

Harvard Board of Health Meeting Minutes
Zoom Meeting
April 26, 2022
Approved: June 16, 2022

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

Others Attending, including but not limited to: Alison Flynn, Board of Health (BOH) Administrative Assistant; Ira Grossman, Health Agent, Nashoba Associated Boards of Health (NABH); Rachel Foy, Broker, 66 Myrick Lane; Paul Cavicchio; Dan Wolfe, PE, David E. Ross Associates; Jane Thomsen, 23 Lovers Lane.

Ms. Levison called the meeting to order at 7:00 p.m. Ms. Flynn read aloud the remote meeting preamble.

PUBLIC COMMENT

None.

NEW BUSINESS

66 Myrick Lane: Consider approval of bedroom deed restriction

Mr. Grossman stated that the property was inspected in anticipation of home sale and found to have a three-bedroom approval while both the broker's listing and Assessor's records state it is a four-bedroom house. Mr. Grossman advised that in order to reconcile this the property owners either need to 1) upgrade to a four-bedroom septic system or 2) obtain approval for a three-bedroom deed restriction and ask the Assessors to update their records. Ms. Foy, broker for the property owners, indicated that the house has always been used as three bedrooms with an office, and will continue to be used that way by the buyers. Further, she confirmed that the sellers and buyers have no issue with recording a three-bedroom deed restriction. Mr. Grossman stated that it is not uncommon for families to want to have an extra room for a home office at this time and indicated that once a deed restriction is recorded, all parties will be aware of the septic system's capacity. Ms. McCarthy made the motion to accept the three-bedroom deed restriction for 66 Myrick Lane; Ms. Levison seconded. All were in favor by roll call vote. Mr. Grossman noted that receipt of the recorded deed restriction is a condition for issuance of the septic's Certificate of Compliance.

37 & 39 Turner Lane: Consider process for permitting seasonal tight tank

Mr. Grossman indicated that he was recently alerted of the purchase of 39 Turner Lane without a Title 5 Inspection or or submission of water quality test results. Mr. Cavicchio explained that he recently purchased 39 Turner Lane, currently serviced by an "organic toilet" and water drawn from the Pond. He is also the owner of both 37 Turner Lane which has an approved septic system and well, and 43 Turner Lane which is a three-season cottage with a cesspool and water drawn from the Pond. Mr. Cavicchio stated he currently occupies 43 Turner Lane for 2-3 months/year and only uses the Pond water for showering. Mr. Grossman stated that the purpose of today's meeting is to receive a commitment from the property owner that he is moving to upgrade 39 Turner Lane and secure a potable water supply. Mr. Wolfe indicated that the location of the well at 37 Turner Lane may compromise his ability to design for 39 Turner Lane without variances from the BOH. Mr. Cavicchio agreed to sign an agreement to move forward with Mr. Wolfe within 30 days; Mr. Wolfe agreed to let Ms. Flynn know when the contract is signed.

Reconsider recommendation to the Select Board re Ms. Levison's reappointment

Ms. Flynn advised that as no volunteer forms were received since the BOH last voted on a recommendation, the prior recommendation does not need to be reconsidered.

Consider draft seasonal conversion guidance document

The BOH Members reviewed the draft seasonal conversion guidance document. Ms. McCarthy agreed to continue to revising the document.

Discuss 2nd Tuesday meeting time

Ms. Flynn will e-mail Mr. Mitchell to confirm his availability for Tuesdays at 7pm.

Attendance at MAHB Conferences

Ms. McCarthy suggested her availability to attend one of the conferences be discussed outside of a meeting.

COVID-19: Including current status, questions from DPH conference calls, masks on COA vans

Ms. Levison advised that the case counts are going up and her spreadsheet has been updated with the data. Ms. Levison asked whether the current requirement for masks on the COA vans should be reconsidered. Ms. McCarthy stated no action is required at this time. Ms. McCarthy stated that the most recent DPH conference call included an interesting overview about DPH's gambling prevention division. Ms. McCarthy also stated that COVID-19 vaccination clinics can now request EpiPens if they are needed, and that the current virus circulating is a subvariant of Omicron BA.2. Ms. McCarthy reported that Dr. Katie Brown advised that the preliminary indicators which mark a bad EEE season are not present, and she stopped just short of saying that we may be entering a lull. Ms. Levison reported that arbovirus sampling will begin in June.

