

Board of Health
June 17, 1999, 7:05 p.m. due to lack of quorum.
Adjourned: 10:00 p.m.
Caucus Hall

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.

Present: Anne Howard, Chair; Kay Halle, Michelle Vodopia
George Heufelder, Health Agent, Jacqueline A. Silver, Health Inspector
Absent: Michele Couture, Karen Lucas

I. Public Statements

None forthcoming.

Kay declared conflict and sat on decisions with no objections (rule of necessity) by 2 applicants.

II. Public Hearings

A. 2 Bradford Street, West End Cottages
Camps, Cabins and Motels License

Motion:

To approve the 1999 Camps, Cabins & Motel license for **2 Bradford St.** with conditions;

1. That **only** the finished unit may be rented,
2. That sign-off is approved after the second unit is completed.

MV; KH, second 3-0.

B. 481 and 493 Commercial Street, Maguire/Gordon, Inc.
Camps, Cabins and Motels License

Motion:

To approve the 1999 Camps, Cabins & Motel license for **481 and 493 Commercial Street.**

MV; KH, second 3-0.

III. Old Business

A. 226-228 Commercial Street, Vorelli Realty Trust
Consent Order discussion

5 bedrooms – 550 gpd

100 seats – 3500 gpd

Total - 4050 gpd. design flow; 20 times greater than actual water use.

E. Veara, representing;

Concerned with;

1. Amount of Money required to pay,
2. Paragraph 11 of consent order implies all will be used (assessed in adv. \$105,300.00)
3. Paragraph 12 of consent order; thinks amount should be more reflective of what actual cost should be,
4. Disputing actual gallons vs. plan design gallons on which consent order is based.
5. Why not deal with actual flows and then actual installation cost?

BOH;

The equity of design flow;

1. Took in the seasonableness of some properties,
2. The “potential” use of the property,

DEP accepted \$26.00 as the low cost of the repair, value ranges \$24 to \$30 by facilities planner.

E. Veara;

Will seek to change language of Paragraph 11.

Wm. Rogers, II, PE;

Says plan dated 1996 is a system that DEP will not allow.

IV. New Business

A. Kristin Hurd

Massage License

Motion:

To approve Kristin Hurd for a 1999 Massage Therapist license.

KH; MV, second 3-0.

B. Aza Zzvonchui

Massage License

Motion:

To approve Aza Zzvonchui for a 1999 Massage Therapist license.

KH; MV, second 3-0.

C. William Johnson

Massage License

Motion:

To approve William Johnson for a 1999 Massage Therapist license with the condition;

1. **No** sign-off until a certificate of hours passes is produced to the Health Inspector.

MV; KH, second 3-0.

D. Mercedes Calleros

Appeal regarding Massage License

Withdrawn based on lack of number of hours and other missing requirements.

E. 872 Commercial Street, James M. DeWitt

Title 5 Variance request (*FELCO, Inc.*)

Voluntary upgrade, plans for future of house.

Joan Pisani;

Has workable cesspool, if he would sell, would he have to upgrade?.....*no, cesspool would pass, however, easement would be needed as is on 2 lots.*

Arthur Geltzer, (pcl. 45);

◆ Problems with well in abutting garage...not represented.

◆ Problems with cesspool (abutter)...not represented.

◆ Feels installing will make area more congested and is unnecessary to grant with variances.

BOH;

◆ Survey for wells.

◆ Easement for filling cesspool on pcl. 43.

◆ Deed restriction.

Motion:

To continue until the **August 5, 1999** meeting.

KH; MV, second 3-0.

F. 412 Commercial Street, Leona Egan

Title 5 Variance request (*FELCO, Inc.*)

Motion:

To approve Plan No. 98343 dated 5-18-99 by FELCO, Inc. for **412 Commercial Street** with the condition;

◆ **any** discharge to the ground surface the septic system use must cease immediately and not continue without the express permission of the BOH.

KH; MV, second 3-0.

G. 42 Bradford Street, Meadows Realty Trust

Request for additional dwelling unit

Motion:

To allow the Health Agent to sign the building permit for **42 Bradford Street** to allow the return of the 3rd bedroom with the condition;

1. That a satisfactory septic system inspection be conducted **prior** to release of the building permit.

KH; MV, second 3-0.

