

Truro Board of Health Minutes  
May 7, 2019  
4:30 PM-Truro Town Hall

**Members Present:** Chair Tracey Rose, Member Mark Peters, Vice-Chair Jason Silva, Clerk Peter Van Stratum, alternate member Meredith Goff  
**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**

Public Comment: David Ditacchio 412 Shore Road spoke in favor of Mylan Janoplis's application to run Days Market.

## **II. PUBLIC HEARING**

### **271 Shore Road: Mylan Janoplis; Variance request**

Mylan Janoplis discussed the ongoing design work relative to the septic system at the property. Mr. Janoplis would like approval to open the deli immediately, in conjunction with the market, while the Conservation Commission process is ongoing. Mr. Janoplis is requesting to utilize the existing grease trap interceptor under the sink solely until the grease trap is installed in the ground. Ms. Rose noted that a septic plan is needed and, due to the location on Beach Point, a variance will be required. The Board discussed the proposed timeline for the completion of work at the property as it relates to issuing a variance. Mr. Peters proposed a 30-day variance. **Motion by Mr. Peters to approve a 30-day variance to June 4, 2019; seconded by Mr. Van Stratum; Vote: 5-0-0.**

### **18 Castle Rd, "Kindred Bakery of Truro" (Fred Todd & Bianca Todini): New Residential Kitchen**

Fred Todd of 18 Castle Road requests a new residential kitchen permit. Mr. Todd confirmed that his State inspection was completed, and the license is forthcoming. The Agent inspected the kitchen and asked Mr. Todd if the State had any questions. Mr. Todd said that the state requested that he revise his operating plan. Mr. Todd will provide the revised operating plan to the Agent.

**Motion by Mr. Peters to approve the new residential kitchen application; seconded by Mr. Silva; Vote: 5-0-0.**

### **7 & 3A Marshall Ln, Miller: Variance Request to Board of Health Regulations, Section VI, Article 10 "Setbacks"; Article 8 "Regulation of Separate Site Systems"; Section VII, Article 1-(2)(a) "Pamet River Protection District"**

Jason Ellis of JC Ellis Design Co. represented the owner of the property which is for sale. The property consists of three parcels, one of which has a single-family house on it with cesspools and the other two parcels are vacant. Per Mr. Ellis, the two undeveloped parcels have been

merged per statute. The main lot containing the house has three bedrooms plus a finished attic historically used as a bedroom and accessed by a pull-down staircase. The applicant seeks to develop the undeveloped parcels. Mr. Ellis discussed the proposed dwelling and septic system which would be merged with the upgrade for the system on the main lot. Ms. Rose read a letter into record from Elizabeth Keene, an abutter at 5 Marshall Lane. In summary, Ms. Keene requested a continuance as she was unable to attend the meeting due to health issues and would like to attend a future meeting. Ms. Rose asked Mr. Ellis if he would be amenable to a continuance; Mr. Ellis replied in the affirmative. Mr. Ellis discussed the fact that the property owner has been paying taxes on the property, which is classified as a buildable lot. Mr. Silva inquired about the well shown on the plan and asked if the lots can be merged. Mr. Ellis indicated that the property, while noted in the deeds in the separate lots, are contiguous, and therefore, combined per statute. Mr. Van Stratum asked about the location of the proposed septic system; Mr. Ellis confirmed that the septic system would be located on the main lot. Further discussion occurred regarding the configuration of the lots and the proposed use thereof. **Motion by Mr. Peters to continue to May 21<sup>st</sup>; seconded by Mr. Silva; Vote: 4-0-1.** The Agent asked the Board to consider the correspondence sent by the abutters relative to the continuance date. Mr. Peters amended his motion to continue the matter to June 4, 2019. **Vote: 4-0-1.**

**417 Shore Rd, Chisholm: Variance Request to Board of Health Regulations, Section VI Article 10 "Setbacks" & Article 14 "Nitrogen Loading Limitations"**

