ms. McCarthy agreed to offer test kits to the churches. The BOH agreed to advertise using the Town e-mail alerts and the Harvard Press in advance of Thanksgiving.

### **Pond algae update: Sample program complete for the season**

Mr. Mitchell stated that the testing season is complete. Ms. Levison indicated that she will bring the dial sign to Town Hall or Mr. Mitchell's barn for storage over the winter.

### **HHAN EEE/WNV update: Sample program complete for the season**

Mr. Mitchell stated that the testing season is complete. Ms. Levison indicated that there were no positive EEE mosquito samples in the state of MA this year, and only 6-7 WNV positive mosquitoes, none of which were in Harvard's vicinity.

### **COVID-19 Current Status**

Ms. Levison stated that she will follow-up with Ms. Montgomery for this week's report, and that she heard COVID-19 cases are increasing throughout the state.

### **Update from DPH Interagency Local Boards of Health Webinar(s)**

The recent webinar was not attended by any representative of the Harvard BOH.

### **Health Agent Update**

- Mr. Garreffi indicated that a resident has requested revisions to the long line sewer notice for discussion at the 11/8/22 meeting.

### **OLD BUSINESS**

#### **Status of satellite phone base station installation at the Bromfield School and Public Safety Building**

Ms. Levison will follow-up with Mr. Woodsum regarding status of installation.

#### **Continued report from Cyanobacteria Monitoring Collaborative Forum: Algae Control Methods (3/24/22)**

Ms. Levison indicated that this item can come off future agendas.

### **Drought: Consider next public outreach steps**

Mr. Mitchell suggested that the BOH start outreach in the late-winter or spring. Ms. Levison suggested a "Consider This" be written as soon as possible with forums beginning in late-winter. Mr. Mitchell suggested that the "Consider This" explain why Article 6 is important. Mr. Mitchell and Ms. McCarthy agreed to prepare a flow chart from Ms. Levison's draft outline for drought outreach. Mr. Mitchell also volunteered to contact a friend who is a State hydrogeologist to see if he has outreach resources. Ms. Levison suggested the BOH host a night in Upper Town where residents can ask questions of hydrogeologists; Mr. Mitchell stated he met a retired, expert hydrogeologist who might be willing to speak; Ms. Levison suggested a DEP representative might be another appropriate speaker.

### **Continued discussion regarding the textile ban (effective 11/1/22), including review of draft mailer on recycling, textiles & mattresses, and discussion re placement of additional textile**

## **recycling bins on municipal property**

The BOH Members considered whether to send the mailer to residential and/or commercial addresses. Ms. Levison stated that Mr. Mitchell made a motion to approve the invoice in an amount up to \$1,200 for delivery to residential addresses; Ms. McCarthy seconded. All were in favor by roll call vote.

## **PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program and outreach**

Mr. Mitchell stated that he attended a RAB working group meeting attended by the RAB Members and representatives from the technical group and Army. He reported that recent advanced work has been focused on the fire training area by the airport at Devens and has included drilling and treatment technology feasibility work; Mr. Mitchell indicated that he is pleased that the Army is being so proactive. Mr. Mitchell reported that the next major phase will be in Area 1, which abuts Harvard, and will include groundwater wells and soil testing, including in some locations in Harvard. He indicated that they hope to begin the field work of Phase 2 in the early Spring. Mr. Mitchell will confirm whether the BOH will receive direct notification of work being done in Harvard.

Ms. Levison expressed interest in rescheduling the showing of the movie "Dark Waters" which addresses PFAS contamination from a 3M plant in West Virginia, and indicated that she hopes to schedule a subsequent discussion of the movie with residents, and representatives from DEP, Central MA Health Foundation, and RCAP. Ms. Levison stated she will work to have these events scheduled before the drought outreach forum.

## **Review Action Items**

Mr. Mitchell indicated he plans to reach out to Mr. Maiore to thank him for his attendance at the BOH Meeting and volunteer BOH expertise when the SB is considering the continued feasibility of the Transfer Station.

## **PERMITS**

- Septic: 235 Bolton Road, Lot 1

Ms. McCarthy made a motion to transfer the permit from Homescout LLC to RD Kinnard Homes, Inc.; Ms. Levison seconded. All were in favor by roll call vote.

- Septic: 32 Whitman Road

Mr. Garreffo reminded the Members that they approved at a prior meeting the requested reduction in the groundwater offset to two feet. Ms. Levison made a motion to approve the permit for a local upgrade of the SDS at 32 Whitman Road; Ms. McCarthy seconded. All were in favor by roll call vote.

- Septic: 295 Ayer Road

The group discussed allowances approved at a prior meeting in anticipation of the permit issuance. Mr. Mitchell made a motion to approve the permit with the requirement that a long sewer notice be recorded; Ms. Levison seconded. All were in favor by roll call vote.

- Septic: 107 Littleton County Road

Ms. Levison made a motion to approve the upgrade permit for 107 Littleton County Road; Ms. McCarthy seconded. All were in favor by roll call vote.

## **MINUTES**

The Minutes of 9/27/22 were reviewed and amendments agreed upon. Ms. McCarthy made the motion to approve the Minutes of 9/27/22 as amended; Ms. Levison seconded. All were in favor by roll call vote.

## **ITEMS FOR NEXT AGENDA**

Mr. Mitchell asked the Members to send Ms. Flynn items for the next agenda with the request that the items be limited so that the waste hauler regulations and budget have sufficient discussion time.

## **ADJOURNMENT**

Ms. Levison made the motion to adjourn at 9:10pm; Ms. McCarthy seconded. All were in favor by roll call vote.

*Respectfully submitted,*

*Alison Flynn, Clerk*

### **Documents Referenced:**

- Agenda
- 6C Trail Ridge: Variance request letter, proposed basement renovation plans, Unit Deed, Master Deed Amendment, Unit Plan referenced by Master Deed Amendment;
- 75 Oak Hill Road: Approved Binding Agreement;
- 52 Tahanto Trail: Discussion request letter and supporting documentation from Dan Wolfe;
- PHEP survey re drills/AAR & Ms. Levison's e-mail to Jamie Terry re same;
- Ms. Levison's inventory of test kits/supplies rec'd from the State;
- Ms. Levison's e-mail re food waste bans;
- E-mail chain re additional textile bins on municipal property;
- Ms. Levison's draft drought Consider This outline and email re outreach efforts; and
- Ms. Levison's e-mailed correspondence with Ms. Sobalvarro re PFAS movie showing;
- Action Items from 9/27/22;
- Draft Minutes of 9/27/22.
- 32 Whitman Road: Application, unsigned permit, LU conditions form, and SDS

plan;

- 295 Ayer Road: Application, unsigned permit, plan, and cover letter;
- 235 Bolton Road, Lot 1: Application and unsigned permit;
- 107 Littleton County Road: Application, unsigned permit, and SDS plan;
- 75 Oak Hill Road: Application, unsigned permit, and SDS plan.