

TOWN OF HARWICH



BOARD OF HEALTH
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**TOWN OF HARWICH BOARD OF HEALTH
MONDAY, MAY 14, 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 Matthew Cushing, M.D.

BOARD OF HEALTH MEMBERS ABSENT: Member Cynthia Bayerl

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

OTHERS PRESENT: Senior Health Agent Katie Tenaglia, Mike Dwyer, Taylor Powell, Dave Michniewicz, Robin Wilcox, David Clark, Stephanie Sequin, Attorney William Crowell & others.

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

Chairwoman Howell called the meeting to order at 6:30 p.m.

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – April 10, 2018

Motion made by Dr. Cushing to approve the minutes of the April 10, 2018 meeting. Mr. Boyle 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 4/10/18 Meeting)

Health Director Eldredge informed the Board that Town Meeting voted to approve Phase II of the upcoming sewer implementation, however it does still need to be voted at the ballots on May 15, 2018. She stated that we may be starting to receive requests for waivers of upgrades or failing septic systems. The Board will need to start accommodating requests as they are received.

IV 7:00 PM -OLD/UNFINISHED BUSINESS

No old/unfinished business was discussed.

V NEW BUSINESS

A. Hearing-Cape Cod Regional Technical High School, 351 Pleasant Lake Avenue- Environmental Impact Report to demonstrate compliance with Harwich Board of Health Regulation 1.211, plans prepared by Coastal Engineering Co.

Chairwoman Howell opened the hearing. Health Director Eldredge read the request. Dave Michniewicz from Coastal Engineering Company was present. The property currently serves the Cape Cod Regional Technical High School which is scheduled to be removed and replaced with a new building. The upgrades include a new septic system with a design capacity of 8,998 gallons per day. The property has received approval for a variance from the Department of Environmental Protection for a flow decrease from 20 gallons per day to 10.3 gallons per day. They are proposing a slight reduction of nitrogen concentrations in part from the smaller flow rate and larger impervious areas. The projected flow path is not going towards any of the Zone II areas.

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

Health Director Eldredge recommended approval of the Environmental Impact Report and feels that it is in compliance with Harwich Board of Health Regulation 1.211.

Motion made by Dr. Cushing to accept the recommendation of the Health Director. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

B. Hearing-Wilder Way (formerly 1522 & 1546 Orleans Road)- 8 Lot Definitive Subdivision-Environmental Impact Report to demonstrate compliance with Harwich Board of Health Regulation 1.211, plans prepared by Clark Engineering, LLC.

Chairwoman Howell opened the hearing. Health Director Eldredge read the request. David Clark from Clark Engineering LLC was present. The applicant seeks approval for an 8 lot subdivision which is located in the groundwater protection district (zone II) and is proposed to be sewerred in early 2021. The applicant requests to limit the development to 4 lots until such time as the connection to the municipal sewer takes place. The applicant is proposing to construct a shared conventional Title 5 septic system to serve the 4 lots.

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

Mr. Boyle asked if the existing dwelling will be part of the subdivision. Mr. Clark responded that the developer does own that lot and has not decided if it will be part of the subdivision or not.

Health Director Eldredge recommended approval of the Definitive Division plan dated April 10, 2018 by Clark Engineering LLC and Environmental Impact Report dated April 20, 2018 and feels that it is in compliance with Board Health Regulation 1.211 with the following conditions:

1. The development is restricted to a maximum of 4 lots, 16 bedrooms, 1760 gallons per day until such time as municipal sewer is available for use.
2. Each lot is restricted to a maximum of 4 bedrooms.
3. In order to prepare for connection to municipal sewer, the waste lines will exit the buildings on the street side.
4. The Harwich Board of Health will not consider any variances from Title 5 or Harwich Board of Health Regulations for any of the lots.
5. The subdivision will be served by town water.

Motion made by Mr. Boyle to accept the recommendation of the Health Director. Dr. Cushing seconded the motion. 3-0-0 Unanimous.

C. Hearing-Radlo, 7 Ginger Plum Lane, to consider a variance request to install a new Title 5 septic system prepared by Sweetser Engineering.

Variances from 310 CMR 15.211(1) Minimum Setbacks

1. Per 310 CMR 15.405(1)(a): To allow the proposed soil absorption system to be 96' from the dune where 100' is required. Variance request of 4'.

2. Per 310 CMR 15.248: No reserve area provided.
Variance from Harwich Board of Health Regulation

1. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow the proposed soil absorption system to be 96' from the dune where 100' is required. Variance request of 4'.

Chairwoman Howell opened the hearing. Health Director Eldredge read the variances being requested. Robin Wilcox from Sweetser Engineering was present. The existing 5 bedroom dwelling is currently served by cesspools. The proposed upgrade includes a 1500 gallon septic tank, distribution box and soil absorption system capable of 584 gallons per day.

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

Health Director Eldredge noted that the Town Assessor's office has this property listed as a 5 bedroom dwelling. The variance being requested is dimensional as well as environmental, however the plan provides for maximum feasible compliance and is a great improvement over the existing conditions. Health Director Eldredge recommended approval of the variance with the following conditions:

1. Dwelling is to be restricted to a maximum of 5 bedrooms.
2. No increase in square footage or habitable space.
3. Variances and conditions to be recorded at the Barnstable County Registry of Deeds.
4. No garbage disposal.

Motion made by Dr. Cushing to accept the recommendation of the Health Director. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

D. Hearing-Perks/Taylor Powell, 545 Route 28, to reconsider Order of Conditions granted May 1, 2012-The building is to remain unoccupied annually between September 15-May 1. This will be enforced via an annual turnoff requested established at the Harwich Water Department.

Chairwoman Howell opened the hearing. Health Director Eldredge read the request. Taylor Powell was present. Mr. Powell is requesting a reconsideration of a previous order of conditions imposed at the Board of Health meeting on May 1, 2012. The septic system was installed in 2008 with variances. The design capacity for this system is 482 gallons per day and includes a two bedroom apartment, retail space and Perks. The total amount of gallons per day allotted for Perks is 160 gallons per day. Mr. Powell wanted to clarify that he is not asking for additional time to be open, just to modify the dates on his application. He feels that modifying his dates of occupancy will benefit the Town. The conditions imposed at the May 1, 2012 meeting were a result of a request for outdoor seating. Due to the extremely limited size of the septic system a compromise was considered and approved for this property, one of which is a restriction on the days of operation from May 1-September 15.

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

Health Director Eldredge recommended approval of the changes in dates of occupancy for this property as requested with the following conditions:

1. There shall be no interior seats.
2. Food service is take-out only with convenience seating provided; no table service allowed, disposable products will be used with no glassware, china or flatware allowed.
3. The onsite restroom is for employee use only.
4. Total number of seats will not exceed 33.
5. Exterior seating shall remain open air-totally open to the elements and thus remains weather dependent.
6. The building is to be occupied annually only between May 20 and October 20. This will be enforced via an annual turnoff request established at the Harwich Water Department.

Motion made by Mr. Boyle to accept the recommendation of the Health Director. Dr. Cushing seconded the motion. 3-0-0 Unanimous.

E. Hearing-Dolan, 9 Cottage Avenue, to reconsider Order of Conditions granted November 12, 2002-no increase in square footage, habitable space or number of bedrooms to the dwelling beyond those as shown on plan dated October 30, 2002-proposal to build out the unfinished area of the basement to include a TV/Media Room, home office and a powder room consisting of a vanity and toilet.

Chairwoman Howell opened the hearing. Health Director Eldredge read the request. Michael Dwyer was present. At this time, the owners are requesting to increase habitable space by finishing a portion of the basement. The proposed alteration would include a living room, home office and powder room. The home office is proposed to have an open rail system along the stairwell to reduce privacy and a half bath with no shower is proposed.

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

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

1. The dwelling is restricted to a maximum of 3 bedrooms.
2. No increase in habitable space or square footage without further review by the Board of Health.
3. The rooms in the basement shall not be used for sleeping purposes.
4. A copy of the floor plan and the approval shall be recorded at the Barnstable County Registry of Deeds to run with the property.

Motion made by Dr. Cushing to accept the recommendation of the Health Director. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

F. Hearing-Richer, 35 Strandway, to reconsider Order of Conditions granted January 7, 2014-no increase in habitable space, flow design, number of bedrooms and square footage to the dwelling as shown on the plan dated 12/2/2013 revised 12/23/2013-proposal for a second floor addition for the existing guest room within the existing footprint.

