

Harvard Board of Health Meeting Minutes
Zoom Meeting
Tuesday, December 14, 2020
7:00 PM
Approved: January 11, 2021

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

Attending: Alison Flynn, Clerk, Harvard Board of Health (“BOH”); Joan Eliyesil, The Harvard Press; Sumit Purohit, Property Owner, 4C Trail Ridge Road; Nicholas Dean, Property Owner, 325 Ayer Road; Jianke Li, prospective tenant, 325 Ayer Road; Reverend Jill Cowie, Harvard UUC; Faith Erickson.

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. 4C Trail Ridge Way: Request for variance from the Housing Code, 410 CMR 250 (A)- Mr. Purohit explained his basement floor plan which includes four windows on one of the walls, each approximately 30x28 inches. Mr. Grossman advised that the Housing Code requires 8% of the floor square footage in a space be unobstructed glass windows that open at least ½ way. While the Building Code allows for permitting of Mr. Purohit’s existing application to finish the basement, the Housing Code does not without a variance from the BOH recorded at the Registry of Deeds. Mr. Purohit indicated that his townhouse was newly built, and is aware that other units were sold by the builder with similar basements already finished. Mr. Grossman stated that the BOH did not issue variances for any such finished basements, and agreed to reach out to the builder to bring this discrepancy to his attention. Mr. Grossman further stated that he does not see a problem with issuing Mr. Purohit’s variance, and that the Building Inspector will have the opportunity to address any concerns regarding the air exchange and lighting. Mr. Mitchell made the motion to approve the variance as requested for 4C Trail Ridge Way; Ms. Levison seconded. All were in favor by roll call vote. Mr. Purohit asked that the BOH consider whether it will be possible to expedite the approval process for future Trail Ridge Way owners looking to similarly finish their basements; Ms. McCarthy indicated the BOH would take this under advisement.

b. 325 Ayer Road: Consider occupancy of Dong Li Wang- Mr. Deane and potential tenant, Jianke Li, described the Lis’ business and intent of use of the vacant space which Mr. Deane described as a little over 1,000 square feet. Mr. Deane stated that there would be no employees present in the space on a daily basis, but that an individual would meet incoming deliveries as needed to move them into the storage space, break the bulk, if necessary, check for product damage, and repackage for shipment to Amazon or the customer. Mr. Li indicated that shipments of clothing, iPhone cases, and basic electronic products are currently being sent to him from China via sea, and then delivered to his home where they are stored. He further explained that he brings outgoing boxes, approximately 1 per week, for about five customers to UPS, or schedules a pickup if a large shipment needs to be sent to Amazon storage. Mr.

Grossman stated that he has no objection to Mr. Li's occupancy. Mr. Mitchell noted that the proposed occupancy is consistent with BOH's encouragement of those which have low human impact on septic capacity. Ms. Levison asked that if business grows to the point where one full-time staff member is present, the BOH is advised; Mr. Li agreed. Ms. Levison made the motion to approve tenancy; Mr. Mitchell seconded. All were in favor by roll call vote.

c. Review COVID-19 Protocols of the Immaculate Heart of Mary School- The BOH members reviewed and revised Ms. McCarthy's draft comments regarding the Immaculate Heart of Mary School ("IHMS") COVID-19 protocols. Ms. McCarthy suggested she and Mr. Grossman visit IHMS in January to observe that the protocols have been applied; Mr. Grossman agreed and noted that he saw most, if not all, children were wearing masks when he recently drove by during recess. Ms. McCarthy will prepare a response letter to the IHMS with the BOH's comments.

d. Review MIAA and Mid-Wach. Guidelines on winter sports- Ms. McCarthy explained that Dr. Dwight is looking for a BOH endorsement of the guidelines. The members discussed their concerns. Mr. Mitchell will prepare a draft response for Ms. McCarthy's review which provides an endorsement but asks that she encourage coaches and parents to remind the kids not to let their guards down (including off the playing field), and to follow guidelines on indoor and outdoor gathering limits.

e. PFAS update: Including MassDEP Private Well PFAS testing program- Mr. Mitchell advised the BOH members that when the municipal wells were sampled in October they received their first positives for PFAS. He explained that because the methodology & detection limits have changed since prior testing, the PFAS may have been present prior to October. Further, he explained, the wells were retested in November and the data is fairly consistent. He indicated that nothing is required at this time except to get ready for quarterly sampling which will begin in October 2021. Mr. Mitchell indicated that the Water & Sewer Commission would be responsible for education of residents about the presence PFAS above the MCL, but the BOH could offer guidance. He also advised that no known source of contamination has been identified. Ms. McCarthy stated she would like to see a lot more sampling before quarterly testing. Mr. Mitchell indicated that Mr. Kilhart intends to take advantage of as much free sampling offered by the State as possible. Mr. Mitchell will follow-up with Mr. Kilhart for copies of the raw data.

