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## Board of Health Minutes 08/20/2015

### Town of Mashpee

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

#### BOARD OF HEALTH – PUBLIC SESSION

##### Minutes of the Meeting of August 20, 2015

**Board Members Present:**      **Member Absent:**      **Also Present:**  
Burton Kaplan, Chairman      Kalliope Egloff, Co-Chair      Glen Harrington, Health Agent  
Lucy Burton, Clerk

Chairman Burton Kaplan called the meeting to order at 7:06 PM.

#### APPOINTMENTS

##### 7:15 PM – Matt Costa, Cape & Islands Engineering – Title V Variances – 31 Amy Brown Road.

Glen Harrington commented that the Board of Health previously approved the plan for 31 Amy Brown Road; however, the abutters contacted the Board of Health office stating that they never received the meeting notice. Therefore, Mr. Harrington requested the engineer to re-notify the abutters for public comment during a regularly scheduled meeting. The Board approved the proposed septic system with the conditions of a lifetime Operations and Maintenance Agreement and sampling according to the Department of Environmental Protection Approval Letter. The property was subdivided in 1981. The 150-foot requirement was promulgated in 1985, so the subdivision of land could not take into account the Board's larger requirement of the 150-foot radius from a potable well. The Board has approved many new construction lots under the auspices that the State minimum of 100 feet be used where the lots pre-existed the 150-foot requirement without a denitrification system as a condition of the variance approval. That makes this variance a 10-foot request not a 60-foot request.

The abutting lots were held to the new 150-foot requirement as they were built after the regulation date. The placement of the abutting wells in compliance with the regulations makes this lot out-of-compliance. Therefore, a variance is required. In order to meet the requirements of approval of a variance, two items are necessary: manifest injustice or hardship, which it does, and equal environmental/public health protection. The addition of the Busse system meets the requirement for additional protection of the environment and public health. The Department of Environmental Protection allows the Busse system to discharge directly to a distribution box and Soil Absorption System. This design includes a septic tank where additional anaerobic digestion will take place. Mr. Harrington feels that the variance approval requirements are met. The denitrification system is still required due to the 150-foot coastal bank requirement that is not met for new construction.

Harris Moore of 37 Amy Brown Road, an abutter, introduced himself to the Board.

Mr. Moore commented that the plans were presented to them by the engineer, Matt Costa of Cape & Islands Engineering, about thirteen months ago. Mr. Moore did not understand several aspects of the plan and contacted Glen Harrington. Mr. Moore remarked that he and the other abutter, Mr. and Mrs. Koslow, never received notice of a meeting taking place on April 16, 2015.

Mr. Harrington answered Mr. Moore's questions and concerns. The treatment occurs in the basement which is pumped up to the septic tank and will flow gravity from the septic tank to the distribution box to the leaching facility. The leach field is proposed to be 90 feet from Mr. Moore's well. The Busse system will be the first one in Mashpee, but the State has reviewed all of the different properties where this has been utilized and the technology has been approved. A Class II wastewater treatment plant operator, certified by the State, will monitor the system.

Mr. Moore requested that the Board of Health issue a decision to grant a variance to not have a reserve area and should the primary leaching fail, remove and replace it within the same location.

Matt Costa of Cape & Islands Engineering, representing 31 Amy Brown Road, introduced himself to the Board.

Mr. Costa commented that the technology of the Busse system discharges highly treated effluent and the likelihood of a failure is dramatically reduced.

Burton Kaplan made a motion that the Board of Health re-approve the previous approval for 31 Amy Brown Road with the added conditions to eliminate the reserve area, and the system is to be monitored annually. Lucy Burton seconded the motion. The motion was unanimously approved.

**7:25 PM – Request for 2015 Food Service and Catering Permits – Chef Roland’s Catering.**

Roland Lamirande, owner of Chef Roland’s Catering, introduced himself to the Board.

Mr. Lamirande commented that he and his wife have operated in Falmouth for 30 years, but a fire last week disabled the building. Mr. Lamirande was informed that a unit has become available in Summerfield Park. A 1,000 gallon grease trap and new kitchen equipment are proposed to be installed. This new area will allow for more storage. The architectural and septic plans are in the process of being sketched. Mr. Lamirande stated that he keeps his kitchens very clean, and the trucks are power washed every night. The trucks are equipped for preparation of hot and cold foods on site.