Brad Malo of Coastal Engineering and Attorney Nathaniel Stevens of McGregor & Legere approached. Mr. Malo summarized the prior proceedings with the Zoning Board of Appeals. A Special Permit was obtained by the applicant in October of 2018. The applicant has also received approval from the Conservation Commission. Subsequent to the approvals, the applicant applied for a building permit, after which time the applicant was informed of the December 2018 regulation change to the wetland definition, and that the Beach Point area no longer includes the nitrogen loading exemption. Mr. Malo stated that the implementation of the regulation change, as it applies to the project, is unjust to the applicant, and therefore, is the criteria for the justification for the granting of the requested variances. The project involves an existing garage; there's a proposed second-story addition for a two-bedroom dwelling unit. The septic system would be for the two-bedroom dwelling with a deed restriction. The Agent provided a summary of her correspondence with Mr. Malo. Mr. Peters stated the importance of the nitrogen reduction implemented by the regulation changes. Mr. Silva inquired about the square footage of the lot. The Agent confirmed that the lot does not meet the minimum square footage requirements under the nitrogen loading requirements. Mr. Van Stratum stated his concern regarding the number of proposed bedrooms. Mr. Malo again argued his position that the applicant went through all the proper permitting and approval channels and that the applicant should not be penalized for the regulation change that occurred during the application process. The Board discussed recent proceedings for a similar property with similar circumstances involving regulation changes mid-application. **Motion by Mr. Peters to continue to June 4, 2019; seconded by Ms. Goff; Vote: 4-1-0.**

### III. AGENDA ITEMS

#### 405 Shore Rd: Proposed Floor Plan

Attorney Benjamin Zehnder approached. Attorney Zehnder provided the Board with copies of a revised septic plan showing the IA system sized for a one-bedroom house. Attorney Zehnder informed the Board that the matter went before the Conservation Commission, who requested that the applicant return with a design elevating the structure as a pile supported structure without a foundation. The Agent summarized the application process thus far relative to Zoning and Conservation. Mr. Van Stratum inquired about the removal of the second floor; Attorney Zehnder replied that it was his understanding that the removal of the second floor was not a requirement requested by the Board at the previous hearing. Mr. Peters also expressed concern about the second floor possibly being utilized as a bedroom. The Agent discussed the Title 5 definition of a bedroom as it relates to the second-floor loft. Ms. Rose stated that the applicant did revise the floor and septic plans as stipulated by the Board and felt that the loft does not meet the definition of the bedroom. Mr. Silva agreed with Ms. Rose's statement. Annie Ditacchio of 412 Shore Road approached the board. Mrs. Ditacchio expressed opposition to the applicant's proposed plan and asked the Board to consider requiring the applicant to build a one-story structure, eliminating the loft area. Mrs. Ditacchio asked about the location of the septic system. Jason Ellis of JC Ellis Design approached to confirm that the location of the leach field meets the requirements and does not require a variance. Mr. Peters stated that he was not in support of a two-story structure. Attorney Zehnder stated that the approval process is a cooperative event, and that the applicant has respected the process. Ms. Rose reiterated the responsibilities and jurisdiction of the Board, particularly in relation to the approval process. Mr. Silva stated that he is not aware of the Board ever requesting that an applicant change the exterior layout of their house. **Motion by Mr. Silva to approve the proposed floor plan as presented, dated April 23, 2019; seconded by Ms. Rose; The Agent clarified that the proposed variances also required a vote; Ms. Rose read the requested variances into the record, said variances being shown on a septic plan dated January 18, 2019, revised May 6, 2019; Vote: 3-2-0.**

Discussion: Water Resource Protection Regulations – (Draft) and continued discussion on Glyphosates;

**Motion by Mr. Peters to continue the discussion; seconded by Mr. Van Stratum; Vote: 5-0-0, motion carries.**

### IV. REPORTS

#### WROC update

Mr. Peters did not have a report to provide.

#### Health Agent's Report

The Agent and Ms. Rose appeared before the Board of Selectmen to discuss the proposed draft Water Resources Protection Regulations. The Board of Selectmen requested to schedule a workshop to discuss the regulations. The workshop will be scheduled for a future date.

**Report of the Chair**

Ms. Rose discussed the letter Mr. Peters drafted in support of the Health Agent, Emily Beebe, and the DPW Director, Jarrod Cabral.

**IV. MINUTES: April 2, 2019 and April 16, 2019**

**April 2, 2019**

**Motion by Mr. Silva to approve the minutes as presented; seconded by Mr. Peters; Vote: 5-0-0, motion carries.**

**April 16, 2019**

**Motion by Mr. Peters to approve the minutes as presented; seconded by Mr. Van Stratum; Vote: 5-0-0, motion carries.**

Discussion occurred amongst the Board members regarding Board of Health processes.

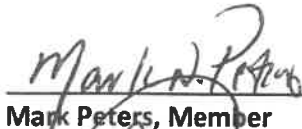
Motion by Mr. Peters to adjourn the meeting; seconded by Ms. Goff, Vote: 5-0-0, motion carries. The meeting adjourned at 6:42pm.



**Chair-Tracey Rose**



**Meredith Goff, Member**



**Mark Peters, Member**



**Vice-Chair, Jason Silva**



**Peter Van Stratum, Clerk**

**Respectfully Submitted,**

**Michelle Fogarty**

