

TOWN OF HARWICH



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BOARD OF HEALTH
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**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY DECEMBER 16, 2025 -6:30 P.M.
HARWICH TOWN HALL – DONN B. GRIFFIN ROOM
MEETING MINUTES**

BOARD OF HEALTH MEMBERS PRESENT: Vice Chair Ron Dowgiallo, D.M.D, & Members Sharon Pfleger, M.S., and Janet Siviski, R.N.

BOARD OF HEALTH MEMBERS ABSENT: Clerk Pamela Howell, R.N.

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

OTHERS PRESENT AND ONLINE: Ben Warshaw, Rory Nickerson, Matthew Coutu and Winston A. Steadman II & Chairman Kevin DuPont, R.N.

I CALL TO ORDER

Mr. Dowgiallo called the meeting to order at 6:31p.m.

II PUBLIC COMMENT

No public comment was made.

III MINUTES OF PREVIOUS MEETINGS OCTOBER 21, 2025 AND NOVEMBER 18, 2025

October 21,2025 Meeting Minutes and November 18,2025 Meeting Minutes

Motion: Mrs. Pfleger motioned to approve the October 21,2025 Meeting Minutes and November 18,2025 Meeting Minutes

Second: Mr. Dowgiallo seconded the motion.

Roll Call Vote:

Chairman DuPont – Aye

Ms. Siviski – Aye

Mrs. Pflieger – Aye

Mr. Dowgiallo – Aye

Vote: 4-0-0

Exhibits: October 21, 2025 Meeting Minutes and November 18, 2025 Meeting Minutes.

IV NEW BUSINESS

A. VARIANCE REQUEST FROM TITLE 5 310 CMR 15.211 AND 15.223 -176 SOUTH STREET- REQUESTING RELIEF FROM MINIMUM SETBACK DISTANCE REQUIREMENT AND USE OF SINGLE COMPARTMENT TANK FOR PROPOSED ACCESSORY DWELLING UNIT

TITLE 5 310 CMR

15.211 Reduction in setback distance from septic tank to foundation 3.1'

TITLE 5 310 CMR

15.223 (1); (b) Use of single compartment septic tank for future proposed accessory dwelling unit where multicompartment tank is required

Mr. Nickerson provided the Board with a summary of the scope of his proposed project which includes an accessory dwelling unit. He noted that the existing septic system was upgraded from a cesspool to a conforming Title 5 system in August 2024.

Ms. Schoener provided clarification on Title 5 code for septic systems serving other than a single-family dwelling.

Mrs. Pflieger questioned the applicant as to why he is proposing to move the garage. He stated that the proposed garage would be a bigger footprint than the existing structure.

Abutter Matthew Coutu at 182 South Street questioned the minimum setback from the septic tank to his property line. He noted that he is not opposed to Mr. Nickerson making upgrades to his property, but does want his property to be devalued, and does not want a septic system located three feet from his property line. He added that Mr. Nickerson should have had proper engineering in place and stated that the applicant has a large lot and should not have to request a variance. Mr. Nickerson noted that Mr. Coutu expressed his concerns from the previous septic upgrade with regards to the vent pipe location located near his property line and that he had his installer relocate the vent pipe after it had been installed.

Ms. Schoener noted that if the soil absorption system was factored in to meet the setbacks to accommodate the potential projects, then the septic tank should have been factored in as well and that she views this as a self-created hardship.

Mr. Nickerson noted that if the new structure could be 20'x20' he then would not require a three-foot variance. Ms. Schoener stated that if it the proposed change would not require a variance, then it would not require a Board of Health filing.

Motion: Chairman motioned to approve the use of the single compartment tank and denied the three-foot variance request of the septic tank to the foundation.

Second: Mrs. Pfleger seconded the motion.