Glen Harrington remarked that there will be no food service or seating at the unit in Summerfield Park, only preparation.

Lucy Burton made a motion that the Board of Health approve the 2015 Catering and Food Establishment Permits for Chef Roland’s Catering with the conditions of floor plans to be reviewed and approved by the Health Agent, a pre-opening inspection, and the installation of a 1,000 gallon grease trap. 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: July 16, 2015.**

Lucy Burton made a motion that the Board of Health approve the Public Session minutes of July 16, 2015, as amended. Burton Kaplan seconded the motion. The motion was unanimously approved.

**3. Transfer of Ownership: Panera Bread – Request for 2015 Food Establishment, Retail, and Catering.**

Glen Harrington commented that Panera Bread was sold from the corporate to a franchise. The request is for change of ownership only. There are no changes at the physical location.

Lucy Burton made a motion that the Board of Health approve the 2015 Food Establishment Permit for Panera Bread. Burton Kaplan seconded the motion. The motion was unanimously approved.

**4. Request for 2015 Mobile Food License: The Local Scoop.**

Lucy Burton remarked that all of the paperwork has been received, and an inspection was performed for The Local Scoop. All foods are organic and frozen.

Lucy Burton made a motion that the Board of Health approve the 2015 Mobile Food Permit for The Local Scoop. Burton Kaplan seconded the motion. The motion was unanimously approved.

**5. Request for 2015 Mobile Food License: Doggz & Hoggz.**

Glen Harrington commented that Doggz & Hoggz is requesting a mobile food permit to participate in events in Mashpee. Their food establishment is in Falmouth, and all of their food preparation is performed at their licensed facility. All submittals have been received and are up-to-date.

Lucy Burton made a motion that the Board of Health approve the 2015 Mobile Food Permit for Doggz & Hoggz. Burton Kaplan seconded the motion. The motion was unanimously approved.

**6. Request for 2015 Seasonal Food Establishment Permit: Upper Cape Spartans.**

Glen Harrington stated that the youth football program in Mashpee is under different management, now known as Upper Cape Spartans. It was once known as Mashpee Pop Warner. Aaron and Jami Perry are operating the program. They would like to grill hot dogs and hamburgers but are waiting for approval from the Mashpee Fire Department.

Lucy Burton made a motion that the Board of Health approve the 2015 Food Establishment Permit for Upper Cape Spartans with the condition that the Fire Department approves the use of the grill and a pre-opening inspection performed by the Health Agent. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **7. Emergency Condemnation: Unit P-103, Deer Crossing.**

Glen Harrington commented that Unit P-103, Deer Crossing, was a housing inspection. Pictures of the unit were forwarded to the Board members. The unit has been condemned, vacated, and secured. The owner was invited to the meeting to discuss the future of the unit with the Board of Health. Financially, the owner of P-103 cannot afford the cleanup of the dwelling unit. Mr. Harrington is in the process of obtaining three bids and approval of funds to do the work.

Robin Salisbury, owner of P-103, Shellback Way, Deer Crossing, introduced herself to the Board.

Mr. Harrington remarked that the first floor will have more items removed, including rugs, than the second floor and basement. A full scope of work detailing the cleanup was written. The Town of Mashpee will pay for the cleanup, and a lien will be placed on the property. The issues will be addressed and corrected, and Human Services will assist after-the-fact.

Lucy Burton made a motion that the Board of Health affirm the Emergency Condemnation for Unit P-103, Deer Crossing and consider the dwelling a nuisance in accordance with MGL 111 Section 122. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **OLD BUSINESS**

##### **1. Septic Loan Application Approval: 12 Ashumet Road.**

Glen Harrington remarked that he has not had the opportunity to monitor the property located at 12 Ashumet Road for overflow. Mr. Harrington will inspect the property on Friday.

##### **2. Septic Loan Application Approval: 87 Lighthouse Lane.**

Glen Harrington provided the Board with the signed loan application and the Social Security income statement from Mr. and Mrs. Rivers of 87 Lighthouse Lane.

Lucy Burton made a motion that the Board of Health approve the loan application for 87 Lighthouse Lane. Burton Kaplan seconded the motion. The motion was unanimously approved.

The Board of Health reviewed the three bids for engineering services at 87 Lighthouse Lane.

Lucy Burton made a motion that the Board of Health approve the proposal for engineering work at 87 Lighthouse Lane submitted by BSS Design. Burton Kaplan seconded the motion. The motion was unanimously approved.

