

Harvard Board of Health Meeting Minutes
Zoom Meeting
November 8, 2022
Approved: November 29, 2022

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

Others Attending, including but not limited to: Jim Garreffi, Health Agent, Nashoba Associated Boards of Health (NABH); Dan Wolfe, David E. Ross Associates; Kara Minar, Still River Depot Road; Davida Bagatelle & Toni Spacciapoli, Commission on Disabilities; Jenna Montgomery, NABH; Brian Pearly, 15 Littleton County Road, Unit 3B; Sam and Diane Lowenstein, 73 Bolton Road.

Mr. Mitchell called the meeting to order at 7:01 p.m. Ms. Flynn provided remote meeting instructions.

PUBLIC COMMENT

None.

NEW BUSINESS

39 Turner Lane: Consideration of local upgrade requests, tight tank approval, and Private Well variance requests

Mr. Wolfe indicated that the proposed plan reflects the only option for this small parcel's cottage which is in close proximity to Bare Hill Pond with insufficient land for a leaching area and a number of wells in the area. Mr. Wolfe explained that the local upgrade request for a five-foot reduction in the required 10 foot offset from the foundation is not a concern for the cottage because there is no cellar space to protect; the cottage is on footings over a crawl space. Mr. Wolfe indicated that the proposed placement of the well on the parcel owned by Mr. Cavicchio across the street would allow an offset of greater than 100 feet from two neighboring leach fields and the required 50 feet from the proposed holding tank. Mr. Wolfe explained that the two variances requested for the well is for the well to be placed 7 feet from the Sidler's property line and 10.5 feet from Turner Lane. Mr. Wolfe confirmed that the wellhead elevation is higher than the road and Turner Lane is unpaved gravel. He also advised that the Sidler's own well is about 6-7 feet off the property line. Mr. Garreffi agreed that installation of a tight tank seems to be the best option for this small lot. Mr. Wolfe confirmed that Mr. Cavicchio's two parcels are on the same deed. Ms. McCarthy indicated that she has no issue with the requests as long as the tight tank deed notice notes the requirements for an alarm system and pumping. Mr. Wolfe confirmed that direct abutters were notified of the hearing. Mr. Mitchell invited any abutters to offer comments; no one spoke up.

Ms. McCarthy made a motion to grant the local upgrade variances requested for 39 Turner Lane regarding the location of the holding tank and the location of the well to the property line and road; Mr. Mitchell seconded. All were in favor by roll call vote.

2 Still River [Depot] Road: Consideration of local upgrade requests including permitting of a design plan including a holding tank

Mr. Wolfe confirmed that the property in question includes the small house whose address is 2 Still River Depot Road and the building where the Still River Post Office was housed which was given the address 206 Still River Road. He explained that his attempts to design a septic system with a leaching field in two different locations on the property ran into roadblocks due to the high groundwater, lot size, and locations of the property's well and abutting property's well. Mr. Garreffi agreed that installation of a tight tank seems to fit best. Mr. Wolfe explained that the requested variance to groundwater for the tank invert is to accommodate use of the existing building hook-ups in a location that can accommodate the 50-foot offset from the tank to the neighbor's well. Mr. Wolfe stated that if the local upgrade request is granted, the plan will note the need for a sufficient seal around the invert because of the groundwater offset reduction. Mr. Wolfe confirmed that the existing leaching field will stay in place, as the stone and pipe are inert materials that will not cause a future hazard. He stated that the existing septic tank will be pumped out and backfilled. Mr. Wolfe stated that while the tight tank design and approval is not tied to the proposed use of the buildings, it will be prudent of the owner to not overuse the septic system to minimize pumping frequency. He also confirmed that an alarm will be installed on the tank as required by Title 5.

Ms. McCarthy made a motion to approve the tight tank as requested for 2 Still River [Depot] and associated local upgrade for the groundwater offset to the invert; Mr. Mitchell seconded. All were in favor by roll call vote.

