



# Needham Board of Health

## AGENDA

**Thursday September 23, 2021**

**6:00 p.m. to 9:00 p.m.**

**Powers Hall  
Needham Town Hall  
1471 Highland Avenue, Needham MA 02492**

### Or via Zoom

To listen/view this meeting, download the "Zoom Cloud Meeting" app in any app store or at [www.zoom.us](https://www.zoom.us). At the above date and time, click on "Join a Meeting" and enter the meeting ID 896-1652-5025 or click the link below to register: <https://us02web.zoom.us/j/89616525025?pwd=SDNNV0JHSFZYc1RYd2k1MTZucjhWQT09>

- **6:00 to 6:10 – Welcome & Review of Minutes (July 29, August 12 & 17)**
- **6:10 to 6:30 – Mental Health Impacts of COVID-19: Presentation and Discussion with Sara Shine, Director of Youth & Family Services**
- **6:30 to 6:50 – Needham Water Quality: Presentation and Discussion with Carys Lustig, Director of Public Works, and Steve Cusick, Water Treatment Plant Manager**
- **6:50 to 7:00 – Update on Pesticide Use Reduction Project**
- **7:00 to 7:20 – Discussion with Sira Naturals Staff about Company Operations and Considering Request for Modifications to Operating Permit and Underlying Regulations**
- **7:20 to 7:30 – Update on TCE and Mitigation Efforts in Needham Crossing Area**

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## **Board of Health Public Hearings**

- **7:30 to 7:40 – Revisions to Article 1—Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham**
- **7:40 to 7:50 – Revisions to Article 12—Rules and Regulations for the Registration and Construction of Private Water Supplies**
- **7:50 to 8:00 – 11 Gatewood Road Septic Variance Hearing**

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- **8:00 to 8:20 – Staff Reports (August)**
- **8:20 to 8:50 – COVID-19 Update**
- **8:50 to 9:00 – Accessory Dwelling Units and Affordable Housing**
- **Other Items**
  - Discussion of Camp Non-compliance: Saint Sebastian’s Summer Sports Camps
- **Topics for Upcoming BOH Meetings**
  - Status Update on BOH CY21-22 Goals
- **Next BOH meetings**

|                           |                   |           |
|---------------------------|-------------------|-----------|
| ○ Regular Monthly Meeting | October 14, 2021  | 9:00 a.m. |
| ○ Regular Monthly Meeting | November 16, 2021 | 5:00 p.m. |
| ○ Regular Monthly Meeting | December 14, 2021 | 7:00 p.m. |
- **Adjournment**

(Please note that all times are approximate)



# **NEEDHAM PUBLIC HEALTH DIVISION**



## **Board of Health Meeting Minutes Regular Meeting DRAFT**

Date: July 29, 2021

Location: In-person and Remote via Zoom per Governor Charles Baker's COVID-19 Executive Order 3/12/2020 and amended as of 6/15/2021

Members: Robert A. Partridge, MD, MPH, Chair  
Christina S. Mathews, MPH, Vice Chair  
Edward Cosgrove, PhD, Member  
Stephen Epstein, MD, MPP, Member  
Kathleen Ward Brown, ScD, Member

Staff Present: Timothy Muir McDonald, Director of Needham Department of Health and Human Services; Mary Fountaine; Hannah Whitehead, Karen Shannon; Lynn Schoeff; and Diana Acosta

### **Call to Order**

Dr. Partridge called the meeting to order at 9:00AM and initiated roll call. Present were Dr. Brown, Dr. Cosgrove, Dr. Epstein, Ms. Mathews and Dr. Partridge.

The meeting is being conducted in-person and remotely using Zoom consistent with Governor Baker's March 12<sup>th</sup> executive order and as amended on June 15, 2021 regarding COVID-19. The materials for this meeting were circulated previously and are available on the Town website. This meeting is being recorded.

### **Approval of Minutes – June 9, 2021**

Upon motion duly made by Dr. Epstein and seconded by Ms. Mathews, it was unanimously voted to approve above minutes as amended. Dr. Brown, Dr. Cosgrove, Dr. Epstein, Ms. Mathews and Dr. Partridge. Motion passed 5-0.

### **Approval of Minutes – June 23, 2021**

Upon motion duly made by Dr. Epstein and seconded by Dr. Cosgrove, it was unanimously voted to approve above minutes. Dr. Brown, Dr. Cosgrove, Dr. Epstein, Ms. Mathews and Dr. Partridge. Motion passed 5-0.

### **Staff Reports**

#### **Travelling Meals Program – Maryann Dinell**

Ms. Dinell reported that meal deliveries, typically down in the summer months due to vacations, were completed by four summer part-time staff and one sub-trainee to homebound Needham residents.



## **NEEDHAM PUBLIC HEALTH DIVISION**



### **Environmental Health – Diana Acosta**

Ms. Acosta reported that Ally Littlefield joined on June 15<sup>th</sup> as the new part-time intern. Her responsibilities include continuing the FDA Grant projects, including developing Nutritionally Needham Healthy Eating Week to promote healthy meals.

Ms. Acosta also reported that a cease and desist order was issued for chickens on Gould Street as a result of a complaint received on June 24<sup>th</sup>. She reported she went to the property with two police officers. Four animals were found and were later identified as two roosters and two hens. The roosters and one hen were found in a makeshift pen with plastic fencing and no place to protect the animals from harsh weather conditions. The second hen was found inside an Amazon box outside the fenced in area with a severely injured leg. The Animal Rescue League was called out and all animals were removed from the property. A \$50 fine was issued to the homeowner for not having a permit and failure to provide adequate housing for the animals. The owner has tried to apply for an animal permit, but the setback set forth by the regulation will not be met. Additionally a variance is needed for roosters.

Ms. Acosta noted a problem with communication across cultural lines with the definition of an exotic animal as a chicken. Ms. Acosta suggested a rabbit as a companion animal that would fit the definition of domestic animal. Discussion ensued.

Ms. Acosta also reported that a compliance check had been completed with Ms. Gurge's 17-year old son. Of the six licenses for establishments remaining, no sale was made to him as an underage buyer.

Ms. Acosta reported that the town continues to work with the pest control company to address ongoing problems due to increase in outdoor dining. Mr. McDonald reported the value of the pest control contract is being extended to cover parking lots in-between buildings. A more comprehensive annually-procured agreement for town and school buildings will be renegotiated in the fall to cover both buildings and surrounding areas and parking lots.

Ms. Acosta reported a check of Sira Naturals was completed and plans are underway to expand to an additional building. The kitchen was well run and masks were being worn.

Mr. McDonald reported a meeting earlier this week with the Town Manager and company representatives of Sira with regard to discussing proposed changes. The state presently allows companies to have three medical licenses and three recreational licenses. They are seeking to open a store in Watertown for both medical and recreational; the current Somerville store is both medical and recreational; and the Boston store proposed to be open would be medical and Needham would be recreational. This would comprise the full extent of licensure allowed by the state.

The variances he anticipates will be requested are around discounts for veterans and employees sampling products onsite. Mr. McDonald reiterated to company representatives that the Board thinks of the establishment more as a pharmacy for medical purposes and treatment rather than a store providing sampling of different marijuana products.



## **NEEDHAM PUBLIC HEALTH DIVISION**



Mr. McDonald noted the presentation would be made to the Board in September.

### **Environmental Health – Ally Littlefield**

Ms. Littlefield reported a meeting is scheduled tomorrow to develop a campaign to reduce pesticide use in town. With a focus on lawn care, information will be shared on the environmental risks of pesticide use and adequate or alternative organic sources. She is working on a public service announcement, info graphic and pamphlet to raise awareness.

Discussion ensued on advocacy for low to no chemical use and collaboration with town departments and common partners on focusing on best practices. Also discussed was the complaint registered through the Commission on Disability and the health concerns expressed by an affected resident on potential chemical exposure.

### **Public Health Nursing – Mary Fountaine**

Ms. Fountaine reported she had begun four summer camp inspections; conducted a severe weather presentation with residents and patrons of CATH via Zoom; held a CPR class with staff from the Fire Department for town employees and held an MRC training with Mr. Abdelrahim on sheltering.

She also reported the Ms. Whitehead is working on a concussion regulation rollout in August with sports organizations. She will also work with the state in expanding the town vaccine operations and becoming registered as a pediatric vaccine supplier. Ms. Fountaine also reported that she had applied for a grant from the BID-Needham for \$900 (12 cartons/2 doses/carton at a \$40 cost less per carton than pharmacy supplier) to supplement free Narcan programs for use and trainings.

While COVID-19 numbers are low for June, they reflect an uptick in Lyme and other tickborne diseases associated with spring/summer weather.

### **Substance Abuse Prevention – Karen Shannon**

Ms. Shannon reported that the MetroWest Health Foundation approved a request to extend the end of the Vaping Grant from 8/31/21 to 6/2022. Justification included a new promotion of the vaping cessation program when schools re-open to in-person learning in the fall and for a reassessment of the idle school vaping education unit. While there is no direct number of vape usage known, youth and families have seen an uptick in substance abuse generally.

The STOP Act grant on underage access and use of alcohol received a four-year grant starting 4/30/21. This will allow for the hiring of a part-time grant coordinator to work with the administration of the grant.

SALSA leadership met with SALSA student leaders on impaired driving and cannabis use, prioritizing awareness on impaired driving. High school peer-to-peer students will promote “friends don’t let friends drive high.”

Despite the pandemic, SALSA students completed close to 1,500 hours of community service, a 15% increase over last fall. One student, having completed a policy advocacy effort with representatives of



## **NEEDHAM PUBLIC HEALTH DIVISION**



Congressman Jake Auchincloss' office along with 84 applicants, was selected for the coveted seat as an intern in the congressional office.

### **COVID-19 Update – Timothy McDonald, Mary Fountaine and Hannah Whitehead** **Community Risk Levels**

Ms. Fountaine presented the report on June/July COVID-19 data. See attached PowerPoint Presentation for detailed information on the following data. She reported that many of the cases are as a result of travel. Symptoms are mild as in a "bad cold" and no hospitalizations have been reported.

Covid-19 update  
Covid-19 cases  
Case investigation and contact tracing  
Current case list

Ms. Whitehead presented the report on June/July COVID-19 data as follows. See attached PowerPoint Presentation for detailed information on the following data:

Covid 19 cases by age  
Vaccine uptake  
Vaccine update among youth  
State level trends in cases and hospitals  
County level trends in cases and deaths

Mr. McDonald noted that recent CDC guidance stated that, in communities with substantial and significant transmission, which currently in Massachusetts is Dracut, Barnstable, Nantucket, Bristol and Suffolk counties, mask wearing indoors is suggested regardless of vaccination status. The state had a conference call two hours after this announcement was made, and has not yet responded to that guidance. High transmission is 50 cases/100,000 over a seven day period, which for Needham would be 15 cases per week. As of last Friday, there were 16 cases in Needham.

Also recommended by the CDC is mandatory mask wearing for students and teachers indoors K-12, whereas state guidance recommends for vaccinated middle and high school students mask wearing is not recommended.

Dr. Partridge noted that the joint health and safety commission will commence on August 4<sup>th</sup>, and the Board's opinion is important. Discussion ensued on the Board's position on recommending health and safety measures for both town and school. Mr. McDonald noted that attendance at the senior center is low and continue to offer remote options will need to be considered from a budgetary standpoint.

The Board recommends masking indoors for the unvaccinated and advice to those who can be vaccinated to get vaccinated.



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### **Board of Health Priorities – Recovery Act and Select Board Priorities**

Dr. Partridge reported that he, Mr. McDonald and Ms. Mathews had met with the Select Board with regard to the Department of Health and Human Services accessing Cares Act and Recovery Act funding that Needham was expected to receive. He reported that the Select Board was receptive to the Board's concerns of addressing issues such as mental health, substance abuse and adolescent bullying and asked for a specific list of "asks" from the Select Board.

Mr. McDonald noted that Needham had applied for two different grants with the Department of Mental Health for shared services as an eight-town member group as well as leader of a three-town member group for environmental health services. Also applied for was a shared nurse contact tracer.

He also reported that Representative Garlick had been instrumental in providing \$50,000 fund to review expansion of the kitchen layout of the senior center to provide higher level sustainable food service, including travelling meals. Also included in the state budget was \$50,000 for the town to apply for accreditation.

Ms. Mathews reported that as a result of her meeting with Ms. Shine, mental health issues among children, especially acute among middle school aged children, is of high concern. The problem of availability of professional staff for referrals was discussed to address the burgeoning need. Ms. Mathews suggested hosting a community based event to raise awareness in the community.

Ms. Shannon reported she and the principals of the high school and Pollard School along with the Director Guidance had met with Dr. Randy Schuster, Clinical Psychologist in addiction medicine at Massachusetts General Hospital. Since 2015 Dr. Schuster and her team have provided care to adolescents and young adults under the "project arches" program at eleven different schools. She is looking to expand the program to Needham. The program is offered to students free of charge onsite. As a result of an introductory survey, students can volunteer to "self-identify" and be contacted if they are deemed at high risk for substance abuse and mental health issues. The program will be administered on-site this fall and, although parental consent is required, the program is strictly confidential from administration.

Mr. McDonald noted that staffing for COVID-19 consideration be included as a need. Funds had been "borrowed" from other program funds during the pandemic, and should be reimbursed from CARES funding to those programs. Senior isolation and depression is also of concern. One of the challenges of senior mental health is reluctance to reveal problems.

Upon Ms. Whitehead's resignation, Mr. McDonald noted the need to permanently fund the position for an epidemiologist and the continuation of presenting visual detailed data in a simple format on the town's dashboard website.

Also requested was the need to address social health such as nutritional needs and food insecurity as well as nutritional school lunches and community food demonstrations. Mr. McDonald noted collaboration with school nutritional services and school health services director for developing not



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only school-based lunches but fostering community healthy eating. Also of concern is providing accessible affordable housing for seniors downsizing and wishing to remain in the community.

### **Substance Abuse Prevention Programming – Ms. Shannon and Ms. Fountaine**

Ms. Shannon and Ms. Fountaine presented the following PowerPoint presentation on the limitations of data reported by federal, state and local entities and the two programs being developed to address prescription drug misuse and opioid overdose. Ms. Fountaine is introducing a take-home naloxone program based out of the Rosemary Recreation Complex and Ms. Shannon is expanding sharps disposal to a new receptacle at the RRC. See presentation for detailed information

#### Perception of need

- Mental Health and Substance Use
- Chronic/complex conditions and their risk factors
- Social determinants of health and access to care

Opioid overdose data is outdated

Limits to state and national level data

Needham EMS opioid and Narcan data through May 6<sup>th</sup>

CDC recommendations – overdose deaths accelerating during covid-19

Take-Home-Naloxone Program

Considerations – delivery sourcing appearance reception

#### Sharps disposal

Current sharps disposal locations

Sharps disposal kiosk

Sharps kiosk at Rosemary Recreation complex

### **Environmental Exposure in Needham Crossing – Diana Acosta**

Ms. Acosta reported that in early June the MA Department of Environmental Protection (DEP) was called to do environmental testing at The Kendrick, 275 2<sup>nd</sup> Ave. They found high readings of TCE in the northwest wing of the building. Ramboll is also involved and conducted additional testing. All occupants of units which had high readings were given the option to move to a different unit or be given an Air Purifying Unit (APU.) Further testing has been conducted by Ramboll.

Ms. Acosta also reported that she continues to field questions from residents. The DEP has recently taken samples at the Charles River landing and found rooms at lower levels did not have good ventilation. Testing continues in and around daycare center.

Ms. Acosta reported she is pursuing grant opportunity for testing near highways, and along train tracks where idling train complaints are being received. Also testing around school locations.

### **Next Board of Health Meetings**

Tuesday, August 17 @ 6:00PM

Thursday, September 23 @ 6:00AM



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### **Adjournment**

Upon motion duly made by Dr. Brown and seconded by Dr. Epstein, it was unanimously voted to adjourn. Dr. Brown, Dr. Dr. Epstein, Ms. Matthews, Dr. Cosgrove and Dr. Partridge.

Motion passed 5-0. The meeting adjourned at 11:11AM.

Respectfully submitted,

Christine Martin Barraford

*Attachments:*

*July 29th Meeting Packet*

DRAFT



# **NEEDHAM PUBLIC HEALTH DIVISION**



## **Board of Health Meeting Minutes COVID Focused Meeting DRAFT**

Date: August 12, 2021

Location: In-person and Remote via Zoom per Governor Charles Baker's COVID-19 Executive Order 3/12/2020 and amended as of 6/15/2021

Members: Robert A. Partridge, MD, MPH, Chair  
Christina S. Mathews, MPH, Vice Chair  
Edward Cosgrove, PhD, Member  
Stephen Epstein, MD, MPP, Member  
Robert A. Partridge, MD, MPH, Member  
Kathleen Ward Brown, ScD, Member

Staff Present: Timothy Muir McDonald, Director of Needham Department of Health and Human Services; Tara Gurge, Assistant Director of the Public Health Division; Tiffany Zike, Assistant Director of Public Health; Hannah Whitehead; and Mary Fountaine

### **Call to Order**

Dr. Partridge called the meeting to order at 6:00PM and initiated roll call. Present were Dr. Brown-Y, Dr. Cosgrove-Y (arrived late), Dr. Epstein-Y and Dr. Partridge-Y. Absent was Ms. Mathews.

The meeting is being conducted in-person and remotely using Zoom consistent with Governor Baker's March 12<sup>th</sup> executive order and as amended on June 15, 2021 regarding COVID-19. The materials for this meeting were circulated previously and are available on the Town website. This meeting is being recorded.

### **COVID-19 Update – Hannah Whitehead, Timothy McDonald and Mary Fountaine**

#### **Community Risk Levels**

Ms. Whitehead presented the report on COVID-19 data as of August, assisted by Mr. McDonald. See attached PowerPoint Presentation for detailed information on the following data:

- a) Daily confirmed cases
- b) Covid-19 incidence
- c) Incidence and percent positivity rate in Needham and throughout state
- d) Covid-19 confirmed cases by age and average case age
- e) Breakthrough cases by age and vaccination status
- f) Vaccine uptake
- g) Vaccine uptake among youth



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- h) State-level trends in cases and hospitalizations
- i) County-level trends in cases and deaths

Mr. McDonald introduced the new current CDC recommendations and presented by Ms. Whitehead:

- j) Current CDC recommendations
- k) Community transmission levels: July-August
- l) Final CDC recommendations and guidelines

Ms. Fountaine reported that the majority of cases were caused by out of state travel by residents or visitors and not household or community transmission. Discussion ensued on the various aspects of the above report.

### **CDC Recommendations and Needham's Response to COVID**

Mr. McDonald began the discussion on Needham's response to COVID-19 in light of the new CDC recommendations. The joint health and safety committee met today to support a policy in the fall regarding masks and other defense and intervention measures for K-12.

Topics of discussion included surveillance testing offered by the state. Given the high vaccination rate of Needham residents, the low false positives of testing would be expected to outnumber true positive cases.

Also discussed was the state requirement to quarantine for fourteen days if symptoms of any kind are present. If the overall goal is to maximize health and safety of students and staff as well as maximizing time and learning for students, mandatory quarantine would have an adverse effect.

Following discussion it was agreed that Mr. McDonald would work with the town public information officer and economic development manager to develop signage to encourage mask wearing while indoors regardless of vaccination status for the protection of those unvaccinated in the community. Also of importance is understanding one's own personal and family risk level in order to make one's own informed decision. However, given the dynamic status of the pandemic, CDC and Board of Health guidance is subject to change.

The CDC also recommended that masking indoors be required for grades K-12. Since 16% of the town population is under 12 years of age, requiring masks in municipal buildings may also be considered. This information will be presented to the school committee for its vote on requiring all or some of its student population to mask indoors.

Mr. McDonald noted that the town is employing safety measures for its staff to assure workforce cohesion by means of skeleton staff assignments.

### **Next Meeting**

Tuesday, August 17 – 6:00PM



## **NEEDHAM PUBLIC HEALTH DIVISION**



Mr. McDonald will attend simultaneous Select Board meeting at which time the Board will take recommendations from the Town Manager outlining potential resources and recovery act funds needed to support the Public Health Division's response to the pandemic including funding for staff contact tracers, epidemiologist and other pressing health services.

Ms. Zike reported that, in light of the fact that the state is phasing out contact tracing, application for a state grant had been submitted for regional contact tracing and case investigation services to include towns of Dover and Medfield.

### **Adjournment**

Upon motion duly made by Dr. Epstein and seconded by Dr. Brown, it was unanimously voted to adjourn. Dr. Brown-Y, Dr. Dr. Epstein-Y, Ms. Mathews-Y, Dr. Cosgrove and Dr. Partridge-Y. Motion passed 5-0. The meeting adjourned at 7:10PM.

Respectfully submitted,

Christine Martin Barraford

*Attachments:  
August 12th Meeting Packet*



# **NEEDHAM PUBLIC HEALTH DIVISION**



## **Board of Health Meeting Minutes Regular Meeting DRAFT**

Date: August 17, 2021

Location: Remote via Zoom per Governor Charles Baker's COVID-19 Executive Order 3/12/2020 and amended as of 6/15/2021

Members: Robert A. Partridge, MD, MPH, Chair  
Christina S. Mathews, MPH, Vice Chair  
Edward Cosgrove, PhD, Member  
Stephen Epstein, MD, MPP, Member  
Kathleen Ward Brown, ScD, Member

Staff Present: Timothy Muir McDonald, Director of Needham Department of Health and Human Services; Maryanne Dinell; Mary Fountaine; Hannah Whitehead, Karen Shannon; Carol Read; Lynn Schoeff; and Diana Acosta

### **Call to Order**

Dr. Partridge called the meeting to order at 6:00PM and initiated roll call. Present were Dr. Brown-Y, Dr. Cosgrove-Y, Dr. Epstein-Y, Ms. Mathew-Y and Dr. Partridge-Y.

The meeting is being conducted in-person and remotely using Zoom consistent with Governor Baker's March 12<sup>th</sup> executive order and as amended on June 15, 2021 regarding COVID-19. The materials for this meeting were circulated previously and are available on the Town website. This meeting is being recorded.

### **Staff Reports**

#### **Travelling Meals Program – Maryanne Dinell**

Ms. Dinell reported no updates and operation running smoothly.

#### **Environmental Health – Tara Gurge and Diana Acosta**

Ms. Gurge reported that she is continuing to attend weekly MA Department of Public Health webinars on COVID-19 updates, including the Delta variant.

She also reported that the new intern, Ally Littlefield, is working on revising the Board of Health public service announcement on encouraging the use of organic lawn care practices. A revised brochure will also be developed and distributed to residents on alternative pesticide use.



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Ms. Gurge also reported that Berger Food Safety conducted an initial training at Masala Art, and additional training is being provided for the remaining six staff members. Additional unannounced audit inspections will also be conducted after the second round of training to ensure they are applying their food safety practices learned.

Ms. Gurge along with Greg Smith from Recycling and Transfer Station (RTS,) and a representative from with Agri-cycle, conducted a walk through at the RTS facility. The purpose was to review proposed areas and protocols in order to expand the residential food waste collection program on site. Ms. Gurge and Ms. Acosta met with Colin Boisvert, the new Director of Nutrition Services at Needham Public Schools, to discuss steps to bring on the remaining four schools to expand the food waste recycling program. Ms. Gurge will ensure that signed protocols will be submitted prior to the start of the program, and pre-program inspections will be conducted to verify proper signage and sufficient food waste containment. Discussion ensued on the safety and cleanliness of the location. Ms. Acosta assured that the area will be regularly power-washed to ensure against pest infestation.

Changes to the tobacco regulation will be reviewed at the September meeting along with revisions to the well regulation.

The initial posting for the part-time environmental health agent yielded six applicants. Ms. Gurge is working with Human Resources to repost the position for additional applications with an intended start date in September.

Ms. Gurge and Ms. Acosta are continuing to work with Terry Wolfson of the IT department in developing additional online well and septic permit applications.

Ms. Gurge reported that she and Ms. Acosta are continuing to monitor trichloroethylene (TCE) report data for The Kendrick. Ms. Gurge was contacted by DPH offering assistance in answering residents' concerns. Fact sheets have been distributed to residents. Testing at Charles River Landing did not show spikes in TCE. They will continue to monitor and share updates as they are received.

### **Substance Abuse Prevention – Karen Shannon**

Ms. Shannon reported that two part-time positions had been filled. Angela MacDonald will work directly on the administration of the SPAN vaping grant and Jazmine Hurley will assist with the administration of the STOP grant.

Ms. Shannon reported she, Carol Read and the principals of the high school and Pollard School along with the Director of Guidance had met with Dr. Randy Schuster, Clinical Psychologist in addiction medicine at Massachusetts General Hospital. Since 2015 Dr. Schuster and her team have provided care to adolescents and young adults under the "Project ARCHES" program (Adolescent Resiliency on Cognitive Health and Emotions in School) at eleven different schools in the Boston metropolitan area. Dr. Schuster is looking to expand the program to Needham. The program is offered to students free of charge onsite and provides mental health counseling up to six months. An introductory survey allows students to "self-identify" and be contacted if they are deemed at high risk for substance abuse and mental health issues. These students will receive a full mental health evaluation and be offered the



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opportunity to be part of a resiliency program to address substance abuse. Those identified as high-risk will also be afforded the opportunity for counseling. The program will be administered in Needham this fall and, although parental consent is required, the program is strictly confidential from administration.

Ms. Shannon also reported that the middle and high school had committed to an additional school-based youth diversion program, iDECIDE (Drug Education Curriculum: Intervention, Diversion, and Empowerment) developed by MGH and the Institute for Health and Recovery in collaboration with the Massachusetts Department of Public Health. This will be used as an alternative to exclusionary discipline for students caught violating school substance use policies.

Discussion ensued on both of the above programs. Since the iDECIDE program had a research component and the collection of data, the Board wanted assurances that informed consent of adolescents and parents of those participating in the program be obtained. Also discussed was the need for a plan in place to continue therapeutic services if needed at the conclusion of the six-month period for ARCHES. Ms. Read and Ms. Shannon will distribute written material on the program to Board members and report back on clarification of program details.

Ms. Shannon also reported that two SALSA students had worked this summer in developing social media content for various campaigns.

Ms. Read reported that a two-year DPH grant had been obtained for a July 1<sup>st</sup> start for prevention services with Walpole, Westwood and Dedham.

### **Public Health Nursing – Taleb Abdelrahim and Tiffany Zike**

Mr. Abdelrahim reported that an MRC training in July with the Fire Department EMS on Saving Life Skills Until EMS Help Arrives was attended by 22 MRC members. An August training is planned on Basic Rules of Radio Communication with the Fire Department EMS. Mr. Abdelrahim also reported that the cooling center had been activated during the heat wave in July.

Ms. Zike reported that camp inspections had been completed with no COVID cases reported. An issue arose with St. Sebastian with regard to running a camp without prior permission and follow-up to ensure they comply with state regulations.

Ms. Zike also reported one case of *Borrelia miyamotoi* and three cases of babesiosis. No alerts on EEE or West Nile were received. One bat bite was reported and there was a resident concern about a woodchuck bite that was worked through.

Ms. Zike and Mr. Abdelrahim are working on scheduling a flu vaccination clinic as well as COVID booster shot clinics.



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### **COVID-19 Update – Timothy McDonald, Mary Fountaine and Hannah Whitehead**

Ms. Whitehead presented the report on August COVID-19 data. See attached PowerPoint Presentation for detailed information on the following data.

Covid-19 update  
Covid-19 cases  
Covid-19 incidence  
Incidence and percent positivity  
Covid-19 confirmed cases by age  
Cases in children under 12  
Breakthrough cases  
Vaccine uptake  
State level trends in cases and hospitalizations  
Massachusetts hospitalizations through end of June  
Massachusetts hospitalizations among children and teenagers through end of June  
Percent of hospitalizations among children and teenagers through end of June  
County level trends in cases and deaths  
Current CDC recommendations  
Community transmissions level – July-August

Ms. Whitehead reported that she was unable to discern from the state why the hospitalizations were only counted through June and not the remainder of the summer.

### **BOH Recommendations in light of CDC and DESE Guidance on Mask Wearing**

Dr. Partridge initiated discussion on the Board's position on mask wearing in light of the CDC and related Massachusetts Department of Elementary and Secondary Education (DESE) guidance with regard to indoor masking for school-aged children.

Following discussion it was the Board's position to strongly recommend mask wearing inside municipal buildings including Town Hall, the Center at the Heights and the Library for the protection of the unvaccinated and immune-compromised particularly children. The statement that the Board of Health supports this advice will be added to any signage. It will be left to the businesses to determine their own signage.

### **BOH Priorities – Recovery Act and Select Board Priorities**

Mr. McDonald reported that the Town Manager will make a recommendation to the Select Board for the use of American Rescue Plan Act (ARPA) funds to support the town's ongoing public health response to the COVID-19 pandemic, including the annual salary costs for:

- One full-time public health nurse - \$80,000
- One full-time epidemiologist - \$70,000
- Two part-time contact tracers - \$60,000
- Total expenditure - \$210,000



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Mr. McDonald stated that these recommendations are for an immediate public health need and additional conversations will be held with stakeholders, boards and committees about future recommended uses. Ms. Mathews noted the need for mental health service for a greater number and acuity of mental health issues among adolescents and pre-teens.

Mr. McDonald reported that two regional grants had been awarded for a) case investigation and contact tracing with the towns of Dover and Medfield with Needham as the lead and b) funding to share environmental health services with those towns. He noted the benefits of working with neighboring towns in pursuing permanent regional collaboration for developing strong public health partnerships in mutual aid and support in regular and pandemic times.

### **Next Board of Health Meetings**

Thursday, September 23 @ 6:00PM – Sara Shine, Director of Youth and Family Services

Other topics for later meetings: follow-up on the MGH adolescent programs; drinking water system quality; use of pesticides and fertilizers; status update on BOH goals; revised article 12: rules and regs for private water supplies.

Members expressed their thanks to Hannah Whitehead for her contributions to the town, especially during the pandemic.

### **Adjournment**

Upon motion duly made by Dr. Brown and seconded by Ms. Mathews, it was unanimously voted to adjourn. Dr. Brown-Y, Dr. Dr. Epstein-Y, Ms. Matthews-Y, Dr. Cosgrove-Y and Dr. Partridge-Y. Motion passed 5-0. The meeting adjourned at 7:30PM.

Respectfully submitted,

Christine Martin Barraford

*Attachments:  
August 17th Meeting Packet*



**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

|                     |                                                 |
|---------------------|-------------------------------------------------|
| <b>Agenda Item</b>  | <b>Mental Health Impacts of COVID-19</b>        |
| <b>Presenter(s)</b> | Sara Shine, Director of Youth & Family Services |

|           |                                                                                                                                                                                                        |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.</b> | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>                                                                                                                                                      |
|           | Ms. Sara Shine, the Director of Needham's Youth & Family Services Division, will present about current community conditions and the impact of the COVID-19 pandemic on youth and family mental health. |
| <b>2.</b> | <b>VOTE REQUIRED BY BOARD OF HEALTH</b>                                                                                                                                                                |
|           | No vote is required, nor is one expected.                                                                                                                                                              |
| <b>3.</b> | <b>BACK UP INFORMATION:</b>                                                                                                                                                                            |
|           | - <b>Mental Health and COVID-19 Presentation</b>                                                                                                                                                       |

# Mental Health and Covid-19

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Youth & Family Services report  
on the mental health impact and  
local trends

# MetroWest Adolescent Health Survey 2018

## High School

- 32 % of students found life to be very stressful past 30 days
- 13% showed depressive symptoms over the past 12 months
- 9% seriously considered suicide over the past 12 months (2 attempted)
- 35% were concerned a student might hurt themselves

## Middle School

- 14% of students found life to be very stressful past 30 days
- 9% showed depressive symptoms over the past 12 months
- 10% seriously considered suicide (lifetime) (2% attempted)
- 33 % were concerned a student might hurt themselves

# Data

- The CDC released in a report that in the early months of 2021, visits to the ED for suspected suicide attempts increased by roughly 50% for adolescent girls compared to the same period in 2019
- Young people are struggling most with their mental health. The proportion of youth ages 11-17 who accessed screening was 9% higher than the average in 2019. Not only are the numbers of youth searching for help with their mental health increasing, but throughout the COVID-19 pandemic youth ages 11-17 have been more likely than any other age group to score for moderate to severe symptoms of anxiety and depression
- Rates of suicidal ideation are highest among youth, especially LGBTQ+ youth. In September 2020, over half of 11-17 year olds reported having thoughts of suicide or self harm more than half of nearly every day of the previous 2 weeks.
- People screening at risk for mental health conditions are struggling most with loneliness or isolation.
- 50% of 12-25 years old who reported a major depressive episode within the previous year received treatment
- Suicide is now the second leading cause of death for 10-24 years olds

# Local Trends

Socially impacted - loss of social connections, extracurricular activities/support

Academically falling behind - disengagement, disconnection, etc.

Impact of remote learning

Eating disorders, Substance Use, Anxiety, Depression, Suicidal Ideation and an overall increase in acuity

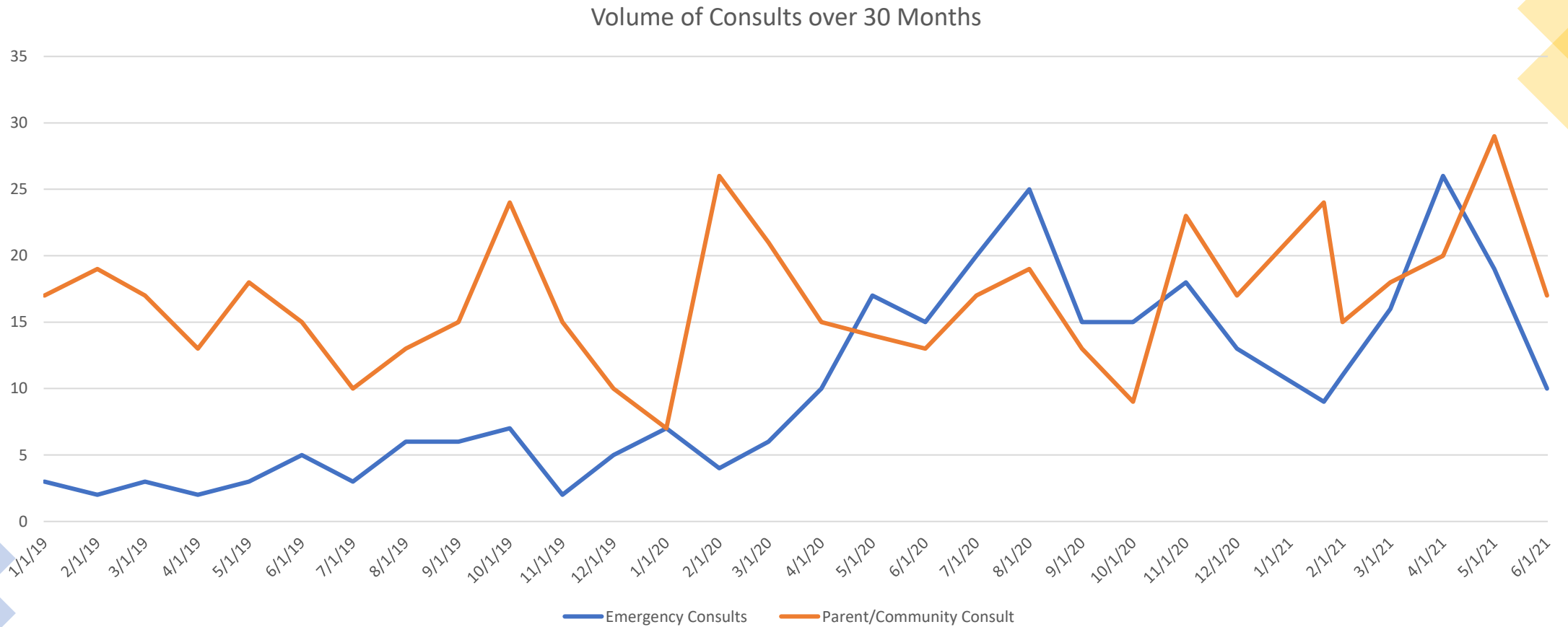
Decreased access to mental health services (during the pandemic less access to school counselors or in person counseling)

# Signs and Symptoms

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- Changes in patterns (eating/sleeping less or more) or appearance
- Significant emotional changes
  - Depressed mood
  - Excessive anxiety or irritability
  - Lack of emotions
  - Helplessness or hopelessness
  - Oversensitivity to comments/criticism or low self esteem
  - Thoughts of death or suicide
- Behavioral Changes
  - Crying spells
  - Withdrawing from others
  - Inability to manage responsibilities/loss of motivation
  - Seeming disinterested in personal appearance
  - Use of substances
  - Obsessive or compulsive behaviors
  - Avoidance or phobic behaviors
  - Frequent self criticism or self blame

# Youth & Family Services Data



Improving outcomes requires identifying those at risk and connecting them to resources

**Strategies to improve youth mental health:**

- Early Screenings
- Referrals to professionals
- Access to treatment
- Complementary and emerging treatments

**Strategies to prevent suicide:**

- School education programs
- Crisis center hotlines
- Improve media portrayal
- Restrict access to lethal means
- Positive parent/adult relationships

# Town/School Supports in Place

- “Talk About It” campaign
- Increased mental health supports in school & additional staff
- Collaborative efforts between the School, Town and Riverside Trauma Center
- Increased time allotted for crisis management
- An increase in Youth Mental Health First Aid training with school staff and community members



**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

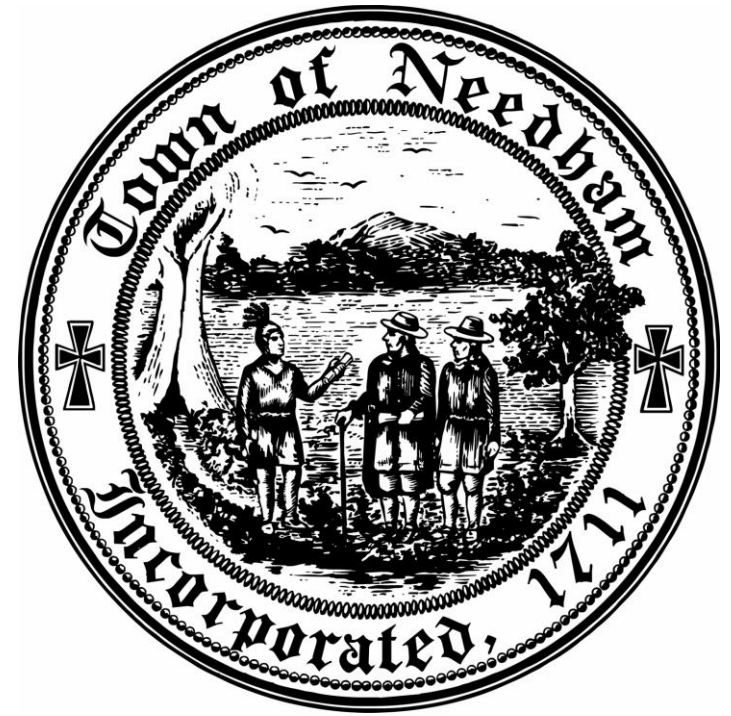


**MEETING DATE: 9/23/2021**

|                     |                                                                                       |
|---------------------|---------------------------------------------------------------------------------------|
| <b>Agenda Item</b>  | <b>Needham Water Quality</b>                                                          |
| <b>Presenter(s)</b> | Carys Lustig, Director of Public Works<br>Steve Cusick, Water Treatment Plant Manager |

|           |                                                                                                                                                                                |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.</b> | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>                                                                                                                              |
|           | Ms. Carys Lustig and Mr. Steve Cusick will present to the Board of Health about Needham's drinking water, its sources, its treatment, and its testing to assure water quality. |
| <b>2.</b> | <b>VOTE REQUIRED BY BOARD OF HEALTH</b>                                                                                                                                        |
|           | No vote is required, nor is one expected.                                                                                                                                      |
| <b>3.</b> | <b>BACK UP INFORMATION:</b>                                                                                                                                                    |
|           | - <b>Brief Overview of Water Treatment in Needham Presentation</b>                                                                                                             |

# Brief Overview of Water Treatment in Needham



## 2 Sources of Water



- Charles River Water Treatment Plant (CRWTP)
  - 3 Ground water gravel pack wells that draw from Charles River aquifer
  - Under the DEP Water Management Act (WMA) the Town's registered volume of water is annual average of 2.63 million gallons per day (MGD) from the Charles River Basin.
  - Water Treatment on site and distributed to the system
- Massachusetts Water Resource Authority (MWRA)
  - Supplemental water for all needs in excess of what can be provided from CRWTP.
  - Surface water from Quabbin Reservoir, treatment is done at John J. Carroll Water Treatment Plant in Marlborough.
  - Primarily used in summer due to high demand from irrigation systems.

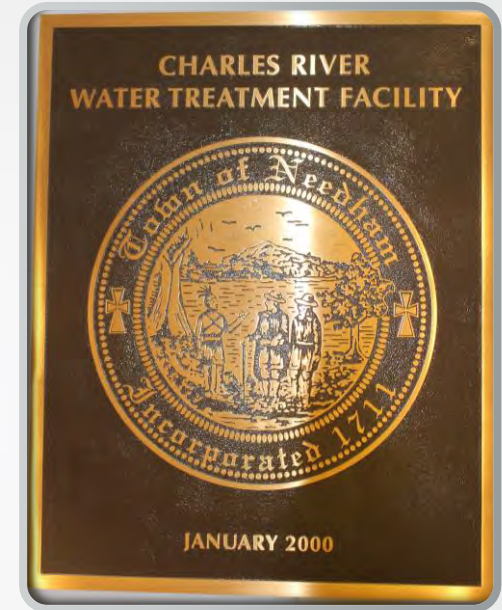
# Charles River Water Treatment Plant

- Treatment Chemicals
  - Sodium Hypochlorite – chlorine for disinfection & oxidation of Iron & Manganese
  - Sodium Hydroxide – corrosion control and pH adjustment to keep in compliance with Lead & Copper sampling.
  - Ortho-polyphosphate – is used as corrosion and scale inhibitors to sequester calcium (keep in solution) for moderate to hard water.
  - Fluoridation – Helps prevent tooth decay & cavities.
- Greensand Plus and Anthracite Filter Media – Aids in the filtration process to remove iron & manganese from drinking water.
- Periodically re-develop wells to maximize output
- 3 staff people man station 7 days per weeks, 8 hrs/day and 4 hrs on weekends.



# Charles River Water Treatment Plant

- SCADA (Supervisory Controls and Data Acquisition)
  - Monitors chemical feed pumps and tank levels
  - Chemical feed pumps are flow paced by the amount of water pumped to the WTP from the wells.
  - Well Pumps turn on/off based water storage tank levels
  - Alarmed if anything abnormal occurs and notifies on-call personal
  - Licensed staff has remote access
  - Upgraded SCADA hardware & software 3 years ago



# MWRA

- Already treated water when it enters the St. Mary St Pump Station
- Slightly different chlorine process (Chloramines) vs Free Chlorine at the WTP. Chloramines have a longer lasting residual in the distribution system.
- Demand supply after we've exhausted
- Capacity to provide water for Town if CRWTP is unavailable

# Distribution

- Water is pumped from both sources (CRWTP & MWRA) to the storage tanks (Dunster Rd 1.5 MG) and Birds Hill 2.5 MG) & distributed along the way. MG = Million Gallons
- Static mixers in both tanks that circulates the water throughout to prevent stagnant water, age turnover and improves overall water quality.
- One pressure zone
- Water Main Flushing
- Lead pipes reduction/elimination program.



# Testing

- Lead & Copper – Every 3 years
- Total Coliform – 10 samples weekly based on DEP sampling plan
- PFAS – Monthly
- Trihalomethane and Haloacetic acids – Quarterly disinfection by products
- VOC's (Volatile Organic Compounds) - Quarterly
- SOCS (Synthetic Organic Compounds)– Triennially – every 3 years primarily found in Herbicides & Pesticides
- Nitrates – Annually
- Weekly fluoride testing from distribution system





**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

|                    |                                                    |
|--------------------|----------------------------------------------------|
| <b>Agenda Item</b> | <b>Pesticide Reduction PSA and Brochure Drafts</b> |
| <b>Presenter</b>   | Ally Littlefield, Food Program Intern              |

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.</b> | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|           | <p>We have created a pesticide reduction campaign in response to health concerns from a resident, as well as the general widespread use of pesticides on residential lawns in Needham. We composed an informative PSA and a “Healthy Lawns &amp; Landscapes” brochure that we hope to put in each residents’ water bill. The PSA warns residents that pesticides are harmful and should be eliminated if possible. The brochure provides resources on how residents can use organic lawn care methods as an alternative to pesticides.</p> <p>Mr. Edward Olsen, Public Works, Parks &amp; Forestry, and Mr. Robert Lewis, Public Works Administration Supervisor, assisted us in clearly defining Needham’s stance on pesticides and provided valuable insight on pesticide use in Needham.</p> <p>Mr. Michael Murray, Organic Lawncare Expert, reviewed and edited our Healthy Lawns and Landscapes brochure, to ensure all methods listed are accurate and current.</p> <p>Representatives from the League of Women Voters, Healthy Yards Needham, and Green Needham, reviewed the draft documents and provided us with multiple revisions and ideas for draft materials as needed.</p> <p>Alan Stern MD, Needham Pediatrics, was also kept in the loop with our draft revisions and efforts.</p> |
| <b>2.</b> | <b>VOTE REQUIRED BY BOARD OF HEALTH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|           | <p>A vote may be requested if necessary, and additional comments on the pesticide reduction materials are welcome.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>3.</b> | <b>BACK UP INFORMATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|           | <ul style="list-style-type: none"><li>- <b>Copy of PSA: Pesticide Advisory</b></li><li>- <b>Copy of “Healthy Lawns &amp; Landscapes” brochure</b></li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

# Managing Your Lawn Service

**Ask for their pesticide license.** If your lawn care “specialist” is not licensed, do not allow them to treat your lawn.

**Ask what pesticides they’re applying and why.** You might be surprised how many companies will not provide this information. Never allow unidentified products to be used on your lawn.

**Beware if a lawn service tells you a chemical application is safe.** Federal EPA regulations prohibit manufacturers from making pesticide safety claims, even if used as directed. All pesticides must be treated with caution.

**Ask if they offer an organic program.** The most effective way to protect your household, neighbors, pets, and grass is to follow an organic program. Know that an organic lawn can take up to 3 years to fully establish.

**Organic lawn service available in our area:**

<http://minutemanlandscaping.com>

<https://organicsoilsolutions.com/mike-murray-organic-lawn-detective/>

<https://www.puresolutions.com/pure-page/organic-lawn-care-treatment/>

## Yearly Schedule

### Fall

- Spread 1/4" compost, or sprinkle organic fertilizer.
- Seed with a mix of hardy grasses.
- Aerate soil if compacted.
- Do a final mow of 2" for easier leaf raking in November.

### Spring

- Mow high at 3"! Keep mower blades sharp.
- Test your soil at UMass Soil Testing Lab
  - [www://ag.umass.edu/services/soil-plant-nutrient-testing-laboratory](http://www://ag.umass.edu/services/soil-plant-nutrient-testing-laboratory)
  - Strive for soil pH around 6.8.
- Add soil aids based on the soil test.
- Over-seed bare spots to reduce weeds.
- Leave clippings on lawn to fertilize.

### Summer

- Check for weeds; pull out by hand.
- Monitor for insect pests.
- Water only when soil is dry 6" down.
- If you have a history of grub damage, spot treat with beneficial nematodes every year. Make sure you apply them on a rainy day.

# Healthy Lawns & Landscapes

## Go Organic!

### Needham Board of Health



178 Rosemary Street, Needham, MA 02494  
781-455-7940x504  
[healthdepartment@needhamma.gov](mailto:healthdepartment@needhamma.gov)  
[www.needhamma.gov/health](http://www.needhamma.gov/health)



Imagine...

### **A poison-free yard**

Your kids can play safely on grass where you never need a "keep off, pesticide application" warning sign.

### **Reduced water costs**

Healthy soils with thriving micro-organisms lead to deep-rooted grass which require less watering, fertilizing, and overall cost.

### **Less mowing**

Turn part of your lawn into a landscape with a diversity of native plants, hardy flowers, ground covers, trees, and shrubs.

Grub Control  
Weed Killer  
Fungus Treatment  
Insect Spray  
Crab Grass Preventer  
Insecticides  
Herbicides

Examples of  
Pesticides

## **Keep You and Your Neighbors Safe**

**Pesticides are a major environmental and public health concern.**

Most pesticides on the market have not been tested enough to determine all their effects on the health of people, pets, and the environment. Pesticides get carried indoors, linger for months, and can contaminate nearby drinking water supply.

Scientific studies potentially link exposure to common lawn care pesticides with an increased risk of:

- several types of cancer
- neurological and respiratory diseases
- endocrine disruption
- birth defects
- liver and kidney damage

Children are particularly vulnerable to these harmful effects. Pesticides are also toxic to birds, fish, beneficial insects, and non-target plants which all play a critical role in our ecosystems.

