

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, May 9, 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., Clerk Frank Boyle & Member Cynthia Bayerl.

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

OTHERS PRESENT: Sarah McColgan, DJ Wilson, Kathy Wilbur, Paul Foley, Bob Collett, William Beekman, William D. Crowell Esq., Ron Cadillac, R.S., & Peter LaRoche.

CALL TO ORDER

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

I. MINUTES OF PREVIOUS MEETING-April 11, 2017

Motion made by Ms. Bayerl to accept the regular meeting minutes of the April 11, 2017 Board of Health meeting.

Mr. Boyle seconded the motion. 3-0-0 Unanimous.

II. 6:30-7:00 P.M. BOARD OF HEALTH WORK SESSION

A. Discussion-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. Presentation with Bob Collett, Cape Cod Tobacco Control Program

DJ Wilson from the Massachusetts Municipal Association was present along with Bob Collett, Sarah McColgan from MHOA & Kathy Wilbur from Seven Hills Behavioral Health. Health Director Champagne reviewed what information has been provided to the Board. The purpose of tonight’s discussion is to see what comments the tobacco board has and if there are any new inclusions that the Board would like to see in the draft regulations. Mr. Wilson commented on the checklist for policy decisions. They are encouraging the Board to include minimum cigar package size/price, restricting flavored tobacco products and increasing the minimum age for tobacco sales to 21.

Mr. Collett thanked the Board for allowing this discussion. He noted that the components Mr. Wilson shared are vital to creating a comprehensive youth access tobacco regulation. He strongly recommended that the Board look at what they are drafting and do the best they can for the youth of the town.

Ms. Bayerl feels that the most important change is the increasing the minimum age for sales. The minimum price and flavor options are worth consideration and discussion.

Mr. Boyle stands on the work that staff has done and would be comfortable with raising the minimum age. Ms. Howell & Dr. Insley agreed.

Health Director Champagne stated that she will bring the poll back to staff level and create a new draft to present to the Board.

III. 7:00 P.M. OLD/UNFINISHED BUSINESS

None discussed.

VI NEW BUSINESS

A. Hearing-Brophy, 8 Port Pines Road-to reconsider Order of Conditions granted February 19, 2002-no increase in square footage, habitable space or number of bedrooms to the dwelling beyond those as shown on plan dated January 29, 2009 to consider a proposal to finish the basement of the existing dwelling

Chairman Insley opened the hearing. William D. Crowell, Esq., was present and reviewed the request from the owners. He represented the Brophy's when they purchased the property and made them aware of the existing conditions. Attorney Crowell explained the proposed basement floor plan layout. Chairman Insley closed the hearing.

Health Director Champagne noted that the proposal would be in keeping with the original order of conditions. The basement will not be suitable for sleeping and will be labeled as such. Approval is recommended with the following conditions:

1. Family room in basement is not suitable for sleeping purposes and will be labeled as such.
2. All other variances/orders of conditions granted March 2, 2002 shall remain in full force and effect.
3. 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 request as per plan dated April 10, 2017 prepared by William F. Lee, II, AIA, Architect & Associates. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

B. Hearing-Beekman, 194 John Joseph Road-to reconsider Order of Conditions granted August 29, 2006-no increase in habitable space, square footage or number of bedrooms to consider a proposal to alter the floor plan of the existing dwelling; to include labeling the room in the basement as a family room, labeling the sunroom as the 5th bedroom, turn 2 smaller bedrooms into 1 large bedrooms & removing the garage door, adding a normal size door and converting the garage into a bedroom

Chairman Insley opened the hearing. Peter LaRoche from Oceanside Restoration and Bill Beekman were present and review the variance request. The property had water damage and while they are making the repairs, they are proposing to make alterations to the dwelling. Chairman Insley closed the hearing.

Health Director Champagne stated that this proposal will bring the dwelling back to its original approval and recommended approval with the following conditions:

1. The dwelling shall be restricted to a total of 5 bedrooms as submitted on the March 22, 2017 floor plan.
2. All other variances/orders of conditions granted August 29, 2006 shall remain in full force and effect.
3. 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 request as per plan dated March 22, 2017. Mr. Boyle seconded the motion. 4-0-0 Unanimous.

