

## Board of Health

March 16, 2000

6:30 p.m., Caucus Hall; Adjourned

**Present:**

Michele Couture, Chair; Kay Halle, Laura Davis, Stan Klein, Gary Delius

George Heufelder, Health Agent; Jacqueline A. Silver, Health Inspector (left early due to illness)

**The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.**

### Public Statements

*Judith Oset:*

1. Would like Board to read latest draft of Local Comprehensive Plan (March 8, 2000),
2. Asking for Board support for implementation.

### Old Business:

*Continued from March 2, 2000*

**10 Atwood Ave.; Harry Clark et al**

Title 5 Variance request

*Bob Bersin; Bersin Engineering*

#### **MOTION:**

To approve plan #SDS-1 revised 2-29-2000 for **10 Atwood Ave.** as presented by Bersin Engineering with conditions;

1. That a deed restriction indicating **no additional living space may be added to the property** be obtained from the Registry of Deeds with a copy provided to the Health Department,
2. That there be no increase in the septic system flow,
3. That due to economic hardship no plumbing change approved.

KH; SK, second 5-0.

**4-6 Masonic Place, April Cabral Pitzner**

Discussion of occupancy limits

*Chris Snow, Attorney; April Cabral Pitzner; William N. Rogers, II, P.E., Lawrence Mury, 234 Commercial Street*

*WR;*

- Thinks system was over designed,
- BOD testing that was required was within range,

*CS;*

- Does not think that this should be before the BOH,
- There is no capacity for outside area.

*LM;*

- Concerned about water flow, they have seen an increase in groundwater level,
- Outside crowds would create additional noise,
- Against any increase outside, feels the noise is against OSHA regulations.

*MC;* What exactly are they here for?

*CS;* To add two-hundred (200) to be designated outside.

*SK;* Believes that they still have capacity.

*KH;* Feels that it would clarify things if this was a designation.

*GD;* Agrees with Kay & Stan.

*LD;* Feels that the system is under designed.

*KH;* Send information to DEP.

*GH;* Send letter up to DEP ask for historic use, give them update of additional use.

#### **MOTION:**

To write a letter to DEP appraising them of the situation and include historical context.

SK; GD, second 3-2 (MC, LD)

**Other:**

**74R – 76R Bayberry Avenue, Coastal Acres**

Discussion of Camps, Cabins, Motel License

**MOTION:**

To continue to the **March 23, 2000** Board of Health meeting.

KH; LD; second 5-0.

**Jackie Silver leaves the meeting feeling unwell.**

**New Business:**

**69 Howland Street, Howland Woods Condo III**

Title 5 Variance request

**MOTION:**

1. To approve variances contingent on presentation of a septic system plan showing 25% reduction and five (5) feet to groundwater,
2. that no variances exceed those stated on the septic system plan,
3. that septic system plan must be approved by the Health Agent,
4. that water line must be on the final septic system plan.

KH; GD; second 5-0.

**144 Bradford Street Ext., Galeforce Variety**

Discussion of change in use

*Ruth Gilbert, Jeffrey Epstein, Martha Roderick*

*JE;* Stated historic use of the property.

*RG;* Need more clarity as to the use. Does not feel the volume should be an issue.

*MR;*

- States that she made sandwiches, salads (potato salad, cole slaw, etc.)
- Does not see why this would be a change in use.

*JE;*

- Wants to add additional kitchen,
- Seeking to increase productivity.

*KH;* Sounds like they want to change use to that of a deli.

*JE;* No, just continue with the same use.

*BOH;* It is the overall opinion of the BOH that the use stays the same. It will not be an increase (by virtue of historic use.)

**MOTION:**

In order to maintain the status where no increase of Title 5 is assigned the following must remain:

1. That they maintain the operation in the present kitchen area,
2. That there be no expansion of use beyond sandwich preparation and condiments,
3. That no addition of kitchen facilities beyond current use without a Health Agent review.

KH; LD, second 5-0.

**838 Commercial Street, Mariellen Serena**

Appeal of Health Agent Decision

Board agrees with the applicant that;

1. Because the project was before the Board on December 16, 1999 and,
2. Had agreed to its condition that the Health Agent can sign-off on the building permit.
  - Ms. Serena has agreed to add a fourth flow diffuser to the current Title 5 system,
  - To move the soil absorption system to a non-varianced area, she would be in compliance.

**MOTION:**

To allow the Health Agent to sign-off on the building permit for **838 Commercial Street** with the condition:

1. That a deed restriction for three (3) bedrooms be obtained from the Registry of Deeds with a copy provided to the Health Department.
2. That a deed restriction for the property be filed **prior** to sign-off of the building permit by the Health Agent.

KH; SK, second 5-0.

**Jonathan E. C. Rice**

New Septic Installer’s License

**MOTION:**

To allow the Health Agent to sign-off on a new Septic Installer’s License provided that;

1. The BOH and an engineer must verify all system components prior to burial of any components,
2. The installer does not bury the coarse stone or put on the top layer without an inspection and verification by the engineer and BOH,
3. The license expires after a six (6) month probationary period and will be reissued, without charge, for the remainder of the year with the approval of the BOH.

KH; SK, second 5-0.

**Gregory F. Morris**

New Septic Installer’s License

**MOTION:**

At the applicant’s request the matter is continued until the **April 13, 2000** BOH meeting.

LD; KH, second 5-0.

**Board Workshop: Administrative Consent Order/Escrow Agreements**

*MC:*

Asks the Health Agent to give brief overview of genesis of Escrow Agreement and how it is administered.

*GH:* Complies.

*KH:*

Asks if the program can be expanded to include alternative options for people in unique situations (gives as an example Chester’s Restaurant regarding plan, no plan, money in escrow instead of plan).

*GH:*

Responds that as far as administration of the escrow agreements they are stretched to the breaking point now. Not feasible to continue to grant options. (example; tracking quarterly payments).

*MC:*

What about possible creative solution for Sal’s Restaurant? (Board is referred to a letter from Jack & Laura Papetsas).

*GH:* There is nothing the Board can do without endangering the program.

*MC:* Asks if light use of restaurants should be taken into account.

*GH:* No. It is agreed to keep the program as it is.

**Discussion: Septic Installers’ Licenses**

*GH:*

Gives brief overview of new applicants coming before the Board.

**Agenda Item: Public Hearing on petitioned articles for Town Meeting.**

The Chair asks for proponents or opposed to articles.

Hearing none the BOH moves to vote on the articles.

(Letter from David Atkinson proponent of Article 24 is introduced.)

Board of Health votes on articles; see attached report.

### **Approval of minutes**

**MOTION:**

To approve the BOH minutes of **March 2, 2000.**

LD; GP, second 4-0-1

### **Health Agent's and Health Inspector's Reports**

*George Heufelder; Gives update.*

### **Board Member Statements**

*MC;*

**1. MOTION:**

To authorize the Chair to write a letter of appreciation to DPW to be sent to the Town Manager and the Board of Selectmen.

**2.** That the BOH vote for a regulation concerning the feeding of pigeons.

**MOTION:**

That the regulation concerning feeding the pigeons include the wording "do not feed the pigeons". A fifty (\$50.00) fine would be imposed per BOH.

MC; LD, second 5-0.

**MOTION:** To adjourn at 10:30 pm; KH; SK, second 5-0.