



## TOWN OF EASTHAM

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

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

**Absent:** Dr. Martin Haspel, Chair

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

#### II. OPENING STATEMENTS

Jane Crowley updated the Board on the upcoming Flu Clinic. Clinic registration will be on the town website. The flu clinic will be November 12 from 1 to 4PM. People interested in registering for the clinic can contact the Eastham Health Department with help registering.

#### III. VARIANCE

##### 1. Patricia and Anthony Gaeta      440 McKoy Rd      M-10 P-91

Felco Engineering has submitted plans for the property located at 440 McKoy Road which has an 11 200 sq. ft. lot with an existing 2 bedroom dwelling. This is defined as an environmentally sensitive lot. Due to lot constraints variances include set back reductions of the leach area to the lot lines and cellar wall. The proposed well will be relocated and requires variances from side line and street setbacks. The proposed plan results in increased separation from the proposed leach area to the proposed well and increase in environmental protection with the proposed upgrade to the current Title 5 requirements. The proposed plan could be approved under maximum feasible compliance or the BOH could require Innovative Alternative Technology be added to the system.

The Board discussed the plan. It was discussed that the cesspool is considered a failed system.

*Glen Olson made the motion to accept the following variances:*

310 CMR 15.000:

- 1) 16' from leach area to cellar wall-310 CMR 15.211
- 2) 4' from leach area to property line (Pcl. 98)
- 3) 1' from leach area to property line (Pcl. 92)
- 4) 17' from well to street
- 5) 6' from well to property line (Pcl.92) – Eastham BOH Reg's

*Pat Lariviere seconded the motion.*

**4-0 APPROVED**

The variance was approved with the following conditions:

1. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance

3. Proposed well to be tested for VOC and routine parameters.
4. Well variance form to be signed by owner
5. Deed restriction for 2 bedrooms to be recorded on deed

**2. Vito and Helga Frazzette 55 Country Ln M-18 P-247**

A plan has been submitted by J. C. Ellis Design for the environmentally sensitive lot located at 55 Country Lane. The lot is 20,951 sq. ft. submitted with a floor plan that shows 2 existing bedrooms. The plan shows 3 bedroom design. The plan does not include secondary treatment. The plan includes requests for reduction in the size of the leach field and side line setbacks. The septic tank appears to be located under the patio.

Jason Ellis informed the Board that the property has three existing bedrooms. He believes that the sunroom meets the definition of a bedroom. He informed the Board that the leach pit meets failure criteria. This is a voluntary upgrade. Currently the sunroom is being used as a bedroom. It was suggested that Jason Ellis schedule a walk thru inspection with Susan Barker, Assistant Health Agent to confirm the number of existing bedrooms within the dwelling.

*Vicky Anderson made a motion to continue until a walk thru inspection has been conducted to determine if the sunroom meets the definition of a bedroom.*

*Glen Olson seconded the motion.*

*4-0 CONTINUED*

**IV. EXTENSION**

**3. Patricia Peters 190 Eldredge Dr M-1 P-66**

Due to the constraints of the environmentally sensitive lot size 12,000 sq. ft. and existing 2 bedroom dwelling J.C. Ellis has submitted a plan with requests for variances to include reductions of distance from leach area to coastal bank and side lines set back reductions as listed per plan. 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 an Advantex AX20 unit. Alternatively, the Board of Health could recommend a tight tank.

*Glen Olson made the motion to extend the approval with conditions approved on the revised plan dated October 20, 2014.*

*Pat Lariviere seconded the motion.*

*4-0 APPROVED*

**V. CONTINUANCES**

**4. Donna Thompson 60 Oak Rd M-8 P-282**

J. C. Ellis has submitted plans for upgrade of an existing 3 bedroom dwelling on 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 well and leach area however the size of the leach area is reduced. The revised plan does include secondary treatment.

Plan submitted dated 10/2/2015.

*Vicky Anderson made the motion to accept the following variances:*

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)

*Pat Lariviere seconded the motion.*

**4-0 APPROVED**

The variance was approved with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under remedial 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.
3. 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.
4. Deed restriction for 3 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Well variance form to be signed by owner

**5. Leo and 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 50% 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.

*Glen Olson made the motion to accept the following variances:*

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 – 3' variance from proposed septic tank to lot line (Pcl. 329). (10' required, 7' provided, 3' 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 – 2' variance from proposed leach field (s.a.s) to lot line (Pcl. 344). (10' required, 8' provided, 2' 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.

