

**Harvard Board of Health Meeting Minutes**  
**Town Hall, Volunteer Meeting Room**  
**Tuesday, May 28, 2019**  
**Approved: June 25, 2019**

*Board of Health Members present:* Libby Levison; Sharon McCarthy; Tom Philippou.

*Attending:* Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BOH”) Clerk; Irene Congdon, MassDEP; Jeff Granville, 13 Bolton Road; Ed O’Rourke, 40 Bolton Road.

Ms. Levison called the meeting to order at 7:03 p.m.

**PUBLIC COMMENT-**

Ms. Congdon advised that a new grant is available which would fund an education enforcement coordinator, and that Harvard and Townsend are the only two Central Massachusetts communities who have the required regulations in place for the application criteria. Ms. Congdon recommended that Harvard apply for the grant in cooperation with Townsend for a shared resource person between the two Towns. She further explained the grant provides up to \$30,000, distributed over 24 months, with 80% to be spent on salary, and 20% to be spent on mileage. Further, the grant requires a 25% matching (\$7,500 over two years) by the recipient Town(s). If Harvard was to receive the grant with Townsend, she explained, each Town would be responsible for matching \$3,750 over two years. Ms. McCarthy made the motion to support the grant application in conjunction with Townsend; Mr. Philippou seconded. All were in favor. Ms. Congdon will work with Ms. Flynn and Townsend to prepare the application.

Mr. O’Rourke of 40 Bolton Road appeared before the BOH to discuss his request for a variance from the Private Well regulation requiring boreholes be not less than 100 feet from the existing water wells. He explained to the BOH the complications with all other locations considered for geothermal boreholes on the property. The BOH members acknowledged the serious constraints to other locations and advised that a variance request hearing, with legal notice in The Harvard Press and to abutters, is required per the BOH’s Private Wells regulations. Ms. Flynn will notice a legal hearing for June 25<sup>th</sup>.

**NEW BUSINESS**

a. 13-15 Bolton Road: Discussion regarding condo association documents- Mr. Granville presented the BOH with draft condo association documents and asked the BOH to consider whether an escrow account for repairs to the association’s septic system is necessary. Mr. Grossman and the BOH members explained that the BOH regularly requires escrow accounts for condominiums to ensure that there is money readily available to pay for unexpected or contested repairs. Mr. Granville expressed his strong opposition to the requirement, and questioned whether the same was required of the Deer Run Condominiums on Lancaster County Road. Mr. Grossman indicated that he believes they were. Mr. Grossman asked Mr. Granville ensure that the changes requested in Mr. Grossman’s e-mail of May 15<sup>th</sup> to Mr. Granville’s attorney have been addressed in the draft condominium documents. Mr. Grossman also stated that an acknowledgement of the I/A system will need to be recorded, and a Title 5

Inspection Report will need to be filed. Ms. Levison added that she would like to see the condo documents include language about requiring recycling and adequate containment of trash. Mr. Philippou made a motion to assess a \$1,000 escrow account; Ms. Levison seconded. Ms. McCarthy commented that she was on the fence as the system has a history of being operational, with few repairs. A vote was taken: Mr. Philippou and Ms. Levison were in favor; Ms. McCarthy was opposed.

b. Response to Deer Management Subcommittee regarding Sam Telfort talk- Ms. Levison reported that she learned Sam Telfort will be giving a talk sponsored by the Deer Management Subcommittee, and was asked by Bob Douglas if the BOH would want to co-sponsor. The BOH members declined. Ms. Levison will advise Mr. Douglas of the same.

c. Preparation for Environmental Forum (5/30/19)- The members discussed their anticipated attendance and participation at the Environmental Forum.

d. Status of Massachusetts Clean Water Trust interim loan note- Ms. Flynn reported that she was contacted by a representative for the Massachusetts Clean Water Trust who asked whether the BOH intends to apply to draw down additional funds for the Community Septic Management Program, and what the BOH is currently doing to promote the program. She advised the members that the representative indicated that should the BOH not apply to draw down soon and/or provide evidence of promoting the program, the Trust might opt to cancel the loan note. The BOH members were in agreement that additional funds will not be needed.

e. Discuss sending a letter to our State Reps asking to restrict the online sales of e-cigarette and vaping supplies- Ms. Levison provided the BOH members with a letter sent from the Needham BOH to its State Representative requesting legislation to restrict online sales of e-cigarette and vaping supplies, and asked the BOH members to consider sending a similar letter to Harvard's State Representatives. Ms. McCarthy and Mr. Philippou expressed interest in doing so; Ms. McCarthy offered to prepare a similar letter to be reviewed at the next BOH meeting.

f. Health Agent & Clerk update

- Ms. Flynn requested approval of an invoice from MABH for the BOH's annual fee. Mr. Philippou made the motion to approve the same; Ms. McCarthy seconded. All were in favor. Ms. Flynn will submit the invoice in FY20.
- Ms. Flynn advised that an Emergency Beaver Permit was issued for Shaker Road. Ms. Levison added that she also signed a permit for Cruft Lane.
- 28 Deerfoot Trail- Mr. Grossman reported that he inspected the property and found the residents to be mostly in compliance with the last Stipulation, with the shed mostly built, and all but a few items contained within. Mr. Grossman will work with Town Counsel to resolve the case. Mr. Grossman also reported that the homeowner indicated the Building Inspector advised a permit for the shed was not needed because it is not a permanent structure with a foundation.

