

BOARD OF HEALTH

November 2, 2000

6:30 p.m.

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.

Members Present: Mark Baker; Michele Couture, Chairman; Laura Davis; Kay Halle, and Ken Janson

Health Agents: George Heufelder (present) and Jackie Silver (excused)

AGENDA:

- I. Public Statements
- II. Old Business
 - Hearing on Proposed Sewer Regulations
139 Commercial St (cont from 9/28/00)
- III. New Business
 - 785 Commercial St (Appeal of Health Agent's decision)
 - 26 Shankpainter Road (request for title 5 variances)
 - 21 Court Street (failed septic system)
 - 178 Bradford Street (Request for Title 5 variances)
 - 32 Court Street (Request for Title 5 variances)
 - LCP Committee
- IV. Approval of minutes
- V. Health Agent's and Health Inspector's Reports
- VI. Board members' statements
- VII. Any other business which shall properly come before the Board.

The meeting was called to order at 6:34 p.m.

Public Statements: There were none.

Hearing on Proposed Sewer Regulations:

One question was raised by Sue Alcott who lives at 211½ Bradford Street. She lives next to the east end playground and wondered if she would be allowed to hook up. She was told that it was not deemed possible to allow a hook-up from that address.

There were neither proponents nor opponents to the Sewer Regulations thus:

Motion: Kay Halle made a motion to approve the Sewer Regulations as written. Mark Baker seconded the motion and it was approved unanimously.

139 Commercial Street (continued from 9/28/00)

Jamie Veara, attorney for the owner, spoke first and pointed out the long wait they had endured awaiting a decision. Mario DeGregorio, an engineer for the owner, presented next. Coastal Zone Management (CZM) has yet to make a decision on the dune and high velocity zone. Allen Cabral, the person who designed the plan for the proposed Title 5, spoke next and assured the Board that the increase of only 17 or 18 gallons in the plan was insignificant. The Board said that the rule was: a variance would be allowed for a renovation but would not tolerate increased use.

Michele Couture, the Chair, felt since the Board had already delayed their decision waiting for a resolution from CZM and since that would be given within the next few days, it would be best to wait for a final conclusion from CZM.

Jamie Veara read a letter from Mindy Baransky's attorney saying that the actual concern of Ms. Baransky was that the proposed structure at 139 Commercial Street would block light on all three floors of her building and would lower the value of her property. Robin Reid, the attorney who has been acting on behalf of Ms. Baransky, said it didn't seem fair to have Attorney Veara quote from just one paragraph of the letter regarding the loss of light, etc.

Motion: Michele Couture made a motion asking the Board to continue the case until the November 16th meeting. (There was no second to the motion.)

Kay Halle and Mark Baker were both opposed to granting a variance allowing an increase in use. The following motion was then approved.

Motion: Kay Halle made a motion to approve Plan 99428 with the condition that there be no increase in use and providing a new plan will be submitted showing the office reconfiguration which would fulfill the condition of “no increase.” Ken Janson seconded the motion and the vote was 4-in favor and 1-opposed (Michele Couture)

785 Commercial Street, Dr. Jerome Harris (Appeal of a Health Agent’s decision)

Dr. Harris wants to add additional footage which would kick in the Board regulation regarding additional 50 square feet. He said he was 80 years old and his wife was 72 years old and up to now they have been sleeping in a second-floor loft. He and his wife are having difficulty hopping in and out of the loft and this is the reason for the proposed addition. He had been told that any addition more than 50 square feet would necessitate a Title 5 installation. After hearing the case the Board decided:

Motion: Kay Halle made a motion to allow the renovation to go forward with the condition that a new Title 5 plan be submitted (not installed). Mark Baker seconded the motion and it passed unanimously.

26 Shankpainter Road, Police Station

Motion: Michele Couture made a motion to continue the case until the November 16th meeting. Kay Halle seconded it and it passed unanimously.

21 Court Street, David Nicolau presenting

David Nicolau asked to be excused from appearing because he had the flu. The Board would like the applicant to be present for the presentation.

Motion: Michele Couture made a motion to continue the case until the November 16th meeting. Kay Halle seconded it and it passed unanimously.

178 Bradford Street, Laura Schofield

Bob Schofield presented the case to the Board. Bob O’Malley also attended and said the plan was merely an upgrade of the current system. Jane Donahue of Bradford Gardens Trust worried about one facet of the plan; the placement of a vent. She was concerned about odors which might come from it. The problem was addressed in the following motion:

Motion: Michele Couture made a motion to approve Plan 09878 with the following conditions:

- 1. A charcoal vent must be installed to prevent odor.**
- 2. No further expansion of the property will be allowed.**

Kay Halle seconded the motion and it was unanimously approved.

32 Court Street, Sandra Valentine

The owner of the property appeared before the Board with a Title 5 plan. Since the property had been discussed in detail at the September 7, 2000 meeting the case went quickly.

Motion: Mark Baker made a motion to approve the plan as presented. Ken Janson seconded the motion and it was unanimously approved.

Motion: Michele Couture made a motion ordering that the septic system for 32 Court Street be installed within 30 days. Kay Halle seconded the motion and it was unanimously approved.

Local Comprehensive Planning Committee – Anne Howard had requested the meeting but through the Chair had asked for an indefinite postponement.

Motion: Ken Janson made a motion to accept the minutes of the October 19th meeting. Mark Baker seconded it and it passed unanimously.

Health Agent's Report:

George Heufelder told the Board that he will shortly get out letters to Cerutti and others who opted not to get into the sewer district. Because of their decisions, they must install their Title 5s now. George also said the sewer district has been delineated and what is not "set in stone" is how many will or will not hook-up.

Jackie Silver was excused due to illness.

Board Member's Statements:

Laura Davis wondered if Jackie had supplied the copies regarding tattooing.

Michele Couture said that Jackie had supplied it to let the Board know that it is now legal to have tattooing in Massachusetts. Michele would like to put the subject on the agenda for the November 16th meeting and plans to have workshops on it. The Board evidently has Body Piercing regulations but, as yet, none referring to tattoos. Michele said the Board would eventually have to come up with safety standards i.e., sterilization of equipment, etc. Kay Halle said it would be a good idea to make it illegal in Provincetown until further study. It was decided that Jackie will put a notice in the next issue of the Banner declaring a moratorium on tattooing and stating that tattooing will require a license. (George Heufelder will work up the wording for the ad.)

Michele asked George if Ron Hazel had responded to the letter regarding his November 2nd deadline?

Kay Halle wondered why 8 Webster Place was in the package distributed to Board members with no representation. "What is it about?" asked Kay. It was explained that 6 Webster Place has a rooming house license and they were using 8 Webster Place as an overflow without benefit of a license.

Mark Baker had no special issues to discuss.

Ken Janson wondered aloud if Cerutti's license was still in place?

George further clarifying issues which had been raised previously said that anyone in the sewer area is able to hook up if they have a failed system. If someone in this category decided to put in their own system and opt out of an escrow agreement, then they would get a full refund of the escrow. Thus far six people have asked for a refund.

Motion: A motion to adjourn was made at 8:35 p.m., seconded and approved unanimously.

The next meetings will take place on November 16th at 6:30 p.m.

Respectfully submitted,

Evelyn Rogers Gaudiano

Approved by _____ on _____
Michele Couture, Chairman date