

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**May 24, 2022**  
**Approved: June 14, 2022**

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

*Others Attending:* Alison Flynn, Board of Health (BOH) Administrative Assistant; Ira Grossman, Health Agent, Nashoba Associated Boards of Health (NABH); Nick Pauling, GPR, Inc.; Dan Wolfe, David E. Ross Associates.

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

**PUBLIC COMMENT**

None.

**NEW BUSINESS**

**49 Tahanto Trail: Room count discussion; consider request for four-bedroom deed restriction**

Mr. Wolfe explained that he was contracted to design the septic system upgrade for this property in anticipation of home sale and designed it for a four-bedroom capacity based on the prior Board of Health approval on file. Mr. Wolfe stated that it since came to the attention of the Board of Health that the broker was listing the property as five bedrooms. Mr. Wolfe indicated that the buyer is aware of the four-bedroom approval and that the seller is requesting approval of a four-bedroom deed restriction from the Board of Health. Mr. Wolfe advised that layout plans provided to the BOH show 10 rooms, or 11 rooms if you count the basement room which has sheetrock and a hung ceiling with no heat, which by Title 5 definition equates to five bedrooms. Mr. Wolfe stated that the septic system is now being backfilled before final inspection, and to expand the system at this point would require further soil testing, design work, and permitting. Mr. Grossman advised that the discrepancy was brought to the attention of the Board of Health by the buyer. He indicated that the Assessor's record also lists the property as a five-bedroom home, but that the Assessor is prepared to correct the record if the four-bedroom restriction is recorded. Mr. Grossman stated that the Assessors records should not be relied on for definition of septic capacity.

Mr. Mitchell made the motion to approve the 4 bedroom deed restriction; Ms. Levison seconded. Mr. Mitchell confirmed that he reviewed the draft restriction and that it appeared consistent with prior restrictions approved. All were in favor by roll call vote.

Mr. Grossman reminded Mr. Wolfe that the property owners must also record the notice of I/A System. Mr. Wolfe will have the property owners contact Ms. Flynn to arrange for execution of the deed restriction.

**203 Ayer Road: Consider request for alternate flow**

Mr. Grossman advised that GPR plans to file form BRP 70 with DEP in application for alternative flow for the proposed badminton courts: Title 5 requires 250 gallons per court for a tennis club, the

closest equivalent listed for a badminton court, and actual readings from the applicant's similar facility in Westborough show an average of just under 50 gallons per court. Mr. Pauling indicated that they reviewed data from Westborough from the past seven years, excluded the period during the COVID-19 emergency, and found an average of 47 gallons/day per court. Mr. Pauling explained that if 47 gallons/day per court alternate flow is approved by DEP, GPR will then take that amount and double it before multiplying by 16 courts to get the total required capacity, and will add an appropriate flow for the 1-bedroom apartment. Mr. Grossman confirmed that the 110 gallons/day applied for the one-bedroom residence is appropriate. Mr. Pauling advised that the club kitchenette will include a microwave and a vending machine, and the applicant is not interested in providing a concession stand or food service now or in the future. Mr. Pauling confirmed that the owner's Westborough facility runs tournaments similar to those proposed and that the applicant is comfortable that the only change she wishes from the current business model is to increase the number of courts. He agreed to ensure the applicant has considered the future. Mr. Pauling stated that the Westborough location is the only facility in New England which is used solely as a badminton facility, thus additional comparable data is unavailable. Mr. Grossman stated he thinks the proposed alternate flow is a reasonable approach based on the data provided, and indicated that DEP will approve a flow with possible consult to the BOH to confirm the Board is in agreement. Mr. Grossman also noted that the proposed badminton facility will use all of the leaching field already installed. Mr. Mitchell and Ms. Levison indicated that they are supportive of the proposed alternate flow. Ms. Levison asked that Mr. Pauling advise the Board if any changes are made to the proposed plan. Mr. Pauling agreed and stated that a proposed septic plan will be submitted to the Board of Health once the alternate flow is approved by DEP.

### **37 Pine Ridge: Prepare comments to the ZBA**

Mr. Grossman advised that an application has been submitted to the ZBA for reconstruction of this camp. Mr. Grossman indicated that the septic system was permitted and installed pursuant to the BOH's granting of local upgrade approvals a few years ago, but now the new owner is proposing to demolish the existing building and build a new structure using the existing septic system. Mr. Grossman noted that the ZBA application only refers to the home as a one-bedroom dwelling and does not mention that the septic approval is for a one-bedroom, seasonal dwelling. Mr. Grossman explained that the seasonal use restriction was placed at the time of upgrade because it was used seasonally at the time and because the SDS was not designed to meet full compliance with Title 5 and the local BOH regulations for new construction. He indicated that the design plan did not have to meet full compliance because it was an upgrade with an existing use. Further, he explained, full compliance would have required a 2-foot ground water difference, larger leaching area, and a reserve area. He also stated that he does not believe they demonstrated 4-foot of impervious soil. Ms. Levison noted that the plans propose a finished basement. Mr. Grossman confirmed the property is a deed restricted one-bedroom residence. Mr. Grossman reminded the Board that they have had prior issues with properties which upgrade a septic system for a seasonal property, alter the property after the fact, and then assume that they have made it into a year-round use without meeting septic requirements to do so. The group revised the draft comments to the ZBA. Ms. Flynn will send the comments to the ZBA in anticipation of the hearing.

