

Harvard Board of Health Meeting Minutes
Zoom Meeting
Monday, February 8, 2021
Approved: February 22, 2021

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

Attending: Alison Flynn, Clerk, Harvard Board of Health (“BOH”); Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Dan Wolfe, David E. Ross Associates; Bob Kody, Envision Homes; Paul Maki & Susan Palmeer, property owners, 113 Poor Farm Road; Min & Justin Middelkoop, property owners, 66 Woodside Road; Nilesh Gajipara, property owner, 2B Trail Ridge Way; Bob O’Shea, Harbor Master/Chair, Parks and Recreation.

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. Lot 3, Prospect Hill Road: Septic & well variance hearing- Mr. Wolfe presented the property owner’s request for permitting including two well variances and one septic variance. He confirmed that proper notice of the well variance requests was provided to the abutters, and explained that the owner and Ross Associates are requesting a 26 foot offset from both the property line and road to the well. Mr. Wolfe explained that with the proposed septic, the only other potential location for the well would be downgrade from the leaching field and require a substantial amount of tree clearing. Mr. Wolfe also explained that the septic variance request asks the Board to accept a perc rate of 60 minutes per inch. Ms. McCarthy expressed concern with the proximity of the proposed well to the roadway. Mr. Grossman advised that well depths around 300 feet are common in this area. He also advised that there is no option to move the well within the 100 foot offset to the septic, and indicated that it is a goal to not have the well downgrade of the septic. Mr. Wolfe questioned the origins of the BOH’s 50 foot offset to the roadway; the BOH members advised of known cases of road salt infiltration into private wells. Mr. Wolfe stated that the location of the proposed well dates prior to the increase of offset required by the current local regulation. Mr. Grossman stated that current regulations apply at submittal. Ms. Levison stated that she would be willing to consider a variance request for an offset less than the required 50 feet to the roadway, but more than the requested 26 feet. Mr. Mitchell noted that the fairly steep grade from the road to the proposed well concerns him. Mr. Grossman recommended the property owner consider additional testing to move the leaching field or a reduction in the septic capacity. Mr. Wolfe stated that it is a reasonable request to explore with his client. Mr. Mitchell made a motion to continue the hearing until Mr. Wolfe can discuss these recommendations with his client; Ms. Levison seconded. All were in favor by roll call vote. Ms. Flynn will add the continued hearing to the February 22nd agenda; it was agreed that additional abutter notification is not needed as any change would move the well further from property lines.

b. 113 Poor Farm: Room count discussion re habitable space in proposed garage- Mr. Wolfe explained that the homeowners would like to build a detached garage which will include a

finished space on the second floor. Mr. Wolfe stated the finished garage space will be the 9th room in addition to the eight existing rooms shown on the submitted floor plan. Mr. Grossman stated that while there is not a septic plan or permit on file, the property has an existing four bedroom residence. Mr. Grossman and the BOH members agreed that they no longer have concerns with the proposed and existing plans.

c. 2B Trail Ridge Way: Housing Code variance hearing- Mr. Grossman advised that the requested variance in connection with the property owner's proposed finished basement is for less than 8% of the floor area being unobstructed glass. Ms. Levison made the motion to approve the requested variance; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Flynn advised that she will e-mail the decision to the applicant for recording at the Registry of Deeds.

d. 66 Woodside Road: Room count discussion re proposed addition- The property owners explained that they are interested in adding a Master Suite to their existing 4-bedroom home. Mr. Grossman advised that the proposed plans are for 5-bedrooms on an existing 4-bedroom septic system, and is not comfortable with approving a bedroom deed restriction for the existing plan. The members agreed that the existing total room count could be considered 10 rooms at most or 8 rooms at smallest; Mr. Grossman advised that the BOH has considered different functions of an open concept layout as separate rooms in the past when determining total room count. The property owners explained that the two bedrooms on the current ground floor are not being used as bedrooms, and Bedroom #3 is currently functioning as pantry. The members indicated that they are not comfortable with approving the proposed layout plan, but provided examples of where walls could be removed or added to change bedroom count and allow for the proposed addition without requiring septic expansion.

