

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**Tuesday, July 14, 2020**  
**Approved: July 28, 2020**

*Board of Health Members present:* Sharon McCarthy, Chair; Chris Mitchell; Libby Levison.

*Attending (including but not limited to):* Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BOH”) Clerk; Dan Wolfe, David E. Ross Associates, Inc.; Bob Kody, Envision Homes; Franklyn Carlson, Carlson Orchards; Bruce Ringwall, GPR, Inc.

Ms. McCarthy called the meeting to order at 7:00 p.m.

Ms. Flynn read aloud the BOH Remote Meeting Preamble, including Confirmation of Member Access, the Introduction to Remote Meeting, and Meeting Business Ground Rules.

**PUBLIC COMMENT-** None.

**NEW BUSINESS**

a. 72 Mass. Avenue: Room count discussion- Mr. Wolfe indicated that the requested discussion is to preempt potential questions the BOH may have when the property owners prepare for a building permit. He stated that the septic system was last upgraded in 2011 and approved for six-bedrooms. Mr. Wolfe presented the property owners’ proposed plans to build a new house and carriage house in the approximate locations of the existing house and garage. The members reviewed the proposed site plan, house plan, and carriage house plan, and noted Mr. Wolfe’s description of eight rooms, including three bedrooms, in the proposed house and the one room, which could be potentially considered one bedroom, in the proposed carriage house. Mr. Wolfe indicated that the property owners do not have a current plan to use the carriage house room as a bedroom, but would consider applying for ZBA approval to use the space as an accessory apartment, retrofitting the space with a kitchen, in the future. In anticipation of this potential future use, Mr. Wolfe indicated that he will be applying on behalf of the owners for a septic permit to replace the existing septic tank with an appropriately sized two-compartment tank. Mr. Grossman indicated he has no concerns with the proposed plans if the tank is replaced as described, and confirmed for Ms. Levison that a backup generator would not be required for the accessory apartment.

*Ms. Levison made a motion to take Mr. Carlson’s items out of order; Mr. Mitchell seconded. All in favor by roll call.*

b. Discuss current guidelines for indoor and outdoor events, including possible applicability to Peach Festival and Craft Festival, etc.- Mr. Carlson indicated that he plans to hold a Peach Harvest Weekend for Pick-Your-Own (PYO) following MDAR’s guidelines which allow 114 people per acre for PYO. He stated that handwashing stations and signage are already in place

from PYO blueberries. Mr. Grossman stated he agrees that they are handling PYO appropriately, but that an event such as a “festival” or a “harvest weekend” which hosts food trucks and encourages celebration and lingering triggers different guidelines which limit gatherings to 100 people including staff. Mr. Carlson replied then there would be no Harvest Weekend, and they would instead be open for PYO without advertisement as a festival or gathering. Mr. Grossman confirmed he is satisfied with this as long as there is no entertainment or vendors.

Ms. McCarthy confirmed that music is now allowed under Phase 3 but is limited to 100 people and needs to follow the “theater performances” sector guidance. Mr. Grossman indicated that the presence of music anywhere on the property changes the applicable guidelines from PYO to a gathering, and Ms. McCarthy added that the 100 person limit includes staff. Ms. Levison confirmed that indoor music is not allowed at this time. Ms. McCarthy stated that the Department of Labor Standards confirmed in the DPH call with LBOH that day that two 100-events cannot be held at different locations on the same property at the same time.

Ms. Flynn read aloud the e-mail received from 7/14/20 at 6:31 p.m. from Michael Busack at Fruitlands regarding plans to hold concerts in August. The members agreed that the plan to accommodate 150-200 guests exceeds the 100 person limit described in COVID Order 44. Ms. McCarthy will reply via e-mail, attaching Order 44.

