
Board of Health Minutes 04/03/2014

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of April 3, 2014

Board Members Present:

Kalliope Egloff, Chair
Lucy Burton, Co-Chair
Burton Kaplan, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:03 PM.

APPOINTMENTS**7:15 PM – Local Upgrade Approval – 110 Whippoorwill Circle.**

Matt Costa of Cape and Islands Engineering, representing 110 Whippoorwill Circle, introduced himself to the Board.

Mr. Costa commented that he is seeking two local Board of Health variances to upgrade the existing septic system.

The variances requested are:

- Lot Line to Soil Absorption System required is 10 feet, 5 feet is requested. The abutters have been notified.
- Setback distance from Cellar to Soil Absorption System required is 20 feet, 16 feet with a vapor barrier is requested.

Glen Harrington stated that he discovered two items on the plan that required attention. One is that the cover over the septic tank was not sufficient, and the elevation of Test Hole # 2 appeared to be different than the information from Test Hole #1. Mr. Costa remarked that the information of Test Hole #2 is a typographical error and will submit a revised plan with the correct numbers.

Burton Kaplan made a motion that the Board of Health approve the variances requested for 110 Whippoorwill Circle subject to the submission of a revised plan to the Board of Health. Lucy Burton seconded the motion. The motion was unanimously approved.

7:20 PM – Nitrogen Aggregation Plan – 20 Running Light Way.

Tom Bunker of BSS Design, representing 20 Running Light Way, introduced himself to the Board.

Mr. Bunker stated that he is proposing a Nitrogen Aggregation Plan for 20 Running Light Way. 17,300 square feet of nitrogen credit will be taken from 27 Aunt Jane's Road and added to 20 Running Light Way so that a 3-bedroom dwelling can be constructed.

Glen Harrington commented that he spoke to Mr. Bunker earlier in the day and informed him that the easement plan for the credit land needed to be shown on a separate survey plan. A specific delineated easement on the Aunt Jane's property must be shown. The credit land needed to have its own legal description. Mr. Bunker also used Attachment 3 in the Nitrogen Aggregation Plan guidelines, which is only used if the owner owns both the credit land and the facility land. The Herdman's only own Running Light Way and plan to purchase the Aunt Jane's property from New Seabury.

Mr. Bunker revised the plan depicting the easement, credit land, and Attachments 1 and 2 and presented the information to the Board and Mr. Harrington for review.

Lucy Burton made a motion that the Board of Health continue 20 Running Light Way in order for the agent to review the revised documents to the next Board of Health meeting scheduled on April 17, 2014. Burton Kaplan seconded the motion. The motion was unanimously approved.

NEW BUSINESS

1. Sign Expense Warrants. The Board members signed the expense warrants.

2. Review/Approve BOH Public Session Minutes: March 6, 2014, and March 20, 2014.

Burton Kaplan made a motion that the Board of Health approve the Public Session Minutes of March 6, 2014, as amended. Lucy Burton seconded the motion. The motion was unanimously approved.

Lucy Burton made a motion that the Board of Health approve the Public Session Minutes of March 20, 2014, as amended. Kalliope Egloff seconded the motion. The motion was unanimously approved.

3. Nomination of Animal Inspector: Veronica Warden.

Lucy Burton made a motion that the Board of Health nominate Veronica Warden for the position of Animal Inspector for the period of May 1, 2014, through April 30, 2015. Burton Kaplan seconded the motion. The motion was unanimously approved.

4. Local BOH Septic Inspection Variance: 197 Fells Pond Road.

Glen Harrington commented that a septic inspection was performed by Ricky Wright of B & B Excavation on April 30, 2013, when the Board of Health regulation required replacement of septic tanks over 30 years old.

A variance has been submitted to that regulation to allow the existing septic tank to remain in service. The applicant was notified that a re-inspection of the tank, according to the amended regulation, could take place prior to the meeting but as yet has not been performed.

Lucy Burton made a motion that the Board of Health approve the variance requested for 197 Fells Pond Road with the condition that the septic tank be re-evaluated and a new Title V Septic Inspection Report be submitted to the Board of Health. Burton Kaplan seconded the motion. The motion was unanimously approved.

5. Mashpee Nitrogen Control Bylaw.

Glen Harrington commented that the Environmental Oversight Committee has established a final draft of the Mashpee Nitrogen Control Bylaw. Mr. Harrington has reviewed it and would like the Board to review the draft for comment to the Environmental Oversight Committee. The Environmental Oversight Committee is planning to submit the bylaw for the October Town Meeting.

