

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

**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY, DECEMBER 11, 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 Matthew Cushing, M.D.

BOARD OF HEALTH MEMBERS ABSENT: Cynthia Bayerl

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

OTHERS PRESENT: Mark Smith, Don Bracken, Robert Fratus, Elizabeth Dubuque, Larry Ballantine, Winston Steadman, John Twomey, Thomas McLellan & Daniel Croteau

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 6:32 p.m.

II MINUTES OF PREVIOUS MEETING- November 13, 2018

Dr. Cushing moved to approve the minutes of the November 13, 2018 Board of Health meeting, 2nd by Mr. Boyle and approved 3-0-0.

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

A. Discussion-Review Draft Utility Installer Application and Discuss Proposed Fee

Health Director reviewed the draft Utility Installer Application. The draft follows the Town of Chatham's requirements as far as liability and worker's compensation insurance are concerned. She is recommending \$125.00 as a fee for the Utility Installer Application, which is a yearly fee. The proposed fee is the same as what is charged to other similar professionals. The Board will need to schedule a public hearing for final fee approval.

Mr. Boyle moved to accept the draft Utility Installer application as presented, 2nd by Dr. Cushing and approved 3-0-0.

Mr. Boyle moved to direct staff to schedule a public hearing for the January 15, 2019 Board of Health meeting to finalize the proposed fee, 2nd by Dr. Cushing and approved 3-0-0.

B. Discussion-Review Application for Sewer Connection Permit & Discuss Proposed Fee

Health Director Eldredge reviewed the draft application for sewer connection permit, which is similar to the disposal system construction permit that currently exists.

Dr. Cushing moved to accept the draft application for sewer connection permit as presented, 2nd by Mr. Boyle and approved 3-0-0.

Regarding the proposed fee, Health Director Eldredge stated that the Town Administrator would be inclined to see no fee for the permit. She provided the Board with a cost analysis for time spent on sewer connection plan review for both the administrative and technical staff.

Dr. Cushing agreed that he would not like to impose a permit fee.

Mr. Boyle asked if the Board would be able to re-consider a fee at a later date. Health Director Eldredge responded that like any Board of Health fee, it can be amended in the future.

Dr. Cushing moved to not charge a fee for the applications for sewer connection permits at this time, 2nd by Mr. Boyle and approved 3-0-0

C. Discussion-Sewer Regulations-Discuss the Board's position on the one year connection timeframe and the requirement for the design to be done only by a Professional Engineer.

As they stand now, the sewer regulations mandate a one year connection time frame from the date of written notification from the Board of Health. The regulations also state that the design must be completed by a Professional Engineer. Health Director Eldredge stated that she is supportive of amending the regulations to allow for a two year connection time frame and also allow for plans and specifications to be prepared by a Registered Sanitarian as well as a Professional Engineer. The Board of Selectmen discussed this two weeks ago and a letter of support from the Board of Health would be appropriate.

Mr. Boyle moved to accept the proposed changes in the sewer regulations and directed staff to draft a letter of support to the Board of Selectmen, 2nd by Dr. Cushing and approved 3-0-0.

IV 7:00 PM- OLD/UNFINISHED BUSINESS

A. Continued-Hearing-Perks/Taylor & Sarah Powell, 545 Route 28- Request to amend the restrictions on the current food service permit and allow an expansion of space into the existing retail area of the building. Proposal includes a request for additional seating, an indoor service space and patron use of a restroom (to be installed) (Continued from November 13, 2018)

Taylor Powell has requested a continuance until the January 15, 2019 Board of Health meeting. No public comment was heard.

Mr. Boyle moved to approve the request to continue the hearing until the January 15, 2019 Board of Health meeting, 2nd by Dr. Cushing and approved 3-0-0.

V NEW BUSINESS

A. Public Hearing-Proposed amended Real Estate Transfer Regulations- regulations updated to reflect the sewer area waiver for the upgrade of failed septic systems, as well as various other updates relating to electronic filing, inspector registration requirements and install covers to within 6" of grade

Chairwoman Howell opened the hearing. Health Director Eldredge reviewed the changes in the regulation that are being proposed. No public comment was heard. Chairwoman Howell closed the hearing.

