

**TOWN OF HARWICH**



*BOARD OF HEALTH*  
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**Town of Harwich Board of Health**  
**Monday, February 13, 2017**  
**6:30 PM**  
**TOWN HALL – SMALL HEARING ROOM**  
**MINUTES**

**BOARD OF HEALTH MEMBERS PRESENT:** Chairman Dr. Robert Insley, Members Frank Boyle & Cynthia Bayerl.

**ABSENT:** Pamela Howell, R.N.

**STAFF MEMBERS PRESENT:** Health Director Paula Champagne & Senior Health Inspector Meggan Tierney

**I REORGANIZATION OF THE BOARD**

No action taken on the reorganization.

**II CALL TO ORDER-**

At 6:30 p.m., Chairman Insley called the meeting to order.

**III MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – 01/10/2017**

Motion made by Mr. Boyle to accept the regular meeting minutes of the January 10, 2017 Board of Health meeting. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.

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

**A. Discussion-Staff Presentation-A review of suggested amendments to Board of Health sale of tobacco products regulations and so called “Tobacco 21”**

Health Director Paula Champagne & Senior Health Inspector Meggan Tierney have reviewed the regulations line by line and have proposed some updates to the regulations. The most significant change is the increase of legal tobacco sales to 21 from 18. Raising the age to 21 should eliminate the problems surrounding underage sales. The ultimate suggestion is propose a new regulation and repeal the 2012 regulation. The Board stated that they agree with the proposed regulation amendments. Health Director Champagne recommended adoption of the new regulations and rescind the 2012 regulations. A legal hearing would need to be schedule for the proposed changes and a notice would be sent to license holders.

Motion made by Mr. Boyle to accept the amended regulations as a working draft and to schedule a legal hearing for March 14, 2017. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.

## V **7:00- OLD/UNFINISHED BUSINESS**

No old/unfinished business was discussed.

## VI **NEW BUSINESS**

### **A. Discussion-Habitat for Humanity of Cape Cod Inc., 93 & 97 Route 28, Map 10 Parcels W3-B & W5-Application for a Comprehensive Permit-MGL Chapter 40B, Sections 20-23 and 760 CMR 56.00; Application to construction 6 new affordable homes on the back portion of 2.466 acres of land located at 93 & 97 Route 28**

Health Director Paula Champagne reviewed the proposal to construct 6 new affordable homes on the rear portion of the lot located at 93 & 97 Route 28. The property is partially developed and currently owner occupied. She did note that we have received a letter regarding concerns over building in a floor plan. Title 5 regulations to not apply to flood plains, only velocity zones. The Comprehensive Permit application does not apply to the 2 existing dwellings on the property and will be on separate lots. The Board had additional questions regarding the waiver of any fees. Health Director Champagne will research and report back to the Board.

Health Director Champagne recommended approval of the project with the following conditions:

1. The Harwich Board of Health will not consider any variances from Title 5.
2. The properties will be served by town water.
3. In order to prepare for any connection to a sewer system, a sewer line will exit the building on the street side.
4. No garbage disposal.
5. No irrigation or drinking wells will be allowed on the properties.

Motion made by Mr. Boyle to accept the recommendation of the Health Director. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.

## VII **REPORT OF THE HEALTH DIRECTOR (January)**

- **Projects-**
  - 2017 Permit Renewal & Accela Use: 2<sup>nd</sup> notice sent (sample letter enclosed with list of recipients). Once again, we were unable to utilize the Accela Licensing Module to perform this function. The consultant was to develop a report feature to extract that information into a list form. The report did not produce complete or reliable results; consequently we reverted to using our Access based system to generate the lists and letters. Due to the numerous problems encountered with the Accela product development licensing module we continue to operate both systems.
  - 2016 Annual Reports- January 23<sup>rd</sup> was the deadline for filing the reports with Administration. Task Completed and circulated. Reports in this packet- 2016 Full Department Report, 2016 Bathing Beach Sampling Report and 2016 Semi-public Swimming Pool Report
  - Amendments to Tobacco sales regulations and Tobacco 21- Health Director and Senior Health Inspector have completed the review process. Much has occurred in the tobacco arena since the last review in 2012. Although the BOH request was to bring an amendment for raising sales age to 21 staff performed a line by line review against the current model regulation. The draft in the packet will be the point of discussion for the 2-13-17 work session. The draft aligns wording with MDPH guidelines; raises sales age to 21; encompasses all nicotine delivery products into the definitions and, by doing such, includes nicotine delivery products as part of all aspects of the regulation.

