

**Harvard Board of Health Meeting Minutes**  
**Town Hall, Volunteer Meeting Room**  
**Tuesday, March 26, 2019**  
**Approved: April 9, 2019**

*Board of Health Members present:* Libby Levison (via Skype); Sharon McCarthy, Acting Chair; Tom Philippou.

*Attending:* Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BOH”) Clerk; Joan Eliyesil, Harvard Press; Neil Gorman, Ross Associates; Jack Maloney, Ducharme & Dillis; Emily Grandstadt-Rice, Arrowstreet; Lucy Wallace & Mark Mikitarian, Old Library Accessibility Committee (“OLAC”).

Ms. McCarthy called the meeting to order at 7:04 p.m.

**PUBLIC COMMENT-** None.

**NEW BUSINESS**

a. 9 Warren Ave.- Continued Local Upgrade Variance request hearing- Mr. Maloney was present on behalf of the property owner to present water quality and quantity results requested by the BOH members at the meeting of December 11<sup>th</sup>. Mr. Maloney indicated that the water quality results indicated elevated arsenic, and the property owner was in touch with Mr. Grossman regarding retesting options. Mr. Grossman indicated that he told the homeowner arsenic retesting on two separate days with results below 10 mg/L would be needed for reconsideration. The other option would be to installation of equipment to treat the arsenic and to file a notice on the deed. The Board also considered the water quality and water quantity test which resulted in 5 gallons/min. for 4 hours. Mr. Grossman reminded the Board that the property owner is aware he will also need to record a 2 bedroom deed restriction and a notice of I/A system with the registry of deeds.

Mr. Philippou made a motion to approve the local upgrade requests for 9 Warren Avenue, as identified in the variance request letter of November 13, 2018, and on Ducharme & Dillis Plan 5791-SDS, dated 11/8/18. Ms. McCarthy seconded. No further discussion was needed. All were in favor.

b. 2 Wilroy Ave.- Variance request hearing- Mr. Gorman was present to represent the homeowner, Steven Ernst. He indicated the camp structure is part of the Willard Shores, a 6.2 acre association, and 2 Wilroy Ave. is located 75 feet from Bare Hill Pond. Mr. Gorman indicated the homeowner is proposing installation of a Presby system across Wilroy Ave from the camp. He stated that the camp consists of 4 bedrooms and a ½ bath; 5 rooms in total. Mr. Gorman indicated the owner only plans to make minor improvements, and has no plans to convert the seasonal camp to a year-round property.

Mr. Grossman advised that the camp is not currently considered a habitable structure and does not meet dwelling requirements. He indicated that the Assessors’ office lists the property as 4 bedrooms, 5 rooms total, with no heat. Mr. Grossman further stated that currently the camp has no source of confirmed potable water. The homeowner is looking to share an existing well with another Willard Shores property, and Mr. Grossman has requested legal documentation of the

agreement. Mr. Grossman is also concerned with the request for groundwater offset or distances to ledge, and suggested they could make compliance at another location on the property.

Mr. Gorman showed the members where the other SDS systems are located on the Willard Shores association property, and indicated that there is not a lot of other unused land. He indicated that they tried to minimize the size of the system to keep the existing trees that divide the property and give the neighbors some privacy. Raising the system higher would involve more grading, and could involve more tree removal. Mr. Gorman indicated that they considered trying not to disrupt the community as much as possible when designing the system. Ms. Levison expressed concern that the property is now a summer camp, but could be converted into something year-round down the line with such a large system. Mr. Grossman indicated he was not comfortable giving the system a 4 bedroom status when it could not be considered a dwelling. He stated that as the association has no bylaws, he was concerned with how we would protect future buyers. Mr. Grossman further expressed discomfort with being wedged between ledge, a groundwater reduction, a permit for a 4 bedroom system, and no concrete water supply. He indicated he would like to see the house plans before making a determination as to number of bedrooms. Mr. Gorman stated the homeowner is agreeable to any recorded bedroom deed restriction, as he has no plan to convert to a year round dwelling. Mr. Philippou suggested Mr. Grossman be given the opportunity to walk through the property; all were agreeable. Mr. Philippou made the motion to continue the hearing until a legal agreement for the well is available, and Mr. Grossman has had the opportunity to do a walkthrough for determination of habitability and sizing of the leaching field. Ms. McCarthy seconded. All were in favor.

c. Old Library Accessibility Committee- Carpet variance request hearing – Lucy Wallace and Mark Mikitarian were present on behalf of the Old Library Accessibility Committee (“OLAC”). They explained that the old checkout area has been opened up, bringing up the floor so it is all one level. That area of new flooring, approximately 130 square feet, needs to be covered with a material. Mr. Mikitarian indicated that the OLAC considered tile, but there was not a good match for the existing tile and the cost was higher than the budget allows. Ms. Wallace and Mr. Mikitarian indicated that prior to renovation, the area was carpeted and there has been no history of water damage in the area. Further, new windows will be installed in the area. They also confirmed for the members that the area does not have direct traffic from the exterior.

