

Harvard Board of Health Meeting Minutes
Zoom Meeting
June 8, 2021
Approved: June 22, 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”); Mary Ericson; Chris Terrell, Chickadee Wines; Ann Bernauer; Chris MacKenzie, Project Manager, Dillis & Roy;

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

Ms. Flynn read aloud the Remote Meeting Preamble.

PUBLIC COMMENT- None.

NEW BUSINESS

a. 325 Ayer Road, Suite A-118: Consider request for occupancy by Chickadee Wines- Mr. Terrell explained that he plans to store paper records and occasionally extra cases of wine awaiting delivery to customers in the vacant space. Mr. Terrell also confirmed that his use will not include customers visiting the building. Mr. Grossman stated that the proposed use meets the requirements for BOH approval of occupancy.

Mr. Mitchell made the motion to approve tenancy as requested for the intended use of storage for documents and occasionally bottles of wine; Ms. Levison seconded. All were in favor by roll call vote.

b. 3 Pattee Road: Request for Local Upgrade Approvals and local regulation variances- Mr. MacKenzie presented the property owner’s request to upgrade to a Presby system for an existing 1-bedroom house. Mr. Grossman noted that the permit will require a 1-bedroom deed restriction as the property does not have enough acreage and cannot meet full compliance with Title 5 required for an increase in bedrooms.

Mr. Mitchell made the motion to approve the variances and local upgrade approvals as requested; Ms. Levison seconded. All were in favor by roll call vote.

c. 8C Trail Ridge Way: Request for variance from the State Sanitary Code, Ch. 2, 105 CMR 410.250(A)- Mr. Grossman explained that the homeowner has applied for a building permit to finish his basement and the plans do not meet the requirement for 8% of the square footage reflected in glass allowing natural light. He confirmed for the members that the request is similar to those recently allowed for two of the applicant’s neighbors.

Mr. Mitchell made a motion to allow the variance as presented; Ms. Levison seconded. All were in favor by roll call vote.

d. Plan for presentation and townwide mailing(s) providing arbovirus education- The members discussed currently available educational resources from the MA Clearinghouse, and reviewed and revised Ms. Levison's draft wording for a townwide mailing encouraging personal protection from arboviruses. Ms. Flynn will reach out to the student who assisted with the recycling mailing to see whether she is interested in finalizing a graphic design, and will also inform Alpha Graphics that the BOH would like to send out a mailing to all residents by the end of the fiscal year.

e. Report from DPH Harmful Algal Bloom Workshop and follow-up from NALMS cyanobacteria monitoring webinar- Mr. Grossman reported on his attendance at the DPH workshop including that the toxin level threshold was lowered from 14 ppb to 8 ppb. Mr. Grossman stated that he is confident that the BOH is ahead of the curve on monitoring protocols. Ms. McCarthy indicated that she plans to attend the fluoroscope training offered by Hilary Snook in Wrentham on June 12th; Ms. Levison will also try to attend.

f. Report from MAHB Health Regulations and Agricultural Activities in Massachusetts- Ms. Levison reported on her attendance at the webinar, and noted that Kerri Green and Frank Carlson, of the Agricultural Advisory Committee, were also present. Ms. Levison stated she learned that, effective April 2021, BOHs should request input from Agricultural Advisory Committee's prior to adopting regulations which impact agriculture. Ms. Sbarra of MAHB advised that while not always required, she recommends BOH's always hold hearings prior to adopting new regulations. Ms. Levison indicated that the MAHB is compiling sample regulations and variances which affect farming, and will include a relevant chapter in the revised MAHB legal handbook expected to be offered to member BOHs for free. She also reported that additional webinars will be held in the near future to inform local boards of health of post-COVID grants available.

g. Consider attendance at UMASS Extension Mosquito Topics- Mr. Mitchell reported that he was unable to join the Tick Topics meeting, but expects to receive the recording. Ms. Levison stated she plans to attend the Mosquito Topics meeting.

h. Update from recent DPH COVID-19 Conference Calls- Ms. McCarthy reported she learned that the MA Notify application regarding COVID-19 exposure is expected to go live next week, and Dr. Brown discussed the 2021 Arbovirus Surveillance Plan. She stated that Dr. Brown presented a table of data that shows aerial spraying is effective if sprayed at the right time and in the right location. Ms. McCarthy noted that Dr. Brown stated the study was indicative that larvicide works really well on mosquitoes who carry WNV, but not as well on those who carry EEE. Mr. Grossman advised that the NABH vaccination clinic will offer Pfizer vaccines again on Wednesday, with walk-ins welcome. He indicated that turnout is still low with more than enough volunteers present.

i. Summer vacation plans and meeting schedule- The members discussed upcoming vacation plans. Ms. Levison made a motion to cancel the meeting of August 10th; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Levison suggested the members leave the date open in case of a need for an emergency meeting.

a. Clerk and Health Agent Update

- Ms. Flynn requested approval to reimburse Mr. Mitchell for his registration fee to the UMASS Extension School Tick Topics webinar. Ms. Levison made the motion to

reimburse Mr. Mitchell \$55.00; Ms. McCarthy seconded. Ms. McCarthy and Ms. Levison were in favor, by roll call vote; Mr. Mitchell abstained.

