

**Truro Board of Health Minutes
October 21, 2014
4:30 PM-Truro Town Hall**

Members Present: Chair-Dianne Eib, Vice Chair-Tracey Rose, Alternate-Ansel Chaplin, Clerk-Jason Silva, Mark Peters

Members Absent: Tim Rose

Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, Jason Ellis, Fred Sateriale, Mike Roderick, Paul Kelly, Clinton Kershaw, Lester J. Murphy

REVIEW/APPROVE MINUTES

Dianne called the meeting to order at 4:30PM. She informed the audience that the meeting was being recorded, and asked if anyone else was making a recording. Hearing no answer in the affirmative, she continued by asking anyone coming up to speak to state their name for the minutes.

October 7, 2014 minutes

Mark Peters made a motion to approve the October 7, 2014 minutes as presented.

Ansel Chaplin seconded.

Vote: 5-0, motion carries.

REPORTS

Water Resources Oversight Committee

Per Mark Peters, there was no report at that time. Both Pat, and Tracey, reminded the Board that the next WROC meeting would be held on November 3rd.

Health Agent's Report

Pat informed the Board that at the October 8th flu clinic, 164 people attended. The next flu clinic is being held on Wednesday, November 5th from 2-4PM.

She also showed the Board new deer tick signage, which is coming from the Cape Cod Cooperative Extension. The funding for the signs was provided by Cape Cod Healthcare. The signs can be placed at recreational areas, such as Pamet Park in the center of town.

PUBLIC HEARINGS

- 1. John Rice, Request to Appear Before the Board of Health to discuss Water Quality Concerns, 8 Hatch Road.**

Dianne let the Board know that this item was withdrawn.

Mark Peters made a motion to remove this item from their agenda permanently.

Jason Silva seconded.

Vote: 5-0, motion carries.

2. Jason Ellis, JC Ellis Design Inc. for Christopher Correa, 14 Whitmanville Rd, Request for Variance to Truro Board of Health Regulation, Section VI, Article 7, to allow Innovative/Alternative System and 310 CMR 15.248 Reserve Area.

Jason Ellis approached the Board. He originally brought this project to them on January 20, 2009. The lot is 8720 square feet, and once had a house on it. There is no house on the property right now. Christopher wishes to construct a one bedroom, single family house, on the lot. The lot, as it currently is, does not meet nitrogen loading standards under Title V. They are requesting a variance to put in an enhanced nitrogen removal system which allows a nitrogen credit that would permit a one bedroom house to be constructed on this lot.

The other variance he's looking for is a no reserve area, because of the size of the lot.

Tracey confirmed that this was a new construction. Jason Ellis replied, "Yes". Tracey asked if there was an existing system in the ground. Jason told Tracey that this was a new system. There was an existing foundation on the lot back in 1986. The only structure on the lot is a shed. Dianne mentioned that the last time the Board saw this, in January 2009; they put a deed restriction on the property for three rooms. Jason explained that shortly after receiving approval from the Board of Health, the people who were purchasing the lot did not end up buying the lot; therefore nothing went further than the hearing. Mark asked if there were any objections to the last set of restrictions, which the Board set, on the current development proposed. Dianne stated that the plan presented with the loft constitutes a room. Pat said that the kitchen was contiguous with the dining room, so she was counting the dwelling as having three rooms. Mark asked if the loft could be considered a bedroom. Pat replied that it could, and that would be up to the Board to determine. Jason Ellis told the Board that he had a revised plan which showed the loft with the pocket doors removed, and a cased opening instead. Jason Silva asked if this would be a year round or seasonal home. Jason Ellis stated that it would be used year round. Pat told the Board that the revised plan would bring the number of rooms to four, and the loft would not be considered a bedroom, just a room. Mark's initial feeling after going through the new set of plans is that as long as the loft remains a loft, and not a bedroom, the Board is at the same situation they were at several years ago, in allowing the project to proceed. The enhanced septic system may prove an ultimate benefit as opposed to what was going to be approved years ago. Jason Ellis told the Board that the approval he is looking for today actually requires a one bedroom deed restriction. Dianne stated that under Pat's recommendations she left the number of rooms blank. Pat explained that the Board would need to state that there were either three or four rooms. Both Dianne and Pat agreed that the loft would bring the total number of rooms to four. Jason Ellis also suggested that he can have the floor plan recorded along with the deed restriction.

