

**TOWN OF HARWICH**



**BOARD OF HEALTH**

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**Town of Harwich Board of Health  
Tuesday, April 12, 2016-6:30 PM  
TOWN HALL – SMALL HEARING ROOM  
MINUTES**

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

**STAFF MEMBERS PRESENT: Health Director Paula Champagne, Senior Health Inspector Meggan Tierney & Administrative Assistant Jennifer Clarke**

**OTHERS PRESENT: Bri Smith, Lucie Brackett, Attorney Peter Farber, Matt Farrell, Tim Brady & Kurt Hedmark.**

**I REORGANIZATION OF THE BOARD- To appoint a temporary chair.**

Dr. Insley made a motion to open the hearing and asked for nominations for Chair. Mr. Boyle nominated Dr. Robert Insley as Chairman of the Board of Health. Ms. Howell seconded the motion. 4-0-0 Unanimous.

Chairman Insley asked for nominations for Vice Chair. Mr. Boyle nominated Pamela Howell for Vice Chairman of the Board of Health. Chairman Insley seconded the motion. 4-0-0 Unanimous.

Health Director Champagne said that the Board of Health will re-organize again on July 1, 2016.

**II CALL TO ORDER**

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

**III MINUTES OF PREVIOUS MEETING – (Executive Session & Regular Meeting Minutes)-2/9/16**

Motion made by Ms. Bayerl, seconded by Mr. Boyle to accept the executive session minutes of the 2/9/16 Board of Health meeting. 3-0-1 (Insley).

Motion made by Ms. Bayerl, seconded by Mr. Boyle to accept the regular meeting minutes of the 2/9/16 Board of Health meeting. 3-0-1 (Insley).

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

Health Director Champagne discussed MHOA news regarding a House and Senate Hope Bill S.2152. Provisions of the bill include broadening the definition of tobacco products to include electronic cigarettes, the gradual increase of the minimum legal sale age of tobacco products to 21, including the use of e-cigarettes in the prohibition of use at schools and any other workplace child-resistant packaging for e-cigarettes, prohibition of tobacco vending machines and prohibition of the sale of tobacco and non FDA approved nicotine delivery products in pharmacies and other health care institutions.

Health Director Champagne recommends that the Harwich Board of Health show their support of the bill.

Motion made by Chairman Insley, seconded by Ms. Bayerl to direct the Health Director to draft a letter of support of the bill from the Harwich Board of Health. 4-0-0 Unanimous.

#### V NEW BUSINESS

**A. Hearing- Gregory Manocherian, 35 Snow Inn Road**, to consider a variance request to replace a sewage disposal system prepared by East Cape Engineering, Inc.

Variations from 310 CMR 15.211(1) Minimum Setback Distances

1. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 7' from the road property line where 10' is required. Variance request of 3'
2. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 6' from the foundation wall where 20' is required. Variance request of 14'.
3. Per 310 CMR 15.405: To allow a proposed septic tank/pump chamber to be 4' from the slab foundation where 10' is required. Variance request of 6'.
4. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 4' below grade where 3' is required. Variance request of 1'.
5. Per 310 CMR 15.405: To allow a proposed septic tank/pump chamber to be 3.5' below grade where 3' is required. Variance request of .5'.
6. Per 310 CMR 15.405: To allow for a 25% reduction in the required subsurface disposal area design requirement. Variance request of 25% reduction.
7. Per 310 CMR 15.405: To allow a proposed septic tank/pump chamber to be 20' from the top of coastal bank where 25' is required. Variance request of 5'.

Variations from Harwich Board of Health Regulations

1. Per 1.210: To allow a proposed soil absorption system to be 82' from the top of coastal bank where 100' is required. Variance request of 18'.
2. Per 1.210: To allow a proposed septic tank/pump chamber to be 20' from the top of coastal bank where 50' is required. Variance request of 30'.
3. Request to allow the use of a standard 2-piece pre-cast concrete septic tank/pump chamber in place of a plastic or monolithic pre-cast tank. (pre-cast H-20 monolithic or plastic tank now available in capacity shown).

