

Harvard Board of Health Meeting Minutes
Zoom Meeting
Tuesday, September 22, 2020
Approved: October 13, 2020

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

Attending: Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Clerk, Harvard Board of Health (“BOH”); Joan Eliyesil, The Harvard Press; Dan Wolfe, David E. Ross Associates; Ronald Henderson, Property Owner, Lot 1 Pinnacle Road; Nicholas Deane, Property Owner, 325 Ayer Road; Mike Young, Property Owner, 4 Willow Road; John Canty, Canty Bros. Construction Corp.

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

Ms. Flynn read aloud the Remote Meeting Preamble.

PUBLIC COMMENT

Ms. Eliyesil asked the members why Still River Depot Road and Under Pin Road are included in the new policy requiring PFAS testing at well construction and sale of property. Mr. Grossman explained that Still River Depot Road was included because it abuts Devens proper, as well as the Shaboken Well which tested positive. He indicated that Under Pin Road was included because of its relative position to the areas that have already been tested, including the municipal well at the ball field, and not because of its proximity to the former landfill.

NEW BUSINESS

a. 2 Wilroy Avenue: Well variance request hearing – Mr. Wolfe presented on behalf of his client, Mr. Ernst, who owns a home in the Willard Shores homeowners association. Mr. Wolfe explained that Mr. Ernst has been permitted for a septic upgrade for an SDS which is in close proximity to his house, and is now seeking a well variance to drill a new well with a 76 foot offset to the Pond, instead of the required 100 foot offset to a wetland or water body. He stated that the drilled well will be shared with the home at 4 Wilroy Ave. to replace the shallow well that the same properties already share. Mr. Wolfe confirmed that the Conservation Commission has already issued an Order of Conditions for the well, and that this is the only variance needed in order to upgrade the well and septic system. Mr. Grossman indicated that while Willard Shores, with more than 15 service connections or 25 people serviced, could qualify as a Public Water Supply, MA DEP has been made aware of the conditions on multiple occasions and has not taken any action. Further, Mr. Grossman stated the proposed shared water supply is similar to the original arrangement, only much improved. Mr. Grossman indicated he has no objections to issuance of the variance. Mr. Mitchell made a motion to accept the variance as proposed; Ms. Levison seconded. All were in favor by roll call vote.

b. Lot 1 Pinnacle Road: Well variance request hearing- Mr. Wolfe presented a request on behalf of homeowner, Ron Henderson for relief from the well regulation which requires a 50 foot offset from a property line. Mr. Wolfe explained the property in question is one of the lots that came out of the subdivision of the property formerly known as the Poor Farm. Mr. Wolfe explained that when the regulatory offsets were considered in the planning phase, the BOH

required only a 25 foot offset from the property line to the well, and while the other lots are all permitted, this lot is in a quandary. Mr. Wolfe stated that the proposed plan requires a variance for a 38 foot offset from the property line to the well, but is fully compliant with the other offsets that protect the well water from concerns (eg septic, road). Mr. Grossman explained that the purpose of the 50 foot offset to the property line is to protect the well from unknowns at the property line, but also to protect the neighbors' from the applicant for effectively overtaking 100 feet of the adjacent property, but since the other lots have already been permitted, this is a lesser concern. Mr. Mitchell made a motion to grant the variance as permitted; Ms. Levison seconded. Mr. Grossman confirmed that he has no concerns with granting this request. All were in favor by roll call vote.

c. 4 Willow Road: Consideration of approval of proposed 5-bedroom deed restriction in connection with application for building permit- Mr. Canty presented on behalf of Mr. Young, the homeowner, regarding his intent to finish the existing basement of his home, including addition of a new bathroom. Mr. Young advised that he already recorded a five bedroom deed restriction at the advice of his attorney, and understood why the BOH was requesting the same. The members agreed that as the restriction has already been recorded without approval of the BOH, no further action is needed at this time.

