

TOWN OF HARWICH



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BOARD OF HEALTH
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**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY SEPTEMBER 16, 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 Pfleger, M.S., and Janet Siviski, R.N.

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

OTHERS PRESENT & ONLINE: Leslie Heffernan, Diane Coulter, Joseph Foran, Jean Foran, James Hudson, Bob Piantedosi, Laura Urban, Brian Urban, Mark Parney, John O'Reilly, Barbara Nickerson, Bob McKeson (spelling?), Marilyn Scola, Judy Martindale, Marian Rose, Nadine Steffan, Robert DeMarco, Brian Yergatian, Doug Grant, Nicole Cossette, Marguerite Heffernan, Pamela Purdy, David Purdy, Deb Martin, Lonnie Cosmer, R.M, Frank Roughan, Mike Moreau, Rachel Don and Anonymous Users.

I CALL TO ORDER

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

II PUBLIC COMMENT

No public comment was heard.

III MINUTES OF PREVIOUS MEETINGS AUGUST 19, 2025

August 19,2025 Meeting Minutes

Motion: Mr. Dowgiallo motioned to approve the August 19,2025 Meeting Minutes with revision to include meeting date in header.

Second: Mrs. Howell seconded the motion.

Vote: Approved 5-0-0

Exhibits: August 19 ,2025 meeting minutes

IV OLD/UNFINISHED BUSINESS

A. CONTINUED FROM AUGUST 19th 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

Mr. DuPont opened the discussion noting that the Board is there to discuss the health and safety concerns, as well as the septic system of the project and not one's opinions on if the project should or should not happen.

Brian Yergatian apologized to the public and to the Board for not properly notifying a butter's causing the continuance to the September Board meeting. He then provided the Board with a summary of the scope of the project. He noted that the proposed Title 5 system would have a total design flow of 6,600 gallons per day. He added that the proposed system meets all criteria under Title 5 310 CMR and exceeds requirements under the Board of Health regulations. He noted that groundwater flow at the site is to the South towards Nantucket Sound and just to the west of Wychmere Harbor. He made note of the components of the system design including: a 10,000-gallon septic tank, a 10,000-gallon equalization tank, a 10,000-gallon micro fast tank 9.0 processor tank and a 9,000-gallon pump chamber. He added that the system is designed as a pressure dose under Title 5 310 CMR code. He stated that there are two proposed leaching fields to be located in the back portion of the property. He noted the inclusion of a 10x10 shed that would house the blower, control panels for the pumps and the chemical feed equipment. He stated that typical with I/A technology there are mild earthly odors and is proposing a 10" underground vent pipe that would discharge into a plastic chamber with 12" of natural biological filter materials which would help attenuate odors. He again stressed that the proposed system complies with Title 5 310 CMR and exceeds requirements for the Town of Harwich and stated that the Town does not require any enhanced nitrogen removal for the proposed system.

Maurgerite Heffernan asked if the shed would take up any parking spaces and if the parking lot would be torn up to pump the septic system.

Mr. Yergatian noted that the shed would not be in any parking spaces and noted that the maintenance of the system would be done more than once a year under the operation and maintenance agreement with the manufacturer which would require monitor sampling to be reported to the Board of Health. Ms. Heffernan then asked how much noise the system would generate to the neighbors. Mr. Yergatian replied to the sound could be relative to that of a whisper. She then asked how much square footage would be visible to residents, Mr. Yergatian stated that the only equipment one would see would be the 10x10 shed and manhole covers.

Bob Nickerson stated that he had no questions for the Board but rather comments for the Board to consider. He then addressed the following concerns, 6,600 gallon per day versus 2,000 gallons per day. He stressed concerns for the discharge to the Wychmere watershed. He added that if the structure were to reduce the impact could be. Sewer access would not be available for forty years which leaves a lot of time for condominium of such size to be discharging into Wychmere.

Ms. Schoener stated the regulation requires systems greater than 2,000 gallons per day to be approved by the Board of Health.

Doug Grant shared his concerns with effluent similar to the Melrose condominium and stated that he seconded Bob Nickerson's prior comments. He stated that the project could be significantly downsized to reduce the impact on the system.

