



## Town of Provincetown

Meeting of the

**BOARD OF HEALTH**

Thursday, April 4, 2013

Judge Welsh Hearing Room, Provincetown Town Hall,  
260 Commercial Street, Provincetown, MA

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**Board Members Present:** Mark Phillips, Chairman, Dr. Janet Whelan, Ken Janson, Laurie Delmolino, Elizabeth Williams and Paige Mansfield (Alternate)

**Board Members Absent** All present

**Other attendees:** Brian Carlson, Health Agent and Morgan Clark, Public Health and Safety Officer

**Call to Order:** Mark Phillips called the meeting to order at 4:00 p.m.

**Public Comments:**

There were no public comments.

**Old Business:**

There was no old business to be discussed

**New Business:**

**a. Historic Bedroom Determination – 410 Commercial Street**

**Discussion:**

The applicant was not in attendance at this time. The Board proceeded to the next item on the agenda.

**b. Title 5 Septic Variance Request - 2 Willow Drive**

**Discussion:**

Brian Carlson addressed the question the Board had from the previous meeting on March 21, 2013 when this variance was first discussed as to whether the regulations had changed since the variance had lapsed in 2008. The code has not changed.

Ms. Reid added that this is for two sideline variances. The proposed system will be set back 5 feet instead of 10 feet from the road on the North side of and from an abutter on the East side. The regulations have not changed, so she would like to ask for the variance again.

**Motion: *To approve the renewal request for the variance that was approved on August 24, 2006, and understanding that the two variances are sideline set backs each of those are for five feet and that the applicant is removing a cesspool and installing a Title 5 septic system.***

Motion: Mark Phillips

Seconded: Ken Janson

Vote: 5 – 0 – 0

Documents Submitted: Sanitary Subsurface Sewage Disposal System Upgrade, as prepared for Ellen C. Battaglini, by William N. Rogers II, June 30, 2006

**c. Food Code Variance Request Section 3-502.11 - Sushi by Jay Kim/Ellico – 56 Shankpainter Road**

**Discussion:**

Morgan Clark explained to the Board that over time it has become apparent that places that serve Sushi Rice need to apply for this variance. She notified any place that served Sushi Rice that they needed this variance. What is required is a variance of the 1999 Federal Food Code [3-502.11]. The variance request is for establishments that use acidification as a method of food preservation. According to this regulation, any establishment that serves Sushi Rice and keeps it out at room temperature needs a variance. The variance request must include a Hazard Analysis and Critical Control Points (HACCP) plan that meets the Federal guidelines for the application of HACCP principles, including how the establishment will train employees in the plan and verify and track procedures. Mr. Kim has submitted his plan already. His business is in Stop & Shop, it is separate from Stop & Shop. He is tracking and logging his procedures, temperature, acid levels and ingredients.

Mr. Kim owns many Sushi bars of the East Coast. The acidification of the rice is from vinegar. The technique was developed many years ago for the military.

Janet Whelan asked how often the pH is checked? Mr. Kim explained that each batch is checked when it is made. He has three pH meters which he calibrates. It should

come out at 4.0. Each hour the pH may go up .10; a pH of 4.4 would be the maximum it would be allowed to reach.

***Motion: To grant a variance to Jay Kim/ Ellico USA Inc., 56 Shankpainter Road from the 1999 Federal Food Code, Section 3-502.11.***

Motion: Ken Janson

Seconded: Elizabeth Williams

Vote: 5- 0 -0

Documents Submitted: Sushi by Jay/Ellico, Sushi HACCP Plan

### **Any Other Business That Shall Properly Come Before the Board**

There was none.

### **Approval of Minutes**

There were no minutes to approve.

### **Health Department Report**

#### **Staff Meeting: Grease**

As was mentioned at the last meeting, there will be an in-staff meeting between the various boards that address grease. We will bring the output of that and bring a report to you.

#### **Inspections**

Inspections are ongoing. There are a lot of places opening up. Generally, in terms of inspections it has been really good. A few housing things that we can follow up on with you. The rental inspection of the Webster Place was really good. It was like night and day. They met every one of our requirements and now have year round renters living there.

#### **Pools and Hot Tubs**

Morgan followed up with the State expert Pete Wheeler about pools and hot tubs. He told her that there is no gray area with the State regulations. They are the **minimum standards**, therefore variances are granted few and far between. The Board will not give a blanket variance. There is not a specific hot tub certification course; it deals with water chemistry. Her idea is to send a distinct letter to hot tub and pool owners

specific to the issues concerning each and has amended the application to reflect the different points that apply to pool and hot tubs.

One point that may allow a variance is if the same degree of protection is offered through another process, such as a UV filter that the hot tub water flows through. The other possibility is to prove that the regulations are overly burdensome.

Mark Phillips asked if Morgan would want to recommend any changes to the Town regulations? She replied that it would require posting the changes for a public hearing. It makes sense to amend the water changing requirements every two weeks. She will bring her recommendations to the next meeting. Janet Whelan asked if the water quality testing is made available to the public?

Mr. Phillips tabled Agenda "Item B" under New Business since the property owner was still not present at the meeting.

### **Board Members' Statements**

Laurie Delmolino asked when was the last time the harbor water quality group met? Brian said that he will be meeting with the Board of Selectmen in 2 or 3 weeks along with the Harbor Commission, Conservation Commission and the Harbor Master to discuss beach erosion, but he will also bring up the harbor water quality at that time.

### **Adjournment:**

There being no further business, Mark Phillips moved to adjourn the meeting at 4:35 pm.

Respectfully submitted,

Susan Leonard

**Approved by \_\_\_\_\_ on \_\_\_\_\_, 2013**