

# TOWN OF HARWICH



*BOARD OF HEALTH*  
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**Town of Harwich Board of Health**  
**Tuesday, September 8, 2015-6:30 PM**  
**TOWN HALL – SMALL HEARING ROOM**  
**MINUTES**

**BOARD OF HEALTH MEMBERS PRESENT: Vice Chair Mary Jane Watson & Board Members Frank Boyle & Pamela Howell, R.N. Staff Members Paula Champagne, Meggan Tierney & Jennifer Clarke.**

**MEMBERS WITH EXCUSED ABSENCE: Dr. Robert Insley**

**OTHERS PRESENT: Rick Judd**

**I CALL TO ORDER**

**At 6:41 p.m., Vice Chair Watson called the meeting to order.**

**II MINUTES OF PREVIOUS MEETING – 8/11/2015**

Motion made by Mr. Boyle, 2<sup>nd</sup> by Ms. Howell to adopt the minutes of the August 11, 2015 Board of Health meeting. Unanimous.

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

Director Champagne stated that we are in receipt of Dr. Stanley Kocot's letter of resignation from the Board of Health and the letter was read to the Board members. A copy of the letter will be forwarded to the Board members as well as the Town Clerk. Vice Chair Watson expressed her thanks to Dr. Kocot and stated that he was a wonderful Chairman & a great resource for the Board. His presence on the Board will be missed. Director Champagne consulted with the Town Clerk to inquire about annual reorganization since we are several months into the new cycle and now have a vacancy. She advised that since we have a Vice-Chair, it was fine to continue to proceed until the Board is at full capacity, the Board can then vote to re-organize.

**A. Accela Permit Dept. Computer Program Presentation by Dept. Staff**

Health Agent Meggan Tierney made a presentation of the Accela Computer Program. Ms. Tierney presented the Board with an ad hoc report, real estate transfer process, disposal system construction permit process and a food service application. She gave a brief yet thorough description of each document process. One of the long term goals for Accela is that applications and plans will be submitted electronically as well as the public will have access to the information. The Board stated that the presentation was fantastic and that a lot of work went into creating this program to fit the needs of the Department.

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

No old/unfinished business was discussed.

**V NEW BUSINESS**

- A. Hearing-Vangel, 1 Village Green, Harwich Port, to consider variances to install a new Title 5 septic system prepared by Moran Engineering Associates, LLC.  
**Variances from 310 CMR 15.211(1) Minimum Setback Distances:****

- 1. Per 310 CMR 15.405(1)(a): to allow a septic tank to be 5' from a lot line where 10' is required. Variance request of 5'.**
- 2. Per 310 CMR 15.405(1)(a): to allow a septic tank to be 7.5' from a lot line where 10' is required. Variance request of 2.5'.**
- 3. Per 310 CMR 15.405(1)(a): to allow the soil absorption system to be 5.2' from a lot line where 10' is required. Variance request of 4.8'.**
- 4. Per 310 CMR 15.405(1)(a): to allow the soil absorption system to be 5' from a lot line where 10' is required. Variance request of 5'.**
- 5. Per 310 CMR 15.405(1)(b): to allow for the septic tank to be 6.7' from the crawl space where 10' is required. Variance request of 3.3'.**
- 6. Per 310 CMR 15.405(1)(b): to allow for the soil absorption system to be 5.2' from the crawl space where 20' is required. Variance request of 14.8'.**

Madam Chair Watson opened the hearing. Rick Judd, Moran Engineering, represented the applicant. Director Champagne read the variance requests. The lot is approximately 4,446 square feet. The proposal is to remove the existing soil absorption system and re-route the plumbing and site the system to the North of the property due to setbacks. A 40ml poly vinyl barrier will be placed between the crawl space and the soil absorption system. The liner will intercept any problems that may happen in the future. Mr. Judd stated that there are no changes to the dwelling being proposed. Mr. Boyle moved to close the hearing. Ms. Howell seconded the motion. Unanimous.

The Chair requested the staff report. Director Champagne stated that this is a replacement system and the floor plan will not be changed. She asked that the septic system be designed for between 2 and 3 bedrooms to alleviate any future mis-understanding regarding the design. Director Champagne recommended approval of the variances with the following conditions:

1. A 40ml poly vinyl barrier shall be installed for remediation.
2. The dwelling shall be restricted to a total of 2 bedrooms as submitted on the 8/24/2015 plan. No increase in number of rooms or flow.
3. Note that the dwelling has a crawlspace and not a foundation.
4. No provision for 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 Director Champagne. Ms. Howell seconded the motion. Unanimous.

## **VI REPORT OF THE HEALTH DIRECTOR- Covering the period of August 2015**

- **Accela Computer Program Development**-A brief demonstration of the Accela computer program was given at the beginning of the meeting. It has been 4 months since the program was installed. The Department is becoming comfortable with the daily use of the program.
- **Project Review**-The Community Development team has met with the representatives of Wychmere Beach and Resort. They are pursuing alterations to the pavilion to change from a tent to a structure which does not involve the Board of Health. The Community Development team has met with the owner of 1004 Route 28, South Harwich for potential redevelopment for an office and several housing units. There are Zone II issues and the project will be restricted to current existing flow design for sewage use.
- **Housing**
  - **Parkhurst, 36 Buttonwood**-A complaint was received regarding a residential discharge line connected to a storm drain. An order to correct was issued.
  - **14 Perrys Way**- An abutter filed a complaint concerning extensive fill and possible contaminated debris. Health Department visited the site. Clean fill is being used. There are no zoning regulations regarding filling a property. No action taken.
  - **Crocker Rise-Eastward Companies Subdivison**-The Plumbing Department referred a complaint that garbage grinders were being installed at a new dwelling. The Health Department contacted the developer and ordered removal of grinders and requested that all owners be notified of this ruling.
  - **2131 Head of the Bay Road-Johnson**- Walk out basement was constructed without permits which is a floor plan and Board of Health deed restriction violation. Return to compliance plan required with all applicable construction permits to remove walls.
  - **15 Catharine Rose Road-Zone II (private well)**-Violations exist due to bedroom addition completed without permits. Return to compliance plan required with all applicable construction plans. Town water required to be installed as part of the project to allow additional bedroom to remain.
- **Water Quality Issues**

