

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](mailto:health@town.harwich.ma.us)



TOWN OF HARWICH BOARD OF HEALTH  
TUESDAY, MARCH 16, 2021-6:30 P.M.  
HARWICH TOWN HALL – REMOTE MEETING

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

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Board of Health is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

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**I** CALL TO ORDER

**II** MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) February 16, 2021

*Minutes shall be reviewed; proposed changes shall be possible; and a vote to approve with any noted changes shall be taken.*

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

**A. Staffing Update** -Introduction of New Health Director, pending Board of Selectmen confirmation – Dr. Kathleen O’Neill

**B. COVID-19 Update** -Vote to accept/deny/take this under consideration

**C. Discussion and possible vote on request from the Health Agents Coalition to sign the petition to reclassify health officials into Group 2 of the public retirement system, as provided in the packet-**  
*Vote to accept/deny/take this under consideration*

**IV** OLD/UNFINISHED BUSINESS (No earlier than 7:00 p.m.)- *Vote to accept/deny/take this under consideration*

**V** NEW BUSINESS

**A. Show Cause Hearing-Sweeney, 38 Periwinkle Way-** Show cause hearing for failure to comply with an order issued to upgrade a failed septic system  
*Vote to accept/deny/take this under consideration*

**D. Hearing-Price/Dunne Family Trust, 43 Nehoiden Street,** to consider a variance request to upgrade an existing cesspool to a Title 5 septic system. Plan prepared by Moran Engineering Associates, LLC  
Variations from 310 CMR 15.211(1) & 15.227(5)  
 1. Per 310 CMR 15.211: To allow a proposed soil absorption system to be 6' from the East property line where 10' is required. Variance request of 4'.  
 2. Per 310 CMR 15.211: To allow a proposed soil absorption system to be 5' from the South property line where 10' is required. Variance request of 5'.  
 3. Per 310 CMR 15.211: To allow a proposed soil absorption system to be 18' from the crawl space where 20' is required. Variance request of 2'.  
 4. Per 310 CMR 15.227: To allow the septic tank invert to be 0.55' to high groundwater where 1' is required. Variance request of 0.45'.

*Vote to accept/deny/take this under consideration*

**E. Hearing-Say It Sweetly, 560A Route 28,** to consider variances from the Food Code 1999 Federal Food Code  
 1. Chapter 4-301.12, relief requested from the requirement of a three bay sink. Alternate warewashing procedure proposed.  
 2. Chapter 5-203.13, relief requested from the requirement of a separate hand washing sink. Alternate handwashing location proposed.  
 3. Chapter 6-301.1, relief requested from the requirement of a service sink. Alternate service sink procedure proposed.

*Vote to accept/deny/take this under consideration*

**F. Hearing-105 CMR 15.216-Aggregate determination of flows and nitrogen loading,** to consider the use of an aggregate facility plan for the purpose of meeting 105 CMR 15.214-216 regarding 10,000 sq. ft. of land required per bedroom in a nitrogen sensitive area located at **8 Belmont Avenue;** Map 77 Parcel A17-1; 13,488+/- square feet; credit land at 3 & 4 Belmont Avenue; 6,607+/- sq. ft. for Northern Coast Properties & Demarest Land Surveying. Plan prepared by Stephen A. Haas, P.E.

*Vote to accept/deny/take this under consideration*

**VI REPORT OF THE HEALTH DIRECTOR- FEBRUARY 2021-** *Vote to accept/deny/take this under consideration*

**VII CORRESPONDENCE-** *Vote to accept/deny/take this under consideration*

**VIII PERMITS-** *Vote to accept/deny/take this under consideration*

| ESTABLISHMENT | ADDRESS | TYPE | TYPE | TYPE |
|---------------|---------|------|------|------|
|---------------|---------|------|------|------|

**SEPTIC INSTALLER**

Barrows Excavating \*

Cape Dig \*

J. Brown, Inc. \*

J. C. Ellis Design Co Inc \*

Reis Services \*

T.W. Nickerson, Inc. \*

**FOOD SERVICE**

Harwich Junior Theater \*

105 Division Street Limited Food Service





TOWN OF HARWICH



BOARD OF HEALTH

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**TOWN OF HARWICH BOARD OF HEALTH  
TUESDAY, FEBRUARY 16, 2021-6:30 P.M.  
HARWICH TOWN HALL – REMOTE MEETING**

BOARD OF HEALTH MEMBERS PRESENT: Chairwoman Pamela Howell, R.N., Vice Chairwoman Sharon Pflieger, Member Ronald Dowgiallo, D.M.D. & Member Matthew Antoine

BOARD OF HEALTH MEMBERS ABSENT: Member Kevin DuPont, R.N.

STAFF MEMBERS PRESENT: Senior Health Agent Kathleen O'Neill & Executive Assistant Jennifer Clarke

**Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Board of Health is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.**

*Recording & Taping Notification: As required by law, the Town may audio or video record this meeting.*

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**I CALL TO ORDER**

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

**II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes)** – January 19, 2021 & January 22, 2021

**Ms. Pflieger moved to approve the minutes of the January 19, 2021 Board of Health meeting, 2<sup>nd</sup> by Mr. Antoine. The vote was 3-0-0 with Ms. Howell, Ms. Pflieger & Mr. Antoine all voting aye by roll call.**



Mr. Antoine moved to approve the minutes of the January 22, 2021 Board of Health meeting, 2<sup>nd</sup> by Ms. Pflieger The vote was 3-0-0 with Ms. Howell, Ms. Pflieger & Mr. Antoine all voting aye by roll call.

Mr. Dowgiallo arrived at 6:35 p.m.

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

**A. Staffing Update-Health Director Status**

Health Director Meggan Eldredge has accepted a position as the Assistant Town Administrator for the Town of Harwich. Her appointment was confirmed by the Board of Selectmen on February 8, 2021. The Health Director position has been posted internally and Health Director Eldredge will be the interim Health Director until the position is filled. The Health Department daily functions and services will not be impacted and she will continue to ensure productivity and responsiveness from the Health Department throughout the future transition to a new Director.

**B. COVID-19 Update**

Health Agent O’Neill briefly reviewed the COVID-19 updates that were provided in the Board of Health’s packet.

**IV NO EARLIER THAN 7:00 PM -OLD/UNFINISHED BUSINESS**

No old/unfinished business was discussed.

**V NEW BUSINESS**

No new business was discussed.

**VI REPORT OF THE HEALTH DIRECTOR- JANUARY 2020**

No report of the Health Director was discussed.

**VII CORRESPONDENCE**

No correspondence was discussed.

**VIII PERMITS**

| ESTABLISHMENT                               | ADDRESS           | TYPE                      | TYPE         | TYPE     |
|---|-------------------|---------------------------|--------------|----------|
| <b>FOOD ESTABLISHMENT</b>                   |                   |                           |              |          |
| 7-Eleven 34434H *                           | 5 Route 28        | Retail: less than 5000 sf | Milk & Cream | Take Out |
| Cakes For All Occasions *                   | 15 Partridge Lane | Limited Food Service      |              |          |
| First Congregational Church of Harwich *    | 697 Main Street   | Institution               |              |          |
| Friends of the South Harwich Meetinghouse * | 270 Chatham Road  | Limited Food Service      |              |          |
| Harwich United Methodist Church *           | 1 Church Street   | Institution               |              |          |
| Jake Rooneys *                              | 119 Brooks Road   | >150 seats                |              |          |
| Mooncussers Tavern *                        | 86 Sisson Road    | 61-150 seats              |              |          |
| Noble House *                               | 21 Route 28       | 61-150 seats              |              |          |
| Pilgrim Lodge *                             | 706 Main Street   | Institution               |              |          |

The Commodore Inn \* 30 Earle Road 31-60 seats  
The HarWitch (2021 NEW) 86 Old Chatham Road Limited Food Service

**TOBACCO**

7-Eleven 34434H \* 5 Route 28 Retail Tobacco

**SEPTAGE HAULER**

Daniels Recycling \*

**TITLE 5 INSPECTOR**

Michael DeCosta Jr. \*

Nicholas Geneseo \*

**SEPTIC INSTALLER**

Cape Coastal Builders \*

Sweeney Excavating \*

**STABLE**

Solomon & Laurie Jean Ellis \* 15 North Westgate Road Residential Stable

\*2021 Renewal

Mr. Antoine moved to approve the permits as listed, noting issuance of the food service permit for The HarWitch is pending an inspection by the Health Department staff, 2<sup>nd</sup> by Ms. Pflieger. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Antoine & Mr. Dowgiallo all voting aye by roll call.

**IX OTHER**

No other items were discussed.

**X ADJOURN**

Mr. Dowgiallo moved to adjourn the meeting at 6:45 p.m., 2<sup>nd</sup> by Ms. Pflieger. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. Antoine all voting aye by roll call.

Respectfully Submitted,

Jennifer Clarke

Next meeting is Tuesday, March 16, 2021 at 6:30 p.m.

Documents included in February 16, 2021 Board of Health Meeting Packet:

- February 16, 2021 Board of Health Agenda
- Draft Board of Health Minutes dated January 19, 2021
- Draft Board of Health Minutes dated January 22, 2021
- Staffing Update memo dated February 16, 2021
- COVID-19 update dated February 5, 2021
- COVID-19 update dated January 29, 2021
- COVID-19 update dated January 22, 2021
- COVID-19 memo dated January 15, 2021
- Any other documents submitted for/at the February 16, 2021 Board of Health meeting





**Town of Harwich  
Board of Health**

732 Main Street Harwich, MA 02645  
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March 4, 2021

Weekly COVID-19 Case Update

CASES AND STATISTICS

To date there have been a total of 576 cases of COVID-19 in the Town of Harwich. As of today, we are following 2 active cases of COVID-19 in Harwich residents (Yay!!) Our positivity rate has decreased dramatically to 0.97% which is determined by the number of tests administered. There were 945 tests administered and 33 tests were positive in the last 19 weeks. Our numbers are extremely encouraging.

VACCINE UPDATE

Governor Baker announced that, **beginning Thursday March 11<sup>th</sup>, K-12 and early childhood educators, child care workers, and K-12 school staff will become eligible to schedule** COVID-19 vaccine appointments. This group of workers will join the currently eligible groups (including 65+ and individuals with 2+ certain medical conditions). These K-12 and early childhood educators and staff may book appointments at all 170 sites currently open to eligible residents in Massachusetts by visiting [www.mass.gov/covidvaccinemap](http://www.mass.gov/covidvaccinemap).

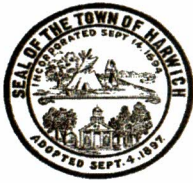
There are approximately 300,000 K-12 educators, child care workers and school staff in Massachusetts. Due to a severely constrained federal supply and the existing population that is currently eligible for vaccines, it is estimated that it will take a month for all eligible individuals to secure a first appointment. This timeframe is only subject to change if federal supply increases dramatically, including the *recently authorized Johnson & Johnson vaccine*.

TESTING

For testing options at Outer Cape Health, please call [508-905-2888](tel:508-905-2888) in advance to make a testing appointment.

Testing is available in other locations 7 days per week through Cape Cod Healthcare. Call the Community Testing Line at 508-534-7103 to make an appointment.

Meggan Eldredge  
Assistant Town Administrator/Interim Health Director



**Town of Harwich  
Board of Health**

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E-mail: health@town.harwich.ma.us

February 26, 2021

Weekly COVID-19 Case Update

**CASES AND STATISTICS**

To date there have been a total of 574 cases of COVID-19 in the Town of Harwich. As of today, we are following 6 active cases of COVID-19 in Harwich residents (Yay!!) Our positivity rate has decreased again this week, 3.45% which is determined by the number of tests administered. There were 953 tests administered and 33 tests were positive in the last 2 weeks. Our numbers are once again heading in the right direction.



Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, February 25, 2021

**Count and Rate of Confirmed COVID-19 Cases and Tests Performed in MA by City/Town, January 1, 2020 – February 23, 2021**

| City/Town | Total Case Count | Case Count (Last 14 Days) | Average Daily Incidence Rate per 100,000 (Last 14 days) <sup>1</sup> | Relative Change in Case Counts <sup>2</sup> | Total Tests | Total Tests (Last 14 days) | Total Positive Tests (Last 14 days) | Percent Positivity (Last 14 days) | Change in Percent Positivity <sup>3</sup> |
|-----------|------------------|---------------------------|--|---|-------------|----------------------------|-------------------------------------|-----------------------------------|---|
| Hampden   | 355              | 18                        | 26.3   | Lower                                       | 8521        | 519                        | 23                                  | 4.43%                             | Lower                                     |
| Hancock   | 16               | 0                         | 0  | Lower                                       | 229         | 8                          | 0                                   | 0%                                | Lower                                     |
| Hanover   | 1106             | 55                        | 27.3   | Lower                                       | 21362       | 1898                       | 61                                  | 3.21%                             | Lower                                     |
| Hanson    | 715              | 23                        | 15.3   | Lower                                       | 13963       | 911                        | 29                                  | 3.18%                             | Lower                                     |
| Hardwick  | 72               | 5                         | 10.7   | Lower                                       | 3019        | 179                        | 7                                   | 3.91%                             | Lower                                     |
| Harvard   | 107              | <5                        | 1.0  | Lower                                       | 7475        | 514                        | 1                                   | 0.19%                             | Lower                                     |
| Harwich   | 574              | 30                        | 17.0   | Lower                                       | 15489       | 953                        | 33                                  | 3.46%                             | Lower                                     |

**REOPENING PLAN**

Since the beginning of this year, key public health data, such as new cases and hospitalizations, have been closely monitored and a significant decline has been documented, allowing for a return to Step 2 of Phase III, **effective March 1 for all cities and towns**. This includes the following updates to businesses, activities and capacities:

- Indoor performance venues such as concert halls, theaters, and other indoor performance spaces will be allowed to reopen at 50% capacity with no more than 500 persons
- Indoor recreational activities with greater potential for contact (laser tag, roller skating, trampolines, obstacle courses) will be allowed to reopen at 50% capacity
- Capacity limits across all sectors with capacity limits will be raised to 50% and exclude employees
- Restaurants will no longer have a percent capacity limit and will be permitted to host musical performances; six-foot social distancing, limits of six people per table and 90 minute limits remain in place



Residents must continue to wear masks to prevent the spread of COVID-19, and are encouraged to avoid contact outside of their immediate households. The Travel Advisory and other public health orders remain in effect.

### **Gathering Changes and Phase IV Start**

Provided public health metrics continue to improve, effective on March 22, all communities in Massachusetts will move into Step 1 of Phase IV of the state's reopening plan. This will open a range of previously closed business sectors under tight capacity restrictions that are expected to be adjusted over time if favorable trends in the public health data continue. Effective on the planned advancement to Step 1 of Phase IV, the following industries will be permitted to operate at a strict 12% capacity limit after submitting a plan to the Department of Public Health (DPH):

- Indoor and outdoor stadiums
- Arenas
- Ballparks

Also effective on March 22, gathering limits for event venues and in public settings will increase to 100 people indoors and 150 people outdoors. Outdoor gatherings at private residences and in private backyards will remain at a maximum of 25 people, with indoor house gatherings remaining at 10 people.

Additionally, dance floors will be permitted at weddings and other events only, and overnight summer camps will be allowed to operate this coming summer. Exhibition and convention halls may also begin to operate, following gatherings limits and event protocols. Other Phase IV sectors must continue to remain closed.

### **VACCINE UPDATE**

We are in Phase 2 of the Vaccination Plan which includes these priority groups:

#### **These Phase 1 and Phase 2 groups can now get the vaccine:**

|  |                          |   |
|--|--------------------------|---|
| PEOPLE AGE 75 AND OLDER                                    | PEOPLE AGE 65-74         | PEOPLE WITH 2+ CERTAIN MEDICAL CONDITIONS |
| LOW INCOME AND AFFORDABLE SENIOR HOUSING RESIDENTS & STAFF | HEALTH CARE WORKERS      | LONG TERM CARE SETTINGS                   |
| FIRST RESPONDERS   | CONGREGATE CARE SETTINGS |   |

Seventy eight percent of all doses shipped to Massachusetts have been administered.

|  | Feb 19 <sup>th</sup> | Feb 20 <sup>th</sup> | Feb 21 <sup>st</sup> | Feb 22 <sup>nd</sup> | Feb 23 <sup>rd</sup> | Feb 24 <sup>th</sup> | Feb 25 <sup>th</sup> |
|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Doses shipped to MA providers (MIIS)*  | 1,158,050            | 1,293,075            | 1,293,075            | 1,293,075            | 1,302,395            | 1,502,375            | 1,502,475            |
| Doses shipped to Pharmacies directly by the federal government - including FPPP providers (Tiberius) | 390,745              | 390,745              | 393,085              | 395,285              | 427,155              | 471,525              | 489,335              |
| <b>Grand Total Shipped to MA</b>   | <b>1,548,795</b>     | <b>1,683,820</b>     | <b>1,686,160</b>     | <b>1,688,360</b>     | <b>1,729,550</b>     | <b>1,973,900</b>     | <b>1,991,810</b>     |
| 1st doses Administered (MIIS)*<br># of people with at least one dose                                 | 976,033              | 1,000,734            | 1,024,802            | 1,044,210            | 1,061,335            | 1,084,888            | 1,111,829            |
| 2nd doses Administered (MIIS)*<br># of people fully vaccinated                                       | 347,623              | 372,172              | 389,087              | 399,638              | 414,941              | 433,593              | 454,472              |
| <b>Grand Total Doses Administered (MIIS)*</b>  | <b>1,323,656</b>     | <b>1,372,906</b>     | <b>1,413,889</b>     | <b>1,443,848</b>     | <b>1,476,276</b>     | <b>1,518,481</b>     | <b>1,566,301</b>     |
| <b>% of total doses shipped that have been reported to MIIS as administered</b>                      | <b>85.5%</b>         | <b>81.5%</b>         | <b>83.9%</b>         | <b>85.5%</b>         | <b>85.4%</b>         | <b>76.9%</b>         | <b>78.6%</b>         |

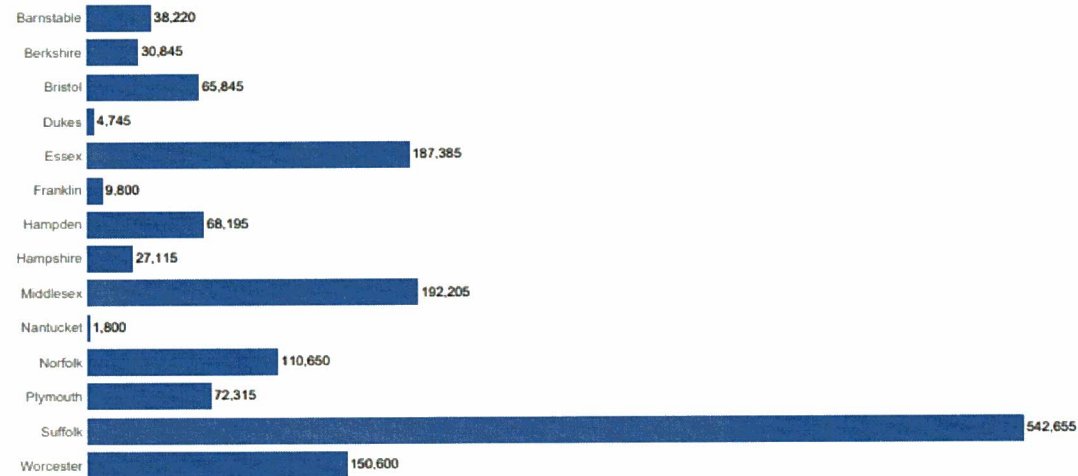
\*Data from the Massachusetts Immunization Information System (MIIS) are as of midnight the night before.

Barnstable County has been shipped 38,220 doses of vaccine to date.

Massachusetts Department of Public Health COVID-19 Dashboard - Thursday, February 25, 2021

## Cumulative COVID-19 Vaccine Doses Shipped to Massachusetts Providers by County of Provider

Data as of February 23, 2021



Note: Due to inputting and processing, it may take 24-48 hours or more for shipping or administration data to appear in MIIS. MIIS data are available for analysis one calendar day after they are reported to the MIIS. Providers shown are initial recipients; doses shipped to providers may be redistributed to other providers who may be in other counties. Some federal facilities in MA receive vaccine from a separate federal distribution system and would not be included here. Data on doses shipped does not include shipment data from the Federal Pharmacy Partnership for Long-term Care Program and jurisdictional transfers to retail pharmacies shipments.

For those who received a shot at a regional clinic on Cape and are ready for their second dose, make sure to check your email frequently for the link from Banstable County. This link will take you to a clinic specifically for second doses.

Clinics are frequently added to the [www.maimmunization.org](http://www.maimmunization.org) site. Barnstable County is expecting to add daily testing sites in the next week. If you haven't signed up for alerts from banstablecounty.org it is a great resource. An email alert will be sent out 24 hours before a clinic is posted.



We continue to be frustrated by the vaccine supply provided by the state. Letters venting our frustrations have been sent up to the Governor's office by our delegation as well as other public organizations. Patience is required to get through this rush on getting a shot.

### TESTING

FREE asymptomatic testing for COVID-19 is still available at Outer Cape Health Service through February 28, 2021. This is the rapid antigen test and is not valid for Travel Order compliance. PCR testing is also available here. For testing options at Outer Cape Health, please call 508-905-2888 in advance to make a testing appointment.

Testing is available in other locations 7 days per week through Cape Cod Healthcare. Call the Community Testing Line at 508-534-7103 to make an appointment.