James Hudson asked if there are any measurements to determine the effect of effluent or any forecasting for the future of Wychmere harbor. He stressed the need for having a quantitative measurement.

Ms. Schoener noted that the measurements come from the nitrogen loading calculations that were done to predict what the system would be putting in. She added that she was recently at a conference and wastewater was discussed and in the average single-family household (four bedrooms) generates 65 milliliters per gallon where the proposed system is projecting 13 milliliters per gallon.

Barbara Nickerson had some questions prior to making comments. She noted in the submitted nitrogen loading calculations, the natural area is 14,000 square feet of lawn currently and proposing 30,615 square feet of lawn and asked for clarification as to where that is. She stressed her concerns for Wychmere harbor and hypoxic impacts from the continuous daily discharge of the septic system to the harbor. A lengthy discussion ensued.

Bob Pantosi asked what the life expectancy of the proposed septic system. Mr. Yergatian replied that he does not know the answer to his question but that there are other individuals in the meeting who could confirm. Mr. Pantosi then asked the life expectancy of the system components. Mr. Yergatian noted that the concrete components (the three tanks) would be there for fifty years and that the pre-cast leaching components would last even longer. He reiterated that the applicant is required to test the system and report their findings to the Town of Harwich and to the Department of Environmental Protection (DEP). Chairman DuPont stated that the applicant (Campanelli) is contracted with the manufacturer for testing. Ms. Schoener noted that the County monitors the testing and if a system is not being monitored then the County would inform the health department. Mr. DuPont stated in the future should the ownership change, the new owner would still be in agreement with the manufacturer, and this would be a requirement with any sale in the future. Mr. Pantosi then proposed his concerns for the project not falling under the criteria for affordable housing. Mr. DuPont stated that the concern of the project not meeting criteria for affordable housing does not fall under the Board's purview. Mr. Pantosi reiterated that the Board should be aware of the conditions associated with the project. Ms. Schoener stated that the Board can only regulate the Board of Health regulations and Title 5 compliance.

Ms. Siviski noted that when she was previously on a condominium Board when change of ownership occurs, there can be a breakdown.

Leslie Heffernan asked if there was a list of I/A systems similar in Town. Ms. Schoener noted that she could generate a report, but it would be difficult to identify larger systems without pulling numerous files to confirm specific similar components.

David Purdy noted how this summer during extreme heat waves he lost electricity and questioned what would happen to the condominium if there was not enough generator power. Mr. Yergatian noted he was unsure if there would be a generator will be in place but due to the I/A system design it requires a minimum of twenty-four hours emergency storage volume.

Diane Coulter expressed her concerns for noise and the odor. She questioned how one would know that no one would hear the system and that there will be no odors? She raised the question as to who she could go to with future change of ownership.

Ms. Schoener stated that should the variance be approved and there are concerns that they can be brought to the health department.

Mrs. Pfleger questioned the concerns for noise with residents who live on Route 28.

Jeff Wyman from Campanelli stated that they hired a sound engineer to run a study on the shed and the equipment it houses. Their findings indicated minimal noise levels and data suggested noise levels of eleven to twenty-one decibels from one-hundred and twenty feet away. He noted that the shed would be constructed with sound mitigating materials.

Joseph Fourin stated that on warm days you can smell the effluent in Wychmere harbor when on a boat.

Deb Martin raised her concerns for the lack of marine life in Wychmere harbor and that the harbor has been closed to shellfish.

Barbara Nickerson reiterated that she would like an answer on her question related to how the lawn coverage is increasing.

Bob Pandosi noted Ms. Siviski' comment on the consistency needed to manage the condominium and that with change of ownership consistency to manage is variable.

Ms. Schoener noted that the contract for the I/A technology is for the life of the system and would be noted in the deed under Title 5.

Mr. Yergatian noted that the lawn would be increasing from approximately 14,200 square feet up to 30,600 square feet but that he is unable to answer as to why or how. Ms. Rose noted that the lawn increase is for the needed buffer zones and falls under zoning and that there would be more grassy areas around the areas than there are now.

