

Truro Board of Health Minutes
March 6, 2018
4:30 PM-Truro Town Hall

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

PUBLIC HEARINGS

1. 17 Highland Avenue - Carol Collins, Map 32, parcel 2 - variances to Truro BOH regulations for an upgrade to title 5

David Lajoie of FELCO, Inc., approached the board. He informed the Board that the property contains a 3 bedroom home on about 10,000 sq. ft., served by town water. The two abutting properties are served by private wells. He requested the following variances:

310CMR 15.211

1. 4' from leach area to property line (parcel 3)
2. 4' from leach area to property line (street)
3. 9' from leach area to cellar wall (locus)
4. 3' from leach area to well (parcel 3)
5. 2' from leach area to well (parcel 38)

310CMR 15.405 (1)(c)

6. 22% reductions in required leach area capacity

Ms. Beebe re-affirmed that the property is limited as far as options because of the lot size and that it is currently served by multiple cesspools. Mr. Lajoie stated that the cesspools are in mid-failure.

Mr. Peters moved to approve the variances as requested.

Mr. Silva seconded.

Vote: 4-0-0, motion carries.

2. 40 Cliff Road (39-19A) – Andrew Clemons; Request for approval of nitrogen aggregate & variance request from Truro BOH regulations for new construction

Jason Ellis, of J.C. Ellis Design, requested to defer the hearing until the homeowner's attorney arrived.

Mr. Peters moved to defer the hearing.

Mr. Silva seconded.

Vote: 4-0-0, motion carries.

3. 42 Corn Hill Road (45-52) – Henry Mason Morfit & John Bunker, variances to Truro BOH regulations for an upgrade to Title 5 (continued from February 6, 2018)

Jason Ellis, of J.C. Ellis design approached the Board. He told the Board that the house will be left where it currently stands, but it will be raised up onto pilings. The septic tank will be located closer to the dwelling and will contain a pump chamber to the leach field. The Conservation Commission asked Mr. Ellis to look at locating the well further into the corner of the property to gain some distance to the leaching area along with reducing the size of the leach field. Ms. Beebe conducted a walk through and determined that the existing dwelling is a one bedroom. Mr. Ellis stated that system itself is compliant with Title 5.

Mr. Peters moved to continue the hearing until there is a final plan that has been reviewed and approved by the Conservation Commission.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

4. 6 Ocean Bluff Lane (37-5) - local approving authority approval for a Tight Tank

Tim Brady of East Cape Engineering, approached the Board to request the approval for the installation of a tight tank. The property contains two seasonal cottages and two septic systems, both of which failed Title 5 inspections that were conducted for the sale of the property. It was found that both leaching systems were found within ground water. Soil evaluations were conducted but consistently produced clay, therefore there are no viable options for the installation of a Title 5 system. Mr. Brady stated that the proposed tight tank will have an alarm that sounds when it's time for the tank to be pumped and its design will be based upon 3 bedrooms.

Mr. Peters moved to approve the installation of the proposed wastewater tight tank with the following conditions: 1.) an alarm shall be on the tight tank that alerts the property owners to pump the system, 2.) a deed restriction shall be placed on the property referencing the tight tank system and that the system shall be pumped when the alarm sounds, and 3.) the septage hauler's number shall be posted on the alarm.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

5. 40 Cliff Road (39-19A) – Andrew Clemons; Request for approval of nitrogen aggregate & variance request from Truro BOH regulations for new construction (continued from above)

Jason Ellis, of J.C. Ellis Design, and Benjamin Zehnder of Latanzi & Spaulding, approached the Board. Mr. Ellis stated that Mr. Clemons owns 3 lots in total: 16, 40 & 42 Cliff Rd. He continued on to say that Title 5 allows applicants to be able to use separate pieces of land in the same subdivision for nitrogen loading calculations (nitrogen aggregate). Mr. Clemon's three lots cumulatively make 16,897 sq. ft. and 16 Cliff Rd & 42 Cliff Rd would have a nitrogen easement placed on them. The lot area of the three lots would give the applicant the ability to design a 1 bedroom Title 5 system for the property, but Mr. Ellis's proposal includes using an Advantex I/A system in order for him to design a system for 2 bedrooms. Mr. Zehnder gave the Board a DEP handout on "facility" land versus "credit" land and then discussed zoning in the Seashore. Ms. Rose reminded the representatives that the Board does not allow the use of I/A systems for new construction. Ms. Beebe stated the plans were in order and that they were sent to Town Counsel for their review of the project as far as the National Park's concerns. Mr. Silva asked if the

house was going to be used year round. Mr. Zehnder replied in the affirmative. Ernest Dickinson of 38 Cliff Rd, came to the table to speak in favor of the project.

