

TOWN OF HARWICH



BOARD OF HEALTH
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**Town of Harwich Board of Health
Monday, October 24, 2016-6:30 PM
TOWN HALL – SMALL HEARING ROOM
MINUTES**

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

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

OTHERS PRESENT: Stephen Haas & David Clark

I CALL TO ORDER

At 6:32 p.m., Chairman Insley called the meeting to order.

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – 9/12/2016

Motion made by Ms. Bayerl and seconded by Mr. Boyle to accept the regular meeting minutes of the September 12, 2016 Board of Health meeting. 3-0-0 Unanimous.

Pam Howell arrived at 6:41 p.m.

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

Health Director Champagne reminded the Board of their upcoming meeting with the Board of Selectmen on November 21, 2016. A couple of Board members have a conflict with the date and asked Ms. Champagne to see if there are any dates available in December for the Board to meet with the Selectmen.

IV 7:00- OLD/UNFINISHED BUSINESS

No old/unfinished business was discussed.

V NEW BUSINESS

A. Hearing-Daks, 18 Harbor Way, to consider a variance request to replace a sewage disposal system prepared by J.M. O'Reilly & Associates, Inc.

Variations from 310 CMR 15.211(1) (Minimum Setbacks)

1. Per 310 CMR 15.405: To allow a proposed soil absorption system (northern) to be 14' from the foundation wall where 20' is required. Variance request of 6'.
2. Per 310 CMR 15.405: To allow a proposed soil absorption system (southern) to be 10' from the foundation wall where 20' is required. Variance request of 10'.
3. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 41' from the top of coastal bank where 50' is required. Variance request of 9'.
4. Per 310 CMR 15.405: To allow a proposed soil absorption system (northern) to be 2' from the property line where 10' is required. Variance request of 8'.
5. Per 310 CMR 15.405: To allow a proposed soil absorption system (southern) to be 2' from the property line where 10' is required. Variance request of 8'.

Variance from 310 CMR 15.252 (Separation Distances)

6. To allow separation distance between adjacent fields to be 2' where 10' is required. Variance request of 8'.

Variations from Harwich Board of Health Regulation 1.210

7. To allow a proposed soil absorption system (northern) to be 41' from the coastal bank where 100' is required. Variance request of 59'.
8. To allow a proposed soil absorption system (southern) to be 58' from the coastal bank where 100' is required. Variance request of 42'.
9. To allow a proposed septic tank to be 54' from the coastal bank where 100' is required. Variance request of 46'.

Chairman Insley opened the hearing. Health Director Champagne reported that the Health Department is in receipt of a letter from J.M. O'Reilly & Associates, Inc. requesting a continuance until the November 7, 2016 Board of Health meeting. Chairman Insley closed the hearing.

Mr. Boyle moved to continue the hearing until the November 7, 2016 Board of Health meeting. Ms. Bayerl seconded. 4-0-0 Unanimous.

B. Hearing-Mercan LLC, 29 Walther Road, to consider a request to replace a sewage disposal system prepared by Stephen A. Haas Engineering, Inc.

Variations from 310 CMR 15.221(7)

1. To allow a proposed soil absorption system to be between 3' and 6' deep where 36" is required.

Chairman Insley opened the hearing. Stephen A. Haas from Stephen A. Haas Engineering, Inc. was present. This is a failed cesspool system and there is a sink hole in the yard where the cesspool has collapsed. The house is only occupied from Memorial Day thru Labor Day. A septic tank was installed under an emergency permit so that the house could be used. The velocity zone goes well into the lot which is the reason the septic system has been proposed on the street side of the lot. The beginning of the system will be less than 3' deep and as the system goes on, it will be 6' deep at the end. They have met all setback variances. Chairman Insley closed the hearing.

Health Director Champagne stated that there will be a vent at the end of the system so that there is sufficient air supply into the system. Health Director Champagne recommended approval of the project with the following conditions:

1. The dwelling shall be restricted to a total of 8 bedrooms as submitted on the 9/7/2016 plan. No increase in flow, number of bedrooms or square footage of the dwelling.
2. 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.

C. Hearing-Dunn, 6 Shaggy Pines Road, to consider a request to replace a sewage disposal system prepared by Stephen A. Haas Engineering, Inc.