Hang in there!  
Meggan Eldredge  
Assistant Town Administrator/Interim Health Director



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February 19, 2021

Weekly COVID-19 Case Update

**CASES AND STATISTICS**

To date there have been a total of 563 cases of COVID-19 in the Town of Harwich. As of today, we are following 27 active cases of COVID-19 in Harwich residents. Our positivity rate has decreased again this week, 4.842% which is determined by the number of tests administered. There were 1155 tests administered and 51 tests were positive in the last 2 weeks. Our numbers are once again heading in the right direction.



Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, February 18, 2021

**Count and Rate of Confirmed COVID-19 Cases and Tests Performed in MA by City/Town, January 1, 2020 – February 16, 2021**

| City/Town | Total Case Count | Case Count (Last 14 Days) | Average Daily Incidence Rate per 100,000 (Last 14 days) <sup>1</sup> | Relative Change in Case Counts <sup>2</sup> | Total Tests | Total Tests (Last 14 days) | Total Positive Tests (Last 14 days) | Percent Positivity (Last 14 days) | Change in Percent Positivity <sup>3</sup> |
|-----------|------------------|---------------------------|--|---|-------------|----------------------------|-------------------------------------|-----------------------------------|---|
| Hampden   | 348              | 19                        | 27.7   | Lower                                       | 8282        | 527                        | 25                                  | 4.74%                             | Lower                                     |
| Hancock   | 16               | <5                        | 11.1   | Lower                                       | 223         | 10                         | 1                                   | 10.00%                            | Lower                                     |
| Hanover   | 1092             | 78                        | 38.7   | Lower                                       | 20301       | 1884                       | 81                                  | 4.30%                             | Lower                                     |
| Hanson    | 704              | 37                        | 24.6   | Lower                                       | 13491       | 968                        | 45                                  | 4.65%                             | Lower                                     |
| Hardwick  | 71               | 8                         | 17.1   | Higher                                      | 2939        | 193                        | 10                                  | 5.18%                             | Higher                                    |
| Harvard   | 105              | 5                         | 5.1  | Lower                                       | 7163        | 530                        | 5                                   | 0.94%                             | Lower                                     |
| Harwich   | 563              | 50                        | 28.4   | Lower                                       | 15005       | 1155                       | 51                                  | 4.42%                             | Lower                                     |

**VACCINE UPDATE**

The Department of Public Health announced that the next priority group in Phase 2 is eligible for vaccine starting on February 18, 2021. This priority group includes individuals age 65 and over, residents and staff of low and affordable public and private senior housing, and individuals with 2+ certain medical conditions.

This announcement came along with a letter to all Local Boards of Health from Secretary Sudders. This letter states that as of March 1<sup>st</sup>, the state will no longer provide first doses of vaccine for individual municipal clinics. Vaccine will be distributed only to regional collaborations that can meet specific needs. Barnstable County is a regional collaboration and we are working with the County to ensure equitable distribution throughout the Cape.

The state will continue to supply private retail pharmacies and medical providers with vaccine. Stop and Shop, Walgreens, CVS are eligible to receive vaccine.

Outer Cape Health Services is offering vaccine to eligible people. You do not have to be a patient of OCHS in order to get an appointment for a shot. Please contact OCHS for more information. Additionally, Carewell Urgent Care Center is also booking appointments for

vaccine.

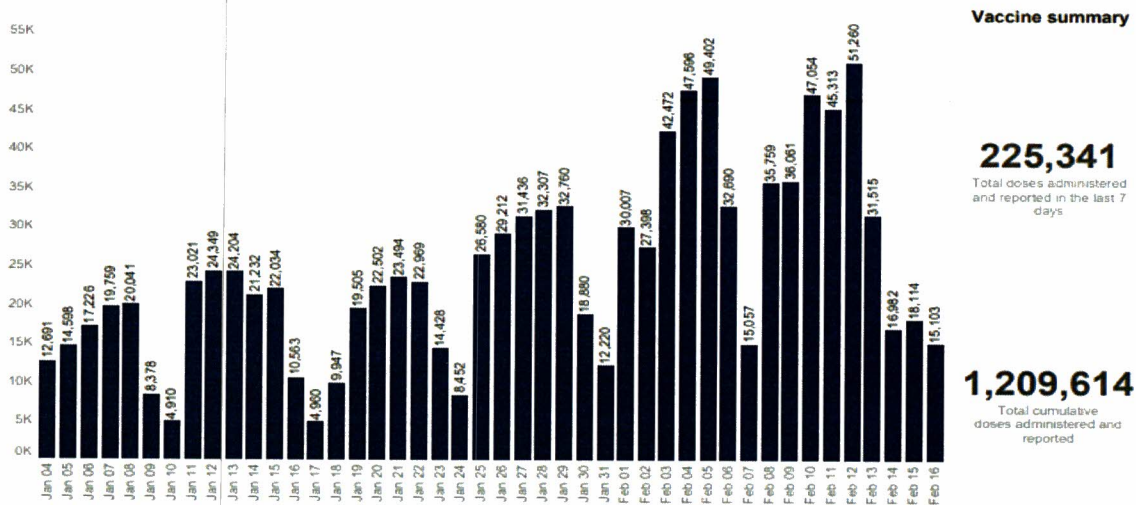
Vaccine distribution statistics from the Department of Public Health:

Massachusetts Department of Public Health COVID-19 Dashboard - Thursday, February 18, 2021

## Total COVID-19 Vaccine Doses Administered

Data as of February 16, 2021

Doses administered in the last 45 days

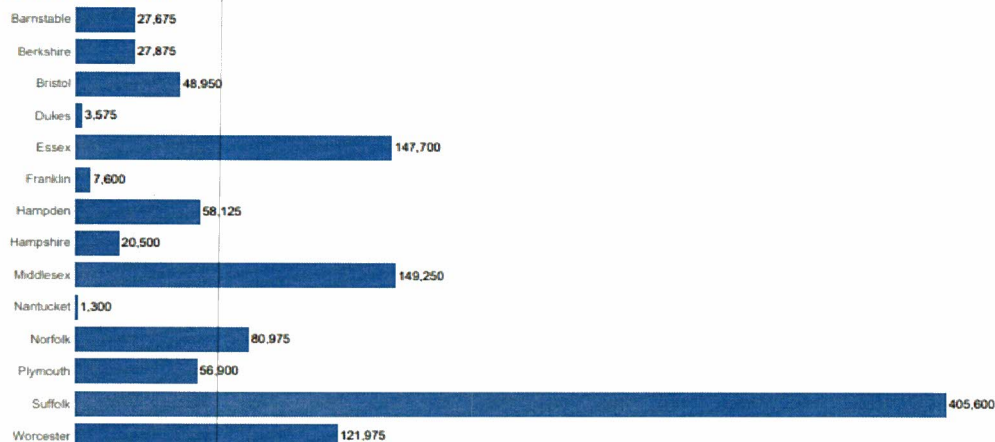


Note: Immunization data from most (but not all) providers in Massachusetts are reported into the Massachusetts Immunization Information System (MIIS) through direct messages from electronic health records or direct entry by users. Due to inputting and processing, it may take 24-48 hours or more for shipping or administration data to appear in MIIS. MIIS data are available for analysis one calendar day after they are reported to the MIIS. Duplicate patient records may be created when patient information is not entered consistently. Current COVID-19 vaccines require two doses for a person to become fully vaccinated. Some individuals may receive a first or second dose from a non-reporting provider and would not be reflected as fully vaccinated. Data on doses administered includes doses administered by the Federal Pharmacy Partnership for Long-term Care Program and jurisdictional transfers to retail pharmacies shipments.

Massachusetts Department of Public Health COVID-19 Dashboard - Thursday, February 18, 2021

## Cumulative COVID-19 Vaccine Doses Shipped to Massachusetts Providers by County of Provider

Data as of February 16, 2021



Note: Due to inputting and processing, it may take 24-48 hours or more for shipping or administration data to appear in MIIS. MIIS data are available for analysis one calendar day after they are reported to the MIIS. Providers shown are initial recipients; doses shipped to providers may be redistributed to other providers who may be in other counties. Some federal facilities in MA receive vaccine from a separate federal distribution system and would not be included here. Data on doses shipped does not include shipment data from the Federal Pharmacy Partnership for Long-term Care Program and jurisdictional transfers to retail pharmacies shipments.



The Council on Aging is working with residents to assist them navigate through the vaccine registration process. Keep your eyes and ears open for an announcement of a Harwich resident “help line” that will be staffed on certain days and times to help those who are unable to navigate the registration system alone.

Clinics are frequently added to the [www.maimmunization.org](http://www.maimmunization.org) site. The COA in collaboration with Channel 18 have developed a “how-to” step by step document outlining the registration process that is available to residents.

Outer Cape Health has offered to vaccinate the homebound and most vulnerable residents in Harwich in the coming weeks. This incredible offer is greatly appreciated and we look forward to working with them on this task.

#### TESTING

FREE asymptomatic testing for COVID-19 is still available at Outer Cape Health Service through February 28, 2021. This is the rapid antigen test and is not valid for Travel Order compliance. PCR testing is also available here. For testing options at Outer Cape Health, please call [508-905-2888](tel:508-905-2888) in advance to make a testing appointment.

Testing is available in other locations 7 days per week through Cape Cod Healthcare. Call the Community Testing Line at 508-534-7103 to make an appointment.

I am optimistic about the decreasing number of cases throughout the Commonwealth as well as here in Harwich. As a reminder, if you have traveled during this school vacation week, make sure to quarantine or get tested before going back to school or work. Symptoms can be mild or non-existent, however you could be unknowingly passing the virus to someone who may not fare as well.

Meggan Eldredge  
Health Director



## 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](mailto:health@town.harwich.ma.us)

February 12, 2021

Weekly COVID-19 Case Update

### CASES AND STATISTICS

To date there have been a total of 547 cases of COVID-19 in the Town of Harwich. As of today, we are following 32 active cases of COVID-19 in Harwich residents (not including Wingate). Wingate is reporting zero active cases within the facility as of February 7<sup>th</sup>. We continue to have an elevated active caseload.

Harwich has been downgraded from Red to Yellow due to our lower positivity rate. We have a positivity rate of 4.84% which is determined by the number of tests administered. There were 1282 tests administered and 62 tests were positive in the last 2 weeks. This is lower than last week.



Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, February 11, 2021

#### Count and Rate of Confirmed COVID-19 Cases and Tests Performed in MA by City/Town, January 1, 2020 – February 9, 2021

| City/Town | Total Case Count | Case Count (Last 14 Days) | Average Daily Incidence Rate per 100,000 (Last 14 days) <sup>1</sup> | Relative Change in Case Counts <sup>2</sup> | Total Tests | Total Tests (Last 14 days) | Total Positive Tests (Last 14 days) | Percent Positivity (Last 14 days) | Change in Percent Positivity <sup>3</sup> |
|-----------|------------------|---------------------------|--|---|-------------|----------------------------|-------------------------------------|-----------------------------------|---|
| Hampden   | 337              | 26                        | 37.9   | Lower                                       | 8002        | 485                        | 31                                  | 6.39%                             | No Change                                 |
| Hancock   | 16               | <5                        | 22.3   | Higher                                      | 218         | 10                         | 2                                   | 20.00%                            | Higher                                    |
| Hanover   | 1053             | 104                       | 51.7   | Lower                                       | 19272       | 1980                       | 110                                 | 5.56%                             | Lower                                     |
| Hanson    | 694              | 61                        | 40.5   | Lower                                       | 13053       | 1088                       | 71                                  | 6.53%                             | Lower                                     |
| Hardwick  | 67               | 6                         | 12.8   | Lower                                       | 2829        | 217                        | 9                                   | 4.15%                             | Higher                                    |
| Harvard   | 105              | 12                        | 12.3   | Higher                                      | 6937        | 596                        | 12                                  | 2.01%                             | No Change                                 |
| Harwich   | 547              | 58                        | 32.9   | Lower                                       | 14531       | 1282                       | 62                                  | 4.84%                             | Lower                                     |

### VACCINE UPDATE

We are still in Phase 2 of the Vaccination Plan, which includes all those in Phase 1 and the first group of Phase 2 (people age 75 and over). The Department of Public Health has allowed one caregiver to assist a person age 75+ to a vaccination clinic and obtain a vaccine themselves. The caregiver must pre-register for the same clinic as the person they are transporting.

All Health Departments on the Cape have been meeting weekly to talk about vaccine distribution. We continue to be frustrated by the limited supply of vaccine on Cape Cod. Please know that each local board of health has voiced their concern and are working collaboratively to change this inequity. We have gotten the attention of our local delegation, who have brought the concern up to the Governor's Office.

Vaccine distribution statistics from the Department of Public Health:

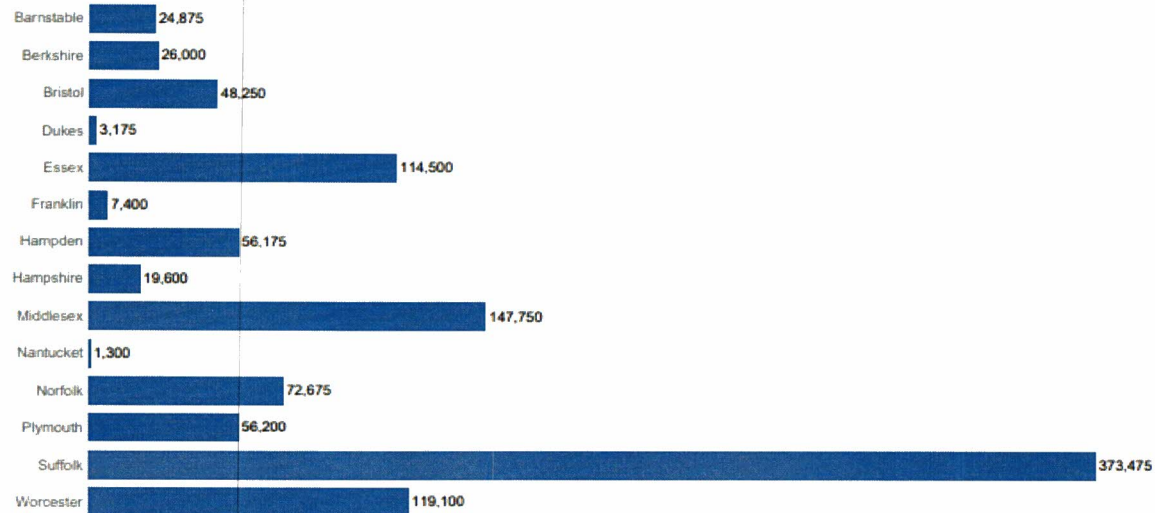
|  | Feb 5 <sup>th</sup> | Feb 6 <sup>th</sup> | Feb 7 <sup>th</sup> | Feb 8 <sup>th</sup> | Feb 9 <sup>th</sup> | Feb 10 <sup>th</sup> | Feb 11 <sup>th</sup> |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------|----------------------|
| Doses shipped to MA providers (MIIS)*                                    | 960,100             | 960,100             | 960,100             | 960,100             | 960,100             | 1,070,525            | 1,103,925            |
| Doses shipped to FPPP providers (Tiberius)                               | 283,025             | 287,900             | 287,900             | 316,225             | 323,600             | 342,500              | 350,250              |
| Grand Total Shipped to MA  | 1,243,125           | 1,248,000           | 1,248,000           | 1,276,325           | 1,283,700           | 1,413,025            | 1,454,175            |
| 1st doses Administered (MIIS)*<br># of people with at least one dose     | 584,934             | 621,225             | 641,611             | 659,905             | 696,051             | 723,327              | 748,544              |
| 2nd doses Administered (MIIS)*<br># of people fully vaccinated           | 169,940             | 186,320             | 191,896             | 199,213             | 214,361             | 227,188              | 239,230              |
| Grand Total Doses Administered (MIIS)*                                   | 754,874             | 807,545             | 833,507             | 859,118             | 910,412             | 950,515              | 987,774              |
| % of total doses shipped that have been reported to MIIS as administered | 60.7%               | 64.7%               | 66.8%               | 67.3%               | 70.9%               | 67.3%                | 67.9%                |

\*Data from the Massachusetts Immunization Information System (MIIS) are as of midnight the night before.

Massachusetts Department of Public Health COVID-19 Dashboard - Thursday, February 11, 2021

## Cumulative COVID-19 Vaccine Doses Shipped to Massachusetts Providers by County of Provider

Data as of February 09, 2021



**Next Local Public Regional Clinic**  
**Clinic Date: Wednesday, February 17, 2021**  
**Orleans Department of Public Works (DPW)**

**Address:** 40 Giddiah Hill Road, Orleans, MA 02653

**Time:** 9:00 AM - 4:00 PM

**Number of doses available on February 17:** 800

**Go to:** [www.maimmunizations.org](http://www.maimmunizations.org)

**Directions:** See [Google Maps](#)



**Registration Tip:** On [www.maimmunizations.org](http://www.maimmunizations.org), manually scroll through the sites until you see this clinic listed. We advise that you do not enter the date or any other parameters in the search.

*This clinic is available for those who live or work on Cape Cod and meet the criteria for Phase One or who are 75 years or older. Caregivers who accompany someone age 75 or older registered for this clinic may also register and receive their own vaccination on the same day.*

#### TESTING

FREE asymptomatic testing for COVID-19 is still available at Outer Cape Health Service through February 28, 2021. This is the rapid antigen test and is not valid for Travel Order compliance. PCR testing is also available here. For testing options at Outer Cape Health, please call [508-905-2888](tel:508-905-2888) in advance to make a testing appointment.

Testing is available in other locations 7 days per week through Cape Cod Healthcare. Call the Community Testing Line at 508-534-7103 to make an appointment.

We are advocating for more vaccine! Please be patient.  
Meggan Eldredge  
Health Director

CHARLES D. BAKER  
GOVERNOR

KARYN POLITO  
LT. GOVERNOR



MARYLOU SUDDERS  
SECRETARY

MONICA BHAREL, MD, MPH  
COMMISSIONER

## FOR IMMEDIATE RELEASE

### CONTACT

Ann Scales  
Ann.Scales@Mass.gov



## State Public Health Officials Announce First Identification of South Africa COVID Variant in Massachusetts

**BOSTON** (February 16, 2021) – The Massachusetts Department of Public Health (DPH) today announced the first case of the B.1.351 COVID-19 variant identified in the Commonwealth. Genetic sequencing completed at the Broad Institute on behalf of DPH has confirmed the variant, which was originally identified in South Africa.

The case is a female in her 20s who resides in Middlesex County; she has had no reported travel.

The B.1.351 variant is known to spread easily. The Massachusetts State Public Health Laboratory is working in collaboration with many healthcare and academic partners to quickly identify variants of concern by sequencing a subset of positive samples.

Two other variants of concern are the B.1.1.7 originally found in the United Kingdom, and the P.1 variant, which was originally detected in Brazil.

Currently, there are 34 cases of the B.1.1.7 variant in Massachusetts; there are no confirmed cases of the P.1.

The best defense against a rapid rise in cases from variants of concern is to prevent the spread of COVID. New information from CDC shows that improving the fit and filtration of masks helps reduce the spread of the virus. Mask fit can be improved by using a mask with a nose wire and by using a mask fitter or by knotting the ear loops and tucking the sides. Mask filtration is improved by using multiple layers. Learn more about how to use masks to protect yourself and others at [Improve the Fit and Filtration of Your Mask to Reduce the Spread of COVID-19 | CDC](#).

Other critical public health measures to help prevent the spread of COVID include social distancing (staying 6 feet away from others), avoiding groups, staying home when you are sick, getting tested if you have

symptoms or are identified as a close contact of someone with COVID, and getting vaccinated when it is your turn.

Learn more about variants of concern at [New Variants of the Virus that Causes COVID-19 | CDC](#) and track their presence in both Massachusetts and the US at [US COVID-19 Cases Caused by Variants | CDC](#).

###



**HOUSE . . . . . No.**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***James M. Kelcourse***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act relative to Group 2 retirement.**

PETITION OF:

| NAME:                     | DISTRICT/ADDRESS: | DATE ADDED:      |
|---------------------------|-------------------|------------------|
| <i>James M. Kelcourse</i> | <i>1st Essex</i>  | <i>1/19/2021</i> |

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

**An Act relative to Group 2 retirement.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Amend Chapter 32 Section 3 under Group 2 by adding after employees of the Cushing
- 2 Hospital at the end of the paragraph, Municipal Directors of Public Health, Municipal Health
- 3 inspectors, Municipal Health Agents, Municipal Sanitary Code Inspectors, Municipal Public
- 4 Health Nurses.

## Jennifer Clarke

---

**From:** Kathleen Tenaglia  
**Sent:** Wednesday, March 3, 2021 3:39 PM  
**To:** Jennifer Clarke  
**Subject:** FW: Concurrence Vote

I'll forward you the info to go on the meeting.

Thanks!

*Kathleen A. O'Neill, Sc. D., R.S.*

Senior Health Agent  
Town of Harwich  
732 Main St.  
Harwich, MA 02645



---

**From:** Meggan Eldredge  
**Sent:** Wednesday, March 3, 2021 3:18 PM  
**To:** Kathleen Tenaglia <ktenaglia@town.harwich.ma.us>  
**Subject:** RE: Concurrence Vote

Hi,

Thanks for the update. Yes, you can put the petition on the next agenda for a discussion and possible vote.

