

Harvard Board of Health Meeting Minutes
Zoom Meeting
Tuesday, October 13, 2020
Approved: October 27, 2020

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

Attending (including but not limited to): Ira Grossman, Health Agent, Nashoba Associated Boards of Health ("NABH"); Alison Flynn, Clerk, Harvard Board of Health ("BOH"); Joan Eliyesil, The Harvard Press; Dan Wolfe, David E. Ross Associates; Chris MacKenzie, Ducharme & Dillis; Ed Potter, property owner, 105 Ayer Road; Mark O'Hagan & Sotir Papalilo, Craftsman Village Harvard; Scott Murray; Anabel Tonkovic, Harvard Family Association.

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. 105 Ayer Road: Consider local upgrade approval requests- Mr. Wolfe presented local upgrade requests on behalf of the former property owner, Mr. Potter, who is responsible for the septic upgrade. Mr. Wolfe explained that the property consists of an auto repair garage and an existing three bedroom house, which is currently served by a cesspool. Mr. Wolfe indicated that the septic system was found to be in failure in January, and an upgraded system has been designed which requires approval for reductions in the 100 foot offset requirements for the leaching field from the wetlands and to the well, as well as a reduction in the number of required perc tests. Mr. Wolfe explained that the proposed plan allows the leach field to be 57 feet from the wetlands in one area and seventy to eighty feet from the wetlands in another area; the proposed leaching field would be located 56 feet from the well. Mr. Mitchell made the motion to approve the variances as requested; Ms. Levison seconded. All were in favor by roll call vote.

Also discussed was the status of the water quality testing required at the time of sale. Mr. Potter indicated that water quality testing as required by the regulation was performed and would be submitted to Mr. Grossman for his review. Mr. Grossman recommended the BOH consider requiring additional testing for VOCs and TPH because of the location of the well, under the wooden floor of the back room of the garage. Mr. Potter explained that the room where the well is located was used for storage of unused parts and is located approximately 18 feet from the concrete slab garage floor where the vehicles are worked on. Mr. Potter further confirmed that there are no floor drains located anywhere in the building, and any gas or oil is cleaned up with absorbent towels and/or dry granular. Mr. Grossman advised the BOH that the requirement for testing for VOCs and TPH would be based on the use of the site and in order to protect the buyer and the environment in general. He further advised that this testing is a typical requirement for such sites. The BOH members agreed that both should be performed. The members discussed their interest in attaching language that would warn the future buyer that the room under which the well is located should not store liquids or used autoparts. Mr. Grossman suggested such language might be included in the septic permit after the water quality results are received, as the permit will be conditioned on water quality.

b. 2 Westcott Road: Review revised SDS plan and consider additional local variance request- Mr. MacKenzie reminded the BOH members that they previously approved local upgrades and variances for this property, and was now before the BOH with a revised plan which relocates the sewer line to come out of a full foundation area instead of the previously presented location which turned out to be a crawl space. Mr. MacKenzie indicated that the new location requires approval for a reduction of the required 50 foot offset to a 35 foot offset from a private water well. Mr. MacKenzie further explained that they chose not to move the tank & pump chamber so that the sewer line comes straight out from the building into the tank because it would mean that the tank & pump chamber would now be less than 50 feet from the drinking water well necessitating a variance from local regulations and a local upgrade from the State Code. Mr. Grossman stated he has no issues with the request. Ms. Levison made the motion to grant the variance as requested; Mr. Mitchell seconded. No further discussion was needed. All were in favor by roll call vote.

c. Craftsman Village Harvard: Update re: soils management- Mr. Grossman reported that he met with Mark O'Hagan regarding Craftsman Village Harvard's response to the joint memo of the Conservation Commission (ConCom) and the BOH concerning soils management, and feels that they are working in a positive direction. Mr. Grossman stated that Mr. O'Hagan agreed to change some of the figures and get answers to some of Mr. Grossman's questions, but that the question of the location for placement of the material is still an issue that needs to be worked through with the BOH Members' input. Mr. O'Hagan stated that the fill will range from three to seven feet as it slopes to the wetlands. He explained that in designing the site they chose to locate material toward the area that they are filling without stripping topsoil in that location; by filling the area from the balance of the site where homes and roads are constructed and avoiding digging into the high ground water. Mr. O'Hagan further explained that the process will entail stripping one area of the site, placing it in the new location, capping it, and protecting it with a minimum of 1 foot of clean fill, plus clean loam, and seeding. He indicated this process would be performed in segments over 4-5 days, and that during the daily basis of stripping the top soil, it would be tested as stripped to ensure it is clean soil.