##### **3. Proposed Septic System Retrofit (SoilAir Units): Ninety-Nine Restaurant (8 Ryan's Way).**

Mike McGrath, P.E. of Holmes & McGrath, representing the Ninety-Nine Restaurant, introduced himself to the Board.

Mr. McGrath commented that instead of aerating the water, this new system injects air into the piping. The Ninety-Nine Restaurant does have a FAST unit, and some of the carbon that does not decompose readily drops into a void, which happens during peak flows. By placing air into the Soil Absorption System it will restore the limited capacity of the Soil Absorption System. A compressor on the outside of the building will have it flow directly into the Soil Absorption System. By adding oxygen to the Soil Absorption System it receives better treatment.

Anaerobic conditions have more odor than aerobic conditions. The purpose of the vents is to have oxygen come in the downstream of the leaching facility. If there is an odor, closing the vents would not be an issue. A charcoal filter would be another option to reduce odor.

Lucy Burton made a motion that the Board of Health approve the SoilAir Retro-fit for the Ninety-Nine Restaurant, 8 Ryan's Way, with the following conditions:

- The repair be performed in accordance with the Department of Environmental Protection Remedial Use Approval Letter.
- A Disposal Works Construction Permit shall be obtained from the Board of Health prior to any work being done.
- A copy of the Operation and Maintenance Contract between Holmes & McGrath and the Ninety-Nine Restaurant that contains the requirements for monitoring the ponding in the Soil Absorption System shall be submitted to the Board of Health prior to issuance of the Disposal Works Construction Permit.
- The results of the monitoring need to be sent to Barnstable County per the Mashpee Board of Health Innovative/Alternative Regulation.
- Should there be any odor problems in the future, the vent is to be closed or a charcoal filter installed.

Burton Kaplan seconded the motion. The motion was unanimously approved.

**4. Housing/Condemnation Hearing: 394 Cotuit Road.**

Mr. Harrington remarked that he has not received updates on 394 Cotuit Road since the last meeting. Mr. Harrington is waiting for comment from Erika Woods because some milestones were to be accomplished by Vickie McFarland-Richter by July 22, 2015. Mr. Harrington requested the Board of Health to continue discussion for updates on 394 Cotuit Road to the next scheduled meeting.

**5. Nuisance Law: 7 Lakeside Estates, 300 Nathan Ellis Highway.**

Glen Harrington commented that the trailer at 7 Lakeside Estates, 300 Nathan Ellis Highway, was condemned by the Board of Health on August 28, 2014. An order to remove the trailer was issued on May 19, 2015, and received on May 26, 2015. A \$50 per day fine was imposed for non-compliance. The fines now total \$3,050 by this meeting. Two items need to be addressed: First is the approval of the bid for the Town to hire a removal contractor. Secondly, a request has been made to increase the amount of the daily fine. The Sanitary Code maximum is \$500 and the Nuisance Law maximum is \$1,000 per day. Also, the Haney's never hired an exterminator for the rodent issue. The Board can hire an exterminator to go out to Lakeside Estates and bait the property.

Lucy Burton made a motion that the Board of Health approve the bid from Bortolotti Construction for the demolition and removal of #7 Lakeside Estates. Burton Kaplan seconded the motion. The motion was unanimously approved.

Lucy Burton made a motion that the Board of Health increase the daily fine for #7 Lakeside Estates to \$500 per day based on the Sanitary Code and Nuisance Violations that are occurring. Burton Kaplan seconded the motion. The motion was unanimously approved.

**ADDITIONAL TOPICS**

**None.**

**DISCUSSION**

**1. Meeting Update – Waste Management Committee Meeting: Kalliope Egloff.**

Glen Harrington remarked that he responded to Catherine Laurent's email for Kalliope Egloff concerning enforcement of the Board of Health's regulation where the haulers must offer recycling and solid waste services for one flat rate. Review of the haulers is performed yearly at the time of renewal, and presently there are no enforcement actions against any of the haulers.

**NEXT MEETING**

The next meeting of the Board of Health is scheduled for Thursday, September 3, 2015, at 7:00 PM. As there was no further business Burton Kaplan made a motion to adjourn the Public Session Meeting of the Board of Health at 8:22 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos  
Administrative Assistant  
Mashpee Board of Health

attachments

