

Harvard Board of Health Meeting Minutes
Town Hall, Volunteer Meeting Room
Tuesday, December 10, 2019
Approved: January 14, 2020

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

Attending: Alison Flynn, Board of Health (“BOH”) Clerk; Nick Deane, 325 Ayer Road; Robert Dolins, SnoWerks; David Formato, On-Site Engineering, Inc.; Jane Thomsen, 23 Lovers Lane; Betsy Kehoe, Keller Williams Realty.

Mr. Philippou called the meeting to order at 2:00 p.m.

PUBLIC COMMENT- None.

NEW BUSINESS

a. Consideration of request for nomination to the Community Resilience Working Group (nomination due 12/13/19)- Ms. McCarthy volunteered to participate in the group as the BOH representative. Mr. Philippou nominated Ms. McCarthy; she accepted.

b. Consider amendment to Chapter 145, Section 44(E) Schedule of Administrative Fee to establish fees for marijuana operating permit and tobacco product sales permits- The members discussed the need to establish an annual application fee for marijuana operating permits and tobacco product sales products. Mr. Philippou made the motion to set each fee at \$75.00; Ms. McCarthy seconded. All were in favor. Ms. Flynn will revise the regulation and prepare a summary for The Harvard Press to be reviewed by Mr. Philippou.

c. 325 Ayer Road: Proposal for updates to septic disposal system- Mr. Formato indicated he was tasked by Mr. Deane to look at the existing septic system and propose a modification which would allow the building increased occupancy. He asked the BOH to consider his markup to the existing rear septic system as-built plan which marked, in green, an area that he believes can be expanded to allow for a greater safety margin in leaching provided relative to historic water use. Mr. Formato stated that the proposed expansion would increase the leaching area by 525 square feet, and using a 0.45 loading calculation would equate to a total capacity of the back system 648 gallons/day. This would increase the capacity from the existing 420 gallons/day.

Mr. Philippou stated that the BOH would be prepared to reconsider its agreement of December 14, 2018, if Mr. Deane is prepared to install an expansion area, as proposed. Ms. McCarthy agreed that the expansion proposal seems to be a reasonable step forward.

Mr. Dolins offered that he would be willing to commit to Mr. Deane to lease additional space for storage as suites become available as reassurance to the Board that future usage will be lower waste water flows. He further agreed to provide the BOH with a written statement that the water used for the ski tuning machine will not be disposed of on-site.

Mr. Formato will prepare and submit plans to NABH for review and permitting.

d. Initial discussion re preparation of Annual Town Report (due 1/27/19)- The members discussed a timeline for completing the BOH's submittal to the Annual Town Report. Mr. Philippou will review the 2018 submittal, divide it into three equal parts for updating, and send it to Ms. Flynn for circulating for each member to work on a section in preparation for the January 14th meeting.

e. Clerk and Health Agent Update-

- Ms. Flynn requested approval of the NABH 3rd quarter invoice. Ms. McCarthy made the motion to approve the invoice; Mr. Philippou seconded and signed the invoice.
- Ms. Flynn requested the BOH members' signature on the recently approved *Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol*; Mr. Philippou and Ms. McCarthy signed.
- Ms. McCarthy provided an update from the LUB Meeting of 12/10/19 in Mr. Grossman's absence, including that ConCom has placed a restriction on operation at Pine Hill Village LLC for the 24 hours following an inch of rainfall, that Mr. Ryan has requested a summary of BOH setbacks in connection with revision to the Open Space bylaw, and that Ms. Allard would like feedback on the revised draft permitting guide. Ms. Flynn will work with Mr. Grossman on preparation of a summary of setbacks, and will circulate the revised draft permitting guide for BOH comment.

OLD BUSINESS

a. 23 Lovers Lane: Continued hearing of 9/24/19- The BOH members reviewed Ms. Thomsen's written "Update from December 10, 2019" and she explained that while she has made progress with cleanout, personal issues have been consuming much of her time. She indicated that she has not decided whether to sell or renovate the house. The BOH members reminded her that the BOH is looking for progress. Ms. Thomsen questioned the role of the BOH now that the house is secure and no one is living there. The members suggested she speak with Mr. Grossman for further clarification. Ms. McCarthy made the motion to continue the hearing until the meeting of January 14th; Mr. Philippou seconded. All were in favor. The BOH requested Ms. Thomsen provide an e-mailed update on January 13th and advised that she may send a representative on her behalf if she is unable to attend the meeting.

b. 325 Ayer Road: Continued discussion re possible tenancy of SnoWerks- The BOH members reviewed Mr. Dolins's memo of December 4, 2019, describing his intended use of vacant space in the "AppleWorks" building. Mr. Dolins provided background on SnoWerks, as holding company for RJ Bradley's Ski & Bike, and explained that a fairly large number of RJ Bradley's ski customers are Harvard and Groton residents, making the Ayer Road location particularly desirable. He further explained that while they have a retail component, he does not believe the actual flows would consistent with the Title 5 flows for retail; he explained they monitored one of their stores and the bathroom was used 3 times by customers within a 2-month period. He also explained that while the tuning machine uses a significant amount of water, the discharge is stored in drums and picked up by a disposal company. Mr. Dolins' agreed to provide the BOH with written confirmation of this process.

