

TOWN OF HARWICH



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BOARD OF HEALTH
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**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY MAY 22, 2025 -6:30 P.M.
HARWICH TOWN HALL – DONN B. GRIFFIN ROOM
MEETING MINUTES**

BOARD OF HEALTH MEMBERS PRESENT: Chairwoman Sharon Pfleger, M.S., Vice Chair Kevin DuPont, R.N., Clerk Ronald Dowgiallo, D.M.D., Members Pamela Howell, R.N. & Janet Siviski, R.N.

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

OTHERS PRESENT & ONLINE: Cyndi Williams, Shana Grogan, Water / Wastewater Superintendent Jason Trepanier, Patrick Otton & Patti Smith.

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. Recognition of New Board Member Janet Siviski

Mrs. Pfleger and the Board introduced themselves to Mrs. Siviski. Ms. Schoener announced that Mrs. Siviski is sitting in at the meeting and will not be voting until next month's meeting.

B. Water / Wastewater Superintendent Jason Trepanier – Harwich Water PFAS testing

Are there any areas in Harwich that are points of impact for PFAS exposure – Mr. Trepanier stated, there are no known areas of PFAS or areas of impact. He added, there is additional testing for “UCMR5” that are potential groundwater contaminants. He added that PFAS is

tested biannually. He added that testing is being conducted at all of the Town's wells, and treatment facilities. He noted that PFAS testing is being regulated through the State and the EPA; testing is conducted on the following contaminants: PFOA, PFOS, PFNA, PFHXS, HFPOA and PFBS.

Mr. Dowgiallo and Mrs. Pfleger both inquired about the origin of PFAS; Mr. Trepanier noted that PFAS is the end-result of industry and manufacturing and provided examples such as Teflon on pots and pans, waterproof coatings on jackets and firefighting foam. He stressed that PFAS is a forever chemical. He stressed that PFAS cannot be boiled out of one's water-supply and can only be filtered out.

Mr. Trepanier noted that Harwich does not have PFAS treatment because we (Harwich) are not at the threshold for testing. He added that Barnstable County offers PFAS testing with results reported within approximately fifteen days.

Exhibits: Barnstable County PFAS Sampling Instructions, How to Interpret my PFAS Laboratory Report and Compare by Results to MassDEP's Maximum Contaminant Levels (MCL) for PFASA6 (published by MassDEP, Frequently Asked Questions about the Barnstable County Private Well Sampling Project, Barnstable County PFAS Transfer of Ownership Well Testing Requirements Pros/Cons Information Sheet and Nantucket Board of Health Regulations for Private Wells.

III MINUTES OF PREVIOUS MEETINGS (Regular Meeting Minutes)

April 15,2025 Meeting Minutes

Motion: Mr. DuPont motioned to approve the April 15, 2025 meeting minutes. Second: Mrs. Howell seconded the motion.

Vote: Approved 4-0-0

Exhibits: April 15,2025 Meeting Minutes

IV OLD/UNFINISHED BUSINESS

A. CONTINUED DISCUSSION FROM TUESDAY, APRIL 15, 2025, BOARD OF HEALTH MEETING – REVISIONS TO REGULATIONS FOR PRIVATE WELLS

Chairwoman Pfleger suggested a continuance to the June 17, 2025, Board of Health meeting. She proposed the inclusion of testing for PFAs every ten years.

Ms. Schoener stated she would replace the water quality testing section with language from Nantucket's Board of Health regulations.

Mr. DuPont suggested testing every five years upon indication of PFAS in one's water supply even if PFAS has already been filtered it.

Mr. Dowgiallo agreed that testing should be conducted sooner than ten years if testing indicates positive PFAS levels.

Ms. Pflieger suggested the inclusion of language for properties that are being leased/or rented that the tenant(s) are to be supplied with a copy of the well quality results.

Ms. Schoener stated that we could refer to the EPA's recommendation for re-testing if PFAS is discovered.

Mr. DuPont proposed inclusion of EPA's guidelines on PFAS testing if they impose stricter regulations, if not then to re-test in one year.

Motion: Mr. DuPont motioned to revise and return the health regulations for private wells to include verbiage on required testing every ten years as well as in addition to a positive PFAS result retesting per EPA's recommended guidelines if stricter or to test annually.

