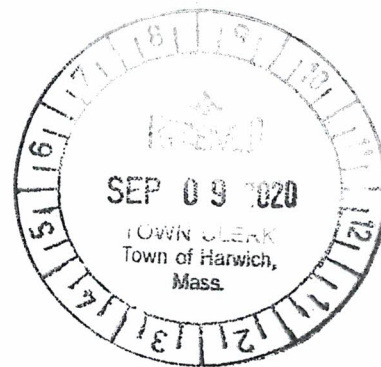


TOWN OF HARWICH



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  
MONDAY, SEPTEMBER 14, 2020-6:30 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) – August 18, 2020**  
*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. Continued review of draft Town of Harwich Nutrient and Pesticide Control Bylaw/Education (continued from May 19, 2020 Board of Health meeting) - *Vote to accept/deny/take this under consideration*
  - B. Sewer Connection Discussion-Finalize Application & discuss extension requirements- *Vote to accept/deny/take this under consideration*
  - C. Review Board of Health definition of a bedroom with possible amendments- *Vote to accept/deny/take this under consideration*
- IV **NO EARLIER THAN 7:00 PM -OLD/UNFINISHED BUSINESS-** *Vote to accept/deny/take this under consideration*

V NEW BUSINESS

A. 11 Kent Road-owner requests Board of Health review of an application to the State Plumbing Board for a variance from the State Plumbing Code: use an existing 1 1/2" drain where a 2" drain is required-Vote to accept/deny/take this under consideration

VI REPORT OF THE HEALTH DIRECTOR- August 2020- 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
TITLE 5 INSPECTOR	
Thomas Roux *	Wareham, MA
* 2020 Renewal	

IX OTHER- Vote to accept/deny/take this under consideration

X ADJOURN- Vote to accept/deny/take under consideration

Authorized posting officer:

Jennifer Clarke  
Signature

Date

Maryla Radwala  
Town Clerk

Posted by:

9/9/2020

Date

*Per the Attorney General's Office: The committee may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following "New Business." If you are deaf or hard of hearing or a person with a disability who requires an accommodation, contact the Selectmen's Office at 508-430-7513*

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, AUGUST 18, 2020-6:30 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

STAFF MEMBERS PRESENT: Health Director Meggan Eldredge & 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. Any person intending to either audio or video record this open session is required to inform the Chair.*

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**I REORGANIZATION OF THE BOARD OF HEALTH**

Ms. Pflieger moved to nominate Pamela Howell as Chair of the Board of Health, 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

Ms. Howell moved to nominate Sharon Pflieger as Vice Chair of the Board of Health, 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

Ms. Pflieger moved to nominate Ron Dowgiallo as Clerk of the Board of Health, 2<sup>nd</sup> by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

**II CALL TO ORDER**

Chairwoman Howell called the meeting to order at 6:33 p.m.

III **MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes)** – July 15, 2020 & July 21, 2020

Ms. Pflieger moved to approve the minutes of the July 15, 2020 and July 21, 2020 Board of Health meetings as printed, 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

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

A. **COVID-19 Update from Health Director**

Health Director Eldredge provided the Board of Health with copies of her weekly COVID-19 updates. As of today, Harwich has had a total of 141 confirmed cases and are following 3 active cases. The current rate of positive cases in Harwich is 0.81% of all tests done. We are still seeing some test results come through as probable, which are likely from antibody testing. A COVID-19 testing clinic was held on August 4, 2020, which was in response to gatherings and parties that took place the week before which was attended by restaurant and hospitality workers. A total of 155 people were tested and resulted in only 1 positive test result from a Wellfleet resident.

Since the Board's last meeting, the gathering order has been reduced from 100 to 50 people for outside gatherings, on both private and public property. Thankfully, Harwich has not had any complaints or requests to look into parties on private properties. Inside gatherings remain at a maximum of 25, which has effected restaurants who offer entertainment.

Health Director Eldredge reviewed the guidelines of the Governor's updated travel order.

The COVID-19 enforcement agent has been visiting various establishments throughout Harwich. He is able to stop in at places outside of the normal 8am-5pm work hours. As of today, he has not reported any violations.

**B. Discussion-Health Department staffing levels and duties, budget request for additional staff and change to job description**

Health Director Eldredge provided the Board with 2 different budget scenarios for Health Department staffing. The presentation that was made to the Board of Selectmen at last night's meeting will be forwarded to the Board members. At this time, the presentation that was made to the Board of Selectmen, which would go from 2.5 inspectional staff members to 3.5 members, is the most reasonable and efficient.

Mr. Dowgiallo stated that under the circumstances, he thinks that the department needs additional staff.

Ms. Howell asked what other towns are doing. Health Director Eldredge responded that some towns put OSHA requirements in the hands of the Town Administrator or Human Resources. Other towns do not address it and hope that their town isn't violation the requirements.

Health Director Eldredge asked the Board to discuss the possibility of writing a letter to the Board of Selectmen and the Finance Committee to show their support of the budget request to add a full time Health Inspector to the staff of the Health Department.