Mr. Boyle moved to accept the proposed amended Real Estate Transfer Regulations as presented, 2nd by Dr. Cushing and approved 3-0-0.

B. Hearing-Fratus, Subdivision and Environmental Impact Report, Raptor Road Subdivision, approval of a 6 lot ANR subdivision and request for relief from Harwich Board of Health Regulation 1.211: 1. Requirement for a shared septic system 2. Requirement for nitrogen removal technology

Chairwoman Howell opened the hearing. Bob Fratus and Elizabeth Dubuque were present and reviewed their request. They are requesting relief from the Town of Harwich Board of Health Regulation 1.211. The proposed 6 lot subdivision is located in the groundwater protection district, Pleasant Bay Watershed and the Six Ponds District. The nitrogen loading calculations indicate that at full build-out, the nitrogen load will be below 5 ppm on each lot. The applicant has shown that each lot (in excess of 100,000 square feet per lot) can support a 7 bedroom home without variances from Title 5 or local regulation. This particular subdivision is not projected to be sewered. An Environmental Impact Report was reviewed by Robert Perry, PE. The report indicates that this area is at the far western edge of the watershed, leading to Muddy Creek. The 10 year projected water flow from this subdivision has little to no impact on the Pleasant Bay Watershed at a nitrogen load of 4.8 ppm per lot. No public comment was heard. Chairwoman Howell closed the hearing.

Health Director Eldredge explained that the CWMP takes into consideration the full build-out potential of each watershed. These lots, if not included in a subdivision, would have a potential for 10-11 bedrooms each per Title 5 Regulations. The lots are large and not conducive to a shared septic system, including nitrogen reduction technology is an option. Health Director Eldredge recommended approval of the Environmental Impact Report dated November 26, 2018 as well as relief from Regulation 1.211 with the following conditions:

1. Harwich Board of Health will not consider any variances from Title 5 or Harwich Board of Health Regulations for any of the lots.
2. The lots shall be deed restricted to a maximum of 7 bedrooms per lot. This restriction shall be recorded at the Barnstable County Registry of Deeds to run with the property.
3. The drinking wells shall be installed and tested for water quality prior to obtaining disposal system construction permits.

Dr. Cushing moved to accept the recommendation of the Health Director, 2nd by Mr. Boyle and approved 3-0-0.

C. Hearing-Smith, Amended Environmental Impact Report, "The Preserve", 1369 Orleans Road, to request for relief from Harwich Board of Health Regulation 1.211: 1. Requirement for a shared septic system 2. Requirement for nitrogen removal technology (original EIR was approved at February 9, 2016 Board of Health Meeting).

Chairwoman Howell opened the hearing. Don Bracken from Bracken Engineering was present, with Mark Smith and Winston Steadman present in the audience. The applicant is proposing to eliminate the previously approved shared septic system and nitrogen reduction technology and instead install individual on-site septic systems. Each system will be designed to easily connect to the sewer main in Arthur's Way-which has already been installed. The property is in Phase 2 and proposed to be sewered in the next 2-3 years. Two properties have been developed and the remaining 6 will be developed as they are sold. No public comment was heard. Chairwoman Howell closed the hearing.

Health Director Eldredge recommended approval of the request for relief from Regulation 1.211 with the following conditions:

1. The Harwich Board of Health will not consider any variances from Title 5 or Harwich Board of Health Regulations for any of the lots.
2. In order to prepare for connection to municipal sewer, the waste lines will exit the buildings on the street side.
3. Dwellings shall abandon their Title 5 system and connect to the municipal sewer within 45 days of receipt of the order to connect issued by the Board of Health.

Mr. Boyle moved to accept the recommendation of the Health Director, 2nd by Dr. Cushing and approved 3-0-0.

D. Hearing-Twomey, 22 Central Avenue, to reconsider Order of Conditions granted March 22, 1995-There is to be no increase in square footage to the dwelling-Proposal to demolish the existing house and construct a new home.

Chairwoman Howell opened the hearing. Dan Croteau from Moran Engineering was present with property owner John Twomey. Mr. Twomey is requesting to increase habitable space by adding an 8' x 5' addition to both the first and second floor. This is proposed as part of a demolish and replace construction project. This addition will be constructed on sono tubes and will not further impact any setbacks for the septic system. The number of bedrooms will remain the same and no further variances are requested at this time. No public comment was heard. Chairwoman Howell closed the hearing.

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

1. The dwelling is restricted to a maximum of 3 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.

Dr. Cushing moved to accept the recommendation of the Health Director, 2nd by Mr. Boyle and approved 3-0-0.

E. Hearing-Thibert, 184 John Joseph Road, to consider a variance request to install a new Title 5 septic system prepared by Bass River Engineering.

Variances from 310 CMR 15.211-Minimum Setbacks

1. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 8' from the property line where 10' is required. Variance request of 2'.
2. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 5' from the property line where 10' is required. Variance request of 5'.
3. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 14' from the crawl space where 20' is required. Variance request of 6'.
4. Per 310 CMR 15.203: To allow soil absorption system to be less than required capacity. Variance request of 20%.

Variances from Harwich Board of Health Regulation

1. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow a proposed soil absorption system to be 75' from the bordering vegetated wetland where 100' is required. Variance request of 25'.
2. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow a proposed septic system pipe to be 45' from the wetland where 50' is required. Variance request of 5'.

Chairwoman Howell opened the hearing. Tom McClellan from Bass River Engineering was present. This property is currently served by a cesspool system and contains one existing bedroom. The property is located in the Water Recharge Area. The upgrade to the septic system proposes a new 1500 gallon mono pour septic tank, 1000 gallon mono pour pump chamber and 176 gallon per day leaching system. The dimensional and environmental variance requests provide more protection to the pond than the existing cesspool system. No new construction or re-configuration of the dwelling is proposed at this time. The dwelling currently has a block foundation. The Conservation Commission approved this project last week. No public comment was heard. Chairwoman Howell closed the hearing.

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

1. The property shall be deed restricted to a maximum of 1 bedroom.
2. No increase of habitable space or square footage to the dwelling without further review by the Board of Health.
3. Conditions to be recorded at Barnstable Land Court to run with the property.

Dr. Cushing moved to accept the recommendation of the Health Director, 2nd by Mr. Boyle and approved 3-0-0.

F. Rescission Plan of Land-Rescinding a Portion of Belmont Avenue as Shown on Plan Book 574 Page 5 & Plan Book 594 Page 59-Plan prepared for Keith LaValley & prepared by Demarest Land Surveying/John Demarest

Health Director Eldredge reviewed the request to rescind a portion of Belmont Avenue that crosses through a lot on Shore Street. The rescission of this section of a road will create a larger lot more conducive to building. The new lot will be in excess of 48,000 square feet and abut Round Pond. The lot is located in a Zone II and subject to a maximum of 4 bedrooms.

Health Director Eldredge recommended approval of the rescission plan of land dated October 16, 2018 and revised November 15, 2018 by Demarest Land Surveying with the following conditions:

1. Property is to be restricted to a maximum of 4 bedrooms.
2. No variances from Title 5 or the Local Regulation will be considered.
3. Lot is to be served by town water.

Mr. Boyle moved to accept the recommendation of the Health Director, 2nd by Dr. Cushing and approved 3-0-0.

VI REPORT OF THE HEALTH DIRECTOR (November 2018)

Health Director Eldredge reviewed her report for November 2018. She reported that we have an applicant for a new Board of Health member. The applicant met with the interview team and was appointed by the Board of Selectmen at last night's meeting. He will be sent an appointment letter and need to be sworn in with the Town Clerk.

VII CORRESPONDENCE

No correspondence was discussed.