Roll Call Vote:

Chairman DuPont – Aye

Ms. Siviski – Aye

Mrs. Pfleger – Aye

Mr. Dowgiallo – Aye

Vote: 4-0-0

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

B. VARIANCE REQUEST FROM TITLE 5 310 CMR 15.211, 15.227(5), 15.229 AND TOWN OF HARWICH REGULATIONS 1.201 AND 1.210 - 47 & 52 NORTH ROAD- REQUESTING RELIEF FROM MINIMUM SETBACK DISTANCE REQUIREMENTS, PLACEMENT AND CONSTRUCTION OF TEES PUMPING TO SEPTIC TANKS AND SHARING OF A SEWAGE SYSTEM

TITLE 5 310 CMR

15.211 Leaching field 6' from front and side lot lines 4' variance requested.

TITLE 5 310 CMR

15.227(5) Septic Tank & Pump Chamber invert less than 1' - ST.2' & .45' Pump Chamber .5'.

TITLE 5 310 CMR

15.229 33% of Design flow pumped to a septic tank 25% maximum.

TOWN OF HARWICH REGULATION

1.210 SAS 85'-7" from wetlands - 14'-5" variance requested.

Building Sewer less than 50' from wetland - 44' variance requested.

TOWN OF HARWICH REGULATION

1.201 Sharing of a sewage system-#47 (1 bedroom) share with #52 (2 bedroom).

Winston Steadman from All Cape Environmental presented on behalf of the owners and provided the Board with a brief summary of the scope of the project. He noted that there are existing variances that were previously approved and that revised plans include changing the soil absorption system from a mounted system to a drip dispersal system allowing the owners to not have to build a large structure on the property. He added that he included additional information

about the drip that was done at the testing center. He then provided clarification of each variance that he is requesting from Title 5 and the Town of Harwich regulations.

A lengthy conversation ensued.

Motion: Chairman DuPont motioned to approve the variance request for 47 & 52 North Road with the following conditions:

- 1. The dwelling is restricted to a maximum of three (3) bedrooms; one (1) bedroom at 47 North Road and two (2) bedrooms at 52 North Road.**
- 2. No further increase in habitable space or square footage to either dwelling without further review by the Board of Health.**
- 3. No garbage disposal is allowed.**
- 4. A monolithic and water tight septic tank and pump chamber shall be required.**
- 5. Innovative/Alternative technology is required.**
- 6. 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.**
- 7. The conditions and approval shall be recorded at Barnstable Registry of deeds.**

Second: Mrs. Pfleger seconded the motion.

Roll Call Vote:

Chairman DuPont – Aye

Ms. Siviski – Aye

Mrs. Pfleger – Aye

Mr. Dowgiallo – Aye

Vote: 4-0-0

Exhibits: Site Summary, Variance Application, Abutter Notification, Abutters List, Existing Recorded Variance Conditions, Letter to Board of Health, Site Plan, Existing and Proposed Floor Plans, Onsite Wastewater Technology Report and DEP Approval for Remedial Use.

C. PRELIMINARY DETERMINATION OF REQUIRED NITROGEN CREDIT LAND FOR 8 LAKEWAY LANE

Mr. Warshaw thanked the Board then provided a summary of his request for seeking nitrogen credit land. He noted that adding a third bedroom would require 30,000 square feet under current Title 5 regulations due to nitrogen loading limitations. He expressed his frustration about the difficulty younger homeowners face under current regulations. He stated that he has taken extra measures to reduce the nitrogen on his property including landscaping changes.

Ms. Schoener reminded the Board that Mr. Warshaw previously sought a variance from the Board and was approved for two bedrooms on a 10,000 square foot lot. She stated that it would be harder to control as the Board would be granting a reduction in credit land that the State requires. She expressed her concerns for allowing the approval in this specific case and to not allow additional bedrooms to other properties located in Map Zone IIs.

Mrs. Pflieger stated that the property was previously restricted to one bedroom and then was granted to two bedrooms and that if Mr. Warshaw is seeking a third bedroom, then he should be find the needed 20,000 square feet of credit land to do so. She stressed that if the Board were to approve the preliminary determination, then where does the Town draw the line for other properties seeking additional bedrooms that have bedroom count restrictions.

