

Harvard Board of Health Meeting Minutes
Zoom Meeting
March 13, 2023
Approved: April 10, 2023

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

Others Attending, including but not limited to: Alison Flynn, Board of Health Clerk; Jim Garreffi, Health Agent, Nashoba Associated Boards of Health; Bruce Ringwall, GPR, Inc.; Doug Smith; William Ference, 247 Littleton County Road; Tony Lopez & Dan Sweeney, 202 Ayer Road; Joel Fisch, NE Geoscience.

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

351 Ayer Road: Consideration of requests for local upgrade approval

The owner and septic engineer requested a local upgrade approval to accept a perc rate of 30.66 minutes and approve the use of a long sewer line. Mr. Garreffi indicated that he has no concerns regarding the requests. He stated that he spoke with Conservation Agent, Liz Allard, who indicated that ConCom is addressing wetlands concerns. He also advised that the property currently connects to a shared well, and the owner is proposing to drill their own, new well. Mr. Garreffi indicated that he will work to ensure the disconnection is done in a manner as not to harm those still using the shared well. Ms. Levison indicated that she is comfortable accepting one perc rate of just over 30 minutes per inch if Mr. Garreffi feels this is acceptable with a Presby system and asked that Mr. Smith please explain to the owner the reason for the long sewer line deed notification.

Ms. Levison made a motion to approve the local upgrade approval request accepting a perc rate of 30.66 minutes for use of a Presby system and approving a long septic line because of the agreement to record a deed restriction; Mr. Mitchell seconded. No further discussion was needed. The motion was approved by a roll call vote.

Ms. Levison advised Mr. Smith that the proposed revisions to the Sanitation regulation includes the requirement for property owner reporting to the Board of Health on current conditions of long sewer lines.

5 Four Acre Island: Pre-submittal discussion regarding septic and well upgrade

Mr. Mitchell advised that the BOH was willing to have a brief discussion regarding Mr. Ringwall's proposals but would make decisions based on submittals once received. Mr. Ringwall explained that his clients own the southern-most parcel of Four Acre Island which includes a camp, an old

septic system, and a dug well. Mr. Ringwall stated that the owners have disconnected the water from the well to the structure since their testing of the well by Nashoba Analytical which was positive for coliform and e-coli. Mr. Ringwall indicated that Skillings & Sons has proposed a UV treatment system of the well water which would be dismantled and removed from the property seasonally. Mr. Ringwall indicated that the property owners would additionally plan to bring bottled water for drinking. Mr. Ringwall stated that the property owners purchased, and had out on the property last summer, a composting toilet. He explained that the current structure is not more than a glorified tent and indicated that the property owners are not looking to build any home on the island. He further explained that they spend, at most, 1-2 days of the weekend on the island during the warmer months. Mr. Ringwall indicated that the property owners are hoping for some relief from Title 5 to allow a small holding tank for gray water that the property owners would pump using an electric pumping cart. The owners would then self-haul the gray water off the island on their "party boat" and then trailer the pumping cart behind their vehicle to a camper dumping site. Mr. Ringwall asked that the BOH grant relief from Title 5 in the sizing of the holding tank. He explained that designing a Title 5 system on the island are limited because of set-backs and his research into options to barge equipment to pump out the tight tank on to the island found that this would be very costly. Mr. Ringwall indicated that he believes the composting toilet holds both liquids and solids, but if only solids, the liquids could be drained to the holding tank. Ms. Levison suggested the BOH would have to consider how the next property owner would know of the requirements and restrictions.

Mr. Garreffo indicated that he would need to consult DEP because he does not see how the proposal fits the State Environmental Code. Mr. Mitchell indicated that the Board of Health will need more information to make a decision.

202 Ayer Road: Pre-submittal discussion regarding septic installation

Mr. Ringwall stated that Sweeney Drywall is interested in installing a bathroom at the warehouse to allow for use by employees during the day and explained that the proposed plan for install of a Presby system will require some relief from the BOH. Mr. Garreffo indicated that the BOH's prior comments to the Planning Board indicated that the warehouse should not be used for workshop purposes without installation of a sewage disposal system and confirmation of a potable water supply. Mr. Ringwall indicated that he will prepare the septic submittal with water quality results for future consideration by the Board. Mr. Garreffo advised that the installation will be considered "new construction" because the use of the structure is going from "no one present" to "someone present".

Discuss approval process for rabies exemption letters and consider the same for:

- **Bogey, dog, 42 Stow Road;**
- **Mandy, dog, 40 Bolton Road;**
- **Noelle, dog, 203 Stow Road.**

Ms. Flynn confirmed that this is the first occasion that she has been provided rabies exemption letters from a Harvard Town Clerk. Mr. Garreffo provided the BOH Members with the originating MGL which describes the BOH's role in approving such exemptions, and a sample draft letter allowing exemptions with conditions to ensure public health and safety. Mr. Mitchell suggested that a dog in a kennel outside would need to be under constant supervision. Ms. Levison suggested that the exemption be good for the licensing year. It was agreed that Ms. Flynn will request an updated exemption letter for Mandy, the dog at 40 Bolton Road, as the vet's letter was dated 2019. Further, it was agreed that going forward, Mr. Garreffo is authorized to issue exemption letters on behalf of the BOH without BOH Member review. Ms. Flynn confirmed that she will use the draft sample letter to issue exemptions for Bogey, the dog at 42 Stow Road, and

Noelle, the dog at 203 Stow Road, and for Mandy, the dog at 40 Bolton Road, only after receipt of an updated letter from the vet and upon Mr. Garreffi's confirmation that the updated letter is sufficient. Ms. Flynn agreed to advise the Town Clerks of the BOH's proposed procedure for approvals going forward.

