

**Board of Health**  
**December 27, 2001**

**6:30 p.m.**

**Members Present:**     **Mark Baker, Duane Gregory, Kay Halle, and Ken Janson**

**Health Agent: Sean O'Brien**

**Health Inspector: Patricia Pajaron**

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

**Public Comments**

There were none.

**Discussion**

**Massage Therapist License Fees**

There was a discussion concerning the fees for a massage therapist. There is a discrepancy between the license application and the Board of Health regulations. The latter state that there is a \$25.00 license fee and the former states that the license is \$25 and the application fee is \$30.00, for a total due of \$55.00. The Board agreed that it needed to be clarified that both an application fee of \$30.00 and a licensing fee of \$25.00 need to be paid. It was then suggested the Board of Health regulations concerning this should read, "See Attached Fee Schedule."

**Proposed Swap Shop Rules & Regulations, Sandra Turner – DPW**

Ms. Turner presented a report on the status of the Swap Shop at the Transfer Station. The Board then questioned Ms. Turner on the topics of how to identify residents of Provincetown, hours and days of operation, staffing and what items would be accepted. The Board will advertise for a Public Hearing concerning the proposed Swap Shop regulations.

Ms. Turner then mentioned that the DEP had temporarily closed Ducky Noones' pit in North Truro because he was not licensed by the DEP. She said that if it is closed permanently, it will negatively affect both the Provincetown and Truro Transfer Stations and, in addition, will raise the prices that residents of those towns pay the small haulers to dispose of their trash. She suggested that the Board write a letter in support of Mr. Noones. The Board said it would take the situation under advisement, and asked Ms. Pajaron to get from Ms. Turner copies of any and all letters of support to the DEP regarding the situation.

## **Old Business**

### **0 Conway Street - Review of Complete Title V Plan**

William Rogers and property owner Alfred Sioholm were present. Mr. Rogers stated that the tank is in place at the property and there is a polyethylene barrier present between the water main and the leaching field. Sean O'Brien recommended approval of the Title V plan with two conditions:

- That there is no increase in habitable space; and
- Water-saving devices will be installed.

**Motion: Kay Halle made a motion to approve Plan P-01-1751 with two conditions - that there be no increase in habitable space, and that water-saving devices be installed. Ken Janson seconded the motion and it was approved 4-0-0.**

### **139 Commercial Street**

This case is postponed until January 3, 2002, pending a meeting on that date, otherwise it will be continued to January 17, 2002.

### **24 Race Point Road**

Applicants asked for a continuance until January 3, 2002, pending a meeting on that date, otherwise to January 17, 2002.

## **New Business**

### **82 Bradford Street/Crowne Pointe – New Camps, Cabins & Motel License**

This case is postponed until January 17, 2002, in order that it may be advertised properly.

### **26 Tremont Street – Title V Variance**

William Rogers presented the case for a Title V variance. Two Board members, Duane Gregory and Kay Halle, disclosed that they are abutters to the property. No one had any objections to their sitting on the case. The septic system on the property collapsed in the summer, and Mr. Rogers presented the details of the design for the new system. There will be a tank/pump system put in and the variances requested are:

- The septic tank/pump chamber be less than 10' from the property line;
- The chamber be 10' from the basement slab; and
- Allowance for a 25% reduction in the leaching field.

Sean O'Brien said he was OK with the variances under the local upgrade approval regulations, but would add that the dwelling be deed-restricted to five bedrooms because of the 25% reduction in the leaching field. He added that the two further conditions of no increase in habitable space and the installation of water-saving devices should also apply.

**Motion: Mark Baker made a motion to approve Plan P-01-1746 with the following conditions:**

- **There is no increase in habitable space;**
- **Water-saving devices will be installed;**
- **The property will be deed-restricted to a five-bedroom dwelling.**

**Duane Gregory seconded the motion and it was approved 4-0-0.**

## **29 Tremont Street – Title V Variance**

William Rogers presented the case. The property line runs down the middle of the driveway so the tank had to be moved to the west. It will be a gravity system. There is a well located in the northeast corner of the property. The variances requested are:

- Soil absorption system is less than 10' from the property line;
- Soil absorption system is less than 10' from the crawl space;
- Allowance for the drain lines to be greater than 36" below grade (also a DEP variance).

Sean O'Brien questioned Mr. Rogers about the water service. Mr. Rogers stated that the waterline will be east of the septic tank. Mr. O'Brien is satisfied with the plan. The Board further questioned Mr. Rogers about whether the waterline will be sleeved or not and he replied that it would be and that it would be 10' from the soil absorption system. The Board then asked to have a certified "as built" plan for the system.

**Motion: Mark Baker made a motion to approve Plan P-01-1744 with the following conditions:**

- **There is no increase in habitable space;**
- **Water-saving devices will be installed;**
- **The waterline will be sleeved and relocated 10' from the S.A.S.; and**
- **The applicant will produce a certified "as built" plan showing the rebuilt waterline.**

**Ken Janson seconded the motion and it was approved 4-0-0.**

## **Any other business that shall properly come before the Board**

No other business was brought before the Board.

## **Approval of Minutes**

**Motion: Ken Janson made a motion to approve the minutes, with changes, of the November 29, 2001 meeting.**

**Duane Gregory seconded the motion and it was approved 4-0-0.**

**Motion: Ken Janson moved to approve, with corrections, the minutes of the December 6, 2001 meeting. Kay Halle seconded and it was approved 4-0-0.**

## **Health Inspector's and Health Agent's Reports:**

### **Patricia Pajaron – Health Inspector**

There was an inspection of the A&P premises, and improvements had been made since the last inspection:

- The back delivery doors were repaired;
- The refrigeration is working properly;
- The warehouse in the back of the building is less cluttered;
- The A&P corporate headquarters will put up a barrier to prevent birds from roosting in the false dormers; and
- The front doors into the foyer and the main store were fixed so that they open at different times.

There was a discussion among Ms. Pajaron, Sean O'Brien and the Board concerning the A&P and the improvements at the store. Weekly inspections on various days of the week will continue. Ms. Pajaron also stated that she was busy at this time with restaurant inspections, a dog that had bit someone was currently in quarantine, and that there were two restaurants -- George's and Fanizzi's -- that still are not in compliance with Board of Health regulations due to the lack of a ServSafe training certificate. The Board has given both restaurants until January 31<sup>st</sup> to comply, and Ms. Pajaron cannot sign-off on the licenses until they are in full compliance.

### **Sean O'Brien – Health Agent**

There may be a short Board of Health meeting on January 3, 2002 that would include the **139 Commercial Street** continuance, the **24 Race Point Road** continuance, and the appearance of Susan Culligan concerning **306 Commercial Street**. **24 Winthrop Street** withdrew their application. It is also possible that there will not be a meeting on January 3, 2002, but that all continuances would be postponed until January 17, 2002.

## **Board Member Statements:**

**Kay Halle:** Kay expressed concern that the refrigeration units at Cumberland Farms on Bradford Street were out of service when she was in there recently. She questioned Pat Pajaron about the establishment, and a discussion amongst the Board members followed. Ms. Pajaron volunteered to inform Cumberland Farms that they would need to post a sign concerning any future refrigeration outage, and pull any items for sale that might adversely affect the public's health.

**Ken Janson: No comments.**

**Duane Gregory:** Duane had a question concerning 202B Bradford Street. Sean O'Brien replied that the previous Health Inspector had never followed up on the situation and that he, Sean, would deal with it.

**Mark Baker:** Mark stated that there were copies of two letters in the Board of Health file. One was to Susan Culligan asking her to appear on January 17, 2002 to address the pumping of the septic system on her property. The second letter concerned 45 Cap'n Bertie Way. There was discussion amongst Board members concerning this letter, the history of the septic system, the new retaining wall on the property and the fact that there is ongoing litigation concerning it. Mark also asked Sean O'Brien if he would call Clara Mueller concerning 4 Commodore Avenue; Sean stated that he would investigate her complaint.

**Motion:** Kay Halle made a motion to adjourn the meeting, Duane Gregory seconded and it was approved 4-0-0.

The meeting adjourned at 7:45 p.m.

**The next meeting will take place on January 3, 2002 at 6:30 p.m.**

Respectfully submitted,  
Ellen C. Battaglini

Approved by

\_\_\_\_\_ on January 2, 2002.  
Chair date