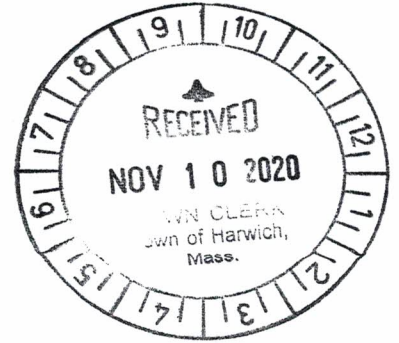


TOWN OF HARWICH



BOARD OF HEALTH
732 Main Street Harwich, MA 02645
508-430-7509 – Fax 508-430-7531
E-mail: health@town.harwich.ma.us



TOWN OF HARWICH BOARD OF HEALTH
TUESDAY, NOVEMBER 17, 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)**- September 14, 2020 & October 20, 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. **Review of Draft 2021 Board of Health Meeting Schedule-** *Vote to accept/deny/take this under consideration*
- B. **Continued review of draft Town of Harwich Draft Fertilizer and Nutrient Control Regulation (continued from September 14, 2020 meeting)-** *Vote to accept/deny/take this under consideration*
- C. **COVID-19 Update-** *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-** *Vote to accept/deny/take this under consideration*

VI **REPORT OF THE HEALTH DIRECTOR (October 2020)** - *Vote to accept/deny/take this under consideration*

VII **CORRESPONDENCE**

- A. **Notice from Edge Environmental-Immediate Response Action Status Report-Truck Accident-Sisson Road**
Vote to accept/deny/take this under consideration
- B. **Notice from Tighe & Bond-Historic Release of Mineral Oil Dielectric Fluid-Station 973/Island Pond Road**
Vote to accept/deny/take this under consideration

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

ESTABLISHMENT	ADDRESS	TYPE	TYPE
SEPTIC INSTALLER			
Cape Cod Septic Services *			
Chase & Merchant *			
Ellis Brothers Const. *			
Harry Ellis Builder, LLC *			
Macura Excavating **			
PKM Contractors **			
R.J. Bevilacqua Construction *			
SEPTIC HAULER			
Cape Cod Septic Services *			
Ellis Brothers Const. *			
FOOD SERVICE			
Cape Sea Grille *	31 Sea Street	61-150 seats	Caterer
Harwich Community Center *	100 Oak Street	Institution	
The Family Pantry of Cape Cod *	133 Queen Anne Road	Institution	Mobile Food
STABLE			
Christine Menard *	39 Lexington Drive	Residential Stable	
Donald Dvorovy *	1639 Orleans Road	Residential Stable	
Jennifer Cahoon *	1356 Halls Path One	Residential Stable	
Judith A. Davis *	6 Lynch Lane	Residential Stable	
Matthew & Jaclyn Brooks *	50 Aladoe Farm Lane	Residential Stable	
True North Farm *	339 Queen Anne Road	Commercial Stable	
REFUSE HAULER			
Chase & Merchant *			
Nauset Disposal *			
William R. Coffin & Sons *			
TITLE 5 INSPECTOR			
John O'Reilly *			
Robert Reedy *			

** 2020 Renewal

*2021 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

Posted by:

Paula West
Town Clerk 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

II.

TOWN OF HARWICH



BOARD OF HEALTH

732 Main Street Harwich, MA 02645
508-430-7509 – Fax 508-430-7531
E-mail: health@town.harwich.ma.us

**TOWN OF HARWICH BOARD OF HEALTH
MONDAY, SEPTEMBER 14, 2020-6:30 P.M.
HARWICH TOWN HALL – REMOTE MEETING**

BOARD OF HEALTH MEMBERS PRESENT: Chairwoman Pamela Howell, R.N., Member Ron Dowgiallo, D.M.D., Member Matthew Antoine & Member Kevin DuPont, R.N.

BOARD OF HEALTH MEMBERS ABSENT: Vice Chairwoman Sharon Pflieger

STAFF MEMBERS PRESENT: Health Director Meggan Eldredge, Senior Health Agent Kathleen Tenaglia & 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.

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Ms. Howell introduced and welcomed Kevin DuPont as the newest member of the Board of Health.

I CALL TO ORDER

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

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – August 18, 2020

Mr. Dowgiallo moved to approve the minutes of the August 18, 2020 Board of Health meeting, 2nd by Mr. Antoine. The vote was 3-0-0 with Ms. Howell, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.

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).

At their May 19, 2020 meeting, the Board of Health had discussions regarding the creation of a nutrient and pesticide control bylaw or education. At this point, the Board needs to have open discussions on how they would like to move forward. Health Director Eldredge suggested that the Board could consider creating a sub-committee to work on this.

Mr. Dowgiallo stated that what has been provided in the packet looks good to him.

Ms. Howell wondered if there is more that the Board could do.

Mr. DuPont asked what the Board's limitations and expectations are. Health Director Eldredge responded that the regulation on pesticide would be for town-owned property. With respect to pesticides, there is a law that prohibits states and towns to further impose laws on private property. Fertilizer regulations and discussion would be relating to both town-owned and private property. Mr. DuPont asked if there would be a way to find out what kinds of fertilizers private homeowners are using. He would like to see education and feels that it is safe to say that a large part of the population is not aware of what goes into their fertilizers.

Ms. Howell stated that the Town of Chatham request anyone who distributes/uses fertilizer be certified. She asked if the Town of Harwich has any literature. Health Agent Tenaglia responded that that educational material could be created but added that she is not sure how possible enforcement of the education would be. Health Agent Tenaglia added that the Board could develop a sub-committee to help develop literature.

Mr. DuPont agreed with all information presented and said that he would like to see the education aspect expanded.

Ms. Howell stated that she would like to have the input of Ms. Pflieger before making any decisions. She suggested continuing discussions until the October 20, 2020 Board of Health meeting.

B. Sewer Connection Discussion-Finalize Application & discuss extension requirements

Health Director Eldredge reviewed the sewer connection application.

Mr. Dowgiallo moved to approve the use of the sewer connection application as presented, 2nd by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Mr. Dowgiallo, Mr. Antoine & Mr. DuPont all voting aye by roll call.

Health Director Eldredge stated that the current regulations allow for 1-year from the order letter issued that will require property owners to connect into the municipal sewer. If the Board is willing to consider extension requests, they should consider how old the existing septic system is, financial hardships and/or any special circumstances. Health Director Eldredge recommended that the Board approve extensions for any septic system less than 10 years old. It would then be a discussion of the Board as to

how long of an extension would be granted. If the Board is going to consider financial hardships as an extension, they should know that there are very low interest loans available through Barnstable County.

Ms. Howell stated that she would like to have Ms. Pflieger involved in this discussion as well and suggested continuing discussions until the October 20, 2020 Board of Health meeting.

