

# Board of Health

March 3, 2005

5:00 p.m.

**Members Present:** Mark Baker, Dan Brown, and Duane Gregory

**Members Absent:** None

**Health Agent:** Jane Evans (excused absence)

**Health Inspector:** Patricia Pajaron

The meeting was called to order at 5:05 p.m.

## AGENDA

### Public Comments

There were none.

### New Business

#### 13 Nelson Avenue - Title 5 Variance

William Rogers, II presented the plans to the BoH on behalf of the owners, Jose M. Passos, et ux. The Health Agent felt it was merely a housekeeping issue. Mr. Passos has two bedrooms and he is moving one of them into another unit.

**Motion: Duane Gregory made a motion to approve Job No. P-04-1828 for 13 Nelson Avenue. Dan Brown seconded it and it was approved 3-0-0.**

#### 3 Bradford Street - Title 5 Variance

Alan Cabral presented the plan to the BoH on behalf of the owners, Michael Kacergis & Kathleen Kacergis Barney of 42 Pleasant St. It is currently the welding shop and the apartments are in the building next door. There are four studio apartments and the variances mainly refer to property lines. The water line must be sleeved. The workshop was not rated as any flow. The plan was Job No. 04131 and the property is deed restricted to 524 gallons per day. The property now has a cesspool.

**Motion: Dan Brown made a motion to approve the plan for 3 Bradford Street dated 2/4/05 (map & Parcel 6-4-47) with a deed restriction limiting the flow to 524 gallons per day. Duane Gregory seconded the motion and it was approved 3-0-0.**

#### 40 Pleasant Street - Title 5 Variance

William Rogers, II presented the plan on behalf of the owner, Roxane C. Pratton, of Medford, MA. Plan P-05-1837A detailing the 4 variances requested was shown to the BoH. There will be a deed restriction limiting the number of bedrooms to the existing six.

A discussion then ensued regarding the minimum size of bedrooms. It was brought about because one of the 6 bedrooms contained in the property at 40 Pleasant Street does not meet the minimum requirement of 70 square feet. The quandary is: Does the historic use of a room make it a bedroom or should the square footage of the room rule? (Pat Pajaron said she was anxious to find out the answer since she was doing a walk-through the following day on a property that would have the same issue.) It will be determined on a case by case basis.

**Motion: Duane Gregory made a motion to approve the plan for the variances with a deed**

**restriction to the existing 6 bedrooms. Dan Brown seconded it and the vote was 3-0-0.**

***Future Discussion Item:***

Take up the issue of historical use of “bedrooms” that no longer meet the criteria of bedrooms which now must have 70 square feet to qualify as such.

**Discussion**

**2005 Bathing Beach Water Sampling**

This discussion will be moved to the next meeting.

**Mary Ann Powers – Proposed changes to Massage Therapy Regulations**

She was a “no-show” but the thrust of her proposed changes would have been to explore house visits and also getting permission to possibly give massages under a tent for special events. It was withdrawn without prejudice and may be revisited at a later date.

**Approval of Minutes for February 17, 2005**

**Motion: Dan Brown made a motion to approve the minutes; Duane Gregory seconded the motion and it was approved 3-0-0.**

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

Pam Hudson had told Mark Baker that the BoH needs to set a date to review the town meeting warrant. Last year it was advertised in the *Banner* on March 18<sup>th</sup>. Pam needs a date by tomorrow. Friday, March 11<sup>th</sup> at 12:00 noon was tentatively scheduled, but it has to be confirmed with Town Clerk Doug Johnstone. The only other possibility would be noon on Monday the 4<sup>th</sup> of April.

The BoH’s April 21<sup>st</sup> meeting will be a public hearing on the County’s plan for maintenance of alternative septic systems.

After a lot of discussions and meetings it is the Board’s belief that the Town Manager will request that the \$20K allocated for the study for septage use (or dumping) be put towards the Health Agent’s salary for wastewater issues – giving Provincetown a full time Health Agent which the Board feels it really needs. In the current Woodward & Curran operating procedures, they have an allowance for treating septage from haulers in the case of an emergency. So why is there such a concern about this?

The Health Agent presented a draft article for Town Meeting—drawn up at the request of the BoS in response to the increased threat of rabies—to rescind the right of dog owners to have their dogs off-leash at certain times. It was determined, however, that the BoS have the authority to take such action under the existing bylaw.

Harbor Committee request. They are concerned that there are septic systems that are located on the beach on town harbor. They would like to add this requisite for a Chapter 91 license that any septic system on the beachside must be hooked into the sewer.

An application to join the BoH has been filed by Gerry Anathan. If she is appointed her term would expire on 12/21/05. (It would be for the remainder of Ken Janson’s term.) She is scheduled to appear before the BoS on March 14<sup>th</sup>. Duane Gregory suggested sending Cheryl Andrews an e-mail expressing concerns regarding having two real estate people on the Board. Dan felt that “beggars can’t

be choosers” and that the addition of another member to the board could not make matters worse, regardless of his/her profession.

### **Health Agent’s and Health Inspector’s Reports**

Pat Pajaron has been inundated with e-mails from irate dog owners. She also wonders about the 70 sq. ft. bedroom issue vs. the historic use issue as they regard square footage of bedrooms. She has a walk-through scheduled for 393-395 Commercial Street and they are requesting a building permit. Mark Baker feels it falls under our case by case basis. Since it’s a condo, the plan should be on file.

### **Board Members’ Statements**

Dan Brown wanted to express his extreme unhappiness with the decision made by the Building Commissioner and the Town Manager to eliminate some of the Health Agent’s job responsibilities without consulting with the BoH prior to the decision. The Board has clear authority to set the town’s health policies. Eliminating funding that allows for implementation and oversight of those policies directly undercuts the Board’s efforts and undermines our authority.

Mark Baker concurred with Dan.

Duane Gregory had no statement.

### **Adjournment**

**Motion to adjourn happened at 6:18 p.m.**

Respectfully submitted,

*Evelyn Gaudiano*

Evelyn Rogers Gaudiano

**Approved by** \_\_\_\_\_ on \_\_\_\_\_, 2005.

Mark Baker, Chair