

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, DECEMBER 12, 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: Bill Galvin, Tom Carlone, Meredith & Barry Viprino, Michael MacAskill, Larry Ballantine, Evelyn Grainger, Steve Poshnick & others.

I CALL TO ORDER

Chairwoman Howell called the meeting to order at 6:32 p.m.

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – November 14, 2017

Motion made by Ms. Bayerl to approve the minutes of the November 14, 2017 meeting. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

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

A. Review of 2018 Board of Health Meeting Schedule

Ms. Howell stated that she will not be present at the April 10, 2018 meeting & Ms. Bayerl noted that she will not be present at the June 12, 2018 meeting.

Motion made by Ms. Bayerl to approve the 2018 Board of Health meeting schedule. Mr. Boyle seconded the motion. 4-0-0 Unanimous.

B. Discussion-35 Chatham Road/Resilient Family Farm

Health Director Eldredge reviewed the Board of Health history for Resilient Family Farm. The property owner had filed an appeal of the Board of Health's cease & desist order. Health Director Eldredge visited the site on November 28, 2017 to prepare for the appeal hearing. She noted that the manure/compost pile is smaller than it was before and there are no flies or odor at this time. The pile has been completely turned and is no longer considered to be manure. The Board only has jurisdiction over manure management if there are horses on the property, which there are currently not. At this time, the pile is not considered to be a public nuisance. Health

Director Eldredge has consulted with Town Counsel and we are in agreement that there is no need for Board of Health involvement at this time.

Dr. Cushing & Ms. Bayerl both stated that they would be comfortable withdrawing the Board of Health's order, given the facts presented.

Motion made by Ms. Bayerl to withdraw the Board of Health order for 35 Chatham Road/Resilient Family Farm. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

IV 7:00 PM -OLD/UNFINISHED BUSINESS

Ms. Bayerl updated the Board about information she forwarded to the Health Director regarding a grant opportunity regarding fresh, locally grown agriculture. There is about one million dollars in grant money available to promote the local rural production and sale of healthy fruit and vegetables. She suggested that Harwich may be able to be a partner of some type in this project.

Dr. Cushing reported that he attended the MAHB presentation in Taunton and they have a list of approved brochure and/or presentations that have been approved regarding different types of public health topics. He asked that since they have been approved, the Health Department may consider posting them locally. Health Director Eldredge stated that the Massachusetts Clearinghouse also has free brochures and posters that can be ordered and distributed. She will review the MAHB information and see if there is any information that could be run on Channel 18.

Ms. Bayerl feels that we need to have more prevention and wellness themed information available at town hall.

Board of Selectmen Liaison Larry Ballantine was present in the audience and stated that the Selectmen have had discussion on different types of training opportunities that may be available for town boards and committees. He asked the Board of Health members to think about what trainings might be useful for them and report back.

V NEW BUSINESS

A. Hearing-Carlone, 11 Ocean Avenue, to consider a request to allow the following variances for work that has already been completed

Variances from 310 CMR 15.211(1) Minimum Setbacks

1. Per 310 CMR 15.405(1)(a): To allow the existing septic tank to be 6.2' from the existing foundation where 10' is required. Variance request of 3.8'.
2. Per 310 CMR 15.405(1)(a): To allow the existing soil absorption system to be 13.5' from the existing foundation where 20' is required. Variance request of 6.5'.

Dr. Cushing recused himself.

Chairwoman Howell opened the hearing. Health Director Eldredge read the variances that are being requested. Tom Carlone, owner, was present. He reviewed the history of the property and stated that when he applied to do a renovation to the home is when he found out that there was a discrepancy. He is requesting variances that should have been asked for 17 years ago when the work was completed by the previous owner. Mr. Carlone stated that he reviewed the septic files for his abutting properties and found that all projects around him received variances.

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

Health Director Eldredge reported that if this variance had been requested in 2001, the Board of Health would have put conditions on the property that would not have allowed for an increase of habitable space or square footage. The Health Department approved building permits and gave a positive recommendation to the Zoning Board of Appeals because the owners said that they were going to rectify the situation and pour the foundation as it originally should have been. She is not able to give a positive recommendation for this request because a fully compliant resolution is available. The system did pass a Title 5 inspection last year as a fully functioning system. It does have the capacity for the number of bedrooms, including the new addition.

Motion made by Mr. Boyle to approve the requested variances with the following conditions. Ms. Bayerl seconded the motion and approved 3-0-1 (Cushing):

1. The dwelling shall be restricted to a total of four (4) bedrooms.
2. No increase in flow or square footage to the dwelling.
3. No garbage disposal.
4. Record deed restriction as "margin referenced" and return a copy to the Health Department.

Dr. Cushing returned.

B. Hearing-Grainger, 21 Uncle Venie's Road, to consider a request to install a new tight tank prepared by Clark Engineering, LLC

Variances from 310 CMR 15.211(1) Minimum Setbacks

1. Per 310 CMR 15.405(1)(a): To allow a proposed tight tank to be 15' from the top of a coastal bank where 50' is required. Variance request of 35'.

Chairwoman Howell opened the hearing. Health Director Eldredge read the variances that are being requested. Evelyn Grainger & her builder were present in the audience.

Health Director Eldredge reported that the property is currently served by a 2,000 gallon tight tank and the proposal is to remove that tank and install a 5,000 gallon tight tank. They are proposing to keep the 2 bedroom dwelling with no increase in flow or footprint. They are looking to swap out the tanks to save money on hauling costs. They are not encroaching on the wetland any further than what currently exists. Health Director Eldredge does not feel that the larger tight tank would be detrimental to the environment. The Health Department and Barnstable County will keep track of the maintenance contract and pumping contract which will be in place for the life of the system.

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

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

1. The dwelling shall be restricted to a maximum of two (2) 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.
5. A valid contract with a septage hauler is required to be on file prior to the release of the permit to install the tank.
6. A septage hauler contract is required for the life of the tight tank.
7. Previous variance conditions from DEP and the Board of Health shall remain in effect.
8. The tank shall undergo a 24 hour water test prior to use to ensure it is water tight.

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

C. Hearing-Canton/Odiaga, 14 Rainbow Way, to consider a 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 13.1' from the cellar wall where 20' is required. Variance request of 6.9'.
3. Per 310 CMR 15.405(1)(a): To allow a proposed septic tank & pump chamber to be 7.5' from the slab foundation where 10' is required. Variance request of 2.5'.

Variances from Harwich Board of Health Regulation

4. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow a proposed sewer line to be 30' from the edge of wetland/edge of pond where 50' is required. Variance request of 20'.
5. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow a proposed septic tank & pump chamber to be 35' & 40' from the edge of wetland/edge of pond where 50' is required. Variance request of 15' & 10'.
6. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow a proposed soil absorption system to be 92' from the edge of wetland/edge of pond where 100' is required. Variance request of 8'.

Chairwoman Howell opened the hearing. Health Director Eldredge read the variances being requested. Rick Judd from Moran Engineering Associates, LLC was present. The property owners were present in the audience. The applicant is proposing to upgrade the existing cesspool system to a Title 5 septic system. They have received approval from the Conservation Commission. There are no plans for addition/alteration at this time.

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

Dr. Cushing asked about the durability of the pump chamber. Mr. Judd stated that what is being proposed is superior to concrete.

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 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 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.

D. Hearing-Main Street HP, LLC/Miller, 560A Route 28, to consider a 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 septic tank to be 5' & 5.5' from the property line where 10' is required. Variance request of 5' & 4.5'.
2. Per 310 CMR 15.405(1)(a): To allow a proposed soil absorption system to be 7' & 7' from the property line where 10' is required. Variance request of 3' & 3'.
3. Per 310 CMR 15.405(1)(b): To allow a proposed septic tank to be 5.5' from the cellar wall where 10' is required. Variance request of 4.5'.
4. Per 310 CMR 15.405(1)(b): To allow a proposed soil absorption system to be 7' from the cellar wall where 20' is required. Variance request of 13' (40mil barrier proposed).

5. Per 310 CMR 15.405(1)(f): To allow a proposed septic tank to be 2' from the drywell where 10' is required. Variance request of 8' (40mil barrier proposed).

6. Per 310CMR 15.405(1)(f): To allow a proposed soil absorption system to be 10' & 14' from the drywell where 25' is required. Variance request of 15' & 11'(40 mil barrier proposed).

Chairwoman Howell opened the hearing. Health Director Eldredge read the variances being requested. Dan Croteau from Moran Engineering Associates, LLC was present. The proposed system will service both 560A as well as 562 Route 28. Although these are separate lots, they are in common ownership and therefore considered a single facility. The applicant is proposing to upgrade the existing cesspool system to a Title 5 septic system.

Dr. Cushing asked what the distance is from the bottom of the drywell to groundwater. Mr. Croteau responded that is about 3'-3.5'.

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

Health Director Eldredge stated that the variances are dimensional and that this proposal is a great improvement over existing conditions. She recommended approval with the following conditions:

1. Should the two parcels have separate ownership in the future, both owners must comply with 310 CMR 15.290: shared systems.
2. No increase in square footage or flow.
3. Variances and conditions to be recorded at the Registry of Deeds.
4. No garbage disposal.

Motion made by Mr. Boyle to approve the recommendation of the Health Director. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

VI REPORT OF THE HEALTH DIRECTOR (November 2017)

Week Ending November 4, 2017

Staff Vacancy- the Sr. Health Agent position remains vacant. HEA accepted the job description changes which allow for a more tiered staff. This change is set to go before the BOS Monday evening. One additional application was filed with the Town Administrator office, interview has been scheduled for Monday.

Community Development- discussed Accela issues and ongoing projects

Accela issues- we continue to have online payment issues and license renewal problems. We have contacted zedIT and the Accela users group for assistance-both are working on the problem. These issues have slowed down our online Title 5 inspection reporting and caused frustration among our inspectors. The license renewals were sent out this week and we are receiving 2018 renewals now. We are unable to enter them into the software program until this problem is resolved, slowing down our day to day operations. This problem is happening with Accela in the Towns of Provincetown and Yarmouth as well. Hopefully the tech consultant can come up with a solution before too long so we can process these applications.

Permit renewals- sent 3 warning letters to stable operators that did not renew for 2017. Animal inspector Jack Burns confirmed the three stables are operating.

BOH meeting prep- prepared for the November BOH meeting-reviewed agenda and variance requests.

FY19 budget preparation-began preparing next year's budget. And reconciling the last three months budget as well.

Week Ending November 11, 2017

Staff Vacancy- interviewed a candidate and discussed her qualifications

Community Development-Met with prospective buyer of 182 Route 137-the former Stagg Dealership.

Accela issues- we continue to work with the consulting company to fix the license renewal issues. We seem to be getting closer to a resolution and will hopefully be able to use this program for licenses this year. We continue to have online payment issues when reports or licenses are completed through the online portal. This frustrates both the customers as well as staff due to the time consuming correction and inputting of information that should upload automatically.

COP911- attended presentation on a new software that can link police with people inside public buildings like town hall or a school to gain immediate access to the closest officer for rapid response. This could be used as a mobile app as well for people who work in the field and come across a life threatening situation and need to bypass the cell phone service to get to an officer.

35 Chatham Road- received court notice of an appeal hearing for 11-15-17-will be rescheduled due to the DEP hearing scheduled for the same date.

Saquatucket harbor-discussed the possibility of adding a full service restaurant to the site-The BOH approved the Environmental Impact Review for a 60 seat full service restaurant. The septic was designed and approved for this use. If the plan changes to include a larger restaurant-the project will need to return to the BOH for further review.

Week Ending November 18, 2017

Staff Vacancy- We continue to work with HEA and the TA office to hire a full time Sr. Health Agent.

Accela issues- We can finally move forward with renewing licenses, but still need to manually expire the old license and input the fee. This is progress from a week ago! We are still investigating the invoice cloud/payment issue.

Board of Health Meeting-prepared for and attended the monthly meeting of the BOH. Two variances were approved and various other topics were discussed.

Annual Meeting of the Massachusetts Health Officers-this two and a half day conference was held in Falmouth this year. Health officers from all over the state came together to discuss new and old concerns. There are several Code updates coming up next year and will require intense training.

Department Head Meeting-attended the monthly department head meeting. Budget preparation was the main discussion.

Week Ending November 25, 2017

Staff Vacancy- conducted second interview with candidate for the position

Community Development- no meeting this week-Thanksgiving holiday

Accela issues- The consultant was able to get the renewals working enough for us to enter them manually and print licenses. They are still working on getting the fees to import and the old license to expire-these things must be entered by staff rather than working automatically as they should. We are still waiting for a resolution on the online payment issue. Payments made through the public portal for permits are still not showing up on our end even though the fees are paid. We are working with both invoice cloud and Accela to resolve this. Going on two months now. We discovered another issue that required a fix by the consultant-conditions that were placed on inspection report letters were not able to be deleted once they were resolved. This created a need to re-type letters. This issue was brought to the attention of the consulting company and resolved successfully. The issue of documents not being able to be downloaded on apple devices came to a final resolution-if any apple device has updated to IOS 10 or above, documents will not load. The Accela platform does not support apple devices that are using IOS 10 or above. They do not anticipate a fix for this in the future. Apple users- iPhone, iPad, MacBook, will be unable to view any scanned in documents that we have uploaded to Accela. Extremely disappointing.

Real Estate Transfers: 35

Building Permit Reviews: 35

Disposal System Construction Permits: 16

Certificate of Compliances: 3

Food Inspections: 13

Septic Final Inspections: 17

Board of Health-December 12, 2017

ZBA/Planning Board Reviews: 10
 Complaints: 3
 Consultations: 8
 Soil Tests: 1
 Well Permits: 2

VII CORRESPONDENCE

Health Director Eldredge stated that there have been a couple of confirmed meningitis type b cases at UMASS Amherst and noted that they are being monitored.

VIII PERMITS

ESTABLISHMENT	ADDRESS	PERMIT TYPE	PERMIT TYPE	PERMIT TYPE	PERMIT TYPE
FOOD SERVICE					
400 East Inc. (2018 Renewal)	1421 Orleans Rd.	Food Service: >150 seats			
A.J. Lukes of Harwich (2018 Renewal)	224 Route 28	Retail: <600 sq. ft. (not primary business)	Tobacco		
Alecsies House of Pizza (2018 Renewal)	181 Route 137	Food Service: 1-30 seats			
Allen Harbor Yacht Club (2018 Renewal)	371 Lower County Rd.	Food Service: >150 seats			
Barnaby Inn (2018 Renewal)	36 Route 28	Limited Food Service			
Big Rock Oyster (2018 Renewal)	501 Depot St.	Caterer			
Bucas Tuscan Roadhouse (2018 Renewal)	4 Depot Road	Food Service: 31-60 seats			
Cape Cod Claddagh Inn & Irish Pub (2018 Renewal)	77 Route 28	Food Service: 61-150 seats			
Cape Cod Lavendar Farm (2018 Renewal)	75 Island Pond Road	Retail: <50 sq. ft. (non PHF only)			
Cape Cup (2018 Renewal)	4 Sou'West Dr.	Limited Food Service			
Cape Sea Grille (2018 Renewal)	31 Sea Street	Food Service: 61-150 seats	Caterer		
Commodore Inn (2018 Renewal)	30 Earle Rd.	Food Service: 31-60 seats			
Cumberland Farms (2018 Renewal)	578 Route 28	Retail: Less than 5,000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Depot Dogs (2018 Renewal)	4 Depot Road	Mobile Food Truck/Cart (2)			
East Harwich Market (2018 Renewal)	1421 Orleans Rd.	Retail: Less than 5,000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Elder Services of Cape Cod (2018 Renewal)	100 Oak Street	Institution			
Harwichport House of Pizza (2018 Renewal)	330 Route 28	Food Service: 31-60 seats			
Holy Trinity Church (2018 Renewal)	246 Route 28	Limited Food Service			
Jake Rooneys (2018 Renewal)	119 Brooks Road	Food Service: >150 seats			
L'Alouette (2018 Renewal)	787 Route 28	Food Service: 61-150 seats			
Land Ho (2018 Renewal)	429 Route 28	Food Service: 61-150 seats			
Lighthouse Café (2018 Renewal)	216 Route 28	Retail: Less than 5,000 sq. ft.	Food Service: 31-60 seats		
Handkerchief Shoals (2018 Renewal)	888 Route 28	Limited Food Service			
Hands of Hope Food Pantry (2018 Renewal)	49 Route 28	Institution			
Harwich Mobil (2018 Renwal)	173 Pleasant Lake Ave.	Retail: Less than 5,000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Main Street Quik Pik (2018 Renewal)	715 Main Street	Retail: Less than 5,000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Moonshine Liquors (2018 Renewal)	4 Great Western Rd.	Retail: Less than 5,000 sq. ft.	Milk & Cream	Tobacco	
One Thirty Seven Gas Inc. (2018 Renewal)	110 Route 137	Retail: Less than 5,000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Royal Assisted Living (2018 Renewal)	328 Bank Street	Institution			
Ruggies Breakfast & Lunch (2018 Renewal)	707 Main Street	Food Service: 31-60 seats			
Stop & Shop (2018 Renewal)	111 Route 137	Retail: Greater than 25,000 sq. ft.	Take Out	Milk & Cream	

