

Harvard Board of Health Meeting Minutes
Zoom Meeting
August 8, 2023
Approved: September 12, 2023

Board of Health Members present: Libby Levison; Sharon McCarthy; Chris Mitchell.

Others Attending: Alison Flynn, Board of Health Clerk; Jim Garreffii, Health Agent, Nashoba Associated Boards of Health; Jack Maloney, Dillis & Roy; Bruce Ringwall, GPR; Bill Ference, 247 Lancaster County Road.

CALL MEETING TO ORDER

Ms. McCarthy called the meeting to order at 4:00 p.m. Ms. Flynn provided abbreviated remote meeting instructions.

PUBLIC COMMENT

None.

NEW BUSINESS

74 Ayer Road: Local variance and local upgrade approval requests

Mr. Maloney presented requests for a variance from the local regulation requiring four feet of top soil and a local upgrade approval to accept one deep hole test. He explained that the site is limited by offsets to the existing property well and the well of an abutting property, a large outcropping of ledge, and a steep drop-off to wetlands. He indicated that the proposed upgrade system is in the same location as the existing septic and will require a buildup of two feet of topsoil as well as installation of a retaining wall. Mr. Garreffii agreed that the options are limited to the site and did not see other alternatives.

Ms. Levison made a motion to approve the local variance from 145-3k and local upgrade approval from Title 5 for 310 CMR 15-405(1)(k); Mr. Mitchell seconded. All were in favor by roll call vote.

Consider preparation of additional comments regarding the draft Open Space and Conservation Planned Residential Development Bylaw

Ms. Levison indicated that she prepared comments regarding the revised draft OSC-PRD bylaw. Ms. McCarthy suggested that she and Mr. Mitchell provide comments for Ms. Flynn's compilation. Ms. McCarthy agreed to meet with Ms. Flynn later in the week to reconcile any conflicts in the comments before her submission to the Planning Board.

Consider invite to participate in stakeholder interview by Department of Defense personnel and contractors as part of the Devens Environmental Cleanup Communication and Outreach Initiative (8/30/23 or 8/31/23)

Mr. Mitchell and Ms. Levison volunteered to participate in the stakeholder interview. Ms. Flynn will reach out to the Department of Defense contractor to communicate their availability.

Clerk & Health Agent Update

- Ms. Flynn advised that DPH and Ms. Montgomery of NABH asked for assistance from local boards of health in encouraging responses to the Community Health Equity Survey. Mr. Garrefffi provided a brief overview of its purpose. The Members asked that Ms. Flynn prepare a News/Announcement for the webpage and distribution to the BOH's e-subscribers; Ms. Levison volunteered to ask The Harvard Press to include it in the Notices section of the newspaper.
- Mr. Garrefffi reported that he has made progress in his preparation of a flow chart to assist homeowners in understanding the steps needed to ensure water quality compliance. Ms. Levison volunteered to review the draft and provide feedback.
- Mr. Garrefffi noted that the Guido's dumpster has been removed from the parking lot of the former Harvard Kennels.

PERMITS

Mr. Garrefffi reported that he issued three permits since the last meeting. He explained that two of the permits were re-reviews and re-issues of expired permits for two systems at Pine Hill Village, and the third was for an upgrade of the septic system at a school on Saint Benedict's Center property on Still River Road. Mr. Garrefffi explained that in Saint Benedict's expansion of the school building space they determined that the system was in failure. He confirmed that it was an expansion of space and not an expansion in use.

OLD BUSINESS

247 Littleton County Road: Further discussion regarding considerations for septic design of upgrade

Mr. Mitchell made a motion to take this item out of order as Mr. Ringwall and Mr. Ference were present; Ms. Levison seconded. All were in favor.