The Board agreed that Ms. Pflieger would draft a letter for review by the Board. The final letter will be signed by Ms. Howell as the Board Chair.

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

A. **Continued discussion on developing a mission statement for Board of Health (continued from July 15, 2020 Board of Health Work Session)**

Mr. Dowgiallo moved to accept and adopt the Mission Statement of the Harwich Board of Health as printed in the packet, 2<sup>nd</sup> by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

VI **NEW BUSINESS**

**A. Hearing-Amended Board of Health Emergency Order**, to consider amending the emergency face covering order to include the parking lot and grounds of the Annual Town Meeting

Health Director Eldredge reviewed the amended Board of Health Emergency Order. The amendment to the order was thought about as a proactive measure for Town meeting. Town Meeting will be held on September 26, 2020 at 10:00 a.m. on the football field at Monomoy High School. Staff was thinking of the people getting out of their cars and funneling into and out of the town meeting location. The amendment to the order reads "Any person attending the Annual Town Meeting must wear a face covering while on the grounds of the meeting location. Face coverings may be removed only when seated at least 6 feet away from anyone who is not a member of their immediate household, or when recognized by the Town Moderator."

Health Director Eldredge added that there will be accommodations for those that cannot wear a mask due to a medical condition. There will be procedures in place to protect everyone's safety.

**Ms. Pflieger moved that the Board of Health adopt the amended Declaration of Public Health Emergency Order as printed in the packet, 2<sup>nd</sup> by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.**

**B. Amended Environmental Impact Review-Eastward Companies, 0 Crocker Rise/Hidden Cove Subdivision**, Amended Environmental Impact Report to demonstrate compliance with Harwich Board of Health Regulation 1.211, plans prepared by Clark Engineering, LLC

Chairwoman Howell opened the hearing. Susan Ladue from Eastward Companies and David Clark from Clark Engineering, LLC were present remotely. Since the 16-lot subdivision plan was approved in 2012, 14 lots have been sold. 12 houses have been built and 43 bedrooms of the 52 maximum bedrooms allowed with the community system have been used. A 13<sup>th</sup> house, on Lot 13, will be started in 2020 and will use 4 bedrooms. Lot 4, the 14<sup>th</sup> lot sold, has been allotted 3 bedrooms. So, the total bedrooms used with the sale/development of 14 lots is 50. This will leave 2 remaining lots to be sold and only 2 bedrooms left for 2 new houses. The applicant is looking at how they could expand/enlarge the community system to allow for the additional bedrooms needed on the remaining lots while meeting the required standards for nitrogen loading. The proposed components can be adequately accommodated in the existing open space lot with the existing components with as little disturbance to the existing system as possible. Mr. Clark has also revised the nitrogen loading calculations which include the total number of proposed bedrooms, lot size, roof area, pavement area, natural area, lawn area, Title 5 flow and nitrogen concentration of leachate. Mr. Clark's calculation shows that the system can be expanded for a maximum of 70 bedrooms while meeting the standards for nitrogen loading.

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

Health Director Eldredge recommended that the Board of Health consider the Environmental Impact to be in compliance with Regulation 1.211 and allow the expansion of the shared septic system with the following conditions:

1. The lots shall be served by Town water.
2. The nitrogen reducing system be under an Operation and Maintenance Agreement with testing as required by the Harwich Board of Health.
3. The deed restrictions be updated to reflect the new design.

**Mr. Antoine moved to accept the recommendation of the Health Director, 2<sup>nd</sup> by Ms. Pflieger. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.**

**C. Hearing-Lucey, 32 Dunes Road**, to reconsider Order of Conditions granted February 18, 2020-No increase in square footage or habitable space without further review by the Board of Health. Project consists of expanding the existing building footprint to accommodate a small master bedroom addition (approximately 107 square feet)

Chairwoman Howell opened the hearing. Stacy Kanaga from Coastal Engineering Company was present remotely. The proposal includes a small addition to the master bedroom proposed for renovation. The addition includes an increase in habitable space of approximately 107 square feet to accommodate the amenities of the renovation. The overall project proposes to increase the building footprint by 145 square feet. This total square footage includes both the requested bedroom addition (approximately 107 square feet of habitable space) and the previously approved small expansion of the main dwelling entrance facing Nons Road (approximately 38 square feet of non-habitable space). There is no change proposed for design flows of the property. Ms. Kanaga reviewed the variances that were granted in February 2020. The Conservation Commission granted approval of the project at their July 1, 2020 meeting.

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

Health Director Eldredge recommended approval of the reconsideration with the following condition:

1. All previous conditions shall remain in full force and effect.

**Mr. Antoine moved to accept the recommendation of the Health Director, 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.**

**D. Hearing-Tansey, 34 Ridgevale Road**, to consider a variance request to upgrade a Title 5 septic system prepared by Bass River Engineering

Variances from 310 CMR 15.211: Minimum Setbacks

1. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 18' from the cellar wall where 20' is required. Variance request of 2'

2. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 5' from the property line where 10' is required. Variance request of 5'

Chairwoman Howell opened the hearing. Tom McClellan from Bass River Engineering was present remotely. Health Director Eldredge read the variances that are being requested. The request is for the purpose of upgrading the Title 5 septic system. The applicant is proposing to utilize the existing 1500 gallon septic tank and replace the leaching pit with a soil absorption system consisting of 2-500 gallon leaching chambers with 4' of stone all around. There are no alterations to the building proposed at this time. This design is an improvement environmentally to what is there now.

