

Truro Board of Health Minutes
June 18, 2019
4:30 PM-Truro Town Hall

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

There were no public comments.

II. PUBLIC HEARING

298 Route 6; Tradesmen's Park south; approval required for proposed I/A wastewater treatment unit per Board of Health Regulations, Section VI Article 9 (3)

Tim Brady of East Cape Engineering came to the table, representing the property owner. The proposed construction includes two contractor bay buildings with climate controlled self-storage. During discussions with the Cape Cod Commission it was determined that an IA system would need to be installed. Mr. Brady is requesting the approval as a general use permit only to provide better treatment of the effluent going into the ground. There is an adjacent public water supply well. The project has received the approval of the Planning Board. Ms. Rose stated that 15 minutes prior to the start of the meeting, a letter/report was received from Horsley Witten Group on behalf of the abutter, Carolyn DelGizzi. Due to the late receipt of the letter, Ms. Rose acknowledged receipt but declined to comment on the contents thereof.

The estimated use of the property will not exceed the public water supply threshold. The applicant has engaged the Health and Building departments from the onset of the project for review of the project development. Ms. Rose asked how the design flow was arrived at. Mr. Brady stated that the flow was calculated based on industrial use and the numbers used by the Tradesmen's Park at 352 Route 6. The Agent asked to note for the record that the letter received from Horsley Witten Group was provided to Mr. Brady, and had it been received in a timely manner, would have been provided to the Board in advance of the meeting.

Motion by Mr. Rose to accept the plans as presented; seconded by Mr. Peters; Discussion occurred on the motion: Mr. Silva discussed the neighbors' concerns regarding water quality; Mr. Dan Silva, the proposed developer approached. Mr. Silva discussed the water use readings he obtained from the existing Tradesmen's Park; **Vote: 4-0-1, motion carries.**

16 Glacier Drive; Lucy: Variance Request to TBoH Regulations, Section VI Article 9(1)

Mr. Chris Lucy represented the project. He developed the property with the intention to have a three -bedroom home and an accessory dwelling unit. The property has a three-bedroom septic

system. The addition of the accessory dwelling unit will require Mr. Lucy to upgrade the septic system. Mr. Lucy proposes to install an IA system to allow for a fourth bedroom on the property. The Agent discussed the proposed IA system; the system meets the design requirements for nitrogen credit. Ms. Rose noted that the applicant needs a special permit from the Planning Board. Mr. Lucy has a deed restriction in place; the Board discussed modifying the deed restriction.

Motion by Mr. Peters to approve the variance and to allow for modification of the deed restriction should Mr. Lucy receive approval from the Planning Board; seconded by Mr. Rose; Vote: 5-0-0, motion carries.

2 Amanada Lane; Sateriale: Variance request to TBoH regulations Section VI, article 3(1)a. *Request for waiver of time to install approved upgrade*

Motion by Mr. Rose to move the hearing to the end of the meeting; seconded by Mr. Peters; Vote: 6-0-0, motion carries.

7 & 3A Marshall Ln, Miller: Variance request to TBoH regulations Section VI, article 3(1)a. *Request for waiver of time to install approved upgrade*

Jason Ellis of J.C. Ellis Design came to the table, representing the property owner. The applicant received approval from the Board for the installation of the septic system at a previous meeting. The closing for the property is scheduled for mid-July and the anticipated completion date of the installation of the system around October 10, 2019.

Motion by Mr. Rose to approve the waiver of time; seconded by Mr. Silva; Vote: 4-0-1, motion carries.

55 Fisherman's Road; Klayman: Variance request to TBoH regulations Section VI, article 3(1)a. *Request for waiver of time to install approved upgrade*

Nick Norman of 3Harbors Realty came to the table, representing the property owner. Mr. Rose asked if the house is occupied; Mr. Norman confirmed no one is occupying the house. Mr. Peters asked Mr. Norman if anyone will occupy the residence prior to the upgrade; Mr. Norman stated he was aware that the home needs to be unoccupied. The Agent informed the Board that the septic upgrade plan was previously approved by the Board and the Conservation Commission.

Motion by Mr. Rose to approve the request with a completion date of August 21, 2019 and that the property remain unoccupied; seconded by Mr. Peters; Vote: 4-0-1, motion carries.

III. AGENDA ITEMS

Truro Transfer Station – Request for “swap shop only” permit

Discussion occurred regarding the usage of swap shop materials for re-sale purposes. Mr. Van Stratum was opposed to issuing a permit to an individual who allegedly sells items obtained from the swap shop. Discussion occurred regarding the purpose of the swap shop and its importance to those in need. Mr. Rose noted that regulations require permit holders to live in a

residence. Mr. Peters proposed to defer the matter to the next meeting, so the applicant can be present. Mr. Silva also supported the applicant appearing before the Board.

Motion by Mr. Peters to defer the request to the next meeting; seconded by Mr. Rose; Vote: 5-0-0, motion carries.

The Board engaged in further discussion regarding the lack of volunteers supporting the swap shop operations. The matter will be discussed with the DPW Director and will be placed on the next agenda.

Truro Motor Inn; 296 Route 6 - Discussion on Orders to Correct

Carolyn DelGizzi came to the table, representing the property owner. Ms. DelGizzi stated that the matters noted in the Order to Correct have been completed. An inspection of the premises has been scheduled for June 27th. The Order to Correct was issued as a result of an inspection of the premises conducted in connection with the 2018 motel license. Mr. Peters asked the Agent if the motel is currently licensed; the Agent confirmed that the motel is not currently licensed. Mr. Peters asked Mrs. DelGizzi if she is an owner of the property; Mrs. DelGizzi stated that her father-in-law is the owner of the property. Mr. Peters asked Mrs. DelGizzi if she is representing the property as an attorney; Mrs. DelGizzi stated that she is; Mr. Peters asked if she is registered with the Massachusetts Bar; Mrs. DelGizzi stated that she is not currently licensed to practice law. Mr. Peters asked Mrs. DelGizzi if she was aware of the work taking place on the property without the appropriate permits. Mrs. DelGizzi stated that no work was taking place on the septic system. Mr. Peters noted that excavation equipment was observed on the property and dirt had been moved around; he asked if the property has a functioning Title 5 system or cesspools. The Agent stated that she has no records for the system or plans. When the Agent visited the property after being alerted to the presence of excavation equipment she spoke with David DelGizzi. Mr. DelGizzi told the Agent that there was a back-up and that tree roots had infiltrated the system. The Agent, at that time, told Mr. DelGizzi that if they cut the septic line to make the repairs, they would need a permit. Mr. Peters asked if the septic system would be inspected. The Agent noted that the Board voted to require a septic inspection at the May 21st meeting. Mrs. DelGizzi stated that she is working on scheduling the inspection. The Agent confirmed that the inspection was required to occur before July 1st. Chair Tracey Rose discussed the concerns of the Board due to a lack of communication on the part of the DelGizzi's. The chair also discussed the ongoing efforts made on behalf of the Board of Health to bring the property into compliance. Mrs. DelGizzi agreed with these comments and stated her intention to work with the Town to bring the property into compliance. The Agent reviewed the requirements for completing the licensing process. