



BOH MEETING MINUTES 01-09-2023

Council Committee Room, 140 Main Street
Joseph Tennyson, MD, Chair
Jim Griffin, Vice-Chair

Also in attendance: Director John Garside and Clerk Tina Nolin

Meeting called to order at 6:30 pm.

Reading and Approval of Minutes

- Minutes for December 5, 2022, meeting: Vice-Chair Tennyson motioned to approve and place the minutes on file. Chairman Griffin seconded the motion; the Board vote was 2-0 to approve the motion to accept the minutes.

New Business

- Public Hearing Regarding Proposed Board of Health Regulations for Minimum Standards for Human Habitation, Food Establishments, and On-Site Sewage Treatment & Disposal Systems. *-the proposed purpose of these regulations is to further protect public health & the environment while working in conjunction with City Ordinance Ch. 315-2 Noncriminal Disposition.*

At 6:31 pm Chairman Griffin opened the public hearing.

Director Garside introduced the three proposed regulations (Minimum Standards for Human Habitation, Food Establishments, and On-Site Sewage Treatment & Disposal Systems) which are all state regulations that the health department currently enforces, and recommended that the Board adopt in their entirety. He explained that adopting these regulations will not substantially change the daily operations of the department and how it operates. What adopting the regulations would do is help the department to work more effectively and confidently with the City's non-criminal disposition ordinance (fines for violations). The fines set forth in the City ordinance would now clearly align with our local health regulations.

The chair then asked for any questions or comments from the public in support of the proposed Minimum Standards for Human Habitation, Food Establishments, and On-Site Sewage Treatment & Disposal Systems regulations, there being none, he asked for any comments or concerns in opposition to the proposed regulations, there were none.

Chairman Griffin then asked if there were any questions from the Board. Member Tennyson wanted to confirm that instituting these three regulations would not change how the department handles inspections or violations and was only a "housekeeping" measure to be in better sync with the noncriminal ordinance. Director Garside confirmed this to be true. Chairman Griffin then asked if the proposed regulations have been reviewed by the legal department and Director Garside stated that, yes, they had been.

At 6:36 pm Chairman Griffin closed the public hearing.

Vice-Chair Tennyson motioned to adopt the Minimum Standards for Human Habitation, Food Establishments, and On-Site Sewage Treatment & Disposal Systems in their entirety as presented. Chair Griffin seconded the motion. A roll call of the vote was unanimous, and the motion was Passed with a 2-0 vote (adopted regulations are attached).

Director's Update

COVID-19

Director Garside updated the Board regarding COVID-19 in the city, reporting that according to the CDC's risk categories, the city is considered to be at high risk for COVID-19, although the department does not have access to all of this data. Confirmed case numbers continue to be drastically underreported due to the predominance of home tests being used and thus the results are not reported to MAVEN.

The MWRA Wastewater COVID-19 Tracking ticked up briefly but is now trending downward.

Since our last meeting, we have had two deaths among our older population, and one had significant underlying health conditions.

Not much to report by way of COVID-19 clusters in the schools.

The Department is committed through February of 2023 to hold COVID-19 clinics, as we have announced such in the Senior newsletter, put out by the COA. Flu vaccinations will also continue to be offered at these clinics for as long as we have Flu vaccines.

OPENGOV

Director Garside updated the Board that the Department was nearly complete with its first permit renewal season with the new online permitting platform, OpenGov. Eight of our 22 applications are currently available through this platform. Overall, things have gone well, and while there is a learning curve for both the applicant and the department, down the road it should help streamline the renewal process for everyone. Starting January 18, 2023, we will be working with the OpenGov team to get the remainder of our applications and permits into the system, with a full implementation date of June 30th.

Subdivision, Site Plan & Special Permit

Director Garside reported as an FYI to the Board a site plan of 272 Lincoln Street, a 12-unit multi-family residential building to be built on the corner of Lincoln Street and Cashman Street. It will have 24 parking spaces underground with six open-air spaces. There will also be a pocket park on the corner of Cashman and Lincoln streets. It is also next to the Assabet Rail Trail for biking and walking.

The plan will be going before City Council for a special permit soon. Once they have the special permit it will come back to the site plan review committee, which the director sits on.

