

TOWN OF HARWICH



BOARD OF HEALTH

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**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY, MARCH 17, 2020-6:30 P.M.
HARWICH TOWN HALL – DONN B. GRIFFIN ROOM
MINUTES**

PLEASE NOTE THAT THIS MEETING WAS HELD REMOTELY BY ALL PARTICIPANTS

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

STAFF MEMBERS PRESENT: Health Director Meggan Eldredge & Executive Assistant Jennifer Clarke (all via phone)

OTHERS PRESENT: Stephanie Sequin, Andy Grover, Syed Naqvi, David Clark, Bill Marsh & Attorney Bill Riley (all via phone)

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.

I CALL TO ORDER

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

II MINUTES OF PREVIOUS MEETING- February 18, 2020

Ms. Pflieger moved to approve the minutes of the February 18, 2020 Board of Health meeting, 2nd by Mr. Dowgiallo. The vote was 4-0-0 by roll call.

**III 6:30-7:00 PM- BOARD OF HEALTH WORK SESSION
A. Coronavirus update and response discussion**

Health Director Eldredge stated that based on Governor Baker's order prohibiting gatherings of 25 or more people and to ensure the safety and well-being of the general public and municipal employees, all municipal buildings are closed to the general public effective at 4:00 p.m. on Monday March 16, 2020 and until further notice. Employees are working to complete day to day work in a limited capacity. We have been in contact with the Department of Public Health and Barnstable County Health and Environment. There is an increase in the number of cases which was expected to happen. Because we are now seeing community spread in Barnstable County and Massachusetts that is not related to travel to China, more restrictions have been imposed.

Ms. Howell asked how many confirmed cases have been reported in Barnstable County. Health Director Eldredge responded that as of 4:00 today, there are 2 confirmed cases. The 2 cases reside in the same house in Sandwich and their close contacts have been notified.

Ms. Pflieger asked how many people on Cape Cod have been tested. Health Director Eldredge responded that she doesn't have that number, but that Cape Cod Healthcare is keeping track of the number of tests that are given.

Health Director Eldredge confirmed that a drive-thru COVID-19 testing facility has been established at Cape Cod Community College. It is not a drop in testing center, you will need an order from a doctor to receive the test.

B. Continued review of draft Town of Harwich Nutrient and Pesticide Control Bylaw/Education

Health Director Eldredge recommended continuing this until an upcoming meeting.

Ms. Pflieger moved to continue the review of draft Town of Harwich Nutrient and Pesticide Control Bylaw/Education until the April 21, 2020 Board of Health meeting, 2nd by Mr. Antoine. The vote was 4-0-0 by roll call.

IV OLD/UNFINISHED BUSINESS (NO EARLIER THAN 7:00 P.M.)

A. Continued Hearing-7 Eleven 34434/Syed Naqvi-Appeal of an order and fine issued by the Health Department for violation of the Regulations of the Harwich Board of Health Restricting the Sale of Tobacco Products, Section D and 105 CMR 665.010: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems (continued from February 18, 2020 meeting)

Syed Naqvi was present via phone.

Health Director Eldredge confirmed that Mr. Naqvi has turned the store back over to corporate. The Board of Health does not have the ability to reduce the minimum fine of \$1000.00 for a first offense. At last month's meeting, Mr. Naqvi was disputing the amount of the fine and his financial ability to pay it.

The Board agreed that the fine should be dismissed given all information presented.

Ms. Pflieger moved to find Syed Naqvi not responsible for the fine and to dismiss the order issued by the Board of Health, 2nd by Mr. Dowgiallo. The vote was 4-0-0 by roll call.

V NEW BUSINESS

A. Hearing-The Deacons Folly Realty Trust, 21 Deacons Filly Road, to consider a variance request to upgrade a Title 5 septic system prepared by Ryder & Wilcox, 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 5' from the north and west property lines where 10' is required. Variance request of 5'.

2. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 10' from a full foundation where 20' is required. Variance request of 10'.

Chairwoman Howell opened the hearing. Andrew Grover from Ryder & Wilcox, Inc. was present via phone. Health Director Eldredge read the variances being requested.

This property has an existing 6-bedroom multi-family dwelling and a majority of the property is within a buffer to a resource area. The existing 2 septic systems are proposed to be upgraded to a single system. Additionally, the existing multi-family dwelling is proposed to be re-built in the same footprint, same number of bedrooms, but is being reduced down to a single family residence. The application includes the addition of a finished basement, which increases the habitable space. Due to the proximity to the resource area, an upgrade in full compliance is not feasible.

