



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

February 17, 2021

Call to order:

A monthly commissioner's meeting of the Oak Bluffs Wastewater Department was called to order at 3:12 PM, on February 17, 2021 by Gail Barmakian, Commissioner.

Commissioners present:

Gail Barmakian, Commissioner

Bill Alwardt, Commissioner

Oak Bluffs Wastewater Treatment Facility Employees Present:

Patrick Hickey, Facilities Manager

Bridget Palmieri, Administrative Assistant

Guests in attendance:

Valerie Francis

Alysha Norbury

Ryan Dillon

Chuck Sullivan

Michael Sullivan

David Keefe



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Agenda Item #1: Approval of Minutes

Approval of Minutes:

Discussion:

Patrick Hickey began by asking the Commissioners if they were able to review the meeting minutes from 1.5.21 and if they would like to approve them. Both Gail Barmakian and Bill Alwardt confirmed they read them and were okay with them.

Motion:

A motion to approve the January 5, 2021 meeting notes was made by Bill Alwardt. The motion was seconded by Gail Barmakian.

Roll Call Vote:

Both commissioners voted to approve the motion.

Bill Alwardt- Aye

Gail Barmakian-Aye

Patrick Hickey then asked the Commissioners if they were able to read the meeting minutes from 1.20.21 and if they would like to approve them. Both Gail Barmakian and Bill Alwardt confirmed they were okay with them.

Motion:

A motion to approve the January 20, 2021 meeting notes was made by Bill Alwardt. The motion was seconded by Gail Barmakian.

Roll Call Vote:

Both commissioners voted to approve the motion.

Bill Alwardt- Aye

Gail Barmakian-Aye



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Business:

Agenda Item #2: 73 Circuit Ave.

Exhibits:

1. Commissioner's Meeting Agenda Request Form
2. Application for Change of Use or Flow
3. Email from Val Francis to Patrick Hickey and Bridget Palmieri
4. Proposed plans

Recap:

Val Francis is requesting the Wastewater Department's approval to change an existing bedroom into a staff kitchen. The room that exists was used by previous owners as a bedroom (see exhibit 1-4).

Discussion:

Val Francis began by explaining the property was purchased at the end of 2019 as a mixed use property. She continued that she is speaking to the commercial section of the building, which was previously used as a yoga studio. There is an empty room and bathroom (shared wall) that Val Francis suspects was used as a bedroom. Val Francis and her husband have opened an art gallery in this space, which is an extension of a business they currently own on Dukes County Ave. Val Francis continued, a space is needed for staff, as a place to keep their food etc. and for events to present guests with wine and cheese. It would be to prepare food items and keep things clean, nothing would be sold out of it.

Gail Barmakian began there is quite a difference between a kitchen that is used to store food vs. serving food to the public, this brings it to a higher level, it is something for the Board of Health. Gail Barmakian continued that the plans are too vague, it just says "Kitchen" and shows no layout. Val Francis confirmed she just wanted to investigate the possibility of this first before spending any money or create plans. Gail Barmakian said she cannot vote on this either way from what she is saying, unless there is something more definitive in the kitchen.

Gail Barmakian continued if you just have a mini refrigerator for lunches that is one thing, but once you start hosting down the road and heating food and serving drinks to the public that is using more water, more cleaning, etc. and if you use more water that becomes our concern.



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Gail Barmakian continued she was not aware that Val Francis was changing the space from a yoga studio to an art gallery and if so that would be a different capacity. Val Francis confirmed she went in front of the board last year and the business was approved. Bill Alwardt agreed with Gail Barmakian that he would like to see more of a plan, if you are serving to the public then it changes things, and there will be more use of a bathroom etc. He continued, the first step is to go to the Board of Health for approval. Gail Barmakian recommended putting off the project for the future until we can offer more flow and she could do a more adequate kitchen.

Val Francis commented that there should have been flow for the bedroom/bathroom that is currently there. Bill Alwardt asked how many bedrooms were in the property before, to which Val Francis responded nothing has been changed. Gail Barmakian asked Patrick to look up what the property had before. She told Val Francis we will investigate the history and work with her on this.

Motion:

No motion to deny or approve the change of use or flow request was made for 73 Circuit Ave. by the Commissioners.

Agenda Item #3: 67 Dukes County Ave.

Exhibits:

5. Commissioner's Meeting Agenda Request Form
6. Application for Residential Tie-In
7. Letter from Joseph Alosso regarding Sewer Line
8. List of Residential Tie-Ins on Dukes County Ave
9. 67 Dukes County Property Information

Recap:

Alysha Norbury of MV Seacoast Real Estate, on behalf of Virgil Voo, property owner of 67 Dukes County Ave, is requesting a residential tie-in to town sewer. Also, they are requesting to know the amount of flow/number of bedrooms allowed upon hook up to town sewer.



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Discussion:

Alysha Norbury began that she represents the seller (who is ill) and has a buyer lined up. The home is currently run down and the buyer's intention is to purchase and restore it to an old Victorian home, contingent on how many bedrooms it can have. The town tax assessment card has it currently zoned for a (4) four bedroom. Gail Barmakian remarked there is a problem with the property, that the Assessor's record is not definitive and that there is currently no kitchen or living area right now, just four bedrooms and two bathrooms which doesn't make sense. Alysha Norbury remarked that there isn't even that, just studs, the current owner did however put a new roof and new windows in.

