

Harvard Board of Health Meeting Minutes
Town Hall, Main Meeting Room
Tuesday, October 22, 2019
Approved: November 19, 2019

Board of Health Members present: Libby Levison (via Skype); Sharon McCarthy; Tom Philippou, Chair.

Attending: Alison Flynn, Board of Health (“BOH”) Clerk; Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Jack Maloney, Ducharme & Dillis; Theresa & Ken Hoggins, 99 Ann Lee Road; Bill Medeiros, 2A Trail Ridge Way; Bruce Ringwall, GPR.

Mr. Philippou called the meeting to order at 7:00 p.m.

PUBLIC COMMENT- None.

NEW BUSINESS

a. 18 Park Lane: Local upgrade approval and local variance requests- Mr. Maloney asked the BOH to consider a local variance request to allow a separation of 82 feet from the homeowners’ well to septic components, as described in his letter of October 8, 2019, and included in Plan of September 20, 2019, Drawing No. 8105-SDS. Mr. Maloney confirmed that the system would meet the full four-foot groundwater offset for the Presby system. Mr. Grossman stated that he is okay with allowing the variance; the permit will require water quality testing for the homeowner’s well. Ms. McCarthy made a motion to accept the variances as presented in Mr. Maloney’s letter of October 8, 2019; Mr. Philippou seconded. All were in favor.

b. 75 Westcott Road: Local variance requests-Mr. Maloney presented the homeowners’ request for a local variance for the requirement that the system must meet a 25-foot ledge offset from the perimeter of the proposed SDS area, as described in his letter of October 9, 2019. He explained that the homeowners are replacing the existing tank with a 1500-gallon tank and a new system proposed just off the edge of the old system. He indicated testing was performed in five areas, all resulting in findings of shallow ledge. The proposed plan includes building up with fill to get a 5-foot offset to groundwater. Mr. Grossman stated he was okay with allowing the variance as testing to locate another area was unsuccessful and the existence of wetland & river protection buffer zones also limit options. Mr. Maloney confirmed that the design criteria are for 5 bedrooms; the plan mistakenly indicates 4 bedrooms. Mr. Grossman advised that a June 2, 2005 letter from the BOH indicates the property is recognized as a 5-bedroom home. Ms. McCarthy made the motion to approve the variance request; Ms. Levison seconded. All were in favor.

c. Hearing for approval of proposed *Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol*- Mr. and Ms. Hoggins, and Mr. Medeiros requested more stringent language to afford underage youth better protection under the regulation. Ms. Hoggins specifically requested the draft language which indicates “A Marijuana Operating Permit may be subject to non-renewal if the establishment has sold a marijuana product to a person under the minimum legal sales age two times within the previous permit year” change to “A marijuana operating permit will be subject to non-renewal...”

Mr. Philippou explained that the regulation was drafted at the advice of counsel for Massachusetts Association of Health Boards (“MAHB”) and such language allowed for the BOH to have discretion for extenuating circumstances. Mr. Medeiros encouraged the BOH to offer youths the same protections from marijuana exposure as state laws provide against alcohol, and suggested giving the vendors leeway would encourage them to sell marijuana over alcohol. Ms. McCarthy stated she thought the request to change the language as suggested was reasonable, and worth asking counsel for MAHB her opinion. Ms. Hoggins also asked that lines 221-222 include licensed after-school care programs and daycare programs. The BOH members agreed to consider the same. Ms. Hoggins also suggested that the BOH might consider adding language which limits the allowance of signs in the storefront windows. The BOH members indicated that this might be a consideration for the Planning Board. Mr. Philippou suggested the BOH review the tobacco sales regulation to identify whether signage was limited there. Ms. McCarthy volunteered to bring the suggested revisions to the MAHB Certificate Program on November 2nd to request their review by General Counsel. Ms. McCarthy made the motion to continue the hearing until the suggested revisions have been fully explored; Mr. Philippou seconded. All were in favor.