### **Discuss outreach ads in the Harvard Press**

The BOH Members discussed ideas for outreach ads to be included in the Harvard Press. Ms. Levison reminded the group of the Outreach Plan topics for May- September. It was agreed that Ms. Levison will prepare a draft ad on algae, Mr. Mitchell will prepare ads on water quality testing (periodic, with change in taste/smell, and in anticipation of home sale) and drought, and the group will prepare another ad on COVID and/or vectors.

### **Prepare for emergency planning meeting**

Ms. Levison requested topics for discussion in anticipation of the June 7<sup>th</sup> meeting. Mr. Mitchell suggested a discussion of the cooling station procedures is appropriate. Ms. Levison suggested that the Hazard Mitigation group should consider different methods of communication for residents in town who may not easily access the internet nor use cell phones. Mr. Grossman suggested there be a discussion regarding communication and redundancy between the different groups which are planning for emergencies and hazards. Mr. Grossman and Ms. Levison agreed to discuss the emergency planning meeting as the date approaches. Mr. Grossman suggested Ms. Levison act as Chair as she requested the meeting; Mr. Grossman will assist. Ms. Levison decided that as the COVID-19 reported percent positivity is at 9.64% the meeting will be held remotely. Ms. Flynn will send out the Zoom link to the attendees.

### **Report from attendance at DPH Harmful Algal Bloom Workshop (5/18/22)**

Ms. Levison reported on her attendance at the workshop, which Mr. Grossman also attended. Ms. Levison stated that she sent her notes from the workshop to the group. Mr. Grossman confirmed that the State approach is that algae advisories always apply to an entire lake. Ms. Levison stated customizable posters are available from the CDC. Ms. Levison reported that two speakers talked about what kind of observation and analysis their groups are performing using equipment different than what is used in Harvard. Ms. Levison stated another speaker talked about how barley straw can help inhibit the growth of algae and that she shared that information with the Pond Committee.

### **Report from Cyanobacteria Monitoring Collaborative Forum: Algae Control Methods (3/24/22)**

This item was tabled for a future meeting.

### **Review draft letter to legislators in support of FY23 Senate budget amendment, #844 Private Well Clean Up”**

Mr. Mitchell stated that he reviewed Ms. Levison’s draft letter and thought it was perfect. Ms. Flynn will finalize the letter and send it out.

### **Report from Annual Town Meeting**

Ms. Levison reported that everyone liked the algae dial sign, but Mr. O’Shea is unsure where the sign can be mounted at the Beach. Ms. Levison indicated that she spoke up in support of the LUB Administrative Assistant, but also said that the BOH needs additional administrative hours and will likely be requesting those at the next Town Meeting.

### **Report from Hazard Mitigation Plan meeting of 5/24/22**

Mr. Mitchell stated that a draft plan is expected next month, and advised it will be an update of the existing plan which will identify sensitive infrastructure and suggests what Harvard should be doing to prepare for disasters. He indicated that Ms. McCarthy asked that the consultants put a climate instability spin on the hazards which they are considering. Mr. Mitchell stated the consultants will provide a rank ordering of what the Town should do to prepare, and agreed that their work may possibly include the ability to write grants for some of the action items. Mr. Mitchell agreed to note Ms. Levison’s suggestion that they evaluate whether Verizon is a better

option than Charter or whether a grant could be written to provide Charter back-up batteries. Mr. Mitchell indicated that he will forward the group the presentation slides.

### **COVID-19: Including current status and questions from DPH conference calls**

Ms. Levison stated that the reported COVID-19 percent positivity is 9.64%, but that we are only seeing a partial picture because at-home tests are under reported to DPH. Mr. Mitchell suggested one of the first ads prepared by the BOH should be on regarding the spike in cases and under reporting. Ms. Levison indicated that Matt Osborne, of DPH, spent approximately 20 minutes talking about EEE, and Katie Brown provided an overview of monkey pox.

### **Clerk and Health Agent Update**

Ms. Flynn and Mr. Grossman had no updates. Ms. Levison noted that Mr. Bragan is out of the office for two weeks.

### **OLD BUSINESS**

#### **Review draft letter to legislators regarding the EEA's evaluation criteria for the 2022 Application for Municipality Opt-Out of SRMCB Spraying**

The Members reviewed and revised the draft. Mr. Mitchell and Ms. Levison agreed that they are okay with Ms. McCarthy finalizing the letter on her own and circulating the final version for their file.

#### **Further consideration of draft seasonal conversion guidance document**

This item was tabled for a future meeting.

#### **Approval of revisions to the Bare Hill Pond Algal Bloom Procedures**

Mr. Mitchell stated that he understands Ms. Levison's revisions. Ms. Levison agreed to make further revisions.

