

Harvard Board of Health Meeting Minutes
Zoom Meeting
May 11, 2021
Approved: May 25, 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”); Scott DeSantis, Property Owner, 25 Mill Road; Bob Pace, Contractor, 25 Mill Road; Catherine Shortliffe, Fruitlands; Michael Busack, Fruitlands.

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

Ms. Flynn read aloud the Remote Meeting Preamble.

PUBLIC COMMENT- None.

NEW BUSINESS

- a. Consider Skillings & Sons’ request for extension on time as an approved water quality sampler in connection with home sales in Harvard- Ms. Flynn advised that the existing six-month approval asked that Skillings & Sons (“Skillings”) distribute to its clients the guidance document describing the Harvard BoH well-sampling requirements and provide the BOH with copies of reports for samples taken in anticipation of home sale. Mr. Grossman advised that in the six-month period since the approval was granted, he received two reports which designated Skillings as sampler and both were received directly from the property owner. Mr. Mitchell made a motion that the request for extension be accepted for 6 months contingent on Skillings providing water quality reports already collected and those going forward in a timely manner; Ms. Levison seconded. All were in favor by a roll call vote.
- b. Prepare for attendance at Annual Town Meeting- The members discussed the presentation of the warrant article for funds in support of algae testing/posting for Bare Hill Pond. It was agreed Ms. McCarthy will read the article and explain the formation of the ad hoc committee, Mr. Leicher will be asked to speak as to the drivers of the problem, and Ms. Levison will describe the draft algae protocols if needed. Ms. Flynn will post the draft algae protocols to the BOH webpage. It was also agreed that the BOH members will handout the DPH EEE fact sheet and the DPH mosquito repellant fact sheet at Annual Town Meeting.
- c. Discussion re Planning Board’s warrant article for Town Meeting for the Ayer Road Citizen-Based Vision Plan- Mr. Brown and Mr. Ryan provided the BOH members with an overview of the Ayer Road Citizen-Based Vision Plan (“Plan”), including an explanation of Form-Based Code, and asked whether the BOH would be willing to support the warrant to fund the Plan. Mr. Ryan indicated that the intent is to first map the natural resources and areas that can be protected, and then consider how the remaining land could be developed, including possible consolidation of parcels. Mr. Brown explained that the incentive for the property owners to consolidate will be that if they are in conformance with the Plan, they’ll have added value. Mr. Grossman noted that further development will require public water supplies and septic systems or treatment plants, which are extremely difficult to install in that area of Harvard. Mr. Brown

expressed the importance of using a consultant to weigh all these considerations. The members agreed that support of the warrant is not wholly within the scope of the BOH, and advised that they would work with the PB to ensure that water and sewer concerns are addressed. Mr. Brown confirmed that it's the PB's intent that the Plan will address zoning first, with water and sewer considerations addressed closely behind, to ensure that the zoning plan can be supported.

d. 25 Mill Road: Ramifications for PFAS results above the MA MCL- Mr. Grossman advised that the water quality testing of the new well drilled resulted in a PFAS finding above the Massachusetts MCL, at 23.5 ppt.. Mr. Grossman stated that he believes it is prudent to receive confirmatory results before any decision is made by the BOH on how the contamination should be addressed; the BOH members agreed. Mr. Grossman also advised that with the current results he would be unable to sign off a building permit because there is not a potable water source. Further, he stated, the well might need to be reported to DEP under the Mass. Contingency Program (MCP). Property owner, Mr. DeSantis, indicated that he spoke to someone at Friot's Water Treatment who indicated the results do not raise a hazardous waste issue and Friot's would be able to install a nationally recognized remediation system as soon as a structure is in place. Mr. Grossman stated that while remediation technology is available, the BOH would need to address whether it's appropriate to permit a new building using a contaminated water supply that has been remediated and confirmed that there is precedent in which Harvard lots were barred from developed because of contaminated wells. Mr. Mitchell suggested it would be appropriate to ask for DEP's advice. Ms. Flynn provided Mr. DeSantis and contractor, Mr. Pace, with the e-mail address for Andrea Briggs at DEP. Mr. Grossman provided the BOH members with the DEP document stating that results over the MCL could require referral to the MCP. All present agreed that the path forward on the issue begins with retesting.

e. Discuss expectations for Safety Plans for road races- The BOH considered and prepared comments on the submitted Event Form with COVID-19 Safety Measure Plan for the Bare Hill Pond Duathlon. Ms. Flynn and Ms. McCarthy will prepare a response memo with the comments and providing links to applicable guidelines, as well as a memo describing the general expectations for road race safety plans for Ms. Doucet to distribute as needed.