Mr. Philippou made the motion to grant the variance request; Ms. Levison seconded. Ms. McCarthy asked that if there is damage in the area and the carpet needs replacement, the OLAC pursue other options rather than requesting a variance. She stated that the promulgation of the regulation was driven by prior bad experiences with carpet in municipal buildings with high traffic, moisture, sinks, flooding, and the presence of food. A vote was taken; all were in favor.

d. Hildreth Elementary School Building Committee- Carpet variance request hearing- Emily Grandstadt-Rice of Arrowstreet, Inc., presented the request for a variance to install carpet in what she described as three distinct areas of the new Hildreth Elementary School. Those areas include the district administrative offices, the school administrative offices, the Media Center (Library), the guidance offices, and a quiet room. She indicated that the design includes a 10 foot walk-off mat at each entry which will cut down on the amount of debris brought in on shoes and transferred to carpeted areas. She also pointed out that the administrative spaces are primarily for adult use, and it makes sense to have carpets in these areas, as most professional

spaces are carpeted. Carpets are not included in the design for the bathrooms or kitchens. She explained that they have included carpets in the design for the Media Center for acoustics, as the room is large with double height, and to also help slow the kids down as they change from linoleum.

Ms. Grandstadt-Rice indicated that the HVAC system will be 100% fresh air with a mechanical penthouse on the second floor to house the air handlers. She indicated the airflow will come from below and returned above which will help reduce allergens.

She indicated that the “Quiet Room” is a carpeted room for children having sensory overload, and the storage room and records room are carpeted for flexibility in case the rooms are needed to be used as staff offices in the future. Ms. Grandstadt-Rice confirmed that no classrooms are carpeted. Ms. Levison questioned the need for carpeting in the office spaces. Ms. Grandstadt-Rice indicated that the use of carpet is in line with many professional spaces. She also indicated that the carpet in the design plan is carpet tile, made of very hardy, synthetic material and said it is easy to replace if a tile is damaged.

Ms McCarthy asked if there are sinks in the rooms above the Media Center. Ms. Grandstadt-Rice indicated that the Innovation Lab is partially above the Media Center, and confirmed that there are sinks there. Ms McCarthy asked about the possibility to put impervious material under the sinks to catch any overflow; MS Grandstadt-Rice said she would look into this. She indicated that they could also do this for the sinks in the classrooms above the administrative offices. The members asked her to verify that the sinks in these rooms also have sensors or springs for automatic shutoff.

Mr. Philippou and Ms. Levison indicated that they are still not convinced of a need for carpeting in the administrative offices. Mr. Grossman offered no comments but suggested the hearing be continued for the BOH members to think more on the issue. Ms. McCarthy made the motion to continue the hearing; Mr. Philippou seconded. All were in favor. The BOH members requested Ms. Grandstadt-Rice come back with more suggestions about what can be done to ensure air quality in the building.

e. Discussion re sodium in Boxborough Public Water Supply at the Harvard Town line- Ms. Levison indicated she learned from her plumber of damage due to high sodium in an office building on the Boxborough/Harvard line. She consulted DEP to see what the protocol is for contacting abutters in neighboring towns when there is consistently high sodium in Public Water Supply. The members discussed whether they would like to notify abutting residents of the elevated sodium in the area. The members agreed on sending a letter to abutters within a ¼ mile radius, recommending water quality testing, including for sodium. The letter will also request any results be submitted to the BOH for informational purposes only.

f. Clerk and Health Agent Update

- 47 Myrick Lane- Ms. Flynn requested the BOH members present review and executed a 4 bedroom deed restriction for this property. The restriction was prepared by the homeowners’ attorney at Mr. Grossman’s request in connection with their application for a building permit to refinish their basement. Ms. McCarthy executed the same.
- Ms. Flynn advised that eCode suggested renumbering of the recently approved Private Wells regulation. Ms. Flynn also brought to eCode’s attention the duplicate lettering in Section 145-28.