Chairwoman Howell opened the hearing. Health Director Eldredge read the request. Stephanie Sequin from Ryder & Wilcox was present. The owners are requesting to increase habitable space by finishing the second floor of the guest suite. Presently, the guest suite consists of one open room with an attached half bath. The proposal includes converting the first floor from a bedroom to living space and adding a second floor bedroom. The number of bedrooms will remain the same and no change in the footprint is proposed.

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

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

1. The dwelling is restricted to a maximum of 6 bedrooms.
2. No increase in habitable space or square footage without further review by the Board of Health.
3. The approval shall be recorded at Barnstable County Land Court.

Motion made by Mr. Boyle to accept the recommendation of the Health Director. Dr. Cushing seconded the motion. 3-0-0 Unanimous.

G. Hearing-Archibald, 8 Atlantic Avenue, to reconsider Order of Conditions granted November 17, 1993, reconsidered on February 23, 2000 and reconsidered on January 8, 2008-no increase of square footage to the dwelling-proposal to enclose the existing first floor porch into habitable space as it faces Atlantic Avenue and add said space to existing living room.

Chairwoman Howell opened the hearing. Health Director Eldredge read the request. Attorney William Crowell was present with Kathy DeMeyer from Encore Construction. At this time, the owners are requesting to increase habitable space by enclosing the existing first floor porch. This space will be incorporated into the living room. The number of bedrooms will remain the same. The addition will be placed on sonotubes with no further variances to the septic system required.

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

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

1. The dwelling is restricted to a maximum of 2 bedrooms.
2. No increase in habitable space or square footage.
3. A copy of the floor plan and approval shall be recorded at the Barnstable County Registry of Deeds to run with the property.

Motion made by Mr. Boyle to accept the recommendation of the Health Director. Dr. Cushing seconded the motion. 3-0-0 Unanimous.

VI REPORT OF THE HEALTH DIRECTOR (April 2018)

Week Ending April 7, 2018

- Attended the Wastewater Support Committee meeting.
- Was approved to allow extra hours for executive assistant to continue to scan files for Phase II.
- Met with our DPH summer intern, Lauren Daniels. She is excited to work on a healthy living initiative project that will involve exercise and nutrition.
- Received a flu reimbursement payment for \$3038.57. This is a product of our employee flu clinic held in September. I filed for reimbursement through the Health Insurance companies to recuperate the cost of the vaccine and supplies used to offer the clinic.

Week Ending April 14, 2018

- Held a staff meeting to discuss upcoming summer inspections.
- Staff attended Mass DEP – CERO, Title 5 Public Health Inspector Training in Worcester, MA on April 11th.
- Attended the wellness and benefits clinic at the Chatham Community Center for Municipal employees.
- Attended the Board of Health Meeting.
- Attended a meeting regarding retail sale of marijuana and how the town should approach this. A letter to the Selectmen is going to be drafted with health, youth services, police, fire and planning.
- Community development meeting-met with new owner of the previous Bonatt's space. He is looking to do a similar type of food service-breakfast/lunch.
- Finalized the presentation for the Community meeting on Phase II.

Week Ending April 21, 2018

- The Recreational Camp for Children Regulations have been amended and adopted by the State Department of Public Health. Some revisions of note include the definition of a camp, staff training documentation, prohibition of alcohol and recreational marijuana use, Christian's law, and several other clarifications. Last year we only had one camp registered with us. The changes in the definition of a camp may cause other programs to fall under our jurisdiction.
- Drafted a statement to be included in an interdepartmental letter to the Selectmen regarding the Bylaw proposed to ban retail sale of marijuana. The BOH voted in April of 2017 to support the Bylaw.
- Attended and presented at the Community Meeting regarding Phase II of the CWMP. Many residents came and asked questions.
- Reviewed and approved letters and minutes from the April BOH meeting.

Week Ending April 28, 2018

- Inspected participants at the Toast of Harwich.
- Researched health effects of pet burials on groundwater
- Wrote statement regarding retail sales of marijuana
- Attended the department head meeting
- Attended the Community Development meeting
- Met with the emergency planner from Barnstable County.
- Sent out seasonal license renewal reminders.

Real Estate Transfer Inspections: 28+/-

Food Inspections: 17+/-

Septic System Permits: 24+/-

Certificates of Compliance: 2+/-

Final Septic Inspections: 18+/-

Building Permit Reviews: 28+/-

Complaint Inspections: 13+/-

Consultations: 13+/-

Well Permits: 1+/-

Interdepartmental Referrals: 6+/-

VII CORRESPONDENCE

No correspondence was discussed.

VIII PERMITS

ESTABLISHMENT	ADDRESS	TYPE	TYPE
SEPTIC INSTALLER			
Copper Moon Landscape & Design Inc (2018 Renewal)			
GFM Enterprises, Inc. (2018 Renewal)			
POOL			
Belmont Condo Trust (2018 Renewal)	1 Belmont Road		
Handkerchief Shoals Inn (2018 Renewal)	888 Route 28		
Seascapes Village Condo (2018 Renewal)	231 Route 28		
The Commodore Inn (2018 Renewal)	30 Earle Road		
The Tern Inn (2018 Renewal)	91 Chase Street		
Winstead Inn & Beach Resort (2018 Renewal)	114 Parallel Street		
Wychmere Beach Club (2018 Renewal)	23 Snow Inn Road	Adult Pool	
Wychmere Beach Club (2018 Renewal)	23 Snow Inn Road	Childrens Pool	
Wychmere Beach Club (2018 Renewal)	23 Snow Inn Road	Spa	
FOOD ESTABLISHMENTS			
Belmont Condo Trust (2018 Renewal)	1 Belmont Road	Food Service: 61-150 seats	
Bluefish Bed & Breakfast (2018 Renewal)	102 Parallel Street	Food Service: 1-30 seats	
Buckies Biscotti (2018 Renewal)	554 Route 28	Food Service: 1-30 seats	Retail: <600 sq. ft.
Good Times Ice Cream (2018 Renewal)		Mobile Food Service	
Port Restaurant & Bar (2018 Renewal)	541 Route 28	Food Service: 61-150 seats	
Stone Horse Yacht Club (2018 Renewal)	2 Harbor Road	Food Service: 1-30 seats	
The Commodore Inn (2018 Renewal)	30 Earle Road	Food Service: 31-60 seats	
Viera (2018 Renewal)	11 Route 28	Food Service: 31-60 seats	

BATHING BEACHES			
Town of Harwich/Pleasant Bay (2018 Renewal)	Pleasant Bay at Route 28	Pleasant Bay	
Town of Harwich/Earle Road Beach (2018 Renewal)	end of Earle Road	Nantucket Sound	
Town of Harwich/Atlantic Avenue Beach (2018 Renewal)	end of Atlantic Avenue	Nantucket Sound	
Town of Harwich/Bank Street Beach (2018 Renewal)	end of Bank Street	Nantucket Sound	
Town of Harwich/Brooks Road Beach (2018 Renewal)	end of Brooks Road	Nantucket Sound	
Town of Harwich/Bucks Pond (2018 Renewal)	end of Bucks Pond Road	Bucks Pond	
Town of Harwich/Grey Neck Beach (2018 Renewal)	end of Grey Neck Road	Nantucket Sound	
Town of Harwich/Hinkleys Pond (2018 Renewal)	Hinkleys Pond at Route 124	Hinkleys Pond	
Town of Harwich/Long Pond 1 (2018 Renewal)	Long Pond at Cahoon Street	Long Pond	
Town of Harwich/Long Pond 2 (2018 Renewal)	Long Pond at Long Pond Drive	Long Pond	
Town of Harwich/Long Pond 3 (2018 Renewal)	Long Pond at Route 124	Long Pond	
Town of Harwich/Merkel Beach (2018 Renewal)	end of Snow Inn Road	Nantucket Sound	
Town of Harwich/Neel Road Beach (2018 Renewal)	end of Neel Road	Nantucket Sound	
Town of Harwich/Pleasant Road Beach (2018 Renewal)	end of Pleasant Road	Nantucket Sound	
Town of Harwich/Red River Beach-East (2018 Renewal)	end of Uncle Venies Road	Nantucket Sound	
Town of Harwich/Red River Beach-Middle (2018 Renewal)	end of Uncle Venies Road	Nantucket Sound	
Town of Harwich/Red River Beach-West (2018 Renewal)	end of Uncle Venies Road	Nantucket Sound	
Town of Harwich/Robbins Pond (2018 Renewal)	Robbins Pond at Cahoon Landing	Robbins Pond	
Town of Harwich/Sea Breeze Avenue Beach (2018 Renewal)	end of Sea Breeze Avenue	Nantucket Sound	
Town of Harwich/Sea Street Beach (2018 Renewal)	end of Sea Street	Nantucket Sound	
Town of Harwich/Seymore Pond (2018 Renewal)	Seymore Pond at Route 124	Seymore Pond	
Town of Harwich/Skinequit Pond (2018 Renewal)	Skinequit Pond at Ocean Street	Skinequit Pond	
Town of Harwich/Wah Wah Taysee Road Beach (2018 Renewal)	end of Wah Wah Taysee Road	Nantucket Sound	
Town of Harwich/Wyndemere Bluffs Road Beach (2018 Renewal)	end of Wyndemere Bluffs Road	Nantucket Sound	
Town of Harwich/Zylpha Road Beach (2018 Renewal)	end of Zylpha Road	Nantucket Sound	
Great Sand Lakes Association (2018 Renewal)	Clearwater Beach	Bucks Pond	
Great Sand Lakes Association (2018 Renewal)	Vacation Lane Beach	John Joseph Pond	
Great Sand Lakes Association (2018 Renewal)	Pleasant Park Circle Beach	Bucks Pond	
Great Sand Lakes Association (2018 Renewal)	Lakeside Terrace Beach	John Joseph Pond	
Belmont Condo Trust (2018 Renewal)	1 Belmont Road	Nantucket Sound	
Old Mill Point Association (2018 Renewal)	Strandway	Nantucket Sound	
Old Mill Point Association (2018 Renewal)	Sea Way Beach	Nantucket Sound	
Winstead Inn & Beach Resort (2018 Renewal)	4 Braddock Street	Nantucket Sound	
STABLE			

