



## TOWN OF EASTHAM

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[www.eastham-ma.gov](http://www.eastham-ma.gov)

### MINUTES EASTHAM BOARD OF HEALTH MEETING THURSDAY, SEPTEMBER 24, 2015 AT 3:00pm

**Present:** Jane Crowley, Dr. Joanna Buffington, Susan Barker, Dr. Martin Haspel, Chair,  
Vicky Anderson, Glenn Olsen, Pat Lariviere

#### I. PUBLIC NOTIFICATION RE VIDEO AND/OR AUDIO TAPE

#### II. OPENING STATEMENTS

- The Board of Health adopted a tobacco regulation which will go into effect September, 30<sup>th</sup> 2015. Within this regulation it states that the minimum age at which an individual can buy tobacco products is 21 years of age. The Health Department did an out reach program and delivered signs and regulations to all local businesses that sell tobacco products. These new regulations also include E-cigarettes.
- Jane Crowley has been working on waste water planning. She has been working with **GHD** to update the interim reports for the 208 water shed project. There have been a lot of changes which will affect the process and what needs to be done. For instance, there are now targeted water shed plans instead of a whole town plan. This will allow the Town to work on the highest priority targets first then work on the less pertinent projects later. Nauset estuary is the highest priority at this time. We share part of this jurisdiction with Orleans but Salt Pond is entirely Eastham's.
- Paul Lagg, Mike Caliri and Ed Rohmer are keeping the Town's municipal water project website current and have made it very user friendly. Jane Crowley encourages the public to contact the project managers for any specific questions they have in regards to the project. The website is [www.eastham-ma.gov](http://www.eastham-ma.gov). If you subscribe to the webpage or to CodeRed you will get weekly updates on the progress of the project.
- Ponds- The Town has signed a new contract with Ecologic and will be working with Liz Mirane who also works with GHD and will be advising the town on water quality. The town will be using them as a consultant for the fresh and salt water pond evaluation.
- Landfill- Jane Crowley recently attended a conference on 1,4 dioxane . Eastham was the case study for this event. It was explained at the conference that 1,4 Dioxane is a national problem. The Town of Eastham does have the largest known public exposure. Once 1,4 dioxane is in ground water it is extremely expensive to remove. It seems that the best course of action is to educate the public on emerging contaminants. The Health Department currently has a Boston University student conducting a study on how to choose home products that will not generate 1,4 Dioxane as a bi-product. It makes the most sense to remove the parent product that creates 1,4 dioxane from the picture rather than trying to remove 1,4 dioxane from the ground water.
- Laurel Shraider from Silent Spring will come talk to the Board of Health in November about 1,4 dioxane and the problems its causing in the environment.

- Marty welcomed Pat Lariviere back to the Board of Health.

### III. VARIANCE

**Donna Thompson**

**60 Oak Rd**

**M-8 P-282**

J. C. Ellis has submitted plans for upgrade of an existing 3 bedroom dwelling on a 6,617 sq. ft. lot. Variances include reduction to lot lines of both well and leach area side line set backs. The plan also includes a 25% reduction in the size of the leach area from the required 330 gpd flow to 251.23 gpd provided. The proposed system is an upgrade from the existing cesspool and existing well. The new system will provide increased separation from the well and leach area; however, the size of the leach area is reduced. The plan does not include secondary treatment. If the leach area had been fully sized a well variance would be needed.

*Pat Lariviere motioned to continue the following variance until the October 29, 2015 Board of Health meeting:*

1. 310 CMR 15.211 -9' variance from proposed leach field (s.a.s.) to lot lines (Pcl. 283). (10' required 1' provided, 9' variance requested.)
2. 310 CMR 15.240(4) – 25% reduction in required size of proposed leach field (s.a.s.) (450 s.f. required, 339.5 s.f. provided, 25% reduction requested.)
3. 310 CMR 15.248 – No reserve area provided.
4. Eastham Board of Health Regs: - 24' variance from proposed well to road layout. (25' required, 1' provided, 24' variance requested)
5. Eastham Board of Health Regs: - 2' variance from proposed well to lot line (Pcl. 283) (10' required, 8' provided, 2' variance requested)

The variance was continued for the following reasons:

1. The Board of Health requires that the septic plan submitted include secondary treatment under maximum feasible compliance.

