



Town of Oak Bluffs
WASTEWATER DEPARTMENT
17 Pennsylvania Avenue
P.O. Box 1526
Oak Bluffs, Ma. 02557
Phone 508-693-0343 Fax 508-696-6035

Commissioner's Meeting Minutes

June 28, 2023

Call to order:

A monthly commissioner's meeting of the Oak Bluffs Wastewater Department was called to order at 3:04 PM, on June 28, 2023 by Gail Barmakian, Chairperson.

Oak Bluffs Wastewater Commissioners present:

Gail Barmakian, Commissioner

Bill Alwardt, Commissioner

Cassandra Bowler, Commissioner

Oak Bluffs Wastewater Treatment Facility Employees Present:

Bridget Palmieri, Administrative Assistant

Guests in attendance:

In Person: Julie Keefe, David Keefe, Michael Mahoney

Business:

Agenda Item #1: 28 Kennebec Avenue - Notalot Farm Stand (Previously Kennebec Farm Stand) - Julie Keefe

Exhibits:

1. Commissioner's Meeting Agenda Request Form
2. Application for Change of Use or Flow
3. Proposed Menu



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4. Copy of check for Change of Use or Flow application fee

Discussion:

Julie Keefe began the discussion by recounting that in 2018 her husband (David Keefe) applied for a permit for a farm stand and planned to have a no food preparation. However, when he went to the Wastewater Dept. to get the permit, they told him it was a supermarket and he could prepare food. Julie Keefe said that once he learned this, he changed his plan and the menu for the farm stand.

Gail Barmakian responded that she doesn't think there was a misunderstanding in the context that they could prepare food, as that was a point of contention as she recalls, and it was very specific that they could not prepare food. She continued, as for it being a supermarket, she believes we were trying to figure out a way to classify it, as there is not a category on the DEP (Department of Environmental Protection) Title 5 regulations for a farm stand.

Julie Keefe reiterated that she would now like to submit a change of use. Gail Barmakian recounted that the original change of use request was changing a garage to a farm stand, which would sell vegetables. However, the garage had no flow and was not hooked up, so it would be an increase in flow. She continued, so you took out a bedroom from the house, so flow was being traded. The plan presented that 70 gallons per day would be allocated from the house to the garage.

Julie Keefe referred to Massachusetts Law regarding food establishments and prepared food. Gail Barmakian responded that we do not go by CMR law, that we go by a table/guide for what will be an increase in flow. She continued, we are not allowing any additional flow, so we did not need to previously accommodate you, however we were trying to, which is why a bedroom needed to be removed.

Discussion continued regarding the request from the Board of Health for the farm stand to put in a grease trap. Julie Keefe said they are designated as a supermarket and required to put in (6) six items, including a 3-bay sink and a grease trap. She continued, so if they are not designated as a supermarket why was this required. Gail Barmakian responded that they are not "designated" as anything per se, the Board of Health uses what your establishment is closest to in order to determine what the requirements should be. Cassandra Bowler read a portion of the meeting minutes from December 12, 2018. She said it does not say you are a supermarket, it is just the closest category.

Michael Mahoney, who represents the Keefe's, recounted his understanding of the history and explained the Keefe's went to great expense to put a deed restriction on their property, gave up a bedroom and put a grease trap in and understood they had approval from the Wastewater dept. designated



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as a supermarket, so he does not see the issue. Gail Barmakian responded that it was not her misunderstanding, but maybe their misunderstanding, as it was very clear that they had made an accommodation to hook up a building that didn't have to be, a garage. She said, we try to work with the homeowner. If you want to change the conditions now to increase the flow, unfortunately we are at a point of over-capacity on flow. Any additional flow may violate our permit. We make sure to treat everyone who comes before us the same.

Discussion continued regarding flow calculations. Michael Mahoney questioned the accessibility of the previous meeting minutes. Gail Barmakian responded they can be requested in writing. Bridget Palmieri confirmed they had been sent to Julie Keefe on multiple occasions. Cassandra Bowler provided Michael Mahoney with a copy of the December 12, 2018 meeting minutes. Gail Barmakian added we can do more research and continue this, as it is an application for an increase in flow. Michael Mahoney expressed concern on timing, as the season will begin soon.

Discussion continued regarding the proposed menu and how items would be prepared, such as baked goods made/heated onsite. The commission agreed these would increase water usage, however pre-prepared foods, such as packaged sandwiches and repackaged items (anything not opened onsite) would not.

Michael Mahoney wanted to revisit the point that a bedroom had been given up, to which the commission restated that there was zero flow allocated to the garage, to which flow from the house was used. Cassandra Bowler reiterated that they gave up a bedroom to get a farm stand, a farm stand is selling produce, washing produce and their hands and now you are coming before us with a change of use to allow having prepared foods, in addition to having a farm stand. Michael Mahoney expressed confusion, as a bedroom had been given up to open the farm stand. Gail Barmakian responded they can open the farm stand according to what was applied for, however your client is now adding something that will increase flow. Cassandra Bowler confirmed with the applicants how the farm stand building would be used.

It was agreed by the Commission and applicants to continue the discussion at a Wastewater Commission Meeting on July 12, 2023.

Motion:

No motion was made.

Agenda Item #2: Facilities Manager Update



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Discussion:

No Facilities Manager Update

Agenda Item #3: Commissioner's Update

Discussion:

No Commissioner's Update

Motion:

The motion to adjourn the meeting was made by Bill Alwardt. The motion was seconded by Cassandra Bowler.

Roll Call Vote:

All commissioners voted to approve the motion.

Gail Barmakian-Aye

Cassandra Bowler -Aye

Bill Alwardt -Aye

Meeting was adjourned at 3:34pm.