

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**April 24, 2023**  
**Approved: May 9, 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; Daniel Carr, PE, Stamski & McNary, Inc.; Rainer Park, 7 Peninsula Road; Peter Kane, 72 Bolton Road.

**CALL MEETING TO ORDER**

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

**PUBLIC COMMENT**

None.

**NEW BUSINESS**

**7 Peninsula Road: Private Wells variance hearing**

Mr. Garreffo explained that the property owners are looking to tear down the existing two-bedroom house and put a three-bedroom house on the site with an upgraded septic system which meets the Title 5 requirements for new construction. The proposed plan is to use the existing well which does not meet the current setback requirements from property lines and wetlands. Mr. Garreffo indicated that he does not have an issue with the requested variances and confirmed that the well's water quality will be tested as part of the building permit process.

Ms. McCarthy made a motion to approve the variance requests for reduction in setback requirements from the well to the property line and wetlands; Ms. Levison seconded. All were in favor by roll call vote.

**72 Bolton Road: Room count discussion**

Ms. Flynn indicated that she expected Mr. Kane to join the group for the discussion, but as he was not present at the scheduled time, the discussion went forward without him. Ms. Levison indicated that she reviewed the Minutes from the prior BOH meeting discussion with the Kanes to refresh her memory of their plans to add a second floor to their existing one-story home which will increase the layout plan by one bedroom and one room to be used as an office. The Board Members and Health Agent considered the submitted floor plans for the existing and proposed space. Mr. Garreffo stated because the proposed second room upstairs is off of the bedroom and requires access through the bedroom, he would not consider it an additional bedroom. The BOH Members were in agreement that requiring a three-bedroom deed restriction would be consistent with past decisions. Ms. Levison made a motion to approve the submitted building plans for 72 Bolton Road contingent upon the homeowners' recording of a three-bedroom deed restriction; Ms. McCarthy seconded. All were in favor by roll call vote.

Mr. Kane later joined the meeting and the Board Members explained their decision. Mr. Kane apologized that he was not able to join earlier due to technical difficulties. Mr. Kane asked whether widening the doorway to the “office” would alleviate the need for the bedroom deed restriction; Ms. McCarthy indicated that a future owner could still add doors to the opening.

#### **Consider attendance at the DPH Harmful Algal Blooms Workshop (5/17, 9a-1p)**

Ms. Levison indicated that she is interested in attending.

#### **Consider revisions to the Private Wells regulation to include a requirement for water quality testing and production of reports for rental properties, and requirement for sampling for VOCs at certain locations**

Ms. Levison suggested that the BOH consider adopting requirements for water quality sampling at rental properties and sampling for VOCs at certain locations in Town where risk of VOC contamination is known. Ms. Levison indicated that some MA towns and other states require water quality sampling for rental properties. Mr. Garreffi advised that the DEP private wells regulation template includes such a requirement. The Members discussed that enforcement may be difficult but that the Board can do outreach and that including the requirement would enable an interested occupant to request testing by their landlord. Ms. Flynn agreed to pull language from the sample private wells regulation and regulations from other Towns for the BOH’s consideration at a future meeting. The Members agreed to also consider including language that would suggest additional testing may be required if in close proximity to a reported DEP release.

#### **Consider revisions to the Air Quality regulation to include a requirement for testing and production of reports for radon and mold in rental properties**

Ms. Levison asked the BOH whether it should also consider requiring testing for mold and radon at rental properties. Ms. McCarthy said that testing for mold expensive and the results cannot be interpreted in a straight-forward, useful way as there are not maximum allowable limits. Mr. Garreffi agreed that it is hard to enforce mold results without standards and advised that the Housing Code addresses ventilation requirements. Ms. Levison agreed to their comments, and suggested the BOH consider radon testing requirements for rental properties at a future meeting as there are standards for radon.

#### **Consider follow-up with Finance Director regarding FY24 Budget**

Ms. Levison asked whether the BOH had received communication from the Finance Director regarding whether the BOH’s FY24 budget request was reconstituted. Ms. Flynn stated that she has not, but from her review of the Finance Committee Town Meeting booklet, it does not appear that it was. Mr. Mitchell confirmed that this is consistent with his conversation with Mr. Maiore.

#### **Discuss review of Harvard Water Department 2022 Consumer Confidence Report**

Ms. Levison stated that she wanted to bring to the BOH’s attention that the 2022 CCR states that “residents can help protect sources by.... contacting the Harvard Water Department or Harvard Board of Health to volunteer for monitoring or education outreach to schools”. Ms. Levison will reach out to Mr. Kilhart to see if this is something he needs assistance with.

#### **Consider contribution to Arm in Arm’s “Welcome Wagon” materials**

The BOH Members considered submitting referenced documents regarding septic systems,

private wells, and what the BOH does to be included in Arm in Arm's "Welcome Wagon" package. Ms. McCarthy agreed to update the "About the BOH" document. Mr. Garreffo will forward a private wells reference document to Ms. Levison for her further revision.

### **Report from meeting with Select Board liaison, Rich Maiore**

Mr. Mitchell reported on his meeting with Mr. Maiore from the prior week. He indicated that it was a very productive meeting in which they covered numerous topics including the positive feedback received from the PFAS Forum, the Transfer Station, opioid funding and spending, PFAS, and additional staff assistance for the BOH. Mr. Mitchell stated that he recommended that the opioid settlement funds be pooled with other communities as a shared response. He indicated that they did not discuss having a public forum to receive ideas for spending from residents.

### **Report from attendance at the MAHB Certificate Program (Taunton, 4/15/23)**

Ms. Levison reported on her attendance at the Program and encouraged the others to attend the event in Marlborough.

### **Report from Land Use Boards (LUB) Meeting (4/18/23)**

Mr. Garreffo reported that the largest topic of discussion was the status of the Pine Hill Village development. He stated that the BOH has issued Certificates of Compliance for two more of the septic systems for the development, but other Boards/Departments are waiting for compliance with their requirements. Mr. Garreffo indicated that there was also discussion of two MVP grants recently awarded, the status of the smart growth overlay district bylaw, the housing production plan, and the 203 Ayer Road project.

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

Ms. McCarthy reported on the brief meeting including that DPH will be revising the definition of what is considered "vaccinated" for COVID-19 and changing the parameters for reporting of deaths "due to COVID".

### **COVID-19: Current Status**

Ms. Levison indicated that Harvard's COVID reporting is currently at "low" and this meeting's report will be the last due to the end of the public health emergency.

### **Clerk & Health Agent Update**

- Ms. Levison made a motion to approve payment of the Amiscience invoice in the amount \$245.00 for calibration of the fluorometer once the fluorometer is returned; Ms. McCarthy seconded. All were in favor by roll call vote.
- Ms. McCarthy made a motion to approve the payment of the Ticked Off invoice in the amount of \$337.50 for tick removers; Ms. Levison seconded. All were in favor by roll call vote.
- Ms. Levison made a motion to approve the MA Association of Health Boards (MAHB) invoice in the amount of \$150.00 for FY23 Membership; Ms. McCarthy seconded. All were in favor by roll call vote.
- Ms. McCarthy made the motion to approve Ms. Levison's reimbursement in the amount of \$68.78 for travel to and from Taunton to attend the MAHB Certificate Program; Mr. Mitchell seconded. Mr. Mitchell and Ms. McCarthy were in favor by roll call vote.
- Mr. Garreffo indicated that the State has indicated that 247 Littleton County Road should remain

a Public Water Supply.

## **OLD BUSINESS**

### **Drought: Continued discussion regarding next public outreach steps**

Ms. McCarthy indicated that she expects the first drought article to be published in the townwide mailing, but she has not approved any proofs. Ms. Levison noted that before last week's rain, Harvard had "abnormally dry" conditions (D0 level). Ms. McCarthy agreed to send Ms. Flynn appropriate links to be included on the BOH's drought webpage.

