

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**February 27, 2023**  
**Approved: April 10, 2023**

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

*Others Attending, including but not limited to:* Alison Flynn, Board of Health Clerk; Jim Garreffo, Health Agent, Nashoba Associated Boards of Health; Abby Kingsbury, Harvard Public Library.

**CALL MEETING TO ORDER**

*Mr. Mitchell called the meeting to order at 12:30 p.m. Ms. Flynn provided remote meeting instructions.*

**PUBLIC COMMENT**

None.

**NEW BUSINESS**

**Consider request of Skillings & Sons, Inc. for extension of “approved sampler” status**

Ms. Flynn advised that Skillings & Sons, Inc. (“Skillings”) has been an “approved sampler” for the Board of Health since 2020. She indicated that at one point Mr. Grossman was in communication with Skillings to ensure sampling was performed pre- and post-treatment when appropriate, but does not believe this was a continuing problem. Mr. Garreffo confirmed that he has not had any issues with Skillings’ samples.

Ms. Levison made a motion to approve a one-year extension on Skillings’ sampling permit; Ms. McCarthy seconded. All were in favor by roll call vote.

**2D Trail Ridge Way: Variance hearing for relief from 105 CMR 410.250(A)**

The Members considered the request with proposed plan for finishing of the applicant’s basement and installation of mechanical ventilation. Mr. Garreffo indicated that the proposed mechanical ventilation was considered with Mr. Hayes on a previous application and appears to meet the needs required for the square footage. Mr. Garreffo stated that he would like to confirm that the bedroom restriction is tied to the unit deed versus buried within the master deed for the condominium. Mr. Garreffo indicated that Mr. Hayes will ensure the ventilation is installed before occupancy as noted by the BOH on the building permit application.

Ms. McCarthy made the motion to grant the variance request to include a ventilation system at 2D Trail Ridge Way for the basement renovation; Ms. Levison seconded. All were in favor by roll call vote.

**247 Littleton County Road: Application for abandonment of water source**

Mr. Garreffi reported that DEP contacted the BOH regarding Mr. Ference's application for abandonment of the Public Water Supply ("PWS"). Mr. Garreffi indicated he shared with DEP that he has not heard from Mr. Ference regarding his plans since the fall, and that those plans presented would necessitate a PWS. Mr. Garreffi stated that he has drafted a letter to Mr. Ference which states just this and asks him to please advise the BOH if his plans have changed.

### **Consider revision to addresses required to PFAS sample in anticipation of home sale and new construction**

Mr. Mitchell indicated that Ms. Flynn provided a spreadsheet of PFAS results received to date. Ms. Flynn confirmed that Town Counsel advised in years prior that the results were not public information. Mr. Mitchell indicated that in his review of the results, he did not see any indication of a "hot spot" that would suggest the need for a revision to the policy at this time. Ms. Levison expressed concern regarding the homes on Pond Road because of the Town Wells' results and Warren Avenue because she is aware of one home which tested over 20 ppt. Mr. Mitchell indicated that the Town Wells are greater than 250 feet deep. Mr. Mitchell indicated that in his professional work he has seen that PFAS results are very spotty, and unless you have a known source area, it is very hard to predict where you will find positive results. Mr. Mitchell indicated that the rationale for requiring sampling at the addresses currently identified is because positive results were received from private wells in their area and they have proximity to a known source. Mr. Mitchell suggested that the BOH consider not changing the requirements but adding a strong recommendation that all wells are sampled for PFAS in anticipation of home sale and new construction; the Members agreed. The BOH Members reviewed and revised the existing Policy, renaming it 1-2020-R, to include this strong recommendation. They further agreed to reconsider the policy each February.

Ms. Levison made the motion to approve the revisions to 1-2020; Ms. McCarthy seconded. All were in favor by roll call vote.

### **Consider preparation of letter in support of extension of remote meeting provisions to the Open Meeting Law**

The BOH Members considered the letter prepared by the Granby BOH in support of continuing remote meeting provisions to the Open Meeting Law. Ms. McCarthy indicated that she would like the Harvard BOH to prepare a similar letter for all the reasons the Granby BOH cited; Mr. Mitchell stated he agrees. Ms. Levison stated that while she agrees with many of the reasons, she prefers in-person meetings. Ms. Flynn will draft a similar letter for Mr. Mitchell's signature on behalf of the BOH.

