

TOWN OF HARWICH



BOARD OF HEALTH

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**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY, APRIL 20, 2021-6:30 P.M.
HARWICH TOWN HALL – REMOTE MEETING**

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

BOARD OF HEALTH MEMBERS ABSENT: Vice Chairwoman Sharon Pflieger

STAFF MEMBERS PRESENT: Health Director Kathleen O’Neill & Executive Assistant Jennifer Clarke

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

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I CALL TO ORDER

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

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – March 16, 2021

Mr. Dowgiallo moved to approve the minutes of the March 16, 2021 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

Mr. DuPont arrived at 6:36 p.m.

A. COVID-19 Update

Health Director O'Neill reviewed the COVID-19 updates that were provided in the Board's packet.

Mr. Dowgiallo asked what the average age of COVID-19 positive people are. Health Director O'Neill responded that the average age is 38.

B. Staffing Update

Health Director O'Neill reported that the Health Department is very fortunate to have Mark Polselli back in the office on a temporary basis to help with Title 5 Inspection reviews, septic inspections and witnessing perc tests.

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

No old/unfinished business was discussed.

V NEW BUSINESS

- A. **Hearing-Rose, 44 Pine Grove Road-** to reconsider Order of Conditions granted on October 29, 1996-There is to be no increase of square footage beyond that shown on a plan dated October 14, 1996. The applicant is requesting removal of square footage limitation to allow for finished attic bedroom and deconstruction of dining room wall to eliminate 1 bedroom downstairs to maintain 3 bedroom compliance.

Chairwoman Howell opened the hearing. Randy Rose was present remotely. Mr. Rose is applying for a reconsideration of a previous condition placed on October 29, 1996. The condition reads "there is to be no increase of square footage beyond that shown on a plan dated October 14, 1996". Mr. Rose is requesting removal of the square footage limitation to allow for the existing finished attic bedroom and deconstruction of dining room wall to eliminate one (1) bedroom downstairs to maintain three (3) bedroom compliance. The Health Department received a Title 5 inspection report on March 1, 2021 which included a floor plan showing that the attic space had been finished without benefit of a permit and that the attic contains built-in beds and affords privacy. The septic system for this property is not adequate to support four (4) bedrooms.

On March 25, 2021, Mr. Rose applied for an after the fact building permit application for the finish work in the attic including knee walls, insulation, minor electrical, drywall and paint work. The permit application also includes the request to remove the wall between bedroom three (3) and the dining room to maintain a total of three (3) bedrooms in the dwelling.

Health Director O'Neill reviewed the conditions that were on the 1996 approval.

No public comment was heard.

Chairwoman Howell closed the hearing.

Health Director O'Neill recommended approval of the request with the following conditions:

1. No further expansion of square footage and habitable space is allowed without further review by the Board of Health.
2. The dwelling is restricted to a maximum of three (3) bedrooms.
3. The reconsideration approval shall be recorded at the Barnstable County Registry of Deeds.
4. All previous conditions apply.

Mr. Antoine moved to accept the recommendation of the Health Director, 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.

- B. 351 Pleasant Lake Avenue/Cape Cod Regional Technical High School-** on behalf of Cape Cod Regional Technical High School, Garcia, Galuska & DeSousa is requesting Board of Health review and support of an application to the State Plumbing Board for a variance from the State Plumbing Code: Relief to building toilet facilities with 50% of the required water closet fixtures. They request that the proposed athletic field bathrooms be allowed to be constructed with a total of 4 female water closets, 2 male water closets, 2 male urinals and 2 lavatories per sex.

Chairwoman Howell opened the hearing. Chris Garcia from Garcia, Galuska & DeSousa was present. On behalf of the Cape Cod Regional Technical High School, Garcia, Galuksa & DeSousa is applying for a variance from the State Plumbing Code: Relief to building toilet facilities with 50% of the required water closet fixtures. They request that the proposed athletic field bathrooms be allowed to be constructed with a total of 4 female water closets, 2 male water closets, 2 male urinals and 2 lavatories per sex. The stadium and facilities are seasonal and would not be open during the winter months. There will be no alcohol consumed on site. Mr. Garcia stated that his is a very typical variance request and is seeking the Board’s support.

