

**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](mailto:health@town.harwich.ma.us)

**TOWN OF HARWICH BOARD OF HEALTH  
TUESDAY, APRIL 10, 2018-6:30 P.M.  
HARWICH TOWN HALL – SMALL HEARING ROOM  
MINUTES**

**BOARD OF HEALTH MEMBERS PRESENT:** Vice Chairman Frank Boyle, Member Cynthia Bayerl & Member Matthew Cushing, M.D.

**BOARD OF HEALTH MEMBERS ABSENT:** Chairwoman Pamela Howell, R.N.

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

**OTHERS PRESENT:** Selectman Larry Ballantine, Nathan Ketchel, Fire Chief Norm Clarke, Craig Chadwick, Todd Costa, David McKinney & Dan 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**

Vice Chairman Boyle called the meeting to order at 6:32 p.m.

**II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – March 19, 2018**

**Motion made by Dr. Cushing to approve the minutes of the March 19, 2018 meeting as amended. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.**

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

**A. Discussion-Upcoming Sewer Implementation-Board of Health Involvement (Continued from 3/19/18 meeting)**

Health Director Eldredge has continued to meet with the Wastewater Support Committee, Town Administrator as well as the Community Development Director from Chatham regarding the upcoming sewer implementation. A meeting today with Town Counsel confirmed that the Board of Health has the authority to require mandatory sewer connections and that we have the option to create our own separate sewer regulations. Health Director Eldredge drafted a Real Estate Transfer Regulation Alternative to Inspection for the Phase II Sewer Area for the Board's review, adding that she would caution the use of the form for all Title 5 inspections between now and when the sewer connection becomes available. While she can make recommendations about granting waivers, the final decisions will be made by the Board on a case by case basis.

Mr. Boyle feels that we need to be sensitive to the financial burden the sewer connection may impose on residents and help them as best possible.

Ms. Bayerl asked if there would be any consideration for possible staff expansion as this moves forward. She would like to be sure that there is adequate staff coverage. Health Director Eldredge responded that eventually, this project will be overseen by the Sewer Commissioner. The Health Department budget does have a budget for contract work if needed. These discussions will continue at the May Board of Health meeting.

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

No old/unfinished business was heard.

#### **V NEW BUSINESS**

##### **A. Discussion-149 Route 137, East Harwich/Fire Station 2**

- 1) To allow continued use of the existing septic system until such time as the sewer can be connected.
- 2) 310 CMR 15.229, The Environmental Code, Title 5-to allow 100% of the design flow to be pumped to the septic tank.
- 3) Board of Health Groundwater Protection Regulation –demonstrate compliance for land use that results in impervious cover of more than 15% or 2,500 square feet of any lot, whichever is greater, unless a system of artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality. Request for a certificate of conformance.

Vice Chairman Boyle opened the hearing. Health Director Eldredge read the variances that are being requested. Nathan Ketchel from Garcia, Galuska & DeSousa Engineering was present. The existing septic system was installed in 1974 and upgraded in 1995 and was designed with a leaching capacity of 813 gallons per day. The system would not meet today's standards as far as the size and type of septic tank as well as type of leaching components. If approved at Town Meeting on May 7<sup>th</sup>, the design and construction of Phase II of the CWMP will begin with proposed connection availability in 2021. With a 12 month build out for the Fire Station, this Title 5 septic system would be used for 2-3 years before connection to the sewer system. Mr. Ketchel stated that the outlet baffle on the existing septic tank has corroded and that they are proposing to replace the baffle, outlet tee, inlet tee and the force main. He has reviewed the water meter readings from the last 2 years for the property.

Additionally, they are proposing that the leaching pit be monitored on a monthly basis to check water levels. If the capacity of the structure is exceeded, it will be pumped. Chief Clarke stated that he would be comfortable with the Robert B. Our Company monitoring the system.

No public comment was heard. Vice Chairman Boyle closed the hearing.

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

1. The ring and cover will be brought to grade for the existing septic tank and leach pit for visual inspections to verify effluent levels.
2. The existing septic system shall undergo a visual inspection quarterly to monitor effluent levels and pump as necessary to prevent back up of sewage or discharge to the surface of the ground.
3. The cost to engineer a sewer connection shall be factored into the project, as well as construction cost to abandon the existing Title 5 system and connect to the sewer main.
4. Connection to the sewer main shall take place within 120 days of availability.

