

**Harvard Board of Health Meeting Minutes**  
**Town Hall, Volunteer Meeting Room**  
**Tuesday, November 19, 2019**  
**Approved: December 10, 2019**

*Board of Health Members present:* Libby Levison; Sharon McCarthy; Tom Philippou, Chair.

*Attending:* Alison Flynn, Board of Health ("BOH") Clerk; Ira Grossman, Health Agent, Nashoba Associated Boards of Health ("NABH"); Sean and Diandra Bilodeau, 134 Old Littleton Road; Nick Deane, 325 Ayer Road; Lanette Duggan, Right-At-Home.

Mr. Philippou called the meeting to order at 7:01 p.m.

**PUBLIC COMMENT-** None.

**NEW BUSINESS**

a. Initial discussion re FY21 Budget- The BOH members agreed a separate meeting is needed to discuss the budget. Ms. Levison will prepare an initial draft for review by the members at a meeting on 11/26/19 at 7pm. Ms. Flynn will work with Ms. Levison in advance of the meeting to provide revenue and expense figures from FY19 and FY20.

b. 134 Old Littleton Road: Discussion re possible request for a variance from well regulations- Mr. and Mrs. Bilodeau explained to the BOH that they are currently considering options for expanding their home which will require a variance from the private well regulation's 10-foot offset from building foundation to the well. They provided a sketch of one possible addition, and asked for the BOH's thoughts on other addition ideas. Mr. Grossman indicated he would not have a problem with a 7-foot offset from the foundation, but was not comfortable with a roofed porch, supported by sonotubes, installed over the well. Ms. Levison indicated she would approve the variance as submitted on the sketch. Ms. McCarthy and Mr. Philippou indicated they would be okay with sonotubes placed over the well. Mr. Grossman indicated that he would think a 5-foot offset would be preferable to sonotubes over the well, but he would need to confirm with a well contractor to see if 5-feet is sufficient. Ms. Levison indicated she would probably give a variance for plans which include a sonotube supported porch over the well. Mrs. Bilodeau indicated she will finalize her plans with the architect and submit a final sketch with a variance request letter. Mr. Grossman confirmed the final sketch should include the porch, if one is to be built. Mrs. Bilodeau also voiced that her engineer advised that sonotubes are not covered in the private well regulation offsets.

c. 325 Ayer Road: Request for preapproval of tenancy for Suites B-120 and A-121/2- Mr. Deane and prospective tenant, Lynnette Duggan, of Right-At-Home presented a request for tenancy at the "Appleworks Building". Mr. Deane advised that the 2-3 employees at Galley Power and approximately 2 employees at Whole Earth Landscaping have recently vacated. Ms. Duggan indicated that she will need space for three employees, and possibly a fourth. Her business arranges for in-home and hospice care for residents in twenty towns. The members considered that Ms. Duggan's tenancy will be used as strictly office space, similar to the use of those who vacated, and approved her tenancy.

Mr. Deane stated that he could not extend tenancy to Ms. Duggan without first asking the BOH to consider a more lucrative potential tenants' occupancy. Mr. Deane indicated this tenant is prepared sign a lease beginning in August 2020 and plans to offer ski and snowboard tuning, as well as sell equipment and clothing, and will staff 4 full-time equivalent employees. Mr. Grossman stated he cannot support approval of this increase in flow for a change in use. Mr. Philippou suggested that if the prospective tenant would consider changing the business model to drop the retail component, the tenancy might be approved. Ms. Levison explained that the BOH is bound to follow Title 5. Mr. Phippou asked whether Mr. Deane is aware of any other tenants that are leaving; Mr. Deane said he was not and it would not benefit him to reduce tenants. Mr. Philippou encouraged Mr. Deane to consider replacing tenants who are leaving with similar or lower flow uses. Mr. Grossman reminded Mr. Deane that the septic approval is based on flows for office and dry goods. Mr. Deane asked whether the BOH would reconsider the tenancy approval if he is willing to make changes to make the SDS more conforming; Mr. Philippou indicated that the BOH will consider any plans for upgrades to the system as a separate issue when an application and plans are submitted for permitting review. The BOH members encouraged Mr. Deane to resubmit a request for tenancy of the ski tuner, authored by the prospective tenant, if his business model can be changed to a lower flow use.

d. Consider revisions to trash hauler permit application forms- Ms. Flynn suggested revisions to the trash hauler permit application forms to conform more accurately to the regulation. The BOH members approved of the same.

e. Report from MAHB Certificate Program (Marlborough 11/2/19)- Ms. Levison, Ms. McCarthy, and Ms. Flynn reported on their attendance at the Program.

f. Clerk and Health Agent Update

- Ms. Flynn reported a Winter Weather Call with Region 2 PHEP is scheduled for December 11, 2019, at 10 a.m. She will try to call-in.
- Mr. Grossman reported a building permit has been pulled for an adult daycare to be established at one of Lou Russo's buildings on Ayer Road. Mr. Grossman will be working with Mr. Russo to make sure the change in use is compliant with local and state regulations. Mr. Grossman reported he is also having similar conversations with another adult daycare preparing for occupancy on Lancaster County Road.