Mr. Grossman explained that he is not convinced placing the soil within the Zone 1 protection area is best, and suggested an alternative location toward the leaching area behind the residences and away from the well heads. Mr. O'Hagan indicated that in doing so they would create a different set of characteristics on the site which would require revisiting the Zoning Board of Appeals (ZBA) for approval of the revision. Mr. O'Hagan stated that as the well is 285 deep, the soil has not been touched for 20-30 years, and the contaminants have only been found in the top 6 inches of soil, he does not believe placing the fill in the Zone 1 area would compromise the well. Further, he indicated that of the lead, arsenic, and dieldrin detected in the soil, only arsenic was found in the well water, which has since been mitigated. Mr. O'Hagan and Mr. Grossman confirmed that it was agreed at their meeting that there will be a minimum of 12 inches of clean fill placed, and an orange snow fence will be used as a barrier between the relocated fill and the clean fill. Mr. O'Hagan also indicated that GPS mapping will be used by Mr. Murray to provide the BOH, ZBA, homeowner's association, and notification to the Master Deed with more information as to location and depths at which the soil was removed and placed; Mr. Murray confirmed that he can do so at a grid size of 10-20 feet.

Mr. Mitchell expressed concern that the State's reply to the soil plan relies on a statement that this is a private water supply. Mr. Grossman advised that he wrote to DEP to clarify and ask whether the soil can be placed in the Zone 1 radius. Mr. Mitchell and Mr. Grossman agreed that generally this is not allowed. Mr. Mitchell stated that as long as it's clear that the State

understands where it will be placed and how this well is permitted, he would be okay with the proposed location if the State approves. Mr. Grossman will report back the reply from the State.

d. Discuss Halloween events- Ms. Levison advised that in discussing Halloween with the Emergency Management Task force she has provided the Center for Disease Control (CDC) guidance, and that the main concern continues to be the Town's inability to limit the numbers of participants at a large outdoor event. Ms. McCarthy indicated that a recent Department of Public Health (DPH) call expressed concern over anticipated groups of teenagers, in particular. She further stated that the DPH advised that local boards of health emphasize that any Halloween activities have to maintain safety and that taking a firm stance which limits any activities could also fail. The BOH agreed that a Reverse 911 message, directing the residents to the BOH webpage for more information would be helpful. Ms. McCarthy also offered to reach out to the Schools to request the assistance in spreading the message of how to participate in a safe Halloween.

Ms. Tonkovic, of the Harvard Family Association (HFA), explained that they are partnering with Fruitlands, who already plans to take necessary precautions, to add a self-guided scavenger hunt as a fun element for families. She indicated that the scavenger hunt is purely for fun, with no prize distributed. Ms. Tonkovic stated that the HFA is also organizing a Halloween drive-by event of houses decorated for Halloween, and are currently considering whether some houses of members on low-traffic streets will provide a grab-and-go treat and/or a viewing of a costumed character. She stated that the event will be posted with a map of the participating homes to NextDoor on Halloween, with an earlier notification sent to Members. The grab-and-go event would be advertised to the Members and held on Halloween with restricted daytime hours. Ms. Tonkovic further explained that a small prize for the best decorated home would later be delivered no-contact to the winner. Ms. Levison offered suggestions that the event be advertised in the Press in addition to NextDoor, that the HFA consider including the addresses of the decorated scarecrows organized by the Girl Scouts, and that the HFA consider advising the Police on their plans. The BOH members thanked Ms. Tonkovic for organizing a safety-conscious event.