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

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

1. No increase in habitable space, square footage or bedrooms without further review by the Board of Health.
2. Variance approval and conditions shall be recorded at the Barnstable County Land Court with a copy returned to the Health Department prior to the issuance of a Disposal System Construction Permit.

Mr. Antoine moved to accept the recommendation of the Health Director, 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

**E. Consideration of West Harwich Special District Implementation Regulations-Presented by the Town Planner**

Town Planner Charleen Greenhalgh was present remotely. Sarah Korjeff and Chloe Schaefer from the Cape Cod Commission were also present remotely. The Town, through the Board of Selectmen, nominated the West Harwich corridor of Route 28 from the Dennisport Town Line east to the Herring River as a District of Critical Planning Concern ("DCPC"). The Barnstable County Commissioners approved the nomination and it became a County Ordinance (19-18) on December 4, 2019. The Town has one (1) year from this date to establish implementing regulations, in this case a zoning bylaw. The Cape Cod Commission staff and Town Planner have been working on implementing regulations for several months. As part of the DCPC process, there is a requirement that the Board of Health be informed of the proposed implementing regulations and given the opportunity to comment on them. A copy of the most recent, and perhaps final draft, of the proposed zoning amendment was provided to the Board.

Mr. Dowgiallo asked what makes this part of town so special. Ms. Greenhalgh responded that this area is known as Captain's Row. Well over 25 homes in this area are eligible to be on the National Register of Historic Homes.

Ms. Howell asked if there has been any opposition. Ms. Greenhalgh responded that so far, people have been very supportive.

Ms. Pflieger moved that the Board of Health support the efforts and implementation regulations of the West Harwich Special District, 2<sup>nd</sup> by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

**VII REPORT OF THE HEALTH DIRECTOR (July 2020)**

Health Director Eldredge read her monthly report for July 2020. She has been having conversations with the schools and school nurses about their plans for re-opening, contact tracing and exposure.

Mr. Dowgiallo asked what the stance is about schools re-opening. Health Director Eldredge responded that most of Barnstable County, which includes Harwich and Chatham are considered to be low risk areas. In-person schooling is possible and recommended at this stage. The schools in our district have offered parents 3 options which include fully remote, hybrid of remote and in-person or fully in-person learning. The local Boards of Health won't recommend full remote participation unless the transmission rate goes up, and even then, it would be a state decision.

Ms. Pflieger asked if there is a backup in place if the numbers start trending in a negative pattern. Health Director Eldredge responded that there are safety measures in place.

**VIII CORRESPONDENCE**

Health Director Eldredge reviewed correspondence provided in the Board's packet.

**IX PERMITS**

ESTABLISHMENT	ADDRESS	TYPE	TYPE	TYPE
FOOD SERVICE				
Cape Roots Market and Café * (2020 New)	557 Route 28	retail: less than 5,000 sf	1-30 seats	milk & cream

Irish Pub *				
<b>POOL</b>				
Coachman Motor Lodge *	774 Route 28			
<b>MOTEL</b>				
Coachman Motor Lodge *	774 Route 28			
<b>* 2020 Renewal</b>				

Mr. Dowgiallo moved to approve the permit list dated August 18, 2020, 2<sup>nd</sup> by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

X **OTHER**

No other items were discussed.

XI **ADJOURN**

Ms. Pflieger moved to adjourn the meeting at 7:45 p.m., 2<sup>nd</sup> by Mr. Dowgiallo and approved 3-0-0. By roll call

Respectfully Submitted,

Jennifer Clarke

Next meeting is Monday, September 14, 2020 at 6:30 p.m.

Documents included in August 18, 2020 Board of Health Meeting Packet:

- August 18, 2020 Board of Health Agenda
- July 15, 2020 Draft Board of Health Minutes
- July 21, 2020 Draft Board of Health Minutes
- COVID-19 update dated August 13, 2020
- COVID-19 update dated August 13, 2020
- COVID-19 update dated July 30, 2020
- COVID-19 update dated July 24, 2020
- FY21 Budget Request for Health 015101 memo & associated chart dated August 13, 2020
- Enhancement of Public Health and Occupational Safety Staffing memo and associated chart dated August 11, 2020
- Draft Board of Health Mission Statement
- Draft revised Board of Health Declaration of Public Health Emergency Order
- Site Summary for 0 Crocker Rise/Hidden Cove Subdivision dated August 18, 2020
- Application for Board of Health Variances and associated documents for 0 Crocker Rise/Hidden Cove Subdivision dated July 30, 2020
- Site Summary for 32 Dunes Road dated August 18, 2020
- Application for Board of Health Variances and associated documents for 32 Dunes Road dated August 5, 2020
- Site Summary for 34 Ridgevale Road dated August 18, 2020
- Application for Board of Health Variances and associated documents for 34 Ridgevale Road dated July 7, 2020
- Memo from Town Planner regarding West Harwich District of Critical Planning Concern Draft Zoning Amendment dated August 13, 2020
- Health Director Monthly Report dated August 13, 2020
- Notice of Release Abatement Measure Plan for 397 Route 28 dated July 21, 2020
- Any other documents submitted for/at the August 18, 2020 Board of Health meeting

