

Truro Board of Health Minutes
February 24, 2015
4:30 PM-Truro Town Hall

Members Present: Chair-Tracey Rose, Vice Chair-Jason Silva, Dianne Eib, Alternate-Ansel Chaplin (arrived at 4:57PM)
Members Absent: Clerk-Mark Peters, Tim Rose
Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, Bill Evaul, Linda Noons, Michael Cohen, Tricia Cohen

REVIEW/APPROVE MINUTES

February 3, 2015

Ms. Rose began the meeting at 4:30PM. She let the audience know that the meeting was being recorded, and asked if anyone else was recording. Hearing no answer in the affirmative, she reminded people to please state their name if coming up to the Board to speak.

Jason Silva made a motion to move the approval of the February 3, 2015 minutes to the end of the meeting in case a quorum was achieved to vote.

At 5:22PM the Board of Health revisited reviewing/approving the February 3, 2015 minutes.

Jason Silva made a motion to continue the review/approval of the February 3, 2015 minutes to their March 3, 2015 meeting.

REPORTS

Water Resources Oversight Committee

Pat Pajaron stated that WROC would be meeting on Thursday to discuss Phase II strategic planning. She will be unable to attend that meeting as she is participating in the Cape Cod Commission 208 Regional Planning update.

Health Agent's Report

Ms. Pajaron had some items to follow up on for the Board:

- The Board of Health had asked about the status of the campgrounds managed, owned, and operated by Adventure Bound. She spoke with Brian Dudley. His staff met with the owners back in November 2014 on the planning piece of it. They are reviewing revised plans. The discussion is to get through the season and begin construction in the fall for the wastewater treatment plant. Ms. Rose asked if it had been two years since they had come before the Board with their proposal. Ms. Pajaron stated that two years ago, she had contacted Brian Dudley and he was going to amend the administrative consent order permit. They need to begin construction this fall. Ms. Rose confirmed that the upgrade was required because there was a new owner. Ms. Pajaron stated that she was correct. The holding tank needs upgrading. The town was in litigation at that time. The agreement was that the property owners would contact DEP, get a consent order signed (because the flow is over 10,000 gpd). The original plan was issued in 2010. They have five years to begin that upgrade, or cease operation of the campground. There was discussion of combining campgrounds, and DEP granted them an extension to get the plan underway. It looks as though the combining will move forward. Ms. Rose wanted to know if they had permission from the Town. Ms. Pajaron informed the Board that since the Town does not own the property, Mr. Dudley had to get permission from the County.

- Ms. Pajaron also reminded the Board of the Citgo station which had had a tobacco violation. A compliance check was conducted on February 4th and all product was off the shelves. Ms. Eib asked if the signage was up. Ms. Pajaron stated that it was.
- Ms. Pajaron has met with Town Counsel about the Delgizzi issue. Town Counsel believes that court intervention is warranted. More research needs to be done because these properties are multi-family, year round dwellings. There is no definition in the zoning bylaws for multi-family homes. In order for Counsel to prepare the court documents, he needs to be able to present what the dwelling is.
- Ms. Eib asked if there have been any reported cases of flu in Truro. Ms. Pajaron is not aware of any reported cases. If an individual sees a healthcare provider and is presenting flu like symptoms, it is supposed to be reported. Ms. Rose heard that Seashore Point in Provincetown has confirmed an official flu, but she is unsure of whether it affects one person or many. Protocol is in place.

PUBLIC HEARINGS

1. Alan Dinsfriend, Beach Shore LLC, 124 Shore Rd., Change of Manager.

Ms. Scoullar reminded the Board that the last time Mr. Dinsfriend came to their meeting; he was told he would not need to attend the public hearing for the change of manager. A team inspection was conducted, and all items were corrected.

Dianne Eib made a motion to accept the change of manager.

Jason Silva seconded this motion.

Vote: 3-0, motion carries.

2. Jon and Denise Seager, Sea Song Condominium, 525 Shore Rd., Request to Add Peter's Property Management as Co-Manager/Amend Motel License.

Ms. Scoullar informed the Board that neither Jon and Denise Seager, nor Peter's Property Management, could attend this meeting and she is requesting that this public hearing be continued to their March 17th, 2015 Board of Health meeting.

Dianne Eib made a motion to continue the public hearing for Sea Song Condominiums to their March 17, 2015 meeting.

Jason Silva seconded this motion.

Vote: 3-0, motion carries.

3. JF Noons Inc. for Pizzigno & Brothers, 586 Shore Road, Request for Additional Time to Upgrade to Title 5.

Linda Noons approached the Board. JF Noons went down to inspect the property, but between the snow and the temperature they cannot stake out the work zone. The ground is solid right now, so they are asking for an extension of time. Pat reminded the Board that the original extension would expire at the end of February.

Dianne Eib made a motion to grant an extension of time to install the septic system to May 1, 2015.

Jason Silva seconded this motion.

Vote: 3-0, motion carries.

4. William Evaul, 11 Hughes Road, Request for Variance to Board of Health Regulation, Section VI, Article 3(1)a. Required Upgrade Upon Transfer of Property.

William Evaul approached the Board. He presented the variance application and fee to Ms. Pajaron. Ms. Eib asked why this variance was being requested. Mr. Evaul states it's to proceed with the sale, before the system is installed. Ms. Eib

explained that the Board of Health regulations require that the upgrade be done prior to the transfer of property. Mr. Evaul cannot get anyone to install the system right now. Ms. Eib pointed out that the extension doesn't expire until May 1, 2015. She asked when the closing was scheduled. Mr. Evaul said that it has not been scheduled yet. Ms. Rose believes that if the closing has not been scheduled, then he needs to accommodate the Board of Health regulation before he can close. We need to protect ground water, and he can, conceivably, upgrade by May 1st. Ms. Eib asked that he tell the Board about the property. Mr. Evaul stated that it is the Moorlands. There are three cottages which historically were year-round, but are now condominiums. The existing system is rated for 18 bedrooms, and they reduced that usage to 9 bedrooms years ago. They want to upgrade. Ms. Eib agrees with the Chair. He should simply schedule the closing for after the system is installed. Mr. Evaul states that his lawyer told him that the Board of Health grants waivers for this type of situation. Both Ms. Eib and Ms. Rose stated that his lawyer was incorrect. Mr. Evaul states that they need to make the transaction due to financial reasons, and he's concerned they might lose the sale if they have to wait. Ms. Eib stated that Mr. Evaul has not given the Board any reason to believe that there are extenuating circumstances. Mr. Evaul says that his request is due to financial reasons. Ms. Eib told Mr. Evaul that he will need to prove to the Board that this is a financial hardship. That is usually the only reason why the Board will approve this type of variance.

Mr. Evaul then took back his application, check and abruptly left the meeting before the Board of Health took their vote.

Dianne Eib made a motion to remove this item from the agenda until the applicant comes forward with the required documents.

Jason Silva seconded this motion.

Vote: 3-0, motion carries.

Note-A Private sale is involved.

5. Michael Cohen, 6 Yellow Brick Road, Plan Review Approval for Additional Room/Finish Attic Space.

Michael and Tricia came before the Board. Tricia stated that they own a home on Yellow Brick Road. They split their time between Truro and Pittsburg, and would like to live in Truro when they retire. The house was partially finished in 2010 with two bedrooms, an office space, kitchen, great room, and dining room. They are now in the process of finishing the rest of the home, which would have a master bedroom suite, an entertainment room, and an office for Michael. The Cohens both work from home, and they would like separate office spaces for each. They have no interest in renting their home, and no interest in finishing the basement. The attic space would be for an office only. They are not hesitant to sign a deed restriction if need be. Ms. Eib told them that the proposed office meets the definition of a bedroom. Ms. Cohen asked what qualified the room as a bedroom. Ms. Eib stated that the room would have to be larger than 70 square feet, have windows, and privacy. There is no waiver to this, and signing a deed restriction would not work. Ms. Rose pointed out that they have a three bedroom lot, and a three bedroom system. The attic space meets the definition of a bedroom. A discussion between the Board and the Cohens ensued regarding adjustments to be made so that the room will not meet the definition of a bedroom. Ms. Eib stated that a re-worked floor plan will need to be drawn up. Ms. Pajaron asked for the ceiling height to be noted on the plan, where headroom is not available.

Dianne Eib made a motion to continue this item to the March 17, 2015 meeting.

Jason Silva seconded this motion.

Vote: 4-0, motion carries.

AGENDA ITEMS:

- 1. Discussion: Truro Board of Health Regulation Section III, Article 3, Manager Regulation (continued from 1/20/15)**

Jason Silva made a motion to continue this agenda item to the March 3, 2015 meeting.

Dianne Eib seconded this motion.

Vote: 4-0, motion carries.

