

Harvard Board of Health Meeting Minutes
Tuesday, May 8, 2018
Approved: May 22, 2018

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

Attending: Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BoH”) Clerk; Richard McCleary, Boxdrop Mattresses Warehouse, LLC; Nicholas Deane, LTI Harvard Appleworks LP; Darren Brosseau, D&D Waste; Irene Congdon, DEP Municipal Assistance Coordinator.

Ms. McCarthy called meeting to order at 2:05 p.m.

PUBLIC COMMENT- None.

NEW BUSINESS

a. 325 Ayer Road- Boxdrop Mattresses Warehouse, LLC (2:20 p.m.)- Mr. McCleary owns Boxdrop Mattresses Warehouse, LLC, and is a prospective tenant for vacant space at 325 Ayer Road, the “Appleworks” building owned by LTI Harvard Appleworks LP. Mr. Deane was also present to represent LTI Harvard Appleworks LP. Mr. McCleary stated that he intends to use the space for sale of dry goods, meeting clients by appointment only for short blocks of time. He will be the sole employee.

Mr. Grossman reminded the BOH members that Mr. McCleary’s occupancy technically adds flow pursuant to Title 5, as the Code assumes 15 gallons per day per person using a commercial dry goods space, and 50 gallons per day per 1,000 square feet used as a retail store.

Ms. Levison made the motion to approve Mr. McCleary’s occupancy with the proviso that Mr. McCleary come before the Board if he increases his use, including the number of employees and space occupied. Mr. Philippou seconded. A vote was taken, it was unanimous.

b. 325 Ayer Road- future procedure for approval of usage- Mr. Deane reiterated his commitment to watching the water meter readings and trying to identify more efficient equipment when high usage is noted, and stated that currently the septic tanks are pumped 3 times a year.

Mr. Philippou pointed out that the goals of the BOH and Mr. Deane are at odds; Mr. Deane wants to maximize usage of his building for economic reasons, while the BOH is tasked with protecting the environment. Mr. Philippou and Mr. Grossman suggested maximizing the use of the space with lower usage tenants as the leases of higher users end.

Mr. Philippou stated that the Board should consider penalties to help with enforcement of the usage restrictions. Mr. Grossman stated that Title 5 allowed for penalties, if required.

c. Request for scheduling of EDS drill- Ms. Flynn received an e-mail from Jamie Terry, Public Health Emergency Planner for Region 2 of PHEP, requesting scheduling of an Emergency Dispensary Site facility set-up drill before March 30, 2018, and suggesting the fall might be a good time. The BOH members expressed interest in possibly running this year's drill as part of the NABH flu clinic. Ms. Flynn will look into the timing of last year's flu clinic and will report back for further discussion at the 5/22/18 meeting.

d. Lovers Lane hearing (3:30 p.m.)- This discussion was tabled until 5/22/18 at the request of the resident due to medical necessity.

e. Request for letter of support for Municipal Vulnerability Preparedness Grant Program- Eric Broadbent contacted the BOH for a letter in support of the MVP grant application, due 5/11/18. Ms. Levison made a motion to provide a letter of support; Mr. Philippou seconded. A vote was taken; all were in favor. Ms. McCarthy indicated she will draft the letter with Ms. Flynn.

f. Update from the Transfer Station Committee- Ms. Levison and Mr. Philippou reported that current calculations set the annual sticker price at \$100 per household with bags costing \$1.25 for a 15-gallon bag, and \$2.50 for a 33-gallon bag. Additionally, Ms. Levison stated that the Sisters of the Immaculate Heart School will probably switch to a private hauler which will significantly reduce flow to the Transfer Station.

g. Report regarding NABH quarterly meeting of 3/29/18- Ms. Levison attended the NABH quarterly meeting. She stated that she learned Jim Garreffi is currently serving as Director of Nursing during a change in personnel, and that Bridget Braley will be inspecting cannabis kitchens. Ms. Levison also reported that beach and camping applications were sent out.

h. Report regarding MAHB workshop of 4/6/18- Ms. Levison reported regarding her attendance at this workshop. Of interest, she learned that Massachusetts had been named 2017's healthiest state. Additionally, she learned that, like Lawrence and Lexington, Framingham's BOH will be handling the issue of student depression instead of the school department. She also learned that grants are available through the Kresge foundation.

i. Discussion regarding maintenance of long sewer line systems- Ms. McCarthy spoke to the Bolton Board of Health Office regarding their use of deed restrictions for long sewer line (LSL) systems, and learned that their goal was to inform buyers, not penalize owners, and to emphasize that it is a lot cheaper to maintain versus replace your system. Bolton has kept track of these LSL systems in a database going forward.

The BOH members reviewed and revised a draft LSL system regulation and sample deed restriction prepared by Mr. Philippou. Ms. Flynn will incorporate the changes for review at the next BOH meeting.

k. Update from Health Agent & BoH Clerk

- Ms. Flynn advised that a letter was drafted providing notice to the homeowners of 28 Deerfoot Trail of an inspection to be held on May 14, 2018. She will finalize the letter and send it out.