*Pat Lariviere seconded the motion.*  
**4-0 APPROVED**

The variance was approved with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under remedial 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.
3. 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.
4. Deed restriction for 4 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance

**6. Robert and Justine Lambroschino 30 Governor Prence Rd M-18 P-103**

J.C. Ellis requested a continuance.

*Glen Olson made the motion to continue to the November 19, 2016 meeting.*  
*Pat Lariviere seconded the motion.*  
**4-0 CONTINUED**

**7. John and Lois Bacewicz 35 Kellies Path M-11 P-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.

A walk thru inspection was conducted by Susan Barker, Assistant Health Agent to confirm that there are 3 bedrooms existing in the dwelling.

*Pat Lariviere made the motion to accept the following variances:*

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.

*Glen Olson seconded the motion.*  
**4-0 APPROVED**

The variance was approved with the following conditions:

1. No increase in square footage of the dwelling without BOH review and abutter notification.

2. Deed restriction for 3 bedrooms to be recorded at registry of deeds.

## **VI. REVIEWS**

### **8. Billingsgate Landing LLC                      Lot #1 930 Massasoit Rd                      M-5    P-176A**

Tim Klink and Jason Ellis requested a nitrogen credit to allow for 7 bedrooms on 48,132 sq. ft. J.C. Ellis Design has submitted plans which include secondary treatment with an Advantex AX20 unit. DEP allows for nitrogen credit when advanced treatment is provided calculated at 6,666 sq. ft. required per bedroom. No other variances have been requested.

The proposed treatment design has been reviewed by Orenco. The Board requested that Jason Ellis provide an acceptance letter from Orenco.

The Board requested information regarding condominium association information. They were updated with information from the property owner, Tim Klink, that condo association maintenance will be paid for through condo and will go towards the septic system maintenance. There can also be an assurance bond made for the condo.

Board discussed the design proposed design of the property as well as the septic system. Jason Ellis explained the details of the gravity fed system and the electrical components.

Abutter John Kudzio of 25 Sea Gull Ln, stated concerns about the existing septic system for the church which was not used a lot, and now this new proposed system which will be used every day.

Jason explained this is the most up to date septic system and provides a high amount of nitrogen removal.

Jane Crowley, Health Agent, stated that the proposed system reflects a proposed well location for the property, she asked if Tim Klink has plans to hook up to the municipal water supply when available. Tim Klink stated that he does have plans to hook up, and that he has started discussions on that. In so far as timing for the project he does not want to wait until water supply is available.

Abutter Geoff Weigand of 90 Chruch Rd is also concerned about water quality and the septic system maintenance. Jane Crowley, Health Agent stated that the assurance bond provided will make sure that the maintenance is included. Also, the septic system will be required to have an operation and maintenance contract for the life of the system. There is also testing requirements for parameters of the effluent wastewater which must meet guidelines. It will be required to be tested quarterly. If the system starts to fail the operator will trouble shoot and fix the system. When there is an issue with the system components the system notifies Orenco directly. There is no need to rely solely on an alarm system. Anything that is out of order would be identified right away.

*Glen Olson made the motion to approve the request.*

*Pat Lariviere seconded the motion.*

**4-0 APPROVED**

The request was approved with the following conditions:

1. Routine and VOC 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 7 Bedroom use and use alternative technology requirement to be recorded on deed. Each condominium unit to have recording that property is served by a shared septic with IA treatment and number of bedrooms not to exceed 7 total bedrooms as per plan.
6. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
7. Paper work sufficient to meet the assurance bonds and deed restriction for the operation and maintenance of the IA system and any mechanical failures that may occur.
8. Design review from Orenco approving the residential strength waste to be greater than 6 bedrooms.

**9. Billingsgate Landing LLC                      Lots 2&3 930 Massasoit Rd                      M-5    P-176A**

Jason Ellis explained that both lots 2 and 3 are 40,000 sq ft. He is requesting a 3bedroom approval for both lots. The proposed plans have changed and the Board needs time to review the floor plans.

*Vicky Anderson made the motion to continue to the review until the November 19, 2015 meeting.  
Glen Olson seconded the motion.  
4-0 CONTINUED*

**VII. NOTICE TO ABATE VIOLATIONS OF 105 CMR 410 SANITARY CODE II, MINIMUM STANDARDS FOR HUMAN HABITATION**

Improvements have been made and are ongoing. Another inspection is scheduled for next week for corrections made.

**VIII. ADJOURNAMENT**

*Pat Lariviere made the motion to adjourn the meeting.  
Glen Olson seconded the motion.*

Meeting adjourned at 4:43PM

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