Mr. Dowgiallo asked what the cost would be to connect to the sewer system. The last numbers that Ms. Eldredge was aware of are between \$7,000-\$12,000.

Once a property is connected to the sewer system, the owners will receive a sewer bill, similar to a water bill, based on flow.

Health Director Eldredge informed the Board that she would find out how many in Chatham have been connected into the system and any updated cost information.

C. Review Board of Health definition of a bedroom with possible amendments

Health Director Eldredge read the current definition and suggested definition of a bedroom. The existing definition is unclear to builders and homeowners when they are creating their floor plans. The definition needs to be clearer and more concise so floor plans can be created without issue. Staff has researched bedrooms definitions from surrounding towns and information has been provided to the Board.

Mr. Antoine moved to adopt the suggested Harwich Board of Health bedroom definition as presented, 2nd by Mr. DuPont. The vote was 4-0-0 with Ms. Howell, Mr. Dowgiallo, Mr. Antoine & Mr. DuPont all voting aye by roll call.

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

Health Director Eldredge read the request that was submitted. She informed the Board that the owner bypassed the Board of Health and went straight to the State Plumbing Board and had their application approved.

The Board of Health did not take any action.

VII REPORT OF THE HEALTH DIRECTOR (August 2020)

Health Director Eldredge read her monthly report for August 2020. As of today, there is one active case in Harwich.

Barnstable County is holding a drive-thru seasonal flu shot clinic on September 26, 2020 from 8:00 a.m.-noon. The clinic is open to all residents across the Cape and pre-registration is required.

VIII CORRESPONDENCE

No correspondence was discussed.

IX PERMITS

Board of Health-September 14, 2020

ESTABLISHMENT	ADDRESS
TITLE 5 INSPECTOR	
Thomas Roux *	Wareham, MA
* 2020 Renewal	

Mr. Antoine moved to approve the permit list as presented, 2nd by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Mr. Dowgiallo, Mr. Antoine & Mr. DuPont all voting aye by roll call.

X OTHER

Mr. Dowgiallo asked how the town follows people who have recovered from COVID-19. Health Director Eldredge responded that they are not followed at the Health Department level. The patients information is in the state database should future issues arise.

XI ADJOURN

Mr. Dowgiallo moved to adjourn the meeting at p.m., 2nd by Mr. DuPont. The vote was 4-0-0 with Ms. Howell, Mr. Dowgiallo, Mr. Antoine & Mr. DuPont all voting aye by roll call.

Respectfully Submitted,

Jennifer Clarke

Next meeting is Tuesday, October 20, 2020 at 6:30 p.m.

Documents included in September 14, 2020 Board of Health Meeting Packet:

- Board of Health Agenda dated September 14, 2020
- Draft Board of Health Minutes dated August 18, 2020
- Draft Town of Harwich Nutrient and Pesticide Control By-Law dated November 4, 2009
- Draft Application and Checklist for Sewer Connection Permit
- Bedroom Definition Information dated September 14, 2020
- Site Summary for 11 Kent Road dated September 14, 2020
- Request from Owner for Plumbing Code Variance dated August 24, 2020
- Health Director Monthly Report dated September 8, 2020
- Weekly COVID-19 update dated August 27, 2020
- Weekly COVID-10 update dated August 20, 2020
- Any other documents submitted for/at the September 14, 2020 Board of Health Meeting

TOWN OF HARWICH



BOARD OF HEALTH

732 Main Street Harwich, MA 02645

508-430-7509 – Fax 508-430-7531

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

**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY, OCTOBER 20, 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 Kevin DuPont R.N.

BOARD OF HEALTH MEMBERS ABSENT: Member Matthew Antoine

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

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I CALL TO ORDER

Chairwoman Howell called the meeting to order at 6:40 p.m.

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – September 14, 2020

No action was taken on the minutes.

III 6:30 PM - BOARD OF HEALTH WORK SESSION

A. Continued review of draft Town of Harwich Nutrient and Pesticide Control Bylaw/Education & discussion on the creation of a sub-committee (continued from September 14, 2020 meeting)

Ms. Pflieger stated that she has a problem with pesticide control being included in the bylaw and added that pesticides should be dealt with as a separate issue.

Board of Selectman Chair Larry Ballantine was present and asked if it would be possible to have 2 identical documents, one for fertilizer and one for glyphosates.

Health Director Eldredge stated that she can revise the draft bylaw and remove all aspects regarding pesticides and bring a revised draft back to the Board for their November meeting. She suggested that the Board discuss any revisions to the fertilizer topics, so it can keep moving forward.

Ms. Pflieger asked who the enforcement agency for this bylaw would be. Health Director Eldredge responded that originally, it was the Board of Health. She added that it might be a good idea to pass it along to the Conservation Commission or even the Sewer Commission. Enforcement would be complaint based with the option to fine any violators by way of a non-criminal disposition ticket.

If a regulation is created, it would require a public hearing and then a vote of the Board of Health. If a bylaw is created, it would require a vote of Town Meeting.

Ms. Pflieger asked if this would eliminate the use of fertilizer, or just limit the amount used. Health Director Eldredge reviewed the performance standards for fertilizer application.

The Board had a brief discussion on how educational information should be passed out to the public.

Health Director Eldredge will revise the draft bylaw removing pesticides and put this back on for the November Board of Health meeting.

B. Continued discussion on sewer extension requirements (continued from September 14, 2020 meeting)

Mr. Ballantine asked the Board to consider delaying this discussion at this time. He noted that it would be good to review the financial aspects of this with the Sewer Commissioner and Finance Director, adding that this may be more involved than just the sewer extension. Mr. Ballantine also suggested the possibility of joint meetings to discuss.

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

No old/unfinished business was discussed.

V NEW BUSINESS

A. Hearing-Bascom Hollow, Lots 1, 2, 4 & 8/Eastward Companies- Request to Amend Certificate of Conformance that was issued at the March 17, 2020 Board of Health meeting

Chairwoman Howell opened the hearing. Susan Ladue from Eastward Companies was present and reviewed the memo that was provided to the Board of Health. They are submitting a request to amend the Certificate of Conformance that was issued at the March 17, 2020 Board of Health meeting. They are ready to install the septic system for the new custom home being constructed on Lot 2. There was not an article on the Annual Town Meeting Warrant, which was held on September 26, 2020, to fund the additional areas of Phase 2 of the municipal sewer system.

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

Health Director Eldredge stated that her concern is that funding may not be approved or that the CWMP phases may be revised, pushing this development out further along. This scenario would result in not only the existing 4 lots to not have alternative technology, but the new lots to not be connected to a shared system.