Ms. Levison volunteered to attend the Conservation Commission meeting on June 2<sup>nd</sup> to offer support when the Bare Hill Pond Committee is expected to request withdrawal of water in the early spring to help mitigate algae bloom. Ms. Levison also noted that Jamaica Pond was recently closed due to suspected algal bloom.

#### **Discuss kiosk for beach water quality sign**

Ms. Levison and Mr. Mitchell will meet at the beach to consider whether the dial sign can be fit in the kiosk or whether materials need to be purchased prior to the end of the fiscal year.

#### **Review Board of Health outreach plan**

Ms. Levison stated that the outreach plan was already discussed earlier in the meeting.

#### **Continued discussion of use of remaining funds in year-to-date budget**

Ms. Levison confirmed that Ms. Flynn will purchase office supplies, materials may be purchased for a beach sign kiosk, and outreach ads will be run in the Harvard Press.

## **Continued discussion regarding BOH interest in goals of the Climate Action Plan**

This discussion item was tabled for a future meeting.

## **PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program and report from the Former Fort Devens RAB Meeting of 5/12/22**

Mr. Mitchell reported that he learned at the RAB meeting that a draft Phase 2 work plan has been submitted to EPA for approval. He stated that he has not seen the draft but was told that it includes evaluating PFAS in the bedrock and investigation of the impacted areas in Harvard west of Ayer Road. Mr. Mitchell stated that the plan will likely not be approved until the fall, with work beginning in winter. Mr. Mitchell advised that the BOH should provide an update to the Select Board once the plan has been approved and if it confirms that there will be work done in Harvard. Mr. Mitchell confirmed that he has asked the consultants to note that the Harvard Press is the paper for record for the Town of Harvard. Ms. Levison stated that the retest for the property on Stow Road which originally resulted in a PFAS6 finding in the 20s ppt also received repeat results in the 20s ppt. Mr. Grossman confirmed that DEP will not require further action for the property at that level. Mr. Mitchell stated that there is funding available for remediation if the results are over 70 ppt. Mr. Mitchell also reported that he learned at the RAB meeting that the EPA will issue new guidance values for PFAS and PFOA which will be much lower than 70 ppt. Mr. Mitchell stated that he'll be attending on June 8<sup>th</sup> a morning briefing hosted by the Environmental Business Council which he hopes will include more information on when this can be expected.

## **Update regarding Approved Sampler designation for Friot's Water Treatment**

Ms. Levison advised the group that the Board was unaware at the time of the last meeting's vote that Friot's approval period expired in January and asked Mr. Mitchell whether that information would have impacted his vote in favor of a one-year extension from the date of expiration. Mr. Mitchell noted that another sampler who was denied approval was both sampling outside their approval period and not submitting results in a timely manner. Ms. Flynn confirmed that Friot's sampled on one occasion during the lapse in approval period and submitted the results to the BOH in a timely manner. Mr. Mitchell stated he was comfortable with leaving the vote in place.

## **Review Action Items**

Action items were reviewed. Mr. Mitchell will send comments on Ms. Levison's draft Letter to the Editor.

## **PERMITS**

The Members reviewed the stable permit application for 131 Slough Road. Mr. Grossman stated he has no issues with the application. Ms. Flynn confirmed that Ms. Allard reviewed the application on behalf of the Conservation Commission and did not have any concerns.

## **MINUTES**

The Minutes of 4/26/22 were not reviewed as Ms. McCarthy was not present to vote and Mr. Mitchell was not present at the Meeting of 4/26/22.

## **ITEMS FOR NEXT AGENDA**

Items for the next agenda were discussed.

## **ADJOURNMENT**

Mr. Mitchell made the motion to adjourn at 8:49 p.m.; Ms. Levison seconded. All were in favor by roll call vote.

***Respectfully submitted,***

***Alison Flynn, Clerk***

### **Documents Referenced:**

- Agenda
- Draft minutes of 4/26/22
- Draft revised Algal bloom procedures
- DPH cyanoHAB guidelines
- Draft letters to the Harvard Press and to Senator Eldridge and Representative Sena re private well funding
- 131 Bolton Road stable permit application
- BOH Outreach Plan
- Harvard COVID case history spreadsheet;
- Harvard COVID cases 5/12/22;
- Ms. Levison's notes from the DPH algal blooms webinar
- 203 Ayer Road:
  - a. GPR's BRP WP 70 Application cover letter;
  - b. BRP WP 70 Application;
  - c. Boston Badminton (Westborough) Water Readings;
  - d. Boston Badminton (Westborough) Floor Plan;
  - e. 203 Ayer Road Badminton Facility Floor Plan;
- 49 Tahanto Trail:
  - a. Floor plan from real estate listing
  - b. Basement floor plan (sketch by D. Wolfe);
  - c. Mr. Wolfe's letter, initial room count, and proposed bedroom deed restriction;
  - d. Mr. Wolfe's revised room count;
  - e. Emailed correspondence from Dan and the property owner;
  - f. Broker's listing;
  - g. Assessor's card
- 37 Pine Ridge Drive:
  - a. Draft memo with comments to the ZBA;
  - b. ZBA Application;
  - c. Site plan submitted to the ZBA;
  - d. Architectural drawings submitted to the ZBA;
  - e. Existing deed restriction