Ms. McCarthy also confirmed that she previously sent Mr. Busack the sector guidance for festivals in response to e-mails received about plans for a Craft Festival.

c. Discuss drought status and messaging- The BOH members confirmed that Harvard has not changed drought status categories. Ms. McCarthy suggested updated website messaging be prepared for review at the 1<sup>st</sup> meeting in August; Mr. Mitchell will prepare the same.

d. Considerations for non-perishable food drive during COVID-19- Ms. Levison stated that the requested discussion was no longer required, because a NextDoor Harvard posting indicated that food drive is already occurring. Ms. McCarthy stated this should be allowed as long as they are maintaining social distancing and wearing masks, and noted that use of reusable grocery bags is once again permitted.

e. Background on Transfer Station Committee and discuss appointing new Representative(s)- Ms. Levison provided background of the changes in membership and distributed a briefing document prior to the meeting. Mr. Mitchell suggested Ms. McCarthy write the Select Board noting that recent changes might lend itself to allowing for restructuring of the committee and relief to the BOH as the BOH is currently stretched thin, that Mr. Mitchell would be willing to participate as the BOH member if the committee can be more inclusive and functional. Ms. McCarthy will draft the letter for Mr. Mitchell’s input. Ms. Levison offered to provide more background if needed. All were in agreement.

f. Discuss meeting day and schedule- The members agreed to table this discussion for another meeting.

g. Consider updates to the BOH webpage- The BOH members considered and agreed upon additional COVID-19 and mosquito references to be included as links and alerts to the BOH webpage.

h. Review of June 2020 Year-to-Date budget reports- Ms. Flynn provided the BOH members with the June 2020 Year to Date budget reports and advised that 95.9% of the BOH general fund, including 18.2% of office supplies, 70% of purchase services was exhausted in FY20. Ms. Levison asked whether the BOH could have spent funds on a town-wide mailing during the spending freeze; Ms. Flynn answered that she believes the BOH would have had submit such a request for preapproval.

i. Update from recent DPH Conference Calls- Ms. McCarthy provided a report from the DPH Conference calls including that the schools are in the process of developing protocols, that the FDA is posting information regarding the recall of hand sanitizers, and that fitness centers are allowed to open. Mr. Grossman stated he has not checked to see if all the fitness centers have opened in Harvard. Ms. Levison added that Ms. Sbarra indicated that all towns should have standard operating procedures for holding meetings. Ms. Flynn and Mr. Grossman confirmed that Town Hall issued policies. Mr. Grossman stated he has not heard anything new from Bob O'Shea about plans to offer swimming lessons, which are allowed under Phase 3, Step 1.

j. Update from the Emergency Response Team- Ms. Levison reported that the schools sent out survey to parents to which 60% responded that they would send their kids to school in the fall and 30-35% indicated they will wait and see. It was also reported that 23 students have been withdrawn. Ms. Levison stated that Ms. Sobalvarro asked if there are any actionable items recommended to office workers to promote a healthy environment. Mr. Grossman has proposed a few. Ms. Levison also reported that Fall Town Meeting will be October 3<sup>rd</sup>, outside, and under the big tent again.

k. Clerk and Health Agent Update

- Ms. Flynn indicated that DPH has requested a contact person be designated for the Reopening Compliance Center website available for complaints regarding non-compliant businesses or workplaces in Harvard. The members agreed that Mr. Grossman should be listed; Ms. Flynn will submit his contact information.
- Ms. Flynn reminded the BOH members that Tom Philippou was acting as liaison for the Deer Management Subcommittee and asked whether a new liaison would be appointed. The members discussed the role of the BOH liaison and agreed that the BOH members do not have the bandwidth to attend DM meetings at this time, but Ms. Levison will review the minutes.
- Ms. Flynn asked the members for volunteers to act as liaisons to the School Reopening Task Forces for Bromfield and Hildreth Elementary Schools. Ms. McCarthy and Mr. Mitchell agreed to share the roles. Ms. McCarthy will contact Ms. Zadroga.
- Ms. Flynn confirmed that she is authorized to send PHEP Region 2 an updated letter designating Mr. Grossman, Ms. Gendron, and Mr. Garreffi as representatives for Harvard.
- Ms. Flynn requested the week of August 10<sup>th</sup> off; the members approved her time off. Ms. Grossman indicated he will likely be off the week of August 20<sup>th</sup>.

