
Board of Health Minutes 08/21/2014

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of August 21, 2014

Board Members Present:

Lucy Burton, Chair
Burton Kaplan, Co-Chairman

Member Absent:

Kalliope Egloff, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Lucy Burton called the meeting to order at 7:00 PM.

APPOINTMENTS**7:15 PM – Michael Borselli – Variance Request – 6 Bright Coves Way.**

Michael Borselli of Falmouth Engineering, representing the applicant Kenneth Solov of 6 Bright Coves Way, introduced himself to the Board.

Mr. Borselli commented that the Solov's recently acquired the property and simply do not have enough room in the garage for storage. The house has an existing one-car garage with plans to demolish the existing garage and construct a new "over-sized" 18' x 20' one-car garage with space for storage. The existing septic system on the property is a septic tank, distribution box, and leach pit. The septic tank and distribution box are under the driveway. Mr. Borselli is requesting a variance to meet the 10' requirement from the existing septic tank and Soil Absorption System to the slab of the proposed garage and will mitigate the variance with a membrane along the new foundation.

Burton Kaplan made a motion that the Board of Health approve a 6' variance from the septic tank to the slab foundation and a 5' variance from the Soil Absorption System to the slab foundation for 6 Bright Coves Way. The septic tank and distribution box load rating need to be field verified. The components shall be replaced by H-20 components if in the driveway. All components shall be brought into compliance with risers if necessary. An impermeable membrane shall be placed to provide protection of the garage slab as mitigation for the variance. Lucy Burton seconded the motion. The motion was unanimously approved.

7:20 PM – Tiffany Crain – Request to Give Away PHF's at Food Pantry – Mashpee Village.

Lucy Burton stated that the Cape Cod United Church Homes Food Pantry would like to give away fresh fruits and vegetables. Ms. Burton expressed her concern that as long as there are no meats, eggs, cutting of fruits and vegetables or any other potentially hazardous foods, then handing out uncut fresh fruits and vegetables would be acceptable.

Burton Kaplan made a motion that the Board of Health approve the request to amend the Food Pantry permit for Cape Cod United Church Homes to allow uncut fruits and vegetables, no potentially hazardous foods, and provide the Board of Health with a Certified Food Manager's Certificate if potentially hazardous foods are distributed at the Food Pantry. A revised permit and approval by the Board will be required if PHF's are distributed in the future. Lucy Burton seconded the motion. The motion was unanimously approved.

7:25 PM – Sandra Cobb – Variance Request from Stable Regulation – 29 Tri-Town Circle.

Sandra Cobb of 29 Tri-Town Circle introduced herself to the Board.

Glen Harrington commented that Ms. Cobb is requesting a 10' variance from the Board of Health Stable Regulation to allow more room for the horse to exercise. 50' is required from the dwelling to the paddock. The variance is from the owner's dwelling and not to an abutter. The stable structure is proposed at a 10' x 10' dimension which is satisfactory for the horse, but the Board of Health regulation requires some accommodation for the feed and grain in a loft or separate room or another shed. There is a concern that

the paddock does not have enough sunlight, but some trees will have to be removed to construct the paddock.

The Board had denied a permit request for a property at 3 Beechwood Drive, owned by Dorothy Stebbins in 2007. Mr. Harrington forwarded the Board with the decision letter and site plans presented for 3 Beechwood Drive. Mr. Harrington wanted to make some comparisons because there are similarities between the two properties. The abutters have not been notified since there is no requirement to notify the abutters. Mr. Harrington remarked that the septic tank, distribution box, and leach pit are located in the back corner of the property.

Ms. Cobb stated that the paddock is more than 50' from all of the abutters. The property is on town water and will be used to feed the horse. Ms. Cobb commented that there are 1800 acres across the road from her property, where there is a path for the horse. The horse is currently stabled in East Falmouth with several other horses, and Ms. Cobb would like the horse to be stabled on her property. The manure will be taken to the transfer station weekly in a water-proof bag.

Lucy Burton made a motion that the Board of Health continue discussion on 29 Tri-Town Circle until the next Board of Health meeting scheduled on September 4, 2014, with a full Board in attendance. Burton Kaplan seconded the motion. The motion was unanimously approved.

NEW BUSINESS

1. Sign Expense Warrant. The Board members signed the expense warrant.

2. Review/Approve BOH Public Session Minutes: August 7, 2014.

Approval of the Board of Health August 7, 2014, Public Session minutes was continued until the next Board of Health meeting with a full Board in attendance.

3. Review/Approve BOH Executive Session Minutes: July 17, 2014, and August 7, 2014.

Approval of the Board of Health July 17, 2014, Executive Session minutes was continued until the next Board of Health meeting with a full Board in attendance.

Approval of the Board of Health August 7, 2014, Executive Session minutes was continued until the next Board of Health meeting with a full Board in attendance.