2. Update on Ballston Beach

Ms. Pajaron stated that the opening created from last month's blizzard is approximately 205 feet across. As in 2013, she has sent letters to property owners letting them know they can test their wells for sodium and bacteria. The cost is \$12.00 per test. There have been a handful of owners coming in. After the 2013 overwash, she learned a lot of things from the people over at the National Seashore. After the first overwash, they did studies about how much sand was being collected (the study was included in their packet). Ms. Pajaron learned that the water table is 120 feet down, and is compressed by a layer of peat which adds a little protection over intrusion. The overwash area this time is larger. The lower areas are accumulating more sand. Scientists are saying that the whole area is trying to establish equilibrium. The other issue which needs further looking into is the culvert under Route Six which is preventing tidal flow. If that culvert were opened, the flooding on an overwash would be minimized. The Town is going to contract with the Center for Coastal Studies for recommendations on what to do. Ms. Pajaron is working with Mark Adams at the Cape Cod National Seashore. He gave her a list of about eighty properties in the Pamet Valley. They will do Lydar mapping of well and septic of these properties to pinpoint which are at risk. Mr. Chaplin asked if those properties were closer to the ocean. Ms. Pajaron stated that there are some, but there are other properties in Truro center that are at risk. Ms. Eib asked who has authority over the culvert. Ms. Pajaron explained that the State owns it. MassDOT will need to be brought to the table, along with MA DEP, because the Pamet River is owned by the Commonwealth. Ms. Pajaron stated that the Army Corps of Engineers should be contacted to get an update of the study which was done in 1998.

LICENSING RENEWAL APPROVALS

- 1. Dawn McGoldrick, Mgr. of Braemar Condominium, 132 Shore Road. Condominium License.**
- 2. Robert Rice, Mgr. of Whitman House Business Condos, 7 Great Hollow Road. Condominium License.**
- 3. Robert Rice, Mgr. of Whitman House Condos, 7 Great Hollow Road. Condominium License.**
- 4. Robert Rice, Mgr. of Whitman House Restaurant, 7 Great Hollow Road. Food Establishment and Ice Cream Licenses.**
- 5. Jason Laramée, Mgr. of Lighthouse Café at Highland Gold Links, 10 Highland Light Road. Food Establishment license.**
- 6. Peters Property Management, Mgr. of Ebb Tide on the Bay, 538 Shore Road. Condominium License.**
- 7. Charles and Beverly Arnott & Peters Property Mgmt. Co-Managers of Salt Air Condos, 82 Shore Road.**
- 8. Don Dizon, Henry Stoll & Peters Property Mgmt. Co-Managers of Anchorage on the Bay Condos. Condominium License.**
- 9. Ave Rosenthal, Mgr. of Jams, Inc. 14 Truro Center Road. Food Establishment, Bakery, and Food Commercially Packaged license.**
- 10. Jeannette de Beauvoir, Mgr. of Shore Road Condos, 17 Shore Road. Condominium License.**
- 11. Randy Rovatti, Mgr. of Stone's Throw Condos, 6 Shore Road. Condominium License.**
- 12. Michelle Gawle, Mgr. of Crow's Nest Resort, 496 Shore Road. Condominium License.**
- 13. Michelle Gawle, Mgr. of Crow's Nest Cottages, 608 Shore Road. Condominium License.**

Ms. Rose read off all thirteen applicants, and asked that they were in good standing. Both Ms. Scoullar and Ms. Pajaron stated that all applicants were in good standing.

Jason Silva made a motion to approve renewals 1-13.

Ansel Chaplin seconded this motion.

Vote: 4-0, motion carries.

Last week, it was brought to Ms. Pajaron's attention the cost of tipping fees at the Transfer Station. They are already up to \$45,000 in expenses, compared to \$54,000 for the full fiscal year last year. Commercial haulers are the biggest

contributor. The Town Administrator has asked Ms. Pajaron to ask the Board if they would be willing to amend the Transfer Station Regulations, prohibiting compactor trucks. This would require a public hearing. Ms. Eib asked what the haulers alternative would be. Ms. Pajaron stated that they would have to bring their trash to Yarmouth. Ms. Pajaron will place a draft proposal on their next agenda. Ms. Rose would like to have the proposed draft regulations as ready to go as possible. Mr. Chaplin asked if Provincetown or Wellfleet would need to be given notice. Ms. Eib stated that no notice to those towns was required. Ms. Pajaron did ask the Town Administrator if a pro-rated refund could be offered to those people who decide not to bring their trash to Truro anymore, and both the Town Administrator and Town Accountant stated that a pro-rated refund could be provided.

Ms. Pajaron had one other item to discuss with the Board. She is still working on bringing licensing down to her department. If the licensing comes downstairs, Pat could sign off on certain permits to alleviate some of the workload that the Board of Health has to handle. Ms. Eib asked if it was legal for Ms. Pajaron to sign off on permits. Ms. Pajaron stated that it was legal. It was suggested that Ms. Pajaron place this on their next agenda for discussion. She can put together a list of items she could take over and the Board can pick and choose the items they are amenable to letting her sign off on.

Mr. Silva asked what would happen with the parking at Ballston Beach. Ms. Pajaron stated that the Town needs to make a decision.

Dianne Eib made a motion to adjourn at 5:49PM.

Ansel Chaplin seconded this motion.

Vote: 4-0, motion carries.

Chair-Tracey Rose

Vice Chair-Jason Silva

Clerk-Mark Peters-ABSENT

Dianne Eib

Tim Rose-ABSENT

Alternate-Ansel Chaplin