

TOWN OF HARWICH



BOARD OF HEALTH

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TOWN OF HARWICH BOARD OF HEALTH
TUESDAY, NOVEMBER 14, 2017-6:30 P.M.
HARWICH TOWN HALL – SMALL HEARING ROOM
MINUTES

BOARD OF HEALTH MEMBERS PRESENT: Chairwoman Pamela Howell, R.N., Vice Chairman Frank Boyle, Member Cynthia Bayerl & Member Matthew Cushing, M.D.

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

OTHERS PRESENT: Ralph Porter, Penny Holman, Larry Ballantine, Deb Redmond, Rick Judd & Dan Gonsalves

I CALL TO ORDER

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

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – October 10, 2017

Motion made by Mr. Boyle to approve the minutes as amended. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

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

A. Participating Municipality Agreement for Tobacco Control Services-Board of Health Signature Required

Health Director Eldredge stated that the Board should consider the services that the Department of Public Health provides for tobacco control. They provide educational materials, conduct onsite inspections for the use of proper signage and town regulations and schedule sting operations. This is a service that the town currently utilizes, however it needs to be ratified with a signature of the new Health Director and the Board of Health Chairwoman. Health Director Eldredge recommended moving forward with the agreement.

Ms. Bayerl feels that this is a great resource and would be beneficial to have them continue to partner and work with the town.

Motion by Ms. Bayerl to accept the proposal to continue to support the participating municipal agreement for tobacco control services and to direct staff to sign and submit the necessary documents. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

B. Review of 2018 Board of Health Meeting Schedule

This discussion will be continued at the December 12, 2017 Board of Health meeting.

C. Re-Authorization of Town Clerk to sign Burial Permits on behalf of the Board of Health

The Town Clerk's office has been signing burial permits on behalf of the Board of Health for years and burial permits are filed electronically with the Town Clerk. With the change of the Health Director and new Board members, the Town Clerk would like to have the document re-authorized.

Motion by Ms. Bayerl to re-authorize the Town Clerk to sign burial permits on behalf of the Board of Health and have the Health Director sign the appropriate documents. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

D. Resignation of Board of Health Member

Health Director Eldredge announced that Dr. Robert Insley has resigned from the Board effective immediately. He needs to officially file his resignation with the Town Clerk's office. Dr. Insley was a longtime Board member and will be greatly missed as a member.

Selectman Larry Ballantine was present and asked if there is a list of requirements to be eligible to be a Board of Health member. Health Director Eldredge stated that it would be beneficial to have medical or environmental background, but the only firm requirement is that the person be a Harwich property owner.

IV 7:00 PM -OLD/UNFINISHED BUSINESS

No old/unfinished business was discussed.

V NEW BUSINESS

A. Hearing-Gilbertson, 16 School House Road, to consider a variance request to install a new Title 5 septic system prepared by Down Cape Engineering Inc.

Variances from 310 CMR 15.211(1) Minimum Setbacks

1. 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'.
2. Per 310 CMR 15.405(1)(b): To allow a proposed soil absorption system to be 8' from the foundation where 20' is required. Variance request of 12'.
3. Per 310 CMR 15.405(1)(b): To allow a proposed soil absorption system to be 5' from the slab foundation where 10' is required. Variance request of 5'.
4. Per 310 CMR 15.405(1)(c): To allow a 25% reduction in required subsurface disposal area design requirements.

EXHIBITS/DOCUMENTS: Letter to Board of Health dated 10/27/17; Abutters List dated 10/20/17; Letter to Abutters dated 10/30/17; Title 5 Site Plan dated 10/20/17. Documents are available in the Health Department Septic System File.

Chairwoman Howell opened the hearing. Health Director Eldredge read the variances being requested. Dan Gonsalves from Down Cape Engineering was present. The applicant is proposing to upgrade the existing cesspool system to a Title 5 septic system. The dwelling currently has ten (10) bedrooms and there are no plans for addition and/or alteration at this time.

