

Harvard Board of Health Meeting Minutes
Zoom Meeting
Monday, February 22, 2021
Approved: March 8, 2021

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

Attending: Alison Flynn, Clerk, Harvard Board of Health (“BOH”); Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Dan Wolfe, David E. Ross Associates; Francoise Crook, Property Owner, Lot 3 Prospect Hill Road; Nancy Hazel, Listing Agent, Lot 3 Prospect Hill Road; Joan Eliyesil, The Harvard Press.

Ms. McCarthy called the meeting to order at 7:01 p.m.

Ms. Flynn read aloud the Remote Meeting Preamble.

PUBLIC COMMENT- Ms. Eliyesil asked for clarification on whether any resident interested in the MassDEP private well testing program should complete the Notice of Interest Application Form. Ms. McCarthy advised that this topic would be discussed under Old Business.

NEW BUSINESS

a. MBTA notice for public comment- The BOH members discussed the notice of February 3, 2021 for public comment regarding the MBTA’s plan to reduce train service. Ms. Levison volunteered to e-mail comments objecting to the plan due to its negative environmental impact.

b. Update from Bare Hill Pond Watershed Committee Meeting 2/17/21- Ms. McCarthy advised that the BHPWC had no additional comments to the draft algal bloom procedures.

c. Update from Land Use Boards Meeting of 2/9/21- Ms. McCarthy reported the meeting included continued discussion of the cell tower site plan review, and the Parks & Recreation Commission’s intent to request Community Preservation Committee funds for a study to identify two suitable sites for playing fields. Ms. McCarthy also noted that the foundations are going in at Pine Hill Village. Ms. Levison advised that she received a complaint from a citizen concerned that the cell tower on Old Shirley Road is being upgraded for 5G; Ms. McCarthy stated that the resident should be referred to Land Use Board Administrator, Liz Allard, with questions regarding the plan.

d. Consider attendance at Former Ft. Devens RAB Meeting on 2/25/21- Mr. Mitchell and Ms. Levison volunteered to attend the Restoration Advisory Board Meeting.

e. Update re status of vaccine outreach forums- Ms. McCarthy reported that about 28-30 individuals signed up for the information session with Dr. Miotto, and approximately 20-22 attended. Ms. McCarthy stated that Julie Sniffen exploring dates to rebroadcast the recording for special interest groups.

f. Update on EDS planning for possible COVID-19 vaccination clinics- Mr. Grossman stated recent communications from the State indicate that local boards of health will not receive vaccine doses unless they can commit to vaccinating greater than 750 people per day, five days

per week. Ms. McCarthy confirmed that this should not affect the senior housing vaccination clinics which run under a federal program. Ms. Levison stated that Osco Drug in Shaws supermarkets in Stow and Groton have posted that they are approved to offer COVID-19 vaccination under the federal pharmacy program but they have not posted a start date.

g. Update re efforts to coordinate vaccination clinics for Bowers Brook & Foxglove Apartments- Ms. Levison reported Bowers Brook Apartments plans to vaccinate its residents in the next few weeks. Ms. McCarthy stated that she and Mr. Grossman will be visiting Foxglove Apartments with Acton Pharmacy to look at the space for the vaccination clinic, but will not be scheduling appointments until the vaccine is in-hand, in accordance with DPH guidance. Ms. McCarthy also advised that Mr. Mitchell will coordinate with the EMTs to be on-site at Foxglove Apartments during the clinic. Ms. Levison agreed to assist with PrepMod, if needed. Ms. McCarthy reported that Deb Thompson will work with student volunteers to prepare a celebratory treat for the Foxglove Apartments vaccination recipients.

h. Update from recent DPH COVID-19 Conference Calls & enforcement of new and revised orders issued by Governor Baker- Ms. McCarthy noted that the conference calls regarding senior and affordable housing have been helpful in her organization of the Foxglove Apartments clinic. Ms. Levison noted that restrictions for sports, and capacity & physical distancing on school buses have changed slightly. Ms. Levison also reported that masks are still not being worn by all patrons of the Harvard Post Office. She will contact the Post Master to request signs regarding masks be hung; Mr. Grossman will observe the Post Office to verify the complaint.

i. Update from the Emergency Response Team- Ms. Levison reported that all of Harvard Fire and Police have been vaccinated, and Harvard Help is driving seniors as far as Foxboro for vaccinations. She also stated that the 16 Town Administrators of the NABH towns, the MA Council-on-Aging Association, and the MA Fire Chiefs Association wrote the State advocating for more local vaccination sites.

j. Clerk and Health Agent Update- Mr. Grossman asked the members if they would like to provide comments to the Conservation Commission (ConCom) in connection with the Notice of Intent filed by the Parks and Recreation Commission (Parks & Rec) regarding general playing field maintenance. It was agreed that Ms. Flynn will prepare a memorandum for Ms. McCarthy's review reminding ConCom and Parks & Rec that fertilizer should not be placed in well head protection zones.

OLD BUSINESS

a. Lot 3, Prospect Hill Road: Continued septic & well variance hearing- Mr. Wolfe asked the BOH to consider the revised variance request letter and plan submitted which reflects a shift in the proposed location of the well. He explained that his client does not want to reduce the size of the proposed capacity of the system from five bedrooms because it would decrease the property value. He further argued that while DEP assumes two persons per bedroom, families of 10 are not often seen, and bedrooms are often used for different purposes. Mr. Wolfe explained that the further reduction to the abutting property line is not a concern because the neighbor is the Fruitlands Museum, and that while the offset to the right-of-way is 41 feet, the offset to the pavement is greater than 50 feet. Mr. Grossman stated he was not swayed by Mr. Wolfe's argument regarding use of the five bedrooms, that there is no evidence of hardship that could justify issuance of the variance, and that all options for providing a compliant system have not been explored. Mr. Mitchell stated that the BOH well offsets are in place for a reason, and

suggested that the scale of the proposed system might be too large for the property. Mr. Wolfe stated that while he can offer a five bedroom plan which complies with all the regulations, the well would need to be located down gradient from the septic system and require cutting of trees and a road. Ms. Levison stated that granting the requested variance does not feel right to her on an undeveloped lot. Mr. Wolfe indicated that additional soil testing on the property will require waiting another season because of the high ground water, and coupled with the slope of the property, might still not open up other design options. Mr. Wolfe also confirmed that he does not believe resizing the system for a four bedroom capacity will provide full compliance.

Mr. Mitchell made a motion to deny the request as presented; Ms. Levison seconded. Mr. Wolfe asked that the BOH consider a continuance to further discuss options with his client. Mr. Mitchell and Ms. Levison withdrew the motion and second. Mr. Mitchell made the motion to continue the hearing until March 22nd; Ms. Levison seconded. All were in favor by roll call vote.

b. Continued discussion regarding preparation of best practices for water quality samplers of private wells- Ms. Levison made a motion to table the discussion until the next meeting.

c. Continued review of draft algal bloom procedures- The members reviewed and revised draft algal bloom procedures responsive to the comments of the algal bloom working group. Mr. Mitchell will ask Ken Wagner to review the draft procedures and provide comment on cell counts and toxicology.

d. Continued discussion regarding financial warrant for algae monitoring of Bare Hill Pond- Ms. McCarthy reported that Ms. Von Loesecke suggested the BOH increase the financial warrant to \$5,000, as any unspent funds will be returned to the Town. Mr. Mitchell will ask Mr. Wagner to confirm the cost of testing.

e. Status update regarding COVID-19 Protocols of the Immaculate Heart of Mary School- Ms. McCarthy reported that she read and discussed the revised protocols with Mr. Grossman. She will work with Ms. Flynn to prepare a letter to the School advising that minimum requirements are met.

f. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Ms. Levison indicated that she has not yet tracked down the list of recent house fires of Harvard (presented at Harvard Historical Society) from the Fire Dept. Mr. Grossman confirmed that residents interested in the MassDEP Private Well PFAS testing program need to submit the request form to be considered. Ms. Levison stated that she believes DEP will have a conversation with the local boards of health, but that DEP will ultimately choose the wells for sampling. Mr. Mitchell stated that he maintains the BOH should not advocate for data collection without a reason for doing so. The members advised that Ms. Flynn can let inquiring residents know that they can apply for the program but may not be chosen, and that residents can have testing done through an independent lab if they do not want to wait on the DEP program. Mr. Grossman stated that Nashoba Analytical offers a self-sampling package; Ms. Levison added that she sampled her own well for analysis by Regional Water Authority, in CT, which was 1/3 the cost of Nashoba Analytical's package. Mr. Mitchell reported that he heard back from the Army contractor who stated they understand the BOH's privacy concerns and will ensure public data reporting is less specific as to resident addresses.

g. Review Action Items- Action items were reviewed. Mr. Grossman stated that the anticipated long sewer line at 301 Stow Road was shortened so a deed notification will no longer be needed.

PERMITS

- 27 Jacob Gates Road- Ms. Levison made the motion to approve the application for a D-box replacement permit as requested; Mr. Mitchell seconded. All were in favor by roll call vote.
- 41 Shaker Road- Mr. Grossman explained that the upgrade for this failed system requires a groundwater offset reduction from 4 feet to 3 feet. Mr. Mitchell made the motion to approve issuance of the permit as requested; Ms. Levison seconded. All were in favor by roll call vote.
- Republic Services- Ms. Flynn advised that the application package is now fully compliant with the waste hauler regulation. Ms. Levison made a motion to approve issuance of the permit; Mr. Mitchell seconded. All were in favor by roll call vote.
- EL Harvey & Son- Ms. Flynn advised that a representative will attend the next meeting for discussion of non-compliance with the permitting requirements. Mr. Grossman advised that the Cease & Desist Order is still in effect, but enforcement is loose at this time.

MINUTES

The BOH members reviewed and revised the draft Minutes of February 8, 2021. Ms. Levison made the motion to accept the minutes 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 9:15 p.m.; Mr. Mitchell seconded. All members were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- MBTA notice for public comment (2/3/21)
- Lot 3 Prospect Hill: Revised proposed SDS plan & variance request letter
- Draft algal bloom procedures
- Waste hauler application package of Republic Services
- 40 Westcott Road: Proposed SDS Plan and Local Upgrade Conditions Form
- 301 Stow Road: Proposed SDS Plan, Local Upgrade Conditions Form, & Variance Request Letter
- Draft minutes of 1/25/21 and 1/27/21