

TOWN OF HARWICH



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BOARD OF HEALTH
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**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY-MARCH 18, 2025 -6:30 P.M.
HARWICH TOWN HALL – DONN B. GRIFFIN ROOM
MEETING MINUTES**

BOARD OF HEALTH MEMBERS PRESENT: Chairwoman Sharon Pfleger, M.S., Clerk Ronald Dowgiallo, D.M.D., & Member Pamela Howell, R.N.

BOARD OF HEALTH MEMBERS ABSENT: Vice Chair Kevin DuPont, R.N.

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

OTHERS PRESENT & ONLINE: Donna Foughty, Patrick Otton, Sara Wigginton, Ph.D. & Lea Hamner, MPH

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

II PUBLIC COMMENT

A. Presentation by Sara Wigginton, Ph.D. from Barnstable County on Innovative/Alternative Technology

Sara Wigginton, Ph.D. presented the power point slides as provided in the packet. She gave an overview of how septic systems have evolved through technological advancements and how Innovative/Alternative (I/A) technology is being used on Cape Cod. She noted that most septic system designs include limited treatment of nitrogen versus how I/A systems are designed to

include the additional treatment of nitrogen. She highlighted the enforcement of requiring I/A technologies for properties that fall within nitrogen sensitive zones. For I/A technologies the Department of Environmental Protection (DEP) has approved I/A technology for piloting, provisional use and general use. She noted that for Harwich's I/A data, there are thirty-two systems approved for general use, ten systems approved for remedial use, one system approved for provisional use, eight systems approved for piloting and thirteen system approved as unknowns.

Mr. Otton asked Ms. Wigginton to confirm the quality of Harwich's drinking water. Ms. Wigginton noted that the nitrogen problem is not relative to a drinking water problem and that it is more of an environmental issue

Mr. Otton asked, how would one know if nitrogen is in our water and when would we know if we are over the threshold?

Ms. Wigginton advised Mr. Otton to reference Cape Cod's Commission 208 plan and noted that there is a lower-level threshold for environmental ill effects than drinking water.

Ms. Schoener noted that the water that wastewater and the water superintendent are testing is treated water before it is sent to homes vs. the estuaries and embayment's that are separate samples.

Exhibits: Harwich IA Overview PowerPoint

B. H5N1 (Avian Bird Flu) Presentation by Lea Hamner, MPH from Barnstable County Contract Epidemiologist

Lea Hamner, MPH presented the power point slides as provided in the packet. She stressed the need for reducing the opportunity for poultry to interact with wild fowl. She noted that for 2025 there have been two-cases for positive backyard flocks, one in Plymouth County and in Dukes County. She added that free range poultry is risky and that owners should take the necessary precautions of re-introducing poultry by waiting one-hundred and twenty days. She noted that H5N1 typically increases in the winter months. She added that for cattle, Massachusetts began requiring commercial testing as of August 2024 and that there has been no detection of H5N1 in cattle.

Exhibit: Highly Pathogenic Avian Influence Update for Harwich LBOH PowerPoint

III MINUTES OF PREVIOUS MEETINGS (Regular Meeting Minutes)

February 20th. 2025 Meeting Minutes

Motion: Mrs. Howell motioned to approve the February 20, 2025, Board of Health meeting minutes.

Second: Mrs. Pflieger seconded the motion.

Vote: Approved 3-0-0

Exhibits: February 20, 2025 Meeting Minutes

IV OLD/UNFINISHED BUSINESS

A. REVISIONS TO REGULATIONS FOR PRIVATE WELLS – VOTE TO ACCEPT PROPOSED MODIFICATIONS – PERMIT FEE REMOVAL AND ADDITIONAL TESTING REQUIREMENTS

Mrs. Pflieger stressed the need for including PFAS testing as a requirement for newly constructed wells.

Ms. Schoener stated that if PFAS is found during the initial testing, then it would need to be remediated.

Mrs. Pflieger stressed the importance of educating the public on PFAS and why they should it should be a requirement of the well analysis.

Mrs. Howell questioned how many well permits are submitted to the Health Department in a year. Ms. Schoener stated approximately three wells.

Mr. Dowgiallo questioned when PFAS was stopped being used. Mrs. Pflieger responded that PFAS is everywhere and can be found in everyday household items.

Ms. Schoener that the fire department's chemicals no longer contain PFAS.

Ms. Pflieger stressed the need for testing because one does not know where PFAS is concentrated and where it is not. She expressed her concerns for growing families on Cape Cod who would be utilizing these private wells where there has been no requirement for PFAS testing.

Ms. Schoener noted that for the Towns drinking water PFAS is tested. She advised the Board that she would contact Barnstable County Water Quality regarding the matter of testing PFAS for newly constructed wells versus existing wells. She added that Mr. DuPont would need to review the meeting in order to take action at next month's meeting.

Motion: Mrs. Howell motioned to continue the discussion on private wells to the April 15, 2025, Board of Health meeting.