C. Hearing-DiCapula, 29 Sugar Hill Drive, to consider a variance request to install a new Title 5 septic system prepared by Ronald J. Cadillac, PLS, RS, PC
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 89' from the edge of wetland where 100' is required. Variance request of 11'.
Variance from 310 CMR 15.211(1) Minimum Setbacks
1. Per 310 CMR 15.248: No reserve area provided
2. Per 310 CMR 15.405(1)(a): To allow a proposed soil absorption system to be 5' from the property line where 10' is required. Variance request of 5.

Chairman Insley opened the hearing. Ronald Cadillac was present and reviewed the variance request. The property is on the market and the septic upgrade will be a great improvement. Dr. Insley closed the hearing.

Health Director Champagne noted that this is a significant improvement and will remove the septic system out of groundwater. Staff had requested that the soil absorption system not be designed for a minimum 3 bedrooms because the property is in water recharge area. She recommended approval of the request with the following conditions:

1. The dwelling shall be restricted to a total of 2 bedrooms.
2. The septic design flow will be for 220 GPD as per plan dated April 12, 2017, prepared by Ronald J. Cadillac, PLS, RS, P.C. No increase in flow, number of bedrooms or square footage.
3. Pump system will require a maintenance contract.
4. No provisions for a garbage disposal.
5. 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 as per plan dated April 12, 2017. Ms. Howell seconded the motion. 4-0-0 Unanimous.

VII REPORT OF THE HEALTH DIRECTOR (April 2017)

- **Projects-**
 - 35 Chatham Rd- Resilient Family Farm- several action items in April-
 1. An abutter filed a complaint of pollution and algae in the creek adjacent to the farm claiming degradation due to the management practices. A site assessment and lab analysis was conducted. Water was sampled for algae, nitrites, nitrates and fecal bacterial. Bacteria results were significantly elevated but with only one grab sample and no baseline for comparison, are inconclusive as to source. Algae and nitrogen were absent and/or below detectable limits.
 2. Notice to "Cease and Desist" wholesale of unlicensed product; operation of a piggery and to improve manure management practices was issued. The operator has requested a show-cause hearing but due to scheduling conflicts requested a postponement until the June meeting.
 - Employee Wellness- CCMHG Wellness Committee has submitted the FY18 Budget to the Steering Committee. We are pleased with the rollout of the ahealthyme computer based self-assessment /education tool. Our intent is to operate more modules utilizing this platform. We are engaging more of the membership than our class/seminar approach and definitely reducing costs. The Spring Walking Challenge has begun and Harwich team is over 10 strong and is maintaining a very impressive 3rd place lead in mileage. A grant has been filed with CCMHG to cover incentives and our successful fitness rewards approach for participation.
 - Pools/Beaches- summer season prep has begun- viewing all facilities for proper signs, posting, stocking supplies for opening inspections and water testing.
- **Food Service Programs**
 - Staff received an inquiry regarding outdoor kitchens and how the wastewater from the sinks should be handled. A Contractor wanted to plumb the sink into a drywell. As a sanitary waste, all water draining from a sink must be piped into the septic system, rather than a drywell as requested.
 - Two new food service facilities officially opened for business; Cumberland Farms and Ten Yen. Both stores passed a final food service inspection and are now operational. As part of the opening

inspection for Ten Yen, we scheduled a full HACCP inspection as required, to verify testing, monitoring, record keeping and quality control.

- Dr. Cavity's: During license review it was noted that the retail food establishment “Dr. Cavity’s” had changed its physical location to the building next door. The business owner was contacted with a notice stating the food service license was considered “new” and not a “renewal” due to the location change and the facility required a full plan review prior to opening. The business owner had already stocked the new facility with product without approval. Several meetings have taken place regarding the facility and how food will be handled. In addition to the food service permit issue, it was discovered that the new business location had transferred ownership without the benefit of a real estate transfer inspection. We have contacted the owner with an order letter requiring a Title 5 Inspection, he has contacted a company to design a new system as it is currently served by a cesspool. Food service permits and use of the new building as a food service facility will be dependent upon the upgrade of the septic system and what type of design the small lot will accommodate. The business owner has been very cooperative in this process and is working with us to bring this issue to a close.
 - The Toast of Harwich is scheduled for May 5th this year- Five ‘Hubs’ will feature a variety of tastings brought to the site by the restaurateurs and served. The Chamber had distributed and collected advance material for us to review specific to preparation, set up and transport. Due to the limited time span for the event, all three inspectors will work Friday evening.
 - Cape Verdean Festival- a committee is forming to sponsor a week-end festival in July highlighting culture and food. We have met to discuss concepts and permitting necessities for temporary events
- **RET's/ Sewage permit review – outstanding issues**
 - 62 Julien Rd- RET-second floor w 2 BR, bath and family room constructed w/out permits. Will need return to compliance plan
 - Belmont Condo Townhouses-RET- finished basement- townhouses- resolved –
 - 47 Old Wharf Rd- RET- whole house reconstruction w variances and deed restrictions- out of compliance potential 6 BR vs 3 approved- will need return to compliance
 - 232 Bank St-RET- 3 units where 2 are approved; # BR- return to compliance plan required
 - 54 Sugar Hill Rd-RET- finished basement w/out permits- referred to building for compliance
 - 45 Doane Rd- RET- finished basement w/out permits- referred to building for compliance

Health Director Champagne referred to an e-mail that staff received asking the Board of Health to tell Governor Baker “no new pipelines”. The Board took the information under advisement.

VIII CORRESPONDENCE

None discussed.

IX PERMITS

ESTABLISHMENT	ADDRESS	PERMIT TYPE	PERMIT TYPE
FOOD SERVICE			
Bluefish Bed & Breakfast	102 Parallel Street	Food Service: 1-30 seats	
Freedom Cruise Lines	Saquatucket Harbor	Limited Food Service	
Harwich Athletic Association	75 Oak Street	Take Out	
Inn on the Beach	16 Bank Street	Limited Food Service	
Mad Minnow Bar & Kitchen	554 Route 28	Food Service: 31-60 seats	Mobile Food Truck/Cart
Mono Pati		Event Permit	
Stone Horse Yacht Club	2 Harbor Road	Food Service: 1-30 seats	
Sundae School Inc	606 Route 28	Food Service: 31-60 seats	Frozen Dessert
MOTEL			

Inn on the Beach	16 Bank Street		
Old Harwich Lodgings	40-44 Route 28		
SEPTIC INSTALLERS			
Rooter Man Cape Cod	Harwich		
POOLS			
Belmont Condo	1 Belmont Road		
Handkerchief Shoals	888 Route 28		
Harbor Breeze Inn LLC	326 Lower County Road		
Red River Condo Assoc.	1011 Route 28		
Wychmere Beach Club	23 Snow Inn Road	Spa	
Wychmere Beach Club	23 Snow Inn Road	Children's Pool	
Wychmere Beach Club	23 Snow Inn Road	Adult Pool	
BATHING BEACH			
Belmont Condo	1 Belmont Road	Nantucket Sound	
Inn on the Beach	16 Bank Street	Nantucket Sound	
Old Mill Point Association	along Strandway	Nantucket Sound	
Old Mill Point Association	end of Sea Way	Nantucket Sound	
Stone Horse Yacht Club	2 Harbor Road	Nantucket Sound	
Wychmere Beach Club	23 Snow Inn Road	Nantucket Sound	

Mr. Boyle moved to approve the permits as per the list dated May 9, 2017. Ms. Howell seconded the motion. 4-0-0 Unanimous.

IV. OTHER

None discussed.

V. ADJOURN The meeting adjourned at 7:56 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, June 13, 2017 at 6:30 p.m. in the small hearing room.