- 160 Prospect Hill Road- Mr. Grossman summarized his recent conversation with the homeowner regarding the origin and use of the outbuilding, and the status of the well testing.
- 187 Prospect Hill- Mr. Grossman indicated that the new owner's attorney advised him that he is working on a resolution with the prior owner's attorney.
- Mr. Grossman advised that the Harvard Plaza Public Water Supply continues to have high arsenic. DEP indicated that they have not been cited for non-compliance as the PWS is classified as a Transient Non-Community system and does not have to meet the Arsenic Rule. Mr. Grossman indicated that the BOH previously required Harvard Plaza to install arsenic remediation and provide bottled water to tenants, but there is no documentation that this was done. As Sorrento's holds a food service license, the water needs to be potable water. The members asked Mr. Grossman to write to the building owner and PWS operator, reminding them of the BOH's requirements.
- Ms. Flynn reported that Ms. Allard invited the BOH to attend the 4/4/19 ConCom meeting when the Deer Management Committee will next provide an update. The BOH members will be unable to attend as the meeting coincides with Dr. Rich's Tick Talk.

## **OLD BUSINESS**

a. Update from the Transfer Station Committee- Mr. Philippou advised that they voted to change the pricing structure recommendation to the Select Board from a \$80 flat fee to a \$100 flat fee for everyone other than seniors, who will be discounted to \$50. Mr. Philippou indicated that the seniors will still receive free bags. The Committee is working out the details of where the coupons and bags will be sold past July 1<sup>st</sup>.

b. Update from the MVP Committee- Ms. McCarthy reported that dates have been chosen in April for Community Workshops. The MVP continues to encourage members of the community to complete the survey.

c. Update from meeting with UMass Lab. For Medical Zoology ("LMZ") and Nashoba Associated Boards of Health- Ms. Levison reported on her meeting with Jim Garreffo and Paul Killinger. They discussed the logistics of offering a discounted rate on ticks submitted for testing by the NABH communities. It was reported that 136 ticks were submitted to the LMZ from NABH communities in 2018. Mr. Garreffo will request approval of funding at the next NABH meeting. If an agreement is reached, LMZ will automatically apply the discount based on zip code.

d. Continued planning of Tick Talk- Details regarding set-up for the Tick Talk were discussed.

e. Continued discussion regarding sharps pick-up program- This discussion was tabled for a future meeting.

f. Continued review of draft marijuana sales regulation- Mr. Philippou indicated that he has not yet received comments from Ms. Sbarra at the MA Association of Health Boards. Further discussion was tabled.

g. Continued review of draft tobacco use regulation- Ms. Flynn advised that she has not yet received comments from Ms. Hamlett. Further discussion was tabled.

h. Continued discussion re PFAS in Harvard- The Board Members agreed that the response to the Boston Globe article regarding PFAS should be revised to include that the DPW's testing of

the Town Wells did not detect PFO and PFA contaminants. Ms. McCarthy suggested that the notification of the DEP working group regarding PFAS be posted to the website; all were in agreement.

i. Review Action Items- The action items from the last meeting were reviewed.

### **PERMITS**

- The septic permit application package was reviewed and a permit was issued by the BOH for 9 Warren Avenue.
- Stable permit applications for 42 Bolton Road, 69 Lancaster County Road, and 58 Old Mill Road were reviewed and issued.

### **APPROVAL OF MINUTES-**

Mr. Philippou made the motion to approve the draft minutes of March 12, 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 8:58 p.m.; Mr. Philippou seconded. The vote was unanimous.

***Respectfully submitted,***

***Alison Flynn, Clerk***

### ***Documents Referenced:***

- Agenda
- Draft minutes of 3/12/19
- "Streets" file for 9 Warren Ave.
- "Streets" file for 2 Wilroy Ave.
- OLAC carpet variance request, with attachments
- Hildreth Elementary School Building Committee carpet variance request, with attachments
- 47 Myrick Lane, bedroom deed restriction
- Stable permit application packages for 42 Bolton Road, 69 Lancaster County Road, and 58 Old Mill Road
- Spreadsheet of EEA data of sodium results for PWS "Boxborough Executive Center" for last 5 years (prepared by AWF)