d. 62 Old Littleton Road: Discussion of septic capacity- Mr. Ringwall explained that the property is under agreement with the buyer proposing to tear down the existing two buildings to build a single family, four-bedroom home. The buyer would like to then market the new home as having the possibility of expansion by 1-2 bedrooms. Mr. Ringwall explained that the system was installed in 1993, but has not been used since 2004 or 2005. A Title 5 Inspection last year received a “Needs Further Evaluation” as there was no power to run the pumps, but would have otherwise passed. Mr. Ringwall asked that the permit for the replacement of the tank indicate 6 bedrooms as there is more than enough square footage in the leaching field to accommodate the same; Mr. Grossman stated that it is reasonable to declare the system has having a 6-bedroom capacity once the tank is replaced as proposed. Ms. McCarthy made the motion that 62 Old Littleton Road be documented as a 6-bedroom capacity with changes as proposed as part of the single component replacement application to NABH; Ms. Levison seconded. All were in favor. Mr. Grossman indicated that a letter would be sent confirming the 6-bedroom capacity determination.

e. Attendance at MAHB Certificate Program- Ms. Flynn and Ms. McCarthy will attend the MAHB Certificate Program in Marlborough; Ms. Levison will evaluate her availability. Mr. Philippou will be unable to attend. Mr. Philippou signed invoices for the registration fee for Ms. Flynn and Ms. McCarthy, and approved the invoice for Ms. Levison’s registration fee pending her availability

f. Discussion re findings of PFAS in artificial turf- Ms. Levison stated that she wanted the members to be aware of the Boston Globe article attributing PFAS in the water in Franklin to discarded artificial turf. Ms. McCarthy stated that they should keep the article under advisement should the install of artificial turf in Harvard be brought up again. Mr. Philippou noted that the BOH would potentially want to follow-up to learn if the discarded artificial turf had been used, and whether artificial turf is currently being produced containing PFAS.

g. Consider financial support of Recycle Your Reusables- Ms. Levison reported that Laurie Sabol indicated she is short of funding this year, and asked the BOH to consider donating \$100.00. The BOH members considered the budget and agreed. Ms. Levison made a motion to offer \$100.00 if Ms. Sabol is still in need of support; Ms. McCarthy seconded. All were in favor.

h. DPH request for letter of support for grant application- Ms. Levison reported Jessica Burkhamer will provide a draft letter for consideration by the BOH before the next BOH meeting.

i. Clerk and Health Agent Update-

- Mr. Grossman & Ms. Flynn advised of ongoing complaints regarding the security and cleanliness of Foxglove Apartments. Ms. Flynn read aloud the response e-mails received from Ed Olson of SK Management. Mr. Grossman will request Mr. Olson send a letter to all residents & post the telephone number of the management company at the mailboxes. Ms. Flynn will then advise the COA of the same.
- Mr. Grossman & Ms. Flynn updated the BOH of their response to DEP regarding possible unapproved Public Water Supplies in Harvard. Ms. Flynn will follow-up to request a determination letter for each property once DEP's investigations are complete.
- Ms. Flynn shared Ms. Kenney's question about the order of the new regulations. The BOH members requested the tobacco, smoking, and marijuana regulations be placed in proximity to each other.

OLD BUSINESS

a. Discussion re DEP guidance: PFAS in Private Well Drinking Water Supplies FAQ- The BOH members reviewed the document and found several errors. Ms. Flynn will write Mary Jude Pigsley to inform her of the errors and ask that DEP consider adding a sentence: "If you have another water treatment device on your system, consult the Office of Drinking Water about which should happen first".

b. Further discuss town-wide mailing re recycling- The BOH considered the quotes received from ISS On-Demand and Tiger Press. As ISS On-Demand's quote was less than 10% more, more inclusive of services needed, and has prior knowledge and positive experience with preparing town-wide mailings for Harvard, the BOH members decided to work with ISS On-Demand. The draft provided by ISS On-Demand was reviewed and revised. Ms. Flynn will work with ISS On-Demand to finalize the request.

c. 23 Lovers Lane: Update- The BOH members reviewed Ms. Thomsen's update of October 22, 2019, and noted that she has been busy addressing the concerns of the BOH.

d. Update re EEE risk assessment and messaging- The BOH members confirmed that the EEE messaging does not need revising, that the risk assessment has not changed, and there has yet to be a hard frost.

e. Update re PFAS- Ms. Levison shared that she wrote to Lucy Wallace to inform her that testing has found a high concentration of PFAS on the former Ft. Devens in close proximity to the Nashua River, as learned at the RAB meeting. Ms. Wallace replied that she would share this information with the Nashua River Watershed Association. Ms. Levison also reported that a resident has not yet received her letter from the Army offering testing; the resident will contact Penny Reddy at the Army. The BOH members informed Ms. Flynn that the Army will not receive validated results of the testing for 45 days; Ms. McCarthy stated this timeframe is standard.

f. Update regarding trash hauler regulation enforcement and RDP points- Mr. Philippou will contact Mr. Kilhart to inquiry whether RDP points can be shared to assist in paying for the town-wide mailing regarding recycling.

g. Update from Deer Management Committee- Mr. Philippou reported that the Deer Management Committee would appreciate support at Town Meeting. Ms. Levison and Ms. McCarthy indicated they do not think the subject of the warrant article is a BOH concern.

h. Update from the Transfer Station Committee- Mr. Philippou indicated that there was no need for a report.

i. Review Action Items- Action items from the last meeting were reviewed. Ms. McCarthy suggested ideas for speakers might arise at the MAHB Certificate Program. Ms. Levison stated she would like to explore the possibility of a talk on EEE, with Dr. Monath and/or his possible contacts as guest speakers.

PERMITS

Septic permits were issued for each of the following:

18 Park Lane- Local Upgrade Approval

104 Still River Road- New, increase flow. Ms. Flynn was directed to refrain from releasing the permit until the required deed restriction has been recorded.

Craftsman Village- New. Ms. Flynn was asked to refrain from releasing the permit until the project review fee for the community septic system has been received.

9 Wilroy- Tight tank

The BOH reviewed and a stable permit application for 174 West Bare Hill Road. Mr. Grossman noted his concern that manure is to be “composted” without plans to contain the manure in a water tight container or on an impervious pad. Ms. McCarthy and Mr. Philippou did not feel this was an issue with one horse. Ms. McCarthy made the motion to approve the permit as submitted; Mr. Philippou seconded. Ms. Levison abstained as she was unable to hear the discussion clearly.

APPROVAL OF MINUTES-

Ms. McCarthy made the motion to approve the minutes of 10/8/19 as amended; Mr. Philippou seconded. Ms. McCarthy abstained. All were in favor.

ITEMS FOR THE NEXT AGENDA- Items for the next agenda were discussed.

ADJOURNMENT- Ms. Levison made the motion to adjourn at 8:56 p.m.; Mr. Philippou seconded. All were in favor.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- “Streets” file for 18 Park Lane
- “Streets” file for 75 Westcott Road
- Proposed *Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol*
- “Streets” file for 62 Old Littleton Road
- Invoices for MAHB Certificate Program attendance
- E-mails from Ed Olson of SK Management to Mr. Grossman, sent on 10/22/19 at 2:09 and 2:47 p.m.
- DEP guidance document: *PFAS in Private Well Drinking Water Supplies*
- Quotes for town-wide mailing received from ISS On-Demand and Tiger Press
- 23 Lovers Lane summary document dated 10/22/19
- Septic permit application package for 18 Park Lane
- Septic permit application package for 104 Still River Road
- Septic permit application package for Craftsman Village Harvard LLC
- Septic permit application package for 9 Wilroy Ave.
- Stable permit application package for 174 West Bare Hill Road
- Draft minutes of 10/8/19