

Truro Board of Health Minutes
October 16, 2018
4:30 PM-Truro Town Hall

Members Present: Chair Tracey Rose, Vice-Chair Jason Silva, Member Tim Rose, Member Mark N. Peters, 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.

I. PUBLIC COMMENTS: There were no public comments.

II. AGENDA ITEM: 1. 460 Shore Road: Variance Requests from 310 CMR 15.201, 15.240(4) and Truro Board of Health Regulations (continued from 10/2/2018)

David Lajoie of FELCO, Inc. on behalf of the Estate of Barbara Stewart approached the board. This matter was continued from the previous meeting to allow for a walk-through by the Health Department to determine the number of bedrooms. The Agent determined that the property has three bedrooms. Mr. Lajoie stated that the soil was tested, but because of the size of the hole that was excavated, it was decided that a monitoring well be installed to verify the ground water elevation. Mr. Lajoie has revised the plan and requested a continuance to the next meeting. The Agent provided a report to Mr. Lajoie. It was recommended that additional treatment to remove nitrogen be included in the design because of the size of the lot and number of bedrooms. Mr. Lajoie will revise the plan to reflect a three bedroom design. Mr. Peters expressed concern regarding the fact that the property is being used as a four bedrooms. The board then discussed the impact of the use of the property on the environment. Mr. Silva inquired about the loft area at the property. The Agent confirmed that the space does not meet the definition of a bedroom. Mr. Silva asked about the approval process for properties on Beach Point given that the new Board of Health regulations are not yet approved. Mr. Rose expressed support for an IA system, along with the three bedroom deed restriction. Mr. Lajoie clarified that the property owners wish to install a Title 5 system and are agreeable to a deed restriction. Mr. Van Stratum inquired about the loft. The Agent confirmed that the loft contained no furniture. Mr. Lajoie asked the board for a determination on whether the revised plan should include IA technology.

Mr. Peters moved to continue; Mr. Rose seconded.

Mr. Lajoie stated that he would like to ask for a continuance so he may revise the plan. Mr. Lajoie asked for the board to clarify if the revised plan should reflect IA technology.

Mr. Peters rescinded his motion.

Mr. Peters motioned for Mr. Lajoie to return with a design flow for a three bedroom system; Mr. Rose motioned that the regular flow system will work for the property.

Mr. Peters and Mr. Rose rescinded their previous motions.

Mr. Rose was in favor of a plan without an IA system; Mr. Peters was in favor of plan with both the three bedroom design and the IA system; Ms. Rose was in favor of a plan without the IA system; Mr. Silva was in favor of a plan without an IA system; Mr. Van Stratum was in favor of a plan with an IA system. The Agent stated that the board does have the authority to decide whether or not what is proposed is adequate. Mr. Lajoie stated that under the Title 5 regulations, and because the property is on town water, and because there isn't a requirement yet through the Board of Health regulations, the system [presented] complies.

The Agent asked Mr. Lajoie about a pressure dose system where the waste water will be distributed to the entire system equally. Mr. Lajoie was amendable to the suggestion.

Ms. Rose stated that she is comfortable requiring Mr. Lajoie to present a standard three bedroom design flow with the pressure dose system.

Motion by Mr. Rose to require a standard three bedroom design flow with the pressure dose system; Mr. Silva seconded; Vote: 4-1-0; Mr. Peters was in opposition, motion carries.

AGENDA ITEM: 2. Licensing Renewal for Condominium: Braemar Condominiums; 132 Shore Road

Ms. Rose inquired about the closing date in the application of December 3, 2019. The date in the application was an error; the correct date is November 30, 2018.

Motion by Mr. Peters to approve the condominium license for 2019 for the Braemar Condominiums; Mr. Rose seconded; Vote: 5-0-0, motion carries.

AGENDA ITEM: 3. Licensing Renewal for Food Service: Babes; 63 Shore Road

Claudia Boespflug of 63 Shore Road approached the board. Ms. Boespflug is requesting a 2018 license to operate Babe's Restaurant. The Agent stated that the application was received and apprised the board of the various communications with the applicant.

The Agent requested that Ms. Boespflug provide the opening date of the restaurant and revised menu. Ms. Boespflug stated that restaurant will be serving coffee and pastries. The restaurant will open on October 25th if the common victualer license is approved by the Board of Selectmen prior thereto. Mr. Peters expressed concern that the property has cesspools. Ms. Rose reminded the Ms. Boespflug that she should have her licensing paperwork in order and an upgrade of the cesspool.

Motion by Mr. Rose to approve the 2018 business license for Babe's Restaurant; seconded by Mr. Silva; Vote: 3-2-0, Mr. Peters and Mr. Silva, motion carries.

AGENDA ITEM: 4. Board of Health Regulation Amendments

The proposed regulations are under review town counsel. Once the response is received, the board looks forward to proceeding with adoption.

Health Agent Report

- Licensing is under way for 2019. Updates have been made to the fee structure; applicants will be required to connect to the E-Alert system.
- The Bard of Health regulations are being reviewed by town counsel, Kopelman & Paige.
- The WROC processes are in discussion.
- The Agent discussed with the board a plan that the Town of Eastham has to install a Permeable Reactive Barrier (PRB) at Salt Pond.

Report of the Chair

No report

Water Resources Oversight Committee (WROC) Report

Mr. Peters discussed updates to the WROC board; Mr. Peters requested the presence of a Board of Health member at the next WROC meeting as he is unable to attend.

Minutes: October 2, 2018

Motion by Mr. Peters to defer the minutes; seconded by Mr. Silva; Mr. Rose abstained.

DISCUSSION

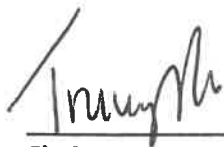
Mr. Terrence Johnson approached the board to request additional information regarding the cesspools at Babe's Restaurant.

The Agent explained the need to upgrade a cesspool to Mr. Johnson. The impact on resource areas and drinking water by cesspools is of great concern. The Agent stated that restaurants are a top priority for upgrading to Title 5 systems. The Agent confirmed that currently there is no requirement to have the cesspool upgraded as a result of the licensing renewal process. Mr. Silva encouraged the owner to open their business in its full capacity. Mr. Silva also pointed out that if Babe's wants to fully function as a restaurant, the need to upgrade to a Title 5 system will be imperative. Ms. Rose expressed to the owners that an upgrade to a Title 5 system is not a punishment. The Agent requested that the owners be proactive in upgrading to a Title 5 system, as opposed to waiting for a catastrophic event. The Agent encouraged the owners to seek assistance from the Board of Health.

Motion to adjourn the meeting by Mr. Rose; seconded by Mr. Van Stratum; all in favor, motion carries.

Respectfully Submitted,

Michelle Fogarty



Chair-Tracey Rose

Vice Chair-Jason Silva



Mark Peters, Member

Clerk-Peter Van Stratum



Tim Rose, Member

