



BOARD OF HEALTH MEETING

April 26, 2016: Minutes

Members Present: Patricia Bergeron, William White.

Members Absent: James Butterick

Others Present: Ade Solarin-Health Agent, Alexandra Kral-Administrative Assistant, Mark Barbadoro-Building Inspector, Brandon Ducharme, Nicole Rolston, Patrick Brown, Davio Danielson.

APPOINTMENTS:

10:00 Approval of Minutes for February 2, 2016.

BOH Members motioned to approve the minutes stated above.

10:05: Review with a Health Agent

Update on schedule change for annual food meeting

- **Health Agent:** Please take a look at the letters provided. We rescheduled the annual meeting for Tuesday, May 10, 2016 at 10 AM as requested. Notices of the schedule change were mailed out last week.

Grease Trap Regulation discussion

Discussion of the draft copy of regulation presented during previous meetings

- **Member Bergeron:** Last meeting we had to postpone this discussion due to Member Campbell's upcoming resignation. Member Butterick is unfortunately not present today. Do we want to proceed with this discussion or should we wait for Mr. Butterick to be present?
- **Member White:** If Member Bergeron is ready to vote on it we can proceed.
- **Member Bergeron:** I still have some questions regarding this regulation.
- **Member White:** Then I suggest we wait to have every member present.
- **Health Agent:** Please forward all questions and concerns to me so I can respond accordingly

Member Bergeron motioned to schedule a discussion of Grease Trap Regulation for the next meeting on May 10th, 2016.

Motion was unanimously approved.



Square Footage Policy

Discussion of the draft copy of policy

- **Health Agent:** We are receiving many 1 bedroom septic variance requests which should be allowed only on extreme circumstances. After those requests get approved, applicants turn in building applications to construct 3000 to 4000 sq.f. One-bedroom houses in Zone 2. I propose this policy to prevent people from building large houses that will be served by only a 1 bedroom septic. Also, I would like Board Members to consider discontinuing practice of approving 1 bedroom septic systems. However, if due to extreme circumstances 1 bedroom septic gets approved we should restrict maximum building area to 750 sq.ft.
- **Member White:** I want to mention that extreme circumstances in this case are defined by the local Board of Health Members.
- **Mark Barbadoro:** For example, If someone would divide 1 acre of land in Zone 2 into 4 smaller lots with intention to build 3000 sq. ft. houses clamming they have only one bedroom it would be difficult for us to stop over-usage of land and septic without a concrete number of square footage that's allowed.
- **Member Bergeron:** I don't have anything against this policy. However, I would like to add following statement to presented policy: "Variances may be granted by the Board of Commissioners for extreme circumstances." Can we notify local engineers and septic designers about new active policies?
- **Health Agent:** Please write down your adjustments to this policy and maybe Board Members can vote on it right away?
- **Member White:** I will be happy to vote on it as soon as Member Bergeron adjusts the policy as discussed.

Member Campbell motioned to adopt Square Footage Policy as presented.

Motion was unanimously approved.

10:20: Ducharme & Dillis 27 Winthrop Avenue; Re: Variance Request

To allow the leaching system and septic tank to be less than 10' from garage slab.

- **Brandon Ducharme:** I am presenting a plan to replace the septic system for an existing 3 bedroom house. We are asking for two wavers from Title 5 to allow leaching system and septic tank setbacks to be 5 feet instead of 10 feet from garage slab.
- **Member Bergeron:** Did you consider moving the fence to create necessary space?



- **Brandon Ducharme:** There is an easement between owner and Tony's Market that allows Tony's to use that area to receive deliveries.
- **Health Agent:** I don't have anything against this.

Member White motioned to approve variance request for 27 Winthrop Avenue and allow the leaching system and septic tank to be less than 10' from garage slab. Member Bergeron 2nd it. Motion was unanimously approved.

10:30: Khanh Tran: Tanning Permit Application for Hollywood Nails

Mr. Tran would like to appeal Health Agent's request to obtain new tanning permit for his establishment

- **Health Agent:** Hollywood nails applied for tanning permit last year and I was able to approve their application in January. Now it is time to renew their permit and Mr. Tran refuses to renew because he feels it is not fair to pay the full permit fee for the entire year especially since he just got his permit not too long ago.
- **Member White:** Is it a yearly fee?
- **Health Agent:** Yes.
- **Member White:** I guess Mr. Tran did not understand that.
- **Member White:** How much is the fee for tanning permit?
- **Health Agent:** \$250.00. He has only had his permit for approximately 3 to 4 months. New fiscal year began April 16th, 2016 so he is meant to get a new permit for the next fiscal year.
- **Khanh Tran:** I don't feel that it is fair to charge Hollywood Nail again for tanning permit that we held only for a few months. I would appreciate if the Board could apply part of what we paid for previous permit towards our new permit.
- **Member Bergeron:** Were you open of the last year?
- **Khanh Tran:** Not the tanning part. It was open only for couple months.
- **Member White:** So what did you have in mind as of the fee for this years' permit?
- **Khanh Tran:** Whatever discount you can give me.
- **Member Bergeron:** I understand your frustration but it is an yearly fee that covers all the work performed by the Health Agent.
- **Health Agent:** I think our fees should not be negotiable.
- **Member White:** Based on rules and regulations that we have to follow we probably would not be able to wave a permit fee for you.

Member White motioned to deny Mr. Trans appeal. Member Bergeron 2nd it. Motion was unanimously approved.