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

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

1. Incorporation of an Innovative/Alternative septic system to reduce nitrogen impact to the resource.
2. An operation and maintenance agreement shall be in place prior to approval of the Certificate of Compliance.
3. Property shall be restricted to a maximum of 6 bedrooms.

4. Variances and conditions shall 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 by roll call.

B. Hearing-Paterson, 15 Pine Wood Lane, to consider a variance request to upgrade a Title 5 septic system prepared by Ryder & Wilcox, 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' from the cellar wall where 20' is required. Variance request of 5'.

Chairwoman Howell opened the hearing. Stephanie Sequin from Ryder & Wilcox, Inc. was present via phone. Health Director Eldredge read the variance request.

The variance is requested to allow for the installation of a sewage disposal system to serve an existing two-bedroom dwelling. There are no additions or alteration to the property proposed at this time. Due to limited space between the existing building and the property line, it is not possible to design a system in full compliance.

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

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

1. The dwelling is to be restricted to 2 bedrooms.
2. No increase in habitable space or square footage without further review by the Board of Health.
3. Variances and conditions shall be recorded at Barnstable County Land Court.

Ms. Pflieger moved to accept the recommendation of the Health Director, 2nd by Mr. Dowgiallo. The vote was 4-0-0 by roll call.

C. Environmental Impact Report-Eastward Companies- 3, 7, 15 & 16 Bascom Hollow, 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. David Clark from Clark Engineering, Bill Marsh from Eastward Companies & Attorney Bill Riley were present via phone. The applicant has submitted a revised Environmental Impact Review (EIR) (originally approved on May 14, 2018) in accordance with the Harwich Board of Health Regulation 1.211. Based on the town's schedule for the installation of municipal sewer in 2018, they proposed and requested to limit the development to 4 lots until such time as the connection to the municipal sewer was available. They completed 3 houses on lots 3, 5 & 7 in 2019 and they are now occupied. The applicant now understands that the sewer line installation in this area may not be completed for at least 2 years, and are now being forced to look at alternatives to address the septic issue at hand with the delay in sewerage. The applicant has revised the EIR to propose individual systems on the remaining 4 lots. It is important to note that this property is located in the Pleasant Bay watershed. This area is in phase 2 of the sewerage, but is in contract 3, which has not yet had funding approved.

Attorney Riley stated that he would like the newly released properties to have traditional septic systems on their own lots. He feels that the added expense of innovative/alternative technology would be a waste of money because when the sewer is installed, they will have to abandon the septic system.

Health Director Eldredge reviewed regulation 1.211. She added that phase 2 has been split up into 3 contracts. The remainder of the lots are in contract 3, which has not been approved because they are pending funding, which requires a vote of town meeting. Best case scenario is that there would be a special town meeting which would have this on the ballot.

Health Director Eldredge provided 2 other options which are to require innovative/alternative septic systems on only the newly released lots or require innovative/alternative technology on all of the lots, which would mean

retrofitting the existing septic system. She added that if the Board requires innovative/alternative technology on the newly released lots, when sewer is available, they could be given a longer timeline for hook up.

Chairwoman Howell closed the hearing.

Ms. Pflieger stated that she understands the predicament that the builder is having. Her biggest concern is that we do not know if contract 3 will be approved and that as she understands, it might be moved to a different phase of sewerage. Her other concern is the impact that this would have on the Pleasant Bay watershed. Ms. Pflieger agreed with the Health Director's recommendation of requiring innovative/alternative technology septic systems on the newly released lots. Mr. Dowgiallo agreed.

Attorney Riley agreed that the Pleasant Bay watershed is very important and that the builder recognizes this. The concern that contract 3 will not be sewerage seems a little extreme.

Ms. Howell asked what the timeline is for building houses. Attorney Riley stated that it would be at least 2 years for construction completion. Ms. Pflieger added that the environment needs to be taken into consideration. The CWMP was put into effect for a reason. She suggested that the builder could wait and see how the special town meeting vote goes, and then proceed from there.

Mr. Marsh feels that the option of requiring innovative/alternative technology is not economically feasible. They have customers who are ready to sign or have already signed contracts. He would like to see the newly released properties to have traditional systems on their own lots, and if the town does not approve contract 3 in the fall, then they would be obligated to install innovative/alternative technology. Health Director Eldredge feels that would be a reasonable request.

The members and applicants briefly discussed the locations of the houses with respect to the watershed.

Ms. Pflieger moved to approve that the newly released properties will have traditional septic systems on their own lots, and that if phase 2/contract 3 of the municipal sewer system is not approved at a 2020 special fall town meeting, that innovative/alternative technology will be added to the systems, 2nd by Mr. Dowgiallo. The vote was 4-0-0 by roll call.

