



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642
All Departments 508-240-5900
www.eastham-ma.gov

MINUTES EASTHAM BOARD OF HEALTH MEETING THURSDAY, MAY 28, 2015 AT 3:00pm

Present: Dr. James Taylor, Chair, Jane Crowley, Dr. Joanna Buffington, Susan Barker, Dr. Martin Haspel, Glen Olsen
Absent: Vicky Anderson

I. PUBLIC NOTIFICATION RE VIDEO AND/OR AUDIO TAPE

II. VARIANCE

1. John Chabot 445 Turnip Rd Map 7 Parcel 491

East Cape Engineering has submitted a proposal to remove the existing 3 bedroom dwelling from the 24,700 Sq. Ft. lot and rebuild a proposed 3 bedroom dwelling with the Microfast 0.5 Treatment Unit under general use approval. Due to the constraints of the lot size 24,000 sq. ft., 4 variances are requested which include 45ft from the top of the coastal bank (55 ft provided) and reductions of distance from proposed well to side lines and the existing leach area on parcel 492. The separation from the applicants proposed septic location to the proposed site well location is better than what currently exists and therefore provides more environmental protection. The plan includes secondary treatment with a Microfast 0.5 treatment unit. The following variance was requested:

Variance Request Under Town of Eastham Board of Health Regulations:

(Section I)

1. 45' +/- to the 100' required setback for proposed soil absorption system to coastal bank.

(section II)

1. 20' +/- to the 25' required setback for proposed well to road property line.

2. 5' +/- to the 10' required setback for proposed well to property line.

3. 13' +/- to the 100' required setback for proposed well to existing SAS on parcel 449.

1. 8' +/- to the 100' required setback for proposed well to existing SAS on parcel 492.

Dr. Joanna Buffington motioned to approve the variance with the following conditions:

1. Routine water quality and VOC test results be provided of proposed well location to assure portability.
2. No increase in design flow be allowed. Any increase in habitable square footage we require Board of Health review and abutter notification.
3. Secondary treatment and monitoring under general use approval conditions per regulations including testing quarterly (or 2 times per year for seasonal use) for

nitrogen, BOD TSS, Nitrate-Nitrogen not to exceed 19 mg/l. After 2 year period of 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 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.
8. A well disclaimer must be signed by the homeowner.

Glenn Olsen Seconded the motion.

4-0 Vote

2. Patricia Chabot 1 Nycoma Way Map-10 Parcel-323

Due to the constraints of the environmentally sensitive lot size 24,041 sq. ft. and existing 4 bedroom dwelling Coastal Engineering has submitted a plan with requests for variances to include set back reductions to the toe of the dune for both leach area and septic tank. Due to lot constraints the tank and leach area are located in a velocity zone. The separation from the applicants proposed septic location to the proposed well location is better than what currently exists and therefore provides more environmental protection. The original plan did not contain secondary treatment. However, during the meeting an IA septic plan was presented to the board. There was some discussion among the board members whether or not to require an IA system at this time. The following variance was requested:

310 CMR 15.000 (Title 5)

15.213 Construction in Velocity Zones and Floodways

(1) No septic Tank shall be constructed in a Velocity Zone And a Regulatory Floodway
Variance requested to construct a septic tank in the velocity zone.

(2) No Soil Absorption System shall be constructed in a Regulatory Floodway unless
(e) the septic tank... is outside the Velocity Zone or Regulatory Floodway, either Horizontally or vertically.

Variance requested for the need to construct a septic tank in the velocity zone.

15.248 Reserve Area

Request that no Reserve Area is proposed

TOWN OF EASTHAM BOARD OF HEALTH REGULATIONS

Section I.C.6- Requirements

Leaching system is less than 100' from toe of dune

Request 58' variance

Septic tank is less than 50 feet from toe of dune

Request 25' variance

Dr. James Taylor motioned to accept the variance as shown on the IA septic system plans. This approval is subject to the following conditions:

1. Voc and routine water quality test results be provided of proposed well location to assure potability
2. No increase in design flow be allowed
3. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly for total nitrogen (or 2 times per year for seasonal use). After this 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.
5. Deed restriction for 4 Bedroom use and alternative technology requirement recorded
6. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
7. Subject to Conservation Commission review
8. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for the 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.

Glenn Olsen Seconded the motion

4-0 Vote

III. REVIEW

- **David & Coleen Dubuque 30 Bradford Ln Map-8 Parcel-215**

David and Colleen Dubuque have requested a building permit to finish a room above the proposed garage to be used as an office/studio room with a bathroom. The property has an existing Title 5 system that has a capacity for 3 bedrooms that was installed in 1997. The existing dwellings has 3 bedrooms and the lot size is 21,600 sq. ft. . According to Regulation 1E Section A (1)

“Those rooms or portions of dwellings satisfying the foregoing criteria shall be considered bedrooms regardless of whether they are referred to or designated as a:

- * finished cellar or attic

Since the property is limited to the existing number 3 bedrooms due to the lot size (21,600 sq. ft.) this would increase flow to the existing system resulting with a total number of 4 bedrooms.

The EBOH regulations state

“The maximum number of bedrooms allowed shall be determined by the number of bedrooms in the existing house , if there is one , or the size of the lot per 310 CMR 15.214 which requires 10,000 sq. ft. per bedroom”

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

1. No heating or plumbing be allowed in the finished space above the garage.
2. Deed restriction for 3 bedroom use be recorded with the registry of deeds.

