

TOWN OF HARWICH



BOARD OF HEALTH
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Town of Harwich Board of Health
Tuesday, August 11, 2015 6:30 PM
TOWN HALL – SMALL HEARING ROOM
MINUTES

BOARD OF HEALTH MEMBERS PRESENT: Vice Chair Watson & Board Members Dr. Robert Insley, Pamela Howell R.N., & Frank Boyle. Staff members Paula Champagne, Meggan Tierney & Jennifer Clarke

MEMBERS WITH EXCUSED ABSENCE: Dr. Stanley Kocot

OTHERS PRESENT: Harold & Sydney Mercer, Dan Croteau, Harry Ellis & Dan Speakman

I CALL TO ORDER

At 6:34 p.m., with a quorum present, Vice Chair Watson called the meeting to order.

II MINUTES OF PREVIOUS MEETING – 7/14/2015

Madam Chair Watson requested the following correction on page 1, section III. The last sentence should read “We are interviewing for the Administrative Assistant position and will hopefully have the position filled end of July-early August.” Motion made by Dr. Insley, 2nd by Mr. Boyle to adopt the minutes of the July 14, 2015 Board of Health meeting as corrected. Unanimous. Madam Chair Watson also expressed great appreciation for the excellent set of minutes for the July 14, 2015 Board of Health meeting submitted by Meggan Tierney.

III 6:30 – 7:00 PM - BOARD OF HEALTH WORK SESSION

Director Champagne announced the addition of Jennifer Clarke as the Administrative Assistant for the Health & Conservation Departments. Director Champagne announced the expected resignation of Dr. Stanley Kocot. Dr. Kocot had been a member of the Board of Health since 2001 and was the longest serving member of the Board. Dr. Kocot has been through a lot of change with the Board of Health & Health Department and has been a part of many significant projects. He will be a greatly missed member of the Board of Health.

REPORT OF THE HEALTH DIRECTOR- Covering the period of July 2015

- **Community Development Reorganization-** The Community Development re-organization move has finished and the Board of Health window is closed. The window has been re-located in a central location with Building, Planning and Conservation.
- **Accela-** Board of Selectmen & Town Administration FY 16 goals each address the need to advance Accela operation and ramp up the public component. David Spitz gave a presentation to the Board of Selectmen and emphasized that we need to continue to advance in the office with checklists, security etc., before we can go forward with public access. There are many steps involved with security and training. We want to make sure that the Board of Selectmen understands that there is much work to be done before going public. Madam Chair Watson asked if there is anything that the Board of Health could do to make sure that the Board of Selectmen know how much work has been put into

the program. Mr. Boyle stated that the security of the information is a vital point to the protection of the departments. Director Champagne acknowledged the hard work of Meggan Tierney as being our point person for Accela implementation and training in the Health Department.

- **Staff Updates-** The Administrative Assistant position has been filled. Jennifer Clarke has been on staff full time since August 3, 2015. Much praise was given to Meggan, Carol & Amy Usowski for taking on extra while there were vacancies. We are very pleased to be back at full staff.
- **Misc. Project Review-** The Dino's restaurant block has been sold. We have started to meet with the developers who plan to demolish the building and re-build. The building will be moved to the front of the lot and the parking lot will be re-located to the back of the lot. The Community Development team met with the potential buyers of Wixon Dock Fish House. They have provided copies of approvals from the 1920's & 1930's from DEP. There are no proposed facilities or water use at the docks. The Saquatucket Redevelopment Committee continues to brainstorm different commercial configurations for the site. Director Champagne and Meggan have met with representatives advising, commenting on strategies given the unique environmental characteristics of the site and potential allowed uses.
- **Housing Issues-** A notice to correct violations at 260 Oak Street has been issued. A multi-department task force has been working with issues at 37 Pleasant Lake Avenue regarding the exterior of the dwelling. There are also faulty plumbing conditions and a lack of water. The issue remains in non-compliance and the owner did not request a hearing. The item is being brought before the Board of Health to initiate condemnation proceedings. We have been contacted about possible overcrowding at a summer rental located at 71 Captain Bears Way. There are 17 people in a 7 bedroom dwelling. An undocumented finished cellar was found which includes 2 illegal bedrooms. The Building Commissioner is working on a return to compliance plan. Director Champagne stated that there are over 1000 homes listed on various vacation websites.
- **Water Quality Issues-** We have received complaints regarding algae on Hinckleys Pond. We are working on re-establishing protocol for posting ponds to avoid issues with people with dogs etc. We received numerous calls regarding water quality issues at Hiawatha Road Beaches after the dredging. We arranged for additional water samples to be taken, including the private beach upon completion of the dredging to insure water quality safety.
- **Indoor Air Quality-** Dr. Joyce Young, Naturopath called with an extensive complaint/concern about the water intrusion microbial growth/serious health issues/insidious problems in meeting rooms, claiming the facilities manager has been unresponsive. Director Champagne had personally responded several times in the past to assist the director on investigations. We arranged for Marina Brock, Environmental Specialist with BCDH & E to survey the area. Her report indicated no evidence to support complaint.
- **Roosters-** We have received extensive complaints from a neighbor regarding roosters on Route 124/Pleasant Lake. The complaint has been referred to the AG Commission. There are no Health Department violations at this time.
- **RET Ruling-** The owner of 15 Perry's Way called to object to the Health Department ruling of "pass with advisory" on a system exhibiting 75% capacity of leach pit. The owner feels that we are not to impose opinions and this cost him a sale. The owner was advised of his opportunity to appeal the order with the Board of Health.

