

TOWN OF HARWICH



BOARD OF HEALTH

732 Main Street Harwich, MA 02645

508-430-7509 – Fax 508-430-7531

E-mail: [health@town.harwich.ma.us](mailto:health@town.harwich.ma.us)

**TOWN OF HARWICH BOARD OF HEALTH  
TUESDAY, OCTOBER 9, 2018-6:30 P.M.  
HARWICH TOWN HALL – SMALL HEARING ROOM  
MINUTES**

BOARD OF HEALTH MEMBERS PRESENT: Chairwoman Pamela Howell, R.N., Vice Chairman Frank Boyle, Member Cynthia Bayerl & Member Matthew Cushing, M.D.

STAFF MEMBERS PRESENT: Health Director Meggan Eldredge & Executive Assistant Jennifer Clarke

OTHERS PRESENT: Keith LaValley, David & Dale Whittemore

*Recording & Taping Notification: As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the Chair.*

**I CALL TO ORDER**

Chairwoman Howell called the meeting to order at 6:30 p.m.

**II MINUTES OF PREVIOUS MEETING- June 12, 2018, July 10, 2018. August 20, 2018 (Executive Session), & September 11, 2018**

**Dr. Cushing moved to approve the minutes of the June 12, 2018 Board of Health meeting as amended, 2<sup>nd</sup> by Ms. Bayerl. 4-0-0 Unanimous.**

**Ms. Bayerl moved to approve the minutes of the July 10, 2018 Board of Health meeting, 2<sup>nd</sup> by Dr. Cushing. 4-0-0 Unanimous.**

**Ms. Bayerl moved to approve the minutes of the August 20, 2018 meeting, 2<sup>nd</sup> by Mr. Boyle. 4-0-0 Unanimous.**

**Dr. Cushing moved to approve the minutes of the September 11, 2018 Board of Health meeting amended, 2<sup>nd</sup> by Ms. Bayerl. 3-0-0 Unanimous.**

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

**A. Review proposed amended Real Estate Transfer Regulations**-Regulations updated to reflect the sewer area waiver request for the upgrade of failed or failing septic systems, as well as various other updates related to electronic filing, inspector registration requirements and installing covers to with 6" of grade.

Health Director Eldredge has amended the Real Estate Transfer Regulations to reflect the sewer area waiver request for the upgrade of failed or failing septic systems, as well as various other updates related to electronic filing, inspector registration requirements and installing covers to with 6" of grade.

The Board discussed section 9 under inspection protocol and questioned if the escrow account statement would be necessary. Health Director Eldredge feels that if the statement is left in the regulation, it covers all situations.

Ms. Bayerl asked if waiver requests could be approved at staff level rather than at a Board meeting, the Board will likely be inundated with requests and having to wait for the monthly meeting for approval could become a problem for homeowners. Health Director Eldredge responded that she is comfortable reviewing waiver requests at staff level and then providing a list to the Board each month of the addresses.

Mr. Boyle suggested that the Board could review the cases that are more complicated, and staff can review and approve the more straight-forward requests.

Ms. Howell asked if the Board can mandate that septic systems with waivers be pumped. Health Director Eldredge responded that if the system calls for pumping, we can require it.

Ms. Bayerl asked how vacant/abandoned properties would be handled for the mandatory hook up. Health Director Eldredge responded that the property owners would be sent a letter just like any other property.

**Mr. Boyle moved to authorize staff approve waiver requests in Phase 2 at staff level and to schedule a public hearing for the proposed amended Real Estate Transfer Regulations for the December 11, 2018 Board of Health meeting. Dr. Cushing seconded the motion. 4-0-0 Unanimous.**

**B. Discuss sewer connection extension requests-**Discuss how the Board would like to proceed with taking and approving requests to extend the mandatory connection time to the municipal sewer.

No discussion was had. This will be discussed at an upcoming Board of Health meeting.

#### **C. Review of 2019 Board of Health Meeting Schedule**

Ms. Bayerl stated that she will not be at the December 11, 2018 or May 14, 2019 Board of Health Meetings.

**Mr. Boyle moved to approve the 2019 Board of Health meeting schedule as printed. Dr. Cushing seconded the motion. 4-0-0 Unanimous.**

#### **IV 7:00 PM- OLD/UNFINISHED BUSINESS**

No old/unfinished business was discussed.

#### **V NEW BUSINESS**

**A. Show Cause Hearing-Hillary Welsh (occupant), 12 Pleasant Valley Road-** To discuss non-compliance with an order issued June 2, 2018 regarding Housing Code Violations (continued from 9/11/2018 meeting).

No one was present at the hearing to represent the occupant. Health Director Eldredge stated that she has been to the property twice this month and has been informed both times that the boat and trash were there when the current occupant moved in, and they do not have a trailer hitch to move the boat. The Health Director did contact the Big Fix for assistance, however, they are not eligible because the property is not owner occupied. Ms. Welsh contacted the Health Department today and stated that she is being evicted from the property and their day in court is October 11, 2018. Health Director Eldredge stated that she is not comfortable putting another criminal complaint onto the occupant, knowing that the trash was not theirs to begin with.

Mr. Boyle stated that he would like to see the homeowner be responsible for the trash. He recommended sending the homeowner a letter giving them 2 weeks to remove the boat and the trash. Ms. Bayerl agreed.

**Ms. Bayerl moved to direct staff to send a letter to the homeowner regarding the existing non-compliance, and order that the boat and trash be removed within 2 weeks from this hearing. Dr. Cushing seconded the motion. 4-0-0 Unanimous.**

**B. Hearing-Kurtzman, 108 Clearwater Drive,** to reconsider Order of Conditions granted February 26, 1997-There is to be no increase in square footage to the dwelling beyond that as shown on the plan dated January 26, 1997. Proposal is to create a finished family room space in the existing walkout basement.

