

Harvard Board of Health Meeting Minutes
Zoom Meeting
September 12, 2023
Approved: September 26, 2023

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

Others Attending: Alison Flynn, Board of Health Clerk; Jim Garreffi, Health Agent, Nashoba Associated Boards of Health; Carol Maxime; Mamie Wytrwal; Mike Dempsey; Jack Maloney, Dillis & Roy; Dan Wolfe, David E. Ross Associates; Bob Kody.

CALL MEETING TO ORDER

Mr. Mitchell called the meeting to order at 4:02 p.m. as deputized Chair. Ms. Flynn provided remote meeting instructions. Ms. McCarthy was absent from the meeting.

PUBLIC COMMENT

Ms. Levison indicated that the Recycle Your Reusables event will be held in Ayer on Saturday, October 21st beginning at 9am. She indicated that Ms. Flynn posted details of the event to the BOH webpage and sent out a News/Announcement to BOH e-subscribers.

NEW BUSINESS

Regulation hearing: Consider draft revisions to Article II: Private Wells § 145-18: Water sampling and quality testing requirements

The Board Members considered the proposed revisions, including additional comments and questions submitted by Ms. Levison on the day of the hearing. Mr. Mitchell invited attendees to raise their “hand” with any questions or comments. Mr. Mitchell explained that the BOH included requirements for owners of rental properties to share water quality results with occupants. Mr. Mitchell indicated that the changes to requirements for Uranium and Radiums are to be consistent with the guidelines for water quality issued by MassDEP.

Ms. Levison made a motion to accept the water quality revisions to the regulation as amended; Mr. Mitchell seconded. Ms. Flynn requested the Members include an effective date in their motion. Ms. Levison amended her motion to include an effective date of October 23rd to allow a summary of the regulation be included in the October 20th townwide issue of The Harvard Press; Mr. Mitchell seconded. Ms. Levison suggested that the section be reorganized to include subsection headers in the future. All were in favor by roll call vote.

(Mr. Garreffi entered the meeting at approximately 4:15 p.m.)

24 Bolton Road: Article II: Private Wells variance hearing

Mr. Garreffi indicated that the request stems from the local regulation which requires a property to connect to town water if available. Mr. Mitchell indicated that he understands that DPW is reluctant to open the street to allow the connection and requested that the homeowner explore the possibility of horizontal drilling, but the presence of a gas main complicates that option. Mr. Wolfe

stated that to tie into Town water, it would cost the homeowner upwards of \$20,000, and installation of a private well works much better for the plans for the property. Further, Mr. Wolfe indicated that while the regulation requires any new dwelling or occupied structure to tie into Town water where available, he believes there are many occupied structures who are not doing so. Mr. Garreffo explained that municipal water is largely favored because it is regulated, regularly tested, and generally under constant pressure, however, the lots are large in Harvard and private wells can be reasonably accommodated. Ms. Levison explained to the homeowner that he will be responsible for testing the water quality of his own well. Mr. Mitchell stated that while he is in favor of public water supplies because of their regular testing, in Harvard, private wells are the norm not the exception and this lot is not in an area of high-risk concerns. Ms. Levison made motion to grant the variance to 145-13 to allow a private well at 24 Bolton Road; Mr. Mitchell seconded. Mr. Dempsey stated that he understands that they will need to test their private well regularly and stated that his builder is making provisions for the installation of a large water treatment system, if necessary. All were in favor of the motion by roll call vote.

Ms. Maxime stated that she owns 26 Bolton Road with her husband and questioned whether the request for a variance to install the well less than 50 feet from the property line would impact her property and well. Mr. Mitchell explained that while the offset is 50 feet, there are many wells in Harvard located less than 50 feet from the property line as this is a fairly recent requirement. Mr. Wolfe indicated that his office was involved in design of Ms. Maxime's septic system which was installed in approximately 2018 and can confirm that the proposed well on Mr. Dempsey's property meets the offset requirements from Ms. Maxime's septic system. Mr. Wolfe indicated that the offset from a building to a well is currently 10 feet, and the zoning offset is 40 feet, so any plans that Ms. Maxime might have to place a structure near the property line would not be impeded by the installation of this private well. Mr. Mitchell indicated that based on the geology it would be much more likely that Ms. Maxime's property would impact Mr. Dempsey's property than the reverse. Ms. Levison made a motion to grant the variance from Ch. 145, Section 15, allowing a 45 foot offset for the proposed well from the southerly line; Mr. Mitchell seconded. All were in favor by roll call vote.

38 Lovers Lane: Consider variance from Article I: Sanitation

Ms. Levison suggested this item be taken out of order as the participants were present. Mr. Garreffo indicated that the request is related to the upgrade of a septic system where they are requesting an allowance for one perc test instead of the two which the local regulation requires. Mr. Garreffo explained that the location of the well at the center of the property complicates the design options. Mr. Garreffo also explained that as the Title 5 requirements for perc testing have not changed since 2006, the 2011 perc test referenced on the proposed plan is compliant though older. Mr. Garreffo stated that unless there has been site work in the area since the perc test, generally older, compliant perc tests are accepted. Mr. Mitchell stated that a geologic event would have to be significant to affect the soil results. Mr. Maloney confirmed that the soil grades have not changed in the area since the perc testing was performed. Ms. Levison made a motion to grant the request for 38 Lovers Lane for the Harvard local regulation 145-3(f) allowing one perc test; Mr. Mitchell seconded. All were in favor by roll call vote.

Mr. Maloney noted that a long sewer line notice was also submitted with the application package as the design plan includes a sewer line which is greater than 50 feet. Ms. Levison explained to Ms. Wytrwal the purpose of a long sewer line notice and inspection requirements. Ms. Levison made a motion to approve the long sewer line for 38 Lovers Lane; Mr. Mitchell seconded. All were in favor by roll call vote.

6 Myrick Lane: Consider variance from Article I: Sanitation and Local Upgrade Approval requests

Mr. Garreffi indicated that he was present for the soil testing for the replacement of this system, and several test holes were dug all over the property to identify the best location for install which has high ground water and 60 min/inch perc rates. He stated that based on the site's limitations he has no issue with the requests and noted that it will require approval of a long sewer line. Ms. Levison made a motion to grant the four requested variances as stated in the variance request letter; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Levison made a motion to approve the long sewer line for the septic system to be installed at 6 Myrick Lane and that Ms. Flynn or Mr. Garreffi explain to the homeowner and engineer the need for the deed notice and inspection requirements; Mr. Mitchell seconded. All were in favor by roll call vote.

Consider invitation to participate in RCAP's Board of Health Focus Group re private wells

Mr. Mitchell indicated that he will attend Thursday's session. Ms. Flynn will resend him the registration information. Mr. Mitchell reported that Bob Durand invited him to the State House on 9/27/23 to speak in favor of the PFAS private well legislation.

Consider invitation to participate at COA's Senior Center Open House

Mr. Mitchell indicated that he can attend the Open House on Oct 4th. Ms. Flynn will gather possible handout materials, including on stroke, emergency preparedness, and the mental health hotline, and will reach out to Ms. Bedard to see what she plans on distributing.

Initial discussion of preparation of FY25 budget requests

Ms. Levison indicated that she will have draft spreadsheets and a narrative emailed to the group for review by the end of the weekend. She suggested that a special budget meeting might need to be scheduled; Mr. Mitchell agreed. The Members agreed to include funds for a stroke awareness ad to be included in the April townwide issue of The Harvard Press.

Report from meeting with Select Board Chair, R. Maiore

Mr. Mitchell indicated that Mr. Maiore was very appreciative of the feedback provided regarding the Transfer Station Committee and suggested two members of the BOH sit on the working group. Mr. Mitchell stated that Mr. Maiore was also supportive of a request for additional administrative support for the BOH and recommended the BOH include funding for additional hours in the budget request. Mr. Mitchell explained that as part of that discussion, he updated Mr. Maiore on the various tasks that the BOH has accomplished and what is not getting done. Ms. Levison indicated that she would include 25 hours per week for administrative assistant hours in the budget with a note that indicates benefits have not been accounted for.

Report from attendance at Land Use Board Meetings

Mr. Garreffi indicated that a contractor is working with the Planning Board on the Vision Plan and Form-based Code for the Ayer Road corridor and will be doing some community outreach and site visits. Mr. Garreffi indicated that they understand that availability of water restricts what can be

done in the area. He reported that there was an update that the Design Review Board will be working with the developer of the 40B on Old Mill Road. Mr. Garreffo indicated that the Open Space Conservation and Recreation Planned Development bylaw is making progress, but they have not heard back from the proponent of the Smart Growth bylaw. He reported that 320 Ayer Road still has ongoing Conservation and Special Permit compliance issues that are being worked through.

Clerk & Health Agent Update

- Ms. Flynn asked the Members to consider the invoices from The Harvard Press and the Nashoba Associated Boards of Health. Ms. Levison made a motion to pay The Harvard Press for Invoice No. 9645 in the amount of \$72.00 for a legal notice; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Levison made a motion to pay Nashoba Associated Boards of Health the quarterly assessment in the amount of \$7,435.92; Mr. Mitchell seconded. All were in favor by roll call vote.
- Ms. Flynn explained that homeowner long sewer line inspections (required since recent regulation amendments) will be due in October. She indicated that she drafted an attestation form for property owners with long sewer lines to complete and will be sending them out under cover letter at the end of September. She noted that she has a spreadsheet of all long sewer lines that have been approved since the regulation was implemented but does not have a system in place to identify preexisting long sewer lines. Mr. Garreffo agreed to ask Mr. Grossman if he has a memory of which properties have long sewer lines. Ms. Levison volunteered to draft public outreach on long sewer lines after the budget is due.
- Ms. Flynn noted that the NABH Flu Clinic schedule has been released and posted to both the Harvard home page and the BOH webpage with alerts sent to e-subscribers.

