



Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040

PUBLIC MEETING

The Provincetown Board of Health will hold a public meeting on Thursday, September 19, 2019 at 4 p.m. in the Judge Welsh Room at Provincetown Town Hall, 260 Commercial Street, Provincetown, MA.

AGENDA

- I. Public Comments
- II. New Business (Votes may be taken on any item)
 - a. 6 Duncan Lane, Request to Remove Deed Restriction – Ed Patton and Tom Thompson, presenting
 - b. 2 Conway Street, Appeal Health Agent's Decision – Guy Busa and Ginny Binder, presenting
 - c. Discussion: Agenda and Invitees for Solid Waste Work Session October 17, 2019
 - d. ACOs:
 - i. 5 Conwell – Release
 - ii. 18 Cottage - Release
- III. Old Business (Votes may be taken on any item)
- IV. Any other business that shall properly come before the Board (Votes may be taken)
- V. Approval of Minutes (Votes may be taken)
- VI. Health Department Report (Votes may be taken)
- VII. Board Members' Statements (Votes may be taken)

Posted by the Assistant Town Clerk www.provincetown-ma.gov, 09/12/2019, 4:40 pm AR

From: Morgan Clark
Sent: September 16, 2019 2:35 PM

Subject: RE: 6 Duncan Lane BOH Meeting

Ok. We will table the item at the meeting as the agenda has been posted. That's fine.

From: Thom Thompson
Sent: Monday, September 16, 2019 2:34 PM
To: Morgan Clark

Subject: 6 Duncan Lane BOH Meeting

Good afternoon Morgan,

The homeowners cannot attend the September BOH review meeting due to family circumstances, and are requesting their review is postponed to the October 17th, 2019 BOH meeting.

Thank you,
Tom Thompson

From: EDWARD T. PATTEN
Sent: September 16, 2019 11:19 AM
To: 'Stephanie Cave' <

Subject: RE: 6 Duncan Lane Provincetown - JC Ellis Letter



**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

AGENDA ACTION REQUEST

Board of Health Meeting Date: September 19, 2019

Project Location: 2 Conway Street
Applicant Name: Guy Busa

Representative: Guy Busa, Ginny Binder

Date Requested: 9/5/19

Map & Parcel: 15-3-45-0

Title 5 Variance Request:	Yes	No X
Board of Health Variance Request:	Yes	No X
Administrative Consent Order Request:	Yes	No X

Other: Appeal Health Agent’s Decision – New Office/Bedroom

HEALTH AGENT’S REPORT: Reviewing Health Agent, Morgan Clark

This property has already been before the Board of Health (see attached minutes) because a previous renovation had pushed the limits of the number of bedrooms allowed on pre-1995 code system.

The property owner is now proposing to add a garage and office space to the property. I have denied the request for the additional growth on the system. The office space intensifies the use, and could be interpreted as a bedroom. The addition is also adding a half bath.

Please note that the property is at the maximum number of bathrooms allowed (2.5 for 2 bedrooms) so the additional half bath in the office would also need a variance from the Board if you so desire.

Other notes:

The Board may choose to make one of the following motions, or a motion of their own choosing:

Uphold the Health Agents’ determination that 2 Conway Street is at the capacity of its disposal works system and shall not add more uses or rooms that meet the definition of a bedroom to the property.

Overturn the Health Agents' determination and allow 2 Conway Street to construct the garage and office space as designed [or with changes from the Board] with a deed restriction that makes clear the office space is not a bedroom.

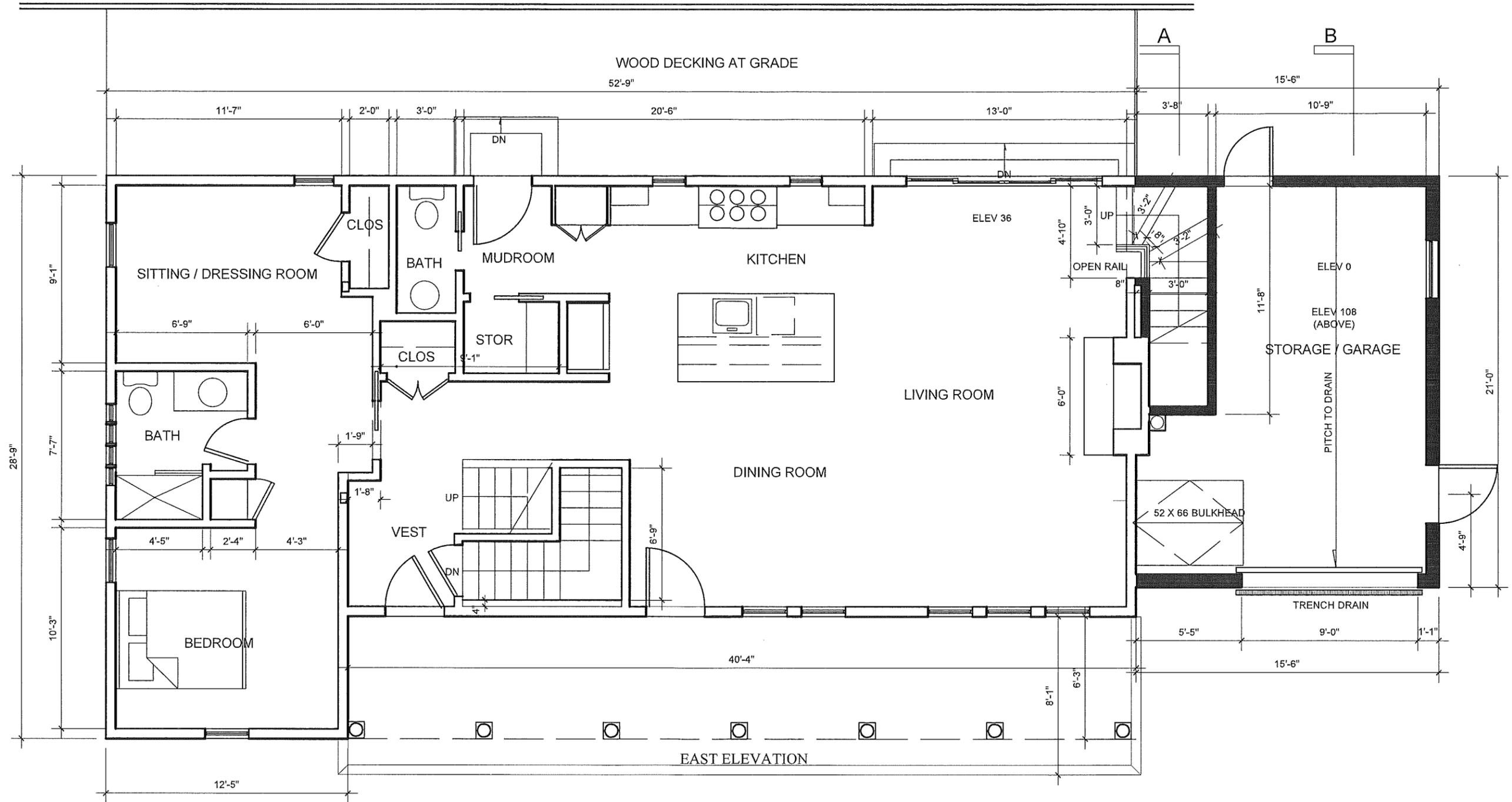
BOARD OF HEALTH ACTION

Motion:

Moved:

Seconded:

Vote:



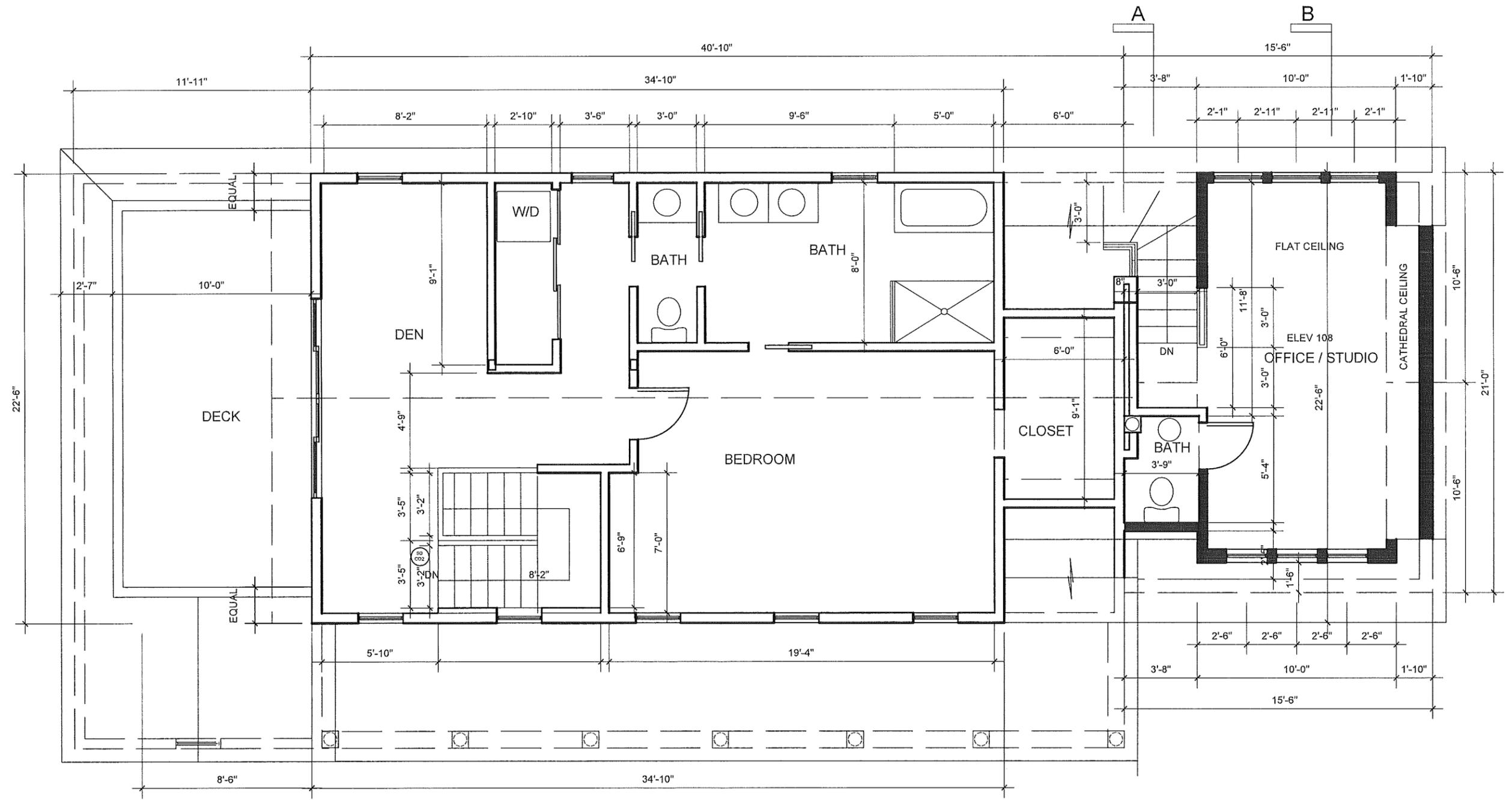
TED SMITH
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 12 Dartmouth Place - Boston
 422 Commercial Street - Provincetown
 617 . 247 . 0023
 TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE
2 CONWAY STREET
 Provincetown, Massachusetts

DRAWING TITLE
FIRST FLOOR PLAN

SCALE
 3/16" = 1'-0"
 DATE
 12 APRIL 2019

SHEET NO.
A1.1



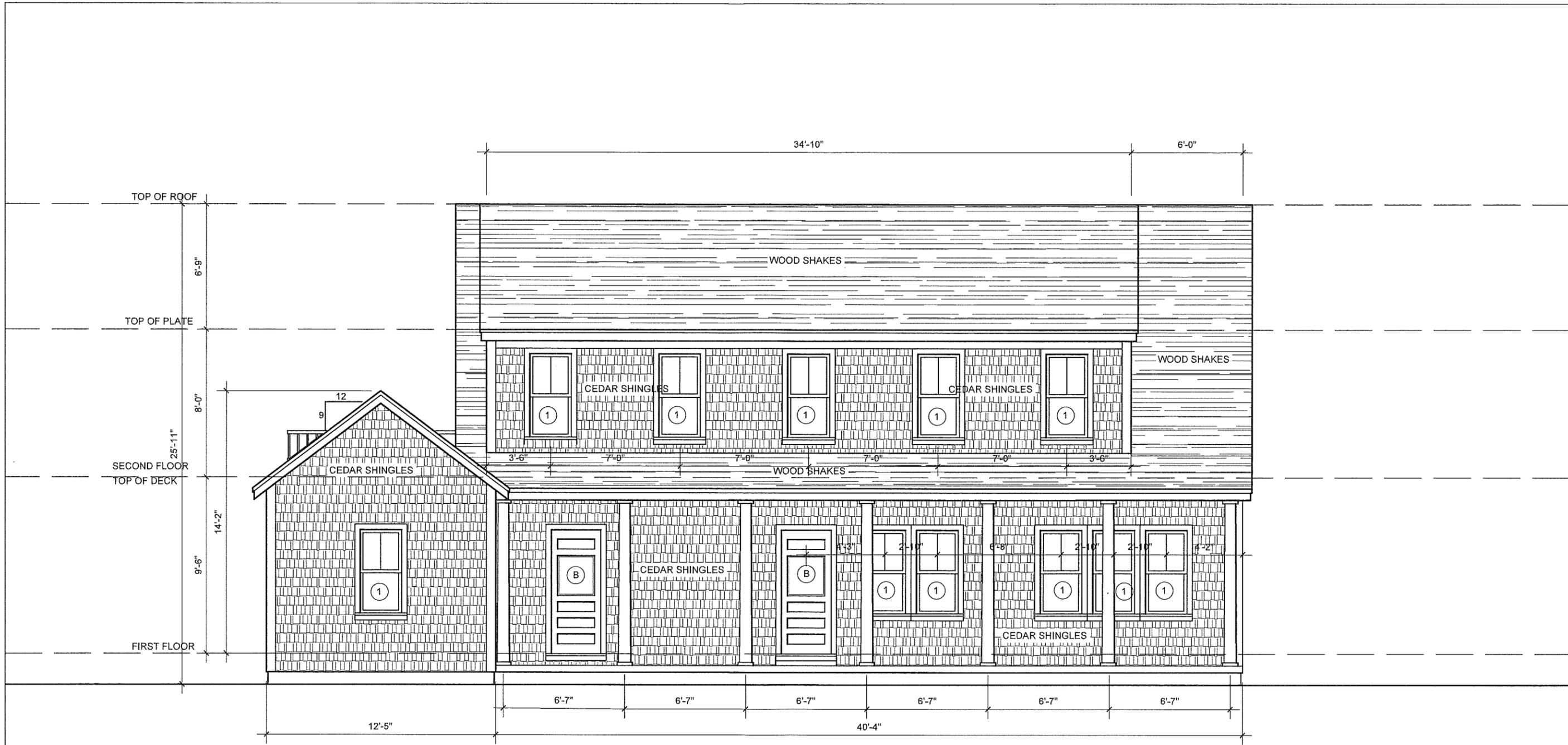
TED SMITH
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PROJECT TITLE
2 CONWAY STREET
 Provincetown, Massachusetts

DRAWING TITLE
SECOND FLOOR PLAN

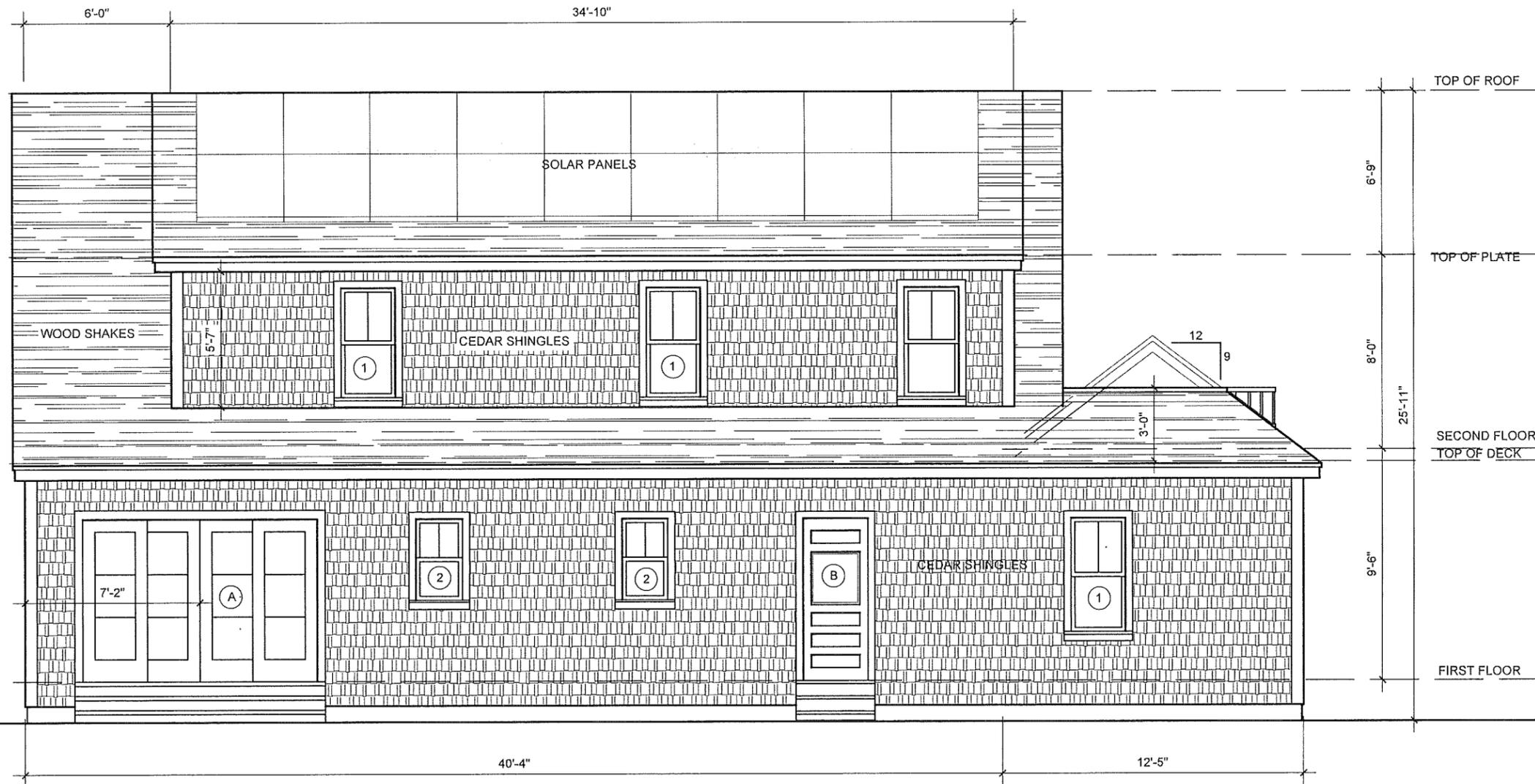
SCALE
 3/16" = 1'-0"
 DATE
 12 APRIL 2019

