

August 2, 2001

Members Present: Mark Baker, Duane Gregory, and Ken Janson

Member Absent: Kay Halle (excused absence)

Health Agent: George Heufelder

The meeting was called to order at 6:30 p.m.

Public Statements - There were none.

Old Business

Work Session on Information from 07/19/01 Public Hearing re: Proposed BOH Regulation Regarding Adjustments to Title 5 Flows for Expansions of Residential Properties

Motion: Mark Baker made a motion to take Old Business out of order. Ken Janson seconded the motion and it passed unanimously.

New Business

26 Montello Street - Septic system variance request

Alan Cabral presented the proposed upgrade to a Title 5. He admitted that it is a very tight lot but only requires a three-bedroom system (2 bdrms in main house and 1 bdrm cottage). George Heufelder said he had a concern regarding the cleanout areas and would strongly recommend an additional cleanout area. Mark Baker's concern was the parcel 28 lot adjacent to 26 Montello Street: "Would they have room to replace their septic once this one is installed?" Alan said they (parcel 28) already had a Title 5 on it (1992 system) and it was on the Pleasant Street side of the property so should not be affected by this installation.

The Board would like to make sure that the abutter would be notified that the installation might compromise any future installation. George Heufelder said that the goal is maximum feasible compliance with the understanding that abutters should hear all problems connected with installation. Ken Janson asked, "What about the water line?" George assured Ken that all plans are subject to the Water Department's approval.

Motion: Ken Janson made a motion to approve job # 01066 with the following conditions:

1. Water saving devices must be installed on all fixtures.
2. An additional cleanout must be installed within the vicinity of the intersection of the two sewer line pipes.
3. All of the above is subject to a review by the Water Department, especially with regard to the water line to the cottage (note: the water lines may have to be sleeved).

Duane Gregory seconded the motion and it was approved unanimously.

25 Bangs Street - Request for an extension to install Title V system.

Paul Mendes presented on behalf of his uncle, John Corea. There is a problem with the title of Mr. Corea's property and he has found a cash buyer for it BUT the cash buyer wants to rent the two family house after he buys it with the understanding that he will install a Title 5 and renovate the two family to sell in the future as condominiums. Bottom line request: Allow occupancy of the house for six months to one year with a failed wooden septic.

Mark Baker asked if the six-month extension was requested for the design of the plan or the installation? George H. advised the potential new owner that no building permit could be pulled for renovation until the Title 5 has been installed. George also advised the Board of Health that a very specific timeframe should be established.

Motion: Duane Gregory made a motion to allow the request with the following conditions:

1. The applicant has until February 2, 2002, for the completion of the installation of the new Title 5 system.

2. An alarm must be installed on the existing system by August 16th, 2001, to trigger at 80% capacity. Ken Janson seconded the motion and it was unanimously approved.

A motion was made by Mark Baker to take “any other business” out of order. Duane Gregory seconded it and it was approved unanimously.

Any Other Business

Michael Shay’s Restaurant/350 Bradford Street

A letter was received from James Turner of 11 Bradford Acres Road regarding a septic problem the restaurant was having. The letter was dated August 1st and Mr. Turner’s tenant, William Spinney, was in attendance to provide further information if necessary. The tenant testified that the odor was so obnoxious at times that he couldn’t even sit outside on his deck.

Mr. Spinney was told that a letter had been sent to the trustee of the property, Karen Katzel, and she had been given 14 days to have the necessary repairs made to the septic system. The problem stems from the risers of part of the leaching portion of the septic system having visible cracks and gaps allowing the noise of the pumping action of the system and a septage smell to escape. George Heufelder assured the tenant that a member of his office would visit the site on August 3rd to see how the repair was proceeding.

John Reis – Sanjo Development, Cap’n Bertie’s Way

John Reis (Golden Hammer) arrived at the meeting even though he was not on the agenda. It had to do with the finished room in the basement of one of his new buildings on Cap’n Bertie’s Way. The entire scenario is detailed under Health Agent’s Report in the July 19, 2001, BoH minutes.

The short remedy to the completely finished room in the basement was to remove the components of the construction that prevented the Health Agent signing off on an amendment to the building permit (i.e., removing the sheetrock, rug, and electrical outlets). John R really wanted a long-range solution and the BoH believed a deed restriction seemed to be the answer.

George said if the original building permit submitted had included the finished basement rooms the situation might have been viewed differently; however, the finished basement room involved a non-permitted activity. Therein lies the problem.

John Reis said there are three other units in his “complex” all wanting the same finished room in the basement. The solution is to require a deed restriction on all the condos prohibiting the use of the basement room as a bedroom/habitable space.

Old Business

Work Session on Information from 07/19/01 Public Hearing re: Proposed BOH Regulation Regarding Adjustments to Title 5 Flows for Expansions of Residential Properties

Mark Baker, in giving guidance on a future work session on the above mentioned proposed regulation, is leaning toward accepting Judith Oset’s offer to have the DRM look at applications coming into the department for the next 6 months to begin creating a data base for future reference (i.e., to review the plans for size of addition requested to determine if they would fall under this reg if it were in place). Also, when the town gets a new Health Inspector, Mark would like that person to look into properties that have undergone “super-sizing” during the last 1-2 years and into the next 6 months to determine if there has been any notable changes in the water usage of these properties. This would be an additional set of data that the BoH and other town boards could refer to at a future date. At the next meeting the BoH will have more discussion on this topic with input from all BoH members.

Approval of Minutes

Motion: Ken Janson made a motion to approve the minutes of the July 5th meeting. Duane Gregory seconded it and it was passed unanimously.

Motion: Ken Janson made a motion to approve the minutes of the July 19th meeting, Duane Gregory seconded it and it, too, was passed unanimously.

Other Business

Mark said he was approached by the Licensing Agent to amend the BoH tattoo regulations at some point in the future in order to include the henna/temporary tattoos. George said that the BoH should approve anyone applying anything topically to the skin. There should be guidelines (e.g., the requirement that anything applied to the skin must have it's MSDS sheet filed with the BoH prior to use) and informational handouts about the procedure to do this. In addition, it was suggested that these handouts should be given to the police to pass out to henna/temporary tattoo businesses to let them know of any restrictions and/or licenses required in order that they may pursue their henna/temporary tattoo stamping. A tattoo amendment might include anything applied to the skin. George further said that a local BoH regulation doesn't have to have a by-law.

Health Agent's Report

George gave a report on 443 Commercial Street: There has been some collapsing of their cesspool. They are in the wastewater district and now have entered into an escrow agreement with the town.

George also informed the group that he attempted to close the Beachfront Condo pool because of what he considered serious infractions of pool safety. The violations were not new. The drain at the bottom of the pool didn't have a cover over it (this omission is a common cause of drowning for children; they get sucked onto the bottom due to the recirculating pump and can't escape). Also they had no self-latching gate into the pool or phone nearby. The problems found probably reflect many of the same problems that could be found with many of the public and semi-public pools in Town. George felt inspection of these problems should be made a high priority of the Board of Health and the next Health Inspector. Next year, he suggested, maybe the BoH could mail out things to pool owners and state emphatically what pools need (e.g., the three items mentioned above).

Board Members' Statements

Ken Janson requested an update on the pool at 31 Off Cemetery Road. Pat White, the new BoH secretary, said she believed that Judith Oset had recently located and contacted the owner and that the situation will be remedied. Also, changing subject, Ken said, as he reads the proposed Growth Management Bylaw, it seems to give the Health Agent a lot of power and he, personally, is comfortable with that. George cautioned that every time you get a Bylaw that seems to solve a problem, people begin thinking up creative ways to get around it.

Duane Gregory is curious about the loss of water the Town suffered during the past week due to the water main break at the Truro/Provincetown town line. Any discussions? GH has had no discussions with anyone. It's on Truro's side of the line. Mark wondered how the workers put such a gash in a water line? Didn't they consult Dig Safe before they began using machinery to dig? Ken's question was more pragmatic, "Who pays?" Ultimately, the town will probably be compensated in some way by the agency responsible for the damage.

Mark Baker had nothing specific to report except that he and the Health Agents are working through Michele's follow-up list. He understands that 202B Bradford will be going to court and asked George to follow-up on that case. Also Mark has given his corrections to the BoH Regulations to Pat White and she will be updating those to include the comments (if any) by Town Counsel/Kopelman & Paige on the tattoo regulations. George is still working on the "Policies and Procedures" section. When the regs are updated they will be brought back to the BoH for final approval.

The meeting adjourned at 7:50 p.m.

The next meeting will take place on August 23rd at 6:30 p.m.

Respectfully submitted,

Evelyn Rogers Gaudiano

Approved by

on

Mark Baker, Chair

date