



TOWN OF HARWICH

BOARD OF HEALTH

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Town of Harwich Board of Health

Town Hall - Small Hearing Room

Tuesday, June 9, 2015 6:30 PM

MINUTES

BOARD OF HEALTH MEMBERS PRESENT: Chairman Dr. Stanley Kocot; Mary Jane Watson; Dr. Robert Insley; Frank Boyle; Health Director, Paula J. Champagne
Note: Pamela Howell, RN (excused absence) joined the meeting at 7:10 PM

OTHERS PRESENT: Deborah Donahue; Mary Kocot; Stephen Haas; John Rendon, Harbormaster; Bob Cafarelli, Town Engineer; Tom Moore; Dan Croteau; William Crowell, Esq.; Frank Tamarro; Catherine Genn

I. CALL TO ORDER

Chairman Dr. Stanley Kocot called the meeting to order at 6:30 PM

II. MINUTES OF PREVIOUS MEETING - Tuesday, April 14, 2015

Motion made by Dr. Insley to accept the Minutes of April 14, 2015. Seconded by Ms. Watson. Motion passed unanimously.

**III. 6:32PM BOARD OF HEALTH WORK SESSION
REPORT OF HEALTH DIRECTOR, Paula Champagne**

- **Accela Computer Program Development** - Ms. Champagne reported that the program has been a year and half in the making and "Go Live" happened on May 8th. She said it is a total change in how daily work flow occurs. The goal of the project is to enter all data into a database for future access and to be able to manipulate information which is now inaccessible. She said her review time per project has tripled. With speed and familiarity she expects review time to settle in between 2 and 2 ½ times "Traditional review".
- **Community Development** - Lack of finalized plan continues to hamper forward progress of the second floor departments on numerous levels. The lack of a centralized plan has undermined morale of the workforce.
- **Staff Updates** - Mark Palselli, a part time employee, is coming back as Health Inspector. Administrative Assistant, Patty Sampson accepted a transfer to the Accounting Department on May 12 leaving a vacancy in the department of Community Development. Ms. Champagne reports that the Health Department is well into its busy season. They are using contractors (John Chatham) to cover 100% of their test hole program. Two summer interns

from the County Health Department have arrived and are covering 100% of the weekly sampling (40+ sites) and assisting with routine food service inspections.

Misc.:

- Seasonal Projects – Time of year to send out renewals and application packages for pools and Beaches.
- Definite increase in the amount of septic activity. 29 RET's in the month of May compared to less than 10 each month previous.
- Food Service: Scribanos' on Route 28 received the final inspection to open; Toast of Harwich was May 15th. All vendors screened beforehand and inspected prior to opening; Mobile Food Truck owned by Cape Sea Grille received final inspection.

❖ **New Development**

Paula Champagne reports she met with owners of Agway in anticipation of moving into town. She discussed issues such as fertilizer and the "Green" movement with them. They are aware of sensitive areas of chemical storage etc.

❖ **Article 27 at Town Meeting – Regarding Waste Water**

Vacant parcel discussed and concerns of public and abutters regarding waste water effluent. Ms. Champagne directed them to information online. There was a lack of information sent out to the public. The Health Board no longer is involved in the Task Force Committee. Dr. Kocot and Paula Champagne served on the Committee about 10 years previously.

❖ **Time to renew Agreement (contracts) for VNA**

Request approved by Board of Selectmen, amount not to exceed \$5,500.

Motion made by Mary Jane Watson to approve VNA contract not to exceed \$5,500. Seconded by Dr. Insley. Motion passed unanimously.

❖ **Letter from Harwich Conservation Trust**

Letter received from Michael Lach, Executive Director thanking BOH for contribution of vests, gloves and alcohol wipes for Tour De Trash Saturday, May 2, 2015.

IV. OLD BUSINESS

Note: Mr. Boyle recused himself and stepped out of the room for the Pleasant Bay Community Boating discussion.

- A. Pleasant Bay Community Boating 2285 & 2287 Route 28, Head of the Bay Road; Request to reconsider form of legal instruments for access and easement to off property septic systems – William F. Riley Esq.

Copy of Easement Restriction attached to Minutes. Director Champagne recommended approval.

Motion made by Dr. Insley to approve the Easement Restriction for 2285 & 2287 Route 28, Head of the Bay Road. Seconded by Mary Jane Watson. Motion carried Unanimously.

- B. Frank's Cucina – Operation of a private dinner club at a new location, 8222 Queen Anne Road – review of Board of Health discussion of 9-10-2013.
Presenter : Atty. William Crowell Representing Mr. Tammaro

Discussion: Director Champagne discussed the complaints and her observations of Mr. Tammaro's website. She stated that it is a business based on Federal Food Code definitions.

