

**Harvard Board of Health Meeting Minutes**  
**Town Hall, Volunteer Meeting Room**  
**Tuesday, July 9, 2019**  
**Approved: July 23, 2019**

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

*Attending:* Alison Flynn, Board of Health (“BOH”) Clerk; Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Neil Gorman, GPR, Inc., and Justin Baer, Contractor, 9 Wilroy Ave.

Ms. Levison called the meeting to order at 2:37 p.m.

**PUBLIC COMMENT-** None.

a. 9 Wilroy Ave.: Reconsideration of zero-bedroom deed restriction requirement (2:35 p.m.)- Mr. Gorman and Mr. Baer were present on behalf of the property owners to request reconsideration of the determination at the November 13, 2018 BOH meeting that a zero-bedroom deed restriction would be required for the structure at 9 Wilroy Ave. Since last before the BOH, the property owners discovered that the building was assessed at one bedroom and expanded the scope of the project to include interior work to allow for use as a guest house. Mr. Grossman advised that a one-bedroom consideration could be allowed if the building is deed restricted as seasonal and meets the Minimum Standards of Fitness for Habitation, but if the building is to be used year-round, it would have to have a fully compliant septic system. Ms. McCarthy made the motion to accept a one-bedroom deed restriction with the requirements that 1) the deed restriction must be recorded to a Willard Shores Trustees Certificate, along with deed restrictions noting: 2) the presence of a tight tank with seasonal use, 3) that any construction that increases in square footage or capacity will require a Title 5 compliant septic system, and that 4) the loft is not habitable space; Ms. Levison seconded. It was further discussed that the building will have to conform with the Minimum Standards of Fitness for Human Habitation. All were in favor. Mr. Grossman advised that a permit will not be issued until all four required covenants are recorded.

b. 34 Peninsula Road: Prepare comments to ZBA (due 7/10/19)- Mr. Grossman advised the members that the property owner recently let his I/A maintenance contract lapse, and has not yet received a Certificate of Compliance. The BOH members agreed that a new I/A maintenance contract and inspection report should be required. Further, the members reviewed the SDS plan and renewed concerns about the less than 100-foot separation (65 feet) between the well and the septic system. Mr. Philippou made the motion to require full compliance with the 100-foot separation; Ms. Levison seconded. Mr. Grossman also noted that the required I/A notice which was recorded inaccurately states the system is approved for “general use” where “remedial use” should have been indicated. Ms. Flynn will provide the ZBA with comments that these items require resolution.

c. Request for scheduling of EDS drill and new components- The BOH members discussed Region 2 Emergency Planner, Jamie Terry’s recent request for scheduling of a set-up EDS drill, and considered options. The members agreed that combining the flu clinic with the set-up drill was not an option, as scheduling for the school and flu clinic have conflicting needs. Ms. Flynn will advise Ms. Terry that the BOH will be unable to schedule a set-up drill this year. Ms.

Levison suggested instead organizing a 45 minute meeting with those who would be involved in an emergency in Harvard to update all parties on what's new. Mr. Philippou suggested the meeting be held in anticipation of the emergency preparedness talk co-sponsored by the Council-on-Aging. Ms. Levison will contact Deb Thompson to see if the emergency preparedness talk has been scheduled.

d. Use of e-cigarettes, alcohol, and other substances at Prospect Hill Road- Ms. McCarthy will contact the Police Department to discuss what can be done.

e. Consider revisions to *Article III: Private Wells*- Mr. Philippou made the motion to table this discussion for a future meeting; Ms. Levison seconded. All were in favor.

f. Clerk and Health Agent Update-

- Ms. Flynn reminded the BOH that there has been no update on 23 Lovers Lane since April. Mr. Grossman indicated that he has not seen any progress at the house. The BOH members asked that a condemnation hearing be noticed for August 27, 2019.
- 62 South Shaker Road- Mr. Grossman advised that the property owner is proposing renovations which includes a second bedroom in the garage. Mr. Philippou made a motion to give Mr. Grossman the authority to provide comments to ConCom on behalf of the BOH; Ms. Levison seconded, and asked that Mr. Grossman report back.

## **NEW BUSINESS**

a. Continued review of draft letter to our State Reps asking to restrict the online sales of e-cigarettes and vape supplies- Ms. McCarthy and Mr. Philippou indicated that they approve of the revisions suggested by resident Theresa Hoggins; Ms. Levison will review the draft and advise Ms. Flynn whether she can finalize the same.

b. Discuss PFAS well retesting results, if available, or questions concerning this- Ms. McCarthy reported that the Army's Base Realignment and Closure Environmental Restoration Program has requested completion of a Community Involvement Questionnaire regarding possible environmental concerns, including PFAS contamination, at Devens. Ms. McCarthy suggested at the Land Use Boards Meeting that the BOH would likely be willing to post the questionnaire to its home page, sending out an alert to subscribers, to allow for interested residents to respond. The BOH members agreed.

c. Update from Deer Management Committee- Mr. Philippou indicated that he will attempt to attend the presentation on July 11<sup>th</sup>.

d. Update from Land Use Boards meeting (7/9)- Ms. McCarthy reported no other updates other than the discussion on the Army survey, as noted above.

e. Update from the Transfer Station Committee- This discussion was tabled for another meeting.

f. Continued review of draft marijuana sales regulation- Mr. Philippou reported that he e-mailed and telephoned Ms. Sbarra again without a response to date. Further discussion was tabled for another meeting.

g. Discussion regarding preparing the 2019 Emergency Dispensing Site (EDS) Plan- This discussion was tabled for future meeting.

- h. Review of FY19 budget- This discussion was tabled for future meeting.
- i. Discussion of FY20 budget feedback- This discussion was tabled for future meeting.
- j. Plan for Town-wide mailing in September- This discussion was tabled for future meeting.
- k. Review Action Items- Action items were not reviewed.

## **PERMITS**

Septic permits were issued for each of the following:

- 74 East Bare Hill- D-box
- 68 Still River Road- Local Upgrade Approval

## **APPROVAL OF MINUTES-**

Ms. Levison made the motion to approve the minutes of 6/11/19 as amended; Mr. Philippou seconded. All were in favor.

Ms. Levison made the motion to approve the minutes of 6/19/19 as presented; Mr. Philippou seconded. All were in favor.

Ms. McCarthy made the motion to approve the minutes of 6/25/19 as presented; Mr. Philippou seconded. Ms. McCarthy & Mr. Philippou were in favor; Ms. Levison abstained.

**ITEMS FOR THE NEXT AGENDA-** Items for the next agenda were not discussed.

**ADJOURNMENT-** Ms. McCarthy made the motion to adjourn at 4:24 p.m.; Mr. Philippou seconded. All were in favor.

***Respectfully submitted,***

***Alison Flynn, Clerk***

## ***Documents Referenced:***

- Agenda
- Draft minutes of 6/25/19, 6/11/19, and 6/19/19
- “Streets” file for 34 Peninsula Road
- “Streets” file for 9 Wilroy Ave.
- Draft letter to our State Reps asking to restrict the online sales of e-cigarettes and vape supplies