Stop & Shop -Starbucks (2018 Renewal)	111 Route 137	Food Service: 1-30 seats			
Subway (2018 Renewal)	1 Auston Road	Food Service: 1-30 seats			
Szechuan Deligh (2018 Renewal)	1421 Orleans Rd.	Take Out			
Value Mart (2018 Renewal)	435 Route 28	Retail: Less than 5,000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Yankee II (2018 Renewal)	Saquatucket Harbor	Limited Food Service			
TOBACCO					
West Harwich Sav-on-Gas (2018 Renewal)	4 Route 28				
SEPTIC INSTALLER					
Aaron Gingras (2018 Renewal)					
Ambrose Homes (2018 Renewal)					
Brian C. Kissling (2018 Renewal)					
Dig It Construction (2018 Renewal)					
F.L. Quinn Construction (2018 Renewal)					
G.C. Custom Builders (2018 Renewal)					
John Martin Inc. (2018 Renewal)					
Ready Rooter Inc. (2018 Renewal)					
Pastore Excavation (2018 Renewal)					
P.K.M. Contractors (2018 Renewal)					
T.W. Nickerson (2018 Renewal)					
Turner Brothers LLC (2018 Renewal)					
Wind River Environmental (2018 Renewal)					
STABLE					
Kathy Gould (2018 Renewal)	98 Old Chatham Rd.	Residential Stable			
Ronald Goulis & Ronald Daigle (2017 Renewal)	9 Sadies Way	Residential Stable			
Ronald Goulis & Ronald Daigle (2018 Renewal)	9 Sadies Way	Residential Stable			
Michael Eldredge (2018 Renewal)	72 Main Street Ext.	Residential Stable			
Grace B. Watling (2018 Renewal)	1622 Orleans Rd.	Residential Stable			
Catherine Karras (2018 Renewal)	105 Round Cove Road	Residential Stable			
True North Farm (2018 Renwal)	339 Queen Anne Rd.	Commercial Stable			
Karin Bearse (2018 Renwal)	100 Main St. Ext.	Residential Stable			
Judith Davis (2018 Renewal)	6 Lynch Lane	Residential Stable			
Stephanie Miller (2018 Renewal)	38 North Westgate Rd.	Commercial Stable			
James Cheverie (2018 Renewal)	72 Hawksnest Rd.	Residential Stable			
Lynn Johnson (2018 Renewal)	235 Lothrop Ave.	Residential Stable			
Brian & Mary Hastings (2018 Renewal)	4 Hildas Cartway	Residential Stable			
Duane & Elenah Reynolds (2018 Renewal)	1392 Halls Path One	Residential Stable			
Full Circle Farm (2018 Renewal)	219 South Westgate Rd.	Commercial Stable			
Donald R. Dvorovy (2018 Renewal)	1639 Orleans Rd.	Residential Stable			
Brian & Gloria Savin (2018 Renewal)	117 N. Westgate Rd.	Residential Stable			
SEPTIC HAULER					
Pastore Excavation (2018 Renewal)					
P.K.M. Contractors (2018 Renewal)					
Ready Rooter Inc. (2018 Renewal)					
United Site Services Northeast Inc. (2018 Renewal)					

Wind River Environmental (2018 Renewal)					
MOTEL					
Commodore Inn (2018 Renewal)	30 Earle Rd.				
Handkerchief Shoals (2018 Renewal)	888 Route 28				
Inn On The Beach (2018 Renewal)	16 Bank St.				
Old Harwich Lodgings (2018 Renewal)	40-44 Route 28				
REFUSE HAULER					
Benjamin T. Nickerson Inc. (2018 Renewal)					
Seaside Disposal (2018 New)					
TITLE 5 INSPECTOR					
Troy Williams Septic Inspections	Troy Williams				
Dan A. Speakman Construction	Dan A. Speakman				
J.M. O'Reilly & Associates Inc.	John M. O' Reilly				
J.M. O'Reilly & Associates Inc.	Robert Reedy				