Second: Mr. Dowgiallo seconded the motion.

Vote: Approved 4-0-0

V NEW BUSINESS

A. VARIANCE REQUEST FROM 105 CMR 590.000: STATE SANITARY CODE CHAPTER X - MINIMUM SANITATION STANDARDS FOR FOOD ESTABLISHMENTS – 1 SCHOOL HOUSE ROAD- HARWICH CHAMBER OF COMMERCE & THE GRATEFUL MUG

Ch. 4-301.12 Equipment - Manual Warewashing, Sink Compartment Requirements
Request for relief from the requirement to have a 3-bay sink

Ch. 5-203.13 Numbers and Capacities- Handwashing Sinks
Request for relief from the requirement to have a separate hand washing sink

Ch. 6-306.10 Availability -A service sink or curbed cleaning facility shall be provided as specified under ¶ 5-203.13(A)
Request for relief from the requirement to have a service sink

Cyndi Williams, Executive Director of the Harwich Chamber of Commerce alongside Shana Grogan (owner of The Grateful Mug) introduced themselves to the Board.

Ms. Schoener noted that upon posting the variance application online, there were some concerns made regarding the variances being sought-after. Their concerns were primary related to the proposed coffee station and how it would be services. She noted that the coffee station is a single service unit,

The plumbing inspector went onsite and

She clarified that the variances being requested are not in relation to the plumbing and are proposing ware washing at an approved commissary kitchen offsite and to not have a hand-washing sink behind the line, but employees would have access to the Chambers private bathroom. She added that the proposed coffee maker is simplified to only brew one cup at a time. Baked goods are made in a licensed kitchen and brought to their location pre-packaged.

Motion: Mr. DuPont motioned to approve the variance application relief from 105 CMR 590.000: State Sanitary Code Chapter C, for 1 School House Road

Second: Mr. DuPont seconded the motion.

Vote: Approved 4-0-0

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

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

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

Exhibit: Report of the Health Director May 2025

VII CORRESPONDENCE None

VIII PERMITS

FILING DEADLINE 5/7/25 (MEETING 5/22/25)		
EVENT	BUSINESS	
Kalliope Chute/ Mermaid Menu, LLC	Harwich	Big Blue Conference on 04/30/2025
Kelly Wright/ Sweet Daisies	Orleans	Farmers Markets
Linda & William Gilmore/ Puckerbrush	Littleton, NH	Cranberry Festival August 9-10, 2025
Ron Ruggiero/ RDA Catering LLC	Centerville	Farmers Markets
Cape Abilities/ Cape Abilities Farm	Dennis	204 Market
FOOD ESTABLISHMENT	BUSINESS	
Ellery Althaus/ Bagel Hound Inc	Harwich	297 Route 28
Avian Christy Hill & Morgan Hill/ Sea Street Sweets LLC	Harwich	537 Route 28
Nicole Cossette / Dive Dine & Drink	Harwich	986 Route 28
Steven McCabe/ MCPETTO PROPERTIES LLC	Harwich	749 Route 28

SEPTAGE INSTALLER	BUSINESS	
Edward Tallent/ ACE Excavation	Plymouth	
TITLE 5 INSPECTOR	BUSINESS	
Richard Grady/ Grady Consulting LLC	Kingston	

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

Second: Mr. Dowgiallo seconded the motion/

Vote: Approved 4-0-0

IX OTHER - None

X WORK SESSION

A. DISCUSSION- PHASE 2 SEWER CONNECTION ORDER LETTER

Ms. Schoener stated that a blanket extension for Phase 2 sewer connections was extended to March 1st, 2025, and that there are about 50% of the phase two residents' properties that have yet to connect. She noted that the draft order letter requires connection to the municipal sewer system within ninety-days from receipt of the letter.

Mr. DuPont asked approximately how many homes 50% relate to, Ms. Schoener replied approximately two hundred properties. He then questioned how many installers/or businesses could be contracted within ninety days to connect. Ms. Schoener stated no and encouraged residents to begin the discussion with the health department if they cannot connect within ninety days.

Mr. DuPont suggested the approval to request an extension for residents waiting to connect based on their installer's availability.

Ms. Schoener suggested that the Board leave it to the health department's discretion on reviewing outstanding connections on a case-by-case basis.

