

Harvard Board of Health Meeting Minutes
Zoom Meeting
Monday, March 22, 2021
Approved: April 13, 2021

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

Attending (Including but not limited to): Alison Flynn, Clerk, Harvard Board of Health (“BOH”); Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Dan Wolfe, PE, David E. Ross Associates; Francoise Crook, Property Owner, Lot 3 Prospect Hill Road.

Ms. McCarthy called the meeting to order at 7:08 p.m.

Ms. Flynn provided instructions for remote meeting participation.

PUBLIC COMMENT- None.

NEW BUSINESS

a. Consider changes to the Board of Health meeting schedule- The BOH members agreed to return to meetings beginning at 7 p.m. on 2nd and 4th Tuesdays of the month for the foreseeable future.

b. Availability to attend NALMS Cyanobacteria Biology and Toxicity Webinar (4/20/21)- Mr. Grossman advised that he is registered to attend. Mr. Mitchell and Ms. Levison stated they also plan to register.

c. Consider revising Private Wells regulation to allow for sampling >6 months prior to conveyance- The BOH members agreed to allow a sampling date of up to 12 months prior to conveyance, and reviewed and revised the language. The members further agreed that a formal hearing is not needed for the revisions, as the substantive change is in favor of the public and other revisions are to clarify existing language. Ms. Flynn agreed to revise guidance document and circulate it to Safewell, Skillings & Son, and to local and current listing agents. Mr. Grossman indicated he will advise Nashoba Analytical of the change. Mr. Mitchell made the motion to change the text as amended to extend the validity of results from six months to twelve months and clarify that the results need to be filed with the BOH 30 days prior to sale; Ms. Levison seconded. All were in favor by roll call vote.

d. Discussion of a potential private club at Harvard Plaza: Septic impacts?- Mr. Grossman advised that there has been interest to move a private billiard club to Harvard Plaza, and asked the BOH members whether they expect to have comments to the Special Permit application. Mr. Grossman indicated that DEP might have interest in the increase in the use of the PWS; the members agreed that this should be noted as a comment.

e. Review Planning Board’s proposed amendments to the protective bylaw re accessory apartments and senior housing- The members reviewed and prepared comments on the two proposed bylaws. Ms. Flynn will submit the comments to Mr. Ryan.

f. Update from Land Use Boards (LUB) Meeting of 3/9/21- Mr. Grossman reported that a Planning Board Member provided an overview of proposed revisions to the scenic bylaw, and he requested a copy for BOH review.

g. Request for recommendation regarding the 4th of July Parade- Ms. McCarthy indicated that in response to Ms. Sobalvarro's e-mail inquiry about the 4th of July Parade, she advised that parades not allowed in Phase IV until Step 2, and MA is currently in Step 1. Ms. McCarthy also stated that Ms. Flynn e-mailed Ms. Sobalvarro a copy of the Order describing activities allowed in Phase IV, Step 2.

h. Update from recent DPH COVID-19 Conference Calls & enforcement of new and revised orders issued by Governor Baker- Ms. McCarthy indicated that the Department of Public Health (DPH) is unaware of when the allotment of dosages is expected to increase. The members also discussed recent changes to guidelines for food service, schools, prom, and voting. Ms. McCarthy stated that she is hoping the upcoming conference call featuring the EEA's new guidance for sports will address Bob O'Shea's (Park and Rec, Chair) concerns regarding lifeguard enforcement of social distancing in the water. Ms. McCarthy also confirmed that Ms. Flynn sent Mr. O'Shea the guidance issued the day prior.

i. Update from the Emergency Response Team- Ms. Levison advised that the meeting was brief with nothing substantive to report.