**Motion made by Ms. Bayerl to accept the recommendation of the Health Director. Dr. Cushing seconded the motion. 3-0-0 Unanimous.**

**B. Hearing-Amended Environmental Impact Report, Saquatucket Harbor, 715 & 731 Route 28, to demonstrate compliance with Harwich Board of Health Regulation 1.211: Environmental Assessment (original EIR was approved at July 11, 2017 Board of Health meeting).**

Vice Chairman Boyle opened the hearing. Health Director Eldredge read the request. Dan Croteau from Moran Engineering Associates, Inc., was present. The modification consists of a change in the specifications for the FAST treatment system. This original design plan called for a FAST 9.0 with applicable tank, and the revised plan calls for a FAST 4.5 with applicable tank. The change was made as a cost saving measure that will provide the same amount of environmental protection. The overall nitrogen load for the property will remain at less than 5 ppm. No change in the use or design flow are proposed.

No public comment was heard. Vice Chairman Boyle closed the hearing.

Health Director Eldredge recommended approval of the modification as submitted as being in compliance with Board of Health Regulation 1.211. She requested that any further revisions to the plan be allowed to be reviewed at staff level, unless there is a proposed increase in flow.

**Motion made by Dr. Cushing to accept the recommendation of the Health Director. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.**

### **C. Application for Extension of Sampling Variance for a Massachusetts Tier 3 Beach- Earle Road**

Health Director Eldredge reviewed the application for extension of the sampling variance and recommended approval of the request.

**Motion made by Dr. Cushing to accept the recommendation of the Health Director. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.**

### **D. Application for Extension of Sampling Variance for a Massachusetts Tier 3 Beach- Pleasant Bay**

Health Director Eldredge reviewed the application for extension of the sampling variance and recommended approval of the request.

**Motion made by Dr. Cushing to accept the recommendation of the Health Director. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.**

## **VI REPORT OF THE HEALTH DIRECTOR (March 2018)**

### **Week Ending March 3, 2018**

- Met with counsel regarding the upcoming deposition for 5 Sea Street Extension. This deposition has been re-scheduled to March 16<sup>th</sup>.
- Held two pre-variance meetings for the upcoming BOH meeting and drafted site summaries. Reviewed the agenda and complied information for the BOH meeting.
- Received 2 public records requests. One was fairly simple with one address listed, the other has turned out to be quiet complex. We have spent about 4 hours collating the list of records that have been requested and still need to pull approximately 360 files to find the information that has been requested.
- Attended the monthly department head meeting.
- Spent a significant amount of time researching sewer regulations and policies of other towns to compile a draft regulation for our BOH to look over.
- Attended the community development staff meeting.

### **Week Ending March 10, 2018**

- Seasonal license renewals were prepared and sent out for the 2018 season for Motels, Camps, beaches, Pools, and Food establishments.
- Called all food establishments to check-in post storm, and performed limited temperature inspections.
- The BOH agenda was finalized and posted.

- Met with Cynthia Bayerl to discuss Potassium Iodide dispensing procedure and give overview of State and Local involvement in radiation control and outreach. She is offering the information to her Newcomers group next week.
- Finished the massive public information request by Conservation Law Foundation. This request occupied over 10 hours of staff time to complete.
- Attended the Wellness Committee meeting.
- Conducted 1 installer exam
- Received my 6 month evaluation by the Town Administrator. Goals were set for the next year to include sewer policies/regulations, overhaul of some Health Regulations, getting septic repair permits available online, looking into fertilizer regulations as well as expanding public health outreach within the town. Overall it was a very positive evaluation.
- Attended the community development meeting. Eastward Companies came in to discuss a potential 40B project at Chloe's Path (across from the Cultural Center on Sisson Road).
- Met on site with owner of the Port Center building-formerly Bonnatt's Bakery. Reviewed minimum requirements for opening this season with some longer term goals such as total floor and ceiling tile replacement.
- Attended a meeting with Chris Clark and Dan Pelletier regarding of sewer flow within Phase II

### **Week Ending March 17, 2018**

- Attended a meeting with Chatham Wastewater Departments. This meeting revolved around the engineering and design of a pump station that will be utilized by both Towns. I was able to have many questions answered in regards to the Board of Health's role in implementation and enforcement.
- Attended the Wastewater Support Committee meeting on Thursday evening. I was able to answer some frequently asked questions in regards to the BOH involvement. The current Sewer Regulations indicate the BOH is able to grant extensions for connections. This process will be used often by residents when requesting an extension. It is still clear that the BOH should have a set of policies that we follow when it comes to failed/failing systems, systems due for upgrade, real estate transfer inspections, expansions, etc.
- Prepared for deposition for 5 Sea Street Ext. which took place on Friday the 16<sup>th</sup>.
- Two snow days-came in on Wednesday after the storm to visit various restaurants to check for power outage related issues.
- Many inspections and phone calls made as a result of the Winter Storm. We visited dozens of food service establishments to ensure compliance with regulations. Overall, most places were handling things properly.