SHEET NO.
A1.2



EAST ELEVATION

<p>TED SMITH Architect, LLC 12 Dartmouth Place . Boston 422 Commercial Street . Provincetown 617 . 247 . 0023 TEDSMITHARCHITECT@GMAIL.COM</p>	<p>PROJECT TITLE</p> <p>2 CONWAY STREET Provincetown, Massachusetts</p>	<p>DRAWING TITLE</p> <p>EXISTING EAST ELEVATION</p>	<p>SCALE</p> <p>3/16" = 1'-0"</p> <p>DATE</p> <p>12 APRIL 2019</p>	<p>SHEET NO.</p> <p>E2.1</p>
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 TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

2 CONWAY STREET
 Provincetown, Massachusetts

DRAWING TITLE

EXISTING WEST ELEVATION

SCALE

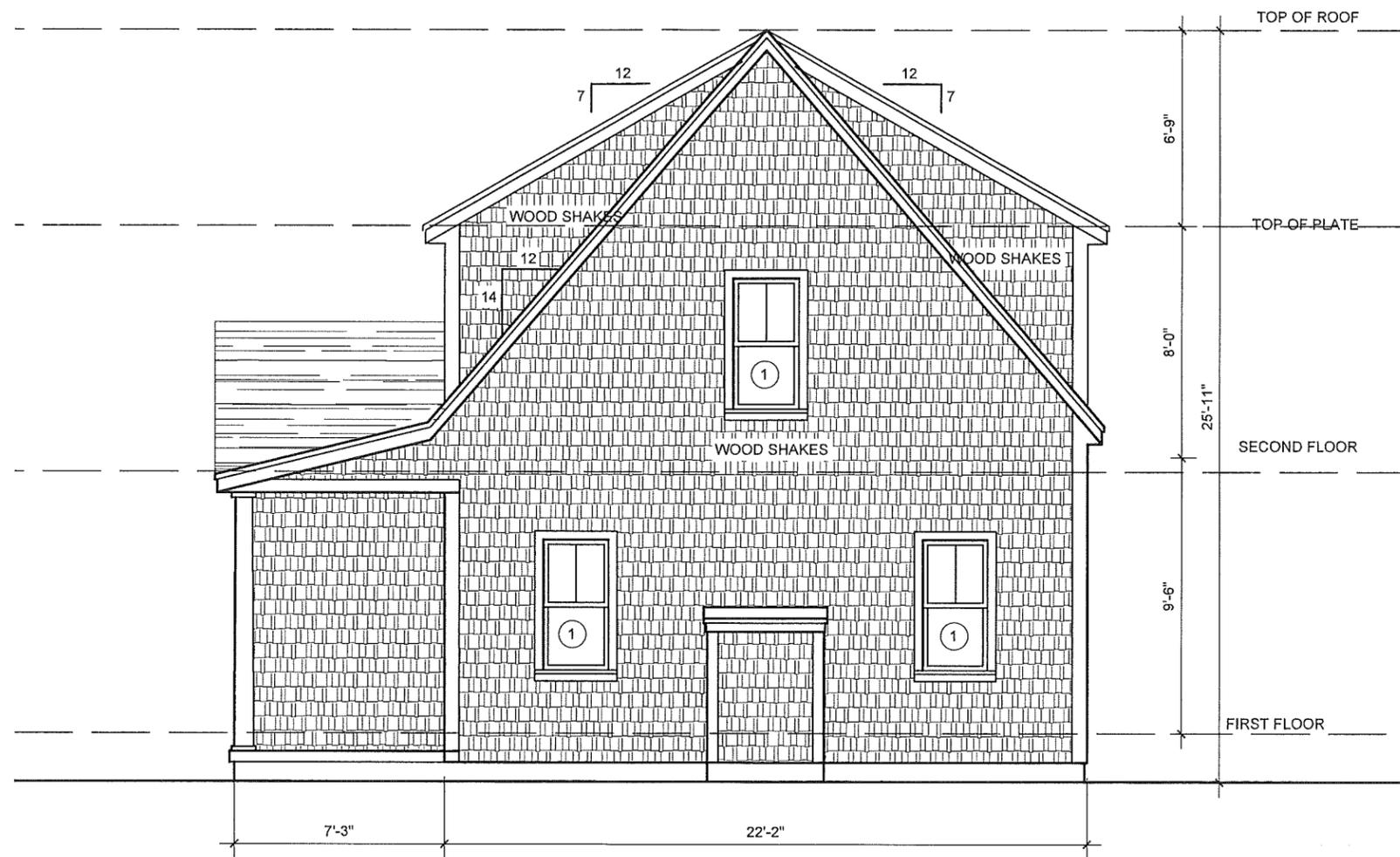
3/16" = 1'-0"

DATE

12 APRIL 2019

SHEET NO.

E2.2



TED SMITH
 Architect, LLC
 12 Dartmouth Place . Boston
 422 Commercial Street . Provincetown
 617 . 247 . 0023
 TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

2 CONWAY STREET
 Provincetown, Massachusetts

DRAWING TITLE

EXISTING NORTH ELEVATION

SCALE

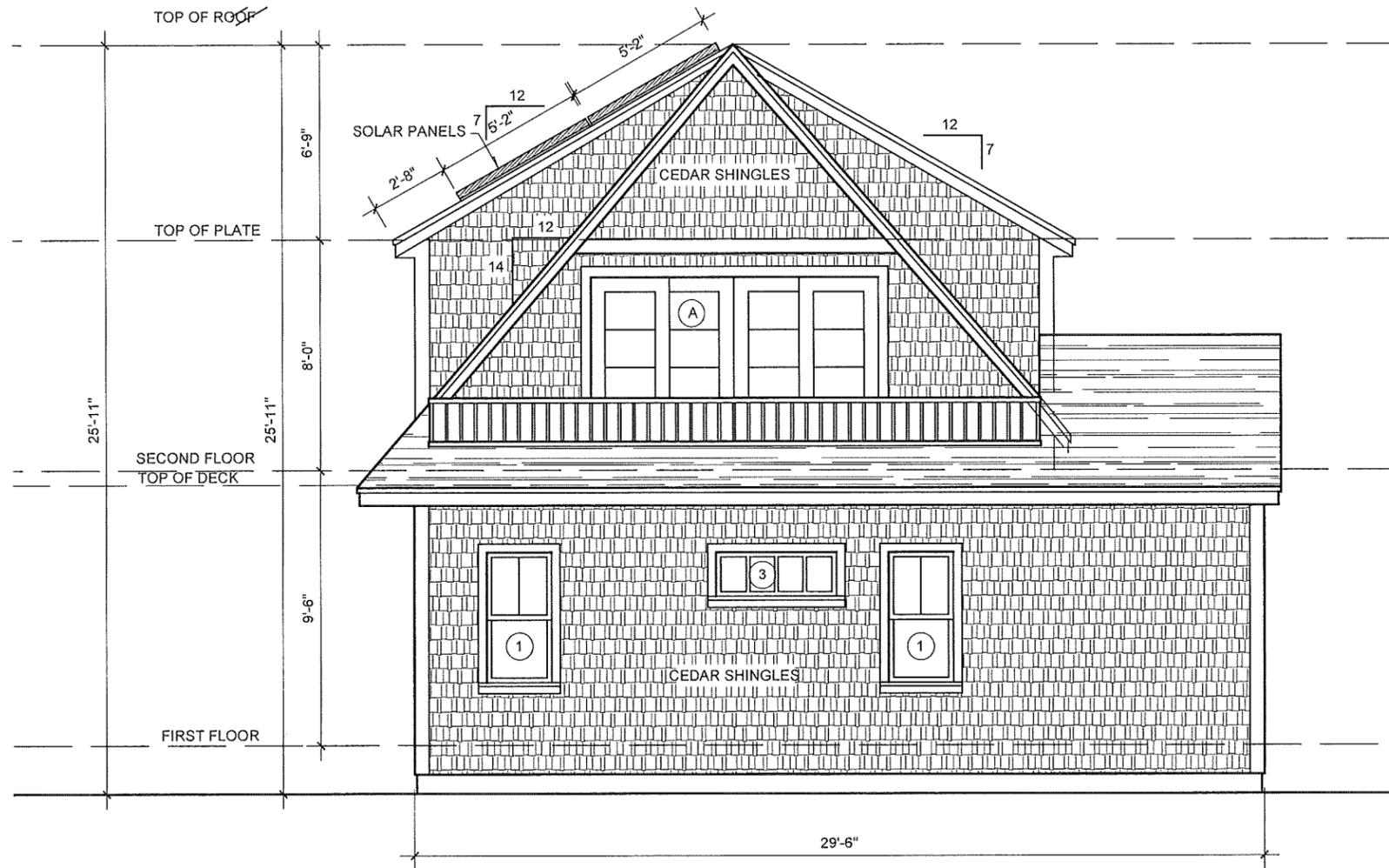
3/16" = 1'-0"

DATE

12 APRIL 2019

SHEET NO.

E2.3



TED SMITH
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 12 Dartmouth Place · Boston
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 TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE
 2 CONWAY STREET
 Provincetown, Massachusetts

DRAWING TITLE
 EXISTING SOUTH ELEVATION

SCALE
 3/16" = 1'-0"
 DATE
 12 APRIL 2019

SHEET NO.
E2.4



EAST ELEVATION

<p>TED SMITH Architect, LLC 12 Dartmouth Place . Boston 422 Commercial Street . Provincetown 617 . 247 . 0023 TEDSMITHARCHITECT@GMAIL.COM</p>	<p>PROJECT TITLE 2 CONWAY STREET Provincetown, Massachusetts</p>	<p>DRAWING TITLE EAST ELEVATION</p>	<p>SCALE 3/16" = 1'-0" DATE 12 APRIL 2019</p>	<p>SHEET NO. A2.1</p>
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 422 Commercial Street . Provincetown
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 TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE
 2 CONWAY STREET
 Provincetown, Massachusetts

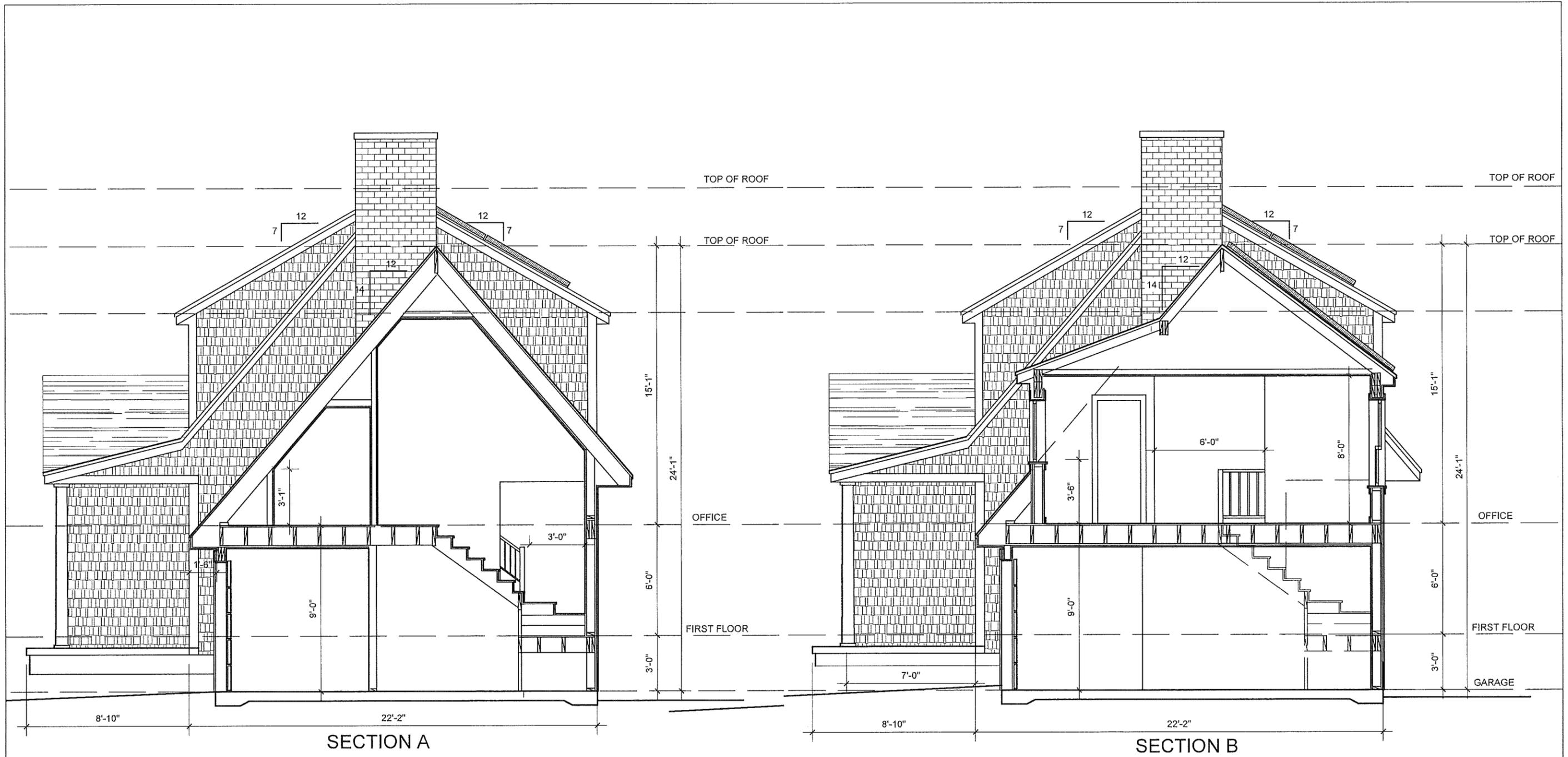
DRAWING TITLE
 WEST ELEVATION

SCALE
 3/16" = 1'-0"
 DATE
 12 APRIL 2019

SHEET NO.
A2.2



<p>TED SMITH Architect, LLC 12 Dartmouth Place · Boston 422 Commercial Street · Provincetown 617 · 247 · 0023 TEDSMITHARCHITECT@GMAIL.COM</p>	<p>PROJECT TITLE</p> <p>2 CONWAY STREET Provincetown, Massachusetts</p>	<p>DRAWING TITLE</p> <p>NORTH ELEVATION</p>	<p>SCALE</p> <p>3/16" = 1'-0"</p> <p>DATE</p> <p>12 APRIL 2019</p>	<p>SHEET NO.</p> <p>A2.3</p>
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PROJECT TITLE
 2 CONWAY STREET
 Provincetown, Massachusetts

DRAWING TITLE
 SECTIONS A & B

SCALE
 3/16" = 1'-0"
 DATE
 12 APRIL 2019

SHEET NO.
 A2.4



TOWN OF PROVINCETOWN
BOARD OF HEALTH
APPLICATION TO APPEAR BEFORE THE BOARD OF HEALTH
FORM BOH_AGENDA

Guy Busa

857 225.2424

Applicant Name

Telephone Number

2 Conway Street

Address of Property to be Discussed by Board of Health

2 Conway Street, Provincetown, MA 02657

Applicant Mailing Address

Regina Binder

508 237.3964

Representative of Applicant to Appear Before the Board of Health

Telephone Number

523 Commercial Street, Unit 4, Provincetown, MA 02657

Representative Mailing Address

REASON FOR REQUEST TO APPEAR BEFORE THE BOARD OF HEALTH

(ONE APPLICATION PER REQUEST)

- REQUEST ADMINISTRATIVE CONSENT ORDER
 - HISTORIC BEDROOM REQUEST
 - OUTDOOR SMOKING AREA REQUEST
 - VARIANCE REQUEST (SELECT TYPE OF VARIANCE REQUESTED)
 - TITLE 5 (SEPTIC SYSTEM, ETC.)
 - FOOD CODE (DOG DINING, ETC.)
 - OTHER (PLEASE LIST)
 - NEW PERMIT OR LICENSE APPLICANT (SELECT ONE)
 - BODY ART TECHNICIAN
 - FUNERAL DIRECTOR
 - SEPTAGE HAULER
 - BODY ART ESTABLISHMENT
 - TOBACCO SALES
 - SEPTIC INSTALLER
 - UNDERGROUND FUEL STORAGE
 - TANNING FACILITY
 - SEPTIC INSPECTOR
 - COMMERCIAL RUBBISH HAULER
 - STABLE FACILITY
 - SEWER CONNECTOR
 - PUBLIC OR SEMI-PUBLIC POOL OR HOT TUB
 - APPEAL HEALTH AGENT DECISION
- LIST DECISION DETAILS:
- OTHER (PLEASE LIST)

Description of Request: Appeal denial of building permit for a home office addition which has been approved by both HDC and ZBA (plans attached). Plans were submitted to the Town on 08/13/2019. A coordination meeting was held with the Town on 03/22/2019 prior to HDC and ZBA submittals where there was no indication of any issue.