Mr. Ringwall explained that Mr. Ference's goal is to cater events on the weekends at Friendly Crossways from approximately mid-May through early-October. He indicated that the events would be held outside in a tent on a platform with the wedding party possibly staying overnight in the building. Mr. Ringwall indicated that Mr. Ference may also from time to time use the commercial kitchen at Friendly Crossways to cater outside events, but would never be preparing for onsite and offsite events at the same time. Mr. Ringwall stated that onsite events will be limited to 200 people. Mr. Ringwall provided an overview of GPR's submitted letter presenting the methodology behind the proposed flows for the facility. He explained that due to the proximity to abutting Public Water Supplies, cost, and seasonal nature of the business plan they would like to avoid installation of a system that is greater than 2,000 gallons/day which would require wastewater treatment because of its location in a nitrogen sensitive area. Mr. Ringwall explained this is not ideal because such a treatment system requires daily fluid being added to it; something that would not happen with the proposed infrequent and seasonal operation. Mr. Ringwall confirmed that there is no plan for caretakers or staff to live on the property. Further, he explained that the proposed plans would include a 3,000-gallon grease trap because it does not have the same issues with infrequent use. Mr. Ringwall shared images of high-quality porta johns which he proposed would be used by the event guests. Mr. Ringwall stated that they considered bed-and-breakfast flows (110 gallons/day per guest) for overnight guests as Mr. Ference would like to pursue an Innholder's License for up to 14 rooms and contacted WECO in Acton to help determine flows for the commercial kitchen. Based on their water meter readings and meals prepared during that time, Mr. Ringwall indicated that they estimated approximately 2 gallons for

each meal prepared.

Mr. Garreffri stated that generally when using water meter readings to approve a flow you take the reading and double it. He also advised the BOH that while he doesn't think the proposed use of the portable toilets is unreasonable, they would want to consider the circumstances surrounding why this would be approved in this case and not others. Mr. Garreffri agreed that the nitrogen treatment would be problematic if it was not getting regular flows. Mr. Ringwall confirmed that the facility would not be offered as a bed-and-breakfast other than for the specific, seasonal events.

Ms. McCarthy suggested the BOH Members provide a decision at the next meeting after Mr. Garreffri has the opportunity to thoroughly review and check the methodology listed in GPR's letter of August 3, 2023.

Mr. Mitchell stated that he is comfortable with this proposed approach as it appears conservative and more protective of the Zone 2 of the PWS. Ms. Levison expressed concern with notifying the next owner of the restrictions for use. Ms. Levison suggested the BOH prepare a memorandum to the other licensing Boards to ensure they are aware of the restrictions on use.

Discuss Bare Hill Pond water quality sign goal and location

The Board discussed the targeted audience for the water quality dial sign to assist in determining alternate locations for installation of the new kiosk. The BOH Members discussed that while the BOH's jurisdiction is water quality at the Town Beach they also have related interests in warning residents about the transfer of HABs to other bodies of water through contact with boats and in warning residents of contact with HABs during water activities that do not occur directly at the beach. The BOH Members agreed that the location of the current kiosk is not in the pathway of all those that are their target audience. Mr. Mitchell asked the BOH Member to weigh in on whether they should look for an alternate location farther up Pond Road which is not in the protective zones and in the way of utilities or to approach Parks & Recreation for permission to install the sign near the "ticket taker" table with the understanding that Mr. O'Shea will propose a security camera be attached. Ms. McCarthy and Ms. Levison agreed that placement of the kiosk near the "ticket taker" table would be acceptable; Mr. Mitchell will move forward with this option. Mr. Mitchell suggested a smaller, duplicate sign be prepared to be placed in the existing kiosk; Ms. McCarthy and Ms. Levison agreed that this was a good idea. Ms. Levison suggested a less costly material could be used for production.

Mr. Mitchell indicated that he would be meeting with Mr. Maiore later in the week and would advise him of the developments in the kiosk installation. He stated that he would also discuss the BOH's continued interest in additional support staff hours and Transfer Station Committee involvement. Mr. Mitchell confirmed that he received and reviewed Ms. Levison's Transfer Station Committee comments and pulled from them important points to discuss with Mr. Maiore.

Prepare comments to the ZBA re Requested Exceptions included in the 40B Comprehensive Permit for the Village at Robin Lane

The Members considered the two Requested Exceptions from the Board of Health's Sanitation regulation. Mr. Garreffri advised that he does not have any concerns with the request for an exception from Ch. 145, Sec. 6B, as Title 5 allows the local board of health broad authority in requiring additional soil testing if deemed necessary. He explained that he will look at the site, the soil conditions, and the leaching area to determine whether additional testing is necessary. Mr. Garreffri also indicated that he does not have an issue with the request for an exception from Ch. 145, Sec. 3J, as he does not see any public health benefit to the additional 6 feet the local

regulation requires in the offset between the primary and reserve area. The Members requested Ms. Flynn submit a supplemental memorandum to the ZBA confirming that they would have no issue with the ZBA allowing the Exceptions.

Further discussion re scheduling EDS Trailer clean-out in September

Ms. Flynn reported that she did not hear back from Chief Sicard, Lieutenant Perry, or Ms. Natoli regarding the Fire Department's availability for the proposed cleanout dates. Ms. McCarthy asked that Ms. Flynn ask for a response prior to the September 12th meeting. The Members confirmed that they think it is important that the cleanout occur in one of the Fire Department bays and were also open to CERT volunteers (up to 12 total participants). They confirmed that the intent is to clean out the trailer, prevent further mouse infestation, and inventory what supplies are still in good condition and what needs to be ordered, and incorporating newly acquired supplies, bins, and straps.

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

Ms. Levison indicated that she has not had an opportunity to follow-up on this issue while on vacation.

PFAS: Update

Mr. Mitchell confirmed there is no PFAS updates other than the request for an interview which was discussed under new business. Ms. Levison indicated that she forwarded the BOH Members information about the new proposed legislation which would bar municipalities from purchasing or using products which contain PFAS.

Bare Hill Pond: Update re recent monitoring for algal blooms

Mr. Garrefffi reported that the fluorometer reading and visibility suggests that cell counts are not a problem at this time. He confirmed that DPH recommends four feet of visibility for swimming. Ms. Levison stated that based on the graph correlating fluorometer readings to cell count, she believes the fluorometer readings will not raise a concern until they reach 10.75 RFU; Mr. Garrefffi agreed.

Ms. Levison noted that Ms. Flynn has been posting weekly E. coli results to the webpage and volunteered to post these to NextDoor. Ms. Flynn reminded the BOH that as both she and Mr. Garrefffi will be on vacation the following week, they will not be available to forward these results to the Members. Ms. Flynn indicated that the BOH webpage always has the NABH after-hours emergency number listed, and she will include a News/Announcement advising of the same while she and Mr. Garrefffi are out of the office. Mr. Garrefffi indicated that anyone, including Mr. Grossman, at NABH can assist in the event of an emergency. Ms. Flynn indicated that she will also update her voicemail and e-mail advising those who contact her to call NABH in the event of an urgent matter.

Action Items

Action Items were reviewed. Ms. Flynn will circulate a list of those items which are outstanding.

(Mr. Garrefffi exited the meeting at approximately 5:40pm)

MINUTES

The Members reviewed the proposed revisions to the draft Minutes of July 25, 2023. Mr. Mitchell made a motion to approve the Minutes as amended for July 25, 2023; Ms. Levison seconded. All were in favor by roll call vote.

DISCUSS ITEMS FOR NEXT AGENDA

Items for the next agenda were discussed. Ms. McCarthy indicated that she will deputize someone as Chair in her absence. Ms. Levison suggested the BOH invite the new Town Clerk at the next meeting where Ms. McCarthy will be present. Ms. Levison suggested that consideration of the Public Health 101 presentation offered by Ms. Montgomery might be better as an article for The Harvard Press; Ms. Flynn will reach out to Ms. Montgomery to see if she has the interest and capacity to do this. Ms. Flynn noted that the BOH should have an initial discussion about FY25 budget at the next meeting. Ms. Levison asked that the Members send her any ideas for FY25 projects that will need funding. Ms. Levison suggested that an arbovirus update be included on the next few agendas.

ADJOURNMENT

Mr. Mitchell made a motion to adjourn a 5:50 p.m.; Ms. Levison seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Posted Agenda
- Draft Minutes of 7/25/23
- 74 Ayer Road: Variance Request letter, Local Upgrade Conditions Form, proposed SDS Plan
- Emails from Penny Reddy requesting stakeholder interview participation
- Revised draft OSC PRD bylaw;
- Email to the HFD re dates for cleanout
- GPR letter of 8/3/23 re 247 Littleton County Road, and two photographs of portable toilets at Connemara House
- Village at Robin Lane: Requested Exceptions re local BOH requirements