

Truro Board of Health Minutes
April 5, 2017
4:30 PM-Truro Town Hall

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

Others Present: Agent Pat Pajaron

Chair Tracey Rose called the meeting to order at 4:30PM. Ms. Rose stated that the meeting was being recorded and asked that everyone speak clearly. She asked if anyone in the audience was recording. No one replied in the affirmative.

PUBLIC COMMENTS

None.

REVIEW/APPROVE MINUTES

March 21, 2017

Mr. Silva moved to approve the minutes as submitted.

Mr. Van Stratum seconded.

Vote: 4-0-0, motion carries.

REPORTS

Water Resources Oversight Committee

Mr. Peters had nothing to report.

Health Agent's Report

Ms. Pajaron informed the Board that Lower Cape Auto at 482 Route 6 had its gas tanks removed which means that it is no longer operating as a gas station therefore it no longer needs to be licensed by the Board of Health.

PUBLIC HEARINGS

- 1. Kathleen & Richard Sullivan, 2 Sandpiper Ave, Appeal of the Health Agent's Decision
(continued from 3/21/17)**

Ms. Pajaron updated the Board that the Applicant provided a plan showing a 5' cased opening to bedroom 3 on first floor so that the area above the garage could be finished off. The Applicant had sent an email informing Ms. Pajaron that they could not make the meeting but hoped that the plan satisfied the Board.

Mr. Peters moved to approve the plan as submitted.

Mr. Silva seconded.

Vote: 4-0-0, motion carries.

2. Katherine Reed, Approval of New Business License and Mobile Food Service Permit for Chequessett Chocolate Food Truck, 8 Highland Road

Katie Reed & Josiah Mayo approached the Board and explained that they purchased their own food truck this year and they hope to open the weekend before Memorial Day. It is a mobile food truck but it will not move from their 8 Highland Rd location. The truck is smaller than the previously approved trucks that have been operating there for the past few years. Ms. Pajaron stated that the only thing that still needs to be done is a hood inspection. She read a letter of support received on March 21, 2017 from 2 abutters, Grozier Square Automotive and Poulin Landscaping, into the record.

Mr. Peters moved to approve the New Business License and Mobile Food Service Permit for Chequessett Chocolate Food Truck.

Mr. Silva seconded.

Vote: 4-0-0, motion carries.

Mr. Rose arrived during the above discussion.

3. Dawn and Sebastian Snow, JAMS Too, Inc., 14 Truro Center Road, Review and Approval of New Business License and Food Service Permit

Dawn & Sebastian Snow approached the Board and explained that they plan to operate JAMS as it has been operated in the past (grocery store/deli). Ms. Pajaron stated that Team Inspection resulted in no deficiencies. The Applicant's intent is to try and operate from May to October but that may change based upon how the season goes. The Applicants would need to come back before the Board to inform them if they would like to operate longer than the time specified on the application.

Mr. Peters moved to approve the New Business license and Food Service Permit for JAMS Too, Inc.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

4. Town of Truro, Recreation/Beach Office Building, 36 Shore Road, Request for Variances to Title 5: 15. 211, 15.255(5) and Truro Board of Health Regulation, Section VI, Article 8

John O'Reilly of JM O'Reilly Associates approached the Board on behalf of the Town of Truro for the upgrade of the existing cesspool that services the Recreation/Beach Office Building. A field survey and soil testing have been completed along with a plan that is before the Board. The Conservation Commission approved the project on April 3, 2017. Mr. O'Reilly explained that during the perc test they hit a perched water table at elevation 5 which is about 2.5' below the existing parking area but that he is maintaining a 5' separation to it. The variance requests are as follows:

310 CMR 15.211 Minimum Setback Distances

1. Soil absorption system is not 10 feet from the north property line (5' provided, 5' variance)
2. Soil absorption system is not 20 feet from foundation wall (15' provided, 5' variance)

310 CMR 15.255(5) Construction in Fill*

3. Five foot lateral soil removal not proposed (0' provided, 5' variance)

Truro Board of Health Regulation, Section VI, Article 8 Required Setbacks for System Components

4. Septic tank not 100' from edge of wetland (81' provided, 19' variance)

5. Pump Chamber not 100' from edge of wetland (88' provided, 12' variance)

6. Septic tank not 100' from edge of wetland (88' provided, 12' variance)

7. Soil absorption system is not 150 feet from edge of wetland (61' provided, 89' variance)

Mr. O'Reilly explained how a pressure dosed system works and its benefits, in response to Mr. Van Stratum's question. Mr. Van Stratum questioned why a tight tank was not proposed for the site. Mr. O'Reilly explained that DEP looks at tight tanks as last resorts and generally for locations with no percolable soil available. He felt that this location would not qualify. Ms. Pajaron stated that the proposal was an improvement compared to what is existing, even with the variances requested.

Mr. Rose moved to approve the variances as requested.

Mr. Peters seconded.

Vote: 4-0-1, with Mr. Van Stratum abstaining.

5. **Daniel R. Delgizzi, Manager, Truro Motor Inn, 296 Route 6, Public Hearing to consider Denying the License to Operate a Motel at Truro Motor Inn, 296 Route 6 pursuant to MGL ch. 40 section 57 and the Truro General By-Law Section 3 Licenses and Permits.**

Ms. Pajaron informed the Board that her office received the Licensing Renewal Application on February 6, 2017 and it had been placed on the February 21, 2017 agenda. At that meeting the Board was informed that the taxes not been paid since 2013 and that the Applicant signed section 5 attesting that they paid all local and State taxes. It was then continued to the March 7, 2017 meeting where the Board voted to hold a Show Cause Hearing on April 5, 2017 to consider denying the license. As of April 4, 2017, Ms. Pajaron was notified by the Tax Collector that the Applicant's paid their taxes for the property in full. Ms. Rose felt they should hold the license until the checks clear. Mr. Peters questioned whether or not the property was currently occupied. Ms. Rose responded that she believes it is. Mr. Peters then stated they are operating without a license. Mr. Peters questioned whether or not the Town had been issuing fines per day for such operation, as per the Board of Health Regulations. Ms. Rose replied no. Mr. Weinstein, Selectmen's Liaison to the Board of Health, approached the Board and felt strongly that the Board should hold any license until the checks cleared. Mr. Van Stratum agreed. Mr. Weinstein approached the Board again and suggested they reach out to Town Counsel for some advice. Ms. Rose informed him that they Board had done so prior to the meeting.

Mr. Rose motioned to hold the license for 10-15 days for the checks to clear and if they do not clear then the Board will decide at their next meeting what their next step will be.

Mr. Rose rescinded his motion.

Mr. Rose moved to continue the public hearing to the April 19, 2017 meeting.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

AGENDA ITEMS

1. **Discussion on Proposed Amendments to Truro Board of Health Regulations (continued from 3/21/2017) and Agenda Item #2: Discussion on Proposed Zone II Regulations (continued from 3/21/2017) and Agenda Item #3: Discussion on Proposed Fertilizer Regulations (continued from 3/21/2017)**

The Provincetown Water Superintendent submitted comments on the Zone II regulations with regards to better control over activities within the Zone II.

Mr. Silva moved to include the comments into the regulations.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

Mr. Rose moved to send the proposed regulations to Town Counsel for their review.

Mr. Silva seconded.

Vote: 5-0-0, motion carries.

LICENSING RENEWAL APPROVALS

1. **Karen Kirby, Manager, Colonial Village Condominiums, 630 Shore Rd, Motel License**
2. **Albert Silva, Manager, Top Mast Resort, 209 Shore Rd, Motel License**
3. **Paul Anderson, Manager, Bayview Village Condominiums, 658 Shore Rd, Motel License**
4. **Roberta Schnabel, Manager, Pilgrim Beach Condominiums, 174 Shore Rd, Motel License**
5. **Eric Shapiro, On-Site Manager & RKM Property Management, Off-Site Managers, Sutton Place Condominiums, 503-522 Shore Rd, Motel License**
6. **Luke Pryjma, Manager, East Harbour Motel & Cottages, 618 Shore Rd, Motel License**
7. **Maxine Krull, On-Site Manager & RKM Property Management, Off-Site Managers, Cape Breeze Condominiums, 307-314 Shore Rd, Motel License**

Ms. Pajaron confirmed that everything was in order.

Mr. Rose moved to approve licenses 1-7.

Mr. Peters seconded.

Vote: 4-0-1, motion carries with Mr. Silva abstaining.

Pat informed the Board that she is working on a policy as far as Licensing Procedures. She also mentioned a discrepancy with licensing apartments which are not allowed in the Town's Zoning Bylaw. The Building Commissioner has reached out for advisement from the Town Manager and Town Counsel.

Mr. Rose motioned to adjourn.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

Respectfully submitted,

Arozana Davis, BOH Secretary

Chair-Tracey Rose

Vice Chair-Jason Silva

Clerk-Mark Peters

Peter Van Stratum, Alternate

Tim Rose