

Harvard Board of Health Meeting Minutes
Zoom Meeting
September 28, 2021
Approved: October 26, 2021

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

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; Franklin Austin, 126 Poor Farm Road; Dana Oliver, PTO; Stu Sklar, Select Board; Fadi Kassouf, Stony Brook Market; Joan Eliyesil, The Harvard Press.

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

Ms. Flynn read aloud the remote meeting preamble.

PUBLIC COMMENT- None.

NEW BUSINESS

a. 126 Poor Farm Road: Discussion regarding room counts and unpermitted septic tank connection- Mr. Grossman advised that he recently learned that a sewer line connection from the existing septic system to a “barn” was installed on the property without a septic permit. Upon inspection with the installer and homeowner, he subsequently learned that a building permit was issued, without BOH review, in 2005 for the “barn” which includes 7-8 finished rooms. Mr. Wolfe stated that the existing home contains 3 bedrooms, consistent with the permitted septic system, and the barn was designed as a garage & workshop for Mr. Franklin’s home-based, specialty business which requires several small, separate spaces with different uses. Mr. Wolfe also stated that the Building Permit notes the “barn” was not approved for living space or as a dwelling unit. Mr. Wolfe asked that the BOH consider 310 CMR 15.203(1) which states a home-based business where the only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, does not require additional design flow or indicate a change in use. Mr. Wolfe stated that Mr. Franklin is willing to record a three-bedroom deed restriction. Mr. Franklin confirmed that there are no bathing facilities or kitchen in the barn, and that the bathroom facilities were not in use from 2005 until 2021. Mr. Grossman advised that the plans submitted in 2005, particularly the plan of the 3rd floor, do not reflect what was built. He further stated that he does not believe the existing tank is appropriately sized, and would recommend upgrading to a 1,500 gallon tank at minimum; Mr. Wolfe expressed that there is some evidence that the tank is already 1,500 gallons. Mr. Franklin and Mr. Wolfe stated that Building Commissioner, Mr. Hayes, has requested a Building Permit be resubmitted for the purpose of obtaining final sign-offs which were never issued. The Board Members agreed that a path forward cannot be determined without accurate septic tank measurements and a review of the layout plans. Mr. Wolfe agreed to provide septic tank measurements. Ms. Levison asked that a future discussion be scheduled once this information is available and sufficient time can be scheduled on an agenda.

b. Consider preparation of request for COVID-19 supply purchase with CARES Act Funds- Ms. Levison and Mr. Grossman reported on their attendance at a meeting with the Town Administrators and Finance Director in which they learned of the opportunity to request purchases with CARES Act funds which must be allocated by the end of October and implemented by the end of December. The BOH Members agreed to include a request for two laptops to be loaned to NABH contact tracers, two easy-up tents for use at vaccination and testing sites, a townwide mailing urging residents to answer calls from NABH contact tracers, and similar ads printed in The Harvard Press. Ms. Flynn and Ms. Levison will finalize the request to be submitted by the end of the week.

c. Update from the All Boards Meeting (9/21/21)- Ms. Levison reported that the Select Board's Public Safety goals included the implementation of a townwide speed limit, and that Chief Sicard's goals include a revision of the Emergency Response Plan which should include BOH collaboration. Ms. Levison suggested that FY24 goals should include continuing to apply to opt out of mosquito spraying.

d. Prepare plan for public outreach- Ms. Levison asked Ms. Flynn and the BOH Members to consider the draft public outreach plan for next meeting. Mr. Mitchell and Ms. McCarthy suggested ticks and recycling be included.

e. Consider requesting revisions to the BOH Administrative Assistant job description- Ms. Flynn advised that Mr. Ryan suggested the BOH take the opportunity to revise the BOH Administrative Assistant job description in connection with the proposed reorganization of the Land Use Boards staffing. Ms. McCarthy volunteered to work with Ms. Flynn on draft revisions for approval at the next BOH Meeting.

f. Discuss current COVID-19 status, including but not limited to preparation of Halloween & fall event recommendations- Ms. McCarthy advised that the League of Women Voters' flea market will distribute masks as needed. Mr. Grossman confirmed that food service workers are not required to wear masks at this time. The BOH members agreed that the recommendation should be consistent with the CDC's recommendation that all people should wear masks at outdoor large gatherings where social distancing cannot be maintained. Ms. Flynn will send this recommendation, along with the prior recommendation of 9/15/21, to St. Benedict Center in anticipation of their Fall Bazaar, and to Lucy Wallace in connection with the Congregational Church's Bake Sale.

