

TOWN OF HARWICH



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BOARD OF HEALTH

732 Main Street Harwich, MA 02645
508-430-7509 – Fax 508-430-7531
E-mail: health@town.harwich.ma.us

**TOWN OF HARWICH BOARD OF HEALTH AGENDA
TUESDAY- NOVEMBER 21, 2023 -6:30 P.M.
HARWICH TOWN HALL – DONN B. GRIFFIN ROOM
MEETING MINUTES**

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

STAFF MEMBERS PRESENT: Senior Health Agent Meredith Ballinger & Executive Assistant Stephanie Johnson

OTHERS PRESENT & ONLINE: Bill Budell, M.D., Michael Tartamella, Steve McCabe, Patrick Otton & Paul Foley

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

II PUBLIC COMMENT

Patrick Otton read Proposed Resolution No. 12 from the Assembly of Delegates supporting a proposed Home Rule Petition by the Town of Orleans on Pesticide Reduction. Which outlines the harms of the use of pesticides. Mr. Otton is requesting a ban of pesticides and asks that the board take action to discuss this matter further. The Chair stated they would get it on the agenda.

III MINUTES OF PREVIOUS MEETINGS (Regular Meeting Minutes) -- None

IV OLD/UNFINISHED BUSINESS- None

V NEW BUSINESS

- A. RECONSIDERATION OF PREVIOUS VARIANCE CONDITIONS- 11 ATLANTIC STREET –**
Reconsideration of previous variance condition of no increase of habitable space, no increase in square footage, or no increase in number of bedrooms - Vote to accept/deny/take this under consideration.

David Lyttle from Ryder & Wilcox was present to represent the property owner and architect. The proposed project is a raze and rebuild that would increase habitable space. Increased habitable space would negate preexisting variances associated with the property specifically pertaining to no increase in habitable space. Would like to expand the bedrooms on the second floor, there will be a reduction in the number of rooms in the dwelling while increasing the size of the rooms in the new layout. The dwelling will be constructed on pilings and remove the setback to the foundation. The habitable space will increase by 25%. The site is not located in a nitrogen sensitive area.

Attorney Christopher Senie is representing abutters at 8 Atlantic Street, Gavin and Michelle Archibald. The proposed project would reduce approximately 90% of their oceanfront views from the left side of their home. This is an issue that should be addressed to the zoning board of appeals, and they will. They are present at the board of Health to make note that they have concerns about the project from a zoning perspective.

The applicant has not yet filed with Planning or Conservation but, they plan on moving forward after they receive approval from the Board of Health.

Chairwoman Sharon Pfleger closed public hearing.

Mr. DuPont raised the question that if the home is being leveled, should an I/A septic system be installed? Mr. Lyttle stated that they could possibly swap out the existing tank and install a new tank that would have I/A technology.

Ms. Howell asked if the number of people living in the home would be increasing with the proposed project. Mr. Lyttle confirmed that the total number of people living in the home would not be increasing and that ultimately the home would remain a five bedroom and that they are reducing the total number of rooms by one.

Mr. Dowgiallo expressed his preference would be to include I/A technology. Chairwoman Pfleger asked about the cost of I/A technology. She also wanted to know if they could postpone a decision until after conservation approval. Mr. Lyttle requested there is some indication from the Board that project is approvable. Senior Health Agent noted that conservation usually don't weight in title 5 systems. Chairwoman Pfleger didn't necessarily agree that I/A technology would be required.

Motion: Mr. Dowgiallo motioned to approve the reconsideration of previously approved variance for 11 Atlantic Street with the following conditions:

1. **The dwelling is restricted to a maximum of 5 bedrooms.**
2. **No further increase in habitable space or square footage without further review by the Board of Health.**
3. **No garbage disposal is allowed.**
4. **The conditions and approval shall be recorded at Barnstable Registry of deeds.**

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.

Second: Mr. Antoine seconded the motion.

Vote: Approved 4-1-0.

- B. REQUEST FOR ALTERATION OF EXISTING TOBACCO LICENSE- FULLY BAKED SMOKE SHOP-**
Request for alteration of existing tobacco license from adult only to retail operation - Vote to accept/deny/take this under consideration.

Paul Foley presented to the Board the request of alternating his current license of adult only 21+ to retail operation to provide stained glass and glassblowing classes. Currently, his sales are restricted only to tobacco products and patrons must be 21+.

Mr. Dowgiallo asked if this would reduce the Town's number of tobacco licenses in the Town.

Exhibits: Email dated from Mr. Foley requested the alteration of tobacco license.

Motion: Mr. Dowgiallo moved to approve the request to alter the adult only tobacco license to a retail tobacco license.

Second: MrDuPont seconded the motion.

Vote: Approved 5-0-0.

VI REPORT OF THE HEALTH DIRECTOR- Health Director Report for November 2023

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

Exhibits: Report of the Health Director

VII CORRESPONDENCE-None

VIII PERMITS- All Licenses Previously Approved in 2023 as provided in packet and New Licenses listed below- Vote to accept/deny/take this under consideration.

FILING DEADLINE 11/8/23 (MEETING 11/2123)		
ESTABLISHMENT	ADDRESS	TYPE
FOOD SERVICE		

Bubba's Bistro	1 Oak St	Single Event
Dancing Spoons Food Truck	Wequassett Inn	Single Event
Mom & Pops	1 Oak St	Single Event
The Filling Station	1 Oak St	Single Event

Motion: Mr. Dowgiallo moved to accept all new licenses as printed.

Second: Mr. Antoine seconded the motion.

Vote: Approved 5-0-0.

Motion: Mr. Dowgiallo moved to accept all renewal licenses as printed.

Second: Mr. Antoine seconded the motion.

Vote: Approved 5-0-0.

IX OTHER -Vote to accept/deny/take this under consideration.

X BOARD OF HEALTH WORK SESSION -None

A. 2024 MEETING SCHEDULE- Vote to accept/deny/take under consideration.

Motion: Mr. Dowgiallo motioned to accept the 2024 Board of Health meeting schedule.

Second: Mr. Antoine seconded the motion.

Vote: Approved 5-0-0.

XI ADJOURN- Vote to accept/deny/take under consideration.

Motion: Mr. Dowgiallo motioned to adjourn the meeting at 7:39 pm.

Second: Mr. Antoine seconded the motion.

Vote: Approved 5-0-0.

Respectfully Submitted,

Stephanie Johnson

Next meeting is December 19, 2023, at 6:30 p.m.