## **Simple Steps to Organic Lawn Care**

**The easiest, most cost-effective way to a beautiful, healthy lawn is to work with nature, not against it.**

A healthy lawn needs nutrients and microbe-rich soil to develop deep rooted, dense turf that competes successfully with weeds. Dense turf is beautiful and low maintenance. It naturally resists drought, insects, and disease.



**Pesticides are not necessary for a beautiful lawn.**

In fact, they can do more harm than good. They kill the microbial life necessary for healthy soil and can kill the pest's natural enemies. This invites disease and insect infestation, which leads to more pesticide use and traps you in an unhealthy, costly chemical cycle.



## NEEDHAM PUBLIC HEALTH DIVISION

178 Rosemary Street, Needham, MA 02492  
healthdepartment@needhamma.gov

781-455-7940x504(tel) 781-455-6922(fax)  
www.needhamma.gov/health



# Pesticide Advisory

## A Public Health Message From The Needham Board Of Health

The Needham Health Department recommends that homeowners learn about the dangers of pesticides and seek to eliminate pesticide use in their yards and homes.

According to the U.S Environmental Protection Agency (EPA), pesticides such as herbicides, insecticides, fungicides, and "Weed & Feed"-type products are all harmful to some degree. The widespread use of pesticides is a major environmental and public health concern because most pesticides - despite having an EPA registration - have not been adequately tested to determine all their effects on the health of people, pets, and the environment.

Children are the most vulnerable to the harmful effects of pesticides due to physiological and age-related factors. The American Public Health Association recognizes that even a small amount of toxin exposure during critical periods of development can have an irreversible effect lasting a lifetime. Scientific studies have revealed that exposure to common lawn care pesticides is linked with a possible increased risk of several types of cancer, neurological and respiratory diseases, hormone disruption, birth defects, and damage to the kidneys and liver. Pesticides also disrupt our ecosystems since they are toxic to birds, fish, beneficial insects, and non-target plants.

Recognizing the danger of widespread pesticide use, the Town of Needham follows integrated pest management (IPM) policies, relying heavily on organic land care management. Pesticides are used only as a last resort for emergencies and on recreational fields to reduce injury and other serious health risks. In Needham, areas such as the Town Common and the Needham Heights Common are 100% pesticide-free.

Still, the greatest environmental source of pesticide contamination and exposure to children in Needham is likely from residents' yards, lawns, and the runoff from excessive or inappropriate use. Unfortunately, pesticides also can kill microbial life and the pests' natural enemies necessary for a healthy lawn, creating a costly chemical dependency. It's time to quit the cycle. Help make Needham a safer place for your family and neighbors by eliminating your personal pesticide use and opting for safer alternatives.

To learn more about how you can practice organic land care, review our "Healthy Lawns & Landscapes" brochure, contact the Needham Health Department, and check out the following websites:



<https://www.beyondpesticides.org/resources>



<https://www.greenneedham.org/blog/zero-waste-main-page-2/s>

**Introduction to Organic Lawns and Yards**  
[https://cdn.canr.udel.edu/wp-content/uploads/sites/16/2018/04/12024352/Intro\\_to\\_Organic\\_Lawns\\_and\\_Yards.pdf](https://cdn.canr.udel.edu/wp-content/uploads/sites/16/2018/04/12024352/Intro_to_Organic_Lawns_and_Yards.pdf)



**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

| <b>Agenda Item</b>  | <b>Discussion with Sira Naturals</b>                                                                                                           |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Presenter(s)</b> | Dwan Packnett, Vice President of Government Relations & Community Investments<br>Michell Foley, Director of Retail<br>John Fernandes, Attorney |

|           |                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.</b> | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>                                                                                                                                                                                                                                                                                                                                                     |
|           | Ms. Dwan Packnett, Ms. Michelle Foley, and Mr. John Fernandes will present to the Board of Health about Sira Naturals operations and its request for modifications to its operating permit and the underlying regulations which govern that permit.                                                                                                                                                   |
| <b>2.</b> | <b>VOTE REQUIRED BY BOARD OF HEALTH</b>                                                                                                                                                                                                                                                                                                                                                               |
|           | No vote is required, nor is one expected at this meeting.                                                                                                                                                                                                                                                                                                                                             |
| <b>3.</b> | <b>BACK UP INFORMATION:</b>                                                                                                                                                                                                                                                                                                                                                                           |
|           | <ul style="list-style-type: none"><li>- Sira Naturals Letter to Public Health Division re: request to appear before BOH and requests for modification to regulations impacting Sira Naturals operations</li><li>- Article 20: Regulation to Ensure the Sanitary and Safe Operations of Registered Marijuana Dispensaries and the Sale of Marijuana to Persons with Documented Medical Needs</li></ul> |



September 17, 2021

Mr. Timothy Muir McDonald  
Director of Public Health  
Needham Board of Health  
178 Rosemary Street  
Needham, MA 02494

**RE: Sira Naturals, Inc. Request to Appear before the Needham Board of Health**

Founded and operated by Massachusetts natives and residents since 2013, Sira Naturals weathered the unpredictable cannabis market to become one of the state's largest employers and vertically integrated cultivator, product manufacturer, and retailer of cannabis products for both the medical and adult-use markets in Massachusetts. Through a Community Benefits Agreement (CBA) signed by the Needham Board of Selectmen on June 14, 2016; the Special Permit granted by the Needham Planning and Community Development Department on June 13, 2017; and subject to the provisions of Article 20 of the Board of Health (BOH) Regulations effective March 31, 2016; Sira Naturals opened a retail medical facility at 27-29 Franklin in the Town of Needham in June 2017.

Sira Naturals seeks the Board of Health's reconsideration of Article 20 BOH Regulations governing discounted products and labeling, signage and other materials more particularly described below. The medical cannabis industry has had no detrimental impacts in the Commonwealth of Massachusetts since its introduction in 2013. And the medical marijuana industry has undergone significant technological improvements such as state monitored seed to sale Metric Tracking systems allowing data visibility to retailers across the state allowing a safe and reliable distribution to and accessibility for medical marijuana patients.

Such accessibility, however, is not available for cost-conscious consumers or those living on a fixed income who enjoy discounts similar to those provided every day at local pharmacies like Walgreens, CVS, or Walmart. The failure to provide discounts can become a barrier to use that reinforces the "illegal" stigma of cannabis. We believe promotional discounts will help to relieve this stigma by providing a more welcoming environment - similar to any pharmacy - for those marginalized by the war on drugs.



Thus, we request the BOH remove or amend regulations 20.6.5 (B) and (C) set forth below so Sira may provide discounts and loyalty programs to Needham residents.

1. 20.6.5 Registered Sales by Registered Marijuana Dispensary

B. No person shall Accept or redeem, offer to accept, or redeem, or cause or hire any person to accept or redeem, or offer to accept or redeem, through any coupon or other method, any marijuana or marijuana-infused product for less than the listed or non-discounted price; or

C. Sell marijuana or a marijuana-infused product through any discounts (e.g., “buy-two-get-one-free”) or otherwise provide any marijuana or marijuana-infused product for less than the listed or non-discounted price in exchange for the purchase of any other product.

Sira Naturals also requests the BOH allow us to discount products for sale including promotional gifts and materials with references to marijuana or MIPs, including the logo of Sira Naturals, Inc. d/b/a Ayr. Thus, we request the BOH amend regulation 20.6.10 (A) to allow the logo of Sira Naturals, Inc. d/b/a Ayr and brand.

2. 20.6.10 Marketing and Advertising Requirements

A. A RMD may develop and use a logo for labeling, signage, and other materials, but that logo may not contain medical symbols, images of marijuana and marijuana-related paraphernalia, or colloquial references to cannabis and marijuana. Likewise, a RMD may not offer for sale or as a promotional gift any items which contain symbol of or references to marijuana or MIPs, including the logo of the RMD.

Finally, while not specifically listed in Article 20, Sira Naturals is currently required to send all edible packaging to the Needham Board of Health for pre-approval before being offered for sale to patients. Since packaging and labelling is currently regulated by the Cannabis Control Commission, we would like to request amending this municipal specific requirement.

Sira is prepared to highlight specific data that shows the potential anticipated benefits of easing these restrictions and would very much like to review additional requirements such as background checks and CORIs reviewed by the Needham BOH that may have worked theoretically and before the CCC was established. But now after four years of practice with excellent outcomes, we are confident this heightened level of scrutiny has become burdensome to both Sira Naturals and the Needham BOH and is no longer needed in every instance.



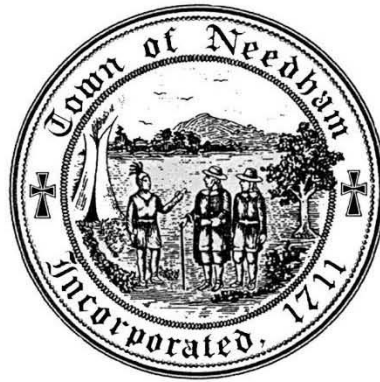
Thank you for your consideration. If you have any questions, or if additional information is needed, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, reading "Dwan Packnett".

Dwan Packnett  
VP Gov't Relations & Community Investment

cc: Kate Fitzpatrick, Needham Town Manager  
David Davis, Needham Director of Finance  
Matthew Radebach  
Louis Karger  
Michelle Foley  
Andrea Odian



## Board of Health

Edward Cosgrove, PhD  
Vice Chair, Board of Health

Stephen Epstein, MD, MPP  
Chair, Board of Health

Jane Fogg, MD, MPH  
Member, Board of Health

### **ARTICLE 20                      REGULATION TO ENSURE THE SANITARY AND SAFE OPERATIONS OF REGISTERED MARIJUANA DISPENSARIES AND THE SALE OF MARIJUANA TO PERSONS WITH DOCUMENTED MEDICAL NEEDS**

#### **SECTION 20.1                      AUTHORITY**

This regulation is promulgated under the authority granted to the Needham Board of Health under Massachusetts General Laws Chapter 111, Section 31 which states that "boards of health may make reasonable health regulations," and pursuant to Chapter 369 of the Acts of 2012 An Act for the Humanitarian Medical Use of Marijuana ("The Act") and Massachusetts Department of Public Health Regulations 105 CMR 725.000.

#### **SECTION 20.2                      PURPOSE**

The primary purpose of this regulation is to provide for local oversight and inspection of Registered Marijuana Dispensaries (RMDs) and hardship cultivation sites within the town; oversight and inspections will be provided by Needham's Board of Health and its agents to ensure the safe and sanitary operation of any such RMD or hardship cultivation site consistent with public health and safety.

The regulation is intended to ensure that only people with a documented medical need will acquire medical marijuana or marijuana-infused products pursuant to the Act, and that marijuana will not be diverted to individuals without a documented medical need. Since the existence of an RMD or hardship cultivation site present a risk of improper diversion and other collateral consequences within the community, it is necessary to regulate this activity at the local level.

## **SECTION 20.3            DEFINITIONS**

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in [105 CMR 725.004](#).

**Board of Health:** Town of Needham Board of Health and its designated agents.

**Board of Health Agent:** The Director of Public Health and any town employee designated by the Director, which may include Public Health Department staff, law enforcement officers, fire officials, and code enforcement officials

**Business Agent:** A Dispensary Agent, as also defined in [105 CMR 725.004](#), who has been designated by the RMD Permit Holder to be a manager in charge of the RMD facility and its operations.

**Card Holder:** A registered qualifying patient, a personal caregiver, or a dispensary agent of a RMD who has been issued and possess a valid registration card.

**Director:** The Director of Public Health.

**Dispensary Agent:** A Dispensary Agent, as also defined in [105 CMR 725.004](#), is a board member, director, employee, executive, manager, or volunteer of a RMD, who is at least 21 years of age. Employee includes a consultant or contractor who provides on-site services to a RMD related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

**Home Permit:** Issued by the Board of Health, to be renewed annually, to the holder of a hardship cultivation registration issued by the Massachusetts Department of Public Health (DPH) in 105 CMR 725.000, which registration is for a specific location within the town.

**Non-Residential Roll-Your-Own (RYO) Machine:** A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for the individual's own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

**Period of Performance:** The time period for which violations of a RMD or Home Permit are counted. For example, a violation that occurs in July 2016 will no longer weigh on the RMD or Home Permit holder's record with the Board of Health after the passage of 36 months from the date of the discipline imposed for that violation. If the Board of Health hearing on the violation occurred on July 31, 2016, then the violation will be outside the period of performance and no longer counted on August 1, 2019.

**Registered Marijuana Dispensary (RMD):** A Registered Marijuana Dispensary (also known as a Medical Marijuana Treatment Center) is a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. The term RMD may also refer, in context, to the site(s) of dispensing, cultivation, and preparation of marijuana by an RMD entity.

**RMD Permit:** A Registered Marijuana Dispensary Permit, to be renewed annually, which may be issued by the Board of Health to a non-profit corporation holding a Certificate of Registration issued by the Massachusetts Department of Public Health (DPH) pursuant to 105 CMR 725.000, which permits a RMD to operate within the town.

**Self-Service Display:** Any display from which customers may select marijuana or a marijuana-infused product without assistance from a Dispensary.

**Town:** The Town of Needham, Massachusetts.

**Vending Machine:** Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

**Verified Financial Hardship:** Is an individual's status as a recipient of MassHealth or Supplemental Security Income, or else a determination that an individual's income does not exceed 300% of the federal poverty level when adjusted for family size.

**Violation:** A failure to comply with an operational requirement outlined in this regulation. For this regulation, a MINOR violation is a failure to comply with specific regulatory requirements which, while important, do not jeopardize the primary purposes of this regulation. A MAJOR violation is one that has the potential to jeopardize the primary purposes of this regulation, meaning that non-compliance in this area may divert marijuana to individuals without a documented medical need and/or which may produce significant collateral consequences to community health and safety.

## **SECTION 20.4 PERMIT TO OPERATE A REGISTERED MARIJUANA DISPENSARY**

### **20.4.1 – Permits for a Registered Marijuana Dispensaries**

- A. No person or organization shall sell or otherwise distribute marijuana or marijuana-infused products within the Town of Needham without first obtaining a RMD Permit. A RMD Permit may only be issued to a nonprofit corporation which:
  - (i) has a current Certificate of Registration issued by the Massachusetts Department

- of Public Health (DPH) pursuant to 105 CMR 725.000; and
- (ii) has a permanent, non-mobile location in Needham approved by the DPH for use as an RMD; and
- (iii) is in compliance with all applicable zoning requirements.

And which provides satisfactory documentation of compliance with those requirements to the Board of Health.

- B. The applicant shall also submit to the Board of Health a copy of the operating policies and procedures for the RMD which was submitted to DPH pursuant to 105 CMR 725.000 and any other relevant DPH directives, memorandums or notifications.
- C. The applicant shall sign a statement declaring that the applicant understands that, under this local regulation:
  - (i) all Dispensary Agents are responsible for complying with all local and state regulations pertaining to the operation of the RMD. Specifically, a violation of any provision of 105 CMR 725.000 or other applicable state regulations constitutes a violation of this regulation, which may be enforced by the Board of Health; and
  - (ii) the applicant is responsible for providing instruction and training for dispensary agents in all applicable local and state regulations; and
  - (iii) the fact that a Dispensary Agent, vendor, or other person associated with the RMD is unaware of a regulation or lacks understanding of its content, shall not be a defense to any violation; and
  - (iv) the Board of Health and its designated agents may conduct periodic, unannounced inspections of the RMD premises.
- D. The fee for a RMD Permit shall be at the level determined in the Needham Board of Health's Fee Schedule. All RMD Permits expire on June 30 annually, regardless of the year or day and month on which they were issued.
- E. The initial plan review for marijuana-infused product (MIP) production facilities (see section 20.5.1) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule. The initial plan review for the safe and sanitary storage of marijuana-infused products in a RMD (see section 20.5.2) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule. The initial plan review for trash collection and the safe and sanitary disposal of waste (see section 20.5.3) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule. The plan reviews for emergencies and continuity of operations (see section 20.5.4) and for safety and security (see section 20.5.5) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule.
- F. RMD Permits in good standing may be renewed annually by the Board of Health, at the Board's discretion, based on a completed and satisfactory application, in a form required by the Board, filed by the RMD and payment by the RMD of the annual fee

according to the fee schedule.

- (i) Any material changes from the most recent approved operating policies and procedures, or from the plans described in Section E above shall be disclosed in the renewal application, and RMD shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal.
  - (ii) If a permit has been modified by the Board, the RMD shall demonstrate compliance with any requirements of that modification, to the satisfaction of the Board, as a condition of renewal and shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal.
  - (iii) If a permit has been suspended by the Board, prior to reinstatement of the permit, the RMD shall provide evidence satisfactory to the Board that it will comply with all requirements of the Board and these regulations, and shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal
  - (iv) If a permit has been revoked by the Board, the RMD permit may be reissued based on a new application, all necessary fees, and a public hearing.
- G. A separate RMD Permit is required for each RMD retail establishment selling marijuana or marijuana-infused products within the Town. A violation of this provision constitutes a MINOR violation of these regulations.
- H. Each RMD Permit shall be displayed at the RMD retail establishment in a conspicuous place. A violation of this provision constitutes a MINOR violation of these regulations.
- I. A RMD Permit is non-transferable. A violation of this provision constitutes a MINOR violation of these regulations.
- J. A RMD Permit will not be renewed if the RMD Permit Holder has failed to pay any outstanding fines or fees or failed to satisfy any other penalties or conditions lawfully imposed by the Town.
- K. A RMD may not open for business before 8:00 A.M. and shall close no later than 8:00 P.M., on each day the RMD is open. Deliveries from, or on behalf of, the RMD that are made to patients must adhere to the same hours. The hours and days of RMD operation must be posted conspicuously on the front entrance door. A violation of this provision constitutes a MINOR violation of these regulations.
- L. Acceptance of a RMD Permit constitutes an agreement by the RMD that it will adhere to the practices, policies, and procedures described or submitted with its application, as well as the relevant laws, state and local regulations, and conditions imposed by the Board of Health as part of the permit process.

#### **20.4.2 – Inspections and Compliance of Registered Marijuana Dispensaries**

- A. Dispensary Agents must present their Registration Card on request by any Board of Health agent. A violation of this provision constitutes a MINOR violation of these regulations.
- B. Issuance and maintaining a RMD Permit shall be conditioned on the RMD Permit Holder's ongoing consent to periodic, unannounced inspections of the RMD premises by the Board of Health and its designated agents. The applicant also consents to abide by the provisions relating to inspections found in 105 CMR 725.300 and related sections including, but not limited to, "deficiency statements" and "plans of correction." A violation of this provision constitutes a MINOR violation of these regulations.
- C. There must be a designated Business Agent on the premises at all times that the RMD is open for business. A violation of this provision constitutes a MINOR violation of these regulations.
- D. The Board of Health and its designated agents, as well as the Needham Police Department, shall be provided with an updated phone list through which a Business Agent may be reached on a 24 hour basis. A violation of this provision constitutes a MINOR violation of these regulations.
- E. Issuance and maintaining a RMD Permit shall be conditioned on the RMD Permit Holder's ongoing consent to provide the Board of Health with copies of the Registration Cards for all Dispensary Agents working at the RMD, and the names of all Business Agents of the RMD, and to submit any changes in staffing and registration information within five (5) business days. The notification and information about changes in staffing and registration shall be submitted in either paper copy via courier or certified mail or else electronically in a verified/e-signed PDF format. A violation of this provision constitutes a MINOR violation of these regulations.
- F. The RMD Permit Holder shall Criminal Offender Record Information (CORI) inquiry and a Sex Offender Registry Information (SORI) inquiry on all applicants for the positions of Dispensary Agent and for Business Agents. Such checks shall be conducted in all states in which the applicant has worked or resided within the last ten (10) years. The results of those inquiries shall be reported to the Needham Public Health Department. A violation of this provision constitutes a MINOR violation of these regulations.
- G. Issuance and maintaining a RMD Permit shall be conditioned on the RMD Permit Holder's ongoing consent to provide the Board of Health with updated copies of all RMD documents including copies of staffing plans, training protocols, audit results, security assessments (subject to appropriate redaction), and all other documents. Updated submissions shall be sent to the Board of Health monthly electronically in a

verified/e-signed PDF format. A violation of this provision constitutes a MINOR violation of these regulations.

- H. No RMD Permit Holder shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premises. The term “illegality” includes, but is not limited to, any violation of 105 CMR 725.000 and related directives, memoranda or notifications; and any violation of these regulations promulgated by the Board of Health. The Permit Holder shall be responsible for any disorder, disturbance or illegality of any kind whether present or not. A violation of this provision shall be considered may be considered either a MINOR or a MAJOR violation depending upon the severity of the illegality identified.
- I. Failure or refusal of an RMD or Home Permit holder to cooperate with the Board of Health or its agent shall be considered a MAJOR violation of these regulations.

#### **20.4.3 – Records Retention of Registered Marijuana Dispensaries**

- A. A RMD Permit Holder shall notify the Needham Public Health Department and the Board of Health verbally and in writing within 24 hours of a visit to the premises or request for information by any representative of DPH acting in an official capacity. The RMD Permit Holder shall provide the Board with any reports, correspondence, emails or other information from DPH on demand or, in any case, within five (5) business days after receipt by the RMD. A violation of this provision constitutes a MINOR violation of these regulations.
- B. Video surveillance shall conform to the requirements of 105 CMR 725.110(D) and any other related regulations, directives, memorandums or notifications from DPH. In addition, as conditions of issuing or maintaining its RMD Permit, the Board of Health may require other, reasonable surveillance operations and security (e.g., an off-site backup system). Furthermore, the RMD must allow for immediate viewing of video surveillance by the Board of Health or its designated agents, upon request. A copy of a requested recording shall be provided as soon as practicable to these officials. All video recordings shall be retained for a minimum of 90 days. Furthermore, as soon as the RMD is aware of any recording that might relate to a criminal, civil or administrative investigation or legal proceeding of any kind, the RMD shall not alter or destroy the recording without the written permission of both the Director and the Chief of Police for the Town of Needham. A violation of this provision constitutes a MAJOR violation of these regulations.
- C. Issuance and maintaining a RMD Permit is conditioned on maintaining all records outlined in 105 CMR 725.105(I) and other DPH regulations, directives, memorandum and notifications, along with any other documents reasonably required by the Board of Health in writing. Following closure of an RMD, all records

must be kept for at least two (2) years at the expense of the RMD and in a form and location acceptable to the Board of Health. Moreover, as a condition of issuing and maintaining a RMD Permit, the Board of Health may reasonably require that the new owner of a RMD retain records generated by the previous RMD at the expense of the new RMD. A violation of this provision constitutes a MINOR violation of these regulations.

#### **20.4.4 – Other Restrictions for Registered Marijuana Dispensaries**

- A. For RMDs that cultivate marijuana, the cultivation and processing facility shall not adversely affect the health or safety of the nearby residents or businesses by creating dust, glare, heat, noise, nuisance odors, noxious gases, materials, processes, products or wastes. Growing areas shall be within a self-contained, locked structure, with a 1-hour firewall assembly made of green board or other construction specifically approved by the Town's building inspector, well ventilated with odor control, and shall not create humidity or mold issues within the establishment. A violation of this provision constitutes a MAJOR violation of these regulations.
- B. No RMD is permitted to sell or distribute alcoholic beverages or tobacco products and may not hold either a tobacco sales permit or a liquor license. A violation of this provision constitutes a MAJOR violation of these regulations.
- C. No RMD is permitted to hold a Common Victualler license for on-premises food consumption. A violation of this provision constitutes a MAJOR violation of these regulations.
- D. No RMD is permitted to be a Massachusetts lottery dealer or to engage in any gaming activities. A violation of this provision constitutes a MAJOR violation of these regulations.

### **SECTION 20.5                      PLAN REVIEWS OF REGISTERED MARIJUANA DISPENSARIES**

#### **20.5.1 – Off-Site Cultivation/MIP Preparation Plan Review**

An applicant who wishes to sell edible marijuana-infused products (MIPs) at a RMD must, prior to beginning operations, undergo a plan review of any MIP processing and preparation facilities, regardless of their location, for any MIP that will, at some point, be delivered, distributed, produced, sold, or stored within the Town. The Board of Health and its designated agents will conduct the plan review, which may include a facilities inspection, to ensure sanitary handling and processing conditions and practices.

#### **20.5.2 – Plan Review for MIP Storage and Handling at RMD Retail Location**

An applicant who wishes to sell edible marijuana-infused products (MIPs) at a RMD must, prior to beginning operations, undergo a plan review of all MIP storage, handling, and sale

locations within the RMD. The Board of Health and its designated agents will conduct the plan review, which may include a facilities inspection, to ensure sanitary handling and storage conditions and practices in line with the requirements outlined in the [105 CMR 590](#), the State Sanitary Code.

The requirements of 105 CMR 590.000 include specific actions to prevent the growth of bacteria. *Clostridium botulinum* is a bacterium whose spores are present on plant material and in soil. Spores are present in many plant material extractions and can survive cooking/pasteurization temperatures. These spores can spontaneously germinate (grow into bacteria) given the right conditions/substrate. The bacteria can produce a powerful toxin which can cause severe illness or death. Specific actions required of a RMD selling MIP are:

- A. Except during preparation, cooking, or cooling, time/temperature control for safety (TCS) items shall be maintained at 5°C (41°F) or less to prevent the growth of bacteria. This shall apply, unless specifically permitted by the Board of Health or its agents, to all:
  - (i) marijuana extractions and concentrates intended for non-smoking oral consumption (i.e. eating, drinking);
  - (ii) infusions made from those extractions, such as infused oils, butters, honey, etc; and
  - (iii) foods that have such infusions/extractions as an ingredient.
- B. If a marijuana extraction, concentrate, or infusion has been continuously refrigerated and is then added as an ingredient into baked goods that have a low water activity, such as most cookies and brownies, these baked products may be considered shelf-stable if explicitly reviewed and permitted by the Board of Health or its agents.
- C. If the extracted marijuana concentrate is immediately infused into a 190/200 proof alcohol with no additional ingredients (including flavorings or other additives) and the tincture is homogenous, then the growth of *C. botulinum* spores may have been prevented. Homogenous 190/200 proof alcohol tinctures may be safe to store outside of refrigerated temperatures if explicitly reviewed and permitted by the Board of Health or its agents.
- D. Approvals for any variance from the safe and sanitary storage requirements outlined above will be based upon:
  - (i) a review of written procedures that are followed to make the product;
  - (ii) the use of control measures described above; and
  - (iii) any other scientific evidence submitted by the manufacturer from a certified laboratory or process authority that demonstrates the safety of the product in question. For example:
    - a) pH and/or water activity testing must be conducted by an accredited laboratory;
    - b) three samples from separate batches must be tested; and
    - c) all samples must meet the criteria for a non-potentially hazardous food as

described in Tables A and B of the 2013 *FDA Food Code*.

- E. At any time, the Board of Health or its agents may require a Hazard Analysis and Critical Control Points (HACCP) plan before approving the distribution of MIPs.
- F. Photos or images of food are not allowed on MIP product labels.
- G. All MIP must be contained in an opaque package.
- H. If the MIP is identified on the label using a common food name (i.e. Brownie, Honey, Chocolate, Chocolate Chip Cookie, or Green Tea), the phrase “MEDICAL MARIJUANA” must be written before the common food name. This phrase must be as easy to read as the common food name (i.e. same font size).
- I. Only generic food names may be used to describe the MIP. As an example, using “Snickerdoodle” to describe a cinnamon cookie is prohibited.
- J. All MIP must state the following:
  - (i) A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
  - (ii) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with 105 CMR 725.105(C)(2);
  - (iii) The manufacture date as well as a “Best by” or “Use by” or expiration date;
  - (iv) Net weight of Medical Marijuana and the THC level in the MIP, and the net weight of Medical Marijuana and the THC level contained **per dose/serving** (if the MIP is not a single serving/dose);
  - (v) A list of ingredients as well as the cannabinoid profile of the marijuana contained within the MIP;
  - (vi) A warning if nuts or other known allergens are contained in the product;
  - (vii) Directions for use of the product if relevant;
  - (viii) The statement “For Medical Use Only”; and
  - (ix) The statement, including capitalization: “This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.”

A violation of any of the provisions of 20.5.2 (A) through (J) shall constitute a MINOR violation of these regulations.

### **20.5.3 – Plan Review for Safe and Secure Disposal of Waste, Refuse, or Damaged Product**

An applicant for a RMD Permit shall develop a plan for the safe and secure storage and disposal of any waste, refuse, or damaged marijuana, MIPs, and related products. Such a plan will be

based on the requirements outlined in 105 CMR 725.105(J) and will be subject to review and approval by the Board of Health and its designated agents prior to the RMD beginning operations.

#### **20.5.4 – Plan Review for Emergencies and Continuity of Operations**

In accordance with emergency planning requirements specified in 105 CMR 725.105(A)(9) and similar to the responsibilities outlined in the Risk Management and Continuous Quality Improvement section of the *Guidelines for the Accreditation of Opioid Treatment Programs* which are authorized in [42 CFR 8.12\(c\)](#), an applicant for a RMD Permit shall develop an emergency management program to ensure the safety of its staff and customers and a mechanism by which to ensure the continuity of its operations (COOP) in response to inclement weather, man-made emergencies, supply chain disruptions, or discipline (including permit suspension) which result in the RMD being unable to provide medical marijuana and MIPs to patients with a documented medical need. Such a program shall include:

- A. A detailed emergency operations plan (EOP) and a process by which staff will be trained on that plan and their knowledge of it tested via drills and exercises. The emergency operations plan will:
  - (i) Include a set of contact procedures for staff, customers, and community partners in the event of an emergency;
  - (ii) Specify a process for contacting Dispensary Agents on a 24-hour, 7-day-a-week basis through a telephone answering service or a similar service provider; and
  - (iii) Include protocols for the maintenance of life safety equipment (fire extinguishers and AEDs, for example) and the training of staff on the proper use of the same;
- B. A detailed continuity of operations (COOP) plan for the emergency administration of medication in response to inclement weather, man-made emergencies, supply chain disruptions, or discipline (including permit suspension under these regulations) which result in the RMD being unable to provide medical marijuana and MIPs to patients with a documented medical need. This continuity of operations plan will:
  - (i) Include provisions for the notification of patients in the event that inclement weather, man-made emergencies, supply chain disruptions, or discipline under these regulations might result in a temporary disruption to medication supply; and
  - (ii) Include formal contractual arrangements to fulfill patient orders for medical marijuana and MIPs in the face of service disruption; these plans will specify order fulfillment and delivery arrangements with at least two (2) RMDs that are not otherwise affiliated with the applicant for a Needham RMD Permit.

Such a plan will be subject to review and approval by the Board of Health or its designated agents prior to the RMD beginning operations, and at least annually thereafter.

### **20.5.5 – Safety and Security Plan Review**

In accordance with the criteria specified in 105 CMR 725.110—the Security Requirements for Registered Marijuana Dispensaries—an applicant for a RMD Permit shall develop a comprehensive security plan. Such a plan will be subject to review and approval by the Director, the Chief of Police, and the Fire Chief prior to the RMD beginning operations, and at least semi-annually thereafter.

## **SECTION 20.6                      MARIJUANA SALES BY REGISTERED MARIJUANA DISPENSARY**

**20.6.1** – No person or organization shall sell marijuana or marijuana-infused products from any location other than at a RMD that possesses a valid RMD Permit. A violation of this provision constitutes a MAJOR violation.

**20.6.2** – A sign shall be conspicuously posted on the exterior of the establishment at each entrance to the RMD, indicating that the entry to persons who do not possess either a valid Registration Card or a Personal Caregiver Registration Card is prohibited. The sign shall remain unobstructed, secured to the building at a height of no less than four (4) feet or greater than seven (7) feet from the ground, and maintained in good condition. A violation of this provision shall be considered a MAJOR violation.

**20.6.3** – Dispensary Agents or organizations shall verify the Registration Card or Personal Caregiver Registration Card of the Card Holder in accordance with the procedures outlined in 105 CMR 725.000 and any other directives, memorandums or notifications from DPH. In addition, the Registration Card shall be verified for each and every Card Holder or Personal Caregiver, on each and every occasion that he/she enters the RMD, without exception. The failure to verify, regardless of the prior history of the Card Holder at the RMD, constitutes a MAJOR violation of this regulation.

**20.6.4** – All retail sales of marijuana and marijuana-infused products must be face-to-face between the Dispensary Agent and the Card Holder or Personal Caregiver on the premises of the RMD, unless the Card Holder or Personal Caregiver is the proper recipient of home delivery in accordance with all applicable DPH regulations. A violation of this provision constitutes a MAJOR violation of these regulations.

**20.6.5** – No person shall:

- A. Distribute, or cause to be distributed, any free samples of marijuana or marijuana-infused products; or
- B. Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem, or offer to accept or redeem, through any coupon or other method, any marijuana or marijuana-infused product for less than the listed or non-discounted price; or

- C. Sell marijuana or a marijuana-infused product through any discounts (e.g., “buy-two-get-one-free”) or otherwise provide any marijuana or marijuana-infused product for less than the listed or non-discounted price in exchange for the purchase of any other product.
- D. The provisions of 20.6.5 shall not prohibit dispensing of free or discounted marijuana or marijuana-infused products to card holders whose ability to pay for a product deemed medically necessary is limited by demonstrable financial hardship.
- E. A violation of any of the provisions of 20.6.5(A) through 20.6.5(D) shall constitute a MAJOR violation of these regulations.

**20.6.6** – RMDs are prohibited from using self-service displays. A violation of this provision shall be considered a MINOR violation.

**20.6.7** – RMDs are prohibited from using vending machines. A violation of this provision shall be considered a MINOR violation.

**20.6.8** – RMDs are prohibited from using Non-Residential Roll-Your-Own machines. A violation of this provision shall be considered a MINOR violation.

**20.6.9** – A RMD and its Dispensary agents are prohibited, in accordance with restrictions outlined in 105 CMR 725.105(K) and (L), from providing:

- A. Any statement, design, representation, picture, or illustration that encourages or represents the use of marijuana for any purpose other than to treat debilitating medical condition or related symptoms;
- B. Any statement, design, representation, picture, or illustration that encourages or represents the recreational use of marijuana;
- C. Any statement, design, representation, picture, or illustration related to the safety or efficacy of marijuana unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Board of Health or its agents;  
or
- D. Any statement, design, representation, picture, or illustration portraying anyone under 18 years of age.
- E. A violation of any of the provisions of 20.6.9(A) through 20.6.9(D) shall constitute a MINOR violation of these regulations.

**20.6.10** – A RMD, in accordance with restrictions outlined in 105 CMR 725.105(K) and (L), must

adhere to the following Marketing and Advertising Requirements:

- A. A RMD may develop and use a logo for labeling, signage, and other materials, but that logo may not contain medical symbols, images of marijuana and marijuana-related paraphernalia, or colloquial references to cannabis and marijuana. Likewise, a RMD may not offer for sale or as a promotional gift any items which contain symbol of or references to marijuana or MIPs, including the logo of the RMD.
- B. A RMD may only identify the building/RMD location by the registered name, and shall not display advertisements for marijuana or any brand name nor utilize graphics related to marijuana or paraphernalia on the building.
- C. RMD external signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply with Article 5 of the Town of Needham By-Laws which regulates signage advertising. Neon signage is prohibited at all times.
- D. No marijuana, MIPs, and other related products shall be visible or displayed in such a way as to be seen from the exterior of a RMD. Within the RMD, one sample of each marijuana strain and each MIP may be displayed in a transparent and locked case.
- E. Inside the RMD, all marijuana which is not displayed in accordance with state and local restrictions (as outlined in 105 CMR 725.105(L)(10) and in Section 20.6.10(D) above) shall be stored in a locked, access-controlled space in a limited access area during non-business hours. This access-controlled space shall be inaccessible to any persons other than dispensary agents.
- F. A RMD shall provide a catalogue or a printed list of the prices and strains of marijuana available at the RMD to registered qualifying patients and personal caregivers upon request, but shall not advertise the price of marijuana.
- G. A violation of any of the provisions of 20.6.10(A) through 20.6.10(F) shall constitute a MINOR violation.
- H. If, during the course of an inspection or compliance check at the RMD Cultivation/Production Site, mold, infestation, or other diseases affecting marijuana plants is observed, then the Board of Health or its Agents may order the segregation and/or destruction of all such plants (as well as surrounding plants) to prevent a threat to the public's health.

## **SECTION 20.7 HOME CULTIVATION**

**20.7.1** – Marijuana cultivation or processing of any kind is prohibited within the town of Needham without a RMD Permit or Home Permit issued by the Needham Board of Health.

**20.7.2** – Prior to any home cultivation taking place within the town, even by a qualifying patient or caregiver under 105 CMR 725.000, the respective individual must obtain a Home Permit. Cultivation that takes place without a permit is outside the coverage of the medical marijuana program and is subject to prosecution as a crime under Massachusetts General Laws, Chapter 94C.

**20.7.3** – A Home Permit shall be granted if the Board of Health determines that:

- A. The applicant does not have access to an RMD by any of:
  - (i) public or private transportation, or
  - (ii) a caregiver with transportation, or
  - (iii) a RMD that will deliver to the applicant or the applicant's caregiver's primary address.

Or that:

- B. The applicant has a verified financial hardship (as defined in 105 CMR725.004 as enrollment in either MassHealth or Supplemental Security Income, or else that an individual's income does not exceed 300% of the federal poverty level, adjusted for family size) and does not have access to an RMD willing to provide the applicant marijuana at no or an affordable cost.

Applicants who fail to meet the above described hardship standard will not receive a Home Permit and will be informed, in a written statement, that marijuana cultivation is prohibited in Needham without a RMD Permit or Home Permit, and that any such cultivation is outside the coverage of the medical marijuana program and is subject to prosecution as a crime under Massachusetts General Laws, Chapter 94C.

**20.7.4** – Subject to the provisions of Section 20.7.3, the Board of Health may issue a Home Permit authorizing cultivation activities at a specified address within the town, provided that the applicant:

- A. Submits to a pre-approval inspection by the Board of Health or its designated agents, which may include law enforcement officers and fire officials and building inspectors, to ensure that the location specified in the application meets all of the requirements of this regulation; and
- B. Meets all the requirements for home cultivation contained in 105 CMR 725.000 and any related directives, memorandums or notifications. These include, but are not limited to, an enclosed, locked space, not viewable from a public location, in which cultivation and storage takes place in accordance with public health and safety requirements as determined by the Board; and

- C. Meets all applicable local regulations within the town including, but not limited, fire safety and building code provisions; and
- D. If not the property owner, the applicant has notified the public or private property owner of the specified address, and obtained from that owner consent to any alteration the property's fixtures or structure, including agreement concerning any increased utility costs likely to result from cultivation activities; and
- E. Grows only enough marijuana to maintain a sixty (60) day supply, which has been determined to be ten (10) ounces by DPH. The Board of Health or the Director may specifically designate the number and type of plants that may be possessed at any time by the applicant in order to meet this standard; and
- F. Submits to reasonable inspections by the Board of Health or its designated agents, which may include law enforcement officers, to ensure compliance with all of the requirements in this regulation; and
- G. Agrees that a Home Permit only allows for the cultivation and processing of marijuana without the use of any fire, heat source, or gas, except for cooking on a conventional stove originally supplied with the dwelling; and
- H. Agrees that a Home Permit does not allow any method for processing marijuana that presents a risk of explosion or other property damage by any means; and
- I. All Home Permits expire on June 30 annually, regardless of the year or day and month on which there were issued.
- J. If the Board of Health determines that the conditions to achieve the hardship standard permitting a Home Permit for marijuana cultivation no longer exist, the Board of Health may, after notice and opportunity to be heard, revoke the Home Permit and disallow cultivation of marijuana in the home setting of the affected person or persons.
- K. A violation of provision 20.7.4 (B), (C), or (D) shall constitute a MINOR violation of these regulations. A violation of provision 20.7.4 (A), (E), (F), (G), or (H) shall constitute a MAJOR violation of these regulations.
- L. If, during the course of an inspection or compliance check at the Home Permit Site, mold, infestation, or other diseases affecting marijuana plants is observed, then the Board of Health or its Agents may order the segregation and/or destruction of all such plants (as well as surrounding plants) to prevent a threat to the public's health.

## **SECTION 20.8**

## **VIOLATIONS**

**20.8.1** – The period of performance for violations of these regulations is three (3) years. MINOR violations shall be rectified within 72 hours of the violation, and shall be subject to re-inspection following that period. MAJOR violations shall be rectified within 24 hours, and shall be subject to re-inspection following that period.

**20.8.2** – In addition to any penalty that may be imposed under the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21D and Town of Needham By Laws, the Board of Health may, after a duly noticed hearing at which the RMD or Home Permit holder has had an opportunity to be heard, suspend, modify, or revoke the RMD Permit or Home Permit. The minimum suspension schedule shall be as follows:

- A. In the case of either five (5) or more MINOR violations or in the case of a MAJOR violation the RMD Permit or Home Permit shall be suspended for seven (7) consecutive business days.
- B. In the case of a second MAJOR violation or in the case of ten (10) or more MINOR violations, the RMD Permit or Home Permit shall be suspended for one (1) month.
- C. In the case of a third MAJOR violation or in the case of fifteen (15) or more MINOR violations, the RMD Permit or Home Permit shall be suspended for six (6) months.
- D. In the case of a fourth MAJOR violation or in the case of twenty (20) or more MINOR violations, the RMD Permit or Home Permit shall be suspended for twelve (12) months and may, at the Board of Health's discretion, be permanently revoked.
- E. Refusal to cooperate with the Board of Health or its designated agents is considered a separate violation of these regulations and shall result in the suspension of the RMD Permit or Home Permit for a minimum of ninety (90) consecutive business days. This shall be in addition to any other penalty imposed for other violations observed.
- F. Any RMD Permit Holder or Home Permit Holder who engages in or allows the sale, distribution or cultivation of marijuana or marijuana-infused products while his or her permit is suspended shall be subject to permanent revocation.

**20.8.3** – The penalties mentioned in 20.8.2 represent the guidelines for action to be taken by the Board of Health for violations, and do not preclude the licensing authority from taking additional action after a duly noticed hearing at which the RMD Permit or Home Permit holder has an opportunity to be heard.

**20.8.4** – If during an inspection or a compliance check, a Board of Health Agent determines a MAJOR violation of these regulations exists or has occurred, the Director may temporarily suspend the RMD Permit or Home Permit for a period not to exceed 96 hours while public notice of a scheduled Board of Health hearing is posted in accordance with the provisions of the Massachusetts Open Meeting Law (M.G.L. c. 30A, §§ 18-25).

**20.8.5** – If an RMD permit is suspended, the permit holder shall cease sale and distribution of marijuana or marijuana-infused products, and close and secure the RMD premises to the satisfaction of the Director or his/her agents for the period of the suspension. Additionally, notice of the suspension must be publicly posted on the RMD to the satisfaction of the Director or his/her agents.

**20.8.6** – If an RMD permit is revoked, the permit holder shall cease all sale, distribution or cultivation of marijuana or marijuana-infused products, and shall close and secure the RMD premises to the satisfaction of the Director or his/her agents, and the RMD shall submit subject to the approval of the Board or its designated agents, or the Board may order, implementation of a plan for the removal of marijuana and marijuana-infused products and related implements and equipment from the RMD retail establishment. Additionally, notice of the revocation must be publicly posted on the RMD to the satisfaction of the Director or his/her agents.

**20.8.7** – In the case of a suspension or revocation of a Home permit, the Board may order that marijuana or marijuana-infused products and related implements and equipment be removed from the specified Home permit location. The method for removal and storage, and the deadline for compliance, may be specified in the Board's order. In the case of a Home permit, the Board may authorize immediate confiscation of all the items previously mentioned prior to, or after, the hearing, provided that any removed items are not damaged prior to the conclusion of all administrative actions and appeals. Removal and storage of live marijuana plants does not obligate the Board to assure the maintenance of the plants during the period of suspension or confiscation.

**20.8.8** – In the event that a RMD permit or Home permit is suspended or modified, the Permit holder may be ordered to submit a remediation plan addressing all causes for the suspension or modification and all appropriate changes to business practices and operations. That remediation plan is subject to review and approval by the Board of Health prior to reinstating the permit.

## **SECTION 20.9                      ENFORCEMENT**

**20.9.1** – Enforcement of this Regulation shall be by the Board of Health and its designated agents.

**20.9.2** – Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21D and Town of Needham By Laws, or by filing a criminal complaint.

**20.9.3** – Each day any violation exists shall be deemed to be a separate offense.

**20.9.4** – Any resident who desires to register a complaint pursuant to this Regulation may

do so by contacting the Board of Health, the Public Health Department, or the Needham Police Department.

#### **SECTION 20.10            SEVERABILITY**

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

#### **SECTION 20.11            EFFECTIVE DATE**

This regulation shall take effect upon March 31, 2016. Public hearings and open meetings regarding this regulation were conducted on November 20, 2015, December 16, 2015, January 8, 2016, and February 12, 2016. This regulation was approved by a unanimous vote of the Board of Health on February 12, 2016.



**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

|                     |                                          |
|---------------------|------------------------------------------|
| <b>Agenda Item</b>  | The Kendrick TCE                         |
| <b>Presenter(s)</b> | Diana Acosta, Environmental Health Agent |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>1.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b> |
| <p>In early June, MA Department of Environmental Protection (DEP) was called to do environmental testing at The Kendrick, 275 2<sup>nd</sup> Ave. They found high readings of TCE in the Northwest wing of the building. Ramboll is also involved and conducted additional testing. All occupants of units which had high readings were given the option to move to a different unit or be given an Air Purifying Unit (APU). Further testing has been conducted by Ramboll. DEP and Ramboll have provided updates to Needham Public Health. Ms. Diana Acosta will be presenting the latest interim report from Ramboll, and engaging the Board in discussion.</p> |                                                   |
| <b>2.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>VOTE REQUIRED BY BOARD</b>                     |
| <p>Vote is not required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                   |
| <b>3.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>BACK UP INFORMATION ATTACHED</b>               |
| <p>Interim Report from Ramboll.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                   |

# INTERIM STATUS REPORT

Project name     **The Kendrick, 275 2<sup>nd</sup> Avenue, Needham, MA**  
 Project no.       **1690022280**  
 Client            **Needham Residential LLC**  
 To                 **John Fitzgerald, MassDEP**  
 From              **Jason Wilkinson, PG, LSP**  
 Date               **September 15, 2021**

Submitted via BWSC 126

On behalf of Needham Residential LLC, Ramboll US Consulting, Inc. (Ramboll) has prepared this interim status report associated with Release Tracking Number (RTN) 3-36886 at 275 2<sup>nd</sup> Avenue in Needham, Massachusetts (the Site). This RTN is associated with the detection of trichloroethylene (TCE) in indoor air. The Site is known as "The Kendrick," which is a 5-story residential building that contains nearly 400 apartments and was constructed in three phases between 2017 and 2019. Per the request from MassDEP on July 22, 2021, we are now providing bi-weekly written status updates regarding activities associated with a) the ongoing environmental investigation, and b) the subslab depressurization system (SSDS).

| Environmental Investigation                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Indoor Air and Subslab<br>Soil Gas Testing | <p>Since the start of testing on June 3, approximately 340 indoor air samples and approximately 30 soil gas samples have been collected at the Site. See <b>Tables 1 and 2</b> for a full summary of TCE results received to date for indoor air and soil gas samples, respectively, through September 13. Based on the results, with the exception of two locations described below, the only portion of the Site building where elevated TCE concentrations (above 6 µg/m<sup>3</sup>) have been detected in indoor air is the northwest wing.</p> <ul style="list-style-type: none"> <li>One sample, collected from a hallway adjacent to unit 1022 (labeled as "Apt 1022 Hall") on June 15 was initially found to contain 7.3 µg/m<sup>3</sup> of TCE. However, a confirmatory sample collected from this same location (labeled as "Apt 1023 Hall") on July 7 was found to contain 2.76 µg/m<sup>3</sup> of TCE. It should be noted that this sample location is in close proximity to the northwest wing; based on the data collected to date, this TCE detection mostly likely originated from the northwest wing hallway.</li> <li>Unit 3087, located on the third floor in the southern portion of the Site building was sampled during four separate events between July 28 and August 31 with TCE results ranging from 5.64 to 14.3 µg/m<sup>3</sup>. As the resident of unit 3087 is not a woman early in pregnancy, so the imminent hazard threshold of 6 µg/m<sup>3</sup> is not applicable and instead the 20 µg/m<sup>3</sup> threshold for the general population is more appropriate. Soil gas samples collected directly below this unit and in the near vicinity did not contain elevated TCE and similarly, indoor air results from the hallway immediately outside of unit 3087 and the units immediately below, above, and to either side of unit 3087 do not contain elevated TCE. As such, the detection of TCE at unit 3087 appears to be unrelated to vapor intrusion. On August 31, Ramboll collected a 24 hour indoor air sample from the four main living areas of the unit to further isolate potential source(s) of TCE. TCE results ranged from 5.64 µg/m<sup>3</sup> in the bedroom, 10 µg/m<sup>3</sup> in the bathroom, 13 µg/m<sup>3</sup> in the kitchen and 14.3 µg/m<sup>3</sup> in the living room. The scope of work for additional testing of this unit has not yet been finalized.</li> </ul> |

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subsurface Investigation                        | On September 14, Ramboll began the installation of soil borings and monitoring wells at the Site, which will likely continue for several weeks. A figure showing proposed monitoring well locations is provided as <b>Figure 1</b> . At a minimum, soil and groundwater samples will be collected from the soil borings and monitoring wells and submitted for laboratory analysis of volatile organic compounds (VOCs). The sampling results will be provided in reports submitted to MassDEP.                                                                                                                                                                                                                                            |
| <b>SSDS Activities</b>                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Vapor Pin Installation                          | In order to evaluate vacuum pressures and soil gas beneath the Site building outside of the northwest wing, a total of 19 new vapor pins were installed on August 30-31 in the eastern and central portions of the building, bringing the current total of vapor pins up to 53. A figure showing all of the soil gas data collected along with the most recent vacuum pressure readings is provided as <b>Figure 2</b> . Outside of the northwest wing, the majority of locations exceed the desired value of -0.012 inH <sub>2</sub> O. Approximately 18 additional vapor pins are planned to be installed over the next few weeks and soil gas samples are planned to be subsequently collected from representative vapor pin locations. |
| New SSDS system installation for northwest wing | Based on the results of the SSDS pilot study for the northwest wing, which were favorable in achieving vacuum beneath the building, Ramboll is currently proceeding with designing and coordinating the installation of a new SSDS system for the northwest wing which will mimic the pilot study design with additional extraction points. We will keep MassDEP informed as we have more information to share regarding the proposed SSDS system design and a targeted date for installation.                                                                                                                                                                                                                                             |

Should you have any questions regarding the information provided above, please feel free to contact me to further discuss.



