

Harvard Board of Health Meeting Minutes
Zoom Meeting
October 12, 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"); Joan Eliyesil, The Harvard Press; Aron Clarke, 112 West Bare Hill Road; Justin Smith, Contractor, 112 West Bare Hill Road, Davida Bagatelle and Toni Spacciapoli, Commission on Disabilities; Brian Michalzych, Contractor, 351 Ayer Road.

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. 351 Ayer Road: Sanitary Code violation & Private Wells compliance- Mr. Grossman reported on the status of noncompliance with the State Sanitary Code and local Private Wells water quality requirements. He indicated that he has been working with the property owner and Building Commissioner to ensure that the swimming pool meets the Sanitary Code. Mr. Michalzych reported that they received approval from the Building Commissioner for the fence around the pool which was installed, and indicated that a new liner will be installed with new concrete decking around the pool. Mr. Michalzych also reported that he will be sending Ms. Allard confirmation that there are no wetlands on the property.

Mr. Grossman also explained that the water quality performed on the shared well which services 351 Ayer Road, but is located on another property, resulted in a finding of PFAS6 over the MA MCL and the presence of total coliform bacteria. Mr. Grossman advised the Board that letters were sent to the other four property owners of the shared well to notify them of the findings, but he has not yet received a response. Mr. Grossman also advised that the well does not require a Public Water Supply because it services fewer than 25 people. Mr. Michalzych, as representative for the property owner, stated they have requested pricing for PFAS6 remediation in order to weigh the option of digging a new individual well for 351 Ayer Road versus remediating the shared well. Mr. Mitchell advised that there is no guarantee that a new well will not also test above the PFAS6 MCL, and the Members suggested that the property owner consult an expert as to the best treatment approach if there are other contaminants present in addition to PFAS6. Mr. Grossman confirmed that there is not always a requirement for water quality analysis in connection with a septic upgrade, and that this water quality submittal was required in connection with the sale of the property to the current owner. Mr. Grossman stated that he is hoping to hear from the property owner in control of the well to take a second sample for PFAS6 analysis. Mr. Michalzych agreed to contact Mr. Grossman the following day to continue the discussion regarding the Sanitary Code requirements for the pool and the next steps in meeting the water quality requirements.

b. Input from the Commission on Disabilities (CoD)- Ms. Bagatelle provided a brief introduction to the CoD. Ms. Spacciopoli offered the assistance of the CoD in advising and providing resources to the BOH. Ms. Bagatelle stated that the CoD has identified a void in the ability of all the Boards to effectively communicate to disabled residents and would like to see improvement in this area. Ms. Levison agreed, and suggested that all the Town boards should approach this with the same methods. Ms. Bagatelle and Ms. Spacciopoli stated that Town Administration and CivicsPlus are assisting in addressing these concerns with the Town's website, but funding is limited. Ms. Bagatelle stated that in order for the Boards to best serve and inform the disabled community members, it is critical for the Boards to understand what their limitations are. She suggested the BOH might do this by reaching out to the COA or administering a survey. Ms. Bagatelle agreed to forward the BOH a guidance document from NAACHO on strategies to include disabilities. She also agreed to forward the BOH information on how they can incorporate alternate formatting for the BOH webpage. The CoD members indicated that their current goal is to raise awareness of the Boards for the need for alternate messaging mechanisms and formats with the Town website being the priority. Ms. Bagatelle also stated she will forward links and articles of interest to Ms. Flynn from time to time to be forwarded to the BOH Members.

c. Consider support of Town Resolution on climate change- Ms. McCarthy provided an overview of the proposed resolution. Ms. McCarthy made a motion to support the Town Resolution on Climate Change as printed in the meeting preparation packet; Mr. Mitchell seconded. Ms. Levison suggested that, if ever revised, the language be broadened to include visitors and those who work in Harvard. All were in favor by roll call vote.

d. 112 West Bare Hill Road: Request for variance from 105 CMR 410.250 and consideration of bedroom deed restriction- Mr. Grossman advised that the homeowner has applied for a building permit which will divide the basement into several finished rooms. He further explained that the proposed plan describes 10 rooms, equating to 5 bedrooms by Title 5 definition, on a 4-bedroom approved septic capacity. Mr. Grossman advised that as the small basement windows do not meet the natural light requirements of the Sanitary Code, and the Building Code allows for artificial lighting, he has no objections to issuance of the requested variance. Further, he stated, he has no objections to the request for a 4-bedroom deed restriction. Mr. Mitchell made the motion to approve the variance from 105 CMR 410.250 and approve a 4-bedroom deed restriction; Ms. McCarthy seconded. All were in favor by roll call vote. The members also agreed to authorize Mr. Grossman to provide Building Permit sign-off prior to the recording of the variance decision and deed restriction.