*Vicky Anderson seconded the motion.*

*5-0 Vote*

**Leo & Lillian Bartolucci**

**90 Huckleberry Ln**

**M-7 P-343**

J. C. Ellis has submitted plans for upgrade of an existing 4 bedroom dwelling on a 7,687 sq. ft. environmentally sensitive lot. Variances include reduction of leach area to side line setbacks and to area wells. The plan also includes a 25% reduction in the size of the leach area from the required 440 gpd flow to 228.66 gpd provided. The proposed system is an upgrade from the existing cesspool. The new system will provide increased environmental protection with secondary treatment using Advantex AX20 treatment with the reduced size leach area.

*Dr. Joanna Buffington motioned to continue the following variance until the October 29, 2015 Board of Health meeting:*

1. 310 CMR 15.211 – 24' variance from proposed leach field (s.a.s.) to existing well (locus). (100' required , 76' provided, 24' variance requested.)
2. 310 CMR 15.211 - 21' variance from proposed leach field (s.a.s.) to existing well (PVL. 342). (100' required , 79' provided, 21' variance requested.)

3. 310 CMR 15.211 – 9’ variance from proposed septic tank to lot line (Pcl. 329). (10’ required, 1’ provided, 9’ variance requested.)
4. 310 CMR 15.211 – 5’ variance from proposed leach field (s.a.s) to lot line (Pcl. 329). (10’ required, 5’ provided, 5’ variance requested.)
5. 310 CMR 15.211 – 9’ variance from proposed leach field (s.a.s) to lot line (Pcl. 344). (10’ required, 1’ provided, 9’ variance requested.)
6. 310 CMR 15.211 – 14’ variance from proposed leach field (s.a.s) to foundation wall. (20’ required, 6’ provided, 14’ variance requested.)
7. 310 CMR 15.248 – No reserve area provided.

The variance was continued for the following reasons:

2. Lack of information to support the request for variance.
  - The following information was missing and is required for discussion of this case:
    - Current floor plans of the existing dwelling.
    - A Copy of the abutter notification letter.

*Dr Martin Haspel seconded the motion*  
5-0 Vote

**Robert & Justine Lambroschino      30 Governor Prence Rd      Map-18 Parcel-103**

J.C. Ellis Design proposed an upgrade to the existing septic system at their property at 30 Governor Prence Rd. Due to the size of the lot and the proximity of existing wells, buildings and wetlands variances are required.

*Pat Lariviere motioned to continue the following variance until the October 29, 2015 Board of Health meeting:*

1. 310 CMR 15.211 – 9’ variance from proposed leach field (s.a.s.) to lot line (Road). (10’ required , 1’ provided, 9’ variance requested.)
2. 310 CMR 15.211 – 16’ variance from proposed leach field (s.a.s.) to foundation wall. (20’ required , 4’ provided, 16’ variance requested.)
3. 310 CMR 15.240(4) – 24% reduction in size of leach field (s.a.s.) (745 s.f. required , 575 s.f. provided, 24% reduction requested.)
4. 310 CMR 15.212(b) – reduction in required 5’ separation from bottom of leach field (s.a.s.) to perched water elevation.
5. 310 CMR 15.248 – No reserve area provided.
6. Eastham Board of Health Regs: 49’ from proposed leach field (s.a.s.) to Bordering Vegetated Wetland (100’ required, 51’ provided, 49’ variance request)

The variance was continued for the following reasons:

3. Lack of information to support the request for variance.
  - The plan submitted was incomplete

*Dr. Martin Haspel seconded the motion*  
5-0 Vote

**John & Lois Bacewicz      35 Kellies Path      Map-11 Parcel-426**

The plans presented for 35 Kellies Path for the existing 3 bedroom dwelling by J. C. Ellis dated 8/18/15 include variance requests for reduction in side line setbacks for the leach area. This plan provides

additional separation from the existing well to the proposed leach area which will provide increased environmental and public health protection.

