

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**June 27, 2023**  
**Approved: July 11, 2023**

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

*Others Attending, including but not limited to:* Alison Flynn, Board of Health Clerk; Jim Garreff, Health Agent, Nashoba Associated Boards of Health; Bruce Ringwall & Jonas Bellini, GPR; Bill Ference, 247 Littleton County Road; “Flokos Family”, 72 Pinnacle Road; Tony Lopez & Dan Sweeney, Sweeney Drywall, 202 Ayer Road.

**CALL MEETING TO ORDER**

*Mr. Mitchell called the meeting to order at 4:00 p.m. Ms. Flynn provided remote meeting instructions.*

**PUBLIC COMMENT**

None.

**NEW BUSINESS**

**202 Ayer Road: Consider request for relief from local Sanitation regulation requirements**

Mr. Garreff explained that the two buildings on the property up to this point have been used as a warehouse facility without a septic system. Mr. Ringwall explained the requests listed in GPR’s letter of May 24, 2023, including the allowance of two passing perc tests and three passing soil evaluation holes within the proof conventional trenches within trenches required by the Presby general use approval letter, and less than 10-foot separation between the conventional primary and expansion leaching areas. Mr. Ringwall indicated that the design plan allows flows to accommodate 13 people to use the facility per day; much more than Sweeney Drywall expects. Mr. Garreff stated that the project is considered “new construction” because no septic system preexists on the site. Mr. Ringwall confirmed that the Presby system is designed in the location of the three passing perc tests. Mr. Garreff advised that there are probably no circumstances where a trench system would be installed in the reserve area over an I/A system. Mr. Mitchell indicated that he is comfortable with the allowance because the design is for a Presby system and because three soil evaluations were passing. Ms. McCarthy agreed and added that she is also reassured because the design is in the area of the passing tests.

Ms. McCarthy made a motion to accept the variance request for 202 Ayer Road for three perc holes instead of four and for the distance from the reserve system to be less than 10 feet; Mr. Mitchell seconded. Both were in favor by roll call vote. Ms. McCarthy made a motion to amend the motion to include approval of the request to allow three passing soil evaluations instead of four; Mr. Mitchell seconded. Both were in favor by roll call vote.

**115 Oak Hill Road: Consider request for relief from local Sanitation regulation requirement and approval of remedial use**

The BOH Members considered the requests outlined in GPR's letter of April 25, 2023. Mr. Garreffi explained that Carlson Orchards is replacing the septic system for one of the living quarters on the property. Mr. Ringwall stated that the only location where there is depth of naturally existing soil is at the existing location of gravel parking space and will still require reductions in the offsets to groundwater and ledge described in the Presby remedial use letter. Mr. Garreffi confirmed that he will work with the engineers to confirm adequate cover is included for continued use as a parking lot.

Ms. McCarthy made a motion that, for the property located at 115 Oak Hill Road, the BOH approve the remedial use requests for a Presby system in the upgrade of the existing system; Mr. Mitchell seconded. Both were in favor by roll call vote.

*Mr. Mitchell made a motion to take Old Business, A: 247 Littleton County Road out of order to accommodate Mr. Ringwall; Ms. McCarthy seconded.*

## **72 Pinnacle Road: Consider request for local upgrade approval for remedial use**

The BOH considered the request for a reduction in the offset to groundwater from four feet to three feet for installation of a Presby system as explained in Civil Solution's letter of June 13, 2023. Mr. Garreffi explained that the existing system was installed prior to Title 5 changes and has recently failed. He indicated that he sees no issue granting the requested reduction, and will follow-up to insure he receives sieve analysis, grading is addressed, and water treatment is not dumping into the system.

Ms. McCarthy made a motion to accept, for the property at 72 Pinnacle Road, the requested reduction in the offset from four-feet to three-feet to groundwater for the Presby system; Mr. Mitchell seconded. Each were in favor by roll call vote.

## **31 Still River Road: Consider request for local upgrade approvals and variances from the local Sanitation regulation requirements**

The BOH Members considered Civil Solutions' request letter of June 13, 2023. Mr. Garreffi explained that the property is a very tight site with ledge and an existing well at the center of the site which make designing a new system difficult. Mr. Garreffi explained that the Geomat system will pressure dose the effluent over the field. He indicated that the requests are reasonable considering the tough site and the proposed system will be more protective of public health.

Ms. McCarthy made a motion to accept the requests for installation of a Presby system as outlined in the letter of June 13, 2023; Mr. Mitchell seconded. Each were in favor by roll call vote.

## **Consider preparation of comments on the proposed Protective Bylaw Amendments: Open Space & Conservation Planned Residential Development**

The BOH prepared comments regarding Section N: Site Improvements and Subsections (1) Water supply and (2) Sewage Disposal. Ms. Flynn will finalize the draft memorandum for submittal to the Planning Board.