VIII PERMITS

ESTABLISHMENT	ADDRESS	TYPE	TYPE	TYPE	TYPE
FOOD SERVICE					
7-Eleven *	5 Route 28	Retail: Less than 5,000 sf	Take Out	Milk & Cream	
400 East *	1421 Orleans Road	>150 seats			
Alecsie's House of Pizza *	181 Route 137	1-30 seats			
Allen Harbor Yacht Club *	371 Lower County Road	>150 seats			
Big Rock Oyster Company *	501 Depot Street	Caterer			
Brax Landing *	705 Route 28	>150 seats			
Cape Cup *	4 Sou'West Drive	Limited Food Service			
Cape Sea Grille *	31 Sea Street	61-150 seats	Caterer		
Cumberland Farms *	578 Route 28	Retail: Less than 5,000 sf	Milk & Cream	Limited Food Service	
Dennis Public Market (2019 new)		Mobile Food			
Dunkin Donuts *	481 Route 28	Retail: <600 sf	1-30 seats	Milk & Cream	
Dunkin Donuts *	173 Pleasant Lake Ave	Take Out			
Dunkin Donuts *	175 Route 137	Retail: <600 sf	1-30 seats	Milk & Cream	
Dunkin Donuts *	110 Route 137	Take Out			
East Harwich Market *	1421 Orleans Road	Retail: Less than 5,000 sf	Milk & Cream		
Elder Services *	100 Oak Street	Institution			
Ember Pizza *	600 Route 28	61-150 seats			
George's Pizza House *	564 Route 28	31-60 seats			
Handkerchief Shoals Inn *	888 Route 28	Limited Food Service			
Harwich Community Center *	100 Oak Street	Institution			

Harwich Inn & Tavern *	77 Route 28	61-150 seats			
Harwich Mobil *	173 Pleasant Lake Ave	Retail: Less than 5,000 sf	Milk & Cream	Limited Food Service	
Harwich Port Dairy Queen *	441 Route 28	1-30 seats	Frozen Dessert		
Hot Stove Saloon *	551 Route 28	61-150 seats			
Jake Rooneys *	119 Brooks Road	>150 seats			
Lighthouse Café *	216 Route 28	Retail: Less than 5,000 sf	31-60 seats		
Local Flavor *	403 Pleasant Lake Ave	Caterer	Milk & Cream	Retail: Less than 5,000 sf	Take Out
Main Street Quik Pik *	715 Main Street	Retail: Less than 5,000 sf	Milk & Cream	Limited Food Service	
Mooncussers/HP Seafarer *	86 Sisson Road	61-150 seats			
One Thirty Seven Gas *	110 Route 137	Retail: Less than 5,000 sf	Milk & Cream	Limited Food Service	
Platinum Pebble *	186 Belmont Road	1-30 seats			
Port *	541 Route 28	61-150 seats			
Ruggie's Breakfast & Lunch *	707 Main Street	31-60 seats			
Scribanos *	302 Route 28	Retail: Less than 5,000 sf	31-60 seats	Milk & Cream	
Star Market # 4596 *	18 Sisson Road	Retail: Greater than 25,000 sf	Take Out	Milk & Cream	
Subway *	1 Auston Road	1-30 seats			
Sushi by Jay *	111 Route 137	Take Out			
The Family Pantry of Cape Cod *	133 Queen Anne Road	Institution	Mobile Food		
Upper Crust Pizza *	1421 Orleans Road	1-30 seats			
Value Mart *	435 Route 28	Retail: Less than 5,000 sf	Milk & Cream	Limited Food Service	
STABLE					
Betsy & David Coleman *	26 N. Westgate Road	Res. Stable			
Brian & Gloria Savin *	117 N. Westgate Road	Res. Stable			
Christine Menard *	39 Lexington Drive	Res. Stable			
Donald R. Dvorovy *	1639 Orleans Road	Res. Stable			
Duane Reynolds *	1392 Halls Path One	Res. Stable			
Jackie & Matthew Brooks *	50 Aladoc Farm Lane	Res. Stable			
Jennifer Cahoon *	1356 Halls Path One	Res. Stable			
Joseph & Mary Ann Rego *	3 Jay Z Drive	Com. Stable			
Judith A. Davis *	6 Lynch Lane	Res. Stable			
Karin Bearse *	100 Main Street Ext.	Res. Stable			
Kathy Gould *	98 Old Chatham Road	Res. Stable			
Katie McIntosh Rhodes *	72 Hawksnest Road	Res. Stable			
Lynn Johnson *	235 Lothrop Ave	Res. Stable			
Mary & Brian Hastings *	4 Hildas Cartway	Res. Stable			
Michael Eldredge *	72 Main Street Ext.	Res. Stable			
Stephanie J. Winslow *	94 Main Street Ext.	Res. Stable			
Thomas & Ashby Crafts *	41 Gilbert Lane	Res. Stable			
True North Farm *	339 Queen Anne Road	Com. Stable			
SEPTIC INSTALLER					
Abb-Solutely Septic Service *					
B & B Excavation *					
Bortolotti Construction *					