Ms. Levison reported that MaryJude Pigsley, of Worcester DEP, telephoned to advise the BoH of DEP water testing. Ms. Pigsley informed her that DEP received funding to conduct one PFAS test on each PWS in the State at no cost to the supplier, and she is contacting all Harvard PWS to offer free testing; she also advised that IHMS has refused this testing. Mr. Grossman confirmed that most PWS along Ayer Road have been tested by the Army, but that Harvard Plaza also refused. He also confirmed that Carlson Orchard, Westward Orchard, and Craftsman Village would have been tested during their DEP approval process. Ms. Levison stated that she believes PWS with results greater than 10 ppt will have to test monthly beginning in October 2021; Mr. Mitchell will confirm this. Ms. Levison also stated that Ms. Pigsley was unaware of any data reflecting seasonal flux of PFAS in ground water.

Ms. Levison reported that Ms. Pigsley noted the BOH had been sent a letter about the DEP program to offer to sampling approximately 40 private wells in Harvard for PFAS. Ms. Levison advised her that Harvard will be interested in facilitating the free sampling. Ms. Pigsley explained that if not all the 81 towns identified by DEP are interested in the testing, there might

be funding available to test more than 40 wells in Harvard. Ms. Piglsey also advised that DEP plans to anonymize the reports, but that some data will be public. The BOH members agreed to consider at another meeting the level of involvement of the BOH in identifying the target wells for sampling; funding is available through June 2021. Ms. Levison stated that DEP will not provide funding for mitigation assistance unless there is an “eminent hazard” identified; i.e. results of 90 ppt or higher.

f. Report from attendance at NGWA Symposium: Groundwater and Public Health Symposium- Mr. Mitchell reported on his attendance at the symposium and offered to send the presentation links to the members. He learned NGWA’s website includes a very good Q&A, information on outreach regarding PFAS, and educational kits for teaching about water pollution.

g. Report from attendance at RCAP Workshop: PFAS in Drinking Water & the New Massachusetts Regulations- Mr. Mitchell reported that he found the workshop was very relevant, with DEP presenters Margaret Finn, Linda Thompson, and Bill Schwartz providing a great background of the regulations and where they are heading. Ms. Levison made a motion to approve to reimbursement of Mr. Mitchell for the \$50 registration fee to attend the workshop; Ms. McCarthy seconded. All were in favor by roll call vote.

h. Discussion regarding preparation of town-wide mailing in support of the waste hauler regulation- Draft language for the mailing was reviewed and approved. Ms. Flynn will contact the student volunteer and her advisor to request use of the language and her creativity in preparing accompanying graphics. A proof of the design will be approved by the BOH members before printing.

i. Discussion regarding Select Board vote to increase Board of Health fees and preparation of response memorandum- The BOH members discussed the guidance received from Attorney Sbarra of the MA Association of Health Boards regarding establishing fees, including that MGL establishes that a stable permit fee may only be set at Town meeting. Ms. Levison explained that the BOH previously chose not to pursue a stable permit fee because it could not be enforced in an even-handed manner, and indicated that she would still not support a warrant article establishing a fee for this reason. Mr. Grossman advised that a hearing is not needed to amend the BOH Fees regulation to align with the increased Title 5 fee set by the Select Board (“SB”). Mr. Grossman and Ms. Flynn will consider how to best advise the Title 5 Inspectors of the fee increase, and Ms. Flynn will update the BOH homepage. The BOH members requested Ms. Flynn draft a memo to the SB advising of the discussion regarding stable permits, noting an objection to the increase of BOH fees by the SB without consultation, and requesting more communication in the future; Ms. McCarthy will review the memo for final approval.

j. Review draft “Grateful” Letter to the Editor- the draft letter was reviewed and revised. Ms. Levison will submit it to The Harvard Press.

k. Review Harvard Unitarian Universalist Church plans for Christmas Eve event- Reverend Jill described the details for UUC’s plan for an outdoor ritual to be held at McCurdy field parking lot on Christmas Eve. The Board of Health advised that while the number of participants at a religious service are not currently limited by a COVID-19 Order, the UCC will be responsible for maintaining participant contact information for purposes of contact tracing. Ms. Levison expressed concern regarding singing outside the vehicles; Reverend Jill agreed that if the singers are outside their vehicles they will be masked and maintain 6 feet of social distancing. The members advised that hot chocolate and cookies may be passed out with careful attention to safety guidelines.

l. Initial discussion regarding the Annual Town Report submission (due 1/25/20)- Ms. Levison offered to prepare the initial draft Annual Town Report submission for review at the next meeting.

m. Update from Deer Management Subcommittee: Minutes review- This discussion was tabled for a future meeting.