Clare Bergh (2018 Renewal)	34 Lynch Lane	Residential Stable	
MOTEL			
Seadar Inn by the Sea	1 Braddock Street		
RECREATIONAL CAMP			
Cape Cod Lighthouse Charter School	195 Route 137		

Motion made by Dr. Cushing to approve the permits as per list dated May 14, 2018. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

IX OTHER

A. Discussion-Update of Groundwater Protection Regulations (continued from April 10, 2018 meeting)

At last month’s meeting, the Board was given copies of the draft updated Groundwater Protection Regulations. If the Board does not have any changes that they would like, staff will schedule this for a public hearing at the June 12, 2018 Board of Health meeting. Health Director Eldredge outlined the changes that are being proposed.

Dr. Cushing would like to make sure that in addition to nitrogen, that phosphorus in included the in regulations.

Motion made by Dr. Cushing to direct Health Department staff to schedule a public hearing for June 12, 2018 for the Groundwater Protection Regulations. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

Chairwoman Howell suggested that at a later meeting, the Board have a discussion on how we will handle reconsideration requests moving forward.

Mr. Boyle responded that he would like to review all of the applications and make decisions on a case by case basis.

X ADJOURN- The meeting adjourned at 7:47 p.m.

Motion made by Mr. Boyle 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 Tuesday, June 12, 2018 at 6:30 p.m. in the Small Hearing Room.

Documents included in May 14, 2018 Board of Health Meeting Packet:

- 5/14/2018 Board of Health Agenda
- 4/10/2018 Draft Board of Health Minutes
- Site Summary for 351 Pleasant Lake Avenue dated May 14, 2018
- Board of Health Environmental Impact Review Application Filing Package for 351 Pleasant Lake Avenue dated May 2, 2018
- Site Summary for Wilder Way, formerly 1522 and 1546 Orleans Road dated May 14, 2018
- Board of Health Environmental Impact Review Application Filing Package for Wilder Way dated April 26, 2018
- Site Summary for 7 Ginger Plum Lane dated May 14, 2018
- Board of Health Variance Filing Package for 7 Ginger Plum Lane dated April 30, 2018
- Site Summary for 545 Route 28/Perks/Taylor Powell dated May 14, 2018

- Board of Health Reconsideration Filing Package for 545 Route 28 (no date on application)
- Site Summary for 9 Cottage Avenue dated May 14, 2018
- Board of Health Variance Filing Package for 9 Cottage Avenue dated May 1, 2018
- Site Summary for 35 Strandway dated May 14, 2018
- Board of Health Reconsideration Filing Package for 35 Strandway dated May 2, 2018
- Site Summary for 8 Atlantic Avenue dated May 14, 2018
- Board of Health Reconsideration Filing Package for 8 Atlantic Avenue dated May 2, 2018
- Site Summary for Groundwater Protection Regulation dated April 10, 2018
- Draft Groundwater Protection Regulations