e. Update from Select Board Meeting of 2/2/21- Ms. McCarthy reported that the Select Board indicated the BOH will be the lead agency to plan a vaccination clinic. Ms. Flynn confirmed that the BOH was asked to communicate closely with Tim Bragan.

f. Review possible draft "Consider This" re vaccine access- The members reviewed and revised Ms. Levison's "Consider This".

g. Update re status of vaccine outreach forums- Ms. McCarthy reported that Julie Sniffen finalized the press release; Ms. McCarthy will forward it to Ms. Flynn to be sent out as an alert to BOH news subscribers. The forum will include an introduction by Ms. McCarthy, a talk by Dr. Miotto, and question and answer period curated by Jenny Gormley. Ms. McCarthy indicated that Suzy Opalka has volunteered to be responsible for admitting people to the meeting. Once recorded, the initial session will be the offered for subsequent sessions including live Q&A from Harvard healthcare providers.

h. Update on EDS planning for possible COVID-19 vaccination clinic- Mr. Grossman indicated that the State has acknowledged that local boards of health could be more involved if more vaccine doses were available. Mr. Mitchell stated he is supportive of multi-town efforts, like the first responder clinic held in Boxboro, which combines staff to reach a broader audience. Mr. Grossman stated NABH is aware from their smaller scale clinics what is needed for staffing, and with the numbers of residents volunteering, and he believes they could ramp up the number served pretty quickly if the doses are available. Mr. O'Shea offered volunteer services on behalf of the Harvard Lions Club. The BOH members thanked him and suggested the Lions Club might be able to assist with refreshments or traffic control. The members agreed that with community planning influx, additional work on the Operational Plan should be postponed. Ms.

Flynn will reach out to the other individuals tasked with flushing out the Operational Plan to advise them of the same.

i. Discussion re efforts to coordinate vaccination clinic for Bowers Brook and Foxglove Apartments- Ms. McCarthy advised that Bowers Brook Apartments has made arrangements with Ayer Pharmacy for on-site vaccination, and she is working with Acton Pharmacy to arrange for onsite vaccination at Foxglove Apartments. She stated she will coordinate setup of the same with Debbie Thompson of the COA. The next step will be for Acton Pharmacy to visit Foxglove Apartments to view the facility.

j. Update from recent DPH COVID-19 Conference Calls & enforcement of new and revised orders issued by Governor Baker- Ms. Levison reported that she received a complaint from a resident indicating masks are not being worn by customers in the Post Office. Ms. Levison visited the Post Office and asked if they would be hanging signs which indicate masks are required on Federal property; she was referred to the Post Master.

k. Update from the Emergency Response Team- Ms. Levison made a motion to take this item out of order; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Levison reported that there have been several layers of miscommunication or no communication about efforts to plan vaccination clinics. She indicated that she had a long telephone conversation with Chief Sicard in which she learned that initial discussions with the Emergency Managers for Bolton and Boxborough have evolved to include three other towns discussing vaccination clinics beginning with teachers and continuing through the MA roll-out phases-when the time approaches. She stated that she also learned that a group of Town Administrators, of the NABH towns, and now involving legislators, have been discussing vaccination efforts. Ms. Levison indicated that the COA is assisting the 75+ population in registering for the NABH clinic at Devens; 12 of those residents received their first dose at Devens last week. She also stated that she requested Mr. Bragan provide an update after the Town Administrator meeting.

l. Clerk and Health Agent Update- Mr. Grossman and Ms. Flynn did not have any updates.