Mark Peters made a motion to approve the variances as requested:

- 1. 310 CMR 15.248 Reserve Area**
- 2. Section VI, Article 7(1) of the truro Board of Health Regulations and Provisional Use Approval for an Advantex AX-20 I/A system for a design flow of 143.88gpd (1 bedroom) with the following conditions:**
 - a. A deed restriction limiting the number of bedrooms to one and total number of rooms to four. Such deed restriction, with evidence of recording, must be presented to the Health Agent prior to issuance of the Disposal Works Construction Permit (DWCP) for the system.**

- b. A detailed floor plan must be filed along with the deed restriction.
- c. Record Notice at Barnstable Registry of Deeds. All applicants gaining Board of Health approval for the installation of any I/A systems shall be required to record at the Barnstable County Registry of Deeds a Notice that the property is served by an I/A system together with an explanation of the Inspection, Monitoring and Reporting requirements, including the requirement of a service contract for the life of the system. No Certificate of Compliance for the installation of an I/A system will be issued until such time as proof of said recording in accordance with Article 7 herein is filed with the Board of Health.
- d. A signed operation and maintenance agreement be submitted to the Health Agent prior to issuance of a DWCP.
- e. The system shall be inspected and sampled for effluent pH, BOD5, TSS and TN quarterly for year round residence or twice per year for seasonal residence and flow metering in accordance with MassDEP Provisional Use Approval, Transmittal Number X231954, revised May 22, 2014.
- f. All access ports and manhole covers to be installed at grade to allow maintenance of system.

Jason Silva seconded.

Vote: 5-0, motion carries.

3. Fred Sateriale and Mike Roderick, R & S Realty Trust, Approval of Separate Water Service for Southwind Court Cottages (Condominium Conversion) 121 Shore Road.

Fred Sateriale and Mike Roderick approached the Board. Mike explained that they have service which provides water to the cottages/house. The Town of Provincetown sent them a letter stating that they want separate services to each cottage. Mark asked for the logic behind the request from Provincetown. Mike believes that the Provincetown Water Department does not want to have to deal with a condominium association in order to collect their money. The department wants to deal with each individual unit owner instead.

Mark Peters made a motion to approve the separate water service for Southwind Court Cottages (Condominium Conversion) located at 121 Shore Road.

Jason Silva seconded.

Vote: 5-0, motion carries.

4. Paul Kelly, Manitou Architects for David Hammerman, 20 Hart Rd., Plan Review and Approval for Additional Room/Finished Basement.

Paul Kelly approached the Board. The Hammermans have an unfinished walk-out basement, and wish to have a family room. When he first proposed the floor plan, their wish list was to have more spaces. Pat decided that the plan did not comply with the number of rooms allowed. Paul and Pat worked out a plan to present to the Board where certain walls were removed. There is a corner of the lower level which is used as an art studio, but there are no walls. He has eliminated the separate rooms to simplify the plan.

Dianne asked Pat if this finished space would make seven rooms. Pat stated, "Yes". Dianne stated that in the Board of Health's regulations, any dwelling with seven rooms shall be considered to have four bedrooms. This is a three bedroom house, which does not have enough land to allow four bedrooms. Paul told the Board that the owners have agreed to place a deed restriction on the house which would maintain the proposed room as an open family room. Dianne pointed out that doing that does not negate the fact that it's considered a four bedroom house. Pat suggested that the Board could place a deed restriction stating that the family room is not to be used for sleeping purposes. Mark continued by stating they could place the deed restriction, and include an architectural rendering of the allowable sleeping space and have it recorded, however he did not think that would address the Board of Health's regulation.

Paul pointed out the plan of the top floor. There is an open space, off of the kitchen/dining space. Since there is no door on it, could that be considered part of the kitchen? It is a sitting area where they keep their computers. Pat said that the Board could consider that contiguous with the kitchen. Dianne said that it would still be considered a room. If Paul can remove the wall from both sides of the cased opening, then it would be contiguous with the kitchen. Dianne suggested to Paul that he go back to the owners with this idea, draw up a new plan and come back to the Board.

