



TOWN OF EASTHAM

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All Departments 508-240-5900
www.eastham-ma.gov

MINUTES EASTHAM BOARD OF HEALTH MEETING THURSDAY, JANUARY 29, 2015 AT 3:00pm

Present: Dr. James Taylor, Chair, Dr. Martin Haspel, Jane Crowley, Glen Olsen

Absent: Susan Barker, Beverly Knox, Dr. Joanna Buffington

I. PUBLIC NOTIFICATION RE VIDEO AND/OR AUDIO TAPE

II. OPENING STATEMENTS

- Jane Crowley has been involved in discussions regarding the landfill efforts, waste water planning and the municipal water system.
 - Landfill Effort: Jane has met with the landfill consultant in regards to procedures and protocols for assessing the landfill area and moving forward on the landfill study.
 - Waste water planning:
 - An effort is being made to get a policy in place for the May Town Meeting in Orleans.
 - Revisions to the 208 water shed plans are underway.
 - EPA has set up benchmarks that the towns must comply with.
 - The towns will need a wastewater advisory committee.
 - The waste water clean up is now a regional effort, rather than through individual towns.
 - This needs to be a joint, regional solution. Eastham need to work together with Orleans to resolve this problem.
 - Planning is going to be site specific and targeted; it is not going to be a town wide infrastructure.
 - Municipal Water:
 - The municipal water system is on track according to the proposed project timeline.
 - The public can view the timeline for the water project on the Eastham Town Website (www.eastham-ma.gov) under the Health Department's webpage.
- Snow impact:
 - Over 125 people were served by the Eastham shelters.
 - There was limited loss of electricity.
 - Please make sure that your vents are not blocked and that CO and smoke detectors are working.

III. VARIANCE

Jason Ellis requested the following variance on behalf of Ronald & Nancy Boyles of 345 Steel Rd, Map 4, Parcel 547

Septic Systems- Title V, G Septic Inspection, (a)(1) vertical separation between the bottom of the leaching facility and adjusted high groundwater meets the minimum of 4 feet for existing 1978 code systems.

The Boyles would like to sell their house and therefore requested a septic inspection from J.C Ellis Design Company. During the inspection it was discovered that the Boyles had an old code Title 5 septic which was installed in 1994. The system was functioning and passed according to the state regulations. However, the ground water level was found to be higher then proposed and did not meet the Board of Health Regulations. The system only had a 2.85' separation between the bottom of the leach pit and the ground water. Therefore, the system would not meet the 1978 Title 5 Code criteria which calls for a 4' separation.

Dr. James Taylor motioned to accept the variance with the following conditions:

1. A 5 ft separation between the bottom of the leach pit and the groundwater will be created.
2. The contaminated stone will be removed and replaced with clean stone.
3. 3 Bedroom deed restriction
4. No increase in habitable space without abutter notification and BOH review.

Dr. Martin Haspel seconded the motion

3-0 Vote

Tim Brady requested the following variance on behalf of Peter McNeany of 40 Teal Way, Map 17, Parcel 507

Reduction Requested Under Title 5 Regulations:
(310 CMR 15.405: Contents of Local Upgrade Approval)

f) 8' +/- to the 50' required setback for proposed septic tank/pump chamber to top of costal bank.
(42' +/- setback provided)

Peter McNeany would like to construct a garage and mudroom addition onto his existing 5 bedroom house. However, the proposed location of this addition would be on top of the existing septic tank and pump chamber. East Cape Engineering has proposed that Mr. McNeany upgrade the existing septic tank and pump chamber to a 2-componant tank and relocate it on the property. The new tank will be an environmental improvement, however, the new location required the above variance from the Board of Health.

Dr. Martin Haspel motioned to accept the variance the following conditions:

1. No increase in flow be allowed
2. Subject to Conservation Commission approval
3. No increase in habitable space without abutter notification and BOH review
4. replace existing 1500 gal tank with relocated 2500 gallon septic tank
5. Area above the garage to remain unfinished, unheated and used for storage

Glen Olsen seconded the motion

3-0 Vote

IV. REVIEW

John Largey was requested to come before the board to review the construction of a finished room above a proposed garage at 70 Deepwood Dr. The owners would like the space to be heated and have a bathroom with a toilet and sink only. The Board of Health debated whether the space would meet the criteria of a bedroom and how the space would be used. John Largey expressed the owner's interest in using the space strictly as a studio. The Board of Health explained to John Largey that the unauthorized use of this space as a bedroom could put their homeowners insurance at risk.

Dr. Martin Haspel motioned to approve the review with the following conditions:

1. The space is not to be used as a bedroom
2. The bathroom is to be removed from the plan
3. 3 Bedroom deed restriction
4. No increase in habitable space without abutter notification and BOH review

Glen Olsen seconded the motion.

3-0 Vote

Jason Ellis and Ben Zender came before the Board of Health, on behalf of Ivy and Jim Doyle and Susan Cort of 875 and 895 Samoset Rd; to review a Nitrogen Aggregation Plan to allow for nitrogen loading restriction and easement. This would allow for 875 Samoset Road (46,522 sq. ft.) with a 4 bedroom dwelling and the vacant adjacent lot at 895 Samoset Rd (28,314) to execute a Nitrogen Loading Restriction and Easement. This agreement would credit 1,380 sq. ft that would allow construction of a 3 bedroom dwelling (330 gpd) on 28,314 sq. ft. plus restricted use of the credit area 1,380 sq. ft.