Thanks!  
Meggan

---

**From:** Kathleen Tenaglia  
**Sent:** Wednesday, March 3, 2021 2:25 PM  
**To:** Meggan Eldredge <meldredge@town.harwich.ma.us>  
**Subject:** Concurrence Vote

HAC voted to NOT concur, but voted yes to complete the deliverables in order to receive funding for MRC and the nurse planners.

They also asked that all directors petition their Boards of Health to sign the petition for Group 2. Do you want that to go on the agenda for the next BoH meeting?



## Jennifer Clarke

---

**From:** Kathleen Tenaglia  
**Sent:** Wednesday, March 3, 2021 3:39 PM  
**To:** Jennifer Clarke  
**Subject:** FW: Reclassification of Health Personnel to Group 2  
**Attachments:** SKM\_308e21021212020.pdf; Group 2 Senator letter.pdf; Group 2 Representative letter.pdf

For BoH meeting

**From:** Doug Halley [mailto:dhalley@mhoa.com]  
**Sent:** Monday, March 1, 2021 8:08 AM  
**To:** healthprofessionalsforgroup2@gmail.com  
**Subject:** Reclassification of Health Personnel to Group 2

Dear Fellow Colleagues,

Please see attached the bill filed for reclassification of health personnel to Group 2. Please contact your State Representatives and Senators where you work and live and request them to co-sponsor this legislation (template for letters attached).

Everyone must be proactive to get this accomplished. This is a huge benefit that is long overdue.

People should also ask their respective Boards of Health to send letters of support.

Thanks,  
Jack Morris  
[healthprofessionalsforgroup2@gmail.com](mailto:healthprofessionalsforgroup2@gmail.com)



**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](mailto:health@town.harwich.ma.us)

March xxx, 2021

The Honorable Senator xxx  
Massachusetts State House  
24 Beacon Street  
Boston, MA 02133

Dear Senator xxx

As a Public Health Official in Massachusetts I am writing to request that you sign on to sponsor HD 291, filed by Representative Kelcourse, on behalf of Health Officials throughout the state. This bill will reclassify health officials into Group 2 of the public retirement system.

Health Officials have always been at the forefront of protecting the public. Over the past year the COVID 19 pandemic has brought to light the role of public health officials and the exposure to this disease and other communicable diseases that we are always exposed to and potentially could have an impact on our own health and our families. The COVID 19 disease and other disease are not the only dangers associated with the duties of public health officials.

Our duties also include exposure to dangerous situations at construction sites during inspections, while excavating test holes for septic systems, or responding to complaints. Housing inspections also present dangerous conditions. Several health officials have been injured by falling through steps, sometimes floors, and as we have all seen, health officials are exposed to filthy conditions, dealing with hoarding cases. Often these cases cause infestation of rodents, cock roaches, bed bugs and other insects that carry disease.

In 2001 health officials took on a whole new role with the 911 event in New York and other areas of the United States. As a result, President Bush signed an executive order citing public health officials as first responder. Training over the last 20 years has included exposure to and response to chemical, biological, radiological, pandemics, and natural disasters. The public health officials of Massachusetts and across the country have been trained and are expected to respond to these threats.

Numerous health officials have cited situations where their jobs are in jeopardy or have been fired for simply doing their jobs. We have been subjected to retaliation, harassment, verbal and physical abuse, and countless other situations which are very stressful.

The job of public health officials is enforcement of public health laws. There are numerous examples of the dangers and stressful situations we are exposed to. After several years of attempting to reclassify health officials we are hoping that you will co-sponsor and support this legislation to provide an equitable retirement system to all Massachusetts Health Officials.

If you would like to discuss this matter further please feel free to contact me at my email \_\_\_\_\_ or my cell phone \_\_\_\_\_. I hope together we can accomplish this important task. Thank you in advance.

Sincerely,

Pamela Howell, R.N.  
Harwich Board of Health Chair





**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](mailto:health@town.harwich.ma.us)

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Massachusetts State House  
24 Beacon Street  
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Sincerely,

Pamela Howell, R.N.  
Harwich Board of Health Chair

**MARCH 16, 2021**  
**BOARD OF HEALTH MEETING**

To: Board of Health  
From: Meggan Eldredge, Interim Health Director  
Address: 38 Periwinkle Way

On November 24, 2019 the Health Department received a Title 5 inspection report for 38 Periwinkle Way. A notice of violation was issued to the property owners on November 27, 2019. The notice of violation stated that cesspools are failing criteria in the Town of Harwich. The property owner was ordered to engage a professional engineer or registered sanitarian to design a new septic system in conformance with Title 5 and Harwich Board of Health Regulations within 45 days of the date of the notice. Certified mail records indicate that the letter was received by the property owner on December 21, 2019.

Jim Sweeney contacted the Health Department office and asked that a copy of the notice of violation be emailed to him, which was done on December 16, 2019.

As of February 23, 2021, the Health Department had received no further communication from the property owner or received any permits to upgrade the septic system.

On February 23, 2021, the Health Department sent a certified letter to the property owner requiring them to appear before the Harwich Board of Health at their March 16, 2021 meeting for a show cause hearing for non-compliance.

On March 2, 2021, Jim Sweeney contacted the Health Department office and asked for information on the Barnstable County Septic Loan Program, which was provided to him. Health Department staff requested that Mr. Sweeney provide the Health Department with a copy of any documentation that he received from Barnstable County regarding the loan status.

Recommendation from the Interim Health Director:

1. Owner shall engage the services of a professional engineer or registered sanitarian to begin the process of upgrading the cesspool system within 7 days. A copy of a service agreement shall be provided to the Health Department as proof of engagement.
2. The engineer or sanitarian shall schedule soil tests for the upgrade within 7 days of said agreement.
3. The Owner shall hire a septic installer who will submit an application to install the upgraded septic system within 30 days of the soil test.
4. The system upgrade shall be complete within 45 days of application approval.
5. Failure to comply with these conditions will result in a fine of \$100.00. Each day the property is in non-compliance shall be deemed to be a separate offense and a separate \$100.00 fine shall be issued for each offense.





**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

**COPY**

**NOTICE TO APPEAR BEFORE THE BOARD OF HEALTH**

February 23, 2021

Maureen Sweeney, Ann Sweeney, James Sweeney & John Sweeney  
Sweeney Realty Trust  
3 Carberry Lane  
Milton, MA 02185

RE: 38 Periwinkle Way  
Map 34 Parcel S1-65

To Whom It May Concern:

On November 27, 2019, an order notice of violation was sent to you regarding the failed septic system at the property located at 38 Periwinkle Way. You were ordered to engage a professional engineer or registered sanitarian to design a new septic system in conformance with Title 5 and local Harwich Board of Health Regulations. Said septic system was to be installed within 45 days of the date of the notice of violation. As of today, there has been no communication from you or action taken on your part regarding this notice.

Therefore, you are ordered to appear before the Board of Health for a show-cause hearing. **This hearing is scheduled for Tuesday, March 16, 2021 at 7:00 p.m.** Due to the coronavirus pandemic, all Board of Health meetings are held virtually. The agenda for the meeting will be posted on the Town of Harwich webpage by 12:00 p.m. on March 11, 2021. Information can be accessed on the Town of Harwich webpage: <https://www.harwich-ma.gov/board-of-health> Dial-in credentials for the meeting will be found at the top of the agenda.

You will have the opportunity at this hearing to show-cause why this order should be modified or withdrawn. You have the right to be represented at the hearing and any affected party has a right to appear at said hearing.

If you have any questions, or would like to discuss this matter before the hearing, please contact me.

Regards,

*Megan Eldredge*  
Megan Eldredge, R.S., CMO  
Interim Health Director

CC: Sr. Health Agent Kathleen O'Neill  
Regular Mail  
File

3.2.21 - Jim Sweeney called & left msg asking for loan program info. I called him back, however his VM was full & I was unable to leave msg.  
781-277-0377  
*JW*

Certified Mail Return Receipt Requested: 7019-1640-0002-2558-3575

3.3.21 - spoke w/ Jim. provided him B. county loan program contact info *JW*



## Town of Harwich

Board of Health

732 Main Street Harwich, MA 02645

Phone: 508-430-7509 Fax: 508-430-7531

health@town.harwich.ma.us

November 27, 2019

Maureen Sweeney Trs et als  
Ann T, James P & John P T Sweeney  
3 Carberry Lane  
Milton, MA 02185

### NOTICE OF VIOLATION

Upon receipt of the real estate inspection report for the sewage system

Owned by: SWEENEY MAUREEN TRS ET ALS  
Located at: 38 Periwinkle Way, Harwich, Ma

**TYPE: FAILED**

#### COMMENTS:

*Cesspools are failing criteria in Town of Harwich.  
Note condition of tank and water line location.  
3 Bedroom maximum due to environmental restriction.*

You are hereby ordered to engage a professional engineer or registered sanitarian to design a new septic system in conformance with Title 5 and Harwich Board of Health regulations. Said system is to be approved and installed within 45 days of this notice. Please be advised that failure to comply with this notice may result in court action and/or fine.

You have a right to petition the Board of Health for a hearing to show cause why this order should be modified or withdrawn. Said petition must be in writing and be received by this department within seven days of receipt of this notice. You have the right to inspect and obtain copies of all relevant inspections or investigation reports, orders and notices and other documentary information in the possession of the Board of Health and the right to be represented at the hearing and that any affected party has a right to appear at said hearing.

HEALTH INSPECTOR

*Maureen Polsell*

**SCANNED**

Please be advised of ADDITIONAL BOARD OF HEALTH REGULATIONS:

(1) All underground tanks must be registered with the Board of Health and are subject to testing requirements; and (2) All private wells are required to be analyzed at the time of property transfer. Contact the Health Office for further information.

cc: Cape Septic Inspections

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7017-3380-0000-9274-9385



**MARCH 16, 2021**  
**BOARD OF HEALTH MEETING**

To: Board of Health  
From: Meggan Eldredge, Health Director  
Engineer: Daniel Croteau/Moran Engineering Associates  
Owner: William Price & Nancy Dunne-Trustees of the Price-Dunne Family Trust  
Address: 43 Nehoiden Street

On behalf of the owner, Daniel Croteau of Moran Engineering Associates, LLC is applying for variances from the State Environmental Code, Title 5, as following:

Variances from 310 CMR 15.211 (1)

1. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 6' from the East property line where 10' is required. Variance request of 4'.
2. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 5' from the South property line where 10' is required. Variance request of 5'.
3. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 18' from the crawl space where 20' is required. Variance request of 2'.
4. Per 310 CMR 15.227(5): To allow the septic tank invert to be 0.55' to high groundwater where 1' is required. Variance request of 0.45'.

The application is proposed to replace an existing cesspool system with a Title 5 septic system. The septic plan also references a proposed 9'x16' sunroom addition on tube & post foundation. The existing 8'x16' sunroom is proposed to be removed. The proposed septic system will consist of an h-20 1500 gallon septic tank, h-20 1000 gallon pump chamber, distribution box and 10'x30' pressure distribution leaching facility. The existing dwelling contains two (2) bedrooms, the septic is designed for two (2) bedrooms and with the exception of the sunroom, and there are no other alterations or additions proposed at this time.

I recommend approval with the following conditions:

1. The property shall be restricted to a maximum of 2 bedrooms.
2. No increase in habitable space or square footage allowed without the approval of the Board of Health.
3. Variances approval and conditions to be recorded at the Barnstable County Registry of Deeds.



**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

|                         |           |
|-------------------------|-----------|
| <b>Office Use Only</b>  |           |
| Filing Fee Paid/Amount: | \$125-    |
| Check #/Cash:           | 3664      |
| Date App Received:      | 3/3/2021  |
| Meeting Date:           | 3/16/2021 |
| Date Approved:          | _____     |
| Date Denied:            | _____     |
| Reason for Denial:      | _____     |
| _____                   | _____     |

**Application for Board of Health Variances**



Date: 2/26/2021

Property Address: 43 Nehoiden Street

Map: 12 Parcel: X1-18

Book: \_\_\_\_\_ Page: \_\_\_\_\_ Land Court No: CTF 217200

Name of Applicant: William Price and Nancy Dunne

Applicant Mailing Address: 8 Summer Avenue

Fairfax CA 94930

City State Zip Code

Applicant Telephone Number: 415-246-7413

Applicant E-Mail Address: nancydunne@comcast.net

Owner(s) of Record: William Price and Nancy Dunne-Trustees of the Price-Dunne Family Trust

Owner(s) Mailing Address: 8 Summer Avenue

Fairfax CA 94930

City State Zip Code

Design Engineer/Sanitarian: Daniel Croteau

Firm/Company Name: Moran Engineering Assoc., LLC

Mailing Address: PO Box 183

So. Harwich MA 02661

City State Zip Code

Telephone Number: 508-432-2878

Design Engineer/Sanitarian E-Mail Address: moraneng@gmail.com

**Please Choose Application Type:**

Voluntary Upgrade: \_\_\_\_ Addition/Alteration: X Failed System: \_\_\_\_ EIR: \_\_\_\_  
 Other: \_\_\_\_\_

Conservation Commission Approval Required: No: X Yes: \_\_\_\_ Date of CC Hearing: Admin Rev

**List All Variances from State & Local Codes**

| Title 5, Section #<br>Variance Requested From | Description of Variance(s):   |
|---|---|
|   | Per 310CMR:15.405: Local Upgrade Approval                                   |
| 310CMR:15.211(1)                              | Dist. Between SAS and East Lot Line: 10' req., 6' proposed; 4' variance     |
| 310CMR:15.211(1)                              | Dist. Between SAS and South Lot Line: 10' req., 5' proposed; 5' variance    |
| 310CMR:15.211(1)                              | Dist. Between SAS and Crawl space: 20' req., 18' proposed; 2' variance      |
| 310CMR:15.227:(5)                             | Dist. Between ST Invert to High GW: 1' req., 0.55' proposed; 0.45' variance |
|   |   |
|   |   |
|   |   |
| Harwich Reg. #                                | Description of Variance(s):   |
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|   |   |

In addition to this form, 8 packets of the following must be submitted by 4:00 p.m. on the filing deadline date:

- Letter to Board of Health
- Letter to abutters (bring certified mail receipts to the meeting)
- Copy of certified abutter list
- Existing variance letter (if applicable)
- Floor plans (all floors/existing & proposed)
- Site plan
- Filing Fee \$125.00 (Variance)/\$300.00 (EIR)



# MORAN ENGINEERING ASSOCIATES, LLC

941 ROUTE 28, HARWICH

P.O. BOX 183  
South Harwich, MA 02661

moraneng@gmail.com

O: 508-432-2878  
F: 508-432-3501

February 26, 2021

Harwich Board of Health  
732 Main Street  
Harwich Center, MA 02645

Re: **Septic System Upgrade Variance Request for 43 Nehoiden Street, Harwich Port, MA.**

Dear Member of the Harwich Board of Health,

On behalf of property owners William Price and Nancy Dunne, I respectfully request review of the following variances for the purpose of installing a new Title 5 septic system to replace the existing cesspools at the locus property.

Variances From 310 CMR 15.211 (1) Minimum Setback Distances:

1. Per 310 CMR: 14.405 (1) (a): S.A.S. to east (road) property line: 10' required; 6' available.  
(Variance request of 4')
2. Per 310 CMR: 14.405 (1) (a): S.A.S. to south property line: 10' required; 5' available.  
(Variance request of 5')
3. Per 310 CMR: 14.405 (1) (b): SAS to Crawl Space Wall: 20' required; 18' available.  
(Variance request of 2')

Variances From 310 CMR 15.227 (5): Minimum Separation Distance:

4. Per 310 CMR: 14.405 (1) (j): Septic Tank Invert to High Groundwater: 1' required; 0.55' available.  
(Variance request of 0.45')

The hearing is requested for the Tuesday, March 16, 2021 BOH meeting

Sincerely,



Daniel Croteau, PE

7012 2210 0002 2485 9807

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46 NEHOIDEN ST  
HARWICH PORT, MA 02646

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BARROWS CINDY L**  
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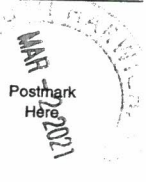
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C/O MARY LERRET  
15 LOCUST ST  
CAMBRIDGE, MA 02138

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BRAINTREE, MA 02184

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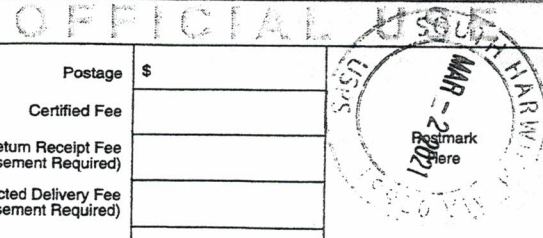
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**MATTHEWS HARWICHPORT RLTY TR**  
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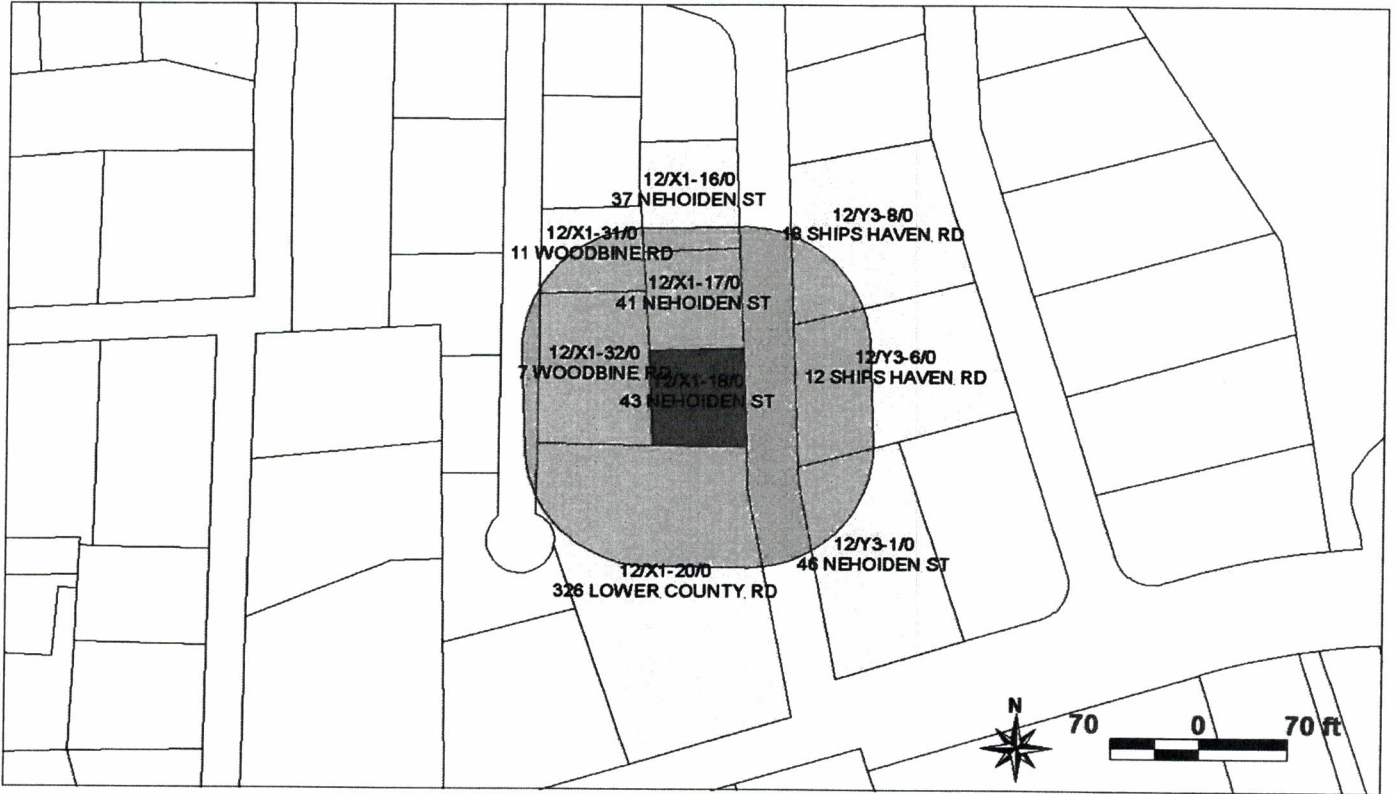
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 Clerk ID: 000020

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TOWN OF HARWICH, MA  
 BOARD OF ASSESSORS  
 732 Main Street, Harwich, MA 02645

Abutters List Within 100 feet of Parcel 12/X1-18/0



| Key  | Parcel ID    | Owner   | Location            | Mailing Street                  | Mailing City | ST | ZipCd/Country |
|------|--------------|---|---------------------|---------------------------------|--------------|----|---------------|
| 1618 | 12-X1-16-0-R | O'BRIEN W MICHAEL                                       | 37 NEHOIDEN ST      | PO BOX 381                      | HARWICH PORT | MA | 02646         |
| 1619 | 12-X1-17-0-R | BARRY RICHARD L JR TRS ET AL<br>BARRY REALTY TRUST      | 41 NEHOIDEN ST      | C/O MARY LERRET<br>15 LOCUST ST | CAMBRIDGE    | MA | 02138         |
| 1621 | 12-X1-18-0-R | DUNNE NANCY ANN TRS ET AL<br>PRICE WILLIAM GARFIELD     | 43 NEHOIDEN ST      | 8 SUMMER AVE                    | FAIRFAX      | CA | 94930         |
| 7775 | 12-X1-20-0-R | ON THE HARBOR LLC                                       | 326 LOWER COUNTY RD | 326 LOWER COUNTY RD             | HARWICH PORT | MA | 02646         |
| 1632 | 12-X1-31-0-R | BARROWS PETER E &<br>BARROWS CINDY L                    | 11 WOODBINE RD      | PO BOX 127                      | HARWICH PORT | MA | 02646         |
| 1633 | 12-X1-32-0-R | SEVEN WOODBINE LLC                                      | 7 WOODBINE RD       | 6 BROOKS DR                     | BRAINTREE    | MA | 02184         |
| 8507 | 12-Y3-1-0-R  | DONNELLY HENRY R  | 46 NEHOIDEN ST      | 46 NEHOIDEN ST                  | HARWICH PORT | MA | 02646         |
| 1677 | 12-Y3-6-0-R  | MATTHEWS CATHERINE M TR<br>MATTHEWS HARWICHPORT RLTY TR | 12 SHIPS HAVEN RD   | PO BOX 2525                     | WORCESTER    | MA | 01613         |
| 1679 | 12-Y3-8-0-R  | LAMBERT THOMAS F &<br>LAMBERT NANCY C                   | 18 SHIPS HAVEN RD   | 18 SHIPS HAVEN RD               | HARWICH PORT | MA | 02646         |

12-X1-16-0-R

OBRIEN W MICHAEL  
PO BOX 381  
HARWICH PORT, MA 02646

12-X1-17-0-R

BARRY RICHARD L JR TRS ET AL  
BARRY REALTY TRUST  
C/O MARY LERRET  
15 LOCUST ST  
CAMBRIDGE, MA 02138

12-X1-18-0-R

DUNNE NANCY ANN TRS ET AL  
PRICE WILLIAM GARFIELD  
8 SUMMER AVE  
FAIRFAX, CA 94930

12-X1-20-0-R

ON THE HARBOR LLC  
326 LOWER COUNTY RD  
HARWICH PORT, MA 02646

12-X1-31-0-R

BARROWS PETER E &  
BARROWS CINDY L  
PO BOX 127  
HARWICH PORT, MA 02646

12-X1-32-0-R

SEVEN WOODBINE LLC  
6 BROOKS DR  
BRAintree, MA 02184

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46 NEHOIDEN ST  
HARWICH PORT, MA 02646

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MATTHEWS HARWICHPORT RLTY TR  
PO BOX 2525  
WORCESTER, MA 01613

12-Y3-8-0-R

LAMBERT THOMAS F &  
LAMBERT NANCY C  
18 SHIPS HAVEN RD  
HARWICH PORT, MA 02646

# MORAN ENGINEERING ASSOCIATES, LLC

941 ROUTE 28, HARWICH

P.O. BOX 183  
South Harwich, MA 02661

moraneng@gmail.com

O: 508-432-2878  
F: 508-432-3501

Re : 43 Nehoiden Street, Harwich Port, MA  
Assess. Map 12, Parcel X1-18  
Owner: William Price and Nancy Dunne

February 26, 2021

Dear Abutter of 43 Nehoiden Street, Harwich Port

This letter serves to notify you, as an abutter, that there will be a hearing before the Harwich Board of Health for **#43 Nehoiden St., Harwich Port.** The owner is proposing to install a new Title-5 septic system to replace the existing cesspools to service the existing building and is requesting local upgrade approvals as stated below.