The members indicated that they reviewed the e-mail received from Fruitlands regarding their ticketed Halloween event. Mr. Mitchell indicated that his only concern is that the distribution of donuts & cider at the end of the event could cause participants to linger; the other members agreed. Mr. Mitchell will prepare a response to Fruitlands requesting they consider how to best move along participants and to set up the hill for social distancing.

Mr. Grossman reported that Mr. Bragan would like the BOH to offer guidance on Halloween. Ms. McCarthy stated that she will prepare a memo to the Select Board advising of the BOH's intention to prepare a reverse 911 message about COVID safety protocols for Halloween as stated in DPH and CDC guidance and the Order on limitations on the number of people allowed at events. Further, Ms. McCarthy stated the memo will include that any Halloween event planned by a community organization needs to adhere to these guidelines; that community organizations can offer grab & go bags, but it is their responsibility how to figure out traffic flow and limiting the number of participants. Ms. McCarthy confirmed that she will send a message to the schools, requesting reinforcement of the message, especially at Bromfield, of social responsibility. Ms. Levison reminded the members that the 100 person limit per outdoor event does not apply to cars, and expressed concern that residents will not remember that there needs to be social distancing among the individuals outside the cars. Mr. Mitchell confirmed that the BOH position is that upon recommendations from the CDC and the DPH, the BOH cannot support trick or treating in Harvard as it's typically held, but believes an alternative

experience could be held that falls within the guidelines. Ms. Levison will draft the reverse 911 message for Ms. McCarthy's review and approval. Ms. Flynn will post the DPH and CDC guidelines to the BOH website with the message that it is everyone's responsibility to keep Harvard safe.

e. Prepare FY22 Goals and discuss attendance at the All Boards Meeting (10/14/20)- Ms. McCarthy volunteered to attend the All Boards Meeting; Ms. Levison indicated she also might attend. Ms. Levison stated that the FY22 goals should be as always, to assume the responsibility, as tasked, for the health and well-being of those who work, live, and visit Harvard, including permitting trash haulers, encouraging recycling, and educating residents about EEE, WNV, COVID-19, and other global pandemics, PFAS, blue green algae. Ms. Levison will provide Ms. McCarthy with the goals summary prepared for last year's All Boards Meeting.

f. Update re PFAS, including discussion of response to Community Involvement Plan (due 11/9/20) and discussion re: possible grant opportunities to assist private well owners with mitigation- Mr. Mitchell volunteered to review and prepare draft comments to the Devens Community Involvement Plan prior to the next meeting. Ms. Levison noted that the latest Devens Status Report indicates the monitoring wells on Barnum Road are showing contaminants running toward Cold Spring Brook. Ms. Levison also reported that DEP has updated the PFAS website and now includes the new standards and a list of Public Water Supplies (PWS) that have taken steps to mitigate, as well as those which have not. She confirmed that the list includes one PWS on Ayer Road in Harvard which has not yet concluded mitigation. The members discussed that they are unaware of any grant opportunities to assist private well owners with PFAS mitigation.

g. Update from Deer Management Subcommittee: Minutes review- This discussion was tabled until Ms. Levison has the opportunity to review additional sets of meeting minutes.

h. Update from recent DPH COVID-19 Conference Calls- Ms. McCarthy reported that one DPH call discussed that two towns were very concerned about clusters positive tests of hockey players. The members also discussed that the highest numbers of cases continue to be in long term care facilities and colleges.

i. Update from the Emergency Response Team- Ms. Levison reported that recent Emergency Response Team discussions have included Halloween, the possibility of Mirius offering a discount on testing, Mr. Kilhart's concerns regarding plow season staffing, the ambulance services reporting increased COVID-19 calls, and the Town's COVID-19 return-to-work policy. Ms. Levison also stated that she advised Ms. Thompson/the COA of the Red Cross's advice for residents who will not be able to access warming stations during the pandemic. The members agreed that Ms. Levison should further advise Ms. Thompson that the BOH feels residents should keep warm in an emergency by either visiting a friend or family while maintaining six feet of social distance, washing hands frequently, and wearing a mask or going to a hotel if possible.

j. Clerk and Health Agent Update

- Ms. Flynn asked the BOH members to consider allowing Chief Sicard's use of the remaining \$40.32 in the Region 2 Emergency Preparedness account toward the purchase of additional bins for the PHEP trailer. Mr. Mitchell made the motion to expend the account funds toward the purchase of the bins to keep the mice out of the equipment; Ms. McCarthy seconded. All were in favor by roll call vote.