IV 7:00 PM - OLD/UNFINISHED BUSINESS

- A. **Hearing - Godshall, 2A Sea Street, to consider variances to replace a sewage disposal system prepared by Moran Engineering Associates LLC.**
1. **Per 310 CMR 15.211 (1) Minimum setback distances: variance request of 10'. Septic retaining wall and barrier liner extend below basement floor;**
 2. **Harwich Board of Health Reg. 1.210 minimum setback distances: SAS to coastal dune – 100' required 40' proposed; pressure dose leach field proposed;**
 3. **Variance from Harwich Board of Health Reg. 1.210 minimum setback distances: SAS to IVW 100' required: 57' proposed, variance request of 43' – pressure dose leach field proposed & SAS hydraulically down-gradient from IVW.**

Madam Chair Watson opened the hearing. Dan Croteau of Moran Engineering was present along with his client Harry Ellis. To recap, this building under construction needs to meet FEMA compliance. There are two options for the site; either go up 5' in place or to move back 25' to bring the dwelling out of the velocity zone and bring the dwelling in line with the East & West

houses. Mr. Croteau provided a mitigation plan from the Conservation Commission that said stone shall be placed along with West side of the building to provide more protection to the dunes. The building is being reduced in size and the total lot coverage, including parking area, retaining walls, deck and patio and being slightly reduced. The IVW is 50' away from the dune. Because of the parking area, the septic is being moved to the West side of the property, adjacent to the parking area at 1 Pilgrim Road. They are able to maintain a 10' setback from the lot line to the septic tank and 8' from the wall. The original approved plan stated that the house was an 8 bedroom, but now has been reduced to a 5 bedroom. There is a family of 4 moving into the dwelling at this time. The Conservation Commission required dry wells and draining for the parking area. Madam Chair Watson closed the hearing.

Director Champagne referred to the November 10, 2014 review and reminded the Board that they were favorable to the project due to the dramatic decrease of water flow on the site. The variances were approved at that time. The project has changed due to additional Conservation information and FEMA issues. The major concern of the Board of Health was the number of bedrooms, which is being decreased to 5 bedroom dwelling. The proposal shows a pressure dosed system because the property is in an Environmentally Sensitive Area. The system will also have Polyvinyl barriers.

Director Champagne recommended approval of the variances and stated that the pressure dosed system will require additional operation and maintenance at the expense of the owner, and that the property be restricted to a 5 bedroom dwelling, to be recorded at the registry of deeds. Dr. Insley motioned to accept the recommendation of Director Champagne. Mr. Boyle seconded the motion. Unanimous.

V NEW BUSINESS 7:10 p.m.

A. Hearing - Murley, 37 Pleasant Lake Avenue, Harwich, Map 50 Parcel J3. Outstanding violation of 105 CMR 410.000, The State Sanitary Code, to show cause as to why the Town of Harwich should/should not move forward with enforcement and/or condemnation proceedings.

Director Champagne informed the Board that there was a serious infraction with the plumbing being in disrepair and no running water in the home. On August 11, 2015, an advocate for the owner came into the Health Department office. They had arranged for the plumbing to be repaired. The owner's advocate presented Health Agent Meggan Tierney with photos of progress at the dwelling and also provided a copy of a bill that the plumbing had been repaired in the building.

Director Champagne stated that the deficiencies have been corrected and that we should not proceed with a hearing at this time.

B. Hearing – Romano, 729 Main Street, Harwich Center, to consider variances to replace a sewage disposal system prepared by Dan A. Speakman Construction.

1. Per 310 CMR 15.000 (1) Minimum setback distances and Harwich Board of Health; variance request of 6' from soil absorption system to property line.

Madam Chair Watson opened the hearing. Dan Speakman represented the applicant. Variances are needed to replace a disposal system due to sale of property with no changes. Building consists of office for the gas station and 2 apartments with 3 bedrooms total. Due to the shape of the lot and underground tanks there is no other alternative for the placement of the SAS. Abutters Harold & Sydney Mercer of 338 Bank Street were present. The Mercer's were concerned about how the construction would disrupt the trees and roots and also vibrations during construction affecting the items in their shop. They don't want the trees to fall on their dwelling during the construction. Madam Chair Watson closed the hearing.

Director Champagne recommended approval of the variance with the condition that the flow and use of the building remain the same, with 3 bedrooms and an office. Dr. Insley moved to accept the recommendation of Director Champagne. Ms. Howell seconded the motion. Unanimous.

VII CORRESPONDENCE

- **Eversource-ROW spray; notification of dates.**

We have already been notified of the spray information. This notice served as an additional reminder that the maps are on file and they are intending to do foliage treatments between September 2, 2015 and October 16, 2015, along with cut surface treatments. Basal treatments or sensitive foliar treatments may be necessary and are scheduled between October 5, 2015 and December 31, 2015.

VIII PERMITS

See attached list. Director Champagne noted that there was 1 new permit for Cape Cod Septic Services. All other permits are for event or temporary food service applications. Director Champagne recommended approval of the permits as per the list dated 8/10/2015. Dr. Insley moved to accept the recommendation of Director Champagne. Mr. Boyle seconded the motion. Unanimous.

IX OTHER

X ADJOURN-the meeting adjourned at 7:25 p.m.

Motion by Dr. Insley to adjourn. Mr. Boyle seconded the motion. Unanimous.

Submittals for this meeting are part of the permanent record.

Respectfully submitted,

Jennifer Clarke

Next meeting is Tuesday, September 8, 2015 at 6:30 p.m. in the small hearing room.