OLD BUSINESS

a. Continued discussion regarding preparation of best practices for water quality samplers of private wells- Ms. Levison made a motion to table this discussion; Mr. Mitchell seconded. All were in favor by roll call vote.

b. Continued review of draft algal bloom procedures- Ms. Flynn noted comments were received from Mr. Leicher, Mr. O'Shea, and Ms. Von Loesecke. She also indicated that Mr. Leicher suggested a BOH member attend the Bare Hill Pond Watershed Committee meeting on 2/17 at 7:30 p.m., and that the Pond algae working group meet to discuss the procedures before the next BOH meeting. Ms. McCarthy advised that she did not have the opportunity to review the comments received this afternoon. Mr. O'Shea expressed concern that the procedures reflect an inconsistency in messaging by closing the boating ramp to a Great Pond without notification to the Pond abutters. Mr. O'Shea suggested that if Pond abutters are not notified, the gate should not be shut, and notification would be formal posting at the Town Beach and Town Hall, and in the media. Mr. O'Shea agreed with the draft procedure which states at an "Extreme" level, the Town should consider that the toxicity is measured and published. Ms. McCarthy and/or Ms. Levison will attend the Bare Hill Pond Watershed Committee meeting.

c. Continued discussion regarding preparation of financial warrant for algae monitoring of Bare Hill Pond- The members confirmed for Mr. O’Shea that the requested funds would cover cell count testing, with the BOH requesting DPH sampling for toxicity at “High” and “Extreme” levels. Ms. Levison made the motion to submit the warrant article for funds in the amount of \$3,000 as outlined in the draft financial warrant article and consistent with the draft algal bloom procedures; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Flynn will prepare the form for review by Ms. McCarthy.

d. Status update regarding COVID-19 Protocols of the Immaculate Heart of Mary School- Mr. Mitchell made the motion to table this discussion; Ms. Levison seconded. All were in favor by roll call vote.

e. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Mr. Mitchell made the motion to table this discussion; Ms. Levison seconded. All were in favor by roll call vote. .

f. Review Action Items- Action items were reviewed.

PERMITS

- Waste Management of Massachusetts, Inc.- The BOH members considered the waste hauler application package submitted by Waste Management of Massachusetts, Inc. (herein “WM”), including the sufficiency of the Commercial Generator Exemption Forms and marketing materials provided. It was agreed that Ms. Flynn should write to three of the commercial generators requesting their completion of the forms to reflect adequate recycling or attendance at a BOH meeting to discuss their non-compliance. The BOH members confirmed that Harvard Sportsmen’s Club falls under the jurisdiction of the Town of Boxboro. They further agreed that the submitted examples of the marketing materials are sufficient to warrant permit issuance. Mr. Mitchell made a motion to approve the application as submitted; Ms. Levison seconded. All were in favor by roll call vote.
- Stable Permit Application- The BOH members reviewed draft revisions to the Stable Permit Application. Ms. Levison made a motion to approve the revisions; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Flynn will e-mail the 2020 permit holders to request 2021 application.
- 40 Westcott Road- The BOH members reviewed the proposed SDS plan and Local Upgrade Conditions Form. Mr. Mitchell made the motion to approve the application as requested; Ms. Levison seconded. All were in favor by roll call vote.
- 301 Stow Road- The BOH members reviewed the proposed SDS plan, Local Upgrade Conditions Form, and variance letter. Mr. Grossman stated he has no objection to issuance and will require deed notification for the long sewer line. Mr. Mitchell made the motion to approve issuance as requested; Ms. Levison seconded. All were in favor by roll call vote.

MINUTES

The BOH members reviewed and revised the draft Minutes of January 25, 2021. 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 January 27, 2021. Mr. Mitchell made the motion to accept the minutes as amended; Ms. Levison seconded. All were in favor by roll call vote.

ITEMS FOR NEXT AGENDA- Items for the next agenda were discussed.

ADJOURNMENT- Mr. Mitchell made the motion to adjourn at 9:04 p.m.; Ms. Levison seconded. All members were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Lot 3 Prospect Hill: Proposed SDS plan
- 113 Poor Farm Road: Proposed plans for a garage and whole house layout plan
- 2B Trail Ridge Way: Proposed renovation plan
- 66 Woodside Road: Proposed renovation plan
- Draft “Consider This” article regarding vaccine access
- Draft financial warrant for algae monitoring
- Waste hauler application package of Waste Management of MA, Inc.
- 40 Westcott Road: Proposed SDS Plan and Local Upgrade Conditions Form
- 301 Stow Road: Proposed SDS Plan, Local Upgrade Conditions Form, & Variance Request Letter
- Draft minutes of 1/25/21 and 1/27/21