H. 303 Commercial Street, Phyllis Schlosberg

Flow calculations

E. Veara representing;

Asking, 115 theater seats @3 gpd = 345gpd.
49 restaurant seats @35 gpd = 1715 gpd.
Total = 2060 gpd.

This is a reduction than the actual.

Water use; 1995 = 255,000; 1996 = 273,000; 1997 = 223,000; 1998 = 206,000

BOH;

- ◆ No food service upstairs.
- ◆ DEP conditions be met and adhered to dated March 27, 1992.

Motion:

To allow the flow calculations indicated and to allow sign-off of the change of use to 115 fixed theater seats (not withstanding the building department's requirement for square feet allowance) fixed and 49 restaurant seats downstairs with the condition;

That beginning on 6-25-99 to 6-29-2000 the DEP conditions dated 3-27-92 be met;

1. The establishment shall be limited to one hundred (100) restaurant seats.
2. Flow from this establishment or any succeeding establishment shall not exceed 1370 gallons per day (gpd).
3. Daily water meter readings shall be required.
4. Prior to the issuance of the Disposal Works Construction Permit, the water meter shall be calibrated and shall be calibrated on an annual basis thereafter with certified results submitted to the Board of Health. Said calibration should be conducted in accordance with the standard practices of the Provincetown Water Department and the manufacturer's specifications.
5. The biological oxygen demand (BOD) loading on the proposed system shall not exceed 1.7 pounds of BOD per day.
6. Weekly BOD sampling and analysis of the septic tank effluent by a Massachusetts state certified laboratory should be required. The sample shall be a composite sample taken over the establishment's peak operating hours as determined by the Board of Health, and the sample location shall be between the septic tank and the leaching system. All sampling and testing shall conform to the most recent edition of Standard Methods for the Examination of Water and Wastewater.
7. During the peak summer season daily water meter readings and BOD test results shall be submitted to the Board of Health weekly.
8. If monitoring results show that the establishment has exceeded the flow limit or the BOD loading limit for more than two (2) days in any week, further reductions in seating will be required. The extent of such reductions shall be prorated based on the monitoring results.
9. The testing schedule shall remain in effect for a full year from the date of the Board of Health issued Certificate of Compliance. After this time, the applicant may request Departmental review of the testing requirements. Adjustments to the testing schedule and capacity restrictions may be considered at this time as the Department sees fit.
10. Nothing in this approval is intended to interfere with the Board of Health's authority to inspect the system or to impose conditions of its own on the operation, maintenance or monitoring of this system.

MV; KH, second 3-0.

I. 1A Winthrop Street, Michael Valenti

Discussion of building upgrade and system design

No closer than 5 foot sideline variance and provide floor plans.

J. 78A-80 Bradford Street, Crowne Pointe Realty Trust

Appeal of the Health Agent's decision

Applicant withdrew.

V. Approval of minutes

To approve the minutes of June 3, 1999 as presented.

KH; MV, second 3-0.

VI. Health Agent's and Health Inspector's Reports

G. Heufelder;

- ◆ 5 Webster, court complaint to be filed **6-18-99**.
- ◆ Wastewater public meeting set for **6-23-99 at 5pm to 10 pm**.

K. Silver;

- ◆ Twomey's is coming to the next meeting.
- ◆ Redoing septic letter to correct typos.
- ◆ Café Maria does have common victualer.

VII. Board Member Statements

- We need to notify FELCO, Inc. that the BOH meeting is scheduled for **Aug. 5**, as we have no meeting on **7-29-99**.

Michelle V; Did Dandy Dinger get refuse regs/letter?.....no.

Kay H;

- **Motion:**

To have the BOH chair write a letter to the BOS regarding the revision of the trash regulations; specific Article 5.

KH; MV, second 3-0.

Time sensitive in order for the BOH to hold a public hearing.

- Issue with Bubala's? How many seats? The plan says 162 seats.
- Jacki to go past 183-186 Commercial Street to follow-up and report to Annie.

VIII. Any other business which shall properly come before the Board

Annie H;

Poop scoop bags – who fills them? Do we have more bags?.....no.

BOS discontinued.

Please send memo regarding water.

- **Michelle V. will not be here July 8, 1999.**
- Annie; letter to Attn. Veara regarding the Post Office Café and motion.