No public comment was heard.

Chairwoman Howell closed the public hearing.

Health Director O’Neill recommended that the Board move to support the request for a variance from the Massachusetts Plumbing Code 248 CMR 10.10(7)(c)4 at 351 Pleasant Lake Avenue/Cape Cod Regional Technical High School.

Mr. Antoine moved to accept the recommendation of the Health Director, 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.

VI REPORT OF THE HEALTH DIRECTOR- MARCH 2021

No report of the Health Director was discussed.

VII CORRESPONDENCE

- A. Massachusetts Department of Environmental Protection Drinking Water Program-2020 Consumer Confidence Report Certification**

Health Director O’Neill briefly reviewed the correspondence provided in the Board’s packet.

VIII PERMITS

ESTABLISHMENT	ADDRESS	TYPE	TYPE
FOOD SERVICE			

A & W Restaurant	297 Route 28	61-150 seats	Frozen Dessert
Belmont Condo Trust *	1 Belmont Road	61-150 seats	
Hot Stove at Cranberry Valley *	183 Oak Street	31-60 seats	
Sundae School *	606 Route 28	31-60 seats	Frozen Dessert
Sweet Daisies *		Event Permit	
Sweet Izzy *	296 Route 28	Frozen Dessert	
The Tern Inn (NEW OWNERS 2021)	91 Chase Street	1-30 seats	
Weatherdeck Restaurant *	168 Route 28	61-150 seats	
Wequassett-Main Kitchen *	2173 Route 28	>150 seats	
Wequassett-Pavillion *	2173 Route 28	61-150 seats	
Wequassett-Outer Bar & Grill *	2173 Route 28	61-150 seats	
Wequassett-Tennis Grille *	2173 Route 28	1-30 seats	
Wychmere Harbor Functions- Café *	23 Snow Inn Road	61-150 seats	
Wychmere Harbor Functions- Clubhouse *	23 Snow Inn Road	>150 seats	
MOTEL			
A Beach Breeze Inn *	169 Route 28		
Cape Cod Wishing Well *	212 Route 28		
Commodore Inn *	30 Earle Road		
Inn on the Beach *	16 Bank Street		
Old Harwich Lodgings *	40-44 Route 28		
TITLE 5 INSPECTOR			
Adam Riker *			
Dave Perry *			
Winston Steadman *			
BATHING BEACH			
Allen Harbor Beach Assoc. *	0 Dunes Road	Nantucket Sound	
Belmont Condo Trust *	1 Belmont Road	Nantucket Sound	
Inn on the Beach *	16 Bank Street	Nantucket Sound	
Old Mill Point Association *	along Strandway	Nantucket Sound	
Old Mill Point Association *	end of Seaway	Nantucket Sound	
Sandy Shore Association *	Sandy Shore Way	Aunt Edies Pond	
Stone Horse Yacht Club *	2 Harbor Road	Nantucket Sound	
Town of Harwich Recreation Dept. *	Atlantic Ave Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Bank Street Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Brooks Road Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	end of Bucks Pond Road	Bucks Pond	
Town of Harwich Recreation Dept. *	Earle Road Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Grey Neck Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Hinkleys Pond at Route 124	Hinkleys Pond	
Town of Harwich Recreation Dept. *	Long Pond at Cahoon Street-Long Pond 1	Long Pond	
Town of Harwich Recreation Dept. *	Long Pond at Long Pond Drive-Long Pond 2	Long Pond	
Town of Harwich Recreation Dept. *	Long Pond at Route 124-Long Pond 3	Long Pond	
Town of Harwich Recreation Dept. *	Merkel Beach	Nantucket Sound	

Town of Harwich Recreation Dept. *	Neel Road Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Pleasant Bay at Route 28	Pleasant Bay	
Town of Harwich Recreation Dept. *	Pleasant Road Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Red River Beach-East	Nantucket Sound	
Town of Harwich Recreation Dept. *	Red River Beach-Middle	Nantucket Sound	
Town of Harwich Recreation Dept. *	Red River Beach-West	Nantucket Sound	
Town of Harwich Recreation Dept. *	Robbins Pond at Cahoon Landing	Robbins Pond	
Town of Harwich Recreation Dept. *	Sand Pond at Great Western Road	Sand Pond	
Town of Harwich Recreation Dept. *	Sea Breeze Avenue Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Sea Street Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Seymore Pond at Route 124	Seymoure Pond	
Town of Harwich Recreation Dept. *	Skinequit Pond at Ocean Street	Skinequit Pond	
Town of Harwich Recreation Dept. *	Wah Wah Taysee Road Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Wyndemere Bluffs Road Beach	Nantucket Sound	
Town of Harwich Recreation Dept. *	Zylpha Road Beach	Nantucket Sound	
Wychmere Beach Club *	23 Snow Inn Road	Nantucket Sound	
POOL			
Belmont Condo Trust *	1 Belmont Road		
Commodore Inn *	30 Earle Road		
Wequassett Resort *	2173 Route 28	Spa Room 20	
Wequassett Resort *	2173 Route 28	Spa Room 12	
Wequassett Resort *	2173 Route 28	Spa Room 18	
Wequassett Resort *	2173 Route 28	Spa Room 10	
Wequassett Resort *	2173 Route 28	Main Pool	
Wequassett Resort *	2173 Route 28	Main Pool Spa	
Wequassett Resort *	2173 Route 28	Lap Pool	
Wequassett Resort *	2173 Route 28	Spa Room 46	
Wequassett Resort *	2173 Route 28	Spa Room 44	
Wequassett Resort *	2173 Route 28	Lap Pool Spa	
SEPTIC INSTALLER			
Aaron Gingras *			
Macura Excavating *			
FUNERAL DIRECTOR			
Chapman Funerals & Cremations *	678 Main Street		
*2021 Renewal			

Mr. Dowgiallo moved to approve the permits 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.

IX OTHER

The Board was presented with the Town of Harwich Fertilizer and Nutrient Control Regulation educational pamphlet that was created by Health Department staff. The pamphlet and copies of the regulation have been delivered to local retailers. The pamphlet was mailed to local landscape

companies. Health Director O'Neill stated that enforcement for the first year of the regulation will be to educate the public.

X **ADJOURN**

Mr. Antoine moved to adjourn the meeting at 7:11 p.m., 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.

Respectfully Submitted,

Jennifer Clarke

Next meeting is Tuesday, May 18, 2021 at 6:30 p.m.

Documents included in April 20, 2021 Board of Health Meeting Packet:

- April 20, 2021 Board of Health Agenda
- Draft Board of Health Minutes dated March 16, 2021
- COVID-19 update dated April 9, 2021
- COVID-19 update dated April 2, 2021
- COVID-19 update dated March 12, 2021
- COVID-19 update dated March 22, 2021
- COVID-19 update dated March 26, 2021
- Site Summary for 44 Pine Grove Road dated April 20, 2021
- Application for Board of Health Variances and associated documents for 44 Pine Grove Road dated April 7, 2021
- Site Summary for 351 Pleasant Lake Avenue dated April 20, 2021
- Request for Board of Health Hearing for 351 Pleasant Lake Avenue dated April 1, 2021
- Variance from State Plumbing Code Application and associated plans for 351 Pleasant Lake Avenue dated April 1, 2021
- Massachusetts Department of Environmental Protection Consumer Confidence Report Certification dated March 31, 2021
- Town of Harwich Fertilizer and Nutrient Control Regulation Educational Pamphlet
- Any other documents submitted for/at the April 20, 2021 Board of Health meeting