IV. OTHER BUSINESS

- **Notice to abate Violation of 105 CMR 410 Sanitary Code II**

1. Gerald & Tsila Pincus 1790 Herring Brook Rd Map-10 Parcel-53

On Monday, April 13, 2015 in response to a complaint, Susan Barker, Assistant Health Agent, conducted an inspection at the property owned by Gerald & Tsila Pincus located at 1790 Herring Brook Rd, Eastham, MA. Violations of 105 CMR 410 State Sanitary Code II, Minimum Standards for Human Habitation and Eastham Board of Health Regulations were observed as follows:

105 CMR 410.750 Conditions Deemed to Endanger or Impair Health or Safety

- Septic system overflowing into front yard area. System to be pumped by a licensed septic hauler.
- Smoke and carbon monoxide alarms to be installed in a workman like fashion.
- Temporary smoke alarms installed by Eastham Fire Department at time of inspection due to emergency condition.

105 CMR 410.351 Owner's Installation and Maintenance Responsibilities

- Owner installed oven not functioning as designed, to be repaired and/or replaced.
- Electrical outlets and fixtures in several areas of the property not properly installed or missing. All missing electrical outlets and fixtures to be replaced in a workman like fashion. Any required electrical work must be permitted.

105 CMR 410.500 Owner's Responsibility to Maintain Structural Elements

- Flooring in dwelling is in an unfinished state and substandard. Flooring in areas of dwelling to be finished in a workman like fashion made of material that is nonabsorbent, noncorrosive, smooth and water proof.
- Rear door is rotted and not functioning as designed. Door to be repaired and/or replaced in a workman like fashion. Owner's responsibility to determine if building permits are required.
- Ceiling in bedroom #2 shows evidence of leaking. Ceiling to be repaired in a workman like fashion.
- Ceiling in half bath shows evidence of leaking. Ceiling to be repaired in a workman like fashion.
- Staircase leading to loft area is in an unfinished state and substandard. Stairs to be finished in a workman like fashion made of material that is easily cleanable.

105 CMR 410.501 Weathertight Elements

in a - Pane of glass in front door missing. Door/window to be repaired and/or replaced
workman like fashion.

Eastham Board of Health Regulation-Section III—Human Habitation

- No 2015 rental certificate on file. Application for rental to be filed with the
Eastham Town Clerk.

Eastham Board of Health Regulation-Section III—Human Habitation

- No current water quality analysis on file. Routine water quality analysis to be
conducted.

Eastham Board of Health Regulation-Section XII—Control of Nuisances

- Abandoned household items and other refuse to be removed.

- The homeowner claimed that she was unaware of the conditions at the house
and stated that almost all of the required changes have been made.

Dr. Joanna Buffington motioned to fine the homeowner for a one day violation at \$300.00. Dr. Joanna Buffington also motioned to subtract the rental certificate fee of \$75.00 from this fee total. In total Dr. Joanna Buffington motioned for a fine of \$225.00 to be paid to the town of Eastham by Gerald & Tsila Pincus, homeowners of 1790 Herring Brook Rd.

Dr. James Taylor Seconded this motion.

3-1 Vote

2. Michael W Kuchyt 49A Salt Pond Rd Map-12 Parcel-52

On Friday, May 15, 2015 a complaint inspection was conducted at the property owned by Michael W Kuchyt located at 49A Salt Pond Rd, Eastham, MA. The following violation of 105 CMR 410 State Sanitary Code II, Minimum Standards for Human Habitation and Eastham Board of Health Regulations were observed:

105 CMR 410.750 Conditions Deemed to Endanger or Impair Health or Safety

(F) Failure to provide a toilet in operable condition.

(N) Failure to provide a smoke and carbon monoxide alarms.

Eastham Board of Health Regulation-Section III—Human Habitation

No 2015 rental certificate on file. Application for rental to be filed with the Eastham Town Clerk, for both rental cottages on property.

Eastham Board of Health Regulation-Section III—Human Habitation

No current water quality analysis on file. Routine water quality analysis to be conducted.

The rental violation was continued until the June 18, 2015 Board of Health meeting. The homeowner will need to be notified to come before the Board of Health.

- **Oil spills**
- There have been two oil / fuel spills in Eastham this month.
 - One of the oils spills was a 275 gal oil tank in crawl space with sand floors.

- There was only a 5 ft separation between the spill and the ground
- ~~Action~~ was taken within 24 hours of spill.
- People should investigate their oil tanks and the age of their tanks in order to avoid a situation like this. The cost of a clean up of a spill is extraordinary in comparison to the cost of upgrading an oil tank.
- Documentation on oil tank safety has been put up on the Town of Eastham, Health Department webpage.

V. RELEASE OF DEED RESTRICTION

David Hale

75 Bay View Dr.

Map-13 Parcel-13

- The Release of Deed Restriction was approved and signed by all present members of the Board of Health.

VI. APPROVAL OF MINUTES

- February 19, 2015 Workshop
- March 26, 2015 Workshop
- March 26, 2015 Meeting
- April 30, 2015 Workshop
- April 30, 2015 Meeting

The approval of the minutes were continued to the June 18, 2015 Board of Health Meeting.

V. ADJOURNMENT

Dr. Martin Hapsel motioned to adjourn the meeting at 5:15pm

Glenn Olsen seconded the motion

4-0 vote

THE NEXT BOARD OF HEALTH MEETING – THURSDAY, JUNE 18, 2015