

**TOWN OF HARWICH**



*BOARD OF HEALTH*

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**TOWN OF HARWICH BOARD OF HEALTH  
TUESDAY, FEBRUARY 13, 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 and Member Matthew Cushing M.D.

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

**OTHERS PRESENT:** Selectman Larry Ballantine, Dan Speakman & Matt Farrell.

*Recording and 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 (Regular Meeting Minutes) – December 12, 2017**

**Motion made by Ms. Bayerl to approve the minutes of the December 12, 2017 meeting. Dr. Cushing seconded the motion. 4-0-0 Unanimous.**

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

**A. Discussion-Use of I/A Technology in Zone II**

Health Director Eldredge stated that she has been approached by engineers asking if the Board would be open to reconsidering their policy on the use of I/A Technology. In the mid 90's Title 5 began to allow the use of certain approved technologies to gain bedrooms in a Zone II because they are used to reduce nitrogen to 19 mg/L. The Board of Health had adopted a moratorium on I/A use in Harwich. The moratorium was lifted in 2000 and the Groundwater Protection Regulation was adopted.

The Board and Health Director Eldredge briefly discussed the upcoming sewerage and that I/A Technology would not be allowed increase bedrooms in Zone II areas-but could be a possibility in non-sewer areas. Barnstable County Department of Health and Environmental has developed a software to monitor properties and have taken on the task of beginning the enforcement of delinquent systems.

Ms. Bayerl asked who would assume responsibility if the sewer system fails. Health Director Eldredge responded that there are 2 components to the sewer, one that the town would be responsible for-the main line in the street, and one that the homeowner would be responsible for-from the street to the house

Mr. Boyle requested to table the discussion and continue it at the March 13, 2018 Board of Health meeting. Ms. Bayerl would like to have more information and guidance before making a decision.

## **B. Discussion-Upcoming Sewer Implementation-Board of Health Involvement**

The sewer project has moved into Phase II and funding for design and construction is on the May Town Meeting warrant. Health Director Eldredge met with David Young of CDM Smith and there are some issues that the Board of Health will need to address in the near future. Items for consideration are the following:

- Will the Board of Health allow extensions to the state regulations that hook up will be within 1 year of availability?
- Will the Board of Health allow failed Title 5 systems within the Phase II area to be maintained instead of replaced until they are able to hook up?
- Will the Board of Health consider a sliding timeline for sewer hookup for properties that have recently upgraded their Title 5 system?

Selectman Larry Ballantine was present in the audience. He informed the Board of the Wastewater Support Committee's upcoming meeting schedule and that policy issues are one of the main concerns. Chatham is planning on starting their next sewer phase at the same time we will be starting ours. With a shortage of installers who are able to do this work, timing may be an issue. We will need to continue to work with Chatham on our Inter Municipal Agreement. Mr. Ballantine feels that it is critical for town meeting that the Board of Health and staff are working on moving forward.

Ms. Howell asked what would happen if someone refuses to hook up? Mr. Ballantine responded that imposing tax liens on property would be an option. We need to let residents know that we understand their concerns and are moving forward to answer all questions.

Ms. Bayerl feels that the Health Department needs to be budgeted properly so that they can adequately move through this process, and suggested that extra staff and additional legal assistance may be beneficial. Health Director Eldredge responded that she has access to legal counsel once a month. Ms. Bayerl suggested that this might be an opportunity for students from the Cape Cod Technical High School to become involved.

Health Director Eldredge will obtain information on what other towns have done for policies and return to the Board next month with more information.

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

No old/unfinished business was discussed.

## **V NEW BUSINESS**

**A. Hearing-Grosso, 287 Bank Street**, to consider a variance request to install a new Title 5 septic system prepared by Dan A. Speakman Construction

Variations from 310 CMR 15.221(7) General Construction Requirements for All System Components

1. Per 310 CMR 15.221(7): To allow the top of the proposed septic tank to be 5' below grade where 3' is allowed. Variance request of 24"

2. Per 310 CMR 15.221(7): To allow the top of the proposed pump chamber to be 5.3' below grade where 3' is allowed. Variance request of 2.3'

Chairwoman Howell opened the hearing. Dan Speakman from Dan A. Speakman Construction was present on behalf of the owner. Health Director Eldredge read the variances that are being requested.

