

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, March 28, 2017
6:30 PM
TOWN HALL – SMALL HEARING ROOM

MINUTES

BOARD OF HEALTH MEMBERS PRESENT: Chairman Dr. Robert Insley, Vice Chairman Pamela Howell, R.N., & Members Frank Boyle & Cynthia Bayerl.

STAFF MEMBERS PRESENT: Health Director Paula Champagne & Administrative Assistant Jennifer Clarke

OTHERS PRESENT: Matt Cushing, David Young, Peter DeBakker, Michael Jacek & Tom McClellan.

I REORGANIZATION OF THE BOARD

Dr. Insley opened the meeting and accepted nominations for Chairman. Mr. Boyle nominated Dr. Robert Insley as Chairman of the Board of Health. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

Dr. Insley accepted nominations for Vice Chairman. Mr. Boyle nominated Pamela Howell, R.N., as Vice Chairman of the Board of Health. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

Dr. Insley accepted nominations for Clerk. Ms. Howell nominated Frank Boyle as Clerk of the Board of Health.

II CALL TO ORDER

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

III MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – 02/13/2017

Motion made by Ms. Bayerl to accept the regular meeting minutes of the February 13, 2017 Board of Health meeting. Mr. Boyle seconded the motion. 3-0-1 (Howell)

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

A. Public Hearing-To solicit comment on proposed amendments to the regulation “Harwich Board of Health Restrictions for the Sale of Tobacco Products”, including raising the minimum age to purchase from 18 to 21 years.

Health Director Champagne noted that this hearing has been re-scheduled until the April 11, 2017 Board of Health meeting.

B. Discussion- Presentation by the Wastewater Implementation Committee of the Comprehensive Wastewater Management Plan

David Young from CDM Smith and Peter DeBakker were present to make an educational program to the Board of Health and public at large regarding the Comprehensive Wastewater Management Plan. The Board of Health is an integral part of the implementation of this program. Mr. Young provided the Board with a presentation of where the program currently is and where it is headed. A big question the Board of Health will have to tackle is how they will educate residents about transitioning from septic systems to sewer.

Ms. Bayerl stated that the public seems to be concerned about the cost of this project and she asked Mr. Young to discuss different financial scenarios.

Dr. Insley asked if it would be necessary to remove the Title 5 systems that are in the ground when connecting to sewer. Mr. Young responded that the system would have to collapsed, filled with sand and abandoned.

V 7:00- OLD/UNFINISHED BUSINESS

None discussed.

VI NEW BUSINESS

A. Hearing-Dr. Jack Robinson, 23 Mill Road, to consider a variance request to install a new Title 5 septic system prepared by Bass River Engineering
Variance from Harwich Board of Health Regulation

1. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow a soil absorption system to be 70’ from top of coastal bank where 100’ is required. Variance request of 30’.

Chairman Insley opened the hearing. Tom McClellan from Bass River Engineering was present and reviewed the variance request. The owner owns the abutting property as well and has decided to upgrade both systems at the same time. The property is currently served by 3 cesspools and is used seasonally. The project has been approved by the Conservation Commissions. Chairman Insley closed the hearing.

Health Director Champagne recommended approval with the following conditions:

1. The dwelling shall be restricted to a total of 4 bedrooms as submitted on the January 10, 2017 plan prepared by Bass River Engineering.
2. The septic system design flow will be for 440 GPD. No increase in flow, number of bedrooms or square footage.
3. No provisions for a garbage disposal.
4. Record deed restriction as “margin referenced” and return a copy to the Health Department.

Ms. Bayerl moved to accept the recommendation of the Health Director to approve the variance request. Ms. Boyle seconded the motion. 4-0-0 Unanimous.

B. Hearing-Ten Yen Harwich Port/Michael Jacek, President, 554 Route 28, Suite B, Harwich Port, to consider a special permit request to perform specialized processing methods, i.e. sushi rice and serve raw animal foods

Variances from the Federal Food Code

1. Chapter 3-401.11 (A) Raw Animal Foods: To allow raw animal foods to be served or offered for sale in a ready-to-eat form
2. Chapter 3-502.11 Specialized Processing Methods: To allow the use of food additives such as vinegar as a method to render a food so that it is not potentially hazardous

Chairman Insley opened the hearing. Michael Jacek, President of Ten Yen LLC was present. Health Director Champagne read the variance request and noted that staff has been working with the applicant for the last couple of months. Mr. Jacek provided the Board with his vast experience in the field. He reviewed his restaurant history and proposed practices.

Ms. Bayerl inquired about their limited seating. Mr. Jacek stated that seating is currently limited due to the septic and grease systems, but may consider additional seating down the road. Ms. Bayerl feels that this will be a terrific addition to Harwich Port and thanked Mr. Jacek for his very well written up protocol. Chairman Insley closed the hearing.

Health Director Champagne stated that given Mr. Jacek's background and business acumen, staff recommends that the Board of Health approve his variance request with the following conditions:

1. The Health Department will be part of the establishment's opening process.
2. A walk thru of the process will be done and staff will go through the establishment's logs and full operating protocol before opening.
3. At least one joint inspection per year will be scheduled.