Mr. Peters moved to continue the hearing to April 17, 2018.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

LICENSING RENEWALS

1. Pilgrim Beach Condominium Trust, 174 Shore Rd

2. Beach Point Co-Operative Recreational Housing Association, LTD, 169 Shore Rd

3. Colonial Village Condominiums, 630 Shore Rd

Ms. Beebe stated everything was in order.

Mr. Peters moved to approve items #1-3.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

AGENDA ITEMS

1. Additional Manager for Pilgrim Beach Condominium Trust: Jason C. Penney

Mr. Penney came before the Board to be added as a co-manager for Pilgrim Beach Condominiums. The existing manager is William Ross. Ms. Rose asked if he understood the management responsibilities. Mr. Penney replied in the affirmative.

Mr. Silva moved to approve Jason Penney as co-manager.

Mr. Peters seconded.

Vote: 4-0-0, motion carries.

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

Mr. Peters expressed concern with the idea of allowing the use of I/A systems for Accessory Dwelling Units (ADU). Ms. Rose brought him up to speed on the discussion, since he had been absent from prior discussion/meetings on the subject. Ms. Beebe discussed the zoning bylaw criteria for ADUs. Mr. Peters felt that he'd like to see the effects of these systems before he would agree on allowing them for ADUs. Ms. Beebe stated that I/A systems do exist already within a few properties in Town. She explained that Barnstable County thoroughly tracks all of the I/A systems and that most of the surrounding Towns allow the use of I/A. She also noted that some Towns **require** the use of I/A systems when there are variance requests (setbacks to wetlands, wells, etc.). Ms. Rose stated that I/A systems are also thoroughly tested by the county before their approval at Otis Air Force Base. Ms. Beebe felt that allowing the use of I/A systems specifically for ADUs through the variance procedure would give the Board the most control of the approval process. Chris Lucy came to the table to discuss the topic. The Board will continue to discuss the topic at the April 17, 2018 meeting.

3. Discussion on CORI checks

The Board discussed the idea of adding a CORI check to the manager process. The Town can apply for an account with ICORI as an organization. The fee for the service is \$25 per transaction. Mr. Peters felt that the Board could add the \$25 fee on to the licensing fee and make it a part of the licensing requirements. Mr. Silva agreed. Ms. Rose asked if it would be the condominiums responsibility or the Town's to conduct the CORI. Mr. Peters suggested talking to the Police Chief. Ms. Beebe explained that the Health Department requires Summer Camps to conduct the check themselves. Mr. Rose suggested contacting Town Counsel to see if the Board could legitimately make this a part of the requirement process.

4. Discussion on ban on tobacco sales

The Board gave Ms. Beebe permission to send out the letter to the four businesses that have a license to sell tobacco in Town.

Mr. Peters moved to continue the discussion to the April 17, 2018 meeting.

Mr. Silva seconded.

Vote: 4-0-0, motion carries.

REPORTS

WROC

Mr. Peters had nothing to report other than a quick discussion he had with the Chair with regards to the I/A system for ADUs.

Health Agents Report

- Discussion on the ADU took place at the last WROC meeting. They looked at well sample data from one neighborhood that reflected spikes in nitrates.

Report of the Chair

Ms. Rose had nothing to report.

REVIEW/APPROVE MINUTES

February 6, 2018

Mr. Peters moved to approve as submitted.

Mr. Rose seconded.

Vote: 4-0-0 motion carries.

Ms. Beebe informed the Board of the upcoming Rabies Clinic, being held on March 31, 2018 at 10AM-Noon.

Mr. Rose motioned to adjourn.

Mr. Silva seconded.

Vote: 4-0-0, motion carries.

Respectfully Submitted,

Arozana Davis

Chair-Tracey Rose

Vice Chair-Jason Silva

Mark Peters, Member

Clerk-Peter Van Stratum

Tim Rose, Member