Chairman DuPont noted the concern for emergency situations with regards to a generator system that would be in place after the twenty-four-hour emergency system. Rob DeMarco noted that they could design a larger UPS system and create a plug-in for a portable generator to mitigate an emergency situation and potentially doubling the UPS system from twenty-four hours

to forty-eight hours. Mr. DuPont then noted that he would like to see plans for the watershed and where it lands in relation to 606 Route 28. Mr. DeMarco noted during past meetings with Ms. Schoener they had removed the ground water flow maps and that the ground water does not flow towards Wychmere harbor and that it flows towards the Melrose and to Nantucket sound. Mr. Yergatian clarified that watershed implies surface water drainage, storm water runoff and the direction of groundwater flow is not necessarily always mirror surface.

Mrs. Pflieger questioned if Water/Wastewater should be in attendance at the next meeting and that it would be nice to hear from them as they are part of the CWMP (comprehensive wastewater management plan). Ms. Schoener replied that she would reach out to the Jason the Water / Wastewater Superintendent but unsure how he would be able to speak on Title 5.

Chairman DuPont noted that the proposed plan is not accounting for sewer because it is not there now and that the proposed system has the technology to operate without the sewer in place. He noted that prior to motioning a vote he would like to see further documentation as to the groundwater flow compared to the watershed and a plan in place for emergencies should the power be off longer than twenty-four hours. Mr. Yergatian noted that he could enlarge the plan but would not be able to alter the plan as the plan is out of the CWMP.

Margueriete Heffernan asked where the lawns is being proposed. Mr. DeMarco noted those questions can be addressed to the planning board can be addressed to the Planning Board or the question can be raised at the next board of health meeting.

No further questions were made.

Motion: Mr. Dowgiallo motioned to continue the variance request for 606 Route 28 to October 21, 2025 at 6:30 p.m. pending submission of an emergency plan, lawn coverage plans and watershed vs. groundwater runoff.

Second: Mrs. Howell 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. CONTINUED FROM AUGUST 19th BOARD OF HEALTH MEETING- VARIANCE REQUEST FROM TOWN OF HARWICH REGULATION 1.210 - 8 CRANBERRY WAY- MINIMUM SETBACK REQUIREMENTS

David Clarke apologized for last month's meeting for not being in attendance. He then provided the Board with a summary of the scope of the project which includes the addition of a second dwelling unit on the property. He stated that he proposed accessory dwelling unit falls within the existing footprint and that there would be no increase in bedroom count. He noted the proposed Title 5 system would require variances from setback distances to the Red River estuary. He added that given the site conditions, there is no location where the proposed system could be installed. He informed the Board that the septic design includes I/A (Innovative/ Alternative) technology to reduce the impact of nitrogen on the saltwater estuary.

Mr. DuPont thanked Mr. Clarke for the inclusion of I/A technology with the proposed Title 5 system.

Motion: Mrs. Howell motioned to approve the variance request for 8 Cranberry Way with the following conditions:

1. Property is restricted to a maximum of four (4) 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 approval letter and conditions must be recorded at the Barnstable County Registry of Deeds.

Second: Mr. Dowgiallo 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.

V NEW BUSINESS

A. VARIANCE REQUEST FROM TITLE 5 310 CMR 15.211 – 14 WAH WAH TAYSEE- MINIMUM SETBACK REQUIREMENT

TITLE 5 310 CMR

15.211

- 1.) Soil Absorption System (SAS) not 10' from property line; 6' held, 4' variance
- 2.) Soil Absorption System not 20' from cellar wall; 14' held, 6' variance
- 3.) Septic tank not 10' from property line; 6' held, 4' variance
- 4.) Septic tank not 10' from cellar wall; 6' held, 4' variance

John O'Reilly provided the Board with a summary of the scope of the proposed project noting there are existing pre-approved variance conditions associated with the property. He noted that the proposed dwelling has a different configuration vs. The existing dwelling and that the property falls partially within a flood plain. He noted he also included I/A technology in the design of the Title 5 system.

Mr. DuPont thanked Mr. O'Reilly for the inclusion of I/A technology with the proposed Title 5 system.

