

Harvard Board of Health Meeting Minutes
Zoom Meeting
March 27, 2023
Approved: April 24, 2023

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

Others Attending, including but not limited to: Alison Flynn, Board of Health Clerk; Jim Garreffo, Health Agent, Nashoba Associated Boards of Health; Hannah Kowalski, Dandelion Energy; Blake Brasher, 204 Stow Road; Dan Wolfe, PE, David E. Ross Associates; Joan Eliyesil, The Harvard Press.

CALL MEETING TO ORDER

Mr. Mitchell called the meeting to order at 7:00 p.m. Ms. Flynn provided remote meeting instructions.

PUBLIC COMMENT

None.

NEW BUSINESS

19 Blanchard Road: Variance hearing for relief from the Private Wells regulation

Ms. Kowalski indicated that she is a representative of the contractor retained to install a geothermal heat pump at the property. She indicated that Dandelion Energy has determined that the installation of three closed loop geothermal wells cannot meet the local requirement for a 100-foot offset but will meet the DEP guideline for a 50-foot offset, from drinking water wells. Ms. Kowalski explained that the design engineers believe the number of proposed boreholes is ideal for efficiency and location for the boreholes was determined by ease of access for installation, but offered to have the design engineers prepare an alternative plan for consideration. Mr. Garreffo explained that establishing an offset to the drinking water well is in part because of the risk of leakage from the geothermal well but indicated that the design requires the tubes be encased and pressure tested at installation. Mr. Garreffo advised that the drinking water well, installed in 1988, is 365 feet deep. Ms. Kowalski stated that they are hoping the proposed geothermal wells will be around 380 feet deep. The BOH Members decided that they were comfortable allowing a variance consistent with DEP's offset guidance.

Ms. McCarthy made a motion to accept the variance request from the Private Wells regulation reducing the setback for the geothermal wells to 50 feet from the drinking water well for the geothermal boreholes at 19 Blanchard Road; Ms. Levison seconded. Mr. Mitchell asked to amend the motion to include that the decision accepts DEP's recommendation for the 50-foot offset; Ms. McCarthy agreed. All were in favor of the amended motion by roll call vote.

Ms. Kowalski invited the BOH to come out to the site to observe the installation once begun.

43 Brown Road: Consider Local Upgrade Approval and variance requests for proposed SDS

Mr. Wolfe presented the proposed design upgrade of a failed septic system to a Geomat system

which requires a reduction in the 100-foot offset to the wetlands to 70 feet, and local upgrade approval to allow use of a sieve analysis to determine the perc rate. He indicated that wetlands on the property and soil conditions at testing limited his design options. Mr. Garreffi stated that he does not have any concerns about the requests. Mr. Wolfe confirmed that he will also need the Conservation Commission's (ConCom) approval and will come back to the BOH if ConCom requires any revision to the plan. Mr. Garreffi advised that he does not see any alternatives for the site.

Ms. Levison made a motion to grant the local approval request for use of sieve analysis for the Geomat system and to allow the variance for a 70-foot offset to the wetlands for Plan L-14639 for 43 Brown Road; Ms. McCarthy seconded. All were in favor by roll call vote.

204 Stow Road: Consider request for three-bedroom deed restriction in anticipation of building permit application

Mr. Brasher presented proposed plans to renovate a "bonus" room currently furnished with a hot tub for use as a home office. The Board Members explained the concern that a future owner would be unaware that the septic is approved for three-bedroom use.

Ms. Levison made a motion to approve a three-bedroom deed restriction for 204 Stow Road; Ms. McCarthy seconded. All were in favor by roll call vote.

Plan for distribution of information at Spring Town Meeting (4/29), Townwide Cleanup (5/4-5/8), and Garden Club Plant Sale (5/20)

The BOH Members agreed to accept the Garden Club's invitation to distribute materials at their annual Plant Sale. Mr. Mitchell agreed to check his calendar for availability to hand out tick and vector borne disease information at the Townwide Cleanup distribution. The Members agreed to decide on handout of information at Spring Town Meeting on Stroke, the MA Behavioral Health Help Line, drought and/or vector borne diseases at a later date.

Consider preparation of comments to the Planning Board regarding the proposed Protective Bylaw Amendment: "Smart Growth Overlay District"

Ms. McCarthy noted that the Planning Director advised at the last Land Use Boards (LUB) meeting that the proposed bylaw amendment would not be going forward at April Town Meeting, but that the Planning Board would still be accepting comments. Mr. Mitchell suggested he and Ms. McCarthy review Ms. Levison's draft comments for finalization at the next Board of Health meeting.

Consider attendance at 2023 MAHB Certificate Program

Ms. Levison stated that she signed up to attend the MA Association of Health Boards' program at the Taunton location. Mr. Mitchell, Ms. McCarthy, and Mr. Garreffi will consider their availability to attend one of the sessions; Ms. Flynn stated she unable to attend a Saturday session in the Spring.