Variances From 310 CMR 15.211 (1) Minimum Setback Distances:

1. Per 310 CMR: 14.405 (1) (a): S.A.S. to east (road) property line: 10' required; 6' available.  
(Variance request of 4')
2. Per 310 CMR: 14.405 (1) (a): S.A.S. to south property line: 10' required; 5' available.  
(Variance request of 5')
3. Per 310 CMR: 14.405 (1) (b): SAS to Crawl Space Wall: 20' required; 18' available.  
(Variance request of 2')

Variances From 310 CMR 15.227 (5): Minimum Separation Distance:

4. Per 310 CMR: 14.405 (1) (j): Septic Tank Invert to High Groundwater: 1' required; 0.55' available.  
(Variance request of 0.45')

You are being notified, per Harwich Board of Health Regulations, as an abutter of the property.  
The hearing is scheduled for Tuesday, March 16th, 2021 at 7:00 pm.

**Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Board of Health is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. The agenda, including dial-in instructions, will be posted on the Town of Harwich website: [www.town.harwich.ma.us](http://www.town.harwich.ma.us)**

Sincerely,



Daniel Croteau, PE

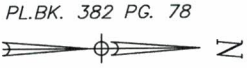
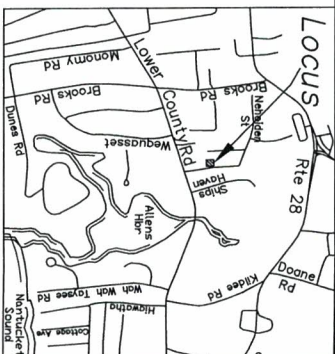


### REQUIRED INSPECTIONS

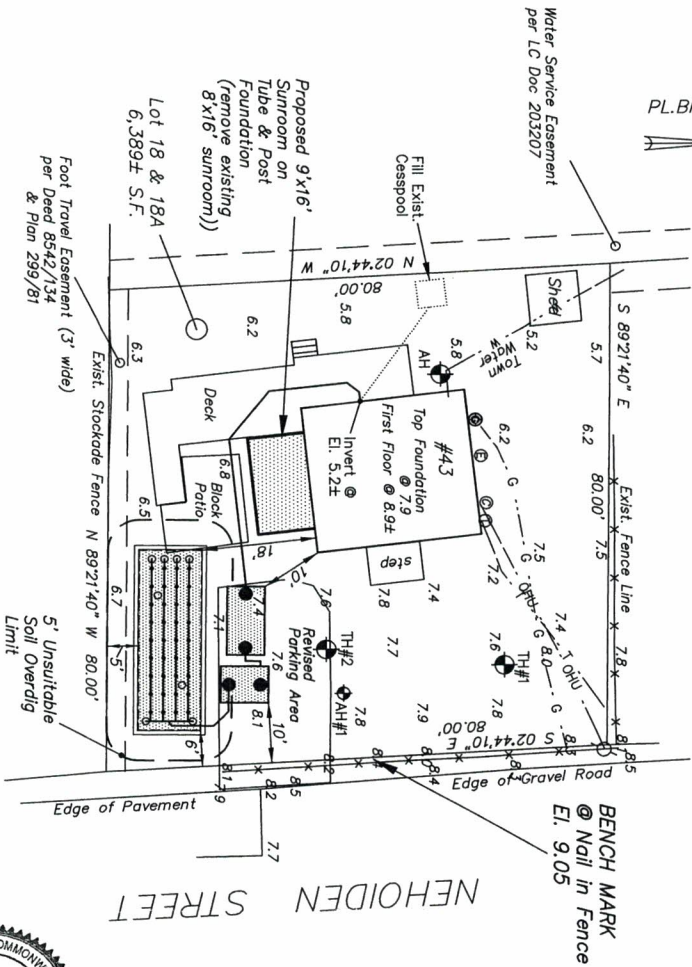
- 1.) DESIGN ENGINEER TO CERTIFY UNSUITABLE SOIL REMOVAL PRIOR TO SYSTEM INSTALLATION.
- 2.) DESIGN ENGINEER TO INSPECT RET. WALL CONSTRUCTION.
- 3.) DESIGN ENGINEER TO INSPECT LATERALS PRIOR TO INSTALLATION.
- 4.) DESIGN ENGINEER TO CERTIFY SYSTEM INSTALLATION (ELEVATIONS & LOCATIONS) AND OPERATION PRIOR TO BACKFILLING.

### LOCATION MAP

Assessors Map: 12  
Parcel: X1-18



PL.BK. 382 PG. 78



**BENCH MARK**  
@ Nail in Fence  
El. 9.05

### LOCAL UPGRADE APPROVAL REQUIRED

- VARIANCES FROM 310CMR:15.211:(1)
- 1.) Per 310CMR15.405(1)(g): Dist. Between East (Road) Lot Line & S.A.S.: 10' Required; 6' Proposed
  - 2.) Per 310CMR15.405(1)(d): Dist. Between South Lot Line & S.A.S.: 10' Required; 5' Proposed
  - 3.) Per 310CMR15.405(1)(b): Dist. Between Crownspace & S.A.S.: 20' Required; 18' Proposed
  - 4.) Per 310CMR15.405(1)(j): Dist. Between Septic Tank Invert Elevation & High Groundwater: 1' Required; 0.55' Proposed

### SYSTEM DESIGN

Design Flow: 2 bedrooms @ 110 gal/day = 220 gal.  
Septic Tank: 220 gal. x 200% = 440 gal.  
Use 1500 Gal. Septic Tank H-20 Monolithic  
Use 1000 Gal. Pump Chamber H-20 Monolithic  
Leaching Facility: 30' x 10' x 6" deep Leaching Field  
Bottom: 30' x 10' x 0.74Gal/sf = 222 Gal.  
Note: Garbage disposal is not permitted with this design.

**MORAN ENGINEERING ASSOC., LLC**  
508-432-2878 941 MAIN STREET (RIE 28), HARWICH, MA

SEPTIC SYSTEM DESIGN PLAN

Prepared For: Nancy Dunne

43 NEHOIDEN STREET HARWICH PORT, MA

PROJECT: 20-192

DATE: 2/15/2021



Sht: 1 of 3

SCALE: 1" = 20'



\*Elevation Datum is NAVD-88





## TANK BUOYANCY CALCULATIONS

**SEPTIC TANK:**

USE: ACME SHOREY 1500-GALLON (H-20) MONO. SEPTIC TANK

High GW El. 3.75 - Bttm. Tank El. -.25 = 4.0' Submerged Depth

Submerged Volume: 4.0' x 11.5' x 6.0' = 276 cf

Buoyancy: 276 cf x 62.4 lbs/cf = 17,222 lbs uplift

Tank Weight (empty) per ACME Co. Specs: 23,000 lbs

**PUMP CHAMBER:**  
 USE: ACME SHOREY 1000-GALLON (H-20) MONOLITHIC PUMP CHAMBER

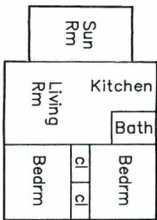
High GW El. 3.75 - Bttm. Tank El. -.55 = 4.3' Submerged Depth

Submerged Volume: 4.3' x 7.7' x 6.0' = 198.7 cf

Buoyancy: 198.7 cf x 62.4 lbs/cf = 12,399 lbs uplift

Tank Weight (empty) per Shorey Co. Specs: 16,500 lbs

16,500 lbs - 12,399 lbs = 4,101 lbs



## EXISTING FLOOR LAYOUT

## PUMP NOTES

- 1) Submersible Pump - Myers Co MW50 1/2HP
- 2) 2" Force Main to drain back into pump chamber at the end of each pumping cycle. Use 5/16" Drain Hole following 2" Check Valve.
- 3) Alarm Panel - SJE Rhombus Tank Alert-1 from the pump
- 4) Alarm is to be on a separate circuit
- 5) Pump Sequence:
  - a) Pump off El. 1.0 (1'0ft Tank Btm.)
  - b) Pump on El. 1.5 (1'5ft Tank Btm.)
  - c) Alarm on El. 2.0 (2'0ft Tank Btm.)

### TEST HOLE 1 El. 7.7

| Depth   | Horizon | Texture                 | Color                    | Other             |
|---------|---------|-------------------------|--------------------------|-------------------|
| 0-10"   | HTM     | Loamy Sand              |                          |                   |
| 10-54"  | HTM     | Medium Sand             | 2.5Y6/3<br>10YR5/6 (30%) | Mottling @ 48"    |
| 54-78"  | O       | Organic & Fine Sand 15% |                          | Weeping H2O @ 57" |
| 78-126" | C       | Medium-Coarse Sand      | 10YR5/4                  |                   |

Btm El. -2.8      Mottling @ El. 3.7  
 Weeping Water @ El. 2.95

Unsuitable Soil -Remove-

### TEST HOLE 2 El. 7.5

| Depth   | Horizon | Texture                   | Color                    | Other             |
|---------|---------|---------------------------|--------------------------|-------------------|
| 0-10"   | HTM     | Loamy Sand                |                          |                   |
| 10-54"  | HTM     | Medium Sand               | 2.5Y6/3<br>10YR5/6 (30%) | Mottling @ 45"    |
| 54-78"  | O       | Organic w/Fine Sand Bands | 10YR2/1<br>10YR5/1       | Weeping H2O @ 34" |
| 78-132" | C       | Medium Sand               | 10YR5/4                  |                   |

Btm El. -3.5      Mottling @ El. 3.75  
 Weeping Water @ El. 3.0

Unsuitable Soil -Remove-

### AUGER HOLE 1 El. 8.1

| Depth  | Horizon | Texture            | Color | Other         |
|--------|---------|--------------------|-------|---------------|
| 0-60"  | HTM     | Med. Sand Fill     |       | 12" Loom      |
| 60-84" | O       | Organic            |       | Not Solidated |
| 84-98" | C       | Medium-Coarse Sand |       | V.F. Wet      |

Standing GWE @ 86" (El. 0.95)      Btm El. -0.1

Date: October 2020. Performed By: Daniel P. Croteau, SE

### GROUNDWATER ADJ. in C Layer

Groundwater Found: El. 0.95  
 Index Well: TSW-89  
 Zone A (10/20,12.1') => +1.9'  
 Adj. High GW Depth = El. 2.85

## MORAN ENGINEERING ASSOC., LLC

508-432-2878      941 MAIN STREET (RIE 28), HARWICH, MA

### SEPTIC SYSTEM DESIGN PLAN

43 NEHOIDEN STREET      HARWICH PORT, MA

PROJECT: 20-192      DATE: 2/15/2021

## GENERAL NOTES

- 1) ALL COMPONENTS ARE TO MEET TITLE 5 MATERIAL & CONSTRUCTION REQUIREMENTS.
- 2) EXISTING SEWER ELEVATION IS TO BE VERIFIED PRIOR TO THE INSTALLATION OF NEW SYSTEM COMPONENTS.
- 3) EXISTING CESSPOOLS ARE TO BE LOCATED, PUMPED AND FILLED.
- 4) SYSTEM COMPONENTS ARE TO BE SET ON A STABLE, COMPACTED BASE.
- 5) A 5' UNSUITABLE SOIL OVER-DIG IS REQUIRED TO C SOIL LAYER (MEDIUM TO COARSE SAND). DESIGNER SHALL BE NOTIFIED FOR INSPECTION PRIOR TO PLACEMENT OF TITLE 5 FILL.
- 6) 40 MIL. PE OR PVC LINER IS TO BE INSTALLED AROUND SAS AS SHOWN AT EL. 10 TO EL. 6.
- 7) DESIGN ENGINEER IS TO VERIFY SOILS OF ALL SAS EXCAVATIONS BEFORE SYSTEM INSTALLATION.
- 8) DESIGN ENGINEER IS TO VERIFY SYSTEM INSTALLATION (LOCATIONS & ELEVATIONS) PRIOR TO BACKFILLING.
- 9) COMPONENTS ARE TO HAVE A MINIMUM OF 10" OF SOIL COVER. ACCESS COVERS ARE TO BE SET AT FINISHED GRADE WITH CAST IRON FRAMES AND COVERS ON SEPTIC TANK INLET, OUTLET AND PUMP CHAMBER OUTLET MANHOLES. LEACHING AREA INSPECTION PORTS (2) ARE TO BE SET AT GRADE WITH IRRIGATION CONTROL BOX COVERS REQUIRED.
- 10) PERFORATED 1.5" LATERALS ARE TO BE PREPARED IN SHOP TO INSURE HOLE UNIFORMITY. USE 5/16" PERFORATIONS AT 3' SPACING. USE 9 PERFS. PER LATERAL. ALL PLASTIC BURS ARE TO BE CLEANED FROM HOLES AND PIPES.
- 11) LATERALS ARE TO BE INSTALLED WITH PERFS. AT PIPE INVERT. NOTE: END PERFORATION IN EACH LATERAL IS TO BE INSTALLED IN PIPE CROWN TO VENT NETWORK AIR AT EACH PUMP CYCLE.
- 12) LATERALS, MAINFOLD, AND FORCE MAIN ARE TO BE SLOPED TO DRAIN BACK INTO THE PUMP CHAMBER AFTER EACH PUMP CYCLE.



Sht: 3 of 3



**SITE SUMMARY  
MARCH 16, 2021  
BOARD OF HEALTH MEETING**

To: Board of Health  
From: Meggan Eldredge, Interim Health Director  
RE: Food Service Permit  
Address: Say It Sweetly-560A Route 28

---

Say It Sweetly opened in 2020 without permits or prior knowledge from the Health Department. We were made aware of the food establishment via the internet. This location was previously occupied by Dr. Cavity's Candy Shack. On February 1, 2021, Jessica Barbella contacted the Health Department and stated that she was not told that a food service permit would be required for her business along with additional requirements such as a 3-bay sink. Staff responded to Ms. Barbella with a reiteration of the file history of the property. A three bay sink is not allowable due to the size of the septic system. The septic system is designed for retail only, and not food service. Wrapped food that does not require any handling or preparation is allowable for the septic system. Mr. Barbella indicated that she is handling unwrapped food on premises. Staff indicated that a variance from the Food Code is required if she intends to continue handling unwrapped foods.

The Health Department received a food service permit application for the brick & mortar business on March 3, 2021. Staff spoke with Ms. Barbella on March 3, 2021 regarding a separate food service permit application for her residence. Ms. Barbella stated that she was unsure if she was going to have her residence permitted as a kitchen or if she was going to enter into an agreement with another business for the use of their kitchen for washing.

Ms. Barbella would like to continue to operate her business as she has been. The following variances would need to be granted in order to do so:

- Per Food Code Chapter 4.301.12-Request for relief from the requirement to have a 3-bay sink
- 1. Per Food Code Chapter 5.203.12-Request for relief from the requirement to have a separate hand washing sink
- 2. Per Food Code Chapter 6.306.10-Request for relief from the requirement to have a service sink

Should Ms. Barbella utilize only disposable trays, tongs, utensils AND not have any type of equipment that requires washing and sanitizing, a food service permit may be issued without the need for variances.

Should Ms. Barbella utilize any utensils, trays or equipment that will come in contact with unwrapped food, I recommend that the variances requested be approved with the following conditions:

- 1. Equipment shall be washed and sanitized in a licensed kitchen (residential or commercial).
- 2. No expansion of food service beyond the proposed operation.
- 3. The variances are non-transferable, should the location or ownership change, variances are null and void.
- 4. The Health Department reserves the right to revoke these variances at any time.



**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

|                         |           |
|-------------------------|-----------|
| <b>Office Use Only</b>  |           |
| Filing Fee Paid/Amount: | \$125-    |
| Check #/Cash:           | 157       |
| Date App Received:      | 3/3/2021  |
| Meeting Date:           | 3/16/2021 |
| Date Approved:          |           |
| Date Denied:            |           |
| Reason for Denial:      |           |

**Application for Board of Health Variances**

Date: 3/1/2021

Property Address: 5100 A Route 28 Harwich Port, MA 02646

Map: n/a Parcel: n/a

Book: n/a Page: n/a Land Court No: n/a

Name of Applicant: Jessica Barbella

Applicant Mailing Address: PO Box 848  
Harwich Port MA 02646  
City State Zip Code

Applicant Telephone Number: (508) 221-5335

Applicant E-Mail Address: Say it sweetly.cca@gmail.com

Owner(s) of Record: Jessica Barbella

Owner(s) Mailing Address: PO Box 848  
Harwich Port MA 02646  
City State Zip Code

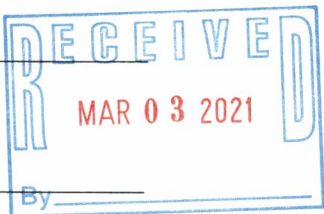
Design Engineer/Sanitarian: n/a

Firm/Company Name: n/a

Mailing Address: na/  
\_\_\_\_\_  
City State Zip Code

Telephone Number: \_\_\_\_\_

Design Engineer/Sanitarian E-Mail Address: n/a



**Please Choose Application Type:**

Voluntary Upgrade: \_\_\_\_ Addition/Alteration: \_\_\_\_ Failed System: \_\_\_\_ EIR: \_\_\_\_

Other: FDA Food Code variances

Conservation Commission Approval Required: No: X Yes: \_\_\_\_ Date of CC Hearing: \_\_\_\_\_

**List All Variances from State & Local Codes**

| Title 5, Section # | Description of Variance(s):                                       |
|--------------------|---|
| 4-301.12           | relief from the requirement to have a 3 bay sink                  |
| 5.203.12           | relief from the requirement to have a separate hand washing sink. |
| 6.306.10           | relief from the requirement to have a service sink                |
|                    |   |
|                    |   |
|                    |   |
|                    |   |
|                    |   |
|                    |   |
| Harwich Reg. #     | Description of Variance(s):                                       |
|                    |   |
|                    |   |
|                    |   |
|                    |   |
|                    |   |
|                    |   |
|                    |   |
|                    |   |
|                    |   |

In addition to this form, 8 packets of the following must be submitted by 4:00 p.m. on the filing deadline date:

- Letter to Board of Health
- Letter to abutters (bring certified mail receipts to the meeting)
- Copy of certified abutter list
- Existing variance letter (if applicable)
- Floor plans (all floors/existing & proposed)
- Site plan
- Filing Fee \$125.00 (Variance)/\$300.00 (EIR)





# 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](mailto:health@town.harwich.ma.us)

March 22, 2018

# COPY

Mr. Peter Hurst  
Dr. Cavity's Candy Shack  
560A Route 28  
Harwich Port, MA 02646

Re: Variance Approval  
Dr. Cavity's Candy Shack  
560A Route 28, Harwich Port

Dear Mr. Hurst:

At a meeting of the Board of Health held on March 19, 2018, the Board approved the following variances from the 1999 Federal Food Code:

1. Chapter 4-301.12, relief requested from the requirement of a three bay sink. Alternate warewashing procedure proposed.
2. Chapter 5-203.13, relief requested from the requirement of a separate hand washing sink. Alternate handwashing location proposed.
3. Chapter 6-306.10, relief requested from the requirement of a service sink. Alternate service sink procedure proposed.