**Jason Wilkinson, PG, LSP**  
Senior Managing Consultant  
+1 978.449.0339  
jwilkinson@ramboll.com

Table 1  
Summary of Indoor and Outdoor Air TCE Results  
The Kendrick, Needham, MA

| Apartment Number | Sample ID                     | Date      | Matrix | TCE (ug / m3) | Location | Floor     |
|------------------|-------------------------------|-----------|--------|---------------|----------|-----------|
| 1015 Maintenance | 001 Unit 1015 Maintenance Rm  | 6/22/2021 | IA     | 0.76          |          | 1st Floor |
| 206A INFANT RM   | 206A-INFANT-RM-20210617       | 6/17/2021 | IA     | < 1.1         | 206 A ST | Offsite   |
| 206A PRE-K RM    | 206A-PRE-K-RM-20210617        | 6/17/2021 | IA     | < 1.1         | 206 A ST | Offsite   |
| Apt 1003         | APT 1003-IA-070721            | 7/7/2021  | IA     | 0.161         |          | 1st Floor |
| Apt 1003 Hall    | APT 1003-HALL-IA-070721       | 7/7/2021  | IA     | 0.441         |          | 1st Floor |
| Apt 1005         | APT 1005-IA-070721            | 7/7/2021  | IA     | 0.247         |          | 1st Floor |
| Apt 1006         | APT 1006-IA-071921            | 7/19/2021 | IA     | < 0.107       |          | 1st Floor |
| Apt 1007         | APT 1007-IA-070721            | 7/7/2021  | IA     | 0.435         |          | 1st Floor |
| Apt 1007 Hall    | 002 Hallway near Apt 1007     | 6/15/2021 | IA     | < 1.1         |          | 1st Floor |
| Apt 1009         | APT 1009-IA-070721            | 7/7/2021  | IA     | 0.881         |          | 1st Floor |
| Apt 1009 Hall    | APT 1009-HALL-IA-070721       | 7/7/2021  | IA     | 2.48          |          | 1st Floor |
| Apt 1010         | TRC-AIR-1010                  | 6/3/2021  | IA     | 486           | NW WING  | 1st Floor |
| Apt 1010         | 001 Apartment 1010            | 6/14/2021 | IA     | 71            | NW WING  | 1st Floor |
| Apt 1010         | APT 1010-IA                   | 6/15/2021 | IA     | 52.4          | NW WING  | 1st Floor |
| Apt 1010         | APT 1010-WALL-070921          | 7/9/2021  | IA     | 37.8          | NW WING  | 1st Floor |
| Apt 1010         | APT 1010-IA-080921            | 8/10/2021 | IA     | 40            | NW WING  | 1st Floor |
| Apt 1010 Hall    | 003 Hallway outside 1010      | 6/14/2021 | IA     | 28            | NW WING  | 1st Floor |
| Apt 1011         | 001 Apt 1011                  | 6/16/2021 | IA     | 480           | NW WING  | 1st Floor |
| Apt 1011         | DUP-IA-062821                 | 6/29/2021 | IA     | 640           | NW WING  | 1st Floor |
| Apt 1011         | APT 1011-IA-062821            | 6/29/2021 | IA     | 650           | NW WING  | 1st Floor |
| Apt 1011         | 005 Apt 1011 Mechanical Rm    | 7/1/2021  | IA     | 22            | NW WING  | 1st Floor |
| Apt 1011         | 003 Apt 1011 Condensate Drain | 7/2/2021  | IA     | 23            | NW WING  | 1st Floor |
| Apt 1011         | APT 1011-IA-070721            | 7/7/2021  | IA     | 31.5          | NW WING  | 1st Floor |
| Apt 1011         | APT 1011-WALL-070921          | 7/9/2021  | IA     | 105           | NW WING  | 1st Floor |
| Apt 1011         | DUP 1-IA-080921               | 8/10/2021 | IA     | 34.5          | NW WING  | 1st Floor |
| Apt 1011         | APT 1011-IA-080921            | 8/10/2021 | IA     | 42.9          | NW WING  | 1st Floor |
| Apt 1011 Hall    | DUP2-070721                   | 7/7/2021  | IA     | 7.36          | NW WING  | 1st Floor |
| Apt 1011 Hall    | APT 1011-HALL-IA-070721       | 7/7/2021  | IA     | 9.14          | NW WING  | 1st Floor |
| Apt 1012         | 002 Apt 1012                  | 6/16/2021 | IA     | 660           | NW WING  | 1st Floor |
| Apt 1012         | 001 Apt 1012                  | 6/16/2021 | IA     | 1300          | NW WING  | 1st Floor |
| Apt 1012         | APT 1012-IA-063021            | 7/1/2021  | IA     | 591           | NW WING  | 1st Floor |
| Apt 1012         | APT 1012-WALL-070921          | 7/9/2021  | IA     | 333           | NW WING  | 1st Floor |
| Apt 1012         | DUP 2-IA-080921               | 8/10/2021 | IA     | 275           | NW WING  | 1st Floor |
| Apt 1012         | APT 1012-IA-080921            | 8/10/2021 | IA     | 305           | NW WING  | 1st Floor |
| Apt 1013         | 002 Apt 1013                  | 6/16/2021 | IA     | 21            | NW WING  | 1st Floor |
| Apt 1013         | 003 Apt 1013                  | 6/16/2021 | IA     | 29            | NW WING  | 1st Floor |
| Apt 1013         | APT 1013-IA-062821            | 6/29/2021 | IA     | 8.22          | NW WING  | 1st Floor |
| Apt 1013         | APT 1013-IA-080921            | 8/10/2021 | IA     | 4.61          | NW WING  | 1st Floor |
| Apt 1014         | 001 Apt 1014                  | 6/15/2021 | IA     | 2.9           | NW WING  | 1st Floor |
| Courtyard Bar    | AA -062821                    | 6/29/2021 | AO     | 0.36          |          | Outside   |
| Apt 1014         | APT 1014-IA-070721            | 7/7/2021  | IA     | 1.83          | NW WING  | 1st Floor |
| Apt 1014         | APT 1014-IA-071521            | 7/16/2021 | IA     | 1.19          | NW WING  | 1st Floor |
| Apt 1014         | APT 1014-IA-072821            | 7/29/2021 | IA     | 1.47          | NW WING  | 1st Floor |
| Apt 1014         | APT 1014-IA-080921            | 8/10/2021 | IA     | 0.58          | NW WING  | 1st Floor |
| Apt 1014         | APT 1014-IA-082321            | 8/24/2021 | IA     | 0.451         | NW WING  | 1st Floor |
| Apt 1014         | APT 1014-IA-090921            | 9/10/2021 | IA     | < 0.107       | NW WING  | 1st Floor |
| Apt 1016         | TRC-AIR-1016                  | 6/3/2021  | IA     | 0.86          |          | 1st Floor |
| Apt 1016         | APT 1016-IA                   | 6/15/2021 | IA     | 0.489         |          | 1st Floor |
| Apt 1016         | APT 1016-IA-071921            | 7/19/2021 | IA     | 0.167         |          | 1st Floor |
| Apt 1017         | 002 Apt 1017                  | 6/22/2021 | IA     | < 1.1         |          | 1st Floor |
| Apt 1018         | APT 1018-IA-081621            | 8/16/2021 | IA     | < 0.107       |          | 1st Floor |
| Outside Apt 1010 | AA-WW1-063021                 | 7/1/2021  | AO     | 1.26          |          | Outside   |
| Outside Apt 1012 | AA-WW2-063021                 | 7/1/2021  | AO     | 3.47          |          | Outside   |
| Apt 1018         | APT 1018-IA-081821            | 8/18/2021 | IA     | 0.134         |          | 1st Floor |
| Apt 1019         | APT 1019-IA-070721            | 7/7/2021  | IA     | 0.666         |          | 1st Floor |
| Apt 1020         | APT 1020-IA-070721            | 7/7/2021  | IA     | 0.167         |          | 1st Floor |
| Apt 1021         | APT 1021-IA-072921            | 7/29/2021 | IA     | 0.161         |          | 1st Floor |
| Apt 1022         | 002 Apt 1022                  | 6/17/2021 | IA     | < 1.1         |          | 1st Floor |
| Apt 1022         | APT 1022-IA-071321            | 7/13/2021 | IA     | 1.13          |          | 1st Floor |
| Apt 1022         | APT 1022-IA-072321            | 7/23/2021 | IA     | < 0.107       |          | 1st Floor |

Table 1  
Summary of Indoor and Outdoor Air TCE Results  
The Kendrick, Needham, MA

| Apartment Number | Sample ID                 | Date      | Matrix | TCE (ug / m3) | Location | Floor     |
|------------------|---------------------------|-----------|--------|---------------|----------|-----------|
| Apt 1022 Hall    | 003 Hallway near Apt 1022 | 6/15/2021 | IA     | 7.3           |          | 1st Floor |
| Apt 1023         | 001 Apt 1023              | 6/17/2021 | IA     | < 1.1         |          | 1st Floor |
| Apt 1023 Hall    | APT 1023-HALL-IA-070721   | 7/7/2021  | IA     | 2.76          |          | 1st Floor |
| Apt 1024         | 003 Apt 1024              | 6/17/2021 | IA     | < 1.1         |          | 1st Floor |
| Apt 1027         | APT 1027-IA-070721        | 7/7/2021  | IA     | 0.548         |          | 1st Floor |
| Apt 1028         | APT 1028-IA-070721        | 7/7/2021  | IA     | 0.312         |          | 1st Floor |
| Apt 1031         | APT 1031-IA-070721        | 7/7/2021  | IA     | 0.226         |          | 1st Floor |
| Apt 1031 Hall    | APT 1031-HALL-IA-070721   | 7/7/2021  | IA     | 1.78          |          | 1st Floor |
| Apt 1032         | APT 1032-IA-070721        | 7/7/2021  | IA     | 0.253         |          | 1st Floor |
| Apt 1033         | APT 1033-IA-070721        | 7/7/2021  | IA     | 0.129         |          | 1st Floor |
| Apt 1035         | APT 1035-IA-071521        | 7/15/2021 | IA     | < 0.107       |          | 1st Floor |
| Apt 1036         | APT 1036-IA-070721        | 7/7/2021  | IA     | 0.129         |          | 1st Floor |
| Apt 1037         | APT 1037-IA-070721        | 7/7/2021  | IA     | 0.15          |          | 1st Floor |
| Apt 1040         | TRC-AIR-1040              | 6/3/2021  | IA     | 0.118         |          | 1st Floor |
| Apt 1040         | APT 1040-IA               | 6/15/2021 | IA     | 0.15          |          | 1st Floor |
| Apt 1041         | APT 1041-IA-070721        | 7/7/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1041 Hall    | APT 1041-HALL-IA-070721   | 7/7/2021  | IA     | 0.564         |          | 1st Floor |
| Apt 1042         | APT 1042-IA-072321        | 7/23/2021 | IA     | 0.177         |          | 1st Floor |
| Outside Apt 1012 | AA-070721                 | 7/7/2021  | AO     | 0.247         |          | Outside   |
| Apt 1043         | APT 1043-IA-072221        | 7/22/2021 | IA     | 0.118         |          | 1st Floor |
| Apt 1044         | APT 1044-IA-070721        | 7/7/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1045         | APT 1045-IA-070721        | 7/7/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1046 Hall    | 004 Hallway near Apt 1046 | 6/17/2021 | IA     | 0.62          |          | 1st Floor |
| Apt 1048         | APT 1048-IA-070721        | 7/7/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1049         | APT 1049-IA-070721        | 7/7/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1052         | APT 1052-IA-070721        | 7/7/2021  | IA     | 0.107         |          | 1st Floor |
| Apt 1054         | APT 1054-IA-072221        | 7/22/2021 | IA     | < 0.107       |          | 1st Floor |
| Apt 1055         | TRC-AIR-1055              | 6/3/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1055         | TRC-AIR-DUP               | 6/3/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1055         | APT 1055-IA               | 6/15/2021 | IA     | < 0.107       |          | 1st Floor |
| Apt 1056         | APT 1056-IA-070721        | 7/7/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1056 Hall    | APT 1056-HALL-IA-070721   | 7/7/2021  | IA     | 0.274         |          | 1st Floor |
| Apt 1057         | APT 1057-IA-071621        | 7/16/2021 | IA     | < 0.107       |          | 1st Floor |
| Apt 1059         | APT 1059-IA-070721        | 7/7/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1060         | APT 1060-IA-070721        | 7/7/2021  | IA     | 0.118         |          | 1st Floor |
| Apt 1070 Hall    | APT 1070-HALL-IA-070721   | 7/7/2021  | IA     | 0.468         |          | 1st Floor |
| Apt 1071         | TRC-AIR-1071              | 6/3/2021  | IA     | 0.129         |          | 1st Floor |
| Apt 1071         | 002 Apartment 1071        | 6/14/2021 | IA     | < 1.1         |          | 1st Floor |
| Apt 1071         | APT 1071-IA               | 6/15/2021 | IA     | 0.247         |          | 1st Floor |
| Apt 1072         | APT 1072-IA-070721        | 7/7/2021  | IA     | 0.22          |          | 1st Floor |
| Apt 1073 Hall    | 004 Hallway near Apt 1073 | 6/15/2021 | IA     | < 1.1         |          | 1st Floor |
| Apt 1075         | APT 1075-IA-070721        | 7/7/2021  | IA     | 0.156         |          | 1st Floor |
| Apt 1076         | APT 1076-IA-070721        | 7/7/2021  | IA     | < 0.107       |          | 1st Floor |
| Apt 1078 Hall    | APT 1078-HALL-IA-070721   | 7/7/2021  | IA     | 0.193         |          | 1st Floor |
| Apt 1079         | APT 1079-IA-070721        | 7/7/2021  | IA     | 0.161         |          | 1st Floor |
| Apt 1080         | APT 1080-IA-070721        | 7/7/2021  | IA     | 0.236         |          | 1st Floor |
| Apt 2003         | APT 2003-IA-071421        | 7/14/2021 | IA     | < 0.107       |          | 2nd Floor |
| Apt 2007         | APT 2007-IA-072821        | 7/28/2021 | IA     | 0.247         |          | 2nd Floor |
| Apt 2009         | APT 2009-IA-072821        | 7/28/2021 | IA     | 0.22          |          | 2nd Floor |
| Apt 2010         | 001 Apt 2010              | 6/30/2021 | IA     | 7.1           | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-070921        | 7/9/2021  | IA     | 6.45          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-071321        | 7/13/2021 | IA     | 11.2          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-071621        | 7/16/2021 | IA     | 13.7          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-072021        | 7/21/2021 | IA     | 6.07          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-072221        | 7/23/2021 | IA     | 3.91          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-072621        | 7/27/2021 | IA     | 3.54          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-072821        | 7/29/2021 | IA     | 3.91          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-080221        | 8/3/2021  | IA     | 2.21          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-080421        | 8/5/2021  | IA     | 6.66          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-080921        | 8/10/2021 | IA     | 5.64          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-081221        | 8/13/2021 | IA     | 7.69          | NW WING  | 2nd Floor |

Table 1  
Summary of Indoor and Outdoor Air TCE Results  
The Kendrick, Needham, MA

| Apartment Number | Sample ID                 | Date      | Matrix | TCE (ug / m3) | Location | Floor     |
|------------------|---------------------------|-----------|--------|---------------|----------|-----------|
| Apt 2010         | APT 2010-IA-081621        | 8/17/2021 | IA     | 6.66          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-081821        | 8/19/2021 | IA     | 6.5           | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-082321        | 8/24/2021 | IA     | 9.14          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-083021        | 8/31/2021 | IA     | 7.2           | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-090121        | 9/2/2021  | IA     | 6.83          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-090821        | 9/9/2021  | IA     | 4.26          | NW WING  | 2nd Floor |
| Apt 2010         | APT 2010-IA-090921        | 9/10/2021 | IA     | 5.48          | NW WING  | 2nd Floor |
| Apt 2011         | 002 Apt 2011              | 6/29/2021 | IA     | 60            | NW WING  | 2nd Floor |
| Apt 2011         | DUP1-070721               | 7/7/2021  | IA     | 13.2          | NW WING  | 2nd Floor |
| Apt 2011         | APT 2011-IA-070721        | 7/7/2021  | IA     | 12.9          | NW WING  | 2nd Floor |
| Apt 2011         | APT 2011-IA-071521        | 7/16/2021 | IA     | 26.7          | NW WING  | 2nd Floor |
| Apt 2011         | APT 2011-IA-072821        | 7/29/2021 | IA     | 14.5          | NW WING  | 2nd Floor |
| Apt 2011         | APT 2011-IA-080921        | 8/10/2021 | IA     | 10.8          | NW WING  | 2nd Floor |
| Apt 2012         | 001 Apt 2012              | 6/29/2021 | IA     | 0.42          | NW WING  | 2nd Floor |
| Apt 2012         | APT 2012-IA-072821        | 7/29/2021 | IA     | 21.5          | NW WING  | 2nd Floor |
| Apt 2012         | APT 2012-IA-080921        | 8/10/2021 | IA     | 12.3          | NW WING  | 2nd Floor |
| Apt 2012 Hall    | 003 Hallway near Apt 2012 | 6/29/2021 | IA     | 4.6           | NW WING  | 2nd Floor |
| Apt 2012 Hall    | APT 2012 HALL-IA-082421   | 8/24/2021 | IA     | 7.26          | NW WING  | 2nd Floor |
| Apt 2012 Hall    | APT 2012 HALL-IA-090921   | 9/9/2021  | IA     | 0.247         | NW WING  | 2nd Floor |
| Apt 2013         | 002 Apt 2013              | 6/30/2021 | IA     | 1.3           | NW WING  | 2nd Floor |
| Apt 2013         | APT 2013-IA-072821        | 7/29/2021 | IA     | 1.26          | NW WING  | 2nd Floor |
| Apt 2013         | APT 2013-IA-080921        | 8/10/2021 | IA     | 0.457         | NW WING  | 2nd Floor |
| Apt 2013         | APT 2013-IA-082321        | 8/24/2021 | IA     | 0.994         | NW WING  | 2nd Floor |
| Apt 2013         | APT 2013-IA-090921        | 9/10/2021 | IA     | 0.29          | NW WING  | 2nd Floor |
| Apt 2014         | APT 2014-IA-070221        | 7/2/2021  | IA     | 0.296         | NW WING  | 2nd Floor |
| Apt 2014         | APT 2014-IA-072821        | 7/29/2021 | IA     | 0.204         | NW WING  | 2nd Floor |
| Apt 2014         | APT 2014-IA-080921        | 8/10/2021 | IA     | < 0.107       | NW WING  | 2nd Floor |
| Apt 2018         | APT 2018-IA-071921        | 7/19/2021 | IA     | < 0.107       |          | 2nd Floor |
| Apt 2020         | APT 2020-IA-072021        | 7/20/2021 | IA     | < 0.107       |          | 2nd Floor |
| Apt 2022         | APT 2022-IA-071221        | 7/12/2021 | IA     | 0.156         |          | 2nd Floor |
| Apt 2024         | APT 2024-IA-072721        | 7/27/2021 | IA     | 0.134         |          | 2nd Floor |
| Apt 2030         | APT 2030-IA-071621        | 7/16/2021 | IA     | 0.21          |          | 2nd Floor |
| Apt 2032         | APT 2032-IA-072021        | 7/20/2021 | IA     | 0.172         |          | 2nd Floor |
| Apt 2033         | APT 2033-IA-071221        | 7/12/2021 | IA     | 0.484         |          | 2nd Floor |
| Apt 2036         | APT 2036-IA-071221        | 7/12/2021 | IA     | < 0.107       |          | 2nd Floor |
| Apt 2040         | APT 2040-IA-071221        | 7/12/2021 | IA     | 0.118         |          | 2nd Floor |
| Apt 2046         | APT 2046-IA-072921        | 7/29/2021 | IA     | < 0.107       |          | 2nd Floor |
| Apt 2048         | APT 2048-IA-072021        | 7/20/2021 | IA     | < 0.107       |          | 2nd Floor |
| Apt 2056         | APT 2056-IA-090121        | 9/1/2021  | IA     | < 0.107       |          | 2nd Floor |
| Apt 2057         | APT 2057-IA-071921        | 7/19/2021 | IA     | < 0.107       |          | 2nd Floor |
| Apt 2070         | APT 2070-IA-080221        | 8/2/2021  | IA     | 0.258         |          | 2nd Floor |
| Apt 2075         | APT 2075-IA-072221        | 7/22/2021 | IA     | 0.301         |          | 2nd Floor |
| Apt 2087         | APT 2087-IA-080621        | 8/6/2021  | IA     | < 0.107       |          | 2nd Floor |
| Apt 2088         | APT 2088-IA-071221        | 7/12/2021 | IA     | 0.22          |          | 2nd Floor |
| Apt 2091         | APT 2091-IA-071921        | 7/19/2021 | IA     | 0.118         |          | 2nd Floor |
| Apt 3002         | APT 3002-IA-071921        | 7/19/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3007         | APT 3007-IA-080221        | 8/2/2021  | IA     | 0.14          |          | 3rd Floor |
| Apt 3010         | 001 Apt 3010              | 7/1/2021  | IA     | 8.3           | NW WING  | 3rd Floor |
| Apt 3010         | 001 Apt 3010-RE           | 7/1/2021  | IA     | 8.3           | NW WING  | 3rd Floor |
| Apt 3010         | APT 3010-IA-070221        | 7/2/2021  | IA     | 2.46          | NW WING  | 3rd Floor |
| Apt 3010         | APT 3010-IA-070921        | 7/9/2021  | IA     | 1.42          | NW WING  | 3rd Floor |
| Apt 3010         | APT 3010-IA-071221        | 7/12/2021 | IA     | 0.333         | NW WING  | 3rd Floor |
| Apt 3010         | APT 3010-IA-072821        | 7/29/2021 | IA     | 7.04          | NW WING  | 3rd Floor |
| Apt 3010         | DUP-1-072821              | 7/29/2021 | IA     | 6.99          | NW WING  | 3rd Floor |
| Apt 3010         | APT 3010-IA-080921        | 8/10/2021 | IA     | 0.435         | NW WING  | 3rd Floor |
| Apt 3011         | 004 Apt 3011              | 6/30/2021 | IA     | 9.9           | NW WING  | 3rd Floor |
| Apt 3011         | DUP1-070921               | 7/9/2021  | IA     | 22.8          | NW WING  | 3rd Floor |
| Apt 3011         | APT 3011-IA-070921        | 7/9/2021  | IA     | 22.7          | NW WING  | 3rd Floor |
| Apt 3011         | APT 3011-IA-071521        | 7/16/2021 | IA     | 38.8          | NW WING  | 3rd Floor |
| Apt 3011         | APT 3011-IA-072821        | 7/29/2021 | IA     | 44.6          | NW WING  | 3rd Floor |
| Apt 3011         | APT 3011-IA-080921        | 8/10/2021 | IA     | 27.5          | NW WING  | 3rd Floor |

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The Kendrick, Needham, MA

| Apartment Number | Sample ID                  | Date      | Matrix | TCE (ug / m3) | Location | Floor     |
|------------------|----------------------------|-----------|--------|---------------|----------|-----------|
| Apt 3012         | 003 Apt 3012               | 6/30/2021 | IA     | 2.1           | NW WING  | 3rd Floor |
| Apt 3012         | APT 3012-IA-070921         | 7/9/2021  | IA     | 9.67          | NW WING  | 3rd Floor |
| Apt 3012         | APT 3012-IA-072121         | 7/22/2021 | IA     | 8.76          | NW WING  | 3rd Floor |
| Apt 3012         | APT 3012-IA-072821         | 7/29/2021 | IA     | 10.4          | NW WING  | 3rd Floor |
| Apt 3012         | APT 3012-IA-080921         | 8/10/2021 | IA     | 2.78          | NW WING  | 3rd Floor |
| Apt 3012 Hall    | APT 3012 HALL-IA-082321    | 8/23/2021 | IA     | 2.96          | NW WING  | 3rd Floor |
| Apt 3012 Hall    | APT 3012 HALL-IA-090921    | 9/9/2021  | IA     | 0.306         | NW WING  | 3rd Floor |
| Apt 3013         | 002 Apt 3013               | 7/1/2021  | IA     | 0.42          | NW WING  | 3rd Floor |
| Apt 3013         | APT 3013-IA-072221         | 7/23/2021 | IA     | 0.688         | NW WING  | 3rd Floor |
| Apt 3013         | APT 3013-IA-072821         | 7/29/2021 | IA     | 0.747         | NW WING  | 3rd Floor |
| Apt 3013         | APT 3013-IA-080921         | 8/10/2021 | IA     | 0.274         | NW WING  | 3rd Floor |
| Apt 3013         | APT 3013-IA-082321         | 8/24/2021 | IA     | 0.559         | NW WING  | 3rd Floor |
| Apt 3013         | DUP 1-IA-082321            | 8/24/2021 | IA     | 0.57          | NW WING  | 3rd Floor |
| Apt 3013         | APT 3013-IA-090921         | 9/10/2021 | IA     | < 0.107       | NW WING  | 3rd Floor |
| Apt 3014         | DUP-IA-070221              | 7/2/2021  | IA     | < 0.107       | NW WING  | 3rd Floor |
| Apt 3014         | APT 3014-IA-070221         | 7/2/2021  | IA     | 0.118         | NW WING  | 3rd Floor |
| Apt 3014         | APT 3014-IA-080221         | 8/3/2021  | IA     | 0.107         | NW WING  | 3rd Floor |
| Apt 3014         | APT 3014-IA-080921         | 8/10/2021 | IA     | < 0.107       | NW WING  | 3rd Floor |
| Apt 3014         | APT 3014-IA-082321         | 8/24/2021 | IA     | < 0.107       | NW WING  | 3rd Floor |
| Apt 3014         | APT 3014-IA-090921         | 9/10/2021 | IA     | < 0.107       | NW WING  | 3rd Floor |
| Apt 3015         | APT 3015-IA-072821         | 7/28/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3016         | APT 3016-IA-071921         | 7/19/2021 | IA     | 0.124         |          | 3rd Floor |
| Apt 3017         | APT 3017-IA-080621         | 8/6/2021  | IA     | 0.199         |          | 3rd Floor |
| Apt 3021         | APT 3021-IA-071221         | 7/12/2021 | IA     | 0.333         |          | 3rd Floor |
| Apt 3027         | APT 3027-IA-080321         | 8/3/2021  | IA     | 0.14          |          | 3rd Floor |
| Apt 3036         | APT 3036-IA-071921         | 7/19/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3039         | APT 3039-IA-071221         | 7/12/2021 | IA     | 0.124         |          | 3rd Floor |
| Apt 3042         | APT 3042-IA-071921         | 7/19/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3050         | APT 3050-IA-071221         | 7/12/2021 | IA     | 0.134         |          | 3rd Floor |
| Apt 3052         | APT 3052-IA-081221         | 8/12/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3055         | APT 3055-IA-071221         | 7/12/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3058         | APT 3058-IA-072021         | 7/20/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3059         | APT 3059-IA-072321         | 7/23/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3079         | APT 3079-IA-071521         | 7/15/2021 | IA     | < 0.107       |          | 3rd Floor |
| Apt 3079 Storage | APT 3079 STORAGE-IA-071521 | 7/15/2021 | IA     | 0.193         |          | 4th Floor |
| Apt 3086         | APT 3086-IA-080621         | 8/6/2021  | IA     | < 0.107       |          | 3rd Floor |
| Apt 3087         | APT 3087-IA-072821         | 7/28/2021 | IA     | 6.4           |          | 3rd Floor |
| Apt 3087         | APT 3087-IA-073021         | 7/30/2021 | IA     | 9.83          |          | 3rd Floor |
| Apt 3087         | APT 3087-IA-080221         | 8/3/2021  | IA     | 7.79          |          | 3rd Floor |
| Apt 3087         | APT 3087 LR-IA-083021      | 8/31/2021 | IA     | 13            |          | 3rd Floor |
| Apt 3087         | APT 3087 K-IA-083021       | 8/31/2021 | IA     | 14.3          |          | 3rd Floor |
| Apt 3087         | APT 3087 BR-IA-083021      | 8/31/2021 | IA     | 5.64          |          | 3rd Floor |
| Apt 3087         | APT 3087 BATH-IA-083021    | 8/31/2021 | IA     | 10            |          | 3rd Floor |
| Apt 3087 Hall    | APT 3087 HALL-IA-090921    | 9/9/2021  | IA     | 1             |          | 3rd Floor |
| Apt 3088         | APT 3088-IA-080621         | 8/6/2021  | IA     | 0.43          |          | 3rd Floor |
| Apt 3091         | APT 3091-IA-071921         | 7/19/2021 | IA     | 0.177         |          | 3rd Floor |
| Apt 4001         | APT 4001-IA-071221         | 7/12/2021 | IA     | 0.226         |          | 4th Floor |
| Apt 4006         | APT 4006-IA-072221         | 7/22/2021 | IA     | 0.231         |          | 4th Floor |
| Apt 4007         | APT 4007-IA-072821         | 7/28/2021 | IA     | 0.193         |          | 4th Floor |
| Apt 4010         | APT 4010-IA-070221         | 7/2/2021  | IA     | 2.26          | NW WING  | 4th Floor |
| Apt 4010         | APT 4010-IA-072821         | 7/29/2021 | IA     | 2.85          | NW WING  | 4th Floor |
| Apt 4010         | APT 4010-IA-080921         | 8/10/2021 | IA     | 0.623         | NW WING  | 4th Floor |
| Apt 4010         | APT 4010-IA-082321         | 8/24/2021 | IA     | 5.2           | NW WING  | 4th Floor |
| Apt 4010         | APT 4010-IA-090921         | 9/10/2021 | IA     | 0.263         | NW WING  | 4th Floor |
| Apt 4011         | 003 Apt 4011               | 7/1/2021  | IA     | < 1.1         | NW WING  | 4th Floor |
| Apt 4011         | APT 4011-IA-071521         | 7/16/2021 | IA     | 2.17          | NW WING  | 4th Floor |
| Apt 4011         | APT 4011-IA-072821         | 7/29/2021 | IA     | 5.97          | NW WING  | 4th Floor |
| Apt 4011         | APT 4011-IA-080921         | 8/10/2021 | IA     | 0.36          | NW WING  | 4th Floor |
| Apt 4011         | APT 4011-IA-082321         | 8/24/2021 | IA     | 14.8          | NW WING  | 4th Floor |
| Apt 4011         | APT 4011-IA-090921         | 9/10/2021 | IA     | 0.236         | NW WING  | 4th Floor |
| Apt 4011         | DUP 1-IA-090921            | 9/10/2021 | IA     | 0.215         | NW WING  | 4th Floor |

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| Apartment Number | Sample ID               | Date      | Matrix | TCE (ug / m3) | Location | Floor     |
|------------------|-------------------------|-----------|--------|---------------|----------|-----------|
| Apt 4012         | APT 4012-IA-070221      | 7/2/2021  | IA     | 2.51          | NW WING  | 4th Floor |
| Apt 4012         | APT 4012-IA-072821      | 7/29/2021 | IA     | 2.67          | NW WING  | 4th Floor |
| Apt 4012         | APT 4012-IA-080921      | 8/10/2021 | IA     | 0.215         | NW WING  | 4th Floor |
| Apt 4012         | APT 4012-IA-082321      | 8/24/2021 | IA     | 2.41          | NW WING  | 4th Floor |
| Apt 4012         | APT 4012-IA-090921      | 9/10/2021 | IA     | 0.382         | NW WING  | 4th Floor |
| Apt 4012 Hall    | APT 4012 HALL-IA-082321 | 8/23/2021 | IA     | 2.69          | NW WING  | 4th Floor |
| Apt 4012 Hall    | APT 4012 HALL-IA-090921 | 9/9/2021  | IA     | 0.183         | NW WING  | 4th Floor |
| Apt 4013         | APT 4013-IA-070221      | 7/2/2021  | IA     | 2.39          | NW WING  | 4th Floor |
| Apt 4013         | APT 4013-IA-072221      | 7/23/2021 | IA     | 1.09          | NW WING  | 4th Floor |
| Apt 4013         | APT 4013-IA-072821      | 7/29/2021 | IA     | 1.26          | NW WING  | 4th Floor |
| Apt 4013         | APT 4013-IA-080921      | 8/10/2021 | IA     | 0.183         | NW WING  | 4th Floor |
| Apt 4013         | APT 4013-IA-082321      | 8/24/2021 | IA     | 1.45          | NW WING  | 4th Floor |
| Apt 4013         | APT 4013-IA-090921      | 9/10/2021 | IA     | 0.231         | NW WING  | 4th Floor |
| Apt 4014         | APT 4014-IA-070221      | 7/2/2021  | IA     | 1.92          | NW WING  | 4th Floor |
| Apt 4014         | APT 4014-IA-072821      | 7/29/2021 | IA     | 1.89          | NW WING  | 4th Floor |
| Apt 4014         | APT 4014-IA-080921      | 8/10/2021 | IA     | 0.242         | NW WING  | 4th Floor |
| Apt 4014         | APT 4014-IA-082321      | 8/24/2021 | IA     | 0.419         | NW WING  | 4th Floor |
| Apt 4016         | APT 4016-IA-090121      | 9/1/2021  | IA     | < 0.107       |          | 4th Floor |
| Apt 4024         | APT 4024-IA-071421      | 7/14/2021 | IA     | 0.14          |          | 4th Floor |
| Apt 4031         | APT 4031-IA-080421      | 8/4/2021  | IA     | < 0.107       |          | 4th Floor |
| Apt 4037         | APT 4037-IA-071621      | 7/16/2021 | IA     | < 0.107       |          | 4th Floor |
| Apt 4044         | APT 4044-IA-080221      | 8/2/2021  | IA     | 0.193         |          | 4th Floor |
| Apt 4045         | APT 4045-IA-071221      | 7/12/2021 | IA     | < 0.107       |          | 4th Floor |
| Apt 4052         | APT 4052-IA-072121      | 7/21/2021 | IA     | < 0.107       |          | 4th Floor |
| Apt 4055         | APT 4055-IA-071221      | 7/12/2021 | IA     | 0.14          |          | 4th Floor |
| Apt 4071         | APT 4071-IA-071221      | 7/12/2021 | IA     | 0.371         |          | 4th Floor |
| Apt 4084         | APT 4084-IA-072321      | 7/23/2021 | IA     | < 0.107       |          | 4th Floor |
| Apt 4087         | APT 4087-IA-080621      | 8/6/2021  | IA     | 0.623         |          | 4th Floor |
| Apt 5002         | APT 5002-IA-081721      | 8/17/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5003         | APT 5003-IA-072221      | 7/22/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5005         | APT 5005-IA-081921      | 8/19/2021 | IA     | 0.231         |          | 5th Floor |
| Apt 5007         | APT 5007-IA-071921      | 7/19/2021 | IA     | 0.398         |          | 5th Floor |
| Apt 5010         | APT 5010-IA-070221      | 7/2/2021  | IA     | 4.66          | NW WING  | 5th Floor |
| Apt 5010         | APT 5010-IA-071321      | 7/13/2021 | IA     | 0.376         | NW WING  | 5th Floor |
| Apt 5010         | APT 5010-IA-071521      | 7/16/2021 | IA     | 1.46          | NW WING  | 5th Floor |
| Apt 5010         | APT 5010-IA-072821      | 7/29/2021 | IA     | 2.99          | NW WING  | 5th Floor |
| Apt 5010         | APT 5010-IA-080921      | 8/10/2021 | IA     | 0.188         | NW WING  | 5th Floor |
| Apt 5010         | APT 5010-IA-082321      | 8/24/2021 | IA     | 0.591         | NW WING  | 5th Floor |
| Apt 5010         | APT 5010-IA-090921      | 9/10/2021 | IA     | 0.322         | NW WING  | 5th Floor |
| Apt 5011         | 004 Apt 5011            | 7/1/2021  | IA     | 1.4           | NW WING  | 5th Floor |
| Apt 5011         | APT 5011-IA-080221      | 8/3/2021  | IA     | 0.177         | NW WING  | 5th Floor |
| Kendrick NW      | AA-NW-081021            | 8/10/2021 | AO     | < 0.107       |          | Outside   |
| Kendrick N       | AA-N-081021             | 8/10/2021 | AO     | < 0.107       |          | Outside   |
| Kendrick E       | AA-E-081021             | 8/10/2021 | AO     | < 0.107       |          | Outside   |
| Kendrick S       | AA-S-081021             | 8/10/2021 | AO     | < 0.107       |          | Outside   |
| Kendrick SW      | AA-SW-081021            | 8/10/2021 | AO     | < 0.107       |          | Outside   |
| Apt 5011         | APT 5011-IA-080921      | 8/10/2021 | IA     | 0.167         | NW WING  | 5th Floor |
| Courtyard Bar    | AA-BAR-081021           | 8/10/2021 | AO     | < 0.107       |          | Outside   |
| Courtyard Pool   | AA-POOL-081021          | 8/10/2021 | AO     | < 0.107       |          | Outside   |
| Apt 5011         | APT 5011-IA-082321      | 8/24/2021 | IA     | 0.43          | NW WING  | 5th Floor |
| Apt 5011         | APT 5011-IA-090921      | 9/10/2021 | IA     | 0.193         | NW WING  | 5th Floor |

Table 1  
Summary of Indoor and Outdoor Air TCE Results  
The Kendrick, Needham, MA

| Apartment Number | Sample ID                    | Date      | Matrix | TCE (ug / m3) | Location | Floor     |
|------------------|------------------------------|-----------|--------|---------------|----------|-----------|
| Apt 5012         | APT 5012-IA-070221           | 7/2/2021  | IA     | 5.59          | NW WING  | 5th Floor |
| Apt 5012         | APT 5012-IA-071521           | 7/16/2021 | IA     | 1.13          | NW WING  | 5th Floor |
| Apt 5012         | APT 5012-IA-072821           | 7/29/2021 | IA     | 2.13          | NW WING  | 5th Floor |
| Apt 5012 Hall    | APT 5012 HALL-IA-082321      | 8/23/2021 | IA     | 0.833         | NW WING  | 5th Floor |
| Apt 5012 Hall    | APT 5012 HALL-IA-090921      | 9/9/2021  | IA     | 0.172         | NW WING  | 5th Floor |
| Apt 5013         | APT 5013-IA-070221           | 7/2/2021  | IA     | 3.62          | NW WING  | 5th Floor |
| Apt 5013         | APT 5013-IA-071521           | 7/16/2021 | IA     | 0.881         | NW WING  | 5th Floor |
| Apt 5013         | APT 5013-IA-072821           | 7/29/2021 | IA     | 1.59          | NW WING  | 5th Floor |
| Apt 5013         | APT 5013-IA-080921           | 8/10/2021 | IA     | 0.263         | NW WING  | 5th Floor |
| Apt 5013         | APT 5013-IA-082321           | 8/24/2021 | IA     | 0.462         | NW WING  | 5th Floor |
| Apt 5013         | APT 5013-IA-090921           | 9/10/2021 | IA     | < 0.107       | NW WING  | 5th Floor |
| Apt 5014         | APT 5014-IA-070221           | 7/2/2021  | IA     | < 0.107       | NW WING  | 5th Floor |
| Apt 5014         | APT 5014-IA-072821           | 7/29/2021 | IA     | 0.258         | NW WING  | 5th Floor |
| Apt 5014         | APT 5014-IA-080921           | 8/10/2021 | IA     | < 0.107       | NW WING  | 5th Floor |
| Apt 5014         | APT 5014-IA-082321           | 8/24/2021 | IA     | 0.134         | NW WING  | 5th Floor |
| Apt 5014         | APT 5014-IA-090921           | 9/10/2021 | IA     | < 0.107       | NW WING  | 5th Floor |
| Apt 5017         | APT 5017-IA-071221           | 7/12/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5019         | APT 5019-IA-072221           | 7/22/2021 | IA     | 0.408         |          | 5th Floor |
| Apt 5021         | APT 5021-IA-071221           | 7/12/2021 | IA     | 0.242         |          | 5th Floor |
| Apt 5022         | APT 5022-IA-072821           | 7/28/2021 | IA     | 0.134         |          | 5th Floor |
| Apt 5023         | APT 5023-IA-071221           | 7/12/2021 | IA     | 0.161         |          | 5th Floor |
| Apt 5024         | APT 5024-IA-071321           | 7/13/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5024         | APT 5024-IA-080621           | 8/6/2021  | IA     | < 0.107       |          | 5th Floor |
| Apt 5026         | APT 5026-IA-081321           | 8/13/2021 | IA     | 0.156         |          | 5th Floor |
| Apt 5030         | APT 5030-IA-071521           | 7/15/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5033         | APT 5033-IA-071321           | 7/13/2021 | IA     | 0.22          |          | 5th Floor |
| Apt 5034         | APT 5034-IA-071421           | 7/14/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5035         | APT 5035-IA-071221           | 7/12/2021 | IA     | 0.242         |          | 5th Floor |
| Apt 5038         | APT 5038-IA-072821           | 7/28/2021 | IA     | 0.183         |          | 5th Floor |
| Apt 5040         | APT 5040-IA-071221           | 7/12/2021 | IA     | 0.177         |          | 5th Floor |
| Apt 5044         | APT 5044-IA-081721           | 8/17/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5045         | APT 5045-IA-072321           | 7/23/2021 | IA     | 0.183         |          | 5th Floor |
| Apt 5049         | APT 5049-IA-071221           | 7/12/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5050         | APT 5050-IA-071221           | 7/12/2021 | IA     | 0.118         |          | 5th Floor |
| Apt 5055         | APT 5055-IA-071221           | 7/12/2021 | IA     | 0.14          |          | 5th Floor |
| Apt 5056         | APT 5056-IA-072221           | 7/22/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5057         | APT 5057-IA-071221           | 7/12/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5070         | APT 5070-IA-080421           | 8/4/2021  | IA     | 0.306         |          | 5th Floor |
| Apt 5071         | APT 5071-IA-071221           | 7/12/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5072         | APT 5072-IA-071221           | 7/12/2021 | IA     | < 0.107       |          | 5th Floor |
| Apt 5081         | APT 5081-IA-071221           | 7/12/2021 | IA     | 0.183         |          | 5th Floor |
| Apt 5082         | APT 5082-IA-071221           | 7/12/2021 | IA     | 0.113         |          | 5th Floor |
| Apt 5087         | APT 5087-IA-080221           | 8/2/2021  | IA     | 0.392         |          | 5th Floor |
| Apt 5090         | APT 5090-IA-071221           | 7/12/2021 | IA     | 0.14          |          | 5th Floor |
| Apt 5091         | APT 5091-IA-072321           | 7/23/2021 | IA     | 0.204         |          | 5th Floor |
| Elevator 3       | 005 Elevator 3 Shaft         | 6/17/2021 | IA     | < 1.1         |          | Elevator  |
| Elevator 4       | 003 Elevator 4 Near Apt 1014 | 6/22/2021 | IA     | < 1.1         |          | Elevator  |
| Fitness Ctr FI 1 | FITNESS 1-IA-071321          | 7/13/2021 | IA     | 0.156         |          | 1st Floor |
| Fitness Ctr FI 2 | FITNESS 2-IA-071321          | 7/13/2021 | IA     | 0.118         |          | 2nd Floor |
| Kids Playroom    | DUP-IA-071321                | 7/13/2021 | IA     | 0.183         |          | 2nd Floor |
| Kids Playroom    | PLAYROOM-IA-071321           | 7/13/2021 | IA     | 0.134         |          | 2nd Floor |
| Library          | LIBRARY-IA-071321            | 7/13/2021 | IA     | 0.21          |          | 2nd Floor |
| Lobby            | LOBBY-IA-071221              | 7/12/2021 | IA     | 0.403         |          | 1st Floor |
| M1026 Hall       | M1026 HALL-IA-080521         | 8/5/2021  | IA     | < 0.107       |          | 1st Floor |
| PM Office        | PM OFFICE-IA-070921          | 7/9/2021  | IA     | 0.382         |          | 2nd Floor |

Notes:

AO = Ambient Outdoor

IA = Indoor Air

Concentrations highlighted in yellow exceed the Imminent Hazard residential threshold for women in early pregnancy of 6 ug/m3.