The existing 3 bedroom dwelling is currently served by cesspools. The topography and existing plumbing conditions are what drive the need for the variances. The designer is proposing to use an H2O grade septic tank and pump chamber, which will sustain the weight of the additional soil coverage.

No public comment was heard. Chairwoman Howell closed the hearing.

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

1. No increase in habitable space or square footage to the building.
2. The dwelling is to be restricted to a maximum of three (3) bedrooms.
3. Variances and conditions to be recorded at the Barnstable County Registry of Deeds.
4. No garbage disposal.

**Motion made by Ms. Bayerl to accept the recommendation of the Health Director. Dr. Cushing seconded the motion. 4-0-0 Unanimous.**

**B. Hearing-Hutton, 437 Route 28**, to consider a variance request to install a new Title 5 septic system prepared by J.M. O'Reilly & Associates, Inc.

Variances from 310 CMR 15.211(1) Minimum Setbacks

1. Per 310 CMR 15.405(1)(a): To allow a proposed soil absorption system to be 3' from the property line where 10' is required. Variance request of 7'.
2. Per 310 CMR 15.405(1)(a): Soil absorption system does not meeting the required slope distance-Vertical 40 mil. Liner and concrete block wall provided
3. Per 310 CMR 15.416: To allow a 25% reduction in soil absorption system design flow
4. Per 310 CMR 15.255: 5' removal not proposed, only soil removal being completed directly below the proposed soil absorption system

Variance 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 85' from the wetland resource where 100' is required. Variance request of 15'.

Chairwoman Howell opened the hearing. Matthew Farrell from J.M. O'Reilly & Associates, Inc., was present on behalf of the owner. This is a commercial property that is currently served by a cesspool and real estate transfer has prompted the upgrade. The building is on a slab foundation and the lot is nearly completely with the 100' setback to the wetland to the South and East.

No public comment was heard. Chairwoman Howell closed the hearing.

Dr. Cushing asked if there is any guarantee that the PVC force main will be properly maintained. Mr. Farrell responded that the piping from the pump chamber to the leaching facility will be schedule 40 piping with is H2O rated and a wet inspection of the pumps will be done. If the pipe were to fail, the remedy would be to excavate and replace the pipe.

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

1. No increase in flow or square footage to the building.
2. Variances and conditions to be recorded the Barnstable Land Court.
3. No garbage disposal.

**Motion made by Dr. Cushing to accept the recommendation of the Health Director. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.**

**VI REPORT OF THE HEALTH DIRECTOR (December 2017 & January 2018)**

**Week Ending December 16, 2017**

Board of Health-February 13, 2018

HAC meeting-attended the bi monthly meeting of the Health Agents Coalition

Community Development-attended the weekly managers meeting

Monthly BOH meeting-attended the monthly Board of Health Meeting and drafted subsequent letters/correspondence afterward.

Website updates-Began a website update to include health and wellness topics like nutrition, exercise, wellbeing, prevention. This will be an ongoing project that will be updated regularly to include topics of interest.

Educational materials-ordered various educational materials from mass clearinghouse to have posted in different town buildings/areas. Topics include substance abuse, diabetes, blood pressure, healthy food choices, etc.

### **Week Ending December 30, 2017**

Began working on Annual Town Report. Reviewed 3 applications for the Sr. Health Agent Position and scheduled interviews. Followed up on a communicable disease report. Public Information request for 35 Chatham Road/Viprino received. This request will take some time to complete as it spans over 6 months' worth of emails, inspections, BOH meetings, etc.

### **Week Ending January 6, 2018**

Records request-staff continued to work on records request for 35 Chatham Road

Soil borings-Conducted additional soil tests at 437 Route 28 for determination of naturally occurring pervious material. These borings were conducted with a well driller and the engineer.

Annual report-Staff began putting together a draft annual report and will continue to work on this report over the next week

Accela-with the hard work and persistence of the community development staff, especially Amy Banford, the invoice cloud payment problem has been resolved. This process has taken several months to resolve and now we can finally return to a streamlined workflow and less time taken to reconcile revenue.

### **Week Ending January 13, 2018**

Annual report-All staff members were involved in preparing the 2107 annual report.

Staff vacancy-Conducted two interviews for the Sr. Health Agent position and made an offer to Ms. Kathleen Tenaglia. She holds a bachelor's degree in biology, a master's degree in epidemiology, and is finishing up her doctorate of science. She interviewed well and made a positive impression on the interview team. I hope to hear back from her next week.

Records request-completed the records request for 35 Chatham Road-Viprino

BOH meeting-due to no hearing requests, no continuances, the January BOH meeting was cancelled.

### **Week Ending January 20, 2018**

Community Development meeting-Met with department heads regarding ongoing projects.

Annual Report-completed the Annual Report for the Health Director

Staff Vacancy-Offer extended and accepted by Kathleen Tenaglia for the position of Sr. Health Agent. We are excited to have her on board, she starts February 5<sup>th</sup>.

Phase II of the CWMP-Attended the Community Meeting on Tuesday evening to hear discussion on the upcoming Phase II of the sewer project. Survey work has been completed and CDM Smith has prepared a preliminary plan for Town Approval in May. The plan calls for construction to begin in the East Harwich area in the spring of 2019, with hook-ups available in the summer of 2021. The Board of Health needs to begin discussions regarding how to handle failed systems in that area prior to sewer availability. Will extensions be granted for upgrades? Also, we should discuss amending our regulations regarding 1.211 as they relate to large projects and environmental requirements and adding clauses regarding consequences of refusal to connect.

### **Week Ending January 27, 2018**

Sr. Health Agent Katie Tenaglia was officially confirmed by Selectman. She was cleared by occupational health and her start date is February 5<sup>th</sup>. We have been prepping her office space.

Staffing memo- A memo from Administration was distributed to Community Development regarding a proposal to change several positions on the floor. Specifically relating to Health, our administrative assistant position, filled by Jennifer Clarke is proposed to be upgraded to Executive Assistant with the added duties of being the Conservation Administrative assistant when needed. This staffing proposal comes as a result of a request from Conservation to Board of Health-February 13, 2018

eliminate the admin position and instead bring on a full time Conservation Agent. The intent is to have the Cons. Agent sit among the admins 25 hours per week and do field work the other 10 hours. I am confident that Jennifer is capable of taking on this extra task, however I am concerned that our support staff is being cut. My other concern is that even though the intent of the cons. Agent position sharing admin duties is *implied*, I would prefer it be in black and white. My fear is that the Cons. Agent duties will morph into more field work and less admin-leaving the burden on the remaining admin staffers.

Department Head Meeting-attended the monthly department head meeting. Discussed budget calendar and CPC projects

Community Development-no meeting this week.

- Real Estate Transfer Inspections: 20 +/-
- Building Permit Reviews: 53 +/-
- Annual Permits and Licenses: 115 +/-
- Disposal System Construction Permits: 16 +/-
- Certificate of Compliances Issued: 12 +/-
- Final Septic Inspections: 12 +/-
- Food Inspections: 11 +/-
- Consultations: 10 +/-
- Complaints: 6 +/-
- Planning Board/ZBA Review: 7 +/-

**VII CORRESPONDENCE**

Various items of correspondence were given to the Board in their meeting packets.