Motion by Mr. Boyle to approve the permits as per the list dated December 12, 2017. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

IX OTHER

A- Dr. Cavity's-560A Route 28

Health Director Eldredge provided the Board with the background of Dr. Cavity's Candy Shack. In 2017, a renewal for the food service permit was received and the department noted a new address. The candy shack had moved into a new building next door. This information led to the realization that the property that the candy shack had moved into had transferred without an inspection of the septic system. The Health Department also learned that the property is served by a cesspool and required upgrading. We were in contact with the owner of the building to move the upgrade along so the retail food permit could be approved. The septic system, variances approved at this meeting, is large enough for retail/office only and does not have the capacity for food service. Mr. Hurst, the candy shack owner, would like to continue operating the candy shack as is. The Board discussed the food service versus retail food sales. Health Director Eldredge stated that we could allow them to install a 3-bay sink and put a limit on how many jars they could have depending on how much water is used to wash, rinse and sanitize.

Ms. Bayerl feels that the owner is doing what they want to do no matter what town regulations exist. What he is doing is not lawful without a permit or application. Mr. Boyle disagreed and stated that the owner was held accountable on his violation and had reached an agreement to wash his candy jars in a commercial kitchen when he operated out of the previous location.

Health Director Eldredge stated that Mr. Hurst will be coming before the Board with a proposal and tonight's discussion is to give the Board a background on the issues and get some ideas on what the proposal should entail.

Dr. Cushing would like to know what the origin of the unwrapped candy is, how it is transported to the store, how it is stored, who handles the candy and how it is dispensed. He is more concerned about how the jars are washed, and not how many jars there are.

Ms. Bayerl wants to see more inspections of his facility if possible.

B-Saquatucket Harbor- Food Service Proposal

Health Director Eldredge reported that there have been inquiries regarding the possibility of a private entity building a 100 seat restaurant on the Saquatucket Harbor property. A 100 seat septic system would translate to a septic system with a flow of 3,500 gallon per day. This would be 2,500 gallon per day greater than what was previously approved. Matt Hart is spearheading a proposal to receive bids from investors to construct the 100 seat restaurant and a separate septic system. Discussions with Mr. Hart have included relaying the need to re-apply for an Environmental Impact Report under Board of Health Regulation 1.211 and that the new septic system must fully comply with State and Local regulations. At this time, Mr. Hart is looking for the Boards support of the project concept and will be returning with a formal application.

Mr. Boyle feels that a 100 seat restaurant may create possible parking issues.

X ADJOURN- The meeting adjourned at 8:20 p.m.

Motion 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, January 9, 2018 at 6:30 p.m. in the Small Hearing Room.

Documents included in December 12, 2017 Board of Health Meeting Packet:

- 12/12/17 Board of Health Agenda
- 11/14/17 Draft Minutes
- E-mail Correspondence regarding 2018 Board of Health meeting dates (dated 11/17/2017)
- Board of Health Site Summary for 35 Chatham Road (dated 12/12/17)
- Board of Health Site Summary, Associated Documents for 11 Ocean Avenue (dated 12/12/17)
- Variance request for 11 Ocean Avenue (dated 11/27/17)
- Board of Health Site Summary for 21 Uncle Venie's Road (dated 12/12/17)
- Variance request for 21 Uncle Venie's Road (dated 11/29/17)
- Site Summary for 14 Rainbow Way (dated 12/12/17)
- Variance request for 14 Rainbow Way (dated 11/27/17)
- Site Summary for 560A Route 28 (dated 12/12/17)
- Variance Request for 560A Route 28 (dated 11/29/17)
- Health Director Weekly Reports for 11/4/17, 11/11/17, 11/18/17 & 11/25/17
- Various Correspondence dated 12/5/17, 12/1/17, 11/30/17, 11/16/17 & 11/30/17
- Site Summary for 560A Route 28 (dated 12/12/17)
- Site Summary for Saquatucket Harbor (dated 12/12/17)