- **Summer Sampling Program-** Sampling was completed without any beach closures for 2015. There were exceedances, but upon retesting, the results were well within range. Changes to the regulation in 2014 return the testing protocol for closures to 2 failures-the original and retest within 24 hours. Areas with 1 high value this summer were Strandway, Stone Horse Yacht Club, Great Sand Lake, and Atlantic Ave. Unfortunately, the single exceedance at Atlantic Ave does knock it out of Tier III status and will have to return to weekly testing.
- **Codium Seaweed-** Many complaints were received across all departments, as seaweed stacked up on some beaches and began to decompose. Conservation and Health prepared a fact sheet and had it posted at the beaches and available for distribution. The very strong sulfur smell made it hard for people to believe that it was not a sewage problem.
- **Drinking Water Regulations-** The Health Director had an extensive meeting with Dan Pelletier, Water Superintendent, regarding a DEP review of all Harwich Zoning and Water protection regulations. Some language needs updating to reflect newer maps. DEP suggested additional Board of Health regulation language but the Health Department believes this is already included. The Water Superintendent will respond to DEP.
- **Indoor Air Quality-Community Center-**Dr. Joyce Young, Naturopath, registered additional complaints regarding her attendance at meetings at the Community Center. She has been forwarded the report and requested to discuss with the consultant as the findings do not support her claims. There have been no additional calls from Dr. Young.
- **Employee Wellness Program-** Educational materials were distributed to all employees on seasonal topics including extreme heat, tick repellent fact sheet and West Nile Virus information.
- **Food Service**
  - **Franks Cucina** –Barnstable Health Department requested permit status information as Frank Tamaro was scheduled to participate in a fundraising event August 13, “Summer Soiree at Long Pasture”. Notice of potential violation was sent. Barnstable Board of Health not to allow his participation.
  - **Cranberry Festival-** Event is being held September 19 & 20, 2015. We will require staff presence for inspections and permit issuance.
  - **Noble House-**An emergency seizure/closure on August 18, 2015 by the government for tax nonpayment. We were notified by an official on scene of “dormitory” living and plumbing leaks in basement spraying onto the electrical box. Building Commissioner ordered water shut off until repaired. We are following up with living conditions and sanitation inspections.
  - **Food borne Illness Investigations-**Health staff conducted 3 food borne illness investigations in August. We received a call from MDPH regarding a positive case of *Vibrio parahaemolyticus*. The case had eaten oysters at Brax Landing in July among other establishments on the Cape. A full investigation was conducted by staff and several food handling recommendations were made. This consists of a full HACCP site inspection, and a 5+ page document and analysis. The following week a complaint of food poisoning was received from a consumer who ate a Brax Landing, again a full inspection was done by staff resulting in food handling changes made by the owners. The DPH contacted us again the following week with a *suspect* case of *Vibrio parahaemolyticus* who ate oysters at the Wequassett Resort. Lab testing was in the process at the time of investigation. The investigation resulted in minor changes in food handling practices and the DPH did not confirm the lab results were positive. Preventative inspections should be done at facilities that serve raw shellfish. We have come across possible cross contamination and common denominators during inspections. The employee who is opening shell fish may be tackling other tasks as well and not taking proper precautions before handling shellfish again.
- **Flu Clinics-**It is with a heavy heart that we will no longer be holding public flu clinics. There is a large availability of the vaccine at other locations in town and a lack of free vaccine from the state.

## **VII CORRESPONDENCE**

- **Eversource-Concerns for 2015 YOP for ROW’s 302, 303 & 347 in Harwich, MA-**Health Department received a follow up letter regarding ROW spraying.
- **DPH Letter-**Health Department received a memo from MDPH regarding changes in active monitoring for Ebola of travelers returning from Guinea & Sierra Leone.

PERMITS TO BE ISSUED				
Business Name	Business Location	Type	Sub-Type	CurrentNo
Bosetti Septic Systems	199 Church Street, East Harwich	installer	septic installer	15-58
Ernie Joy Excavating & Septic	52 Lovers Lane, Harwich	installer	septic installer	15-59
Holmes Land Service	18 Sadie's Way Harwich	installer	septic installer	15-61
Trolley Dogs/Boston Italian Ice	26 Claudette Circle, Framingham, MA	food service	temporary food service	15-176
Olde C Dogs	485 Center Street, Dennisport, MA	food service	temporary food service	15-177
Lewis Brothers Homemade Ice Cream	310 Commercial Street, Provincetown, MA	food service	temporary food service	15-175
Harvest Homes Inc.	600 Worcester Road, Framingham, MA	installer	septic installer	15-60

**VIII PERMITS**

Director Champagne noted that the temporary food service applications are in preparation for the Cranberry Festival and recommended approval of attached permits. Mr. Boyle moved to accept the recommendation of Director Champagne. Ms. Howell seconded the motion. Unanimous.

**IX OTHER**

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

Motion by Mr. Boyle to adjourn. Ms. Howell seconded the motion. Unanimous.

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

Respectfully submitted,

Jennifer Clarke

**Next meeting is Tuesday, October 13, 2015 at 6:00 p.m. in the small hearing room.**