Mr. Harrington remarked that Section 4.a of the Mashpee Nitrogen Control Bylaw states that the Board of Health is one of the factions that allows a citizen to apply fertilizer to their property outside of the dates of November to mid-April. Mr. Harrington questioned the Board of Health's involvement as one of the factions that makes that determination.

Mr. Harrington and the Board discussed the use of the bylaw and its educational purpose. They felt that consideration of penalties must be specific and not left open-ended.

At this time the Board is not ready to make a decision and would like to continue discussion at a later date.

6. Request for 2014 Food Service Establishment Permit and 2014 Retail Food Permit (Food Pantry): Mashpee Wampanoag Community and Government Center.

Glen Harrington stated that the Tribal Government Center has been completed, and the Tribe wishes to obtain a food establishment permit and a food pantry permit. The floor plan, applications, certified food manager certificate, and allergy awareness certificate have been provided. The final inspections have been performed. There is no menu as the kitchen facilities will be used for events.

Lucy Burton made a motion that the Board of Health approve the 2014 Food Establishment and Food Pantry Permits for the Mashpee Wampanoag Community and Government Center. Burton Kaplan seconded the motion. The motion was unanimously approved.

7. Tobacco Violations: CVS Pharmacy and Andy's Market.

Glen Harrington commented that on March 30, 2014, the Cape Cod Tobacco Control Program performed a series of sting operations with a minor within the Town of Mashpee. Two locations were reported to the Board of Health that made tobacco sales to a minor: Andy's Market and CVS Pharmacy. According to the Board of Health Tobacco Regulation, this would be considered a first offense for each of the facilities and each would be fined \$100.00.

Bryan Anderson, owner of Andy's Market, introduced himself to the Board.

Mr. Anderson remarked that a cashier in his store made a mistake by selling tobacco to a minor, and the store policy is to fire employees that break the rules. Mr. Anderson would like more information before making a determination. Mr. Anderson also commented that he was unhappy because he was made aware of the violation through the media.

Mr. Harrington will contact the Cape Cod Tobacco Control Program and request details of the sting operation that took place on that particular day.

Kalliope Egloff, on behalf of the Board, sincerely apologized to Mr. Anderson for the way he was notified via electronic media.

OLD BUSINESS

1. Bridges at Mashpee – Drainage Plans.

Glen Harrington commented that the Board of Health met on March 6, 2014, to approve the Site and Septic Plan for the Bridges at Mashpee project. At that time the drainage plans were not submitted so the Board made a condition of the approval of the Site and Septic Plan that the drainage plans had to be provided and reviewed. Mr. Harrington reviewed them and sent comments to Sean Foster of Stantec on March 10, 2014.

Mr. Harrington stated that Bio-Retention Areas 3 and 4 did not have subsurface drainage components that are required by the Board of Health. Mr. Foster responded that since these 2 areas did not receive drainage from pavement, it did not require to have subsurface drainage. Mr. Harrington explained to Mr. Foster that any standing water is not allowed because of mosquito breeding. Mr. Foster's explanation was because of the construction of the bio-retention areas, the certifications by the installer, and the Operation and Maintenance Contracts that are required by the Planning Board Special Permit and by the Cape Cod Commission that these retention areas would never have a drainage issue creating ponding of water for mosquitoes to breed.

Lucy Burton made a motion that the Board of Health approve the Drainage Plans for the Bridges at Mashpee. Burton Kaplan seconded the motion. The motion was unanimously approved.

2. Design Flows in Excess of 600 Gallons Per Day Regulation: Protect Water Quality in the Town of Mashpee.

The Board members signed the regulation to "Protect Water Quality in the Town of Mashpee".

ADDITIONAL TOPICS

None.

DISCUSSION

1. Recycling Rates.

Glen Harrington commented that the recycling rate for the trash haulers was tallied from the information provided and about 50 percent of the customers recycle. It is more than expected and very positive. This includes some of the smaller companies and seasonal customers.

Carl Cavossa, owner of Cavossa Disposal, introduced himself to the Board.

Mr. Cavossa discussed the amount of residential and commercial trash that is collected by his company each day from town to town. Mr. Cavossa commented that it is very difficult to determine tonnage for each site because of the different types of recyclables and different sized containers. Therefore, the amount collected is estimated for each town. Mr. Cavossa suggested using cubic yards as opposed to tonnage when collecting numbers for recycling. Mr. Cavossa felt that using a standard system for all trash haulers would be reliable and more consistent.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, April 17, 2014, at 7:00 PM. As there was no further business, Lucy Burton made a motion to adjourn the Public Session Meeting of the Board of Health at 8:15 PM. Burton Kaplan seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments