

TOWN OF HARWICH



*BOARD OF HEALTH*

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**TOWN OF HARWICH BOARD OF HEALTH  
TUESDAY, MAY 19, 2020-6:30 P.M.  
HARWICH TOWN HALL – REMOTE MEETING**

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

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

**PLEASE NOTE THAT THIS MEETING WAS HELD REMOTELY BY ALL PARTICIPANTS**

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

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

*Any person intending to either audio or video record this open session is required to inform the Chair.*

**I CALL TO ORDER**

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

**II MINUTES OF PREVIOUS MEETING- April 21, 2020**

**Ms. Pflieger move to approve the minutes of the April 21, 2020 Board of Health meeting, 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. Antoine all voting aye by roll call.**

**III 6:30-7:00 PM- BOARD OF HEALTH WORK SESSION**

**A. Continued review of draft Town of Harwich Nutrient and Pesticide Control Bylaw/Education (continued from April 21, 2020 Board of Health meeting)**

**Ms. Pflieger moved to continue the review of the draft Town of Harwich Nutrient and Pesticide Control Bylaw/Education until the September 14, 2020 Board of Health meeting, 2<sup>nd</sup> by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. Antoine all voting aye by roll call.**

## **B. COVID-19 update from Health Director**

As of 4:00 today, Massachusetts has 87,925 positive cases of COVID-19 and has reported 5,938 deaths. Harwich has remained at 107 positive cases for about a week, 67 of which are related to Wingate. At least 31 of the cases outside of Wingate have recovered or passed away. The total death rate for Harwich is 17. The National Guard has been present at Wingate to assist with staffing needs.

Ms. Pflieger asked if staff knows how many people in Harwich have been tested and if any community testing has been done in town. Health Director Eldredge responded that up until last week, the only people that were eligible to be tested were those with symptoms or health care workers who may have been exposed. Last week, it was announced that close contacts of positive cases and nursing home/assisted living staff and residents would be eligible for testing. As of now, Massachusetts is testing 15,000 people on a daily basis. Governor Baker is hoping to increase testing to 45,000 per day. Currently, there are guidelines that need to be met in order for a test to be ordered. Rapid testing results are available within hours however the testing that is being conducted at nursing facilities can take 24-48 hours.

Health Director Eldredge reviewed all of the guidance documents that have been released. Alterations have been made to office spaces and retrofitting of town buildings is taking place, including Plexiglas windows and directional arrows on the floors. Anyone in Massachusetts who is in a private or public building and when outside and not able to maintain 6' of social distancing is required to wear a mask or face covering. Health Director Eldredge informed the Board that the Cape has representatives on the Massachusetts Re-Opening Advisory Board. The Board was provided with a brief overview of the phased re-opening plan that was released by Governor Baker's office, showing that we are currently in phase 1. The re-opening plan is a 4 phased approach which is driven by public health data including downward trends in numbers of hospitalizations, ICU capacity, deaths and positive cases. Businesses will be required to self-certify according to the COVID-19 checklist that was provided by the state. The Division of Labor Standards will be checking in with establishments, but enforcement will fall on the shoulders of the Board of Health. It was a hope that restaurants would be included in phase 1, but they show as part of the phase 2 re-opening plan. At this time, no specifics are available, but the town will be working with restaurants on possible relief for outdoor seating for the summer season. If a restaurant opens for dining at all, they will need to provide a restroom, which will need to have a daily cleaning and disinfection schedule.

Ms. Pflieger noted that overseas, side streets are kept open and main streets were closed to allow for tables on the sidewalks and in the streets. She asked if that is something that the town might consider. Health Director Eldredge responded that some restaurant owners have pitched that idea, and that no decisions have been made at this point. One issue might be that Route 28 is a state owned road.

Phase 1 includes guidance on outdoor recreation which includes generic beach guidance based mostly on social distancing.

Ms. Pflieger asked if the town might consider reduced parking availability at the beach to try and limit the number of people on the beach. Health Director Eldredge responded that in Harwich, we have small parking lots in comparison to the beach sizes. According to the Beach Director, even with a full parking lot, we could still have an emptier beach. At this time, the town will not be putting a limit on parking. Beach bathrooms will have specific guidelines. Signs will be posted regarding social distancing and sanitizer and the bathrooms will be cleaned once daily and deep cleaned once weekly.

In the packet, the Board was given an e-mail from Luke Chapman who is a rental business owner as well as a member of the Orleans Board of Health. Mr. Chapman has come up with short-term rental guidance for cleaning in between renters. Health Director Eldredge advised the Board that they may want to discuss this at their June meeting or could simply take his information under advisement, pending short-term rental guidance from the state. If the state releases guidance before the Board's next meeting in June, the Board could call a special meeting.

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

No old/unfinished business was discussed.

#### **V NEW BUSINESS**

**A. Hearing-Delory/Murnane, 113 Brooks Road**, to consider a variance request to upgrade a Title 5 septic system prepared by Moran Engineering, Associates, LLC.

Variances from 310 CMR 15.211: Minimum Setbacks

1. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 6.5' from the North property line where 10' is required. Variance request of 3.5'.

2. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 6' from the East property line where 10' is required. Variance request of 4'.

3. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 16' from the crawl space where 20' is required. Variance request of 4'.

4. Per 310 CMR 15.211(1): To allow a proposed septic tank invert to be 0.3' to high groundwater where 1' is required. Variance request of 0.7'.

5. Per 310 CMR 15.211(1): To allow a proposed pump chamber invert to be 0.2' to high groundwater where 1' is required. Variance request of 0.8'.

Variance from Harwich Board of Health Regulation 1.210

1. Per Harwich Board of Health Regulation 1.210: To allow a proposed soil absorption system to be 83' from the edge of wetland where 100' is required. Variance request of 17'.

Chairwoman Howell opened the hearing. The Health Department received a request from Moran Engineering Associates to continue this hearing until the June 16, 2020 Board of Health meeting.

**Mr. Dowgiallo moved to continue the hearing for 113 Brooks Road until the June 16, 2020 Board of Health meeting, 2<sup>nd</sup> by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. Antoine all voting aye by roll call.**

**B. Hearing-Jaworski, 113 Bank Street**, to consider a variance request to upgrade a Title 5 septic system prepared by Down Cape Engineering, Inc. - *Vote to accept/deny/take this under consideration*

Variances from 310 CMR 15.211: Minimum Setbacks

1. Per 310 CMR 15.211(1): To allow a proposed soil absorption system to be 12.7' from a foundation where 20' is required. Variance request of 7.3'.

Chairwoman Howell opened the hearing. Danny Gonsalves from Down Cape Engineering was present remotely. Health Director Eldredge read the variance being requested. The applicant is requesting the variance due to the small size of the lot and the 6-bedroom design flow. The plan provides a 40 mil liner between the edge of the soil absorption system and the foundation. No construction or alterations to the dwelling are proposed and the project does not require approval from the Conservation Commission. Chairwoman Howell closed the hearing.

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

1. The property shall be restricted to a maximum of six (6) bedrooms.
2. No increase in habitable space or square footage is allowed without further review by the Board of Health.
3. The variance and condition shall be recorded at the Barnstable County Registry of Deeds

**Ms. Pflieger moved to accept the recommendation of the Health Director for the project at 113 Bank Street, 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. Antoine all voting aye by roll call.**

**VI REPORT OF THE HEALTH DIRECTOR (April 2020)**

Health Director Eldredge read her monthly report for March & April 2020.

**VII CORRESPONDENCE**

No correspondence was discussed.

**VIII PERMITS**

ESTABLISHMENT	ADDRESS	TYPE	TYPE	TYPE
<b>FOOD ESTABLISHMENT</b>				
Allen Harbor Breeze Inn *	326 Lower County Road	1-30 seats		
Belmont Beach Club *	1 Belmont Road	61-150 seats		
Georges Place Fish Market *	30 Kildee Road	Retail: Less than 5000 sf	Shucking	Take Out
Good Times Ice Cream *		Mobile Food Service		
Perks *	545 Route 28	31-60 seats		
School House Ice Cream *	749 Route 28	1-30 seats	Froz. Des.	
Sundae School *	606 Route 28	31-60 seats		
Sweet Daisies *		Event Permit		
<b>BATHING BEACH</b>				
Great Sand Lakes Assoc*	Clearwater Beach/Bucks Pond			
Great Sand Lakes Assoc *	Vacation Lane Beach/John Joseph Pond			
Great Sand Lakes Assoc *	Pleasant Park Circle Beach/Bucks Pond			
Great Sand Lakes Assoc *	Lakeside Terrace Beach/John Joseph Pond			
Stone Horse Yacht Club *	2 Harbor Road/Nantucket Sound			
Wequassett *	2173 Route 28/Pleasant Bay			
<b>SEPTIC INSTALLER</b>				
Cape Cod Septic Services *				
Earth & Stone, LLC *				
<b>RECREATIONAL CAMP</b>				
Pleasant Bay Com, Boating *	2287 Route 28			
<b>MOTEL</b>				
Cape Cod Wishing Well Motel *	212 Route 28			
<b>POOL</b>				
Allen Harbor Breeze Inn *	326 Lower County Road			