Variations from 310 CMR 15.211(1) (Minimum Setbacks)

1. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 15' from the foundation wall where 20' is required. Variance request of 5'.
2. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 10' from the bulkhead where 20' is required. Variance request of 10'.
3. Per 310 CMR 15.405: To allow a proposed septic tank to be 7' from the property line where 10' is required. Variance request of 3'.
4. Per 310 CMR 15.405: To allow a proposed septic tank to be 6' from the foundation where 10' is required. Variance request of 4'.

Chairman Insley opened the hearing. Stephen Haas from Stephen A. Haas Engineering, Inc. was present. The existing house is served by 2 cesspools which are currently functioning, but the homeowners know that the system will eventually need an upgrade. Mr. Haas explained the variance requested. Chairman Insley closed the hearing.

Health Director Champagne noted that the variance requests are to the crawlspace, not a full foundation, as per plan dated September 28, 2016. Health Director Champagne recommended approval of the project with the following conditions:

1. The dwelling shall be restricted to a total of 3 bedrooms as submitted on the 9/28/16 plan. No increase in flow, number of bedrooms or square footage to the dwelling, including the basement
2. Variance requests are from the crawl space as shown on the plan dated 9/28/16.
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 variance request. Ms. Howell seconded the motion. 4-0-0 Unanimous.

D. Hearing- Seaside Holdings LLC, 975 Route 28, Map 34 Parcel Z5, Environmental Impact Review for a site plan/special permit in Zone II. Seaside Holdings LLC proposal to convert an existing structure to an office with an apartment. Plan prepared by Clark Engineering, LLC.

Chairman Insley opened the hearing. David Clark from Clark Engineering, LLC was present. Health Director Champagne stated that the Board is reviewing the Environmental Impact Report and will need to give a written report to the Planning Board. Mr. Clark said that the 1st floor will be offices for a construction company and the 2nd floor will be renovated and turned into a 1 bedroom apartment. The new design flow for the building will be 198 gallons per day. He noted that they are no longer combining the 971 and 975 Route 28 lots and they will be amending their application to the Planning Board. Additionally, the nitrogen loading calculations have been revised due to the lots no longer being combined. Ms. Champagne said that the Board has not had a chance to review any revised information and the conditions of approval must reflect the Environmental Impact Report submitted. Mr. Clark stated that the vacant lot at 971 Route 28 will remain vacant for the foreseeable future. The Board asked Mr. Clark if his client would be comfortable with a continuance until the November 7, 2016 meeting so that the Board could review the revised information. Mr. Clark indicated that the Planning Board meeting is not until the end of November, so a continuance to the November 7th meeting will not be an issue. Mr. Clark submitted revised plans and a revised Environmental Impact Report during the meeting for review.

Ms. Bayerl moved to continue the hearing until the November 7, 2016 Board of Health meeting. Mr. Boyle seconded. 4-0-0 Unanimous.

VI REPORT OF THE HEALTH DIRECTOR (September)

- **Projects-**
Accela Permitting Software Implementation- “We are live!!” We met our target for opening the public portal on Sept 12th. We now have 5 tasks available to the public in the Health Dept.—parcel research; active permit tracking; perc test permits; trench permits and real estate transfer inspection report filing and permits. It was a very active month for this project. We have launched a multipoint Accela Citizens Access education and awareness campaign to get the word out to the public.