Board of Health-August 18, 2020



## TOWN OF HARWICH DRAFT NUTRIENT AND PESTICIDE CONTROL BYLAW 11.4.09

### FERTILIZER AND PESTICIDE CONTROL

#### **I. Findings.**

The Town of Harwich herein makes the following findings:

- A. The Massachusetts Estuaries Project (MEP) has found that fertilizers account for an important portion of controllable nitrogen load in Cape Cod watersheds. Excessive nitrogen from fertilizers and other watershed sources leads to eutrophication of marine embayments. Other studies have demonstrated that phosphorus from fertilizers can lead to eutrophication in freshwater ponds.
- B. Public health risks from excessive loading of nutrients to water resources may include direct detrimental effects on drinking water sources by increased concentrations of nitrates that can violate safe drinking water standards.
- C. The Town has significant amounts of glacially deposited coarse, sandy soils that are subject to rapid water infiltration, percolation, and leaching of nutrients.
- D. Scientific literature demonstrates that a significant potential source of nutrient loading to water resources is from inappropriate and/or improper use of turf fertilizer.
- E. It is in the best interest of public health and the environment to eliminate the use of synthetic herbicides containing glyphosate on town-owned/operated lands, ponds and waterways; to encourage the reduction and elimination of the use of such herbicides on private property; and to introduce and promote ecologically sound, organic and other best management practices to prevent and or manage unwanted vegetation.

#### **II. Purposes.**

It is the overarching goal of the Town of Harwich to provide a regulatory framework that results in reducing the nutrient loading from the application of fertilizers and reducing concerns related to the application of high risk or undesirable herbicides such as those containing glyphosate. Consistent with this goal, and based on the findings provided in I., the Town provides this bylaw to achieve the following purposes.

- A. To ensure application of fertilizer shall be performed in a manner consistent with best management practices (BMPs), which from time to time may undergo changes in response to scientific research.
- B. To provide a legal mechanism for enforcement against the inappropriate and/or improper use of fertilizer.
- C. To incorporate, by reference, the University of Massachusetts Extension's Turf Management BMPs as the primary standard for the content and application practices related to turf fertilizer.

TOWN OF HARWICH DRAFT NUTRIENT AND PESTICIDE CONTROL BYLAW 11.4.09

- D. To provide a regulatory tool that will help Harwich to achieve compliance with the total daily maximum loads (TMDL) for the Town's water resources prescribed by the Commonwealth of Massachusetts.
- E. To provide standards that will allow reasonable use of fertilizers for the enhancement and maintenance of turf quality.
- F. To help achieve the goals of the Harwich Wastewater Management Plan, the Cape-Wide Fertilizer Management DCPC, and the Local Comprehensive Plan.
- G. To set a positive example for private property owners by showing the elimination or reduction in use of herbicides containing glyphosate is possible without detrimental effects to esthetics or property values.

**III. Authority.**

This bylaw is adopted by the Town of Harwich as implementing regulations pursuant to and as authorized by the Fertilizer Management District of Critical Planning Concern designation, Barnstable County Ordinance 13-07, and by Section 9 of Chapter 262 of the Acts of 2012.

**IV. Applicability.**

- A. This bylaw shall apply to and regulate any and all applications of nitrogen and phosphorus through fertilizer within the Town of Harwich.
- B. Applications of fertilizer for agriculture and horticulture uses are exempt from the provision of this bylaw as they are regulated by the MDAR Fertilizer Regulations.
- C. This bylaw shall apply to and regulate any and all applications of synthetic herbicides containing glyphosate on town owned or operated land not used for agriculture or horticulture.

**V. Definitions.**

For the purposes of this bylaw, the following terms are defined as provided below:

AGRICULTURE/AGRICULTURAL USE — Includes farming in all its branches, generally as the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, floricultural, viticultural or horticultural commodities, and shellfishing, including preparations and delivery to storage or to market or to carriers for transportation to market.

BEST MANAGEMENT PRACTICES (BMP) — A sequence of activities designed to limit a nonpoint pollution source. For the purposes of this bylaw, BMP means the "Best Management Practices for Soil and Nutrient Management in Turf Systems," prepared by University of Massachusetts Extension, Center for Agriculture, Turf Program. The version of this document that applies to this bylaw shall be that which was most recent at the time of the adoption of this bylaw or any

TOWN OF HARWICH DRAFT NUTRIENT AND PESTICIDE CONTROL BYLAW 11.4.09

subsequent versions that are adopted as an amendment to this bylaw through a majority vote at Town Meeting.

**ENFORCEMENT AUTHORITY** — The party designated by the Select Board to oversee and enforce the provisions of this bylaw.