Attach additional information and documentation to share with the Board of Health.

If your request involves a change in floor plans for a property, include both existing and proposed floor plans.

**** APPLICATIONS FOR A VARIANCE, APPEAL, OR PUBLIC HEARING MUST BE FILED WITH THE HEALTH DEPARTMENT AT LEAST TWO WEEKS PRIOR TO BOARD OF HEALTH MEETING DATE ****

**** ALL OTHER AGENDA ITEMS MUST BE FILED WITH THE HEALTH DEPARTMENT 48 HOURS PRIOR TO BOARD OF HEALTH MEETING DATE ****

**** EITHER THE APPLICANT OR A REPRESENTATIVE FOR THE APPLICANT MUST ATTEND THE BOARD OF HEALTH MEETING TO PRESENT THE CASE ****

Guy Busa, Jr.

9/5/2019

APPLICANT SIGNATURE

DATE

FOR OFFICE USE ONLY:

DATE APPLICATION RECEIVED

DATE OF BOARD OF HEALTH MEETING

No. 1490

FEE 50.00

THE COMMONWEALTH OF MASSACHUSETTS
BOARD OF HEALTH

TOWN OF PLYMOUTH

Application for Disposal Works Construction Permit

Application is hereby made for a Permit to Construct () or Repair () an Individual Sewage Disposal System at:

Location Address or Lot No. Address
2 Cornice
Canton
MNR Construction

Type of Building
Dwelling — No. of Bedrooms 2 Expansion Attic () Garbage Grinder ()
Other — Type of Building No. of persons Showers () — Cafeteria ()
Other fixtures

Design Flow gallons per person per day. Total daily flow 220 gallons.
Septic Tank — Liquid capacity 400 gallons Length Width Diameter Depth
Disposal Trench — No. Width Total Length Total leaching area sq. ft.
Seepage Pit No. Diameter Depth below inlet Total leaching area sq. ft.
Other Distribution box () Dosing tank () Date

Percolation Test Results Performed by
Test Pit No. 1 minutes per inch Depth of Test Pit Depth to ground water
Test Pit No. 2 minutes per inch Depth of Test Pit Depth to ground water

Description of Soil
Nature of Repairs or Alterations — Answer when applicable

Agreement:
The undersigned agrees to install the aforescribed Individual Sewage Disposal System in accordance with the provisions of TITLE 5 of the State Sanitary Code — The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by the board of health.

Application Approved By Evelyn H. Beebe Signed Evelyn H. Beebe Date 7-23-91

Application Disapproved for the following reasons:

Permit No. Issued Date

THE COMMONWEALTH OF MASSACHUSETTS
BOARD OF HEALTH

OF
Certificate of Compliance

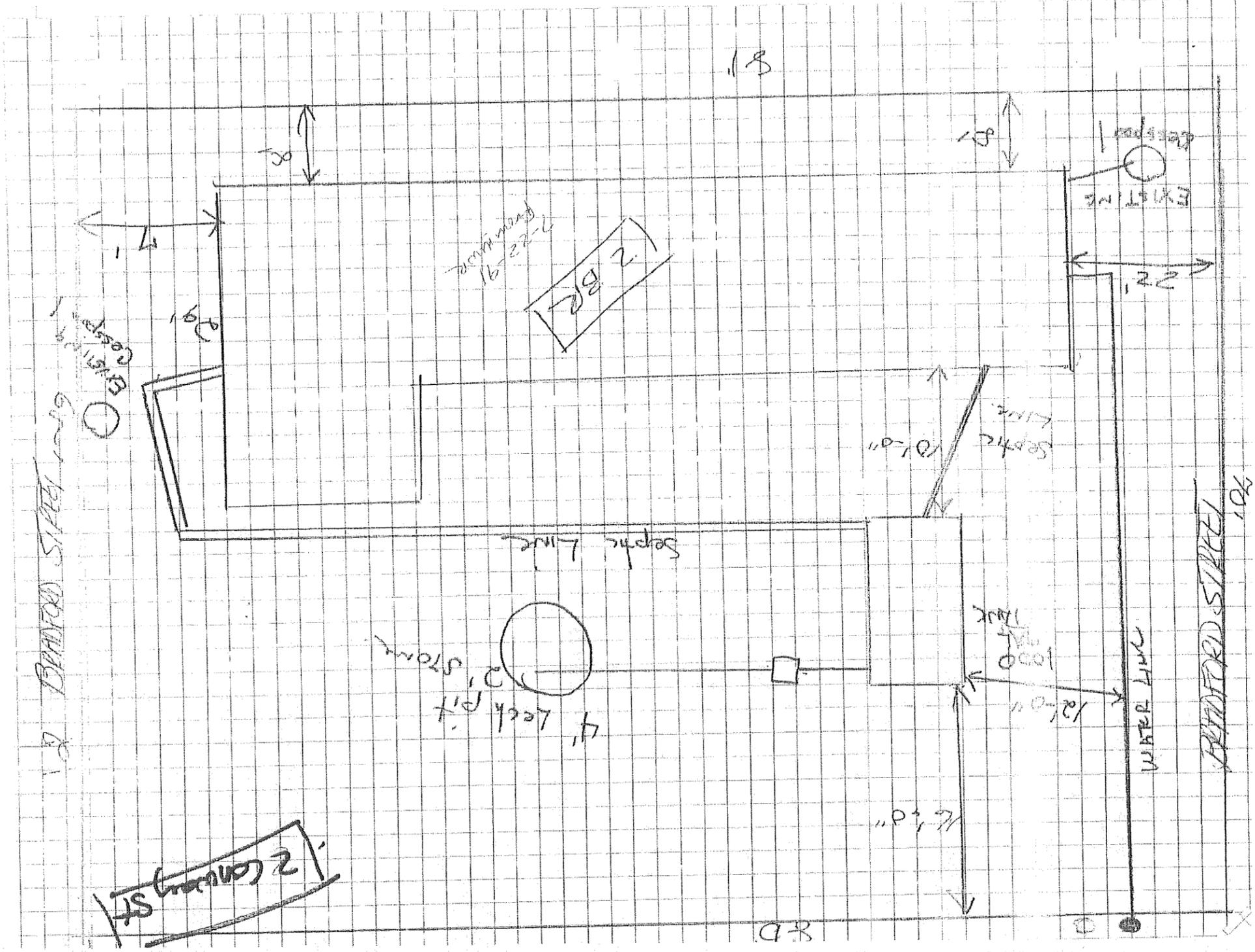
THIS IS TO CERTIFY, That the Individual Sewage Disposal System constructed () or Repaired ()

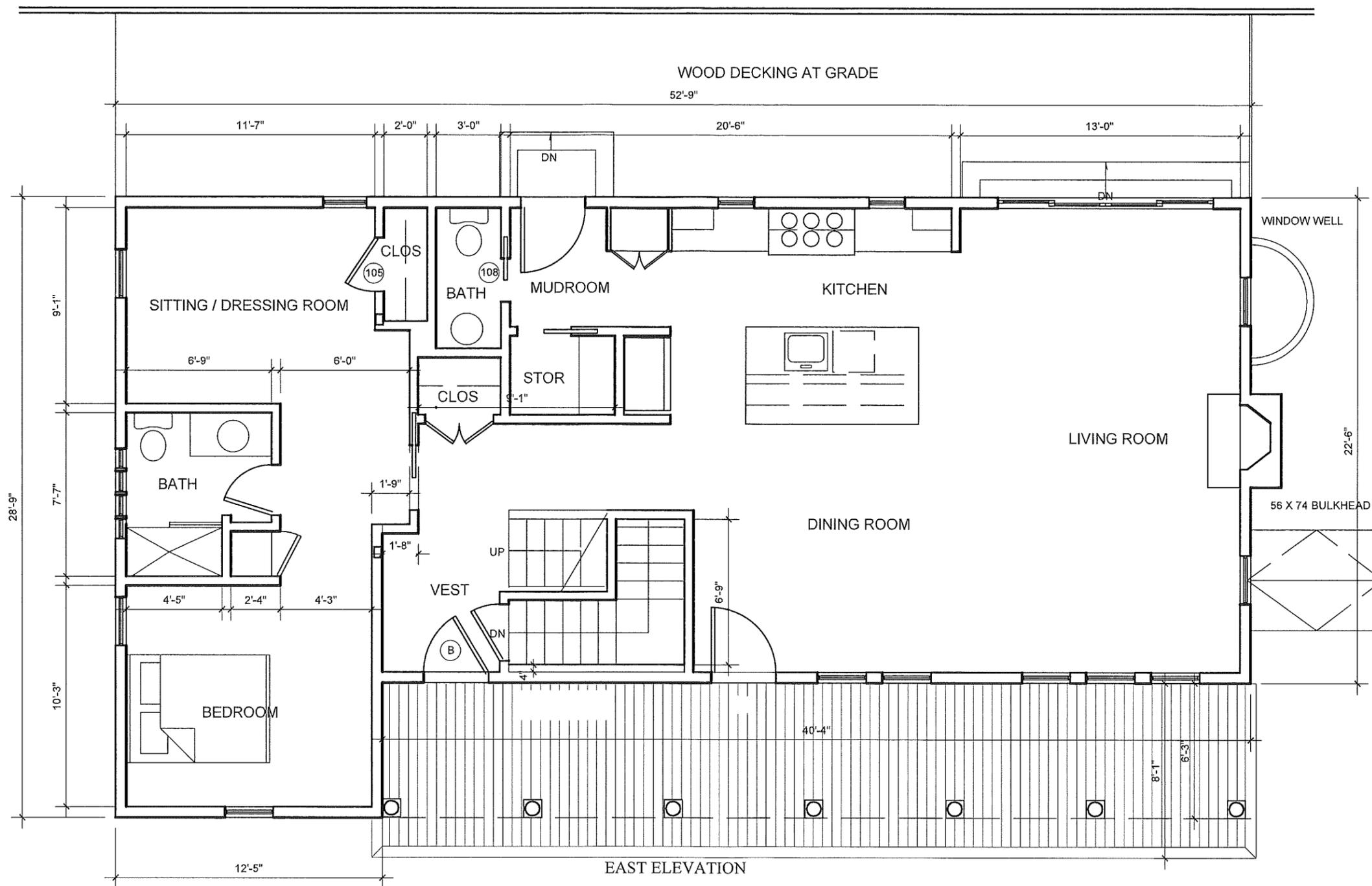
by _____ Installer
at _____

has been installed in accordance with the provisions of TITLE 5 of The State Sanitary Code as described in the application for Disposal Works Construction Permit No. _____ dated _____

THE ISSUANCE OF THIS CERTIFICATE SHALL NOT BE CONSTRUED AS A GUARANTEE THAT THE SYSTEM WILL FUNCTION SATISFACTORY.

CHECK OR FILL IN WHERE APPLICABLE





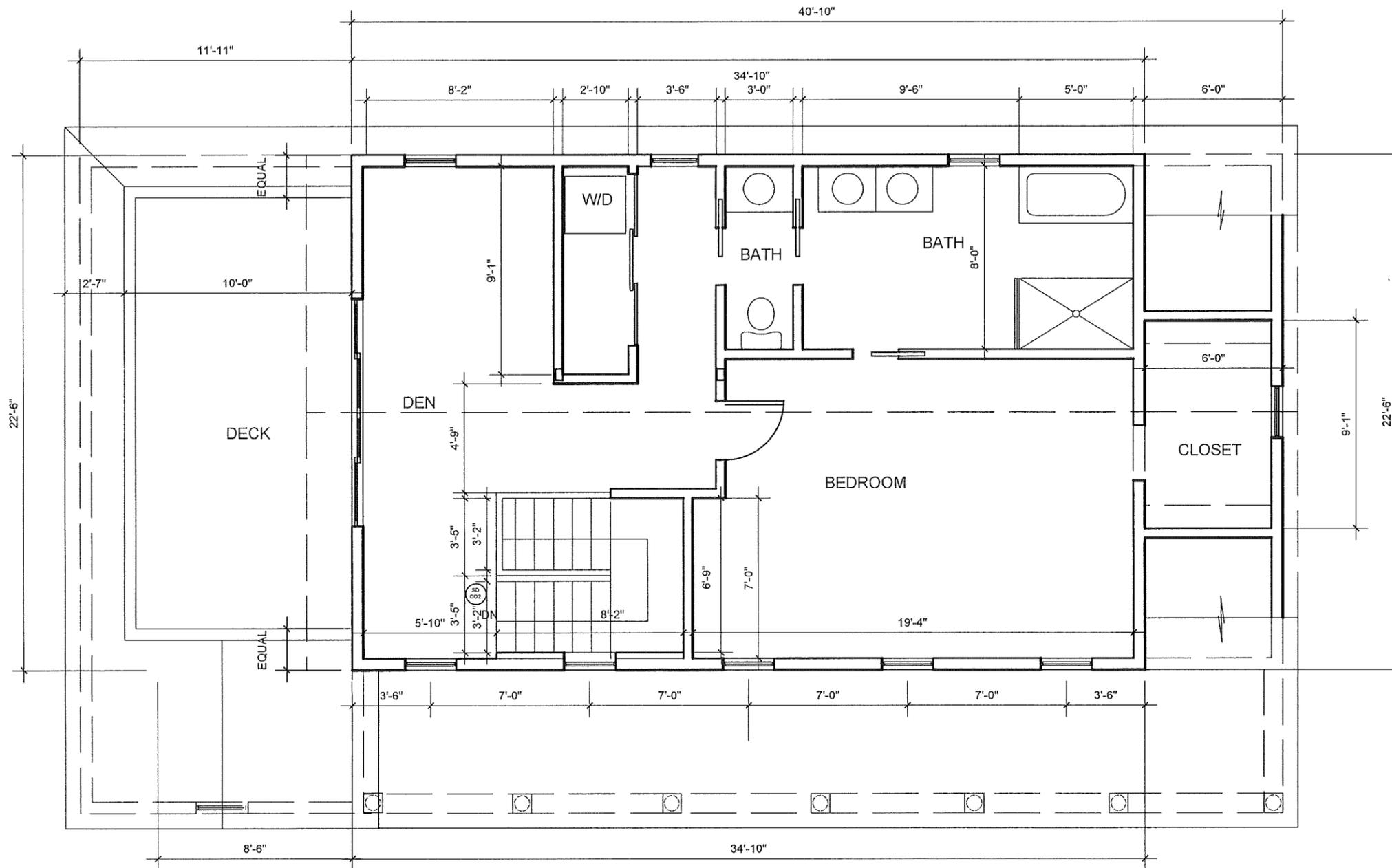
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PROJECT TITLE
2 CONWAY STREET
 Provincetown, Massachusetts

DRAWING TITLE
EXISTING FIRST FLOOR PLAN

SCALE
 3/16" = 1'-0"
 DATE
 12 APRIL 2019

SHEET NO.
E1.1



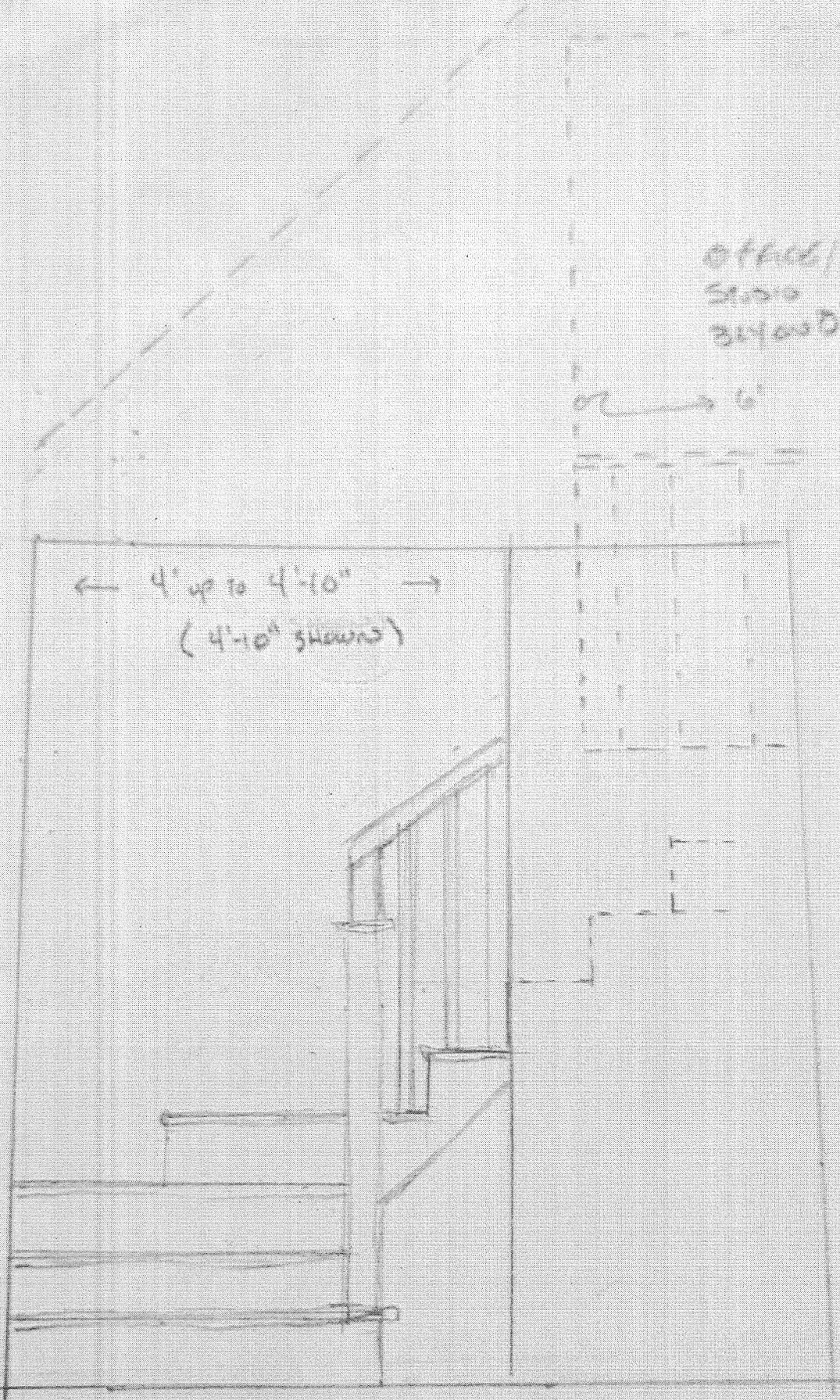
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PROJECT TITLE
2 CONWAY STREET
 Provincetown, Massachusetts

DRAWING TITLE
EXISTING SECOND FLOOR PLAN

SCALE
 3/16" = 1'-0"
 DATE
 12 APRIL 2019

SHEET NO.
E1.2



Living Room.