Table 2  
Summary of Soil Gas TCE Results  
The Kendrick, Needham, MA

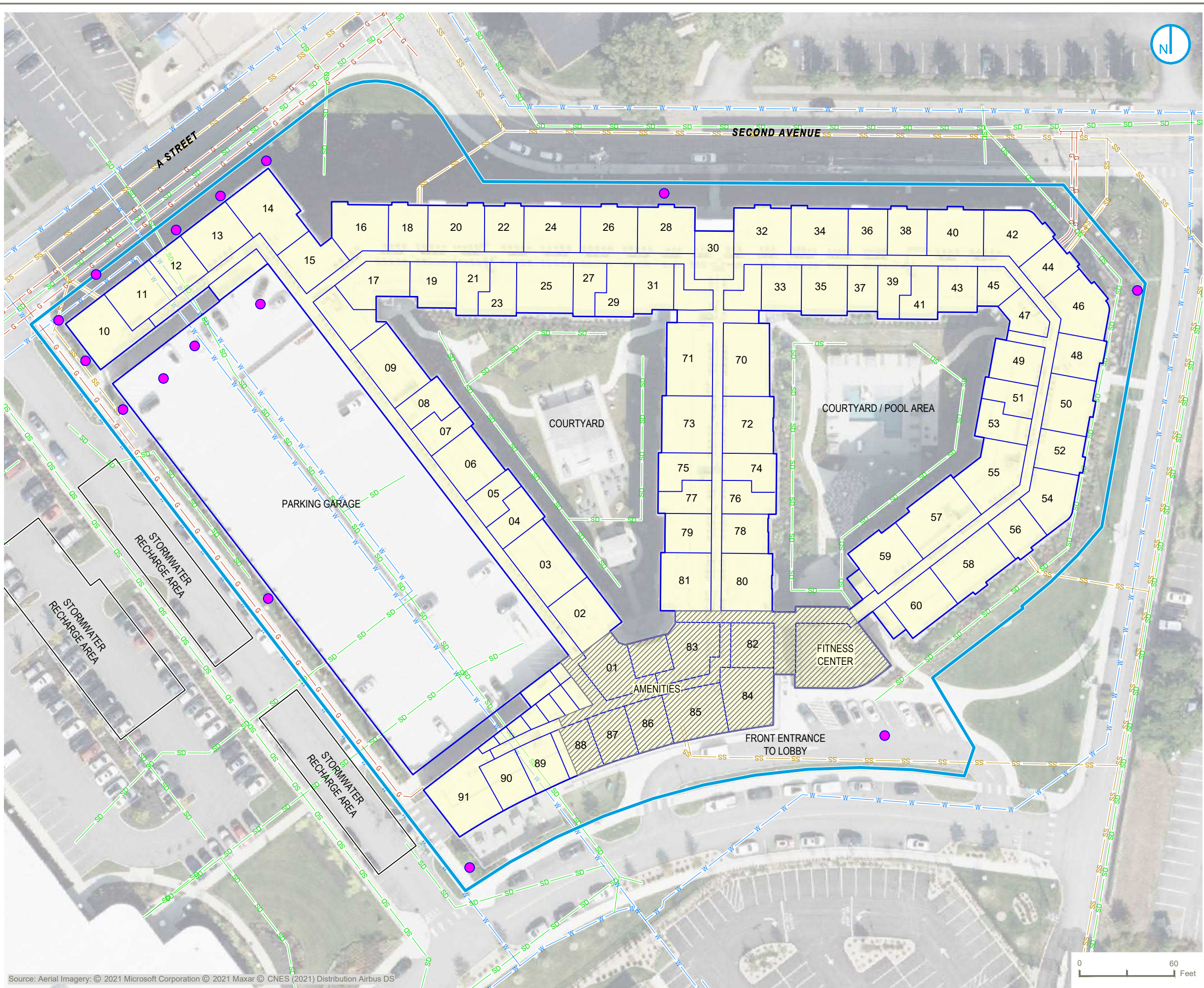
| Apartment Number | Sample ID            | Date      | Matrix | TCE (ug / m3) | Location | Floor     |
|------------------|----------------------|-----------|--------|---------------|----------|-----------|
| Roof Stack 1     | 004 Roof Stack 1     | 6/14/2021 | VA     | 410           |          | Roof      |
| Roof Stack 2     | 005 Roof Stack 2     | 6/14/2021 | VA     | 370           |          | Roof      |
| Roof Stack 3     | 005 Roof Stack 3     | 6/15/2021 | VA     | 7.8           |          | Roof      |
| Roof Stack 4     | 006 Roof Stack 4     | 6/15/2021 | VA     | < 1.1         |          | Roof      |
| Apt 1010         | APT 1010-SS          | 6/15/2021 | SSV    | 12000         | NW WING  | 1st Floor |
| Roof Stack 5     | 006 Roof Stack 5     | 6/17/2021 | VA     | 3.8           |          | Roof      |
| Roof Stack 6     | 007 Roof Stack 6     | 6/17/2021 | VA     | 4             |          | Roof      |
| Apt 1011         | APT 1011-SS-063021   | 6/30/2021 | SSV    | 80100         | NW WING  | 1st Floor |
| Apt 1013         | APT 1013-SS-063021   | 6/30/2021 | SSV    | 742           | NW WING  | 1st Floor |
| Apt 1012         | APT 1012-SS-070121   | 7/1/2021  | SSV    | 61800         | NW WING  | 1st Floor |
| Hall 13          | VP-HALL-13-072221    | 7/22/2021 | SSV    | 747           | NW WING  | 1st Floor |
| Hall 11          | VP-HALL-11-072221    | 7/22/2021 | SSV    | 15.3          |          | 1st Floor |
| Hall 09          | VP-HALL-09-072221    | 7/22/2021 | SSV    | 13.6          |          | 1st Floor |
| Hall 07          | VP-HALL-07-072221    | 7/22/2021 | SSV    | 0.441         |          | 1st Floor |
| Hall 04          | VP-HALL-04-072221    | 7/22/2021 | SSV    | 1.09          |          | 1st Floor |
| Hall 02          | VP-HALL-02-072221    | 7/22/2021 | SSV    | 1.41          |          | 1st Floor |
| Apt 1014         | VP-1014-072321       | 7/23/2021 | SSV    | 65.6          | NW WING  | 1st Floor |
| M1005            | VP-M1005-072321      | 7/23/2021 | SSV    | 130           | NW WING  | 1st Floor |
| Hall 15          | VP-15-072321         | 7/23/2021 | SSV    | 634           | NW WING  | 1st Floor |
| M1007            | VP-M1007-072321      | 7/23/2021 | SSV    | 328           | NW WING  | 1st Floor |
| M1001            | VP-M1001-072321      | 7/23/2021 | SSV    | 0.494         |          | 1st Floor |
| TR3-1            | VP-TR3-1-072321      | 7/23/2021 | SSV    | 0.521         |          | 1st Floor |
| M1022            | VP-M1022-072321      | 7/23/2021 | SSV    | 0.333         |          | 1st Floor |
| M1010            | VP-M1010-072321      | 7/23/2021 | SSV    | 3.55          |          | 1st Floor |
| Pilot Extract    | Pilot-Start-080521   | 8/5/2021  | SSV    | 6400          |          | 1st Floor |
| Pilot Extract    | Pilot-6in-080521     | 8/5/2021  | SSV    | 4860          |          | 1st Floor |
| Pilot Extract    | Pilot-32in-080621    | 8/6/2021  | SSV    | 20100         |          | 1st Floor |
| Hall 33          | SG-HALL-33-090221    | 9/2/2021  | SSV    | 0.242         |          | 1st Floor |
| Hall 32          | SG-HALL-32-090221    | 9/2/2021  | SSV    | 0.473         |          | 1st Floor |
| Hall Media       | SG-HALL-MEDIA-090221 | 9/2/2021  | SSV    | 0.532         |          | 1st Floor |
| Concierge        | SG-CONCIERGE-090221  | 9/2/2021  | SSV    | 0.903         |          | 1st Floor |
| Hall 31          | SG-HALL-31-090221    | 9/2/2021  | SSV    | 0.43          |          | 1st Floor |
| Hall 29          | SG-HALL-29-090221    | 9/2/2021  | SSV    | 2.21          |          | 1st Floor |
| Hall 25          | SG-HALL-25-090221    | 9/2/2021  | SSV    | 0.392         |          | 1st Floor |
| Hall 27          | SG-HALL-27-090221    | 9/2/2021  | SSV    | 3.62          |          | 1st Floor |
| Hall 23          | SG-HALL-23-090221    | 9/2/2021  | SSV    | 0.188         |          | 1st Floor |
| Hall 19          | SG-HALL-19-090221    | 9/2/2021  | SSV    | 0.317         |          | 1st Floor |
| Hall 21          | SG-HALL-21-090221    | 9/2/2021  | SSV    | 0.263         |          | 1st Floor |
| Hall 17          | SG-HALL-17-090221    | 9/2/2021  | SSV    | 0.494         |          | 1st Floor |
| Roof Stack 1     | ROOF STACK1-090221   | 9/2/2021  | VA     | 1210          |          | Roof      |
| Roof Stack 2     | ROOF STACK2-090221   | 9/2/2021  | VA     | 1830          |          | Roof      |

Notes:

SSG = Subslab Soil Gas

VA = Vent Air, Vapor Mitigation System

L:\Loop Project Files\CAD\1690022280\_Toll Bros\_Needham\Soil Vapor Investigation\21\_Proposed Soil Boring Monitoring Well Locations.dwg  
PROJECT: 1690022280  
DATED: 8/9/2021  
DESIGNER: APR



Source: Aerial Imagery: © 2021 Microsoft Corporation © 2021 Maxar © CNES (2021) Distribution Airbus DS

● PROPOSED SOIL BORING/MONITORING WELL LOCATIONS

UTILITIES (APPROXIMATE)

- G — ELECTRIC
- G — GAS
- SS — SANITARY SEWER
- SD — STORM WATER
- W — WATER

PROPOSED SOIL BORING/  
MONITORING WELL LOCATIONS

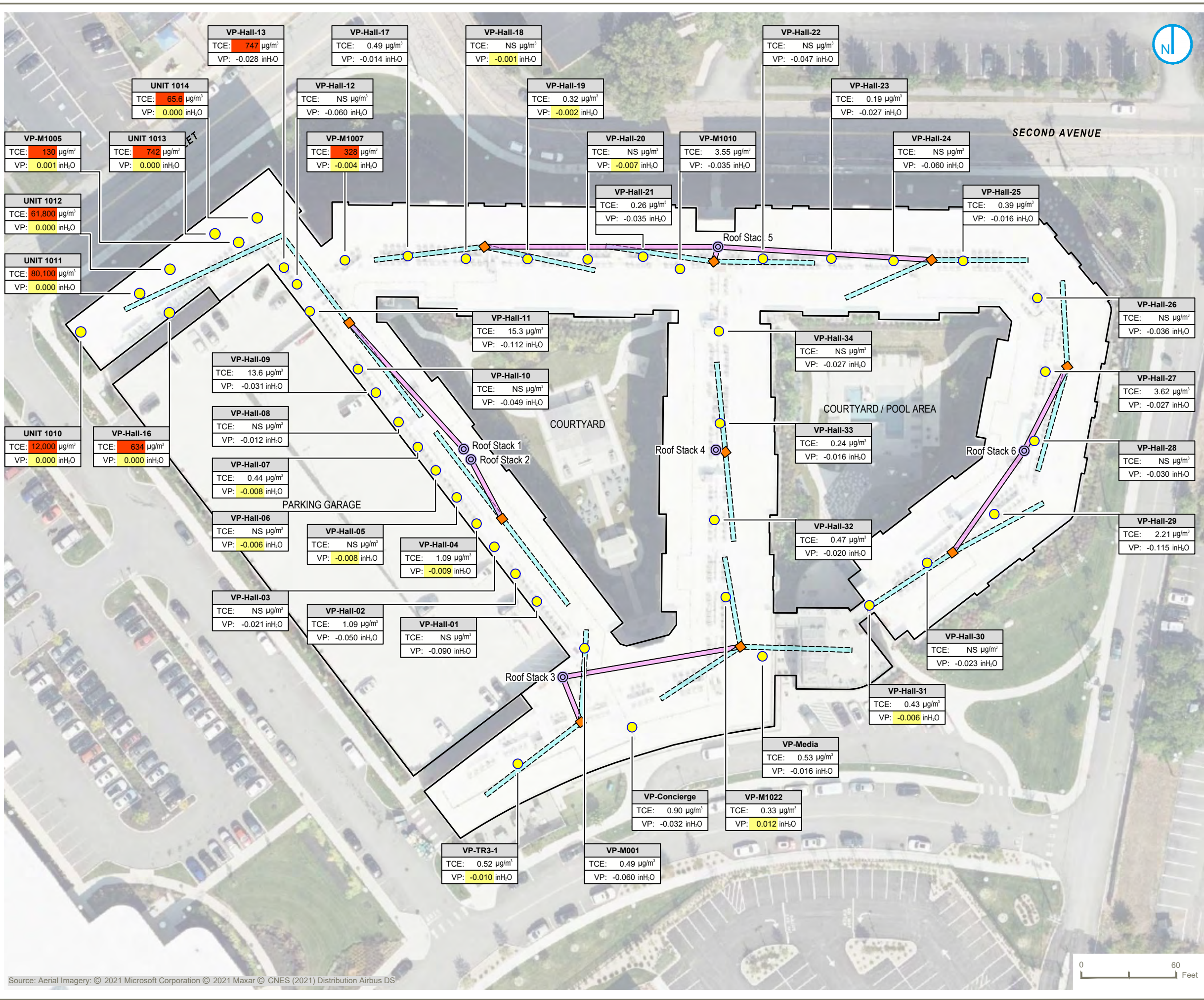
THE KENDRICK  
275 2ND AVENUE  
NEEDHAM, MASSACHUSETTS

FIGURE 1

RAMBOLL US CONSULTING, INC.  
A RAMBOLL COMPANY

RAMBOLL

L:\Loop Project Files\CAD\169002280\_Toll Bros Needham\_Soil Vapor Investigation\SG-VP\_2021-09\02\_Soil Gas Vacuum Pressure Readings.dwg  
PROJECT: 169002280 DATED: 9/15/2021 DESIGNER: OKL





**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

|                     |                                                                                                         |
|---------------------|---------------------------------------------------------------------------------------------------------|
| <b>Agenda Item</b>  | <b>Proposed Tobacco Regulation Definition Update</b>                                                    |
| <b>Presenter(s)</b> | Tara Gurge, Assistant Public Health Director<br>Lynn Schoeff, Professional Technical Support Specialist |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>1.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b> |
| <p>We received guidance from D.J. Wilson, Tobacco Control Director from the Massachusetts Municipal Association, with regards to our existing Board of Health Tobacco Regulation. To bring the regulation up to date, we need to revise the “Person” definition to swap out the word "individual" for "retailer," so it helps to clarify that definition.</p> <p>Ms. Lynn Schoeff has also been an integral part in assisting us with drafting these revised regulations.</p> |                                                   |
| <b>2.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>VOTE REQUIRED BY BOARD OF HEALTH</b>           |
| <p>Vote is required. Suggested Motion: <i>“I move that the Board of Health adopt the proposed revisions to Article 1, as outlined in the BOH packet and as discussed just now.”</i></p>                                                                                                                                                                                                                                                                                       |                                                   |
| <b>3.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>BACK UP INFORMATION:</b>                       |
| <ul style="list-style-type: none"><li>- <b>Email from D.J. Wilson on Tobacco definition revision.</b></li><li>- <b>Copy of revised draft of ARTICLE 1 Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham.</b></li></ul>                                                                                                                                                                                                                |                                                   |

**Tara Gurge**

---

**Subject:** FW: Needham Tobacco Reg.- Person Definition update

**Email from D.J. on Tobacco Regulation revision -**

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**From:** DJ Wilson <djwilson@mma.org>  
**Sent:** Wednesday, July 14, 2021 12:28 PM  
**To:** Tara Gurge <TGurge@needhamma.gov>  
**Subject:** Re: Needham Tobacco Reg.- Section G. questions

Tenax, or one of their allies - I can't remember - has brought this up in other towns. With that, the problem lies in the definition of "person" not the policy itself. You have "individual" in that definition and we have since swapped out "individual" for "retailer" in our latest sample sales regulation as they are technically right. It does mean that an end user couldn't possess the product.

What I would do to fix:

1. Thank Tenax for noticing that and you'll see to it that the regulation is updated.
2. At a regularly scheduled BOH meeting, have as an agenda item to update the "person" definition by taking out "individual" and adding "retailer" in its place. I really don't believe that this requires a hearing so could be voted on right then and there.
3. As it is arguably a content change, a summary of the change needs to be published once in a local newspaper.
4. I don't think notification to retailers is necessary as the change eases the restriction for end users and doesn't change any policies for retailers.
5. The summary can read:

On DATE, the Needham Board of Health voted to update an existing regulation entitled "Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham". The regulation update is in the "person" definition and will go into effect upon the publication of this notice. For a copy of these regulations, please call the Board at XXX-XXX-XXXX.

--

D.J. Wilson  
Tobacco Control Director  
Massachusetts Municipal Association  
3 Center Plaza, Suite 610  
Boston, MA 02108  
617-426-7272, ext. 152



## Board of Health

Kathleen Ward Brown, ScD

Edward Cosgrove, PhD

Stephen Epstein, MD, MPP

Christina S. Mathews, MPH Robert Partridge, MD, MPH

### ARTICLE 1

#### **Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham**

##### **A. Statement of Purpose:**

Whereas there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat<sup>1</sup>;

Whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin<sup>2</sup> and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,<sup>3</sup> and that it is addiction to nicotine that keeps youth smoking past adolescence,<sup>4</sup>

Whereas a Federal District Court found that Phillip Morris, RJ Reynolds and other leading cigarette manufacturers “spent billions of dollars every year on their marketing activities in order to encourage young people to try and then continue purchasing their cigarette products in order to provide the replacement smokers they need to survive” and that these companies were likely to continue targeting underage smokers<sup>5</sup>;

Whereas more than 80 percent of all adult smokers begin smoking before the age of 18, more than 90 percent do so before leaving their teens, and more than 3.5 million middle and high school students smoke;<sup>6</sup>

<sup>1</sup> Center for Disease Control and Prevention, (CDC) (2012). *Health Effects of Cigarette Smoking Fact Sheet*. Retrieved from: [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/health\\_effects/effects\\_cig\\_smoking/index.htm](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm).

<sup>2</sup> CDC (2010). *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*. Retrieved from: [http://www.cdc.gov/tobacco/data\\_statistics/sgr/2010/](http://www.cdc.gov/tobacco/data_statistics/sgr/2010/).

<sup>3</sup> U.S. Department of Health and Human Services. 2014. *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 122. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

<sup>4</sup> *Id.* at Executive Summary p. 13. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf>

<sup>5</sup> *United States v. Phillip Morris, Inc., RJ Reynolds Tobacco Co., et al.*, 449 F.Supp.2d 1 (D.D.C. 2006) at Par. 3301 and Pp. 1605-07.

<sup>6</sup> SAMHSA, Calculated based on data in 2011 National Survey on Drug Use and Health and U. S. Department of Health and Human Services (HHA).

Whereas 18.1 percent of current smokers aged <18 years reported that they *usually* directly purchased their cigarettes from stores (i.e. convenience store, supermarket, or discount store) or gas stations, and among 11<sup>th</sup> grade males this rate was nearly 30 percent;<sup>7</sup>

Whereas the Institute of Medicine (IOM) concludes that raising the minimum age of legal access to tobacco products to 21 will likely reduce tobacco initiation, particularly among adolescents 15 – 17, which would improve health across the lifespan and save lives<sup>8</sup>.

Whereas the 2014 MetroWest Adolescent Health Survey (MHAWS) results show that 8% of Needham high school students used cigarettes on at least one day of the 30 days before the survey, compared with 5% of students in 2012. And whereas the 2014 MetroWest Adolescent Health Survey (MHAWS) results show that 19% of Needham high school students used cigarettes in their lifetime, compared with 17% of students in 2012.<sup>9</sup>

Whereas cigars and cigarillos, can be sold in a single “dose;” enjoy a relatively low tax as compared to cigarettes; are available in fruit, candy and alcohol flavors; and are popular among youth<sup>10</sup>;

Whereas research shows that increased cigar prices significantly decreased the probability of male adolescent cigar use and a 10% increase in cigar prices would reduce use by 3.4%<sup>11</sup>;

Whereas 59% of high school smokers in Massachusetts have tried flavor cigarettes or flavored cigars and 25.6% of them are current flavored tobacco product users; 95.1 % of 12 – 17-year-olds who smoked cigars reported smoking cigar brands that were flavored;<sup>12</sup>

Whereas the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking;<sup>13</sup>

Whereas the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,<sup>14</sup> largely because these flavored products were marketed to youth and young adults,<sup>15</sup> and younger smokers were more likely to have tried these products than older smokers<sup>16</sup>, neither federal nor Massachusetts laws restrict sales of flavored non-cigarette tobacco products, such

<sup>7</sup> CDC (2013) Youth Risk Behavior, Surveillance Summaries (MMWR 2014; 63 (No SS-04)). Retrieved from: [www.cdc.gov](http://www.cdc.gov).

<sup>8</sup> IOM (Institute of Medicine) 2015. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. Washington DC: The National Academies Press, 2015.

<sup>9</sup> MetroWest Adolescent Health Survey: Needham High School Reports 2012 and 2014.

<sup>10</sup> CDC (2009). *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010; 59, 12, note 5). Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>.

<sup>11</sup> Ringel, J., Wasserman, J., & Andreyeva, T. (2005) *Effects of Public Policy on Adolescents' Cigar Use: Evidence from the National Youth Tobacco Survey*. *American Journal of Public Health*, 95(6), 995-998, doi: 10.2105/AJPH.2003.030411 and cited in *Cigar, Cigarillo and Little Cigar Use among Canadian Youth: Are We Underestimating the Magnitude of this Problem?*, J. Prim. P. 2011, Aug; 32(3-4):161-70. Retrieved from: [www.ncbi.nlm.nih.gov/pubmed/21809109](http://www.ncbi.nlm.nih.gov/pubmed/21809109).

<sup>12</sup> Massachusetts Department of Public Health, 2015 Massachusetts Youth Health Survey (MYHS); Delneve CD et al., *Tob Control*, March 2014; Preference for flavored cigar brands among youth, young adults and adults in the USA.

<sup>13</sup> U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 508-530, [www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf](http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

<sup>14</sup> 21 U.S.C. § 387g.

<sup>15</sup> Carpenter CM, Wayne GF, Pauly JL, et al. 2005. “New Cigarette Brands with Flavors that Appeal to Youth: Tobacco Marketing Strategies.” *Health Affairs*. 24(6): 1601–1610; Lewis M and Wackowski O. 2006. “Dealing with an Innovative Industry: A Look at Flavored Cigarettes Promoted by Mainstream Brands.” *American Journal of Public Health*. 96(2): 244–251; Connolly GN. 2004. “Sweet and Spicy Flavours: New Brands for Minorities and Youth.” *Tobacco Control*. 13(3): 211–212;

<sup>16</sup> U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, [www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf](http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

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as cigars, cigarillos, smokeless tobacco, hookah tobacco, and electronic devices and the nicotine solutions used in these devices;

Whereas the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are considered to be “starter” products that help establish smoking habits that can lead to long-term addiction;<sup>17</sup>

Whereas the U.S. Surgeon General recognized in his 2014 report that a complementary strategy to assist in eradicating tobacco related death and disease is for local governments to ban categories of products from retail sale;<sup>18</sup>

Whereas the U.S. Food and Drug Administration and the Tobacco Products Scientific Advisory Committee concluded that menthol flavored tobacco products increased nicotine dependence, decreased success in smoking cessation;<sup>19</sup>

Whereas menthol makes it easier for youth to initiate tobacco use;<sup>20</sup>

Whereas use of e-cigarettes among students in Massachusetts is 20.1%, representing a 78% increase for high schoolers and a 48% increase for middle schoolers from 2017 to 2018;<sup>21</sup>

Whereas the U.S. Centers for Disease Control and Prevention has reported that the current use of electronic cigarettes, a product sold in dozens of flavors that appeal to youth, among middle and high school students tripled from 2013 to 2014;<sup>22</sup>

Whereas 5.8% of Massachusetts youth currently use e-cigarettes and 15.9% have tried them<sup>23</sup> and in Needham 17% of Needham high school students currently use e-cigarettes and 29% of those students have tried e-cigarettes once in their lifetime, according to the 2014 MetroWest Adolescent Health Survey (MHAWS).<sup>24</sup>

Whereas the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an “acutely hazardous waste”;<sup>25</sup>

Whereas in a lab analysis conducted by the FDA, electronic cigarette cartridges that were labeled as containing no nicotine actually had low levels of nicotine present in all cartridges tested, except for one<sup>26</sup>;

Whereas according to the CDC’s youth risk behavior surveillance system, the percentage of high school students in Massachusetts who reported the use of cigars within the past 30 days is 10.8% in 2013;<sup>27</sup>

<sup>17</sup> Food and Drug Administration. 2011. *Fact Sheet: Flavored Tobacco Products*, [www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf](http://www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf); U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, [www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf](http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

<sup>18</sup> See fn. 3 at p. 85.

<sup>19</sup> [www.fda.gov/downloads/ucm361598.pdf](http://www.fda.gov/downloads/ucm361598.pdf), <https://tobacco.ucsf.edu/tpsac-gave-fda-what-it-needs-to-ban-menthol>

<sup>20</sup> [www.tobaccofreekids.org/assets/factsheet/0390.pdf](http://www.tobaccofreekids.org/assets/factsheet/0390.pdf)

<sup>21</sup> MA YRBS 2017

<sup>22</sup> Centers for Disease Control & Prevention. 2015. “Tobacco Use Among Middle and High School Students — United States, 2011–2014,” *Morbidity and Mortality Weekly Report (MMWR)* 64(14): 381–385;

<sup>23</sup> Massachusetts Department of Public Health, 2015 Massachusetts Youth Health Survey (MYHS)

<sup>24</sup> MetroWest Adolescent Health Survey: Needham High School Reports 2012 and 2014.

<sup>25</sup> 310 CMR 30.136

<sup>26</sup> Food and Drug Administration, *Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA*, available at: <http://www.fda.gov/newsevents/publichealthfocus/ucm173146.htm>.

<sup>27</sup> See fn. 7.

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Whereas data from the National Youth Tobacco Survey indicate that more than two-fifths of U.S. middle and high school smokers report using flavored little cigars or flavored cigarettes;<sup>28</sup>

Whereas the sale of tobacco products is incompatible with the mission of health care institutions because these products are detrimental to the public health and their presence in health care institutions undermine efforts to educate patients on the safe and effective use of medication, including cessation medication;

Whereas educational institutions sell tobacco products to a younger population, who is particularly at risk for becoming smokers and such sale of tobacco products is incompatible with the mission of educational institutions that educate a younger population about social, environmental and health risks and harms;

Whereas the Massachusetts Supreme Judicial Court has held that “. . . [t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means”<sup>29</sup>.

Now, therefore it is the intention of the Needham Board of Health to regulate the sale of tobacco products.

**B. Authority:**

This regulation is promulgated pursuant to the authority granted to the Needham Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states that "Boards of health may make reasonable health regulations".

**C. Definitions:**

For the purpose of this regulation, the following words shall have the following meanings:

Adult-only retail tobacco store: (also known as “Retail Tobacco Store” in MGL Ch. 270): An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Needham Board of Health. As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within twenty-five (25) feet of a retailer with a tobacco product sales permit.

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers regardless of any content.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Characterizing flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided, however, that no tobacco product shall be

<sup>28</sup> King BA, Tynan MA, Dube SR, et al. 2013. “Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students.” *Journal of Adolescent Health*. [Article in press], [www.jahonline.org/article/S1054-139X%2813%2900415-1/abstract](http://www.jahonline.org/article/S1054-139X%2813%2900415-1/abstract).

<sup>29</sup> *Druzik et al v. Board of Health of Haverhill*, 324 Mass.129 (1949).

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determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Child-Resistant Package: Packaging intended to reduce the risk of a child ingesting nicotine and that meets the minimum standards of 16 C.F.R. 1700 et seq., pursuant to 15 U.S.C. 1471 through 1476.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1. Tobacco leaf in such kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product. Such term shall include a smoke constituent.

Coupon: Any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

Distinguishable: Perceivable by either the sense of smell or taste.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Electronic Nicotine Delivery System: An electronic device, whether for one-time use or reusable, that can be used to deliver nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and other similar devices that rely on vaporization or aerosolization; provided, however, that “electronic nicotine delivery system” shall also include any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device; provided further, that “electronic nicotine delivery system” shall also include any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately; provided further, that “electronic nicotine delivery system” shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for that approved purpose.

Flavored tobacco product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or

disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

**Health Care Institution:** An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices, optician/optometrist offices and dentist offices.

**Liquid Nicotine Container:** A package from which nicotine or other substance in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold a soluble nicotine or other substance in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine or other substance in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

**Listed or non-discounted price:** The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

**Minimum Legal Sales Age (MLSA):** The age an individual must be before that individual can be sold a tobacco product in the municipality.

**Non-Residential Roll-Your-Own (RYO) Machine:** A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

**Permit Holder:** Any person engaged in the sale or distribution of tobacco products who applies for and receives a tobacco product sales permit or any person who is required to apply for a Tobacco Product Sales Permit pursuant to these regulations, or his or her business agent.

**Person:** Any ~~individual~~ **retailer**, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

**Rolling Papers:** sheets, rolls, tubes, cones or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine. When rolling a cigarette, the filler may be tobacco, cannabis or other commonly-smoked herbs.

**Self-Service Display:** Any display from which customers may select a tobacco product, as defined herein, without assistance from employee or store personnel.

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Schools: Public or private elementary or secondary schools.

Smoke Constituent: Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

Smoking Bar: An establishment that: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit for the retail sale of a tobacco product as required to be issued by the Needham Board of Health and (v) maintains a valid permit issued by the department of revenue to operate as a smoking bar. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars", "hookah bars" and "vape bars".

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product.

Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, liquid nicotine, "e-liquids" or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" also includes all nicotine delivery products. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

Workplace: Any enclosed area of a structure, indoor area, facility or a portion thereof at which one (1) or more employees perform services for their employer (including the personal residence of the employer during those hours when used as a place of employment); other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space. It also include motor vehicles, employee lounges, restrooms, conference rooms, hallways, stairways and entrance ways, as well as exterior, unenclosed spaces at stairs, ramps, landings, patios, porches, decks, adjacent yards, loading docks and other areas within twenty (20) feet of the entrance doors or other areas where smoke would migrate into the enclosed area of a structure.

#### **D. Tobacco Sales to Persons Under Twenty-One (21) Years Old**

1. No person shall sell or provide a tobacco product to a person under twenty-one (21) years old.

2. Required Signage:

- a. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Needham Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or greater than 9 feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health. The owner or other person in charge of a shop or other place used to sell hand rolled cigars must display a warning about cigar consumption in a sign at least 50 square inches pursuant to 940 CMR 22.06 (2) (e).
- b. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post signage provided by the Needham Board of Health that discloses current referral information about smoking cessation.
- c. The owner or other person in charge of a shop or other place used to sell tobacco products that rely on vaporization or aerosolization, as defined herein as “tobacco products”, at retail shall conspicuously post a sign stating that “The sale of tobacco products, including e-cigarettes, to someone under the minimum legal sales age of 21 years is prohibited.” The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. Additionally, signage which show health warnings associated with using electronic nicotine delivery systems and a notice to consumers that the sale of flavored tobacco products are prohibited at all times must be posted.

3. Identification: Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 years old or older. Verification is required for any person under the age of 27.

4. All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

5. No person or entity selling tobacco products shall allow anyone under twenty-one (21) years of age to sell tobacco products.

**E. Tobacco Product Sales Permit:**

1. No person shall sell or otherwise distribute tobacco products, as defined herein, within the town of Needham without first obtaining a Tobacco Product Sales Permit issued annually by the Needham Board of Health. Only owners of establishments with a permanent, non-mobile location in Needham are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Needham.

2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Needham regulation. Each applicant is required to sign a statement declaring that the applicant has read said

regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.

3. As a condition for obtaining and/or renewing a Tobacco Sales Permit, the Needham Board of Health may require tobacco retailers and any employee involved in the act of sale of tobacco products to participate in training programs provided by or approved by the Board regarding compliance with the laws and regulations prohibiting the sale of tobacco products to minors and to individuals under the age of 21.

4. No Tobacco Sales Permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation and state laws regarding the sale of tobacco products and signs a statement, a copy of which will be placed on file in the office of the employer, that the employee has read and understands the regulation and applicable state laws.

5. Each applicant who sells tobacco products is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued.

6. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein. The fee for which shall be determined by the Needham Board of Health annually.

7. A Tobacco Product Sales Permit is non-transferable. A new owner of an establishment that wishes to sell tobacco products, as defined herein, must apply for a new permit Tobacco Product Sales Permit and one may only be issued at the Needham Board of Health's discretion. At the very least, no new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.

8. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

9. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.

10. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person under the MLSA (§D.1) six times within the 36 month period of performance (which begins on the effective date of this regulation's amendment, July 1, 2017) and the time period to appeal has expired. The violator may request a hearing in accordance with subsection 4 of the Violations section.

11. Maximum Number of Tobacco Product Sales Permits.

- a. At any given time, there shall be no more than six (6) Tobacco Product Sales Permits issued in Needham (reduced by the number of permits not renewed pursuant to subsection (b) below). No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew his or her permit within thirty (30) days of expiration will be treated as a first-time permit applicant.
- b. As of July 1, 2017, any permit not renewed because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, or because the ownership of the establishment with the Tobacco Product Sales Permit changes ownership, shall be returned to the

Needham Board of Health and may, at the Board's discretion, be permanently retired by the Board of Health and the total allowable number of Tobacco Product Sales Permits under paragraph 11(a) shall be reduced by the number of the retired permits.

- c. A Tobacco Product Sales Permit may, at the Board of Health's discretion, not be issued to any new applicant for a retail location within 500 feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises. This provision does **not** apply to existing permit holders in good standing that are within 500 feet of a public or private elementary or secondary school.
- d. A Tobacco Product Sales Permit may, at the Board of Health's discretion, not be issued to any new applicant for a retail location within 500 feet of an existing Tobacco Product Sales Permit holder as measured by a straight line from the nearest point of the proposed permit holder's property line to the nearest point of the property line of the site of the applicant's business premises. This provision does **not** apply to existing permit holders in good standing that currently located within an existing Tobacco Product Sales Permit holder.
- e. Applicants who purchase an existing business that holds a valid Tobacco Product Sales Permit at the time of the sale of said business must apply within sixty (60) days of such sale for the permit held by the Seller if the Buyer intends to sell tobacco products, as defined herein, and permit issuance shall be subject to the conditions of this Section.

**F. Cigar Sales Regulated:**

- 1. No person shall sell or distribute or cause to be sold or distributed a single cigar.
- 2. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more.
- 3. This Section shall not apply to:
  - a. The sale or distribution of any single cigar having a retail price of two dollars and fifty cents (\$2.50) or more.
  - b. A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Needham.
- 4. The Needham Board of Health shall adjust, from time to time, the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

**G. Sale of Flavored Tobacco Products Prohibited:**

No person shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any flavored tobacco product, or any flavored tobacco product enhancer, except in smoking bars and adult-only retail tobacco stores for on-site consumption only. For this regulation, flavored Rolling Papers, as defined, are "Tobacco Product Flavor Enhancers". Per 105 CMR 665.010 retailers must obtain from a manufacturer documentation certifying those products, sold by the retailer, that do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer.

#### **H. Nicotine Content in Electronic Nicotine Delivery Systems:**

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores or smoking bars. Per 105 CMR 665.010(C), retailers must obtain from a manufacturer documentation indicating the nicotine content of each of their products sold by the retailer, expressed as milligrams per milliliter.

#### **I. Prohibition of the Sale of Blunt Wraps:**

No person or entity shall sell or distribute blunt wraps in Needham.

#### **J. Free Distribution and Coupon Redemption:** No person shall:

1. Distribute or cause to be distributed, any free samples of tobacco products, as defined herein;
2. Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price; or
3. Sell a tobacco product, as defined herein, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other tobacco product.
4. Sections 2 and 3 shall not apply to products, such as cigarettes, for which there is a state law prohibiting them from being sold as loss leaders and for which a minimum retail price is required by state law.

#### **K. Out-of-Package Sales:**

1. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any tobacco product, as defined herein, for retail sale. No person may sell or cause to be sold or distribute or cause to be distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
2. A retailer of Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, and must provide the Needham Board of Health with a written plan for disposal of said product, including disposal plans for any breakage, spillage or expiration of the product.
3. All retailers must comply with 940 CMR 21.05 which reads: "It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S. C. §§1471 through 1476 and 16 CFR §1700 et. Seq."

**L. Self-Service Displays:**

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

**M. Vending Machines:**

All vending machines containing tobacco products, as defined herein, are prohibited.

**N. Non-Residential Roll-Your-Own Machines:**

All Non-Residential Roll-Your-Own machines are prohibited.

**O. Prohibition of the Sale of Tobacco Products by Health Care Institutions:**

No health care institution located in Needham shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist or drug store, shall sell or cause to be sold tobacco products, as defined herein.

**P. Prohibition of the Sale of Tobacco Products by Educational Institutions:**

No educational institution located in Needham shall sell or cause to be sold tobacco products, as defined herein. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

**Q. Incorporation of State Laws and State Regulations:**

1. The sale or distribution of tobacco products, as defined herein, must comply with those provisions found at M.G.L. Ch. 270, §§6, 6A, 7, 28, 29 and M.G.L. Ch. 112, §61A.
2. The sale and distribution of tobacco products, as defined herein, must comply with those provisions found at 940 CMR 21.00 ("Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts") and 940 CMR 22.00 ("Sale and Distribution of Cigars in Massachusetts").

**R. PROHIBITION ON SMOKING IN PUBLIC PLACES AND WORKPLACES:** No person shall smoke or use an e-cigarette nor shall any person having control of the premises upon which smoking is prohibited by this regulation or by M.G.L. c. 270, §22, or the business agent or designee of such person, permit a person to smoke or use an e-cigarette in any of the following places as defined herein: restaurants and all outdoor areas of restaurants, bars, taverns, and any other outdoor place where food and/or beverages, and/or non-alcoholic beverages are sold, served, or otherwise consumed or carried, health care facilities, municipal buildings, municipal vehicles, public places, public transportation, retail stores, town-owned parks and playgrounds, town-owned athletic fields, town-owned property, conservation land, nursing homes, hotels, motels, inns, bed and breakfast, lodging homes, any establishment that is required to possess a valid Tobacco Sales Permit from the Needham Board of Health (including, but not limited to, smoke shops, tobacconists, retail tobacco stores) and

workplaces except as otherwise provided in § Q.2 of this regulation. It shall be the responsibility of the employer to provide a smoke-free environment for all employees working in an enclosed workplace as well as those workplaces listed. Additionally, no person shall smoke in any place in which a sign conforming to the requirements of Section Q.1 of this regulation is posted. No person shall remove a sign posted under the authority § Q.1 of this regulation.

1. Every person having control of premises upon which smoking is prohibited by and under the authority of this regulation shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Needham Board of Health or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Needham Board of Health.
2. Notwithstanding any other provision of these regulations, smoking may be permitted in the following places and/or under the following circumstances consistent with all applicable state laws:
  - a. Private residences except those portions used as a public place, food service establishment, childcare, adult care, or health care office during the hours when operating as such.
  - b. Hotel, motel, inn and bed and breakfast rooms rented to guests at smoke free (100%) at all times. A room so designated shall have signs posted indicating that no smoking is allowed.
  - c. Private clubs if all employees are members. When a private club is open to the general public, that portion of said establishment open to the general public must be smokefree, separately enclosed and shall have self-closing doors. Premises occupied by a membership association, if the premises are owned, or under a written lease for a term of not less than 90 consecutive days, by an association during the time of the permitted activity if the premises are not located in a public building. Smoking may be permitted in a distinct part of the premises of a membership association, provided that this part (a) is physically separated from any area open to the public or occupied by a non-member who is not a guest. The separation shall be sufficient to prevent any migration of smoke into the public areas. Any doors separating the areas shall be self-closing; (b) is occupied solely by those persons specified in 105 CMR 661.100(b). The membership association shall adopt and effectively implement a policy that ensures only such persons are permitted to enter the part of the premises where smoking is permitted; and (c) there are no signs inviting or encouraging the public or non-members who are not guests to enter. No smoking shall be permitted in an enclosed indoor space of a membership association during the time the space is:
    - 1) open to the public. A membership association shall be regarded as open to the public when it has signs or advertising inviting or encouraging non-members to the premises or takes other action that may reasonably be regarded as inviting or allowing non-members to enter the premises; or
    - 2) occupied by a non-member who is not an invited guest of a member or an employee of the association. A non-member shall be regarded as a guest if entering the premises (a) accompanied by a member, provided the member remains on the premises while the guest is present, and (b) signing a guest register that clearly specifies the name and address of the guest and the inviting member;
    - 3) rented from the association for a fee or other agreement that compensates the association for the use of such space; OR
    - 4) occupied by a contract employee, temporary employee or independent contractor.

- 5) Smoking may be permitted in an enclosed indoor space of a membership association at all times, if the space is restricted by the association to admittance only of its members, the invited guest of a member, and the employees of the membership association. A person shall not be regarded as a member if entering the premises under terms of a membership that differ in duration, cost or privileges from the terms of a full membership in the association. A person who is a contract employee, temporary employee, or independent contractor shall be considered an employee of a membership association under this subsection. A person who is a member of an affiliated chapter or branch of a membership association that is fraternal in nature operating under the lodge system, and is visiting the affiliated association, shall be an invited guest for the purpose of this association.

Nothing shall prohibit an establishment from being completely smoke free.

**S. Smoking Bars:**

Smoking bars are prohibited in the Town of Needham.

**T. Violations:**

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation. The violator shall receive:

- a. In the case of a first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
- b. In the case of a second violation within 36 months of the date of the first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
- c. In the case of a third violation within 36 months of the date of the first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
- d. In the case of a fourth violation within 36 months of the date of the first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for ninety (90) consecutive business days.
- e. In the case of a fifth violation or repeated, egregious violations of this regulation within a 36-month period, the Board of Health shall hold a hearing in accordance with subsection 4 of this section and shall permanently revoke a Tobacco Product Sales Permit.

2. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this Needham Board of Health regulation and compliance with the laws of the Commonwealth pertaining to the sale of tobacco products which are contained within M.G.L. Ch. 270, §§6, 6A, 7, 28, 29 and M.G.L. Ch. 112, §61A. V. For violations of the sections this regulation that incorporate state laws and state regulations, the following penalties apply:

- a. In the case of a first violation, a fine of one thousand dollars (\$1000.00).

b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.

c. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.

Permit suspensions and permit revocations are calculated using the total number of a retailer's violations, combining those violations that receive state-mandated fines and those that receive local fines. Where there is a difference in permit suspension periods, the longer period shall apply.

3. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.

4. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while his or her permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.

5. The Needham Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Needham Board of Health shall suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products, as defined herein, shall constitute a separate violation of this regulation.

**U. Non-Criminal Disposition:**

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, § 21D or by filing a criminal complaint at the appropriate venue.

V. **Separate Violations:** Each day any violation exists shall be deemed to be a separate offense.

**W. Enforcement:**

Enforcement of this regulation shall be by the Needham Board of Health, its Director of Health & Human Services, and its designated agents.

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Needham Board of Health or its designated agent(s) and the Board shall investigate.

**X. Severability:**

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

**Y. Effective Date:**

A public meeting about this regulation occurred in November 12, 2020. A public hearing occurred on December 10, 2020. A follow-up public meeting occurred on February 12, 2021. A public hearing occurred on March 11, 2021. This regulation was approved by a unanimous vote of the Needham Board of Health on March 11, 2021 and shall take effect on April 1, 2021. A notice and summary of the regulation was posted by the Needham Town Clerk, was posted on the Needham Public Health Division's website, and was published in a newspaper in circulation in the Town of Needham. Copies of this regulation have also been filed with the Needham Town Clerk and the Massachusetts Department of Environmental Protection.

The original Needham Board of Health smoking and tobacco regulation was enacted in September 1991. It has been amended extensively over the years, most notably in 2005 with the enactment of the Tobacco 21 policy, which was phased-in over a three-year period. This regulation was amended again in 2009 with the implementation of a prohibition on the sale of tobacco products in pharmacies. A ban on flavored tobacco was incorporated in 2015, the tolling period for violations was revised in 2017, and restrictions on electronic nicotine delivery systems were incorporated in 2018 and 2019. Updates on the number of permits and also the adoption of updated state regulation requirements, along with the adoption of the state fine schedule, took place in 2020 and 2021.

**LEGAL NOTICE**

At a public meeting to be held on September 23, 2021, the Board of Health of the Town of Needham, County of Norfolk, Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws will be considering revisions to Article 1, Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products and Article 12, Rules and Regulations for the Registration and Construction of Private Water Supplies in Needham, in the interest of, and for the preservation of, the public health. This summary shall serve as notice to all.

Revise Article 1, "Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham," to update the "person" definition. This regulation was last revised in April 2021.

Revise Article 12, "Rules and Regulations for the Registration and Construction of Private Water Supplies," which was last revised in April 1998. The Board will consider adding Geothermal type wells to the regulation, along with other regulation updates.

AD# 13977176

Needham Times 9/9, 9/16/21



**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

|                     |                                                                                                                                                     |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Item</b>  | <b>Proposed Well Permit Regulation Updates</b>                                                                                                      |
| <b>Presenter(s)</b> | Tara Gurge, Assistant Public Health Director<br>Diana Acosta, Environmental Health Agent<br>Lynn Schoeff, Professional Technical Support Specialist |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>1.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b> |
| <p>We are continuing to work on revising our existing Board of Health Well Regulations in order to bring them up to date. We have added sections on well pre-operation inspection requirements, per guidance from our Water and Sewer Dept., and added sections on Ground Source Heat Pump Wells, also known as open and closed-loop geothermal wells.</p> <p>Mr. Joe Cerutti, MassDEP Drinking Water Program, specifically the Underground Injection Control (UIC) program coordinator, was also able to assist us in updating those new geothermal well sections and offered guidance on specific backflow prevention measures for those types of wells.</p> <p>The Water and Sewer Division has been in the loop with the latest revised draft of these regulations, and they are on board with these updates.</p> <p>Ms. Lynn Schoeff has also been an integral part in assisting us with drafting these revised regulations.</p> |                                                   |
| <b>2.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>VOTE REQUIRED BY BOARD OF HEALTH</b>           |
| <p>A vote is expected. Suggested Motion: <i>"I move that the Board of Health adopt the proposed revisions to Article 12, as outlined in the BOH packet and as discussed just now."</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                   |
| <b>3.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>BACK UP INFORMATION:</b>                       |
| <ul style="list-style-type: none"><li>- Copy of revised draft of Article 12 - RULES AND REGULATIONS FOR THE REGISTRATION AND CONSTRUCTION OF PRIVATE WATER SUPPLIES</li><li>- Copy of existing Article 12 Board of Health regulation</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                   |



## Board of Health

Edward Cosgrove, PhD  
Chair

Stephen Epstein, MD, MPP  
Member

Jane Fogg, MD, MPH  
Vice Chair

### **ARTICLE 12**      **RULES AND REGULATIONS FOR THE REGISTRATION AND CONSTRUCTION OF PRIVATE WATER SUPPLIES**

The Town of Needham Board of Health hereby orders that the following regulations be and are hereby adopted this April 21, 1998 under authority of M.G.L. Chapter 111 Section 31 of the General Laws of the Commonwealth of Massachusetts.

#### **SECTION 12.1**      **PURPOSE**

The Town of Needham Board of Health (hereinafter called the Board of Health) seeks to assure that private water supplies be developed and installed so as not to contaminate the municipal water supply system, to protect aquifers within the Town and to assure that any potable well meets the requirements of the Massachusetts Drinking Water Regulations. The Board of Health also seeks to identify the location of all irrigation wells which may draw from, or alter the flow of, areas of current or future groundwater contamination.

#### **SECTION 12.2**      **APPROVAL OF SITE**

**12.2.1** The applicant, who shall be the owner of the property where the well is located or his/her authorized agent, shall submit a plan to the Board of Health showing the location of the proposed well. Said plan shall show all lot lines, structure locations, including septic systems and underground storage tanks, roadways, drains and sewer lines, along with distances to the proposed well. The plan shall be drawn on a scale of approximately one inch equals forty feet. An application, provided by the Board of Health, shall accompany the plan.

**12.2.2** The Board of Health shall review the plan within ten working days of its receipt. If the Board of Health approves the plan, it shall issue a well permit. If it disapproves, it shall notify the applicant, in writing.

**12.2.3** A well may not be installed until a well permit has been received from the Board of Health.

**12.2.4** The Board of Health may charge a reasonable well permit fee.

**12.2.5** The well permit shall expire if a well is not installed within twelve months.

#### **SECTION 12.3**      **REGISTRATION REQUIREMENT**

**12.3.1** Any person installing a well by digging, driving, jetting, drilling or any other method shall be registered with the Massachusetts Water Resources Commission, as required by Massachusetts General Laws, Chapter 21, Section 16, and 313 CMR 3.00.

**12.3.3** The owner of any existing potable or irrigation well or his/her agent shall register the well with the Board of Health on a form provided by the Board of Health. Failure to register the potable or irrigation well with the Board of Health shall be considered a violation of this regulation.

**12.3.4** The Board of Health may charge a reasonable fee for the registration of any existing potable or irrigation well.

#### **SECTION 12.4      PLUMBING AND CROSS CONNECTIONS**

**12.4.1** No private potable well, or its associated distribution system, shall be connected to the distribution system of the Town of Needham water supply system.

**12.4.2** Plumbing connected to any private well used for irrigation purposes shall not enter any building served by the Needham water system.

#### **SECTION 12.5      LOCATION**

**12.5.1** Wells shall be located the following minimum distances from sources of contamination:

- (a) property lines 5 feet
- (b) roadways 25 feet
- (c) leaching facilities 100 feet
- (d) septic or pump tanks 50 feet
- (e) underground storage tanks 100 feet
- (f) building or public sewers 50 feet \*
- (g) subsurface drains 25 feet \*

\*10 feet if well constructed of durable, corrosion-resistant material with watertight joints.

**12.5.2** In any particular case, the BOH may increase the above distances when it decides that specific conditions justify such an increase.

#### **SECTION 12.6      USE AS A POTABLE WATER SUPPLY**

**12.6.1** No individual well of any type intended for use as a potable water supply shall be installed where a municipal supply of water is accessible abutting the property and where permission to connect to such a supply can be obtained from the authority having jurisdiction over it.

**12.6.2** Any private well used as a source of potable water shall meet or exceed the chemical and bacteriological requirements of the Massachusetts Drinking Water Regulations (310 CAR 22.00) Sections 22.05 through 22.08 inclusive. The water shall be analyzed by a state certified laboratory at the owner's expense, and a copy of the results submitted to the Board of Health at least seven days prior to the use of the supply. Thereafter, it is recommended that the well be tested annually for coliform bacteria.

**12.6.3** Water drawn from a private well shall not be used as swimming pool water unless it meets the requirements of Section 6.2 above.

#### **SECTION 12.7      IRRIGATION WELLS**

**12.7.1** Irrigation wells are for the sole purpose of irrigation and shall not be deemed or used as a potable supply for human consumption. Irrigation wells shall not be connected to a dwelling. There shall be no cross connection between the irrigation well and domestic supply.

**12.7.2** Any tap, spigot or other faucet device connected to a private well shall be protected from use for drinking or other

non-irrigation purposes and shall have a permanent, legible sign stating "DO NOT DRINK, FOR IRRIGATION ONLY."

## **SECTION 12.8      ABANDONMENT OF WELLS**

**12.8.1** A well which has not been used for two consecutive calendar years shall be considered abandoned. The owner of record of such well shall notify the Board of Health in writing that the well is abandoned and shall seal the well with materials which are approved by and in a manner satisfactory to the Board of Health.

## **SECTION 12.9      PENALTY**

**12.9.1** The penalty for violation of any provision of these regulations shall be a fine of not more than five hundred dollars (\$500). Each day's failure to comply with an order from the Board of Health shall constitute a separate violation of these regulations.