- Ms. Flynn reported that she received an invoice from Larry Dapsis. Ms. Levison made a motion to submit the invoice for payment; Mr. Philippou seconded. The vote was unanimous.
- Ms. Flynn reported that an invoice from East Coast Satellite Communications and the products received- Ms. Levison made a motion to submit the invoice for payment; Mr. Philippou seconded. The vote was unanimous.
- Mr. Grossman provided an update regarding 104 Still River Road. He indicated that the homeowner came in to discuss the advertisement of the cottage for summer rental. Mr. Gallagher indicated that they have committed to a young family who will occupy the cottage while the Gallaghers are away for the summer. Mr. Grossman reminded the BOH that the property is approved for use by a single-family and there has been no change of use allowed or occupancy permit issued for the cottage. The Building Inspector is expected to check the cottage on 5/8/18. Ms. McCarthy suggested the BOH allow use of the cottage only through September 15 with confirmation by the Gallaghers that the home will not be occupied. Ms. Levison and Mr. Grossman will prepare a letter to the Gallaghers regarding the same.

OLD BUSINESS

- a. Continued 43 Pine Ridge Road- Variance Request (2:45 p.m.)- This discussion was not needed as the engineer withdrew the variance request.
- b. Tick outreach 2018: Article or Public Service Posting- The BOH members agreed that the Tick Talk should be on a live feed with local cable. Ms. Levison will communicate the same. Ms. Levison also advised that Jim Garreffa cannot attend the Tick Talk; he did send information on the talk to other NABH town's Boards of Health. Mr. Grossman also reported Neil Angus at Devens is spreading the word. Ms. Levison also reported that her contact from the Health Foundation of Central Massachusetts will attend.
- c. Continued discussion regarding outreach for potential volunteers for Emergency Dispensary Site- This discussion was tabled.
- d. Further discussion regarding ground source heat pumps ("GSHP")- Ms. Levison reported that 10 residents have expressed interest in GSHPs. Mr. Grossman indicated that he was contacted by Skillings regarding a resident who wants an open loop GSHP, and we currently have no regulation to prohibit it. Mr. Grossman explained that open loop GSHPs are not a good idea because they allow for discharge to be pumped back in to the well. Mr. Philippou suggested the BOH amend the regulation to prohibit discharge back in to the well. Ms. McCarthy indicated that it would be prudent to have a discussion at next meeting regarding amending the well regulation, once the members have the regulation in front of them.
- e. Review action points from last meeting- Action points from the last meeting were reviewed.

PERMITS

- Waste Hauler- Darren Brosseau of D&D Waste ("D&D") was present to participate in the discussion regarding the consideration of issuance of a Cease & Desist Order. Ms. Flynn reviewed that D&D's 2018 application package for a waste hauler permit was insufficient in that it did not include copies of marketing materials, rejection letters, and a list of customers. Mr. Brosseau confirmed his previously expressed reluctance to offer recycling service and that D&D would be stopping work in Harvard except for providing temporary roll-off dumpsters for construction and clean-outs. Irene Congdon, DEP Municipal Assistance Coordinator, was present to offer support and suggested recycling options for D&D customers. Ms. Congdon suggested D&D's dumpster delivery slip might include a cover letter with recycling location options and indicated she would provide the BOH with a sample letter to be forwarded to permitted waste haulers, including D&D. Mr. Brosseau was agreeable to providing his customers with such a letter and also indicated he would provide Ms. Flynn with a copy of his dumpster delivery slip.

Ms. McCarthy suggested that a permit be issued to D&D which limited services to provision of temporary roll-off dumpsters only. Mr. Philippou made a motion to issue such a permit; Ms. Levison seconded. A unanimous vote was taken.

- Septic- The BOH members reviewed and issued an upgrade septic permit for 43 Pine Ridge Drive.
- Stable- 277 Still River Road- Ms. Flynn reported that Ms. Anderson had reached an agreement with a neighbor who would like to take the manure daily from Ms. Anderson's tenant. Ms. Flynn also reported that Ms. Anderson's neighbor, Mr. Capobianco, has requested a Cease & Desist Order prohibiting Ms. Anderson from burying the manure in a hole in her yard, and renewed his concern regarding the effect of the manure on the well on his abutting property. Mr. Grossman expressed concern that the manure is still in the hole and suggested it be excavated and backfilled. The BOH members agreed with this concern, and renewed their recommendation for a manure dumpster. Ms. McCarthy indicated that emptying of the dumpster as needed should be sufficient, and Ms. Levison suggested that the farming neighbors could remove the manure from the dumpster to help reduce the cost of emptying. Ms. Flynn will contact Ms. Anderson to request removal of the manure and backfilling of the hole, and a manure dumpster emptied as needed. She will also advise Mr. Capobianco of the decision and that the BOH does not feel a Cease & Desist Order is appropriate at this time.

APPROVAL OF MINUTES

- 4/24/18- Review of minutes was tabled to the next meeting.

ADJOURNMENT- Ms. McCarthy moved to adjourn the meeting at 4:17 pm.; Ms. Levison seconded. The vote was unanimous.

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

Documents Referenced:

- Agenda
- Draft memo regarding future procedure for approval of usage at 325 Ayer Road
- Eric Broadbent's draft letter in support of the MVP grant application
- Draft LSL system regulation and sample deed restriction
- Draft letter to 28 Deerfoot Trail
- Invoice from Larry Dapsis
- Invoice from East Coast Satellite Communications
- "Streets" file for 45 Pine Ridge Drive