f. Discuss proposed plans for Summer Concerts at Fruitlands Museum- Ms. Shortliffe provided an overview of the plan for a ticketed, picnic concert series. Mr. Grossman advised that the outdoor performance venue guidelines can be applied, and agreed to advise Fruitlands after his review to clarify the number of participants allowed. Ms. Shortliffe indicated that the first concert is scheduled for June 17th, and expects that Fruitlands may need to revise plans as guidelines change.

g. Update on Application for an Alternative Mosquito Management Plan- Ms. Flynn advised that she incorporated the supportive statement from the Conservation Commission and the certified vote of the Select Board into the application, and she or Ms. Doucet will submit it to the EEA once Mr. Bragan has signed.

h. Update from Mosquito Control for the Twenty-First Century Task Force listening session- Ms. Levison reported that many Towns spoke up in support of the opt-out option with good points made, including that the efficacy of aerial spray penetrating the tree cover has not been studied, and that the effect of the pesticides on the food chain and other arthropods, such as lobsters and crabs, has not been considered.

i. Discuss availability for attendance at Devens RAB Meeting (5/20/21)- Ms. Levison indicated that she plans to attend; Mr. Mitchell stated he will attend the first hour. Mr. Mitchell also reported that he spoke with Mr. Simeone and confirmed that work plans for Phase 2, to be approved in July and implemented in late summer/early fall, will include investigation of bedrock wells. Mr. Mitchell stated he would be happy to reach out to share this information with Ms. Nering.

j. Update from recent DPH COVID-19 Conference Calls & enforcement of new and revised orders issued by Governor Baker- Ms. McCarthy reported that the conference calls have been reduced to once a week, and indicated that her notes from this week were e-mailed to the other members. The BOH webpage with COVID-19 information was reviewed and revised. Mr. Grossman stated that the soft-opening of the NABH COVID-19 vaccination clinic was poorly attended, and that volunteers are not yet needed. Ms. Flynn will send out the COVID-19 webpage updates, including regarding the NABH clinic, as an urgent alert.

k. Update from the Emergency Response Team- Ms. Levison reported that the Council-On-Aging is slowly reopening, and Mr. Bragan is looking for volunteers to assist in the reopening of the Take-it-or-leave-it table at the Transfer Station. Ms. Levison indicated that masks will be required at Town Meeting, and that the Memorial Day Parade will not be held.

I. Clerk and Health Agent Update

- Ms. Flynn requested approval for payment of the invoice from Ticked Off for the purchase and delivery of 300 tick removers in the amount of \$395. Ms. Levison made the motion to approve the invoice; Mr. Mitchell seconded. All were in favor.
- Mr. Grossman advised the LUB meeting of 5/11/21 included updates on the large projects in Town.
- Mr. Grossman also advised that the Region 2 approved budget items which included Harvard's request for iPads. He advised the BOH that if they want tablets other than iPads, the BOH would need to research the price and put in a request.

OLD BUSINESS

a. Continued discussion regarding preparation of best practices for water quality samplers of private wells- Mr. Mitchell made a motion to take Item C out of order and discuss with Item A; Ms. Levison seconded. All were in favor by roll call vote. Mr. Mitchell reported that he contacted US GIS about drought resources and was directed to the State geologist who advised that the State data includes state-wide water level monitoring. Mr. Mitchell indicated that the State geologist and his team are responsible for collecting the data in western MA and submit that information to DEP. Mr. Mitchell further stated that the State geologist will communicate to DEP that the BOH is looking for more frequent and more consistent updates. The State geologist will provide Mr. Mitchell with feedback and let him know when DEP will post updates. Mr. Mitchell also indicated that the State geologist put him in touch with the individual at Boston DEP responsible for private wells to advise us about water quality sampler protocols. The BOH members agreed that in submitting credentials to be approved as a water quality sampler, an individual should be asked to give references to their best practices and sampling protocol, and the BOH would approve the individual, not the specific practices.

b. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- The BOH members discussed lists prepared by Ms. Levison regarding Harvard fires and other sites of environmental interest, and decided that they should be provided to DEP for their consideration in connection with the Private Well PFAS testing program. Ms. Levison agreed to do so.

c. Continued discussion regarding drought tracking and resources- See Item A.

d. Review Action Items- Action items were reviewed.

PERMITS- Permits were not discussed.

MINUTES-

Ms. Levison made the motion to approve the BOH minutes of 4/13/21 as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

Mr. Mitchell made the motion to approve the BOH minutes of 4/21/21 as presented with comments deleted; Ms. Levison seconded. All were in favor by roll call vote.

Ms. Levison made the motion to approve the BOH minutes of 4/27/21 as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

ADJOURNMENT- Ms. Levison made the motion to adjourn at 9:14 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 4/13, 4/21, and 4/27/21
- Event Form with COVID-19 Safety Measure Plan for the Bare Hill Pond Duathlon
- E-mail from Ms. Shortliffe of 5/6/21