Mark Peters made a motion to continue this Public Hearing item to their next scheduled meeting (November 5, 2014).

Tracey Rose seconded.

Vote: 5-0, motion carries.

5. Clinton Kershaw, 9 Highland Ave, Plan Review and Approval of Office/Storage Addition.

Clinton Kershaw and Lester J. Murphy approached the Board. Mr. Kershaw is looking to replace a garage structure on his property with a building which would be used for storage as well as an office, on the first floor. Revisions have been made to the plans, and those revised plans are what the Board has before them. There is a studio and a lavatory on the first floor. The second floor would be a storage area. There would be a basement storage area as well. This structure would be on Mr. Kershaw's property, at 9 Highland Avenue, which currently has a two bedroom single family home. Pat has received the recent septic system inspection, which has passed.

Dianne was concerned with the space above the studio. She thought it could easily be converted into a bedroom. Mr. Kershaw told the Board that the ceiling is not high enough. It is not a full second story, more like ½ of a story. He wants to be able to store items up there.

Tracey asked how many rooms were in the main dwelling. Mr. Kershaw said that there are two bedrooms, a kitchen, living room, and the bathroom. Pat confirmed that there are four rooms in the 600 square foot home. Dianne asked if the new structure would be heated. Mr. Kershaw replied, "Yes". Mr. Murphy reminded the Board that the proposed structure would actually be on a 20,000 square foot double lot. Tracey asked if they had approval from the Zoning Board of Appeals. Lester Murphy said they did not have approval yet. The ZBA was initially concerned with the original plans, because the studio looked too much like a second house. They have modified the plans, and will revisit the ZBA next Monday.

Mark Peters made a motion to approve the office/storage addition, with the following conditions:

- 1. Place a deed restriction on the property limiting the property to 2 bedrooms and that the accessory-use building shall not be used for sleeping purposes nor may sleeping paraphernalia be stored or otherwise evident in the structure or room.**
- 2. The second floor storage area remains unfinished.**

**Ansel Chaplin seconded.
Vote: 5-0, motion carries.**

AGENDA ITEMS:

- 1. Discussion: Truro Board of Health Regulation Section III, Article 3, Manager Regulation (continued from 10/7/14).**

Mark Peters asked for some time to digest all of the information given.

Tracey Rose made a motion to continue this agenda item to their next scheduled meeting (November 5, 2014).

**Jason Silva seconded.
Vote: 5-0, motion carries.**

Tracey wished to point out a couple of facts:

There are eighty-one condos, motels, cottage colonies. Forty-six businesses have ten, or more, units. Seven of these have off-site managers (for ten or more units). Five businesses have off-site managers, but have fewer than ten units. She would appreciate having this item continued as well.

LICENSING RENEWAL APPROVALS

- 1. Judy Wimer, Mgr of Bay Point Condos, 660 Shore Rd. Condo License.**
- 2. Truro Central School, 317 Route 6, Food Service License.**
- 3. COA Café, Truro Community Ctr, 7 Standish Way, Food Service License.**
- 4. Robert Montano, Mgr of Montano's Restaurant, 481 Route 6, Food Service License.**

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Dianne asked if all four applicants were in good standing. Both Noelle and Pat replied, "Yes".

Mark Peters made a motion to approve all four license renewals.
Ansel Chaplin seconded.
Vote: 5-0, motion carries.

Tracey asked if any Board members had questions on where they stand with the SMART program. Jason asked how things were going. Tracey told the Board of Health that the Board of Selectmen had appointed a committee, and that there would be advertising on the town website to enlist three citizens to join. Once all the positions are filled, they will make a plan for gathering information to present to Truro. Tracey read a memo sent from the Co-Acting Town Administrator, Robert Lawton, regarding the process different towns used for selling the trash bags. He also asked towns about the cost of stickers for the drop-off areas for Wellfleet, Mashpee, and Sandwich.

Mark Peters made a motion to adjourn the meeting at 5:22PM.
Ansel Chaplin seconded.
Vote: 5-0, motion carries.

Chair-Dianne Eib

Vice Chair-Tracey Rose

Clerk-Jason Silva

Mark Peters

Tim Rose

Alternate-Ansel Chaplin