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

The Board discussed the use of the ten (10) bedroom property. It is not located in a zone II and they are proposing a dual compartment tank.

Health Director Eldredge stated that the proposed system is a great improvement over what currently exists. The lot is small and the structure is large. The variances being requested are dimensional and not environmental. She recommended approval of the request with the following conditions:

1. Dwelling is to be restricted to a maximum of ten (10) 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. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

B. Hearing-Howard, 92 Belmont Road, to consider a variance request to install a new Title 5 septic system prepared by Moran Engineering Associates, LLC.

Variances from 310 CMR 15.211(1) Minimum Setbacks

1. 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'.
2. Per 310 CMR 15.405(1)(a): To allow a proposed soil absorption system to be 5' from the soil absorption system to the public way easement where 10' is required (as roadway/lot line setback). Variance request of 5'.

3. Per 310 CMR 15.405(1)(b): To allow a proposed soil absorption system to be 10.5' from the cellar wall where 20' is required. Variance request of 9.5'.
4. Per 310 CMR 15.405(1)(e): To allow a proposed soil absorption system to be 90' from the edge of the wetland where 100' is required. Variance request of 10'.

EXHIBITS/DOCUMENTS: Letter to Board of Health dated 10/24/17; Letter to abutters dated 10/24/17; Site and Sewage Plan dated 10/10/17 (revised 10/31/17). Documents are available in the Health Department Septic System File.

Chairwoman Howell opened the hearing. Health Director Eldredge read the variances being requested. Rick Judd from Moran Engineering Associates, LLC was present.

Ms. Bayerl stated that the property owner is a former work colleague of hers and that she has no financial interest in this project or the property.

The applicant is proposing to upgrade the existing cesspool system to a Title 5 septic system. Due to the depth to high groundwater, the system is mounded. A wall is not proposed due to the topography of the lot. The design will be able to use an impervious liner and grade the lot to provide adequate break-out. The dwelling currently has 3 bedrooms and there are no plans for addition/alteration at this time.

Deborah Redmond from 89 Belmont Road was present. She stated that she would like additional clarity on the location of the system and how raised it will be from the ground. She feels that having a system 5' from the roadway may be a safety concern for traffic flow and pedestrians. Mr. Judd responded that he does not see any safety issues with this project. Once finished grade is completed, Belmont Road will be higher than the proposed soil absorption system. The width of the roadway is greater than 10'. Mr. Judd explained the design of the system.

Chairwoman Howell closed the hearing.

Health Director Eldredge stated that the variances being requested are dimensional as well as environmental, however the proposed plan provides maximum feasible compliance and is a great improvement over the existing conditions. She recommended approval of the request with the following conditions:

1. Dwelling is to be restricted to a maximum of three (3) bedrooms.
2. No increase in square footage or habitable space.
3. Variances and conditions to be recorded at Barnstable Land Court.
4. No garbage disposal.

Motion made by Mr. Boyle to accept the recommendation of the Health Director. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

VI REPORT OF THE HEALTH DIRECTOR (October 2017)

Week Ending October 6, 2017

Staff Vacancy- Sr. Health Inspector- three candidates have applied for the full time position. Two interviews were conducted this week with the third scheduled for next week.

Annual Employee Flu Clinic- met with Emergency Manager and discussed strategy. Prepared for the clinic. We successfully vaccinated 104 people on Wednesday, October 4th. The Emergency Planner from the state was present to evaluate the set up as an emergency drill and had many good things to say. Great thanks go to Sue Jusell the Town Nurse for assisting with the planning of the event as well as providing volunteer staff. Many thanks to the County Public Health Nurse, Deirdre Arvidson for attending and purchasing the vaccine. The staff at the Community Center was extremely helpful and the clinic ran smoothly largely in part because of this.

Document Scanning-Our administrative staff continues to work on scanning documents to the Accela program. We are scanning soil logs as time permits.

