

**TOWN OF HARWICH**



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**BOARD OF HEALTH**

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**TOWN OF HARWICH BOARD OF HEALTH  
THURSDAY- MAY 18, 2023, 6:30 P.M.  
HARWICH TOWN HALL – DONN B. GRIFFIN ROOM  
MEETING MINUTES**

**BOARD OF HEALTH MEMBERS PRESENT:** Chairwoman Sharon Pflieger, M.S., Clerk Ronald Dowgiallo, D.M.D & Member Kevin DuPont, R.N.

**BOARD OF HEALTH MEMBERS ABSENT:** Vice Chairwoman Pamela Howell, R.N. & Member Matthew Antoine

**STAFF MEMBERS PRESENT:** Senior Health Agent Carrie Schoener & Executive Assistant Stephanie Johnson

**OTHERS PRESENT:** James Pettit

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 Pflieger called the meeting to order at 6:30 p.m.*

**II PUBLIC COMMENTS**

*No public comments were heard.*

**III MINUTES OF PREVIOUS MEETINGS (Regular Meeting Minutes)**

*Minutes to be postponed to next Board of Health meeting on June 21<sup>st</sup>, 2023.*

**IV BOARD OF HEALTH WORK SESSION**

**A. DEP Model BOH Private Well Use Regulation – Discussion**

*To be discussed at the September Board of Health meeting.*

**B. COVID-19 Update**

*Senior Health Agent Carrie Schoener read aloud the Covid-19 update, as presented in the packet.*

**V OLD/UNFINISHED BUSINESS**

**A. RECONSIDERATION OF PREVIOUSLY APPROVED VARIANCE CONDITIONS FROM TITLE 5 310 CMR 15.211 AND TOWN OF HARWICH REGULATION 1.210 – 18 BOB WHITE LANE – To consider variance request Title 5 310 CMR 15.211 and Town of Harwich Regulation 1.210**

**310 CMR 15.211 (1)**

310 CMR 15.211 To allow septic tank to be 19' from a coastal bank where 25' is required variance request of 6'

310 CMR 15.211 To allow existing Soil Absorption System to be 6' from the property line where 10' is required variance request of 4'

**TOWN OF HARWICH REGULATION 1.210**

1.210 To allow septic tank to be 19' from a coastal bank where 50' is required variance request of 31'  
1.2120 To allow pump chamber to be 30' from a coastal bank where 50' is required variance request of 20'

1.210 To allow septic tank to be 36' from a Bordering vegetating wetland where 50' is required variance request of 14'

1.210 To allow pump chamber to be 48' from a Bordering vegetating wetland where 50' is required variance request of 2'

1.210 To allow existing Soil Absorption System to be 56' from the top of the coastal bank where 100' is required variance request of 44'

*Carrie Schoener updated the Board that email correspondence was received, asking for the application to be withdrawn.*

**Motion: Kevin DuPont motioned to close the discussion on 18 Bob White Road and remove it from the agenda.**

**Second: Mr. Dowgiallo seconded the motion.**

**Vote: Approved 3-0-0.**

**B. VARIANCE REQUEST TOWN OF HARWICH REGULATION 1.211 – 230 CHURCH STREET – To consider variance request of Town of Harwich Regulation 1.211**

*Carrie Schoener updated the Board that there was email correspondence received regarding the removal of this application and to be withdrawn.*

**Motion: Kevin DuPont motioned to close the discussion on 230 Church Street and removed the item from the agenda.**

**Second: Mr. Dowgiallo seconded the motion.**

**Vote: Approved 3-0-0.**

- C. **VARIANCE REQUEST FROM TITLE 5 310 CMR 15.224 AND 15.203 – 2 BAY PINE ROAD** – To consider variance request Title 5 310 CMR 15.00, continued from April 19, 2023, meeting. 310 CMR 15.00 310 CMR 15.224 To allow a single septic tank to remain in use for a two-family dwelling converting garage into Accessory Dwelling Unit. 310 CMR 15.203 To allow existing Soil Absorption System to remain for an increase in flow.

