

Harvard Board of Health Meeting Minutes
Zoom Meeting
November 29, 2023
Approved: December 11, 2023

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

Others Attending: Alison Flynn, Board of Health Clerk; Jim Garreffi, Health Agent, Nashoba Associated Boards of Health; Dan Wolfe, PE, Dave E. Ross Associates; Jeff & Janet Stokes, 55 Prospect Hill Road.

CALL MEETING TO ORDER

Ms. McCarthy called the meeting to order at approximately 4:03 p.m. Ms. Flynn provided remote meeting instructions, and acknowledged that Board Member, Chris Mitchell, was not present.

PUBLIC COMMENT

None.

NEW BUSINESS

55 Prospect Hill Road: Consider requests for local upgrade approvals

Mr. Wolfe represented Mr. and Mrs. Stokes in their request for local upgrade approvals for replacement of a failed septic system. Mr. Wolfe indicated that they performed a number of soil tests to find a location away from the ledge. He explained that the existing sewer line is below the basement floor level necessitating the septic tank to be installed 65 inches below grade. Mr. Wolfe indicated that a local upgrade approval is also required for the depth to groundwater from the inlet. He indicated that the topography is such that he cannot use the existing plumbing and find a better location for the tank without going 50-100 feet away. Mr. Garreffi questioned how the risers would be sealed to ensure no potential infiltration from the water table; Mr. Wolfe suggested a condition of the permit be that the installer seal the risers with butyl caulking. Mr. Wolfe suggested prior construction on the property suggests that the risers may not be in the water table and confirmed that the prior system was built in the '70s and was without an issue up to this point. Mr. Wolfe indicated that there are no wetlands in the area and the lot is sloping. He explained that the proposal is for a Geomat system and that examination of the soil conditions found mottling at 50 inches. Mr. Garreffi agreed that a condition of the permit could require the installer to use butyl caulking prior to hydraulic cementing of the risers to the tank.

Ms. Levison made a motion to accept the plan to upgrade the septic system at 55 Prospect Hill Road and grant the local upgrade requests 15.405(1)(B) to allow the pump chamber to sit at approximately 65 inches below grade and 15.405(1)(J) to reduce the 12-inch separation between the inlet and outlet tees; Ms. McCarthy seconded. All were in favor by roll call vote. The Members agreed that Mr. Garreffi has authorization to execute the permit on behalf of the BOH. Mr. Wolfe noted that his clients are hoping to complete the project with sign-off in hand by the end of the year.

Ms. McCarthy noted that Mr. Mitchell would not be able to join the meeting due to a work obligation.

Beaver permit application review process

Mr. Garreffi offered to review applications and visit the sites prior to issuance on behalf of the Board. Ms. Levison stated that she does not have a problem signing off on beaver permits when Mr. Kilhart calls her. She indicated that all of the permits she has signed have been where there is a beaver deceiver clogged near a roadway. Mr. Garreffi indicated that sometimes NABH residents will ask for a permit because their landscaping is being compromised; he visits the site because he cannot issue unless there is an emergency condition as defined by the state, such as their well or septic is being compromised. Mr. Garreffi confirmed that a compromised roadway is one of the emergency conditions defined by the state which allows issuance and thanked Ms. Levison for the list she sent him of beaver deceiver locations. Ms. Levison stated that going forward, she will pass off any applications that do not concern a roadway to Mr. Garreffi for site visit.

Scheduling annual regulation review process

Ms. Flynn advised that the Board of Health's Fees regulation has not been updated since the Select Board voted to increase the Board's fee for filing of Title 5 Inspection Reports. She also indicated that the Board may want to consider the remaining sections of DEP's model Private Wells regulation, as only the Water Quality section was previously considered. Ms. Flynn explained that as the BOH has not held a strategic planning meeting recently, the group has not considered regular review of the regulations. Ms. McCarthy suggested the Fees regulation be considered at the next meeting; Ms. Flynn agreed to offer comments on the regulation in advance. Ms. McCarthy suggested the BOH consider Private Wells at the first meeting in January. Mr. Garreffi noted it might be nice to align with the model regulations on Water Quantity. Ms. Flynn noted that the BOH septic regulation was recently updated, and confirmed the tobacco sales regulation was updated to ensure fees were consistent with the State regulation. She advised that she does not see a need for revision to the Waste Hauler regulation at this time. The members stated they do not want to consider a Keeping of Animals or Stable regulation. Mr. Garreffi indicated that he does not believe a local regulation of air quality is needed at this time as the State has regulations and the BOH has broad nuisance authority.

Review draft flow chart regarding water quality requirements

Ms. Levison indicated that she has not yet had an opportunity to work on the flow chart.

Clerk & Health Agent Update

- Ms. Flynn advised that the Land Use and Building Departments will be moving to Hildreth House on Tuesday, December 19th. She indicated that the Departments will be closed for packing on the 18th, the move on the 19th, and unpacking on the 20th of December. Ms. Flynn indicated that the Departments would be meeting with the moving company on December 6th and would reach out to the BOH if she needs assistance or to rearrange her hours to be fully prepared for the move. Ms. Flynn indicated that the new phone system is in place with a separate line for Mr. Garreffi.
- Ms. Flynn let the BOH Members know that Ms. Levison forwarded an e-mail regarding a 1-hour PFAS training from the New England Public Health Training Center. Ms. Levison stated that there is no cost to the training and Dr. Heiger-Bernays is the presenter. Ms. Levison stated she plans to attend; Ms. Flynn agreed to register so she can distribute the recording.
- Ms. Flynn confirmed that she responded to the DPH survey regarding the Office of Local and Public Health.

