

Board of Health Meeting Minutes

February 3, 2005

1:00 p.m.

Members Present: Mark Baker, Dan Brown and Duane Gregory

Members Absent: None

Health Agent: Jane Evans

Health Inspector: Patricia Pajaron

AGENDA

The meeting was called to order at 1:00 p.m.

Public Comments

There were none.

Old Business

29 Pearl Street-Title 5 Variance

Applicant was represented by Jason Ellis. Same as previously approved plan with the addition of a polyliner flow barrier to address concerns of abutters and stamp by licensed land surveyor. Jacqueline Sperry and Nancy Ross were present as abutters on parcel #54 and expressed their concerns which were focused around their being protected if their property was damaged in any way. Photos and plan of their house were presented. They requested a surety bond/certificate of indemnification from applicant and representative. Applicant Laura Teodosio stated that she spoke with her lawyer, and he said that usual procedure would be for engineer and construction company to carry liability insurance. She also noted that construction is very close to her house as well and that she will be taking special care in choosing an installer. It was noted that a surety bond would go above and beyond that coverage.

Motion: Mark Baker made a motion to approve revised plans dated December 20, 2004 with the following 3 conditions: (1) That a deed restriction be filed limiting the property to 4 bedrooms, (2) that contractor be required to post a surety bond specific to parcel #54 for work prior to commencement, (3) that a pre-construction conference between contractor, property owner, Parcel #54 abutters and Health Agent occur prior to construction so that all involved understand construction details prior to work starting. Duane Gregory seconded and it passed 3:0:0.

New Business

Motion: Duane Gregory made a motion to take Michael Anderson's application out of order. Dan Brown seconded and it passed 3:0:0.

Michael Anderson-New Massage Therapy License

Pat Pajaron recommended granting license. Mark Baker noted that applicant's insurance expires October 2005, and reminded him that should he wish to continue practicing past October, that insurance must be renewed. Mark also reminded the applicant that outdoor massages are prohibited in Provincetown.

Motion: Dan Brown made a motion to approve an LMT license. Duane Gregory seconded and it passed 3:0:0.

Barnstable County Innovative/Alternative Enforcement Program

A PowerPoint presentation by Barnstable County Health and Environment Staff Person, Susan Rask ensued. After the excellent presentation, by consensus, the Board of Health instructed the Health Agent to provide notification for a Public Hearing on the proposed regulation to be effective by April 1, 2005 for Monitoring of Innovative/Alternative On-Site Sewage Treatment Systems.

184 Bradford Street, Unit B - Plan Review

One of the owners, Peter Schweizer, was represented by John DeSouza who presented the plan. After discussion and plan review, the following motion was made.

Motion: Duane Gregory made a motion to approve the proposed plan with the following 3 conditions: (1) That there only be one entrance to the 2nd floor master suite, (2) that a deed restriction limiting the number of bedrooms to two be filed, and (3) that a septic system inspection be conducted to verify the condition of the septic system. Should that report indicate any inadequacy regarding environmental issues (i.e. depth to

groundwater, proximity to wetlands) or capacity of the existing system to handle the existing flow, then an upgrade would be required. Dan Brown seconded and it passed 3:0:0.

572 Commercial St. – Plan Review

This plan had been approved by the Health Agent prior to the meeting and therefore was not discussed.

11 Oak Drive -Title 5 Variance

Alan Cabral of Felco Engineering represented the applicant. Duane Gregory made a disclosure that her accountant resides at this property but that town counsel had concluded no conflict of interest was present. After discussion, the following motion was made.

Motion: Mark Baker made a motion to approve plan as submitted with the following condition: That a deed restriction limiting the number of bedrooms to the existing four be filed. Dan Brown seconded and it passed 3:0:0.

72 West Vine Street - Title 5 Variance

Gary Locke of Wm. Rogers, Inc. represented the applicant. After the Health Agent explained that the concerns on her motion sheet had been satisfied, the following motion was made.

Motion: Duane Gregory made a motion to approve revised plan dated January 4, 2005 as submitted with the following 2 conditions: (1) That the engineer was to verify the water line location on the “as-built” septic system plan, and (2) that a deed restriction limiting the total number of bedrooms on this property to the proposed eight be filed. Mark Baker seconded and it passed 3:0:0.

Discussion

IDEP

General discussion occurred.

2005 Board of Health Meeting Schedule

The Health Inspector notified the board that a 1:00 p.m. meeting time would prevent her from attending BoH meetings periodically due to scheduling requirements in her department. Dan argued that the town’s schedule should accommodate the schedules of the volunteer board members, not the other way around.

Motion: Mark Baker made a motion to accept the 2005 BOH meeting schedule starting at 5:00 p.m. as proposed. Duane Gregory seconded and it passed 2:1 (DB):0.

Approval of Minutes for December 16, 2004

Tabled until next meeting due to a mixup in the review process. Mark will forward to Dan his edited minutes for review.

Any other business that shall properly come before the Board.

None, other than the assurance from the Health Agent that Klara Mueller’s request would be addressed at the next meeting.

Health Agent Report

Jane Evans will be out on health leave as of February 20, 2005 for an indefinite time (most likely 1-4 weeks) and she might miss a meeting or two. She also informed the Board that in the proposed budget for the next fiscal year, her position has been cut to part-time as of July 1, 2005.

Health Inspector Report

Licensing Agent will now be handling licenses for massage, rental certificates, tobacco sales permits, pool, hot tubs, and body art applications.

Board Member Statements

Duane Gregory thanked everyone for submitting excellent annual reports.

Mark Baker thanked Ken Jansen for his service and expressed regret about his resignation.

Dan Brown inquired as to when Harbor Water Samplings would begin to which Pat answered June 1st. He also suggested that when the Board considers possible changes to its current regulations for Barnstable County’s I/AEP, it also consider a change to its regulations regarding setbacks to wetlands to bring them into alignment with state

regulations.

Motion: Mark Baker made a motion to appoint Dan Brown as clerk, Duane Gregory seconded and it passed 2:0:1 (DB).

Meeting adjourned at 2:58 p.m.

Respectfully submitted,
Phyllis Lutsky
Recording Secretary

Approved by _____ **on** _____, **2005**
Mark Baker, Chair