- Mr. Grossman reported that he contacted Logan Bailey at DPH regarding the next steps for testing Bare Hill Pond, and continues to meet with the algae task force.
- Mr. Grossman also reported that the Harvard flu clinic had a great turn out, with the high dose vaccination running out early on. Ms. Levison added that Ms. Sobalvarro is exploring the possibility of holding an employee clinic through Walgreens.

OLD BUSINESS

a. Update on algal bloom testing and future planning- Mr. Grossman advised his communications with the algae task force has continued. He further stated that he would like to see the funding for future sampling reside in the budgets of the Pond Committee or Parks & Recreation; Ms. Levison agreed that she reads 105 CMR 445 to indicate that it is the responsibility of the Beach Operator to test with the BOH overseeing interpretation and action upon the results. Ms. Levison also added that while it would have been nice to be copied on the Bare Hill Pond Committee's recent notification of the drawdown, Mr. Grossman confirmed that the drawdown of the Pond is not the responsibility of the BOH. Mr. Grossman stated that he will continue to work with the algae task force on improving communication between the different groups concerned with the health of the Pond.

b. COVID-19: Continued response, preparedness, messaging, and enforcement of the Governor's Orders and MA guidelines- The members discussed Ms. Thompson's forward of an e-mail from residents requesting high-risk hours at the library. Ms. McCarthy suggested Ms. Flynn reply that there are sector-specific reopening guidelines from DPH for libraries and the residents should reach out to the library or the Select Board regarding their request.

c. Discuss drought status awareness- Mr. Mitchell provided a draft update regarding the drought status. Ms. Flynn will post the same to the BOH News & Announcements.

d. Review Action Items- Action items were reviewed.

PERMITS

- 31 Mill Road, Lot 3- Mr. Grossman indicated this application for a new system is for re-permitting as the previous permit expired. Mr. Mitchell made the motion to approve the permit as submitted; Ms. McCarthy seconded. All were in favor by roll call vote.
- 157 Bolton- The members table issuance of this permit as the electronic plan was not available for member review.
- 308 Stow Road- Mr. Mitchell made the motion to approve the permit for D-box replacement as written; Ms. Levison seconded. All were in favor by roll call vote.
- 161 Bolton Road- The members discussed that they would like more information about the manure management plan before issuing this stable permit. Ms. Flynn will follow-up with the applicant for additional information.

MINUTES

The BOH members reviewed and revised the draft Minutes of September 22, 2020. Ms. Levison made the motion to accept the minutes as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

The BOH members reviewed and revised the draft Minutes of October 1, 2020. Mr. Mitchell made the motion to accept the minutes as edited; Ms. Levison seconded. All were in favor by roll call vote.

ITEMS FOR NEXT AGENDA-

Items for the next agenda were discussed. Ms. Flynn advised that the resident of 16A South Shaker have not responded to e-mails in follow-up to his discussion at an August meeting. Ms. McCarthy asked that Ms. Flynn e-mail the homeowner to indicate that if he has not had the required water testing done by October 27th, he attend the BOH meeting for continued discussion.

ADJOURNMENT- Mr. Mitchell made the motion to adjourn at 9:08 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 9/22/20 and 10/1/20
- 105 Ayer Road: Variance request letter and proposed plan
- 2 Westcott Road: Proposed revised plan and variance request letter
- Craftsman Village Harvard: Figure 3 of Williamson Environmental Soils Management Plan of 4/30/20
- Draft drought status update
- 31 Mill Road, Lot 3: Proposed permit and plan
- 157 Bolton: Proposed permit
- 308 Stow Road: Proposed permit
- 161 Bolton Road: Stable permit application