j. Clerk and Health Agent Update

- Ms. Flynn advised that she forwarded e-mailed advice from Town Counsel stating that Coil Bros. will need to apply for a marijuana operating permit. Ms. Levison stated that the BOH should also expect a permit application from their specialized waste hauler.
- Ms. Flynn advised that she also forwarded a Department of Labor e-mail alert regarding an opt-out for mosquito spraying. Ms. McCarthy stated that if the Select Board chooses to pursue the opt-out they will need to apply to the State by May 15th. Mr. Grossman agreed to investigate whether the State intends to assess communities for the spraying. Ms. McCarthy stated that she believes the opt-out is only for roadside spraying and does not extend to aerial spraying in the event a public health emergency is declared. Ms. McCarthy stated that the application will likely require preparation by the BOH; Ms. McCarthy volunteered to reach out to Ms. Allard for information in anticipation of the same. Ms. McCarthy asked that all review the application and the State's webpage regarding the process prior to the next meeting.

OLD BUSINESS

a. Lot 3, Prospect Hill Road: Continued septic & well variance hearing- Mr. Wolfe presented property owner's revised plan and variance request for a new well location which is 44 feet from the right-of-way and 16 feet from the property line. He explained that by reducing the proposed septic plan from a 5-bedroom system to a 4-bedroom system he was able to gain a few more feet from the setbacks. Mr. Grossman indicated he had no additional comments. Mr. Mitchell made the motion to accept the variance request for Lot 3 Prospect Hill, Plan L-13235, as presented; Ms. Levison seconded. All were in favor by roll call vote.

b. Update re efforts to coordinate COVID-19 vaccination clinics- Ms. McCarthy indicated that the clinic for second doses is scheduled for April 8th.

- c. Continued discussion regarding preparation of best practices for water quality samplers of private wells- Ms. Levison made a motion to table this discussion for a future meeting; Mr. Mitchell seconded. All were in favor by roll call vote.
- d. Continued review of draft algal bloom procedures- Ms. McCarthy suggested the BOH review the new guidance from the Interstate Regulatory Technology Council. Mr. Grossman agreed to do so, and Ms. Levison will incorporate any relevant portions into the BOH draft algal bloom procedures prior to the next meeting.
- e. Continued discussion and revision to financial warrant for algae monitoring of Bare Hill Pond- The BOH members reviewed and revised the draft financial warrant request form. Mr. Mitchell advised that he has not heard back from the CT lab with a cost estimate, but he has requested confirmation from Wendy Gendron and Ken Wagner. Ms. Levison made the motion to amend the financial warrant request to \$7,000; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. McCarthy noted that the financial warrant request can be edited down in the event that the estimate received is less than expected.
- f. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Ms. Levison advised that she received a second solicitation letter from Rodman, Rodman & Sandman regarding their involvement in PFAS class action litigation. Ms. Levison will continue to follow-up for a copy of the Great Fires of Harvard document.
- g. Review Action Items- Action items were reviewed.

PERMITS

- 7 Brown Road: Sewer line replacement- Ms. Levison made the motion to approve the permit; Mr. Mitchell seconded. All were in favor by roll call.
- 25 Mill Road: Transfer- Ms. Levison made the motion to approve the permit; Mr. Mitchell seconded. All were in favor by roll call.
- 193 Bolton Road: Upgrade- Mr. Grossman advised that the applicant is requesting a variance from the local regulation for the number of test holes, and has no concerns with issuance. Mr. Mitchell made the motion to approve the permit with the variance as requested; Ms. Levison seconded. All were in favor by roll call vote.

MINUTES

The BOH members reviewed and revised the draft Minutes of March 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 8:50 p.m.; Mr. Mitchell seconded. All members were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Draft revisions to the Private Wells regulation
- E-mail of 3/8/21 from Attorney Lanza to Mr. Bragan & Ms. Doucet re: Private Billiards Club
- Draft PB bylaw amendments re senior housing and accessory apartments
- Lot 3 Prospect Hill Road: Revised plan and variance request letter
- Revised draft algae warrant article
- Draft minutes of 3/8/21
- 7 Brown Road: Permit application & permit
- 25 Mill Road: Permit application & permit
- 193 Bolton Road: Permit application, variance request letter, proposed plan & permit