

Board of Health

November 1, 2001

Members Present: Duane Gregory, Kay Halle, and Ken Janson

Member Absent: Mark Baker (excused absence)

Health Agent: George Heufelder

Health Inspector: Patricia Pajaron

The meeting was called to order at 6:35 p.m.

Public Comments

There were none.

Discussion

Massage Therapist, Jani Smith

Pat Pajaron said everything in Ms. Smith's paperwork was in order. Ms. Smith submitted a required test result on health and told everyone that she will work at the Provincetown Gym.

Motion: Ken Janson made a motion to approve the massage therapist license for Jani Smith. Duane Gregory seconded the motion and it was approved unanimously.

LCPIC Matrix Discussion/Review

Ken Janson made a motion to put the LCPIC review at the end of the agenda. Duane Gregory seconded it and it passed unanimously.

Old Business

290-296 Commercial Street

Failed Title 5 (continued from 9/6, 9/20, 10/4, 10/18)

George Heufelder presented the case stating that the septic system (involving 4 properties) is in failure. William Rogers, II, the engineer working on the case told George H. that soon he would be contacting all the owners to plan a "flush party" so he can see where the septage is coming from. The failed system has been alarmed to trigger at 80% and is tightly monitored. Kay Halle, the acting chair of the meeting, wondered if a paper trail is being kept of alarm warnings, pumpings, etc; Kay wants records kept on the situation.

One of the home owners involved, Emily Marx, wanted to know why the entire research and cure is taking so long. She cited that at the meeting of September 6th, Mr. Rogers said he'd do research on the problem and come up with a solution. Now, Ms. Marx continued, two months have gone by and we are still at the same point? When, she wondered, is there going to be a resolution? After a bit more discussion, Emily Marx felt satisfied that her concerns were being addressed.

George Heufelder countered by telling the Board that it was within their prerogative to place an emergency order on this but he felt it was proceeding in an acceptable fashion, given the fact that there have been no discharges and prompt attention is being paid to the alarm and subsequent pumping. Ms. Marx was also told that the water bills will be sent out soon and if the fault is a potable water leak, the evidence will soon be forthcoming.

25 Winthrop Street Title 5 variances (continued from 9/20, 10/4, 10/18)

Carla Anderson and Dotty Mulcahy, the owners, mailed in a request for another continuance. They are having difficulty getting in contact with William Rogers, II.

Motion: Ken Janson made a motion to continue the case until the next Board of Health meeting on November 15th. Kay Halle seconded the motion and it was passed by all.

301 Bradford Street Title 5 variance (continued from 10/18)

Motion: Ken Janson made a motion to continue the case until the next Board of Health meeting on November

15th. Kay Halle seconded the motion and it was passed by all.

New Business

102 Bradford Street – Gabriel’s Amended septic system – discussion

Prior to the meeting, Mary Jo Avellar (the abutter living at the Advocate Building located at 100 Bradford Street) said she had no objection at all to the proposed septic system. The proposed update will not comply with Title 5 regulations because the septic system will be right on the property line. Ownership of yet another abutters land is still in question and a signed statement providing proof that the Advocate Building is neither the owner of the land in question nor has any objection will be placed into the file. It is important to note that this property is on line to hook into the sewer system in the near future.

128A Commercial Street Septic system dome collapse – update & discussion

Raymond Peloquin, owner of 128A Commercial Street presented on his own behalf. He had called Warren “Pinky” Silva who assured him that there is no raw sewerage coming from his existing system. The Health Agent had looked at it and said there was no problem due to the impending hook up to the sewerage system. Mr. Silva said the collapsed dome was not hooked up to the house. The Board agreed that they need to have “Pinky’s” findings documented.

Motion: Kay Halle made a motion instructing George Heufelder to contact Warren Silva to verify that the cesspool at 128A Commercial Street is not operational, and poses no threat to health and/or safety. If that fact is verified then no further action will be needed. Ken Janson seconded the motion and it was unanimously approved.