PERMITS

Septic

Mr. Garreffo reported that he issued three permits since the last meeting. He indicated that he issued single component replacement permits for a distribution box at 38 Blanchard Road and septic tank at 47 Lovers Lane, and a transfer permit for 39 Glenview Drive, Lot 2.

Stable

Mr. Garreffo and Ms. Flynn advised the Board that a stable permit application was received for 41 Pinnacle Road. Mr. Garreffo indicated that he has reached out to the property owner for additional information and has been in contact with the Conservation Agent regarding outstanding concerns.

Marijuana Operating

Mr. Mitchell made a motion to take this discussion out of order. The BOH reviewed the 2023 renewal permit application package for Coil Bros. LLC. The Members agreed to issuance under a cover letter similar to the year prior which requires Coil Bros. to speak to the Board of Health before expanding their business operations to activities described as "Phase II". Ms. Levison made a motion to approve the renewed permit for Coil Bros. for one year from the 12th of September; Mr. Mitchell seconded. All were in favor by roll call vote.

Mr. Garreffo indicated that he will be reaching out to the new property owners of 325 Ayer Road to remind them of their water use preapproval requirements and to check to see if the current flows

are within the building's limits.

OLD BUSINESS

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

The BOH Members reviewed Mr. Garreffi's draft comments to GPR. The Members agreed that they need to receive confirmation of how the business owners intend to use the property year-round. Ms. Levison reminded Mr. Garreffi that the prior property owner received an innkeeper's license through the Select Board and asked that there be clear communication so they are not licensed for an inn that the septic system cannot support. Mr. Garreffi agreed to make modifications to the memo consistent with the discussion and send it out.

Bare Hill Pond: Update regarding recent monitoring for algal blooms and E. coli bacteria

Mr. Garreffi reported that the Pond visibility was a little deeper and the water just as clear on that day's sampling as prior days. The Members asked that Mr. Garreffi continue to sample for the fluorometer, and Ms. Flynn continue to post water quality updates, on September 19th and 26th before concluding the sampling season. Ms. Levison asked Mr. Garreffi to invite Ms. Olejarz to a BOH meeting to meet her.

Update from recent Weekly Arbovirus Reports

Ms. Levison stated that a DPH Local Board of Health webinar included an arbovirus update from Dr. Katie Brown regarding West Nile Virus (WNV) found in mosquito samples and three human cases, though only two of those cases were exposed in MA. Ms. Levison indicated that a positive WNV mosquito sample was found in Ayer, and positive EEE mosquito samples have been found near the RI border. She indicated that she will be finalizing the mosquito/tick mailer shortly.

COVID-19: Update

Ms. Levison reported that the COVID vaccine currently under review for approval will be monovalent. Ms. Flynn agreed to update the BOH's COVID webpage once the formal announcement has been released. The Members discussed that there are current COVID cases in Harvard and recommended residents be careful. Mr. Mitchell stated that the ambulance service has resumed use of masks while caring for patients and in the facility. Mr. Garreffi stated that the clinicians will be wearing masks at the NABH flu clinics.

Further discussion re scheduling EDS Trailer clean-out in September

Ms. Flynn explained that Ms. Natoli was unavailable for the dates proposed in September, but both she and the Fire Department would be available on October 4th. The BOH Members indicated October 4th would not work for the Board of Health and proposed October 16th or October 18th as alternative dates.

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

This item was tabled for a future meeting.

Action Items

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

(Mr. Garreffo exited the meeting at approximately 5:45pm)

MINUTES

The Members reviewed the proposed revisions to the draft Minutes of August 8, 2023. Ms. Levison made a motion to approve the Minutes as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

DISCUSS ITEMS FOR NEXT AGENDA

Items for the next agenda were discussed.

ADJOURNMENT

Ms. Levison made a motion to adjourn at 6:03 p.m.; Mr. Mitchell seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Draft Minutes of 8/8/23
- Posted Agenda
- Private Wells regulation hearing: Proposed amendments in legal blackline
- 24 Bolton Road: Variance request letter and proposed SDS plan;
- 6 Myrick Lane: Variance request letter, LU Conditions Form, and proposed SDS plan;
- 38 Lovers Lane: Variance request letter, LU Conditions Form, and proposed SDS plan;
- Focus group invitation from RCAP;
- Open House invitation from the COA;
- LUB Meeting Notes of 8/22/23;
- Long sewer line attestation form
- Harvard Press Invoice for legal notice of Private Wells amendment hearing
- Coil Bros. application for 2023 permit renewal
- 247 Littleton County Road: Draft comments of J. Garreffo
- Arbovirus report of 9/5/23;
- L. Levison notes from DPH LBOH webinar of 8/22/23