Health Director Eldredge recommended that the Board allow the newly released properties to have conventional systems on their own lots and that if the funding to complete this section of municipal sewer is not approved at a

2021 Annual Town Meeting, the entire subdivision will have Innovative/Alternative technology incorporated into the existing systems.

Ms. Pflieger moved to approve the recommendation of the Health Director, 2nd by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. DuPont all voting aye by roll call.

B. Hearing-McCabe, 25 Grey Neck Lane, to reconsider Order of Conditions granted August 13, 2019-There shall be no increase in square footage or number of bedrooms in the dwelling. Project consists of demolishing the existing dwelling and rebuilding. The proposed home has moved two bedrooms upstairs to allow for an open floor plan with one bedroom on the first floor.

Chairwoman Howell opened the hearing. Steve Haas, P.E., was present and reviewed the request for reconsideration. The existing 3 bedroom dwelling is proposed to be demolished and re-built. The proposed home is going from a single story to a two story dwelling, increasing habitable space. No new variances from Title 5 or the Harwich Septic Regulations are required. The proposal includes incorporation of innovative/alternative technology to remove nitrogen.

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

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

1. The alternative septic system must be under an operation and maintenance contract for the life of the system.
2. The alternative septic system must be tested and maintained in accordance with the Department of Environmental Protection's approval letter as well as the Harwich Health Department's requirements for testing.
3. No further increase in habitable space or square footage to the dwelling without approval by the Board of Health.
4. The property is restricted to a maximum of three (3) bedrooms.

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

C. Hearing- Couch, 9 Hiawatha Road, to consider a variance request to upgrade a Title 5 septic system prepared by Dan A. Speakman Construction
Variances from 310 CMR 15.211- Minimum Setbacks

1. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 1' from the property line where 10' is required. Variance request of 9'.
2. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 1' from the street property line where 10' is required. Variance request of 9'.
3. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 15' from the foundation where 20' is required. Variance request of 5'.

Chairwoman Howell opened the hearing. Dan Speakman was present and reviewed the request for variances. The request is for the purpose of upgrading the Title 5 septic system that has failed due to the lack of separation to groundwater. The applicant is proposing to utilize the existing 1500 gallon septic tank and pump chamber and replace the soil absorption system. There are no alterations to the building proposed at this time.

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

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

1. Property to be restricted to a maximum of three (3) bedrooms.
2. No increase in habitable space, square footage or number of bedrooms without further review by the Board of Health.

3. Variances and conditions to be recorded at the Barnstable County Registry of Deeds.

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

D. Hearing-Allison, 71 Depot Road West, to consider a variance request to upgrade a Title 5 septic system prepared by JC Engineering, Inc.

Variances from 310 CMR 15.211- Minimum Setbacks

1. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 15.1' from the crawl space where 20' is required. Variance request of 4.9'.

Chairwoman Howell opened the hearing. Bradley Bertolo was present and reviewed the variance request. The request is for the purpose of upgrading the existing cesspool system to a Title 5 septic system. The proposed septic system will consist of a 2,000 gallon 2-compartment septic tank (H2O), 1,000 gallon pump chamber (H2O), distribution box and five bedroom soil absorption system. There are no alterations proposed to the dwelling at this time.

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

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

1. Property to be restricted to a maximum of five (5) bedrooms.
2. No increase in habitable space, square footage or number of bedrooms without further review by the Board of Health.
3. Variances and conditions to be recorded at the Barnstable County Registry of Deeds.

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

VI REPORT OF THE HEALTH DIRECTOR (September 2020)

Health Director Eldredge provided the Board with her weekly updates for COVID-19. We are currently following 1 active case in Harwich. The total number of positive cases that have been reported in Harwich to date is 165.

The Health Department held a public flu clinic today. There is another drive-thru flu clinic being held on October 29, 2020 from 2:00-4:00 p.m. at the Harwich Community Center.

VII CORRESPONDENCE

No correspondence was discussed.

VIII PERMITS

ESTABLISHMENT	ADDRESS	TYPE
SEPTIC INSTALLER		
Cape Excavating Service *		
Sun Wind, LLC (2020 New)		
TITLE 5 INSPECTOR		
Carmen Shay *		
Joe Smith *		
STABLE		
Sabra Reynolds McKean *	64 Smith Street	Residential Stable
* 2020 Renewal		

Mr. Dowgiallo moved to approve the permits as per list dated October 20, 2020, 2nd by Ms. Pflieger. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. DuPont all voting aye by roll call.

IX OTHER

No other items were discussed.

X ADJOURN

Ms. Pflieger moved to adjourn the meeting at 7:35 p.m., 2nd by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. DuPont all voting aye by roll call.

Respectfully Submitted,

Jennifer Clarke

Next meeting is Tuesday, November 17, 2020 at 6:30 p.m.

Documents included in October 20, 2020 Board of Health Meeting Packet:

- Board of Health Agenda dated October 20, 2020
- Draft Board of Health minutes dated September 14, 2020
- Town of Harwich Draft Nutrient and Pesticide Control Bylaw dated November 4, 2009
- Site Summary for Lots 1, 2, 4 & 8 Bascom Hollow Dated October 20, 2020
- Request to Amend Certificate of Conformance for Lots 1,2, 4 & 8 Bascom Hollow dated September 3, 2020
- Certificate of Conformance for 3, 7, 5 & 16 Bascom Hollow dated March 26, 2020
- Site Summary for 25 Grey Neck Lane dated October 20, 2020
- Application for Board of Health variances and associated documents for 25 Grey Neck Lane dated October 7, 2020
- Site Summary for 9 Hiawatha Road dated October 20, 2020
- Application for Board of Health variances and associated documents for 9 Hiawatha Road dated October 6, 2020
- Site Summary for 71 Depot Road West dated October 20, 2020
- Application for Board of Health variances and associated documents for 71 Depot Road West dated October 7, 2020
- Weekly COVID-19 update dated September 28, 2020
- Weekly COVID-19 update dated October 1, 2020
- Weekly COVID-19 update dated October 8, 2020
- Halloween Safety Tips during COVID-19 from DPH (not dated)
- Flu Clinic for Harwich Residents flier
- Any other documents submitted for/at the October 20, 2020 Board of Health meeting