26 Bayberry Avenue - Appeal of Health Agent’s Determination

James Balla, owner of 26 Bayberry Avenue, presented on his own behalf. George Heufelder explaining the case, said the Board of Health is asked to sign off on the property and George determined the proposed addition could be interpreted as a bedroom thus putting it into the Growth Management queue. Mr. Balla said he built house 10 years ago and he works in the basement. The proposed room will be off the basement and he just wants more space to work.

George Heufelder said if the BoH allows this addition it would be allowing increased flow to a non-conforming system. An involved discussion ensued with the following motion being passed.

Motion: Ken Janson made a motion to authorize the Health Agent to sign off on the building permit with the following finding:

Finding that the room is entered into from a non habitable area and providing that it will not be supplied with heat, thus can never be used as a bedroom, a registered deed restriction limiting the home to 3 bedrooms must be filed prior to picking up the building permit. Duane Gregory seconded the motion and it was passed unanimously.

Any other business that shall properly come before the Board

George Heufelder had one issue and felt it belonged under “Any Other Business” rather than under his statements. He received an application for 351A Commercial Street. A determination of the number of bedrooms had been requested by the owner. The owners are going to renovate the building and will probably come before the Board in the near future.

Approval of Minutes

Motion: Ken Janson made a motion to approve the minutes of the October 18th meeting. Duane Gregory seconded the motion and it was approved unanimously.

Health Agent’s and Health Inspector’s Reports:

George Heufelder informed the Board that everything is going along well and he had nothing to report. He was questioned about the Town Manager’s answer to a question in regard to the proposed new manor. Mr. Bergman said the new manor would be hooked up to the sewer system and one of the Board members wondered about that statement. George assured the Board that there had been a flow assigned to Town buildings and the proposed new manor would come under the category of municipal usage.

Patricia Pajaron told the Board that she had been notified repeatedly of individuals using the municipal barrels for disposal of rubbish. She informed the group that on November 2nd she had a mailing going out to over 700 businesses stating that they must show proof of having their own private rubbish haulers or they will not be relicensed. Kay Halle

thought that maybe a note going to the Provincetown Business Guild, as well as the Chamber of Commerce might also be in order. Kay also said that guesthouses which have owners living on the premises are allowed 2 barrels (32 gallon containers) per week and do not have to have a private hauler. Kay further elaborated saying that licensed businesses that generate high volumes of trash i.e., restaurants, need proof of haulers. Kay further said the letter might be viewed as a rather heavy approach.

Discussion on LCPIIC Matrix

Mark Baker had put comments on his matrix developed by the Local Comprehensive Planning Implementation Committee. After a bit of discussion on everyone's conception of the matrix, the following consensus was arrived at: The Natural Resources section should come under the purview of the Board and should be the thrust of the Board's attention.

Board Member's Statements:

Duane Gregory attended the October 31st combined meeting of the Planning Board and the LCPIIC. Condensing the two hour meeting she said that water and sewer spikes occur in the summer and the focus was in defining what growth is and how the entire method of growth is coming around to affordable housing issues. Also, she told the group that David Guertin, head of the DPW, affirmed that potable water is still a problem.

Ken Janson had nothing specific to add.

Kay Halle had thoughts about henna tattooing. She said the Board should begin compiling data for henna tattoo regulations and then submit them to the West End Salon, as promised, for their review and input. Also she queried whether anyone wanted to go forward to remove variances on tobacco. It was announced that The Squealing Pig and Napi's no longer allow smoking in any part of the restaurant.

Kay announced that she may be absent at the next meeting on November 15th.

The meeting adjourned by popular demand at 7:47 p.m.

The next meeting will take place on November 15th at 6:30 p.m.

Respectfully submitted,
Evelyn Rogers Gaudiano

Approved by

_____ on _____
Kay Halle, Acting Chair date