e. 126 Poor Farm Road: Discuss unpermitted installation of septic component- Mr. Grossman confirmed that the homeowner indicated that he thought the installer obtained a permit for the installation of the building sewer line, and the installer stated he believed the homeowner had a permit for the work. Mr. Grossman stated that while Title 5 says the homeowner is responsible for the conditions at the property, the installer is obligated to perform the work in compliance with Title 5 as a condition of his licensure, has the professional knowledge and years of experience working in Harvard to know that a septic permit must be obtained. Mr. Grossman stated he does not think it is appropriate to hold the homeowner responsible in this circumstance, but does think a conversation should be had with the installer. Mr. Grossman confirmed that this is not the first time in his 30 years of experience with the installer that the installer has begun work without a permit; it is the first time in Harvard. Mr. Mitchell suggested it would be appropriate to write the installer to let him know that the BOH is aware of the occurrence and provide notice that if it occurs again, a BOH hearing will be held. Ms. McCarthy added that the hearing should be to consider his status of licensure. Mr. Grossman advised that he does not believe the BOH should be taking action against his license at this time. Mr. Mitchell agreed and stated that the purpose of

the letter is to put the installer on notice and document the BOH's concern. Mr. Mitchell made the motion to write the installer to advise that he is on notice that his actions were unacceptable and if he should again operate without a permit, the BOH will hold a hearing to consider the status of his license to install in the Town of Harvard. The BOH members agreed, and clarified that there should be no expiration date for the notice. Mr. Grossman asked that the letter also advise the installer that should he wish to discuss the matter with the BOH, he should request a discussion before the BOH. Ms. Levison asked that the letter be sent via certified mail; Ms. Flynn agreed to do so. Mr. Grossman advised the BOH Members that the installer was Rob Ratta.

Ms. Levison advised that the continued room count and tank size discussion regarding this property will be on the next agenda following receipt of the requested plans. She stated that the engineer requested an additional 45 minutes for discussion and asked for the BOH Members' thoughts. Ms. McCarthy stated 10 minutes would be more appropriate.

f. Consider support of Erosion Control Bylaw- Ms. Flynn stated that the Planning Board (PB) requested support of the final proposed Erosion Control Bylaw. Ms. Levison indicated that she provided the PB with a small comment and noted a few typos. Mr. Grossman advised that he does not feel the proposed bylaw is overly burdensome or cumbersome; Ms. McCarthy noted it provides exemptions to small projects. Ms. McCarthy made a motion to support the proposed erosion control by law; Mr. Mitchell seconded. All were in favor by roll call vote.

g. Consider support of Speed Limit warrant articles- Ms. Levison stated that while speed limits are not directly in the jurisdiction of the BOH, she believes safety on Harvard's roads is closely related. Ms. Levison made a motion to support the Select Board (SB) and their proposed warrant articles re speed limits; Ms. McCarthy seconded. All were in favor by roll call vote.

h. Prepare for Fall Town Meeting- Ms. Levison reported that the manufacturing of the dial sign for the Town Beach was approved, and the sign would be ready for pick up before Fall Town Meeting. Ms. Flynn explained Ms. Allard's e-mail requesting BoH support of the COA's purchase of 16 Lancaster County Road would potentially allow the Land Use Boards (LUB) office staff to move to Hildreth House. Ms. Flynn stated that the LUB staff are overcrowded nowTown Hall, including with file cabinets on the mezzanine and the addition of two more part-time staffers is proposed. In addition, the Building Commissioner shares a desk with the Veteran's Agent. Ms. McCarthy suggested moving the LUB staff to Hildreth House would be a reasonable use of the space. Ms. Levison made the motion that the BOH support the purchase by the COA, relocation of COA, and relocation of LUB; Ms. McCarthy seconded. All were in favor by roll call vote.