### **Process for lending out Board of Health property**

Ms. Levison asked that the BOH establish a procedure if lending out BOH property, such as the sandwich boards which are part of emergency preparedness equipment. She indicated that she drafted a sign-out instructions and provided Ms. Flynn with the measurements for the sandwich boards. Mr. Mitchell agreed that as the boards are community property, it is okay to lend them out to community groups with the understanding that they will be returned in the same condition as lent out or repaired at the community group's expense. The BOH Members agreed that they are comfortable loaning out both the black and one of the white sandwich boards, and that Ms. Flynn can keep one of each in her office for ease of access. Individuals looking to borrow the boards should be advised that they will need to pick-up and return the boards during Ms. Flynn's office hours or only by special arrangement with the BOH Members if necessary.

### **Consider advertisement of new behavioral health hotline**

Ms. McCarthy indicated that the DPH webinar discussed the implementation of a behavioral health hotline available as a free service, 24/7, to everyone in MA providing warm handoffs to local behavioral health treatment, including to 911, if necessary, and follow-up within an appropriate timeframe. The group suggested outreach materials be obtained to share with residents in both English and Farsi, the Schools, the Council on Disabilities, the Veteran's Agent, the Library, the Council on Aging, Police, Ambulance, and Dispatch at Devens, and through the Town website. Ms. McCarthy and Mr. Garreffo agreed to ask Ms. Montgomery at NABH if outreach efforts are already underway and to identify which printed materials might be most beneficial to order from the MA Clearinghouse.

### **Status of non-compliance with Article IV (mandatory recycling) by commercial generators**

Ms. Flynn advised that since agenda posting the Harvard USPS responded that they do not recycling through a permitted hauler because they participate in the USPS's recycling program in which recycling is self-hauled.

Ms. Flynn advised that Yukon Holdings, LLC, is currently looking into options for recycling at the property. She indicated that she will continue to follow-up on their compliance and will update the BOH accordingly.

Ms. Flynn advised that the third commercial generator who appeared to not be in compliance provided a Commercial Generator Exemption Form which indicates that they are self-hauling to a recycling facility.

### **Report from attendance at Special Town Meeting (2/13/22)**

Ms. Levison reported that there was a favorable vote at Town Meeting to run piping from Depot Road at Route 2 to the Hillside Garage to tap into an existing 12-inch pipe to bring water into the center of Town to provide water to the buildings and 99 private homes. Mr. Mitchell stated that the Public Water Supply wells on Pond Road are requiring more and more treatment. The BOH Members spoke to try to clarify several misunderstandings. Mr. Mitchell indicated that he spoke to his professional experience and that Pond Road is not a viable long-term solution because of its lack of protection, quality, and quantity. Mr. Mitchell indicated he stated that Harvard if very fortunate to have Devens as an option where there is a huge water resource and professional treatment team addressing the quality of the water.

Mr. Mitchell reported that the other article which received a substantial amount of discussion time was that which increased the CPIC funds to 3%. He indicated this now allows for a greater match from the State. Ms. Levison noted that CPIC funds cannot be used for public health efforts.

### **Report from Land Use Boards (LUB) Meeting (2/21/23)**

Mr. Garreffo reported on his attendance at the LUB Meeting and their review of the ongoing projects in town. He indicated that Pine Hill Village has completed Tuck's Way and Sunrise and are in the process of submitting paperwork to the BOH necessary to obtain the septic Certificate of Compliances. He stated that Pine Hill Village also owes ConCom compliance. Mr. Garreffo advised that Craftsman Village is done with the exception of one unit and the landscaping which will be addressed in the Spring. Mr. Garreffo indicated that there was also discussion of the

proposed development of 243 units at the junction of Route 2 and Ayer Road, which would require the passing of an overlay district at Town Meeting. Mr. Garreffo stated that the developer proposes to use Devens for sewage disposal and water supply, and this would not be available for other properties to tap into. Ms. Flynn stated that submissions for the development are attached to the Select Board Meeting Packet of 2/13/23. Ms. McCarthy indicated that the developer presented the bylaw to the Select Board as a citizen's petition, the Select Board will have two weeks to act upon it before passing it to the Planning Board for Public Hearing before Town Meeting. Ms. Levison and Ms. McCarthy indicated that residents are feeling the process is rushed. Ms. Levison noted that the occupied units will increase the Town population by 16%. Ms. Levison and Mr. Garreffo expressed concern with the increased traffic at the location.