## **Consider request for green burials at Bellevue Cemetery**

Mr. Garreffi advised that while there are not specific regulations governing green burials, MGL Ch. 114, Sec. 34-36, specifies the need for approval by the local board of health and the State website

describes guidelines for local boards of health when considering approvals. Mr. Garreffi suggested that an applicant should look at the MGLs and guidelines for local boards of health and present a proposal to the Board of Health that takes those items into consideration. Ms. Flynn will advise Mr. Lee of the same.

### **Consider recommendations of the Agricultural Advisory Commission regarding stable permits**

The BOH considered the Agricultural Advisory Commission's memorandums which recommended the BOH adopt stable permit regulations, grant all permit applications in the absence of regulations, and specifically grant the application of 13 Massachusetts Avenue if a stable permit is applied for. Ms. McCarthy indicated that she did not find the recommendation to 13 Massachusetts Avenue to obtain abutter consent to her sheep overly burdensome. Both Ms. McCarthy and Mr. Mitchell indicated that they are not currently interested in adopting regulations governing stabling animals. Mr. Garreffi advised that the authorizing MGL states that BOH's may adopt regulations relative to drainage, ventilation, size and character of stalls, bedding, number of animals and storage and handling of manure in any stable in its city or town. Mr. Garreffi expressed concern with requiring abutter consent because neighbors do not always stay the same. Mr. Mitchell suggested the BOH communicate to the Commission that the BOH interprets the MGL to the best of their ability when reviewing and issuing permits and intends to continue to do so. Ms. McCarthy indicated that if 13 Mass. Ave. is to re-apply, the BOH would consider the application again. Ms. Flynn will draft a memo for Mr. Mitchell's review.

### **Report from the DPH Interagency Local Boards of Health Webinar**

Ms. McCarthy reported on her attendance at the webinar. She indicated that the webinar was devoted to changes to summer camp reporting.

### **Report from LUB Meeting of 6/20/23**

Mr. Garreffi reported that the Council on Aging has moved out of Hildreth House and the Land Use Boards and Building Department are preparing to move in once telephone and internet can be installed; closer to the end of July. He stated that there was a question about whether there has been any developments regarding a proposed 40B at Old Mill and Ayer Road; there has been none. Mr. Garreffi indicated that the lawsuit regarding close out of the condominiums at Trail Ridge Way is still ongoing. He stated that there was discussion regarding status of approvals for Friendly Crossways, including that Mr. Ference has received approval to put the commercial kitchen in the Zone 1 of the Public Water Supply. Mr. Garreffi reported that the Planning Board is working on a draft Decision for 203 Ayer Road's proposed badminton facility. Mr. Garreffi explained that from the BOH point of view, the badminton facility could be permitted for septic once the design work is finalized, but the developer also wanted to receive a specific permit from the Planning Board which requires "mixed use". Mr. Garreffi stated that he explained to the Planning Board that any of the proposed mixed uses will push the required flow from 1,600 gallons/day to over 2,000 gallons/day which then requires an additional wastewater treatment for all of the buildings. Mr. Garreffi indicated that the Planning Board believes the proposed Smart-Growth Bylaw will come back again, and that the Planning Board is currently getting ready for the public hearing to amend the Open Space Residential Bylaw to encourage use by developers for affordable housing.

### **Clerk & Health Agent Update, including but not limited to:**

- Ms. Flynn noted that the appropriated FY24 funds for the Nashoba Associated Boards of

Health account is in the amount of the initial estimate included in the initial budget submission instead of the adjusted assessment submitted to the Finance Director in February. She indicated that this leaves the BOH with an approximate \$700 deficit to meet payment to NABH. She noted that this loss is in addition to the approximately \$800 which was cut by the Finance Committee from the requested Purchased Services account funds. Ms. Flynn advised that Mr. Mullane indicated that requesting the additional funds at Town Meeting is not an option and that the BOH historically has funds remaining at the end of each fiscal year. Ms. Flynn indicated that she requested the BOH is given the opportunity to review the budget prior to FinCom approval in future years to ensure this is not missed again. The Members asked Ms. Flynn prepare a memo to FinCom for Mr. Mitchell's review detailing that the revised budget did not make it through the budget process and asking whether this was a conscious decision or an oversight.

## **PERMITS**

### **Septic**

- 236 Bolton Road: Mr. Garreffo explained that the permit for this lot is at its three-year expiration, but that Title 5 allows the BOH to grant an additional year extension if it is in the process of install. He indicated that they began the install in the fall, dugout the bottom and filled it with sand, and are now ready to proceed with construction of the house so have requested a 1-year extension. Mr. Garreffo has indicated that as the Code has not changed, he has no issue with the request.