Ms. Levison made motions to take agenda items out of order while Mr. Deane waited for his prospective tenants to join the meeting; Ms. McCarthy seconded. All were in favor by roll call vote.

d. 325 Ayer Road: Consideration of approval of tenancy by D.L. Henderson Company, and P.J. Albert- Mr. Deane presented requests for approval by tenants who did not join the discussion. Mr. Deane indicated that Mr. Henderson is a Harvard resident who is a manufacturer's representative for professional audio visual equipment, and would be using the space as an office, to occasionally meet with customers, and take delivery of equipment for customers. Mr. Henderson indicated to Mr. Deane that the four principals are mostly working from home and would use the space at an equivalent of 2 full-time employees. Mr. Deane stated the space to be occupied by D.L. Henderson was vacated by Galley Power which had an equivalent of 1.5 employees. Mr. Deane stated that the employee spreadsheet recently provided to the BOH reflects that the building's employee occupancy is currently 6-7 employees under the maximum allowance. Mr. Grossman stated that maximum septic capacity is based on use, and that Mr. Deane entered into an agreement with the BOH which states any new tenants need to be reviewed by the BOH for consideration of the number of employees as well as the anticipated use. Mr. Grossman stated that D.L. Henderson's description of his activities would be a good use.

Mr. Deane explained that the second tenant for consideration is PJ Albert, a civil engineer, who is contracted to do work on Route 2A through Ayer Village. He stated that the Appleworks space would be used by the engineers while they monitor construction, and estimated that 3 engineers would use the space approximately 1/3 of a workday. Mr. Mitchell made the motion to approve Mr. Deane's request for additional tenants; Ms. Levison made a friendly amendment to approve the request for tenancy of D.L. Henderson and P.J. Albert; Ms. McCarthy seconded. All were in favor by roll call vote.

e. Prepare comments to the Planning Board re draft Senior Residential Development bylaw- The members stated they did not have the opportunity to review the draft bylaw and agreed to

provide Ms. Flynn with individual comments by the morning of 9/29/20 to be compiled and sent to Mr. Ryan.

f. Availability for attendance at September 30th webinar on phosphorus and lakes- Ms. McCarthy and Mr. Mitchell stated they will try to attend the webinar. Ms. Flynn advised that she reached out via e-mail to the organizer to ask whether the webinar will be recorded, but has not received an answer.

g. Overview of Emergency Dispensing Site (“EDS”)- Ms. Levison and Mr. Grossman provided Mr. Mitchell with a brief overview of the BOH responsibility to participate in an EDS, the EDS trailer, the plan, the quarterly satellite phone tests, and drills. Mr. Mitchell stated he will review the plan. The BOH members asked Ms. Flynn to reach out to Mr. Woodsum to confirm the status of installation of the satellite phone bases.

h. Update from Deer Management Subcommittee: Minutes review- Ms. Levison stated she has not reviewed any additional minutes.

i. Update from recent DPH COVID-19 Conference Calls- The members discussed updated retail, events and restaurants guidelines that will be forthcoming. Ms. Levison noted that DESE is urging schools to look at 3 weeks of data before making any changes to their hybrid plans.

j. Update from the Emergency Response Team- Ms. Levison reported that ambulance services is waiting for feedback from the School Committee regarding the cadet program, and that the Schools will be having an air quality assessment. Ms. Levison and Mr. Grossman reported that Mr. Bragan has begun to think about alternatives for a Halloween celebration, and they will provide him with the DPH guidance once issued.

The BOH members also discussed an e-mail forwarded by Dr. Dwight regarding concerns that spectators at a softball game at Ann Lees Field were too numerous, unmasked, and not socially distancing. Ms. McCarthy will draft a letter to the Harvard Athletic Association President, copying the Harvard Youth Baseball and Softball Association President, Tim Bragan, Bob O’Shea, and Chief Denmark, stating if EEA guidelines are not followed, the BOH will have no choice but to stop play.

Ms. Levison stated she was pleased to observe the boys’ cross country team wearing masks and socially distancing.

k. Clerk and Health Agent Update

- Ms. Flynn provided an update as to her hours.
- Mr. Grossman advised that he will be out of the office for the rest of the week.
- Ms. Levison reported that she received a letter from the Dental Center of Harvard, 40 Mass. Ave., stating they are closing business because of COVID-19 and that the building owner will be repurposing the office.

OLD BUSINESS

a. Update on algal bloom testing and future planning- Ms. McCarthy reported that the Pond was resampled on September 22nd, but the BOH has not received the results. Ms. McCarthy

confirmed that the advisory will not change until we have data to support the same. Mr. Grossman confirmed that per the DPH guidelines, we need two consecutive samplings with good results to change the advisory. Ms. McCarthy stated the algae working group is on hold while Ms. Von Loesecke is away, but she intends to advocate for purchasing of permanent advisory signs. Mr. Grossman and Ms. Levison indicated they have brainstormed ideas for what such signs could look like. Mr. Grossman indicated he hung updated signs that clearly state boating is included in the “no contact” advisory. He will send a Word file of this poster to Ms. Levison to include the graphics.

b. COVID-19: Continued response, preparedness, messaging, and enforcement of the Governor’s Orders and MA guidelines- The members discussed the e-mail Bromfield Principal, Scott Hoffman, sent to high school parents reminding students to social distance or wear masks while learning remotely with others from outside their family.

c. Transfer Station Committee: Status of participation- Ms. McCarthy reported that she e-mails Ms. Von Loesecke, but has not yet heard back. Ms. Levison stated she was interested in learning that “Swap Shops” are considered essential services, and offered to write Ms. Congdon and Ms. David to obtain their thoughts regarding the same.

d. Discuss arbovirus awareness- Ms. Levison stated that Dr. Katie Brown reported in a DPH call that the recent cold snap was not enough to kill the mosquitoes, and noted that while 95% of EEE transmission historically occurs before Sept. 15th, West Nile Virus transmission continues and people should continue to avoid mosquito bites

e. Discuss drought status awareness- Mr. Mitchell confirmed that the most recent update on September 4th, confirms no change in drought status.

f. Review Action Items- Mr. Mitchell stated he was unable to attend the second GIS information session, but will reach out to Mr. Ryan. Mr. Grossman stated he has not had the opportunity to advise Nashoba Analytical regarding the new PFAS testing policy; Ms. Flynn will do so while he is out of the office. Ms. McCarthy asked about the e-mail received from a resident on Stow Road suggesting portions of Stow Road be included in the policy. Mr. Grossman advised that the resident received results from a reliable lab that were greater than 20 ppt without any known source of contamination. The members agreed that they believe these results to be an outlier in the data and do not need to revise the policy at this time. Ms. Flynn will add the DEP composting brochure to the BOH webpage when she has a moment. Ms. Flynn advised that she contacted new hauler, UMM, after the last meeting to request application for a hauling permit, but has not heard back to date.

PERMITS- The BOH members reviewed a septic permit application for distribution box replacement at 4 Granite View Lane. Ms. Levison made a motion to approve the permit; Mr. Mitchell seconded. All were in favor by roll call vote.

MINUTES

The BOH members reviewed and revised the draft Minutes of September 8, 2020. Mr. Mitchell made the motion to accept the minutes as amended; Ms. Levison seconded. All were in favor by roll call.

ITEMS FOR NEXT AGENDA- Ms. Levison asked to add PFAS back to the agenda to discuss an e-mail received from Laurie Nehring of PACE.

ADJOURNMENT- Mr. Mitchell made the motion to adjourn at 8:26 p.m.; Ms. Levison seconded. All members were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Draft minutes of 9/8/20
- 2 Wilroy Avenue: Well variance request letter and proposed plan
- Lot 1 Pinnacle Ave: Well variance request letter and proposed plan
- 4 Willow Road: Existing and proposed renovation plan and recorded bedroom deed restriction