Gail Barmakian said we need to go by what existed originally when the sewer was put in, it is a 5,000 sq. ft. lot. She said she would suspect it was a (3) three bedroom that there had to be a kitchen and living room. Both Gail Barmakian and Alysha Norbury said they had trouble getting information from the Board of Health. Alysha Norbury said she would like to get this taken care of as soon as possible, as the property is an eye-sore. Based on the information known, Gail Barmakian said I am only comfortable allowing a hook up for (3) three bedroom, based on the Assessor's records and that it is a 5,000 sq.ft. lot. Bill Alwardt agreed with Gail Barmakian regarding the (3) three bedroom only hook up.

Patrick Hickey said the approval is good for 1 year and he would complete the application paperwork and mark down (3) three bedrooms, with the Installer being Andy Farrissey (no plumber yet) and GPD of 330. Alysha Norbury said she would drop off a check for the \$50 fee to complete the permit application.

Motion:

The motion to approval hook up of 67 Dukes County Ave. for a 3 bedroom residential home, as represented, with the plumber to be determined, to be effective in receipt of \$50 application fee was made by Gail Barmakian. The motion was seconded by Bill Alwardt.

Roll Call Vote:

Both commissioners voted to approve the motion.

Bill Alwardt- Aye

Gail Barmakian-Aye

Agenda Item #4: 112 Dukes County Ave.

Exhibits:



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10. Commissioner's Meeting Agenda Request Form
11. Application for Change of Use or Flow
12. Architect Plans

Recap:

Ryan Dillon is requesting to establish official flow and a potential increase to (6) six bedrooms to accommodate his family (See exhibit 10-11).

Discussion:

Patrick Hickey began by providing the history, the building had been owned by Seth Franzman and run by his daughters, the Abbott sisters. On the Assessor notes, it lists the property has (4) four bedrooms, but in the Wastewater file it indicates the property is mixed use, (2) two bedrooms and retail space of 948 Sq. Ft. Ryan Dillon said he is looking for (4) four bedrooms, and has had plans drawn up (see exhibit 12), (2) two bedrooms on 1st floor and (2) two bedrooms on the second and third floor. Gail Barmakian commented, so you are adding a floor (3rd floor). She continued, our concern is what is there now (currently) and with what you are planning, will it increase flow. Gail Barmakian said she thought it was previously residential, with a little gallery. Ryan Dillon said there had been a yoga studio, some funky rooms and (2) two kitchens. Chuck Sullivan added, it was set up as (2) two apartments and a yoga studio in front of the 1st floor apartment. Chuck Sullivan and Ryan Dillon confirmed there were previously only 2 floors. Gail Barmakian asked again if they had the floor plans of the previous building which Ryan Dillon was vague about and said maybe. Ryan Dillon went through the current proposed plans. Gail Barmakian commented that this is a business zone and so it looks like it will be only be used as a residence. Ryan Dillon confirmed that was correct, and also that the second floor is a separate living residence.

Patrick Hickey addressed what was in the Wastewater file for the original application; it was (2) two bedrooms and 948 sq. ft. of retail space. Gail Barmakian commented that at the time of the original application the increase in flow was not as limited, so we just need to determine that whatever the change is if there is going to be an impact and increase in flow. Gail Barmakian said based on what she is seeing, it appears as if extra flow would be needed, but until some further investigation, we cannot be certain. Patrick Hickey said even though the Assessor's card says (4) four bedrooms, the septic tank paperwork from the Board of Health says (3) three bedrooms, we can only really go by what is in the original application for the sewer tie-in of (2) two bedrooms and 948 sq. ft. retail space.

Discussion continued regarding how much the 948sq. ft. of retail space would equate to. Bill Alwardt said it seems it could be a little more than (3) three bedrooms total for the property. Chuck Sullivan commented that 948 sq. ft., would be more than a (1) one bedroom. Gail Barmakian said she is not



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ready to make a decision on this yet, she needs something more definitive to support (4) four bedrooms. She continued that she needs more time to investigate and find a paper track record. Bill Alwardt agreed with Gail Barmakian. Patrick Hickey added, this is a change of use application, so what is being asked is to change from what you have in retail space and reallocating into bedrooms. Discussion continued that more research would be done and Patrick Hickey confirmed all current records were available to be viewed at the Wastewater facility.

Motion:

No motion to approve or deny the change of use or flow application was made for 112 Dukes County Ave by the Commissioners.

Agenda Item #5: 33 Ocean Ave.

Exhibits:

13. Commissioner's Meeting Agenda Request
14. Images of area with shelves taken by David Keefe

Recap:

To discuss the permit sign-off of a previously approved application at 33 Ocean Ave (see exhibit 13).

Discussion:

Patrick Hickey began the discussion by saying this project began before he was Facility Manager and looking back it went before the board last in December of 2018 as Kennebec Farm Stand. The residential house is located at 33 Ocean Ave. and behind there is a garage on Kennebec Ave., that was to be converted to a farmstand and to mitigate the flow capacity issues, (1) one of the (4) four bedrooms was to be given up for the business. Patrick Hickey continued that he was called Mid-December and walked through the property, which at that time a bathroom was being finished (no fixtures yet) which was adjacent to the bedroom being taken out. He took pictures and sent them to Gail Barmakian and then brought her over to see it in person. Patrick Hickey continued, the question becomes how do you remove a bedroom from a house, so the recommendation made was to put storage shelves in the room (see exhibit 14).

David Keefe began that they had a plan that was approved by the Wastewater dept. in March 2019, that removed a bedroom and made it into a bathroom and a small hallway. He continued that COVID slowed



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them down, but they would like to have it inspected and final approved. Gail Barmakian commented that we did not approve a plan, but we approved representation that you would take a bedroom out and put a closet in (not reflected in the minutes). Michael Sullivan began that it is 3 foot hallway, with no head room and they couldn't put a closet in and it would also shut out the light. Chuck Sullivan added the only thing that changed from the original approved plans was that a different sized shower was put in, from a 48x48 to a 36x48. He continued that Title 5 regulates what a bedroom requires, which is privacy, ceiling height and floor space, all of which this space is lacking.

Gail Barmakian wanted to reiterate what the history was, that 2 visits were made, the first one no construction had happened and the second, more construction had been done. She continued that they were asked to make a decision on something that was not completed and only told what it was going to be and when it was completed it wasn't the case (different from the original site visit). Discussion continued around the fixtures and that the space looks more completed now. Bill Alwardt commented it does look like they did away with the bedroom. David Keefe confirmed he will be living in the house, it will not be a rental.

Gail Barmakian remarked that we usually do a deed restriction, but considering you put the shelving in and it will stay in, and to understand you are on record as a 3 bedroom, if it is ever to be sold.

Motion:

The motion to approve the application as presented, with 3 bedrooms in main house and pictures of shelving in what used to be a bedroom space was made by Gail Barmakian. The motion was seconded by Bill Alwardt.

Roll Call Vote:

Both commissioners voted to approve the motion.

Gail Barmakian-Aye

Bill Alwardt- Aye

Agenda Item #8: Facility Manager Update

Exhibits

15. Letter from Jim Monteith to Slice of Life

16. Email from Lorna Welch to Patrick Hickey



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17. OB WW Rules and Regulations

Patrick Hickey said he would like to bring an issue before the Commission regarding Dos Mas. We had a call out to that pump chamber and took out about 20 pounds of solid grease out of it. He did some research, and in July 2014 they repeatedly had to replace their pumps and there were no pump outs on file (for Slice of Life). They excavated about 10 feet of sidewalk and found that the sewer line that the pump discharges into, was lined with grease with only a pin hole of space that water could travel through. A set of stairs and cement pad had been built over the grease trap. The current Wastewater administration at the time said they could finish out the Summer, but come September the grease trap would need to be made accessible and pumped out on a regular basis. Jim Monteith sent a letter in October 2014 (see exhibit 15).

Nothing had been done since to rectify the situation. Patrick Hickey called the Board of Health and there are no pump outs on file since Dos Mas took over the building (see exhibit 16). Patrick Hickey's plan is to impose a fine based on the Wastewater Rules and Regulations (see exhibit 17) and based on overtime, cost to repair the pump and cost to dispose of the grease. In Section 6 it states a grease interceptor is required, you need to have a minimum capacity of a 1,000 gallon tank and a 24h detention period for kitchen flow, so grease can separate from the wastewater. He will give Dos Mas a fine for not having their grease trap cleaned, a 60 day notice to correct the issue of pumping out the grease trap/making it accessible and a fine of \$20/day, if not corrected after the 60 days. Gail Barmakian said you can make that if it is not corrected by the time they open for the season that the Board of Health can hold their pass inspection approval. Patrick Hickey said that is how he will move forward. Bill Alwardt agreed.

Gail Barmakian made mention about past issues with grease traps, that Jim Monteith was sick of taxpayers paying for repairs because restaurants are not pumping grease traps, that it was discussed imposing a fine. Gail Barmakian wanted to make sure there is something in place, so we can impose the fines, to be able to recoup any monies the department spends for parts or clean up. Patrick Hickey confirmed we do, that it is in WW rules and regulations, article 4, section 5, part C.

Agenda Item #9: Commissioners Update

Gail Barmakian began by discussing that the CWMP is progressing and we need some help from the Shellfish committee with regards to the importance of cleaning the ponds. As it is the environment, not development, that is triggering this. Gail Barmakian continued, so we need representation, a voice from the Shellfish committee with knowledge of the health of the ponds who will attend the meetings. The commissioners discussed that Mark Landis would be a good candidate for this. Bill Alwardt said he would reach out to him and let Gail Barmakian know.



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Motion:

The motion to adjourn the meeting was made by Bill Alwardt. The motion was seconded by Gail Barmakian.

Roll Call Vote:

Both commissioners voted to approve the motion.

Gail Barmakian-Aye

Bill Alwardt- Aye

Meeting was adjourned at 5:24pm.