**VIII PERMITS**

ESTABLISHMENT	ADDRESS	TYPE	TYPE	TYPE	TYPE
<b>SEPTIC HAULER</b>					
Aatta Boy Septic Service (2018 Renewal)					
Abb-Solutely Septic (2018 Renewal)					
AMA Excavating (2018 Renewal)					
B & B Excavation (2018 Renewal)					
Cape Cod Septic Services (2018 Renewal)					
Daniels Recycling Co. Inc. (2018 Renewal)					
Debarros Septic Service (2018 Renewal)					
Discount Septic Pumping (2018 Renewal)					
E.F. Winslow Plumbing & Heating (2018 Renewal)					
Ellis Brothers Construction (2018 Renewal)					
J.M. Barros Septic Service (2018 Renewal)					
J. O'Loughlin Inc. (2018 Renewal)					
Robert B. Our Company (2018 Renewal)					
Rooter Man of Cape Cod (2018 Renewal)					
Speakman Excavating (2018 Renewal)					
Tulloch Septic Service LLC (2018 Renewal)					
Wall Septic Service (2018 Renewal)					
<b>SEPTIC INSTALLER</b>					
Accu Sepcheck (2018 Renewal)					
B & B Excavation (2018 Renewal)					

Barrows Excavating (2018 Renewal)				
Better Cape Plumbing (2018 Renewal)				
Borthwick & Summers Inc. (2018 Renewal)				
Bosetti Septic Systems (2018 Renewal)				
C.C. Construction Inc (2018 Renewal)				
Cape Cod Septic Inspection (2018 Renewal)				
Cape Cod Septic Services (2018 Renewal)				
Condons Excavating (2018 Renewal)				
<b>Daniels Recycling Co. Inc. (2018 New-Repairs Only)</b>				
DG Digging (2018 Renewal)				
Ellis Brothers Construction (2018 Renewal)				
Holmes Land Service (2018 Renewal)				
J. Iadonisi Construction (2018 Renewal)				
J. O'Loughlin Inc. (2018 Renewal)				
Ken Rose Septic Service (2018 Renewal)				
Minot Reynolds (2018 Renewal)				
Northeast Construction (2018 Renewal)				
R.J. Bevilacqua Construction (2018 Renewal)				
Ready Rooter Excavating (2018 Renewal)				
Reis Services (2018 Renewal)				
Richard Judd, R.S. (2018 Renewal)				
Robert B. Our Company (2018 Renewal)				
Robert E. Farrell (2018 Renewal)				
Rons Excavating (2018 Renewal)				
Rooter Man of Cape Cod (2018 Renewal)				
Speakman Excavating (2018 Renewal)				
Terry Walker Excavation (2018 Renewal)				
Wall Septic Service (2018 Renewal)				
<b>REFUSE HAULER</b>				
Cavossa Disposal (2018 Renewal)				
M.A. Frazier Enterprises (2018 Renewal)				
Nauset Disposal (2018 Renewal)				
Waste Management of Mass Inc. (2018 Renewal)				
<b>FOOD SERVICE</b>				
7-Eleven (2018 Renewal)	5 Route 28	Retail: Less than 5,000 sq. ft.	Take Out	Milk & Cream
AFC Sushi @ Shaws # 576 (2018 Renewal)	18 Sisson Road	Take Out		
Allen Harbor Breeze Inn (2018 Renewal)	326 Lower County Road	Food Service: 1-30 seats		
Brax Landing (2018 Renewal)	705 Route 28	Food Service: >150 seats		
<b>Cakes for all Occasions (2018 New)</b>	<b>15 Partridge Lane</b>	<b>Limited Food Service</b>		
Cape Cod Cranberry Harvest (2018 Renewal)	33 Rocky Way	Limited Food Service	Event Permit	
Cape Cod Regional Technical H.S (2018 Renewal)	351 Pleasant Lake Ave.	Institution		
Castaways (2018 Renewal)	986 Route 28	Food Service: 61-150 seats		
Christ Church Episcopal (2018 Renewal)	671 Route 28	Institution		
Craig Cyr Personal Chef (2018 Renewal)	118 Headwaers Drive	Limited Food Service		