Chairman DuPont stated that he is in agreement with the Board's comment noting there was already the allowance from the one bedroom to two bedrooms. He again stressed, the precedent that would be set if the Board were to approve a third bedroom and would leave the opportunity for other properties to seek additional bedrooms without the required credit land.

Ms. Siviski stated for one not for all. Mr. Dowgiallo reiterated the Boards concern for setting a precedent after previously approved the second bedroom.

Ms. Schoener noted that there is a mechanism in the sewer use regulations that allows for a variance for what would be granted upon sewer connection. She noted that variances may not be entertained until there is 100% build out and that the conversation should be brought to Wastewater Commission once the property is connected to sewer.

Mr. Warshaw left final comments to the Board for keeping housing in mind when working with other departments in Town.

Exhibits: Site Summary, Letter to Board of Health, Zone II Maps and Site Plan.

D. 2026 BOARD OF HEALTH FEE SCHEDULE – MODIFICATION TO INCLUDE EXISTING UTILITY INSTALLER LICENSE FEE \$125

Ms. Schoener stated that the previously approve fee schedule did not include the existing utility installer fee of \$125 and that the Board would need to vote to approve the revised fee schedule.

Motion: Mr. Dowgiallo motioned to approve the 2026 Board of Health fee schedule

Second: Mrs. Pflieger seconded the motion.

Roll Call Vote:

Chairman DuPont – Aye

Ms. Siviski – Aye

Mrs. Pflieger – Aye

Mr. Dowgiallo – Aye

Vote: 4-0-0

Exhibits: 2026 Board of Health Fee Schedule

**E. MODIFICATION TO 2026 BOARD OF HEALTH MEETING SCHEDULE-
JANUARY 20, 2026 AND FEBRUARY 17, 2026 MEETINGS TO BE HELD IN THE
SMALL HEARING ROOM**

Ms. Schoener informed the Board that the previously approved two Thursday meetings for 2026 were adjusted to Tuesdays and are to be held in the small hearing room as well as adjusting June's filing deadline.

No motion was made.

Exhibits: 2026 Board of Health Meeting Schedule and Filing Deadlines

V REPORT OF THE HEALTH DIRECTOR- Health Director Report for December 2025

Ms. Schoener informed the Board of the approved holiday schedule and closings and then presented the Health Director's report as provided in the packet. No action was taken.

Exhibit: Report of the Health Director and Email Correspondence on Town Emails for Board/Committee/Commission Members – Policy and Rollout

VI PERMITS

FILING DEADLINE 12/3/25 (MEETING 12/16/25)		
EVENT	BUSINESS LOCATION	
Geovanna Pereira/ Epiphany Mobile Coffee	6 Aggregate Wy, Hyannis, MA 02601	
Confetti Waffles/ Stanimira Milkova	Wellfleet, MA 02667	
Louis Rizzo/ Wild Game Sausage Man	11 Brigadoon Rd Bourne Ma 02532	
FOOD ESTABLISHMENT	BUSINESS LOCATION	
Orhan Uzelli/ Twisted Pizza	181 Route 137, Harwich, MA 02645	

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

Second: Mrs. Pfleger seconded the motion.

Roll Call Vote:

Chairman DuPont – Aye

Ms. Siviski – Aye

Mrs. Pfleger – Aye

Mr. Dowgiallo – Aye
Vote: 4-0-0

VII ADJOURN-

Motion: Mr. Dowgiallo motioned to adjourn the Board of Health meeting at 7:39p.m.

Second: Mrs. Pflieger seconded the motion.

Roll Call Vote:

Chairman DuPont – Aye

Ms. Siviski – Aye

Mrs. Pflieger – Aye

Mr. Dowgiallo – Aye

Vote: 4-0-0

Respectfully Submitted,

Stephanie Johnson

***The next Board of Health Meeting will be held on Tuesday, January 20th, 2026 at
6:30p.m. in the Small Hearing Room***