*Vicky Anderson motioned to continue the following variance until the October 29, 2015 Board of Health meeting:*

1. 310 CMR 15.211 – 5' variance from proposed leach field (s.a.s.) to lot lines (Pcl. 414). (10' required, 5' provided, 5' variance requested.)
2. 310 CMR 15.211 – 5' variance from proposed leach field (s.a.s.) to lot lines (Pcl. 435-F). (10' required, 5' provided, 5' variance requested.)
3. 310 CMR 15.248 – No reserve area provided.

The variance was continued for the following reasons:

1. The Board of Health requested a walk-through inspection to be conducted by the Health Department in order to confirm the bedroom count. A revised floor plan, to represent the current bedroom count, will be required upon results of the walk-through inspection.

*Dr. Joanna Buffington seconded the motion*  
5-0 Vote

**Joanne Anderson      25 Jennie Clark Rd      Map-14 Parcel-228**

East Cape Engineering submitted plans to upgrade a leach pit for an existing 4 bedroom dwelling with request for a variance to install the leach area with 6 ft cover due to lot constraints.

*Vicky Anderson motioned to approve the following variance:*

**Reduction Request under Title 5 Regulations:**

(Section 15.405: Contents of Local Upgrade Approval)

b) 3.0ft. +/- to the 3.0ft. maximum cover allowed over portion of proposed soil absorption system. (6.0ft. +/- maximum cover allowed)

*Vicky Anderson motioned the approval under the following conditions:*

1. No increase in square footage of dwelling without BOH review and abutter notification
2. Deed restriction for 4 bedrooms to be recorded on deed.

*Glen Olson seconded the motion*  
5-0 Vote

**Irene D. Rohe      5 Swift Rd      Map-10 Parcel-186**

Ryder and Wilcox has submitted plans for upgrade of an existing 2 bedroom dwelling located on a 20,702 sq. ft. lot. The septic plan submitted includes a request for a variance from the proposed leach area to be located 88 ft from the existing well (12 ft variance requested) where 100 ft is required. The plan represents an improvement in environmental protection. The BOH could approve the plan under maximum feasible compliance or require the relocation of the existing well to be in full compliance.

*Dr. Joanna Buffington motioned to approve the following variance.*

1. The proposed soil absorption system is located approximately 88' from the existing well on the same property. (12' variance from 310 CMR 15.211 (1))

*Dr. Joanna Buffington motioned the approval under the following conditions:*

1. Test existing well for routine parameters
2. Require a deed restriction of 2 bedrooms be recorded at registry of deeds
3. Any increase in habitable space will require BOH review and abutter notification

*Glen Olsen seconded the motion*

5-0 Vote

#### **IV. REVIEW**

**Alan Oliff & Alice Cole-Oliff**

**305 Mill Rd**

**Map-11**

**Parcel-29-C**

Coastal Engineering requested that the Board of Health review the bedroom count of the existing dwelling at 305 Mill Rd. The assessing records of the property show the dwelling as a four bedroom dwelling however, a walkthrough inspection conducted by the Assistant Health Agent deemed the dwelling a 3 bedroom. Coastal engineering presented the following evidence to support the case that the dwelling has 4 bedrooms:

- The 1992 a septic permit was approved for a four bedroom system.
- In 2004 a Title 5 inspection indicated that the dwelling is a four bedroom house.
- In 2010 a title 5 inspection indicated that the dwelling is a four bedroom house.
- The Town of Eastham Assessor field card indicated that the house has four bedrooms.

In 2012 a bedroom was removed to create a master bath and living room. The owners would now like to add this bedroom back onto the house.

*Vicky Anderson motioned that the existing dwelling at 305 Mill Rd is currently a 3 bedroom dwelling.*

*Dr. Joanna Buffington seconded the motion*

*3 approved*

*2 abstained*

#### **V. CORRESPONDENCE & OTHER INFORMATION**

##### **Notice to Abate Violation of 105 CMR 410 Sanitary Code II, Minimum Standards for Human Habitation-**

- **Katherine Nelson    355 B N. sunken Meadow Rd    Map-4 Parcel -217**

On Friday, August 28, 2015 in response to a complaint, Susan Barker, Assistant Health Agent, conducted an inspection of the property located at 355 B N. Sunken Meadow 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:

##### **410.600    Storage of Garbage and Rubbish**

- (A) Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight fitting covers. Said receptacles and covers shall be made of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable rodent-proof material.