## **NEW BUSINESS**

a. 23 Lovers Lane: Update re status of compliance with condemnation hearing of 9/14/19- The members indicated that they reviewed Ms. Thomsen's update. Ms. Levison made a motion to

continue the hearing until the first meeting in September via Zoom; Mr. Mitchell seconded. All were in favor by roll call vote.

b. Carlson's Orchard Public Water Supply: Continued discussion regarding current use- Mr. Grossman confirmed that the PWS has not received its final approval from DEP. Mr. Carlson stated that a document was found in Town Hall today that was not sent to Boston as expected weeks ago. He stated that the document has since been sent to Jamie Eldridge's office; Sen Eldridge's office has crafted legislation for approval. Mr. Carlson was reassured that the approval would move fast at this point. Mr. Grossman stated that he has received several e-mails from DEP questioning the BOH's allowance of use prior to DEP approval. Mr. Ringwall stated that he spoke to DEP a week and a half ago and believes that DEP understands. Mr. Grossman explained that the BOH's allowance for use through Sept. 9<sup>th</sup> was issued prior to the BOH's knowledge that Carlson's would open on June 11<sup>th</sup>. Mr. Grossman confirmed that he doesn't believe the current use is putting the public in danger and is open to providing leeway if the final approval comes after the 60 days limit. Mr. Carlson indicated that in the event that he received approval tomorrow, his operation would not change in any way. Mr. Grossman agreed to send DEP an update of the discussions.

Mr. Ringwall indicated that the septic was designed for 1,000 gallons per day and assigned the flows of a restaurant. Mr. Grossman and Mr. Ringwall agreed that this is not accurate, and Mr. Ringwall requested that a function hall's flow of 15 gallons per person per day is more appropriate and would allow for 66 seats. Mr. Ringwall indicated that at some point, Mr. Carlson would like to apply for some other flow when enough data is compiled from the water meter readings outside the cider room. The BOH members were in agreement. Mr. Carlson authorized Mr. Grossman to revise his food service application, filed with the NABH this week, to indicate an application for 66 instead of 99 seats.

c. COVID-19: Continued response, preparedness, messaging, and enforcement of the Governor's Orders and MA guidelines – Ms. Flynn provided a screen share of the draft sign prepared by Bob O'Shea proposed to be posted at playing fields describing activities' risks. Mr. Grossman will prepare comments on behalf of the BOH. Ms. Flynn and Mr. Grossman indicated that they have not yet received a copy of the guidelines that Mr. O'Shea intends on requesting coaches sign prior to use.

d. Arbovirus mitigation: Continued discussion regarding the MA 2020 Arbovirus Surveillance and Mitigation Plan, and consideration of possible town-wide EEE awareness mailing and updates to the BOH website- Ms. Levison noted that Bolton recently voted to join the Central Mass. Mosquito Control Program, and volunteered to prepare a "Consider This" providing the pros and cons of joining a mosquito control program. The other BOH members were supportive. Ms. Levison will contact the Press to identify the deadline for the article, and advise the members whether an additional meeting will be needed to revise the draft.

e. Review Action Items- Action items were not reviewed.

## **PERMITS**

A revised stable permit application for 2 Depot Road was reviewed by the BOH Members. Ms. Levison made the motion to grant the stable permit; Mr. Mitchell second. All were in favor by roll call vote.

## **MINUTES**

Ms. Levison made the motion to accept the minutes of 6/16/20 as amended; Ms. McCarthy seconded. All were in favor by roll call. Ms. Levison made the motion to accept the minutes of 6/23/20 as amended; Ms. McCarthy seconded. All were in favor by roll call. Ms. Levison made the motion to approve the minutes 7/7/20 as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

## **ITEMS FOR NEXT AGENDA**

Items for the next agenda were discussed.

**ADJOURNMENT**- Ms. Levison made the motion to adjourn at 8:56 p.m.; Mr. Mitchell seconded. All members were in favor by roll call vote.

***Respectfully submitted,***

***Alison Flynn, Clerk***

## **Documents Referenced:**

- Agenda
- Draft minutes of 6/16/20, 6/23/20, 7/7/20
- 72 Mass. Ave.: Proposed site plan, house plan, and carriage house plan
- DPH e-mail of July 10, 2020, Update #51 | Phase III, Step 1 (Outdoor Recreation Presentation, Entertainment/Live Performances), Stop the Spread, MAVEN Survey, City/Town Data)
- Fruitlands e-mail of July 10, 2020
- 2 Depot Road: Revised stable permit application