Ms. McCarthy made a motion to approve the \$100 invoice for Ms. Levison's attendance at the MAHB Certificate Program; Mr. Mitchell seconded. All were in favor by roll call vote.

Consider change in Board of Health Meeting schedule

The group considered their availability for a change in the regular meeting schedule. Ms. Flynn agreed to prepare a poll of possible days and times for future consideration.

Report from attendance at Centering Health Equity Here in Central MA forum (3/22/23)

Ms. Levison reported on her attendance at the invitation of Amie Shei. She indicated that she learned there is pro bono help available for those who encounter difficulty navigating the upcoming redetermination process for MassHealth. Ms. Levison will reach out to Debbie Thompson to see if she is aware that assistance is available, and follow-up with Amie Shei to see if she has any recommendation for outreach in Harvard.

Report from Land Use Boards (LUB) Meeting (3/21/23)

Ms. McCarthy reported that it was speculated that the proposed Smart Growth overlay district bylaw amendment will go forward for Fall Town Meeting. She also advised that there was also discussion regarding continued issues with compliance at the Pine Hill Village development. Mr. Garreffo advised that the developer is close to providing sufficient documentation to receive a Certificate of Compliance for the septic system installed during this phase. Ms. McCarthy indicated that the group also discussed the current status of 247 Littleton County Road's request to DEP for decommissioning of the Public Water Supply (PWS) and application to the ZBA to alter the approval for the number events in support of the request to DEP. Mr. Garreffo indicated that he will be meeting with DEP later in the week to discuss the request further.

COVID-19: Current Status

Ms. Levison stated that she updated and circulated the COVID-19 case history spreadsheet and that Harvard currently has less than 5 cases.

Report from the DPH Interagency Local Boards of Health Webinar

A summary of the 3/14/23 webinar was not provided at this meeting.

Clerk & Health Agent Update

- Mr. Garreffo indicated that he wanted to confirm his understanding of where the BOH stood on the issue of the PWS at 247 Littleton County Road. Mr. Mitchell indicated that he believes it is the decision of DEP, but his gut feeling is that the PWS should stay in place. Ms. Levison suggested that trying to limit the proposed activities could be a very slippery slope. Mr. Garreffo advised that it would be much more complicated to get the PWS back once removed.

OLD BUSINESS

Further consideration of purchase of tick removers and discuss efforts to support subsidized tick testing

The BOH Members considered purchase of tick removers from multiple sources and agreed on the purchase of removers from Ticked Off. Ms. Levison made a motion to approve purchase of 150 tick removers from Ticked Off; Ms. McCarthy seconded. Mr. Mitchell suggested an amendment to purchase 150 removers or as many as afforded in the allocated budget; the Members agreed. All were in favor of the amended motion by roll call vote.

Consider revisions to Article I: Sanitation

The Board Members considered draft revisions to the Sanitation regulation. Ms. Levison explained her proposed revisions to the fine schedule. Mr. Wolfe suggested the installer v. the design engineer should be fined for failure to backfill any test holes. The Members agreed to consider the revisions in preparation for the next meeting.

Report from attendance at the Mass. Association of Conservation Commissioners workshop on "Reforming Mosquito Control in MA" (3/2/23)

Ms. McCarthy indicated that there is currently no resolution but that there are efforts to examine how mosquito control could be effective without statewide spraying.

Continued preparation for National Public Health Week (4/3- 4/9/23)

The group agreed to review the draft announcements and prepare any additional draft announcements for comment by Wednesday. Mr. Mitchell agreed to work with Ms. Flynn to provide final approval.

Further discussion regarding advertisement of new behavioral health hotline

Ms. McCarthy indicated that she would work with Ms. Flynn to order printed materials from the MA Clearinghouse for distribution at Town Meeting, to the Schools, to the COA, and to the Veteran Representative.

Continued follow-up from EDS Plan Review Initial Meeting (3/9/23)

Ms. Flynn advised that the Plan needs to be revised and approved by the BOH by June 1st. Mr. Mitchell agreed to work with Ms. Flynn to finalize the MOU with the Schools and Police Department. The BOH Members agreed to review the Important Contact Information table prior to the next meeting.

Drought: Continued discussion regarding next public outreach steps

Ms. Levison agreed to provide comments on the two draft articles on the following day.