Motion: Mr. DuPont motioned to accept the letter as drafted as he orders to connection for sewer regulations as well as granting the Health Department staff flexibility to review outstanding connections on a case-by-case basis

Second: Mrs. Howell seconded the motion/

Vote: Approved 4-0-0

Exhibit: Draft Letter: Order of The Board of Health Connection Letter Phase 2

B. DISUCSSION- PROPOSED GUIDELINES FOR DOG-FRIENDLY OUTDOOR DINING AREAS

Ms. Schoener informed the Board of the interest in allowing dogs on patios. She noted that the Federal Food Code does not allow dogs in any party of the food establishment with the exclusion of service animals. The dog would need to be under the owner's control, not creating a disturbance to other diners, leashes cannot be creating trip hazards between diners, dogs must be housebroken and not relieving themselves in the dog-friendly patio area.

She stressed that the approval would be granted on a case-by-case basis from the Board and that the application submission does not grant an automatic approval.

Mr. DuPont stated that this process could open a pandora's box as it would leave the authority to the business owner to determine whose dog is misbehaving. Chairwoman Pflieger suggested that the patron themselves could report the incident to the Board of Health.

Ms. Schoener stated that any violations could lead to permanently revoking the dog-friendly outdoor dining area variance approval.

Chairwoman Pflieger suggested the inclusion of language that employees are to be trained on the process of dog-friendly dining.

Ms. Williams suggested a sign similar to a dog's paw print that could indicate that the property is dog friendly. She added that she hopes that businesses who have wanted to have outdoor dog friendly dining won't be taking advantage of the approved establishments.

Mr. Otton stated that he enjoyed the discussion and hopes that that this moves forward. No further public comment was made.

Motion: Mr. DuPont motioned to accept the proposed guidelines for Dog-Friendly Outdoor Dining Areas subject to variance approval by the Harwich Board of Health.

Second: Mr. Dowgiallo seconded the motion.

Vote: Approved 4-0-0

Exhibits: Proposed Guidelines for Dog-Friendly Outdoor Dining Areas and Variance Request for Outdoor "Dog Friendly Space" application.

C. CONTINUED DISCUSSION FROM NOVEMBER 19, 2024- REVIEW OF HISTORICAL PRACTICE FOR USE OF I/A TECHNOLOGY - INCREASE IN BEDROOM COUNT FOR SEWER CONNECTIONS IF INNOVATIVE/ALTERNATIVE TECHNOLOGY IS PROVIDED

Ms. Schoener provided the board with a recap of the continued discussion. She noted that the department gets frequent questions regarding if properties that have connected to sewer can have additional bedrooms and that it has been historic practice of the Health Department to not allow the use of I/A technology for increased bedroom count. She added that properties that fall within

Map Zone II are restricted to four bedrooms per acre and that the State allows the use of I/A technology to increase bedroom count to up to six bedrooms. She noted that there is additional effluent treatment with the use of I/A technology and increased environmental benefit.

Chairwoman Pflieger suggested revisions to include language that is like what Chatham has done. Ms. Schoener responded that we would not be recreating what Chatham is doing and that she is requesting that we adopt the I/A inclusion for an increased bedroom count.

Ms. Schoener reiterated that she is requesting the Board's approval to move away from historical practice.

Mr. DuPont had Ms. Schoener reiterate the proposed bedroom increase. She noted that it is based on acreage and that if a one-acre lot if connected to sewer would be restricted to four bedrooms but with I/A design would allow the increase to six bedrooms.

Motion: Mr. DuPont motioned to grant the use of I/A Technology following the approval letters set by DEP on the various technologies and allow sewer properties to follow the 660 gpd per acre rule in contrast to the historical policies.

Second: Mr. Dowgiallo seconded the motion.

Vote: Approved 4-0-0

Exhibits: I/A Technology for Increase in Bedrooms Continued Discussion Staff Report

XI ADJOURN

Motion: Mr. Dowgiallo motioned to adjourn the Board of Health meeting at 7:51 p.m.

Second: Mrs. Howell seconded the motion.

Vote: Approved 4-0-0

Respectfully Submitted,

Stephanie Johnson

The next Board of Health Meeting will be held on Tuesday, June 17, 2025, at 6:30p.m. in the Don B. Griffin Room