15 Littleton Road, Unit 3B: Hearing for variance request from the State Sanitary Code requirements of 105 CMR 410.250 (A)

Mr. Pearly presented the request for a variance in order to finish approximately 300 square feet in his basement to be used as a "playroom". Mr. Garreffi agreed that it would be very difficult structurally to put windows in to meet the State Sanitary Code Requirements of 105 CMR 410.250(A) and indicated that artificial lighting can sufficiently address the lack of natural light. He explained that 105 CMR 410.480(B) which addresses adequate ventilation could likely only be met by introducing mechanical ventilation. Ms. McCarthy expressed concern that passive ventilation and/or ventilation through the garage would not adequately provide fresh air; Mr. Mitchell agreed. Mr. Garreffi asked that a HVAC professional provide assurance that the ventilation requirements of the Housing Code will be met; Mr. Pearly agreed. Ms. McCarthy made a motion to approve the variance request regarding the window glass requirement for the basement of 15 Littleton Road, Unit 3B, contingent on ventilation requirements being met. The group discussed the contingency. Ms. Flynn asked that the motion be amended to state that the variance is allowed contingent on receipt of a statement from a HVAC professional that the ventilation requirements of the MA Housing Code will be met; Ms. McCarthy agreed to amend her motion accordingly. Mr. Mitchell seconded the motion. All were in favor by roll call vote.

73 Bolton Road: Consider proposed long sewer line deed notification

Mr. Lowenstein suggested the BOH's sample form does not clearly identify the responsibilities of the property owner and asked that the BOH consider his proposed revisions. Mr. Garreffi stated that the proposed revision includes the specific operation and maintenance requirements which are included in the BOH regulation. Ms. McCarthy made a motion to approve the amended deed notification form for 73 Bolton Road; Mr. Mitchell seconded. All were in favor by roll call vote.

Report from attendance at US EPA Webinar: Preparing Communities to Engage in EPA's Upcoming Proposed PFAS Drinking Water Regulatory Process (11/2/22)

Mr. Mitchell reported that the webinar discussed the rule making process and upcoming opportunities for public comment. He stated that the proposed rule is expected to be released during the first quarter of 2023, with the public comment period over the subsequent six months, and rule approval by the fourth quarter of 2023. Mr. Mitchell indicated that the dates are posted on the EPA's website.

Discuss request for NABH's participation in the Harvard Disability Awareness Forum

Ms. Montgomery asked for the BOH's input on her participation at the Harvard Disability Awareness Forum. Ms. Spacciapoli suggested that Ms. Montgomery could share the resources available through NABH. Ms. Bagatelle suggested that as the HBOH works closely NABH and makes local decisions for Harvard, it might be also helpful to have the HBOH participate in the forum. The BOH Members expressed concern that they would not personally have availability to participate at the forum. Ms. Montgomery shared her anticipated talking points. Ms. McCarthy suggested she mention the availability of COVID-19 test kits and masks, and the BOH's efforts to vaccinate with accommodation of location. Mr. Mitchell and Ms. McCarthy suggested that the attendees be asked what features of a warming or cooling station would entice those in need to come to a station. Ms. Bagatelle indicated that this would be a good question to include in the upcoming needs survey.

Consider winter meeting schedule

The BOH discussed shifting meetings to the 2nd and 4th Mondays of the month beginning in December, shifting the meeting of November 22nd to November 29th, and adding a budget meeting during the week of November 14th.

Review draft FY24 budget submission and discuss new form

Ms. Flynn advised that Ms. Levison is waiting for input from the other Board Members as to what items should be included in the FY24 budget. She agreed to send the Board Members the FY23 budget submission, FY24 budget forms, and the most recent Year-to-Date budget report for their reference.

Recycle Your Reusables: Request for financial support and advertising

Ms. McCarthy made a motion to support Recycle Your Reusables in a dollar amount consistent with prior donations. Mr. Mitchell suggested to amend the motion to state the donation would be up to \$100; Ms. McCarthy agreed. Mr. Mitchell seconded. All were in favor by roll call vote.

Ms. Flynn agreed to prepare an e-mail alert to Board of Health webpage subscribers advertising of the event.

Discuss messaging for America Recycles Day (Nov. 15th)

Mr. Mitchell volunteered to work with Ms. Levison to prepare an e-mail alert regarding America Recycles Day.

Consider preparation of an EAT request submission

Ms. Flynn advised that Ms. Levison sent an e-mail suggesting pursuit of emergency preparedness equipment for the next EAT request submission, due mid-January. Ms. Flynn explained that EAT

requests are to request equipment from Region 2 of the MA Public Health Emergency Preparedness (PHEP) Office.