Chairwoman Howell opened the hearing. Keith LaValley was present to represent the owners. He reviewed the request being made. Chairwoman Howell closed the hearing.

Chairwoman Howell feels that having a full bathroom in the basement would make it so that the area could easily be turned into a bedroom. She would like to see a ½ bathroom. Ms. Bayerl agreed. Mr. LaValley explained that the homeowners would like the shower because the property has beach access and a walk out basement; people come up from the beach and want to shower before going into the house.

Dr. Cushing suggested that they have an outdoor shower instead of a shower in the basement bathroom. Mr. Boyle agreed that having a full bathroom lends the space to becoming an apartment in the future.

Health Director Eldredge recommended approval of the reconsideration with the following conditions:

1. The dwelling is restricted to a maximum of 4 bedrooms.
2. No increase in habitable space or square footage without further review by the Board of Health.
3. A copy of the floor plan and the approval shall be recorded at the Registry of Deeds to run with the property.

Mr. LaValley agreed to speak with his clients about removing the shower from the bathroom in the basement and said if it was the only way this would be approved then the owners would most likely make the change.

**Mr. Boyle moved to accept the recommendation of the Health Director for 108 Clearwater Drive and approve the proposed layout, pending staff review of a revised plan removing the shower in the proposed basement bathroom. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.**

**C. Upgrade Waiver Request, 27 Victoria Road, Whittemore-** To consider a request to retain a cesspool system serving a dwelling in the Phase 3 sewer service area. Proposal to connect to municipal sewer within 45 days of availability.

David & Dale Whittemore were present. The existing septic system was inspected in September of 2018. The system consists of a main cesspool distributing to two block pits with stone. The two pits were dry with no sign of failure and the system is greater than 30' above groundwater. Upon review, it was noted that this property is in Phase 3 rather than Phase 2. The buyers of the property have signed the waiver indicating that they are aware they will be required to connect to the municipal sewer within 45 days of availability.

The timeframe for Phase 3 was discussed, noting that connection to the sewer would take place sometime in 2024 or 2025. Health Director Eldredge indicated hesitation to granting the waiver due to the fact that funding for Phase 3 has not been approved and will be before the residents at the Annual Town Meeting in 2021. Should funding not be approved, Phase 3 may not happen. Mr. Boyle stated that he would be inclined to grant the waiver, it is unlikely that funding will be voted down. Mr. Boyle stated that waiver requests for Phase 3 will need to be reviewed on a case by case basis, the systems must be in good working order and the new owners must connect as soon as possible. Ms. Bayerl agreed. She asked if the current owners live there year round. They responded that they do not, and that the new owners will be seasonal occupants as well.

Health Director Eldredge recommended approval of the waiver with the following conditions:

1. The property is restricted to a maximum of 2 bedrooms.
2. No permits will be approved for expansions or increase of habitable space until connection to the municipal sewer has occurred.
3. Connection to the municipal sewer is required within 45 days of availability.
4. The existing system must be maintained to prevent overflow onto the ground.

5. Should the existing system become a public or environmental hazard, it must be remedied immediately.
6. The waiver request shall return to the Board of Health for review in June of 2021 should Phase 3 funding be declined at the 2021 Annual Town Meeting.
7. These conditions must be recorded at the Registry of Deeds to run with the property.

**Mr. Boyle moved to accept the recommendation of the Health Director. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.**

**VI REPORT OF THE HEALTH DIRECTOR (September 2018)**

Health Director Eldredge reviewed her monthly report for the month of September 2018.

**VII CORRESPONDENCE**

No correspondence was discussed.

**VIII PERMITS**

ESTABLISHMENT	TYPE
Lolas Local Food Lab (2018 New)	Event Permit

**Ms. Bayerl moved to approve the permits as per list dated October 9, 2018. Mr. Boyle seconded the motion and approved 4-0-0 unanimous.**

**IX OTHER**

Health Director Eldredge stated that she will not be present at the November 13, 2018 Board of Health meeting. Senior Health Agent Katie Tenaglia will be present at the meeting in her absence.

**XII ADJOURN -The meeting adjourned at 8:05 p.m.**

**Dr. Cushing moved to adjourn. Ms. Bayerl seconded the motion and approved 4-0-0 unanimous.**

**Respectfully Submitted,**

**Jennifer Clarke**

**Next meeting is Tuesday, November 13, 2018 at 6:30 p.m. in the Small Hearing Room.**

- Board of Health Agenda dated October 9, 2018
- Draft Board of Health Minutes dated June 12, 2018
- Draft Board of Health Minutes dated July 10, 2018
- Draft Board of Health Executive Session Minutes dated August 20, 2018
- Draft Board of Health Minutes dated September 11, 2018
- Draft Real Estate Transfer Regulation dated September 25, 2018
- Draft 2019 Board of Health Meeting Dates and Filing Deadlines
- Letter to occupant of 12 Pleasant Valley Road dated September 13, 2018
- Site Summary for 108 Clearwater Drive dated October 9, 2018
- Request for Reconsideration of Order of Conditions Filing Application dated August 22, 2018
- Site Summary for 27 Victoria Road dated October 9, 2018
- Request for Sewer Waiver/Extension for 27 Victoria Road dated September 20, 2018
- Health Director September 2018 Monthly Report dated October 1, 2018
- Memo to Town Administrator regarding Asian Tiger Mosquito dated September 13, 2018
- Any other documents/information submitted for the October 9, 2018 Board of Health meeting