Town of Provincetown – Board of Health

Narrative and Timeline for Proposed 2 Conway Street Addition

16 September 2019

The proposed addition to our home at 2 Conway Street in Provincetown's East End is for second floor office/studio space accessible to the first floor of the main house by a secondary stair. The second floor of the addition is about 3-1/2 feet lower than the second floor of the main house due to the topography of the lot. Below the office/studio space will be storage and garage use. During the summer the garage will be primarily used for bicycles/kayaks and during the winter as a vehicle garage. The addition would also allow us to expand our existing 18 panel solar array by 6 panels which will bring us to an almost complete energy sustainable home and transportation.

Completed in 2016, the main house replaced a former ranch style home that was considered a non-contributing structure to the Historic District. The proposed addition will continue using the character defining features of the neighborhood that were incorporated into the main house design. The main home and the addition are well regarded by our neighbors.

The proposed addition received unanimous board approval at both the Historic District Commission (HDC) and Zoning Board of Appeals (ZBA) hearings in early June this year (ZBA meeting minutes attached, HDC not available). The addition is also consistent with the goals and objectives of the Local Comprehensive Plan (LCP).

Provincetown is our primary residence, however, we maintain employment in Boston and are only able to be here 3 to 4 days a week. The intent of the office/studio space is to allow us to be able to work from Provincetown and for 2 Conway Street to become our full-time residence. We are not seeking a 3rd bedroom for the house. I would move part of my business to Provincetown and my husband would take a position with his company that affords full-time remote employment with occasional business travel. At the moment he works from the dining room table and I work from the den on the second floor. The proposed home office space and half bathroom would provide enough room for both of us to work full-time in Provincetown and also enable any client interaction (my business).

We understood from our pre-permitting meeting in March with David Gardner, Anne Howard, and Ellen Battaglini that the proposed home office/studio space did not meet the definition of a bedroom pursuant to the then Board of Health (BOH) criteria. The proposed additional half bathroom was also allowed at the time. We therefore continued through the permitting process with the Town and proposed addition was unanimously approved at HDC and ZBA in June, and after some delay in receiving the HDC and ZBA decisions, we were able to submit for a building permit in mid-August.

We ask that the BOH grant us our appeal of the decision by the Health Department Director to deny a building permit on the grounds that we were well within the permitting process prior to the new BOH bedroom and bathroom regulations. Alternatively, we are willing to work with the Board of Health for any modifications to the plans or conditions the Board wishes to apply in order for us to proceed.

Respectfully,

Guy Busa and Scott Gasparello

2 Conway Street

2 Conway Street Proposed Addition
Town of Provincetown Permitting Timeline
16 September 2019

- March 22, 2019. Pre-permitting meeting with David Gardner (Acting Town Manager), Anne Howard (Building Inspector), and Ellen Battaglini (Permitting Coordinator). Plans were discussed and deemed acceptable to move forward. The bedroom separation issue was discussed and was determined the office/studio did not meet the definition of a bedroom under then current regulations. The additional half bathroom for the house is allowed by current regulations.
- We agreed to Ellen's request that we delay HDC and ZBA by a 2 weeks due to the number of applications before each board.
- June 5, 2019 Historic District Commission (HDC) hearing. Proposed addition was approved by unanimous Board vote with no discussion.
- June 6, 2019 Zoning Board of Appeals (ZBA) hearing. Proposed addition was approved by unanimous Board vote with limited discussion. Questions were asked as to exterior access to the office/studio (none, only internal) and maintaining the bulkhead access to the basement (yes).
- July 17, 2019 HDC decision written and filed with the Town Clerk July 19th, a delay of 4 weeks.
- July 18, 2019 ZBA decision written and filed with the Town Clerk July 23rd, a delay of 4-1/2 weeks.
- August 8/12, 2019 20 day appeal period for HDC/ZBA decisions ended without appeal.
- August 13, 2019 Plans submitted to the Town of Provincetown for building permit.
- September 5, 2019 Health Department Director denied building permit.

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
June 6, 2019**

Members Present: Jeremy Callahan, Daniel Wagner, Peter Okun, Caleb Eigsti, and Robert Nee.

Members Absent: Susan Peskin (excused) and Steven Latasa-Nicks (excused).

Others Present: Jeff Ribeiro (Town Planner) and Ellen C. Battaglini (Permit Coordinator)

WORK SESSION

Chair Jeremy Callahan called the Work Session to order at 6:12 P.M.

1) **Election of a Vice Chair:** This matter is postponed.

2) **PENDING DECISIONS:**

ZBA 19-48 (Steven)

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Steve Tait & Dave Cook**, seeking a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and rebuild portions of a structure up and along a pre-existing, non-conforming dimensions, including height and side yard setbacks, at the property located at **425 Commercial Street (Residential 3 Zone)**. **Steven Latasa-Nicks, Daniel Wagner, Peter Okun, Susan Peskin and Robert Nee sat on the case.** The decision was not ready.

ZBA 19-64 (Caleb)

Application by **The Galley Catering, LLC** seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to revise a seating plan on the property located at **225 Commercial Street (Town Center Commercial Zone)**. **Jeremy, Steven, Daniel, Peter and Caleb sat on the case.** Caleb Eigsti read the decision. *Peter Okun moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

ZBA 19-68 (Peter)

Application by **Deborah Paine, Inc.**, on behalf of **Terrence Meck**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to raise a structure by 18” and to construct entrance stairs and a landing on the northwest corner, extending a pre-existing, non-conforming dimension farther into the east side yard setback on the property located at **72A Commercial Street (Residential 2 Zone)**.

moved to grant the request to postpone ZBA 19-65 to the June 20, 2019 Public Hearing at 6:30 P.M., Caleb Eigsti seconded and it was so voted, 5-0

ZBA 19-67 (*request to withdraw without prejudice*)

Application by **Ronald Aike** and **David E. Mooney** seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G14, Utility/Garden Shed (96 sq. ft. max.), of the Zoning By-Laws to add a shed on the property located at **13 Willow Drive, Unit B (Residential B Zone)**. There was a request from the applicant to withdraw the matter without prejudice. *Peter Okun moved to grant the request to withdraw ZBA 19-67 without prejudice, Caleb Eigsti seconded and it was so voted, 5-0.*

ZBA 19-71

Application by **Guy Busa** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct a two-story addition on the structure located at **2 & 2A Conway Street (Residential 2 Zone)**. Jeremy Callahan, Daniel Wagner, Peter Okun, Caleb Eigsti, and Robert Nee sat on the case.

Presentation: Ginny Binder and Guy Busa presented the application. Ms. Binder described the project as a two-story addition with a home office above and storage underneath. The project will require an increase in the building scale structure above the allowable scale for the neighborhood. She reviewed how the project met the goals and objectives of the Local Comprehensive Plan, which is a criteria for a Special Permit pursuant to the Zoning By-Laws. The project will be consistent with Article 2, Section 2640E, subparagraph 1, as it will meet the goals and objectives of the LCP and subparagraph 5, in that it is located in the Historic District, is consistent with Historic District Guidelines, and has been approved by the Historic District Commission. Pursuant to the goals and objectives of the LCP, the project includes reducing a northwest corner non-conformancy by removing a shed on the property, promoting the consistency of the massing, density, and architectural style of the existing buildings. The addition will conform to the historic character of the community, fits the context and character of the neighborhood and is consistent with Chapter 4, Section 4.2, Goals 1 & 2 and Chapter 5, Section 5.2, Policy D. The existing building has solar panels and a battery back-up system, thereby promoting energy independence and using an alternative clean energy source. She argued that the social, economic and other benefits to the Town or neighborhood outweigh any adverse effects such as hazard, congestion or environmental degradation, adding that there would be no adverse effects. The benefits include a reduction in non-conformancy by 2' on the northwest corner of the lot, no congestion will result from the project, the new structure with the addition is still well within the requirements for lot coverage and green space, and the use of less energy from the electrical grid, as more solar panels will be added. Windows from the north side of the structure will be reused in the project. She reviewed the scale numbers. Mr. Busa commented on the addition and said that he had consulted with his neighbors about the design of the addition.

Public Comment: None. There were 8 letters from abutters in support of the application.

Jeremy Callahan moved to close the public portion of the hearing, Daniel Wagner seconded and it was so voted, 5-0.

Board Discussion: The Board questioned Mr. Busa and Ms. Binder.

Peter Okun moved to find that the Social, economic and other benefits to the Town and neighborhood outweighed any adverse effects such as hazard, congestion or environmental degradation, Caleb Eigsti seconded and it was so voted, 5-0.

Peter Okun moved to grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct a two-story addition on the structure located at 2 & 2A Conway Street (Res 2), Caleb Eigsti seconded and it was so voted, 5-0. Caleb Eigsti will write the decision.

ZBA 19-73

Application by **Edward Steblein** seeking a Special Permit pursuant to Article 3, Section 3420, Outdoor Display, of the Zoning By-Laws to place retail items for sale at the front of the structure located at **289 Commercial Street (Town Commercial Center Zone)**. Jeremy Callahan, Daniel Wagner, Peter Okun, Caleb Eigsti, and Robert Nee sat on the case.

Presentation: Ed Steblein presented the application.

Public Comment: None.

Jeremy Callahan moved to close the public portion of the hearing, Peter Okun seconded and it was so voted, 5-0.

Board Discussion: The Board questioned Mr. Steblein.

Peter Okun moved to grant a Special Permit pursuant to Article 3, Section 3420, Outdoor Display, of the Zoning By-Laws to place retail items for sale at the front of the structure located at 289 Commercial Street (TCC Zone), Caleb Eigsti seconded and it was so voted, 5-0.

ZBA 19-74

Application by **Peter Brox** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to replace a 10' by 12' addition with a 20' by 31' addition and to extend an overhang into a pre-existing, non-conforming front yard setback on the structure located at **74 Franklin Street (Residential 3 Zone)**. Jeremy Callahan, Daniel Wagner, Peter Okun, Caleb Eigsti, and Robert Nee sat on the case.

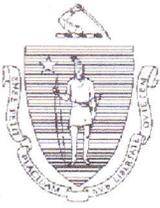
Presentation: Steve Magliocco and Peter Brox presented the application. Mr. Magliocco reviewed the project, which involves replacing an existing smaller addition on north side of the house with a larger addition containing a garage on the first floor and a master bedroom and bathroom on the second floor. The new addition will exceed the neighborhood allowable scale. He said that most of the massing is on the side of the structure, not in the front. In addition, he added, an overhang will infringe in the front yard setback. He argued that the project was consistent with subparagraph 5 of Article 2, Section 2640E of the Zoning By-Laws and added that most of the massing would be on the north side of the structure and not visible from the streetscape. He said that there would be no negative impacts to the Town or the neighborhood. He indicated that the applicant had spoken with his neighbors about the project and had not received any negative feedback.

Public Comment: None.

Jeremy Callahan moved to close the public portion of the hearing, Peter Okun seconded and it was so voted, 5-0.

Ellen C. Battaglini

Approved by _____ on _____, 2019
Jeremy Callahan, Chair



Commonwealth of Massachusetts

Title 5 Official Inspection Form

Subsurface Sewage Disposal System Form - Not for Voluntary Assessments

MAP 15-3, PARCEL 45, 2 CONWAY STREET

Property Address

GUY D. BUSA Jr. et vir

Owner's Name

PROVINCETOWN

City/Town

MA

State

02657

Zip Code

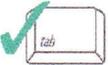
09/13/2019

Date of Inspection

Owner information is required for every page.

Inspection results must be submitted on this form. Inspection forms may not be altered in any way. Please see completeness checklist at the end of the form.

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Inspector Information

CHRISTOPHER LUCY

Name of Inspector

Company Name

PO BOX 944

Company Address

TRURO

City/Town

508-349-1810

Telephone Number

MA

State

02666

Zip Code

SI3864

License Number

B. Certification

I certify that: I am a DEP approved system inspector in full compliance with Section 15.340 of Title 5 (310 CMR 15.000); I have personally inspected the sewage disposal system at the property address listed above; the information reported below is true, accurate and complete as of the time of my inspection; and the inspection was performed based on my training and experience in the proper function and maintenance of on-site sewage disposal systems. After conducting this inspection I have determined that the system:

- 1. [] Passes
2. [X] Conditionally Passes
3. [] Needs Further Evaluation by the Local Approving Authority
4. [] Fails

Handwritten signature of Christopher Lucy

Inspector's Signature

SEPTEMBER 15, 2019

Date

The system inspector shall submit a copy of this inspection report to the Approving Authority (Board of Health or DEP) within 30 days of completing this inspection. If the system has a design flow of 10,000 gpd or greater, the inspector and the system owner shall submit the report to the appropriate regional office of the DEP. The original form should be sent to the system owner and copies sent to the buyer, if applicable, and the approving authority.

Please note: This report only describes conditions at the time of inspection and under the conditions of use at that time. This inspection does not address how the system will perform in the future under the same or different conditions of use.



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Date of Inspection

C. Inspection Summary (cont.)

2) System Conditionally Passes (cont.):

Pump Chamber pumps/alarms not operational. System will pass with Board of Health approval if pumps/alarms are repaired.

Observation of sewage backup or break out or high static water level in the distribution box due to broken or obstructed pipe(s) or due to a broken, settled or uneven distribution box. System will pass inspection if (with approval of Board of Health):

broken pipe(s) are replaced Y N ND (Explain below):

obstruction is removed Y N ND (Explain below):

distribution box is leveled or replaced Y N ND (Explain below):

D-BOX NEEDS TO BE REPLACED, DAMAGED/REMOVED POSSIBLY DURING PROPANE TANK INSTALLATION

The system required pumping more than 4 times a year due to broken or obstructed pipe(s). The system will pass inspection if (with approval of the Board of Health):

broken pipe(s) are replaced Y N ND (Explain below):

obstruction is removed Y N ND (Explain below):

3) Further Evaluation is Required by the Board of Health:

Conditions exist which require further evaluation by the Board of Health in order to determine if the system is failing to protect public health, safety or the environment.

a. System will pass unless Board of Health determines in accordance with 310 CMR 15.303(1)(b) that the system is not functioning in a manner which will protect public health, safety and the environment:



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C. Inspection Summary (cont.)

- Checkboxes for Cesspool or privy within 50 feet of surface water and vegetated wetland.

b. System will fail unless the Board of Health (and Public Water Supplier, if any) determines that the system is functioning in a manner that protects the public health, safety and environment:

- Checkboxes for SAS proximity to surface water supply, public water supply, private water supply well, and distance from private well.

Method used to determine distance:

** This system passes if the well water analysis, performed at a DEP certified laboratory, for fecal coliform bacteria indicates absent and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm, provided that no other failure criteria are triggered. A copy of the analysis must be attached to this form.

c. Other:

Four horizontal lines for additional notes.

4) System Failure Criteria Applicable to All Systems:

You must indicate "Yes" or "No" to each of the following for all inspections:

- Yes/No columns and two failure criteria: Backup of sewage and Discharge or ponding of effluent.



Commonwealth of Massachusetts

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C. Inspection Summary (cont.)

4) System Failure Criteria Applicable to All Systems: (cont.)

- Table with 2 columns: Yes, No. Rows contain various system failure criteria such as 'Static liquid level in the distribution box above outlet invert due to an overloaded or clogged SAS or cesspool' and 'The system is a cesspool serving a facility with a design flow of 2000 gpd-10,000 gpd.'.

5) Large Systems: To be considered a large system the system must serve a facility with a design flow of 10,000 gpd to 15,000 gpd.

For large systems, you must indicate either "yes" or "no" to each of the following, in addition to the questions in Section C.4.