**12.9.2** Violations of this regulation and penalties listed in Section 8.1 may be subject to non criminal disposition, M.G.L. Chapter 40, Section 21D, and Town of Needham General Bylaws, July 1996 Compilation, Article 9, Sections 9.1 and 9.2, and as amended.

## **SECTION 12.10      VARIANCES**

**12.10.1** Variances to these regulations may be granted by the Board of Health, if in their opinion strict compliance with these regulations would do manifest injustice and the applicant proves that the same degree of protection as required under these regulations can be achieved with the variance.

**12.10.2** All requests for variances shall be in writing.

**12.10.3** Written notice of the decision of the Board of Health shall be given within ten working days of the hearing.

## **12.11              TESTING**

**12.11.1** The Board of Health may require that testing of irrigation wells for fecal and total coliform and heavy metals be conducted at the landowners expense after the well is approved and installed and at times the Board of Health feels a health hazard exists or the property on which the well is located changes ownership.

## **SECTION 12.12      SEVERABILITY**

**12.12.1** Should any provision of these regulations be ruled invalid by a competent authority, the remaining provisions shall be considered severable and remain in full force and effect.

## **SECTION 12.13      DISCLAIMER**

**12.13.1** The issuance of a well permit shall not be construed as a representation by the Board of Health or its agents that the water system will function satisfactorily, nor that the water supply will be of sufficient quality or quantity for its intended use.

## **SECTION 12.14      OTHER PERMITS**

**12.14.1** Applicants for well permits may be required to obtain plumbing and/or building permits from the Town of Needham Building Department for further guidance.

## **SECTION 12.15      EFFECTIVE DATE**

**12.15.1** These regulations become effective immediately after publication in a local news paper.

Approved by Needham Board of Health April 21, 1998  
Published in Needham Times on May 14, 1998



## Board of Health

Kathleen Ward Brown, ScD

Edward Cosgrove, PhD

Stephen Epstein, MD, MPP

Christina S. Mathews, MPH Robert Partridge, MD, MPH

### **ARTICLE 12**

### **RULES AND REGULATIONS FOR THE REGISTRATION AND CONSTRUCTION OF PRIVATE WATER SUPPLIES**

#### **SECTION 12.1 PURPOSE**

The Town of Needham Board of Health (hereinafter called the Board of Health) seeks to assure that private wells be developed and installed so as not to contaminate the municipal water supply system, to protect aquifers within the Town and to assure that any potable well meets the requirements of the Massachusetts Drinking Water Regulations. The Board of Health also seeks to identify the location of all irrigation wells which may draw from, or alter the flow of, areas of current or future groundwater contamination.

#### **SECTION 12.2 AUTHORITY**

These regulations are adopted under the authority of [MGL Chapter 111, section 31](#), as reasonable health regulations designed to protect and improve the health and quality of life of those who reside with the Town of Needham. These regulations shall take effect as the date of their approval as indicated below.

#### **SECTION 12.3 DEFINITIONS**

*Agent*: Any designated representative of the Board of Health authorized to execute these regulations. The agent shall have all the authority of the appointing Board of Health and shall be directly responsible to the Board of Health and under its direction and control.

*Applicant*: Any person who intends to have a private well constructed by filing the appropriate application with the Board of Health.

*Aquifer*: A water bearing geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Board of Health: The Board of Health of the Town of Needham, Massachusetts, or its authorized agent.

Casing: Impervious durable pipe placed in a boring to prevent the walls from caving and to serve as a vertical conduit for water in a well.

Certified laboratory: Any laboratory currently certified by the Commonwealth of Massachusetts Department of Environmental Protection for the analysis of drinking water quality.

Geothermal well: Any well constructed for the location, exploration, monitoring, development, or injection of geothermal resources or the natural heat of the earth, the energy which may be extracted from the natural heat in whatever form found below the surface of the earth as defined.

Open-loop geothermal well: A system which pipes clean ground water directly from a nearby aquifer to an indoor geothermal heat pump. Water leaving the home is expelled through a discharge well which is located a suitable distance from the first.

Closed-loop geothermal well: A ground source heat pump well that uses a closed-loop fluid system to prevent the discharge or escape of its fluid into the subsurface. Closed-loop heat pump wells shall not be used to produce water.

Ground source or geothermal heat pump system: A heating and/or cooling system that transfers heat to or from the earth in which the naturally occurring, ambient ground temperature is 90 degrees Fahrenheit or less.

Person: An individual, corporation, company, association, trust, or partnership.

Private well: Any dug, driven, or drilled hole, with a depth greater than its largest surface diameter developed to supply water intended for irrigation purposes and/or groundwater source heat pump and not subject to regulation by [310 CMR 22.00](#).

Pumping test: A procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.

Registered well driller: Any person registered with the Commonwealth of Massachusetts Department of Environmental Management, Office of Water Resources to dig or drill wells in the Commonwealth of Massachusetts.

Right of way: Any roadway or thoroughfare on which public passage is made, and any corridor of land over which facilities such as railroads, pipelines, powerlines, conduits, channels, or communication lines are located.

Structure: A combination of materials assembled at a fixed location to provide support or shelter, such as a building, framework, retaining wall, fence, or the like.

## **SECTION 12.4      WELL CONSTRUCTION PERMIT**

**12.4.1** Unless otherwise specified, all sections of this regulation apply to open-loop and closed-loop well systems.

**Revised Draft: July 13, 2021**

**12.4.2** Pursuant to [310 CMR 46.00](#), no person in the business of digging or drilling shall construct a well unless registered with the Commonwealth of Massachusetts Department of Environmental Management, Office of Water Resources.

**12.4.3** The applicant, who shall be the owner of the property where the well is located, or his or her authorized agent, shall submit a plan to the Board of Health showing the location of any private well.

**12.4.4** Each well permit application will be reviewed and approved by the following before a permit to construct any well will be issued.

- A. Needham Public Health Division
- B. Needham Department of Public Works, Water and Sewer Division
- C. Needham Building Department
- D. Engineering Division
- E. Needham Planning Board
- F. Needham Fire Department
- G. Needham Conservation Commission

**12.4.5** Along with the application, the applicant shall submit three full-size copies of a wet-stamped, signed and dated plot plan to the Board of Health clearly showing the location of the proposed well. Said plan shall be signed by a surveyor or engineer registered in the Commonwealth of Massachusetts and shall show the location of the proposed well in relation to the home, barn, or other building structures; all lot lines; structure locations, including septic systems and underground storage tanks; roadways; drains and sewer lines; wetlands; and all underground utilities, along with setback distances to the proposed well. An electronic copy of the plan shall also be submitted to the Board of Health. The plan shall be drawn on a scale of approximately one-inch equals forty feet. The plan shall also include a description of visible prior and current land uses within two-hundred feet of the proposed well location, which represent a potential source of contamination, including but not limited to the following:

- A. existing and proposed structures
- B. subsurface fuel storage tanks
- C. public ways
- D. utility rights-of-way
- E. water lines
- F. sewer lines
- G. property lines
- H. surface and subsurface drains, including drywells and water quality best management practices
- I. the location of the water line leading from the well to any connection
- J. existing utilities in the area of the well and along the path of the water line, **including** the electric and/or control cable that leads from the well.

**12.4.6** An informal plan is **NOT** acceptable for a new well.

**12.4.7** A permit fee in the amount stated on the permit application can be submitted online or in a check form made payable to the Town of Needham.

**12.4.8** There shall be a twenty-one-day review period for all permit applications.

**12.4.9** The permit shall be on site at all times that construction of the well is taking place. Each permit shall expire one year from the date of issuance unless revoked for cause. Permits may be extended for one additional six-month period provided that a written request is received by the Board within 30 days prior to the one-year

expiration date

**12.4.10** Well Construction Permits are not transferable.

## **SECTION 12.5      WELL COMPLETION REPORT**

**12.5.1** Well Completion Report forms shall be submitted electronically through the MassDEP electronic filing system. Well completion reports must be submitted for all activities covered under 310 CMR 46.00 including well drilling, decommissioning, Ground Source Heat Pump wells (“geothermal”), repairs, deepening, yield enhancement, pump installation and replacement. Any driller who files a false report is subject to revocation of certification. Violators will be subject to enforcement currently up to \$25,000 per day depending on the infraction and specifics of the violation. It should be noted that performing activities under the regulations cited without being certified in Massachusetts is a violation and the violator(s) subject to enforcement action.

**12.5.2** A copy of the Well Completion Report must also be sent to the Department of Conservation and Recreation Well Drilling Program.

## **SECTION 12.6      REGISTRATION REQUIREMENT**

**12.6.1** Pursuant to 310 CMR 46.00, no person in the business of digging, driving, jetting, drilling or any other method shall construct a well unless registered with the Commonwealth of Massachusetts Department of Environmental Management, Office of Water Resources.

**12.6.2** The owner of any existing potable or irrigation well, or his or her agent, shall register the well with the Board of Health on a form provided by the Board of Health. Failure to register the potable or irrigation well with the Board of Health shall be considered a violation of this regulation.

## **SECTION 12.7      GENERAL WELL DESIGN AND CONSTRUCTION**

**12.7.1** There shall be no direct discharge of any unfiltered water byproducts produced during the well drilling into any catch basins, storm drains and/or surface water.

**12.7.2** It shall be the well driller’s responsibility to correct any damage to town owned property or ways and/or utilities caused during the well construction process.

**12.7.3** General Well Design and Construction.

All private wells shall be designed such that:

- A. the materials used for the permanent construction are durable in the specific hydrogeologic environment that occurs at the well site, and
- B. no unsealed opening will be left around the well that could conduct surface water or contaminated groundwater
- C. vertically to the intake portion of the well or transfer water from one formation to another.

**12.7.4** Permanent construction materials shall not impart toxic substances, taste, odors, or bacterial contamination to the water in the well.

**Revised Draft: July 13, 2021**

**12.7.5** The space surrounding the well casing should be sealed with a watertight grouting extending from the surface of the ground to a depth of ten (10) feet.

**12.7.6** In all new well construction, all test holes and borings shall be plugged before the well driller completes work at the site.

## **SECTION 12.8      PLUMBING AND CROSS CONNECTIONS**

**12.8.1** No private potable well, or its associated distribution system, shall be connected to the distribution system of the Town of Needham water supply system.

**12.8.2** No private well or its associated distribution system shall be connected to either the distribution system of a public water supply or any type of waste distribution system.

**12.8.3** Open-loop heat pump wells shall not be used to produce water.

**12.8.4** Plumbing connected to any private well used for irrigation purposes shall not enter any building served by the Needham water system. However, if there is no other possibility, and if plumbing must be installed in an existing garage or shed, then the plumbing must be available for inspection at any time.

**12.8.5** Any work involving the connection of the private well to the distribution system of the residence must conform to all applicable plumbing codes. All electrical connections between the well and the pump controls and all piping between the well and the storage and/or pressure tank in the house must be made by a pump installer or registered well driller.

**12.8.6** A physical connection is not permitted between a water supply which satisfies the requirements of these regulations and another water supply that does not meet the requirements of these regulations without prior approval of the Board.

## **SECTION 12.9      LOCATION**

**12.9.1** Wells shall be located the following minimum distances from sources of contamination:

- |                                         |                                                                                                                      |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| A. property lines                       | 10 feet                                                                                                              |
| B. public or private roadways           | 25 feet                                                                                                              |
| C. right of way or easements            | 25 feet                                                                                                              |
| D. sewer line                           | 50 feet * (10 feet from a building sewer constructed of durable corrosion resistant material with watertight joints) |
| E. septic pump or tank                  | 50 feet *                                                                                                            |
| F. privy                                | 100 feet*                                                                                                            |
| G. leaching field (cesspool) or drywell | 100 feet *                                                                                                           |
| H. stable, barnyard, manure storage     | 100 feet                                                                                                             |
| I. aboveground fuel storage             | 100 feet                                                                                                             |
| J. underground fuel storage             | 100 feet                                                                                                             |
| K. surface water, wetlands              | 100 feet **                                                                                                          |
| L. subsurface drains                    | 25 feet *                                                                                                            |

\* Setbacks required by Title 5 septic code.

\*\*Referral of well location to local Conservation Commission for approval required if proposed within 100 feet of surface water regulated under the Wetlands Protection Act.

**12.9.2** In any particular case, the Board of Health may increase the above distances when it decides that specific conditions justify such an increase.

**12.9.3** The Board of Health reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.

## **SECTION 12.10      USE AS A POTABLE WATER SUPPLY**

**12.10.1** No individual well of any type intended for use as a potable water supply shall be installed where a municipal supply of water is accessible abutting the property and where permission to connect to such a supply can be obtained from the authority having jurisdiction over it.

**12.10.2** Any private well used as a source of potable water shall meet or exceed the chemical and bacteriological requirements of the Massachusetts Drinking Water Regulations (310 CMR 22.00) Sections 22.05 through 22.08 inclusive. The water shall be analyzed by a state certified laboratory at the owner's expense, and a copy of the results submitted to the Board of Health at least seven days prior to the use of the supply. Thereafter, it is recommended that the well be tested annually for coliform bacteria.

**12.10.3** The well owner must submit a copy of the laboratory test results to the Board of Health any time a private water supply is tested. The submitted copy should indicate: 1) Name, address, and phone number or other contact information for the individual who performed the sampling; 2) where in the system the sample was obtained (e.g., at the wellhead, prior to treatment, or at the tap) and, if sampled at the tap, whether or not the system was flushed prior to sampling; 3) date and time of sample collection; 4) date and time sample was received by the laboratory; and 5) a copy of the laboratory's test results, which includes the Mass DEP laboratory certificate number and the EPA methods used in the analysis.

**12.10.4** Water drawn from a private well shall not be used as swimming pool water unless it meets the requirements of Section 12.6.2 above.

**12.10.4** Water quality may be required to conform to standards of the Commonwealth of Massachusetts for public water supplies.

**12.10.5** The Board of Health reserves the right to require retesting, or testing for additional parameters when, in the opinion of the Board of Health, it is necessary due to local conditions or for the protection of the public health, safety, and welfare. All costs and arrangements for the laboratory water testing are the responsibility of the applicant.

**12.10.7** Requirements of 310 CMR 46.00 state, in part, that within 30 days after completion of any well (productive or nonproductive), or after plugging of an abandoned well, a certified well driller shall submit to the Drinking Water Program, a Well Completion Report.

## **SECTION 12.11      IRRIGATION WELLS**

**12.11.1** Irrigation wells are for the sole purpose of irrigation and shall not be deemed or used as a potable supply for human consumption. Irrigation wells shall not be connected to a dwelling. There shall be no cross connection between the irrigation well and municipal or domestic supply.

**12.11.2** Irrigation wells must be posted with a permanent, legible sign at the pump outlet, any tap, spigot, or other faucet device. The sign must be constructed of a sturdy weather resistant material, either plastic or non-corrosive metal. The sign must be at least 10 inches by 10 inches, with legible writing, and must state, "THIS WELL IS PERMITTED FOR IRRIGATION ONLY, NOT FOR HUMAN CONSUMPTION." The sign must be on a sturdy chain and hung directly on the well head.

**12.11.3** Once the irrigation well is installed, it must be inspected by a representative of the Needham Water and Sewer Division. The licensed plumber who connected the well to the irrigation system must not remove the irrigation meter, if applicable, before the final inspection. The Water and Sewer Division must receive a signed and dated letter on letterhead from the plumber or individual at the irrigation company that hooked up the well, stating that the work is complete. The letter must confirm that no cross-connections exist between the Town municipal water system and the irrigation well. The letter must also state whether any backflow preventers were installed. (See 310.CMR.22.00 §22)

**12.11.4** No private irrigation well shall be used for its intended purpose until the Public Health Division receives a copy of the final inspection sign-off approval sheet from the Water and Sewer Division, along with a copy of the Well Completion Report. Once those documents are uploaded to the Town's online permit system, the Public Health Division will issue to the owner a final approval for the well to open for use.

**12.11.5** If the property has an existing irrigation system fed by Town water, that existing system shall be capped where it exits the house for easy verification by the Water and Sewer Department when an inspector conducts the pre-operation inspections of the new well.

## **SECTION 12.12      GEOTHERMAL WELLS**

**12.12.1** Geothermal wells are for the sole purpose of generating thermal energy and shall not be deemed or used as a potable supply for human consumption. Any ground source or geothermal heat pump system that is used to provide, or pre-heat, the potable hot water supply shall have a testable reduced pressure zone (RPZ) backflow prevention device installed on or before the cold-water feed leading to the potable water heater and the water feed leading to any additional hot water pre-heaters that are part of the ground source or geothermal heat pump system. There shall be no cross connection between the geothermal ~~open-loop~~ well and the domestic municipal water supply.

**12.12.2** Geothermal wells must meet all the Massachusetts Department of Environmental Protection (DEP) requirements listed in [Guidelines for Ground Source Heat Pump Wells](#):

- A. A testable RPZ backflow prevention device must be installed on or before the cold-water feed leading to the open-loop geothermal system.
- B. There shall be no cross-connection between the geothermal well and the municipal water supply. The Water and Sewer Division must receive a signed and dated letter on letterhead from the plumber, or

individual at the company who hooked up the well, stating that the work is complete. The letter must confirm that no cross-connections exist between the Town municipal water system and the well. The letter must also state whether any backflow preventers were installed.

- C. Geothermal wells shall be sited at least 10 feet from surface water bodies, potable water, and sewer lines.
- D. Geothermal wells shall be located at least 50 feet from private potable water supply wells.
- E. Geothermal wells shall be located at least 25 feet from potential sources of contamination including, but not limited to septic tanks and field, lagoons, livestock pens, and oil or hazardous materials storage tanks.
- F. See Massachusetts Department of Environmental Protection (DEP) requirements for system bleeds in open-loop wells ([Guidelines for Ground Source Heat Pump Wells](#)).
- G. See DEP requirements for testing open-loop well water ([Guidelines for Ground Source Heat Pump Wells](#)).
- H. Discharge water from the heat pump must be analyzed per DEP Guidelines.
- I. Any ground source heat pump well system with flows in excess of 15,000 gallons per day must be permitted by the DEP Groundwater Discharge Program (per [314 CMR 5.05](#)).
- J. The well design plan must be submitted for review to the following departments in Needham:
  - i. Needham Public Health Division
  - ii. Needham Building Department
  - iii. Engineering Department
  - iv. Water and Sewer Division
  - v. Planning Department
  - vi. Fire Department
  - vii. Conservation Commission.
- K. All departments will send comments to the Board of Health.
- L. Once the contractor has built the geothermal well, they must submit a well design as-built plan and the water testing results to the Public Health Division. The contractor must notify the Water and Sewer Division and the Town Building Commissioner of completion so both Water and Sewer Division and Building Department can conduct a final inspection.

**12.12.3** No ground source heat pump well shall be used for its intended purpose until the Public Health Division receives a copy of the final inspection sign-off approval sheets from the Water and Sewer Division and the Building Department along with a copy of the Well Completion Report. Once those documents are uploaded to the Town's online permit system, the Public Health Division will issue to the owner a final approval for the well to open for use.

## **SECTION 12.13     ABANDONMENT, or DECOMMISSIONING OF WELLS**

**12.13.1** A well which has not been used for two consecutive calendar years shall be considered abandoned. The owner of record of such well shall notify the Board of Health in writing that the well is abandoned and shall have a registered well driller seal the well with materials which are approved by and in a manner satisfactory to the Board of Health.

**12.13.2** Abandoned wells, test holes, and borings shall be decommissioned to prevent the well from being a channel allowing the vertical movement of water.

**12.13.3** Requirements of 310 CMR 46.00 state, in part, that within 30 days after completion of any well (productive or nonproductive), or after plugging of an abandoned well, a certified well driller shall submit to the Drinking Water Program, a Well Completion Report.

**12.13.4** In the case of new well construction, all test holes and borings shall be plugged before the well driller completes work at the site.

**12.13.5** The owner of a private well shall decommission the well if the well meets any of the following criteria:

- A. The construction of the well is terminated prior to completion of the well,
- B. The well owner notifies the Board of Health that the use of the well is to be permanently discontinued,
- C. The well has been out of service for at least two years,
- D. The well is a potential hazard to public health or safety and situation cannot be corrected,
- E. The well is in such a state of disrepair that its continued use is impractical, and
- F. The well has the potential for transmitting contaminants from the land surface into an aquifer or from one aquifer to another and the situation cannot be corrected.

**12.13.6** Decommissioning must follow [Department of Environmental Protection guidelines](#);

## **SECTION 12.14      ENFORCEMENT**

**12.14.1** The Board of Health shall investigate violations of these regulations and may take such actions as the Board of Health deems necessary for the protection of the public health and the enforcement of these regulations.

**12.14.2** If any investigation reveals a violation of these regulations, the Board of Health shall order the private well owner to comply with the violated provisions. These orders shall be in writing and served in the following manner:

- A. Personally, by any person authorized to serve civil process, or
- B. By any person authorized to serve civic process by leaving a copy of the order at the well owner's last and usual place of abode, or
- C. By sending the well owner a copy of the order by registered or certified mail, return receipt requested, if the well owner is within the Commonwealth, or
- D. If the well owners last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the premises and by advertising it for at least three out of the five consecutive days in one or more newspapers of general circulation within the Town of Needham.

## **SECTION 12.15      HEARING**

**12.15.1** The private well owner to whom any order has been served may request a hearing before the Board of Health by filing with the Board within 7 days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition the Board of Health shall set a time and place for such hearing and shall inform the well owner thereof in writing. The hearing shall be commenced not later than 30 days after the day on which the order was served. The Board of Health, upon application of the well owner, may postpone the date of hearing for a reasonable time beyond such 30-day period if in the judgement of the Board the well owner has submitted a good and sufficient reason for such postponement.

**12.15.2** The well owner shall be given an opportunity to be heard at the hearing and to show why the order should be modified or withdrawn.

**Revised Draft: July 13, 2021**

**12.15.3** After the hearing, the Board of Health shall sustain, modify, or withdraw the order and shall inform the well owner in writing of its decision. If the Board sustains or modifies the original order, it shall be carried out within the time period allotted in the original order or in the modification.

**12.15.4** Every notice, order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Needham Town Clerk, or in the office of the Board of Health.

## **SECTION 12.16     PENALTY**

**12.16.1** The penalty for violation of any provision of these regulations shall be a fine of not more than five hundred dollars (\$500). Each day's failure to comply with an order from the Board of Health shall constitute a separate violation of these regulations.

**12.16.2** Violations of this regulation and penalties listed in Section 8.1 may be subject to non-criminal disposition, [M.G.L. Chapter 40, Section 21D](#), and [Town of Needham General Bylaws](#), July 1996 Compilation, Article 9, Sections 9.1 and 9.2, and as amended.

## **SECTION 12.17     VARIANCES**

**12.17.1** Variances to these regulations may be granted by the Board of Health, if in their opinion strict compliance with these regulations would do manifest injustice and the applicant proves that the same degree of protection as required under these regulations can be achieved with the variance.

**12.17.2** All requests for variances shall be in writing.

**12.17.3** Written notice of the decision of the Board of Health shall be given within ten working days of the hearing.

## **SECTION 12.18     TESTING**

**12.18.1** The Board of Health may require that testing of irrigation wells for fecal and total coliform and heavy metals be conducted at the landowner's expense after the well is approved and installed and at times the Board of Health feels a health hazard exists or the property on which the well is located changes ownership.

**12.18.2** The Board of Health reserves the right to require testing, or retesting, for additional parameters when, in the opinion of the Board, it is necessary due to local conditions or for the protection of the public health, safety and welfare. All costs and laboratory arrangements for the water testing are the responsibility of the Applicant.

## **SECTION 12.19     SEVERABILITY**

**12.19.1** Should any provision of these regulations be ruled invalid by a competent authority, the remaining provisions shall be considered severable and remain in full force and effect.

**Revised Draft: July 13, 2021**

## **SECTION 12.20     DISCLAIMER**

**12.20.1** The issuance of a well permit shall not be construed as a representation by the Board of Health or its agents that the water system will function satisfactorily, nor that the water supply will be of sufficient quality or quantity for its intended use.

## **SECTION 12.21     OTHER PERMITS**

**12.21.1** Applicants for well permits may be required to obtain plumbing and/or building permits from the Town of Needham Building Department.

## **SECTION 12.22     EFFECTIVE DATE**

**12.22.1** These regulations are formally adopted by the Needham Board of Health on \_\_\_\_\_, and shall take effect on \_\_\_\_\_. Public hearings and open meetings regarding this regulation were conducted on \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. A summary explanation of the changes to this regulation was published in the Needham Times on \_\_\_\_\_.

## **SECTION 12.23     REFERENCES**

**12.23.1** The following Massachusetts laws and regulations have been cited in this document.

- A. Massachusetts General Law regarding local health departments' authority to impose regulations (MGL Chapter 111, § 31).
- B. Code of Massachusetts Regulations regarding water ([310 CMR 22.00](#)),
- C. Code of Massachusetts Regulations regarding certification of well drillers and filing of well completion reports ([310 CMR 46.00](#))
- D. [Department of Environmental Protection Guidelines for Ground Source Heat Pump Wells](#)
- E. Code of Massachusetts Regulations regarding ground water discharge permit ([314 CMR 5](#))
- F. Massachusetts General Law regarding non-criminal disposition of regulation violation ([M.G.L. Chapter 40, § 21D](#))
- G. [Town of Needham General Bylaws](#)



**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

|                     |                                                                                          |
|---------------------|------------------------------------------------------------------------------------------|
| <b>Agenda Item</b>  | <b>11 Gatewood Drive Septic Variance Request</b>                                         |
| <b>Presenter(s)</b> | Tara Gurge, Assistant Public Health Director<br>Diana Acosta, Environmental Health Agent |

|                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                  |              |                        |                     |                                  |              |                        |               |    |   |  |    |                                                                        |    |  |  |    |                 |    |  |  |    |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------|------------------------|---------------------|----------------------------------|--------------|------------------------|---------------|----|---|--|----|------------------------------------------------------------------------|----|--|--|----|-----------------|----|--|--|----|
| 1.                                                                     | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b><br>The septic installer for the property located at 11 Gatewood Dr. is looking to request a variance from section 310 CMR 15.211 – Minimum setback distances, specifically to decrease the setback distance from the septic tank to the building foundation. The setback distance requirement is 10 feet, and the current setback distance noted on the septic as-built plan is 9.4’.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |              |                        |                     |                                  |              |                        |               |    |   |  |    |                                                                        |    |  |  |    |                 |    |  |  |    |
| 2.                                                                     | <b>VOTE REQUIRED BY BOARD OF HEALTH</b><br><br>Vote is required. Suggested Motion: “I move to approve the requested variance for the septic system at 11 Gatewood Drive as presented in the packet and as just discussed.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                  |              |                        |                     |                                  |              |                        |               |    |   |  |    |                                                                        |    |  |  |    |                 |    |  |  |    |
| 3.                                                                     | <b>BACK UP INFORMATION:</b> <ul style="list-style-type: none"><li>- Copy of Variance Request paperwork.</li><li>- Scan of excerpt of septic as-built plan.</li><li>- Picture of Septic Tank hole with stone showing ledge on site.</li><li>- Excerpt of MassDEP Title 5 section 310 CMR 15.211 (See below.)</li></ul> <p>Section 15.211 - Minimum Setback Distances</p> <p>(1) All systems must conform to the minimum setback distance for septic tanks, holding tanks, pump chambers, treatment units and soil absorption systems, including reserve area, measured in feet and as set forth below. Where more than one setback applies, all setback requirements shall be satisfied.</p> <table><tr><td></td><td>Septic Tank Chamber</td><td>Holding Tank Pump Treatment Unit</td><td>Grease Traps</td><td>Soil Absorption System</td></tr><tr><td>Property Line</td><td>10</td><td>5</td><td></td><td>10</td></tr><tr><td>Cellar or Crawl Space Wall, Swimming Pool (inground), foundation drain</td><td>10</td><td></td><td></td><td>20</td></tr><tr><td>Slab Foundation</td><td>10</td><td></td><td></td><td>10</td></tr></table> |                                  |              |                        | Septic Tank Chamber | Holding Tank Pump Treatment Unit | Grease Traps | Soil Absorption System | Property Line | 10 | 5 |  | 10 | Cellar or Crawl Space Wall, Swimming Pool (inground), foundation drain | 10 |  |  | 20 | Slab Foundation | 10 |  |  | 10 |
|                                                                        | Septic Tank Chamber                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Holding Tank Pump Treatment Unit | Grease Traps | Soil Absorption System |                     |                                  |              |                        |               |    |   |  |    |                                                                        |    |  |  |    |                 |    |  |  |    |
| Property Line                                                          | 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 5                                |              | 10                     |                     |                                  |              |                        |               |    |   |  |    |                                                                        |    |  |  |    |                 |    |  |  |    |
| Cellar or Crawl Space Wall, Swimming Pool (inground), foundation drain | 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |              | 20                     |                     |                                  |              |                        |               |    |   |  |    |                                                                        |    |  |  |    |                 |    |  |  |    |
| Slab Foundation                                                        | 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |              | 10                     |                     |                                  |              |                        |               |    |   |  |    |                                                                        |    |  |  |    |                 |    |  |  |    |



# NEEDHAM PUBLIC HEALTH DIVISION



## SEPTIC VARIANCE REQUEST

**\$ PAID**  
**75.00**

Name: Jack Malone Company, Inc.  
Address: 11 Gatewood Drive  
City/Town: Needham, MA 02492  
Phone Number: 781-444-7860 (office)

Regulation and nature of variance request (please note section(s)):

Regulation: Section 310 CMR 15.211 Minimum set back distances

Nature of Request: TO allow septic tank to be  
because of thickness of wall.

Reason for Request: Due to the topo and ledge  
we were unable to install the septic system  
after the house was built. The location  
of the tank was checked three times during  
process by engineers.

**For Health Department use only**

Date of site visit if any: \_\_\_\_\_

Date hearing notice was published: \_\_\_\_\_

Date hearing was held: \_\_\_\_\_

Health Department decision: \_\_\_\_\_

Variance in effect from \_\_\_\_\_ to \_\_\_\_\_

**Please attach all pertinent documents including a copy of the written decision.**



AS-BUILT  
D-BOX  
(6 OUTLET)  
INV.IN=292.52  
INV.OUT=(SEE INVERT  
SCHEDULE TABLE)

AS-BUILT  
2000 GALLON  
SEPTIC TANK  
INV.IN=293.42  
INV.OUT=293.17  
20" ACCESS COVER  
(TYP.)

T.O.W. 293.0  
B.O.W. 292.8

0 HIGH ROCK WOODS  
N/E  
BOY SCOUTS OF AMERICA

ELEVATOR  
SHAFT

2-1/2 STORY  
WOOD  
(UNDER CONSTRUCTION)

F.F.L.R.E.L.=300.0  
BASEMENT E.L.=290.5  
AS-BUILT  
FOUNDATION  
T.O.C.=298.7

CONC.  
PAD



# NEEDHAM PUBLIC HEALTH DIVISION



Unit: Traveling Meals Program

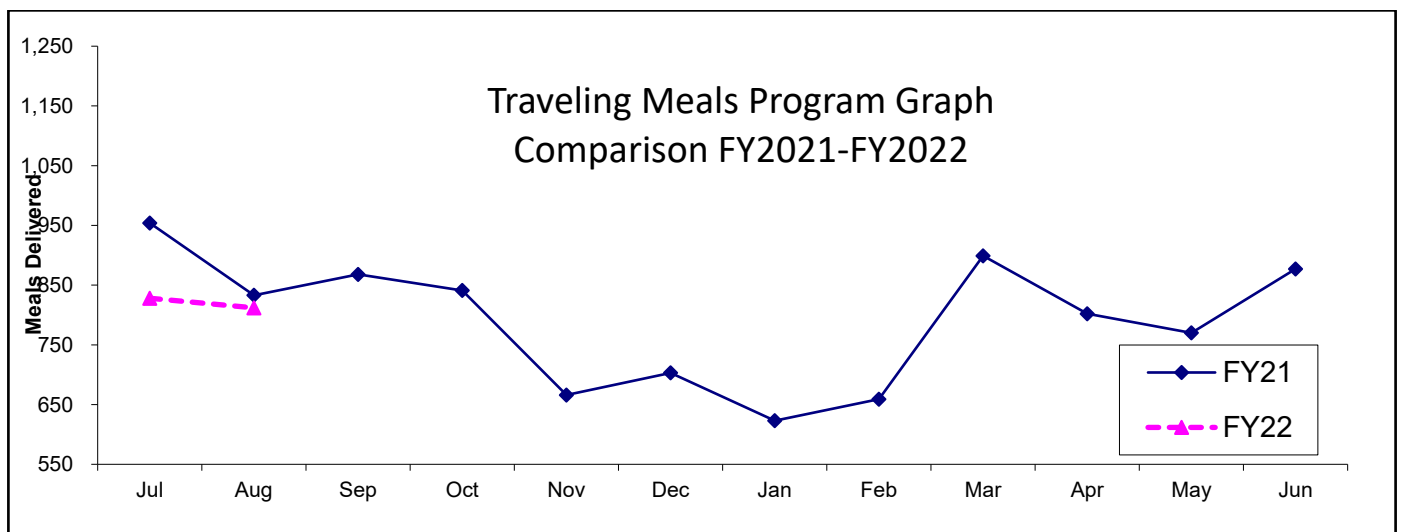
## Monthly Report for August, 2021

Staff member: *Maryanne Dinell, Program Coordinator*

### Activities

| Activity                                                                                                                    | Notes                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>COVID 19 -precautions continue by summer staff as they deliver meals to homebound Needham residents.</i>                 | <i>Meal delivery for month completed by 6 summer part time staff -4 regular and 2 subs</i>                                                                                                                         |
| <i>812 meals delivered in August, 2021.<br/>44 Consumers currently enrolled for the month. 34 Springwell 10 Private Pay</i> | <i>No issues or incidents</i><br><br><i>31 Consumers receive meals Monday through Friday</i><br><i>8 Consumers receive meals Monday, Wednesday, and Friday</i><br><i>5 Consumers receive meals to cover 7 days</i> |
| <i>3 Consumers no longer on Program</i>                                                                                     | <i>1 Consumer sold home for assisted living</i><br><i>2 Consumers hospitalized-now in Rehab.</i>                                                                                                                   |

Summary overview for the month: **Meal delivery comparison**

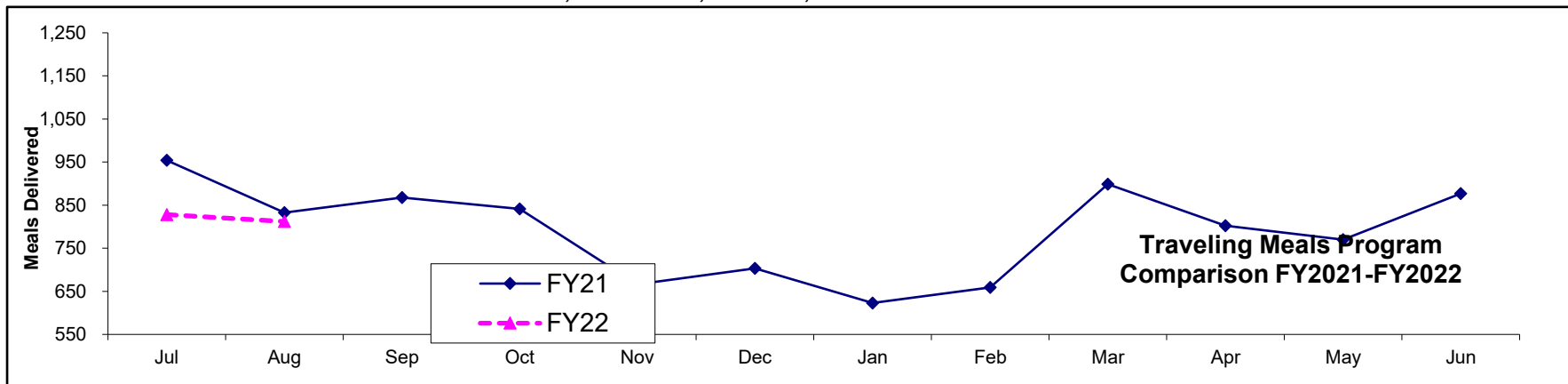


# Health Department Traveling Meals Program

August 2021 FY 2022

| Month      | # Meals<br>FY21 | # Meals<br>FY22 | FY07<br>Cost | % Change<br># Meals |
|------------|-----------------|-----------------|--------------|---------------------|
| <u>Jul</u> | 954             | 828             | \$4,868.00   | -13%                |
| <u>Aug</u> | 833             | 812             | \$4,872.00   | -3%                 |
| <u>Sep</u> | 868             |                 |              |                     |
| <u>Oct</u> | 841             |                 |              |                     |
| <u>Nov</u> | 666             |                 |              |                     |
| <u>Dec</u> | 703             |                 |              |                     |
| <u>Jan</u> | 623             |                 |              |                     |
| <u>Feb</u> | 659             |                 |              |                     |
| <u>Mar</u> | 899             |                 |              |                     |
| <u>Apr</u> | 802             |                 |              |                     |
| <u>May</u> | 770             |                 |              |                     |
| <u>Jun</u> | 877             |                 |              |                     |
| Totals:    | 9,495           | 1,640           | 9,740.00     |                     |

|    |                         |
|----|-------------------------|
|    | <b>Projected-12 Mo.</b> |
| \$ | 58,440.00               |
| #  | 1,640                   |





# Needham Public Health Division

**August 2021**

**Assist. Health Director - Tara Gurge**

**Health Agents - Diana Acosta and Monica Pancare**



**Unit: Environmental Health**

**Date: 9/23/2021**

**Staff members: Tara Gurge, Diana Acosta and Monica Pancare**

**Intern: Ally Littlefield**

## Activities and Accomplishments

| Activity                                                                                                      | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Town Online Permitting System</b>                                                                          | The Septic Installer Trench Permit and Well Permit applications are now live. Diana and Tara are continuing to work with Terry Wolfson from IT Department in developing additional online permit applications on ViewPoint Cloud. Currently working on Septic Soil Testing, Septic Plan Review Checklist Form and the Septic Construction Permits. Diana, Tara, and Dawn continue to take part in bimonthly zoom permit meetings with IT.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Restaurant Food Consultant Trainings</b>                                                                   | Berger Food Safety conducted a training at Farmhouse Restaurant. Additional unannounced audit inspections will also be conducted in the coming weeks to ensure they are applying their food safety practices learned during the training. Copies of these trainings and audits will be submitted for our file.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>FDA Grant updates</b>                                                                                      | In process of creating Scopes of Work for hiring a food consultant company to conduct virtual forum trainings to all our food establishments. We are planning to hire an auditor to conduct audits of our FDA Standards. NEHA-FDA grant portal is now open for applying for additional FDA grant money in order to continue with our FDA Standard work in 2022.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Nutritionally Needham Healthy Eating Week – Launches Week of Oct. 3<sup>rd</sup>- 9<sup>th</sup>, 2021</b> | From October 3 <sup>rd</sup> - 9 <sup>th</sup> local restaurants, along with Needham Public Schools, will highlight healthy menu items as part of Needham Public Health's 2nd annual "Nutritionally Needham" healthy eating week. The program will guide residents in making nutritious choices when eating out. Visit <a href="https://nutritionallyneedham.wixsite.com/my-site">https://nutritionallyneedham.wixsite.com/my-site</a> for more information and resources. Ally will be promoting this week in the coming weeks through the Needham Cable Channel, the online Patch, town's weekly newsletter, and the Public Health Divisions Facebook and Twitter social media pages. A booth will be set up at the upcoming NBA Harvest Fair to help kick-off the week. We will be highlighting healthy foods and also be showcasing a healthy food demo made from fresh vegetables purchased at the local Needham Farmers Market.                                                                                                                                  |
| <b>The Kendrick</b>                                                                                           | Continuing to monitor TCE report data and collect residential notifications that we receive in the mail from the Ramboll Licensed Site Professional (LSP). Forwarding resident concerns received to LSP and MassDEP contacts for additional guidance or specific sampling info.<br><b>UPDATE</b> – Meeting held on Sept. 9 <sup>th</sup> with representatives from Ramboll and Toll Bros. Received updates on testing and sub-slab depressurization system repairs. Plan to be submitted of their proposed prefab depressurization system to Building and Engineering Depts. soon for approval. They are also working on tracking the location of the existing TCE plume and additional soil gas monitoring will help determine what direction the plume is going, so any abutting businesses can be alerted. All information re: this site is available on the MassDEP web site at the following link - <a href="https://eeonline.eea.state.ma.us/EEA/fileviewer/Rtn.aspx?rtn=3-0036886">https://eeonline.eea.state.ma.us/EEA/fileviewer/Rtn.aspx?rtn=3-0036886</a> . |
| <b>Emergency 10-Day Beaver Permit</b>                                                                         | It was reported that Beaver dams on Rosemary Brook are causing flooding of a manhole and threatening the town pump station. There are also flooding complaints reported downstream from residents on Central Avenue and Cefalo Roads. Since we are out of the normal hunting season, a request for a 10-Day Emergency Beaver permit application was requested and issued to address the beaver dam flooding threat on Rosemary Brook. See MA DPH Guidelines at <a href="https://www.mass.gov/lists/information-about-beaver-regulations-in-massachusetts">https://www.mass.gov/lists/information-about-beaver-regulations-in-massachusetts</a> . In addition to the 10-Day BOH Emergency Beaver permit, a request was also                                                                                                                                                                                                                                                                                                                                             |

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                   | made and approved for an emergency permit from the Conservation Agent for dam breaching.                                                                                                                                                                                                                                                                                                                           |
| <b>Job Posted for part-time Env. Health Agent</b> | We are in the process of working with HR in receiving the applicants for the second round posting of the part-time Env. Health Agent position to assist us in conducting food inspections. Plan to hire in Sept./Oct.                                                                                                                                                                                              |
| <b>Domestic Animals – Temporary animals?</b>      | Received a call from the animal control officer about ducks on a property on South Street. A male and female Mallard duck were being kept in a chicken coop. The water was low. Another cage that was larger was observed in the backyard with a small box with water used presumably for swimming. Owner reported they were “babysitting” the animals. Our regulations do not address these temporary situations. |

**Other Public Health Division activities this month:** (See report below.)

## Activities

| <i>Activity</i>                        | <i>Notes</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Animals                                | <p><b>4 – Animal Control/permit follow-ups:</b></p> <p><b>Gould Street</b> – Owner of abutting property denied request for variance to shorten setback distances. Permit application has been denied.</p> <p><b>Stockdale Road</b> – Cat released from 10-day quarantine.</p> <p><b>South Street</b>- Received a call from the Animal Control Officer to investigate a call. Ducks found in a chicken coop in driveway. Diana contacted the homeowner and they reported the ducks were on property for a week. Another cage was seen in the back of the property with a box that could be used for swimming. Ducks were to be off property 3 days after inspection.</p> <p><b>Nehoiden Street</b> – Issued 45-day quarantine for a dog with a proximity exposure to a rabies positive bat.</p> |
| Biotechnology                          | New Biotechnology lab is taking over the Celldex location, 115 Fourth Ave. Animal, Disposal of Sharps, and Biotech permit applications have been submitted. Review Complete – awaiting inspection walk through. TBD in late September/early October.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| COVID -19 Complaint                    | <p><b>1 – Complaint Received</b></p> <ul style="list-style-type: none"> <li>- <u>Stephen Palmer Apartments</u> – Resident reported staff/vendors going into units without a face covering despite the building requiring staff to do so when entering units. Complaint reported to management.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Demo Reviews/ Approvals                | <p><b>8 - Demolition signoffs:</b></p> <ul style="list-style-type: none"> <li>- 50 Lee Road</li> <li>- 155 Country Way</li> <li>- 936 Central Ave</li> <li>- 145 Tudor Road</li> <li>- 5 Cynthia Road</li> <li>- 143 Fairfield Street</li> <li>- 28 Enslin Road</li> <li>- 393 Hillcrest Road</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Emergency 10-Day Beaver Permits issued | <p><b>2 – Beaver permits issued to:</b></p> <p><u>Mike Callahan, Beaver Solutions</u> - To prevent flooding of West St. Pump Station due to high water and also flooding of residential properties located along on Central Avenue and Cefalo Roads. Also received approval from Conservation Commission to breach any dams. <b>UPDATE – Dams were breached but no beaver activity was observed, so no traps were set. Mike will continue to monitor area.</b></p>                                                                                                                                                                                                                                                                                                                             |
| Farmer’s Market                        | <p><b>1 – Permit Issued</b></p> <ul style="list-style-type: none"> <li>- Sethji’s LLC</li> </ul> <p><b>24 – Inspections conducted</b></p> <ul style="list-style-type: none"> <li>- 8/22 market cancelled due to storm</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Food – New Food Permit (Updates)     | <p><b>1 – Food Establishment pending pre-operation inspection process:</b></p> <ul style="list-style-type: none"> <li>- <u>Little Spoon (formerly known as Thai Story)</u> – Still in process. Submitted application online.</li> </ul> <p><b>2 – Plan Review Items/inquiries received from:</b></p> <ul style="list-style-type: none"> <li>- <u>Smoothie Bar at 915 Great Plain Ave</u> – No application has been submitted. (Still pending.)</li> <li>- <u>Briarwood</u> – Received plan for proposed exterior grease interceptor. Forwarded to Engineering Division and Water and Sewer Dept. for review. Comments sent back to applicant.</li> </ul> <p><b>1 – Annual Permit Issued</b></p> <ul style="list-style-type: none"> <li>- Wingate</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Temporary Food Permits               | <p><b>2 – Temporary Food Permits Issued</b></p> <ul style="list-style-type: none"> <li>- Mitchell PTC Ice Cream Social</li> <li>- Sunita Williams PTC – Welcome Back Family Event</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Food Complaints                      | <b>0/0 – Food Complaints/Follow-ups.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Housing Complaints/<br>Follow-ups –  | <p><b>1/3 – Housing Complaints/Follow-ups conducted at:</b></p> <ul style="list-style-type: none"> <li>– <u>Union Street (0/1)</u> – Work has been scheduled by landlord. (Pending)</li> <li>– <u>Needham Housing Authority (1/1)</u> - Resident reported an overgrowth of an invasive weed that is making its way to the foundation of their home. They were also concerned with the presence of mold in the home and moss on the roof. NHA reported maintenance did respond and saw there was moss growing on the roof. The team had to wait for 24 hours of no rain or mist as the product we use needs to be sprayed on a complete dry surface. The occupant's unit was tested for mold and air quality prior to their transfer and was found to have normal levels inside. The report from TRC Environmental was sent in to the Needham Public Health Division.</li> <li>– <u>Charles River Landing (0/1)</u> – Follow-up housing inspection conducted. Issued sign off letter.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Nuisance – Complaints/<br>Follow-ups | <p><b>6/8 – Nuisance Complaints/Follow-ups:</b></p> <ul style="list-style-type: none"> <li>- <u>Sheraton Needham (1/1)</u> – It was reported there was excess trash and rodent activity observed in the building. Diana conducted an onsite inspection and did not observe these conditions.</li> <li>- <u>Central Ave (1/1)</u> – A resident reported a neighboring property that is set for demolition has remained unkempt since Feb. 2021. The demolition permit was issued at that time, but the use of the property is being decided at the Planning Board. Diana conducted an onsite inspection and observed the windows were removed from the property and that vegetation around the property was over grown. Owner of property was asked to get a pest control company to inspect the property for pests and other animals. In addition, they were asked to mow down the grass. A pest control company went on site and baited for rodents. Evidence was not found but the bait was left as a precaution.</li> <li>- <u>DeFazio Field (1/1)</u> - Resident reported there was standing water in the orange/red barriers at DeFazio and observed mosquito larvae in the standing water. Diana reached out to DPW. Staff has added dish soap to the water to prevent larvae from surviving.</li> <li>- <u>Highland Ave (1/3)</u> – A couple recently moved to an apartment on Highland Ave and are reported excessive noise and vibration from the commuter rail train idling. Diana shared the history with the residents and letter sent by MBTA/Keolis in January of 2020 which was sent to the unit's previous tenants. Diana reached out to the Massachusetts Department of Environmental Protection, MBTA, and Keolis about the new complaint. DEP reported they may not have enough staff to investigate this type of complaint and MBTA nor Keolis has responded to the inquiry.</li> <li>- <u>Webster Green (1/1)</u> - Report received from occupant about pest activity in her unit. Tara spoke to property manager about concern. Bain pest control to follow-up on reported issue. Asked manager to forward copies of weekly pest control reports for review. Will continue to monitor and require additional pest control services if necessary.</li> <li>- <u>#1210 Greendale Ave. (1/1)</u> - Received concern from complainant below condo unit that is currently being renovated. Owner of unit above her was reportedly leaving an industrial</li> </ul> |

|                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                | blower on all weekend, causing a public health nuisance blowing construction dust/debris out his sliding door, and dust debris were migrating into the condo unit below. Tara called condo property manager about concern. Complainant also reported faulty electrical work being conducted, which was causing a 'buzzing' noise in her wall. Reported concern to Building Dept. They verified that proper electrical permits were issued to this owner. |
| Pools                                          | <b>1 – Annual Permit Issued</b><br>- Sheraton Needham<br><b>2 – Inspections conducted</b><br>- 1 pre-operation; 1 follow up for Sheraton                                                                                                                                                                                                                                                                                                                 |
| Planning Board site plan review                | <b>1 - Planning Board review conducted for:</b><br>- #1688 Central Ave. (Additional comment added.)                                                                                                                                                                                                                                                                                                                                                      |
| Septic Certificate of Compliance (COC)         | <b>1 – Septic COC for repair issued for:</b><br>- #1143 South St. - For D-Box replacement.                                                                                                                                                                                                                                                                                                                                                               |
| Septic – Failed System/Follow-ups              | <b>2– Failed Title 5 Septic reports, follow-ups received, for:</b><br>- #185 Charles River St. – Soil testing conducted. Awaiting plans.<br>- #463 South St. - Still waiting for update from new owner on sewer connection process. Septic abandonment form still pending.                                                                                                                                                                               |
| Septic – Addition reviews                      | <b>3 – Addition to a Home on a Septic reviews conducted for:</b><br>- #1711 Central Ave.<br>- #73 Dunster Rd.<br>- #56 Winding River Rd.                                                                                                                                                                                                                                                                                                                 |
| Septic – Plan Reviews/Approvals/Permits issued | <b>3- Septic Plan Reviews/Conditional approval issued to:</b><br>- <u>11 Gatewood Drive</u> – Review of septic as-built plan. Revised plan pending. <b>Variance request to review by BOH.</b><br>- <u>92 Pine Street</u> – Conditional Plan approval issued.<br>- <u>18 Brookside Rd.</u> - Initial plan review conducted.<br><b>1 – Trench Permit:</b><br>- 92 Pine Street                                                                              |
| Septic – Installation inspections              | <b>2 – Inspections</b><br>- 40 Windsor Road – Distribution box check<br>- 1143 South Street – Distribution box check                                                                                                                                                                                                                                                                                                                                     |
| Well Follow-ups/Permits issued                 | <b>0 - Irrigation Well Permit Follow-ups conducted/permits issued.</b>                                                                                                                                                                                                                                                                                                                                                                                   |
| Zoning Board of Appeals plan review            | <b>1– Zoning Board of Appeals plan review conducted for:</b><br>- <u>#83 Rolling Lane</u> - Comments sent.                                                                                                                                                                                                                                                                                                                                               |