- 9-12-16- Orientation Seminar for Septic System Inspectors to demo research and permit filing. Nine businesses attend with one firm filing applications w/in 48 hrs.
- Training manuals developed , distributed and placed on website for 3 topics- Research; How to establish an Account; How to file permit Applications
- 9-19-16- Health Director presents an Accela overview to the Board of Selectmen with an online demo. This segment is now available on our webpage as an introduction to the Accela process. The Town Administrator is now the project manager for the Accela implementation to coordinate all of the community development depts. efforts to reach goal. He has requested a core group weekly meeting for progress and assignments. This consists of Dave Sullivan, Cape Cod Commission Accela Specialist, Foster Banford, Harwich Computer Coordinator and Meggan Tierney. As the design, long range vision, and productivity levels for Accela has clearly been driven by the Health Director, it makes sense that the Health Department has a lead role on the review team. It is the current level of commitment by our staff that is of concern. We have expended an enormous amount of staff time the past three years in design development, testing and implementation. With the vision always in sight, it has been worth the effort as we begin to see that vision turn to reality. But it has not been without cost. The Health Director reassigned staff to maintain this project as a priority and all other programs have been placed on hold. As we see Accela implementation come to fruition, it is time to return to our Public Health education, training, regulation review and update, and program development. The Town Administrator has begun tasking the Senior Health Inspector with a larger role in Accela implementation across all of Community Development with regards to community training, website development, conduit to the consultant for daily troubleshooting, and on site trainer for all staff. If this role continues to expand at a time we are attempting to lessen our Accela commitment and return to our Public Health programming, then we will need to discuss recovering these hours through other means.
- West Harwich Groundwater Plume- an extensive overview of the 5 areas of study covering 20 years of data was prepared and presented to the Board of Selectmen on 9-26-16. Numerous residents have contacted the Health Director expressing appreciation for the overview and the historical and scientific perspective gained. The presentation will be added to our website training resources.
- Town Planner Search – Health Director was asked to be part of a 5 person team to review applications and assist in interviews for the Town Planner vacancy. It was a very interesting process with 20 applicants, 5 first interviews and 2 finalists. It was a very worthwhile experience; Community Development Staff were pleased to have a voice in the process and we look forward to welcoming Aly the end of October.
- **Food Service Program-**
 - Cranberry Festival-9-17-16- Inspectors Meggan Tierney and Mark Polselli reviewed the onsite conditions and released the permits for event permit and mobile food trucks. There were 14 vendors involved and the team reported only one issue. A vendor has participated w/out functional hot water. This will have written follow-up to ensure they will not be allowed any future participation until this is corrected.
 - Food Truck Festival- Wequassett Employee Appreciation Day-we issued several temporary mobile truck permits for a one day event. Mark and Meggan reviewed the on site conditions and released the permits.
 - Cumberland Farms Renovation/Expansion- Meggan & Paula met with the design team to review the food service plans for the new building. While that appeared satisfactory pending a full office review, the septic system did not. The renovation has grown since the conceptual discussions and a new system will need to be designed.
 - Embers Seasonal Seating Plan- a complaint received listing overcrowding and possible infractions with the approved BOH plan of 99 seats overall. This was forwarded to the owners, but unfortunately, it was too late in the season to be unable to verify week-end outdoor activity at the establishment. We will meet with the owners prior to the 2017 season to review and reinforce the management plan.

- *Plastic Bag Ban-* Alecsies' House of Pizza- report of use of plastic bags beyond the ban implementation. Notice to comply issued.
- *Frozen Yogurt on the Half Shell-* notification received of business closure. A very nice compliment given to staff regarding level of service- very much appreciated.
- *2015 MDPH Food Service Report-* annual permit and inspection report filed as required
- **RET's/ Sewage permit review – outstanding issues**
 - *57 Wyndemere Bluff Rd-* damage restoration-#BR not as per approved plan- *resolved*
 - *10 Wychmere Harbor Drive-* RET- fully finished basement including 2 bedrooms w/out permits. Septic system adequately sized but BR's cannot be below grade w/out exits and ventilation. *Return to compliance plan needed*
 - *1388 Hall's Path-*RET- basement BR- return to compliance plan needed- *resolved*
 - *Townhouse unit #22 Belmont condo-* #Br's /finished basement- *resolved*
 - *7 Kendall Lane-* RET- Floor plan issue- # BR; finished basement w/out permits in Zone II- *return to compliance plan needed*
 - *Tight tank Policy-* assistance sought w/ DEP regarding use of tight tanks for commercial use

VII CORRESPONDENCE

No correspondence was discussed.

VIII PERMITS

ESTABLISHMENT	ADDRESS	TYPE
STABLE		
Patrick Ellis (2016 Renewal)	1356 Halls Path One	Residential Stable
Full Circle Farm (2016 Renewal)	210 South Westgate Road	Commercial Stable
Kathy Gould (2016 Renewal)	98 Old Chatham Road	Residential Stable
Sea Horse Farm (2016 Renewal)	34 Lynch Lane	Commercial Stable
Sea Horse Farm (2017 Renewal)	34 Lynch Lane	Commercial Stable
Barry Dino Viprino/Resilient Family Farm (2016 New)	35 Chatham Road	Residential Stable
LuAnn Griffin (2016 Renewal)	179 Division Street	Residential Stable

Ms. Bayerl moved to approve the permits as per the list dated October 24, 2016. Mr. Boyle seconded the motion. 4-0-0 Unanimous.

IX OTHER

X ADJOURN- The meeting adjourned at 7:30 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 Monday, November 7, 2016 at 6:30 p.m. in the small hearing room.