After considerable review and discussion it was a decision of the Board to approve the request with the following conditions:

1. No expansion of food service beyond the proposed operation.
2. Fudge must be cut with single use utensils.
3. Employee supervision over unwrapped candy jars is required at all times.
4. Hand sanitizer shall be required prior to glove use by patrons.
5. A full time Certified Food Protection Manager must be on staff.
6. These variances are non-transferable, should the location or ownership change, variances must be requested again.
7. The Health Department reserves the right to revoke these variances at any time.

Please contact the Health Department at 508-430-7509 if there are any comments, questions or concerns.

Respectfully,

Meggan Eldredge, R.S., C.H.O.  
Health Director

CC: File



Mon, Feb 1, 5:05 PM

Dear Ms. Eldredge,

I'm writing to you in hopes of receiving a variance for my newly opened business in town.

In November, I registered my business and was asked what I would be selling. I stated it was gourmet chocolate by the pound and confirmed it was the same business that was previously occupied in that space, when I was asked. I then asked if there was anything that needed to be done in order to open and I was told "no". Never was I told I would need a 3 basin sink, and if I couldn't get one, that I would need to be at the mercy of another business's kindness in allowing me to use theirs. Using anything in another establishment, poses cross contamination issues. Most businesses in town are seasonal, and with covid, I'm not sure if anyone would take on any additional risk right now. Had this been said to me prior, this would've been a deal breaker for the current space I'm renting. If this was said to me even during the next month, I would've vacated my lease based on what has been said to me 3 months later. Currently, I have spent close to 50k on a business that I should've been informed wasn't permitted when it was registered. I've offered to add the 3 basin sink, and that doesn't seem to be a possibility either.

As for the food establishment permit, my business doesn't meet any of the needs or requirements that are listed. There is no eating in my store. Nothing is cooked or prepared there. The candy comes directly from the manufacturer. It doesn't come individually wrapped as I was told it needed to be. I've emailed Geri Leonard previously about my business not falling into the categories on the application, and have not received a response yet. Therefore, I have not submitted an application as of today. If someone can walk me through it or set up an in-person appointment at the town office, I would gladly discuss it and apply if it was necessary.

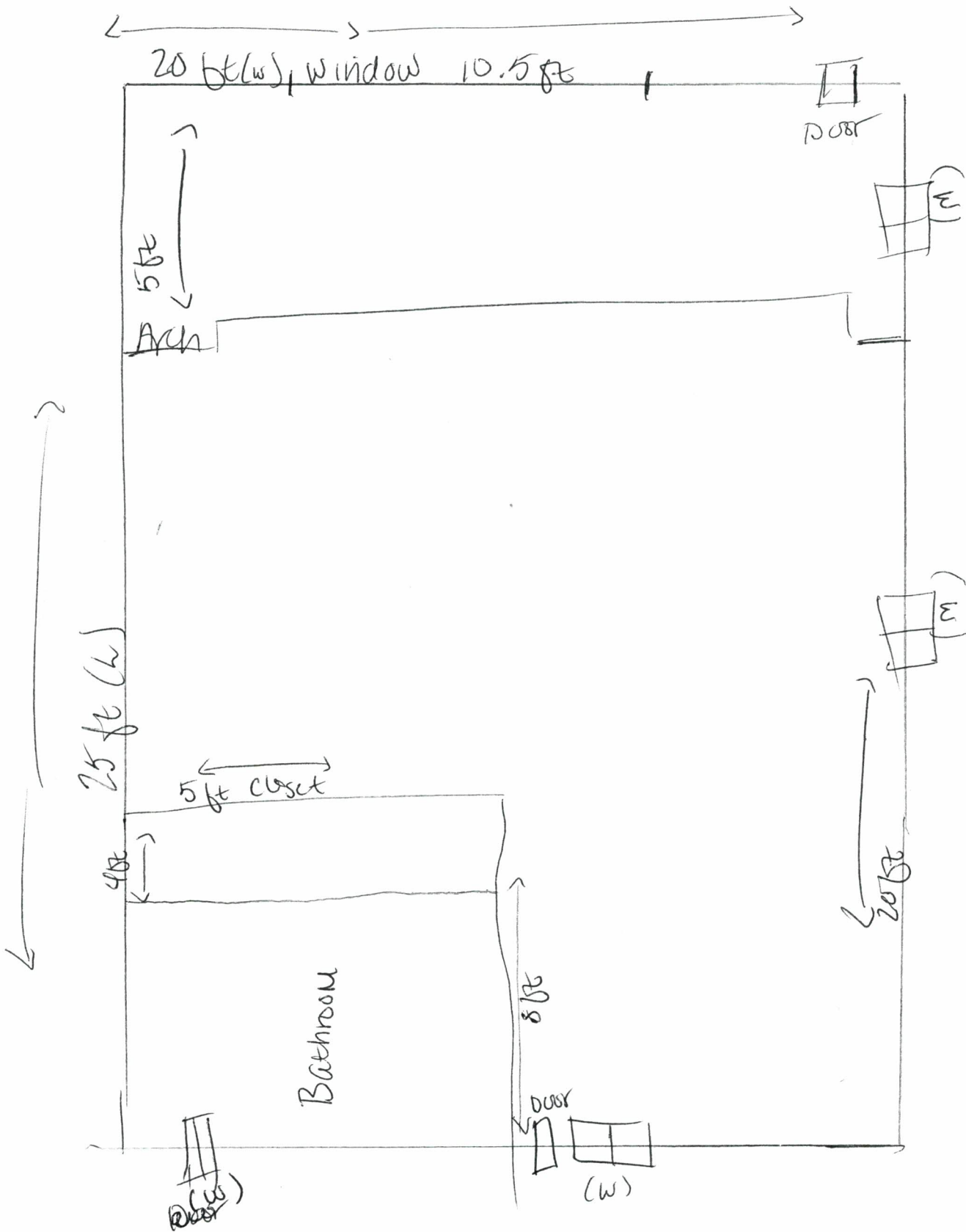
In conclusion, I'm seeking a variance and an extension so that I can look for an outside kitchen or certify the one in the home I will be moving into.

I understand things are up in the air and offices aren't open due to covid, but this is truly an unfortunate situation for myself, as a single mother providing for her children, in the town we call "Home."

In conclusion, if nothing can be done, I will need to close and lose everything I've been working for.

Sincerely,  
Jessica Barbella  
508-221-5335

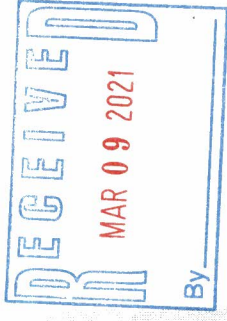
5600 A Route 28, Norwich Port





I Douglas R Meservey, owner/  
operator of The West Chatham Grill  
located at 1615 main street west  
chatham ma do you full access and  
permission to our certified kitchen  
to Jessica Barbells of Say It Sweet  
candies at 560a route 28 Harwich  
port Ma. 02646

Sincerely,  
Douglas Meservey





**MARCH 16, 2021**  
**BOARD OF HEALTH MEETING**

To: Board of Health  
From: Meggan Eldredge, Health Director  
Applicant: Keith LaValley  
Contact Person: John Demarest/Demarest Land Surveying  
Facility Address: 8 Belmont Avenue

---

In accordance with 310 CMR 15.000, The State Environmental Code, Title 5, the owner of the property at 8 Belmont Avenue is requesting to enter into a nitrogen loading restriction and easement agreement to obtain credit land to accommodate the 1 bedroom per 10,000 square foot rule due to the property being in a Zone II, water recharge area.

The applicant has shown that the facility land and credit land provide sufficient land area to support a 2 bedroom dwelling at 8 Belmont Avenue. The facility land is 13,488 square feet, the proposed credit land is located across Shore Street and is 6,607 square feet. The credit land meets the requirements to be considered credit land per Title 5.

I recommend approval of the nitrogen aggregation plan with the following conditions:

1. A fully executed Grant of Title 5 Nitrogen Loading Restriction and Easement be recorded at the Barnstable County Registry of Deeds.
2. The property at 8 Belmont Avenue shall be restricted to a maximum of 2 bedrooms.
3. The credit land shall adhere to the prohibitions and provisions set forth in the Easement documents provided with the application.
4. The dwelling shall be served by Town Water.



**Town of Harwich Health Department**  
**Approval of a Nitrogen Aggregation**  
**Loading Plan**

MARCH 16, 2021  
 Board of Health hearing date  
 PD \$ 500 -  
 ✓ 1537

Please read the Instructions and Supporting Materials before filling out this form.

Demarest  
 Land Survey

Note: Any and all areas identified as "restricted" or "credit land" for the purposes of one application for aggregate nitrogen loading cannot be used for another application pursuant to 310 CMR 15.216.

BOH anticipates that preparation of nitrogen loading plans may require both technical (including hydrogeologic) and legal expertise.



**A. General Information**

1. Applicant:

Keith LaValley  
 Name

Northern Coast Properties  
 Doing Business as (dba)

8 Littlefield Pond Road  
 Street Address

MA  
 State

508-446-1750  
 Telephone

Harwich  
 City/Town  
 02645  
 Zip Code

2. Facility Address / Location (if different from Applicant):

8 Belmont Avenue  
 Address

Harwich  
 City/Town

02645  
 Zip Code

MA  
 State

3. Contact Person (if different from Applicant):

John Demarest  
 Contact Person

Demarest Land Surveying  
 Consultant Firm

338 Mayfair Road  
 Address

South Dennis  
 City/Town

02660  
 Zip Code

MA  
 State  
 508-364-9049  
 Telephone

4. Does this project require a filing under 310 CMR 11.00, The Massachusetts Environmental Policy Act?

Yes                       No

If yes, has a filing been made?  Yes  No

\_\_\_\_\_  
 If yes, EOE File #





# Town of Harwich Health Department

## Approval of a Nitrogen Aggregation Loading Plan

Board of Health hearing date \_\_\_\_\_

### B. Facility Plan

5. The Facility Plan may be for a site in either a Nitrogen Sensitive Area or for a new residential construction where the use of both on-site systems and on-site drinking water supply wells are proposed (private well areas). The facility is sited in:

- A Zone II  
 An Interim Wellhead Protection Area  
 Private well area for new residential construction

6. The legal entity which owns or will own this facility is:

- Individual  Federal  
 Municipality  State / County  
 Private Partnership  Corporation  
 Other (specify): LLC

7. Owner names and addresses of land subject to the proposed facility plan:

Northern Coast Properties  
8 Littlefield Pond Road  
Harwich, MA 02645

### C. List of Documents Required for Submittal

8. A locus map (USGS topographic at 1:25,000) with all relevant locations (e.g. the proposed facility, credit land, water supplies and nitrogen sensitive areas) is required.

Is the locus map attached?  Yes  No

9. A site map, at a suitable scale, with all relevant topographic features (e.g. the proposed facility with discharge, area of impact, credit land, bedrock, test pits, sensitive receptors within one half mile, etc.) is required.

Is the site map attached?  Yes  No

10. The detailed description of the proposed facility including the credit land, site characteristics, the proposed subsurface disposal system, the nitrogen sensitive area, sensitive receptors within one half mile, etc., is required.

Is the narrative description enclosed?  Yes  No

11. The nitrogen loading limitation of 440 gpd per acre equivalency is required.

Are the 440 gpd per acre equivalency calculations enclosed?

Yes  No

12. Are copies of the current deeds (and plans cited) for the facility and credit land enclosed?

Yes  No



## Town of Harwich Health Department

Board of Health hearing date

# Approval of a Nitrogen Aggregation Loading Plan

### C. List of Documents Required for Submittal (cont.)

13. Are copies of the unexecuted nitrogen loading restrictions on facility and credit land enclosed?

Yes  No

For facilities with sewage design flow of 2000 gpd or greater and, when the local approving authority requires a site-specific mass balance analysis, the following documents are required\*\*. Are they attached?

14. A hydrogeologic assessment  Yes  No

15. A site-specific mass balance analysis  Yes  No

16. A groundwater monitoring plan  Yes  No

17. Zone II nitrogen modeling, if applicable  Yes  No

18. Planning Board comments, if any  Yes  No

\*\*Flows greater than 2000 gpd have additional requirements.

See Harwich Board of Health Regulation 1.211.

### D. Certification

"I certify under penalty of law that this document and all attachments, to the best of my knowledge and belief, are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

  
Applicant's Signature

John Z. Demarest Jr.  
Print Name

John Z. Demarest Jr.  
Name of Preparer

2/26/2021  
Date

QUITCLAIM DEED

Osprey Landing, LLC, a Massachusetts limited liability company, 344 John L. Dietsch Boulevard, Attleboro Falls, MA 02763

FOR CONSIDERATION PAID AND IN FULL CONSIDERATION OF FORTY THOUSAND AND NO ONE HUNDREDTHS (\$40,000.00) DOLLARS

GRANTS TO Northern Coast Properties, LLC, a Massachusetts Limited Liability Company, of 8 Littlefield Pond Road, Harwich, MA 02645

with Quitclaim Covenants, the vacant land situated in the Towns of Harwich and Brewster, Barnstable County, MA described as follows:

Parcel I

Lot M as shown on a plan recorded at the Barnstable County Registry of Deeds as Plan Book 594 Page 59.

Parcel II

Lot F as shown on a plan recorded at the Barnstable County Registry of Deeds as Plan Book 594 Page 59.

Parcel III

Beginning at a point on the northerly sideline of Belmont Avenue at the intersection of Belmont Avenue and Shore Street;

Thence South 79° 49' 14" West for a distance of 202 feet more or less to Round Pond;

Thence in a Northeasterly direction along the pond a distance of 78 feet more or less to the town line. Then continuing along the line of the pond now in Brewster known as Dark Bottom Pond for a distance of 413 feet more or less;

Thence in a Northwesterly direction 32 feet more or less to an old cranberry bog;

Thence in a Southeasterly direction along the line of the old cranberry bog for a distance of 242 feet more or less to the Northwesterly corner of land now or formerly owned by John G. Crowley;

Thence South 10° 10' 46" East for a distance of 82 feet more or less to the Northwesterly corner of Parcel 20;

Thence South 10° 10' 46" East for a distance of 80 feet;

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 06-21-2019 @ 01:38pm  
Ct1#: 1054 Doc#: 28903  
Fee: \$136.80 Cons: \$40,000.00  
BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 06-21-2019 @ 01:38pm  
Ct1#: 1054 Doc#: 28903  
Fee: \$122.40 Cons: \$40,000.00

3



Thence North  $17^{\circ} 49' 14''$  East for a distance of 100 feet more or less to the west sideline of Shore Street;

Thence South  $10^{\circ} 10' 46''$  East for a distance of 100 feet more or less to the point of beginning.

Said land being shown as N/F Herbert A. Henshaw, however described, on a plan of land in Brewster and Harwich, MA containing a total 24,874 square feet more or less of which 14,412 square feet is in Harwich, MA and 10,462 square feet is in Brewster, MA. Said plan is recorded in Plan Book 574 Page 5.

Street address of Parcel I is 8 Belmont Avenue West, Harwich

Street address of Parcel II is 4 Belmont Avenue West, Harwich

Street address of Parcel III is 3 Belmont Avenue West, Harwich

For title, see Book 28394 Page 283

Executed as a sealed instrument this 21 day of June, 2019.

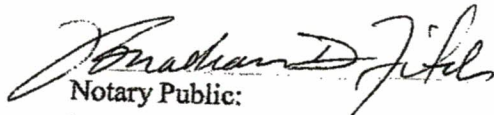
Osprey Landing, LLC By:

  
Thomas Ruhan, Manager

COMMONWEALTH OF MASSACHUSETTS

Barnstable,ss

On this 21 day of June, 2019, before me, the undersigned notary public, personally appeared **Thomas Ruhan, Manager as aforesaid**, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, and personally known to me, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily on behalf of **Osprey Landing, LLC** for its stated purpose.

  
Notary Public:  
My commission expires: 12.25.20



**JONATHAN D. FITCH**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 25, 2020



**DEMAREST LAND SURVEYING**  
338 Mayfair Road  
South Dennis, MA 02660  
Phone: 508-364-9049  
email: demarestlandsurveying@gmail.com

Date: 2/26/2021

To: Meggan Eldredge, Health Director  
Harwich Health Department  
732 Main Street  
Harwich, MA 02645

Re: Nitrogen Aggregation Loading Plan  
8 Belmont Avenue, Harwich

Dear Meggan:

**Project Description**

The subject property is a vacant parcel of land located at #8 Belmont Avenue, Assessors Map 77 Parcel A17-1, with an area of 13,488+/- S.F. in a Zone II Protection Area. We are proposing a 2 bedroom single family dwelling and subsurface disposal system with a design flow of 220 G.P.D. as shown on the accompanying site plan prepared by Stephen A. Haas, PE.

The current owner, Northern Coast Properties, also owns the property across the street located at #3 and #4 Belmont Avenue, Assessors Map 77 Parcels A20-1 and A21-1, these lots were combined and endorsed by the Harwich Planning Board creating one lot with an area of 48,323+/- S.F. The owner is creating a Nitrogen Credit Easement on this property of 6,607+/- S.F. (see accompanying easement plan) to add to the 13,488+/- S.F. on #8 Belmont to create a combined dedicated area of 20,000 S.F. allowing for a 2 bedroom system.

Sincerely,

John Z. Demarest Jr.  
Professional Land Surveyor







Upon recording, mail to:  
Bureau of Resource Protection, Wastewater Management  
Department of Environmental Protection  
[applicable Regional Office address]

GRANT OF TITLE 5 NITROGEN LOADING RESTRICTION AND EASEMENT  
(Grantor owns and restricts both the facility land and the credit  
land) 310 CMR 15.216

This GRANT OF TITLE 5 Nitrogen Loading Restriction AND EASEMENT made as of this \_\_\_\_ day  
of \_\_\_\_\_, 2021, by Northern Coast Properties, LLC, of 8 Littlefield Pond Road, Harwich, MA 02645, Barnstable  
County, Massachusetts ("Grantor").

WITNESSETH

WHEREAS, Grantor being the owner(s) in fee simple of that [those] certain parcel(s) of [vacant] land  
located in Barnstable County, Massachusetts, with the buildings and improvements thereon, pursuant to a deed from  
Osprey Landing, LLC to Grantor, dated 06/21/2019, and recorded with Barnstable County Registry of Deeds in Book  
32105, Page 327 said parcel(s) of land being more particularly bounded and described in Exhibit A, attached hereto and  
made a part hereof, and being shown as Lot F in Plan Book 594 Page 59 at the Barnstable County Registry of Deeds  
("Facility Land"); and

WHEREAS, Grantor being the owner(s) in fee simple of that [those] certain parcel(s) of [vacant] land  
located in Barnstable County, Massachusetts, with the buildings and improvements thereon, pursuant to a deed from  
Osprey Landing, LLC to Grantor, dated 06/21/2019, and recorded with Barnstable County Registry of Deeds in Book  
32105, Page 327 said parcel(s) of land being more particularly bounded and described in Exhibit A, attached hereto and  
made a part hereof, and being shown as Lot M in Plan Book 594 Page 59, and as Land "N/F Herbert A. Henshaw" in Plan  
Book 574 Page 5 and a portion of Belmont Avenue as shown on both said plans at the Barnstable County Registry of  
Deeds and also shown altogether as Lot 1 on an unrecorded plan dated 10/17/2018 by Demarest Land Surveying and  
described in Exhibit B attached hereto ("Credit Land"); and

WHEREAS, Grantor desires to restrict the number of bedrooms as defined pursuant to 310 CMR  
15.002 and/or the wastewater discharge design flow in any improvements located on the Facility Land through the use of  
this Nitrogen Loading Restriction and Easement; and

WHEREAS, the Facility Land has the benefit, granted hereby, of the Restriction and Easement on the  
Credit Land consisting of approximately 1.11 acres as herein provided but which is limited to the restricted area as shown  
on the attached "Nitrogen Aggregation Easement Plan of Land in Harwich, MA for Northern Coast Properties LLC dated  
12/14/2020 by Demarest Land Surveying is attached hereto as Exhibit C; and

WHEREAS, the Nitrogen Loading Facility Aggregation Plan has been approved by the Harwich  
Board of Health [and, if required, the Massachusetts Department of Environmental Protection ("MassDEP" or  
"Department")] in accordance with the Department's "Guidelines for Title 5 Aggregation of Plans and Nitrogen Loading;"  
said approval being based upon the agreement by Grantor to incur certain obligations regarding the number of bedrooms, as  
defined in 310 CMR 15.002, and/or the wastewater discharge design flow in any improvements located on the Facility Land  
and maintenance of the Restriction and Easement to ensure protection of the nitrogen loading limitation of 440 gpd/acre  
discharge standard pursuant to 310 CMR 15.214 in nitrogen-sensitive areas or in areas serving new construction where the  
residential use of both on-site systems and drinking water supply wells are proposed; and to grant to the municipality  
acting by and through the Harwich Board of Health a perpetual easement to ensure maintenance of the Facility Land  
and the Credit Land including, but not limited to, removal of any prohibited uses and in connection herewith a perpetual  
easement to pass and repass over the Facility Land and the Credit Land for purposes of inspection of the Facility Land  
and Credit Land to ensure compliance with and fulfillment of the terms of this Restriction/Easement as hereafter set  
forth;

NOW, THEREFORE, pursuant to the provisions of 310 CMR 15.216, Grantor does hereby GRANT to the Town/City of Harwich, a Massachusetts municipal corporation situated in Barnstable County, having an address at 732 Main Street, Harwich, MA 02645, acting by and through its Board of Health ("Local Approving Authority") for nominal, non-monetary consideration, with QUITCLAIM COVENANTS, a TITLE 5 NITROGEN LOADING RESTRICTION AND EASEMENT ("Restriction/Easement") in, on, upon, through, over and under the Facility Land and the Credit Land, the terms and conditions of which are as follows:

**PURPOSE:**

The purpose of this restriction is to protect and preserve the quality and quantity of ground water resources in the area of the public and private wells in the Town/City of Harwich, Massachusetts in order to ensure a safe and healthy public and private water supply for the present and future inhabitants of the area. It shall also be for the specific purpose of limiting the introduction of nitrogen and other pollutants into, and maintaining the natural uptake of pollutants and the recharge of the ground water which takes place on the Facility Land and the Credit Land for the said water supply.

