

Harvard Board of Health Meeting Minutes
Tuesday, December 11, 2018
Approved: January 8, 2019

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

Attending: Ira Grossman, Health Agent, Nashoba Associated Boards of Health; Alison Flynn, Board of Health ("BoH") Clerk; Jack Maloney, Ducharme & Dillis Civil Engineering; Dan Wolfe, David E. Ross Associates; Michael Leahy, Jessica Piper Leahy, and James Piper, 19 Mill Road; Eric Broadbent, Harvard Energy Advisory Committee; Greg Thorton, Littleton Road.

Mr. Philippou called meeting to order at 7:00 p.m.

PUBLIC COMMENT-

Eric Broadbent asked if it was the opinion of the BoH that the recent e-coli test results at the Harvard Public Water Supply site could be related to recent high groundwater. Mr. Grossman stated while the BoH is not responsible for the Public Water Supplies, he did not think the contamination had anything to do with the high ground water as the contamination was found at the collection point and not within the distribution system. Further, the retest was negative.

NEW BUSINESS

a. Hearing regarding amendments to the Board of Health Bylaws: Long line sewers, private wells- Mr. Philippou opened the hearing regarding the long line sewer regulation at 7:01 p.m. Ms. McCarthy stated purpose of the new regulation is to clarify the responsibilities of landowners whose properties contain long sewer lines and to ensure that maintenance responsibilities are identified when ownership changes. Systems that are located some distance from homes, such as those exceeding the 100 foot regulatory limit, may be subject to erosion or clogging of leaching fields by root infiltration from vegetation, resulting in premature system failure. Because these systems may not be readily visible from the residence, a failure could go undetected rendering the on-site disposal systems ineffective, degrading water quality and increasing risks to public health. She further explained that the need for such a regulation, more stringent than Title 5, is because of the noted existence of such systems in Harvard and the desire to have current owners act responsibly, and to provide notice to buyers. The members confirmed that no revisions to the draft were necessary. Mr. Broadbent asked whether residents would be required to fully inspect the system; Ms. McCarthy clarified that the regulation requires only a visual inspection at the surface. The members were unable to estimate for Mr. Broadbent how many systems in Harvard include long sewer lines. Ms. McCarthy clarified for Mr. Broadbent that the regulation does not include an enforcement provision. Mr. Philippou made a motion to approve the regulation as proposed; Ms. McCarthy seconded. No additional discussion was needed. The vote was unanimous. Mr. Philippou closed the hearing on the regulation at 7:08 p.m.

Mr. Philippou opened the hearing regarding the Private Wells regulation at 7:08 p.m. Ms. McCarthy and Mr. Grossman explained that the draft regulation is to replace the current Private Wells regulation and changes include: definitions of types of wells, radionuclide testing requirements, new sections on irrigation and geothermal wells, and new sections addressing variance request procedures. Ms. McCarthy made the motion to approve the proposed

regulation; Mr. Philippou seconded. No further discussion was needed. The vote was unanimous. The hearing was closed at 7:11 p.m.

b. 9 Warren Ave.: Variance request- Mr. Maloney presented a request for variances, pursuant to his letter of October 18, 2018, for local variance and local upgrade approvals, for an upgrade of an existing system which, at best guess, failed because of age. Mr. Grossman indicated he was concerned with approving the requests without water quality or quantity results, and also noted the need for recording a 2 bedroom deed restriction and an Innovative & Alternative Acknowledgment. Mr. Grossman also requested that the water quality sampling be performed by himself, a lab, or Skillings & Sons. -It was agreed that the discussion would be continued to a future BoH meeting once water quantity and quality testing was performed. Ms. Flynn will send Mr. Maloney a confirming e-mail.

c. 19 Mill Road: Discussion re application to the ZBA & potential comments- Mr. Wolfe was present with the homeowner, Mr. Piper, and his daughter and son-in-law to discuss the BoH's questions arising from their ZBA special permit application. Mr. Wolfe explained the planned layout which includes an attached apartment for Mr. Piper, and a detached garage which will include a toilet and a pet shower. Mr. Wolfe explained that the designer depicted a lower level au paire suite, including a refrigerator and sink; Mr. Leahy and Ms. Piper-Leahy confirmed this is not their intention. The lower level will include the 5th bedroom and a home office. Mr. Leahy and Ms. Piper-Leahy also confirmed that the pet shower will be used solely for their pet, and that they do not have any intention to operate a dog grooming business. Ms. McCarthy made the motion to accept a 5 bedroom deed restriction; Mr. Philippou seconded. No further discussion was needed. The vote was unanimous. The BoH members and Mr. Piper executed the deed restriction; Ms. Flynn notarized. The homeowners agreed to return a copy of the recorded bedroom deed restriction to the BoH office.

d. Discussion regarding preparing the 2019 Emergency Dispensing Site (EDS) Plan- Ms. Flynn advised the BoH of her telephone conversation with Mr. Price. The members decided to table the discussion until a meeting when Ms. Levison could be present.

e. Water test Harvard Town Well- The members discussed the letter received from Robin Hu, 13 Mass. Ave regarding the recent contamination of the Harvard Town Well and agreed that Ms. Flynn and Mr. Grossman would respond to Ms. Hu letting her know that the Department of Public Works and Department of Environmental Protection have authority over Public Water Supplies, encouraging her to sign up for Town alerts, and clarifying the site of contamination.

f. 8 Willow Road: Consideration of Community Septic Loan Program application- The BoH members reviewed Mr. Young's application and supporting income documents, and agreed that he is eligible for the program. Ms. Flynn will ask that he request three sealed bids from licensed installers for work involved and that they be sent directly to the BoH. She will also clarify whether he was seeking to include the cost of the engineer (already retained) in the loan.

g. Clerk and Health Agent Update-

- Mr. Grossman provided an update of 28 Deerfoot Trail. The BoH members agreed that Town Counsel should proceed with filing for contempt of the Court Order. Mr. Grossman will continue preparations with Town Counsel.
- Ms. Flynn and Mr. Grossman provided an update regarding 23 Lovers Lane. Mr. Philippou requested a letter be sent to the homeowner advising that the BoH would continue with condemnation unless provided with contracts as evidence of progress before the 1/8/19 meeting.

- Ms. Flynn advised that the 3rd quarter NABH invoice was received. Mr. Philippou made the motion to approve the invoice; Ms. McCarthy seconded. No further discussion was needed. The vote was unanimous. Mr. Philippou signed the invoice.
- The BoH members executed the bedroom deed restriction prepared by Mr. Wolfe for 36 Lovers Lane; Ms. Flynn notarized their signatures. Mr. Wolfe retained the original.
- The BoH members executed the bedroom deed restriction prepared by Mr. Wolfe for 3 Still River Depot Road's accessory apartment; Ms. Flynn notarized their signatures. Ms. Flynn kept the original document to be signed by the homeowners in the BoH office.

OLD BUSINESS

- a. Continued review of sample bedroom deed restriction form- Mr. Philippou made the motion to adopt the draft sample bedroom deed restriction; Ms. McCarthy seconded. No further discussion was needed. The vote was unanimous. Ms. Flynn will replace the existing sample on the website with the newly approved form.
- b. Continued review of tobacco use regulation- It was agreed that this regulation discussion would be tabled for a meeting when Ms. Levison could be physically present. Ms. McCarthy reported that she and Superintendent Dwight were hoping to invite Mike Hugo of the Framingham Board of Health to Harvard for a co-sponsored opioid talk.
- c. Continued discussion regarding tick outreach- Ms. Flynn read aloud Ms. Levison's e-mail of the same date regarding the status of obtaining references and funding for Dr. Fox.
- d. Update from the Transfer Station Committee- Mr. Philippou advised that the Transfer Station Committee would be meeting to discuss a recommendation of the SMART program to the Select Board on 12/18/18.
- e. Review Action Items- the action items from the last meeting were reviewed.

PERMITS

The following septic permits were reviewed:

- 335 Ayer Road- LUA- Approved.
- Bolton Road, Lot 16A- transfer permit- Approved.

The following trash hauler permit application was reviewed:

- EL Harvey and Sons- Ms. McCarthy made the motion to issue a 2019 permit to EL Harvey and Sons; Mr. Philippou seconded. Ms. McCarthy suggested the BOH cover letter request their Waste Ban Materials enclosure includes a sticker referencing the contact information for the Harvard BoH. The vote was unanimous.

Ms. Flynn also reported the current status of trash hauler applications. The members instructed that incomplete applicants should be advised that applications would not be addressed until all required information and documents are received by the BOH office.

APPROVAL OF MINUTES-

Ms. McCarthy made the motion to approve the draft minutes of November 20, 2018, as provided; Mr. Philippou seconded. The vote was unanimous.

ITEMS FOR THE NEXT AGENDA- Items for the next two agendas were discussed. The next meeting was scheduled for December 18, 2018 at 10 a.m. Ms. Flynn will advise Ms. Levison.

ADJOURNMENT- Ms. McCarthy moved to adjourn the meeting at 8:38 p.m.; Mr. Philippou seconded. The vote was unanimous.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Draft minutes of 11/20/18
- Draft BOH bylaws regarding long line sewers and public wells
- “Streets” file for 19 Mill Road
- “Streets” file for 9 Warren Ave.
- Bedroom deed restriction forms for:
19 Mill Road;
36 Lovers Lane; and
3 Still River Depot Road
- CSMP Application package for 8 Willow Road
- 3rd quarter NABH invoice
- Ms. Levison’s e-mail of 12/11/18 regarding tick talk efforts
- Septic permits for 335 Ayer Road
- Septic permit for Bolton Road, Lot 16A
- Trash hauler permit application package for EL Harvey and Sons