

Harvard Board of Health Meeting Minutes
Tuesday, August 1, 2017
Town Hall

Board Members present: Libby Levison (via telephone); Sharon McCarthy, Chair; Tom Philippou.

Attending: Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BoH”) Clerk; Elisabeth Philippe, Homeowner of 58 Blanchard Rd.; Nancy Cole, Homeowner of 184 Old Littleton Rd.; John Holland, Contractor for 184 Old Littleton Rd.; Tom Roginski, Homeowner of 28 Deerfoot Trail; Dan Wolfe, David E. Ross Associates.

Ms. McCarthy called meeting to order at 2:02 p.m.

PUBLIC COMMENT- None.

NEW BUSINESS-

a. Meetings with citizens/companies/town staff

- *58 Blanchard Rd.* – Ms. Philippe appeared to address the BoH’s concerns regarding rubbish in yard and her subsurface sewage disposal system. Regarding the rubbish, she indicated that the trailer and things around the trailer are items being collected by her husband to be shipped to Haiti. Mr. Grossman indicated that as long as the items are stored within a container that is in good condition, they are not a concern of the BoH. Ms. Philippe indicated that she would convey this to her husband. Regarding the items in the backyard, she indicated that they are a result of her basement being flooded and now need to be discarded. She has already filled a dumpster once to clear those materials, but is waiting for a tax refund so she can afford to pay for another dumpster for the remaining items. The BoH members agreed to allow Ms. Philippe until 9/1/17 to dispose of the materials left in her backyard. Ms. Levison asked that Ms. Philippe consider contacting the BoH if there is another delay in her receipt of her tax refund; she agreed to contact Ms. Flynn if there is a problem. Ms. McCarthy also suggested Ms. Philippe call different companies to see if she can get the best price possible for her dumpster.

Regarding her subsurface sewage disposal system, Ms. Philippe forwarded the BoH a paid invoice from RM Ratta Corp. documenting that her septic was pumped and found at the time to have a pump in failure. Ms. Philippe indicated that she had the pump replaced as a result, and had RM Ratta pump the septic an additional time. She will forward an invoice for the pump replacement. She also indicated that she had the whole system inspected and would forward documentation of the same. Mr. Grossman indicated that he is concerned that complaints of odor might be from a whole system failure and not just the pump, and would follow-up with Ms. Philippe on this issue after he is able to review an inspection report. Ms. McCarthy advised that if the system is in failure, the Community Septic Management Program might be a resource for a loan if the funds are available.

- *184 Old Littleton Rd.* – Mr. Wolfe presented on behalf of the homeowners, Ms. Cole and Ms. Hector, requesting defined approved capacity in preparation for renovations to a historic home. Mr. Wolfe explained that the record on file indicates that the property is a 4 bedroom structure, however, the home appears to be a 6 BR as defined by Title 5. Prior to the meeting, Mr. Grossman attended a walk-through with Mr. Wolfe, and confirmed that the existing rooms date back to the original house. Mr. Wolfe was not aware how or why this home was documented as 4 bedrooms, but he was looking for the BoH to confirm the home as a 6 bedrooms so that the homeowners can upgrade the system as such without being subject to standards for “new construction”. Mr. Wolfe indicated that the homeowner’s current plan is to renovate the 3rd floor to one large room that will be used as a bedroom, and the garage will be converted into a 1 bedroom guest house. He indicated that the homeowners are seeking a 6 bedroom capacity but will be using it as a 5 bedroom home. He confirmed that the septic system will be new, and in a new location.

Mr. Grossman indicated that he found additional documentation this morning in the NABH files, including two Title 5 inspections and a permit which all listed the property as a 4 bedroom. He further stated that upon walk-through he noted that the 2 rooms on the 3rd floor are not habitable, the detached built-ins on the 2nd floor of the garage do not meet Code, and the garage was not connected to the septic. Mr. Grossman stated that considering the two Title 5 inspections which list the property as 4 Bedrooms, the Assessor’s listing indicating 4 Bedrooms, and the permits listing 4 Bedrooms, and discounting the rooms that aren’t habitable, meeting code, or connected to the septic, all bring the property down to a 4 bedroom. Mr. Grossman indicated that he believes Title 5 is clear that this is a 4 bedroom structure, and what’s proposed should be considered new construction.

Mr. Philippou moved that as the house was originally built as a 6 bedroom structure, the septic should have been approved as a 6 bedroom, and the BoH would consider plans for an upgrade as a 6 bedroom going forward. Ms. McCarthy seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

- *28 Deerfoot Trail Hearing-* Mr. Roginski appeared on his own behalf. He explained that he is in the process of restoring his house and the items seen in the rear of the yard are the materials for that restoration, and those to the right of the home are playthings for his grandchildren and wheel barrels and buckets used for the restoration. He explained that the restoration is being done as a result of damage to the windows and doors on the rear of the property from snow accumulation 2.5 years ago, and that his sons-in-law, who are contractors, are helping him do the work in between their own jobs on a time-available basis.

Ms. McCarthy requested Mr. Roginski suggest a reasonable amount of time for him to remove, with proper disposal or storage, and Mr. Roginski suggested 1/31/18. Mr. Grossman offered to inspect the property after 1/31/18 to discuss with Mr. Roginski at that time whether any remaining items should be disposed of, and Mr. Roginski agreed. Mr. Roginski indicated that it’s his sincere hope that the restoration work is done by the end of the summer. Ms. Levison asked that Mr. Roginski consider contacting the BoH if he has any set-backs in completing the restoration. Mr. Roginski requested a letter confirming the BoH’s finding, and the BoH agreed to provide him with the same.

- *50 Turner Lane*- As plans were not received prior to the meeting, this property was not discussed.

b. Idyllvale Farm Manure Trucking Complaint- The BOH members discussed a complaint received from Mr. Jeff Rosenthal of 206 Littleton Rd. indicating that a truck from Idyllvale Farm of Littleton travels past his house throughout the day, mostly late-morning or early-afternoon, on a daily occurrence “splashing” manure along the roadway as it travels, and also travels to Shaker and South Shaker Roads. He indicated this also occurred last year, but this is his first complaint to the BoH. The BoH members agreed that compliance of load carrying trucks is more the jurisdiction of the Department of Transportation, and requested Ms. Flynn send Mr. Rosenthal a letter referring to the Department of Transportation for assistance.

c. All Boards Meeting, 9/6/17 at 7 p.m., regarding FY 2019 Budget Process- Ms. McCarthy offered represent the BoH at this meeting, and it was agreed that Ms. Levison and Mr. Philippou would also attend if available. Ms. Flynn was asked to post the All Boards Meeting as a BoH Meeting.

d. Desk Coverage 8/15 & 8/17/17- Mr. Philippou agreed to cover the BoH desk during office hours on August 15, 2017, and Ms. Levison agreed to cover the BoH desk during office hours on August 17, 2017, while Ms. Flynn is on vacation.

e. Update from Health Agent & BoH Clerk

- Ms. McCarthy and Mr. Philippou executed the Betterment Agreement and Notice of Betterment Agreement regarding 33 Ann Lees Road. Ms. Flynn was asked to have Mr. Nalchajian execute the Betterment Agreement, and then send the Betterment Notice to the Registry of Deeds for recording.

- Ms. McCarthy, Mr. Philippou, and Mr. Grossman reviewed a draft letter to Still River Realty Trust regarding Attorney Lanza’s advisement that an up-to-date Trustee’s Certificate is necessary for recording deed restrictions. Mr. Philippou moved to accept the letter with Mr. Grossman’s proposed revisions and to authorize Mr. Grossman to sign the finalized letter. Ms. McCarthy seconded the motion. A roll call vote was taken: Ms. McCarthy, aye; Mr. Philippou, aye; Ms. Levison, abstained.

- Ms. Flynn advised that she sent a letter to the homeowner for 48 Madigan Lane requesting an updated stable permit application. The BoH members suggested she follow-up in two weeks if she has not received a completed application before then.

- Ayer Recycling Committee is looking for support of their Recycle your Reusables event, an event which welcomes Harvard residents. The BoH members suggested they consider a donation be put in the budget for next year, as funds for the current year are not available.

OLD BUSINESS-

a. ABC Cesspool: Status of ABC's first quarterly report (due 7/31/17)- Ms. Flynn reported that the quarterly report arrived on time. The report received indicates that there have been zero incidents of proposals/estimates and all work that leads to a contract, zero Title V inspections, zero test holes and

plans, zero septic system installations and repairs, and that pumping reports have been sent to the Nashoba Associated Boards of Health every two weeks as required by their permit with Nashoba.

b. *Seasonal conversions*- There was continued discussion regarding Mr. Grossman's request that the BoH members contemplate the definition of "new construction" as defined by Title V. The BoH came to the conclusion that Mr. Grossman had that Title V defines "new construction" as anything that fits any one of these categories: 1) construction of a new building for which an occupancy permit is required; 2) an increase in the actual or design flow to any system or an increase in the actual or design flow to any nonconforming system; 3) an increase in the design flow to any system above the existing approved capacity. Mr. Grossman indicated he would discuss this interpretation with two local engineering firms to see if they have comments, and would reach out to DEP to see if there was someone who would like to come educate the BoH and/or the Land Use Boards regarding interpreting the definition.

c. *Review Action Points last meeting*- Action points from the last meeting were reviewed.

PERMITS- No permits.

APPROVAL OF MINUTES- 7/25/17- Ms. Levison indicated that she was unable to review the minutes prior to the meeting. Mr. Philippou made a motion to accept the minutes as revised unless Ms. Levison's review of the revisions and minutes resulted in pressing corrections. Ms. McCarthy seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

ADJOURNMENT- Ms. McCarthy moved to adjourn at 3:47 p.m. Mr. Philippou seconded. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

***Respectfully submitted,
Alison Flynn, Clerk***

Documents Referenced:

- R.M. Ratta invoice regarding 58 Blanchard Rd. dated 10/19/16
- NABH Letter to 58 Blanchard Road homeowners of 3/27/17
- 184 Littleton Rd. "Streets" file
- NABH Letter to 28 Deerfoot Trail homeowners of 6/26/17
- Photos of 28 Deerfoot Trail e-mailed to the BoH from Mr. Grossman on 6/16/17
- Mr. Roginski's letter of 7/11/17 to the BoH
- E-mailed communications with resident regarding Idyllvale Farms trucking
- Draft letter to Still River Realty Trust
- Betterment Agreement and Betterment Notice regarding 33 Ann Lees Rd.