

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**May 25, 2021**  
**Approved: June 8, 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, David E. Ross Associates; Joan Eliyesil, The Harvard Press; Lauren Raica, Property Owner, 30 Mettacommet Path; Tim Butland, TJB Construction.

Ms. McCarthy called the meeting to order at 7:02 p.m.

Ms. Flynn read aloud the Remote Meeting Preamble.

**PUBLIC COMMENT-** None.

**NEW BUSINESS**

a. 30 Mettacommet Path: Room count discussion and consideration of a proposed deed restriction to facilitate an Accessory Apartment- Mr. Wolfe presented the homeowner’s request for a proposed 4-bedroom deed restriction to facilitate the construction of a detached garage with a 1-bedroom in-law/accessory apartment. Mr. Wolfe explained that the proposed detached structure will increase the room count beyond the 4-bedroom septic approval, and so the owners have proposed modifications to the current layout of the main house which will reduce its bedroom count from four bedrooms to three bedrooms. Mr. Grossman stated that he is supportive of this modification of the master bedroom to create fewer bedrooms in the existing house.

Mr. Grossman advised that the BOH needs to consider the age of the septic system, and that the original permit was for single family home whereas the proposed addition reflects a significant change in use to include a second kitchen, washer and dryer, and a bathroom. Mr. Butland, contractor for the Raicas, indicated that a Title 5 Inspection will be performed in connection with the project. Mr. Wolfe confirmed that the Raicas will also be replacing the existing septic tank with a two-compartment tank. Mr. Wolfe also confirmed that the septic system was installed in 1992. Mr. Grossman advised that the change in use could create a heavier load on the system resulting in a potential failure of the system. He further stated that Title 5, in giving the BOH the option to approve a deed restriction, allows the BOH to look at multiple additional factors and does not limit the BOH to the bedroom/room count definition. Mr. Wolfe also reassured the BOH that the location of the proposed apartment would not inhibit design and installation of a replacement system. He indicated that the area next to the existing leaching area owned by the family could be used for a repair, but not new construction under the zoning bylaws, and believes it has adequate soil to support a repair. Ms. McCarthy stated that she believes accessory apartments are important, and her concerns are mitigated by Mr. Wolfe’s confirmation that there is an option for system repair. Mr. Mitchell added that he feels comfortable that the homeowners understand that they would be responsible for such a repair if the system is overwhelmed.

Mr. Mitchell made the motion to approve a bedroom deed restriction contingent on submittal of a passing Title 5 Inspection Report; Ms. Levison seconded. All were in favor by roll call vote.

b. Update from Annual Town Meeting- Ms. McCarthy reported that the BOH received the money for algae testing and signage. Ms. Levison reported that she spoke in support of the Ayer Road study in that an outside consultant could help weigh intended use with septic concerns.

c. Update from the RAB Meeting of 5/20/21- Mr. Mitchell reported that the new consultants took more time fielding questions. He indicated that they provided a brief summary of the areas of concern, and talked about next phases for each area, including additional testing and sampling as part of the of Phase II investigation and looking at a pilot study in the Shepley Landfill which will use air sparging to try to mobilize arsenic and lead contaminants. Ms. Levison noted that she suggested outreach information be included in libraries other than in Ayer. The next meeting was planned for August 19<sup>th</sup>, but might be rescheduled due to conflicts of some of the attendees.

d. Discuss availability to attend NALMS cyanobacteria monitoring webinar- Ms. McCarthy corrected that the agenda item should have indicated the discussion would be a report from her attendance at the webinar. She reported that the webinar was very informative with presentations by Hilary Snook and Ken Wagner. Ms. McCarthy stated that Mr. Snook mentioned that the Worcester Cyanobacteria Collaborative is a great resource for more information and outreach techniques; Ms. McCarthy plans to contact them. Mr. Snook also stated that the EPA is very interested in collecting data and indicated that he is involved with a program, BloomWatch, which gathers algae data. Ms. McCarthy indicated that Mr. Snook's presentation further supported that monitoring microcystins is not terribly indicative of the cyanobacteria without the cell identification. She also reported that Mr. Snook mentioned the availability of a fluorescence monitor which can provide an instant read of cell count and costs approximately \$1,600; Mr. Grossman agreed that purchase of such a monitor sounds promising and would be more cost effective than sending samples out to a lab. Ms. McCarthy will follow-up for more information.

