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TOWN OF HARWICH



BOARD OF HEALTH
732 Main Street Harwich, MA 02645
508-430-7509
E-mail: health@harwich-ma.gov

TOWN OF HARWICH BOARD OF HEALTH TUESDAY OCTOBER 21, 2025 -6:30 P.M. HARWICH TOWN HALL – DONN B. GRIFFIN ROOM MEETING MINUTES

BOARD OF HEALTH MEMBERS PRESENT: Chairman Kevin DuPont, R.N., Vice Chair Ron Dowgiallo, D.M.D & Member Sharon Pfleger, M.S.

BOARD OF HEALTH MEMBERS ABSENT: Clerk Pamela Howell, R.N., & Member Janet Siviski, R.N.

STAFF MEMBERS PRESENT: Health Director Carrie Schoener & Executive Assistant Stephanie Johnson

OTHERS PRESENT & ONLINE: Robert Nickerson, Barbara Nickerson, Lucy Steele, Joseph Foran, Jean Foran, Marian Rose, Rob DeMarco, Russ Dion, Jeff Wyman, Brian Yergatian, Garrett Horsfall, Mark Parney, Saumil Patel, Brian Farnkoff, Jordan Brooks, Leslie Heffernan, Diane Coulter, Mary Tschirch, Barbara Piantedosi, Bob Piantedosi, Chris Martes, James Hudson, Marilyn McDonough, Michael Hershey, Peg Trowbridge, Steve Trowbridge, Emma Hamilton, Donna Schock, Dana Schock, Antoinette Lyon, Joan Anderson, Dan Pelletier, Kimberley Bielan and Mike K.

I CALL TO ORDER

Chairman DuPont called the meeting to order at 6:30 p.m.

II PUBLIC COMMENT

No public comment was made.

III MINUTES OF PREVIOUS MEETINGS SEPTEMBER 16, 2025

September 16, 2025 Meeting Minutes

Motion: Mrs. Pfleger motioned to approve the September 16, 2025 meeting minutes.

Second: Mr. Dowgiallo seconded the motion.

Vote: Approved 3-0-0

IV OLD/UNFINISHED BUSINESS

A. CONTINUED FROM SEPTEMBER 16th BOARD OF HEALTH MEETING– VARIANCE REQUEST FROM TOWN OF HARWICH REGULATION 1.211 - 606 ROUTE 28 – REQUEST TO ALLOW THE CONSTRUCTION OF THE SEPTIC SYSTEM ON THE PROPERTY HAVING A DESIGN FLOW GREATER THAN 2000 GALLONS PER DAY

Ms. Schoener clarified that the Town of Harwich regulation 1.211 is not a variance and that the regulation allows the Board of Health for approval of systems greater than 2,000 gallons per day and that there is no relief from Title 5 or any Board of Health regulations. Ms. Schoener informed the Board that consultant Dan Pelletier from Water/Wastewater was attending virtually to discuss the watershed permits and the impact of nitrogen on the permitting process.

Mrs. Pfleger asked Mr. Pelletier the timeline for sewerage on Route 28. Mr. Pelletier stated that under the CWMP Wychmere harbor is set for phase seven with an estimated timeline of 2041-2044 and that it is approximately 16 years out. Mrs. Pfleger then asked Mr. Pelletier what would be the impact of the proposed system on the environment? Mr. Pelletier stated that approximately between 8 to 13-14 ppm (parts per million) and that it would be negligible compared to the entire watershed but that he cannot speak 100% on the total effluent/ or environmental impacts.

Mrs. Pfleger addressed the public noting that the decision made in the meeting would be based on Title 5 and Board of Health regulations and if the proposed system is in compliance and not based on one's personal opinions of the project.

Bob Nickerson addressed the Board noting a 28% reduction based on the proposed system and that the number is not significant if it were a 75% or 50% reduction. He noted that if the total flow is going to Wychmere harbor that would equate to 7 tons of effluent over 20 years.

Marian Rose with Singer & Singer introduced herself and the team in attendance on behalf of the applicant. She noted that the request is not a variance and simply requesting the approval from the Board of Health for the proposed septic system. She then noted that the lawn size and lawn use had been adjusted based on the comments from the public at the last hearing. She also provided groundwater maps and the requested emergency plan for electrical loss should the generator fail and including DEP's approval of the FAST system.

Mr. DuPont requested that they adopt the State's estuary fertilizer guidelines and thanked Marian for including the generator emergency plan. He reiterated his concerns are for change in ownership with regards to the system maintenance. Marian noted that it is a condition of the permit and condominium Board documentation for the required operation and maintenance agreement of the I/A system.

Bob Pantosi approached the podium and expressed his concerns for the proposed project not meeting the requirements based on 2020's Town meeting. He also stressed that the proposed underground parking could pose a public health issue pertaining to groundwater contamination. Mr. DuPont noted that his concerns are not within the Board of Health's scope for approving or denying the applicant's request.

Barbara Nickerson approached the podium and addressed her concerns for groundwater runoff into Wychmere harbor.

Jim Hudson approached the podium and expressed his concerns for the increased effluent into Wychmere harbor and questioned Mr. Pelletier's statement that the groundwater flow would be negligible. He stressed that the harbors conditions have been deteriorating and that the proposed I/A system could be within limits under Title 5 but that there would still be large amounts of effluent being released.

Michael Hershey approached the podium and asked if effluent is determined by bedrooms or people. Ms. Schoener noted that flow count is assumed two people per bedroom under Title 5.

Steve Trowbridge approached the podium and addressed his concerns for in 10-15 years how there could be structure in the permitting process to maintain the quality and how to sustain to prolong the expectation of the operation.

Marian Singer approached the podium and stated that the priority is to maintain the I/A system and that the contract is a priority with future change of ownership and that reports are then provided to Barnstable County.