**OBLIGATIONS AND EASEMENT:**

1. Prohibitions. Grantor agrees to restrict the number of bedrooms, as defined pursuant to 310 CMR 15.002, in any improvements on the Facility Land to 2 [insert number of bedrooms, or in cases where the design flow for the facility is not determined by the number of bedrooms, insert the applicable wastewater discharge design flow limitation in 310 CMR 15.214]. Grantor further agrees to maintain the Credit Land as nitrogen credit land by prohibiting activities which have a detrimental effect on nitrogen loading on the Credit Land, including but not limited to wastewater discharges, the use of nitrogen fertilizer, the introduction of artificial impervious surfaces, the raising, breeding or keeping of animals, livestock or poultry for commercial purposes, and the creation or introduction of land under water. A change in the condition of the Credit Land which results in the Credit Land or a portion thereof being within a Velocity Zone or Regulatory Floodway will render the Credit Land or said portion thereof ineligible for nitrogen credit pursuant to 310 CMR 15.216.

2. Easements. In creating this Restriction and Easement, Grantor hereby grants to the Local Approving Authority its agents, contractors, subcontractors and employees a perpetual EASEMENT to enter upon and the right to bring equipment onto the Facility Land and Credit Land to do any and all acts deemed necessary to maintain the Facility Land and Credit Land in a manner which ensures protection of the nitrogen loading limitation of 440 gpd/acre discharge standard pursuant to 310 CMR 15.214 together with a right to pass and repass by foot and by vehicle over the Facility Land and Credit Land for said purposes, and for purposes of inspecting the Facility Land and Credit Land to ensure compliance with and fulfillment of the terms of this Restriction/Easement.

3. Severability. If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

4. Enforcement. Grantor expressly acknowledges that a violation of the terms of this instrument could result in the following:

(i) upon determination by a court of competent jurisdiction, in the issuance of criminal and civil penalties, and/or equitable remedies, including, but not limited to, injunctive relief, such injunctive relief could include the issuance of an order to modify or remove any improvements constructed upon the Facility Land or Credit Land in violation of the terms of this Restriction/Easement; and

(ii) in the assessment of penalties and enforcement action by the Local Approving Authority and DEP to enforce the terms of this Restriction/Easement, pursuant to Title 5; M.G.L. c.111, §§ 17, 31, 122, 124, 125, 125A, 127A through 1270, and 129; and M.G.L. c.83, §11.

5. Provisions to Run with the Land. This Restriction/Easement sets forth the rights, liabilities, agreements and obligations upon and subject to which the Facility Land and Credit Land or any portion thereof, shall be left unimproved or according to which said Facility Land and Credit Land may be improved, held, used, occupied, leased, sold, hypothecated, encumbered, or conveyed. The rights, liabilities, agreements and obligations herein set forth shall run with the Facility



Land and Credit Land, as applicable thereto, and any portion thereof and shall inure to the benefit of and be binding upon Grantor and all parties claiming by, through or under the Local Approving Authority or Grantor. The rights hereby granted to the Local Approving Authority and its successors and assigns constitute their perpetual right to enforce this Restriction/Easement. Grantor hereby covenants for himself/herself/itself and his/her/its executors, administrators, heirs, successors and assigns, to stand seized and hold title to the Facility Land and Credit Land, as applicable thereto, and any portion thereof, subject to this Restriction/Easement, provided, however, that a violation of this Restriction/Easement shall not result in a forfeiture or reversion of Grantor's title to the Facility Land or Credit Land, as applicable thereto.

6. Concurrence Presumed. It being agreed that Grantor and all parties claiming by, through or under Grantor shall be deemed to be in accord with the provisions herein set forth and to agree for and among themselves and any party claiming by, through or under them, and their respective agents, contractors, sub-contractors and employees, that the Restriction/Easement herein established shall be adhered to and not violated and that their respective interests in the Facility Land and the Credit Land and the Restriction/Easement, as applicable thereto, shall be subject to the provisions herein set forth.

7. Incorporation into Deeds, Mortgages, leases and Instruments of Transfer. Grantor hereby agrees to incorporate this Restriction/Easement, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest in and/or a right to use the Facility Land or Credit Land, or any portion thereof, is conveyed.

8. Recordation. Grantor shall record and/or register this Restriction/Easement with the appropriate Registry of Deeds and/or Land Registration Office within 30 days of the latter of: receipt from the Local Approving Authority of the approved Restriction/Easement or the expiration of the 60-day DEP constructive approval period pursuant to 310 CMR 15.216. Grantor shall file with the Local Approving Authority and the DEP a certified Registry copy of this Restriction/Easement as recorded and/or registered within 30 days of its date of recordation and/or registration.

9. Amendment and Release. This Restriction/Easement may be amended or released only upon approval by the Local Approving Authority. Release of this Restriction/Easement shall be granted by the Local Approving Authority in the event the Facility Land is connected to a municipal sewer system and the septic system serving the Facility Land is abandoned in accordance with 310 CMR 15.354 or the Facility Land is no longer located within a nitrogen sensitive area pursuant to 310 CMR 15.215. Any such amendment or release shall be recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office and a certified Registry copy of said amendment or release shall be filed with the Local Approving Authority and the DEP within 30 days of its date of recordation and/or registration.

10. Term. This Restriction/Easement shall run in perpetuity and is intended to conform to M.G.L. c.184, §26, as amended.

11. Rights Reserved. This Restriction/Easement is granted to the Local Approving Authority in connection with the approval of a Nitrogen Loading Facility Aggregation Plan pursuant to 310 CMR 15.216 and the Department's "Guidelines for Title 5 Aggregation of Flows and Nitrogen Loading." It is expressly agreed that acceptance of the Restriction/Easement by the Local Approving Authority or constructive approval of the Nitrogen Loading Facility Aggregation Plan by DEP shall not operate to bar, diminish, or in any way affect any legal or equitable right of the Local Approving Authority or DEP to issue any future order with respect to the Facility Land or Credit Land or in any way affect any other claim, action, suit, cause of action, or demand which the Local Approving Authority of DEP may have with respect thereto. Nor shall acceptance of the Restriction/Easement serve to impose any obligations, liabilities, or any other duties upon the Local Approving Authority.

12. Effective Date. This Restriction/Easement shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

Executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2021

NORTHERN COAST PROPERTIES LLC BY:

\_\_\_\_\_  
KEITH LAVALLEY, MANAGER

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2021 before me, the undersigned notary public, personally appeared KEITH LAVALLEY, Manager of NORTHERN COAST PROPERTIES LLC, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ to be the person whose name is signed above and, acknowledged to me that he signed it voluntarily on behalf of NORTHERN COAST PROPERTIES LLC for its stated purpose.

NOTARY SEAL:

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

The Harwich Board of Health hereby approves and accepts this Grant of Title 5 Nitrogen Loading Restriction Easement.

\_\_\_\_\_  
Harwich Board of Health

Date: \_\_\_\_\_

A

Bk 32105 Pg327 #28903

06-21-2019 @ 01:38p  
NOT

NOT  
AN  
OFFICIAL QUITCLAIM DEED  
OFFICIAL

Osprey Landing, LLC a Massachusetts limited liability company, 344 John L. Dietsch  
Boulevard, Attleboro Falls, MA 02763

NOT  
FOR CONSIDERATION PAID AND IN FULL CONSIDERATION OF FORTY  
THOUSAND AND NO ONE HUNDREDTHS (\$40,000.00) DOLLARS

COPY  
GRANTS TO Northern Coast Properties, LLC, a Massachusetts Limited Liability Company,  
of 8 Littlefield Pond Road, Harwich, MA 02645

with Quitclaim Covenants, the vacant land situated in the Towns of Harwich and Brewster,  
Barnstable County, MA described as follows:

Parcel I

Lot M as shown on a plan recorded at the Barnstable County Registry of Deeds as Plan Book  
594 Page 59.

Parcel II

Lot F as shown on a plan recorded at the Barnstable County Registry of Deeds as Plan Book 594  
Page 59.

Parcel III

Beginning at a point on the northerly sideline of Belmont Avenue at the intersection of Belmont  
Avenue and Shore Street;

Thence South 79° 49' 14" West for a distance of 202 feet more or less to Round Pond;

Thence in a Northeasterly direction along the pond a distance of 78 feet more or less to the town  
line. Then continuing along the line of the pond now in Brewster known as Dark Bottom Pond  
for a distance of 413 feet more or less;

Thence in a Northwesterly direction 32 feet more or less to an old cranberry bog;

Thence in a Southeasterly direction along the line of the old cranberry bog for a distance of 242  
feet more or less to the Northwesterly corner of land now or formerly owned by John G.  
Crowley;

Thence South 10° 10' 46" East for a distance of 82 feet more or less to the Northwesterly corner  
of Parcel 20;

Thence South 10° 10' 46" East for a distance of 80 feet;

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 06-21-2019 @ 01:38pm  
Ct1#: 1054 Doc#: 28903  
Fee: \$136.80 Cons: \$40,000.00

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 06-21-2019 @ 01:38pm  
Ct1#: 1054 Doc#: 28903  
Fee: \$122.40 Cons: \$40,000.00



NOT NOT  
Thence North 17° 49' 14" East for a distance of 100 feet more or less to the west sideline of  
Shore Street; OFFICIAL OFFICIAL  
COPY COPY

Thence South 10° 10' 46" East for a distance of 100 feet more or less to the point of beginning.

NOT NOT  
Said land being shown as N/F Herbert A. Henshaw, however described, on a plan of land in  
Brewster and Harwich, MA containing a total 24,874 square feet more or less of which 14,412  
square feet is in Harwich, MA and 10,462 square feet is in Brewster, MA. Said plan is recorded  
in Plan Book 574 Page 5.

Street address of Parcel I is 8 Belmont Avenue West, Harwich

Street address of Parcel II is 4 Belmont Avenue West, Harwich

Street address of Parcel III is 3 Belmont Avenue West, Harwich

For title, see Book 28394 Page 283

NOT  
Executed as a sealed instrument this 21 day of June, 2019.  
OFFICIAL COPY

NOT  
Osprey Landing, LLC By: Thomas Ruhan  
OFFICIAL COPY


*Thomas Ruhan*  
Thomas Ruhan, Manager

COMMONWEALTH OF MASSACHUSETTS

Barnstable,ss

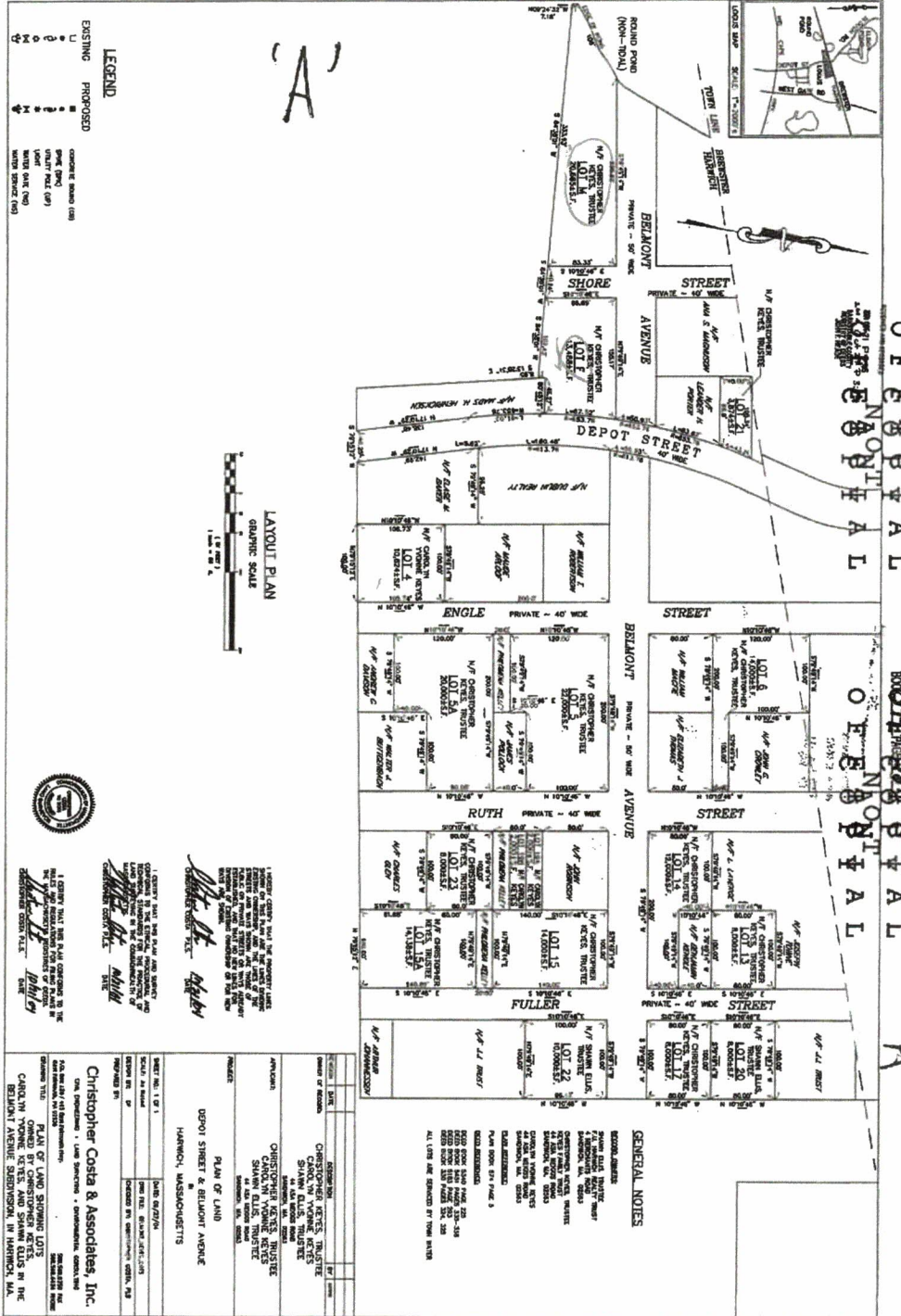
On this 21 day of June, 2019, before me, the undersigned notary public, personally appeared **Thomas Ruhan, Manager** as aforesaid, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, and personally known to me, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily on behalf of **Osprey Landing, LLC** for its stated purpose.

*Jonathan D. Fitch*  
Notary Public:  
My commission expires: 12.25.20

 **JONATHAN D. FITCH**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 25, 2020

594 59

A



OF EASTERN HOSPITAL  
 OF EASTERN HOSPITAL  
 OF EASTERN HOSPITAL

A

I HEREBY CERTIFY THAT THE PROPERTY LINES  
 SHOWN ON THIS PLAN ARE THE RESULT OF A  
 SURVEY MADE BY ME OR UNDER MY CLOSE  
 PERSONAL SUPERVISION AND TO THE BEST OF  
 MY KNOWLEDGE AND BELIEF THEY ACCURATELY  
 REPRESENT THE TRUE AND CORRECT BOUNDARIES  
 OF THE PROPERTY DESCRIBED HEREON.  
 WITNESSED MY HAND AND SEAL OF OFFICE  
 THIS 15th DAY OF MAY 1927.  
 [Signature]  
 SURVEYOR

I CERTIFY THAT THIS PLAN CONFORMS TO THE  
 REQUIREMENTS OF THE MASSACHUSETTS  
 REGISTERED PROFESSIONAL SURVEYORS ACT  
 AND THE REGULATIONS THEREUNDER.  
 WITNESSED MY HAND AND SEAL OF OFFICE  
 THIS 15th DAY OF MAY 1927.  
 [Signature]  
 REGISTERED PROFESSIONAL SURVEYOR



**GENERAL NOTES**  
 1. ALL LOTS ARE TO BE CONVEYED TO THE  
 EASTERN HOSPITAL BY DEED.  
 2. THE LOTS ARE TO BE CONVEYED TO THE  
 EASTERN HOSPITAL BY DEED.  
 3. THE LOTS ARE TO BE CONVEYED TO THE  
 EASTERN HOSPITAL BY DEED.  
 4. THE LOTS ARE TO BE CONVEYED TO THE  
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 5. THE LOTS ARE TO BE CONVEYED TO THE  
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 6. THE LOTS ARE TO BE CONVEYED TO THE  
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 7. THE LOTS ARE TO BE CONVEYED TO THE  
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 8. THE LOTS ARE TO BE CONVEYED TO THE  
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 9. THE LOTS ARE TO BE CONVEYED TO THE  
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 10. THE LOTS ARE TO BE CONVEYED TO THE  
 EASTERN HOSPITAL BY DEED.  
 11. THE LOTS ARE TO BE CONVEYED TO THE  
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 12. THE LOTS ARE TO BE CONVEYED TO THE  
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 13. THE LOTS ARE TO BE CONVEYED TO THE  
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 14. THE LOTS ARE TO BE CONVEYED TO THE  
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 15. THE LOTS ARE TO BE CONVEYED TO THE  
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 16. THE LOTS ARE TO BE CONVEYED TO THE  
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 17. THE LOTS ARE TO BE CONVEYED TO THE  
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 18. THE LOTS ARE TO BE CONVEYED TO THE  
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 19. THE LOTS ARE TO BE CONVEYED TO THE  
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 20. THE LOTS ARE TO BE CONVEYED TO THE  
 EASTERN HOSPITAL BY DEED.  
 21. THE LOTS ARE TO BE CONVEYED TO THE  
 EASTERN HOSPITAL BY DEED.  
 22. THE LOTS ARE TO BE CONVEYED TO THE  
 EASTERN HOSPITAL BY DEED.

| NO. | DATE | DESCRIPTION                              | BY                                   |
|-----|------|--|--------------------------------------|
| 1   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 2   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 3   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 4   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 5   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 6   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 7   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 8   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 9   | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 10  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 11  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 12  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 13  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 14  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 15  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 16  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 17  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 18  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 19  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 20  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 21  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |
| 22  | 1927 | CONVEYED TO THE EASTERN HOSPITAL BY DEED | CHRISTOPHER COSTA & ASSOCIATES, INC. |

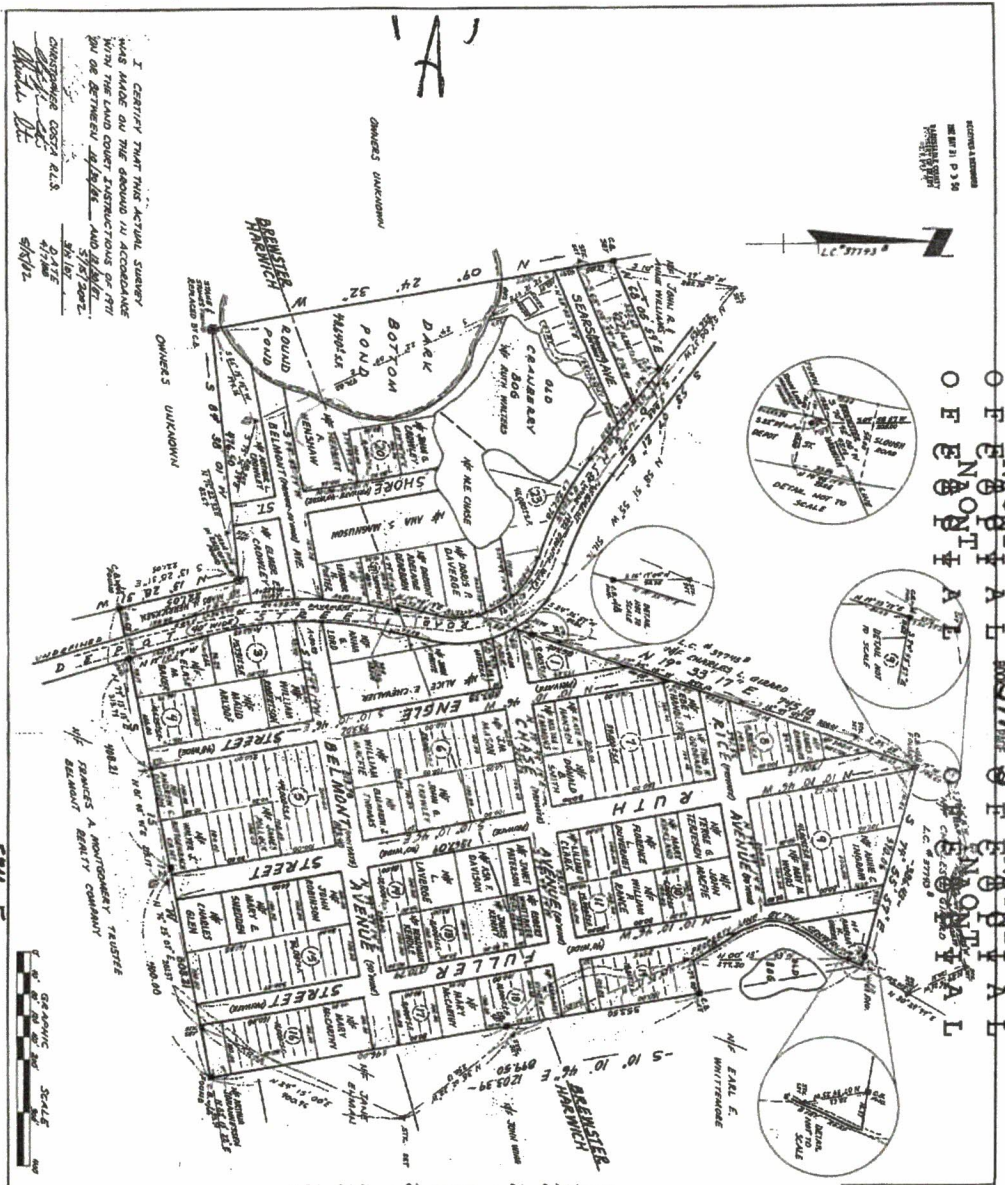
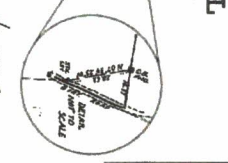
**PLAN OF LAND**  
 DEPOT STREET & BELMONT AVENUE  
 HANNOCH, MASSACHUSETTS  
 DATE: 05/27/27  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

**Christopher Costa & Associates, Inc.**  
 100 STATE STREET, SUITE 200  
 BOSTON, MASSACHUSETTS 02109  
 TEL: 617-552-1100  
 FAX: 617-552-1101  
 WWW.CHCR.COM



RECORDS & MAPS  
 MAY 21, 1936  
 100 STATE STREET  
 BOSTON, MASS.