Mr. Mitchell reported that he spoke to Jason Cotting and he does not believe the BOH loaned tables and chairs to the Ambulance Service. Mr. Mitchell suggested the BOH look into this further. He also suggested that the BOH might need to purchase some plastic totes for storage, and volunteered to work with Ms. Levison to inventory what may have been damaged by mice in the emergency preparedness trailer.

Report from Land Use Boards (LUB) Meeting (11/8/22)

Ms. McCarthy reported that the LUB Meeting was postponed by a week.

Prepare comments to the Harvard Climate Initiative Committee (HCIC) on the draft Climate Action Plan (CAP)

Ms. McCarthy indicated that the draft CAP would be presented to the Select Board at their next meeting, and that her comments regarding drought were included. She advised that she did not think it was pertinent for the BOH to prepare additional comments at this time.

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

Mr. Mitchell indicated that he would e-mail the report to Ms. Levison as requested.

COVID-19 Current Status

Mr. Garreffi stated that percent positivity of results have been staying in a small band, but that waste water monitoring is a better indicator of how cases are trending. He indicated that the focus has been to get the test kits distributed so residents can do the right thing and test if they have symptoms.

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

Ms. McCarthy stated that DESE and DPH stated they will not be issuing new guidance coming into the holidays, but that DESE will be encouraging schools who received test kits to ask students test before returning from the holiday. Ms. McCarthy reported that there was also more discussion about the opioid settlement funds. Mr. Garreffi indicated that the Lunenburg BOH is working with the Police and Fire Department regarding use of their funds. Ms. McCarthy indicated that the Nov. 22nd webinar will address DEP's anticipated changes to Title V. Mr. Garreffi stated that Housing Code changes will go into effect in April.

Clerk & Health Agent Update

- Mr. Garreffi suggested that, in follow-up to the discussion regarding 73 Bolton Road, the Board consider revising the sample long sewer line deed notice to ensure it meets the BOH's intent. Ms. Flynn will prepare draft revisions consistent with the deed notice accepted for 73 Bolton Road.

OLD BUSINESS

Consider revisions to Article IV: Solid Waste and Recyclables

The BOH considered draft revisions to the waste hauler regulation. Ms. Flynn will reach out to Mr. Bragan to confirm the liability insurance thresholds required of the haulers are still sufficient. Ms. McCarthy made a motion to accept Article IV, the Solid Waste and Recyclables regulation, as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

Consider revisions to Article I: Sanitation, including previously drafted tight tank regulation

This discussion was passed over.

Update regarding COVID-19 test kits and PPE distribution

Ms. McCarthy indicated that no discussion was needed.

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

Mr. Mitchell stated that this item would be discussed at the next meeting when Ms. Levison was present.

Continued discussion regarding the changes to textile, food waste, and mattress disposal restrictions, including but not limited to discussion re placement of additional textile recycling bins on municipal property

Mr. Mitchell stated that this item would be discussed at the next meeting when Ms. Levison was present.

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

Mr. Mitchell stated that there was no update to discuss at this time.

PERMITS

Ms. Flynn advised that Mr. Garreffo issued the following septic permits since the last meeting:

- 73 Bolton Road: An upgrade in full compliance including the long sewer line discussed earlier in the meeting
- 62 Westcott Road: Replacement of the septic tank and distribution box
- 26 Tahanto Trail: Replacement of the septic tank and distribution box

Mr. Garreffo indicated that all three applications met full compliance. He indicated that he would issue the permits for the two tight tanks discussed at the meeting once all requirements were met. Ms. Flynn reminded him this would include confirmation from the Treasurer that permit release was approved for 2 Still River [Depot] Road.

MINUTES

The Minutes of 10/19/22 were reviewed and amendments agreed upon. Ms. McCarthy made the

motion to approve the Minutes of 10/19/22 as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

ITEMS FOR NEXT AGENDA

Items for the next agenda were discussed.

ADJOURNMENT

Ms. McCarthy made the motion to adjourn at 9:05 p.m.; Mr. Mitchell seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- 39 Turner Lane: Variance request letter, LU Conditions Form, Proposed SDS Plan
- 2 Still River Depot Road: Variance request letter & form, proposed SDS plan
- 15 Littleton Road, Unit 3B: Variance request letter w/attachments
- 73 Bolton Road: Proposed long sewer line notification
- Draft Minutes of 10/19/22
- CAP Working draft #9 & Ms. McCarthy's email re same
- Ms. Levison's e-mail re potential EAT requests and PHEP email re next opportunities
- Draft waste hauler regulation revisions