##### **Eastham Board of Health Regulation, Section XII-Control of Nuisances**

- C. Nuisance means any source of filth or cause of sickness, including but not limited to, any collection of junk and/or debris, such as abandoned household property, industrial or commercial equipment, debris, and unsafe structures.
- D. No owner, occupant, tenant or manager of any property situated in the Town of Eastham shall cause or permit to exist a nuisance on said property.

Large amounts of refuse and/or garbage were witnessed at the time of the inspection. The refuse was improperly stored without the use of garbage bins and tight fitting lids creating a possible rodent harborage.

• **Nicole Gargano      45 Oak Ridge Rd      Map-5 Parcel -181**

A housing inspection was performed by Jane Crowley, Eastham Health Agent and Susan Barker Assistant Health Agent on September 14, 2015 with the Eastham Police Department in response to a referral with regards to the living conditions. This property is owned or occupied by Nicole Gargano and located at 45 Oak Ridge Road, Map 5 parcel 181. Two dwellings are located on this parcel. The house inspected was identified with the number 50 facing Massasoit Trail. A Police Incident Report dated 9/14/15 references 50 Massasoit Trail as the dwelling address. Existing violations include both owner and occupant responsibilities. Violations of 105 CMR 410 State Sanitary Code II, Minimum Standards for Human Habitation were observed as follows:

- |                     |   |
|---------------------|---|
| 105 CMR 410.351     | Owner shall install or cause to be installed equipment in accordance with accepted plumbing, gas fitting and electrical wiring standards and shall maintain all such equipment  |
| 105 CMR 410.352     | Occupant maintenance responsibilities shall include keeping all toilets, wash basins, sinks, showers, stoves refrigerators and dishwashers in a clean and sanitary condition and exercise reasonable care in the proper use and operation thereof. Basement not be used as habitable space.   |
| 105 CMR 410.500     | Owner responsibility to maintain structural elements including doors, windows, floors, and other structural elements. Eliminate cause of dampness in basement.  |
| 105 CMR 410.505     | The occupant shall exercise reasonable care in the use of the floors, staircases and other structural elements of the dwelling.   |
| 105 CMR 410.550     | Investigate and eliminate possible rodent infestation and areas of harborage for rodents  |
| 105 CMR 410.600     | Garbage shall be stored in weather tight containers with tight fitting covers.  |
| 105 CMR 410.602 (A) | Owner of any parcel of land vacant or otherwise shall be responsible for keeping such parcel of land in a clean and sanitary conditions free from garbage, rubbish and other refuse. All debris/unused equipment/refuse needs to be removed from exterior premises which affects the health or safety and well being of the occupants of any dwelling or the general public. Items include discarded bedding, furniture and hazardous materials. Exterior chicken coop needs to be maintained according to safe animal control standards and maintained accordingly (see police report) not to create an environmental contamination. |
| 105 CMR 410.602 (D) | Common Areas shall be maintained in a clean and sanitary condition free of garbage, rubbish and other filth or causes of sickness.  |

Critical Violations that require correction within 24 hours;

- 105 CMR 410.482      \*Smoke Detectors and carbon monoxide detectors need to be installed and in proper working order**

- 105 CMR 410.750 (I )      \*Conditions deemed to endanger to impair health and safety were found to exist in this residential dwelling may result in accumulation of garbage, rubbish and fifth or other causes of sickness**
- 105 CMR 410.190      \*Owner shall provide hot water in good operating condition.**

The owners have been given smoke and CO detectors and the town is working on obtaining a one day dump permit for the tenant to dispose of their trash.

**VI.    OTHER BUSSINESS**

- **Reorganization**

- Dr. Martin Haspel is the new Chair and Dr. Joanna Buffington is the new Vice Chair of the Board of Health and

**VII.    ADJOURNMENT**

*Dr. Joanna Buffington motioned to adjourn the meeting at 4:40pm*

*Vicky Anderson seconded the motion*

5-0 vote

**THE NEXT BOARD OF HEALTH MEETING – THURSDAY, OCTOBER 29, 2015**