### **Week Ending March 24, 2018**

- Reviewed Planning Board Referral for Fire Station 2. This proposed new station will take the place of the existing one on Route 137. Because this site is in a Zone II, it is subject to Regulation 1.211 and the Groundwater Protection Regulations. They are proposing to utilize the existing septic system until they are able to connect to the sewer-a waiver from the BOH is required for this. Also, because they are proposing to cover from than 2500 sf or 15% of the lot with impervious material, compliance with the Groundwater Protection Regulation is also needed.
- Had a meeting with Dan Pelletier and his admin regarding public access to septic and water line locations. Water uses a different software than Health, so meshing these two pieces of information is tricky. We discussed a common sharable folder between the two departments so when each of us uploads a document, the other can access it to upload it as well. We also discussed some kind of information bridge between PeopleGIS and Accela-something that will need to be researched. Dan and I also discussed licensing and inspection of utility installers and sewer connections. After some thought, we believe the best way to handle this is to have the permits start with Dan-as he will be the ultimate landing point for all things sewer eventually. The permit will be shared with Health for tracking purposes, and Health will do the inspections of the abandonment of the old septic system-and most likely the inspection of the new hook up.
- The Board of Health met on Monday as a rescheduled snow date from last week. A preliminary subdivision plan was approved, variances from the Food Code for Dr. Cavities were approved, and a vote was made to write a letter in opposition to the use of herbicides by Eversource in the ROWs. Also discussed were the sewer regulations and the involvement of the Board of Health. It was the consensus of

the BOH to not develop a separate sewer connection regulation, but rely on the Sewer regulations to drive residents to ask the BOH for time extensions or waivers on a case by case basis. The BOH would like to have input from counsel regarding what type of financial questions we are able to ask in order to determine a financial hardship.

- Attended the Winter DEP seminar. Topics included 21 E and private drinking wells, Title 5, climate change and local impacts, and Recycling.
- Researched the possibility of reducing the size of the proposed FAST system at Saquatucket Harbor with the engineer. The manufacturing company is recommending a larger system based on flow-however we believe they are not taking into effect the seasonality of the site. Met with engineers and decided to go back to the smaller FAST system with space allotted to add onto it if needed in the future. This change in plan will require an amendment to the EIR filed last year, and will need BOH approval.

Real Estate Transfer Inspections: 20+/-

Building Permit Reviews: 19+/-

Septic System Permits: 16+/-

Final Septic Inspections: 13+/-

Food Inspections: 28+/- (many inspections were storm related)

Certificates of Compliance: 3+/-

Consultations: 5+/-

Well Permits: 2+/-

Interdepartmental Referrals: 2

## VII CORRESPONDENCE

## VIII PERMITS

ESTABLISHMENT	ADDRESS	TYPE	TYPE	TYPE	TYPE
<b>REFUSE HAULER</b>					
Milley Trucking (2018 Renewal)					
<b>SEPTIC HAULER</b>					
Daluze Excavating (2018 Renewal)					
<b>FOOD SERVICE</b>					
A & W Restaurant (2018 Renewal)	297 Route 28	Food Service: 61-150 seats	Frozen Dessert		
Cape Farm Supply (2018 Renewal)	1601 Factory Road	Limited Food Service			
Dr. Cavitys Candy Shack (2018 Renewal)	560A Route 28	Limited Food Service			
<b>Friends of the South Harwich Meetinghouse (2018 New)</b>	<b>270 Chatham Road</b>	<b>Limited Food Service</b>			
George's Place (2018 Renewal)	30 Kildee Road	Retail: Less than 5,000 sf	Take Out	Caterer	Shucking License
Harwich Chamber of Commerce (2018 Renewal)	1 Schoolhouse Road	<50 sq. ft (non PHF only)			
<b>Harwich Inn &amp; Tavern formerly Cape Cod Claddagh (2018 New)</b>	<b>77 Route 28</b>	<b>Food Service: 61-150 seats</b>			
Heathers Hairport Salon & Spa (2018 Renewal)	585 Route 28	Limited Food Service			
Inn on the Beach (2018 Renewal)	16 Bank Street	Limited Food Service			