Atty. Crowell stated that nothing has changed except the location; it is not a business but a dinner club, and that the website needs to be updated. Mr. Tammaro stated that cooking is his passion, he does not have tourists, and that he charges a fair price for the food.

Mr. Boyle said that since a meal tax is collected, it constitutes a business. He also stated that three years ago the claim was that the same people were being entertained, but the website solicits new clients.

Ms. Watson felt that "Website" is advertising as a business.

Dr. Insley said that the Board did not see the Website three years ago. He stated that the BOH has a responsibility to protect the public (food served to the public).

Dr. Kocot stated that Mr. Tammaro should go through the proper permitting (formal process) of a business.

Atty. Crowell asked what permits are needed. Issue discussed as health consideration of food inspection and safety as opposed to zoning issues. Director Champagne says there are private kitchens which have food consumption permits. Atty. Crowell asked if septic was an issue. Ms. Champagne said that previously it was not considered, but that it may be now as previously an order to install a "grease trap" was in the Order of Conditions. Mr. Tammaro said he did not recall a "grease trap" as a condition.

Atty. Crowell asked if a "residential food kitchen permit" would be acceptable. Ms. Champagne said that "any service of food to the public" is subject to regulations and codes. Atty. Crowell asked that there be further discussion regarding a solution to the issues and permitting process. Dr. Kocot suggested continuing the dialog.

Motion was made by Dr. Insley that Frank Tammaro continues to apply for permits and comply with food service codes. Seconded by Pamela Howell. Motion passed Unanimously.

V. NEW BUSINESS

- A. 8:00 PM Hearing to consider replacement and upgrade of a tight tank in an environmentally sensitive area - Town of Harwich - Allen Harbor, 343 Lower County Road - Robert Cafarrelli, Town Engineer and John Rendon, Harbormaster. Discussion of a plan for a tight tank for a one room unisex restroom. Abutters notified. A letter from Tracey Maloney, an abutter opposed to the plan was read into the record. Approval from Conservation Administrator. Will go before HCC for approval of Notice of Intent and Order of Conditions regarding resource proximity.

Motion made by Mary Jane Watson to close the hearing. Seconded by Frank Boyle. Director Champagne recommended approval.

Motion made by Dr. Insley to approve the tight tank plan. Seconded by Mary Jane Watson. Unanimously approved.

- B. 8:10 PM Hearing to consider variance requests to replace a sewage disposal system for Sweeney, 12 Duke Ballem Road prepared by Eco-Tech. 1. To allow a soil Absorption System to be 6' below grade where 3' maximum.

David D. Coughanowr, R.S. Eco-Tech discussed plan.

Motion to close hearing made by Dr. Insley. Seconded by Mary Jane Watson. Director

Champagne recommended approval of variance.

Motion made by Dr. Insley to approve variance with Order of Conditions for 4 bedroom dwelling with no increase in floor plan. Seconded by Pamela Howell. Unanimously approved.

- C. 8:14 PM** Hearing – to consider variance requests to replace a sewage disposal system for Carey, -9 Glendoon Road prepared by Stephen A. Haas Engineering, Inc. 1. Section 15.211: (1) Minimum Setback Distances: 20' is required between the Soil Absorption System and a foundation, 15' is provided, a 5' variance is requested; 2. Regulation 1.210 – Distance Requirements: 100' is required between the Soil Absorption System and a wetland, 69' is provided, a 31' variance is requested.
Presenter: Stephen A. Haas, Eng.
Discussion of plan (2 setback variances requested). Debra Doherty an abutter asked regarding wetland setback. Answer: setback increased.
Motion made by Dr. Insley to close the hearing. Seconded by Mary Jane Watson. Director Champagne recommended approval as an improved Order of Conditions for a 4 bedroom dwelling. Periodic maintenance by homeowner Conditioned. Motion by Dr. Insley to accept this plan as presented for 9 Glendoon Road. Seconded by Mary Jane Watson. Unanimously approved.
- D. 8:29 PM** Hearing – Dooley – 51 Ocean Ave. – to reconsider Order of Conditions “no increase in habitable space” (7/27/94) for a major alteration.
Dan Croteau, PE Moran Engineering Assoc. Presenter
Dr. Kocot questioned by owners of record in 1994 listed property as 2 bedroom dwelling and this evening an existing plan shows a floor plan for a 3 bedroom dwelling.
Director Champagne requested inspection of septic issuing compliance plan from 2 to 3 bedrooms. Issue of compliance to 2 bedrooms. She discussed issue with agents of applicant.
Order to return to compliance – Administrative. Existing plan not in compliance.
Discussion of habitable space increase.
- Mr. Croteau presented existing floor plan (2 floors). He does not know what took place in 1990's as to added bedroom. Must go before Board of Appeals and abutter notification.
- Discussion – 1996 paperwork of denial. Question of “Dooley” or “Delany” as owners not in compliance. Ms. Champagne stated that, in 1994, it was clearly 2 bedrooms.
- Mr. Croteau said he wants to fix the problem and put the plan in compliance.
- Discussion of problem: Ms. Champagne said 250 inspections a year, return to compliance done administratively. This is coming before the Board because of the septic application. She discussed process regarding building inspection, permitting and fines for non-compliance when an issue is discovered.
- Dr. Kokot is concerned regarding precedent of non-compliance tolerance.
- Motion made by Dr. Insley to close the hearing. Seconded by Frank Boyle. Director Champagne stated more habitable space than in compliance, trying now to put in compliance demolishes old plan and puts present plan in an attempt to put it in compliance.**