10:40: George Sourati: Isaac Avenue M22 P59; Re: Building Application

After approval of variance to allow the construction of a one bedroom sewage disposal system on 10,913 square feet of land in the Zone II, BOH received a building application proposing to build a 2500 s.f 1- bedroom single family dwelling

- **Health Agent:** The reason that was behind them applying for 1 bedroom septic system is that there is not enough space to put the full system in. Board of Health approved it and now we have 2500 sq.f. single family home proposal.
- **Member Bergeron:** So when we approved variance for 1 bedroom septic there was no building proposal?
- **Nicole Rolston:** I submitted application and building plans to Building Department months ago. Also, 2500 sq.f. on the application was a mistake I meant to put 1700 sq.f. That is what leaving space will be. I amended an application.
- **Administrative Assistant:** Building application was received April 13th, 2016. This is a day after Board of Health Meeting, where variance for 1 bedroom septic system was approved.
- **Health Agent:** So after approval we got a building plan which shows 2500 sq.f.
- **Member White:** Is it a one-bedroom plan?
- **Health Agent:** One bedroom but 2500 sq.f. house.
- **Member Bergeron:** I don't understand why we were not aware of applicant's intention to build 2500 sq.f. house before we approved variance for a one-bedroom septic system.
- **Patrick Brown:** The house is not 2500 sq.f.
- **Health Agent:** 2500 or 1700 sq. f. is the same issue.
- **Member Bergeron:** What is the size of this lot?
- **Health Agent:** 10,000 sq.f.
- **Member White:** So they are allowed only one bedroom.
- **Member Bergeron:** Title 5 restricts this property located in Zone 2 to one bedroom it does not mention anything about the dwelling correct?
- **Health Agent:** Yes, 10,000 sq.f. necessary for each bedroom. Based on the regulations 1 bedroom septic system can be approved only in the extreme circumstances.
- **Member White:** As I have been informed by the state representative Brian Dudley you can't install anything less than a three bedroom septic.
- **Member Bergeron:** Yes, but during last meeting we granted a variance to install one-bedroom septic system. We've done that several times before for George Sourati.
- **Member White:** I'm still not quite clear on that is the actual issue here.
- **Member Bergeron:** They applied for one-bedroom septic system based on the lack of space. However, Health Agent thinks that based on the building application we received they have enough space and variance should have not been granted.



- **Member White:** They can still put three-bedroom septic system and keep desired square footage for the house. If understand one-bedroom and three-bedroom septic system price is almost the same.
- **Patrick Brown:** We were told that it is not possible to install three –bedroom septic system on this lot.
- **Member White:** Who told you that?
- **Patrick Brown:** George Sourati and the Health Agent.
- **Health Agent:** I did not say that.
- **Member Bergeron:** By Law you are not allowed to install anything less than three-bedroom septic system, you requested variance to get relief from this law.
- **Patrick Brown:** That what I thought before.
- **Health Agent:** You can keep your building proposal if the standard 3 bedroom septic system will be installed.
- **Member White:** You should request George Sourati to submit revised application and plan for septic system to the Board of Health office.
- **Patrick Brown:** If we will do that are we going to be approved?
- **Health Agent:** If the plan is correct –yes.
- **Member Bergeron:** I still think it is our mistake.
- **Health Agent:** Board can approve septic application without seeing building plan, It is up to me to notice that proposed building application exceeds or has a potential to endanger septic system capacity and bring this matter to the Board’s attention.
- **Patrick Brown:** Can I ask what difference would it make if we install 3 bedroom septic instead of 1 bedroom septic?
- **Health Agent:** Proposed building has a potential to accommodate more than just two people so we want to make sure that capacity of your septic will still be adequate and effective.

*Member White motioned to rescind previous variance for one- bedroom septic system and require three-bedroom septic system. Member Bergeron 2nd it.
Motion was unanimously approved.*



10:50: Tom and Karen Doyle at 6 Laurel Avenue M8 P58

Would like to obtain a Certificate of Compliance for the above property.

- **Tom Doyle:** We hope to obtain certificate of compliance for our property at 6 Laurel Ave. When we bought the property it came together with the permit for septic system designed by George Sourati. Our agreement with home owner was to put the system in. We hired George to do that and John Keene Excavation installed the system. After house was build George said that we owed him money for the septic system design that was supposed to be paid by the previous owner.
- **Karen Doyle:** We feel like we should not be obligated to that. We offered George \$1000 towards the bill for the previous owner.
- **Member White:** I feel like it is an issue between You and George that should be resolved and unfortunately, I don't see how Board of Health can help you in this situation.
- **Health Agent:** Certificate of compliance can be issued only after we receive engineers letter stating that he inspected it and installers letter stating he installed it. We have an installer's letter on file but we don't have engineers letter.
- **Tom Doyle:** George Sourati refuses to submit engineer's letter until we pay him for the design fee that should have been charged to the previous owner. We hope that someone else can come in and inspect it.
- **Health Agent:** Unfortunately, it can only be the engineer who designed the system. It is a legal issue. Mr. & Mrs. Doyle will have to take care of it on their own. If we issue certificate of compliance to them George Sourati can sue the Town of Oak Bluffs.
- **Member Bergeron:** According to the State Code can they hire another engineer to complete the work.
- **Health Agent:** No.
- **Member Bergeron:** I would like to require DEPs permission for us to issue the certificate of compliance before we make any further decisions.

Member White and Member Bergeron decided to withhold any decision regarding this matter until they will get an official response from the DEP.



MEMBERS:

- **Member White** motioned to appoint Patricia Bergeron as a Chairman for Oak Bluffs Board of Health.

Member Bergeron 2nd it.

Motion was unanimously approved.

- **Member Bergeron** confirmed that Shellfish Training will be held after annual food meeting on May 10th.

Member Campbell: Motioned to adjourned

Respectfully submitted by,
Alexandra Kral, Administrative Assistant