

Harvard Board of Health Meeting Minutes
Tuesday, November 13, 2018
Approved: November 20, 2018

BoH Members present: Libby Levison, Chair; Sharon McCarthy; Tom Philippou.

Attending: Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BoH”) Clerk; Dan Wolfe, David E. Associates, Inc.; Amy Gothorpe, homeowner, 36 Lovers Lane; Marc Binnick, homeowner, 177 West Bare Hill; Robin Hu, homeowner, 13 Mass. Avenue; Justin Baer, contractor, 9 Wilroy Ave.

Ms. Levison called meeting to order at 2:00 p.m.

PUBLIC COMMENT- None.

NEW BUSINESS

a. 36 Lovers Lane: Discussion of BOH comments to ZBA- Dan Wolfe was present, along with homeowner, Amy Gothorpe, to discuss the BOH’s recent comments to the Zoning Board of Appeals (“ZBA”) regarding submittal for a special permit. Mr. Wolfe explained that the Gothorpes intend to reconstruct and slightly expand the footprint of their garage which is beyond repair. He indicated that the family is currently debating whether to finish the second floor of the garage, and will do so if their budget allows. Mr. Wolfe and Mr. Grossman agreed that the finishing of the second floor of the garage does not trigger a room count, as the new space would be considered the 7th room. Ms. Gothorpe explained that the family’s possible usage of the second floor of the garage would be as an additional living space, and not as a bedroom. She also confirmed there are no plans to add running water in the garage. Ms. McCarthy made a motion to approve a 3 bedroom deed restriction; Ms. Levison seconded. The vote was unanimous.

Mr. Wolfe also addressed the BOH’s concern that the enlarged footprint would encroach on possible future septic replacement by providing a hypothetical septic plan. Mr. Grossman accepted the estimated groundwater and perk rate assumed by Mr. Wolfe as reasonable, and agreed that the proposed plan would be an option while confirming that retaining walls would also be needed if the plan was implemented. Mr. Wolfe assured the BOH that the hypothetical plan was just one option for a replacement SDS and did not feel the expanded garage footprint would limit his design.

Mr. Grossman and the BOH members agreed that their concerns were adequately addressed by the bedroom deed restriction and hypothetical replacement SDS discussion, and requested Ms. Flynn send the ZBA a memo stating the same.

b. 177 West Bare Hill: Consideration of bedroom deed restriction- Mr. Binnick was present to request approval of a 4 bedroom deed restriction. He and Mr. Grossman explained to the BOH that the Binnicks are in the process of making their existing barn more structurally sound, and intend to use the second floor for storage and a recreational room. Mr. Binnick confirmed there will be no plumbing in the building, but would like to heat and cool the second floor. As the additional finished room triggers a room count, Mr. Binnick came prepared with a 4 bedroom

deed restriction. Mr. Philippou made the motion to approve the bedroom deed restriction; Ms. Levison seconded. The vote was unanimous.

c. 9 Wilroy Ave.: Discussion re building application- Mr. Baer was present on behalf of the homeowner. He recently applied for a building permit to do renovations on an existing cottage. Upon review, Mr. Grossman noted the cottage does not have a bedroom or bathroom, but includes a sink discharging into a cesspool. He was unable locate information on the well, and asked Mr. Baer to obtain water testing. The homeowner tasked Mr. Baer with giving the cottage a proper foundation and preserving his family camp. Currently, the design plan for the construction includes a sitting room with a three season porch, and the homeowner would like to keep the sink. The BOH members explained that if the homeowner wants water and/or a bathroom, he will need to install a tight tank which is allowed for a seasonal structure. Mr. Grossman indicated that installing a SDS might be possible on the shared land of the association. He also indicated the homeowner may be able to tie into the SDS on his abutting property. Mr. Baer will report these options to the homeowner, and discuss the decision further with Mr. Grossman.

The BOH also discussed the need for a bedroom deed restriction on the building. Ms. McCarthy made the motion to require a 0 bedroom deed restriction on the outbuilding; Ms. Levison seconded. The vote was unanimous. The BOH agreed to approve Mr. Baer's building permit so he could get started on the foundation work.

d. Response re emergency planning public meeting- Ms. Levison reported that she reached out to Chief Denmark, Jason Cotting, Pat Natoli, and Chief Sicard regarding a possible emergency planning meeting, and Chief Denmark and Jason Cotting are interested. The BOH members discussed that the target audience would be newcomers to town and seniors. Ms. Levison will reach out to Deb Thompson, Council On Aging, to discuss timing.

e. Response re discussion on opioid education efforts- Ms. Levison reported that she reached out to Colleen Nigzus to discuss this topic.

f. Update from MVP Meeting of 11/7/18- Ms. McCarthy advised that the MVP Committee is in the process of finalizing the survey for the agricultural community and hopes to have it live before Thanksgiving. They plan to hold two ½ day workshops for the agricultural community in the winter, and two ½ day workshops for the rest of the community in the spring. It was agreed that Ms. McCarthy should remain the liaison for the BOH, and Mr. Grossman declined to have NABH participate directly.

g. Clerk and Health Agent Update

- Ms. Flynn's draft Public Hearing notice was approved as amended.
- Ms. Flynn will respond to the Region 2, PHEP, In-person ICS interest survey.
- 58 Blanchard Rd.: Mr. Grossman drove by to check the property and saw items outside were neatly stored and tarped. The door on the truck present was fully closed. Ms. Flynn advised the BOH members of the telephone call from the homeowner on 10/30/18. It was agreed that Mr. Grossman will follow-up in 1 month.
- Ms. Flynn advised of her e-mailed communication with the homeowner at 23 Lovers Lane.
- 19 Mill Road: Mr. Grossman advised of his receipt of a request for input on a new ZBA application. He will speak to the engineer and draft comments for the BOH to review prior to submittal to the ZBA.

OLD BUSINESS

- a. Continued review of possible revision to tobacco regulation- The BOH members reviewed the sample tobacco use regulation received from DJ Wilson of the Massachusetts Municipal Association. Ms. Flynn will continue to work with Mr. Wilson to incorporate the optional language into the draft.
- b. Continued review of draft marijuana regulation- Ms. McCarthy advised that she has not yet received comments from the Planning Board. She will follow up with Ms. Allard.
- c. Continued discussion regarding budget prep- The BOH members agreed to brainstorm in preparation for finalizing the budget at the next meeting.
- d. Continued discussion regarding long-range planning- The BOH members discussed possible subjects for the long range plan.
- e. Continued discussion of synthetic turf, environmental and health impacts- Ms. McCarthy reported that she was successful in connecting with the Concord Public Health Director, Susan Rask, who gave history of her experiences synthetic turf. Ms. Levison reported that she spoke to two physicians who indicated concussion and rugburn injuries are worse on synthetic turf. Ms. McCarthy stated that the political reality is that a moratorium might not pass. Mr. Philippou was firm that the BOH members should push for what is in the best interest of public health. The members agreed with Mr. Grossman's suggestion to hold a listening session to discuss a moratorium on synthetic turf. The BOH members will reach out to parties who they think might be interested in participating.
- f. Continued discussion regarding ticks: Responses re Tick Talk 2019- Ms. Levison advised of her most recent communications with Dr. Fox, and of her contact to Greendale Worcester YMCA for a reference. She also advised that Erin Sintros will prepare a grant application to the Harvard Schools Trust in support of Dr. Fox's talk by December 11th.
- g. Review Action Items- the action items from the last meeting were reviewed.

PERMITS-

- 13 Mass. Ave.: Stable permit- Ms. Hu was present to discuss her concerns with the BOH's request for consent from her direct abutters before issuing a stable permit for sheep. The BOH members explained that the decision was within the BOH jurisdiction as the BOH is tasked to issue stable permits, protect public health, and limit nuisances that would impact neighbors' right to enjoy their property. Ms. Hu expressed her concern with obtaining written consent from her neighbors, as several plan to put their houses on the market. Further, she received assurances from sheep farmers that her acreage is sufficient for the small breed of sheep she plans to purchase. The BOH members reviewed the photos of the property which Ms. Hu brought to the meeting.

Mr. Grossman indicated he did not think it was prudent to issue a stable permit on such a small plot of land. Ms. McCarthy agreed, indicating she would like to approve the permit for chickens, but deny for the sheep.

Mr. Philippou stated he would like to give her the chance to receive approval from the neighbors. Ms. Levison supported this, as she did not believe it was fair to take back what was decided in August. Ms. Levison made the motion to approve the stable permit for the chickens, and issue a probationary stable permit for the sheep once written consent was received from the existing abutters, conditioned on revocation if any complaints were made to the BOH; Mr. Philippou seconded. It was further discussed that such an issued permit would expire in February 2020. Mr. Philippou and Ms. Levison were in favor; Ms. McCarthy opposed. Ms. Levison asked that Ms. Hu advise the BOH if she received any complaints from the neighbors. Mr. Philippou asked that her fences be secure.

- Ms. Flynn will write to the waste haulers permitted in 2018, enclosing the permit application packages.

APPROVAL OF MINUTES-

Mr. Philippou made the motion to approve the draft minutes of 10/23/18, as amended; Ms. Levison seconded. The vote was unanimous.

ADJOURNMENT- Ms. Levison moved to adjourn the meeting at 4:30 p.m.; Ms. McCarthy seconded. The vote was unanimous.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Draft minutes of 10/23/18
- "Streets" file for 36 Lovers Lane
- "Streets" file for 177 West Bare Hill Road
- "Streets" file for 13 Mass. Ave.
- "Streets" file for 9 Wilroy Ave.
- Sample tobacco use regulation from MMA