



Town of Oak Bluffs, Massachusetts
BOARD OF HEALTH
P.O. Box 1327
Oak Bluffs, MA 02557

Patricia Bergeron, Chm
William White
James Butterick

Ade Solarin
Health Agent

Telephone 508-693-3554 Ext 116
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BOARD OF HEALTH MEETING

November 9, 2016: Minutes

Members Present: James Butterick William White

Others Present: Ade Solarin – Health Agent, Alexandra Kral, Carl Kenney, Reid Silva, Chris Alley, James Brown, Brian Packish, Candace A. Nichols, Coogan Law Office Representative , Mark Barbadoro

Members Absent: Patricia Bergeron

APPOINTMENTS:

10:00: Minute approval for 10/25/2016

Member White motioned to approve minutes for 10/25/2016 meeting.

Member Butterick 2nd it. Motion was approved.

10:02: 117 County Road M 12 P 64

- **James Brown:** I received another floor plan recommended by Health Agent. I want clarify why is this floor plan only plan that would be acceptable by the Board of Health.
- **Member White:** I recommend you to schedule meeting with Health Agent to review all questions you have about proposed plan.

10:07: 0 Norris Avenue M 16 P 164

- **Carl Kenney:** The Board of Health approved the septic plan for 0 Norris Avenue on the October 11th meeting. Health Agent refuses to let us move forward with the building process. Originally we submitted plans for a 3-bedroom septic system that Title 5 requires you to install as a minimum design flow. However, Health Agent denied the proposed septic plan based on the requirement that the design flow provided must be less than 220 GPD. We reapplied with a plan for a 1-bedroom septic system. That plan was approved at the Board of Health Meeting on October 10th. Now Health Agent sent us a letter stating that the application is still under review and we need to provide a recorded deed restriction restricting proposed dwelling to a 1-bedroom dwelling. The form that the Health Agent is asking me to sign includes a clause granting the Health Agent rights to enter the house by cause determined by the Health agent for future inspections.
- **Health Agent:** During the meeting on October 11th Board of Health members approved variance for a 1-bedroom septic system in zone II. However, I still have to review proposed plan for compliance. According to 310 CMR 15.413 (1) The Local Approving Authority or the Department may issue variances subject to such conditions, including, but not limited to, monitoring and reporting requirements, deed recordation requirements, financial assurances or other qualifications on the use of the system, as it deems necessary to protect public health, safety, welfare and the environment.
- **Reid Silva:** Title 5 requires us to install minimum 3-bedroom septic system. I don't understand why Health Agent requires us to install 1 –bedroom septic systems in Zone II. This requirement is not stated in the Title V regulations.



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- **Member White:** We scheduled phone conference with Brian Dudley from DEP to clear all Zone II issues.

Member White motioned to continue this appointment to the next meeting.

Member Butterick 2nd it. Motion was approved.

10:15: Paddock Road M 35 P 82

- **Coogan Law Office Representative:** I have received notice of denial served on my client on denial of an Application for a Disposal System Construction permit for above referenced property. I would like to know how we can move forward.
- **Health Agent:** The denial letter we send out includes detailed instructions on how to proceed.
- **Member White:** It seems to me that the denial letter contains all the answers that Mr. Coogan is looking for.
- **Mark Barbadoro:** Building Department and the Board of Health will work together and do our best to ensure that the application process will go smoothly for both the applicant and our departments.

10:30: Land Bank update by Chris Alley

- **Chris Alley:** I'm a Board of Health appointee for the Land Bank meetings. Before each meeting I will advise with the Board on on-going issues and after each meeting I will be updating Board of Health on the outcome of the meeting.

10:40: 8 Warwick Avenue M 11 P 204

Continued from the last BOH meeting. Sourati engineering is requesting the following variances from Title5:

- 1) *To reduce the required separation distance from a leaching field to a property line from 10' down to 5'± (Parcel 1-205), 5'± (Parcel 1-208), 5'± (Parcel 1-203)*
- 2) *To reduce the required separation distance from a septic tank to a property line from 10' down to 5'± (Parcel 1-205)*
- 3) *To reduce the required separation distance from a leaching field to a cellar wall from 20' down to 12'± (Parcel 1-204) and 12'± (Parcel 1-208)*
- 4) *To reduce the required separation distance from a septic tank to a cellar wall from 10' down to 5'± (Parcel 1-204)*
- 5) *To allow the reduction of the required subsurface disposal area by 20.5% from 550 gallons per day down to 525 gallons per day*

- **Health Agent:** We received request from George Sourati to postpone this appointment to the next meeting.
- **Candace A. Nichols:** I'm an abutter to this property. I want to inform Health Agent and the Board of Health that none of the abutters to 8 Warwick Avenue received notification regarding this meeting.
- **Health Agent:** No decision will be made on the requested variances until all abutters have been properly notified. This is just a form of review for the submitted plans.



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OTHER BUSINESS:

10:50: Discussion of office related issues

Member White: Motioned to adjourned

Respectfully submitted by,
Alexandra Kral, Administrative Assistant