Ms. McCarthy made a motion to approve the permit extension for 236 Bolton Road for one year; Mr. Mitchell seconded. Each were in favor by roll call vote.

- 72 Pinnacle: Mr. Garreffo reported that he has the permit, approvals discussed earlier in the meeting, prepared for release.

### **Waste Hauler**

Ms. Flynn reported that she has not received a response from Guido Services, Inc., to her multiple requests for a 2023 waste hauler permit application, and most recent letter was returned as undeliverable to address listed as Registered Agent with the State. Mr. Garreffo will send the customer a letter advising that Guido Services is not permitted and to remove the dumpster from the premises.

## **OLD BUSINESS**

### **Consider approval of proposed plans for use of portable toilets at 247 Littleton County Road for July 2<sup>nd</sup> wedding and broader discussion of plans for future use of portable toilets for the event venue**

Mr. Ringwall asked that while the Ferences are in the process of designing a septic system, the BOH consider approval of use of temporary restroom trailers to be used by wedding guests on July 2<sup>nd</sup>, July 27<sup>th</sup>, July 29<sup>th</sup>, and September 2<sup>nd</sup>. Mr. Ringwall indicated that the number of guests for each event will be (in order) 85, 30, 80, and 90. He stated Mr. Ference will be operating as caterer with all cooking performed offsite at another location under a separate catering license and a catering tent set up on-site. Mr. Ringwall stated that the restroom trailers will have four men's and four women's units on each side with handwashing stations, mirrors, and baby changing tables. Mr. Garreffo stated that he has no issue with approving the temporary restroom trailers for

the four events and advised that a licensed septic hauler must be used.

Ms. McCarthy made a motion to accept the use of the portable toilets for the four events scheduled for the summer and early fall; Mr. Mitchell seconded. Both were in favor by roll call vote.

Mr. Ringwall requested that the Board entertain an additional discussion regarding septic upgrade design considerations for the property at the July 11<sup>th</sup> meeting. The BOH asked that he submit documents outlining his proposed design strategy and supporting data in advance of the meeting.

### **Consider summer Board of Health meeting schedule**

Ms. McCarthy and Mr. Mitchell agreed that it would be important to meet twice in July. Ms. Flynn will prepare a Doodle Poll regarding availability to meet for a single meeting in August.

### **Consider draft revisions to Article II: Private Wells § 145-18: Water sampling and quality testing requirements**

This item was tabled for a future meeting.

### **Continued discussion of July Tick Talk**

Ms. Flynn reported that Ms. Levison has been busy preparing and advertising for the event. She stated that Ms. Levison wrote the Garden Club and the Library posted to NextDoor Harvard, Ms. Flynn e-mailed the Houses of Worship and sent out an alert to the BOH e-subscribers, Ms. Doucet posted to the Town webpage and sent out an alert to the Town e-subscribers, and Ms. Levison arranged for Cable to record the event.

### **Update re installing the dial/algae sign on Pond Road**

Mr. Mitchell updated the group on the status of building the sign. He indicated that it should be mostly complete by the upcoming weekend. He expects that it will need to be installed in pieces because of its weight. Ms. McCarthy suggested the BOH let The Harvard Press know when the sign is installed so they can include a photo and caption.

### **Update re installation of satellite phone bases at EDS and Public Safety Buildings**

This item was tabled for a meeting when Ms. Levison will be present.

### **Continued discussion regarding placement of additional textile recycling bins on municipal property**

This item was tabled for a meeting when Ms. Levison will be present.

### **Action Items**

Action items were reviewed.

### **MINUTES**

The review of Minutes was tabled for a future meeting.

## **DISCUSS ITEMS FOR NEXT AGENDA**

Items for the next agenda were discussed.

## **ADJOURNMENT**

Ms. McCarty made a motion to adjourn at 5:31 p.m.; Mr. Mitchell seconded. All were in favor by roll call vote.

***Respectfully submitted,***

***Alison Flynn, Clerk***

### **Documents Referenced:**

- Posted Agenda
- 31 Still River Road: Proposed plan, LU conditions form, and request letter
- 72 Bolton Pinnacle Road: Proposed plan, LU conditions form, and request letter
- 115 Oak Hill Road: Proposed plan, LU conditions form, and request letter
- 202 Ayer Road: Proposed plan, LU conditions form, and request letter
- Stable permit discussion: 2 memos from AgAdComm, 2018 stable permit application of 13 Mass. Ave., and BOH response letter
- Blacklined OSC-PRD, Executive summary, and draft memo to the Planning Board
- Emails re 247 Littleton County Road (x2) re portable toilets
- Workbook re FY24 Spending (Worksheets re request v. appropriation, and line items for general and Pond accounts);
- Email from John Lee re green burials at Bellevue Cemetery