Second: Mrs. Pflieger seconded the motion.

Vote: Approved 3-0-0

Exhibit: Proposed Revision to Regulations For Private Wells

V NEW BUSINESS

**A. SITE ASSIGNMENT – 671 ROUTE 28 CHRIST CHURCH EPISCOPAL-
REQUEST FOR APPROVAL OF MEMORIAL GARDEN**

Ms. Schoener asked Ms. Foughty to clarify if this was a memorial garden or a memory garden.

Ms. Foughty clarified that it is a memory garden. She then provided the Board with a brief overview of the garden noting how it was created in 1983 and was granted the approval from the Department of Environmental Protection but that there was no approval from local Board of Health.

Ms. Schoener asked how many remains are currently in the memory garden.

Ms. Foughty stated approximately, twenty-five to thirty remains and that they are in urns and are identified by plaques.

Motion: Mr. Dowgiallo motioned to approve the site assignment for 671 Route 28 requesting the approval of the memory garden with the following conditions:

- 1. Notice of site assignment shall be recorded at the Barnstable Registry of Deeds with a recorded copy submitted to the Harwich Board of Health.**
- 2. All burials (cremated remains only) are to be conducted in accordance with the Board of Health regulations and Massachusetts General Laws.**

Second: Mrs. Howell seconded the motion.

Vote: Approved 3-0-0

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

VI REPORT OF THE HEALTH DIRECTOR- Health Director Report for March 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 CORRESPONDENCE None

VIII PERMITS

FILING DEADLINE 3/5/25 (MEETING 3/18/25)		
Event Permits	Business	
Brett Tolley /Chatham Harvesters Cooperative	Chatham	Harwich Conservation Trust's Meet Your Local Farmers
Elisabetta Hitchcock/Ack Gioia LLC	Brewster	Harwich Conservation Trust's Meet Your Local Farmers
Amina Smaykiewicz/Cape Cod Pickle Co.	Mashpee	Harwich Conservation Trust's Meet Your Local Farmers

Heather Bailey/ The Optimal Kitchen	Chatham	Harwich Conservation Trust's Meet Your Local Farmers
Cape Cod Museum of Natural History/ Green Briar Mercantile	Sandwich	Harwich Conservation Trust's Meet Your Local Farmers
Stanimira Milkova/ Confetti Waffles	Wellfleet	Harwich Conservation Trust's Meet Your Local Farmers
Sarah Harris/ Shore Thing Cape Cod	Chatham	Futsal Tournament
Septic Installer	Business	
Bill Smith/Bay State Sewage	South Yarmouth	
Anthony Lorusso/Lorusso Building Inc	Norfolk	
Title 5 Inspector	Business	
Rick Judd/ Moran Engineering	South Harwich	
Utility Installer	Business	
Forrester L. Quinn/ F.L. Quinn Construction	Orleans	

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

Second: Mrs. Howell seconded the motion.

Vote: Approved 3-0-0

IX OTHER - None

X WORK SESSION

A. DISCUSSION – CITIZEN PETITION WITH PATRICK OTTON – REDUCE APPLICATION OF FERTILIZERS, REDUCE APPLICATION OF PESTICIDES & ADDITION OF TREE PRESERVATION BYLAW TO HARWICH GENERAL BYLAWS

Mrs. Pfleger stated that the Board would not be voting during the work session and that the tree preservation by-law is not within the Board's purview and would not be discussed.

Mr. Otton stated that he was in attendance because of the environment.

Ms. Schoener noted that the Board had previously enacted a fertilizer ban and that it was rescinded because there was no home-rule advantage. She asked Mr. Otton to clarify if he is requesting a reduction or requesting that the Town appeal to the State for home rule advantage. Mr. Otton noted that he is requesting a reduction.

Ms. Schoener noted that enforcement for any department would be difficult on private properties and could create tension amongst neighbors.

Mrs. Pflieger noted that, if the majority of residents were opposed to fertilizers and pesticides, then the Board would not need to impose restrictions; residents can simply opt to not apply them to their properties.

Mr. Otton stressed the importance of education towards fertilizers and pesticides.

Ms. Schoener noted that last year the Health Department hosted a two-night educational event with Russ Norton from Cape Cod Master Gardeners on alternatives to pesticides/ best practices for your garden and unfortunately there were no attendees.

Exhibit: Email Correspondence, Petition Article: Fertilizers, Home Rule Petition For A Pesticide Reduction ByLaw and Petition Article To Be Included Harwich Annual Town Meeting Warrant.

XI ADJOURN

Motion: Mrs. Howell motioned to adjourn the Board of Health meeting at 8:15 p.m.

Second: Mr. Dowgiallo seconded the motion.

Vote: Approved 3-0-0

Respectfully Submitted,

Stephanie Johnson

***The next Board of Health Meeting will be held on Tuesday, April 15, 2025, at 6:30p.m.
in the Don B. Griffin Room***