### **COVID-19: Including but not limited to current status and any concerns regarding the Library's plans for a June ice cream social**

Mr. Mitchell suggested the Library discussion be taken out of order as Ms. Lansbury was present from the start of the meeting. Ms. Lansbury stated that while the Library has not hosted the ice cream social since 2019, the event has been held for 17 years, with as many teenage volunteers as possible scooping ice cream from large tubs and toppings available for self-serve. She asked the BOH to advise of any precautions that should be considered due to COVID-19. Mr. Garreffo indicated that the ice cream should not be out very long, utensils should be used for the toppings, and servers should be wearing gloves. He offered that the NABH would be happy to supply gloves if needed. Ms. Levison suggested that teen volunteers serve the toppings, that gloves are replaced at 30-minute intervals, and that hand-sanitizer is available. Mr. Garreffo also suggested extra serving utensils be on hand if the originals are dropped on the ground. Ms. Lansbury stated that in the past toppings were placed in shakers; the Members were supportive of this plan. Mr. Mitchell advised that the BOH would be happy to field additional questions if needed as the event approaches.

Ms. McCarthy indicated that she will forward the Sunday Globe's interview with Dr. Fauci. Ms. Levison stated she circulated the spreadsheet with updated COVID-19 data.

### **Update from DPH Interagency Local Boards of Health Webinar (2/14/23)**

Ms. McCarthy indicated that the most important item from this webinar was the overview of the behavioral health hotline discussed earlier in this meeting.

### **Clerk & Health Agent Update**

- Ms. Flynn asked the Members to consider approval of Invoice No. 9351, dated 2/15/23 in the amount of \$120.00 for the Stable Permit ad run in The Harvard Press on 2/10/23. Ms. Levison made a motion to approve the invoice; Ms. McCarthy seconded. All were in favor by roll call vote.
- Ms. Levison made a motion to pay for the attendance of Ms. Levison and Ms. McCarthy at the Massachusetts Association of Conservation Commissions one-hour seminar on new methods in controlling mosquitoes in the amount of \$40 each or \$80 total; Mr. Mitchell seconded. All were in favor by roll call vote.

### **OLD BUSINESS**

#### **Update regarding Bare Hill Pond testing accounts**

Mr. Mitchell reported that he and Ms. Flynn reviewed the accounts and will be requesting that charges applied to wrong account are redirected to the correct account.

### **PFAS: Including but not limited to update regarding “Private Wells & PFAS” Information Forum**

Ms. Levison indicated that the draft program for the forum is near finalized with times allotted for each speaker. Ms. Levison confirmed that Senator Eldridge is coming and she plans to follow-up with Representative Sena. Ms. Levison indicated that she has contacted Harvard Cable regarding their technical support of the hybrid meeting. Mr. Mitchell agreed to speak about his involvement on the RAB and the BOH’s efforts to keep our regulations which address PFAS current. Mr. Mitchell questioned whether it was appropriate to include the monitoring of the landfill; Ms. Levison stated she asked Mr. Kilhart to mention that the monitoring is another step Harvard is taking to ensure the safety of our private wells.

Ms. Levison reported that she received an e-mail from Andrea Briggs at DPH asking whether she would be willing to spend an hour discussing Harvard’s experience in developing PFAS regulations with WPI students. Mr. Mitchell agreed to talk to the students with Ms. Levison.

### **Consider revisions to Article I: Sanitation, including previously drafted tight tank regulation**

This item was tabled for a future meeting. Ms. Levison asked the Members to review her associated e-mail when considering her suggested revisions to the fines.