Consider outreach re DPH advisory re consumption of largemouth bass from Bare Hill Pond

Mr. Garreffi confirmed that education and outreach on the subject is within the BOH's jurisdiction. Ms. Levison indicated that she communicated via e-mail with the Pond Committee and Parks & Recreation who were aware of the advisory and said they had no objections to the BOH doing outreach on the subject. Ms. Levison volunteered to prepare a short message for review at the next BOH meeting.

Plan for information distribution at Earth Day (4/22/23)

Ms. Levison indicated that the event will be held at the elementary school from 11am to 4pm and she has agreed to set up a table on recycling. The group agreed that she should use the opportunity to distribute educational materials on ticks, mosquitos, and sun protection. Ms. Levison will check the MA Clearinghouse for materials available regarding sun protection and recycling. The Members agreed to divide the five-hour shift manning the recycling table. Ms. Flynn agreed to count the accordion brochures regarding mosquitoes and ticks currently available in the BOH office.

Prepare for National Health Week (4/3- 4/9/23)

The BOH Members agreed to prepare e-mail alerts for National Public Health Week, including on the topics of stroke, sunscreen, bicycle helmets, wells, septic, and medication disposal.

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

Ms. Levison briefly reported on her and Ms McCarthy's attendance at the workshop, including that Ms. Ricci, of Mass. Audobon, presented on efforts to allow mosquito control options that are more a la carte by town. Ms. Levison stated that the most important piece of information to note is that the powers granted to Governor Baker to conduct aerial spraying as needed expired on December 31st; Ms. Levison encouraged the Mosquito Control for the 21st Century to reach out to Governor Healey sooner v. later to discuss their concerns with aerial spraying. Ms. Levison also noted that because the Town of Harvard had one positive mosquito sample, it will never be allowed to opt-out of aerial spraying.

Report from EDS Plan Review Initial Meeting (3/9/23)

Ms. Flynn reported on her virtual meeting with PHEP Planner, Sara Darlagiannis, regarding her revision of the EDS Plan Template. She provided the BOH Members with a brief overview of the changes to the EDS Plan Template, as described to her by Ms. Darlagiannis, and asked the Members to consider the action items she was tasked with, including updating the Important Contact Information Form, and Memos of Understanding (MOUs) with the Schools and Police. Ms. Flynn agreed to provide the Members with a reference document on ICS roles for their further input on the Important Contact Information Form, and to work on updating the MOUs with the Schools and Police on her own.

COVID-19: Including but not limited to current status

This item was not discussed.

Update from DPH Interagency Local Boards of Health Webinar (2/28/23)

Ms. Levison reported on her attendance at the webinar. She indicated that the speakers stated opioid settlement funds should be used with a public health approach which would involve both the BOH and NABH. Ms. Levison stated for each settlement, Towns must apply to receive funds and funds can only be used for prevention, treatment, harm reduction, and recovery. She explained that Towns who receive more than \$35,000 per year must submit annual reporting. She also stated that Towns can pool funds, and expressed her view that she would love to see NABH do this. Ms. Levison stated that the MA Clearinghouse can provide Naloxone; she asked Mr. Mitchell to share this information with Jason Cotting. Ms. Levison indicated that she also learned that legal technical assistance available from MAHB and the Bureau of Substance Abuse can help Towns consider strategic approaches. Ms. Levison stated that Ms. McCarthy provided notes from her attendance.

Clerk and Health Agent Update, including but not limited to:

- Mr. Mitchell noted Ms. Flynn's request for approval of 4th Quarter FY2023 invoice from Nashoba Associated Boards of Health in the amount of \$6,917.14 for Nursing & Environmental Services. Ms. Levison made a motion to approve the invoice; Mr. Mitchell seconded. All were in favor by roll call vote.
- Ms. Flynn advised the BOH that Ms. McCarthy requested approval of her draft "groundwater" and "drought" articles. Mr. Mitchell and Ms. Levison stated they did not yet have the opportunity to review the revisions. Mr. Mitchell agreed to add his comments and provide the same to Ms. Levison so she could add her own.