## **OLD BUSINESS**

a. Additional PFAS testing in Harvard- Ms. Levison advised that she was informed there will be retesting for PFAS of the Public Water Supplies for Ayer Properties, Appleworks, and Harvard Green. Ms. McCarthy indicated she will request testing at additional properties. Ms. Levison asked that some of those properties be on Depot St. and Myrick Lane.

b. DEP/DPH PFAS forum planning- A draft poster for the PFAS forum was revised. Ms. Levison will finalize the poster and send it to Ms. Flynn for posting to the BOH website.

c. Planning for additional public forums- Ms. McCarthy confirmed with Dr. Dwight that she is interested in partnering with the BOH to bring a vaping speaker to Town in the fall.

d. Discuss vape education- Ms. Levison advised that the BOH received anti-vaping posters from MA Clearinghouse. The BOH brainstormed locations to hang the posters in Town that would gain attention from the adult population who may not be familiar with what vaping products look like. They agreed to request posters be hung at the Council-on-Aging, Library, General Store, Police Station, healthcare provider offices, churches, Post Office, Town Hall, and the Town Beach. Mr. Grossman also offered to hang one in his office at the NABH.

e. Attendance at Deer Management Committee Outreach Meetings (6/13, 6/20)- Ms. McCarthy and Ms. Levison expressed their unavailability to attend on June 13<sup>th</sup>. Mr. Philippou indicated he would try to attend on June 20<sup>th</sup>.

f. Update on Deer Management Outreach meeting 5/23- Mr. Philippou reported he was unable to attend this meeting.

g. Review of 2020 budget feedback & discuss current budget- The BOH members discussed upcoming expenses. Ms. Levison will reach out to Laurie Sabal to see if she currently needs a donation for Recycle Your Reusables. Ms. Flynn will purchase needed office supplies prior to the next BOH meeting.

h. Discussion regarding preparing the 2019 Emergency Dispensing Site (EDS) Plan- This discussion was tabled for a future meeting.

i. Update from the Transfer Station Committee- Mr. Philippou provided an update from the Transfer Station Committee.

j. Update from the MVP Committee- Ms. McCarthy reported that the MVP results will be presented on Thursday.

k. Continued review of draft marijuana sales regulation- A revised draft of the regulation was reviewed and additional revisions were made. Mr. Philippou reported that he spoke with Chris Ryan and was advised that as the citizen petition did not pass, he has no concerns with the BOH regulation. Mr. Philippou will follow up with Cheryl Sbarra for her input prior to incorporating all revisions and comments. Once revised, Mr. Philippou will send the draft to Ms. Flynn for circulation to the remaining members prior to the next meeting and Town Counsel's review.

l. Continued review of draft tobacco and marijuana use regulation- The draft smoking regulation was reviewed and revised. Ms. McCarthy made the motion to approve the draft, as amended; Ms. Levison seconded. All were in favor. Ms. Flynn will prepare a legal notice for a hearing to be held at the last meeting in June.

m. Review Action Items- Action items were not reviewed.

## **PERMITS**

Septic permits were issued for each of the following:

- 177 Mass. Ave.- Sewer line
- 1 Simon Atherton- D-box
- 13 St. John- D-box
- 138 Stow Rd- D-box & septic tank
- 34 Finn Road- D-box
- Sherry Rd., Lot 1- New, Transfer
- 51 Candleberry Lane- Upgrade

## **APPROVAL OF MINUTES-**

Mr. Philippou made the motion to approve the draft minutes of May 14<sup>th</sup>, as amended; Ms. Levison seconded. The vote was unanimous.

**ITEMS FOR THE NEXT AGENDA-** This discussion was tabled.

**ADJOURNMENT-** Mr. Philippou moved to adjourn the meeting at 9:43 p.m.; Ms. McCarthy seconded. The vote was unanimous.

*Respectfully submitted,*

*Alison Flynn, Clerk*

### *Documents Referenced:*

- Agenda
- Draft condo documents for 40 Bolton Road
- Needham BOH letter of 5/22/19 to Representative Garlick
- Draft poster for the PFAS forum
- Draft smoking regulation
- Draft marijuana sales regulation
- Anti-vaping posters (2)
- Draft minutes of 5/14/19
- Septic permit application package for 177 Mass. Avenue
- Septic permit application package for 1 Simon Atherton
- Septic permit application package for 13 St. John
- Septic permit application package for 138 Stow Rd
- Septic permit application package for 34 Finn Road
- Septic permit application package for Sherry Rd., Lot 1
- Septic permit application package for 51 Candleberry Lane