

Truro Board of Health Minutes  
April 6, 2016  
4:30 PM-Truro Town Hall

**Members Present:** Chair Tracy Rose, Vice Chair Jason Silva, Member Mark Peters, Member Tim Rose

**Absent:** Member Ansel Chaplin

**Others Present:** Agent Pat Pajaron

Chair Tracy Rose called the meeting to order at 4:30PM. Ms. Rose stated that the meeting was being recorded and asked if anyone from the public was recording as well. No one replied in the affirmative.

**REVIEW/APPROVE MINUTES**

**March 15, 2016**

**Mr. Peters moved to approve the minutes as submitted.**

**Mr. Rose seconded.**

**Vote: 4-0-0, motion carries.**

**March 8, 2016**

**Mr. Peters moved to approve the minutes as submitted.**

**Mr. Silva seconded.**

**Vote: 4-0-0, motion carries.**

**REPORTS**

**Water Resources Oversight Committee**

Committee has met and discussed Weston & Sampson's report regarding year round condominiums primarily on Beach Point. Report focused on water usage and not socio-economic issues. They found that the water usage went up roughly 150-200%. Next meeting will be May 12<sup>th</sup> at 3:15 at the Truro Police Station. The newsletters and Phase I Report of the IWRMP are available on the Town of Truro website.

**Health Agent's Report**

East Harbour Motel and Cottages went through the Change of Manager process last year and had a Team Inspection. They filed for a Change of Manager again for the 2016 Licensing year and Ms. Pajaron asked the Board if another Team Inspection would be required.

**Mr. Peters motioned to waive the Team Inspection requirement for East Harbour Motel & Cottages at 618 Shore Rd.**

**Mr. Rose seconded.**

**Vote: 4-0-0, motion carries.**

**PUBLIC HEARINGS**

### **1. Jim Denietolis, Stones Throw Condominiums, 6 Shore Rd, Change of Manager**

Mr. Denietolis was not present. Ms. Pajaron gave the Board an update. A Team Inspection was done on March 3 2016, resulting in one deficiency cited (exhaust ducts on all electric clothes dryers need to be changed to rigid material) by the Building Department. Theresa Moran contacted Ms. Pajaron after the team inspection to discuss having more time to correct the deficiency since all of the unit owners are not in Town yet. Mr. Peters questioned the time frame for correcting the items. Ms. Pajaron stated that she thought it would take at least a month to get all of the units done.

**Ms. Rose moved to continue the hearing to the April 20, 2016 meeting with the requirement that Mr. Denietolis be present and bring a plan and a timeline for the corrections of the deficiencies to the Board.**

**Mr. Peters seconded.**

**Vote: 4-0-0, motion carries.**

Ms. Pajaron brought up the fact that the Temporary License expired today (4/6/2016) and asked the Board what they would like to do.

**Mr. Peters moved to extend the Temporary License to the April 20, 2016 meeting.**

**Mr. Rose seconded.**

**Vote: 4-0-0, motion carries.**

### **2. Steven Hirschboeck, Anchorage on the Bay, 596 Shore Rd, Change of Manager**

Mr. James McCusker & Ms. Laurie Ferrari of Peters Property Management approached the Board. Ms. Ferrari discussed the issues that were the result of the Team Inspection. She stated that most of items listed in the license inspection form, such as the replacement of smoke/CO detectors and plumbing permit for Unit A have been completed. Beds, futons etc. have been removed from the loft area in three of the four units. The Board of Health received a copy of a letter dated April 5, 2016 from the Trustees of the Anchorage on the Bay proposing to remove any furnishing that can be used for sleeping in the loft area and acknowledging that the lofts will not be used for sleeping purposes. Lona Tracee Whitley owner of Unit #3 submitted a letter dated April 5, 2016 addressing the issues raised concerning her unit. Ms. Whitley also submitted a copy of a building permit application for her unit that indicates the construction of a loft stair. Ms. Rose asked for Ms. Pajaron's stance on the property. Ms. Pajaron stated that the finished loft areas with furnishings such a bed, futon or pullout couch have the appearance that they are being used for sleeping purposes. The lofts are shown on a with pull down stairs per the Floor Plan of The Anchorage on the Bay Condominiums for Units 1, 2, 3, and 4 prepared by William N. Rogers, II, P.E. dated June 2000 as recorded in the Barnstable County Registry of Deeds, Book 557 Page 92. Ms. Pajaron stated that the concern, as indicated in the April 1, 2016 Order to Correct Violations is that the lofts do not meeting Building & Health Code egress requirements, stating a fire and safety issue. A plumbing permit for the installation of a water heater in Unit B is needed. Ms. Rose asked what the projected timeline would be for finalizing all items. Ms. Ferrari said about two weeks.

Mr. McCusker, owner of Unit 2, explained that he currently has beds, toasters, appliances, stored in his loft area that he uses at the Crow's Nest Resort. He also stated that no one sleeps in the loft area and that it is under lock and key. He rents occasionally but only to people he knows

personally. Ms. Rose suggested to make a note in the file regarding Unit 2. Ms. Pajaron suggested that when they hear the final license request on April 20, 2016 that they put in a condition in place regarding Unit 2, allowing Mr. McCusker to store beds, mattresses and appliances for the Crow's Nest Resort in the loft area

**Mr. Peters moved to continue the Change of Manager hearing to the April 20, 2016 meeting and to extend the Temporary License for an additional two weeks with an expiration date of April 20, 2016.**

**Mr. Silva seconded.**

**Vote: 4-0-0, motion carries.**

**3. Robert and Joseph Fanelli, 24 Pond Rd., Request for Title 5 Variances, 310 CMR 15.212(1)(b), 15.104, 15.223(1)(a), 15.211(1), 15.255(5), 15.227(5) and Truro Board of Health Regulation Section VI, Article (1)b and Article 8**

*Ms. Rose recused herself and turn the Chair over to Vice Chair Silva.* Ms. Stephanie Sequin of Ryder & Wilcox approached the Board and gave a description of the property stating the septic consists of a cesspool and the building was constructed around the 1900(s). Groundwater was observed at 3.5' below grade. Soil sample resulted in a Class 1 soil, so the perc rate is assumed at less than 2 minutes per inch. The system will have to be a raised system within a poured concrete containing wall. The wall will be about 5' above grade. Septic tank shall be located within the driveway on the opposite side of the building. Building contains a one bedroom home with art studio, so the flow is minimal. The proposed septic system will consist of a 1500 gallon two compartment tank; distribution box and cultec contractor field drain leaching area.

Ms. Sequin described the variances requested: 1.) bottom of proposed SAS is at 4' above the estimated high ground water, 2.) The use of a sieve analysis instead of a perc for sizing the leaching system, 3.) the proposal of a 1,000 gallon septic tank (with a 48 hour detention time) in lieu of a 1500 gallon, 4.) proposed septic tank to be 7' from the front and side property lines, 5.) tank is proposed at 25' from the edge of the pond, 6.) proposed SAS is approximately 51' from the well for the property and 88' from the well on the parcel 49 across the street, 7.) proposed SAS is 5' from front property line and d-box is 8' from front property line, 8.) proposed SAS is 20' from edge of the pond, 9.) variance from the 5' over-dig requirement, 15.255(5) 10.) inlet invert of the tank 1.45' below estimated high groundwater and the outlet invert is 1.7' below estimated high groundwater. Septic tank will consist of a monolithic 2-compartment and have watertight, seals and exterior damp-proofing Conservation Commission approval has been obtained. Mr. Silva mentioned that the biggest concern was the health of the pond/water quality and what might be the appropriate system for this property.. Ms. Pajaron agreed with the potential/existing groundwater issues. She informed the Board that every year during the late summer she receives complaints from neighbors about the water quality of the pond. Ms. Pajaron stated that septic systems are one contributing factor in water degradation. She questioned whether or not the proposed Title 5 system is appropriate for this property given the variances to groundwater, well and the pond. Mr. Peters expressed concern over the proposal and how he would like to see some other options, i.e. tight tank, greywater and composting toilet system or an innovative/alternative system. Ms. Pajaron noted that Title 5 regulations - state that an approval for a - variance request from the required five foot separation from the bottom of the SAS and estimated high groundwater be

granted only if all of the conditions 1-5 listed in 15.405(1)(h) are met, which it does not. She felt that if the project continued as proposed, then the variance would require DEP approval. The Board discussed other septic options. Ms. Pajaron informed the Board that the retaining wall would need Zoning Board of Appeals approval, per her discussion with the Building Commissioner.

**Mr. Peters moved to continue the hearing to April 20, 2016 requesting that the Applicant return to the Board with alternatives for the septic system upgrade**

**Mr. Rose seconded.**

**Vote: 3-0-1, motion carries with Ms. Rose not voting.**

*Vice Chair Silva turned the Chair back over to Ms. Rose.*

**4. Robert and Elena Rice, 5 Great Hollow Road, Unit 3, Request for Title 5 Variance 310 CMR 15.211**

Hearing has been continued to the April 20, 2016 meeting.

**5. Crayne Hurst, 9 Hillbourne Terrace, Request for Variance to Truro Board of Health Regulation, Section VI, Article 3(1)a, Required Upgrade Upon Property Transfer**

*Ms. Rose recused herself and turned the Chair over to Vice Chair Silva.* Mr. Hurst approached the Board and Ms. Pajaron gave a report on the property. Property contains a 2 bedroom home; confirmed via walk through conducted in December 2015; property is served by a private well and a 1993 septic system designed for 2 bedrooms. Because of the lot size (34,238 square feet) a septic system can be designed for 3 bedrooms.. Transfer of ownership is scheduled to take place on May 16, 2016 with the buyer assuming responsibility for the upgrade to a three bedroom system. Perc test has been conducted and permit and plans have been submitted. A 10 day waiver was mentioned but Ms. Emily Flax, a realtor, felt it was a tight time frame.

**Mr. Peters moved to approve the variance as requested, giving the buyer 30 days after the transfer of property (5/16/2016) to install the new septic.**

**Mr. Rose seconded.**

**Vote: 3-0-0, motion carries. Ms. Rose recused herself.**

*Vice Chair Silva turned the Chair back over to Ms. Rose.*

**6. Show Cause Hearing for Head of the Meadow Citgo Gas Station, 435 Route 6, North Truro for violation of Massachusetts General Law Chapter 270, Section 6 and Section XI, Article 5 of the Truro Board of Health Tobacco Control Regulation (continued from 3/15/16)**

*Mr. Rose recused himself.* Mr. Keith Morris, representative for Cape Cod Oil, approached the Board. Mr. Morris apologized and explained that it was a new employee that sold the cigarettes and since then they have implemented a policy to prohibit the sale of cigarettes to anyone under 21. Ms. Rose asked if their employees go through a training program. Mr. Morris explained that there is no training program, just the manager teaching the new employee.

**Mr. Peters made a motion to suspend the tobacco sales permit for seven (7) consecutive business days beginning May 1 to May 7, 2016 for the Head of the Meadow Citgo Station, 435 Route 6, in accordance with Section XI, Article 8 of the Truro Board of Health Tobacco Control Regulation. Seconded by Mr. Silva.**

**Vote: 3-0-1, motion passes with Mr. Rose not voting.**

*Mr. Rose returned to the table.*

**7. Benjamin Robinson, Robinson Investment LLC., 11 Coast Guard Terrace, Update on Septic System Upgrade and Lift March 10, 2016 Condemnation Order per 105CMR 410.000, State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation**

Ms. Pajaron gave an update. The septic system has been installed and was inspected on March 25, 2016. The Certificate of Compliance letter from the Engineer has been received and Ms. Pajaron issued the Certificate of Compliance from the Town on March 31, 2016. She recommended lifting the March 10, 2016 Condemnation Order.

**Mr. Peters made a motion to lift the March 10, 2016 Condemnation Order and Remove the Placard for 11 Coast Guard Terrace.**

**Seconded by Mr. Rose.**

**Vote 3-0-1, motion passes with Ms. Rose abstaining.**

*The Board discussed the lack of paid fines for this property due to returned mail service and if there was any way they could get payment for the returned tickets.*

**8. Maria Kuliopulos, White Sands Motel, 706 Shore Rd., Request for Water Service for Fire Suppression System**

Ms. Kuliopulos approached the Board and explained that the fire damaged building is being replaced and they are required by code to have a Fire Suppression System. She is before the Board for the water service request for the Suppression System. Ms. Pajaron said all paperwork was in hand.

**Mr. Peters moved to approve the request for water service for the Fire Suppression System at 706 Shore Rd.**

**Mr. Rose seconded.**

**Vote: 4-0-0, motion carries.**

**AGENDA ITEMS**

**1. Discussion: Proposed Amendments to the Truro Board of Health Regulation, Section V, Transfer Station Rules and Regulations, Article 9 Fee Schedule**

The DPW Director, Town Administrator and Ms. Rose reviewed the fee schedule for the Transfer Station and had a few proposed fee increases. Mr. Peters questioned a wording change and the original wording was reinstituted. Mr. Rose suggested making the "replacement sticker" \$10.00 instead of \$25.00 and he had an issue with the price of the 2<sup>nd</sup> & 3<sup>rd</sup> sticker prices. Ms. Rose suggested asking the DPW Director how many replacement stickers are issued within a year. The Board will place the item on the April 20, 2016 meeting for a vote. Ms. Rose informed the Board that it was noticed that the

secondary stickers sold showed more than half of the primary stickers that were sold. The Town Administration is looking in to it.

**LICENSING RENEWAL APPROVALS**

**1. Beth Goldstein, Mgr., 17 Shore Road Condominiums, 17 Shore Road, Motel License**

**2. Wade Saley, Mgr., Schirmer Cottages, 9 Castle Terrace, Motel License**

**3. Maxine Krull, Mgr., & RKM Property Management, Off-Site Mgr., Cape Breeze Condominiums, 307-314 Shore Rd**

**Item #1:** The Order for Units 1-4 to comply with the requirements of the Housing Code for Kitchen Facilities has been met. Units are in compliance and an inspection was conducted on March 25, 2016. Some owners opted to put in a compact stove and others chose a 2 burner cooktop with microwave convection oven.

All three licensing renewals are otherwise in good standing.

**Mr. Peters moved to approve licensing renewals 1-3.**

**Mr. Silva seconded.**

**Vote: 4-0-0, motion carries.**

**Mr. Rose motioned to adjourn.**

**Mr. Peters seconded.**

**Vote: 4-0-0, motion carries.**

**Respectfully submitted,**

**Arozana Davis, BOH Secretary**

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**Chair-Tracey Rose**

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**Vice Chair-Jason Silva**

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**Clerk-Mark Peters**

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**Ansel Chaplin**

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**Tim Rose**