OLD BUSINESS

247 Littleton County Road: Update re application for abandonment of water source and pre-submittal discussion regarding upgrading the septic

Mr. Mitchell suggested this item be taken out of order as Mr. Ringwall and Mr. Ference were present from the start of the meeting. Mr. Ringwall explained that Mr. Ference is no longer using the property as a youth hostel. He indicated that Mr. Ference went before the Zoning Board of Appeals (ZBA) and received permission to continue holding up to 130 events per year in the Residential zone. Mr. Ringwall explained that Mr. Ference intends to hold events outdoors in a tent placed on a platform which he intends to build. Mr. Ringwall stated that Mr. Ference also plans to upgrade the bedrooms inside the building to allow for the bridal party and family to spend the night. Mr. Ringwall indicated that Mr. Ference intends to have 16-18 bedrooms in the facility, and is in the process of designing a new commercial kitchen in an attached addition to the existing structure. Mr. Ringwall stated that the event guests will not have access to the building and will arrive at the tented event from the parking lot via outdoor walkways. Mr. Ringwall asked the Board to consider whether Mr. Ference would be allowed to set-up a temporary restroom trailer to accommodate event guests on weekends from May through October, and design a septic system that would service only the bedrooms in the building with a designated flow for a "Bed and Breakfast". Mr. Ringwall indicated that during the week, the septic system would only be used by Mr. Ference and a chef preparing for the weekend events and any booked off-site catering jobs.

Mr. Garreffo indicated that it is within the BOH's jurisdiction to consider whether the temporary

restroom trailer would be allowed. He indicated that the details once submitted, such as number of toilets and handwashing stations per guest, would need to be considered. Mr. Garreffo stated the BOH would also need to consider the plan to ensure that the event attendees were not using the facilities in the buildings. Mr. Garreffo also noted that while there is not a prescribed flow for a commercial kitchen in Title 5, the Code does describe a method for calculating a flow which can be recommended by the BOH for approval by DEP. Mr. Ference said he expects to prepare an average of 130 meals per weekend for a Saturday wedding.

Mr. Ringwall indicated that regarding the Public Water Supply (PWS), he has submitted a formal request with MA DEP to have the PWS decommissioned. He stated that he and Mr. Ference would like to go back to the ZBA to modify the condition describing of the number of events that can be held per year. Mr. Ringwall further stated that the number of events will be able to be monitored because Mr. Ference will be required to register with the Select Board any events of a certain size and any events where alcohol is served. Mr. Garreffo indicated that he would want confirmation from DEP that a commercial kitchen can operate without a PWS.

Continued discussion regarding Massachusetts Statewide Opioid Settlement Funds

Mr. Mitchell stated that he has a meeting scheduled with Mr. Maiore on Friday and intends to discuss the opioid settlement funds. Ms. Levison asked that opioids be placed on the next agenda for discussion when Ms. McCarthy is present.

PFAS: Including but not limited to update regarding the “Private Wells & PFAS” Information Forum (3/23/23)

Ms. Levison advised that the Zoom account has a limit of 100 individuals and asked whether she should make efforts to increase the number of attendees allowed. Mr. Mitchell stated he does not think that is necessary. Ms. Levison suggested that she ask Ms. Montgomery of NABH to encourage other NABH Board Members to attend via Zoom, but community members to attend in person. The group also discussed which refreshments and handouts should be made available at the forum.

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

Ms. Levison indicated she has no update to report.

Status of application for stroke awareness outreach grant in conjunction with Harvard Ambulance Service and the Council-on-Aging

Mr. Mitchell reported that the BOH was denied its application for the stroke awareness grant. He stated that the reasoning he received was that the application was unclear in its target audience; he has requested a debrief meeting. Mr. Mitchell stated that without the grant funds the BOH can still perform 85% of the proposed outreach activities and suggested that these be held during the month of May which is Stroke Awareness Month.

Action Items

Action items were reviewed.

PERMITS

Septic

Mr. Garreffo advised that he recently issued an upgrade septic permits for 35 Ayer Road and 134 Old Littleton Road. Mr. Garreffo stated that 134 Old Littleton Road's permit related to install of a bathroom in the pool house which will require an ejection pump to the septic tank.

Waste Haulers

Ms. Flynn advised that she has received all but the permit fee required from United Hauling for consideration of the issuance of a 2023 renewal hauling permit. She indicated that the Cease & Desist Order remains in effect until a permit is issued.

MINUTES

The Members reviewed and revised the draft Minutes of 2/13/23. Mr. Mitchell made a motion to approve the Minutes as amended; Ms. Levison seconded. All were in favor by roll call vote.

DISCUSS ITEMS FOR NEXT AGENDA

Items for the next agenda were discussed.

ADJOURNMENT

The Meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Draft Minutes of 2/13/23
- 351 Ayer Road: Proposed plan, request letter, and local upgrade conditions form
- 5 Four Acre Island: GIS map, composting toilet specs, and pump cart specs
- 202 Ayer Road: Proposed septic plan;
- 247 Littleton County Road: Proposed site plan, photo of temporary toilet trailer
- Letters requesting rabies vaccination exemption for each of the following:
 - Bogey, dog, 42 Stow Road;
 - Mandy, dog, 40 Bolton Road;
 - Noelle, dog, 203 Stow Road.
- Proposed rabies vaccination exemption proposal letter
- DPH Fish advisory
- NABH 4th Quarter FY2023 invoice
- Ms. Levison and Ms. McCarthy's notes from the 2/28/23 DPH webinar
- Select pages from the proposed 2023 EDS Plan