The BOH Members discussed with Stu Sklar and Dana Oliver the considerations for a safe Halloween event. Ms. Levison stated that she was told that a typical Halloween around the Town Common can attract 700-1100 people for the two-hour event. Mr. Sklar informed the BOH that the Police Department's poll sent to 43 residences around the common resulted in 13 respondents who indicated they would hand out candy, and 5 respondents who would not. Mr. Sklar advised that the Select Board is scheduled to vote on whether the event will take place. The BOH agreed to recommend tables be placed at the end of driveways/walkways to avoid congestion and signage to designate one-way walking patterns, use of masks, and encouragement of social distancing, and respect that some won't feel comfortable participating. The members agreed that wrapped candy can be placed in any manner on the tables. Ms. Oliver stated that while the PTO cannot take ownership of the event, the PTO would be willing to distribute tables to be placed at the end of driveways/walkways if needed. Ms. Flynn will provide the SB with a memo of the recommendations. It was agreed that if the SB approves the event, the BOH recommendations will be posted to NextDoor, circulated by the PTO, and asked to be shared by the Harvard Family Association.

g. Update from recent DPH COVID-19 Conference Calls- Ms. McCarthy reported that clinics who request insurance information must seek reimbursement, the booster recommendation only applies to those who received the Pfizer vaccine, and that DPH is gearing up for vaccination clinics for 5-7 year olds once eligible. Mr. Grossman stated that NABH will not be planning any additional COVID-19 vaccination clinics until after the flu clinics have been held.

h. Clerk and Health Agent Update

- Ms. Flynn requested approval of an invoice from Aquatic Analysts, dated 9/19/21, for cell count analysis of a sample from the Town Beach. Mr. Mitchell made the motion to approve the invoice in the amount of \$250.00; Ms. McCarthy seconded. All were in favor by roll call vote.
- Ms. Flynn requested approval of an invoice from RLA Graphics Design for the graphic design work for the dial sign to be posted at the Town Beach. Mr. Mitchell made the motion to approve Invoice 145; Ms. McCarthy seconded. All were in favor by roll call vote.
- Ms. Flynn asked the members if they considered the e-mail requesting a representative for the ad hoc committee to define the rubric of desired qualities in a Police Chief. Ms. McCarthy volunteered to serve on the committee.
- Mr. Grossman reported that he has not heard from DEP regarding the Mill Road private well which has tested above the MCL for PFAS. Ms. Levison will reach out to MaryJude Pigsley.

OLD BUSINESS

a. Update re status of lobbying NABH for a sustainability expert shared among towns- Ms. McCarthy asked Ms. Flynn to include follow-up on this issue in her Action Items.

b. Arbovirus risk status update and further discussion regarding denial of Application for Municipality Opt-Out of SRMCB Spraying- Ms. Flynn confirmed that Harvard's risk for WNV is Low, and EEE is listed as both Low and Remote. The BOH Members and Mr. Grossman confirmed that a letter to Dan Sena and Jamie Eldridge should request their advocacy in support of transparency in evaluation of Mosquito Spraying Opt-Out applications, including clear definitions of which communities are eligible for consideration, and emphasis on the need for protection of natural resources.

c. Report from UMASS Extension "Tick Topics" webinar- Mr. Mitchell reported that he reviewed the two videos sent to him by the UMASS Extension but suspects another video may be available. He suggested the discussion be tabled for another meeting after he has had the opportunity to follow-up.

d. Algal bloom update: Status, and further discussion regarding sampling procedures, draft protocol, correlating fluorometer findings, and purchasing of risk status signage, including for Thurston's Cove- Ms. Levison reported that the sample taken by the MA Department of Public Health last week showed the cell count is down to 2,000 c/mL, and did not detect toxins. She stated that another sample is expected to be taken by the State this week. Mr. Grossman reported that his fluorometer reading of the day correlates to cell counts of approximately 2,000 c/mL, and noted visibility of 70+ inches. The BOH Members agreed that if the next DPH report shows cell counts less than 70,000 c/ML, the "No Swimming" order can be lifted. Mr. Grossman presented the correlation data between the cell counts and fluorometer readings; Ms. McCarthy volunteered to transfer the data into Excel. The Members agreed to consider revisions to the Algal Bloom Procedures at the first meeting in November. Ms. Flynn screen shared the proof for the dial sign. Ms. McCarthy made a motion to approve the sign for

printing; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Levison asked the BOH Members to consider removing the dial sign from November 15th through April 15th. The Members also agreed to consider language for next year's signs and advisories that does not suggest swimming at Thurston's Cove is ever allowed.

