

**Harvard Board of Health Meeting Minutes**  
**Town Hall, Volunteer Meeting Room**  
**Tuesday, January 22, 2019**  
**Approved: February 14, 2019**

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

*Attending:* Ira Grossman, Health Agent, Nashoba Associated Boards of Health; Alison Flynn, Board of Health ("BoH") Clerk; Dan Wolfe, PE, David E. Ross Associates, Inc.; Jim Piper, 19 Mill Road; Kerri Green & Stephanie O'Keefe, Westward Orchards; Brian Moore & Tom Robinson, 17 Oak Hill Road; Lou Russo, 35 Lancaster County Road.

Ms. Levison called meeting to order at 7:03 p.m.

**PUBLIC COMMENT-** None.

**NEW BUSINESS**

a. 19 Mill Road: LUA requests (7:05)- Mr. Wolfe presented Local Upgrade Approval requests, consistent with his letter of January 3, 2019, on behalf of the homeowner, Mr. Piper, who was also present. Mr. Wolfe reminded the BOH that Mr. Piper, his daughter and her husband, appeared before the BOH at a prior meeting where room count was determined and a bedroom deed restriction was executed in connection with this subsurface sewage system upgrade and reconstruction of the existing house. Mr. Philippou made the motion to approve the variances requested in the letter of January 3, 2019; Ms. McCarthy seconded. No further discussion was needed. The vote was unanimous. The BOH then discussed the request, not included in the letter of January 3, 2019, for a three foot offset from groundwater. Mr. Grossman indicated that he is not comfortable with the groundwater reduction because of the ledge in the area, and that the proximity to Bowers Brook is something to consider. Further, he indicated there was no hardship that would allow for the variance. Mr. Grossman suggested an extra foot of fill be used. Mr. Wolfe explained that he does not believe this is a Local Upgrade Approval, as he believes DEP allows for this reduction because of the use of the Presby system. Mr. Philippou made the motion to approve the reduced offset for the Presby system as described in Plan L-13659, dated November 2018; Ms. McCarthy seconded. No further discussion was needed. The vote was unanimous.

b. Westward Orchard: Establishing current use and consideration of proposed additional use (7:15)- Ms. Green and Ms. O'Keefe were present to discuss their current use and potential change in use at Westward Orchard. They indicated that they have been approached by customers interested in having outings and birthday parties at the Orchard, and they personally have considered holding farm-to-table events, and wanted to consult the Board about their options. They would like to build an open air shelter that would allow for shade and a gathering place for such groups. Mr. Grossman and the BOH members explained the triggers for Public Water Supplies ("PWS") and that a PWS falls under the jurisdiction of DEP, not the Board of Health. Mr. Grossman also indicated that a change in use to prepare food for groups would require a determination from DEP. Mr. Grossman further advised that bringing in packaged food prepared off-site or having licensed food trucks on-site would not trigger a need for a PWS. The BOH members expressed their eagerness to support the orchards while also protecting public health. They encouraged Ms. Green and Ms. O'Keefe to coordinate efforts with other

local farmers and reach out to State government officials to advocate for support of local orchards.

c. 17 Oak Hill Road: Consideration of bedroom count (7:35)- Mr. Robinson and Mr. Moore were present to discuss room count in anticipation of their application to the ZBA for a Special Permit for use of an accessory apartment. They provided the BOH with a layout sketch of the house, and explained that they would like one set of parents to move in to the existing in-law apartment. Mr. Grossman suggested the recording of a 4 bedroom deed restriction; Mr. Robinson and Mr. Moore were in agreement. Ms. Levison made the motion to accept a 4 bedroom deed restriction; Mr. Philippou seconded. No further discussion was needed. The vote was unanimous.

d. 198-200 Ayer Road: Proposed conversion of office space to a vet's office- Property owner, Lou Russo, was present to discuss the proposed tenancy of a surgical veterinarian. Mr. Grossman explained that he met with Mr. Russo and the veterinarian, and although discharge of veterinary waste is prohibited by definition, Mr. Grossman is not concerned because the volume (approximately 90 mL/day) is so minimal. Mr. Philippou made the motion to conditionally accept tenancy provided that a letter is received by the BOH which specifies acceptable cleaning agents, and with the understanding that any change in use of cleaning agents is first approved by the BOH; Ms. McCarthy seconded. The BOH members clarified that once the letter was received and the cleaning agents were deemed acceptable, Mr. Grossman would sign off on the application. The vote was unanimously in favor.

e. 160 Prospect Hill Road: Consideration of Title 5 Inspection "Needs Further Evaluation" finding- Mr. Grossman advised that the Title 5 Inspection of the system, which is less than 100 feet from the well, included a water quality test which was positive for bacteria. A repeat water test, collected by the homeowner, was absent of coliform bacteria. The BOH members decided an additional water test, collected by Mr. Grossman or lab staff, should be done. The members also asked Mr. Grossman to follow-up to identify whether the waste water for the shed/outbuilding noted is tied into the SDS system.

f. Summer 2019 MDPH Local Health Internship Program- The BOH members discussed whether it was feasible to host a Master's student intern in the BOH office. Mr. Philippou will further consider preparing an application, and will forward the same to Ms. Flynn for distribution to the BOH members if he thinks the conditions are favorable.

g. Discuss Planning Board's proposed Protective Bylaw amendments- The BOH members reviewed the Planning Board's proposed Protective Bylaw amendments and prepared comments on the Groundwater Protection Overlay District amendments only. Ms. Flynn will send the comments to Chris Ryan.

h. Review draft correspondence to brokers and handout re new private well water sampling and quality testing requirements- The BOH members reviewed and revised these draft documents. Ms. Flynn will finalize the letter and post the handout to the BOH website.

i. Prepare messaging for Safety in Home/Emergency Prep. info session (2/7/19)- Ms. Levison advised that the information session has been scheduled for 6:30 p.m., and requested ideas for topics for the BOH to present. Potential topics and handouts were discussed.

a. Clerk and Health Agent Update-

- Ms. Flynn advised that the Finance Director reviewed and executed the Betterment Agreement for 8 Willow Road, and she would now be coordinating signature with the homeowner and Ms. Levison.
- Ms. Flynn advised that the BOH received an invitation to participate in the Volunteers' Fair. The BOH members discussed availability; Ms. Levison will reply to Ms. Wallace on behalf of the Board.
- Mr. Philippou advised that he transferred the satellite phone docking station supplies, purchased by the BOH, to Town Electrician, Mr. Woodsum, and it would be installed at the Emergency Dispensary Site/Bromfield School shortly.

## **OLD BUSINESS**

- a. Status of rescinding Article II: Underground Storage Tanks- Ms. Flynn reported that her review of the BOH Minutes confirmed that the BOH voted to rescind Article II of the BOH Bylaw Rules (Chapter 145 in the Code of the Town of Harvard) on 5/26/15. She advised that Ms. Kenney, Town Clerk, asked for a letter confirming that it is still the intention of the BOH members to rescind the article in its entirety. Ms. Levison reviewed the Minutes of 5/26/15 and Mr. Grossman, Ms. McCarthy, and Mr. Philippou provided her with background for why the vote was as such. Ms. Levison made the motion for Ms. Flynn to prepare the letter requested by Ms. Kenney; Ms. McCarthy seconded. The vote was unanimously in favor.
- b. Review draft submittal to Annual Town Report (due 1/25/19)- The BOH members reviewed and revised the draft document. Ms. Levison will incorporate the revisions and submit a final version to Ms. Doucet.
- c. Review EAT Proposal (due 1/25/19 or 4/26/19)- Mr. Philippou will continue to work on obtaining a quote and preparing the request in time for the January 25<sup>th</sup> submittal.
- d. Continued review of draft tobacco use regulation- This discussion was tabled for a future meeting.
- e. Continued review of draft marijuana regulation- The BOH members attempted to review and comments prepared by Planning Board Chair, Erin McBee, however, because of the document formatting, many were illegible. Ms. Flynn will reach out to Ms. McBee to request the comments in Word format. The BOH members also discussed Chris Ryan's suggestion that the BOH members request Town Counsel's review of the BOH regulation for consistency with the existing marijuana bylaws. Ms. Levison made the motion to send the BOH marijuana regulation to Town Counsel for review once a more complete version is prepared; Mr. Philippou seconded. The vote was unanimous. The BOH members also decided that once Ms. McBee's comments can be reconciled, Mr. Philippou will reach out to MAHB Counsel, Cheryl Sbarra, for guidance.
- f. Continued discussion regarding long-range planning- This discussion was tabled for a future meeting.
- g. Scheduling Spring talks- Ms. McCarthy reported that she was awaiting a response from Mike Hugo regarding schedule. Ms. Levison reported that she spoke to an Emergency Room physician at Emerson who is also willing to speak at Mr. Hugo's talk if his schedule allows. Ms. McCarthy will reach out to Steve Rich about a possible Tick Talk during the week of April 1<sup>st</sup> or April 9<sup>th</sup>.

h. Update from the Transfer Station Committee- Mr. Philippou advised that a rough bag design was in place, a coupon design would be finalized at the next meeting, and the Committee had a better idea of where the bags would be vended.

i. Update from the MVP Committee- This discussion was tabled for a future meeting.

j. Update on Deer Management Committee- Ms. Flynn advised that Ms. Allard indicated a member of the Deer Management Committee would be attending a Conservation Committee Meeting to provide an update, and would invite the BOH to attend. Ms. Levison requested all BOH members be advised of the date and time once set.

k. Discussion regarding preparing the 2019 Emergency Dispensing Site (EDS) Plan- This discussion was tabled for a future meeting.

l. Review Action Items- Action items were not reviewed.

## **PERMITS**

The following septic permits were reviewed and issued:

- 19 Old Mill Road
- 37 Park Lane
- Pine Hill Village (West Serpentine Way, East Serpentine Way, Pine Bank, Tucks Way, and Sunrise)
- 73 Oak Hill

The following trash hauler permit application was reviewed:

- D&D Waste Removal LLP- The application for hauling of roll-off dumpsters only was reviewed. The BOH members indicated a cover letter should be sent to the hauler indicating that the permit issuance is approved with the condition that language needs to be added to the "roll-off letter" which indicates recycling materials (paper, cardboard, glass) cannot be included in the dumpster. Further, a permit letter will not be issued next year if the language is not incorporated.

## **APPROVAL OF MINUTES-**

Mr. Philippou made the motion to approve the draft minutes of January 8, 2019, as amended; Ms. McCarthy seconded. The vote was unanimous.

**ITEMS FOR THE NEXT AGENDA-** Items for the next agenda were discussed.

**ADJOURNMENT-** Ms. McCarthy moved to adjourn the meeting at 9:45 p.m.; Mr. Philippou seconded. The vote was unanimous.

***Respectfully submitted,***

***Alison Flynn, Clerk***

*Documents Referenced:*

- Agenda
- Draft minutes of 1/8/19
- 19 Mill Road variance request letter, plan, and Local Upgrade Conditions form
- 17 Oak Hill, layout sketch
- Draft protective bylaw amendments
- Draft annual town report submission
- BOH Minutes of 5/26/15
- D&D Waste Removal LLP permit application package