VI REPORT OF THE HEALTH DIRECTOR (February 2020)

Health Director Eldredge provided the Board with updates from February 2020. The Health Department has been fully involved with COVID-19 tracking since the end of the month. She has also been part of a COVID-10 sub-committee group and added that it is nice to have consistency in between town lines.

Ms. Pflieger requested to schedule a meeting with the Health Director to discuss continuity of operations. Health Director Eldredge responded that if any member would like to meet with her, she would be happy to walk them through our binders of emergency planning information.

Ms. Howell stated that she is very proud of Cape Cod Healthcare in their effort to reduce any spread of the virus, especially at the hospital. It is great to see what plans are in place to protect staff and patients.

VII CORRESPONDENCE

No correspondence was discussed.

VIII PERMITS

0 ESTABLISHMENT	ADDRESS	TYPE	TYPE	TYPE
STABLE				
Erin McWilliams (2020 New)	758 Depot Street	Res. Stable		
TITLE 5 INSPECTOR				
Linda J. Cronin *				

SEPTIC INSTALLER				
Lower Cape Excavation (2020 New)				
LVA Construction *				
FOOD SERVICE				
7-Eleven (2020 New Ownership)	5 Route 28	Less than 5000 sf	Milk & Cream	Take Out
Cape Cod Lavendar Farm *		Event Permit		
Dancing Spoons A Go Go Food Truck (2020 New)		Mobile		
Foss Farms (2020 New)		Event Permit		
Harwich Junior Theatre *	265 Sisson Road	Limited Food Svc		
Harwich Junior Theatre *	105 Division Street	Limited Food Svc		
Harwich United Methodist Church *	1 Church Street	Institution		
Seawind Meadows, LLC *		Event Permit		
TOBACCO				
7-Eleven (2020 New Ownership)	5 Route 28			
MOTEL				
Handkerchief Shoals Inn (2020 New Ownership)	888 Route 28			
* 2020 Renewal				

The Board had a brief discussion on food truck operations during the COVID-19 pandemic. Health Director Eldredge responded that food trucks would be able to operate because they would not be in violation of having 25 people in a location at one time. It would be the responsibility of the business owner to ensure that proper social distancing of 6' is being kept at all times.

Mr. Dowgiallo moved to approve the permits as per the list dated March 17, 2020, 2nd by Ms. Pflieger. The vote was 4-0-0 by roll call

IX OTHER

Health Director Eldredge reported that staff has been inspecting Value Mart on a weekly basis. It was a rough start, but they are now in compliance with the Board of Health's order.

X ADJOURN -The meeting adjourned at 7:45 p.m.

Ms. Pflieger moved to adjourn the meeting at 7:45 p.m., 2nd by Mr. Dowgiallo. The vote was 4-0-0 by roll call.

Respectfully Submitted,

Jennifer Clarke

Next meeting is Tuesday, April 21, 2020 at 6:30 p.m. in the Small Hearing Room.

Documents included in March 17, 2020 Board of Health Meeting Packet:

- Board of Health Agenda dated March 17, 2020
- Draft Board of Health Minutes dated February 18, 2020
- Letter to Board of Health from C. Whiting Rice dated February 24, 2020
- Glyphosate-Understanding and Managing it in Massachusetts dated January 13, 2020
- Glyphosate-Science and Harm dated December 31, 2019
- Information regarding Vineyard Golf Course dated February 19, 2020
- Site One Landscape Supply Work Order for Laura Kelley dated February 11, 2020
- Site Summary for 7-Eleven/Syed Naqvi dated March 17, 2020
- Letter from 7-Eleven dated February 18, 2020
- Site Summary for 21 Deacons Folly Road dated March 17, 2020
- Variance application and associated documents for 21 Deacons Folly Road dated March 2, 2020
- Site Summary for 15 Pine Wood Lane dated March 17, 2020

- Variance application and associated documents for 15 Pine Wood Lane dated March 3, 2020
- Site Summary for Bascom Hollow EIR dated March 17, 2020
- EIR application and associated documents for Bascom Hollow dated March 4, 2020
- 2019 Annual Report of the Board of Health
- Letter from Visiting Nurse Association dated February 19, 2020
- Letter to Value Mart dated February 25, 2020
- Letter to 21 Plus Smoke Shop dated February 24, 2020
- Letter from Board of Selectmen to Health Director dated February 21, 2020
- Any other documents submitted for/at the March 17, 2020 Board of Health meeting