Mr. Philippou stated that Title 5 assigns flows based on usage and does not allow discretion, and therefore, the BOH is obligated to apply Title 5 flows. The members agreed to approve SnoWerks' occupancy contingent on design approval for the expansion.

c. Continued complaints re Foxglove Apartments- The members discussed the communication received from the COA regarding continued concerns over Foxglove Apartments' safety risks and Mr. Grossman's e-mailed response to the BOH regarding the same. The BOH asked Ms. Flynn draft a response letter for Mr. Grossman's input and the BOH's review at the next meeting, explaining that the BOH does not have jurisdiction over the current concerns and copy the Building Inspector.

d. Status re funding for PFAS remediation systems- Ms. Flynn advised that she was unable to find out anything new regarding the anticipated funding.

e. Update re PFAS, including consideration of preparation of update to legislators- The BOH members considered the questions posed by Penny Reddy, US Army of Engineers, regarding the BOH's preference on notification of residents' PFAS results, including whether identifiers should be removed, outside agencies should be copied, and whether the BOH would accept the results in PDF form. The BOH members agreed that legal counsel should be contacted regarding whether identifiers should be applied. Ms. McCarthy will reach out to an environmental attorney before Ms. Flynn contacts Town Counsel. Mr. Philippou and Ms. McCarthy agreed that the results should be communicated to DEP, but they will defer to Town Counsel on whether the identifiers should first be removed from the results. The BOH members also agreed to accept the results in PDF form. Ms. Flynn will advise Ms. Reddy that the individual results should be reported to each resident as soon as possible, but the BOH should not be copied until further instruction. The BOH members also agreed that any follow-up contact to residents who were offered sampling but did not respond should be done by the Army.

f. Update regarding trash hauler regulation enforcement and RDP points- Mr. Philippou indicated that he spoke to Mr. Kilhart about sharing RDP points earned as a result of BOH enforcement of the trash hauler regulation and will look at his budget to consider what amount can be shared.

g. Report from attendance at Tick Symposium (11/25/19)- Ms. McCarthy reported that the Symposium was not as well attended this year, and included Matt Osborn, of DPH, and Thomas Mather, of URI Tick Encounter, presenters. She did not feel that either presenter would be candidates as speakers in Harvard this year. Ms. McCarthy volunteered to contact Katie Brown to see if she would be willing to present on EEE in Harvard.

h. Update from Deer Management Committee (11/21/19)- Mr. Philippou reported he was unable to attend the latest meeting.

i. Update from the Transfer Station Committee- Mr. Philippou reported there have been some issues with the bag quality and size. He indicated the Transfer Station Committee will review the Transfer Station Policies and Procedures to propose revisions to the Select Board.

j. Action Items- the action items from the last meeting were reviewed.

PERMITS

Septic permits were issued for each of the following:

- 37 Pine Ridge- a septic permit for an upgrade was approved. Ms. Keough, representative for the homeowner, signed and took possession of the original permit.
- 104 Still River Road- a transfer permit for the permit issued on 10/22/19 was issued in the homeowners' names. As a check was received from the homeowners in October for the prior permit which was issued in the contractor's name in error, the BOH members agreed to not charge the homeowners for transfer permit at this time.
- 116 Bolton Road- a septic permit for a tank seal was issued.

After review of the permit application packages, trash hauler permits were issued for:

- Mitrano
- Colonial Waste d/b/a The Trashman

Ms. Flynn will remind Colonial Waste that the Harvard Board of Health telephone number should be added to the notification to customers that set outs are not in compliance with Waste Ban laws.

Ms. Flynn advised that several other haulers have reapplied but their marketing materials and notifications to customers that set outs are not in compliance with Waste Ban laws are not in compliance with the BOH regulation. The BOH members decided that as these haulers have been asked over the last two permit seasons to make sure these materials are in compliance, Ms. Flynn will respond to each that their permits will not be issued until the BOH receives examples demonstrating they are now in compliance.

Ms. McCarthy requested a future review of the regulation to see whether language needs to be added to include the responsibility of haulers to notify the homeowners of delayed pick-up and the homeowner responsibility to secure/protect set-outs in inclement weather.

APPROVAL OF MINUTES-

Ms. McCarthy made the motion to approve the minutes of 11/19/19 as presented; Mr. Philippou seconded. All were in favor.

Ms. Flynn will prepare draft minutes from the budget meeting of 11/26/19 relying on information provided by Ms. McCarthy.

ITEMS FOR THE NEXT AGENDA- Items for the next agenda were discussed. The BOH will next meet on 1/14/19 beginning at 2 p.m., unless budget questions are received sooner and an additional meeting is needed.

ADJOURNMENT- Ms. McCarthy made the motion to adjourn at 3:40 p.m.; Mr. Philippou seconded. All were in favor.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Chapter 145, Section 44(E) Schedule of Administrative Fees
- 325 Ayer Road: SnoWerks Memo of December 4, 2019; E-mail from Mr. Formato of 12/10/19 and attached scan depicting proposed expansion area; AppleWorks letter of [REDACTED] regarding tenancy
- NABH 3rd Quarter invoice
- *Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol*
- E-mail from Debbie Thompson of 12/3/19 regarding Foxglove Apartments, with its attachments
- 23 Lovers Lane: Update of December 10, 2019
- E-mail from Penny Reddy of 12/9/19
- Draft minutes of 11/19/19
- Septic permit application packages for 37 Pine Ridge Road, 116 Bolton Road, and 104 Still River Road
- Trash hauler permit application package for Colonial Waste d/b/a The Trashman, and Mitrano Removal Services