Judecraft Specialty Foods (2018 Renewal)		Event Permit			
Lakonia Greek Products (2018 Renewal)		Event Permit			
Monopati (2018 Renewal)		Event Permit			
Schoolhouse Ice Cream (2018 Renewal)	749 Route 28	Food Service: 1-30 seats	Frozen Dessert		
Sundae School (2018 Renewal)	606 Route 28	Food Service: 31-60 seats	Frozen Dessert		
Villa Roma (2018 Renewal)	278 Route 28	Food Service: 31-60 seats			
<b>Wellfleet Chick Koop &amp; Farm (2018 New)</b>		<b>Event Permit</b>			
Wequassett Resort/Outer Bar & Grill (2018 Renewal)	2173 Route 28	Food Service: 61-150 seats			
Wequassett Resort/Main Kitchen(2018 Renewal)	2173 Route 28	Food Service: >150 seats			
Wequassett Resort/Tennis Grille (2018 Renewal)	2173 Route 28	Food Service: 1-30 seats			
Wequassett Resort/Pavillion (2018 Renewal)	2173 Route 28	Food Service: 61-150 seats			
Wychmere Harbor Functions/Clubhouse (2018 Renewal)	23 Snow Inn Road	Food Service: >150 seats			
Wychmere Harbor Functions/Cafe (2018 Renewal)	23 Snow Inn Road	Food Service: 61-150 seats			
<b>BEACH OPERATOR</b>					
Inn on the Beach (2018 Renewal)	16 Bank Street	Nantucket Sound			
Stone Horse Yacht Club (2018 Renewal)	2 Harbor Aod	Wychmere Outer Harbor			
<b>POOLS</b>					
Wequassett Resort/Spa Room 44	2173 Route 28				
Wequassett Resort/Spa Room 46	2173 Route 28				
Wequassett Resort/Main Pool	2173 Route 28				
Wequassett Resort/Main Pool Spa	2173 Route 28				
Wequassett Resort/Lap Pool	2173 Route 28				
Wequassett Resort/Lap Pool Spa	2173 Route 28				
Wequassett Resort/Spa Room 10	2173 Route 28				
Wequassett Resort/Spa Room 12	2173 Route 28				
Wequassett Resort/Spa Room 18	2173 Route 28				
Wequassett Resort/Spa Room 20	2173 Route 28				

<b>TITLE 5 INSPECTOR</b>					
Michael O'Loughlin					
Linda J. Cronin					
<b>MOTEL</b>					
A Beach Breeze Inn (2018 Renewal)	169 Route 28				
<b>SEPTIC INSTALLER</b>					
All Cape Septic LLC (2018 Renewal)					

**Motion made by Ms. Bayerl to approve the permits as per list dated April 10, 2018. Dr. Cushing seconded the motion. 3-0-0 Unanimous.**

**IX OTHER**

**A. Discussion-Update of Groundwater Protection Regulations**

Health Director Eldredge reviewed her recommended changes to the regulations as per memorandum dated April 10, 2018 to the Board. If the Board chooses to move forward with an update to the regulations, a public hearing will need to take place before an official vote can be made.

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

**Motion made by Ms. Bayerl to adjourn. Dr. Cushing seconded the motion. 3-0-0 Unanimous.**

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

**Respectfully Submitted,**

**Jennifer Clarke**

**Next meeting is Monday, May 14, 2018 at 6:30 p.m. in the Small Hearing Room.**

Documents included in April 10, 2018 Board of Health Meeting Packet:

- 4/10/2018 Board of Health Agenda
- Harwich Board of Health Members & Staff List dated 3/21/2018
- 3/19/2018 Draft Board of Health Minutes
- Real Estate Transfer Regulation Alternative to Inspection-Phase II Sewer Area
- Site Summary for 149 Route 137 dated April 10, 218
- Variance request information from Garcia, Galuska, Desousa for 149 Route 137 dated March 27, 2018
- Site Summary for 715 Route 28/Saquatucket Harbor dated April 10, 2018
- Application for Extension of Sampling Variance for a Massachusetts Bathing Beach-Earle Road
- Application for Extension of Sampling Variance for a Massachusetts Bathing Beach-Pleasant Bay
- Health Directors Weekly Reports dated March 3, 2018, March 10, 2018, March 17, 2018 & March 24, 2018 & corresponding documents
- Site Summary for Groundwater Protection Regulations dated April 10, 2018