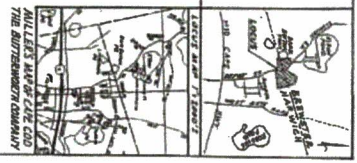
OFFICIAL MAP OF ENON TOWN  
 OFFICIAL MAP OF ENON TOWN



I CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 1911 BY DE JURE SURVEYOR AND REGISTER OF DEEDS  
 CHARGEMAN COOK, R.L.S.  
 DATE 4/17/36  
 SIGNED [Signature]

OWNER'S UNKNOWN

574-5



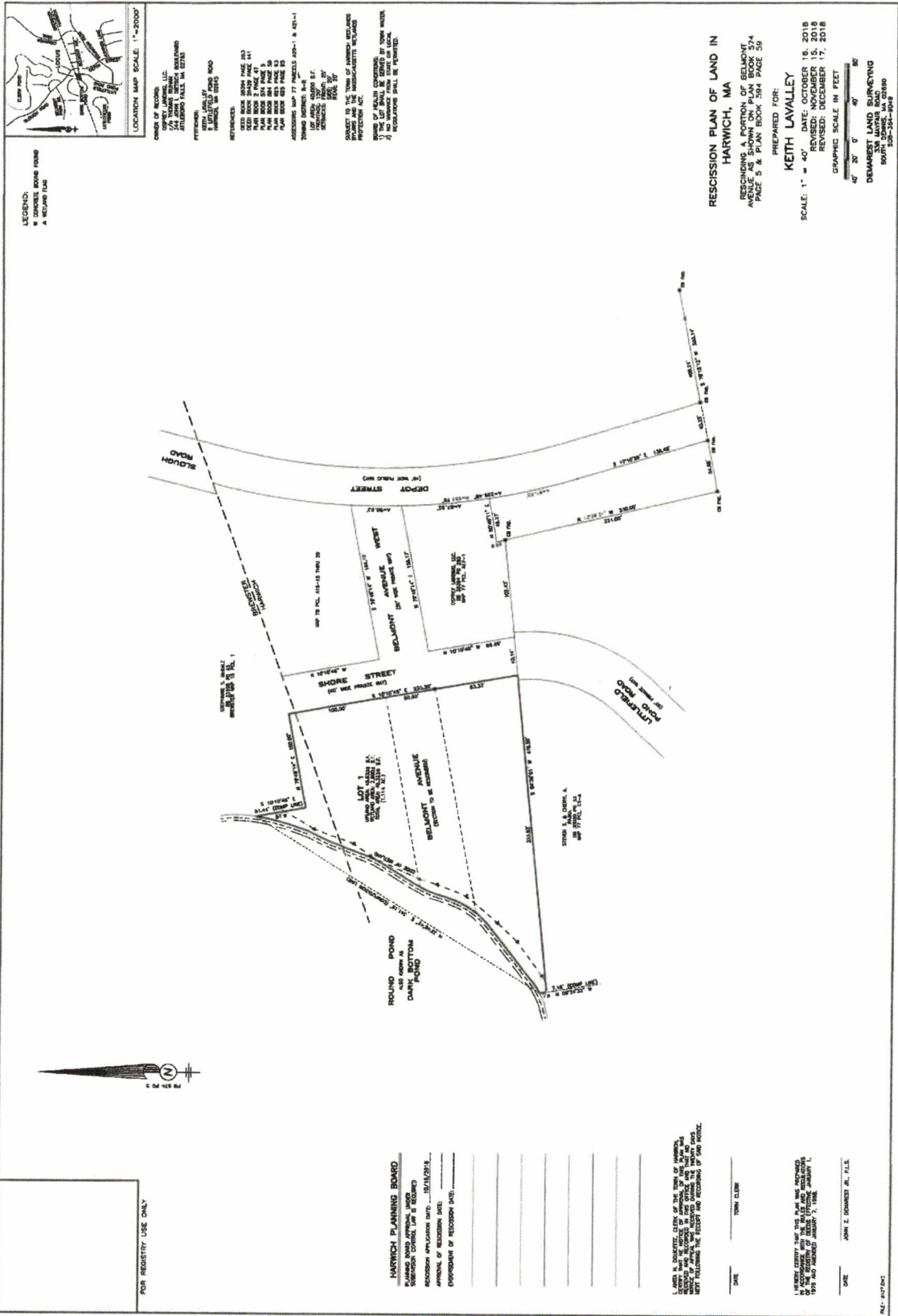
I HEREBY CERTIFY THAT THE PROPERTY LISTS KNOWN AS THE PLAN AND THE LISTS LISTS OF THE SURVEYORS AND OTHER SURVEYORS ARE TRUE AND CORRECT AND THAT THE SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE INSTRUCTIONS OF THE LAND COURT OF MASSACHUSETTS.  
 CHARGEMAN COOK, R.L.S.  
 DATE 4/17/36  
 SIGNED [Signature]

PETITIONER: CHARGEMAN, KEVENS

PLAN OF LAND  
 BREWSTER - HARWICH  
 MASSACHUSETTS  
 COUNTY OF BARRETTVILLE  
 SCALE: 1" = 100' (SEE PAGE 2, 118)  
 ALL COPY SURVEY GOVERNMENTAL MAPS  
 AFTER SIZE 20" DIAMETER PER  
 MASSACHUSETTS REGISTER OF DEEDS  
 RECORD IN THE INDEXES AT 11-15

'B'

'B'



LEGEND:  
 W CONCRETE BOUND TOWER  
 A RETIARD TANK

LOCATION MAP SCALE: 1"=2000'

OWNER OF RECORD:  
 1. BELMONT TOWN  
 2. BELMONT TOWN  
 3. BELMONT TOWN  
 4. BELMONT TOWN

REFERENCES:  
 1. BELMONT TOWN  
 2. BELMONT TOWN  
 3. BELMONT TOWN  
 4. BELMONT TOWN

PREPARED FOR:  
 BELMONT TOWN

DATE:  
 DECEMBER 17, 2018

SCALE:  
 1" = 40'

GRAPHIC SCALE IN FEET  
 0 20 40 80

DEPARTMENT OF LAND SURVEYING  
 SOUTH DORSET, MA 01968  
 TEL: 508-325-9494

REVISION PLAN OF LAND IN  
 BELMONT, MA

PREPARED FOR:  
 BELMONT TOWN

DATE:  
 DECEMBER 17, 2018

SCALE:  
 1" = 40'

GRAPHIC SCALE IN FEET  
 0 20 40 80

DEPARTMENT OF LAND SURVEYING  
 SOUTH DORSET, MA 01968  
 TEL: 508-325-9494

FOR REISTRY USE ONLY

BELMONT PLANNING BOARD  
 BELMONT TOWN  
 BELMONT TOWN  
 BELMONT TOWN  
 BELMONT TOWN

REVISION APPLICATION DATE: 12/17/18  
 APPROVAL OF REVISION DATE: \_\_\_\_\_  
 ENDORSEMENT OF REVISION DATE: \_\_\_\_\_

DATE: \_\_\_\_\_  
 TOWN CLERK

LAND IS SUBJECT OF THE TOWN OF BELMONT,  
 MASSACHUSETTS. THIS PLAN WAS PREPARED  
 BY THE OFFICE OF LAND SURVEYING, DEPARTMENT  
 OF REVENUE AND TAXATION, COMMONWEALTH OF  
 MASSACHUSETTS, ON BEHALF OF THE TOWN OF BELMONT,  
 MASSACHUSETTS, IN ACCORDANCE WITH THE MASSACHUSETTS  
 LAND SURVEYING ACT, CHAPTER 270B, SECTION 10.

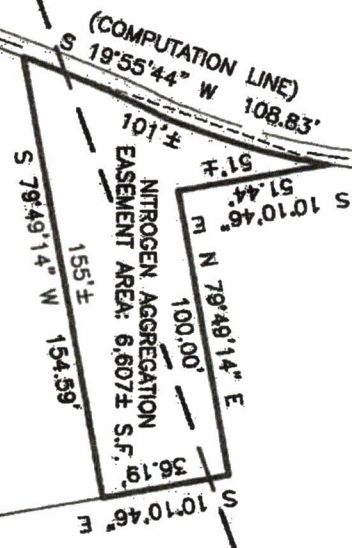
DATE: \_\_\_\_\_  
 JOHN Z. DONNERT, JR., P.L.S.

"EXHIBIT A"  
C



ROUND POND  
ALSO KNOWN AS  
DARK BOTTOM  
POND

LOT 1  
AS SHOWN ON A PLAN ENTITLED  
"REVISION PLAN OF LAND IN  
HARWICH, MA RESIDING A PORTION  
OF BELMONT AVENUE AS SHOWN ON  
PLAN BOOK 574 PAGE 5 & PLAN  
BOOK 594 PAGE 59 PREPARED FOR KEITH  
KEITH LAYALLEY" DATED OCTOBER 16, 2018  
REVISED DECEMBER 17, 2018 SCALE 1"=40'



LITTLEFIELD  
POND ROAD

SHORE STREET

BELMONT AVENUE WEST

BREWSTER  
HARWICH

LOT F  
PB 594 PG 59  
NORTHERN COAST  
PROPERTIES, LLC  
DB 32105 PG 327

NITROGEN AGGREGATION  
EASEMENT PLAN OF LAND IN  
HARWICH, MA  
SHOWING A NITROGEN AGGREGATION  
AREA TO BENEFIT LOT F  
PREPARED FOR:  
NORTHERN COAST  
PROPERTIES

SCALE: 1" = 60' DATE: DECEMBER 14, 2020

DEAREST LAND SURVEYING  
338 MAYFAIR ROAD  
SOUTH DENNIS, MA 02660  
508-364-9049



**GENERAL NOTES:**

- THIS PLAN IS FOR THE DESIGN AND CONSTRUCTION OF THE SEWAGE DISPOSAL SYSTEM AND PERMITTING PURPOSES ONLY.
- VERTICAL DATUM IS ASSUMED. FOR BENCH MARKS SET. SEE SITE PLAN.
- ALL CONSTRUCTION METHODS AND MATERIALS AND MAINTENANCE OF THE SEPTIC SYSTEM SHALL CONFORM TO MASS. D.E.P. TITLE 5 AND LOCAL BOARD OF HEALTH REGULATIONS.
- ALL SEPTIC SYSTEM COMPONENTS LOCATED UNDER AREAS SUBJECT TO VEHICULAR TRAFFIC OR GREATER THAN 3" IN DEPTH SHALL BE CAPABLE OF WITHSTANDING H-20 WHEEL LOADS.
- ALL SEWER PIPE SHALL BE SCHEDULE 40 PVC OR APPROVED EQUIV.
- SEPTIC TANK AND D-BOX SHALL BE REINFORCED PRECAST CONCRETE OR APPROVED POLYETHYLENE BOTH SHALL BE WATER TIGHT. D-BOX SHALL BE WATER TESTED FOR LEAK WHEN THERE IS MORE THAN ONE OUTLET.
- BEFORE CONSTRUCTION CALL "DIG-SAFE". 1-888-DIG-SAFE AND THE LOCAL WATER DEPT. FOR LOCATION OF UNDERGROUND UTILITIES.
- SEPTIC SYSTEM INSTALLER SHALL NOTIFY THE DESIGN ENGINEER TWO DAYS PRIOR TO CONSTRUCTION OF THE SYSTEM TO ALLOW FOR SCHEDULING OF THE CONSTRUCTION INSPECTIONS.
- ALL UNSUITABLE MATERIAL (A & B HORIZONS) ENCOUNTERED BELOW THE INVERT OF THE LEACHING FACILITY TO BE REMOVED FOR A DISTANCE OF 5' AROUND AND REPLACED WITH SAND IN ACCORDANCE WITH TITLE 5.
- NO DETERMINATION HAS BEEN MADE AS TO COMPLIANCE WITH DEED RESTRICTIONS OR ZONING REGULATIONS. IT SHALL REMAIN THE CLIENT'S RESPONSIBILITY TO OBTAIN ALL PERMITS, SPECIAL PERMITS, VARIANCES ETC. FOR THIS PROJECT.
- IT SHALL REMAIN THE CLIENT'S RESPONSIBILITY TO MAKE THE NECESSARY ARRANGEMENTS FOR THE DESIGN AND CONSTRUCTION OF THE SEWER AND SOIL CONDITIONS AT THE LOCATION OF THE PROPOSED BUILDING.

**DESIGN CRITERIA:**

DESIGN FLOW:  
 220 G.P.D. X 2.000 = 440 GAL.  
 BEDROOMS AT 110 G.P.D. PER  
 BEDROOM EQUALS 220 G.P.D.

NO GARAGE GRINDER

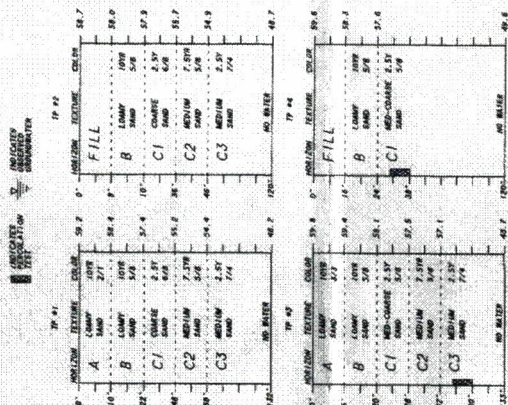
SEPTIC TANK REQUIRED:  
 220 G.P.D. X 2.000 = 440 GAL.  
 SEPTIC TANK PROVIDED: 1500 GAL. MIN.

SOIL ABSORPTION SYSTEM REQUIRED:  
 DESIGN FLOW RATE 4.5 MIN/INCH  
 SOIL TEXTURAL CLASS: I

EFFLUENT LOADING RATE = 0.74 GPD/SF  
 220 GPD / 0.74 GPD/SF = 298 S.F. REQUIRED

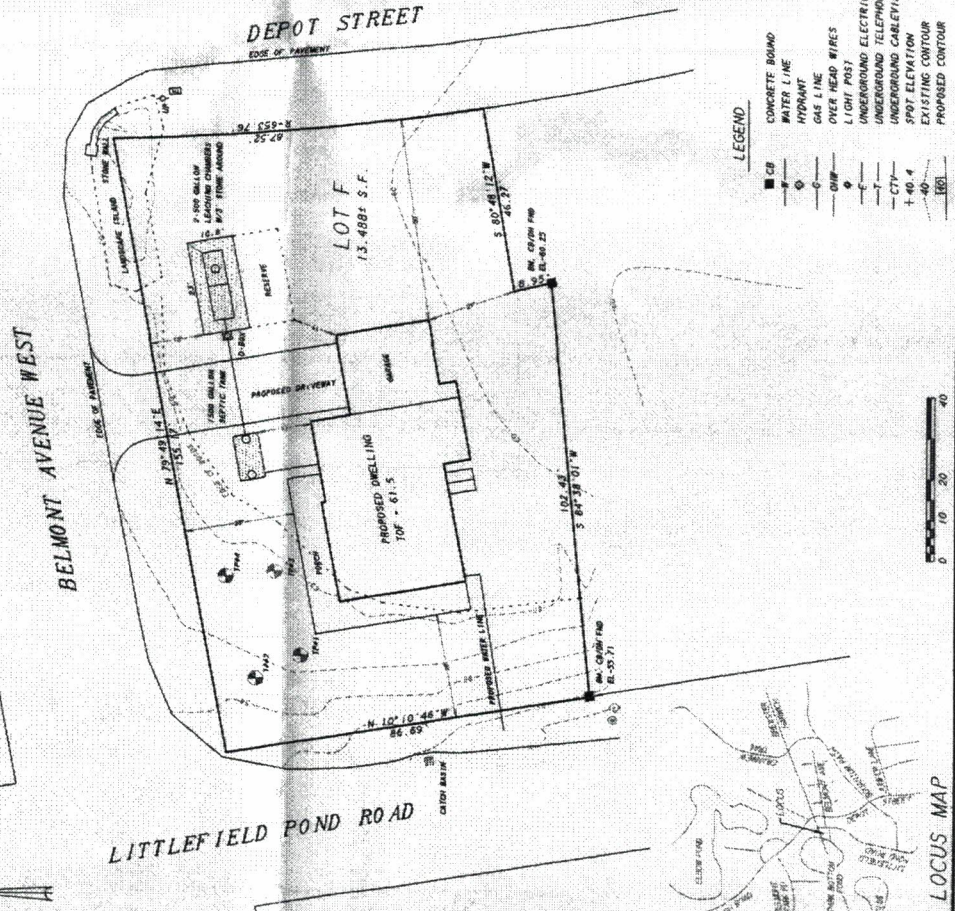
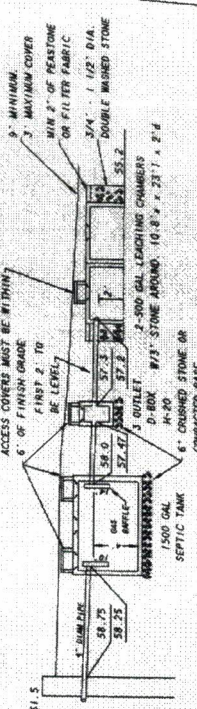
PROVIDED: 2-500 GAL LEACHING CHAMBERS  
 W/3 STONE AROUND 4-304 S.F.  
 384 S.F. X 0.74 = 284 G.P.D.

**SOIL TEST PIT DATA**



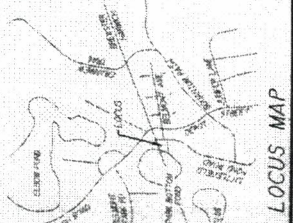
**INVERT ELEVATIONS:**

|                          |       |
|--------------------------|-------|
| INVERT AT BUILDING:      | 58.75 |
| INVERT IN SEPTIC TANK:   | 58.25 |
| INVERT OUT SEPTIC TANK:  | 58.0  |
| INVERT IN DIST. BOX:     | 57.47 |
| INVERT OUT DIST. BOX:    | 57.3  |
| INVERT IN LEACH CHAMBER: | 55.2  |
| BOTTOM OF LEACH CHAMBER: | 55.2  |
| ADJUSTED GROUND WATER:   | N/A   |
| OBSERVED GROUND WATER:   | N/A   |
| BOTTOM OF TEST HOLE #1:  | 48.2  |



**LEGEND**

- CB CONCRETE BOUND
- W WATER LINE
- H HYDRANT
- G GAS LINE
- O OVER HEAD WIRES
- L LIGHT POST
- E UNDERGROUND ELECTRIC LINE
- T UNDERGROUND TELEPHONE LINE
- CTV UNDERGROUND CABLEVISION LINE
- +40.4 SPOT ELEVATION
- 40 EXISTING CONTOUR
- 100 PROPOSED CONTOUR



**SITE PLAN OF LAND**  
 8 BELMONT AVENUE, MAP 77, PARCEL A17-1-15  
**HARWICH, MA**

PREPARED FOR:

**NORTHERN COAST PROPERTIES**

SCALE: 1" = 20'

JUNE 9, 2020

**STEPHEN A. HAAS, PE**

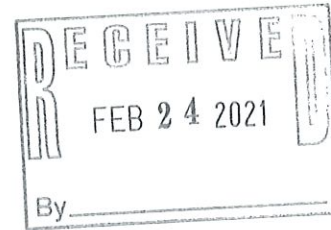
203 Cranview Road  
 Brewster, MA 02631  
 (508) 367-1691







247 Station Drive, SE-370  
Westwood, MA 02090



**William Hayes**  
Supervisor  
Electric Transmission  
Vegetation Management

February 19, 2021

Certified mail-return receipt requested

Dear Municipal Official:

This letter is to inform you that Eversource Energy, Eastern MA intends to selectively apply herbicides in 2021 along the power line rights-of-way that pass through your municipality. This treatment is conducted as a component of an integrated vegetation management program that uses the appropriate mechanical and/or herbicides treatments to control vegetation in order to encourage the growth of healthy early successional ecological communities that benefit wildlife while allowing for the safe delivery of electricity to our customers.