Belmont Condo Trust *	1 Belmont Road			
Cape Cod Wishing Well Motel *	212 Route 28			
Red River Condo *	1011 Route 28			
Wequassett *	2173 Route 28			
Wyndemere Condo Assoc. *	405 Lower County Road			
* 2020 Renewal				

Health Director Eldredge informed the Board that the recreational camp license for Pleasant Bay Community Boating cannot be issued until they are able to operate under the Governor's order.

**Ms. Pflieger moved to approve the permits as per list dated May 19, 2020, noting that the recreational camp license for Pleasant Bay Community Boating will be issued once they are able to operate under the Governor's order, 2<sup>nd</sup> by Mr. Antoine. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. Antoine all voting aye by roll call.**

#### **IX      OTHER**

Health Director Eldredge added that the methods and guidelines that are currently in place are for businesses in phase 1 of the state's re-opening plan. Each phase is proposed to last at least 3 weeks. Over the next few weeks, more guidance and information will be released from the state on how to handle establishments in phase 2.

Mr. Dowgiallo asked if the town has applied for any of the PPP grants. Health Director Eldredge responded that we have and that Harwich was granted approximately \$12,000 which will cover the COVID-19 contract with the VNA and COVID-19 related supplies. As a municipality, we will also be able to access the CARES Act funding.

Ms. Pflieger asked how the town is handling issuance of one-day beach stickers for those that are coming into Massachusetts and are supposed to 14 day self-quarantine. Health Director Eldredge responded that the self-quarantine is for those traveling from outside of Massachusetts. A lot of people who live in the state will buy a one day pass to go to Harwich beaches. Staff is not in the position to ask people to show residency or a lease agreement showing that they have been in the state for 14 days. The Building Department has been given inserts to be distributed with rental density information. We need to try and educate people as best possible.

**X      ADJOURN** -The meeting adjourned at 7:23 p.m.

**Ms. Pflieger moved to adjourn the meeting at 7:23 p.m., 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo & Mr. Antoine all voting aye by roll call.**

**Respectfully Submitted,**

**Jennifer Clarke**

**Next meeting is Tuesday, June 16, 2020 at 6:30 p.m.**

Documents included in May 19, 2020 Board of Health Meeting Packet:

- May 19, 2020 Board of Health Agenda
- Draft Board of Health minutes dated April 21, 2020

- E-mail and associated documents from Luke Chapman related to COVID-19 dated April 23, 2020
- Memo from Health Director Meggan Eldredge related to COVID-19 (undated)
- Harwich COVID-19 Guidance Document # 6 dated March 19, 2020
- Memo from Health Director Meggan Eldredge related to COVID-19 dated April 10, 2020
- Recommended procedure for public meetings during the declared COVID-19 emergency memo from Interim Town Administrator Joseph Powers (undated)
- Updated guidance and announcements on closure of certain Town of Harwich facilities memo from Interim Town Administrator Joseph Powers and Health Director Meggan Eldredge dated March 13, 2020
- Harwich COVID-19 Guidance Document # 3 dated March 15, 2020
- Harwich COVID-19 Guidance Document # 5 dated March 16, 2020
- Harwich COVID-19 Guidance Document # 6 dated March 19, 2020
- Harwich COVID-19 Guidance Document # 7 dated March 20, 2020
- Harwich COVID-19 Guidance Document # 8 dated March 22, 2020
- Harwich COVID-19 Guidance Document # 9 (undated)
- Harwich COVID-19 Guidance Document # 10 dated April 10, 2020
- Harwich COVID-19 Guidance Document # 11 dated April 17, 2020
- Harwich COVID-19 Guidance Document # 12 dated April 24, 2020
- Request for continuance for 113 Brooks Road dated May 18, 2020
- Site Summary for 113 Brooks Road dated May 19, 2020
- Board of Health Variance Application & associated documents for 113 Brooks Road dated May 2, 2020
- Site Summary for 113 Bank Street dated May 19, 2020
- Board of Health Variance Application & associated documents for 113 Bank Street dated May 5, 2020
- Heath Director Monthly Report for March & April 2020 dated May 10, 2020
- Email from Joseph Steffano regarding Harwich East Plaza Tenant Roster dated January 31, 2020
- Any other documents submitted for/at the May 19, 2020 Board of Health Meeting