

**Provincetown Board of Health**

**December 2, 1999, 6:30 p.m., Caucus Hall**

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Open: 6:30 p.m.  
Adjourn: 8:35 p.m.  
Present: Anne Howard, Chair  
Michele Couture  
Michelle Vodopia  
Kay Halle  
George Heufelder, BCHD  
Jacqueline A. Silver, Health Inspector

**I. Public Statements**

None forthcoming.

**II. Old Business**

**4-6 Masonic Place, April Cabral Pitzner**

Discussion of occupancy limits

**MOTION:**

To be continued until **December 16, 1999.**

MC; MV, second 4-0.

**III. New Business**

**139 Commercial Street, Robert A. O'Malley**

Appeal of the Health Agent's decision

*Robert O'Malley*; representing

❖ Currently under contract for sale; pre 1978 system with passing inspection on file.

❖ Phase I; work on building with retail;

1. Removing sq. feet from front and adding to the rear,
2. Dormering in excess of 500 sq. ft.

**MOTION:**

To take no action.

MC; MV, second 4-0.

**5 Winslow Ave., Howard Weiner**

Completion of escrow agreement

Certification was received today.

**MOTION:**

To approve **5 Winslow Ave.** to enter into the Administrative Consent Order within 30 days.

MC; KH, second 4-0.

### 1 Commercial Street, Provincetown Inn LTD Partnership

Cesspool collapse

*Evan Evans*; representing

- ❖ Collapsed cesspool,
- ❖ Within proposed sewer district but the facilities plan has not decided whether or not to include them,
- ❖ Recommend they enter into Consent Order Agreement with DEP,
- ❖ All repairs would need DEP approval.

**MOTION:**

- ❖ To allow the Health Agent to sign-off on a temporary repair for **1 Commercial Street**,
- ❖ To work with DEP and the Health Agent as to a long term solution,
- ❖ To enter into a DEP Consent Order.

MC; KH, second 4-0.

The BOH is allowing the Health Agent to sign-off on repair permits without coming in front of the BOH as long as conversations happen between DEP and the Health Agent and a Consent Order is executed.

### 29 Nickerson Street, Mark Irving

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

Revised plan shows underground, Town owned, storm drain pipe.

*William Rogers, PE*; representing Mr. Taylor of parcel 42.; would like to make some points;

- ❖ Improper surveying practices by FELCO, Inc.,
- ❖ Property line on the plan is not the same as the property line on the deed,
- ❖ Plan misrepresents property line.

*G. Heufelder*;

- ❖ Enough evidence to suggest that one (1) property line is in question,
- ❖ Advising the BOH to not vote on this plan until the property line is verified.

**MOTION:**

To postpone until the property line in question is resolved.

MC; KH, second 4-0.

**MOTION:**

To allow the Health Agent to sign-off on a temporary repair permit to be valid for 90 days from 12-2-99.

MC; KH, second 4-0.

### 48 Commercial Street, William York

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

- ❑ Proposed floor plan is not complete,
- ❑ Six (6) bedrooms vs. seven (7) bedrooms.....variances will not change,
- ❑ Access to install system will be via area presently occupied by decking which will be removed.

**MOTION:**

To continue to **February 3, 2000**.

MC; MV, second 4-0.

### Coastal Acres

*Richard Perry*; Make note of mailing address: **P.O. Box 593, Provincetown.**

- ❑ Read letter from Zisson & Veara regarding requesting inspection report.

#### IV. Approval of minutes

**MOTION:**

To approve the minutes of **November 18, 1999** as presented.

MC; MV, second 3-0.

## V. Health Agent's and Health Inspector's Reports

*George Heufelder;*

- 35 Conwell St.;
  1. The State has decided, verbally, that the system is not a shared system.....by virtue of a promise of condo documents forthcoming, or some other,
  2. Saying nothing until something from DEP in writing.
- 773 Commercial St.;
  1. Compliant Title 5 installed,
  2. Three (3) weeks away from finishing plotting of Title 5s and properties.

*Jackie Silver;*

- 9 Holway Ave; (See information in packet.)
  1. The BOH would like to request 9 Holway Ave. on the **December 16, 1999** agenda and E. Winn Davis to come!

### **Motion:**

To instruct Jackie to write a letter to the owner of **9 Holway Ave.** ordering the activities of perceived landfilling to cease and desist immediately while the investigation of the activity is conducted. Copy the BOH.

MC; KH, second 4-0.

2. Jacki to send letter, with photos, to DEP and to request a DEP site visit. Copy the BOH.
- Coastal Acres;
    1. No big report,
    2. A site visit was conducted with the two county agents and the wiring inspector.

## VI. Board members' statements

*Kay H.;*

1. Anything about Fat Jack's? Smoking outside the limits of their smoking area....  
.....They are closed until December 29, 1999.
2. Cumberland Farms; Person behind the counter asked for I.D.

*Michele C.;*

1. To Annie & Jackie; Resolution to status of our regulations and their being rewritten in all the same font, etc.
2. To George Heufelder; 5 Webster Place.

## VII. Any other business which shall properly come before the Board

### **MOTION:**

To adjourn at 8:35 p.m.

MC; AH, second 4-0.