Community Development-met to discuss ongoing community development projects/issues.

Week Ending October 14, 2017

Staff Vacancy- Sr. Health Inspector- one additional interview was conducted. It was determined that both the sr. health inspector position as well as the health inspector position hold the same minimum education and experience qualifications. Work was done to draft new job descriptions to distinguish between the entry level position and the mid-level position. This must go before the HEA union as well as BOS for approval before we can adopt. This has slowed down the hiring process.

Document Scanning-Our administrative staff continues to work on scanning documents to the Accela program. We are scanning soil logs as time permits.

Community Development-met to discuss ongoing community development projects/issues.

BOH meeting-prepared for the meeting, met with Chair. Attended the meeting.

Week Ending October 21, 2017

Staff Vacancy- Sr. Health Inspector- met with HEA to discuss the job description changes

Community Development-met with prospective owner of 710 Route 28 to discuss use.

Department Head Meeting-discussed budget and upcoming Tech School vote

Cultural Center Kitchen-At the request of Carolyn Carey, I did a walk-through of the kitchen at the Cultural Center. There have been many inquiries from organizations to use the kitchen for various functions. The kitchen has all the basics required but is in need of a deep thorough cleaning. The power was off to the refrigeration, it is in good condition but could not test the temperatures. The floors and walls are in relatively good shape, but require an extensive amount of cleaning. The hood has an Ansel system but it has not been testing or inspected since 2014-this will need to be addressed. Overall smell of mold when entering the cafeteria area. Old rodent traps that haven't been refreshed-will need to be cleaned to see if there is still a mouse issue. The physical facility is in decent shape, it needs thorough cleaning and minor floor repairs. A memo to TA was drafted detailing the results of the inspection.

Accela issues-a problem with Accela has caused a major slowdown in processing title 5 reports. Payments are not shown to have been processed through invoice cloud and the permits stay in a temporary status. This requires staff to go in manually update each permit applied for online-defeating the purpose of the program. This also is causing an accounting problem because our turn over reports are not showing the payments even though they have been made by the customer.

Accela user's group meeting-Yarmouth and Provincetown are also having problems with payment information. It may be an Invoice Cloud issue, but we are all starting with Accela to see if they can fix something first. Also, we were warned of license renewal problems through Accela-something we will test next week.

35 Chatham Road-received word from the owner that he will be appealing the BOH decision to remove the manure pile

Week Ending October 28, 2017

Staff Vacancy- Sr. Health Inspector- met with HEA to discuss the job description changes. I believe we have come to an agreement on the changes and should be moving forward with selectmen approval next week.

Community Development-discussed golf department project at Cranberry Valley. They are proposing a cart barn to the north of the existing parking lot. The barn is not to have any plumbing or require a septic system. This project does not need BOH approval.

Accela issues-The problem with public portal payments continues. We now have involved Invoice Cloud, the billing software the Town uses. We also have discovered that the second year license renewals do not generate. They do not renew properly and do not generate a fee or populate the license cards. A ticket has been sent to ZedIt to resolve this major problem. The newly formed Accela users group has also been very helpful with assisting us.

Real Estate Transfers: 27

Certificates of Compliance Issued: 11

Septic System Plan Review & Issuance: 16

Building Plan Review & Approval: 24

Food Inspections: 40

Final/Septic Inspections: 12

ZBA/Planning Board Review: 7

Complaints: 3

Annual Business License and Permit Review: 2

Consultations: 2

VII CORRESPONDENCE

- Information regarding 35 Chatham Road-Notice of Next Event & Letter from Abutter

Health Director Eldredge informed the Board that an appeal has been received from Mr. Viprino at 35 Chatham Road. The hearing was originally scheduled for November 15, 2017 but has been rescheduled until November 29, 2017. The hearing will be attended by Town Counsel and the Health Director. Staff will update the Board as the proceedings move along. Additionally there have been 2 more complaints received from abutters regarding the farm. The Animal Control Officer has notified staff that there are no longer horses on the property. Staff will be visiting the site next week and will provide the Board with any updates.

Mr. Boyle feels that Mr. Viprino has been consuming a lot of town resources over the past few months. For a farm who claims to have financial issues, they have a lot of animals that need to be fed and cared for. He wonders how the animals are fed and cared for with no money. Health Director Eldredge stated that Animal Control is aware of this property and they conduct monthly site visits.

- File Overview regarding The Port Restaurant
- File Overview regarding Ember Pizza
- File Overview regarding Mad Minnow Bar and Kitchen
- File Overview regarding Perks Coffee Shop

VIII PERMITS

ESTABLISHMENT	ADDRESS	PERMIT TYPE	PERMIT TYPE	PERMIT TYPE
FOOD SERVICE				
Cove Clubhouse (2018 Renewal)	383 Route 28	Institution		
Family Pantry of Cape Cod (2018 Renewal)	133 Queen Anne Rd.	Institution	Mobile (Delivery Only)	
George's Pizza House (2018 Renewal)	564 Route 28	Food Service: 31-60 seats		
Harwich Community Center (2018 Renewal)	100 Oak St.	Institution		
Harwich Golf Association (2018 Renewal)	51 South St.	Retail: <50 sq. ft. (non PHF only)		
Ideal Weight Loss of Harwich (2018 Renewal)	1421 Orleans Rd.	Retail: <600 sq. ft. (not prim. business)		
Rein's Real Baking (2017 New)		Event Permit		
Scribanos Italian Market & Deli (2018 Renewal)	302 Route 28	Retail: Less than 5,000 sq. ft.	Food Service: 31-60 seats	Milk & Cream
True Value Hardware (2018 Renewal)	2 Post Office Square	Retail: <50 sq. ft. (non PHF only)		
Upper Crust Pizza (2018 Renewal)	1429 Route 39	Food Service: 1-30 seats		
SEPTIC INSTALLER				
Bortolotti Construction Inc. (2018 Renewal)				
Cape Excavating Service (2017 Renewal)				
Chase & Merchant (2018 Renewal)				
Coastal Land Design (2018 Renewal)				
E Z Doze It Excavating Inc. (2018 Renewal)				
Harry Ellis Builder LLC (2018 Renewal)				
J.C. Ellis Design Co. Inc. (2017 Renewal)				
J.W. Dubis & Sons Inc. (2018 Renewal)				
STABLE				
Jen Cahoon & Patrick Ellis (2018 Renewal)	1356 Halls Path One	Residential Stable		
Christine Menard (2018 Renewal)	39 Lexington Dr.	Residential Stable		
Deacons Folly Farm (2018 Renewal)	41 Deacons Folly Rd.	Commercial Stable		
Matthew & Jaclyn Brooks (2017 Renewal)	50 Aladoe Farm Ln.	Residential Stable		
Matthew & Jaclyn Brooks (2018 Renewal)	50 Aladoe Farm Ln.	Residential Stable		
David & Betsy Coleman (2018 Renewal)	26 North Westgate Rd.	Residential Stable		
Stepanie J. Winslow (2018 Renewal)	94 Main Street Ext.	Residential Stable		
REFUSE HAULER				
Chase & Merchant (2018 Renewal)				
William R. Coffin & Sons Inc. (2018 Renewal)				
SEPTIC HAULER				
Bortolotti Construction Inc. (2018 Renewal)				
J.W. Dubis & Sons Inc. (2018 Renewal)				

MOTEL				
Cape Cod Wishing Well Motel (2018 Renewal)	212 Route 28			

Motion made by Mr. Boyle to approve the permits as per the list dated November 14, 2017. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

IX OTHER

No other items were discussed.

X ADJOURN- The meeting adjourned at 7:18 p.m.

Motion made by Mr. Boyle to adjourn. Ms. Bayerl 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, December 12, 2017 at 6:30 p.m. in the Small Hearing Room.