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TOWN OF HARWICH



BOARD OF HEALTH
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TOWN OF HARWICH BOARD OF HEALTH TUESDAY NOVEMBER 18 , 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, Clerk Pamela Howell, R.N., & Members Sharon Pflieger, M.S., and Janet Siviski, R.N.

STAFF MEMBERS PRESENT: Health Director Carrie Schoener

STAFF MEMBERS ABSENT: Executive Assistant Stephanie Johnson

OTHERS PRESENT & ONLINE: David Clark, Patrick Otton, Susan Cyr, Susan Ladue & Diane Preston.

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 (Regular Meeting Minutes)

Motion: Chairman DuPont motioned to continue the October 21, 2025, meeting minutes to the December 15, 2025 Board of Health meeting.

Second: Mr. Dowgiallo seconded the motion.

Vote: Approved 5-0-0

IV NEW BUSINESS

A. VARIANCE REQUEST FROM TITLE 5 310 CMR 15.211 AND TOWN OF HARWICH REGULATION 1.210 MINIMUM SETBACK DISTANCE REQUIREMENTS– 12 SEA WAY

TITLE 5 310 CMR

15.211 Minimum Setback Distances. Cellar or crawl space wall setback to soil absorption is 10 feet required by Title 5. Proposed house garage foundation will be 8 feet from existing soil absorption system. 2 foot variance is requested.

TOWN OF HARWICH REGULATION 1.210

Sewage Disposal System setback variance for absorption system from garage foundation. 8 feet is proposed where 10 feet is required. 2 foot variance is requested.

Susan Ladue gave a brief overview to the Board of the proposed project. She noted that project includes to demolish the existing home, building a new five-bedroom home and maintain the existing septic system.

Ms. Schoener asked David Clark if he had a copy of the proposed floor plan as during her review of the filing, she only noted four-bedrooms with a future office in the basement.

Susan Ladue noted that there is bedroom on the first floor and four on the second floor and no bedrooms in the basement. She noted that the basement would be unfinished.

Mrs. Pfleger questioned the proposed future projects in the basement consisting of a recreation room, office space and a bathroom. Mr. DuPont noted that the future office proposed in the basement includes a five-foot cased opening.

Susan Ladue noted that there are no walls proposed as the basement is unfinished and listed it for future reference. She noted that at this time, the applicant is not intending on finishing the basement.

Mr. DuPont reiterated that his concern would be the future recreation room, future office and future bathroom in the basement. Ms. Schoener stated that if the Board is comfortable, they could approve the request for the first and second floor and have the applicant come back for the future basement project.

Motion: Mrs. Pfleger motioned to approve the variance request from Title 5 310 CMR 15.211 and the Town of Harwich Regulation 1.210 with the following conditions:

- 1. The dwelling is restricted to a maximum of five (5) bedrooms.**
- 2. No further increase in habitable space or square footage without further review by the Board of Health.**
- 3. The conditions and approval shall be recorded at the Barnstable Registry of deeds.**
- 4. The basement shall not be finished without further review by the Board of Health.**

Second: Mr. Dowigallo seconded the motion.

Vote: Approved 5-0-0

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

B. DISCUSSION WITH PATRICK OTTON REGARDING CITIZEN PETITION FOR HOME RULE FERTILIZER AND PESTICIDE REDUCTION

Mr. Otton noted that he has previously brought the two home rule petitions to Town meeting seeking the State's legislature to give Harwich the right to reduce fertilizers and pesticides. He noted that for the pesticide home rule petition, Truro, Wellfleet and Orleans have passed it. For the fertilizer home rule petition Nantucket, Orleans and possibly Yarmouth have passed it. He noted that pesticides are a poison which includes herbicides, fungicides, insecticides and rodenticides. On the topic of fertilizers, he stated that we need to not continue the effort of making everything "perfect". Noting that for the fertilizer petition commercial growers are excluded and that homeowners can use fertilizers on their gardens and growing fruits and vegetables by using approved organic fertilizers. He suggested that golf courses could be added excluded if needed. He stressed the need for fertilizers petition as its application impacts our water bodies.

Mrs. Pflieger stressed, that if residents don't want to use fertilizers, then they do not have to use them. She agreed that there needs to be more education, but the attendance was lacking during an education event that the Health Department previously hosted. She added that fertilizers can be purchased in States and available for sale online. She then added comments on the benefits of pesticides.

Mr. DuPont agreed with Mrs. Pflieger's comments on pesticides pertaining to ticks. He then noted that Mr. Otton's request is admirable but is unsure how enforceable this would be. He noted that any solution would be a drop in the bucket but that we should be making efforts to add "drops in the bucket". He noted that it would be appropriate to ask the State for the ability for the Town of Harwich to enact their own regulations on fertilizers and pesticides.

Ms. Schoener asked Mr. Otton if he was seeking a letter from the Board of Health to bring to the Select Board to request Home Rule Law. Mr. Otton noted that the letter would go to Town Meeting and stated that the letter would be an endorsement from the Board of Health or if the Board of Health bring the article to Town meeting or set an example for not applying pesticides and fertilizers to Town property.

Exhibits: Email Correspondence for Placement on November Agenda, Petition Article: Fertilizers, Town of Orleans Fertilizer Reduction Petition information sheet, Town of Orleans Fertilizer Reduction Petition Question & Answer sheet, Home Rule Petition For A Pesticide Reduction Bylaw, Town of Orleans Pesticide Reduction Petition information sheet & Town of Orleans Pesticide Reduction Petition Question & Answer sheet.

C. 2026 BOARD OF HEALTH MEETING SCHEDULE

Mr. DuPont noted the possibility of changing the Thursday meetings in January and February to Wednesdays due to his work constraints.

Motion: Mr. DuPont motioned to approve the 2026 Board of Health meeting schedule with possibility of changing the January 22 and February 19 Thursday meeting dates to January 21st and February 18th respectively if able to do so.

Second: Mrs. Howell seconded the motion.

Vote: Approved 5-0-0

Exhibit: Proposed 2026 Board of Health Meeting Schedule

VI REPORT OF THE HEALTH DIRECTOR- Health Director Report for November 2025 5

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 11/5/25(MEETING 11/18/25)		
EVENT	BUSINESS LOCATION	
Al Chisolm/ Boss10 Berrie Co dba Al's Jams	76 Camelot Dr. Plymouth, MA	Cape Cod Tech 2025 Holiday Craft Fair
Kerrie Pentland/ Shorecutterie Cape Cod	6 Aggregate Way, Hyannis, MA	Harwich Chamber of Commerce
Marianne Carpenter/ MacSweet's Gourmet	83 East Water St, Rockland MA	Cape Cod Tech 2025 Holiday Craft Fair
Picos Taco Shack/ Bernie Macedo	239 Underpass Rd, Brewster, MA	Cape Cod Tech 2025 Holiday Craft Fair
Full Circle Donuts Cape Cod/ Sarah Harris	16 Seaquanset Rd Chatham, MA 02633	Harwichport Stroll
UTILITY INSTALLER	BUSINESS LOCATION	
Derek I. Vautrinot/V	490 Hay Road, Eastham, MA	New License

Motion: Mrs. Pfleger motioned to approve the permits as printed.

Second: Mr. Dowgiallo

Vote: Approved 50-0-0

VII ADJOURN

Motion: Mrs. Pfleger motioned to adjourn the Board of Health meeting

Second: Mr. Dowgiallo seconded the motion.

Vote: Approved 5-0-0

Respectfully Submitted,

Stephanie Johnson

***The next Board of Health Meeting will be held on Tuesday, December 16, 2025 at
6:30p.m. in the Don B. Griffin Room***