### **Status of satellite phone base station installation at the Bromfield School and Public Safety Building**

Ms. Levison indicated that she has done additional research to identify what kind of box is needed for the schools, and hopes to move forward shortly.

### **Drought: Continued discussion regarding next public outreach steps**

Mr. Mitchell and Ms. Levison agreed to provide Ms. McCarthy with comments on the “groundwater” article. Ms. McCarthy stated that the BOH has been unable to confirm that DEP delegates authority to regulate to the local BOH. Ms. McCarthy indicated that she hopes to have the “groundwater” piece finalized prior to her departure on March 7<sup>th</sup>.

### **Status of application for stroke awareness outreach grant in conjunction with Harvard Ambulance Service and the Council-on-Aging**

Mr. Mitchell indicated that he was expecting to hear on a decision last week but will follow-up again.

### **Action Items**

Action items were reviewed.

## **PERMITS**

### **Septic**

Mr. Garreffo advised that he recently issued a permit for the replacement of a distribution box at 7 Green Hill Road.

### **Stable**

Mr. Garreffo indicated in reviewing the stable permit applications he considered the proximity to wells, houses, and wetlands, and then are the storage methods appropriate or if they are spreading, are these methods appropriate. He stated that he had no issues with each of the below:

- 103 Prospect Hill Road
- 44 Littleton County Road
- 14 Whitney Farm Lane
- 261 Old Littleton Road

The Members agreed that they have no concerns with the applications.

Ms. Levison made a motion to approve the stable permits for 103 Prospect Hill Road, 44 Littleton County Road, 14 Whitney Farm Lane, and 261 Old Littleton Road; Ms. McCarthy seconded. All were in favor by roll call vote.

### **Waste Haulers**

The BOH Members considered enforcement of the Cease & Desist Order issued for United Hauling, Inc., as the company has not yet submitted a complete application package for 2023. Ms. Flynn advised that the company serves over 50 properties in Harvard, including the Schools and Foxglove Apartments. Ms. Flynn indicated that prior notice of the Cease & Desist Order has been through e-mail with acknowledged receipt by the hauler. Mr. Mitchell asked that Ms. Flynn send a detailed letter via certified mail and e-mail confirming which application requirements are still outstanding and the need for receipt or enforcement will begin. Ms. Flynn will copy Dr. Dwight and the Schools Facility Manager, as well as Mr. Bragan.

### **Tobacco Sales**

The Members considered an application for tobacco sales at Daigneault's Liquors, 285 Ayer Road, for sales of prepackaged cigarettes. Ms. Flynn confirmed that the BOH regulation allows for two tobacco sales permits and none are currently issued. Ms. McCarthy suggested Ms. Flynn provide the owner with the BOH regulations and remind him of the steep fines for sale of tobacco to minors.

Ms. Levison made a motion to grant the tobacco sales permit; Ms. McCarthy seconded. All were in favor by roll call vote.

### **MINUTES**

Draft minutes were not reviewed or approved at this meeting.

### **DISCUSS ITEMS FOR NEXT AGENDA**

Items for the next agenda were discussed.

## **ADJOURNMENT**

Ms. Levison made a motion to adjourn at 8:52 pm; Ms. McCarthy seconded. All were in favor by roll call vote.

*Respectfully submitted,*

*Alison Flynn, Clerk*

### **Documents Referenced:**

- Agenda
- Request of Skillings & Sons for an extension as an “approved sampler”
- LBOH webinar slides of 2/14/23
- 2D Trail Ridge Way variance request letter and supporting documents
- Draft form for signing out BOH property
- Granby BOH letter regarding Open Meeting Law remote provisions
- Draft “Private Wells and PFAS” Information Forum Program
- Spreadsheet of PFAS sampling results
- Policy 1-2020 re PFAS Sampling
- Stable permit application for 44 Littleton County Road
- Stable permit application for 103 Prospect Hill Road
- Stable permit application for Whitney Farm Lane
- Stable permit application for 261 Old Littleton Road
- Tobacco sales permit application for Daigneault Liquors