- Ms. Flynn requested approval to process the Nashoba Associated Boards of Health 1st Quarter invoice for FY22. Ms. Levison made the motion to approve the invoice; Mr. Mitchell seconded. All were in favor by roll call vote.
- Ms. Flynn advised the members of Mr. Garreffi's request for a Municipal Letter of Commitment in support of a grant from DPH for shared services. Ms. McCarthy agreed to visit Town Hall to sign the sample letter before requesting Mr. Bragan's execution of the same.
- Ms. Flynn advised the members of the 4th of July Parade Committee's invitation to participate in the event. The members discussed their lack of availability and requested Ms. Flynn express their regrets.

OLD BUSINESS

a. 23 Lovers Lane: Continued condemnation hearing of 9/24/19- The BOH Members reviewed the written status update from the homeowner. Mr. Grossman confirmed that he drives by occasionally and the building appears to still be secure.

Ms. Levison motion to continue the hearing for 23 Lovers Lane until the meeting of August 24th; Mr. Mitchell seconded. All were in favor by roll call vote.

b. Further discussion regarding purchasing algal bloom signs and testing equipment- Ms. McCarthy stated that she intends to submit a request for purchase for the fluorometer after attending the monitoring training with Mr. Snook providing that the training will confirm that the purchase for approximately \$1,800 after calibration will be more cost effective than using a lab. The BOH members agreed that the algal bloom procedures will thereafter need to be updated.. Ms. McCarthy confirmed that Town Meeting allocated funds for cyanobacteria testing and did not specify that a lab was to be used.

Ms. Flynn reported that Ms. Sobalvarro advised against using CommBuys to obtain bids for the advanced graphic design work needed for the advisory dial sign, and instead suggested use of NextDoor to identify a local graphic designer. Ms. Flynn stated that Ms. Sobalvarro also recommended ISS for production of the signs. Mr. Mitchell volunteered to assist with structural design and production of the signs to stakes. Mr. Grossman confirmed that the Beach Operator is responsible for posting a sign reflecting the dates that the beach is open and contact information for the beach operator; Mr. Grossman will remind Mr. O'Shea of this obligation. Ms. Levison and Mr. Grossman will contact local graphic designers to inquiry about their design fees.

c. Evaluating potential partnerships for mosquito surveillance with local academic institutions- Ms. Levison reported that she spoke to Matt Osborne, one of the state epidemiologists at DPH, and learned that DPH has expanded their surveillance plan for this year. She reported Mr. Osborn advised that they have hired additional seasonal staff and have funding for one trap site in every community in the State in 2021. Samples will be collected beginning on June 14th and occurring every two weeks. Ms. Levison learned that the DPH protocols in 2021 are that any positive sample in Harvard or an abutting town will increase trapping in Harvard to a weekly basis. Ms. Levison stated that she learned that up to 4,000 mosquitoes can be caught in a trap and each mosquito in the trap is then counted, identified by species, and tested. Mr. Osborne indicated that with this plan, the State lab will be at capacity and unable to accept samples from other sources, such as academic institutions willing to assist Harvard. Futhermore, Mr. Osborne

stated that even if not at capacity, the State lab would not accept such samples because of chain-of-custody concerns. Mr. Osborne said he did not know any private labs that can do the testing. Additionally, Ms. Levison reported, Mr. Osborne explained that changes to mosquito control programs would have to be at the legislative level. Ms. McCarthy and Mr. Mitchell stated that the BOH intent was to increase sampling beyond the 2020 level of surveillance, and were comfortable that the State's increase in surveillance meets the goal. Ms. Levison agreed to update the professor from Mass. Bay Community College.

d. Continued discussion regarding preparation of best practices for water quality samplers of private wells- Mr. Mitchell indicated that he e-mailed a rough draft of best practices and text from EPA guidance on sampling for the group's input. He suggested that the sampling guidelines developed for participants in the DEP PFAS Private Well Program also be considered. Ms. Levison will e-mail Mr. Mitchell Michigan guidelines for PFAS sampling, and Mr. Grossman will do the same with the instructions from Nashoba Analytical. Mr. Mitchell asked that comments be e-mailed for his incorporation to the draft prior to the next meeting.

e. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Ms. Levison provided an update as to her most recent telephone conversation with staff from the Worcester DEP office, including MaryJude Pigsley, regarding the Private Well PFAS testing program. She indicated that invitational postcards have been mailed to select Boxborough, Carlisle, and Shrewsbury residents, and that similar will be mailed to select Harvard residents in the next 7-10 business days. She reported that the property owners of 38 targeted and 10 random Harvard parcels will receive postcards. Ms. Levison learned that several houses at the end of Littleton County Road were selected because of their proximity to an area of interest in Boxborough. Ms. Levison stated that DEP's biggest concern is that residents will not read the postcard. The BOH Members agreed to consider posting something on NextDoor or in The Harvard Press confirming the program's legitimacy. Ms. Levison stated that Ms. Pigsley was clear that the BOH should not push residents uncomfortable with the program to join. The members agreed that it is important for the BOH to understand the DEP's stance on the implications for wells which result in findings in an exceedance of the MCL; Mr. Mitchell will follow-up with DEP for confirmation.

f. Review Action Items- Action items were reviewed. Ms. McCarthy stated that she plans to pass on the link to the Worcester Cyanobacteria Collaboration to the Bare Hill Pond Watershed Committee.

PERMITS

- 30 Jacob Gates- The BOH members reviewed the proposed septic plan for an upgrade to a GeoMat system, as well as the variance request letter and local upgrade conditions form. Mr. Grossman confirmed that there are no options other than proposed. Ms. Levison made a motion to approve the local upgrade as requested; Mr. Mitchell seconded. All were in favor by roll call vote.
- 70 Mass. Ave.- Ms. Levison made the motion to approve the permit for a distribution box replacement; Mr. Mitchell seconded. All were in favor by roll call vote.
- 65 Lancaster County Road- Ms. Levison made the motion to approve the permit for a distribution box replacement; Mr. Mitchell seconded. All were in favor by roll call vote.
- 171 East Bare Hill Road- Mr. Grossman explained that the Title 5 Inspector reported observations necessitating repair, but upon estimate by another installer, it could not be confirmed that a broken sewer line was present. Mr. Grossman stated that the permit is for what the inspector noted, but we are unsure that the installer will find the need for a

replacement. Ms. Levison made the motion to approve the permit for sewer line replacement; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Levison requested an update after Mr. Grossman's inspection.

- Coil Bros.- The BOH members reviewed the application of Coil Brothers for a Marijuana Operating Permit. Mr. Grossman noted that Coil Brother's provisional license from the Cannabis Control Commission (CCC) was attached to the application. Ms. Flynn stated that Matt Brace of Coil Brothers expressed urgency for the BOH to sign off on the building permit so that once the space is completed, inspections can be performed by the CCC as required for full licensure. Mr. Grossman stated that he does not believe it is necessary to wait for full licensure before issuing the Marijuana Operating Permit; the members agreed. Mr. Mitchell made the motion to approve the Marijuana Operating Permit of Coil Bros.; Ms. Levison seconded. All were in favor by roll call vote. Ms. Flynn will sign off on the Building Permit on behalf of Mr. Grossman.

MINUTES- Mr. Mitchell made the motion to approve the BOH minutes of 5/25/21 as amended; Ms. Levison seconded. All were in favor by roll call vote.

ITEMS FOR NEXT AGENDA- The BOH Members requested the next agenda include a report from the cyanobacteria, continued discussion of the sampling best practices, and consideration of submission to The Press of a short article about the private well testing program or very short announcement regarding mosquito season trapping changes and BOH's plan to notify residents.

ADJOURNMENT- Mr. Mitchell made the motion to adjourn at 9:03 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 5/25/21
- 325 Ayer Road: E-mail and proposed layout plan from N. Deane.
- 3 Pattee Road: Proposed SDS plan, Local Upgrade Conditions form, variance request letter
- 8C Trail Ridge: Variance request email and proposed plan
- 23 Lovers Lane: E-mailed status update of 6/8/21
- PFAS: DEP sampling program's postcard, map, and spreadsheet attachments
- Coil Bros.: Application for marijuana operating permit and notice of provisional licensure from the CCC
- 30 Jacob Gates: Application for upgrade, variance request letter, LU conditions form, proposed plan, and unsigned permit

- 70 Mass. Ave.: Application and unsigned permit
- 65 Lancaster County Road: Application and unsigned permit
- 171 East Bare Hill Road: Application and unsigned permit