Motion: Mr. Dowgiallo motioned to approve the variance request for 14 Wah Wah Taysee with the following conditions:

1. Property is restricted to a maximum of four (4) 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 approval letter and conditions must be recorded at the Barnstable County Registry of Deeds.

Second: Mrs. Pflieger 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. VARIANCE REQUEST FROM FOOD CODE 105 CR 590:00 CHAPTER 6
SECTION 501.115 PARAGRAPH A- DIVE DINE & DRINK 986 ROUTE 28 –
REQUEST FOR DOG FRIENDLY SPACE**

Owner Nicole Cossette noted that dogs would only be allowed on specific event(s) throughout the year prior to dinner service.

Mr. DuPont expressed his concerns for approving a dog variance but restricting when dogs are allowed.

Ms. Schoener stated that it would be a managerial control for staff to be aware of the dog friendly events and to only allow dogs at their discretion. She noted that the Board would get involved to mitigate or revoke the dog approval variance should an issue arise.

Mrs. Pflieger asked why they would not want dogs allowed all the time?

Mrs. Cosette replied that although she has dogs herself, she understands that not everyone would want dogs next to them when dining.

Mrs. Cosette replied to Mrs. Siviski that staff is educated, and, in the season, they only had one patron come in with a service dog.

Mrs. Pflieger stressed that staff needs to be trained how to remove dogs when they are not behaving properly.

Mrs. Cossette noted that she would be hosting the event and would be on the premises.

Motion: Mrs. Howell motioned to approve the variance request for a dog friendly space for 986 Route 28 with the conditions of approval outlined in the form.

Second: Mrs. Pflieger seconded the motion.

Vote: Approved 5-0-0

Exhibits: Dog Friendly Space Variance Application, Letter to Board of Health and Site Plan.

VI REPORT OF THE HEALTH DIRECTOR

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

Exhibit: Health Director Report September 2025, Credible Mind Free Online Mental Wellbeing Platform, Harwich Community Center Vaccine Clinic and the Town of Harwich Employee Flu Clinic.

VII PERMITS- New Licenses listed below

FILING DEADLINE 9/3/25 (MEETING 9/16/25)		
EVENT	BUSINESS	
David Lewis/ Lewis Brothers Ice Cream	Eastham	Cranberry Music and Arts Festival
Harsh Patel/ Dennis Public Market	Dennis	Cranberry Music and Arts Festival
Elaine Gremila/ Chocolate Cafe	North Eastham	Cranberry Music and Arts Festival
Andrew Kelley/ Cloud 9 Frozen Treats LLC	Forestdale	Grateful Mug Family Day
Jeff Paine/ Cape Cod Wicked Good Kettle Corn	Mattapoisett	Cranberry Arts & Music Festival
Mitchel Rogers/ Buffy's Ice Cream/ Chatham Ice Cream Bars	Chatham	Grateful Mug Family Day
Maura Hall / DBA: Sugarberry Cottage Creations - Halls Cape Cod Cranberries, LLC	South Dennis	Year-Round Farmers Markets, Craft Shows, Local Fairs
Daniel Usher/ The Wine Slushie Guy	West Newton	Cranberry Music and Arts Festival
Kelly O'Connell/ Lighthouse Keeper's Pantry	Yarmouth Port	Cranberry Music and Arts Festival
Jo Atkinson/ Muddy Mary's Gourmet Inc.	Westwood	Cranberry Music and Arts Festival
Louis Rizzo/ Wild Game Sausage Man	Bourne	Cape Cod Senior Softball
Natalie Coughlin/ Moose Mountain Maple	Underhill, VT	Cranberry Music and Arts Festival

Motion: Mr. Dowgiallo motioned to approve the permits as printed.
Second: Mrs. Pfleger seconded the motion,
Vote: Approved 5-0-0

VII ADJOURN

Motion: Mrs. Pfleger motioned to adjourn the meeting at 8:11 p.m.
Second: Mrs. Howell seconded the motion.
Vote: Approved 5-0-0

Respectfully Submitted,

Stephanie Johnson

***The next Board of Health Meeting will be held on Tuesday, October 21, 2025 at 6:30p.m. in
the Don B. Griffin Room***