Ms. Bayerl moved to approve the variance request for Ten Yen LLC/Michael Jacek, President, following the protocols that were submitted dated February 28, 2017 and using guidance from the Health Department. Mr. Boyle seconded. 4-0-0 Unanimous.

VII REPORT OF THE HEALTH DIRECTOR (February)

• Projects-

- Amendments to Tobacco sales regulations and Tobacco 21- In anticipation of the request for public comment and hearing March 14th, staff posted the draft regulations on the website; distributed copies and a meeting notice to all permit holders and met with the press.
- 2016 Annual Reports- the Town Administrator requested the Health Director to modify language in the annual report regarding the assessment of the Accela implementation. As copies of the original were already distributed, the amended copy is in the current meeting packet.
- Saquatucket Harbor Development – note sent to architect re follow up on septic system requirements. Architect has sent preliminary kitchen design plans for staff review
- I/A Septic Systems – Extensive review of all innovative/alternative septic systems done in conjunction with Barnstable County Health and Environment staff. The County has re-vamped this program after a few years of transition between staff and software. We are working on getting all systems in compliance with Harwich regulations as far as testing, inspections and contractual requirements.

• Food Service Programs

- Jake Rooney's-Staff is working with this establishment to improve the condition of the kitchen. This kitchen has not been upgraded in many years and has fallen into a cycle of noncompliance-floors/walls/ceiling/lighting. The owner has been very cooperative.

• RET's/ Sewage permit review – outstanding issues

- 24 Storer Drive- RET- # BR's in Zone II- finished 2nd floor- possible 2+ additional bedrooms. Return to compliance plan completed; deed restriction executed. *Resolved*
- 9 Vicksburg Ave-RET- Zone II- finished basement w/out permits. Walk-thru verified not a BR issue. Referred to building dept. *resolved*
- 1626 Orleans Rd- RET- Zone II- # BR's non-compliant w previous approved plan; apartment w/out permits. Walk-thru verified conditions. Return to compliance plan required
- White Pine Circle- building permit application does not match plan on file re rooms in basement-walk-thru verified conditions- return to compliance plan needed

VIII CORRESPONDENCE

- CCC DRI Decision Letter
- Monitoring Management Spreadsheet
- Facility Inspection-Harwich Police Department
- Notification of Submittal of Intermediate Response Action Plan & Completion Report-Cumberland Farms
- DEP-Wequassett Inn, LLC
- 93-97 Route 28/Herring River Watershed E-mail Correspondence

IX PERMITS

ESTABLISHMENT	ADDRESS	PERMIT TYPE	PERMIT TYPE	PERMIT TYPE
SEPTIC INSTALLER				
J. Brown Inc.	266 Queen Anne Road			
Oceanside Septic Inc.				
Peter W. McIntire & Sons LLC				
Richard Judd R.S.	941 Route 28			
Sweeney Excavating (2017 NEW)	Bourne			
SEPTIC HAULER				
Oceanside Septic Inc.				
Rooter Man of Cape Cod	Harwich			
FOOD SERVICE				
Alecsie's House of Pizza	181 Route 137	Food Service: 1-30 Seats		
Cape Sea Grille	31 Sea Street	Food Service: 61-150 seats	Caterer	
Elixir Confections		Event Permit		
Georges Place	30 Kildee Road	Retail: Less than 5,000 sq. ft	Take Out	Shucking License
Harwich Paint & Decorating	181 Route 137	Retail: <600 sq. ft (not primary business)		
Harwich Port Seafarer/Mooncussers	86 Sisson Road	Food Service: 61-150 seats		
Hot Stove at Cranberry Valley	183 Oak Street	Food Service: 31-60 Seats		
Hot Stove Saloon	551 Route 28	Food Service: 61-150 seats		
Judecraft Specialty Foods		Event Permit		
Pilgrim Lodge A.F & A.M	706 Main Street	Institution		
Raspberries at Commodore Inn	30 Earle Road	Food Service: 31-60 Seats		
Ruggies Breakfast & Lunch	707 Main Street	Food Service: 31-60 Seats		
Salt Block Food Truck	31 Sea Street	Mobile Food Truck		
School House Ice Cream & Yogurt	749 Route 28	Food Service: 1-30 Seats	Frozen Dessert	
Ten Yen (2017 NEW)	554 Route 28	Retail: Less than 5,000 sq. ft	Food Service: 1-30 seats	
The Lunch Stop	1421 Orleans Road	Take Out		

The Weather Deck Restaurant	168 Route 28	Food Service: 61-150 seats		
STABLE				
Jody Ellis	307 Queen Anne Road	Residential Stable		
Solomon & Laurie Jean Ellis	15 N. Westgate Road	Residential Stable		
REFUSE HAULER				
Republic Services of Cape Cod	S. Yarmouth			
M.A. Frazier Enterprises Inc.	S. Wellfleet			

FB/PH 4-0-0

X OTHER

XI ADJOURN- The meeting adjourned at 7:55 p.m.

Mr. Boyle moved to adjourn. Ms. Bayerl 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, April 11, 2017 at 6:30 p.m. in the small hearing room.