n. Update from recent DPH COVID-19 Conference Calls & enforcement of new and revised orders issued by Governor Baker- Ms. McCarthy suggested a letter in the Press to bring attention to the [mass.gov/isol8](https://www.mass.gov/isol8) webpage. Ms. Eliyesil offered to include information from the Board of Health in a sidebar to her anticipated COVID-19 update; Ms. McCarthy will review the same. All members agreed it would be more timely to do a letter encouraging vaccination when it is widely available to residents. Ms. McCarthy indicated she would contact Harvard Cable TV to identify the process for requesting broadcasting of MA DPH PSA. Ms. Flynn will contact Ms. Sobalvarro to identify whether the Town has access to a paid-for SignUpGenius that could be used in the event of a vaccination clinic.

o. Update from the Emergency Response Team- Ms. Levison reported that the Schools have taken down the “mask break” tent, and that they have adjusted the trigger point for remote learning to two cases in one building. Ms. Levison also indicated that Town Hall has moved to back to by-appointment only.

p. Clerk and Health Agent Update

- Ms. Flynn requested approval of the NABH 3rd Quarter Invoice. Ms. Levison made the motion to approve the invoice; Mr. Mitchell seconded. All were in favor by roll call vote.
- Ms. Flynn asked whether the BOH would like to schedule the walk-through EDS drill suggested by Ms. Terry at the EDS meeting of earlier that day. She will prepare a Doodle Poll as to availability.
- Ms. Flynn requested confirmation that the members would like her to purchase a secchi disk at this time. The members agreed it would be helpful.

OLD BUSINESS

a. 23 Lovers Lane: Continued hearing of 9/24/19- The members reviewed Ms. Thomsen’s e-mailed status update. Mr. Grossman indicated he has no issue continuing the hearing as long as no one is living in the building. Mr. Mitchell made a motion to continue the hearing regarding 23 Lovers Lane for three months; Ms. Levison seconded. All were in favor by roll call vote.

b. Update on algal bloom testing and future planning, including continued review of draft procedures- Mr. Grossman agreed to review Ms. Levison’s revisions to the draft procedures document in preparation for the next meeting.

c. Review Action Items- Action items were reviewed.

PERMITS

- EL Harvey- Ms. Flynn advised that EL Harvey's examples of marketing materials and customer notification of violations of the waste ban do not fully meet compliance with the regulation, but that after several e-mailed communications understands that EL Harvey would like to consider the submitted e-mails complete. Ms. Levison made the motion to deny issuance of the permit until fully compliant examples are received; Mr. Mitchell seconded. The members asked Ms. Flynn to communicate their decision and advise EL Harvey that if they cannot provide the required documentation by January 11th, they should appear at the BOH meeting to explain. All were in favor by roll call vote.
- Mitrano- Ms. Flynn advised that Mitrano's application is for temporary roll-off containers only, and suggested the application be considered as complete, as previously required of other haulers who have applied for roll-off hauling permits. Mr. Mitchell made the motion to approve permit with the modification that Mitrano is limited to roll-off hauling; Ms. Levison seconded. All were in favor by roll call vote.
- Fiore- Ms. Flynn advised that the application package of Fiore is in compliance with the regulation. Mr. Mitchell made the motion to approve the permit; Ms. Levison seconded. All were in favor by roll call vote.
- Ms. Erickson questioned the Board of Health's timeline for review of a septic permit application for 47 Ann Lees Road, expressed frustration at a perceived delay, and questioned the BOH's qualifications to review engineering plans. Mr. Grossman advised that the application package was received less than two weeks earlier, has not yet been reviewed, but would be within the State allowed 45 days, and likely before the next Board of Health Meeting. Mr. Mitchell indicated that the review process is a fair and timely process, and stated that two weeks is not unreasonable delay.

MINUTES

The BOH members reviewed and revised the draft Minutes of November 30, 2020. Mr. Mitchell made the motion to accept the minutes as amended; Ms. Levison seconded. All were in favor by roll call vote.

The BOH members reviewed and revised the draft Minutes of November 24, 2020. 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- Ms. Levison made the motion to adjourn at 9:38 p.m.; Mr. Mitchell seconded. All members were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- 4C Trail Ridge: Proposed renovation plan
- 325 Ayer Road: Layout plan for Suite B-110-C
- Draft comments on IHMS COVID-19 protocols
- IHMS COVID-19 protocols
- MIAA Rules Modifications & Guidelines
- Midland-Wachusett League/Worcester County Athletic Conference Winter 2020-2021 COVID-19 Guidelines
- 2019 Annual Town Meeting Submission
- Draft minutes of 11/24/20 & 11/30/20
- NABH Invoice No. 2021-309
- Waste hauler application packages of EL Harvey, Mitrano, and Fiore Trucking