Subdivision off Stow Road

Director Garside reviewed a preliminary subdivision plan on Stow Road between Simpson Street and Wood Street where there is a parcel consisting of 6.3 acres. There are a couple of ANR lots, (meaning *Approval is Not Required*) that front on Stow Road. They meet frontage

and zoning size requirements, so they are entitled to these lots by right.

Director Garside then presented plans for the site, the existing conditions plan, the conventional subdivision plan, and the cluster subdivision plan, pointing out where the access road to the subdivision would be, the ANR lots, and where the three-home subdivision will be, as well as wetlands/conservation land. He also referenced the location of the proposed water lines, and sewer main coming through the property, as well as the retention pond and the stormwater basin.

The Director reported that there has been some soil testing conducted, not for septic systems, but to ensure adequate stormwater drainage. The testing showed that the soils are adequate from a development standpoint.

Director Garside also mentioned that it appears, from aerial photos, to have been an orchard on the property at some point in the past. Given that, and that pesticides were probably used, he suggested that the Board recommend that it be looked at a little more closely by doing some limited soil analysis to determine if there is any arsenic or lead contamination. Specifically, if there are elevated arsenic or lead levels, then a Soil remediation plan can be developed.

The Board unanimously agreed with the Director to recommend a limited soil analysis to determine arsenic elevations on the proposed home lots. Director Garside will provide this feedback to the applicant and the planning board.

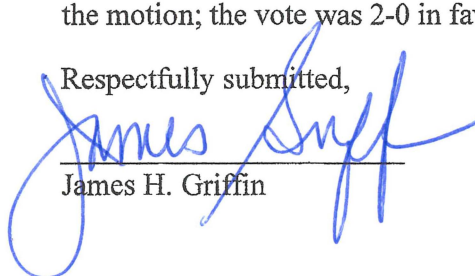
Scheduling of the Next Meeting

The board's next regular monthly meeting will be on Monday, February 13th, at 6:30 pm.

ADJOURN

Chairman Griffin motioned to adjourn the meeting at 7:06 pm; Vice-Chairman Tennyson seconded the motion; the vote was 2-0 in favor to adjourn.

Respectfully submitted,


James H. Griffin

2/13/2023
Dated

City of Marlborough Board of Health
Regulations for the Minimum Standards for Human Habitation, Food Establishments, and
On-Site Sewage Treatment & Disposal Systems

In accordance with Massachusetts General Laws Chapter 111, section 31 and any other enabling law, the Marlborough Board of Health adopts the following regulation. The purpose of this regulation is to protect residents, businesses, and public health within the City of Marlborough.

Article I: Minimum Standards for Human Habitation

105 CMR 410.000 MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION (STATE SANITARY CODE, CHAPTER II), as may be amended, is hereby adopted by reference and shall apply.

Article II: Minimum Standards for Food Establishments

105 CMR 590.000 MINIMUM STANDARDS FOR FOOD ESTABLISHMENTS (STATE SANITARY CODE, CHAPTER X), as may be amended, is hereby adopted by reference and shall apply.

Article III: Minimum Standards for Onsite Sewage Treatment & Disposal Systems

310 CMR 15.000 MINIMUM REQUIREMENTS FOR THE SUBSURFACE DISPOSAL OF SANITARY SEWAGE (STATE ENVIRONMENTAL CODE, TITLE V), as may be amended, is hereby adopted by reference and shall apply.

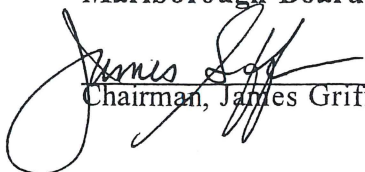
Article IV: Enforcement and Penalties

The provisions of the above-referenced regulations of the Commonwealth shall be enforceable by the Marlborough Board of Health and its agents as provided by law. A violation of said regulations may also be enforced as a violation of the above regulations of the Board of Health, and for purposes of non-criminal disposition pursuant to MGL c. 40, s. 21D, the enforcing agent shall be the Board of Health and its agents including the Director of Public Health, and the specific penalty amount shall be in accordance with the Code of the City of Marlborough Chapter 315-2 Noncriminal Disposition.

Effective Date

These regulations are formally adopted by the Board on January 9, 2023. These regulations shall be effective on February 1, 2023.

Marlborough Board of Health:


Chairman, James Griffin

Date 1/9/2023


Vice-Chair, Joseph Tennyson, MD

Date 1/9/2023