### **Continued discussion of activities for Stroke Awareness Month (May)**

Ms. Levison stated that she contacted the library to request a display of stroke reference materials. Mr. Mitchell reported that he and Ms. Flynn requested hand-out materials from the MA Clearinghouse. Mr. Mitchell and Ms. Levison agreed to meet early at Town Meeting to distribute magnets and brochures. Mr. Mitchell reported that Mr. Cotting is working with Ms. Montgomery at NABH to prepare an outreach video regarding stroke.

### **Continued discussion regarding Massachusetts Statewide Opioid Settlement Funds**

Mr. Mitchell stated that this was already discussed earlier in the meeting.

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

Ms. Levison agreed to follow-up with Ms. Thompson.

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

Ms. Levison stated Mr. Woodsum will be sending her measurements to move forward with ordering of a case in which to mount the base station at the Bromfield School.

### **PFAS: Update**

Ms. Levison reported that she saw Senator Eldridge at the Earth Day event and that he provided her with positive feedback from the Forum and indicated that he would be linking to the Forum video on his own site. The BOH Members confirmed that they would like Ms. Flynn to add the ATSDR website to the PFAS webpage.

### **Action Items**

Ms. Flynn agreed to send the BOH Members an updated list of action items.

## **PERMITS**

### **Septic**

- Mr. Garreffo reported on two permits recently issued: 2 Partridge Hill Road and 43 Brown Road. He indicated that 2 Partridge Hill Road was a permit for a replacement of a distribution box and 43 Brown Road was upgrade permit which included Local Upgrade Approval voted

on at a prior meeting.

### **Stable**

The BOH Members reviewed the stable permit applications for each of the following:

- 42 Old Mill Road
- 2 Depot Road
- 157 Bolton Road

Ms. Levison made a motion to approve the permit for 2 Depot Road; Ms. McCarthy seconded. All were in favor by roll call vote.

Ms. McCarthy made a motion to approve the permit for 42 Old Mill Road; Ms. Levison seconded. All were in favor by roll call vote.

Ms. Levison made a motion to approve the permit for 157 Bolton Road; Ms. McCarthy seconded. Ms. Levison and Ms. McCarthy were in favor; Mr. Mitchell abstained.

### **Waste Hauler**

Ms. Flynn advised that Guido's Services, Inc. appears to be hauling in town without a permit. She indicated that she requested a permit application on April 12<sup>th</sup> and has received no response. The Members asked that she send similar request via certified mail.

### **MINUTES**

The Members reviewed and revised the draft Minutes of 3/27/23. Mr. Mitchell made a motion to approve the Minutes as written; Ms. McCarthy seconded. All were in favor by roll call vote.

The Members reviewed and revised the draft Minutes of 4/10/23. Ms. Levison made a motion to approve the Minutes as amended; Ms. McCarthy seconded. All were in favor by roll call vote.

### **DISCUSS ITEMS FOR NEXT AGENDA**

Items for the next two agendas were discussed. Ms. Flynn reported that she removed the marked-up version of the proposed amended Sanitation regulation from the website as it is not required and there was some confusion regarding the same. Ms. Flynn will ask for Mr. Garreffo to advise regarding Mr. Wolfe's comments prior to the regulation hearing.

### **ADJOURNMENT**

Ms. Levison made a motion to adjourn at 8:49 p.m.; Ms. McCarthy seconded. All were in favor by roll call vote.

***Respectfully submitted,***

***Alison Flynn, Clerk***

**Documents Referenced:**

- Posted Agenda;
- Draft Minutes of 3/27/23 and 4/10/23;
- 7 Peninsula Road: Variance request letter & proposed plan;
- 72 Bolton Road: Proposed renovation plan and Minutes of 10/8/19
- “About the BOH” outreach document
- Ms. Levison’s e-mail regarding the Harvard Water Dept. 2022 CCR;
- Invoices from Ticked Off, Amiscience, MAHB, and Ms. Levison’s reimbursement form for mileage to Taunton MAHB Program;
- Stable permit application for 42 Old Mill Road;
- Stable permit application for 2 Depot Road; and
- Stable permit application for 157 Bolton Road.