Dr. Martin Haspel motioned to approve the review with the following conditions:

1. No increase in flow
2. Routine and VOC analysis be provided for all existing and proposed well locations
3. DEP approval per Nitrogen Aggregation Policy be recorded as Grant of Title 5 Nitrogen Loading Restriction and Easement
4. No increase in habitable space on 875 Samoset Rd without abutter notification and BOH review
5. 4 Bedroom deed restriction on 875 Samoset Rd
6. 3 Bedroom Deed restriction on 895 samoset Rd

Glen Olsen Seconded the motion

3-0 Vote

Jason Ellis Came before the Board of health on behalf of David and Teresa Hale of 75 Bay View Drive. The Hale's wanted to add a fifth bedroom in the garage of their existing 4 bedroom home. The Hales will continue to use their singular nitrogen removal system under provisional use and the expansion of the existing soil absorption.

Glen Olsen motioned to approve the review with the following conditions:

1. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 4 times per year) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
2. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
3. A passing septic inspection is required
4. 5 bedroom deed restriction

Dr. Martin Haspel seconded the motion.

3-0 Vote

Jason Ellis came before the Board of health on behalf of John and Jane Malloy of 25 Bay View Dr. with the request to add a fifth bedroom onto their existing four bedroom home. Due to the constraints of the environmentally sensitive lot (size 39,000 sq. ft.) and existing 5 bedroom leach area, Jason Ellis has submitted a plan to modify the existing septic design to include secondary treatment with Advantex AX 20 Technology under provisional use approval for nitrogen credit in order to add a 5th bedroom. The plan includes secondary treatment with an Advantex AX 20 unit.

Dr. James Taylor motioned to approve the review with the following conditions:

1. Routine water quality test results be provided of existing well location to assure potability
2. No increase in design flow be allowed. Any increase in habitable square footage would require. Board of Health review and abutter notification.
3. Secondary treatment and monitoring under provisional use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
4. Operation and maintenance agreement to be submitted to EBOH.. Operation and maintenance agreement to be required for life of the system. Operator to report results via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
5. Deed restriction for 5 Bedroom use and use alternative technology requirement to be recorded on deed
6. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
7. Subject to Conservation Commission approval

Glen Olsen seconded the motion

3-0 Vote

Jason Ellis came before the Board of health in regards to his property at 50 Snow Rd. Jason Ellis submitted a plan which requested use of recirculating sand filters to obtain nitrogen credit in order to build a 3 bedroom dwelling on a 24,713 sq. ft lot. The plan includes secondary

treatment which has general use approval to obtain nitrogen credit for 3 bedrooms per 24,000 sq. ft.

Dr James Taylor motioned to approve the plans as presented with the following conditions:

1. Routine water and VOC water quality test results be provided of proposed well location to assure potability
2. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
3. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 25 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
4. Operation and maintenance agreement to be submitted to EBOH.. Operation and maintenance agreement to be required for life of the system. Operator to report results via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
5. Deed restriction for 3 Bedroom use and use recirculating sand filter technology requirement to be recorded on deed (**already received**)
6. Designer to verify proper operation of the system prior to COC

Glen Olsen seconded the motion

3-0 Vote

Holly Tarleton came before the Board of Health on behalf of Peter and Nancy Eisenbarth of 35 High Tide Place. The Eisenbarth's would like to finish the room above the existing garage and use it as an art studio. They would like the room to be heated but do not require that it has running water. The current plans show no heat but does show running water. The property has an existing Title 5 system that has a capacity for 3 bedrooms that was installed in 1981. The existing dwelling has 3 bedrooms and the lot size is 29,767 sq. ft.

Dr. James Taylor motioned to approve the review with the following conditions:

1. 3 Bedroom deed restriction
2. Running water be removed from the plans
3. Heat be added to the plans
4. No increase in habitable space without abutter notification and BOH review

Glen Olsen seconded the motion

3-0 Vote

V. CORRESPONDENCE & OTHER INFORMATION

• Reduction Request

- 5 Lighthouse Ln: The Reduction Request was denied due to high nitrate results. The Board of Health requested that the property be tested for two more years.
- 65 Alston Ave: The Reduction Request was continued until the February Board of Health workshop due to lack of information. The Board would like to know if this property is a year round or seasonal property before making a decision on the reduction.

VI. OTHER BUSINESS

- **Approval of Minutes**
 - October 15, 2014 workshop minutes were approved
 - October 30, 2014 meeting minutes were approved
 - November 20, 2014 meeting minutes were approved
- **E Cigarettes**
 - It has been brought to the Health Departments attention that E Cigarettes are becoming more prevalent in our community. They are being used in at the Nauset Regional highschool and in local restaurants. E cigarettes are dangerous both physically and chemically and can be habit forming. The Health Department feels that it would be beneficial to discuss the possibility of a local regulation on E Cigarettes at the next Board of Health workshop.
- **Approval of Licensing**
 - It was brought to the Board of Health's attention that there have been a lot of complaints on Willy's Gym. Most of the complaints involved the quality of the pool water and the air quality. There have been several inspection done by the Health Department on the facility. There have also been meetings with the owner. Some inspections have confirmed complaints while others have not. The staff will be taking a certified pool operators course to help educate them on safe pool operation methods.
 - All of the applicant's licenses were approved for renewal.
- **Choke saver**
 - A free choke saver class was put together by Susan Barker for local businesses owners

VII. ADJOURNMENT

Dr. James Taylor motioned to adjourn the meeting at 5:30 pm

THE NEXT BOARD OF HEALTH MEETING – THURSDAY, FEBRUARY 26, 2015