

Harvard Board of Health Meeting Minutes Tuesday, January 13, 2015 Hildreth House

Board Members present: Lorin Johnson; Thomas Philippou, Sharon McCarthy (via phone)

Also present: Douglas Deschenes, Deschenes & Farrell, PC; Brian Geaudreau, Hancock Associates; Valerie Hurley, The Harvard Press; Dan Wolfe & Neil Gorman, David E. Ross, Associates; Justin Smith, The Homescout; Ira Grossman, NABH; Paige O'Brien, Clerk

This meeting was called to order at 7:00 p.m.

Discussion – The Elms Affordable Housing Project, 105 Stow Road

- Representatives for the property owners are seeking a minor modification to the comprehensive permit to agree to a HBOH regulation waiver to allow for a Title 5 system to service the Project without the installation of a Wastewater Treatment Facility. In a letter, dated January 13, 2015, Deschenes & Farrell, PC states that “the Nashoba Board of Health has suggested that the Harvard Board of Health Regulation section 145-6(A) which invokes design and construction in accordance with standards found in ‘Guidelines for the Design of Wastewater Treatment Works, TR-16’ could be enforceable against the Project.” The current project plans include 5 buildings (9 units, 17 bedrooms) and the bylaw maintains “private sanitary sewers to serve more than four separate structures...shall be regulated in this category”. Mr. Deschenes affirms that installing a facility of this magnitude would be fiscally untenable as the owners, Chelmsford Housing Opportunities for Intergenerational and Community Endeavors (“CHOICE”), is a non-profit organization. The Board agreed that this regulation was written with a different situation in mind and has not been implemented in similar projects and therefore does not make sense for this particular scenario. Mr. Philippou made a motion to accept the two requests of the aforementioned letter:
 1. To allow for an additional waiver of Section 145-6 (A) of the Board of Health Regulations to allow for a Title 5 system to service the Project, without the need for the design and construction of a Wastewater Treatment Facility.
Mr. Johnson seconds the motion; vote, aye, unanimous.
- The Board inquired about the provision of an alternative power source in the likely event of a power outage. The representatives for the property owners recalled some aspect of this but not specific details.
- Mr. Grossman reminded the representatives that per Section 145-44 (G)(1)(a), the initial deposit for the project review fee for a community septic system is \$2,500. Mr. Deschenes will report this information back to CHOICE.

Discussion – 90 Warren Ave

Engineers from David E. Ross Associates were present to defend Project No. 29808. Plan No. L-12470 and to request local authority approval:

1. Reg. 145-1 (A) – A sewage disposal system shall not be installed within 100 feet of any watercourse. *Proposed: an offset of 81 feet is provided.*
2. Reg. 145-3 (D) – All sites to be considered suitable for subsurface sewage disposal must meet a twenty-five foot ledge offset from the perimeter of the proposed leaching areas. In areas of known or suspected shallow depth to bedrock, deep observation test holes are required to assure four feet of natural soil material below top and subsoil within 25 feet of the proposed leaching system. *Proposed: an offset of 10'+/- is proposed.*
3. Presby Enviro-Septic Remedial Use Approval, Special Condition 4 – Alternative Design Standards – Provided that the Designer demonstrates that the impact of the proposed Alternative System has been considered an the design requirements of 310 CMR 15.00 have been varied to the least degree

necessary so as to allow the request to reduce the depth to groundwater required by 310 CMR 15.212, by two (2) feet.

In addition, the discussion included:

- The assessor has listed the property as a 3-bedroom property; Mr. Grossman disputes this. He believes that this project and, subsequently the permit, should be considered “New” as opposed to and “Upgrade”;
- The Project proposes to replace the complete home; currently a seasonal cottage;
- The Board recommends removing retaining wall and use standard Title 5 grading;
- Conservation Commission requests that as few trees as possible be cut.

Because of the complexity of this project, the visual aspect of this (one Board member attending via phone), and the need for further review, the Board decided to table the discussion and reserve their decision until the next meeting.

Permits

- 25 Quarry Lane, Opalka – Local Upgrade Approval:
145-3 (D) – All sites to be considered suitable for subsurface sewage disposal must meet a twenty-five foot ledge offset from the perimeter of the proposed leaching areas. In areas of known or suspected shallow depth to bedrock, deep observation test holes are required to assure four feet of natural soil material below top and subsoil within 25 feet of the proposed leaching system. Requested: The entire footprint of SAS is provided with 4’ of natural soil below the top and subsoil but the 25’ required setback cannot be met. Mr. Philippou motioned to approve the request. Mr. Johnson seconds; vote, aye, unanimous.
- Prospect Hill Road, Lot 2, Barzun – Renew
- 8 Park Lane, Dolan – Local Upgrade Approval
Requests:
 - To allow for a reduction in the groundwater offset from 4 feet to 2 feet with the use of the GEO-flow Pipe Leaching System.
 - To allow less than a 12-inch separation between the inlets and outlets of the tanks and the high water table. Septic tank and pump chamber are required to be ordered with boots and risers are to be sealed the tops of the tanks.
 - To allow the design of a replacement system where less than four percolation tests were conducted.Mr. Philippou motioned to accept requests. Mr. Johnson seconds; vote, aye, unanimous.
- Prospect Hill Road, Lot 2-B, The Homescout – New
145-1(D) – Percolation rate: forty-five minute limit per inch, allowing a variance up to 60 minutes per inch. Requested: The soil absorption system is proposed with a percolation rate of 44 minutes per inch. Mr. Philippou motioned accept request. Mr. Johnson seconds; vote, aye, unanimous

Approval of Minutes from 12/9/2014

Mr. Philippou made a motion to accept as presented; Mr. Johnson seconds. Vote, aye, unanimous.

Monetary Warrant

The Board agreed to postpone the submittal of the mosquito control warrant until associated people and committees have been apprised.

Town Report

Ms. McCarthy will be making an addition to the current draft and will have new copy to review at the next meeting.

Stables

It has been observed by Ms. O’Brien that the current list of property owners with valid stable permits may not be accurate. The Board agreed to draft a letter to stable owners requesting updates. The Agriculture Advisory Commission and Animal Control Officer will be copied on this communication.

197 Littleton Road

Mr. Grossman reports that the bank/owner has been in full-cooperation with resolving the necessary measures that need to be taken to reach compliance for health and safety.

Adjournment

Mr. Philippou moved to adjourn meeting at 8:50 p.m. Ms. McCarthy seconds; vote, aye, unanimous.

The next scheduled board meeting is Tuesday, January 27, 2014
7 p.m. at Hildreth House.

Documents cited:

- Letter dated 1/13/2015 from Deschenes & Farrell, PC on behalf of The Elms Affordable Housing Project
- Section 145-6 (A) of the Harvard Board of Health Regulations

Minutes prepared and submitted by Paige O'Brien.