- Table with 2 columns: Yes, No. Rows contain criteria such as 'the system is within 400 feet of a surface drinking water supply' and 'the system is located in a nitrogen sensitive area (Interim Wellhead Protection Area - IWPA) or a mapped Zone II of a public water supply well'.



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C. Inspection Summary (cont.)

If you have answered "yes" to any question in Section C.5 the system is considered a significant threat, or answered "yes" to any question in Section C.4 above the large system has failed. The owner or operator of any large system considered a significant threat under Section C.5 or failed under Section C.4 shall upgrade the system in accordance with 310 CMR 15.304. The system owner should contact the appropriate regional office of the Department.

6. You must indicate "yes" or "no" for each of the following for all inspections:

- Yes No
Pumping information was provided by the owner, occupant, or Board of Health
Were any of the system components pumped out in the previous two weeks?
Has the system received normal flows in the previous two week period?
Have large volumes of water been introduced to the system recently or as part of this inspection?
Were as built plans of the system obtained and examined? (If they were not available note as N/A)
Was the facility or dwelling inspected for signs of sewage back up?
Was the site inspected for signs of break out?
Were all system components, excluding the SAS, located on site?
Were the septic tank manholes uncovered, opened, and the interior of the tank inspected for the condition of the baffles or tees, material of construction, dimensions, depth of liquid, depth of sludge and depth of scum?
Was the facility owner (and occupants if different from owner) provided with information on the proper maintenance of subsurface sewage disposal systems? The size and location of the Soil Absorption System (SAS) on the site has been determined based on:
Existing information. For example, a plan at the Board of Health.
Determined in the field (if any of the failure criteria related to Part C is at issue approximation of distance is unacceptable) [310 CMR 15.302(5)]



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D. System Information

1. Residential Flow Conditions:

Number of bedrooms (design): 2 Number of bedrooms (actual): 2

DESIGN flow based on 310 CMR 15.203 (for example: 110 gpd x # of bedrooms): 220GPD,392 PROVIDED

Description:

ORIGINAL PLAN DESIGNED FOR 2 BEDROOMS PROVIDED 392 GPD OF LEACHING (10' DIAMETER X 3.14 X 4' DEEP) + (3.14 X 25 (RADIUS SQUARED) = 392.5 GPD

Number of current residents: 2

Does residence have a garbage grinder? [] Yes [x] No

Does residence have a water treatment unit? [] Yes [x] No

If yes, discharges to:

Is laundry on a separate sewage system? (Include laundry system inspection information in this report.) [] Yes [x] No

Laundry system inspected? [] Yes [x] No

Seasonal use? [] Yes [x] No

Water meter readings, if available (last 2 years usage (gpd)): 2017 - 52 GPD 2018 - 52 GPD

Detail:

Sump pump? [] Yes [x] No

Last date of occupancy: CURRENT Date



Commonwealth of Massachusetts
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 Subsurface Sewage Disposal System Form - Not for Voluntary Assessments

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D. System Information (cont.)

2. Commercial/Industrial Flow Conditions:

Type of Establishment: _____

Design flow (based on 310 CMR 15.203): _____ Gallons per day (gpd)

Basis of design flow (seats/persons/sq.ft., etc.): _____

Grease trap present? Yes No

Water treatment unit present? Yes No

If yes, discharges to: _____

Industrial waste holding tank present? Yes No

Non-sanitary waste discharged to the Title 5 system? Yes No

Water meter readings, if available: _____

Last date of occupancy/use: _____ Date

Other (describe below):

3. Pumping Records:

Source of information: NONE

Was system pumped as part of the inspection? Yes No

If yes, volume pumped: _____ gallons

How was quantity pumped determined? _____

Reason for pumping: _____



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D. System Information (cont.)

4. Type of System:

- Septic tank, distribution box, soil absorption system
- Single cesspool
- Overflow cesspool
- Privy
- Shared system (yes or no) (if yes, attach previous inspection records, if any)
- Innovative/Alternative technology. Attach a copy of the current operation and maintenance contract (to be obtained from system owner) and a copy of latest inspection of the I/A system by system operator under contract
- Tight tank. Attach a copy of the DEP approval.
- Other (describe):

Approximate age of all components, date installed (if known) and source of information:

INSTALLED 07/91 AS UPGRADE AS PER SEPTIC PERMIT #1490

Were sewage odors detected when arriving at the site? Yes No

5. Building Sewer (locate on site plan):

Depth below grade: 3
feet

Material of construction:

cast iron 40 PVC other (explain): _____

Distance from private water supply well or suction line: _____
feet

Comments (on condition of joints, venting, evidence of leakage, etc.):

NO SIGNS IOF FAILURE



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D. System Information (cont.)

6. Septic Tank (locate on site plan):

Depth below grade: 1.5 feet

Material of construction:

[X] concrete [] metal [] fiberglass [] polyethylene [] other (explain)

If tank is metal, list age: years

Is age confirmed by a Certificate of Compliance? (attach a copy of certificate) [] Yes [] No

Dimensions: 8'6" X 4'10", 1000 GAL H-10

Sludge depth: 6"

Distance from top of sludge to bottom of outlet tee or baffle 28"

Scum thickness 0"

Distance from top of scum to top of outlet tee or baffle 10"

Distance from bottom of scum to bottom of outlet tee or baffle 14"

How were dimensions determined? ROD & PROBE

Comments (on pumping recommendations, inlet and outlet tee or baffle condition, structural integrity, liquid levels as related to outlet invert, evidence of leakage, etc.):

TANK IN GOOD CONDITION, BAFFLES IN PLACE, ONLY OPENED OUTLET DUE TO EXTENSIVE LANDSCAPING AND NEW WALKWAY/STEPS, NO SIGNS OF BACKUP OR FAILURE OF TANK, RECOMMENDED TO PUMP ON A REGULAR BASIS, EVERY 3-4 YEARS DEPENDING ON USE



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D. System Information (cont.)

7. **Grease Trap** (locate on site plan):

Depth below grade:

_____ feet

Material of construction:

concrete

metal

fiberglass

polyethylene

other (explain):

Dimensions: _____

Scum thickness _____

Distance from top of scum to top of outlet tee or baffle _____

Distance from bottom of scum to bottom of outlet tee or baffle _____

Date of last pumping:

_____ Date

Comments (on pumping recommendations, inlet and outlet tee or baffle condition, structural integrity, liquid levels as related to outlet invert, evidence of leakage, etc.):

8. **Tight or Holding Tank** (tank must be pumped at time of inspection) (locate on site plan):

Depth below grade: _____

Material of construction:

concrete

metal

fiberglass

polyethylene

other (explain):

Dimensions: _____

Capacity: _____

gallons

Design Flow: _____

gallons per day



Commonwealth of Massachusetts

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D. System Information (cont.)

8. Tight or Holding Tank (cont.)

Alarm present:

Yes No

Alarm level: _____

Alarm in working order: Yes No

Date of last pumping:

Date

Comments (condition of alarm and float switches, etc.):

Four horizontal lines for handwritten comments.

* Attach copy of current pumping contract (required). Is copy attached?

Yes No

9. Distribution Box (if present must be opened) (locate on site plan):

Depth of liquid level above outlet invert

N/A

Comments (note if box is level and distribution to outlets equal, any evidence of solids carryover, any evidence of leakage into or out of box, etc.):

D-BOX NON EXISTANT, EXISTED IN 2014 FOR PREVIOUS INSPECTION, EXTENSIVE RENOVATIONS DONE ON PROPERTY TO INCLUDE INSTALLATION OF PROPANE TANK NEAR D-BOX, POSSIBLY DAMAGED AND REMOVED THEN, WASTEWATER HAS APPARENTLY SEEPED INTO THE GROUND DURING USE AND NOT BACKED UP INTO TANK, SAS TAKES WATER AS SEEN WHEN PIPES WERE EXPOSED AND WATER WAS RUN FROM THE HOUSE, REPLACEMENT OF THE D-BOX WILL ALLOW THE SYSTEM TO OPERATE PROPERLY

Four horizontal lines for handwritten comments.



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D. System Information (cont.)

10. Pump Chamber (locate on site plan):

Pumps in working order: Yes No*

Alarms in working order: Yes No*

Comments (note condition of pump chamber, condition of pumps and appurtenances, etc.):

Four horizontal lines for writing comments.

* If pumps or alarms are not in working order, system is a conditional pass.

11. Soil Absorption System (SAS) (locate on site plan, excavation not required):

If SAS not located, explain why:

Three horizontal lines for explaining why SAS is not located.

Type:

- Leaching pits (checked), leaching chambers, leaching galleries, leaching trenches, leaching fields, overflow cesspool, innovative/alternative system

Type/name of technology:



Commonwealth of Massachusetts

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D. System Information (cont.)

11. Soil Absorption System (SAS) (cont.)

Comments (note condition of soil, signs of hydraulic failure, level of ponding, damp soil, condition of vegetation, etc.):

ORIGINAL PLAN CALLS FOR 1 PIT, 6' DIAMETER AND 4' DEEP WITH 2' OF STONE SURROUNDING, 392 GPD PROVIDED, NOT EXCAVATED, NO SIGNS OF BACKUP OR FAILURE, SAS HAS NOT BEEN IN USE POTENTIALLY SINCE PROPANE TANK WAS INSTALLED

12. Cesspools (cesspool must be pumped as part of inspection) (locate on site plan):

Number and configuration

Depth - top of liquid to inlet invert

Depth of solids layer

Depth of scum layer

Dimensions of cesspool

Materials of construction

Indication of groundwater inflow Yes No

Comments (note condition of soil, signs of hydraulic failure, level of ponding, condition of vegetation, etc.):



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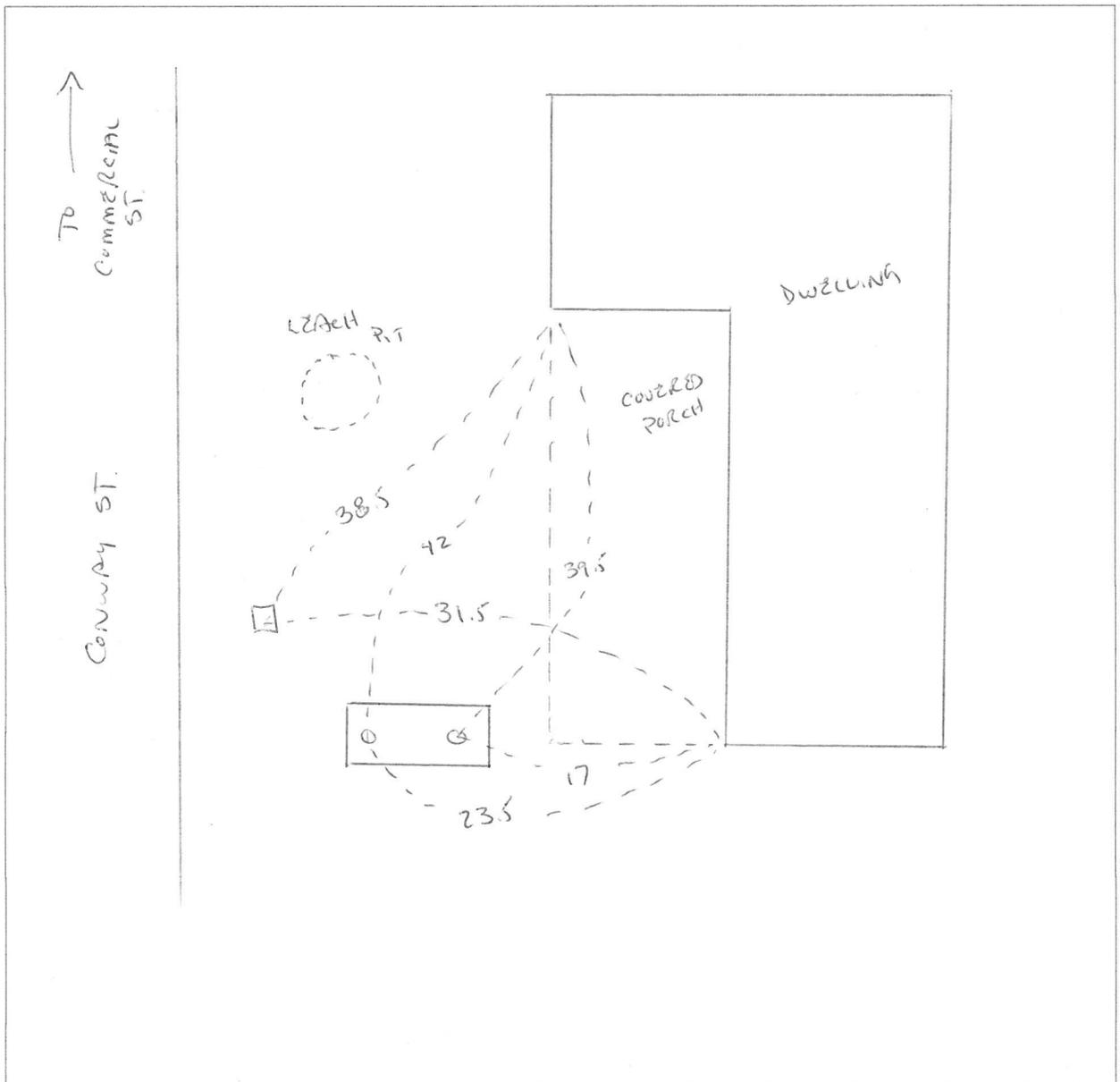
Owner information is required for every page.

D. System Information (cont.)

14. Sketch Of Sewage Disposal System:

Provide a view of the sewage disposal system, including ties to at least two permanent reference landmarks or benchmarks. Locate all wells within 100 feet. Locate where public water supply enters the building. Check one of the boxes below:

- hand-sketch in the area below
- drawing attached separately





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D. System Information (cont.)

15. Site Exam:

Check Slope

Surface water

Check cellar

Shallow wells

Estimated depth to high ground water: 10'+
feet

Please indicate all methods used to determine the high ground water elevation:

Obtained from system design plans on record

If checked, date of design plan reviewed: _____
Date

Observed site (abutting property/observation hole within 150 feet of SAS)

Checked with local Board of Health - explain:

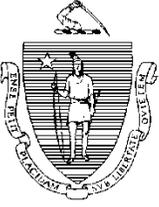
Checked with local excavators, installers - (attach documentation)

Accessed USGS database - explain:

You **must** describe how you established the high ground water elevation:

ELEVATION APPROXIMATELY 15' MSL ACCORDING TO TOPO MAPS, AUGER HOLE 10' DEP,
NO SIGNS OF WATER

Before filing this Inspection Report, please see Report Completeness Checklist on next page.



Commonwealth of Massachusetts

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E. Report Completeness Checklist

Complete all applicable sections of this form inclusive of:

A. Inspector Information: Complete all fields in this section.

B. Certification: Signed & Dated and 1, 2, 3, or 4 checked

C. Inspection Summary:

1, 2, 3, or 5 completed as appropriate

4 (Failure Criteria) and 6 (Checklist) completed

D. System Information:

For 8: Tight/Holding Tank – Pumping contract attached

For 14: Sketch of Sewage Disposal System drawn on pg. 16 or attached

For 15: Explanation of estimated depth to high groundwater included



TOWN OF PROVINCETOWN
HISTORIC DISTRICT COMMISSION

Case #
19-241

Date of Decision: 6/5/2019

Date Application Received: 4/19/19
Public Hearing by (30 days): _____
Decision by (60 days): _____
Extension: Y/N Date: _____

Decision of the Commission on the application of Guy Bura for a

Certificate of Appropriateness Certificate of Hardship Certificate of Non-Applicability

General By-Laws, Chapter 15 of the Town of Provincetown and the Historic Guidelines and Policies for property located at:
2 & 2A Conway St Provincetown, MA 02657.

After the required advertising, notification of parties in interest and posting of notice, the Commission held a Public Hearing on [insert date]. The Applicant sought the following relief for the following Proposed Alteration of the Property:

[insert text]

The Proposed Alteration is shown on plan(s) entitled _____ and dated: [insert date].

After the Public Hearing was closed, the Commission made the following FINDINGS OF FACT:

1. The Property IS _____ IS NOT within the Historic District.
2. The Property _____ IS IS NOT EXEMPT from the commission's review under by-law 15-9 and Guideline 3. If exempt, exempt under General Bylaws Section 15-9-1- _____ and 15-11-3- _____
3. The Proposed Alteration IS _____ IS NOT an Exterior Architectural Feature that is open to view from a public way, public street, public park or public body of water.
4. The public way, public street, public park or public body of water from which the Exterior Architectural Feature can be viewed is / are:

Conway St, Bradford St

5. The Degree of Visibility of the Alteration from a public way, public street, public park or public body of water is:
 Not Visible Minimal Significant Highly Significant

A TRUE COPY ATTEST

TOWN CLERK, PROVINCETOWN

6. The Structure / Building where the Proposed Alteration would take place has the following historical significance:

- None
- Minimal
- Moderate
- High
- Very High

Reason: Because... Built in 2016

7. The Structure/Building where the Alteration would take place has the following architectural significance:

- None
- Minimal
- Moderate
- High
- Very High

Reason(s): Because... Built in 2016

8. The general design, proportions, detailing, mass, arrangement, texture and material of the Proposed Alteration are APPROPRIATE INAPPROPRIATE to the historic, architectural and cultural value and significance of the site.

Reason(s): Because...

9. The Proposed Alteration IS IS NOT new construction under General Bylaw Section 15-8.

If new construction: The scale, shape, proportions, siting and materials are APPROPRIATE INAPPROPRIATE in relation to the land and buildings/structures in the vicinity. Reason(s): Because

10. The following Historic Guidelines apply to the Proposed Alteration:

[Insert text] *Dormers design + material compatible with historic DISTRICT Guideline: 15-11-8*

The Guidelines ARE ARE NOT satisfied. Reasons: Because...