4. Variance Request to Septic Inspection Regulation: 8 Leeshore Drive.

Ed Santa Maria, owner of 8 Leeshore Drive, introduced himself to the Board.

Glen Harrington commented that the owner is requesting to not install a riser on an existing leach pit that is reported as "too deep to locate" on a 1995 septic inspection. The owner is claiming that installing the riser will damage the property and embankment. Capewide Enterprises is performing a new septic inspection for property transfer purposes.

Mr. Santa Maria showed the Board photographs of the septic tank and leach pit. A white flag indicates the location of the leach pit which is about 10.5' deep.

Mr. Harrington stated that the distribution box needs to be replaced, and a riser needs to be installed on the inlet end of the septic tank. Capewide is awaiting the Board's decision on whether or not to install a riser on the leach pit. A camera was used to confirm that the leach pit passed inspection, and the system is functioning properly.

Burton Kaplan made a motion that the Board of Health approve the variance request to not install the riser on the existing leach pit for 8 Leeshore Drive and have the septic inspection completed and submitted to the Board of Health prior to the sale of the property. Lucy Burton seconded the motion. The motion was unanimously approved.

5. Request for Reduction of Sampling for Innovative/Alternative Septic System: 123 Summersea Road.

Glen Harrington stated that Bennett Environmental is requesting, on behalf of the owner at 123 Summersea Road, to decrease the amount of sampling for the OMNI Recirculating Sand Filter septic system that was required when the property was constructed. The property was permitted with a two-bedroom deed restriction due to the property being in Zone II. A FAST system was originally approved but then denied because it did not have nitrogen removing capabilities. The Recirculating Sand Filter had a general approval for nitrogen removal according to Title V with a list of sampling requirements. The eight sampling requirements have been met for the property located at 123 Summersea Road.

Mr. Harrington recommends approval with annual Operation and Maintenance and annual lab testing for the Recirculating Sand Filter for Total Nitrogen, TSS, Phosphorous and BOD, annual field testing for pH, turbidity and alkalinity for the life of the system.

Burton Kaplan made a motion that the Board of Health approve the request to decrease the sampling at 123 Summersea Road with the condition that an annual Operation and Maintenance contract to be maintained and annual lab testing of the Recirculating Sand

Filter for Total Nitrogen, TSS, Phosphorous and BOD, annual field testing for pH, turbidity and alkalinity for the life of the system. Lucy Burton seconded the motion. The motion was unanimously approved.

6. Request to Release Condemnation: 17C Summerwood Condominium.

Glen Harrington suggested that the Board rescind the condemnation at 17C Summerwood Condominium based upon the fact that the violations will be corrected during the process of the transfer. Mr. Harrington commented that banks seldom cooperate with the Board of Health, but the bank's attorney, James Fox, has been in constant communication with the Board of Health.

Lucy Burton made a motion that the Board of Health approve the rescission of the condemnation for the following reasons:

- Smoke detectors will be checked by the Fire Department due to the requirement of having a certification for property transfer.
- The other violations will still be in place with the condition that the mortgagor and future owner shall be responsible for abating the violations prior to occupancy.

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

OLD BUSINESS

1. Refuse Regulation – Draft Amendments.

The Board requested that Glen Harrington forward a completed copy of the Refuse Regulation to the Board for their review prior to the next scheduled meeting on September 4, 2014.

ADDITIONAL TOPICS

None.

DISCUSSION

1. Catered Events and Permits.

Mary Lou Palumbo, Executive Director of the Mashpee Chamber of Commerce, introduced herself to the Board.

Lucy Burton commented that on August 8, 2014, there was an event at South Cape Village, La Tavola – The Italian Feast, that was not permitted by the Mashpee Board of Health.

Ms. Palumbo remarked that she was surprised when she was informed that she needed a food permit for the event, since she has never obtained one in the past 6 years. For the first 4 years Jimmy'z BLT, then Bistro 36, last year Roche Brothers, and this year Villagio at the Regatta serviced the event.

Glen Harrington commented that Villagio at the Regatta is not permitted within the Town of Mashpee, but the other food establishments that serviced the event have catering licenses. Villagio at the Regatta can apply for a temporary food permit to cater an event, and if it is a fund raiser, there will not be a permit fee.

Lucy Burton suggested that if there are other one-day events that the food establishment submit a temporary food permit application with the necessary certificates. A Mashpee licensed facility would not need to apply for a temporary food permit. The Board would prefer to have a ServSafe Certified Food Manager on site whenever there is an event.

2. Household Hazardous Waste Collection Day.

Lucy Burton stated that Mashpee's numbers were excellent, and there was a great turnout. The statistics were greater than those of Falmouth, Bourne, and Sandwich.

Glen Harrington remarked that emails and brochures were forwarded to real estate offices and town employees. Notification of the hazardous waste collection was also posted on the website.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, September 4, 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 8:11 PM. Burton Kaplan seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments