

Harvard Board of Health Meeting Minutes
Tuesday, September 11, 2018
Approved: September 25, 2018

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

Attending: Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BoH”) Clerk; Ms. Thomsen, homeowner, Lovers Lane; Arlene Genova and Craig Maxey, homeowners, 3 Still River Depot Road; Dan Wolfe, David E. Ross Associates; Nicholas Deane, owner, 325 Ayer Road; Nick Phillips, owner, Phillips Flooring Company; Liz Allard, Conservation Agent/Land Use Administrator.

Ms. McCarthy called meeting to order at 1:58 p.m. Ms. Levison attempted to join via Skype, but was unable to hear.

PUBLIC COMMENT- None.

NEW BUSINESS

a. 3 Still River Depot Road: Use of second building as an apartment – Mr. Philippou made a motion to continue the hearing for Lovers Lane until the homeowner could be present, and take this item out of order. Mr. Wolfe presented for his clients, homeowners, Arlene Genova and Craig Maxey, who purchased the home in May. Mr. Wolfe described that the barn on the property was converted by the prior owners into a space that consists of full bathroom, room used as an exercise room, and an upstairs open space used as an office with a kitchenette. Mr. Wolfe reported that his office was hired at the time of the conversion to design a new septic system for the barn which fit the “office” and “lockers” categories of Title 5 at the time. The current owners would like to apply to the ZBA for a special permit to use the converted barn as an apartment. Mr. Grossman indicated that the change in use is considered “new construction” as defined by the current Title 5, requiring full compliance with current Title 5, and expressed concern regarding the high groundwater of abutting properties. Mr. Wolfe indicated that there would have been no design difference had they designed for the use of an office or apartment, and pointed out that it was designed for 271 gallons per day capacity where a 1 bedroom requires 110 gallons per day.

Mr. Philippou made the motion to accept a 1-bedroom deed restriction with soil testing required. Ms. McCarthy indicated she was more inclined to authorize the change of use based on current information provided. Mr. Philippou advised the homeowners that should they want to rent the apartment for more than 1 bedroom, they would need soil evaluation. Mr. Philippou made the motion to accept a 1-bedroom deed restriction; Ms. McCarthy seconded. The vote was unanimous.

b. 325 Ayer Road: Proposed tenancy by Phillips Flooring Company- Mr. Phillips presented his intent to enter a lease to occupy Suite B-108. He indicated he has 8 employees that would spend approximately 30 minutes per day at the property, loading materials before heading to job sites. Mr. Phillips would personally spend approximately 20 hours per week in the office space doing paperwork. The space would also be used as a by-appointment-only showroom. He indicated that he has no plan to expand staff on-site and any change in use at Appleworks would be to expand his product line only.

Ms. McCarthy made the motion to approve tenancy; Mr. Philippou seconded. No further discussion was needed. The vote was unanimous.

c. 166 Old Littleton Road: Discussion re elevated lead in the soil- Ms. McCarthy stated she would like to review the tables before making any comments. Mr. Grossman will pursue the same.

d. DPH Office of Preparedness and Emergency Management's Preparedness Campaign- Ms. McCarthy suggested Ms. Flynn confirm the "Web Resources" are listed on the BOH website.

e. Update from Transfer Station Committee: Meeting of 9/11/18- Mr. Philippou reported that there was no meeting held, as they did not have a quorum.

f. Update from Health Agent & BoH Clerk

- Received invoice from NABH for Second Quarter Billing FY2019- Ms. Flynn reported that she received the 2nd Quarter invoice from NABH. Mr. Philippou made the motion to pay the invoice; Ms. McCarthy seconded. A vote was unanimous. Ms. McCarthy signed off on the invoice.
- Ms. Flynn reported that she received a telephone call from Jamie Terry, PHEP Region 2 Coordinator, regarding scheduling the call-down drill for a day when all three members can be reached and assemble. Ms. Terry also confirmed that it would be helpful to have all the members present for the set-up drill but that only one member has to be present to receive credit.

OLD BUSINESS

a. Lovers Lane hearing- The hearing began once Ms. Thomsen arrived at the meeting. Mr. Grossman stated that the hearing was to discuss whether the home is unfit for habitation and in need of condemnation. He informed the Board that the deadlines established during the last discussion have not been met, that the house is in poor condition and is unsecured. Ms. Thomsen explained that a series of unfortunate events, including deaths in her family, have impeded her progress. She indicated she has done some clean up and has pest control scheduled in two weeks. She intends to follow-up with contractors on estimates to do repair work. Mr. Grossman confirmed for the BOH members that condemning the house would allow for work to be done while unoccupied, but would remove the attractive nuisance and ability for animals to get in the building. Ms. Thomsen stated that no one is currently living on the premises, and she agrees no one should be. She indicated that she is unsure of her long term plans for the property, and that obtaining estimates will help her assess her options. Mr. Grossman advised that the next step toward condemnation would be to issue an Order to Secure which would be copied to the mortgage company. If the owner does not secure, then the Town could secure, placing a lien on the property. After 1 year, the Town would then have the option to demolish the property if the structure does not meet habital conditions. Mr. Grossman summarized that Ms. Thomsen has been interviewing, discussing, and planning, but no contracts other than pest control are in place. He reminded Ms. Thomsen that it was discussed in May that the first step should be to clean the garage and secure the garage doors.

He stated that the repairs were to include repairs to screens and the unsafe front steps. Mr. Grossman indicated he would recommend a very short extension on time or condemnation. Ms. McCarthy confirmed that the accessibility to pests and people needs to be addressed within 4 weeks or the Board will most likely move to condemn.

Ms. McCarthy made the motion to continue the hearing for 4 weeks, until October 9th, with the garage door to be secured and any access points to be blocked to prevent access by animals or people. Mr. Philippou seconded. The vote was unanimous.

b. Discussion of role in MVP sub-committee (HEAC to appoint members on 9/12/18)- Ms. Allard was present to clarify that the position of the MVP member cannot be a rotating BOH member. She indicated that there would be some hefty meetings next week as consultants are interviewed and workshops that would need participation in, but consultants would otherwise do a lot of the heavy lifting. Ms. McCarthy volunteered to be the BOH member.

c. 28 Deerfoot Trail: status of compliance- Mr. Grossman and Mr. Philippou advised that though Mr. Roginski has made progress, he is not fully in compliance with the June Order. Counsel for Mr. Roginski indicated he would talk to Mr. Roginski about getting a small shed and removing additional items.

d. Continued review and possible comment on the Hildreth Elementary School Environmental Notification Form- Ms. McCarthy reported that she reviewed the documents and did not note anything that requires the BOH comment.

e. Continued discussion regarding trash hauler extension for full regulatory compliance- The BOH members reviewed Ms. Flynn's draft letters and asked that she send the letters out to each permitted hauler.

f. Further discussion regarding revisions to well regulations- A revised draft well regulation was revised. Ms. Flynn will incorporate the revisions as a final draft. It was agreed to schedule a hearing on the well regulation, as well as the long line sewer regulation, for the second meeting in October.

g. Review action items from last meeting- action items from the last meeting were reviewed.

PERMITS-

- Stable- 69 Lancaster County Road- Ms. Flynn advised that a stable permit application has been submitted by a potential buyer. The seller has indicated he would like to be present for a discussion if there is any question of whether or not a permit will be issued. As the BOH is waiting for comments from ConCom, the members indicated they will review the application at the next meeting.
- Septic
 - 13 Scott Road, Lot 38- Upgrade- Signed
 - Pinnacle Road, Lot 3- New- Signed
 - 14 Park Lane-LUA- Signed

APPROVAL OF MINUTES-

- Ms. McCarthy made the motion to approve the draft minutes of 7/24/18 as amended; Mr. Philippou seconded. The vote was unanimous.
- Review of the draft minutes of 8/14/18 was tabled until next meeting.
- Review of the draft minutes of 8/28/18 was tabled until next meeting.

TOPICS FOR NEXT MEETING AGENDA- Topics for the next meeting were discussed. It was also suggested that the next meeting be moved to 2 p.m. to accommodate attendance at the All Boards Meeting.

ADJOURNMENT- Ms. McCarthy moved to adjourn the meeting at 4:00 p.m.; Mr. Philippou seconded. The vote was unanimous.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- "Streets" file for 3 Still River Depot Road
- "Streets" file for 325 Ayer Road
- Draft well regulation
- Draft letter to trash haulers and draft recycling resource letter to be enclosed to the haulers
- Septic permit for 13 Scott Road, Lot 38
- Septic permit for Pinnacle Road, Lot 3- New- Signed
- Septic permit for 14 Park Lane