2021 HARWICH BOARD OF HEALTH MEETING DATES AND FILING DEADLINES

4-11



DRAFT

APPOINTMENTS W/ HEALTH DIRECTOR	FILING DEADLINE	MEETING DATE	ROOM (Town Hall)
Monday, January 4, 2021	Wednesday, January 6, 2021	Tuesday, January 19, 2021	Small Hearing Room
Monday, February 1, 2021	Wednesday, February 3, 2021	Tuesday, February 16, 2021	Small Hearing Room
Monday, March 1, 2021	Wednesday, March 3, 2021	Tuesday, March 16, 2021	Donn B. Griffin Room
Monday, April 5, 2021	Wednesday, April 7, 2021	Tuesday, April 20, 2021	Small Hearing Room
Monday, May 3, 2021	Wednesday, May 5, 2021	Tuesday, May 18, 2021	Donn B. Griffin Room
Thursday, May 27, 2021	Wednesday June 2, 2021	Tuesday, June 15, 2021	Donn B. Griffin Room
Thursday, July 1, 2021	Wednesday, July 7, 2021	Tuesday, July 20, 2021	Donn B. Griffin Room
Monday, August 2, 2021	Wednesday, August 4, 2021	Tuesday, August 17, 2021	Donn B. Griffin Room
Friday, September 3, 2021	Wednesday, September 8, 2021	Tuesday, September 21, 2021	Donn B. Griffin Room
Monday, October 4, 2021	Wednesday, October 6, 2021	Tuesday, October 19, 2021	Donn B. Griffin Room
Monday, November 1, 2021	Wednesday, November 3, 2021	Tuesday, November 16, 2021	Donn B. Griffin Room
Monday, December 6, 2021	Wednesday, December 8, 2021	Tuesday, December 21, 2021	Donn B. Griffin Room

Please be advised that the Harwich Board of Health has directed staff to not place any hearings and/or variance requests on an agenda until the engineer or representative has had a preliminary project review with the Health Director. It is hoped that this process will eliminate the need for continuances at meetings due to design omission or incomplete submittals, and to help streamline a complicated process. Please call 508-430-7509 to schedule an appointment.

Applications must be filed by 4 pm on the filing deadline date.

Meetings begin at 6:30 pm, however the Board schedules a work session for the first 30 minutes of each meeting and all hearings begin at 7:00 pm.

Please Note: For abutter notification purposes - Notices should be posted for 7:00 pm - Be sure that abutter notices reflect the correct hearing room

Verification of abutters' notices should be brought to the hearing

FERTILIZER AND NUTRIENT 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.

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. Consistent with this goal, and based on the findings provided in I., the Board of Health provides this regulation 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.
- 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.

III. Authority.

This regulation is adopted by the Town of Harwich Board of Health 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 Regulation allows for a reduction of nitrogen and phosphorus going into the Town's waters and wetlands by means of an organized system of education, standardization and regulation of practice. This Regulation is not intended to eliminate the use of fertilizer but only to eliminate excess amounts of phosphorus and nitrogen from reaching our surface water and groundwater. This Regulation adopts the Best Management Practices (BMP) as the normal operating procedures for turf management throughout the Town.
- B. This bylaw shall apply to and regulate any and all applications of nitrogen and phosphorus through fertilizer within the Town of Harwich.
- C. 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.

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 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 Board of Health to oversee and enforce the provisions of this bylaw, including but not limited to designated agents of the Board of Health and Conservation Commission, Natural Resource Officer, Harbormaster, Police Officer.

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.

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

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. 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.

Fertilizer education may consist of, but is not limited to, collaboration with retailers to post in-store information on town fertilizer regulations, the BMP requirements; mailings and flyers for the general public concerning town fertilizer regulations; and outreach to Landscape

professionals fertilizer-related laws and the BMP requirements.

VIII. 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.

IX. 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.

X. Amendments.

Amendments to this Regulation may be adopted by Board of Health after a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing Amendments shall also be subject to the procedures set out in Sections 10 and 11 of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended. Specifically, amendments must also be consistent with the Fertilizer Management District of Critical Planning Concern designation, Barnstable County Ordinance 13-07 and the Guidelines for Implementing Regulations set out therein, including the requirement for consistency with the BMP.

XI. Effective Date.

The effective date of this Regulation shall be the publication date pursuant to G.L. c. 111, §31, provided further that the Regulation has been certified by the Cape Cod Commission as consistent with the Fertilizer Management District of Critical Planning Concern designation, Barnstable County Ordinance 13-07, and has been approved by the Attorney General pursuant to MGL Ch. 40, Sec. 32, if and as required.

III-C.



**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

November 6, 2020

Weekly COVID-19 Update

The current total cases of COVID-19 for the Town of Harwich is 175. This is an increase of 2 cases over the last 7 days. We are currently following 2 active cases.

The DPH incidence map is now coming out on Friday afternoons, available at the mass.gov website. I anticipate staying in the yellow. In lieu of that map, below is a breakdown of exposure locations found for active COVID cases:



Massachusetts Department of Public Health COVID-19 Dashboard - Thursday, November 05, 2020

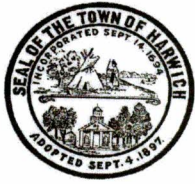
Active COVID Clusters by Exposure Setting Type

Exposure Setting	New Clusters (Identified 10/4 – 10/31)			Ongoing Clusters (Cluster Identified Prior to 10/4 But Not Meeting Criteria for Closing)			Total		
	Clusters	Confirmed Cases	Contacts	Clusters	Confirmed Cases	Contacts	Clusters	Confirmed Cases	Contacts
24/7 Congregate Settings	21	75	43	9	32	13	30	107	56
Child Care	37	97	247	29	5	55	66	102	302
Colleges & Universities	10	55	13	10	4	0	20	59	13
Corrections	4	78	10	7	40	3	11	118	13
Hospitals	5	58	20	14	26	127	19	84	147
Household	3,326	8,329		1,405	643		4,731	8,972	
Industrial Settings	13	53	18	28	18	31	41	71	49
K-12 Schools	19	65	102	11	10	44	30	75	146
Long Term Care Facilities	65	876		85	264		150	1,140	
Offices	4	10	0	3	0	11	7	10	11
Organized Athletics/Camps	20	76	157	14	21	60	34	97	217
Other	5	18	30	5	7	10	10	25	40
Other Food Establishments	1	5	0	6	0	0	7	5	0
Other Healthcare	9	38	32	10	1	15	19	39	47
Other Workplaces	4	20	0	11	13	2	15	33	2
Places of Worship	6	115	27	11	14	44	17	129	71
Recreation/Cultural	3	11	35	7	0	0	10	11	35
Restaurants & Food Courts	20	67	60	12	9	19	32	76	79
Retail & Services	12	50	6	8	11	3	20	61	9
Senior Living	13	48	30	11	57	3	24	105	33
Shelters	1	10	0	1	2	0	2	12	0
Social Gatherings	13	80	32	19	4	24	32	84	56
Travel & Lodging	1	5	0	4	4	34	5	9	34
Total	3,612	10,239	862	1,720	1,185	498	5,332	11,424	1,360

In response to the increase in hospitalizations and new cases as well as an increase in the need for critical care units for COVID patients, Governor Baker announced several updates to attempt to “bend the trend” and reduce our burden of COVID patients among healthcare facilities. These updates include a stay at home advisory, updated facial coverings and gatherings orders and an order requiring certain businesses to close at 9:30 pm. Full details of these updates are available at the Harwich-ma.gov website.

The Health Department staff has been meeting with individual department heads to inquire about concerns or questions regarding the epidemic, the new orders and how they are coping with the changes. We are assessing remote working capabilities in an effort to prepare for the possibility of working remotely in the future. Efficiency and productivity are paramount to the organization.

Thank you,
Meggan Eldredge
Health Director



Town of Harwich Board of Health

732 Main Street Harwich, MA 02645

508-430-7509 – Fax 508-430-7531

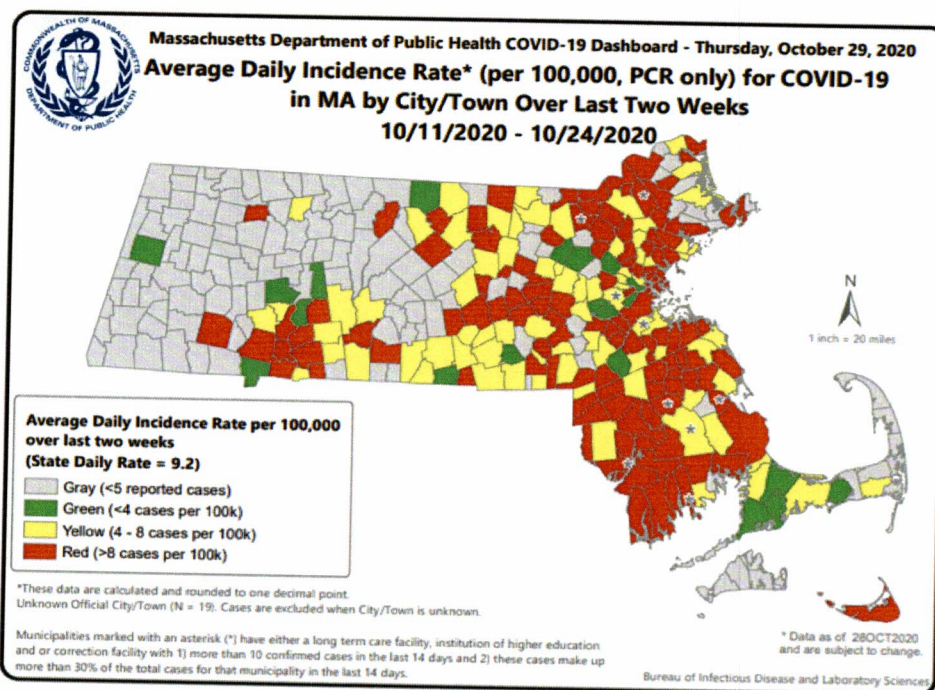
E-mail: health@town.harwich.ma.us

October 30, 2020

Weekly COVID-19 Update

The current total cases of COVID-19 for the Town of Harwich is 173. This is an increase of 5 cases over the last 7 days. We are currently following 5 active cases.

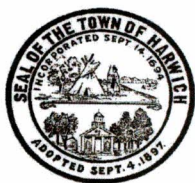
To date 5860 tests of residents in Harwich have been conducted and our positivity rate has increased this week to 1.51%. As expected, we are now a yellow color on the Department of Public Health's COVID-19 incidence map, showing a higher incidence than last week. Harwich has an incidence rate of 4.5, compared to last week at 2.3.



As we all make plans for holiday breaks, keep in mind the Travel Order that requires residents to test or quarantine if coming back from a higher risk State. Please get familiar with the Travel Order: <https://www.mass.gov/info-details/covid-19-travel-order>

Thank you,

Meggan Eldredge
Health Director



Town of Harwich Board of Health

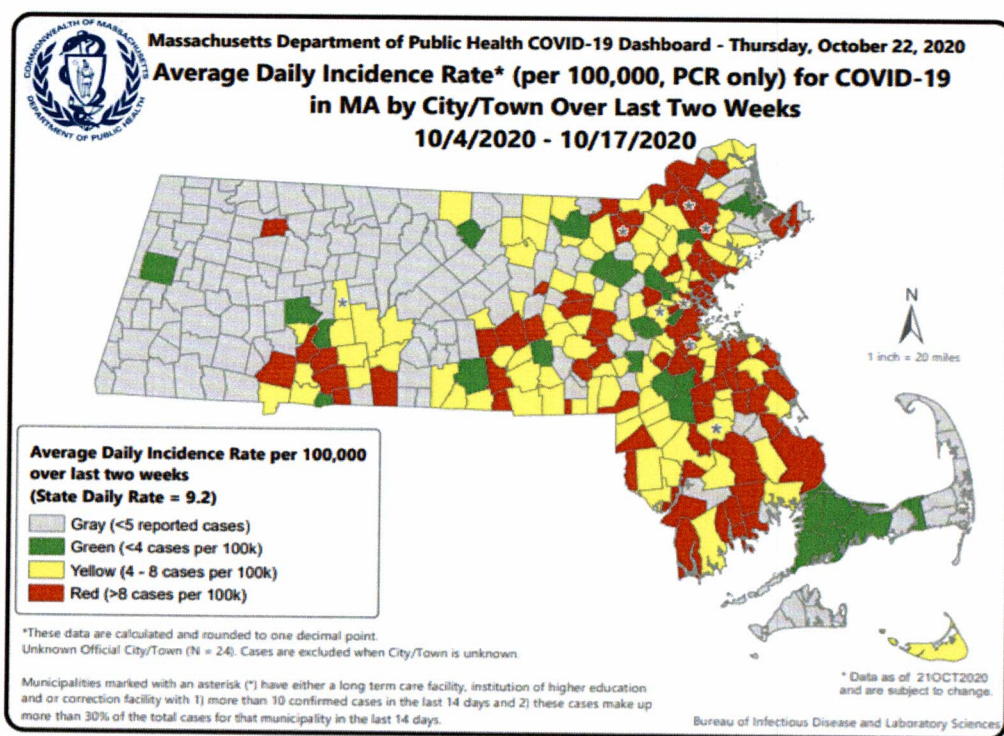
732 Main Street Harwich, MA 02645
508-430-7509 – Fax 508-430-7531
E-mail: health@town.harwich.ma.us

October 23, 2020

Weekly COVID-19 Update

The current total cases of COVID-19 for the Town of Harwich is 168. This is an increase of 4 cases over the last 7 days. We are currently following 3 active cases.

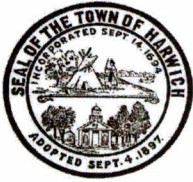
To date 5541 tests of residents in Harwich have been conducted and our positivity rate has decreased again this week to 0.82%. We have moved back to a gray color on the Department of Public Health's COVID-19 incidence map, showing a lower incidence than last week. Harwich has an incidence rate of 2.3, compared to last week at 4.5.



The Health Department is holding a second public clinic on October 29th at the Community Center. It is a drive through clinic from 2-4 pm and participants must pre-register to get a shot. Call or email for an appointment and a registration form.

Thank you,

Meggan Eldredge
Health Director



Town of Harwich Board of Health

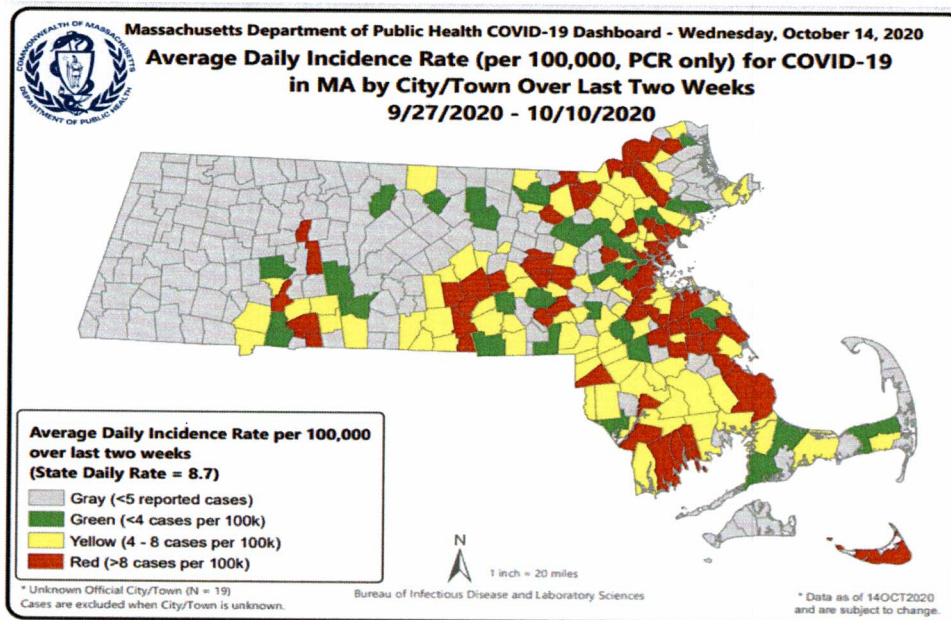
732 Main Street Harwich, MA 02645
508-430-7509 – Fax 508-430-7531
E-mail: health@town.harwich.ma.us

October 16, 2020

Weekly COVID-19 Update

The current total cases of COVID-19 for the Town of Harwich is 164. This is an increase of 2 cases over the last 7 days. We do not have any active cases at this time.

To date 5198 people in Harwich have been tested for COVID-19 and our positivity rate has decreased this week to 1.46%. We continue to be in the yellow on the Department of Public Health's COVID-19 incidence map. Harwich has an incidence rate of 4.5, compared to the State incidence rate of 8.7.



Because of a high demand, the Health Department is holding a second public clinic on October 29th at the Community Center. It is a drive through clinic from 2-4 pm and participants must pre-register to get a shot. Call or email for an appointment and a registration form.

Thank you,

Meggan Eldredge
Health Director

COVID-19 Travel Questions & Answers

Question: *I am a MA resident returning home after traveling to a state that is not considered lower risk (such as Rhode Island). I have proof of a negative test result on a sample taken before my out-of-state travel, and because I was out of state only for 48 hours, I am returning within 72 hours of the time the sample was taken. Can I use my negative test results taken before I left to satisfy the 72-hour testing rule and avoid quarantine?*

Answer: No, you must quarantine or obtain a new test upon return, unless you meet another exemption.

Question: *I am a MA resident and I provide Critical or Emergency Services. I plan to go on vacation to Florida with my family. Do I need to quarantine when I return home from Florida?*

Answer: Yes! Workers who travel from Massachusetts for personal or leisure reasons cannot rely on the Critical Infrastructure Worker exemption upon return. You must either quarantine or satisfy the testing rule. Your status as a Critical Infrastructure or Emergency Worker does not allow you to break quarantine—even to do that specialized work—following travel for personal or leisure reasons. Likewise, a Critical Infrastructure Worker who comes to Massachusetts for personal or leisure reasons cannot rely on the Critical Infrastructure Worker exemption upon arrival and must either quarantine or satisfy the testing rule.

Question: *Where can I find the list of lower risk states?*

Answer: <https://www.mass.gov/info-details/covid-19-travel-order>

Question: *I plan on visiting a non-lower risk state with my family for Thanksgiving. Do my children also need to have a negative PCR test to be exempt from quarantine if I tested negative?*

Answer: It depends on each child's age. If your child is 10 or younger, then the child does not need a test if you as the parents have been tested. If the child is 11 or older, then the child needs to be tested, or will need to quarantine for 14 days, unless an exemption criteria applies.

Question: *Other states' travel restrictions include exemptions for trips that last less than 24 hours. Does Massachusetts have a similar exemption?*

Answer: No, there is no specific exemption for trips that last less than 24 hours. Such short trips may be covered by exemptions like the ones for transitory travel or commuting for work or school. Travelers arriving from places other than lower-risk States must fill out the Travel Form and self-quarantine or obtain a negative test result if they do not meet one of these exemptions.

Question: *I received a call that I should go into quarantine because I was exposed to someone who tested positive for COVID-19. My test came back negative 3 days ago. Do I still need to quarantine?*

Answer: Yes. If you were exposed to someone known to be COVID-19 positive, then you are at increased risk of becoming positive and will need to quarantine for 14 days in your home state.

Question: *I had an antigen test which was negative, do I need to be tested again?*

Answer: Yes, a negative antigen test must be confirmed by a negative result from an FDA EUA-approved molecular (PCR) SARS-CoV2 test on a sample obtained 72 hours or less prior to arrival in Massachusetts.

Question: *I am looking to be exempt from the requirement to self-quarantine by obtaining a negative COVID-19 test, but I am unable to get tested in the state that I am traveling from. What can I do?*

Answer: A traveler who is required to quarantine may be released from the obligation to continue quarantining upon obtaining proof of a COVID-19 negative test, which was administered after the person's arrival in Massachusetts. Travelers are required to quarantine immediately upon arrival in Massachusetts but may temporarily break quarantine to receive testing. Travelers must arrange for the test at their own expense and then are required to immediately continue quarantining until receiving a negative test result or the 14 days is complete.

Question: *After completing the Travel Form, do I need to keep a copy of my submission on-hand?*

Answer: You should keep the documentation with you. If you obtained a negative COVID-19 test result to be exempt from the self-quarantine requirement you should be prepared to produce those results upon request.

Question: *What are some lower risk activities I can do for Thanksgiving?*

Answer: Having a small dinner with only people who live in your household. Preparing traditional family recipes for family and neighbors, especially those at higher risk of severe illness from COVID-19, and delivering them in a way that doesn't involve contact with others. Having a virtual dinner and sharing recipes with friends and family. Shopping online rather than in person on the day after Thanksgiving or the next Monday. Watching sports events, parades, and movies from home.

Question: *Can family members come and visit from out of state? What if they only stay for a few hours?*

Answer: Unless they are coming from a low risk state, then all visitors entering Massachusetts, including returning residents, must complete the Massachusetts Travel Form prior to arrival, quarantine for 14 days, or produce a negative COVID-19 PCR test result that has been administered up to 72-hours prior to your arrival in Massachusetts. If COVID-19 test result has not been received prior to arrival, visitors, and residents must quarantine until they receive a negative test result. Failure to comply may result in a **\$500 fine per day**. With proper planning ahead of time it is possible to do, but we strongly encourage doing a remote dinner online with anyone who does not live in the same house as you.

Question: *What if my college student is coming home for break?*

Answer: If they are coming from a non-lower risk state, then they must either quarantine for 14 days in a separate room, or produce a negative PCR test that has been administered within 72 hours of arrival.

Resources:

<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/holidays.html>

<https://www.mass.gov/info-details/covid-19-travel-order>

Health Director Monthly Report October 2020

COVID 19

Twice weekly calls with the Department of Public Health and Division of Labor Standards occur on Tuesdays and Fridays each week. These calls have been vital for learning about the updates and changes to Orders and safety standards.

Please see weekly COVID-19 updates for more information on this topic.

Flu Clinics

Two public flu clinics and one employee flu clinic were held in October. The employee clinic was assisted by our Town Nurse Sue Jusell and her volunteer nurses as well as the Barnstable County Public Health Nurse. These clinics were held outside in a drive-through manner in order to maintain social distancing and provide a safe environment for staff and participants. The community center parking lot provided an ideal traffic flow for these events however the last clinic was moved due to inclement weather. The last clinic was done at the Public Safety Building utilizing the drive through garage bays on the Police Department side of the facility. This change was due to strong winds and rain and worked out perfectly. Thank you to the Police and Fire Departments for allowing the use of their site for the afternoon, our nurses and staff were able to stay warm and dry!

The combined total of immunizations provided in October was approximately 450, including many children. The Health Department has not offered a public clinic in many years due to the vaccine being widely available at pharmacies for free. This year however, the demand was greater than in years past. The Visiting Nurses Association was able to accommodate us with two public clinics. Funding was provided by the Department of Public Health as an incentive to provide public clinics this year. The Town of Harwich received \$1800.00 that went toward supplies and staffing.

Other information

The Massachusetts Health Officers Association held its first ever virtual annual conference this year. The seminars were split up into three morning sessions and provided much needed continuing education credits towards our required licenses.

The Health Agent's Coalition continues to meet weekly to discuss COVID related topics as well as other regional concerns. Even though we have been "living" an emergency, the CDC is insisting that the region hold a tabletop exercise to practice for an emergency. The HAC has been planning a tabletop drill that is scheduled for late winter 2021.

Discussions with the Sewer Commissioner have been revitalized as we get closer to completing the first section of Phase 2. Decisions on next steps and what the BOH involvement might look like are being considered.

Respectfully submitted,
Meggan Eldredge 11.12.2020



**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

COPY

November 12, 2020

Maulik Corp
DBA Value Mart
435 Route 28
Harwichport, MA 02646

Re: Rules and Regulations Pertaining to Regulations of the Harwich Board of Health Restricting the Sale of Tobacco Products, illegal tobacco product violation

Dear Tobacco Permit Holder,

This letter is to inform you that on **November 6, 2020**, a routine tobacco compliance check was conducted on behalf of the Harwich Health Department at your place of business.

Unfortunately, at the time of the inspection, it was confirmed that flavored tobacco products and blunt wraps were being offered for sale. Please see the attached compliance check form.

Therefore, pursuant to the Regulations of the Harwich Board of Health Restricting the Sale of Tobacco Products, Section G, and 105 CMR 665.010: MINIMUM STANDARDS FOR RETAIL SALE OF TOBACCO AND ELECTRONIC NICOTINE DELIVERY SYSTEMS and the 2019 Act Modernizing Tobacco Control, the penalty for a FIRST for violating the regulations for the Tobacco Permit Holder is a fine in the amount of \$1,000.00.

You are hereby ordered to submit the fine payment made out to the TOWN OF HARWICH and returned to the Health Department within twenty (21) days receipt of this order. Failure to do shall result in further action taken by the Board of Health.

Should you be aggrieved, you may request a hearing in front of the Harwich Board of Health. Such request shall be in writing and submitted within seven (7) days receipt of this order.

If you or your representative has any questions, please do not hesitate to contact this office.

Respectfully,

Meggan Eldredge, R.S., CHO
Health Director

Cc: Board of Health
Detective Marc Harris, Harwich PD
File
Town Clerk

**CERTIFIED MAIL
RETURN RECEIPT
7019-1640-0002-2558-3513**

VII-A.

October 2, 2020

Town Manager Christopher Clark
Harwich Town Hall
732 Main Street
Harwich Center, MA 02645



RE: Immediate Response Action Status Report, IRA Plan Modification & Remedial Monitoring Report
Truck Accident, MassDEP RTN 4-27877
Sisson Road
Harwich, Massachusetts 02645

Dear Town Manager Clark:

Edge Environmental LLC (EDGE) has prepared this letter on behalf of Delaney Fuel Transport LLC. This letter meets the requirements of the Massachusetts Contingency Plan 310 CMR 40.0000, Section 40.1403(3) Minimum Public Involvement Activities in Response Actions.

On July 18, 2019, a Delaney Fuel Transport LLC representative hit a traffic island on Sisson Road and the truck overturned. The trailer was carrying gasoline. The volume of gasoline spilled triggered a regulatory notification requirement and completion of Immediate Response Actions. The MassDEP was notified of the release on July 18, 2019 and assigned Release Tracking Number (RTN) 2-27877 to the release. Completed Immediate Response Actions included pumping out manholes, catch basins and a swale, and deploying sorbent pads and boom to the spilled gasoline. Other response actions completed to date include removing impacted soil, gasoline and groundwater. Soil borings and monitoring wells have been completed and samples analyzed. Gasoline and impacted groundwater have been extracted from the subsurface. Additional response actions, including extraction, soil borings and remediation are planned. A copy of the Immediate Response Action Status Report, IRA Plan Modification and Remedial Monitoring Report is available for review at the Southeast Regional Office of the MassDEP located at: 20 Riverside Drive, Lakeville, MA 02347 or at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>.

If you have any questions, or require additional information, please contact Mr. Eric Johnson at (603) 717-8808.

Sincerely,
Edge Environmental LLC

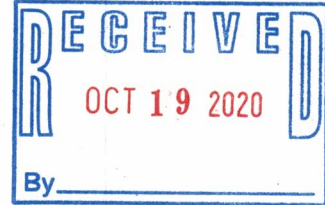
A handwritten signature in cursive that reads "Eric M. Johnson".

Eric M. Johnson, L.S.P.
Principal

cc: Health Director Meggan Eldredge, RS, CHO, Harwich Town Hall, 732 Main Street, Harwich, MA 02645
Inspector Thomas Burnett, MassDOT, 1000 County Road, Taunton, MA 02780
333 Rt. 28 Realty Trust, 20 North Main Street, So Yarmouth, MA 02664
Station Avenue LLC, 1533 Falmouth Rd., Centerville, MA 02632
Arthur Wright, 337 MA-28, Harwich Port, MA 02646
Sandra Baylis Hall, PR, Estate of Emulous Hall, 346 Mass Route 28, Harwich Port, MA 02646
MS Harwich LLC, 8 Maple St., Westbury, NY 11590
Kevin L. Dietterick, 15 Glendon Road Harwich Port, MA 02646
Kenneth W. Colburn III and Arlene Colburn, PO Box 770 Harwich Port, MA 02646
MassDEP Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347 (via IRA Plan and eDEP)
Benjamin Delaney III, Delaney Fuel Transport LLC (via IRA Plan and eDEP)

PO Box 5262 | Manchester, NH 03108 | Phone: 603-717-8808 | Fax 603-463-9970

Edge Environmental LLC
Consulting & Engineering
www.EdgeEnviroLLC.com



E-5042-040
October 12, 2020

VIA US MAIL

Mr. Joseph F. Powers, Interim Town Manager
732 Main Street
Harwich, MA 02645

**Re: Public Notification of Release Notification Form Submittal
Eversource Energy
Historic Release of Mineral Oil Dielectric Fluid
Station 973
Harwich, Massachusetts
MassDEP RTN 4-28485**

Dear Mr. Powers:

In accordance with the Public Notification procedures of the Massachusetts Contingency Plan 310 CMR 40.1403, we are hereby notifying you of the submittal of a Release Notification Form (RNF) for the above referenced site to the Massachusetts Department of Environmental Protection (MassDEP).

This Release Notification pertains to a historic release of approximately 72 gallons of non-TSCA regulated polychlorinated biphenyl (PCB) mineral oil dielectric fluid (MODF) from a pad-mounted transformer located within Eversource Substation 973 on Island Pond Road in Harwich, Massachusetts. MODF was released to the concrete pad and soil adjacent to the transformer pad.

Please note that this letter and the MassDEP form are being provided to you for notification purposes only, and no action is being asked of you in response to this notice. A copy of the RNF submittal is available for review online the MassDEP website. The file can be accessed at the following web address <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite> under files listed for DEP RTN 4-28485. Additional public involvement opportunities are available under 310 CMR 40.1403(9).

Should you have any questions, comments, or concerns relative to this correspondence, please do not hesitate to contact Emma Larkin at (508) 304-6361 or Gary Hedman at (508) 304-6357.

Sincerely,

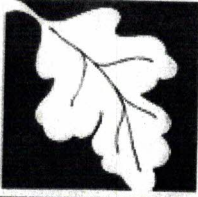
TIGHE & BOND, INC.


Emma Larkin
Project Environmental Scientist


Gary W. T. Hedman, LSP
Project Manager

Enclosures:
BWSC-103 Form

Cc:
Ms. Pamela Howell, R.N., Chairman, Harwich Board of Health



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

RELEASE NOTIFICATION FORM

Pursuant to 310 CMR 40.0371 (Subpart C)

BWSC103-120 DAY

Release Tracking Number
assigned upon receipt and
review by the Department

C. INFORMATION DESCRIBING THE RELEASE (cont.)

4. List below the Oils (O) or Hazardous Materials (HM) that exceed their Reportable Concentration (RC) or Reportable Quantity (RQ) by the greatest amount.

Check here if an amount or concentration is unknown or less than detectable.

O or HM Released	CAS Number, if known	O or HM	Amount or Concentration	Units	RCs Exceeded, if Applicable (RCS-1, RCS-2, RCGW-1, RCGW-2)
C19-C36 ALIPHATICS		O	3900	MG/KG	RCS-1
C19-C36 ALIPHATICS		O	3230	MG/KG	RCS-1

Check here if a list of additional Oil and Hazardous Materials subject to reporting, or any other documentation relating to this notification is attached.

D. PERSON REQUIRED TO NOTIFY:

1. Name of Organization: EVERSOURCE ENERGY

2. Contact First Name: ROBERT 3. Last Name: SZLACHCIUK

4. Street: 247 STATION DRIVE 5. Title: ENVIRONMENTAL COORDINATOR

6. City/Town: WESTWOOD 7. State: MA 8. ZIP Code: 020900000

9. Telephone: 508-982-2325 10. Ext.: _____ 11. Email: robert.szlachciuk@eversource.com

12. Check here if attaching names and addresses of owners of properties affected by the Release, other than an owner who is submitting this Release Notification (required).

E. RELATIONSHIP OF PERSON TO RELEASE:

1. RP or PRP a. Owner b. Operator c. Generator d. Transporter

e. Other RP or PRP Specify: UTILITY PROVIDER

2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

4. Any Other Person Otherwise Required to Notify Specify Relationship: _____



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

RELEASE NOTIFICATION FORM

Pursuant to 310 CMR 40.0371 (Subpart C)

BWSC103-120 DAY

Release Tracking Number
assigned upon receipt and
review by the Department

F. CERTIFICATION OF PERSON REQUIRED TO NOTIFY:

I, ROBERT J. SZLACHCIUK, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. By : ROBERT J. SZLACHCIUK Signature
3. Title: ENVIRONMENTAL COORDINATOR
4. For: EVERSOURCE ENERGY 5. Date : 9/18/2020
(Name of person or entity recorded in Section D) mm/dd/yyyy

6. Check here if the address of the person providing certification is different from address recorded in Section D.

7. Street: _____
8. City/Town: _____ 9. State: _____ 10. ZIP Code: _____
11. Telephone: _____ 12. Ext.: _____ 13. Email: _____

YOU ARE SUBJECT TO ANNUAL COMPLIANCE ASSURANCE FEES FOR EACH BILLABLE YEAR FOR TIER CLASSIFIED DISPOSAL SITES. YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.

Date Stamp (DEP USE ONLY:)

