



Town of Provincetown

Meeting of the

BOARD OF HEALTH

Thursday, July 17, 2014

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

Board Members Present: Mark Phillips, Chair, Ken Janson; Laurie Delmolino, Vice Chair; Dr. Janet Whelan (arrived late); Steven Katsurinis, Alternate

Board Members Absent: Elizabeth Williams

Other attendees: Brian Carlson, Health and Environmental Affairs Manager and Morgan Clark, Public Health and Safety Officer

Recording Secretary: Susan Leonard

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

I. Public Comments:

Sherry Brec and Elizabeth Brooke, members of the Animal Welfare Committee, introduced themselves to the Board explaining that they were present to hear the upcoming discussion of “Doggie Dining” regulations by the Board and would gladly answer any questions.

II. Old Business:

a. Continued Discussion of Changes to the Tobacco Control Regulations

Discussion:

Mr. Phillips informed the public that the discussion of the Tobacco Control Regulations is being continued to a future meeting because pertinent material the Board requested is not yet available.

b. Discussion with Deputy DPW Director Eric Larsen

Discussion:

Mr. Larsen appeared before the Board to discuss the question of the hours of operation of the Town Transfer Station. He explained that an ideal operating schedule of 7 days a week at the transfer station would result in an operating budget increase of \$70,000 to \$87,000, which is not economically feasible. The data of commercial hauler revenue and public revenue shows slow days of Wednesday, Thursday and Friday. It does make sense not to be open on days when operations are not at a high level. The union also has to be considered.

Mr. Phillips reminded Mr. Larsen that the issue of Transfer Station hours was raised at the Annual Town Meeting and the Town Manager stated that the Board of Health would take a look at it. In the Fall the Board will have a public hearing on it. Perhaps, by that time, the DPW will be prepared with the information needed to discuss whether it makes sense to change the hours or not.

Mr. Janson asked Mr. Larsen what the spike of usage is due to on certain days as shown on the graph of the Transfer Station that he prepared. Mr. Larsen replied that some days commercial haulers make two trips. Jimmy Roderick is on a set schedule, however. It would be ideal to install a traffic-monitoring device to account for total use, including household non-fee based usage. It would be nice to have a years worth of data.

Mr. Katsurinis suggested that an analysis of the cost effectiveness of being open each days would be helpful to understand the utilization of the facility. There is also the public service need to be met in order to be able to drop off trash Sunday or Monday. Could the facility be open for partial days?

Mr. Larsen replied that he is not against being open on Sundays, but he needs the data to support it. If it provides an increased public service and improves operations it would be even better. It may require staff retraining.

c. 269 Bradford Street -Title 5 Variance Request Upgrade

Discussion:

Dave LaJoie from Felco Engineering appeared before the Board. He explained that at his first meeting with the Board the abutters to the property had various concerns with the proposed Title 5 plan. He spoke with the property owner, Ms. McCarthy and she is now willing to install the system behind the building between the two dwellings. This would now require just two variances: one 5' set from the septic tank to the cellar wall and one 18' set back from leech area to the cellar wall. We will install a new retaining wall along the easterly side.

Brian Carlson explained that the previous plan had more variances. This plan now has just two variances to the actual structure and not the property line. After speaking with

the Sewer Department, he has determined that the sewer in this part of town is on hold. The minimum requirement is for a two-bedroom system, but Mr. Carlson recommended a deed restriction of one bedroom for the property. The abutter's representative, Robert O'Malley is satisfied with the redesign.

Motion: *To approve the variances, as presented, for 269 Bradford Street and to also limit by deed the property to one bedroom.*

Motion: Laurie Delmolino

Seconded: Ken Janson

Vote: 5 – 0 – 0

d. 14 Off Conwell Street – Estate of Helen Grace Title 5 Variance Request

Discussion:

Mr. Carlson informed the Board that this is an upgrade to an existing cesspool. The design is for three bedrooms/ 330 gallons per day. The project had been approved by the Conservation Commission on July 15, 2014. The Sewer Department has stated that the sewer will most likely not be servicing this part of town. The leaching field will have to be elevated approximately four feet above grade because of the distance to ground water. There are three variances from Title 5 regulations and two variances from local regulations.

Mr. Carlson explained that the Conservation Commission discussed extensively the variances because of the proximity to wet lands. It is not a State wetland; it is an isolated vegetated wetland. The existing cesspool is currently in ground water; the proposed system will obviously help the environment. The best option would be the sewer, but it is not available. The best solution is to upgrade the system.

Mr. Edward Boxer, represented the Estate of his mother Helen Grace and was accompanied by Mr. LaJoie, engineer, who was present to answer any questions the Board might have.

Mr. Janson asked him why there was not a nitrogen removal system. Mr. LaJoie said the cost is substantial, \$10,000. The elevation of the leaching field should be adequate to address the nitrogen issue.

Mr. Phillips asked Mr. Carlson how many systems in town were elevated systems. Mr. Carlson stated that it is not a variance to have a raised system. There are a few in town in the East End.

Mr. Katsurinis asked how great is the risk of contamination of the wet land without a nitrogen removal system and how effective the nitrogen removal systems are. Mr. Carlson replied that by maintaining the distance from ground water with a raised

system it should be adequate to protect the ground water. Mr. LaJoie stated that the nitrogen removal systems are very effective, but very expensive.

Motion: *To approve the variance request, as presented, for 14 Off Conwell Street.*

Motion: Ken Janson

Seconded: Dr. Janet Whelan

Further Discussion:

Steve Katsurinis stated that he is uncomfortable with the proximity of the system to the lot line. The Board previously has not approved a variance that was the same distance. He does not know enough about nitrogen removal systems to approve this.

Vote: 4 – 1 – 0

d. 353 – 355 Commercial Street – Grease Trap Waiver

There was no one present to represent the property.
The agenda item will be postponed to the next meeting.

III. New Business

a. Discussion - Sump Pump Discharge at the Property Located at 265 – 267 Commercial Street

Discussion:

Mr. Carlson explained that he had received a complaint that the sump pump leaching bed from this property, Way Downtown Restaurant, was overflowing onto the beach. He contacted the property owner and Roto Rooter and was told that the pipes had been cleaned out. He has inspected it several times after the fact and it is still overflowing. Although the property owner willingly addressed the problem several years ago, it has been an ongoing problem. The system is not operating properly and needs to be redesigned because of the amount of ground water entering the building. Mr. Carlson inspected the site again with the owner, Judy Cicero, and she has agreed to make the upgrade, but she has requested that she be able to do it in the Fall so that the restaurant operation is not disturbed. Mr. Carlson added that the design would have to be approved by the Conservation Commission. There is no way to direct the water off her property. It may have to be directed onto town property. Groundwater is an issue in many places in town especially in this area. Mr. Carlson mentioned that an abutter had expressed concern about the problem, but was not present at the meeting.

Motion: *That the Board orders Ms. Cicero to correct the storm water leaching bed overflow by October 15, 2014.*

Motion: Mark Phillips

Seconded: Steven Katsurinis

Vote: 5 – 0 - 0

b. Local Board of Health Grant

Ms. Clark informed the Board that there is no grant to review.

c. Dog Dining Agreement Review

Discussion:

Morgan Clark mentioned that at a previous meeting the board had reviewed the “dog dining” agreement and discussed what about it did not work well and which aspects of it could be improved upon. She had been directed by the board to design an informative placard for restaurant patrons. She designed a placard for employees, as well. She tried to simplify it as much as possible.

The Board will look over the placards and discuss it at the next meeting.

IV. Any Other Business That Shall Properly Come Before The Board

Mr. Phillips announced that Betty Williams has asked for a leave of absence for two months for health reasons. Ms. Clark stated that she would be forwarding information to Betty during her absence and making note of any comments that she might have.

V. Approval of Minutes - March 6, 2014, March 20, 2014 and April 17, 2014

Discussion:

Mr. Phillips mentioned that he March 6, 2014 minutes omitted Steve Katsurinis. He was neither listed as present nor absent. Mr. Katsurinis stated that he was absent. Also, Mr. Larsen’s name had been spelled incorrectly. Morgan Clark will correct the errors.

Motion: *To approve the minutes for the meetings of Thursday, March 6, 2014, March 20, 2014 and April 17, 2014 as amended.*

Motion: Ken Janson

Seconded: Laurie Delmolino

Vote: 5 – 0 – 0

VI. Health Department Report

Mr. Carlson informed the Board that he recently had a conference call with the grease watch company along with the DPW Director and the Wastewater Treatment Plant manager. They have been granted access to on-line monitoring of the grease monitors in town. It will give a better picture of how it is functioning.

Ms. Clark stated that the rental certificate program is booming and she has been doing a lot of inspections.

Ms. Delmolino asked who approved the letter to rental property owners. Mr. Carlson replied that he drafted the letter and it was approved by the Town Manager and the Licensing Agent before it was sent. They are considering rewriting the letter. The data base used for the letter was for property owners who own more than one unit. It was presumed that the non-owner occupied units were being rented.

VII. Board Members' Statements

Mr. Katsurinis thanked staff for considering rewriting the letter. The comments he received were from property owners who thought that their neighbors had “turned them in”. It created some needless concerns. He added that inspecting rental properties is very important. He hopes in the future that the letter would be more of an exchange of information for property owners.

Adjournment:

There being no further business, Mark Phillips adjourned the meeting at 4:55 pm.

Respectfully submitted,

Susan Leonard

Approved by _____ on _____, 2014