



Town of Provincetown

Meeting of the

BOARD OF HEALTH

Thursday, June 6, 2013

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

Board Members Present: Mark Phillips, Chair; Dr. Janet Whelan, Ken Janson and Elizabeth Williams

Board Members Absent: Laurie Delmolino and Paige Mansfield, Alternate

Other attendees: Brian Carlson, Health and Environmental Affairs Manager, Morgan Clark not present

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

Recorder: Susan Leonard

Public Comments:

There were no public comments.

Old Business

There was no old business to be discussed

New Business:

a. 4 Bradford Street Title 5 Variance Request - Gordon Barney

Discussion:

Engineer William Rogers appeared to present the request for the property owner Gordon Barney. He explained that the project involves 2 existing dwellings. One has five bedrooms and the smaller dwelling in the rear has 2 bedrooms. He was charged with designing a Title 5 system for 7 bedrooms. The design entails 2 compartment tanks because there are two separate buildings and a leaching bed. He requested 3 variances for the system:

Variance #1 is a side-line variance of 3 feet for the bed which is less than 10 feet from the property line [10 feet required, 7 feet is provided] at Nickerson Street and the abutting property at 25 Nickerson Street.

Variance #2 is a request for a reduction of the distance to a full cellar by 3 feet [20 feet required, 17 feet provided].

Variance #3 seeks a 25% reduction in the leaching field size.

He mentioned that there had been a problem with the soil evaluator and Brian Carlson was kind enough to witness the test in order to be able to proceed with the request.

Brian Carlson explained that the property is going through a property transfer. It is presently served by 4 cesspools. A full upgrade of the onsite septic system is for 2 buildings with a total of 7 bedrooms for a total of 770 gallons per day. The 2 side-line setbacks and full cellar set back variances have been seen before. The 25% reduction in the leaching field size could be discussed.

Ken Janson inquired if the reduction of the leaching field was not done, what would happen with the other variances? Would it then require more variances? Mr. Rogers explained it would require another set back variance from the rear dwelling and maybe it would have to move closer to the side-lines.

As a point of information, Mr. Phillips asked Mr. Carlson what would happen with the old cesspools? His response was that in this case they would totally be taken out. In some cases, they could just be filled with sand, but not in this instance. He added that he looked into a possible connection to the municipal sewer for the property. Engineering for Phase 4 will happen until the Fall of 2013 and any work would not occur until Spring 2014 through Fall of 2014. This property may have some topography issues with engineering and gravity lines to it. The parcel is being developed fairly quickly.

Mr. Rogers suggested that putting in a temporary system now and then connecting to the sewer line at a future date would add considerable expense for the prospective owner and delay the development and sale of the units.

Mr. Carlson asked about a design detail of the plan that shows a cobblestone patio and paved parking area. Would there be room there to allow a larger system? Mr. Rogers said it was a possibility, but not a good engineering principle. It would be too destructive to the infrastructure in his opinion.

Ken Janson stated that, in the past, some systems have been approved with more than 3 variances because of the small size of the lots. Mr. Rogers knows the town probably better than anyone and does a good job of fitting them in.

Motion: to approve the septic plan for 4 Bradford Street as presented.

Motion: Ken Janson

Seconded: Betty Williams

Vote: 4 - 0 - 0

b. 7 Center Street Historic Bedroom Determination - Lynn Mogell

Discussion:

Brian Carlson presented the details of the historic bedroom determination request. He conducted a site inspection of the property. It will be connected to the municipal sewer soon. It was built in 1840. The assessors have it listed as having 8 bedrooms. They have a lodging license for 8 bedrooms. A building permit issued in 2000 allowed for construction to reduce the number of bedrooms from 13 to 8 bedrooms. The bedrooms on the 3rd floor are being presented as historic bedrooms. Out of the 4 bedrooms on the 3rd floor there is a closet and an artist space that have historically been used as bedrooms. The applicant is seeking a 7 bedroom designation for the property with the 3 bedrooms on the 3rd floor being designated as historic and with the closet being considered not a bedroom. The Sewer Department has them for a betterment of 10 bedrooms. Since the owners are about to connect to the sewer they want it memorialized as to what the use is. Some of the rooms do not meet the current definition of a bedroom, although they historically had been used as bedrooms.

