



Town of Oak Bluffs  
Board of Health  
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William White  
Chairman

James Butterick  
Thomas Zinno  
Board Members

Meegan Lancaster  
Health Agent

**BOARD OF HEALTH MEETING  
July 9, 2019 – MINUTES**

**Members Present:** William White, Thomas Zinno, James Butterick

**Others Present:** Meegan Lancaster, Lorna Welch, George Sourati, Brandon Ducharme, Brian Weiland, Heather Boyle, Clayton Sears.

Chairman White called the meeting to order at 10:00 am.

**APPOINTMENTS:**

- **George Sourati on behalf of Brian & Jennifer Weiland – 56 Columbian Ave – M 15 P 81**
  - **Title V Variance Request(s):**
    - 1) **To reduce the required distance from a soil absorption system to a property line from 10' down to 7'± (Columbian Ave).**
    - 2) **To reduce the required distance from a soil absorption system to a cellar wall from 20' down to 12'±.**
    - 3) **To increase the distance from finish grade to the top of a soil absorption system from 36" up to 60".**

Mr. Sourati was late so the Board had Mr. Ducharme present his variance request first.

Mr. Sourati stated that the property is 5000 sq. ft. lot and the system, which was installed in 1998, consists of a 1000 gallon tank with 3 trenches. They are having problems with the system so they would like to upgrade. They are planning to put a 3 bedroom leaching field in the front yard, reuse the existing tank to save money and run the pipe to the D-box. There is a water service going through the middle of where they are proposing the leaching field so they will reroute it. In order to reuse the tank and get enough pitch to place the leaching field in the front they have to lower it by more than 3 feet and will vent it. Ms. Lancaster stated that it is a small lot and asked Mr. Sourati to put geogrid over the field in case in the future they were not able to utilize their neighbor's property for parking and to relocate the vent closer to the house so it will not be damaged. Mr. Butterick made a motion to approve. All in favor.

- **George Sourati on behalf of James & Heather Boyle – 8 Perkins Ave – M 11 P 275.1**
  - **Title V Variance Request(s):**
    - 1) **To reduce the required distance from a soil absorption system to a property line from 10' down to 5' (Map 11, Parcel 277).**
    - 2) **To reduce the required distance from a soil absorption system to a cellar wall from 20' down to 11'±.**

Mr. Sourati stated that this is a small lot off of Vineyard Ave. It consists of a 2 bedroom house being serviced by a 1000 gallon septic tank and a leaching pit. The pit is slightly over the property line and they have had problems with it. The best location they found for the upgrade would be on the side of the house which would end up being 5 ft. from the side property line and only 11 ft. from the house. The abutters were notified by certified mail. The water service will have to be slightly moved or relocated because they need to be at least 10 ft. away. It is currently a 2 bedroom house and they are not adding any bedrooms. Mr. White asked if Ms. Lancaster had any concerns. She stated that she did not and it is probably the only place it can go. Mr. Zinno made a motion to approve. All in favor.

- **10:15 – Clayton Sears – Vineyard Wine and Cheese Tobacco Violation Suspension Hearing**

Ms. Lancaster stated that she received an inspection report from the Cape Cod Tobacco Coalition. The Cape Cod Tobacco coalition is authorized by the Board of Health to conduct compliance checks. On June 7<sup>th</sup> they performed a compliance check at Vineyard Wine and Cheese and they sold an underpriced cigar to a 20 year old purchaser. The new regulation requires purchasers to be 21 years of age and requires that a single cigar be priced at \$2.50 or more. As a result of the compliance check there are 2 violations. Ms. Lancaster notified Mr. Sears that he would be receiving fines in the amount of \$100.00 for the first violation and \$200.00 for the second violation. The Board needs to decide if they would like to pursue suspension of the tobacco sales permit.

Mr. Sears stated that the cigar was not supposed to be on the shelf, it was sent by the wholesaler by accident and one of the employees put it out for sale. Mr. Sears acknowledged that this was a mistake and none of his employees are admitting to it. He also checked the cameras and his employee looked at the license of the 20 year old purchaser but did not run it through the machine to confirm the age and she sold the product. Mr. Sears stated he is eliminating tobacco from the store. He feels this is a step in the right direction.