**FERTILIZER** — A substance that enriches the soil with elements essential for plant growth, such as nitrogen, phosphorus, potassium or other substances; fertilizer does not include those nutrients that are normally excluded from fertilizer such as chemicals that are part of horticultural gypsum, dolomite, limestone, lime, Jersey greensand, grass clippings, or compost topdressing.

**HEAVY RAIN** — A rainfall greater than 0.25 inch per hour during a given twenty-four-hour period or a rainfall of greater than one inch total in the next twenty-four-hour period.

**IMPERVIOUS SURFACE** — Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes concrete, asphalt, paver blocks, gravel, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

**MDAR FERTILIZER REGULATIONS** — The most recent regulations of the "Plant Nutrient Application Requirements for Agricultural Land and Land Not Used for Agricultural Purposes," developed by the Massachusetts Department of Agricultural Resources (MDAR) pursuant to its authority under MGL c. 128, §§ 2(k) and 65(A), as amended by Chapter 262 of the Acts of 2012, 330 CMR 31.00.

**NITROGEN** — An element essential to plant growth. For the purposes of the bylaw, nitrogen may be available as slow-release, controlled-release, timed-release, slowly available, or water-insoluble nitrogen, which means nitrogen in a form that delays its availability for plant uptake and use after application and is not rapidly available to turf and other plants; and/or quick-release, water-soluble nitrogen which means nitrogen in a form that does not delay its availability for turf and other plant uptake and is rapidly available for turf and other plant uptake and use after application.

**PESTICIDE** - a substance used to manage any unwanted organism—insects, rodents, birds, plants, fungi or microorganism such as bacteria and viruses. Also known as Herbicides and fungicides.

**PHOSPHORUS** – Mineral and organic substances that contain phosphorous and that are used for improving the nutrition of plants.

**SYNTHETIC HERBICIDE** – a pesticide used to destroy unwanted vegetation that contains chemicals not found in nature.

**TURF** — Any non-crop land area that is covered by any grass species, excluding meadows, grasslands, flower or vegetable gardens, pasture, hay land, trees, shrubs, turf grown on turf farms or any form of agricultural production or use.

**VI. Performance standards for fertilizer application.**

All application of fertilizer to turf shall comply with the following standards:

- A. The application of fertilizer containing nitrogen is prohibited between November 15 and April 15 unless specifically permitted by the enforcement authority as set out below. Based on early spring or fall weather conditions, soil temperature and degree of turf emergence from dormancy, or other relevant condition, and using the guidelines of the BMP, the enforcement authority may permit earlier or later application of fertilizer containing nitrogen, in which case such extended period shall be announced by notice or publication.
- B. Nitrogen and phosphorus from any fertilizer application shall not be applied to, or otherwise be deposited on, any impervious surface, including parking lot, driveway, roadway, sidewalk, frozen soil or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.
- C. Fertilizer shall not be applied within 24 hours before or during a heavy rain event nor shall fertilizer be applied onto saturated ground.
- D. An application of fertilizer should be watered in with no more than 0.25 inch of irrigation or natural rain within the twenty-four-hour period following application. Where irrigation systems are used, the volume and rate of irrigation water applied shall be performed in a manner that reduces runoff to the greatest extent practicable. Where an irrigation system uses sprinkler heads or other similar spray devices, these devices shall direct irrigation water in a manner that reduces runoff to the greatest extent practicable.
- E. Unless the Town's existing laws and regulations, including its Wetland Bylaw or Regulations, contain a stricter standard or other enforcement or approval mechanism such as through the Town's Conservation Commission, which shall control, fertilizer shall not be applied closer than 100 feet to any water body, or within the Zone I of a public drinking water well (as defined in 310 CMR 22.02), unless permission is obtained through the enforcement authority set out in VI herein allowing such activity.
- F. Fertilizer that contains phosphorus shall not be used unless a soil test taken not more than three years before the proposed fertilizer application indicates that additional phosphorus is needed for growth of that turf, or unless establishing new turf or re-establishing or repairing turf after substantial damage or land disturbance, in which case the application shall be in compliance with the BMP.
- G. A single application of fertilizer that contains nitrogen shall not exceed 1.0 pound of actual nitrogen per 1,000 square feet, shall consist of at least 20% slow-release nitrogen fertilizer and the annual rate shall not exceed 3.0 pounds of actual nitrogen per 1,000

square feet. Single applications shall be done at intervals of no less than four weeks until the annual maximum is reached.

**VII. Management of unwanted vegetation on town land.**

- A. Organic land management shall be the methodology of choice to prevent and manage unwanted vegetation problems on land owned or operated by the Town.
- B. The use and application of synthetic herbicides containing glyphosate by town employees and/or by private contractors for managing town owned/operated land is prohibited on all town-owned/operated land, unless otherwise exempt per section IV or no feasible alternative exists.

**VIII. Education.**

The Town may rely on the Cape Cod cooperative Extension to assist in maintaining a program of fertilizer and turf management education that is based on BMPs.

**IV. Noncriminal disposition; violations and penalties.**

Whoever violates any provision of this regulation may be penalized by a noncriminal disposition process as provided in MGL c. 40, § 21D, and the Town's noncriminal disposition bylaw. If noncriminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amount of \$300 per day for each day of violation, commencing 10 days following day of receipt of written notice from the enforcement authority. A warning in lieu of a fine or other enforcement action for the first offense can be issued at the discretion of the enforcement authority. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

**V. Severability.**

Should any section, part or provision of this bylaw be deemed invalid or unconstitutional, such decision shall not affect the validity of the remaining terms of this bylaw as a whole or any part thereof, other than the section, part of provision held invalid or unconstitutional.

**VI. Effective Date.**

III-B.

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF HARWICH BOARD OF HEALTH

**APPLICATION FOR SEWER CONNECTION PERMIT**

Application is hereby made for a Permit to Construct  or Repair  a sewer line at:

Location/Address:

Property Owner:

Installer:

Designer:

Installer address:

Installer phone:

Installer email:

**TYPE OF BUILDING**

Dwelling -# of Bedrooms:

Other – Type of Building:

Gallons Per Day:

Retail Space Square Footage:

Vacant Lot SF:

Office Space Square Footage:

Other design flow:

Plan date:

Number of sheets:

Revision Date:

Type of system: Gravity  Pump  Other

Description of work:

**ON-SITE SANITARY SEWAGE SYSTEM**

The existing sanitary sewage system will  or will not  be abandoned in accordance with 310 CMR 15.000 The State Environmental Code, Title 5 as part of this permit.

**AGREEMENT**

The undersigned agrees to ensure the construction of the sewer line is in conformance with all Town of Harwich Regulations, laws, rules and ordinances. The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by this Board of Health.

Signed:

Date:

**FOR OFFICE USE ONLY:**

Application Approved by:

Date:

Application Disapproved for the following reason:

**PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE**

PERMIT NUMBER:

FEE:

CHECK #:

If you do not have all of the following information, this application package is considered incomplete and cannot be accepted:

- 1 COPY COMPLETED SEWER CONNECTION APPLICATION-SIGNED BY AN INSTALLER WHO IS LICENSED IN THE TOWN OF HARWICH
- 4 COPIES OF THE SITE PLAN OF THE PROPERTY SHOWING SIZE AND LOCATION OF ALL PROPOSED BUILDINGS, ETC. AND LOCATION OF ALL COMPONENTS OF SEWER CONNECTION (1 ORIGINAL & 3 COPIES) STAMPED BY ENGINEER OR SANITARIAN
- 1 COPY OF FLOOR PLAN(S) INCLUDING EXISTING AND PROPOSED IF ALTERATIONS ARE PLANNED-FOUNDATION/BASEMENT PLANS MUST BE INCLUDED
- PERMIT FEE MADE PAYABLE TO TOWN OF HARWICH

Before placing the sewer line into service the following are required:

- INSPECTION BY THE TOWN (HEALTH, PLUMBING, ELECTRICAL AS APPLICABLE)
- INSPECTION BY THE DESIGNER
- SUBMITTAL OF A SEWER TIE-CARD/AS-BUILT
- SUBMITTAL OF A CERTIFIED AS-BUILT BY DESIGNER (FOR COMMERCIAL PROPERTIES ONLY OR IF SPECIFIED BY THE TOWN)
- SUBMITTAL OF A LETTER FROM THE DESIGNER CERTIFYING INSTALLATION IS IN CONFORMANCE WITH THE APPROVED DESIGN
- INSPECTION BY THE TOWN OF THE ABANDONMENT OF THE EXISTING SEPTIC
- ISSUANCE OF A CERTIFICATE OF COMPLIANCE

## Bedroom Definition Discussion 9.14.20

**PROBLEM:** What is considered “minimum isolation and privacy” for the definition of a bedroom? Builders and Engineers have trouble with this definition, making it very difficult for the Health Department to explain and enforce. This gray area takes up valuable time not only for builders and home owners, but for the Health Department. A clear and concise definition would greatly be beneficial to not only the Health Department, but also to builders and septic engineers. Other towns have a clear and concise definitions that are provided below.

### **CURRENT- HARWICH BOARD OF HEALTH: BEDROOM DEFINITION**

The definition of a bedroom shall mean any portion of the dwelling which is so designed as to furnish the minimum isolation and privacy necessary for use as a sleeping area and includes but is not limited to: bedroom, den, study, sewing room, enclosed heated porch or family room; but does not include: bathroom, kitchen, dining room, halls, unfinished cellar, open deck, garage, unheated porch or living room.

### **SUGGESTED- HARWICH BOARD OF HEALTH: BEDROOM DEFINITION**

A bedroom is defined as a room providing privacy, intended primarily for sleeping and consisting of all of the following: (a) floor space of no less than 70 square feet; (b) for new construction, a ceiling height of no less than seven feet three inches; (c) for existing houses a ceiling height of no less than seven feet zero inches; (d) an electrical service and ventilation; and (e) at least one egress door or window.

Privacy elimination is defined by having a 5’ wide (or greater) cased opening for new construction, a 4’ wide (or greater) cased opening for existing construction, or having two separate cased openings that combine to be greater than or equal to 6’. No glass doors, blinds, hanging beads, shower curtains, nor any other obstructions shall be installed within the five feet or four feet opening. Rooms consisting of three walls and 1/2 wall not exceeding 42" in height shall NOT be considered a bedroom. Rooms over free standing garages that have heat, a bathroom, or both, that provides privacy ARE considered bedrooms. Rooms over attached garages with direct access to the house that provides privacy ARE considered bedrooms. If it is necessary to walk through a room to access another room, then the walk through room is NOT considered a bedroom because privacy is not provided.

### **STATE SANITARY CODE- TITLE 5: BEDROOM DEFINITION**

Bedroom - A room providing privacy, intended primarily for sleeping and consisting of all of the following: (a) floor space of no less than 70 square feet; (b) for new construction, a ceiling height of no less than seven feet three inches; (c) for existing houses and for mobile homes, a ceiling height of no less than seven feet zero inches; (d) an electrical service and ventilation; and (e) at least one window. Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms. Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed in this definition by granting to the Approving Authority a deed restriction limiting the number of bedrooms to the smaller number.

### **BARNSTABLE: OPTIONS FOR RESOLVING YOUR BEDROOM COUNT ISSUE**



Are you being told that your application for permit consists of too many bedrooms or other rooms that are considered "bedrooms?" Here are various options for rectifying this issue: A. Eliminate Privacy - Provide a minimum five (5) feet opening for new construction, four feet for existing construction B. Record a Deed Restriction C. Submit a Neatly Drawn Full House Sketch Plan and Submit an Affidavit; this is for pre-existing dwellings only. D. Construct a Secondary Treatment Unit E. Offer Aggregate Land (see back of page for more details); F. Schedule a Hearing Before the Board of Health.

#### **BOURNE BOARD OF HEALTH: BEDROOM DEFINITION**

Pursuant to Chapter 111, Section 31 of Mass. General Laws, the Bourne Board of Health, at its regular meeting on April 8, 1992, voted to adopt the following: DEFINITIONS "Bedroom means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area and includes, but is not limited to, bedroom, den, study, sewing room, sleeping loft, loft, dining room, library, family room, enclosed porch, or any other space in a building that could be used as habitable space, but does not include kitchen, bathroom or halls. "Habitable space means any portion of a dwelling, but does not include kitchen, bathroom or halls."

#### **EASTHAM BOARD OF HEALTH: BEDROOM DEFINITION**

Bedroom: A room or portion of a dwelling providing privacy consisting of all of the following: a. Floor space of no less than 70 sq. ft. b. a ceiling height of no less than 7'0" c. for new construction, a ceiling height of no less than 7' 3" d. an electrical service and ventilation, and e. at least one operable window and a door or other similar device that provides for a means of escape and access for rescue in the event of an emergency as stated in State Building Code. Those rooms or portions of dwellings satisfying the foregoing criteria shall be considered "bedrooms" regardless of whether they are referred to or designated as a:

- Bedroom
- Finished attic where privacy is provided
- A finished basement room may be a bedroom if privacy and building code conforming egress is provided.
- A Loft Area no less than 70 square feet where privacy is provided
- Den
- Study
- Sewing Room
- Enclosed Heated Porch where privacy is provided
- Family Room where privacy is provided
- Rooms with finished cased openings less than 48 inches wide (except pass thru rooms)
- Rooms with exterior doors may be bedrooms
- Rooms over free standing garages that have heat or a bathroom or both that provides privacy
- Rooms over attached garages with direct access to the house that provides privacy.

The following rooms or areas shall not be considered as a "bedroom":

- Bathroom
- Kitchen
- Dining Room
- Hall
- Unfinished Basement or Attic
- Open Deck
- Garage
- Unheated Porch or Storage Area
- Living Room
- Unheated Storage Areas Over Garages

• If it is necessary to walk through a room to access another room, then the walk through room is NOT a bedroom because privacy is not provided.

V-A.

SEPTEMBER 14, 2020  
BOARD OF HEALTH MEETING

To: Board of Health  
From: Meggan Eldredge, Health Director  
Applicant: Francis David Constance  
Address: 11 Kent Road

The Health Department has been notified that the property owner of 11 Kent Road is applying for a variance from the Massachusetts Plumbing Code 248 CMR 10.10 (7) (c) 4. The request is for permission for the continued use of the existing 1 ½" drain for a new shower that he would like to have installed.

I have spoken to our Plumbing Inspector, Tom Davis regarding this request. He has indicated that the change from a tub/shower combination to a shower only unit requires the use of a 2" drain instead of the 1 ½" drain that is installed with the combination unit. This is done to allow for the water to drain faster, protecting the dwelling from an overflow situation that may occur in a shower without a curbed edge.

Tom Davis said that this type of variance is typically granted by the State Plumbing Board and he has no objections.

I recommend a vote to support the variance request.

Date 8-19-20

Health Department Town/City of HARWICH

Health Agent KATHLEEN TENAGLIA



Dear Sir / Madam,

Please accept this as my official notification that I am applying for a variance to the Massachusetts Plumbing Code 248 CMR 10.10 (7) (c) 4. I am requesting permission for the continued used of the existing 1-1/2" drain for a new shower that I would like to have installed.