## FY 21 Priority FBI Risk Violations Chart (By Date)

| Restaurant             | Insp. Date | Priority Violation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fresco                 | 8/7/21     | <p><b>COS 3-301.11 (B) Preventing Contamination from Hands</b> - Code: Except when washing fruits and vegetables, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.</p> <p><b>3-501.16 (A)(2) (B) Proper Cold Holding Temps.</b> - Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less</p> <p><b>3-501.16 (A)(2) (B) Proper Cold Holding Temps.</b> - Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less</p> | <p>Kitchen - Cook was observed removing a cooked waffle from waffle iron using barehand. Product discarded.</p> <p>Kitchen - Egg mix on the service line was 66f. Stored on top of counter. This is a multiple repeat offense and a continual offense risk control plan required product discarded</p> <p>Commercially prepared, corn beef was at 83° and sitting on top of the table next to the soiled mop head upon arrival product discarded.</p> |
| Needham House of Pizza | 8/16/21    | <p><b>3-501.16 (A)(2) (B) Proper Cold Holding Temps.</b> - Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>The temperature of the Ambient in the Small reach in cooler was 47 degrees. Only bacon was stored in the unit. All other items were moved to another cooling unit</p>                                                                                                                                                                                                                                                                              |
| Comella's              | 8/17/21    | <p><b>3-501.16 (A)(2) (B) Proper Cold Holding Temps.</b> - Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The ambient temperature of in the Walk-in Cooler - 1 was 45 degrees according to my infrared thermometer at the</p>                                                                                                                                                                                                                                                                                                                                |

|                 |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                       |
|-----------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Comella's       | 8/17/21 | except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less                                                                                                                                                                                                                                                                                                                        | entrance. It went down to 41 towards the back of the cooler. Ensure that the "warmest part" of cooler is 41 or below. |
| One Wingate Way | 8/28/21 | <b>3-501.18 Ready-to-Eat Food Disposition</b><br>- Code: A TCS/RTE food as specified in paragraph 3-501.17 (A)(B) shall be discarded if it: exceeds 7 days at 41°F or lower (except for the time that the product is frozen) or is in a container or package that does not bear a date or day or is appropriately marked with a date or day that exceeds a temperature and time combination as specified in 3-501.17(A). Refrigerated, RTE/TCS food prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds 7 days at 41°F or lower. | Pre Prepped salads for use had no date marking stored in rolltop refrigerator                                         |
| Sweet Basil     | 8/28/21 | <b>COS 5-205.15 (A) System Maintained/Repair</b> -Code: A plumbing system shall be repaired according to law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Handsink broken, non working on prep line. Repair or replace within 3 days. Provide service reports                   |

| Category                                            | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | FY'22 | FY'21 | FY '20 | FY' 19 | FY' 18 |
|-----------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-------|-------|--------|--------|--------|
| Biotech registrations                               | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 0     | 1      | 1      | 1      |
| Bodywork Estab. Insp.                               | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 6     | 7      | 14     | 11     |
| Bodywork Estab. Permits                             | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 13    | 9      | 9      | 6      |
| Bodywork Pract. Permits                             | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 12    | 23     | 21     | 22     |
| COVID 19 Complaints                                 | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 123   | 0      | 0      | 0      |
| COVID 19 Follow Ups                                 | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 122   | 0      | 0      | 0      |
| Demo reviews                                        | 8   | 8   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 16    | 76    | 73     | 104    | 105    |
| Domestic Animal permits                             | 3   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 4     | 29    | 1      | 21     | 19     |
| Domestic Animal Inspections                         | 0   | 3   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 3     | 8     | 3      | 22     | 3      |
| Food Service Routine insp.                          | 16  | 24  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 40    | 134   | 149    | 200    | 225    |
| Food Service Pre-oper. Insp.                        | 5   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 5     | 16    | 48     | 12     | 32     |
| Retail Food Routine insp. Or 6 month check in       | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 12    | 33     | 46     | 60     |
| Residential Kitchen Routine insp.                   | 0   | 2   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 2     | 5     | 3      | 6      | 8      |
| Mobile Routine insp.                                | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 10    | 4      | 17     | 13     |
| Food Service Re-insp.                               | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 7     | 21     | 28     | 53     |
| Food Establishment Annual/Seasonal Permits          | 4   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 5     | 134   | 155    | 140    | 171    |
| Temp. food permits                                  | 1   | 2   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 3     | 9     | 67     | 134    | 163    |
| Temp. food inspections                              | 1   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 2     | 3     | 10     | 37     | 29     |
| Farmers Market permits                              | 3   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 4     | 15    | 14     | 14     | 14     |
| Farmers Market insp.                                | 31  | 24  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 55    | 124   | 158    | 229    | 127    |
| Food Complaints                                     | 2   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 2     | 7     | 49     | 18     | 20     |
| Follow-ups food complaints                          | 2   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 2     | 8     | 48     | 21     | 21     |
| Food Service Plan Reviews                           | 2   | 2   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 4     | 12    | 14     | 20     | 42     |
| Food Service Admin. Hearings                        | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 1     | 3      | 0      | 0      |
| Grease/ Septage Hauler Permits                      | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 13    | 20     | 21     | 24     |
| Housing (Chap II Housing) Annual routine inspection | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 7     | 7      | 0      | 14     |
| Housing Follow-up insp.                             | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 2     | 0      | 0      | 5      |
| Housing New Complaint                               | 3   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 4     | 40    | 41     | 22     | 22     |
| Housing Follow-ups                                  | 9   | 3   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 12    | 63    | 56     | 28     | 24     |
| Hotel Annual inspection                             | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 3     | 3      | 3      | 3      |
| Hotel Follow-ups                                    | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 1     | 15     | 0      | 0      |
| Nuisance Complaints                                 | 8   | 6   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 14    | 45    | 34     | 55     | 42     |
| Nuisance Follow-ups                                 | 7   | 8   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 15    | 60    | 55     | 69     | 42     |
| Pool inspections                                    | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 15    | 13     | 20     | 12     |
| Pool Follow up inspections                          | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 5     | 3      | 12     | 7      |
| Pool permits                                        | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 17    | 11     | 19     | 12     |
| Pool plan reviews                                   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 5     | 0      | 3      | 44     |
| Pool variances                                      | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 5     | 6      | 5      | 7      |
| Septic Abandonment                                  | 1   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 2     | 17    | 21     | 9      | 5      |

| Category                                                        | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | FY'22 | FY'21 | FY '20 | FY' 19 | FY' 18 |
|-----------------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-------|-------|--------|--------|--------|
| Addition to a home on a septic plan rev/approval                | 0   | 3   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 3     | 5     | 5      | 2      | 2      |
| Septic Install. Insp.                                           | 0   | 2   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 2     | 11    | 13     | 21     | 28     |
| Septic COC for repairs                                          | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 2     | 5      | 3      | 1      |
| Septic COC for complete septic system                           | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 1     | 3      | 4      | 3      |
| Septic Info. requests                                           | 5   | 4   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 9     | 86    | 61     | 62     | 51     |
| Septic Soil/Perc Test.                                          | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 8     | 1      | 1      | 2      |
| Septic Const. permits                                           | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 6     | 6      | 6      | 5      |
| Septic Installer permits                                        | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 8     | 6      | 8      | 9      |
| Septic Installer Tests                                          | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 3     | 2      | 5      | 3      |
| Septic Deed Restrict.                                           | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 4     | 1      | 1      | 3      |
| Septic Plan reviews                                             | 1   | 3   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 4     | 14    | 8      | 9      | 23     |
| Septic Trench permits                                           | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     |       |        |        |        |
| Disposal of Sharps permits                                      | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 8     | 7      | 7      | 9      |
| Disposal of Sharps Inspections                                  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 8     | 7      | 7      | 7      |
| Planning Board Subdivision Sp Permit Plan reviews/Insp. of lots | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1     | 20    | 4      | 1      | 1      |
| Subdivision Bond Releases                                       | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 1     | 0      | 1      | 0      |
| Special Permit/Zoning                                           | 2   | 1   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 3     | 18    | 17     | 34     | 15     |
| Tobacco permits                                                 | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 7     | 10     | 10     | 11     |
| Tobacco Routine insp                                            | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 7     | 8      | 14     | 18     |
| Tobacco Follow-up insp.                                         | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 1     | 8      | 3      | 3      |
| Tobacco Compliance checks                                       | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 6     | 30     | 30     | 41     |
| Tobacco complaints                                              | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 0     | 2      | 3      | 4      |
| Tobacco Compl. follow-ups                                       | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 0     | 1      | 3      | 4      |
| Trash Hauler permits                                            | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 16    | 15     | 17     | 14     |
| Medical Waste Hauler permits                                    | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0     | 2     | 2      | 2      | 1      |
| Well - Plan Reviews, Permission to drill letters, Insp.         | 3   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 3     | 11    | 2      | 6      | 2      |
| Well Permits                                                    | 3   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 3     | 1     | 1      | 1      | 0      |



# NEEDHAM PUBLIC HEALTH DIVISION



**Date:** September 2021

**Staff:** Lynn Schoeff

## **Activities and Accomplishments**

| Activity                                       | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PH WINS – “survey champion”                    | National survey of public health workforce.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Review and revise policies                     | <p>Nursing</p> <ul style="list-style-type: none"><li>• Concussion prevention (reviewed)</li><li>• Covid antigen testing (new)</li><li>• Needle sticks (new)</li><li>• Anaphylaxis (reviewed)</li></ul> <p>Administrative</p> <ul style="list-style-type: none"><li>• Confidentiality</li><li>• Purchase order</li><li>• After-action report</li></ul> <p>Environmental Health</p> <ul style="list-style-type: none"><li>• Food permit</li><li>• Food code enforcement</li><li>• Residential kitchen permits</li><li>• Farmers Market</li><li>• Temporary food event permit</li><li>• Housing-occupant complaint</li><li>• Foodborne illness</li><li>• Asbestos</li><li>• Grease traps</li></ul> |
| Mass Commission on Disabilities grant proposal | Proposal to fund self-assessment of Needham facilities. Once completed, a self-assessment will position the Town to apply for improvement grants to fund physical or web-based changes for improved accessibility.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| PHAB Pathways                                  | The Public Health Accreditation Board (PHAB) is developing a system to recognize smaller health departments who may not be positioned to apply for full accreditation. PHAB also sees this as a possible step toward full accreditation.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



## **NEEDHAM PUBLIC HEALTH DIVISION**



**Unit: Emergency Management**

**Date: September 2021**

**Staff member: Michael Lethin**

### **Activities and Accomplishments**

| Activity                                | Notes                                                                                                                                                                                                   |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ICS Staffing Review                     | Working to identify Town staff to fill specific positions in the Incident Command System before an incident occurs.                                                                                     |
| ICS Training & Exercises                | Needham currently has a contractor developing Incident Command System training for appropriate staff. This will lead into a functional hazardous materials exercise tentatively scheduled for December. |
| Comprehensive Emergency Management Plan | Needham's CEMP will need to be updated once EOC Job Action Sheets are completed, as well as to incorporate necessary improvements from the final COVID After-Action Report.                             |



## Emergency Management Support Monthly Report August 2021



Prepared by: Taleb Abdelrahim

This monthly report is to provide an update on what I have been doing under supervision of Tiffany Zike.

Summary of work:

Tasks completed and being worked on:

- 1) The first draft of a warming/cooling center plan has been submitted for reviewing and adding more keys components.
- 2) We're going reschedule our third MRC training event about Basic Rules of Radio Communication with Needham FD/EMS.
- 3) Communicate with our MRC volunteers about:
  - A. Preparedness and safety tips about tropical storms.
  - B. Updating them regularly with coming flu clinics information and answer their questions.
- 4) We're working on applying for Public Health Service Commissioned Officers Foundation (PHS COF) Seed Grants.



## **NEEDHAM PUBLIC HEALTH DIVISION**

**Unit: Public Health Nursing**

**Month: August 2021**

**Staff member: Tiffany Zike, Hanna Burnett, Mary Fountaine**

### **Activities and Accomplishments**

| Activity                                    | Notes                                                                                   |
|---------------------------------------------|-----------------------------------------------------------------------------------------|
| COVID-19 Communicable disease investigation | Primary and Secondary disease investigation and contact tracing. Continues to decrease. |
| Training for Concussion Protocol            | Began the concussion regulation protocol for fall sports.                               |
| BID-N infection control meeting             | Participated in the quarterly infection control meeting with BID Needham                |
| CHNA Participation with NWH                 | Meeting as part of the Community Health Needs Assessment Team for NWH                   |

### **Summary overview for the month:**

Working on information for flu vaccines and planning clinics. Meetings with the schools about the school year and how to best work with confirmed cases and contact tracing. Working with building and Park and Rec on concussion protocol and connecting the leagues and coaches with the nursing team to make sure all paperwork is turned in before they can receive their permit for field/building use. Held a training for groups to come and get information on what this regulation means and how we will implement it. Will kick-off with fall sports registration.



# NEEDHAM PUBLIC HEALTH DIVISION

| COMMUNICABLE DISEASES:       | JUL | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | Apr | MAY | JUN | FY22 | FY21 |
|------------------------------|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|
| Amebiasis                    |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Chickungunya                 |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Babesiosis                   | 3   |     |      |     |     |     |     |     |     |     |     |     | 3    | 5    |
| Borrelia miyamotoi           | 1   |     |      |     |     |     |     |     |     |     |     |     |      |      |
| Campylobacter                | 2   |     |      |     |     |     |     |     |     |     |     |     | 2    | 15   |
| COVID 19 Confirmed           | 37  | 101 |      |     |     |     |     |     |     |     |     |     | 138  | 1416 |
| COVID Probable               | 3   | 8   |      |     |     |     |     |     |     |     |     |     | 11   | 118  |
| COVID Contacts               | 20  | 25  |      |     |     |     |     |     |     |     |     |     | 45   | 1006 |
| Cryptosporidium              |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Cyclosporiasis               |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| HGA                          |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 2    |
| Enterovirus                  |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Giardiasis                   |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Haemophilus Influenza        |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Hepatitis B                  |     | 1   |      |     |     |     |     |     |     |     |     |     | 1    | 9    |
| Hepatitis C                  |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 6    |
| HGA                          |     | 1   |      |     |     |     |     |     |     |     |     |     | 1    | 3    |
| Influenza                    |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Invasive Bacterial Infection |     | 1   |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Legionellosis                |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Listeriosis                  |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Lyme                         | 7   | 7   |      |     |     |     |     |     |     |     |     |     | 14   | 38   |
| Measles                      |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Meningitis                   |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Meningitis(Aseptic)          |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Mumps                        |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Noro Virus                   |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Pertussis                    |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| RMSF(Rocky Mt Spotted Fever) |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Salmonella                   |     | 1   |      |     |     |     |     |     |     |     |     |     | 1    | 3    |
| Shiga Toxin                  |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Shigelloia                   |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Strep Group B                |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 2    |
| Strep ( GAS)                 |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Strep Pneumoniae             |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Tuberculosis                 |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Latent TB                    |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 7    |
| Varicella                    |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Vibrio                       |     | 1   |      |     |     |     |     |     |     |     |     |     | 1    | 0    |
| West Nile virus              |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| <b>TOTAL DISEASES</b>        | 72  |     |      |     |     |     |     |     |     |     |     |     | 217  | 4196 |
| Revoked/Suspect              |     | 1   |      |     |     |     |     |     |     |     |     |     | 1    | 3    |



# NEEDHAM PUBLIC HEALTH DIVISION

| ANIMAL TO HUMAN BITES | JUL | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | Apr | MAY | JUN | FY22 | FY21 |
|-----------------------|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|
| Dog                   |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 8    |
| Cat                   |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| Bat                   | 1   |     |      |     |     |     |     |     |     |     |     |     | 1    | 7    |
| Skunk                 |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 0    |
| Raccoon               |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| other                 |     |     |      |     |     |     |     |     |     |     |     |     | 0    | 1    |
| <b>TOTAL BITES</b>    | 1   | 0   |      |     |     |     |     |     |     |     |     |     | 1    | 18   |

| IMMUNIZATIONS  | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | FY22 | FY21 |
|----------------|------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|
| B12            | 2    | 2   |      |     |     |     |     |     |     |     |     |      | 2    | 13   |
| Flu (Seasonal) |      |     |      |     |     |     |     |     |     |     |     |      | 0    | 1225 |
| Hep B          |      |     |      |     |     |     |     |     |     |     |     |      | 0    | 0    |
| Polio          |      |     |      |     |     |     |     |     |     |     |     |      | 0    | 0    |
| TDap           |      |     |      |     |     |     |     |     |     |     |     |      | 0    | 0    |
| Varicella      |      |     |      |     |     |     |     |     |     |     |     |      | 0    | 0    |
| COVID-19       |      | 2   |      |     |     |     |     |     |     |     |     |      | 0    | 6963 |

| ASSISTANCE PROGRAMS | Jul | Aug   | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | FY21 | FY21     |
|---------------------|-----|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|----------|
| Food Pantry         |     |       |     |     |     |     |     |     |     |     |     |      |      | 0        |
| Friends             |     |       |     |     |     |     |     |     |     |     |     |      |      | 0        |
| Gift of Warmth      |     | \$533 |     |     |     |     |     |     |     |     |     |      |      | \$16,956 |
| Good Neighbor       |     |       |     |     |     |     |     |     |     |     |     |      |      | 0        |
| Park & Rec          |     |       |     |     |     |     |     |     |     |     |     |      |      | 1        |
| Self Help           |     |       |     |     |     |     |     |     |     |     |     |      |      | 2        |

**Donations: None**

**Giftcards Distributed: None**



## NEEDHAM PUBLIC HEALTH DIVISION



### 2021 Flu Vaccine Comparison Chart / Town of Needham Supply

| Manufacturer           | Sanofi Pasteur                                                                                                                                                               | Seqirus                                                                                                                                                                      | Sanofi Pasteur                                                                                                                                                                  | Seqirus                                                                                                                                                                      |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Brand Name             | Fluzone <i>High-Dose</i> Quadrivalent                                                                                                                                        | Fluad Quadrivalent                                                                                                                                                           | Fluzone Quadrivalent                                                                                                                                                            | Flucelvax Quadrivalent                                                                                                                                                       |
| Strains Covered        | A/Victoria/2570/2019 (H1N1)<br>pmd09 -like virus<br>A/Cambodia/e08226360/2020<br>(H3N2) -like virus<br>B/Washington/02/2019 –like<br>virus<br>B/Phuket/3073/2013 -like virus | A/Wisconsin/588/2019 (H1N1)<br>pmd09 -like virus<br>A/Cambodia/e08226360/2020<br>(H3N2) -like virus<br>B/Washington/02/2019 –like<br>virus<br>B/Phuket/3073/2013 -like virus | A/Victoria/2570/2019 (H1N1)<br>pmd09 -like virus<br>A/Cambodia/e08226360/2020<br>(H3N2) -like virus<br>B/Washington/02/2019 –like<br>virus<br>B/Phuket/3073/2013 -like<br>Virus | A/Wisconsin/588/2019 (H1N1)<br>pmd09 -like virus<br>A/Cambodia/e08226360/2020<br>(H3N2) -like virus<br>B/Washington/02/2019 –like<br>virus<br>B/Phuket/3073/2013 -like virus |
| Age Group              | 65 and up                                                                                                                                                                    | 65 and up                                                                                                                                                                    | 6 months and up                                                                                                                                                                 | 2 years and up                                                                                                                                                               |
| Special Characteristic | Concentrated for higher HA antigen amount                                                                                                                                    | Adjuvanted to help create stronger immune response                                                                                                                           | N/A                                                                                                                                                                             | N/A                                                                                                                                                                          |
| Production Medium      | Egg based                                                                                                                                                                    | Inactivated cell based (adjuvant egg based)                                                                                                                                  | Egg based                                                                                                                                                                       | Inactivated cell based                                                                                                                                                       |
| Contraindicated        | Severe egg allergy. Anaphylaxis to any ingredient.                                                                                                                           | Severe egg allergy. Anaphylaxis to any ingredient.                                                                                                                           | Severe egg allergy. Anaphylaxis to any ingredient.                                                                                                                              | Anaphylaxis to any ingredient.                                                                                                                                               |
| Administration         | 0.7ml intramuscular                                                                                                                                                          | 0.5ml intramuscular                                                                                                                                                          | 0.25 – 0.5ml (depending on age) intramuscular                                                                                                                                   | 0.5ml intramuscular                                                                                                                                                          |
| Preservatives          | None                                                                                                                                                                         | None                                                                                                                                                                         | None                                                                                                                                                                            | Yes                                                                                                                                                                          |



# **NEEDHAM** **PUBLIC HEALTH DIVISION**



**Unit: Substance Use Prevention**

**Date: August 2021**

**Staff: Karen Shannon, Karen Mullen, Monica De Winter, Angi MacDonnell, and Jazmine Hurley**

## **Activities and Accomplishments**

| Activity                             | Notes                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Vaping Grant                         | Angi MacDonnell, Vaping Grant Coordinator, and Karen Shannon met with the new Director of Wellness, Denise Domnarski to review the vaping grant. A similar meeting is anticipated in August with the new Director of Health Services, Susannah Hann.                                                                                                                                                                    |
| Drug Free Communities Grant closeout | The Drug Free Communities grant close out was completed on August 30 for the last five year project period. Monica De Winter submitted the final semi-annual progress report and Karen S. submitted the performance report and final FFR reports.                                                                                                                                                                       |
| SPAN Events                          | <b>Positive Community Norms Working Group</b> , facilitated by The Montana Institute, Session 5 was held on 8/6 and a brainstorm session held on 8/31 attended by 2 SPAN members and 4 Public Health staff. Sessions are to focused on developing SPAN prevention messaging using positive community norms approach. Session six is scheduled for September 9.                                                          |
| SPAN Projects                        | Parent Action Team continued development of membership recruitment letter to parents of 5 <sup>th</sup> grade students and a conversation starters reference sheet for parents of 5-8 <sup>th</sup> grade students.<br>Community Action Team met twice to strategize content for a PSA video for impaired driving while using cannabis.<br>A SPAN newsletter is in development as is a vaping cessation resources card. |
| STOP Act grant                       | SAMHSA grant: STOPing Underage Access and Use of Alcohol: Codifying Youth, Parent and Retailer Education and Compliance in Needham, MA” a four-year grant starting 4/30/21. Jazmine Hurley, started the week of August 16 as a new Project Coordinator who will be working with Monica De Winter on grant administration.                                                                                               |
| NHS Coaches Meeting                  | On August 30 Karen S. and two SALSA students presented at the NHS Fall Coaches meeting. Topics included a brief overview of SPAN and how coaches are a protective factor who can have a positive influence on student athletes around their decision not to use alcohol and other substances.                                                                                                                           |
| Summer Interns                       | SPAN summer interns, Madison Boudreau and Izzy Currie, shared updates on social media content they are developing for SPAN’s Facebook and Instagram accounts. The first post made on August 31 for Opioid Misuse Prevention Day reached over 1,500 people on Facebook.                                                                                                                                                  |
| SPAN                                 | Community Action Team – for Impaired driving Campaign, 8/11 and 8/31                                                                                                                                                                                                                                                                                                                                                    |



## **NEEDHAM** **PUBLIC HEALTH DIVISION**



|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mental Health First Aid for Youth | Karen Shannon and Sara Shine will conduct a hybrid session for the Needham Public Schools Wellness staff in person on October 20 and November 3. 10-12 teachers are anticipated to attend.                                                                                                                                                                                                                                                                                                                                                              |
| Parent Al-anon group              | Meetings held every Monday evening. Attendance remains steady averaging 6-8 people each week.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Training                          | Operation Parent Webinar- "Parents Can't Stop what they don't Know" Karen M., Monica De W.<br>CDC Health Communications Webinar, Karen M.<br>RTI Webinar: "1 Yr. Later, How American Drinking Habits Changed During Covid," Karen M., Karen S., Monica De W.<br>National Council for Behavioral Wellbeing: "Best Practices for Suicide Prevention," Karen S.<br>PTTC: "Intersection of Prevention and Recovery," Karen S., Angi McD.<br>Needham Cyber Security Training, Karen M., Karen S.<br>PTTC Faith Leaders Webinar, Karen M. Karen S., Angi McD. |
| Other Meetings                    | SPAN Community Action Team, Impaired Driving Campaign, 8/11 and 8/31.<br>CCIT, 8/10, Karen S.<br>Chris Colleran, Norfolk County Sheriff's Office, 8/10<br>MetroWest SAPA meeting, Karen M.                                                                                                                                                                                                                                                                                                                                                              |

**Summary for Month of August 2021:** Focus this month included completion of the closeout requirements for the Drug Free Communities grant. Work also included development of SPAN communications and several messaging campaigns for the Parent and Community Action Teams. SPAN lost three members in August: Katy Colthart, Carolyn Tracey and Keith Ford.

Carol Read

August 2021

Needham Public Health

**MDPH- BSAS prevention MassCALL3 prevention programs and activities: Dedham- Needham- Norwood- Walpole**

**MDPH- BSAS FY22 & FY23 prevention:** August 4<sup>th</sup> *Call/email* Commonwealth of Massachusetts Standard Contract Executed contract, Sofia Brasileirio, MDPH, Purchase Service Office. Executed contract distribution - FY22 & FY23 budget. Mass. Department of Public Health – Bureau of Substance Addiction Services (BSAS) MassCALL3 Part B funding award July 1, 2021- June 30, 2023 \$125,000.00 per year. Dedham- Needham- Walpole – Westwood collaborative. Michelle Vaillancourt, Needham Town Accountant, Tim McDonald, Director Health & Human Services, Tiffany Zike, Assistant Director Public Health Division, Dawn Stiller, Office Administrator.

**MDPH- BSAS MassCALL3:** August 20<sup>th</sup> *Webinar* MassCALL3 program Part A- B- C. *New Grantees Meeting Part 2*, facilitated by Center for Strategic Prevention Support (CSPS) Gisela Rots, MS, Project Director, CSPS, Ben Spooner, CPS, Associate Project Director and Debra Morris, MPA, MCHES. Agenda: CSPS Technical Assistance (TA) overview- guided and grounded in SAMHSA SPF and TA guiding principles. MassCALL3 eight (8) Guiding Principles for Prevention: making work more equitable, culturally responsive and restorative (definitions) Social Science Research and Evaluation (SSRE) Scott Formica, PhD., State cross site evaluation: Team introductions, roles and responsibilities (four primary goals – 10 requirements) Bureau of Substance Addiction Services (BSAS) Jose Morales, Director of Prevention, Fernando Perfas, Assistant Director for Prevention. Andy Robinson, Lead Contract Manager, MassCALL3 contract managers: Tonya Fernandes, Kathleen Herr-Zaya, and Amal Marks - *guidance documents pending*. Email outreach to Dedham- Needham- Walpole and Westwood Public Health Directors- Prevention Specialists and Public Health nurses, tentative BSAS introductory meeting.

**Needham Public Health prevention- SPAN:** August 18<sup>th</sup> *TEAMS*. Karen Shannon, CPS, SPAN Director. Discussion: STOP Act FY21 budget timeline, April 30, 2021 through April 29, 2022. CDC, SAMHSA- STOP Act strategic planning, new staff hiring decision (Jasmine Hurley) underage alcohol use, strategy options; upstream prevention community awareness poster Needham Parents Know...Talking Early and Often Makes a Difference, TIPs Alcohol sales/service training program capacity.

**Middlesex County Opioid Task Force:** August 19<sup>th</sup> *Zoom* DA Marian Ryan. Agenda: County prevention – public health status update, data overview (overdose deaths: 133 total YTD 2021 January -July 24|24|17|19|15|9|25 (2020 total 104 | 2019 total 110) Known substance data (Heroin 21| Fentanyl 14 | Pills 8 | Cocaine 4 | Crack 1 | Methamphetamine 1) HEALing communities study (Helping to End Addiction Long Term ) Reduce ODD 40% NIH- NIDA funded – 16 MA communities. Communities That Heal (CTH) Interventions: *reduce ODD across health care, behavioral health, justice and other community settings, 3 strategies increase Narcan- MAT- Prescriber safety training*. Lowell region, Lauren Keisling, Community Engagement Facilitator and Margaret Hester, MPH Criminal Justice Specialist. Advocates, Inc. *Providing care during COVID 19-* Cara Caissie and group discussion/partner updates.

**Bright Solutions Consulting Group:** August 20<sup>th</sup> *Zoom* Amanda Decker, President. Organizational update: Leadership Team member request and presentation/training facilitation on the value of prevention partnering with local Boards of Health, community prevention services and technical assistance scope, federal and state grant writing capacity.

## **Needham Health & Human Services Department- Public Health Division**

**NPHD program support, project research and resource responses:** (1) July NPHD monthly report (2) NPHD 2021 program overview and staff bio review/edit (3) SAPC alcohol prevention community awareness posters- final distribution (...Parents Know...Talking Early Makes A Difference) Dedham- Needham- Norwood- Westwood.

**Interagency - Local Boards of Health COVID-19 response:** August 3<sup>rd</sup> – 10<sup>th</sup>- 17<sup>th</sup>- 24<sup>th</sup> -31<sup>st</sup> *Webinar* Tuesdays 3:00pm Jana Ferguson, Assistant Commissioner Department of Public Health, Dr. Sam Wong, MPH, Director & Rachel Cain, Ph.D. Office of Local & Regional Health, Dr. Catherine Brown, State Epidemiologist, Bureau of Infectious Disease and Laboratory Sciences. Adam Kinney and Michael Flanagan, Department of Labor Standards (DLS) Anne Gilligan- Helene Bettencourt, DESE, Gerben Scherpier, EOE, Chief Ed. Dunne, President, MCOPA, Jeff Farnsworth, EOPSS, Donna Quinn and Mary Clark, Office of Preparedness and Emergency Management, DPH and Cheryl Sbarra, Attorney, Executive Director MAHB. LBOH scope of responsibilities and protocol related to infectious disease surveillance, case contact, isolation guidance, contact tracing and reporting- COVID-19 case data (Delta variant genome sequencing MA samples) DPH guidance for community level responses related to mosquito borne illness EEE -West Nile data. Academic Public Health Corps capacity to support LBOH | MDPH funding opportunities shared services grant applications including contact tracing- public health nursing. Vaccination access, closing of Mass vaccination sites, Community Health Centers, federal pharmacy program and health care provider capacity. Vaccination access: Homebound resident program overview- Low income and senior housing on site vaccination program. Community Tracing Collaborative (CTC) Dr. John Welch, Director of Operations and Partnerships, Partners in Health – Staffing update, case backlog and capacity- response time expectations.

**Needham Aging Services resident support:** August 5<sup>th</sup> *Call* Jessica Moss, LICSW, Assistant Director Aging Services. Resident request, participation in housing eviction hearing. SUD MH resources review, outreach to Southeast DMH service manager.

**Department of Mental Health, resident support services:** August 9<sup>th</sup> *Call* Jenna Malgeri, LICSW Case Management Supervisor DMH- Jessica Moss, LICSW Town of Needham Aging Services Assistant Director. Resident status for DMH PACT (Program for Assertive Community Treatment) *intensive case management and outreach to individuals who typically are resistant to engaging in treatment.* Community Based Flexible Supports (CBFS) DMH Southeastern Area. Protocols for re-engagement, application status for facilitated support and resources for emergency and permanent housing.

**Needham CCIT Community Partners:** August 10<sup>th</sup> *Zoom* Quarterly meeting. Data sharing (incident- ED admission and treatment) support resources, review of referral- transport protocols and enhanced opportunities for community partner collaboration. Dr. Greg McSweeney and Kathy

Davidson, BID Needham, Dr. Christopher Depesa Newton Wellesley Hospital Emergency Department, Lauren Lele, MPA, Director Community Benefits, NWH. Jenna Malgeri, LICSW, Mass. DMH Central Mass. Adult Case Manager, Bryna Rogers, MS, Candice Kunigenas, LMHC Quincy Family Resource Center, Joanna Bell, Director, Walker School, Karen Shannon, CPS, SPAN and Susannah Hann, RN, Director Needham Public Schools Health Services. **Core Team meeting:** August 10<sup>th</sup> *Zoom* Case support for residents navigating acute and chronic substance use disorders and/or mental health conditions. Lt. Chris Baker- Dave Forte, Needham Police Department, Tiffany Zike, RN, MPH, Mary Fountaine, RN NPHD, Kristen Lindley- Jessica Moss, Kerrie Cusack LICSW Ageing Services and Kim Kidders Montoya, LICSW Dedham- Needham Law Enforcement Clinical Support (LECS) program, emergency services social worker. Riverside Emergency Crisis Supervisor.

**Needham Public Health Division:** August 10<sup>th</sup> *Zoom* Staff meeting Tim McDonald, Director Health & Human Services. Staff Reports | COVID-19 Update and Discussion | Board of Health goals review | Cybersecurity training expectations | Next meeting: September 14, 2021.

**Needham Public Health Division, crisis response discussion:** August 11<sup>th</sup> *Zoom* Tiffany Zike, MPH, Assistant Public Health Director. Review of two incidents – vulnerable adults town hall property, discussion of response protocols and town staff training with Needham service providers; Deputy Chief Baker, Dave Forte, Kim Kidders Montoya, LICSW Needham Police Department, Jessica Moss, Kerrie Cusack - Kristen Lindley LICSW Aging Services, Sara Shine, Director, Youth & Family Services.

**Needham Board of Health:** August 17<sup>th</sup> *Zoom*. Tim McDonald, Director Health & Human Services- Tiffany Zike, RN, MPH Assistant Public Health Director. Agenda: Staff reports | Needham COVID-19 update, NPHD staffing capacity plan case guidance and contact tracing. COVID-19 data presentation (cases- vaccination rates) BOH ARP Act funding priorities request (BOS vote August 17<sup>th</sup>) BOH Goals, CY21-22. Future meeting topic options: Mental Health in Needham | Drinking Water System Quality- Use of Pesticides | Revised Article 12: Rules/Regulations for Private Water Supplies. Next meeting: September 23, 2021.

**Needham Public Health Division, capacity:** August 17<sup>th</sup> & 23<sup>rd</sup> *Calls* Tim McDonald, Director Health & Human Services. Two (2) funding awards: Public Health Excellence grant shared services (cross jurisdictional sharing) MDPH- CDC COVID -19 case guidance, contact racing and epidemiology. Collaboration with Dover and Medfield. Medfield public health staff capacity, board of health engagement and public health nurse hiring process timeline.

**Needham resident support:** August 17<sup>th</sup> *Calls* Kim Kidders- Montoya, LICSW Needham- Dedham Law Enforcement Support/Diversion social worker. Karen Lenahan, LMHC, Riverside ES Assistant Program Director. Review protocol response for Town of Needham incident (adult male) Riverside Emergency Services mobile crisis program, town staff response to identify need level and community stakeholder communication outreach.

**Needham Public Health – HHS supervision:** August 25<sup>th</sup> *TEAMS* Tiffany Zike, MPH, Assistant Public Health Director. Review and discussion (1) MassCALL3 FY22 budget and part-time staff hiring, position description review (2) Needham MDPH – CDC shared services funding

applications, Dover and Medfield. (3) Town staff protocol options for vulnerable persons (possible mental health- SUD) incident response.

**MA Alcohol Policy Coalition:** August 25<sup>th</sup> *Zoom* 7:00pm – off work hours. David Jernigan, PhD., Professor, Department of Health Law, Policy and Management Boston University School of Public Health. Prevention specialists include: Liz Parsons, Gisela Rots, Heather Warner, Wendy Penner, Alexis Polocoff, Brianna Keating and Peg Sallade. State extensions of COVID-19 restaurant expansions, cocktails to go, outdoor dining and delivery. Senate No. 169 filed and legislative discussion reversing state prohibition on “happy hour”. Happy hour discounts/promotions prohibited since 1984. Boston Globe letter, David Jernigan submitted. Outreach to Attorney John Scheft. Law Enforcement Dimensions LLC.

**Cyber Security Trainings:** August 27<sup>th</sup> *Online training*, modules completed. *MA Executive Office of Technology Services & Security (EOTSS) Assignments 2 & 3:* Beyond Passwords, Spear Phishing Threats, Avoiding Dangerous Links, Mitigating Compromised Devices, Mobile Device Security, Protecting Against Ransomware, Unintentional Insider Threat and Data Entry Phishing.

**Resident support requests:** F 63 yrs. SUD- MH Needham Housing, eviction hearing meeting. Request for NPHD support, reengage with MDMH wrap around services and smoking cessation resources (Brigham and Women’s Hospital program)

**Respectfully submitted: Carol Read September 14, 2021**

NOSL Family: August 1<sup>st</sup>- August 16<sup>th</sup>

NOSL Individual: August 17<sup>th</sup> – August 31<sup>st</sup> Intermittent – NPHD work hours submitted weekly

**END Page 4 of 4 PAGES**



**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

|                     |                                                                                                                                                                 |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Item</b>  | <b>COVID-19 Update</b>                                                                                                                                          |
| <b>Presenter(s)</b> | Timothy Muir McDonald, Director of Health & Human Services<br>Tiffany Zike, Assistant Director of Public Health for Public Health Nursing and Behavioral Health |

|           |                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.</b> | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>                                                                                                                                                                                                                                                                                                                                                    |
|           | Mr. McDonald and Ms. Zike will present the COVID Monthly Report for August 2021, along with updated data on Needham's population-adjusted average daily cases, positive testing rate, and vaccination rate. The profile of recent cases, including any relevant clusters, will be discussed, as will cases in school-aged youth, COVID testing, and the work of the Joint Health & Safety Committee. |
| <b>2.</b> | <b>VOTE REQUIRED BY BOARD OF HEALTH</b>                                                                                                                                                                                                                                                                                                                                                              |
|           | No vote is required, nor is one expected.                                                                                                                                                                                                                                                                                                                                                            |
| <b>3.</b> | <b>BACK UP INFORMATION:</b>                                                                                                                                                                                                                                                                                                                                                                          |
|           | - COVID Monthly Report: August 2021                                                                                                                                                                                                                                                                                                                                                                  |

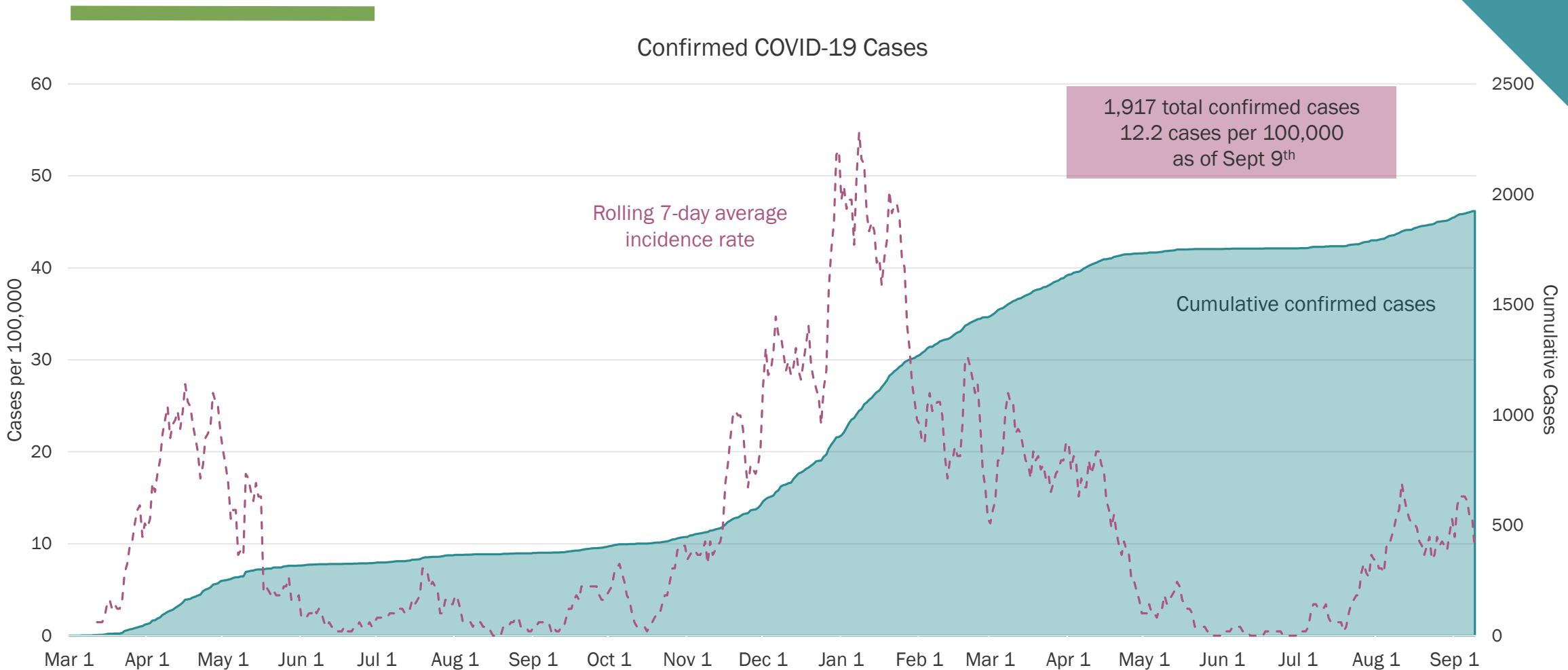


# **COVID Monthly Report: August 2021**

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**Needham Public Health**

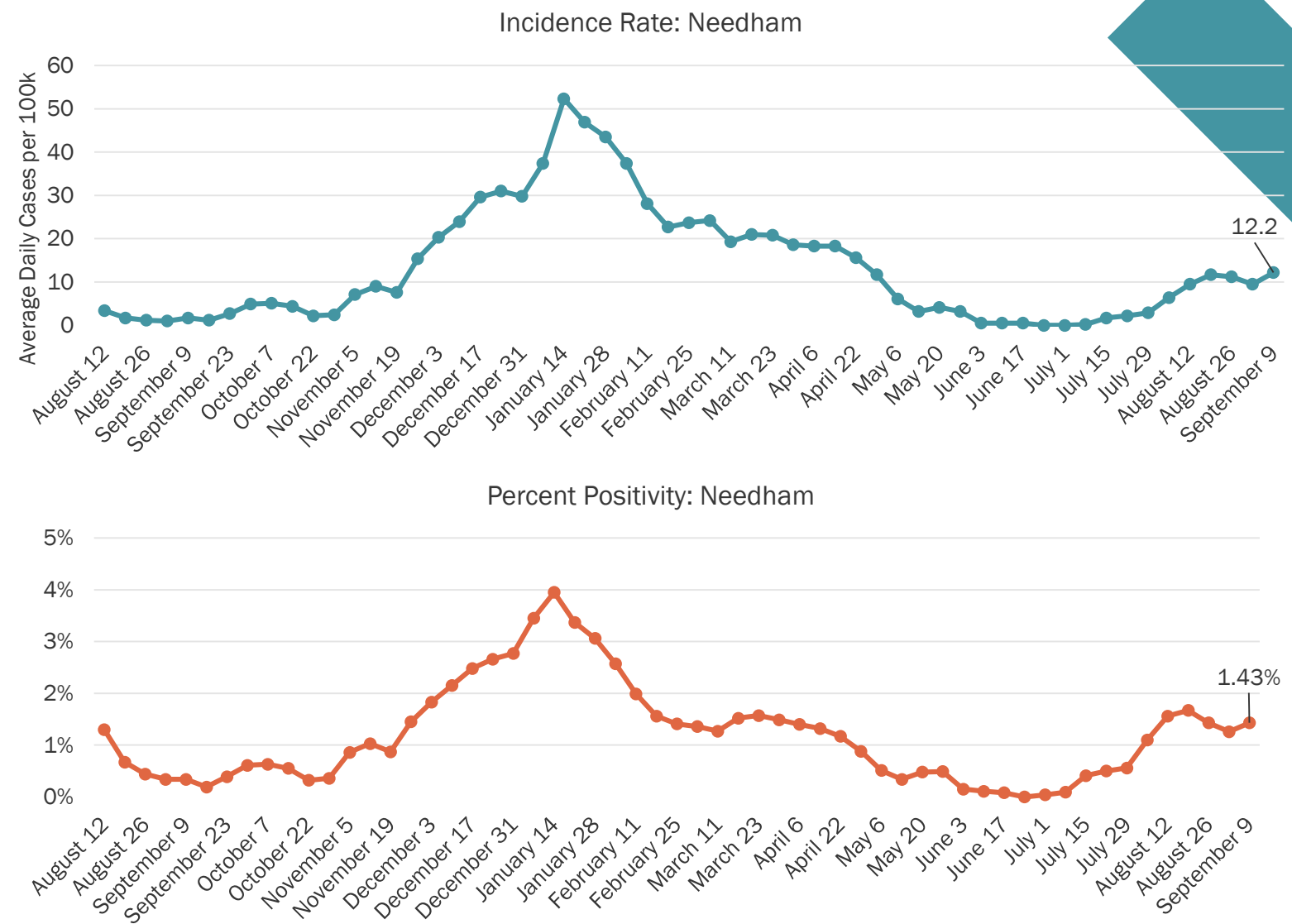
# Cases & Incidence Rate



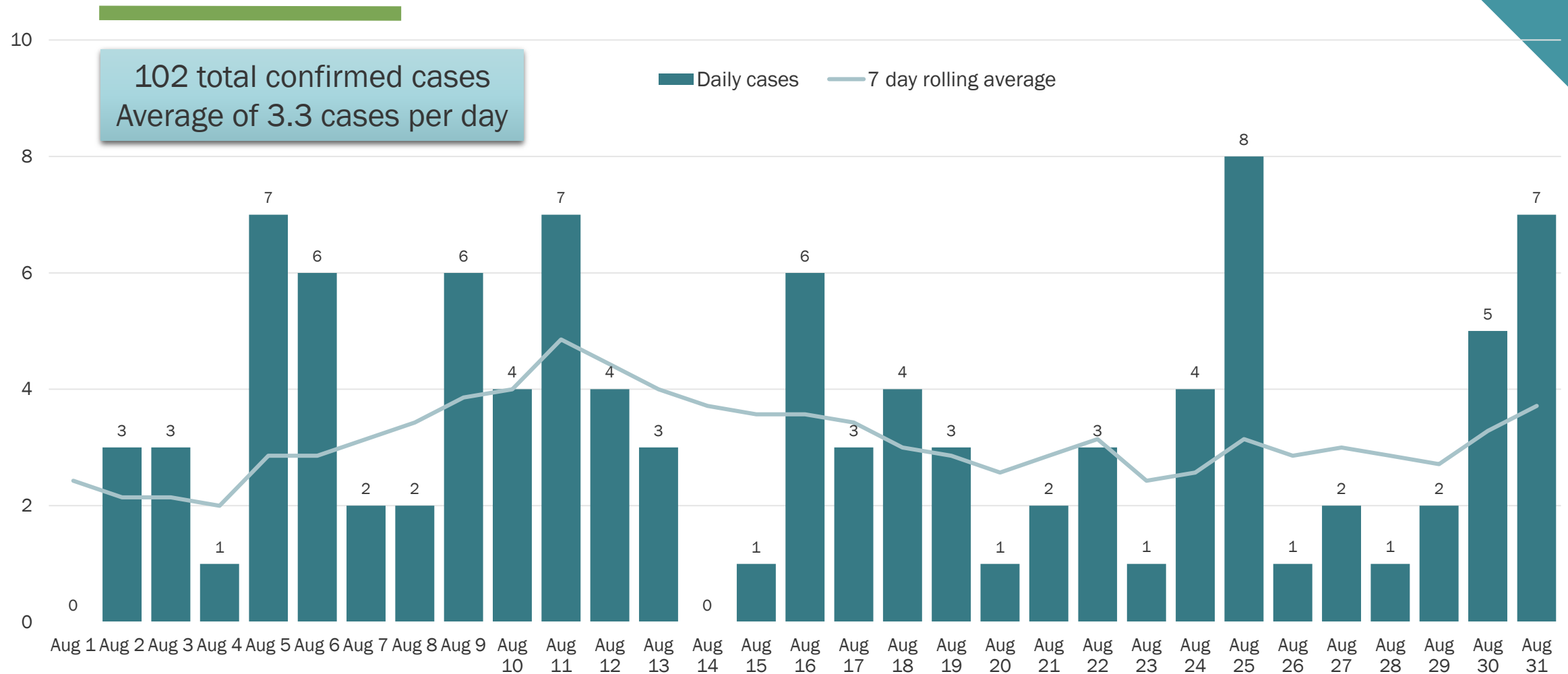
# Incidence & Percent Positivity

| Area and Risk Level | Avg. Daily Incident Rate per 100K (last 14 days) | Percent Positive Tests (last 14 days) |
|---------------------|--------------------------------------------------|---------------------------------------|
| Massachusetts       | 21.1 ↗                                           | 2.51% ↘                               |
| Needham             | 12.2 ↗                                           | 1.43% ↗                               |
| Middlesex County    | 16.3 ↗                                           | 1.65% ↘                               |
| Framingham          | 10.5 ↔                                           | 1.79% ↘                               |
| Newton              | 12.4 ↗                                           | 0.90% ↔                               |
| Norfolk County      | 16.1 ↗                                           | 2.25% ↘                               |
| Dedham              | 15.4 ↗                                           | 2.26% ↗                               |
| Norwood             | 18.2 ↗                                           | 2.89% ↗                               |
| Suffolk County      | 20.5 ↗                                           | 1.58% ↘                               |
| Boston              | 20.0 ↗                                           | 1.41% ↘                               |