*Mr. James Pettit presented, he provided the Board with a revised floor plan which included the addition of a 32" door between the accessory dwelling unit and the principal residence.*

*Ms. Schoener noted that this was a continued item from the April meeting, and Mr. Pettit had decided to wait to hear the results of the Town meeting in May regarding the upcoming sewer phase. Mr. Pettit will in fact be hooking up to town sewer once available and will not be upgrading his septic system. Chairwoman Pfleger noted he would need to upgrade the system if it fails before hooking up to sewer is available.*

**Motion: Mr. DuPont motioned to approve the variance with no changes required to the septic system, with the condition that the dwelling be connected to sewer immediately once available. In addition, if at any time the septic fails this matter is to be revisited.**

**Second: Mr. Dowgiallo seconded the motion.**

**Vote: Approved 3-0-0.**

## **VI NEW BUSINESS**

- A. **VARIANCE REQUEST FROM TITLE 5 -310 CMR -14 ATLANTIC STREET** To consider variance request Title 5 310 CMR 15.00

310 CMR 15.211 To allow septic tank to be 5' from foundation where 10' is required

310CMR 15.211 To allow septic tank to be 5' from North property line where 10' is required

310CMR 15.211 To allow septic tank to be 5' from West property line where 10' is required

*Matthew Farrel with J.M O'Reilly & Associates, Inc. presented on behalf of the homeowner. They are requesting approval for a reconsideration of previously approved variances conditions and the approval of new variances. The applicant is proposing a raze and re-build a three (3) bedroom dwelling, on the existing footprint. The building project does propose an increase in habitable space but does not propose an increase in bedrooms. The proposed septic would include IA technology and would require the above-mentioned variances.*

*The rebuild would include a small addition on the first floor approximately 57 square feet. The addition would be built on sono tubes no foundation. The second floor would also be expanding, and approximately 605 square feet would be expanded to the first and second floor of habitable space. Nitrogen loading calculations were also submitted approximately with the proposed IA system; new tank and d-box while utilizing the existing leaching facility. There would be approximately 44% reduction in nitrogen to the current system.*

*Chairwoman Sharon Pfleger commented that a signed OM would be required.*

**Motion: Mr. DuPont motioned to approve the variance request for 14 Atlantic Street with the following conditions:**



1. The dwelling is restricted to a maximum of 3 bedrooms.
2. No further increase in habitable space or square footage without further review by the Board of Health.
3. No garbage disposal is allowed.
4. Innovative/Alternative technology is required.
5. A signed operation and maintenance agreement for the alternative system shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The O & M agreement for the alternative system shall include a requirement for testing. This testing shall be conducted in accordance with the Board of Health protocol.
6. The conditions and approval shall be recorded at Barnstable Registry of deeds.

**Second: Mr. Dowgiallo seconded the motion.**

**Vote: Approved 3-0-0.**

**B. APPROVE TIER 3 BEACH SAMPLING VARIANCE APPLICATION TO SEND TO THE STATE – Brooks Road Beach, Neel Road Beach, and Wah Wah Taysee Road Beach**

*Town beaches are routinely tested weekly, however, these three Harwich beaches (Brooks Road, Neel Road, and Wah Wah Taysee Road) have been tested monthly over the course of the past 15 years (since 2007). These variance extensions were initially granted when the Board of Health and the Department of Public Health reviewed available epidemiological data and a written sanitary survey of these bathing beaches, as provided by the operator (for public beaches, this will be the BOH). By being granted variance, the beaches were deemed as having a low potential for pollution and qualified for a reduced sampling schedule (once every 30 days). Currently, these variance renewal forms expire once every four years (requiring renewals) or anytime the result of bacterial testing here exceeds the levels in the beaches regulations.*

*No changes to the beaches or surrounding areas have occurred that could impact water quality (either positively or negatively) over the past 4 years.*

**Motion: Mr. DuPont motioned to approve the application for extension of sampling variance for Brooks Road Beach, Neel Road Beach, and Wah Wah Taysee Road Beach, for submittal to DEP for final approval.**

**Second: Mr. Dowgiallo seconded the motion.**

**Vote: Approved 3-0-0.**

**VII REPORT OF THE HEALTH DIRECTOR- Health Director Report for April 2023**

*Carrie Schoener presented the Health Directors report as provided in the packet.*

**VIII CORRESPONDENCE**

*There was no correspondence.*

**V IIII PERMITS**

ESTABLISHMENT	ADDRESS	TYPE
<b>FOOD SERVICE</b>		
3 Monkeys	554 Route 28	Food Service: 61-150 Seats
AFC Sushi (Shaw's)	18 Sisson Rd	Retail Food <50 sq. feet
Brenda's Cakes for All Occasions	15 Partridge Ln	Residential Kitchen
Cape Cod Cranberry Harvest	33 Rocky Way	Residential Kitchen & Farmer's Market Event
Cape Farm Supply	1601 Factory Rd	Retail Food <50 sq. feet
Dockside Café Harwich Port	715A Rt 28	Food Service: 50 Seats
Harwich Junior Theater	105 Division St	Limited Food Service
*Heart of the Sea	1421 Orleans Rd	Food Service: 8 Seats
Jake's at Cranberry Valley	183 Oak St	Food Service: 55 Seats
Sweet Daises	Orleans	Farmers Market Event Permit
Mad Minnow	554 Route 28	Food Service: 31-60 Seats
*Mom & Pops Burgers	Chatham	Event Permit
Perks Coffee Shop & Beer Garden	545 Route 28	Food Service:
Red River BBQ Food Truck	787 Route 28	Mobile Food service
Rock Harbor Shellfish	Chatham	Farmers Market Event Permit
Sweet Izzy	296 Route 28	Food Service: Frozen Dessert
Stone Horse Yacht Club	2 Harbor Rd	Food Service: 12 Seats (20 seat max)
Taste & Sea	245 Lower County Rd	Residential Kitchen
Taste & Sea	245 Lower County Rd	Farmers Market Event Permit
The Cookie Caper	Dennis	Farmers Market Event Permit
Value Mart	435 Route 28	Retail Food <5,000 sq. feet
Villa Roma	278 Route 28	Food Service: 48 Seat Max
Wychmere Harbor Functions LP	23 Snow Inn Rd	Food Service: 450 Seats
Wychmere Harbor Functions LP - Cafe'	23 Snow Inn Rd	Food Service: 300 Inside/ 330 Outside
<b>SEPTAGE HAULER</b>		
*John Martin Inc.		
<b>UTILITY INSTALLER</b>		
A&S Construction Inc		
*Gregory Jones		
<b>MASSAGE THERPY</b>		
*Jena Smith	38 Sisson Rd	
<b>MASSAGE ESTABLISHMENT</b>		
*Whispering Willow Massage	38 Sisson Rd	
<b>POOLS</b>		
Beach Breeze Inn	169 Route 28	
Handkerchief Shoals Inn	888 Route 28	
Seascapes Village Condominium Trust	231 Main St	



Red River Condo Association	1011 Main St	
The Tern Inn	91 Chase St	
Winstead Inn & Beach	114 Parallel St	
Wychmere Beach Club (X4)	23 Snow Inn Rd	
Wyndemere Condominium Association	405 Lower County Rd	
<b>BATHING BEACH</b>		
Allen Harbor Beach Association	0 Dunes Rd	
Sandy Shore Association	Aunt Edie's Pond	
Sea Way Beach	0 Sea Way	
Stone Horse Yacht Club	2 Harbor Rd	
Strandway Beach	0 Strandway	
Wychmere Beach Club	23 Snow Inn Rd	
<b>STABLE</b>		
Jaclyn Brooks	50 Aladoe Farm Ln	
<b>* DENOTES 2023 NEW LICENSE</b>		

*Ms. Schoener requested that Gregory Jones utility installer application approval be postponed until a complete application has been submitted to the Health Department.*

**Motion: Mr. DuPont motioned to approve all permits as presented, except for Gregory Jones until we received a complete application.**

**Second: Mr. Antoine seconded the motion.**

**Vote: Approved 3-0-0.**

## **X     OTHER**

*None*

## **ADJOURN**

**Motion: Mr. DuPont motioned to adjourn the meeting at 8:00 p.m.**

**Second: Mr. Dowgiallo seconded the motion.**

**Vote: Approved 3-0-0.**

**Respectfully Submitted,**

*Jennifer Singleton*

**Next meeting is Wednesday, June 21, 2023, at 6:30 p.m.**