Motion made by Dr. Insley to approve tear down with 2 bedrooms with increase in habitable space as presented in this plan. Seconded by Frank Boyle. Voting: Four in favor ; One opposed. Motion passed.

- E. **8:43 PM** Hearing – Dooley 51 Ocean Ave. – to consider variance requests to install a new septic tank and to correct/amend previously approved variances for the existing leaching area. Variances from 310 CMR 15.211 (1) Minimum Setback Distances: 1. Per 310 CMR 14.05 (1) (a): New septic tank to east property line: 10' required, 4' available – variance request of 6'. 2. Per 310 CMR: 14.05 (1) (a) new septic tank to south property line: 10' required, 5' available – variance request of 5'. 3. Per 310 CMR: 14.05 (1) (b): New septic tank to cellar wall: 10' required; 4.5' available - variance request of 5.5". 4. Per 310 CMR: 14.405 (1) (a): Existing Soil Absorption System to north of property line: 10' required; 1.5 existing - variance request of 8.5'. 5. Per 310 CMR: 14.05 (1) (a) Existing Soil Absorption System to west property line: 10' required; 2.5' existing -variance request of 7.5'. 6. Per 310 CMR: 14.405 (1) (b) Existing Soil Absorption System to crawl space slab: 10' required; 8' existing – variance request of 2". Soil Absorption below slab elevation and 40 mil PE Liner proposed.

Dan Croteau, PE Moran Engineering, Presenter.

Improved septic plan. Reconsideration to correct/amend septic design to bring into compliance.

Motion to close the hearing made by Dr. Insley. Seconded by Mary Jane Watson. Director Champagne: Explanation of plan to move septic to correct for lot line compliance. Variance correcting past mistakes. She recommends approval. Motion made by Mary Jane Watson to approve the plan for 51 Ocean Avenue. Seconded by Dr. Insley. Unanimously approved.

- F. **8:49 PM** Hearing – Hernandez, 2 Pilgrim Road, to reconsider Order of Conditions granted 10/15/2013 “no increase in habitable space” to allow for the addition of a media room in the basement.

Thomas A. Moore, Design Company

Explanation of plan for media room.

Director Champagne states plan does not meet access/windows for bedroom. Below grade (garage under house). She said it does not meet criteria used to identify as a bedroom. Issue of shower in bathroom, if not a bedroom. Half bath compromise discussed. Mr. Moore said they could eliminate the shower and keep the toilet and sink. Ms. Champagne recommended approval with half bath restriction; no plumbing for a shower; not to be used as a bedroom stipulated.

Motion made by Frank Boyle to close the hearing. Seconded by Dr. Insley.

Motion made by Dr. Insley to approve with restrictions noted above. Seconded by Mary Jane Watson. Unanimously approved.

- G. **9:10 PM** Hearing 2015 Beach Variance Renewals – based upon 3 years of satisfactory water quality results to allow the frequency of water sampling to remain at monthly vs. weekly for the following locations:

Merkel Beach
Atlantic Ave.
Grey Neck Road

Neel Road
Seabreeze Ave.
Brook Road

Bank Street/Bayview
Pleasant Road
Wah Wah Taysee

Motion to close the hearing made by Dr. Insley. Seconded by Pamela Howell. Director Champagne recommended approval. Motion made by Dr. Insley to reclassify 9 beaches noted above. Seconded by Pamela Howell. Unanimously approved.

VI. PERMITS - Not addressed this evening.

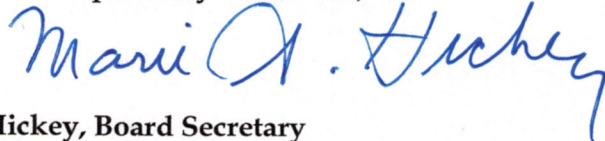
VII. 9:15 PM ADJOURN

Motion made to adjourn by Dr. Insley. Seconded by Frank Boyle. Unanimously approved.

Submittals for this meeting are part of the permanent record.

Per the Attorney General's Office: The Board of Health may hold an open session not reasonably anticipated by the Chairman 48 hours in advance of the meeting following "New Business".

Respectfully submitted,



Minutes transcribed by Marie A. Hickey, Board Secretary