Mr. White asked the Board if they wanted to suspend his license. Mr. Zinno stated he thought it should not be suspended. No vote was taken. Mr. Sears will be turning in the license but he would like to deplete his stock and will not order more. The Board was pleased that he was going to retire his tobacco permit.

- **Brandon Ducharme on behalf of Caleb Caldwell – 25 Franklin Ave – M 11 P 228.1**
  - **Title V Variance Request(s):**
    - 1) To reduce the required distance from a soil absorption system to a property line from 10' down to 8.9'.**

Mr. Ducharme stated that this is a failed system in Zone 2 that was built in the early 90's on a 13,000 sq. ft. lot. Ms. Lancaster stated that she didn't receive floor plans until today noting that the floorplans show a den and an office listed. The assessors may show the property as having 4 bedrooms. In 1998 it was built as a 3 bedroom dwelling. Ms. Lancaster suggested that if they were not going to vary the set-backs to the property line and add infiltrators we could make the decision about the rear set-back today. Mr. Zinno suggested a deed restriction be placed on the property. The Board did not vote on the subject. The abutters were given the opportunity to voice any concerns so the Board gave a verbal approval for the property line setback. Mr. White would like Ms. Lancaster to do some research on the property to verify the bedroom count and they will revisit the application if necessary.

**BOARD MEMBER DISCUSSION:**

- **Posting restaurant inspections to website**

Ms. Lancaster showed the Board the new inspection reports and asked if they would like them to be posted to the website. The inspections are scored which will help with the implementation of the letter grading system which

has been previously discussed. She feels this is a good learning tool and is able to tell the restaurant operators what their letter grade would be based on the score of the inspection.

Mr. Zinno asked if we have previously posted the inspection reports. Ms. Lancaster replied that prior Health Agents have posted on the website in the past but that practice was discontinued over time. Ms. Lancaster stated that she is an advocate for letter grading within the Health Agents group as it increases compliance. Mr. Butterick asked if restaurant owners would complain about this and stated that he thinks it is a positive and believes in transparency. Ms. Lancaster stated that the reports are public record and posting them would be making them more readily available. Mr. Zinno asked if we should set a date to do this so that the operators are aware it is going to happen. Ms. Lancaster suggested going through this season and seeing how this software works out and then perhaps start posting in January of the New Year. The Board agreed.

- **Making septic pumpout permits non-refundable**

Ms. Welch stated that we have determined that the process of issuing a refund for pumpout permits is time consuming and costs the Town more money than the actual fee for the permit. She described the process of reversing the payment in Munis, entering a refund payment, having the town accountant create an individual vendor number, and then having the town accountant issuing a refund check which is then mailed. Mr. Butterick made a motion to make septic pumpout permits non-refundable. All in favor.

**APPROVAL OF MINUTES:**

- **May 21, 2019** – Not ready for approval. Postponed until next meeting.

**AGENT UPDATES:**

- **67 S. Circuit Ave. – Barmakian – Progress report**

Ms. Lancaster stated that JJ Healy from CLAYCO is working on a bid for Ms. Barmakian to install the septic system. Mr. Healy thought there may be some ground water issues once they start excavation. She will check in with Ms. Barmakian this week to see how things are going.

**OTHER DISCUSSION:**

Mr. Butterick asked about the Parish Food Pantry across the street. Ms. Lancaster stated they were emailed the food establishment permit application packet. There is no permit fee because it is a non-profit distribution of food but they still need to be permitted and inspected. Mr. Butterick also mentioned the smoke stack that was extended at Sea Smoke to remedy the complaint about smoke going into the neighbor's yard. No further complaints have been received about the issue.

Mr. Zinno and Ms. Lancaster spoke about their tour of the asphalt plant and potential remedies for the complaints.

Mr. Zinno made a motion to adjourn. All in favor.

Respectfully submitted by Lorna Welch, Administrative Assistant