## **OLD BUSINESS**

a. 23 Lovers Lane: Continued hearing of 9/24/19- Ms. Flynn advised Mr. Thomsen was unable to attend due to a previously scheduled medical appointment, and the members reviewed her e-mailed "Update of 11/11/19". Ms. Flynn will request Ms. Thomsen attend the meeting on December 10<sup>th</sup> and provide the BOH with an update in advance of the same. Ms. Levison made a motion to continue the hearing until December 10<sup>th</sup>; Ms. McCarthy seconded. All were in favor.

b. Status re funding for PFAS remediation systems- Ms. Flynn advised she was unable to find any updated information online. She will continue to check prior to the next meeting.

c. DPH request for letter of support for grant application- The BOH members reviewed the draft letter of support prepared by the DPH. Ms. Levison made the motion not to sign the letter of support; Mr. Philippou seconded. All were in favor. Ms. Flynn will write Ms. Burkhamer to advise of the same.

d. MAHB/Tobacco 21 request for support of ban on flavored tobacco & vaping- The BOH members reviewed the requests for support of MPHA and Tobacco 21, and Ms. McCarthy made the motion to adopt the resolution, *Stop the Youth Vaping and e-Cigarette Epidemic*, as amended; Ms. Levison seconded. All were in favor. Ms. Flynn will reach out to Jamie Eldridge to request his support of the bill before the Senate, attaching the resolution.

e. Continued hearing for approval of proposed *Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol*- Ms. McCarthy reported that Cheryl Sbarra of the MAHB did not raise concerns with the residents' suggested revisions. The members further revised the regulation. Ms. McCarthy made the motion to adopt the regulation as amended; Ms. McCarthy seconded. All were in favor. Mr. Philippou requested Ms. Flynn e-mail Theresa Hoggins to update her on the hearing result and thank her for participating.

f. Update re EEE risk assessment and messaging- The members reviewed Mr. Philippou's draft letter to the Governor urging his consideration that roadside spraying of mosquitos is not an effective method for all MA communities. He will revise the letter and forward it to Ms. Flynn for comment by all members.

g. Update re PFAS- Ms. Levison shared her discussion with Dr. Wendy Heiger-Bernays at the MAHB Certificate Program regarding the continued efforts of her Boston University graduate students to prepare fact sheets for residents regarding PFAS.

h. Update regarding trash hauler regulation enforcement and RDP points- Mr. Philippou intends on discussing this with Mr. Kilhart. Ms. Levison indicated RDP points earned for "outreach" might also be shared due to her preparation of the "Recycling Tips".

i. Report from Land Use Boards (LUB) meeting (11/5/19)- Ms. McCarthy and Mr. Grossman reported on updates on Pine Hill Village and Craftsman Village discussed at the LUB meeting.

j. Update from Deer Management Committee (meeting 11/7/19)- Mr. Philippou indicated there were not updates to share.

k. Update from the Transfer Station Committee- Mr. Philippou reported no updates from the Transfer Station Committee.

l. Review Action Items- Action Items were reviewed. Ms. Levison offered to speak with Katie Brown about potential speakers on EEE.

## **PERMITS**

Septic permits were issued for each of the following:

- 86 Ayer Road- The BOH members reviewed the variances requested and reflected in Plan L13919. Ms. Levison made the motion to approve the variances request; Ms. McCarthy seconded. The permit was issued.
- 3 Babbit Lane- A permit was issued.
- 19 Myrick Lane- A permit was issued.
- 264 Ayer Road- A permit was issued.
- 62 Old Littleton Road- A permit was issued.

Stable permit application:

- 214 Littleton Road- The BOH members reviewed the stable permit application, and approved issuance of the same.

### **APPROVAL OF MINUTES-**

Ms. Levison made the motion to approve the minutes of 10/22/19 as amended; Mr. Philippou seconded. Ms. McCarthy abstained. All were in favor.

**ITEMS FOR THE NEXT AGENDA-** Items for the next agenda, a meeting schedule for December, and time off for the members, Health Agent, and Clerk were discussed.

**ADJOURNMENT-** Ms. Levison made the motion to adjourn at 8:56 p.m.; Mr. Philippou seconded. All were in favor.

***Respectfully submitted,***

***Alison Flynn, Clerk***

### **Documents Referenced:**

- Agenda
- Draft minutes of 10/22/19
- Septic permit application package for 86 Ayer Road
- Septic permit application package for 3 Babbit Lane
- Septic permit application package for 19 Myrick Lane
- Septic permit application package for 264 Ayer Road.
- Septic permit application package for 62 Old Littleton Road
- Stable permit application for 214 Littleton Road
- Draft letter to the Governor regarding roadside mosquito spraying
- Proposed *Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol*
- 134 Old Littleton Road: e-mailed communication of 10/30/19 and sketch of proposed addition
- 325 Ayer Road: e-mail from Nick Deane of 11/18/19 with attached tenancy chart
- Proposed revisions to trash hauler permit application and annual reporting form
- 23 Lovers Lane: "Update of 11/11/19".
- Draft letter of support from DPH
- MPHA & Tobacco 21 e-mails of 11/18/19 and MAHB sample resolution, *Stop the Youth Vaping and e-Cigarette Epidemic*