Report from Hazard Mitigation Plan meetings

Ms. Levison suggested this item be tabled because Mr. Mitchell was not present.

Report from "Spring into PAYT/SMART Workshop"

Ms. Levison reported that Falmouth has a similar program to Harvard and smartly alternates raising the price of permits one year and bags the next. She also noted that the prices on recycling materials are coming back.

Clerk and Health Agent Update

- Ms. Flynn indicated that the Arbovirus Coordinator Questionnaire was received with a request for updated contact information. It was agreed that Ms. Flynn will respond with the cell phone numbers for Ms. Levison and Ms. McCarthy
- Ms. Flynn advised that her upcoming vacation schedule was provided to the group in the

merged meeting preparation packet. It was agreed that the BOH will plan to skip the meeting on 8/23/22 as Ms. Flynn will not be available to prepare the agenda and meeting preparation packet the week before.

OLD BUSINESS

23 Lovers Lane: Continued condemnation hearing of 9/24/19

Mr. Grossman advised that the BOH received a report which indicated the house was not secured and was entered by another party. Ms. Levison indicated the reporting party was told that they should not have entered the property. Ms. Thomsen expressed concern that someone trespassed on her property and asked for the identity of the reporting party; Mr. Grossman stated that he would provide Ms. Thomsen with this information. Ms. Thomsen stated that the basement door has since been locked and she reached out to multiple contractors for assistance in securing the porch door. The BOH members stated that if they do not receive e-mailed confirmation that the porch door has been secured by Thursday at 5pm, they will request the Department of Public Works' assistance in placing a pad lock on the door. Mr. Grossman indicated that the long-term cleanout goals are still in place, and that a lot of work still needs to be done.

Approval of revisions to the Bare Hill Pond Algal Bloom Procedures

This topic was tabled for a future meeting.

Update re status of Town Meeting warrant article for non-criminal disposition bylaw

Ms. Levison indicated that she reached out to several Town employees and volunteers to gauge their interest in pursuing a non-criminal disposition bylaw. She stated she received responses from the Tree Warden and Fire Chief agreeing to further discussion.

Consider revisions to the waste hauler regulation

Ms. Levison suggested that the hauler regulation to be tailored to cover all the categories of haulers which the BOH may encounter. Ms. Flynn agreed to provide the BOH Members with the past permitted hauler lists to help understand how the haulers and their services have fluctuated over recent years. Ms. Levison advised that approximately 40% of recycling materials are lost in single stream recycling such as that offered with curbside services. The members agreed to table further discussion of revising the regulation for a future meeting.

Continued discussion regarding BOH interest in goals of the Community Action Plan

Ms. McCarthy suggested this discussion be tabled for a future meeting.

Continued planning for participation in Climate Change Initiative's Earth Day event & Townwide cleanup

Ms. McCarthy indicated that she is unavailable to handout outreach materials at the Townwide Cleanup supply distribution. Ms. McCarthy stated that she found a PowerPoint presentation "Health Impact From Climate Change" which can be used for the poster for Earth Day. Ms. McCarthy agreed to arrange for printing of the final documents for the posters.

Continued discussion re 2022 Application for Municipality Opt-Out of SRMCB Spraying

Ms. Levison indicated that DPH's "high risk" does not align with that defined by EEA. Ms. McCarthy stated she was appalled by DPH's response which blamed Harvard's mosquito-friendly habitat for its "high" designation. Ms. McCarthy stated that she feels the BOH prepared a great application the year prior and that EEA changed the rules without paying attention to the data. Ms. McCarthy will prepare a memo advising Mr. Bragan and the Select Board that, while the BOH disagrees with the EEA's risk assessment of Harvard, the BOH feels the EEA has set up a rigged system where Harvard's request to Opt-Out cannot even be considered.

PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program

Ms. Flynn reported that DPH's Andrea Briggs advised that program enrollment is closed, thus no additional public outreach is needed by the Board of Health. Ms. Briggs informed Ms. Flynn that they are in the process of sending out testing kits and BOH will receive copies of the results.

