

Truro Board of Health Minutes
June 5, 2018
4:30 PM-Truro Town Hall

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

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. No one replied in the affirmative.

PUBLIC COMMENTS

None.

AGENDA ITEMS

1. 120 Prince Valley Rd – Variance Request

(Ms. Rose recused herself. Vice-President Silva chaired the discussion.)

Jason Ellis of J.C. Ellis Design, approached the Board. He explained that the sale of the property is contingent upon the ability to construct an addition. The property is almost entirely made up of wetlands and has an existing Title 5 which was inspected and passed. He requested the following variances:

310 CMR 15.211

- 1.) 1' from proposed foundation wall to S.A.S (20' required, 19' provided)
- 2.) 7' from proposed foundation wall to septic tank (10' required, 3' provided)

Mr. Ellis informed the Board that he will be using a poly-vinyl barrier up against the house. The Board discussed the floor plan. The Health Agent told the Board that the project still needs its final approval from the Conservation Commission and that it was heard the previous night and continued to their July meeting.

Mr. Peters moved to approve the variances as requested.

Mr. Rose seconded.

Vote: 4-0-1, motion carries with Ms. Rose abstaining.

(Ms. Rose returned.)

2. 127 Slough Pond Rd – variance request

David Lajoie of FELCO, Inc., approached the Board and described the project as a septic system upgrade on a property that abuts Slough Pond. The property contains a main house and an accessory building described as a “bunkhouse” currently served by a cesspool sitting in groundwater. Mr. Lajoie said that he has already received approval from the Conservation Commission. He also informed the Board that the well will be sited on an adjacent property, owned by the same party. An easement for said well location will be recorded at the Barnstable Registry of Deeds. He requested the following variances:

310 CMR 15.227(5)

- 1.) Septic tank inlet elevation less than 12" above high groundwater elevation

Truro Board of Health Regulations Section VI, Article 8

- 2.) Septic tank less than 100' from wetland

The Health Agent stated that there is a local regulation that requires the upgrade of any property with a cesspool within a 150' of a pond. She supported the project and the design.

Mr. Peters approved the variances as requested with the following conditions: 1.) the easement document for the well shall be submitted to the Health Department and 2.) the septic system upgrade shall be completed by November 1, 2018.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

3. 59 South Pamet Rd – variance request

(Ms. Rose recused herself. Vice President Silva chaired the discussion)

Jason Ellis of J.C. Ellis Design came to the table representing the current property owner. The property contains a two bedroom home served by a cesspool. The new septic system will be designed for 6 bedrooms as the potential buyers would like to build another structure on the property. Mr. Silva asked if there was a hardship. Rose Kennedy, realtor for the property owner, came to the table to confirm that there was a financial hardship. The homeowner knew she had to upgrade but could not afford to install the 6 bedroom system that the buyers wanted. Ms. Kennedy stated that no one is living in the house at this time. Under the Board of Health Regulations, oil tanks need to be upgraded upon transfer of property. Ms. Kennedy requested that this be waived because the current oil tank has been removed and the new owners will be installing propane. The Board agreed to the request.

Mr. Peters moved to approve the waiver of time giving the applicant 60 days after transfer of the property to upgrade the septic system with the condition that the property shall not be occupied until the installation is complete and a Certificate of Compliance has been issued.

Mr. Rose seconded.

Vote: 4-0-1, motion carries with Ms. Rose abstaining.

(Ms. Rose returned.)

4. 449 Shore Rd – variance request (cont'd from 4/3/2018)

The Applicant sent a memo to the Health Department requesting a continuance to August 7, 2018.

Mr. Peters move to continue the hearing to the August 7, 2018 meeting.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

5. 8 Moorings Way – variance request

Bob Reedy of J.M. O'Reilly & Associates, approached the Board on behalf of the property owners. The project consisted of moving the existing dwelling to the top of the coastal bank, upgrading the septic system (2 bedroom design), creating a walkway to the new dwelling location, and the construction of a

boat house for recreational activity storage. The property is located within the flood plain and has received preliminary Conservation Commission approval. Mr. Reedy stated that the septic system upgrade would involve installing an ACP liner to prevent any break out. He requested the following variances:

310 CMR 15.211

- 1.) Proposed septic tank is not 50' from top of Coastal Bank (7' held, 43' variance requested)
- 2.) Proposed pump chamber is not 50' from top of Coastal Bank (12' held, 38' variance requested)
- 3.) Proposed S.A.S. is not 100' from top of Coastal Bank (70' held, 30' variance requested)
- 4.) Reserve area is not 100' from top of Coastal Bank (65' held, 35' variance requested)

Truro Board of Health Regulations Section VI, Article 8

- 5.) Proposed septic tank is not 100' from edge of wetland (41' held, 59' variance requested)
- 6.) Proposed pump chamber is not 100' from edge of wetland (48' held, 52' variance requested)
- 7.) Proposed soil absorption system is not 150' from edge of wetland (113' held, 37' variance requested)
- 8.) Reserve area is not 150' from edge of wetland (107' held, 43' variance requested)

The Health Agent reported to the Board that after discussion with the homeowner, she found out that the cesspool was located within the flood plain. She felt the septic plan was a low impact resolution and was happy with the cesspool being removed from the flood plain. The Board asked about occupancy of the house. Mr. Reedy replied that it is only occupied intermittently by the property owners and that it is not rented.

Mr. Rose moved to approve the variances as requested with the condition that the upgrade be completed by June 1, 2019.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

LICENSING RENEWALS

1. White Sands Beach Club; 706 Shore Rd

2. South Wind Court Condominiums, 121 Shore Rd

3. Wind & Wave Condominiums, 432 Shore Rd

1. Jason Kuliopulos was present for White Sands Beach Club. The Health Agent said all the corrections from the order to correct have been done and she felt comfortable with renewing the license. She confirmed the number of units being rented for the season as 32 of the 47.

Mr. Peters moved to approve the licensing renewal for White Sands Beach Club.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

2. The Health Agent reported that all corrections had been made.

Mr. Van Stratum moved to approve the licensing renewal for South Wind Court Condominiums.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

3. The Health Agent reported that everything was in order.

Mr. Peters moved to approve the license renewal for Wind & Wave Condominiums.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

AGENDA ITEMS

1. Discussion on Amendment to local Title 5 regulations, re: I/A variance to local regulations for ADU

The Health Agent contacted Brian Baumgartel, the IA expert from Barnstable County Health Department, to request his presence at a future Board of Health meeting. He will do a presentation for the Board on how I/A systems function and how they are tracked. He will also answer any questions the Board may have. The Health Agent said it should hopefully be sometime in July.

2. Review of Policy#54, Code of Ethics and Conflict of Interest Acknowledgements

Ms. Rose informed her fellow Board members that some of them need to update their acknowledgements of the listed Board of Selectmen policies. She read from the list provided by the Administration Office. Ms. Rose brought this before the Board because she had been uncomfortable with some behaviors that have occurred in the past month's meetings. She felt that she had been targeted and mistreated by her fellow Board members. She went on to say if anyone was unhappy with the organizational make-up of the Board, that she would be willing to step down as Chair. Mr. Silva stated that he is happy with the current organization. Mr. Van Stratum felt he could have been one of the offenders and he apologized to the Chair. The Health Agent said she was looking forward to working with the current Board and moving forward in a respectful manner.

REPORTS

Health Agents Report

- The full time Office Assistant position will be filled at the end of June.
- The Building Commissioner has announced his retirement. His last day will be June 29, 2018.
- Truro Motor Inn has submitted their licensing application. They are currently operating without a license, but are using the property as year-round housing and not for transient renters.
- The DPW Director will be at the next meeting to give his report.

Report of the Chair

- Article/discussion on recycling and contamination.

REVIEW/APPROVE MINUTES

May 15, 2018

Mr. Peters moved to approve as submitted.

Mr. Silva seconded.

Vote: 5-0-0, motion carries.

May 22, 2018

Mr. Silva moved to approve as submitted.

Mr. Van Stratum seconded.

Vote: 3-0-2, motion carries with Mr. Peters & Mr. Rose abstaining.

Mr. Van Stratum asked if there was a regulation that requires all businesses in Town operating on a cesspool having to upgrade within a set time frame. Ms. Rose stated that the Water Resources

Oversight Committee would like to see ALL properties served by cesspools, upgraded. Discussion ensued on the topic. Ms. Rose suggested the topic go on future agendas so they could address the issue.

Mr. Van Stratum said he had a conversation with a transfer station employee about tracking people that are entering the transfer station without a permit. The employee felt it would be easier to police if the vehicles had some sort of sticker. Ms. Rose said that would fall under the control of the DPW Director as it has to do with day-to-day operations.

Mr. Peters mentioned that he and Kevin Keuchler (Chairman of WROC) have been discussing the idea of drafting home-rule petition to legislators requesting the ability for local authorities to have more control over pesticide applicators. He discussed the effect spraying has had on the bee population but also on groundwater.

Mr. Rose brought up the topic of water usage. He felt that the Town of Provincetown was abusing the use of Truro water and wondered if Truro had any control. They discussed the seasonality of the usage. Ms. Rose suggested that her fellow board members read the Provincetown Water Board's reports/minutes and attend some meetings if they were interested.

The Health Agent brought back the discussion of pesticide application. She witnessed an application happening on Shore Rd, which she felt was not being done correctly. The Board continued on to discuss pest management.

Mr. Rose moved to adjourn.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

Respectfully Submitted,

Arozana Davis

Chair-Tracey Rose

Vice Chair-Jason Silva

Mark Peters, Member

Clerk-Peter Van Stratum

Tim Rose, Member