i. Discuss current COVID-19 status, including but not limited to masks and vaccination recommendations- The members agreed to revise the mask & vaccine recommendation of September 15th to include recommendation for use of masks in public outdoor spaces where social distancing cannot be maintained. Ms. Levison also asked to substitute the word "structures" for "places". Mr. Grossman advised that while he fully supports mask use, he continues to opine that a townwide indoor public mask mandate to cover houses of worship and retail spaces is not necessary at this time due to Harvard's high vaccination rates, low case numbers, voluntary compliance with mask recommendations, and limited locations to which it would apply, as well as the difficulty of enforcement. Mr. Mitchell stated that he is supportive of Mr. Grossman's recommendation. Ms. Levison will send Ms. Wallace a short note in response to her inquiry of whether a mask mandate is being considered. Ms. McCarthy made a motion to approve the revised mask and vaccination recommendation; Mr. Mitchell seconded. All were in favor by roll call vote.

j. Update from recent DPH COVID-19 Conference Calls- Ms. McCarthy reported that DESE has extended the mask requirement for schools until November 1st. She also stated that masks will be worn for indoor sports, but that band participants can remove their masks when necessary. Ms. Levison advised that the 80% vaccination rate which allows a school to opt out of the mask mandate is per building. She added that Hopkington has reached that goal. Ms. McCarthy stated that the vaccine equity program is offering \$25 gift cards for Stop & Shop and Market Basket to increase attendance. Ms. McCarthy also reported that the FDA will discuss Moderna boosters, and mixed series booster doses on October 25th. She stated that pediatric vaccine doses are likely to be approved in early November. Ms. McCarthy indicated that she wrote Dr. Dwight to see whether the schools would like to hold a clinic, with assistance from NABH, once the younger students are eligible.

k. Clerk and Health Agent Update

- Mr. Grossman reported that he received an application for temporary portable toilets from Carlson Orchards in connection with their application to the Select Board for 14-One Day Entertainment Licenses. Mr. Grossman stated that he received a clarifying e-mail from the attorney for Mr. Carlson which indicates they do not plan to remove the porta potties between the event weekends. Ms. McCarthy stated that she is not concerned that attendance Mon.-Thurs. will exceed the approved 66 seats. Mr. Grossman confirmed the 66-seat limit will not apply to the events because the porta potties are present, but that they cannot be a permanent or long-term solution to the limitation of the installed septic system as they are meant to address a temporary condition. Mr. Grossman will advise the SB that the BOH members agreed the porta potties can remain in between the events.

OLD BUSINESS

a. Consideration of amendments to the Private Wells regulation- the proposed amendments were reviewed and revised. Ms. Flynn will prepare a legal notice for the regulation hearing for Ms. Levison's review.

b. Update regarding request for COVID-19 supply purchase with CARES Act Funds- This discussion was tabled for a future meeting.

c. Prepare plan for public outreach- This discussion was tabled for a future meeting.

d. Consider requesting revisions to the BOH Administrative Assistant job description- The members reviewed and revised the proposed amendments to the job description. Ms. Flynn will send the proposed revisions to Ms. Sobalvarro with the request that she be notified when it is included on a Personnel Board Agenda. Ms. McCarthy agreed to answer any questions from the Personnel Board.

e. Update re status of lobbying NABH for a sustainability expert shared among towns- This discussion was tabled for a future meeting.

f. Arbovirus risk status update and further discussion regarding denial of Application for Municipality Opt-Out of SRMCB Spraying- This discussion was tabled for a future meeting.

g. Report from UMASS Extension "Tick Topics" webinar- This discussion was tabled for a future meeting.

h. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Mr. Mitchell volunteered to provide Ms. Heiger Bernays with comments on the

proposed amendments to the Toxic or Hazardous Substance List (TURA List) before October 15th.

i. Review Action Items- This discussion was tabled for a future meeting.

PERMITS

There were no permits for review.

MINUTES

Review of Minutes was tabled until the next meeting.

ITEMS FOR NEXT AGENDA- Ms. McCarthy will look at the sample public communications prepared for DPH to identify possible COVID-19 outreach ads for The Harvard Press. Ms. Levison will prepare draft language for a Townwide mailing encouraging residents to answer the calls of contact tracers.

ADJOURNMENT- Mr. Mitchell made the motion to adjourn the meeting at 9:47 p.m.; Ms. McCarthy seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Draft revisions to the Private Wells regulation
- Draft revisions to the Public Health Advisory: Mask Use and Vaccination
- Ms. Allard's e-mail of 10/12/21 regarding potential move of the LUB office
- Mr. Carlson's application for temporary portable toilets
- Fall Town Meeting Warrant Articles