Chairman Insley opened the hearing. Tim Brady from East Cape Engineering was present. Kurt Hedmark was present in the audience. This is a voluntary upgrade of the existing septic system adjacent to Wychmere Harbor. There are 6 bedrooms in the main house and 2 bedrooms in the guest house. The proposal is to utilize a septic tank/pump chamber combination. The water service will be relocated to maintain separation from the soil absorption system. Tim Brady presented the Board with a revised plan dated 4/1/2016 showing pre-cast tank notes and driveway drainage. The project was approved and order of conditions issued at the 4/6/16 Conservation Commission meeting. Chairman Insley closed the hearing.

Health Director Champagne recommended that the Board favorably consider the request to replace a sewage disposal system and accept the plan by East Cape Engineering Inc. dated 2/17/16 and revised 4/1/16 with the following conditions:

1. The revised plan has made provisions for storm water runoff as well as testing requirements in place for the water tightness of the septic tank meeting Board of Health specifications.
2. The dwellings shall be restricted to a total of 8 bedrooms. No increase in flow, number of bedrooms or square footage.
3. The sewage disposal system will require maintenance and reports to the Board of Health.
4. Record deed restriction as “margin referenced” and return a copy to the Health Department.

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

**B. Hearing-Tonka Girl, LLC, 0 Main Street**, to consider a request for a 4 lot definitive subdivision prepared by J.M. O’Reilly & Associates, Inc.

Chairman Insley opened the hearing. Matt Farrell from J.M. O’Reilly & Associates, Inc. and Attorney Peter Farber were present. The applicant is proposing a 4 lot definitive subdivision. The property is not in an environmentally sensitive area and does not require an environmental impact report. There is an existing path that runs from North to South. Part of the proposal is to re-route the path so it runs to the East and then North back out to the cleared area. Chairman Insley closed the hearing.

Health Director Champagne recommends that the Board favorably consider the 4 lot subdivision with the definitive subdivision plan of land dated 2/3/16 prepared by J.M. O’Reilly & Associates, Inc. with the following conditions:

1. The Harwich Board of Health will not consider any variances from Title 5 or Harwich Board of Health Regulations.
2. The subdivision will be served by town water.
3. All sewage disposal systems will exit the building on the street side.

Mr. Boyle moved to accept the recommendation of the Health Director to approve the request to consider a 4 lot definitive subdivision plan dated 2/3/16. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

**C. Discussion-Ember Coal Fired Pizza & Wings, 600 Route 28**, to consider a request for an outdoor seating plan.

Chairman Insley opened the discussion. Lucie Brackett from Ember Coal Fired Pizza & Wings was present. They are seeking to remove 8 seats away from tables and apply them to an outdoor bar area. Chairman Insley closed the hearing.

Health Director Champagne said that the establishment has an approved seating plan for 99 seats which includes both indoor and outdoor seating. Health Director Champagne recommended that the Board favorably consider the request to relocate 8 outdoor table seats to the outdoor bar in keeping with the 99 seat capacity as proposed on the plan dated 1/2016.

Mr. Boyle moved to accept the recommendation of the Health Director to approve the requesting seating change. Ms. Howell seconded the motion. 4-0-0 Unanimous.

**D. Discussion-Red’s Pizza, 703 Main Street**, to consider a request for an outdoor seating plan.

Chairman Insley opened the discussion. Bri Smith from Red’s Pizza was present. They are proposing a seasonal seating plan. The 8 seats designated as “winter” tables will be in place during the colder months. During the warm season, those 8 seats will be removed and transferred to the “summer” seats as per the plan submitted for review

dated 3/9/16. The seats will not be transferred back into the building during inclement weather, there will not be 8 seats added to the inside while the seats are outside during the warm season. The area where the “winter” seats are will not have seats there while the “summer” seating plan is in effect. Additionally, Red’s Pizza has expanded into the adjacent space at 703 Main Street, previously used as retail space. The total flow will not exceed the design flow of 984.5 gpd with this new distribution. Dr. Insley closed the hearing.

Health Director Champagne provided the Board of Health with a schematic of the septic system plans for the building and explained the limited septic system. She explained how the seating capacity has been calculated and that they have a 38 seat capacity, including indoor and outdoor seating. The 38 seats is also based upon the existing paper service restriction which allows for a greater seating capacity in the design flow. Health Director Champagne recommended that the Board favorably consider the request for the seasonal seating plan, allowing for 8 seats to be relocated for winter and summer seasons in keeping with the 38 seat capacity as proposed on the plan dated 3/9/16.