Cranberry Liquors (2018 Renewal)	555 Route 28	Retail: <50 sq. ft. (non PHF only)	Tobacco		
CVS # 806 (2018 Renewal)	6 Post Office Square	Retail: 5,000 to 25,000 sq. ft.	Milk & Cream		
CVS # 1859 (2018 Renewal)	148 Route 137	Retail: 5,000 to 25,000 sq. ft.	Milk & Cream		
Domino's (2018 Renewal)	16 Route 28	Food Service: 1-30 seats	Take Out		
Dunkin Donuts (2018 Renewal)	173 Pleasant Lake Ave.	Take Out			
Dunkin Donuts (2018 Renewal)	109 Route 137	Take Out			
Dunkin Donuts (2018 Renewal)	481 Route 28	Retail: <600 sq. ft (not primary business)	Food Service: 1-30 seats	Milk & Cream	
Dunkin Donuts (2018 Renewal)	175 Route 137	Retail: <600 sq. ft (not primary business)	Food Service: 1-30 seats	Milk & Cream	
<b>Elixir Confections (2018 New)</b>	<b>32 Sou'West Drive</b>	<b>Limited Food Service</b>			
Ember Pizza (2018 Renewal)	600 Route 28	Food Service: 61-150 seats			
First Congregational Church (2018 Renewal)	697 Main Street	Institution			
Harwich Elementary (2018 Renewal)	263 South Street	Institution			
Harwich Junior Theatre (2018 Renewal)	105 Division Street	Limited Food Service			
Harwich Junior Theatre (2018 Renewal)	265 Sisson Road	Limited Food Service			
Harwich Paint & Decorating (2018 Renewal)	181 Route 137	Retail: <600 sq. ft (not primary business)			
Harwich Port Dairy Queen (2018 Renewal)	441 Route 28	Food Service: 1-30 seats	Frozen Dessert		
Harwich Port Seafarer/Mooncussers (2018 Renewal)	86 Sisson Road	Food Service: 61-150 seats			
Harwich United Methodist Church (2018 Renewal)	1 Church Street	Institution			
Hot Stove Saloon (2018 Renewal)	551 Route 28	Food Service: 61-150 seats			
Hot Stove at Cranberry Valley (2018 Renewal)	183 Oak Street	Food Service: 61-150 seats			
J. Bar (2018 Renewal)	537 Route 28	Retail: <600 sq. ft (not primary business)	Food Service: 1-30 seats		
Local Flavor (2018 Renewal)	403 Pleasant Lake Ave.	Retail: Less than 5,000 sq. ft.	Take Out	Caterer	Milk & Cream
Mad Minnow (2018 Renewal)	554 Route 28	Food Service: 31-60 seats	Mobile Food Truck/Cart		
Monomoy Regional High School (2018 Renewal)	75 Oak Street	Institution			
Pilgrim Congregational Church (2018 Renewal)	533 Route 28	Institution			
Pilgrim Lodge A.F & A.M. (2018 Renewal)	706 Main Street	Institution			
Platinum Pebble Inn (2018 Renewal)	186 Belmont Road	Food Service: 1-30 seats			
Portside Liquors (2018 Renewal)	1421 Orleans Road	Retail: <50 sq. ft. (non PHF only)	Tobacco		
Red's Pizza (2018 Renewal)	703 Main Street	Retail: <50 sq. ft. (non PHF only)	Food Service: 31-60 seats		
Rosewood Manor (2018 Renewal)	671 Main Street	Institution			
Star Market # 7596 (2018 Renewal)	18 Sisson Road	Retail: Greater than 25,000 sq. ft.	Take Out	Milk & Cream	
Sushi by Jay at Stop & Shop (2018 Renewal)	111 Route 137	Take Out			
Ten Yen (2018 Renewal)	554 Route 28	Food Service: 1-30 seats	Retail: Less than 5,000 sf.		
The Lunch Stop (2018 Renewal)	1421 Orleans Road	Take Out			
The Mason Jar (2018 Renewal)	514 Route 28	Food Service: 1-30 seats	Caterer		
The Tern Inn (2018 Renewal)	91 Chase Street	Food Service: 1-30 seats			
<b>STABLE</b>					
Memory Lane Farm (2018 Renewal)	331 Main Street	Commercial Stable			
Susan Shaw (2018 Renewal)	326 Main Street	Residential Stable			
Christopher & Angela McNamara (2018 Renewal)	196 Bank Street	Residential Stable			
Cape Farm Supply/Cakounes (2018 Renewal)	1590 Factory Road	Residential Stable			
Tom & Ashby Crafts (2018 Renewal)	41 Gilbert Lane	Residential Stable			
Cape Farm Supply/Cakounes (2018 Renewal)	374 Main Street	Residential Stable			
Full Circle Farm (2017 Renewal)	210 South Westgate Rd.	Commercial Stable			