Mr. Phillips inquired about what if any construction was going to take place? Mr. Carlson replied that there is no new construction taking place. It had occurred in the year 2000 reducing the number of bedrooms from 13 to 8. One of the bedrooms which does not meet the definition of a bedroom is only 53 sq. ft. and only a part of the room has the required ceiling height. The room being used a closet is similar. The other rooms have a diminished ceiling height.

Mr. Phillips asked if the closet could still be used as a bedroom? Mr. Carlson replied that it would have to be a very small bed. Ms. Mogell, the property owner offered that the room had been used as a bedroom when they first purchased the building however, they made the decision that it was just too small to rent. It has not been rented for years.

Mr. Janson verified that the owner wanted to have this room (the closet) deleted as a bedroom and asked if this would be registered with the County Registry of Deeds?

Mr. Carlson informed him that the Board could ask for a deed restriction on the property. Dr. Whelan asked if this would affect the lodging license? Ms. Mogell stated that they have been renting only 4 of the 8 licensed rooms for the last several years.

Betty Williams stressed that it would be very important to have a deed restriction done.

Motion: that at the house at 7 Center Street on the third floor there will be three bedrooms that will be historic and that one of the bedrooms, which is a closet, will be considered a closet, and that a deed restriction be put in place..

Motion; Betty Williams

Seconded: Ken Janson

Vote 4 – 0 – 0

Any Other Business That Shall Properly Come Before the Board

There was none

Approval of Minutes

May 2, 2013 Minutes

Motion: Move to approve the minutes of Thursday, May 2, 2013 with a correction of the motion on 30 Conwell Street to read: we approve the ACO request subject to the owner coming back to the Board with an engineered plan to implement the “quick fix” within 30 days from the closing.

Motion: Ken Janson

Seconded: Betty Williams

Vote 4 – 0 - 0

Health Department Report

Bathing Beaches

Bathing beach testing has begun. I have tried the constant contact format; it seems to be working well. If the board knows of or anyone who would like to be placed on the bathing beach notification list they can email Brian Carlson at Town Hall. We did have some beach closures. The flags are mostly up. There was some problem with some locks being rusted shut and the hardware will be replaced soon. Testing is done every Monday, the results are available on Tuesday. If there is a failure, we get word from the County on Tuesday. A retest is done on Tuesday and we don't get the results

until Wednesday. When we get the results we either open or close the beach accordingly, with similar testing until we get the OK to open the beach.

Dr. Whelan asked if someone comes from the County and test the water regardless of the tide? Mr. Carlson stated that they test the water according to a protocol early Monday mornings. There are 18 designated testing sites from Winston Avenue down to the Provincetown Inn rotary. There are 2 surrogate sites Schuler Blvd. and Washington Ave. In response to a question by Mark Phillips, Brian explained that the county does not test the National Seashore, but the Park beaches are tested by someone. Race Point closed once last year, although he is not notified. The Provincetown Health Department website has a link to the State website which has a map detailing any beach closures including the National Seashore. Dr. Whelan asked if the testing is done near the storm drains? There is an outfall behind 333 Commercial Street and Ryder Street Right. Ryder Street Left, which in between 333 Commercial Street and Ryder Street Right has been a problem area in the past.

Board Members' Statements

Dr. Whelan informed the Chairman that she will not be able to attend the next meeting due to a conflict in her schedule. Ken Janson mentioned that he might not be able to make the next meeting as well.

Adjournment:

There being no further business, Mark Phillips moved to adjourn the meeting at 4:40pm.

Respectfully submitted,

Susan Leonard

Approved by _____ on _____, 2013