Mr. Boyle moved to accept the recommendation of the Health Director to approve the seating change. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

**E. Discussion-Hot Stove at Cranberry Valley, 183 Oak Street,** to consider a seasonal seating plan.

Dr. Insley opened the hearing. Ron Leidner from Hot Stove at Cranberry Valley was present. The facility’s seating plan has evolved into an indoor and outdoor seating arrangement. The septic capacity for the establishment is 55 seats. Mr. Leidner asked that he be able to close tables inside, when the weather allows him to utilize the outside tables. He would put placards on the inside tables and no one would be seated/served at them. According to Mr. Leidners contract with the Town of Harwich, the establishment is required to have a grab and go food line available as well as a food cart driven around the greens. The Board and Mr. Leidner discussed in length the different possibilities for indoor and outdoor seating in keeping with the 55 seat capacity. Additionally they discussed the possible use of paper service only. Mr. Leidner said that any change of that nature would have to be presented to the Golf Commission. Ms. Bayerl suggested having a “pilot season” for any seating changes for the establishment.

Mr. Leidner feels that with the assistance of his staff, they will be able to adequately manage the usage of 55 seats only, whether inside or outside.

Health Director Champagne recommended that the Board favorably accept the following seating plan for the establishment:

1. The establishment will be restricted to a total of 55 seats; including a combination of indoor and outdoor tables.
2. There will be 11 permanent seats at the bar and 12 tables (44 seats total) for service.
3. Full service tables are allowed to be located inside or outside.
4. Placards will be placed on tables when not in use. Only 12 full service tables (44 seats total) will be used at one time.
5. There will be an area of tables outside for grab and go clients labeled as “no table service:
6. The Board of Health will closely monitor the seating plan over the next several months. The establishment will be subject to frequent inspections to see how the system is being monitored.

Ms. Howell moved to accept the recommendation of the Health Director to approve the seating plan. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

**F. Discussion- Harwich Plastic Bag Ban**

Health Director Champagne informed the Board that Harwich business owners were sent an e-mail with a notice a summary regarding the ban. The Police and Health Departments are the enforcing agents for the by-law. The ban prohibits distribution by merchants of bags having an integral handle and <2.5mm thick.

## G. Discussion- VNA Contract-FY17

Health Director Champagne discussed the contract which is under the purview of the Board of Selectmen. The listed fees are the same as FY16. Health Director Champagne recommended that the Board accept the proposal as written and also recommends that the Board of Health sign the new contract for FY17.

Ms. Howell moved to accept the recommendation of the Health Director to accept the VNA Contract for FY17 and forward to the Board of Selectmen. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

## VI REPORT OF THE HEALTH DIRECTOR (February & March 2016)

- *Projects-*
  - Accela Computer Program Development –In March the public portal was initialized. The general public can now open the program and research parcel detail information. We are exploring which programs to open first for filing of permit applications. We are looking for simple forms, those which do not require uploading of documents or filing of plans.
  - Employee Training & Wellness- Our spring training series for managers began March 31<sup>st</sup>, Positive Management Techniques”. About 25 people attended including guests from Brewster and Dennis.
  - Synthetic Cannabinoids- Health Agent’s workshop 2/26 to discuss regional progress. Several towns are adopting a regulation despite lack of resources to enforce. We distributed our proclamation with the group and received a varied response.
  - Monomoy Regional High School- We joined the Inspection Team on 3-17 for a final walk-thru of the facility to close out the permits and issuance of the Certificate of Occupancy. The region can be proud of the state of the art facility
  - Housing Task Force- we reactivated the interdepartmental group to triage several complicated cases –COA; Building; Fire; Police; Nursing & Health meet to review longstanding unsolved housing/hoarding issues to see if there are any new strategies available to assist in individual cases.
  - Plastic Bag Ban- The citizen initiative passed at the 2015 Town Meeting is scheduled for implementation June 15, 2016. We have just been requested to be part of a working group involving TA/PD/Chamber of Commerce and the Citizens Group and met March 29<sup>th</sup>. The By-Law lists the Police Dept and Health Dept as enforcing agents. The ban prohibits distribution by merchants of bags –*very important*- having an integral handle and <2.5 mm thick. While the merits are many- enhanced recycling; damage to wildlife; use of natural resources; etc, we have expressed our concern that little is in place for public awareness and education. The public and business community deserves sufficient lead time to prepare for this significant deadline that is quickly approaching.
- *Food Service Program-*
  - Former Thompson’s Farm Market-We had a meeting with a prospective establishment owner to discuss the use of the old Thompson’s Farm Market (across from Saquatucket Harbor). The prospective owner would like to open a wholesale fish market and also have retail food space as well. The plans are in the beginning stages and will need further review of the septic system capacity for the use intended.
  - Mad Minnow had a pre, pre-opening inspection and will be looking to open in early May. They are located at 554 Rt 28 in Harwichport where Andale vacated last year. They have applied for a food service permit but have yet to file a seasonal seating plan.
  - Red’s Pizza is undergoing a remodel to the bar area. They have broken through the wall between the restaurant and the next door retail space to create a larger bar area.
  - Ember’s Pizza has inquired about adding a bar to the outside of the building. Plans to construct have been reviewed and approved. They are not increasing seating; they are taking outdoor tables away and moving the seats to the bar.

- Wequassett Inn completely renovated the main kitchen. The entire kitchen was gutted and replaced with new floors, walls, ceilings and equipment.
  - A new residential kitchen has applied for a permit; Metcarta Farms. They will be located on Parallel Street. Approval pending a final inspection.
  - The Hot Stove has applied for a permit to operate out of Cranberry Valley Golf Course. Some renovations to the establishment have been made to provide a “grab and go” service area which will include pre-wrapped sandwiches and hot dogs. A final inspection has been made and approval of the license is on for the April BOH meeting.
  - In conjunction with the Cape Cod Medical Reserve Corps a chokesaver class was conducted on March 29<sup>th</sup>. A total of 17 people were certified, from 10 different Harwich establishments.
- Complaints/Investigations-
    - 718 Main St- housing complaint of mold. Issue investigated and resolved
- RET's/ Sewage permit review – outstanding issues-
    - 944 Queen Anne Rd- RET- administrative failure- walk-thru 2-2 confirmed floor plan not in compliance with approved permits. 4 BR in Zone II- with approval for 3.
    - 2 Edith Grove- RET- third floor completed- potential 5<sup>th</sup> bedroom in Zone II – 4 BR max- worked with Building and Fire to obtain approved floor plan and execute deed restriction.
    - 21 Liberty Trail- RET- basement finished w/out permits- multiple rooms, safety and egress issues; Zone LL violations- will need return to compliance plan for 3 BR
    - 311 Route 28- Alteration- walk-thru and assistance to homeowner on preparation for ‘Request to reconsider orders of condition’- increase in square footage
    - 14 McElway-Alteration- walk thru – compliance plan required for addition- owner dissatisfied with requirement to remove a bedroom.
    - 24 Sou'west- return to compliance plan for finished basement completed- wall removal and deed restriction executed- RET
    - 7 River Bend- return to compliance plan for number of bedrooms completed- wall removal- building permit compliance
    - 42 Shore Rd- final walk thru – Monfredo- removal of shower in basement per BOH order-
    - 37 Sea Breeze- RET/BOH variance restriction- final walk-thru for return to compliance plan
- MISC.
    - Recreation & Beach Commission- we met with the Director and Commission member to discuss expansion possibilities of the Red River Beach Bathroom Facility and wastewater implications. There is a tight tank at that location. Any building expansion would still be serving the same clientele; the proposal would increase the amount of fixtures available.
    - Town wide Hazard Mitigation Plan- we have participated in 2 additional meetings with staff to review the Harwich plan and draft required updates. This plan requires the town to identify potential areas that would be affected by natural disasters and long term climate change and to address and implement planning and mitigation measures. The Federal Government requires all municipalities to update this plan every 5 years and it is required in order to participate in many grant programs.

## **VIII PERMITS (SEE ATTACHED LIST)**

Dr. Insley recommended to approve the list of permits for renewal dated 4/12/2016. Mr. Boyle seconded the motion. 4-0-0 Unanimous.

## **XI OTHER**

At the May 11, 2016 Board of Selectmen’s meeting, Health Director Champagne discussed the topic of possible conflict of interest of a septic installer being able to hold a seat on the Board of Health. Unless the septic installer would not be conducting business in the Town of Harwich, it would be a conflict when permit applications were

submitted to the Health Department for review. After the Board of Selectmen discussion, they voted 4-0-0 to not support the article.

**X      ADJOURN- The meeting adjourned at 8:50 p.m.**

Ms. Howell moved to adjourn. Mr. Boyle 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, May 10, 2016 at 6:30 p.m. in the small hearing room.**