- Ms. Flynn confirmed that her hours for Permanent Building Committee (PBC) are tracked on her timesheets. She stated that hours worked for PBC come out of an account separate from the BOH payroll accounts.
- Mr. Garreffi indicated that he has been talking with the homeowner and COA regarding the conditions at 228 Littleton Road. He indicated that the homeowner has been extremely cooperative and understands that everyone is looking out for her safety. Mr. Garreffi reported that he was allowed to perform a housing inspection and will be typing up the report shortly in preparation for condemnation with notice, scheduled for the next BOH meeting. He stated that the resident has a place to stay currently with a friend and that the portion of the building where she needs to remove belongings from is not inherently dangerous. Mr. Garreffi indicated that the property owner stated she does not intend to attend the condemnation hearing, though she understands her right to do so.

PERMITS

Review of septic permits recently issued by the Health Agent

Mr. Garreffi reported that there have not been septic permits issued since the last meeting.

OLD BUSINESS

Continued annual review Bare Hill Pond Algal Bloom Protocol

The Members reviewed proposed revisions to the Algal Bloom Protocol. Ms. Flynn will confirm Mr. Cotting's title with the Ambulance Service and Ms. Watters' title with Parks and Recreation. Ms. Levison made a motion to accept the Protocols as amended once Ms. Flynn confirms the titles discussed; Ms. McCarthy seconded. All were in favor by roll call vote.

The group also considered proposed revisions to the advisory templates. Ms. Levison indicated that she will make additional revisions to the template advisories to be discussed at the next meeting. Mr. Garreffi indicated that if NABH receives a positive E. coli result, NABH would first talk to the Beach Director to get the beach closed and then would inform the BOH. Mr. Garreffi suggested the BOH should be using language consistent with the State. He indicated that the State uses "advisory" when discussing HABs; he will look to what the State suggests for language on beach closures for E. coli.

Continued consideration of application(s) for Nashoba Valley Health Care Fund grant

Ms. Levison suggested floating the ideas of a grant to test another location on the Pond for algal blooms and/or a grant to subsidize tick testing before the Fund to see whether they are eligible programs. Ms. McCarthy stated that she thinks testing the Pond is the responsibility of the Pond Committee; Ms. Levison stated that she wrote to Mr. Leicher and his response was that the Committee is very busy but he would see if anyone has time. Ms. McCarthy noted that grant applications are due at the end of December. Mr. Garreffi and Ms. Levison stated that Tick Report's records show that the 150 previously subsidized tests for NABH communities were used up over 2 years. Ms. Levison reported that Harvard was the community which benefitted most from the subsidy by submitting 24 tests; seven other towns submitted between 10-15 tests each and Ayer submitted 1 test. Ms. McCarthy noted that the applicant for the grant must process the grant. Mr. Garreffi indicated that Ms. Levison can reach out to Ms. Montgomery to see if she has the capacity to work on the application with Ms. Levison. He noted that Ms. Montgomery is currently looking into grants to extend the pilot Bereavement Support Program.

Mr. Garreffa exited the meeting at approximately 5:12 pm.

Consider request of MassRecycle for endorsement of Massachusetts Product Stewardship Legislation

The Members reviewed the Google Sheet regarding endorsement of MA product stewardship legislation and agreed to support such legislation regarding paint, mattresses, printed paper & packaging. The Members also considered the draft Resolution and agreed to lobby the Select Board to adopt such a Resolution. Ms. McCarthy agreed to contact Ms. McBee about the same.

Ms. McCarthy made a motion that Ms. Flynn submit the survey on behalf of the Board of Health as discussed; Mr. Levison seconded. All were in favor by roll call vote.

Review draft response to B. Leicher letter to Select Board regarding synthetic turf

This item was tabled for a future meeting.

Further discussion re scheduling EDS Trailer clean-out

This item was tabled for a future meeting.

PFAS Update, including but not limited to report from attendance at the Devens RAB Meeting of 11/9/23

This item was tabled for a future meeting.

Review draft townwide mailing in support of mandatory recycling

The group reviewed the graphic design for the mailer prepared by Ms. Aloise. Ms. Levison will ask her to add her name, color the teddy bear, if possible, and check the QR and tiny url. The Members considered the estimate provided by AlphaGraphics which does not include extra copies of the townwide mailing for the BOH file. Ms. Levison stated that she'd expect the actual invoice to be slightly higher with the extra copies included.

Ms. Levison made a motion to approve the invoice from AlphaGraphics to send the annual, regular required, recycling mailer up to \$1,220; Ms. McCarthy seconded. All were in favor by roll call vote.

Update re installing the dial/algae sign on Pond Road

This item was tabled for a future meeting.

Update re installation of satellite phone bases at EDS and Public Safety Buildings

This item was tabled for a future meeting.

Action Items

Ms. Flynn indicated that she would circulate any outstanding Action Items.

MINUTES

The Members considered Ms. Levison's comments on the draft Minutes of November 14, 2023. Ms. Levison made a motion to accept the Minutes as amended; Ms. McCarthy seconded. All were in favor by roll call vote.

The Members considered Ms. Levison's comments on the draft Minutes of November 17, 2023. Ms. McCarthy made a motion to approve the Minutes of November 17th; Ms. McCarthy 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 5:34 pm; Ms. McCarthy seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Draft Minutes of 11/14 & 11/17/23
- Action Items from 11/14 & 11/17/23
- 55 Prospect Hill Road: Proposed SDS plan, LU conditions form, and request letter
- AlphaGraphics Estimate 3489 and draft recycling mailer
- Community Foundation of Central MA & Nashoba Valley Healthcare Grant Fund webpages
- Algal Bloom Procedures and advisory templates with draft changes
- MassRecycle e-mail and Google Form for endorsement of legislation.
- PFAS webinar flyer from New England Public Health Training Center