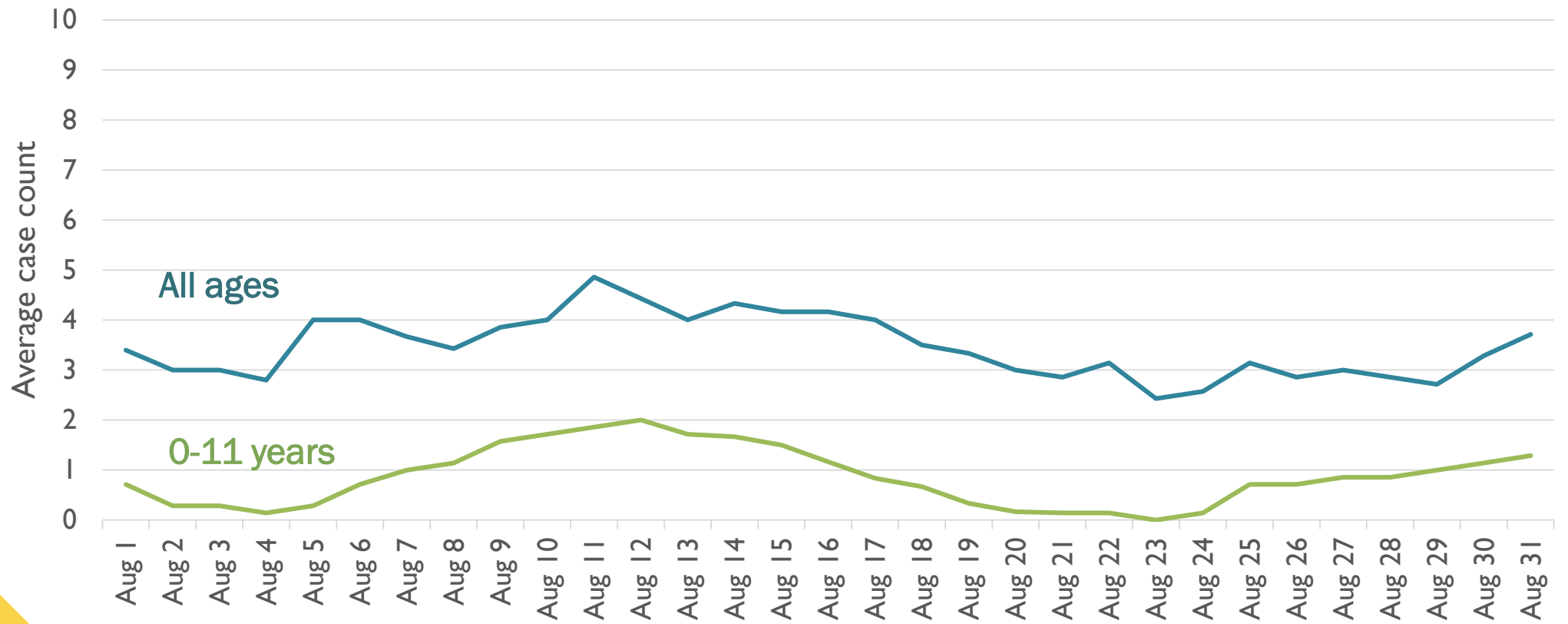
Data as of September 9th covering 8/22-9/4



# August Cases



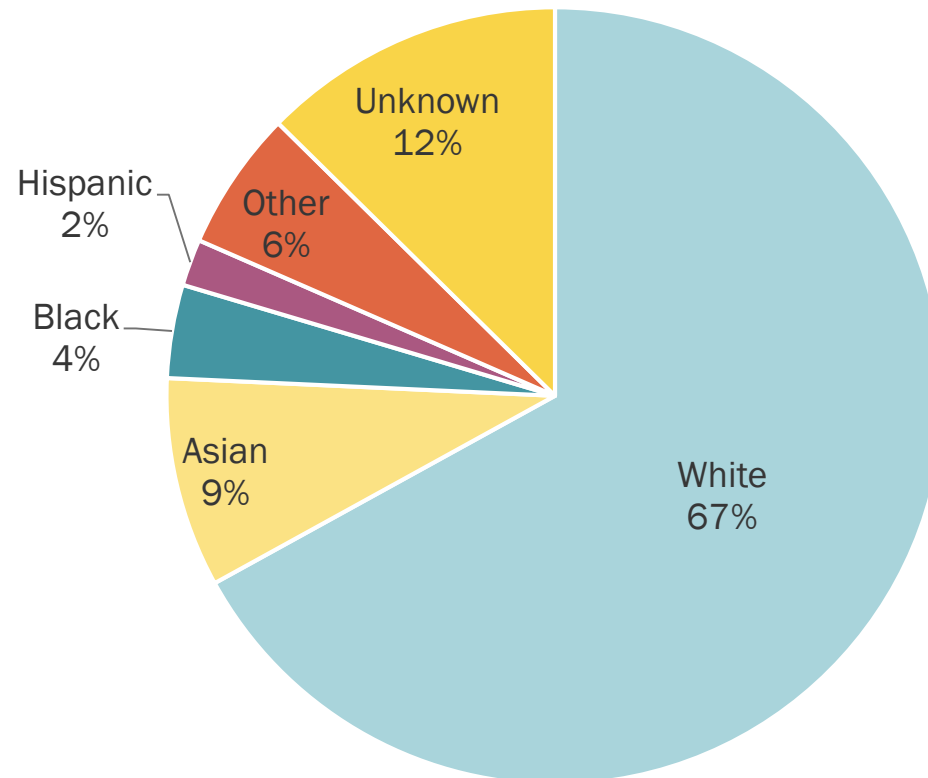
# Rolling 7-day average case count



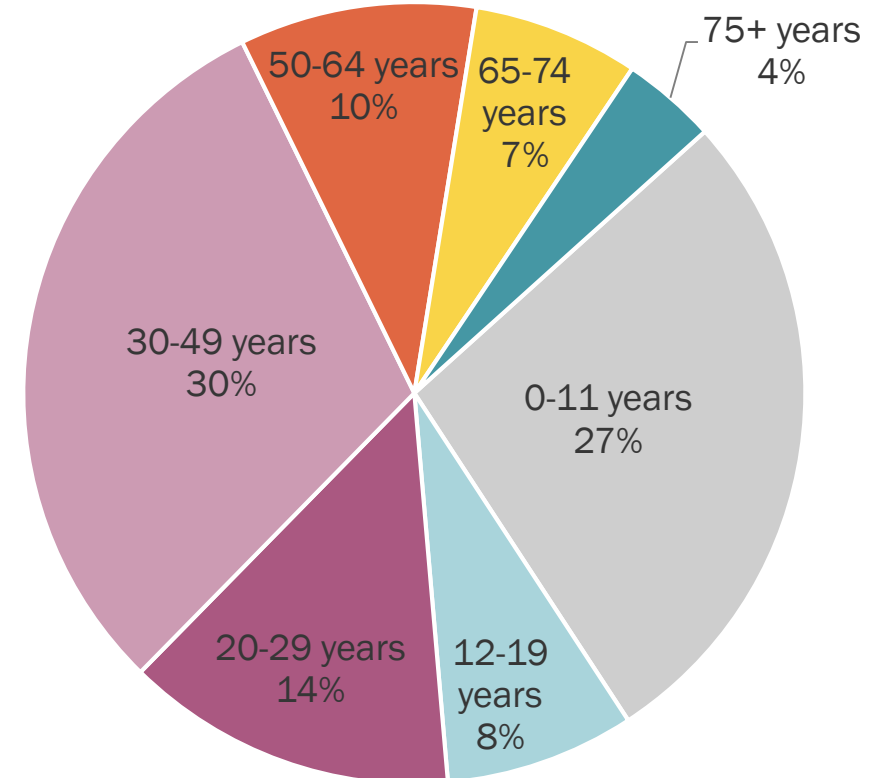
# August Cases: Demographics

- Average age of confirmed cases: 32.3 years
- 48% male; 50% female

Race & ethnicity

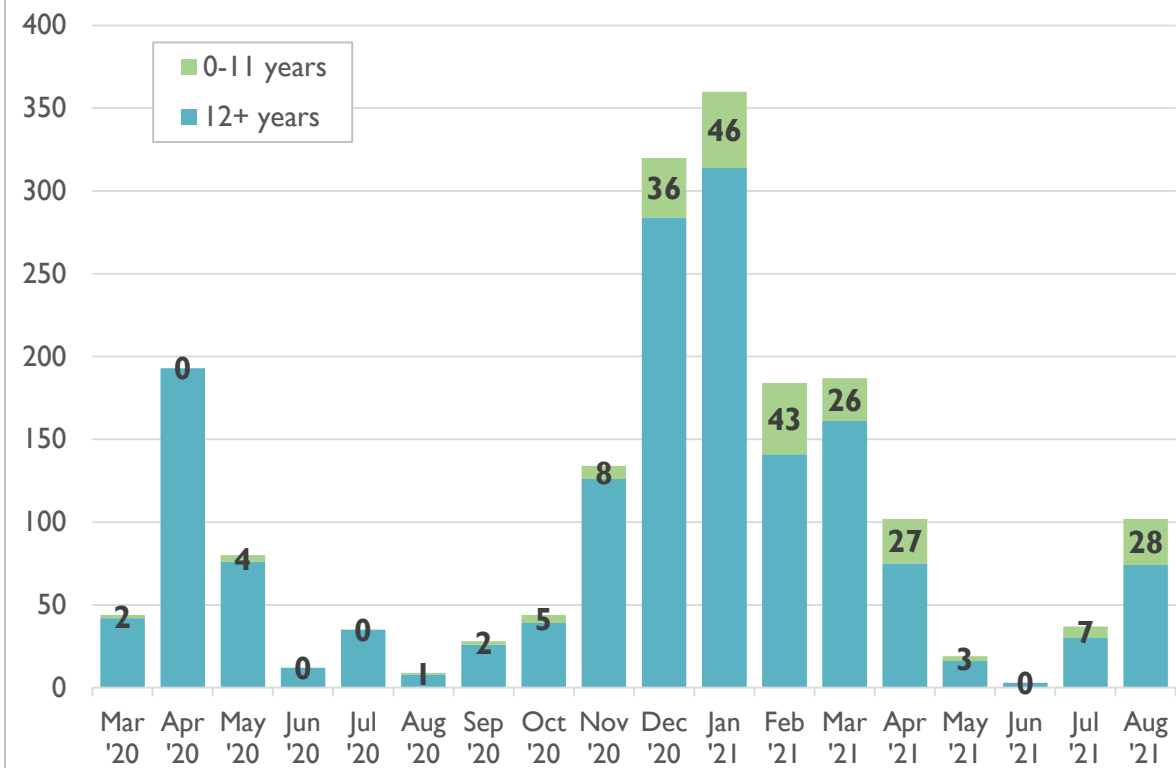


Age Breakdown

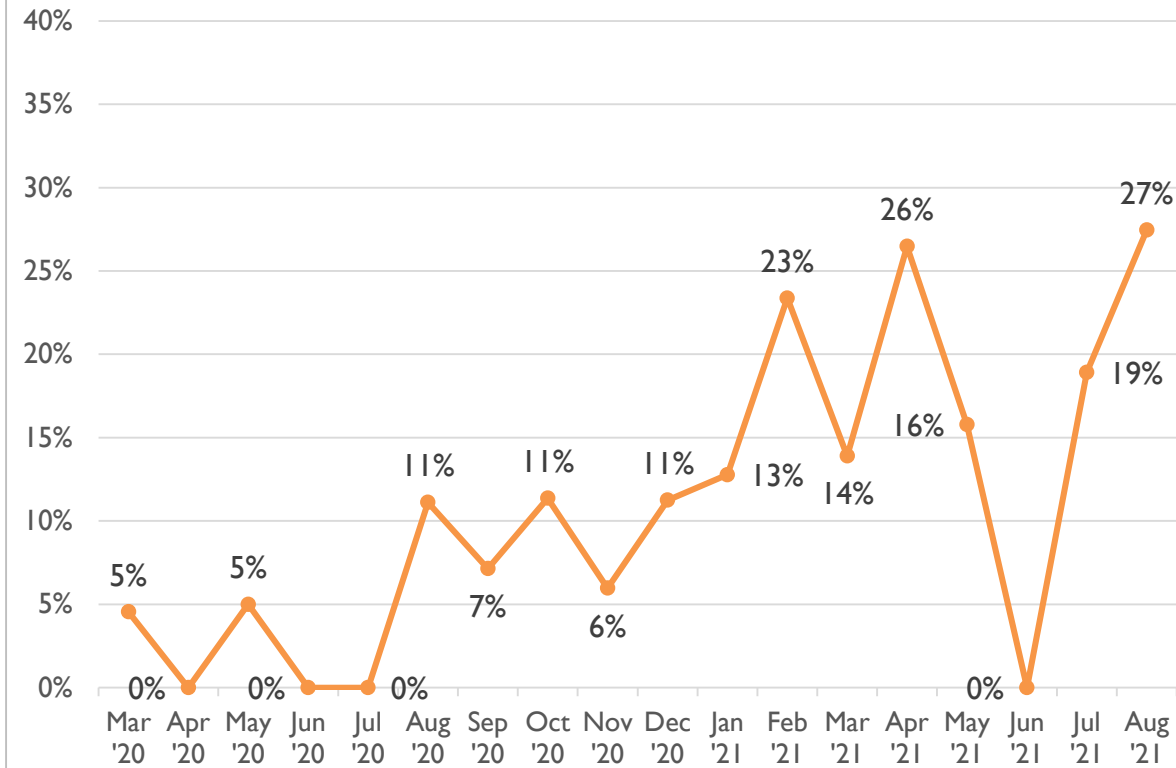


# Cases by Age

Monthly confirmed case count, <12 vs 12+

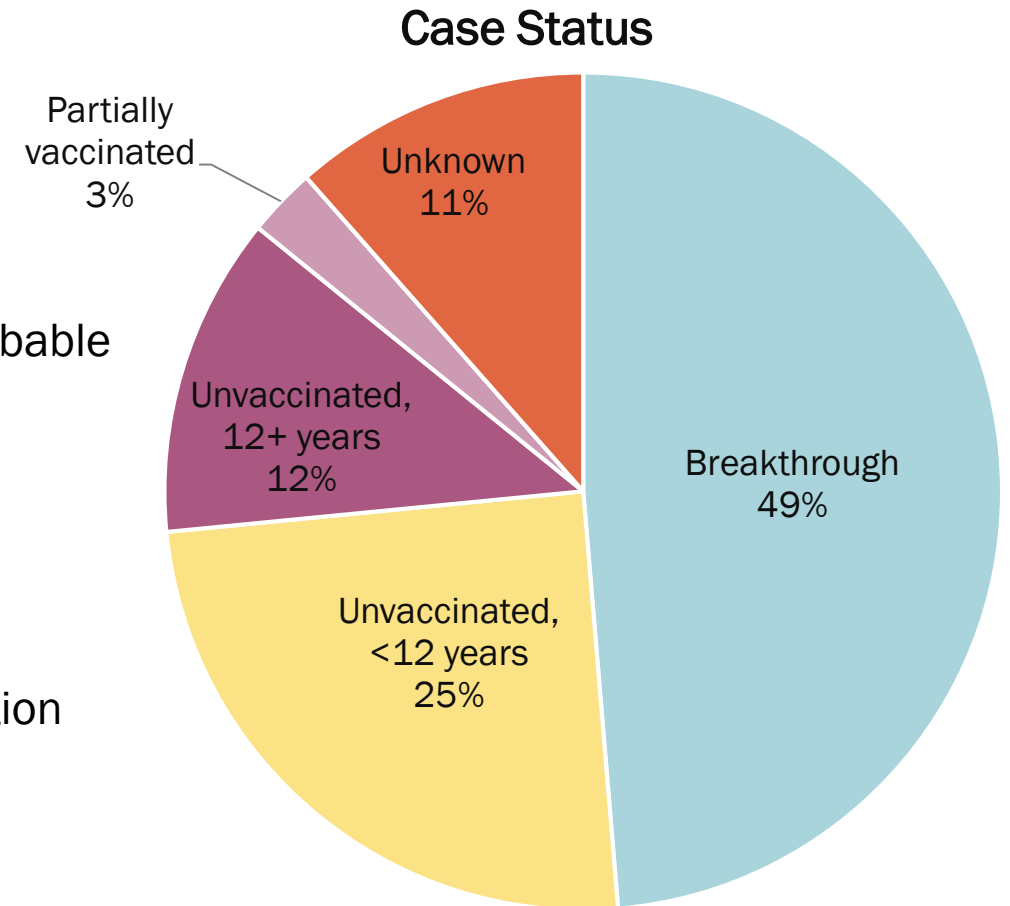


% of monthly confirmed cases among children <12 years



# August Cases by Vaccination Status

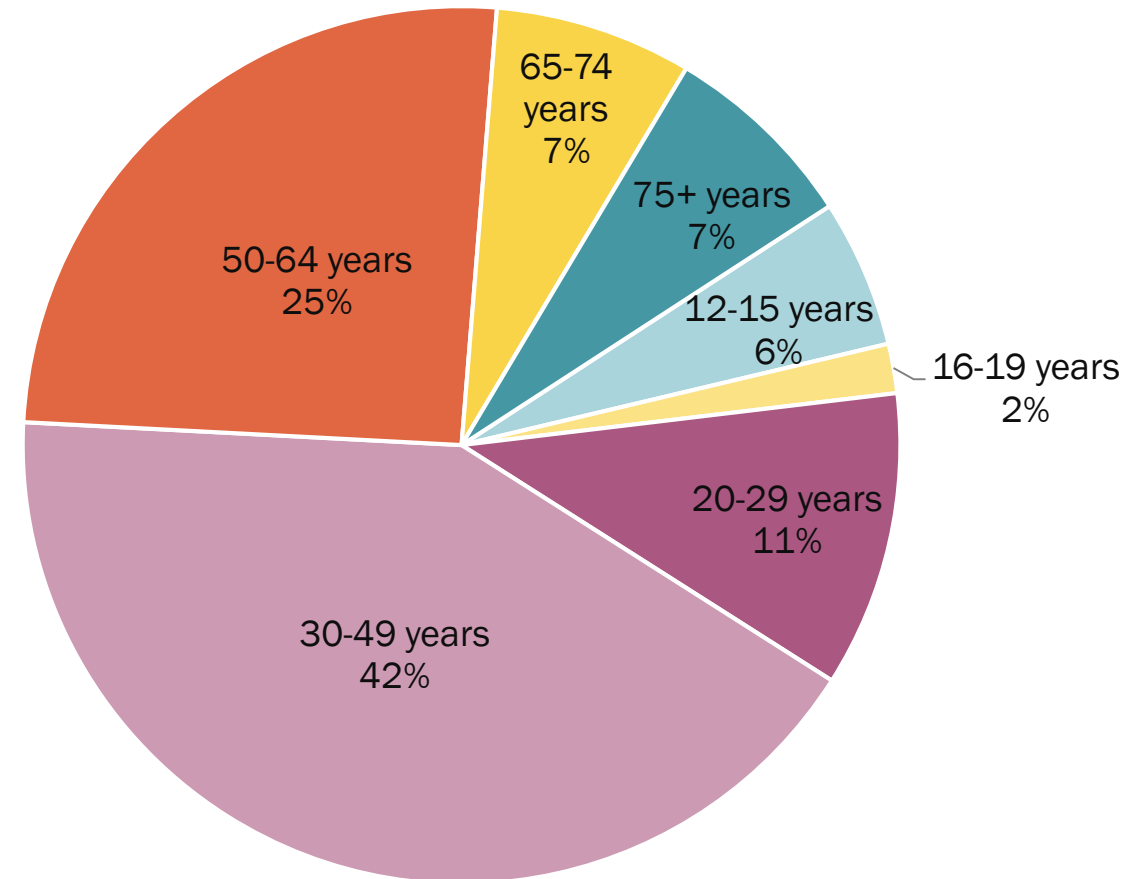
- Vaccination status available for 100 of 113 confirmed & probable August cases
- Unknown vaccination status: case not reached; no record of vaccination in MA
- Approximately half of cases are breakthrough infections
- A quarter of cases are among children ineligible for vaccination



# Breakthrough Cases

- 55 breakthrough cases among confirmed cases
- Mean age of 46.7, ranging from 12-97
- 3 hospitalizations
- Information on symptoms available for 44 cases – 40 symptomatic (91%)
- 55% of breakthrough cases are among females

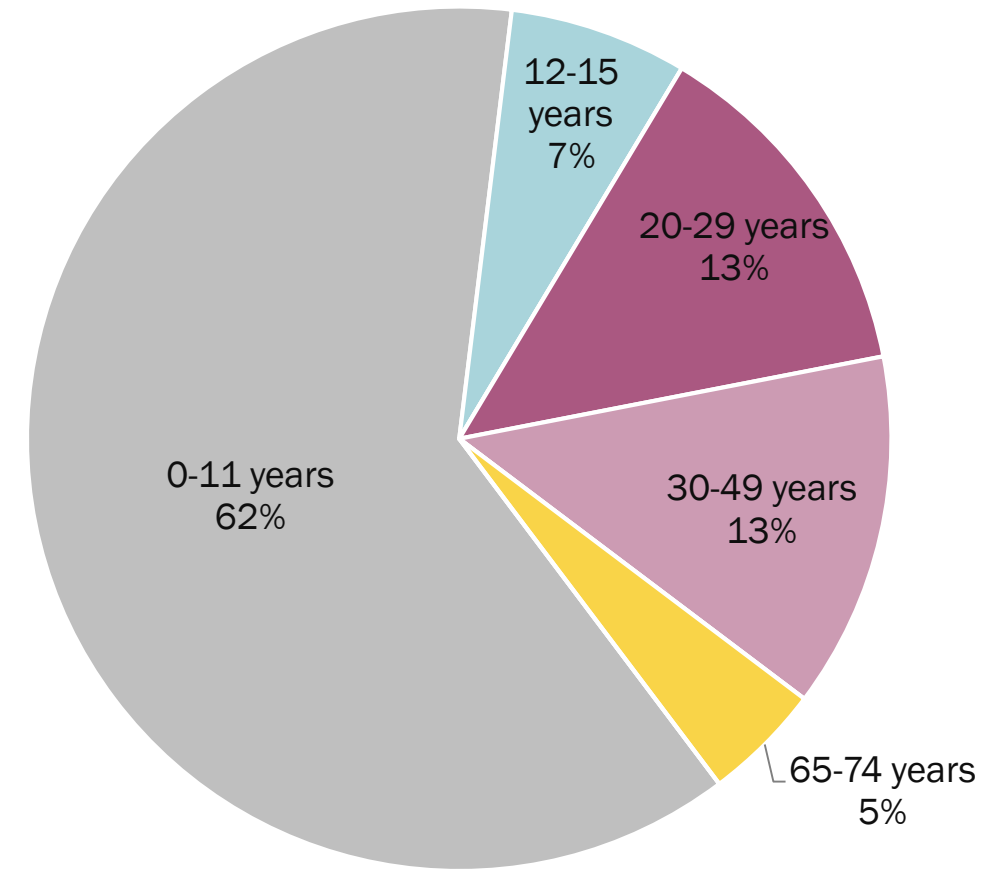
Breakthrough Cases by Age



# Unvaccinated Cases

- 45 unvaccinated cases, including 3 partially vaccinated at time of infection
- 28 (62%) are ineligible for vaccination (<12 years)
- Gender balance: 51% female, 49% male
- Symptom information gathered for 38 cases; 36 (94.7%) report symptoms

Unvaccinated Cases by Age



# August Contacts

25 MAVEN contacts for the month of August

- Fully vaccinated: 11
- Unvaccinated, eligible age: 6
- Unvaccinated, <12 years: 4
- Partially vaccinated: 1
- Unknown: 3

# July & August Clusters

- 1 camp cluster with 0 Needham cases (5 Needham contacts)
- 4 daycare clusters with 0 Needham cases
- 1 group home cluster with 3 Needham cases
- 6 household clusters in July with 13 cases; 24 in August with 58 cases

# Household Transmission

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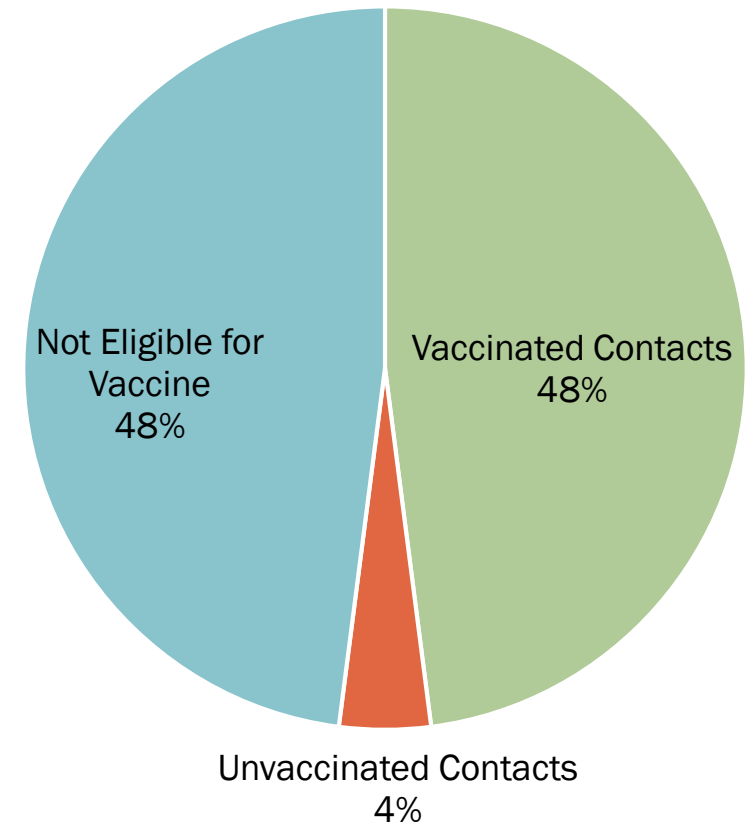
- 24 household clusters (2+ cases at same address) in August
- 55% of August cases linked to a household cluster
- Average of 2.42 cases per cluster

| Breakthrough?    | Cluster composition                                                           | # of clusters | # cases |
|------------------|-------------------------------------------------------------------------------|---------------|---------|
| All breakthrough | Adults only or adults + children >12                                          | 8             | 16      |
| All unvaccinated | Children <12 only                                                             | 2             | 5       |
|                  | Children <12 + unvaccinated adults                                            | 2             | 5       |
|                  | Adults only                                                                   | 1             | 2       |
| Combination      | Vaccinated adults + children <12                                              | 4             | 15      |
|                  | Vaccinated + unvaccinated adults                                              | 2             | 4       |
|                  | Vaccinated adults + unknown                                                   | 2             | 5       |
|                  | Unknown status of at least 1 eligible adult in cluster; no known breakthrough | 3             | 6       |

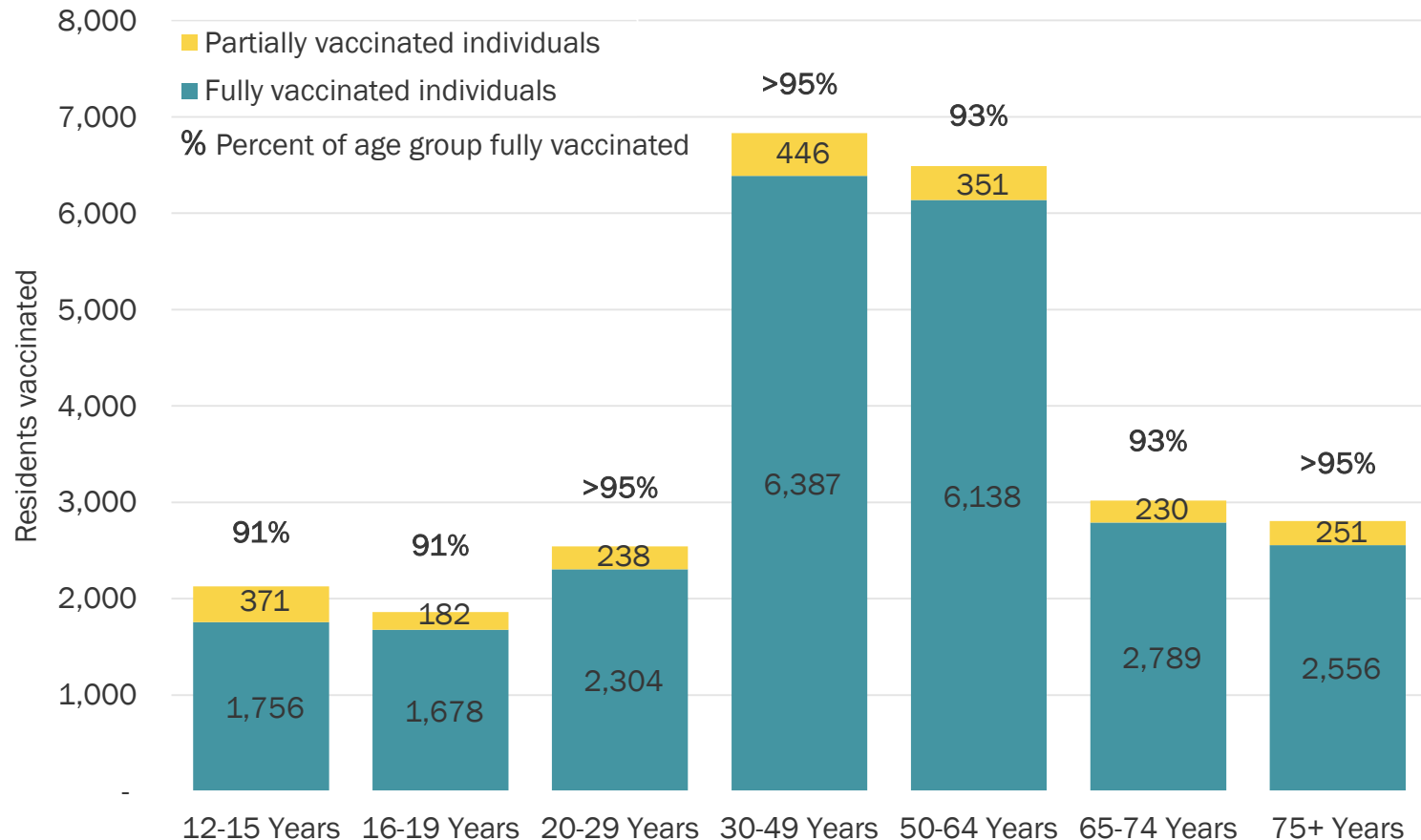
# September: School Cases & Contacts

- From September 1-9, total of **8 cases** and **98 contacts** in Needham Public Schools

Breakdown of in school contacts



# Vaccination Coverage

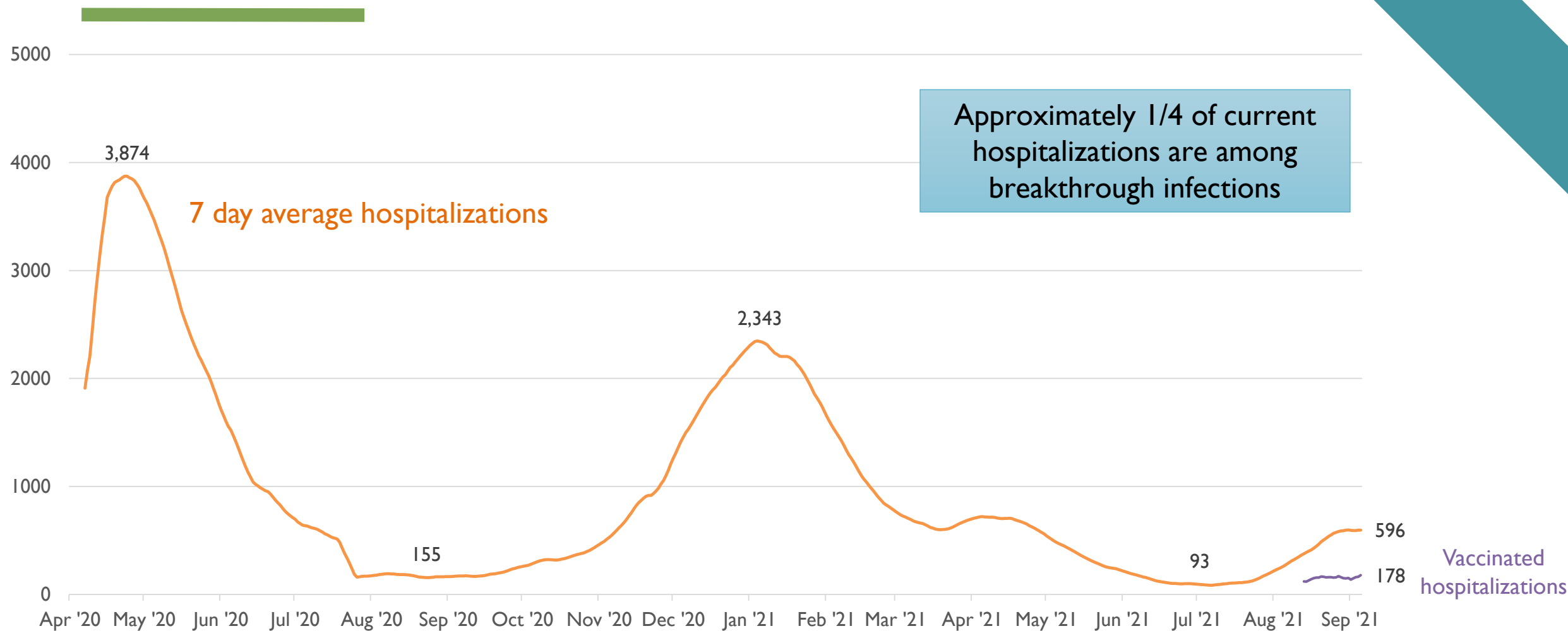


- 81% of town population is fully vaccinated; 96% of population 12+ years
- In August, 283 people were newly vaccinated and 369 people were newly fully vaccinated
- 30-49 year olds comprised the largest share of those newly vaccinated in August (28%)
- 12-15 year olds comprised the largest share of those who became fully vaccinated in August (39%)

The background features several large, overlapping geometric shapes, primarily diamonds and triangles, in teal, yellow, and olive green. These shapes are positioned in the corners and along the top and bottom edges of the slide, creating a modern, abstract design.

# **State trends in hospitalizations**

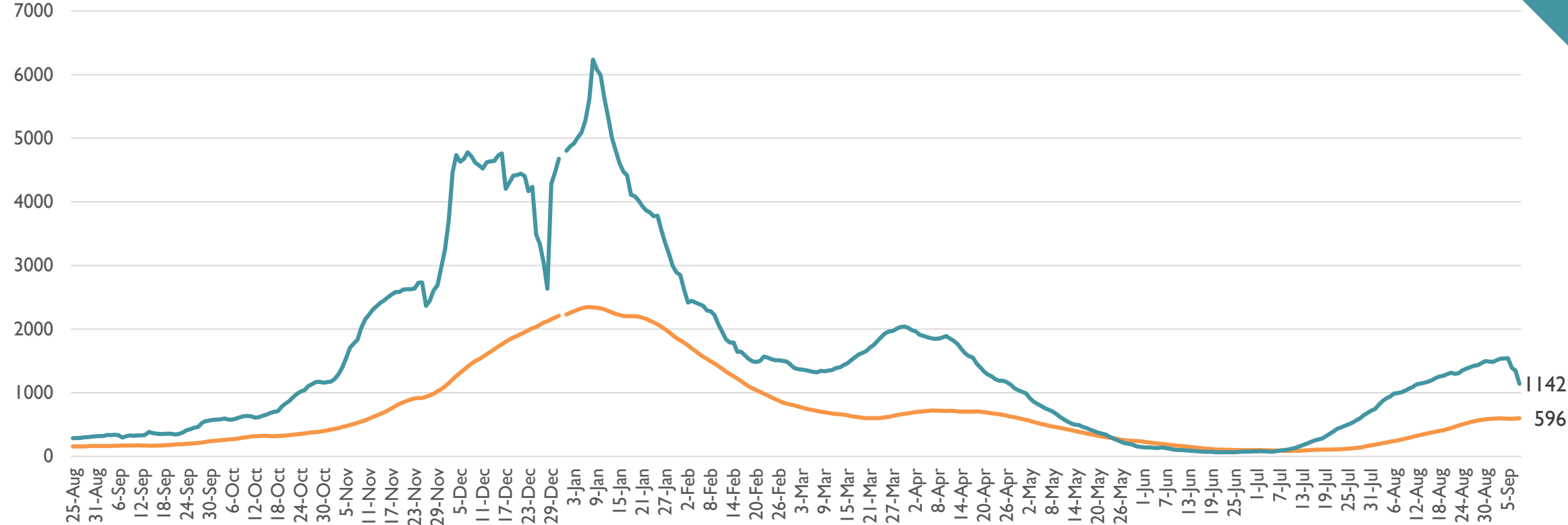
# Massachusetts Hospitalizations



Data as of 9/9/21

# Cases & Hospitalizations

Massachusetts Confirmed Cases & Hospitalizations

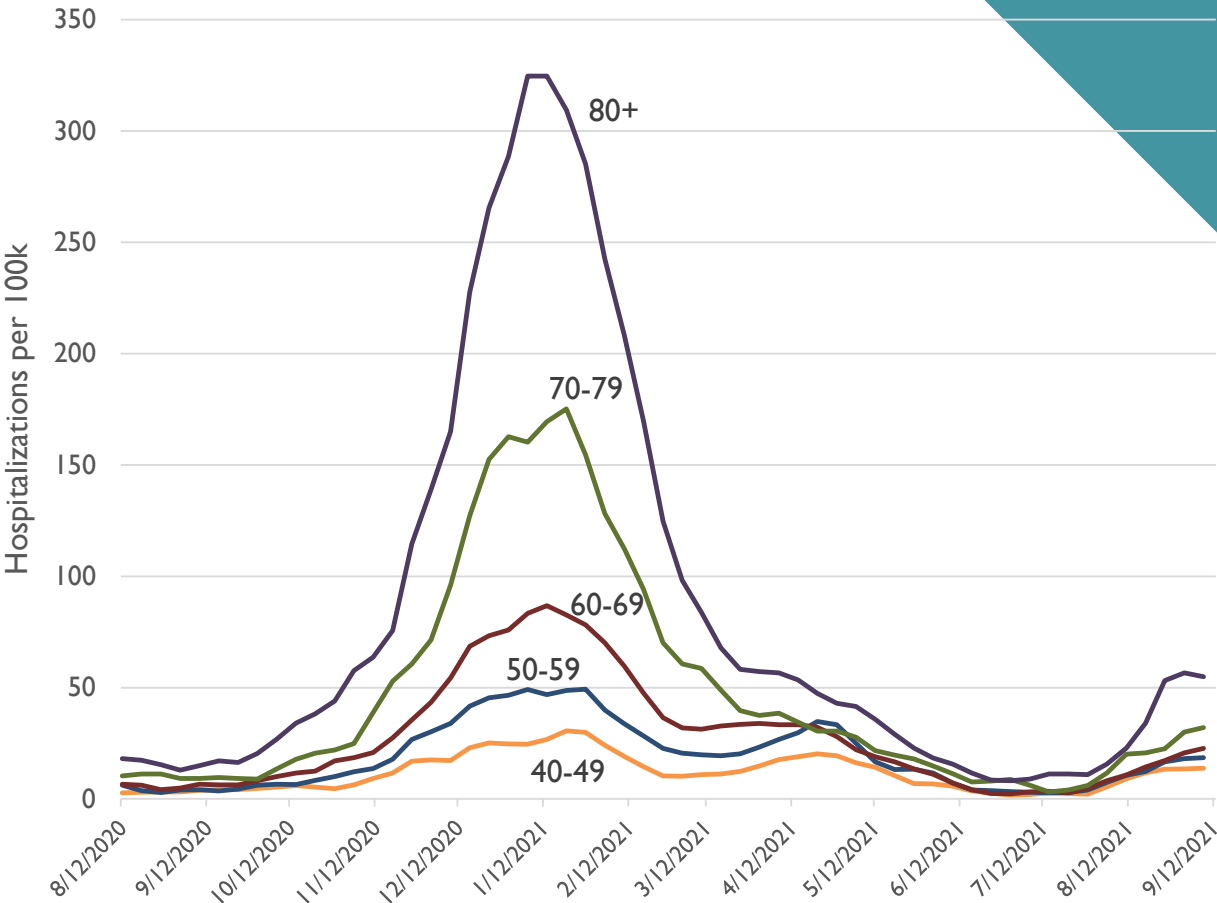


Cases & hospitalizations presented as 7-day rolling averages

Data as of 9/9/21

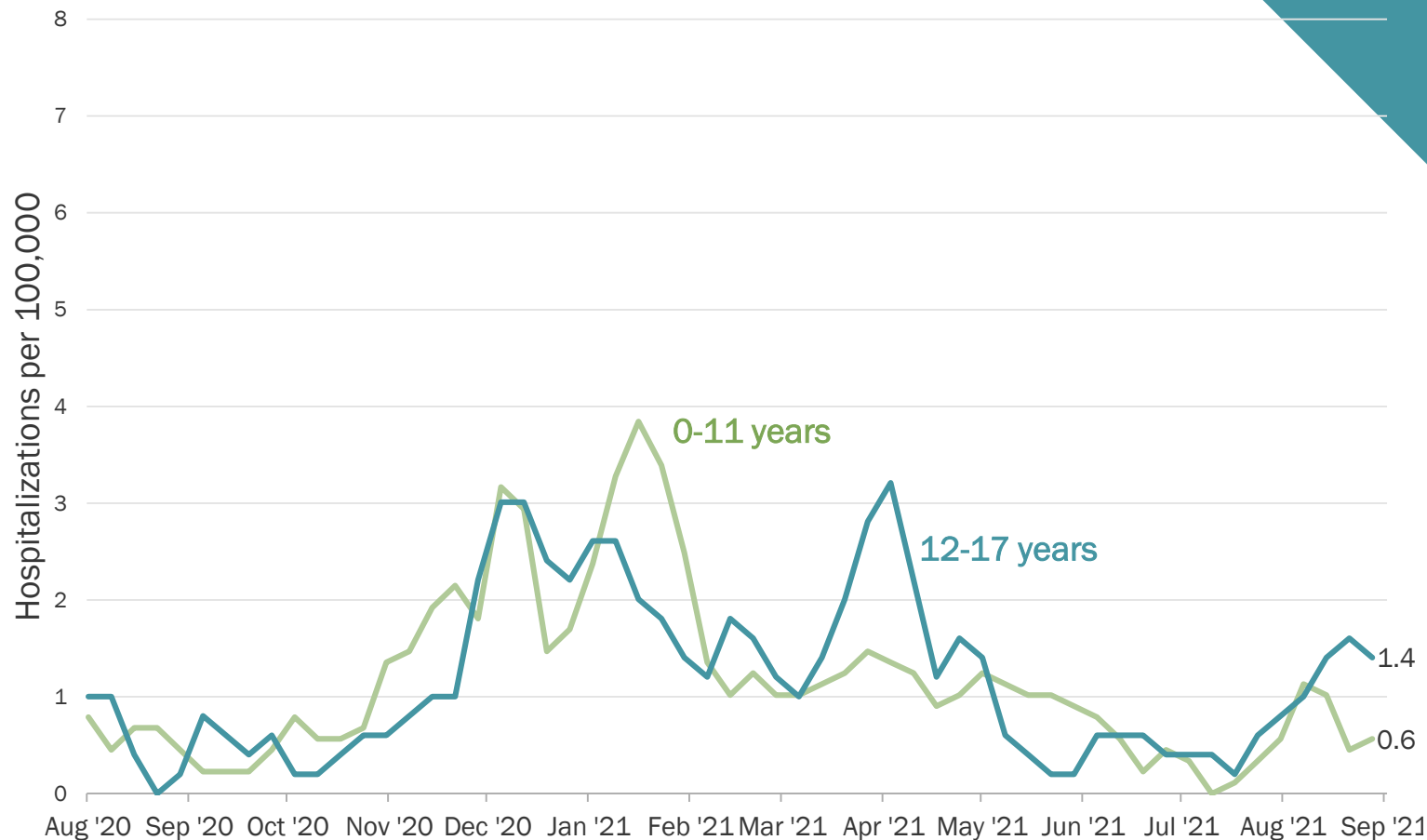
# MA Hospitalization Rates (per 100k) by Age

| Age Group              | Most recent<br>(Aug 22- Sep 4,<br>2021) | Late January<br>(hospitalization<br>peak) | 1 year ago<br>(Aug 23-Sep 5,<br>2020) |
|------------------------|-----------------------------------------|-------------------------------------------|---------------------------------------|
| 0-11                   | 0.6                                     | 3.3                                       | 0.5                                   |
| 12-17                  | 1.4                                     | 2.6                                       | 0.2                                   |
| 18-19                  | 1.5                                     | 6.0                                       | 0.5                                   |
| 20-29                  | 7.2                                     | 9.7                                       | 1.8                                   |
| 30-39                  | 13.4                                    | 22.4                                      | 3.4                                   |
| 40-49                  | 13.8                                    | 30.7                                      | 3.9                                   |
| 50-59                  | 18.5                                    | 48.7                                      | 4.2                                   |
| 60-69                  | 22.7                                    | 82.7                                      | 6.5                                   |
| 70-79                  | 32.1                                    | 175.2                                     | 9.2                                   |
| 80+                    | 54.9                                    | 309.4                                     | 15.0                                  |
| Total hospitalizations | 1027                                    | 3566                                      | 277                                   |

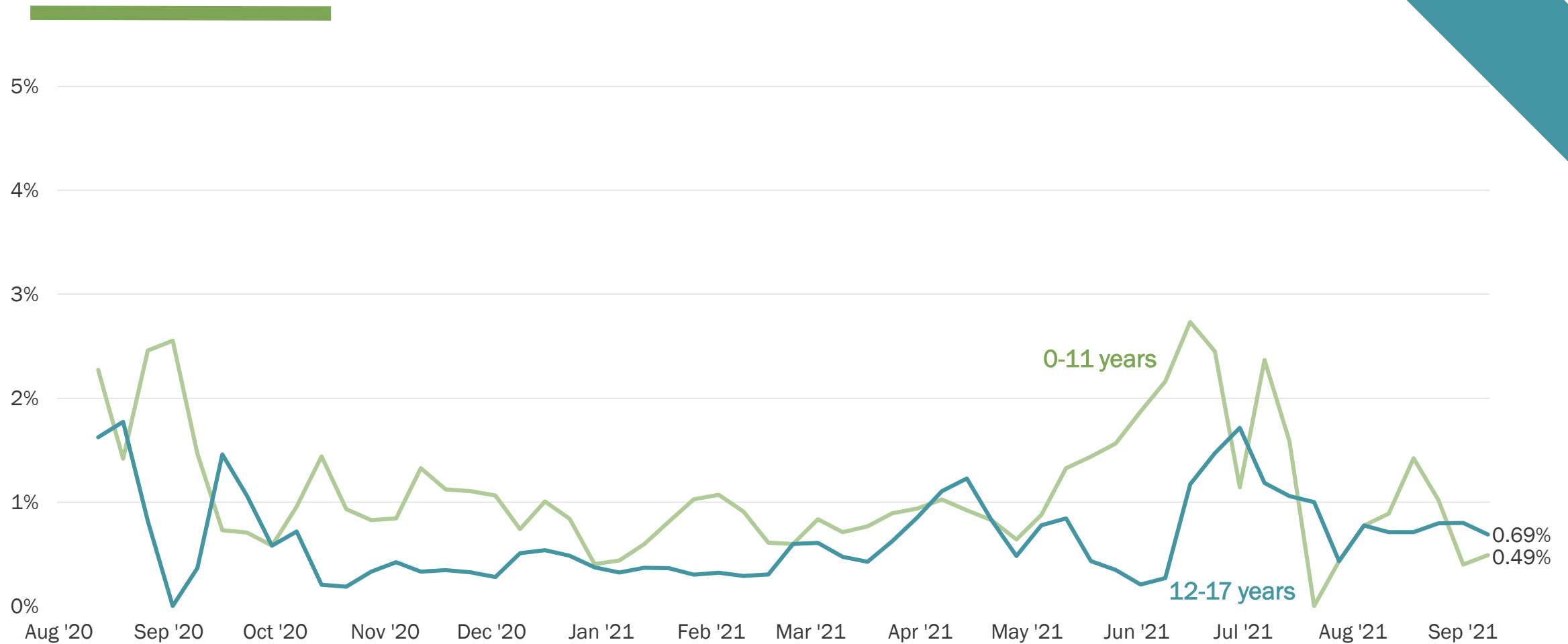


# Hospitalizations among children

- Age-specific hospitalization data newly released by state with breakdown of children under 12
- Hospitalization rate remains very low among children: 1.4 and 0.6 hospitalizations per 100,000 children 0-11 and 12-17 years respectively
- Together, children 0-17 comprise about 1.2% of COVID hospitalizations state-wide



# % of hospitalizations among children



Data as of 9/9/21



**Board of Health  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**



**MEETING DATE: 9/23/2021**

|                     |                                                            |
|---------------------|------------------------------------------------------------|
| <b>Agenda Item</b>  | <b>Accessory Dwelling Units and Affordable Housing</b>     |
| <b>Presenter(s)</b> | Timothy Muir McDonald, Director of Health & Human Services |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>1.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b> |
| <p>Mr. McDonald will briefly present the draft Citizens Petition about Accessory Dwelling Units and Affordable Housing proposed for October 2021 Town Meeting, as well as a request from the Housing work group of Equal Justice Needham for the Board of Health to review the petition.</p> <p>Mr. McDonald will then briefly summarize the Needham Public Health Division's previous work encouraging the adoption of an Accessory Dwelling Unit zoning by-law as one means of increasing affordable housing and allowing older residents to remain in the community.</p>                                                                                 |                                                   |
| <b>2.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>VOTE REQUIRED BY BOARD OF HEALTH</b>           |
| <p>No vote is required, nor is one expected.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                   |
| <b>3.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>BACK UP INFORMATION:</b>                       |
| <ul style="list-style-type: none"><li>- Citizens Petition for October 2021 Town Meeting re: ADUs</li><li>- Accessory Dwelling Unit Packet<ul style="list-style-type: none"><li>o Accessory Dwelling Units: A Report for Needham Public Health Division</li><li>o Accessory Dwelling Units: A Report for Needham Public Health Division Executive Summary</li><li>o Accessory Dwelling Units: A Report for Needham Public Health Division Talking Points</li><li>o Creating a Livable Community for All Ages: Accessory Dwelling Units graphics</li></ul></li><li>- Please see also: Assessment of Housing and Transit Options for Needham Seniors</li></ul> |                                                   |

**Citizens' Petition**  
**Needham Fall 2021 Special Town Meeting**

*Re: A non-binding resolution concerning the amendment of the current  
Accessory Dwelling Units (ADUs) by-law*

Whereas Needham Town Meeting recognizes that the town is experiencing increasing challenges in providing potential or existing residents a range of affordable options to purchase or rent a home in Needham;

And Whereas, one of the biggest challenges to home-buying and renting in Needham is an increasingly narrow range of housing choices due to the trend to replace older, smaller homes with ever-growing new homes, the average size of which has doubled between 1980 to 2020 from 2,200 SF to 4,400 SF;

And Whereas, this economic trend continues to make Needham increasingly less affordable, creating economic challenges for potential new residents and residents who wish to stay;

And Whereas, the increasing lack of affordability and housing choice creates more challenges for a more diverse Needham community;

And Whereas, as a result of recent trends in Needham and across the region, there is not enough of a range in housing choices at the affordable end that offer smaller unit sizes with more affordable purchase or rental costs for young adults or families or existing, mostly senior, residents;

And Whereas, in 2019, Needham introduced ADUs to the town by-laws but instituted them with residency restrictions that allow use only for a "caregiver", "family," or "owner" which has resulted in approximately eight approved ADUs in the past 18 months;

And Whereas, a 2018 white paper written by Amy Dain for the Pioneer Institute, presenting a survey of all of the towns offering ADUs, (approximately half with residency restrictions and the rest without), indicated that the total annual number of ADUs built was uniformly very modest (mostly single-digit), and that towns without restrictions saw only about a 50% increase in the number of ADUs built annually, which means Needham would have about three (3) more ADU applications a year.