Ms. McCarthy stated that while Dr. Wagner's presentation was also very interesting, it focused on control of cyanobacteria which is out of the BOH's jurisdiction. Mr. Grossman advised that he plans to listen to the DPH call on cyanobacteria on Thursday, and felt the BOH's draft algal bloom protocol has been consistent with the recent webinars. Ms. McCarthy indicated that she will send the draft protocols to Mr. Snook to request his input.

e. Discuss notice of Implementation of Release Abatement Measure (RAM) at Hildreth Elementary School- Mr. Grossman advised that the notice is for the BOH's information and does not require action at this time. Mr. Grossman and Mitchell further confirmed that the presence of arsenic at the site is due to the natural, preexisting occurring source.

f. Consider e-mail announcement of Zoom tick presentation by Jean Barry, MD, hosted by Dinno Health- Ms. McCarthy indicated that she sat on the Middlesex Tick Task Force with Dr. Barry and asked whether the BOH members would like to advertise the talk. The members suggested that after attendance at the Dinno Health talk, the BOH could revisit whether to invite Dr. Barry to speak at a BOH-hosted talk.

g. Update from recent DPH COVID-19 Conference Calls- Ms. McCarthy stated that Adam Kinney will no longer be at the calls, as DLS will no longer need to advise on standards. Ms.

McCarthy stated Ms. Sbarra reported on recently filed legislation extending public meetings via Zoom until the end of Sept. Ms. McCarthy stated that outdoor dining & serving of alcohol will be allowed through the end of November.

h. Update from the Emergency Response Team- Ms. Levison and Mr. Grossman advised that the Emergency Response Team has disbanded. Ms. Levison reported that the ambulance service will continue wearing masks because they are clinical, and that the 4<sup>th</sup> of July fireworks were cancelled. She also advised that Ms. Sobalvarro stated they have received a very positive response to public meetings being held via Zoom, and she is exploring possibilities of how that can continue.

i. Clerk and Health Agent Update

- Ms. Flynn indicated she would complete the 2021 Arbovirus Coordinator Questionnaire, providing Ms. McCarthy's contact information as the primary, and Ms. Levison's contact information as the secondary.
- Ms. Flynn advised that she will be out of the office on June 1<sup>st</sup>.
- Mr. Grossman reported that Andrea Briggs of DEP confirmed that 25 Mill Road's PFAS results are a reportable concentration and will necessitate the property owner's hiring of a Licensed Site Professional (LSP) and entering the Mass. Contingency Program (MCP); Mr. Grossman stated he emphasized that confirmatory testing is recommended first. Further, Ms. Briggs advised that it is entirely the discretion of the BOH to determine whether a private water supply is potable or not. Mr. Grossman advised that the BOH can therefore determine that the water is potable after treatment and require deed notification such as done with other contaminants; the BOH members agreed that the exceedance can be treated the same as other contaminants since effective treatment is available. Ms. Briggs also shared that there is internal discussion at DEP whether participants in the private well sampling program will be absolved of entering the MCP if their results are greater than the MCL; Mr. Grossman indicated that he expressed concern that those who self-test outside of the program will experience greater hardship with such a policy. The BOH members questioned why a PFAS exceedance requires entering the MCP when arsenic does not; Mr. Grossman indicated that he also asked this of Ms. Briggs and she indicated that DEP will have to consider this further.
- Mr. Grossman reported that the two COVID vaccination clinics at Devens have not been well attended but they are hopeful that the next clinic, which will administer the Pfizer, will be more successful with attendance by younger, newly eligible people. Mr. Mitchell reported that he has volunteered as an EMT.

## **OLD BUSINESS**

a. Continued review of draft algal bloom procedures- Ms. Flynn will reach out to Ms. Sobalvarro regarding the procurement process for the signs. The members reviewed the draft in connection with recently revised guidelines provided by the DPH and agreed that further revisions, aside from insertion of the best contact numbers, are not needed. Ms. Flynn will reach out to the algal bloom group to confirm best contact information before recirculating the document and posting it to the website as final.

b. Continued discussion regarding preparation of best practices for water quality samplers of private wells- Mr. Mitchell indicated that he will be putting together a draft document for review at the next BOH meeting.

c. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Ms. Levison advised that a recent Boston Globe article reported on the results of Public Water Supplies (PWS) who received free testing for PFAS from DEP, including some municipal water supplies Ms. Flynn will provide the BOH members with the link to the database of PFAS results for PWS in Massachusetts.

d. Continued discussion regarding drought tracking and resources- Mr. Mitchell confirmed that his intent is to use the DEP data, and he will provide Ms. Flynn with the information for posting to the BOH site.

e. Review Action Items- Action items were reviewed.

**PERMITS-** Permits were not discussed.

**MINUTES-** Ms. Levison made the motion to approve the BOH minutes of 5/11/21 as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

**ITEMS FOR NEXT AGENDA-** Items for the next agenda were discussed. Ms. McCarthy agreed to review MA Clearinghouse and DPH materials in preparation for a discussion regarding an arbovirus townwide mailing.

**ADJOURNMENT-** Ms. Levison made the motion to adjourn at 8:46 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 5/11/21
- 30 Mettacomet Path: Proposed plan for renovations (Received 5/20/21)
- 2021 Arbovirus Coordinator Questionnaire
- Draft algal bloom procedures
- DEP Guidelines for Cyanobacteria at Recreational Freshwater Locations (May 2021)