e. Continued discussion regarding preparation of best practices for water quality samplers of private wells- The Members reviewed the draft best practices document. Ms. McCarthy made a motion to approve the draft and distribute as appropriate; Mr. Mitchell seconded. All were in favor by roll call vote.

f. Consideration of amendments to the Private Wells regulation- The Members agreed to table this discussion for two weeks.

g. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program, report from the PFAS Coffee Break of the Environmental Business Council of NE (9/20/21), DEP FAQ addressing homeowner Chapter 21E & MCP obligations- Ms. Levison reported that the recently received results for three properties involved in the Private Well Testing Program were all "non-detects". Mr. Mitchell stated he was unable to attend the PFAS Coffee Break.

h. Review Action Items- Action items were not reviewed. Ms. Flynn agreed to send Action Items to the Members by e-mail.

PERMITS

- 188 Ayer Road, Stony Brook Market: Tobacco Product Sales Application- Consideration of this application was taken out of agenda order. Mr. Kassouf advised the board that he has several convenience store locations and stated that it is necessary for his Harvard location to carry a small, approximate 3 foot wide, behind counter, display of tobacco products to stay in business. He assured the BOH Members that he provides extensive training to his employees regarding checking and rechecking IDs, and has a very good track record with not selling tobacco or alcohol to underage customers. The BOH Members expressed their reluctance to issue the permit, but thanked Mr. Kassouf for his reassurances. Mr. Mitchell made a motion to approve the permit as submitted; Ms. Levison seconded. All were in favor by roll call vote.
- 44 Old Littleton Road (LUA)- Mr. Grossman reminded the BOH Members that this Local Upgrade Approval was approved at a recent meeting. Mr. Mitchell made the motion to approve the permit as submitted; Ms. McCarthy seconded. All were in favor by roll call vote.
- 68 Lancaster County Road (LUA)- Mr. Grossman advised that he has no objections to the requests. Ms. McCarthy made the motion to approve the permit as requested; Mr. Mitchell seconded. All were in favor by roll call vote.
- 13 St. John Lane- Mr. Grossman confirmed that variances are not needed. Ms. McCarthy motion to approve the permit for a new septic system; Mr. Mitchell seconded. All were in favor by roll call vote.

MINUTES-

The Minutes of 8/24/21 were reviewed. Ms. McCarthy made the motion to approve the

minutes of 8/24/21 as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

The Minutes of 8/31/21 were reviewed. Mr. Mitchell made the motion to approve the minutes of 8/31/21 as amended; Ms. McCarthy seconded. All were in favor by roll call vote.

The Minutes of 9/14/21 were reviewed. Mr. Grossman confirmed that Carlson Orchards' seat limitations are tied to the septic system design and based Title 5's assignment of gallons per day by use. He indicated that the Orchards' septic system was designed for 1,000 gallons per day, and Title 5 allows 15 gallons per day per person for a function room; this equates to 66 seats. Mr. Grossman confirmed that it was agreed that Carlson can be considered a function room for Title 5 purposes. He further advised that considering Carlsons restaurant would reduce the number of seats allowed, as Title 5 assigns 20 gallons per day per person for a restaurant.

Mr. Mitchell made the motion to approve the minutes of 9/14/21 as amended; Ms. McCarthy 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 the meeting at 9:19 p.m.; Ms. McCarthy seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Draft Best Practices for Water Quality Samplers of Private Wells
- Draft Minutes of 8/24, 8/31, and 9/14/21
- Draft BOH Outreach plan
- M. Sobalvarro e-mail of 9/28/21 requesting ad hoc committee member
- 44 Old Littleton Road: Application, proposed SDS plan, Local Upgrade Conditions form, request letter, unsigned permit
- 68 Lancaster County Road: Application, proposed SDS plan, Local Upgrade Conditions form, request letter, unsigned permit
- 13 St. John Lane: Application, proposed plan, unsigned permit