Be It Resolved, that this day, in recognition of the urgent need to create more affordable housing choices, Needham's Town Meeting goes on record as recommending that the Town of Needham, acting through the Select Board, declare making more Affordable Housing Choices a Priority. Once declared, Town Meeting recommends that the Select Board consider taking further action including:

- Communicating to all town departments, businesses, and residents the critical need to address the lack of affordable housing choices currently in our town.
- Recommend that the Planning Board address possible remedies to the housing challenges through both the newly formed Affordable Housing Study Committee and revisions to the zoning by-laws to allow more affordable housing choices including multi-family and other smaller-sized options, like ADUs, that would expand the opportunities for potential and existing residents.
- Prioritize that the Planning Board, for Annual Town Meeting 2022, address an amendment to the current by-law (Section 3.15 – Accessory Dwelling Units [ADUs])
- Acknowledge that the Needham Health Department and the Council on Aging were critical endorsers of the concept of an ADU by-law that would provide to seniors the opportunity to have live-in assistance at their homes or, alternatively, the economic benefit of potential rental income. The current by-law, established in 2019, accomplished only half of that goal; it restricts use of ADUs to live-in assistance, and does not allow use of an ADU as a rental property.
- Encourage the Planning Board to remove the residency restriction in the above by-law, for just “caregiver”, “family” and “owner”, and allow the ADUs to be available to anyone as a more affordable housing choice in the marketplace, given that they would provide a very modest, but important, smaller housing option (850 SF maximum) across our predominantly single-family zoned town.
- Acknowledge that the economic benefit provided by ADUs expands the housing opportunities for seniors and other residents to remain in their homes, and for potential newcomers to join the Needham community.

REFERENCES:

Link to Needham Zoning By-law section on ADUs:

<http://www.needhamma.gov/DocumentCenter/View/16644/Zoning-By-Law-2020---FINAL-By-Law-Printed-November-2020?bidId=>

Link to 2018 Amy Dain ADU report for the Pioneer Institute:

<https://ma-smartgrowth.org/wp-content/uploads/2019/01/ADU-MSGA-Pioneer-paper-2018.pdf>

*submission date: September 08, 2021*

*Oscar Mertz*

*67 Rybury Hillway*

**Accessory Dwelling Units:  
A Report for Needham Public Health Division  
10-11-17**

**Acknowledgements**

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## Executive Summary

### Background

This report on accessory dwelling units (ADUs) was commissioned as follow up to the report, *Assessment of Housing and Transit Options for Needham Seniors*, released in the fall of 2016. According to a survey conducted for that assessment, seniors want to remain in town as they age but many feel this won't be possible due to: "the high cost of housing (purchase price or rent, and upkeep); costliness of modifying existing homes to increase accessibility; and zoning regulations that prohibit accessory dwelling units." One of the recommendations in the assessment report was to pass a zoning bylaw to allow accessory dwelling units (ADUs). An ADU-- also known as accessory or "in-law" apartments-- is defined as "a self-contained apartment in an owner-occupied single family home that is either attached to the principal dwelling or in a separate structure on the same property." (Massachusetts EEA). ADUs are a low-impact, high-value way to address the problem of diminishing housing options. ADUs are of particular benefit to older residents, young adults, people with disabilities, and people with moderate incomes.

The report, *Accessory Dwelling Units: A Report for the Needham Public Health Division*, examines in some depth the experience of nine communities similar to Needham that have passed ADU bylaws. Their experiences, combined with recommendations from the Massachusetts Office on Energy and Environmental Affairs, can serve as an authoritative guide for local debate. The purpose of this study was to learn about the impact of these bylaws on issues of importance to Needham, including cost, density, traffic, appearance, and meeting the changing needs of our residents.

### Data Collection Method

Nine cities and towns were selected because, like Needham, they are suburban communities within the I-495 beltway, but unlike Needham, they have had ADU bylaws in place for a number of years. Planning and community development staff in each community were interviewed by phone or in person about: 1) the specific regulations in their bylaws; 2) the impact of the bylaws on various aspects of community life; 3) experiences modifying bylaws; and 4) lessons learned from the process. In addition to interviews, information was collected by reviewing the text of each community's actual bylaw as well as supporting documents and reports from the town.

### Results of interviews

#### Content of the bylaws

The text of the bylaws of all nine towns described similar goals: increase housing options while maintaining the character of the town; help young and older adults and people with disabilities stay in town as their needs change; and provide moderately-priced units in communities with ever-escalating home prices and reduced number of small homes. Two communities explicitly added the goal of helping workers live near their places of employment.

Interviewees noted that their bylaws were drafted to address key concerns residents expressed about ADUs, namely that they might: change the appearance of a neighborhood from one of single family homes to one that looks crowded; allow two-family homes in areas zoned for

single-family homes; and increase density, stress on public services, the number of children, traffic, and cars parked outside a house.

The regulations in the nine towns are similar in their intent to meet the goals and address the concerns listed above. They ensure that the unit is clearly part of, and smaller than, the main dwelling, and that the ADU doesn't change the overall character of the neighborhood. Most of the regulations are consistent with the recommendations in the Massachusetts Model Bylaw.

#### Impact of the bylaws

The impact of ADU bylaws on the communities surveyed has been minimal. Only a small number of ADUs have been created over the course of many years.

For residents who have been able to take advantage of this option, ADUs have served their intended purpose. Older adults and their children are able to share a property, or older adults are able to afford to stay in their home by renting out a unit. Other effects of passing an ADU bylaw have been bringing illegal, and possibly unsafe, units into compliance, and creating appropriate housing for people with disabilities.

None of the interviewees reported an increase in the number of school children, traffic, or a change in the character of the town due to the ADU bylaw.

Planning boards and housing advocates in seven of the nine communities decided to liberalize the regulations in the past few years to encourage more people to take advantage of this option. Six of the towns approved changes, indicating overall satisfaction with the general concept of accessory apartments.

#### Recommendations from interviewees re: advocating for an ADU bylaw

The interviewees in these towns offered several recommendations to Needham should it decide to enact an ADU bylaw, namely:

- Engage key partners with related interests
- Engage older adults
- Tie the proposed bylaw to demonstrated needs
- Educate the public about what the bylaw is, and what it isn't

#### **Conclusion: Recommendations for Needham**

The experiences of the nine communities described in this report provide compelling evidence that ADUs could contribute to the overall goal of increasing housing options for older adults, young adults, people with disabilities, and people with moderate incomes without negatively impacting the quality of life. Using the Mass Model Bylaw and the experiences of the nine communities as guides, Needham can create a bylaw that ensures units will be integrated into existing single family neighborhoods with little or no negative impact on the character of the neighborhood or on town services, provide new options for current Needham homeowners, and minimize the regulatory burden on town officials. The report recommends specific bylaw regulations—related to permitting, size, occupants, appearance and parking--to achieve the desired outcome.

## Background on the Report

Needham has long been valued as a family-friendly suburban town with a mix of housing types and a population that is committed to setting down roots in the community. However, rapidly escalating housing prices combined with the growing number of tear-downs of small homes threatens to change the character of the town by raising the income level required to live here. One modest, but important, way to address the problem of diminished housing options is passage of a zoning bylaw to allow accessory dwelling units (ADUs). An ADU-- also known as accessory or “in-law” apartments-- is defined as “a self-contained apartment in an owner-occupied single family home that is either attached to the principal dwelling or in a separate structure on the same property.” (Massachusetts EEA, n.d.) This bylaw is of particular benefit to older residents, young adults, people with disabilities and people with moderate incomes. The Massachusetts Executive Office of Energy and Environmental Affairs encourages the adoption of ADU bylaws and has published a model ADU bylaw to guide communities interested in pursuing this option. (Massachusetts EEA, n.d.) A number of surrounding communities have passed ADU bylaws, and their experiences are instructive as Needham considers whether to go this route. This report summarizes both the Massachusetts model bylaw and the accessory apartment bylaws in nine cities and towns within the I-495 beltway.

This report on ADUs was commissioned as follow-up to the report, *Assessment of Housing and Transit Options for Needham Seniors*, released by the Needham Council on Aging and the Needham Public Health Division in August 2016. According to a survey conducted for that assessment, seniors want to remain in town as they age, but many feel this won’t be possible, due to “the high cost of housing (purchase price or rent, and upkeep); costliness of modifying existing homes to increase accessibility; and zoning regulations that prohibit accessory dwelling units.” (Needham Council on Aging and Needham Public Health Division, 2016)

While many Needham residents support ADUs, some residents express concerns about the potential impact which may result from that type of policy change. The Public Health Division commissioned a study of the experiences of a sample of towns similar to Needham that have had these zoning bylaws in place for a number of years in order to learn about the impact of these bylaws. Interview questions about zoning bylaws which permit accessory dwelling units were chosen based on issues of importance to Needham, including cost, density, traffic, appearance, and acceptance by residents.

## Data Collection Method

**Communities:** The following cities and towns were selected because they have had ADU bylaws in place for a number of years, and are suburban communities within the I-495 beltway, and share characteristics with Needham:

- Acton
- Bedford

- Carlisle
- Lexington
- Milton
- Newton
- Scituate
- Sudbury
- Westwood

Appendix A summarizes the demographics of these communities and Needham, including population, median household income, land size, and number of housing units.

**Interview questions:** The interview form used the Massachusetts model bylaw as a framework. It also contained questions on 1) the specific requirements outlined in each town's bylaws, 2) the impact of the bylaws on various aspects of community life, 3) experiences modifying bylaws and 4) lessons learned from the process. Representatives of several elected and appointed boards in Needham helped develop the questions to ensure they addressed issues of local concern. A copy of the interview tool is in Appendix B.

**Data sources:** Information was collected by reviewing the text of each community's actual bylaw as well as supporting documents and reports from the town. In addition, planning and community development staff members in each community were interviewed, either by phone or in person. Names and contact information and bylaws and supplemental resources are in Appendix C.

## Results of Interviews

### Background of bylaws

**Goals:** All nine towns expressed similar goals in the text of their ADU bylaws: increase housing options while maintaining the character of the town; help young and older adults and people with disabilities stay in town as their needs change; and provide moderately-priced units in communities with ever-escalating home prices and reduced number of small homes. Newton and Scituate explicitly added the goal of helping workers live near their places of employment.

**Concerns:** Interviewees noted that their bylaws were drafted with an awareness of key concerns residents expressed about ADUs, namely that they might:

- Change the appearance of a neighborhood from one of single family homes to one that looks crowded
- Allow two-family homes in areas zoned for single-family homes
- Increase density, stress on public services, increased public school enrollment, traffic and cars parked outside a house.

### Key requirements in ADU bylaws in the nine communities

The bylaws in the nine towns are similar in their intent to meet the goals and address the concerns listed above. They ensure that the unit is clearly part of, and smaller than, the main

dwelling, and that the ADU doesn't change the overall character of the neighborhood. The bylaws are generally consistent with the Massachusetts model bylaw. The following indicates in italics the recommendations of the Massachusetts model bylaw and summarizes the corresponding key requirements in the nine communities studied. Details of these requirements can be found in Appendix D.

**Type of unit:** *Mass model bylaw: Only one unit per single family house or house lot.* All the communities interviewed limit ADUs to one per main dwelling. All but one (Bedford) allows ADUs as both an internal unit within the main dwelling and as a detached unit on the property.

**Type of permit:** *Mass model bylaw: As-of-right for units within existing dwellings with limited or no impact from the street; Special Permit for additions to existing dwelling or detached units.* (Special permits are those given by the zoning board after determining the plan meets the regulations in the bylaw. As-of-right permits do not require special review; the building inspector determines the property meets the requirements of the bylaw.) In four communities, all ADUs are permitted by special permit only. In the other five, ADUs are approved as a combination of special permit and as-of-right.

**Size:** *Mass model bylaw: Gross area of ADU no more than 900 square feet; no more than three occupants; no more than two bedrooms.* All communities restrict the size of the ADU to ensure it is subsidiary to the main dwelling. The allowable size ranges from 750 square feet for an internal unit in Scituate to 2000 square feet for a detached unit in Acton.

**Ownership and tenancy:** *Mass model bylaw: Owner must occupy one of the units.* All communities interviewed require the owner to live in either the main dwelling or the ADU, and the other unit cannot be sold. In other words, the owner cannot turn the ADU into a condominium. Only one town (Milton) requires the tenant to be a relative or employee.

**Parking:** *Mass model bylaw: Off-street parking should be available to owner and tenants.* All communities except Newton require that ADUs have one to two dedicated parking spaces. Most communities also require that screening be built or planted between the additional cars and neighboring property.

**Appearance:** All bylaws have requirements—most extensively detailed-- that the appearance of the original dwelling be substantially maintained. Most describe the need to retain the look of a one-family house, with no external stairways visible, only one main entrance, etc. Similarly, a detached ADU is required to maintain the look of the original building.

**Timing and updates:** The majority of communities passed the bylaws in the 1980s and early 1990s. Seven have attempted to liberalize the bylaws in the last two years, six successfully.

### Impact of the bylaws

**Summary:** According to the interviewees and other studies of the effect of ADUs, the impact of ADU bylaws on the communities surveyed is minimal. Only a small number of ADUs have been created. The majority of local government staff members interviewed suggested that the reason for the low number of units added was the expense and the time-consuming nature of the

process, which most homeowners are unable or unwilling to undertake. As a result of the low production, seven of the nine communities interviewed have attempted to liberalize their bylaws in the last few years, reducing obstacles to greater participation.

Interviewees report that the ADU bylaws appear to have served their intended purpose. Older adults and their children are able to share a property, or older adults are able to afford to stay in their home by renting out a unit, or an older adult may bring a live-in health aide into the home.

- *When they come for a permit, it's for family members. Seniors can stay in town and their kids get to stay in town. We're losing 65 plus and recent college grads. ADUs are a way to encourage both to stay here. (Lexington)*
- *I see it as something that helps out families, where you couldn't afford to buy a separate house, prices are out of control/ people can't stay in town. It's a service for those already in town. (Scituate)*
- *We don't offer a lot of services for our seniors. This is one way we've been able to help them. (Sudbury)*

Other effects of passing an ADU bylaw are bringing illegal, and possibly unsafe, units into compliance and creating appropriate housing for people with disabilities.

None of the interviewees reported a significant increase in public school enrollment, traffic, or a change in the character of the town due to the ADU bylaw.

The following describes the responses to specific questions about the impact of the ADU bylaw.

**Total number:** Some of the towns do not track the number of ADU permits. Of the towns that do, the numbers range from an average of two to seven ADUs per year over the time the bylaw has been in place.

The following information represents reports from each community:

- Carlisle: 18 since 1989.
- Lexington: 200 since 1983. Most of these were grandfathered in, as opposed to newly constructed ADUs.
- Newton: 73 over 20 years.
- Scituate: 88 since 1989. Steady number of applicants; no big increase since they allowed detached units and in ADUs new construction.
- Westwood: 45 since 1992, approximately half are internal and half detached. 13 people are on the waiting list (Westwood caps the total number of ADUs).
- Bedford: Combines ADUs and two-family homes in its tracking system. There are a total of 300; the town staff reported the majority are two-family homes.
- Acton, Milton and Sudbury: Do not keep records. Local officials estimate it is just a few per year.

**Who lives in homes with ADUs?:** While towns do not keep formal records on the personal situations of homeowners and ADU tenants, most town staff see ADUs primarily serving family needs. Most often, interviewees report that an older parent moves into the ADU created by their adult child. The other circumstances most commonly cited are a relative with a disability--or his/her caretaker--lives in the ADU, and an older resident rents the ADU for additional income.

Concerns had been raised in Newton that college students would occupy ADUs and cause noise and other problems, but Newton reports this has not happened—most likely because of restrictions on number of occupants and the requirement that one dwelling has to be owner occupied.

**Impact on schools and traffic:** Interviewees noted that these two concerns arise with any proposed changes in zoning. All nine communities reported that ADUs had minimal or no impact on the number of school-age children or traffic. The main reason for the low impact is the small number of ADUs each town has added. In addition, a community development official who used to work in Burlington described a study there which showed that an increase in the number of apartments did not translate to an increase in school children. Apartments were used by young and older adults, not by families with children. In terms of traffic, several interviewees noted that units are scattered around town, minimizing concentration of traffic in any one area.

**Change in appearance of neighborhood:** Interviewees noted that the appearance and character of neighborhoods were not changed when an ADU was added. They feel this is because the language in their bylaws requires the ADU fits the style of the house, has its entrance on the side or back, disallows external stairways, etc.

**Value of property:** Newton is the only community that had actually studied the change in a home's value before and after adding an ADU. They determined there was no change, unless the ADU enlarged the house in which case the value increased. Several other interviewees shared their impressions: Milton thought there was no change in property value; Lexington and Westwood thought the value increased. Westwood noted that realtors consider the potential of adding an ADU to a property to be a selling point

**Burden on town officials and boards/ Enforcement issues:** None of the interviewees felt the ADU bylaw added to the burden of the building inspector or permitting board; inspection and permitting and the associated costs are treated the same as any other request. Issues that are raised by neighbors when an owner requests an ADU permit include parking, lot lines, obtrusiveness of the new unit, etc. These are typical issues raised when any number of zoning or permitting related requests come before a board, planning officials said, and nearly every request is granted. In several communities, including Westwood, the permitting boards were not opposed to recent efforts to expand the options for ADUs, even though it could result in an increase in their work.

The local officials noted that enforcement and tracking of properties would be significantly more difficult if the bylaw restricted ADUs to family members.

Several towns noted that they reduced problems with ADU requests by working with both the owner and sometimes the neighbors to address all issues ahead of time. Several communities (Carlisle, Newton, Scituate and Sudbury) said their on-line information for homeowners reduced time and stress on all parties. (See Appendix C for resources; Carlisle has a particularly good example.)

**Grandfathering illegal units:** Bringing illegal units into compliance can be a significant benefit of passing an ADU bylaw. These unpermitted, uninspected units can be hazardous, especially those that lack sufficient means of egress and/or have unsafe cooking facilities. One respondent said that the only time they learn about an illegal unit is when there is a fire.

Lexington reports that when they first passed their bylaw, they offered amnesty and most requests for ADUs were actually to legalize existing units. Scituate and Westwood also encourage people to apply for permits for existing units. Newton reported that before their bylaw was recently liberalized, few people came forward because their units were likely to be out of compliance. They hope to see a change in the coming year.

**Accessibility:** Three towns, Acton, Lexington and Milton, said ADUs provide an opportunity to encourage the creation of dwellings that are accessible for people with disabilities. This is done by allowing some flexibility in waiving certain zoning requirements when units are made accessible for people with disabilities, in compliance with state standards for accessibility.

**Solving the housing problem:** No one felt ADUs alone solved their housing problem, but, quoting a Newton report: *Responding to the needs generated by changing demographics and workforce requires multiple strategic actions, as described in the Housing Strategy, and a robust accessory apartment policy is an important part of that.* (City of Newton, Nov. 2016)

### Proposing changes to bylaws in 7 of the communities

**What:** As noted above, seven of the towns interviewed have proposed changes to their ADU bylaws within the last two years to encourage more residents to take advantage of them. Changes that were approved included allowing ADUs: 1) in detached structures; 2) as part of new construction; 3) as-of-right right rather than by special permit; and 4) raising the cap on the numbers allowed. The one change that was not approved (in Milton) was to allow non-family to live in ADUs.

**Why:** Communities were motivated to act in the recent years for several reasons.

- They had recently completed housing plans that called for more housing for families, people with moderate income, and for workers in the town, and ADUs are one way to begin to address the needs of those constituencies.
- They were responding to an increased emphasis on aging in place.
- Tear downs of smaller homes to make way for large, very expensive ones is accelerating the need to act.

**Concerns expressed about changing the Bylaw:** For the most part, because these communities already had ADU bylaws in place, public hearings on modifications were not particularly contentious. There was push back on proposals to allow detached units, which in one case (Acton) resulted in the requirement that the unit be in existence for several years before being converted. Two towns reported hearing concerns about changes to the character and appearance of the town if more ADUs were created. This concern was allayed by pointing out the large number of requirements to make the ADU ‘invisible from the street.’

The fact that efforts to expand ADU bylaws were successful in six of the seven towns that have had them in place for a number of years indicates the broad support for the concept in communities that have experience with them.

### **Recommendations from town officials re: informing the community about an ADU bylaw**

The interviewees offered several recommendations to Needham should it decide to begin the process of considering an ADU bylaw.

1. **Engage key partners with related interests:** Early in the process, reach out to groups whose interests will be served by ADUs. The Council on Aging is an essential partner. Other key partners mentioned by towns are housing advocates, environmental groups, the Commission on Disabilities, and the business community. Newton was particularly successful in its partnership with businesses. Retailers had reported that they were not able to get workers who are willing to travel to Newton; ADUs allow workers to live in town. The Newton/Needham Chamber of Commerce was very supportive of the recent successful initiative to liberalize Newton's ADU bylaw.
2. **Engage older adults:** Seek out older adults and their families who have concerns about the affordability and accessibility of housing. Ask them to share their perspectives and participate in public discussions and in community meetings.
3. **Tie the proposed bylaw to demonstrated needs:** Show how the bylaw fits into existing housing plans and how it addresses identified needs of older adults and families in town.
4. **Educate the public:** Distribute accurate information about what the bylaw is, and what it isn't. Clarify that it does not increase development of two-family homes or create crowding. Emphasize that there are strict requirements on *size, ownership, and appearance*. Focus on the fact that in communities with ADUs, most are used to help older and younger adults, and to support families already in town. Since concerns about the appearance of a house with an ADU are often expressed, one town (Westwood) used photos of homes with ADUs as part of their presentation to Town Meeting members. The photos show that ADUs are virtually invisible from the street.
5. **Consider the pros and cons of using a special permit or permitting as-of-right:** Several towns felt that requiring a special permit is more palatable to residents when first considering passage of an ADU bylaw, as it provides more control and oversight. On the other hand, towns with as-of-right permits contend that they reduce burdens on homeowners and permitting boards while still maintaining strict requirements.
6. **Consider the pros and cons of restricting ADUs to family members:** Limiting the ADU to family members may seem like a way to increase the likelihood the bylaw will pass. However, all local officials interviewed cautioned that this bylaw puts much more burden on town boards and officials to verify and enforce compliance. Further, it reduces the value of the bylaw by limiting flexibility for owners. According to a recommendation

in the Massachusetts model bylaw: “Allowing only family members is easiest politically and may limit the overall impact of the units, but it will also limit the use (and reuse) of these units and may result in additional administration costs associated with enforcement. Having no restrictions on accessory dwelling unit tenants gives greater control over the unit to the homeowner while offering more diverse housing opportunities.” (Massachusetts EEA)

### **Conclusion: Recommendations for Needham**

The experiences of the nine communities described in this report provide compelling evidence that ADUs could contribute to the overall goal of increasing housing options in Needham for older adults, young adults, people with disabilities, and people with moderate incomes. Many interviewees expressed agreement with the views articulated in a recent Newton report: *The benefits of creating such units include providing opportunity for seniors to remain in their homes longer, creating a low-impact form of generally affordable housing, assisting in the preservation of historic homes and accessory structures, and addressing the issue of unsafe illegal accessory apartments.* (City of Newton, Feb 2017)

Using the Massachusetts model bylaw and bylaw language from the nine communities, it is possible to create a bylaw that ensures units will be integrated into existing single family neighborhoods with little or no negative impact on the character of the neighborhood or on town services. The bylaw can be crafted to provide flexibility for current Needham homeowners and minimize the burden on town officials.

Key elements that will support positive outcomes and minimize negative impacts:

- Specific permit types: As-of-right for units within the existing footprint of the main dwelling; special permit for units that are added onto the main dwelling or are detached from it.
- Size and occupant restrictions: Set a maximum square footage for the ADU and a maximum percentage of the main dwelling allowed for the ADU; allow whichever is smaller. Limit number of occupants in ADU.
- Occupants: One unit must be owner occupied. No restrictions on relationship of tenants to owner.
- Appearance: Requirements that the ADU is in keeping with the character of the main dwelling.
- Parking: One space per unit.
- Grandfathering illegal units: Offer amnesty to owners of existing ADUs who apply for a permit and comply with all ADU regulations.

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[http://www.mass.gov/envir/smart\\_growth\\_toolkit/bylaws/ADU-Bylaw.pdf](http://www.mass.gov/envir/smart_growth_toolkit/bylaws/ADU-Bylaw.pdf)

Needham Council on Aging and Needham Public Health Division. Assessment of Housing and Transit Options for Needham Seniors. (August 2016)  
<http://www.needhamma.gov/DocumentCenter/View/13894>

## Appendix A: Demographics of Communities Studied \*

| Towns     | Population | Median household income 2011-2015 | Land size Square miles | Housing units | % 65+ |
|-----------|------------|-----------------------------------|------------------------|---------------|-------|
| Needham   | 28,961     | \$132,237                         | 12.29                  | 11,122        | 16.3% |
| Acton     | 21,924     | \$125,635                         | 19.87                  | 8,530         | 11.0% |
| Bedford   | 13,320     | \$113,729                         | 13.66                  | 5,368         | 18.6% |
| Carlisle  | 4,852      | \$166,111                         | 15.27                  | 1,758         | 12.9% |
| Lexington | 31,394     | \$149,306                         | 16.43                  | 12,019        | 18.6% |
| Milton    | 27,012     | \$116,444                         | 13.01                  | 9,700         | 15.4% |
| Newton    | 85,119     | \$122,080                         | 17.94                  | 32,648        | 15.2% |
| Scituate  | 18,135     | \$102,210                         | 17.63                  | 8,035         | 17.2% |
| Sudbury   | 17,659     | \$165,745                         | 24.2                   | 6,221         | 12.2% |
| Westwood  | 14,622     | \$135,884                         | 10.88                  | 5,431         | 18.2% |

\*=Data from US Census Bureau. <https://www.census.gov/quickfacts/fact/table/MA/PST045216>

All data from 2010, except median household income which is 2011-2015, presented in 2015 dollars

## **Appendix B: Questions for Interviews with Town/City Officials re: ADUs**

### **1. Brief description of by law**

- By right or special permit/ or combination of both?
- Size requirements
- Parking requirements
- Restrictions---owner occupied? relationship to tenant? attached vs detached? transfer on sale of property? Time limit to permit? In certain areas of town only, or anyplace?
- Provisions to grandfather in illegal units?—Do they have to go through special permit process?
- How is it enforced?

### **2. Adoption process**

- What were objections? How were they overcome?
- Recommendation for other towns wanting to pass bylaws?
- Key partners to involve?

### **3. Modifications to law since originally passed**

- What has been changed?
- Why?

### **4. Impact of the bylaw**

- Any unintended consequence?
- # of new units created per year/ change over time?
- # of illegal units grandfathered in
- Any data on who is using ADUs? (eg, relatives, caretakers, students, etc)
- Increase in school age population due to ADUs?
- Increase in traffic due to ADUs?
- Increase in transient population? How defined?
- Any information on impact on older adults due to ADUs? ie, report they are able to stay in the community?
- Any issues with enforcement?
- Types of complaints received?
- Any moves to eliminate bylaw?
- Evidence that adding an ADU changes value of home and therefore property tax?
- Any additional burden on town departments?
- Recommendation to other towns on ways to maximize benefits of ADUs and minimize problems—both for the town in general and for owners/tenants?

## Appendix C: Contacts Interviewed and Materials Collected

### Acton

<http://www.acton-ma.gov/164/Planning>

Robert Hummels, Assistant Planner

Bylaw: <http://www.acton-ma.gov/DocumentCenter/Home/View/659>

### Bedford

<http://www.bedfordma.gov/planning>

Tony Fields, Planning Director

Bylaw in packet for homeowners:

[http://www.bedfordma.gov/sites/bedfordma/files/file/file/code-accessory-apartment\\_0.pdf](http://www.bedfordma.gov/sites/bedfordma/files/file/file/code-accessory-apartment_0.pdf)

### Carlisle

[http://www.carlislema.gov/Pages/CarlisleMA\\_Planning/index](http://www.carlislema.gov/Pages/CarlisleMA_Planning/index)

George Mansfield, Planning Administrator

Document for residents:

[http://www.carlislema.gov/Pages/CarlisleMA\\_Planning/AAA%20RR%201-26-09.pdf](http://www.carlislema.gov/Pages/CarlisleMA_Planning/AAA%20RR%201-26-09.pdf)

Draft bylaw (subsequently passed in May 2017)

[http://www.carlislema.gov/Pages/CarlisleMA\\_PBNA/0592862C-000F8513](http://www.carlislema.gov/Pages/CarlisleMA_PBNA/0592862C-000F8513)

### Lexington

<http://www.lexingtonma.gov/planning-office>

David Fields, Planner

Background on 2016 proposal to update bylaw and text of bylaw which subsequently passed

[http://www.lexingtonma.gov/sites/lexingtonma/files/pages/art\\_40\\_-\\_accessory\\_apartments\\_report\\_03-18-2016.pdf](http://www.lexingtonma.gov/sites/lexingtonma/files/pages/art_40_-_accessory_apartments_report_03-18-2016.pdf)

### Milton

<http://www.townofmilton.org/planning-and-community-development>

William Clark, Director of Planning & Community Development

Proposed update: [http://www.townofmilton.org/sites/miltonma/files/uploads/pb\\_article-accessory\\_dwelling\\_unit\\_080415.pdf](http://www.townofmilton.org/sites/miltonma/files/uploads/pb_article-accessory_dwelling_unit_080415.pdf)

### Newton

<http://www.newtonma.gov/gov/planning/default.asp>

James Freas, Deputy Director, Office of Planning and Development

Bylaw: <http://www.newtonma.gov/civicax/filebank/documents/82048>

FAQs: <http://www.newtonma.gov/civicax/filebank/documents/81178>

### Scituate

Laura Harbottle Town Planner

Q & A for homeowners: <http://www.scituatema.gov/planning-board/faq/how-do-i-add-an-accessory-dwelling-in-law-to-my-house>

Bylaw (p 54): [http://www.scituatema.gov/sites/scituatema/files/pages/15-11-02\\_zoning\\_bylaw\\_as\\_amended\\_for\\_web\\_printing.pdf](http://www.scituatema.gov/sites/scituatema/files/pages/15-11-02_zoning_bylaw_as_amended_for_web_printing.pdf)

**Sudbury**

<https://sudbury.ma.us/pcd/>

Meagen Donoghue Director of Planning and Mark Herweck, Building Inspector

Bylaw ( p 93): [https://sudbury.ma.us/clerk/wp-](https://sudbury.ma.us/clerk/wp-content/uploads/sites/270/2014/08/SUDBURYZONINGBYLAW2014Completeforprintingandposting.pdf)

[content/uploads/sites/270/2014/08/SUDBURYZONINGBYLAW2014Completeforprintingandposting.pdf](https://sudbury.ma.us/clerk/wp-content/uploads/sites/270/2014/08/SUDBURYZONINGBYLAW2014Completeforprintingandposting.pdf)

Information for residents: <https://sudbury.ma.us/boardofappeals/accessory-dwelling-guidelines/>

Housing production plan, includes ADUs: <file:///C:/Users/Chris/Downloads/Sudbury-HPP-2016-FINAL-4.21.2016.pdf>

**Westwood**

<http://www.townhall.westwood.ma.us/gov/depts/commdevdepts/plandiv/default.htm>

Abigail McCabe, Town Planner and Sarah Bouchard, Housing and Zoning Agent

Bylaw (8-21): [http://westwood-](http://westwood-prod.civica.granicusops.com/civicax/filebank/blobdload.aspx?BlobID=28617)

[prod.civica.granicusops.com/civicax/filebank/blobdload.aspx?BlobID=28617](http://westwood-prod.civica.granicusops.com/civicax/filebank/blobdload.aspx?BlobID=28617)

## Appendix D: Key Requirements in the ADU Bylaws

| Town      | Year passed | Year updated | Type of unit / actions allowed after update *      | Detached allowed?           | Permit: By Right (BR) or Special Permit (SP)                         | Max size: Square feet/ Percent of main dwelling/ # bedrooms         | # Parking spaces for ADU | Miscellaneous                                                                      |
|-----------|-------------|--------------|----------------------------------------------------|-----------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------|
| Acton     | DK          | 2016         | Detached units/ Existing footprint can be expanded | Yes: in 1950-2010 bldg      | Int: BR<br>Det: SP                                                   | Int: 800sf/ 50% of main/ 2 bed<br>Det: 2000sf/ 3 bed                | 1                        | 1 <sup>st</sup> floor of ADU must be accessible                                    |
| Bedford   | 1997        | ==           |                                                    | No                          | BR                                                                   | 30% of main                                                         | 2                        |                                                                                    |
| Carlisle  | 1989        | 2017         | Detached units                                     | Yes; # limited              | SP                                                                   | 1200sf/ 35% of main                                                 | # Not specified          | Total permits allowed: 75                                                          |
| Lexington | 1983        | 2016         | Detached units/ ADU in new construction            | Yes                         | Int in existing footprint: BR<br>Int in expanded footprint & Det: SP | Basic int:1000sf/ 2 bed<br>Expanded int: 40% of main<br>Det: 1000sf | 1                        | Owner can be away for 2 years                                                      |
| Milton    | DK          | 2015 failed  | Non family occupants                               | Yes                         | Int in existing footprint: BR<br>Int in expanded & Det: SP           | 800 sf/ 2 bed/ ≤ 3 occupants                                        | 1                        | Occupants must be family or employed<br>SP good for 5 years; then must reapply     |
| Newton    | 1987        | 2017         | Internal unit: By Right/ ADU on any size lot       | Yes                         | Int: BR<br>Det: SP                                                   | Int: 1000sf/ 33% of main<br>Det:1200sf/40% of main                  | 0                        | Total occupants in ADU and main: no more than would be allowed in main house alone |
| Scituate  | 1989        | 2015         | Detached/ ADU in new construction                  | Yes                         | SP                                                                   | 750 sf/ 40% of main                                                 | 2                        | Encouraged in business district                                                    |
| Sudbury   | 2009        | --           |                                                    | Yes: in bldg. at least 5 yo | SP                                                                   | Int: 800sf/ 30% of main<br>Det: 850sf/ ≤4 occupants                 | 1                        | No more than 5% of town's dwellings can have ADU<br>Must recertify every 4 years   |
| Westwood  | 1992        | 2017         | Increased cap on total #                           | Yes                         | SP                                                                   | 900sf                                                               | 1                        | No more than 2% of town's dwellings can have ADU<br>Must recertify every 4 years   |

\*=Type of Unit: Detached (Det) Separate building on property of main dwelling Internal (Int) Part of the main dwelling

# **Accessory Dwelling Units: A Report for Needham Public Health Department**

## **Executive Summary**

### **Background**

This report on accessory dwelling units (ADUs) was commissioned as follow up to the Assessment of Housing and Transit Options for Needham Seniors, released in the fall of 2016. According to a survey conducted for that assessment, seniors want to remain in town as they age but many feel this won't be possible due to: "the high cost of housing (purchase price or rent, and upkeep); costliness of modifying existing homes to increase accessibility; and zoning regulations that prohibit accessory dwelling units." One of the recommendations in the assessment report was to pass a zoning bylaw to allow accessory dwelling units (ADUs). An ADU-- also known as accessory or "in-law" apartments-- is defined as "a self-contained apartment in an owner-occupied single family home that is either attached to the principal dwelling or in a separate structure on the same property." (Massachusetts EEA). ADUs are a low-impact, high-value way to address the problem of diminishing housing options. ADUs are of particular benefit to older residents, young adults, people with disabilities, and people with moderate incomes.

The report, *Accessory Dwelling Units: A Report for the Needham Public Health Department*, examines in some depth the experience of nine communities similar to Needham that have passed ADU bylaws. Their experiences, combined with recommendations from the Massachusetts Office on Energy and Environmental Affairs, can serve as an authoritative guide for local debate. The purpose of this study was to learn about the impact of these bylaws on issues of importance to Needham, including cost, density, traffic, appearance, and contributing to meeting the changing needs of our residents.

### **Data Collection Method**

Nine cities and towns were selected because, like Needham, they are suburban communities within the 495 beltway, but unlike Needham, they have had ADU bylaws in place for a number of years. Planners in each community were interviewed by phone or in person about: 1) the specific regulations in their bylaws; 2) the impact of the bylaws on various aspects of community

life; 3) experiences modifying bylaws; and 4) recommendations for Needham. In addition to interviews, information was collected by reviewing the text of each community's actual bylaw as well as supporting documents and reports from the town.

## **Results of interviews**

### Content of the bylaws

The text of the bylaws of all 9 towns described similar goals: increase housing options while maintaining the character of the town; help young and older adults and people with disabilities stay in town as their needs change; and provide moderately-priced units in communities with ever-escalating home prices and reduced number of small homes. Several communities explicitly added the goal of helping workers live near their places of employment.

Planners noted that their bylaws were drafted to address key concerns residents expressed about ADUs, namely that they might: change the appearance of a neighborhood from one of single family homes to one that looks crowded; allow two-family homes in areas zoned for single-family homes; and increase density, stress on public services, the number of children, traffic, and cars parked outside a house.

The regulations in the nine towns are similar in their intent to meet the goals and address the concerns listed above. They ensure that the unit is clearly part of, and smaller than, the main dwelling, and that the ADU doesn't change the overall character of the neighborhood. Most of the regulations are consistent with the recommendations in the Massachusetts Model Bylaw.

### Impact of the bylaws

The impact of ADU bylaws on the communities surveyed has been minimal. Only a small number of ADUs have been created over the course of many years.

For residents who have been able to take advantage of this option, ADUs have served their intended purpose. Older adults and their children are able to share a property, or older adults are able to afford to stay in their home by renting out a unit. Other effects of passing an ADU bylaw

have been bringing illegal, and possibly unsafe, units into compliance, and creating appropriate housing for people with disabilities.

None of the planners reported an increase in the number of school children, traffic, or a change in the character of the town due to the ADU bylaw.

Planning boards and housing advocates in seven of the nine communities decided to liberalize the regulations in the past few years to encourage more people to take advantage of this option. Six of the towns approved changes, indicating overall satisfaction with the general concept of accessory apartments.

#### Recommendations from planners re: advocating for an ADU bylaw

The interviewees in these towns offered several recommendations to Needham should it decide to enact an ADU bylaw, namely:

- Engage key partners with related interests
- Engage older adults
- Tie the proposed bylaw to demonstrated needs
- Educate the public about what the bylaw is, and what it isn't

#### **Conclusion: Recommendations for Needham**

The experiences of the nine communities described in this report provide compelling evidence that ADUs could contribute to the overall goal of increasing housing options for older adults, young adults, people with disabilities, and people with moderate incomes without negatively impacting the quality of life. Using the Mass Model Bylaw and the experiences of the nine communities as guides, Needham can create a bylaw that ensures units will be integrated into existing single family neighborhoods with little or no negative impact on the character of the neighborhood or on town services, provide new options for current Needham homeowners, and minimize the regulatory burden on town officials. The report recommends specific bylaw regulations—related to permitting, size, occupants, appearance and parking--to achieve the desired outcome.

## **Accessory Dwelling Units for Needham: Talking Points**

### **What are they?**

An accessory dwelling unit (ADU), also known as accessory or “in-law” apartments is defined as “a self-contained apartment in an owner-occupied single family home that is either attached to the principal dwelling or in a separate structure on the same property.”

### **Why are they needed?**

Needham’s housing stock is changing rapidly and dramatically, and this transition is affecting the character of the community. Escalating housing prices are making Needham more exclusive. The most visible impact of this housing dynamic is felt by older, long-time residents who prefer to stay in Needham. The number of options available to older residents, young adults and those with moderate incomes is diminishing. Passing an ADU bylaw is a small, but significant, step toward addressing their needs

### **What are the benefits to Needham residents?**

Needham has long been valued as a family-friendly suburban town accessible to residents who occupy a wide range of the economic spectrum. ADUs (encouraged by the Massachusetts Executive of Energy and Environmental Affairs and advocated by Needham’s Council on Aging and Public Health Division) are a low-impact, high-value way to:

- increase housing options while maintaining the character of the town
- help young adults return to Needham and older adults and people with disabilities stay in town as their needs change

### **What has the impact been in other communities with ADUs?**

- A survey of communities within the 495 beltway that have had these bylaws in place for a number of years found that when wisely regulated ADUs provide a viable option for the target constituents while exerting minimal impact on town services and quality of life. In fact, passage of ADU bylaws has not led to a surge of development. Quite the opposite. Towns have found it necessary to search for ways to stimulate ADU activity.
- For those who have been able to take advantage of this option, ADUs have served their intended purpose. Older adults and their children are able to share a property, an adult with a disability or their caretaker can use the ADU, or older adults are able to afford to stay in their home by renting out a unit.
- Passing an ADU bylaw encouraged owners of illegal, and possibly unsafe, units to apply for a permit and upgrade the unit to meet the code requirements.
- Moderately-priced units were added without an increase in the number of school children, traffic, or a change in appearance of the neighborhood.

### **What are key elements to include in ADU bylaw?**

The experiences of other communities and the Massachusetts Model Bylaw are instructive and should serve as a tool to help Needham construct its ADU bylaw. Elements to be addressed include: the type of permit to require; restrictions on size; requirements for ownership and tenancy; appearance; and parking. The ADU bylaw must strike the correct balance. The majority of towns surveyed found that in order to stimulate activity it was necessary to modify the original bylaw by removing more restrictive requirements. Needham’s ADU bylaw should address major concerns while recognizing that regulations that are too stringent will inhibit development.

*Creating a Livable  
Community for All Ages:*

**ACCESSORY  
DWELLING UNITS**



## INTERIOR ADU

Converted  
basement or attic



## ATTACHED ADU

On top of attached garage,  
or newly constructed  
addition to main house



## DETACHED ADU

Converted  
garage or new  
construction



# Why are accessory dwelling units important? They:



Increase housing options while maintaining the character of the town



Provide moderately-priced homes. When older adults in Needham were asked “if you were to consider moving out of Needham, what would impact your decision to move? 51.4% said it will be too expensive to maintain their current home



Help young and older adults and people with disabilities stay in town as their needs change. 93% of older adults in Needham reported it is somewhat, very, or extremely important for them to remain in Needham as they age



Help young adults return to Needham, independent of their parents, by providing starter homes



Increase revenue. For homeowners through rental income; for the Town through greater tax revenue generated by added value to existing homes



Decrease isolation and depression as older adults remain in the town where they have connections and live close to others

**Accessory dwelling units can be allowed while addressing community concerns.**

**Will accessory dwelling units change the physical character of the town?**

- Unlikely, as similar towns in Massachusetts have allowed accessory dwelling units without seeing a shift in the character of the town
- These units are typically spread out and hardly visible
- Design guidelines can ensure that ADUs are consistent with neighborhood architecture and designs

**Will accessory dwelling units increase congestion in Needham?**

Unlikely, as these units do not significantly increase population size and are typically occupied by a single person with only one car.

**Will accessory dwelling units increase the number of children enrolled in schools?**

Accessory dwelling units are generally occupied by individuals, rather than families.

Needham lacks affordable,  
available, accessible, age-friendly  
housing for its residents.

Accessory dwelling units (also  
known as ADUs or in-law units)  
can help mitigate this issue.

## Quotes from older Needham residents:

*“It’s impossible for young people who don’t have a lot of money to stay in Needham, and it is impossible for older people to try to downsize into a smaller house in Needham.” \**

*“Given the shortage of smaller homes, most of our friends who have already downsized have moved out of town. While we would prefer to remain in Needham, we are, sad to say, probably going to be forced to follow that option. Needham has yet to consider the needs of all of its citizens.” \**

*“Allowing in-law apartments in housing would be a huge benefit.” \**