

TOWN OF HARWICH



BOARD OF HEALTH

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**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

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

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