Name FRANCIS DAVID CONSTANCE Tel 508 237 9529

Street 11 KENT RD Town/City HARWICH Zip 02645

Variance Location 11 KENT RD HARWICH, MA 02645

Sincerely,

*Francis D Constance*

By CERTIFIED MAIL  
USPS



## Health Director Monthly Report August 2020

### COVID 19

For two straight weeks in August, Harwich did not see a new case of COVID-19. This streak ended the last week of the month when a small cluster of people became positive surrounding a workplace outbreak at the Chatham Squire. In total, Harwich has 4 residents who are positive due to this outbreak.

Monomoy Regional School District held a COVID-19 antibody test clinic for their staff on August 26<sup>th</sup>. The Superintendent invited our first responders to be tested if they wanted to, a generous and thoughtful offer. At this clinic, more than 250 people were tested and only one person was positive for COVID-19 antibodies. This person was known to have been positive for the virus in July. It is common and expected to be positive for antibodies if there was a previous COVID-19 infection. This person finished isolation as required before entering back out into society.

Several meetings with school staff have been held this month to discuss COVID response and planning. The school athletic director provided the return to play plan and we discussed compliance with the safety standards.

Overall, complaints have reduced slightly regarding businesses not in compliance with the Workplace Safety Standards and mask use. We continue to refer complaints to the County Inspector when possible. This Inspector is available to us through the end of September.

### Other activities

The Health Department hired a part-time Health Inspector, Geri Leonard who started on August 31<sup>st</sup>, filling the vacant position left by Mark Polselli in early July. Geri comes to us with a strong background in food service and education, spending many years both as a chef and as a teacher of Servsafe. We are excited to have her start working for us and to take over our food protection program.

Planning for flu clinics has begun. There is a need to get all school faculty vaccinated in September and rather than holding a clinic at the Community Center, we will be going to the schools to provide the shots there in order to avoid over-crowding. We will do this for our municipal staff as well; hold several smaller clinics on-site of employees instead of having everyone come to one place.

We are looking into the need to provide a public clinic this year. We have not had a public flu clinic for several years because the demand was not there. Many places offer flu shots that are easily accessible such as grocery stores and pharmacies. With the new school vaccination requirement, we may see a higher demand. If so, we will plan a public clinic in mid-late October.

Respectfully submitted,  
Meggan Eldredge 9.8.2020



**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)

August 27, 2020

Weekly COVID-19 Update

Once again, no new cases have been reported over the last 7 days, Harwich remains at a total of 141 confirmed cases and 24 deaths. One hundred seventeen people have recovered from COVID-19. There are currently no known active cases living in Harwich.

Barnstable County as a whole is also seeing a steady decrease in daily positives, with a cumulative total number of cases at 1594. To date, 165 people in the county have died from this virus.

To date 3584 people in Harwich have been tested for COVID-19 and our positivity rate has decreased significantly to 0.28%.

The Monomoy Regional School District held a COVID antigen test clinic for faculty on Wednesday, August 26<sup>th</sup>. Of the 257 people tested, only one person tested positive for antibodies. This person had previously been tested positive for COVID-19 by PCR test, so this result was expected. Through conversations with Superintendent Scott Carpenter, the schools are ready for teachers and students to return to in-person classes in Mid-September.

We remain in Phase 3, step 1 at this time. For the most up to date information on the re-opening plan for Massachusetts, including sector specific standards, please visit [www.mass.gov](http://www.mass.gov)

Seasonal influenza season is quickly approaching. There is a regional drive-through clinic scheduled for Saturday, September 26<sup>th</sup> from 8 am- noon at the Barnstable County Complex on Route 6A. This clinic is free and open to the public. This is unfortunately the same day as our Annual Town Meeting, but if residents are able to get there early, this is a great opportunity to obtain a shot early in the season. Most pharmacies are also offering free or low cost vaccinations. It is more important than ever to get a flu shot this year. I encourage everyone to find a clinic that is convenient to them and get a shot.

Thank you and stay 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)

August 20, 2020

Weekly COVID-19 Update

No new cases have been reported over the last 7 days, Harwich remains at a total of 141 confirmed cases and 24 deaths. One hundred seventeen people have recovered from COVID-19. There are currently no known active cases living in Harwich.

The mass.gov weekly town-by-town report indicates that Harwich has 142 active cases, however the data is incorrect. One of the cases listed in the system is from a different town.

To date 3400 people in Harwich have been tested for COVID-19 and our positivity rate remains significantly unchanged at 0.89%.

On Tuesday, August 18<sup>th</sup> the Board of Health voted unanimously to amend the Emergency Order requiring face coverings to include face coverings to be worn while attending the Annual Town Meeting.

We remain in Phase 3, step 1 at this time. For the most up to date information on the re-opening plan for Massachusetts, including sector specific standards, please visit [www.mass.gov](http://www.mass.gov)

Thank you and stay well,

Meggan Eldredge  
Health Director