A motion was made and seconded and voted by the Commission to: [place an "X" in the box]

- Approve the application as presented in the plan dated: *April 12, 2019*
- Approve the application with the conditions enumerated below
- Deny the application as presented, with prejudice
- Deny the application without prejudice
- Issue a Determination of Non-Applicability for the application
- Deny the application, but issue a Certificate of Hardship because the requirements of General Bylaw Section 15-7-6 were satisfied for the following reason(s):

CONDITIONS OF APPROVAL: Any approval set forth herein shall be dependent upon the following conditions:

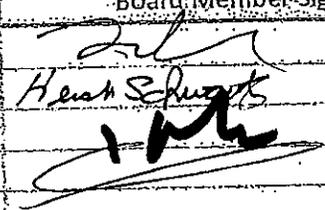
1.	NONE
2.	
3.	
4.	
5.	
6.	

Additional Conditions attached: ~~19-241~~ Yes ___ No

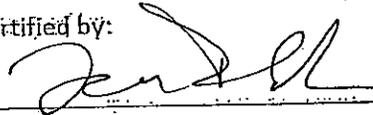
REASONS FOR DENIAL: any denial set forth herein is based upon the findings of fact set forth above and the ultimate determination that the Proposed Alteration was INAPPROPRIATE BECAUSE:

1.	
2.	
3.	

The decision for CASE # 19-241 WAS VOTED AS FOLLOWS: ^{LD} ^{2nd} ^{NCM}

Board Members Sitting	In Favor	Opposed	Abstained	Board Member Signatures
LAURIE DELLM	✓			
HERSH SCHWARTZ	✓			
Chris Mathes	✓			

Certified by:

x 

Chair

Date

x

Town Clerk

Date

RECEIVED TOWN CLERK OFFICE

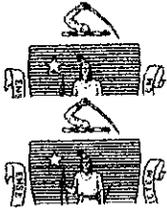
APPEALS: Any person aggrieved by this decision may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, appeal to the Superior Court as provided in Chapter 40C, Section 12A and provide notice as required.

All approved improvements shall be carried out as shown on the plans and specification submitted and approved. Any alterations to the above approved proposal shall be submitted to the Commission for review and approval. Failure to comply with the conditions of this approval shall be a violation of the Historic District Bylaw and enforced by the Commission and the Building Commissioner.

This certificate is valid for a period of one year from the date of issue. If the work authorized by this certificate is not commenced within one year after the date of issue, the relief granted hereunder shall LAPSE and the applicant shall be required to resubmit the proposal for review and approval by the Commission.

A TRUE COPY ATTEST


TOWN CLERK, PROVINCETOWN



Title 5 Official Inspection Form

Subsurface Sewage Disposal System Form - Not for Voluntary Assessments

Owner information is required for every page.

MAP 15-3, PARCEL 45, 2 CONWAY STREET

Property Address

MIRIAM FRIED REV. TRUST

Owner's Name

PROVINCETOWN

City/Town

MA

State

02657

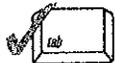
Zip Code

08/14/2014

Date of Inspection

Inspection results must be submitted on this form. Inspection forms may not be altered in any way. Please see completeness checklist at the end of the form.

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. General Information

1. Inspector:

CHRISTOPHER R. LUCY

Name of Inspector

Company Name

16 GLACIER DRIVE, P O BOX 944

Company Address

TRURO

City/Town

508-349-1810

Telephone Number

MA

State

02666

Zip Code

S13864

License Number

B. Certification

I certify that I have personally inspected the sewage disposal system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. The inspection was performed based on my training and experience in the proper function and maintenance of on site sewage disposal systems. I am a DEP approved system inspector pursuant to Section 15.340 of Title 5 (310 CMR 15.000). The system:

Passes Conditionally Passes Fails

Needs Further Evaluation by the Local Approving Authority


Inspector's Signature

AUGUST 21, 2014

Date

The system inspector shall submit a copy of this inspection report to the Approving Authority (Board of Health or DEP) within 30 days of completing this inspection. If the system is a shared system or has a design flow of 10,000 gpd or greater, the inspector and the system owner shall submit the report to the appropriate regional office of the DEP. The original should be sent to the system owner and copies sent to the buyer, if applicable, and the approving authority.

****This report only describes conditions at the time of inspection and under the conditions of use at that time. This inspection does not address how the system will perform in the future under the same or different conditions of use.



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B. Certification (cont.)

Inspection Summary: Check A,B,C,D or E / **always** complete all of Section D

A) System Passes:

- I have not found any information which indicates that any of the failure criteria described in 310 CMR 15.303 or in 310 CMR 15.304 exist. Any failure criteria not evaluated are indicated below.

Comments:

SEE COVER LETTER

B) System Conditionally Passes:

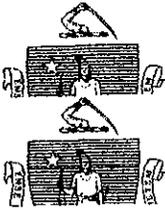
- One or more system components as described in the "Conditional Pass" section need to be replaced or repaired. The system, upon completion of the replacement or repair, as approved by the Board of Health, will pass.

Check the box for "yes", "no" or "not determined" (Y, N, ND) for the following statements. If "not determined," please explain.

The septic tank is metal and over 20 years old* or the septic tank (whether metal or not) is structurally unsound, exhibits substantial infiltration or exfiltration or tank failure is imminent. System will pass inspection if the existing tank is replaced with a complying septic tank as approved by the Board of Health.

* A metal septic tank will pass inspection if it is structurally sound, not leaking and if a Certificate of Compliance indicating that the tank is less than 20 years old is available.

- Y
- N
- ND (Explain below):



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B. Certification (cont.)

- Pump Chamber pumps/alarms not operational. System will pass with Board of Health approval if pumps/alarms are repaired.

B) System Conditionally Passes (cont.):

- Observation of sewage backup or break out or high static water level in the distribution box due to broken or obstructed pipe(s) or due to a broken, settled or uneven distribution box. System will pass inspection if (with approval of Board of Health):

- broken pipe(s) are replaced Y N ND (Explain below):
- obstruction is removed Y N ND (Explain below):
- distribution box is leveled or replaced Y N ND (Explain below):

- The system required pumping more than 4 times a year due to broken or obstructed pipe(s). The system will pass inspection if (with approval of the Board of Health):

- broken pipe(s) are replaced Y N ND (Explain below):
- obstruction is removed Y N ND (Explain below):

C) Further Evaluation is Required by the Board of Health:

- Conditions exist which require further evaluation by the Board of Health in order to determine if the system is failing to protect public health, safety or the environment.

1. System will pass unless Board of Health determines in accordance with 310 CMR 15.303(1)(b) that the system is not functioning in a manner which will protect public health, safety and the environment:

- Cesspool or privy is within 50 feet of a surface water
- Cesspool or privy is within 50 feet of a bordering vegetated wetland or a salt marsh



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B. Certification (cont.)

2. System will fail unless the Board of Health (and Public Water Supplier, if any) determines that the system is functioning in a manner that protects the public health, safety and environment:

- The system has a septic tank and soil absorption system (SAS) and the SAS is within 100 feet of a surface water supply or tributary to a surface water supply.
- The system has a septic tank and SAS and the SAS is within a Zone 1 of a public water supply.
- The system has a septic tank and SAS and the SAS is within 50 feet of a private water supply well.
- The system has a septic tank and SAS and the SAS is less than 100 feet but 50 feet or more from a private water supply well**.

Method used to determine distance: _____

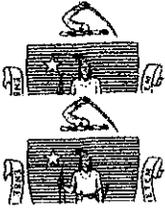
** This system passes if the well water analysis, performed at a DEP certified laboratory, for fecal coliform bacteria indicates absent and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm, provided that no other failure criteria are triggered. A copy of the analysis must be attached to this form.

3. Other:

D) System Failure Criteria Applicable to All Systems:

You must indicate "Yes" or "No" to each of the following for all inspections:

- | Yes | No | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Backup of sewage into facility or system component due to overloaded or clogged SAS or cesspool |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Discharge or ponding of effluent to the surface of the ground or surface waters due to an overloaded or clogged SAS or cesspool |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Static liquid level in the distribution box above outlet invert due to an overloaded or clogged SAS or cesspool |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Liquid depth in cesspool is less than 6" below invert or available volume is less than 1/2 day flow |



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B. Certification (cont.)

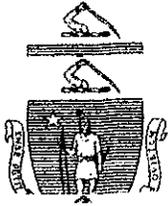
- | Yes | No | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Required pumping more than 4 times in the last year NOT due to clogged or obstructed pipe(s). Number of times pumped: _____. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any portion of the SAS, cesspool or privy is below high ground water elevation. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any portion of cesspool or privy is within 100 feet of a surface water supply or tributary to a surface water supply. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any portion of a cesspool or privy is within a Zone 1 of a public well. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any portion of a cesspool or privy is within 50 feet of a private water supply well. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any portion of a cesspool or privy is less than 100 feet but greater than 50 feet from a private water supply well with no acceptable water quality analysis. [This system passes if the well water analysis, performed at a DEP certified laboratory, for fecal coliform bacteria indicates absent and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm, provided that no other failure criteria are triggered. A copy of the analysis and chain of custody must be attached to this form.] |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The system is a cesspool serving a facility with a design flow of 2000gpd-10,000gpd. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The system fails. I have determined that one or more of the above failure criteria exist as described in 310 CMR 15.303, therefore the system fails. The system owner should contact the Board of Health to determine what will be necessary to correct the failure. |

E) Large Systems: To be considered a large system the system must serve a facility with a design flow of 10,000 gpd to 15,000 gpd.

For large systems, you must indicate either "yes" or "no" to each of the following, in addition to the questions in Section D.

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | the system is within 400 feet of a surface drinking water supply |
| <input type="checkbox"/> | <input type="checkbox"/> | the system is within 200 feet of a tributary to a surface drinking water supply |
| <input type="checkbox"/> | <input type="checkbox"/> | the system is located in a nitrogen sensitive area (Interim Wellhead Protection Area – IWPA) or a mapped Zone II of a public water supply well |

If you have answered "yes" to any question in Section E the system is considered a significant threat, or answered "yes" in Section D above the large system has failed. The owner or operator of any large system considered a significant threat under Section E or failed under Section D shall upgrade the system in accordance with 310 CMR 15.304. The system owner should contact the appropriate regional office of the Department.



Commonwealth of Massachusetts

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MAP 15-3, PARCEL 45, 2 CONWAY STREET

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C. Checklist

Check if the following have been done. You must indicate "yes" or "no" as to each of the following:

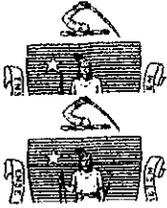
- Checklist items with Yes/No columns and checkboxes. Items include: Pumping information was provided... Were any of the system components pumped out... Has the system received normal flows... Have large volumes of water been introduced... Were as built plans of the system obtained... Was the facility or dwelling inspected for signs of sewage back up? Was the site inspected for signs of break out? Were all system components, excluding the SAS, located on site? Were the septic tank manholes uncovered... Was the facility owner (and occupants if different from owner) provided with information on the proper maintenance of subsurface sewage disposal systems? Existing information. For example, a plan at the Board of Health. Determined in the field (if any of the failure criteria related to Part C is at issue approximation of distance is unacceptable) [310 CMR 15.302(5)]

D. System Information

Residential Flow Conditions:

Number of bedrooms (design): 2 Number of bedrooms (actual): 2

DESIGN flow based on 310 CMR 15.203 (for example: 110 gpd x # of bedrooms): 220 REQ. 392 PROV.



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D. System Information

Description:

Number of current residents:

1

Does residence have a garbage grinder?

Yes No

Is laundry on a separate sewage system? (Include laundry system inspection information in this report.)

Yes No

Laundry system inspected?

Yes No

Seasonal use?

Yes No

Water meter readings, if available (last 2 years usage (gpd)):

2013 - 205 GPD
2012 - 192 GPD

Detail:

Sump pump?

Yes No

Last date of occupancy:

JULY 2014
Date

Commercial/Industrial Flow Conditions:

Type of Establishment:

Design flow (based on 310 CMR 15.203):

Gallons per day (gpd)

Basis of design flow (seats/persons/sq.ft., etc.):

Grease trap present?

Yes No

Industrial waste holding tank present?

Yes No

Non-sanitary waste discharged to the Title 5 system?

Yes No

Water meter readings, if available:



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D. System Information (cont.)

Last date of occupancy/use:

Date

Other (describe below):

General Information

Pumping Records:

Source of information:

PUMPED 2012, BOH RECORDS

Was system pumped as part of the inspection?

Yes No

If yes, volume pumped:

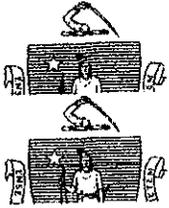
gallons

How was quantity pumped determined?

Reason for pumping:

Type of System:

- Septic tank, distribution box, soil absorption system
Single cesspool
Overflow cesspool
Privy
Shared system (yes or no) (if yes, attach previous inspection records, if any)
Innovative/Alternative technology. Attach a copy of the current operation and maintenance contract (to be obtained from system owner) and a copy of latest inspection of the I/A system by system operator under contract
Tight tank. Attach a copy of the DEP approval.
Other (describe):



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Subsurface Sewage Disposal System Form - Not for Voluntary Assessments

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D. System Information (cont.)

Approximate age of all components, date installed (if known) and source of information:

INSTALLED 07/91 AS UPGRADE AS PER SEPTIC PERMIT #1490

Were sewage odors detected when arriving at the site?

Yes No

Building Sewer (locate on site plan):

Depth below grade:

2
feet

Material of construction:

cast iron 40 PVC other (explain):

Distance from private water supply well or suction line:

feet

Comments (on condition of joints, venting, evidence of leakage, etc.):

NO SIGNS OF FAILURE INSIDE BUILDING OR OUT

Septic Tank (locate on site plan):

Depth below grade:

2
feet

Material of construction:

concrete metal fiberglass polyethylene other (explain)

If tank is metal, list age:

years

Is age confirmed by a Certificate of Compliance? (attach a copy of certificate)

Yes No

Dimensions:

8'6" X 4'10", 1000 GAL H-10

Sludge depth:

6"



Commonwealth of Massachusetts

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D. System Information (cont.)

Septic Tank (cont.)

Distance from top of sludge to bottom of outlet tee or baffle 28"

Scum thickness 1"

Distance from top of scum to top of outlet tee or baffle 10"

Distance from bottom of scum to bottom of outlet tee or baffle 14"

How were dimensions determined? ROD & PROBE

Comments (on pumping recommendations, inlet and outlet tee or baffle condition, structural integrity, liquid levels as related to outlet invert, evidence of leakage, etc.):
BAFFLES IN PLACE, TANK IN GOOD CONDITION, NO SIGNS OF BACKUP OR FAILURE

Grease Trap (locate on site plan):

Depth below grade: _____ feet

Material of construction:

concrete metal fiberglass polyethylene other (explain):

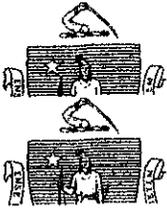
Dimensions: _____

Scum thickness _____

Distance from top of scum to top of outlet tee or baffle _____

Distance from bottom of scum to bottom of outlet tee or baffle _____

Date of last pumping: _____ Date



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D. System Information (cont.)

Comments (on pumping recommendations, inlet and outlet tee or baffle condition, structural integrity, liquid levels as related to outlet invert, evidence of leakage, etc.):

Tight or Holding Tank (tank must be pumped at time of inspection) (locate on site plan):

Depth below grade: _____

Material of construction:

concrete metal fiberglass polyethylene other (explain):

Dimensions: _____

Capacity: _____

gallons

Design Flow: _____

gallons per day

Alarm present:

Yes No

Alarm level: _____

Alarm in working order: Yes No

Date of last pumping: _____

Date

Comments (condition of alarm and float switches, etc.):

* Attach copy of current pumping contract (required). Is copy attached? Yes No



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D. System Information (cont.)

Distribution Box (if present must be opened) (locate on site plan):

Depth of liquid level above outlet invert

0"

Comments (note if box is level and distribution to outlets equal, any evidence of solids carryover, any evidence of leakage into or out of box, etc.):

H-10 D-BOX IN GOOD CONDITION, 2.5' BELOW GRADE, NO SIGNS OF BACKUP OR FAILURE

Pump Chamber (locate on site plan):

Pumps in working order:

Yes

No*

Alarms in working order:

Yes

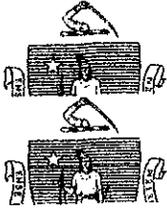
No*

Comments (note condition of pump chamber, condition of pumps and appurtenances, etc.):

* If pumps or alarms are not in working order, system is a conditional pass.

Soil Absorption System (SAS) (locate on site plan, excavation not required):

If SAS not located, explain why:



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D. System Information (cont.)

Type:

leaching pits

number:

1, 6'DIA X 4' D w/
STONE

leaching chambers

number:

leaching galleries

number:

leaching trenches

number, length:

leaching fields

number, dimensions:

overflow cesspool

number:

innovative/alternative system

Type/name of technology:

Comments (note condition of soil, signs of hydraulic failure, level of ponding, damp soil, condition of vegetation, etc.):

PLAN CALLS FOR 1 PIT, 6' DIAMETER AND 4' DEEP WITH 2' OF STONE SURROUNDING, 392 GPD PROVIDED, NOT EXCAVATED, NO SIGNS OF BACKUP OR FAILURE

Cesspools (cesspool must be pumped as part of inspection) (locate on site plan):

Number and configuration

Depth – top of liquid to inlet invert

Depth of solids layer

Depth of scum layer

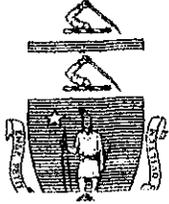
Dimensions of cesspool

Materials of construction

Indication of groundwater inflow

Yes

No



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D. System Information (cont.)

Comments (note condition of soil, signs of hydraulic failure, level of ponding, condition of vegetation, etc.):

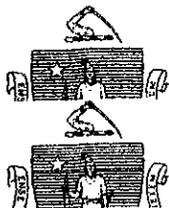
Privy (locate on site plan):

Materials of construction:

Dimensions

Depth of solids

Comments (note condition of soil, signs of hydraulic failure, level of ponding, condition of vegetation, etc.):



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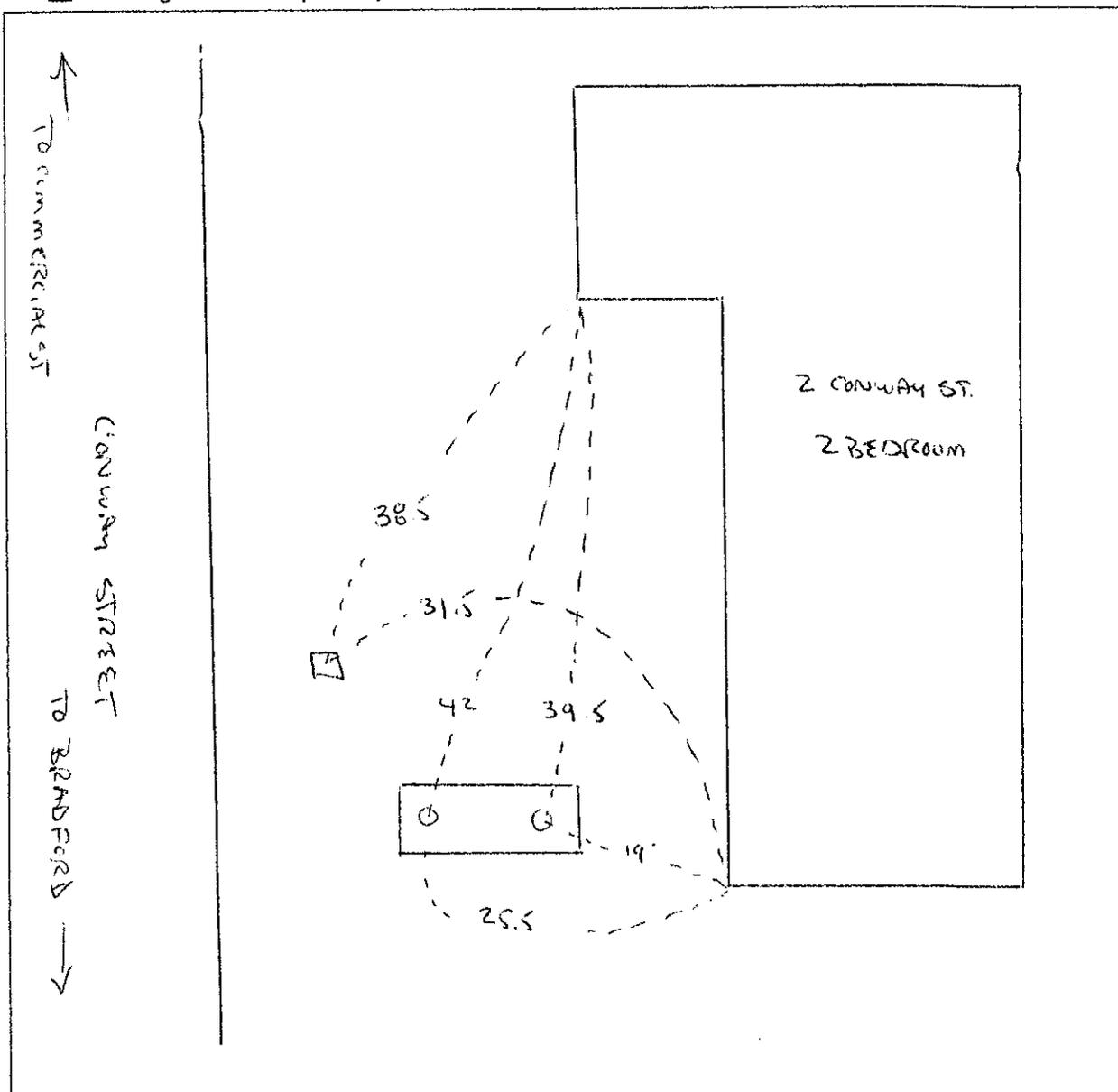
Date of Inspection

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D. System Information (cont.)

Sketch Of Sewage Disposal System: Provide a view of the sewage disposal system, including ties to at least two permanent reference landmarks or benchmarks. Locate all wells within 100 feet. Locate where public water supply enters the building. Check one of the boxes below:

- hand-sketch in the area below
- drawing attached separately





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 MIRIAM FRIED REV. TRUST
 Owner's Name
 PROVINCETOWN MA 02657 08/14/2014
 City/Town State Zip Code Date of Inspection

D. System Information (cont.)

Site Exam:

- Check Slope
- Surface water
- Check cellar
- Shallow wells

Estimated depth to high ground water: 4'+/-
 feet

Please indicate all methods used to determine the high ground water elevation:

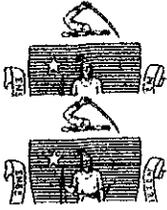
- Obtained from system design plans on record
 If checked, date of design plan reviewed: _____
 Date
- Observed site (abutting property/observation hole within 150 feet of SAS)
- Checked with local Board of Health - explain:

- Checked with local excavators, installers - (attach documentation)
- Accessed USGS database - explain:

You **must** describe how you established the high ground water elevation:

ELEVATION APPROXIMATELY 15' MSL ACCORDING TO TOPO MAPS, AUGER HOLE 10' DEP,
 NO SIGNS OF WATER.

Before filing this Inspection Report, please see Report Completeness Checklist on next page.



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required for every
page.

E. Report Completeness Checklist

- Inspection Summary: A, B, C, D, or E checked
- Inspection Summary D (System Failure Criteria Applicable to All Systems) completed
- System Information – Estimated depth to high groundwater
- Sketch of Sewage Disposal System either drawn on page 15 or attached in separate file



Town of Provincetown

Meeting of the BOARD OF HEALTH

Thursday, November 19, 20135

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

Board Members Present: Steve Katsurinis, Vice Chair, Acting as Chair; Dr. Janet Whelan; Elise Cozzi; Elizabeth Williams and Joseph Freitas

Board Members Absent: Mark Phillips, Chair (Excused Absence)

Other Attendees: Morgan Clark, Director Department of Health and the Environment and Laura Marin, Health Agent

Recording Secretary: Susan Leonard

Call to Order: Steve Katsurinis called the meeting to order at 4:00 p.m.

I. Public Comments:

There were no public comments.

II. Old Business

a. 227R Commercial Street – Follow up

Ms. Clark informed the Board that she has received the modified court injunction based on an agreement between Town Counsel and Mr. Brad Rose's counsel. It has been accepted by the judge. Ms. Regina Binder now has permission to access the property at 227R Commercial Street without having to be supervised by a Town official.

Ms. Binder thanked the Board for its confidence in her management of the project and informed them of progress being made on making the structure safe. She will be focusing next on the "dining room B" area. She has spent time with Ch. 91 consultant Jim Vincent and a preliminary Ch. 91 application has been submitted.

II. New Business:

a. 5 Nickerson Street – Release Administrative Consent Order

Ms. Clark explained that this is another formality concerning the ACO for 5 Nickerson Street. The Board had previously terminated the ACO for the property. The property owners had been paying into the fund and the Town Treasurer needs to have the Board's approval to release the funds.

Motion: *To release the funds for 5 Nickerson Street.*

Motion: Dr. Janet Whelan

Seconded: Elise Cozzi

Vote: 5 - 0 - 0

b. 2 Conway Street – Building Permit Review/Number of Bedrooms

Owner of the property, Mr. Guy Busa, his architect Ted Smith and consultant Ms. Regina Binder appeared before the Board.

Ms. Clark informed the Board that this building permit review has been brought to their attention because both she and George Heufelder need guidance on determining the number of bedrooms at the property. They have determined that the proposed plans for the property indicate one bedroom on the second floor. However, by the definition of a bedroom, the first floor proposed plans actually show two bedrooms because the opening to the area labeled as a dressing room does not meet the 6 - foot minimum opening requirement. It is, in fact, only 5 feet wide. The number of bedrooms is limited by a Title 5 system designed for two bedrooms.

Mr. Smith stated that the opening is 5 feet in order to maintain the existing bathroom in its current location and configuration and to allow isolation for heating and cooling. He has tried to achieve a "reasonable accommodation" to the Town code. They hope to keep this original wing of the house as intact as possible. Mr. Busa stated that the Title 5 has more capacity than needed for two bedrooms. They originally thought the house had 3 bedrooms.

Mr. Katsurinis suggested that granting an exception to the regulations, even with assurance from the current owners that the space in question would not be used as a bedroom, nothing could be done about it being used as a third bedroom if and when the property is sold in the future.

Ms. Clark added that they cannot get an un-varianced Title 5 system for 3 bedrooms on the property, which is what Growth Management requires in order to get approval for another bedroom. Although the current system appears to have extra flow, it does not have a tank. It is just a pit. It is not a compliant system within the current code guidelines.

Ms. Clark asked the Board if they are comfortable with the proposed plan showing two bedrooms or does the dressing room meet the definition of a third bedroom? She sees three bedrooms that meet the code.

Mr. Katsurinis asked for Board member's input. Mr. Freitas suggested that an architectural solution is probably possible to increase the opening to 6 feet. Ms. Williams asked if there is a way to design it so it is obviously one large bedroom? Ms. Williams said she is comfortable with the 5 foot opening. Dr. Whelan suggested that the closet be relocated to

the dressing room. Ms. Cozzi suggested that the name of the “dressing room” be changed to “bedroom suite” or den.

Mr. Katsurinis stated it does meet the definition of a bedroom and therefore is a bedroom. Changing what is called does not change anything. The rules have to be the same for everyone. At some point, the regulations have to mean what they say.

Ms. Clark stated that the Board can offer guidance through her or it can reject the plan because it does not meet the letter of the law. Mr. Katsurinis said he would be comfortable with Ms. Clark’s reviewing and approving an alternative plan as long as the 6 foot requirement is met. It does not have to come back before the Board.

Materials provided:

Existing & Proposed Plans, 2 Conway Street, Provincetown, Ma; Ted Smith Architect, LCC; Title 5 Official Inspection Form, 2 Conway Street, Miriam Freed Rev. Trust , Christopher Lucy, 08/14/2014

c. Discussion – Regulatory Work Session December 3, 2015

Ms. Clark asked the Board if there are any regulatory changes they would like her to bring to the work session scheduled for December 3. The DPW has asked for a few changes to be considered and she has been looking at the body art regulations, as well.

Mr. Katsurinis raised the question of food truck licensing. The regulations have it listed as a temporary food establishment, but a “temporary food establishment” is based on an inspected commercial kitchen. Ms. Clark replied that the State code defines this. He also wants to consider emerging trends. Mr. Katsurinis also would like to know about any enforcement difficulties that have arisen with any regulations.

Ms. Cozzi added that the Pier Commission is also looking at food trucks for the end of the pier where the ferries dock. Ms. Clark replied that currently it is a zoning issue. The Board of Health could license them if approved by zoning. Mr. Katsurinis thinks that the Provincetown Health Department should be inspecting the kitchens even if they are out of town. Ms. Clark does not see much difference between food trucks and farmers market vendors. As long as the other towns have regulations as good as Provincetown’s, he would be comfortable with accepting its inspection report.

d. Nominate a Board of Health Representative to the Case Management Contract Review Panel

This is related to the funding approved at the recent Special Town Meeting. Ms. Clark informed the Board that the Town is currently working on drafting a Request for Proposals. A consultant will be brought into the process to help with evaluating the program. Ms. Clark would like a member of the Board of Health on the review panel to review the applications and be present during the interview process in mid- February.



Town of Provincetown

Meeting of the

BOARD OF HEALTH

Thursday, December 3, 2015

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

Board Members Present: Mark Phillips, Chair; Dr. Janet Whelan, Betty Williams and Joseph Freitas, Alternate

Board Members Absent: Steve Katsurinis, Vice Chair and Elise Cozzi (Excused Absences)

Other attendees: Morgan Clark, Director Department of Health and Laura Marin, Health Agent

Recording Secretary: Susan Leonard

Call to Order: Mark Phillips, Chair called the meeting to order at 4:10 pm.

I. Public Comments:

There were no public comments.

II. Old Business

There was no old business brought forward for discussion.

III. New Business:

a. Set public hearing date(s) for proposed changes to regulations

Discussion:

The Board, having just completed its "work session" regarding proposed regulations changes, was not at a point to present any changes to the public at a Public Hearing. Mr. Phillips stated that Public Hearings will be scheduled at a future date.

V. Approval of Minutes

a. November 19, 2015

b. October 13, 2015 Health Summit Notes

After reviewing the minutes for the November 19, 2015 meeting a motion was made.

Ms. Binder has been following up on the regulatory aspects of the rehabilitation of 227R Commercial Street. Waterfront property has its own set of requirements. The Board's only involvement at this point is the outstanding Court Order that will stay in force until the building is habitable. It may be years.

Mr. Phillips asked about rental certificates. Ms. Clark said it has allowed them to focus on the complaint based issues and compliance. The requirement of including the permit number in advertising is on hold right now, because once the on-line system is up and running all the numbers will be changed. The IT Department is working with a contractor to build the program.

Mr. Phillips asked for an update on rabies. Ms. Clark stated that "baiting" will take place in the Summer. Dr. Whelan mentioned there had been two attacks by skunks in Barnstable, recently. Ms. Clark said she has not been contacted about any rabies on this end of the Cape.

There was a recent article in the paper about improper protocol by a Wellfleet oysterman selling directly to restaurants. There were no Provincetown restaurants involved, however. The State sends an inspector immediately if there is a local concern about vibrio.

Dr. Whelan raised the issue of improper storage temperature of oysters over the holidays by the public. Perhaps some education on it could be done.

Betty Williams asked about what, if any, changes to the proposed plans for 2 Conway Street had been made? Ms. Clark replied that she received a revised plan soon after the Board meeting that met the requirement of a 6 - foot opening to the dressing room. The orientation of the bathroom was switched.

VI. Board Members' Statements

There were no statements made by the board members

Adjournment:

There being no further business, Mark Phillips moved to adjourn the meeting at 4:39 pm.

Respectfully submitted,

Susan Leonard

Approved by _____ on _____, 2016



**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

AGENDA ACTION REQUEST

Board of Health Meeting Date: September 19, 2019

Project Location: 5 Conwell Street
Applicant Name: Robert P Silva

Applicant: Robert P Silva

Date Requested:

Map & Parcel: 12-3-84-0

Title 5 Variance Request:	Yes	No X
Board of Health Variance Request:	Yes	No X
Administrative Consent Order Request:	Yes	No X
Other: Release ACO		

HEALTH AGENT'S REPORT: Reviewing Health Agent, Morgan Clark

The Board approved local upgrade approval requests for this property at its last meeting, and the owner is moving forward with upgrading the subsurface sewage disposal system. The Health Department has been provided with a signed contract with the installer, which is the requirement to release the ACO funds.

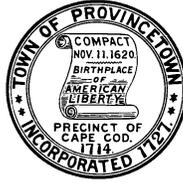
BOARD OF HEALTH ACTION:

Motion: Move that 5 Conwell have their ACO funds returned.

Motion:

Seconded:

Vote:



**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

AGENDA ACTION REQUEST

Board of Health Meeting Date: September 19, 2019

**Project Location: 18 Cottage Street
Applicant Name: OLD DUCK HOLE REALTY TRUST,
MICHAEL BRITT TTEE**

Applicant: Michael Britt

Date Requested:

Map & Parcel: 6-4-46-0

Title 5 Variance Request:	Yes	No X
Board of Health Variance Request:	Yes	No X
Administrative Consent Order Request:	Yes	No X
Other: Release ACO		

HEALTH AGENT'S REPORT: Reviewing Health Agent, Morgan Clark

This ACO property has connected to the sewer, and thus their ACO funds should be applied toward their betterment.

BOARD OF HEALTH ACTION:

Motion: Move that 18 Cottage have their ACO funds returned.

Motion:

Seconded:

Vote:



Town of Provincetown
Meeting of the
BOARD OF HEALTH

Thursday, August 15, 2019

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

Board Members Present: Mark Phillips, Chair, Steve Katsurinis, Vice Chair; Dr. Janet Whelan; Dr. Elise Cozzi; Kalliope Chute; and Dr. Susan Troyan, Alternate

Board Members Absent: Irv Morgan, Alternate

Other attendees: Morgan Clark, Health Director; Lezli Rowell, Health Agent

Call to Order: Mr. Phillips called the meeting to order at 4:01 p.m.

I. Public Comments:

Dr. Troyan arrived at 4:02 pm

Paul Richardson expressed concerns about rats on Pearl Street and elsewhere in town particularly in regards to the role of local government in addressing the problem.

Elizabeth Brooke requested that the agenda item on rats be moved up in the agenda, but Public Hearings cannot be moved.

Catherine Russo of Fishburn Court stated that the issue was not accurately described in the newspaper, and supports humane solutions.

II. Public Hearings:

a. Board of Health Regulations, 600: Subsurface Sewage Disposal Systems, under section 603 "Definitions" (Bedroom)

Discussion: Ms. Clark read the hearing notice and explained the proposed changes regarding the definition of bedrooms and about bathrooms and presented the Board with a brief background of the changes. The Board discussed outdoor showers.

Mr. Phillips opened the public hearing to comments from the public:

Public Comments:

Jeff Epstein stated that the regulations proposed are very strict, particularly around half bathrooms.

Discussion: The Board discussed whether the proposed change regarding toilets would allow for one extra toilet per bedroom or one extra for the entire dwelling, suggesting that the intended meaning of one extra toilet for the entire dwelling be clarified. The outdoor shower issue was discussed again and it was suggested that the Conservation Agent might come to the next meeting.

Mr. Phillips closed the public comments portion of the hearing.

Motion: *With the clarifying language that the additional half bath is per property and not per bedroom, move to approve option B.*

Motion: Mr. Katsurinis **Seconded:** Ms. Chute **Vote:** 5-0-0

b. Board of Health Regulations, Part VI Article 5 – Solid Waste Fees

Discussion: Ms. Clark noted that the DPW Director is requesting that the fees be raised due to increased costs for the Town. The Board discussed with staff recycling costs versus regular garbage costs, fines for not recycling for haulers, and a desire for more information on what happens to trash and recycling once it has been picked up, and to hear from local trash pickup providers.

Mr. Phillips opened the hearing to public comments and, hearing none, closed the public comment portion of the hearing.

Motion: *Move to increase the solid waste fee per recommendation from DPW Director Rich Waldo from \$40 per ton to \$100 per ton due to the increased costs of recycling per the Town's contract with Casella, LLC.*

Motion: Ms. Chute **Seconded:** Dr. Cozzi **Vote:** 5-0-0

III. New Business

Mr. Phillips, hearing no objection from the Board, moved item “c” up in the Agenda.

c. Discussion: Animal Welfare Committee - humane solutions to overpopulation, Elizabeth Brooke presenting

Discussion: The members of the Animal Welfare Committee Elizabeth Brooke, Chair Carol McDonald, Barbara Murphy, and Clerk Sherry Brec introduced themselves and Ms. Brooke noted that Alternate Russell Dutra and Stormy Mayo of the Center for Coastal Studies were also in attendance. Ms. Brooke called the Animal Welfare Committee to order and discussed problems arising from an increase in the rodent population and proposed humane solutions such as a device developed in New Zealand to humanely euthanize rodents once they enter the trap. The long term solution she proposed is sterilization of the rats, garbage control and education. Stormy Mayo addressed the Board and advocated for humane solutions especially those which limit reproduction, and noted that the problem extends to other parts of the Cape, and is greater than currently realized. Mr. Mayo noted that the poisons some are using are dangerous and discouraged their use. The Board discussed potential causes for the current increase including flooding of the breakwater driving the rats from where they had been sheltering. Ms. Brooke requested the town help with the cost of deploying the humane traps. Further discussion covered how the birth control process would affect the environment and other wildlife and a desire to further investigate the science behind the method. Ms. Clark described current humane pest control being used at the Transfer Station and reported on her investigation and her findings that the Town cannot treat on private property, and some steps the Health Department is taking to spread the word. The Board discussed potential next steps regarding poisons, trash, and education.

Public Comment:

Mr. Richardson - need to look at how to work on the problem now as it's a public health issue.

Ms. Russo - her compost bin had rats and her neighbors have seen rats.

Robert Silva - rats used to be taken care of by cats.

Jeff Millikan - off Pearl Street - community wide problem. The community will want to band together but would hope to see some town wide leadership on the issue. Affects public health and the

economic health of the town. Maybe up to the Select Board. We need education and leadership on how to tackle the problem.

Lucy Siegel - Pearl Street - discussed absentee home owners renting and depending on renters to put out garbage and their negligence.

Further discussion: Ms. Chute noted the importance of fact sheets on how to manage anti-rodenticide and noted that on October 5 people can go to the Provincetown Transfer Station to get rid of unwanted pesticides. Further discussion included an upcoming talk on rats in September at the Library, the extent of distribution for education materials, and other Town entities which could be involved moving forward.

a. Introduction to new Community Support Liaison, Jessica Handley — Morgan Clark, presenting

Discussion: Ms. Handley of the Homeless Prevention Council introduced herself and the program which strives to identify and address unmet needs and services, and she noted the need for solid data. Ms. Handley's hours at the Library and the Methodist Church were discussed noting that the current hours are meant to be flexible. The method of the program was covered as was forms of collecting data, the ways clients are being referred to the program, and using services and collaborating with organizations already in place. The Board welcomed Ms. Handley.

b. 5 Conwell Street, Local Upgrade Approval request - David Lajoie of FELCO Engineering presenting

Discussion: Mr. Lajoie presented background on the request including the changes to the structures and landscaping. Ms. Clark noted that the systems were in failure last year and that a number of the apartments are going to be year round rentals.

Motion: *Move to grant the requested Local Upgrade Approval to 5 Conwell Street as presented.*

Motion: Dr. Whelan Seconded: Ms. Chute Vote: 5-0-0

c. Discussion: Animal Welfare Committee - humane solutions to overpopulation, Elizabeth Brooke presenting [this item was moved to the top of the New Business agenda].

IV. Old Business

a. Designate voting representatives for 2021 International Energy Conservation Code:

Discussion: Ms. Rowell presented a brief history of the agenda item noting that previously Ms. Chute, Mr. Katsurinis, Dr. Cozzi and Dr. Troyan had expressed interest.

Motion: *Move to appoint the four members of the board as stated.*

Motion: Mr. Phillips Seconded: Mr. Katsurinis Vote: 5-0-0

V. Any Other Business That Shall Properly Come Before the Board

No other business.

VI. Approval of Minutes

Motion: *Move to approve the minutes for July 18, 2019*

Motion: Mr. Katsurinis **Seconded:** Dr. Cozzi **Vote:** 5-0-0

VII. Health Department Report

Food Establishment Inspections: The Health Department has performed or coordinated 100% completion first round inspection of the Full Service Establishments (FSE) and Limited Facility (LF) restaurant licensees, with 28% of the FSEs and 37% of the LFs through second round inspections; 100% of the full breakfast residential kitchens and an 11% representative sampling of continental breakfast licensees; a 23% representative sampling of retail food service licensed establishments (commercially pre-packaged, ready-to-eat foods only); and, 83% of the annual non-profit/institutional license inspections. This was the last week with services of the Barnstable County Summer Sanitarian. A few refrigeration issues have been handled and mainly minor complaints have been handled.

Food Establishment Pre-Application/Plan Review/Pre-Operational Inspections: The Health Department is updating our 'Restaurant Checklist' provided in pre-application meetings with potential new/transfer licensees, with emphasis that there is no "grandfathering" on Food Code requirements. This guidance assists applicants in assessing establishments and preparing for plan review submittal. This month, Ms. Rowell has conducted another pre-operational inspection and is working with a new application.

Pool Inspections: The Health Department has performed or coordinated second round inspections to 18 of the 19 licensed semi-public pools, including two with DPH report follow ups. The Health Department monitors the requirement for monthly laboratory sampling, and on-site requirement for logging sampling four times daily. Following the recommendation of the DPH Community Sanitation Program, use of Taylor FAS-DPD K-2006 water chemistry kit may be required or recommended for 2020 season licensing. Ms. Rowell described her follow up on two pools which have had concerns over the summer that are being addressed.

Beach Water Quality Testing: Work with the Barnstable County lab and Summer Sanitarian services continue through the last week of August. Notices continue to be reported to the public through the Civic Alerts sign up system. Beaches which have had closures include Ryder Street, 451 Commercial Street and Town Landings 1 and 2 (across from Breakwater Hotel and Snail Road). Many of the closures have been under the 'geomean' calculation. This includes five most recent results collected, including samples impacted by rainfall, intended to reflect typical water quality of the testing location (DPH May 2019 memo enclosed).

Grease Trap Pumpings: Mr. Roderick reports that he has pumped a volume of approximately 90,000 gallons in July for his client base, and is on track to service all accounts meeting the new BOH requirement for FSEs to schedule at least one of their annual required grease trap pumpings between July 1 – August 31.

Public Health Memo, Re - Bats and Rabies: Memorandum issued 8/1/19 from the State Epidemiologist and State Public Health Veterinarian (enclosed) has been shared with the Animal Control Officer, upon receipt. Take-aways are: keep pet dogs and cats up-to-date on their rabies vaccines, never handle a bat with bare hands, and do not release a captured bat outdoors until it can be safely ruled out that there has been an exposure.

Buried in Treasures Workshop: Cape Cod Hoarding Task Force and the Provincetown Council on Aging are sponsoring a multi-week group starting 10/15/19 (announcement attached) with the goal of changing problematic acquisition and discarding behaviors. This is a free workshop but requires registration.



**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

Board of Health Meeting Date: September 19, 2019

Health Department Report:

- Beach Water Quality Testing: There were no beach closures in the final week of Barnstable County water quality testing. The Health Department will review the testing locations with consideration of outfall/stormwater drain location information, public access locations and MIS GIS mapping, as review of the program prior to 2020 season.
- Massachusetts Environmental Health Association Conference: The Health Agent attended the "Yankee Conference" in Plymouth last week, attending sessions on the FDA Approach to Risk-based Food Inspections, A 'Cannabis & CBD Update' presented by Cheryl Sbarra of MAHB and a mock pool inspection presented by DPH Community Sanitation staff, among other topics.
- Recycling & Renewable Energy Committee: The Health Agent is attending committee meetings on behalf of the Health Department and Board of Health.
- Complaint Investigations: The Health Department has received and followed up on various reports, such as food handling and restaurant issues, chronic dampness in rentals/accommodations, pests, bird-feeding, outdoor grooming, unlicensed rentals and/or habitation code, uncovered or accumulated trash, etc. As much as possible, the Agent aims to resolve with public education, referrals where appropriate and guidance to correction/compliance.
- Guest Body Art Technician Applications: Health received and processed about 80 applications between the two host establishments. Going forward, the Health Agent recommends adopting a deadline for consideration of permits, such as '*completed* application with up-to-date credentials must be submitted *at least two weeks prior* to the earliest date for guest scheduling'.
- Special Events and Farmer's Market "Temporary" Food Permits: Health has received and processed 47 special/temporary food permits so far this year, of which 22 were for Farmer's Market vendors. Similarly, the Agent recommends setting some kind of submissions deadline for permit requests.
- Food Service Establishment Inspections: Second round of full service restaurant and limited facility inspections are approximately 50% completed, with next focus on developing appropriate frequencies for non-profit operators based on risk categories, some of which are licensed and other to be guided into licensing (with fee waived status, of course).
- Pools and Hot Tubs: A total of 19 pools were licensed with two inspections and 14 hot tubs (or 'special purpose' pools) were licensed with opening inspections this year. Certified Pool

Operators (CPOs) were asked to provide capacity calculations and Virginia Graeme Baker (VGB) Pool and Spa Safety Act compliance declarations this season, based on advice from peers and County resources. Upon guidance from DPH Community Sanitation Program, the Agent recommends requiring VGB certification (see attached) submitted with license renewal applications, will recommend use of the water testing chemistry kit best calibrated to The Sanitary Code for Swimming Pools (105 CMR 435) – Taylor K-2006 with FAS-DPD (test strips for hot tubs OK).

- Pre-Applications for New or Transferred Food Service Establishments (FSEs): The Community Development Department has adopted scheduling for staff to make available for pre-application bookings, with FSEs offered Wednesday mornings with the Agent, property developments/renovations with the Director Monday afternoons or Thursday mornings.
- Free Training for Elected & Appointed Municipal Leaders & Town Staff: Michelle Jarusiewicz, Community Housing Specialist, announces the Lower Cape Housing Institute running Oct. 2 - Nov. 6 (see flyer attached). Registrants may enroll in any or all topic session.
- Environmental Health: The Rat Task Force met on 9/12/19 and will meet regularly to discuss options and recommendations for the Town. The committee is comprised of representatives from the Board of Health, Animal Welfare Committee, Visitor Services Bureau, Open Space Committee as well as the Health Department staff, DPW Operations Director, the Environmental Planner, the Animal Control Officer, and Dr. Stormy Mayo.
- Public Health: The launch of the Crop Swap: Provincetown's Produce Swap Shop went very well. The fridge is stocked with fresh produce and folks have been accessing it.

DRAIN COVER EXPIRATION DATES

The Virginia Graeme Baker (VGB) Pool and Spa Safety Act which was signed into law in 2007 spelled-out provisions which every drain cover, or suction outlet, is required to meet in order to be made available for use. The drain cover manufacturer should provide a certification document with each drain cover stating that it complies with the requirements of the VGB Act.

If there is no mark or you are otherwise in doubt, contact the manufacturer and ask for a copy of the certificate.

The following information should be printed directly on the drain cover:

- Use—single or multiple
- Flow rate GPM
- Life or the number of years
- Wall and/or floor mount
- Manufacturer's name
- Model number
- Flow Rates and Single Drains

The "life or the number of years" indicates when the drain cover has reached its expiration date. Once this date has been reached, the cover needs to be replaced with a new one to remain in compliance with the VGB Act.

PLEASE NOTE: The Provincetown Health Department will require copy of your certificate(s) submitted with 2020 license renewal application, to assess for product expirations and replacements.

VGB DRAIN CHECK SAFETY CHECKLIST

It's important to check every pool season to ensure the pool is safe, including checking all drain covers. Covers should also be monitored throughout the year for any issues that would put swimmers in danger of drowning or injury.

Covers should be monitored by the semi-public pool owner(s) or pool operator and checked by a pool professional so that the pool is always safe to use.

1. IS THE DRAIN COVER VGB COMPLIANT?

- Look for certification markings on the cover or check with the drain manufacturer. If you are not sure or cannot confirm, the best solution is to replace the drain cover.
- The Virginia Graham Baker Pool & Spa Safety Act requires that all operating public pools and spas must have drain covers that meet the ANSI/ASME A112.19.8-2007 standard on every drain/grate. In addition, if the pool has a single main drain (other than an unblockable drain), the operator must either disable the drain or install a second anti-entrapment device or system.
- List of compliant drain covers <http://www.c-m-p.com/pool-products/white-goods/vgb-drains-and-suctions/>

2. IS THE COVER MISSING OR DAMAGED?

- A missing cover is extremely dangerous. With no protection over the suction, serious injury can occur. This is also a bad situation for your pool equipment, as larger debris may be allowed through the system and damage the pool pump.
 - Every cover must be in place, in good condition and not missing any attachment screws. Covers are designed to operate safely in their correct condition. Once damaged, the cover is no longer safe.
 - Always confirm all of the items below.
 - Drain covers are covering all outlets and inlets of the pool/spa
 - Drain covers are not broken, cracked or deteriorating
 - No loose or missing screws on drain covers
 - Drain covers are securely fastened (try using a skimmer net to ensure drain cover does not move)
 - Children have been warned not to play with or around the drain covers
- If you are unable to check any of the above, or you have questions on drain covers, consult your pool and spa professional immediately and discontinue use of pool and/or spa. Missing, broken or improperly secure drain covers can lead to an entrapment situation, which may lead to injury or death.

3. IS THE COVER IN DATE?

- Check installation dates on all existing drain covers
- Check drain covers for existing signs of cracking and replace when damages are detected
- Pool operators should consult the manufacturer's instructions including useful life markings or labeling.
- As with all other conditions, if you cannot confirm the life of the cover it is always better to replace with a new VGB compliant drain cover.
- CMP main drains have a seven year life from date of installation.

4. ARE THERE MULTIPLE DRAINS AT LEAST 36" APART

- To be safe a pool drain must not be "blockable." This means one person should not be able to completely block the drain. One way to fix this issue is by installing at least two drains 36" or more apart.
- Multiple drains consist of, at a minimum, two fully submerged suction outlets per pump, with drain cover centers at least 3 feet apart (measured 'on center').

2019 LOWER CAPE HOUSING INSTITUTE

WHEN:

WEDNESDAYS

OCT 2ND -

NOV 6TH

6:00 PM -

8:30 PM

SESSIONS:

OCT 2ND

THE LOWER CAPE
HOUSING LANDSCAPE

OCT 9TH

MUNICIPAL PLANNING FOR A
SHARED COMMUNITY VISION

OCT 16TH

SETTING YOUR TOWN
UP FOR SUCCESS

OCT 23RD

ZONING FOR HOUSING TO
PROTECT OPEN SPACE

OCT 30TH

ANALYZING OPTIMAL
LOCATIONS FOR DEVELOPMENT

NOV 6TH

CROSSING THE FINISH LINE

WHERE:

EASTHAM PUBLIC
LIBRARY
190 SAMOSET ROAD,
EASTHAM, MA 02642

REGISTER:

WWW.CAPECDP.ORG
UPCOMING EVENTS
CHOOSE A SESSION
CLICK ON THE
REGISTER BUTTON

WHO:

FREE TRAINING FOR
ELECTED & APPOINTED
MUNICIPAL LEADERS &
TOWN STAFF





**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

PUBLIC MEETING

The Provincetown Board of Health will host a presentation on Thursday September 19, 2019 at 6 p.m. at the Provincetown Library, 356 Commercial Street, Provincetown, MA.

AGENDA

- I. Introductions**
- II. Raptors are the Solution: The Importance of Eliminating Rat Poisons in our Environment, Gary Menin of MASS-RATS presenting**
- III. Public comments/questions**

Posted by the Assistant Town Clerk www.provincetown-ma.gov, 08/27/2019, 10:10 am AR