Eversource Energy, Eastern MA's 2018-2022 *Five-year Vegetation Management Plan (VMP) for Cape Cod and Martha's Vineyard (Barnstable and Dukes counties)* is posted at the following websites:

<http://www.mass.gov/eea/agencies/agr/pesticides/vegetation-management-and-yearly-operation-plans.html>

<https://www.eversource.com/content/ema-c/about/about-us/doing-business-with-us/municipal-officials/transmission-vegetation-management>

If you would like a hard copy please contact us with this request.

Eversource Energy, Eastern MA's 2021 *Yearly Operational Plan (YOP) for Cape Cod and Martha's Vineyard* is also posted at the above websites. If you would like a hard copy please contact us with this request.

Please review the YOP map(s) that locate the ROW corridors and the plotted location of known sensitive areas including public and private drinking water supplies. **If there are any additional sensitive areas located on or near the ROWs please advise us as soon as possible so a permanent record can be established and appropriate field protective actions implemented. We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.** The enclosed maps will be updated with any new information that is received by Eversource Energy, Eastern MA and posted at the above website.

The herbicides are listed in Section VII of the YOP and will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators that walk along the ROWs using backpack equipment.

The foliage treatments will take place between June 1<sup>st</sup> and October 18<sup>th</sup> along with cut surface treatments (CST). Fall CST, basal treatments or sensitive foliar treatments may be necessary and are scheduled between October 1<sup>st</sup> and December 31<sup>st</sup> in areas along the ROWs that might not have received a foliage treatment or to trees over 12 feet tall. The exact time is dependent upon weather conditions and field crew progress.

In compliance with 333 CMR 11.06-11.07, No herbicide applications will occur before the conclusion of the 45 day YOP review period, the 21 day treatment notice and the 48 hour newspaper notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

All of the herbicides selected for this program are registered by the Federal Environmental Protection Agency, the Massachusetts Pesticide Board, and are recommended for use in and around sensitive areas jointly by the Massachusetts Pesticide Bureau and Massachusetts Department of Environmental Protection (please refer to the YOP for specifics).

The work will be performed by one of the following companies:

Vegetation Control Service, Inc.  
2342 Main Street  
Athol, MA 01331  
(978) 249-5348

Lewis Tree Service, Inc.  
300 Lucius Gordon Drive  
West Henrietta, NY 14586  
(585) 436-3208

Lucas Tree  
636 Riverside St.  
Portland, ME 04104  
(888) 845-7870

Tree Tech  
6 Springbrook Rd.  
Foxboro, MA 02035  
(888) 873-3832

Stanley Tree Service, Inc.  
662 Great Rd  
North Smithfield, RI 02896-6864  
(866) 765-4783

Rainbow Treecare  
11571 K-Tel Dr.  
Minnetonka, MN 55343  
(952) 922-3810

Supreme Industries  
216 Bogue Rd.  
Harwinton, CT 06791  
(860) 485-0343

BluRoc  
2 Bay Road  
Hadley, MA 01035  
(866) 795-5121

This informational 21-day notification is in compliance with Chapter 132B, section 6B of the Massachusetts General Laws and 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000.

For inquires concerning the safety of the herbicides please contact:

Director of Rights of Way Program  
Department of Food and Agriculture  
251 Causeway Street, Suite 500  
Boston, MA 02114-2151

If there are any questions or comments relative to technical questions about the treatment program, you would like a hard copy of the VMP or YOP, or have any questions about Eversource Energy, Eastern MA and its electrical rights-of-way system please contact William Hayes (781) 441-3932 for transmission lines and Paul Sellers (508) 957-4517 for distribution lines.

Sincerely,



William Hayes

Enc: Environmental Monitor Notice  
2021 Yearly Operational Plan Maps  
45 Day YOP Public Notice and Review and Comment Period Document

cc: Board of Health  
Board of Selectmen  
Conservation Commission  
Municipal Water Supplier  
Massachusetts Pesticide Bureau





247 Station Drive, SE-370  
Westwood, MA 02090

**William Hayes**  
Supervisor  
Electric Transmission  
Vegetation Management

February 19, 2021

## **45 Day Yearly Operational Plan Public Notice, Review and Comment Period**

Dear Municipal Officials:

In compliance with 333 CMR 11.06, *45 Day Yearly Operational Plan Public Notice, Review and Comment*, please review Eversource Energy, Eastern MA's 2021 Yearly Operational Plan for Cape Cod and Martha's Vineyard (Barnstable and Dukes Counties)

Posted at the listed websites, Eversource Energy, Eastern MA's *Yearly Operational Plan (YOP) for Cape Cod and Martha's Vineyard* details specific information pertaining to the intended 2021 program:

<http://www.mass.gov/eea/agencies/agr/pesticides/vegetation-management-and-yearly-operation-plans.html>

<https://www.eversource.com/content/ema-c/about/about-us/doing-business-with-us/municipal-officials/transmission-vegetation-management>

Please review the enclosed maps that locate the rights-of-way and the location of known *sensitive areas*. If there are any additional *sensitive areas* located on or near the right-of-way, please advise us as soon as possible, so we may establish permanent records and implement appropriate field protective actions. We particularly rely on this process to collect corrections to the public wells and to record the locations of private wells. The enclosed maps will be updated with any new information that is received by Eversource Energy, Eastern MA and posted at the above website. If you would like a hard copy of the YOP please contact us with this request.

Also please review the enclosed copy of the Environmental Monitor Notice, published under the Massachusetts Environmental Policy Act (MEPA) also located at:

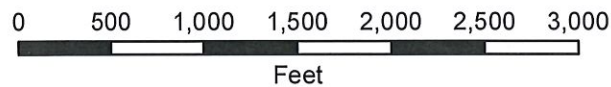
[www.env.state.ma.us/mepa/emonitor.aspx](http://www.env.state.ma.us/mepa/emonitor.aspx)

Enclosures: 21 Day Letter  
Environmental Monitor Notice  
2021 Yearly Operational Plan Maps

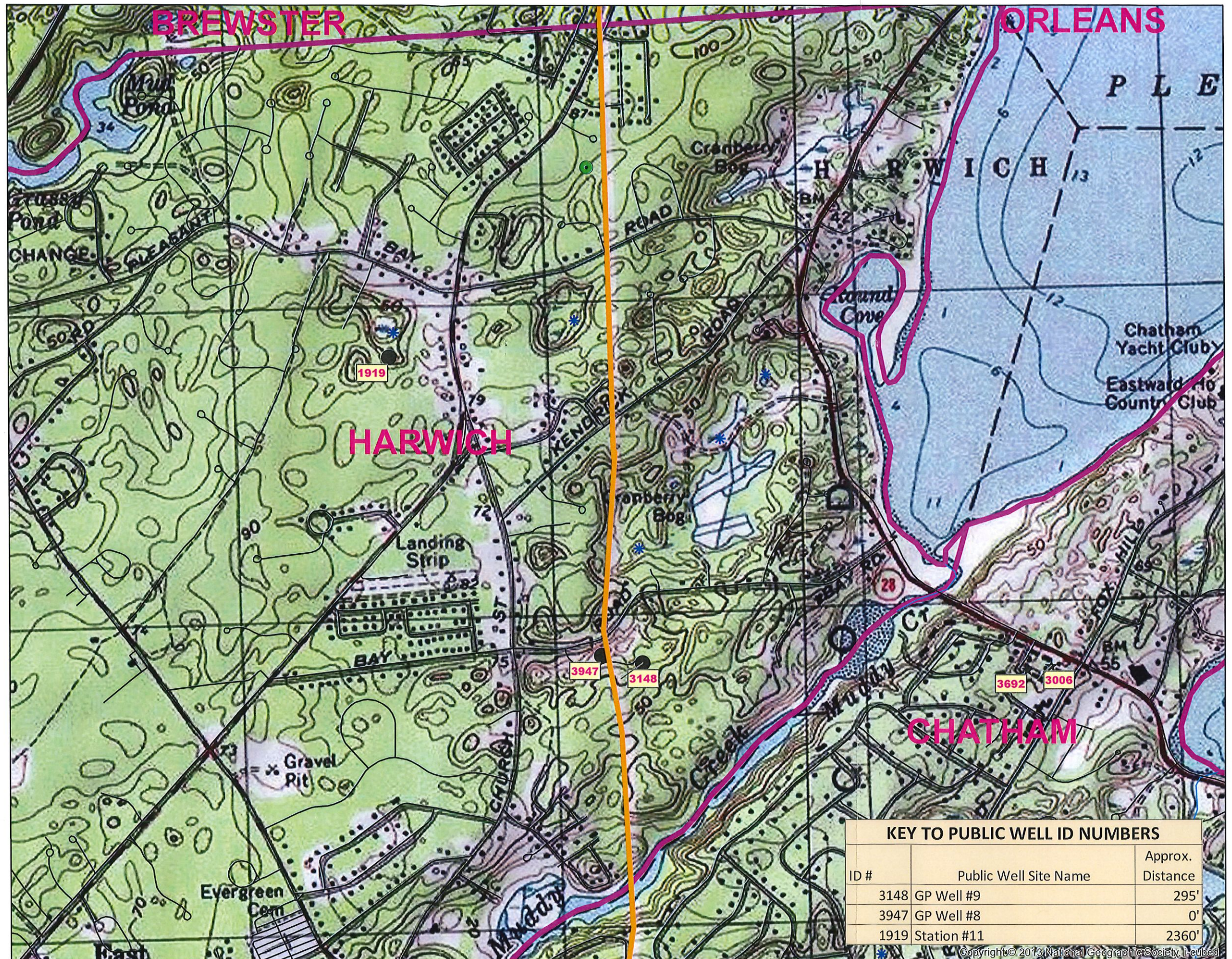
Notice Sent to: Chief Elected Municipal Official  
Board of Health  
Conservation Commission  
Municipal Water Supplier  
Massachusetts Pesticide Bureau



Eversource Energy  
 Eastern MA  
 2021 Yearly  
 Operational Plan  
**HARWICH**  
 Rights of Way MAE-319



- 2021 Eversource Energy Electric Rights-of-Way
- Emergency Surface Water Well
- Ground Water Well
- Non-Transient, Non-Community Well
- Proposed Well
- Surface Water Well
- Transient, Non-Community Well
- Private Well
- NHESP Certified Vernal Pools
- Perennial Rivers and Streams
- Intermittent Rivers and Streams
- Mass Town Lines
- Mass Zone A  
(Identifies surface waterbodies, tributaries and associated waterbodies, follow Sensitive Area treatment methods per 333 CMR 11.04)

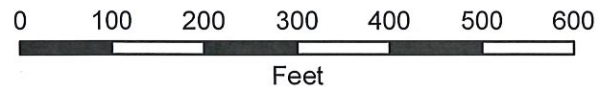


| KEY TO PUBLIC WELL ID NUMBERS |                       |                  |
|-------------------------------|-----------------------|------------------|
| ID #                          | Public Well Site Name | Approx. Distance |
| 3148                          | GP Well #9            | 295'             |
| 3947                          | GP Well #8            | 0'               |
| 1919                          | Station #11           | 2360'            |











Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".  
 Public Water Supply data provided by MA DEP Drinking Water Program, December 14, 2020 DEP Public Water Supplies

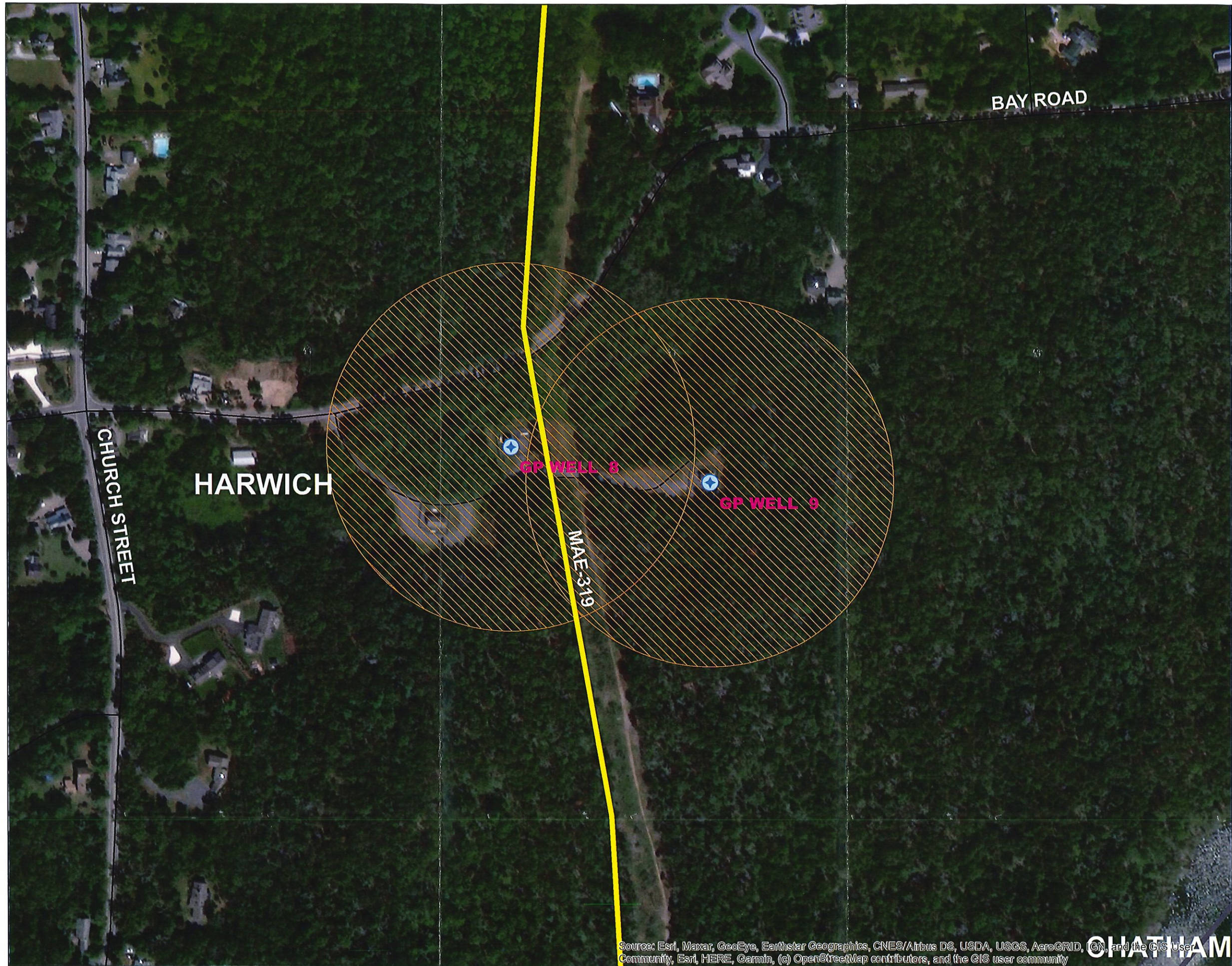


Eversource Energy  
 Eastern, MA  
 2021 Yearly  
 Operational Plan  
 Public Well Detail Map  
**HARWICH**  
 Right of Way MAE-319



**Legend**

-  Public Well
-  400' Public Well Buffer
-  NHESP Certified Vernal Pools
-  Eversource Eastern MA Right of Way
-  Eversource Energy Structure
-  Perennial Rivers and Streams
-  Intermittent Rivers and Streams
-  Mass Roads
-  Mass Town Lines
-  Mass Zone A  
(identifies surface waterbodies, tributaries and associated waterbodies, follow Sensitive Area treatment methods per 333 CMR 11.04)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community **CHATHAM**

Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".  
 Public Water Supply data provided by MA DEP Drinking Water Program, December 14, 2020 DEP Public Water Supplies



# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

JOHN LEBEAUX  
Commissioner

### Notice

Pursuant to the provisions of the Rights-of-Way Management Regulations, 333 CMR 11.00, to apply herbicides to control vegetation along rights-of-way (ROW), a five year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Department of Agricultural Resources (DAR). Eversource Energy, Eastern MA (Central, Eastern, and Southeastern MA) holds a current VMP, therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

Eversource Energy, Eastern Ma has submitted a YOP to DAR in February 2021.

In 2021 Eversource Energy, Eastern MA will conduct an Integrated Vegetation Management (IVM) program on their transmission and distribution lines. The intended vegetation control program will be consistent with Eversource Energy, Eastern MA's VMP (approved by DAR in 2018). In accordance with the guidelines set forth in Eversource Energy, Eastern MA's VMP for Cape Cod and Martha's Vineyard and YOP, herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or hand held application equipment for the IVM program.

Eversource Energy, Eastern MA's YOP identifies the following 12 municipalities as locations where they intend to use herbicides to treat their electric Rights-of-Way in 2021:

| Massachusetts East (EMA) municipalities: |         |           |            |         |           |
|--|---------|-----------|------------|---------|-----------|
| Barnstable                               | Chatham | Eastham   | Harwich    | Orleans | Wellfleet |
| Brewster                                 | Dennis  | Edgartown | Oak Bluffs | Tisbury | Yarmouth  |

Eversource Energy, Eastern MA will only use herbicides recommended by DAR for use in regulated sensitive areas for their IVM program. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive area" instead mechanical only methods will be used to control vegetation.

Public notification, by certified mail, will be provided to each "affected" municipality at least twenty-one days prior to any herbicide application.

In accordance with 333 CMR 11.06 (2), Eversource Energy, Eastern MA's YOP for Cape Cod and Martha's Vineyard includes the identification of target vegetation; methods of identifying, marking and protecting regulated sensitive areas; application techniques; the herbicides, application rates, carriers and adjuvants proposed for use; alternative control measures, a list of the application companies and YOP supervisor; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; maps of the ROWs which included regulated sensitive areas, and herbicide fact sheets and labels.



## PUBLIC REVIEW

The DAR seeks to verify the location of regulated Sensitive Areas defined in Section 11.02 reported in the YOP. DAR itself has a limited ability to survey the geography, land use and water supplies in all the communities through which ROWs pass. Municipalities have most of this information readily available, and the particular knowledge with which to better certify the regulated Sensitive Areas in their communities. DAR, therefore, requests, and urges the assistance of the "affected" municipalities in reviewing the completeness and accuracy of the maps contained in the submitted YOP.

The YOP may be viewed online at the following websites:

<http://www.mass.gov/eea/agencies/agr/pesticides/vegetation-management-and-yearly-operation-plans.html>

<https://www.eversource.com/content/ema-c/about/about-us/doing-business-with-us/municipal-officials/transmission-vegetation-management>

DAR has established the following procedures for this review:

Copies of the YOP and this *Notice* will be sent by the applicant to the Conservation Commission, Board of Health (or designated health agent), and the Head of Government (Mayor, City Manager, Chair of the Board of Selectman) of each municipality where herbicides are to be applied during the 2021 calendar year; and if applicable to the Natural Heritage Endangered Species Program of the Massachusetts Department of Fisheries and Wildlife, the Massachusetts Water Resource Authority and the Massachusetts Department of Conservation and Recreation. Municipal agencies and officials will have forty-five days, following receipt of the YOP, to review its map for inaccuracies and omissions in the location of "regulated sensitive areas not readily identifiable in the field."

Municipal agencies and officials are requested to forward the YOP to the appropriate official(s) in their municipality qualified to certify the accuracy of the regulated sensitive areas indicated on the maps. The maps should then be "corrected" and returned to the applicant and a copy should be sent to DAR at the address listed below within the forty-five day review period.

If a city or town needs more time to carry out this review, it should send a written request for an extension to DAR and cite why there is a "good cause" for requesting additional time.

The applicant is required to make all corrections and the corrected maps will be sent back to the city/town that requested the disputed changes within fifteen days of receipt of the request. DAR will decide whether or not the YOP should be approved without the requested changes. DAR will consider the "final approval" of a YOP individually for each municipality.

The twenty-one day public review period of the Municipal ROW Notification Letter may serve concurrently with the forty-five day YOP review period in order to provide public notifications as required by 333 CMR 11.07, if the applicant has an approved VMP and if all the requisite city-town offices that received copies of the YOP completed their review and all corrections were duly made by the applicant and approved by DAR.

A failure by the city/town to respond to the applicant's submission of the YOP within the forty-five day period will be automatically considered by DAR to indicate agreement by the municipal officials with the regulated Sensitive Area demarcations provided by the applicant in their YOP.

Any questions or comments on the information provided in this *Notice* and the procedures established for the municipal review outlined above should be addressed to:



Clayton Edwards  
Director of Rights-of-Way Programs  
Massachusetts State Pesticide Bureau  
251 Causeway Street, Suite 500  
Boston, MA 02114-2151

Any questions or comments regarding the YOP should be addressed to:

William Hayes, Supervisor  
Eversource Energy  
Vegetation Management  
247 Station Drive, SE-370  
Westwood, MA 02090-9230  
781-441-3837 (office)

**COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS 5pm, Friday, April 9, 2021**