Brian C. Kissling Backhoe *					
Chase & Merchant *					
Coastal Land Design *					
G.C. Inc. Custom Builders *					
Harry Ellis Builder *					
Peter McIntire & Sons LLC *					
R.J. Bevilacqua *					
Robert B. Our Co. *					
Rooter Man of Cape Cod *					
Terry Walker Excavation Inc. *					
REFUSE HAULER					
Benjamin Nickerson *					
Cavossa Disposal *					
Chase & Merchant *					
Nauset Disposal *					
Seaside Disposal *					
William R. Coffin & Sons *					
TOBACCO					
7-Eleven *		5 Route 28			
A.J. Lukes of Harwich*		224 Route 28			
Brax Landing *		705 Route 28			
Cranberry Liquors *		555 Route 28			
Cumberland Farms *		578 Route 28			
East Harwich Market *		1421 Orleans Road			
Harwich Mobil *		173 Pleasant Lake Ave			
Main Street Market *		715 Main Street			
One Thirty Seven Gas *		110 Roue 137			
Value Mart *		435 Route 28			
TITLE 5 INSPECTOR					
Andrew Grover *					
John G. Schnaible *					
John M. O'Reilly *					
Joseph R. Smith *					
Robert F. Reedy *					
Stephanie J. Sequin *					
Timothy J. Brady (2019 new)					
Troy Williams *					
SEPTIC HAULER					
Abb-Solutely Septic Service *					
B & B Excavation *					
Bortolotti Construction *					
Robert B. Our Co. *					
Rooter Man of Cape Cod *					

United Site Services *					
MOTEL					
Handkerchief Shoals Inn *	888 Route 28				
* 2019 Renewal					

Mr. Boyle moved to approve the minutes as per list dated December 11, 2018, 2nd by Dr. Cushing and approved 3-0-0.

IX OTHER

Health Director Eldredge asked if the Board would be interest in scheduling a work session meeting to review upcoming sewer extension and sewer waiver requests. The general consensus of the Board was they would like to schedule a meeting.

XII ADJOURN -The meeting adjourned at 7:45 p.m.

Mr. Boyle moved to adjourn at 7:45 p.m., 2nd by Dr. Cushing and approved 3-0-0.

Respectfully Submitted,

Jennifer Clarke

Next meeting is Tuesday, January 15, 2019 at 6:30 p.m. in the Small Hearing Room.

Documents included in December 11, 2018 Board of Health Meeting Packet:

- December 11, 2018 Board of Health Agenda
- Draft Minutes from the November 13, 2018 Board of Health Meeting
- Draft Utility Installer Application dated November 27, 2018
- Draft Application for Sewer Connection Permit
- Cost Analysis for Time Spent on Sewer Connection Plan Review/Administration/Inspection
- Sewer Regulation Information
- E-mail from Perks Requesting Continuance dated November 28, 2018
- Legal Ad for Public Hearing for Real Estate Transfer Regulations dated November 21, 2018
- Draft Real Estate Transfer Regulations dated October 15, 2018
- Site Summary for Raptor Road Subdivision dated December 11, 2018
- Environmental Impact Filing and Associated Documents dated November 26, 2018
- Site Summary for 1369 Orleans Road dated December 11, 2018
- Definitive Subdivision Plan for 1369 Orleans Road dated November 27, 2018
- Site Summary for 22 Central Avenue dated December 11, 2018
- Request for Reconsideration of Order of Conditions for 22 Central Avenue & Associated Documents dated November 28, 2018
- Site Summary for 184 John Joseph Road dated December 11, 2018
- Request for Variances for 184 John Joseph Road & Associated Documents dated November 28, 2018
- Site Summary for Demarest Land Surveying dated December 11, 2018
- Rescission Plan of Land for Belmont Avenue dated November 15, 2018
- Health Director Monthly Report & Associated Documents for November 2018
- Any other documents submitted for the December 11, 2018 Board of Health meeting