No further comments were made from the public or the Board.

Motion: Mr. DuPont motioned to approve the septic system >2000 gallons per day at 606 Route 28 with the following conditions:

- 1. Property is restricted to a maximum of sixty (60) bedrooms.**
- 2. No increase in habitable space or square footage without further review by the Board of Health.**
- 3. I/A Technology is required.**
- 4. A signed operation and maintenance agreement for the alternative system shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The O&M agreement for the alternative system shall include a requirement for testing. This testing shall be conducted in accordance with the Board of Health protocol**
- 5. This letter of approval and conditions must be recorded at the Barnstable County Registry of Deeds.**
- 6. Provisional use system with a TN effluent limitation of <25 mg/l. If the system cannot meet that <25 mg/l TN in their first year of sampling, the Board may require the system be modified so that the target effluent limitations are met. (i.e. Install a second MicroFAST 9.0 unit in series, add a RUCK filter, or any other approved method to further reduce Nitrogen.**

7. The property manager shall submit copies of the service and operation contract for the generator that serves the septic system to the Health Department annually.
8. The property manager shall submit copies of the fertilizer and lawn maintenance plan and invoices to the Health Department annually.

Second: Mrs. Pfleger seconded the motion.

Vote: Approved 3-0-0

Exhibits: Email Correspondence on Watershed Questions, Town of Harwich Regulation 1.210, Variance Application, Abutter Notification, Abutters List, Letter to Board of Health, Site Plan, Existing and Proposed Floor Plans, Groundwater Flow Maps, PowerPoint Slides, Backup Generator Plan, and DEP Provision Use Approval.

V NEW BUSINESS

A. VARIANCE REQUEST– 715 MAIN STREET- REQUESTING RELIEF FROM TITLE 5 310 CMR 15.203 SYSTEM SEWAGE DESIGN FLOW CRITERIA FOR RESTAURANT

Saumil Patel presented to the Board the scope of his project which includes an addition of a deli. The deli would be cold cuts, meats, cheeses sliced per pound and no cooking being prepared on site.

Ms. Schoener informed the Board of the minimum gallon per day for food service but noted what the applicant is proposing is within the existing septic system design flow.

Mr. Dowgiallo asked how big the addition would be. Mr. Patel noting that he is unsure of the square footage but that they will be squaring off the building.

Mr. DuPont asked if he would be adding any apartments to the second floor? Mr. Patel noted that they are not proposing bedrooms on the second floor.

Mr. Dowgiallo questioned how long the project would take? Mr. Patel stated that he plans to begin in February and complete the project in April.

Motion: Mrs. Pfleger motioned to approve the variance request from Title 5 310 CMR 15.203

Second: Mr. DuPont seconded the motion.

Vote: Approved 3-0-0

Exhibits: Variance Application, Abutter Notification, Abutters List, Letter to Board of Health, Site Plan, Existing and Proposed Floor Plans.

B. PROPOSED FEE SCHEDULE CHANGES

Ms. Schoener stated that the intent was to clean up the fee schedule.

Motion: Mrs. Pfleger motioned to approve the fee schedule

Second: Mr. Dowgiallo seconded the motion.

Vote: Approved 3-0-0

Exhibits: Proposed Fee Schedule with Summary of Changes

C. HEARING REQUEST FOR PHASE 2 SEWER EXTENSION – 2 SHERWOOD ROAD

Mr. Farnkoff and Ms. Brown informed the Board of their request for extension of the mandated sewer connection. He noted that they did apply for the Aquifund and that they could not apply for the hardship extension because the property is not their year-round property.

Mrs. Pfleger suggested with the extension approval that Mr. Farnkoff provide the Board of Health with quarterly updates regarding the sewer connection.

Mr. Farkoff and Ms. Brown both stated that they would be happy to provide the Board of Health with updates.

Motion: Mr. Dowgiallo motioned to approve the sewer extension request for one year with quarterly updates to be provided to the Board of Health.

Second: Mrs. Pfleger seconded the motion.

Vote: Approved 3-0-0

Exhibits: Letter to Health Director for Hearing Request and Sewer Connection Extension Application.

VI REPORT OF THE HEALTH DIRECTOR- Health Director Report for October 2025

Ms. Schoener presented the Health Director's report as provided in the packet. No action was taken.

Exhibit: Report of the Health Director

VII PERMITS- New Licenses listed below

FILING DEADLINE 10/8/25 (MEETING 10/21/25)		
BODY WORK ESTABLISHMENT / PRACTITIONER	BUSINESS	
Devan Vacarelli/ Devan Leigh Studio	Harwich	New License
MOBILE FOOD TRUCK	BUSINESS	
Lisa Whelan/ Dream Chaser Mobile Bar & Beverage	Eastham	New License
SEPTAGE HAULER	BUSINESS	
Terry L Holden/ TLH Septic Pumping	Dennis	New License

SEPTAGE INSTALLER	BUSINESS	
Michael DiModica/ M. J. DiModica Excavating	Sudbury	New License
UTILITY INSTALLER	BUSINESS	
Robert Gilfoy/ B & B Excavation Inc.	Sandwich	New License

Motion: Mr. Dowgiallo motioned to approve the permits as printed.

Second: Mrs. Pfleger seconded the motion.

Vote: Approved 3-0-0

VIII¹ ADJOURN

Motion: Mrs. Pfleger motioned to adjourn the Board of Health meeting at 8:09 p.m.

Second: Mr. DuPont seconded the motion.

Vote: Approved 3-0-0

Respectfully Submitted,

Stephanie Johnson

***The next Board of Health Meeting will be held on Tuesday, November 18, 2025 at
6:30p.m. in the Don B. Griffin Room***