Solomon T & Laurie Jean Ellis (2018 Renewal)	15 North Westage Rd.	Residential Stable			
Brumbyrun Farm (2018 Renewal)	32 Derby Lane	Commercial Stable			
James & Susan Atherton (2018 Renewal)	1030 Factory Road	Residential Stable			
Jody Ellis (2018 Renewal)	307 Queen Anne Road	Residential Stable			
Forget Me Not Farm (2018 Renewal)	236 South Street	Residential Stable			
Ron & Eliza Kendall (2018 Renewal)	90 Old Chatham Road	Residential Stable			
Joseph & MaryAnn Rego (2018 Renewal)	3 Jay Z Drive	Commercial Stable			
<b>FUNERAL DIRECTOR</b>					
Doane, Beal & Ames (2018 Renewal)					
Morris, O'Connor & Blute (2018 Renewal)					
<b>TITLE 5 INSPECTORS</b>					
Darrell Stone					
Fred Swain					
Richard Judd					
William E. Gottwald Jr.					
Caleb Paus					
Shane R. Michniewicz					
John G. Schnaible					
Michael Decosta					
Nicholas Geneseo					
Kevin J. Sullivan					
Joseph Smith					
Michael Bisienere					
Paul Martin					
Jeffrey M. Wall					
Joe Martins					
James D. Sears					
Edward A. Stone					
<b>TOBACCO</b>					
Fully Baked Smoke Shop (2018 Renewal)	216 Route 28				
7-Eleven (2018 Renewal)	5 Route 28				

**Motion made by Mr. Boyle to approve the permits as per the list dated February 13, 2018. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.**

**IX     OTHER**

**A. Discussion-Public Request for discussion on bed bugs as a possible public health nuisance**

No one was present in the audience for discussion. Health Director Eldredge reviewed concerns that were submitted by a resident regarding bed bugs as a possible public health nuisance. The Health Department may receive 1 complaint a year regarding bed bugs, but that does not mean that they do not exist. Health Director Eldredge reassured the complainant that bed bugs do not carry disease, and while they are a pest, they are not considered a public health nuisance.

**X       ADJOURN-** The meeting adjourned at 7:52 p.m.



**Motion by Ms. Bayerl to adjourn. Dr. Cushing seconded the motion. 4-0-0 Unanimous.**

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

**Respectfully Submitted,**

**Jennifer Clarke**

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

Documents included in February 13, 2018 Board of Health Meeting Packet:

- 2/13/18 Board of Health Agenda
- 12/12/17 Draft Minutes
- Memo to Board of Health Regarding Innovative and Alternative Technology Use (dated 2/13/18)
- Memo to Board of Health Regarding Sewer Project Phase II (dated 2/13/18)
- East Harwich Sewer System Phase II Proposed Draft Schedule (dated 2/5/18)
- Sewer Service Area by Phase Map Figure 13-3
- Site Summary for 287 Bank Street (dated 2/13/18)
- Variance request and associated documents for 287 Bank Street (dated 1/29/18)
- Site Summary for 437 Route 28 (dated 2/13/18)
- Variance request and associated documents for 437 Route 28 (dated 1/29/18)
- Annual Report of the Health Director
- Weekly Reports of the Health Director (dated 12/16/17, 12/30/17, 1/6/18, 1/13/18, 1/20/18 & 1/27/18)
- Various Correspondence (dated 1/22/18, 2/5/18, 2/1/18, 1/22/18 & 1/18/18)
- Letter from resident regarding bed bugs (dated 1/18/18)
- Letter to resident regarding bed bugs (dated 2/7/18)