Review Action Items

Ms. McCarthy stated she did not receive a response from the Schools re her inquiry as to installation artificial turf. Ms. Levison indicated that she does not think further follow-up with the Schools is needed as the reported use of the artificial turf is minimal.

PERMITS

Stable:

- 103 Bolton Road- Ms. Flynn advised that Mr. Grossman and Ms. Allard reviewed the application and had no comments. Ms. McCarthy made a motion to approve the permit; Ms. Levison seconded. All were in favor by roll call vote.

Septic:

- Lot 99 Ann Lees Road: Mr. Grossman advised that the septic plans have been previously permitted and this current application is for transfer of ownership. Ms. McCarthy made the motion to approve the transfer of the permit for Lot 99 Ann Lees Road; Ms. Levison seconded. All were in favor by roll call vote.
- 336 Still River Road: Increase in Flow- Mr. Grossman stated he has no concerns with this application. Ms. McCarthy made the motion to approve; Ms. Levison seconded. All were in favor by roll call vote.
- 103 Ann Lees: D-box- Ms. McCarthy made the motion to accept the permit for 103 Ann Lees Road; Ms. Levison seconded. All were in favor by roll call vote.
- 66 Myrick Lane: Components- Ms. McCarthy made the motion to accept the permit for 103 Ann Lees Road; Ms. Levison seconded. All were in favor by roll call vote.
- Lot 16C, Bolton Road: Mr. Grossman stated that this permit has been issued more than once and he does not have any concerns with the variance requests. Ms. Levison asked whether the BOH should consider being more stringent as the request is for new construction; Mr. Grossman stated he would not advise doing so on an application that was previously permitted. Ms. McCarthy made the motion to accept the variance request for Lot 16C Bolton Road; Ms. Levison seconded. All were in favor by roll call vote.

- 21 Candleberry Lane: Mr. Grossman advised that the application is to replace piping in a failed Presby system. Ms. Levison made the motion to approve the re-permit for 21 Candleberry Lane; Ms. McCarthy seconded. All were in favor by roll call vote.
- 37 Peninsula: Tight Tank- Mr. Grossman asked the members to consider the proposed sample Tight Tank Maintenance Agreement to be the condition of the septic permit which was approved at the last meeting. The Members reviewed and revised the draft agreement for Mr. Wind's use.

Ms. Flynn asked that the BOH consider authorizing Mr. Grossman to approve and execute a Release, once drafted by Mr. Wind's attorney, of the word "seasonal" from the recorded Restrictive Covenant. The Members agreed to allow Mr. Grossman to do so. Ms. McCarthy made a motion to allow Mr. Grossman to act as their agent in signing the paperwork allowing for the release of the word "seasonal" from the Restrictive Covenant with all other restrictions remaining in place; Ms. Levison seconded. All were in favor by roll call vote.

MINUTES

The Members reviewed and revised the draft Minutes of March 28, 2022. Ms. McCarthy made the motion to accept the Minutes of 3/28/22 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. McCarthy made the motion to adjourn at 9:11 p.m.; Ms. Levison seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- 103 Bolton Road: Stable permit application
- Lot 99 Ann Lees Road: Application and unsigned septic permit
- 336 Still River Road: Application, unsigned septic permit, and proposed SDS plan
- 103 Ann Lees Road: Unsigned septic permit
- 66 Myrick Lane: Application & unsigned septic permit
- Lot 16C, Bolton Road: Application, proposed SDS plan, variance request letter, and unsigned septic permit
- 21 Candleberry Lane: Application, portion of proposed SDS plan, unsigned permit;
- 37 Peninsula: Unsigned permit, proposed tight tank monitoring agreement, e-mails re release of restrictive covenant
- Draft minutes of 3/28/22
- Mr. Grossman's e-mail re 39 and 37 Turner Lane

- 66 Myrick Lane: Proposed Deed restriction, assessors' card, and room layout plan;
- DPH Conf. Call notes of 4/12/22
- Email from MAHB re Spring Conferences
- Existing waste hauler regulation with comments from Ms. Levison, Ms. Flynn, and Ms. McCarthy
- Revised draft seasonal conversion document