- Community Development Project Review- the team met with members of the Saquatucket Harbor Development Group & Architect to review the plans to renovate/ expand the landside of the harbor. Plans include updated office building/public restroom; blended ticket booth/retail area for commercial enterprises; maintenance facility for the harbormaster boats and a new 50-60 seat restaurant. We have met several times in the past 2 years during conceptual planning. At this meeting- with more concrete plans developed, Health made the recommendation that a new treatment facility to serve the office and restaurant should be part of the plan. The current I/A system is over 20 years discharging to a 50+yr old leaching facility. 2- Harwich Center conversion of BP station to a restaurant- conceptual plans discussed with Mr. Bassil and design group
- Health Director Presentation to Mass Environmental Health Association- the director has been asked to be a featured speaker at the annual statewide wastewater conference Feb 8<sup>th</sup>. The assigned topic is, "How One Health Department Implements Title 5".
- Community Development Staff Reorganization- the administration has implemented a new plan for the supervision of all clerical staff in Com Development. Effective immediately, the staff report to a new Coordinator who organizes scheduling, time off, evaluations, interdepartmental coverage and cross training issues.
- Food Service Programs
  - Interesting inquiries and new topics for us to explore this month: Kombucha; doggie treats; and mobile food delivery service from food pantry organizations
- RET's/ Sewage permit review – outstanding issues
  - 60 Christopher Ln - Zone II illegal bedroom over garage-*resolved*
  - 71 Captain Bearse- RET- finished basement – potential bedroom in basement/ Zone II issues without permits.-*resolved*.
  - 11 Ocean Ave- non-compliance with previous approved plan- it was discovered during a building permit application that a previously approved plan was not followed. A basement was approved under an existing dwelling provided that an interior partition was installed and the area backfilled with sand to keep the septic system the required 20 feet from a cellar wall. The foundation was poured but the interior wall never installed. The system is in violation of the setback and we are requiring a return to compliance plan from the owner. Owner intends to file w/ BOH to resolve
  - 12 Homestead- RET- finished basement/possible bedroom in Zone II w/out permits. Walk-thru clarified –not a BR- referred to Building Department for post construction compliance-*resolved*
  - 151 Gorham Rd- Building remodel- BR count exceeds septic capacity- several meetings w builder/lawyer to resolve this issue- ultimately, new design was pursued.-*resolved*
  - 2 Wilma's – Inspection for building expansion- finished basement w/out permits; potential bedrooms- walk-thru clarified not a BR- *resolved*
  - 68 Smith St- RET- groundwater issues on SAS- have requested additional engineering info before making final decisions on failure to research possible causes- installation or scientific? Will need return to compliance for # BR's
  - 24 Storer Dr. - RET- # BR's in Zone II- finished 2<sup>nd</sup> floor w/out permits; possible 2+ additional bedrooms. Walk-thru verified- return to compliance plan needed.

## VIII CORRESPONDENCE

No correspondence was discussed.

## IX PERMITS

ESTABLISHMENT	ADDRESS	PERMIT TYPE	PERMIT TYPE
SEPTIC INSTALLER			
Aaron T. Gingras	204 Oak Street		

Daluze Excavating	510 Queen Anne Road		
MCE Dirtworks	Eastham		
Northeast Construction Septic Systems & Excavating Corp.	32 Sara Ann Lane, Brewster		
Ranger Construction	Falmouth		
Riker Land Construction			
<b>SEPTIC HAULER</b>			
Abb-Solutely Septic Service			
Tulloch Septic Service LLC	32 Sara Ann Lane, Brewster		
<b>FOOD SERVICE</b>			
Allen Harbor Yacht Club	371 Lower County Road	Food Service: <150 seats	
Christ Church Episcopal	671 Route 28	Institution	
Craig Cyr-Personal Chef	118 Headwaters Drive	Limited Food Service	
CVS Pharmacy # 860	6 Post Office Square	Retail: 5000-25000 sq. ft.	Milk & Cream
CVS Pharmacy # 1859	148 Route 137	Retail: 5000-25000 sq. ft.	Milk & Cream
Harwich Community Center	100 Oak Street	Institution (no fee)	
Harwich Port Dairy Queen	441 Route 28	Food Service: 1-30 seats	Frozen Dessert
Holy Trinity Church	246 Route 28	Limited Food Service	
Jam Sweet		Event Permit	
Monomoy Regional High School	75 Oak Street	Institution (no fee)	
Resilient Family Farms	35 Chatham Road	Retail: <600 sq. ft. (not primary business)	
<b>STABLE</b>			
Chris and Angela McNamara	196 Bank Street	Residential Stable	
Cape Farm Supply	1590 Factory Road	Residential Stable	
James and Susan Atherton	1030 Factory Road	Residential Stable	
Cape Farm Supply	374 Main Street	Residential Stable	
Thomas M. Crafts	41 Gilbert Lane	Residential Stable	
Mark and Holly Coleman	2 Barkley Way	Residential Stable	
Resilient Family Farms	35 Chatham Road	Residential Stable	
Forget Me Not Farm/Thomas & Rebecca Ahrensfield	236 South Street	Residential Stable	
Catherine Karras	105 Round Cove Road	Residential Stable	
<b>MOTEL</b>			
Handkerchief Shoals	888 Route 28		
<b>TOBACCO</b>			
Fully Baked Smoke Shop	216 Route 28, Unit # 5		

Mr. Boyle moved to approve the permits as per the list dated February 13, 2017. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.

**X     OTHER**

No other items were discussed.

**XI     ADJOURN- The meeting adjourned at 7:42 p.m.**

Ms. Bayerl moved to adjourn. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

**Submittals of the meeting are part of the permanent record.**

**Respectfully Submitted,**

**Jennifer Clarke**

**Next meeting is Tuesday, March 14, 2017 at 6:30 p.m. in the small hearing room.**