

Truro Board of Health Minutes

March 3, 2020

4:30 PM-Truro Town Hall

Members Present: Chair Tracey Rose, Vice-Chair Jason Silva, Member Tim Rose, Member Mark Peters, Clerk Peter Van Stratum, Alternate Member Meredith Goff

Others Present: Health Agent Emily Beebe

Chair Tracey Rose called the meeting to order at 4:30PM. Ms. Rose requested that everyone speak clearly for the video recorder. She asked if anyone in the audience was recording. **A representative from the Provincetown Banner was recording the meeting.**

I. PUBLIC COMMENTS

There were no public comments.

II. AGENDA ITEMS

Variance Request: 296 Route 6, Daniel Delgizzi, Variances to 310 CMR 15.211, 15.248, 15.240(4)

This matter was postponed to 3/17/2020.

Waiver of Time: 40 Highland Rd, Garran Realty Trust

Motion: Mr. Van Stratum moved to place the item at the end of the agenda; **seconded** by Mr. Rose; **Vote: 5-0-0, motion carries.**

The motion was rescinded due to the arrival of the applicants.

Mr. John Garran, Sr., and Mr. Tamsin Garran, Trustees of the Garran Realty Trust presented the application. The property, which is 3.03 acres, is for sale and under agreement. Mr. Rose asked if there is a closing date; Mr. Garran responded that the closing is scheduled for March 31st. The Agent asked about the contact information for the buyers; Mr. Garran responded that the buyer's realtor can provide that. Mr. Rose asked about the oil tank; Mr. Garran confirmed that the current tank is double walled. The property has two existing cesspools.

Motion: Mr. Peters moved to approve the variance request with the conditions that the system shall be installed by May 31, 2020 and the property shall remain unoccupied until the system has been installed; **seconded** by Mr. Rose; **Vote: 4-0-1 with Ms. Rose abstaining, motion carries.**

Revisit of a Variance Request: 9 Highland Ave, Kershaw: Variance to 310 CMR 15.223(1)(6)

Clinton Kershaw of 9 Highland Avenue presented his request, that the Board of Health reconsider their denial of his variance request made in August 2019. The original variance request was to the requirement that a second septic tank or a 2-compartment septic tank be added to his property to accommodate the 2 dwellings, as required by title 5. Mr. Kershaw does not believe that he needs to install a two-compartment septic tank, as the design flow is so small. Mr. Kershaw read a letter into record dated June 10, 2019 from Richard Waldo of RJW Engineering. Mr. Peters response to Mr. Waldo's letter was that the key word is "opinion". The Agent pointed out that Mr. Waldo erroneously states that the property is served by a three-

bedroom system, and clarified that the system is designed for two bedrooms. Mr. Kershaw argued that the system was designed for three bedrooms. Mr. Van Stratum asked the Agent for her assessment of the matter. The Agent suggested that the Board stick to the code, as a variance is granted for extenuating circumstances; in this case the second tank is specifically part of the process for the ADU approval. Mr. Van Stratum asked about the existing system. The Agent responded that Mr. Kershaw has a single compartment, 1500-gallon tank. Ms. Rose referred the Board to the meeting minutes from August 6, 2019, which contain the motion that required Mr. Kershaw to upgrade the septic system in order to be compliant. Ms. Rose reiterated that Mr. Kershaw is asking the Board to revisit their decision to see if there are grounds for the Board to rescind their original vote or to uphold the original decision. Mr. Peters said that he was uncomfortable cutting corners when it comes to additional residential units on a lot.

Motion: Mr. Peters moved to deny the variance as requested; **seconded** by Mr. Rose.

Discussion occurred on the motion: Mr. Kershaw stated that the problem can be solved without additional storage, so there will be no additional retention times. Mr. Kershaw added that he does not have the financial means to add the additional tank. Ms. Rose informed Mr. Kershaw that Barnstable County has a septic betterment program. **Vote: 5-0-0, motion carries.**

2020 Licenses for Adventure Bound: 46 Highland Rd and 67 South Highland Rd

The applicant is in negotiations with town counsel relative to pending litigation for zoning violations. Due to the progress with the negotiations, town counsel advised the Board to issue the licenses for the properties. The wastewater treatment for the properties is under the jurisdiction of the DEP. Ms. Rose asked about the 2019 licenses; the Agent confirmed the 2019 licenses were not issued. Mr. Silva asked when the DEP license expires and the Agent responded that the permit expires in June 2020.

Motion: Mr. Peters moved to approve both licenses; **seconded** by Mr. Rose; **Vote: 5-0-0, motion carries.**

Truro Board of Health Regulations: proposed amendments, Section VII, article 3: Water Resource Protection Regulations (Cont'd from 2/18/2020)

Motion: Mr. Peters moved to continue the matter to the next meeting; **seconded** by Mr. Rose; **Vote: 5-0-0, motion carries.**

III. REPORTS

Health Agent's Report:

- The Agent discussed updates regarding the COVID-19 virus. The Agent is working with the Cape & Islands Health Agent Coalition to build a public knowledge base. Information is available on the town website, which includes links to the MA Department of Public Health ("DPH") and the Centers for Disease Control ("CDC").
- The Agent has been in contact with the nurse at Truro Elementary School.
- The messaging addresses personal protection: Hand washing is the best form of self-protection and is more effective than hand sanitizer; if you are sick, stay at home; be certain to thoroughly clean all hard surfaces before disinfecting.

Mr. Van Stratum asked the Agent if there is a requirement for water testing in conjunction with an application for a septic system. The Agent responded that there is no requirement. The Agent also noted that this requirement should be part of the next regulation updates. The Board discussed the tracking of water test results.

Report of the Chair:

The Chair did not have a report.

IV. MINUTES

February 18, 2020

Motion: Mr. Silva moved to approve the minutes as presented; **seconded** by Mr. Rose; **Vote: 4-0-1, with Mr. Peters abstaining, motion carries.**

Mr. Van Stratum provided the Agent with an email he received from Mr. and Mrs. Pesiri, abutters to the Truro Motor Inn.

Motion: Mr. Rose moved to adjourn the meeting; **seconded** by Mr. Peters; **Vote: 5-0-0, motion carries.**

Respectfully Submitted,

Michelle Fogarty 

Chair, Tracey Rose

Vice-Chair, Jason Silva

Member, Tim Rose

Member, Mark Peters

Clerk, Peter Van Stratum

Alternate Member, Meredith Goff