PFAS: Including but not limited to report from Private Wells & PFAS Forum (3/23/23) and EPA public forum re proposed national drinking water standards (3/16/23)

Mr. Mitchell thanked Ms. Levison and Ms. Flynn for their hard work on the PFAS Forum and noted that the public turnout was outstanding. Ms. Levison stated she has received very positive feedback from the public. Ms. Flynn confirmed that Harvard Cable TV has the video posted to their website. Ms. Flynn also advised that she has received several follow-up e-mails from residents asking about PFAS testing recommendations. The BOH Members reviewed and revised a draft guidance document for testing and treatment of PFAS. Ms. Flynn agreed to post the document to the BOH PFAS Resources page and send a copy to Ms. Eliyesil. Ms. Eliyesil agreed to include in her article for the Harvard Press that the BOH welcomes submittal of PFAS results to the BOH office. Ms. McCarthy advised that the proposed legislation by Mr. Eldridge and Mr. Sena would in part enable DEP to establish MCLs for private wells. Ms. Flynn asked the Members to consider Ms. McCarthy's suggestion that the ASTDR link be included on the BOH PFAS Resources Page; Ms. Levison stated that she believes it is already included. Ms. Flynn agreed to send out an e-mail announcement providing the link to the Cable video of the forum, Power Point

presentation, and QR Codes.

Continued discussion regarding Massachusetts Statewide Opioid Settlement Funds

Mr. Mitchell indicated that he has not yet met with Mr. Maiore to discuss the status of the funds.

Action Items

Action items were reviewed.

PERMITS

Septic

Mr. Garreffi indicated that septic he'll have issued septic permits prior to the next meeting.

Stable

Ms. Flynn advised that Ms. Allard and Mr. Garreffi voiced no concerns regarding issuance of stable permits for each of the following:

- 58 Old Mill Road;
- 103 Bolton Road;
- 162 East Bare Hill Road;
- 219 Bolton Road.

The Members reviewed the application of 58 Old Mill Road. Ms. Levison made a motion to approve the stable permit for 58 Old Mill Road; Ms. McCarthy seconded. All were in favor by roll call vote.

The Members reviewed the application of 103 Bolton Road. Ms. McCarthy made a motion to approve the stable permit for 103 Bolton Road; Ms. Levison seconded. All were in favor by roll call vote.

The Members reviewed the application of 162 Bolton Road. Ms. McCarthy made a motion to approve the stable permit for 162 East Bare Hill Road; Ms. Levison seconded. All were in favor by roll call vote.

The Members reviewed the application for 219 Bolton Road. Ms. Levison made a motion to approve the stable permit for 219 Bolton Road; Ms. McCarthy seconded. All were in favor by roll call vote.

Waste Hauler

- **Noncompliance Hearing: Consider enforcement of Cease and Desist Order issued for United Hauling, Inc. for violating the Code of the Town of Harvard, § 145-40: Permit required for collection, transfer or transport**

Ms. Flynn reported that United Hauling, Inc. has provided all required documentation and a copy of the check and tracking number for the Town of Harvard fee. She indicated that tracking

information suggests the check will be delivered the following day. Mr. Mitchell noted that this was the second check that United Hauling issued for the fee; the prior check never arrived. Ms. Flynn also advised that United Hauling is not currently compliant with the requirement for accurate lettering on the trucks and receptacles. She stated that her contact at United Hauling, Inc., stated she hopes that all trucks and receptacles will be accurately lettered by the following year.

Ms. McCarthy made a motion to approve the permit for United Hauling, Inc., pending receipt of the check for the Town of Harvard fee; Ms. Levison seconded. All were in favor by roll call vote.

MINUTES

The Members agreed to table the review of Minutes for a future meeting.

DISCUSS ITEMS FOR NEXT AGENDA

Mr. Mitchell asked all Members send Ms. Flynn suggestions for the next agenda. Ms. Levison volunteered to prepare draft responses to the questions asked at the PFAS forum; Ms. McCarthy will forward her the questions from the Zoom “chat”.

ADJOURNMENT

Ms. Levison made a motion to adjourn at 9:15 p.m.; Ms. McCarthy seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- 19 Blanchard Road: Variance request letter & supporting documents. Excerpt from the Harvard Private Wells regulation re Geothermal Wells.
- 43 Brown Road: LUA request letter, LU conditions form, and proposed plan;
- 204 Stow Road: Request for bedroom deed restriction, proposed bedroom deed restriction, and layout plans;
- Ms. Levison’s e-mail providing comments regarding the proposed Protective Bylaw Amendment “Smart Growth Overlay District”
- MAHB Certificate Program announcement e-mail;
- MAHB invoice for Ms. Levison’s attendance at the Taunton program;
- COVID-19 case history spreadsheet;
- March 2023 quote for purchase of Ticked Off removers;
- Proposed revisions to the Sanitation regulation;
- 2022 National Public Health Week announcements and draft announcements for 2023;
- Draft guidance document regarding testing and treatment for PFAS
- Draft document providing QR Codes for the PFAS forum speakers
- Ms. McCarthy’s e-mail re adding ATSDR link to PFAS page;

- Draft Minutes of 2/27/23;
- Stable permit application for 103 Bolton Road;
- Stable permit application for 162 East Bare Hill Road;
- Stable permit application for 58 Old Mill Road;
- Stable permit application for 219 Bolton Road.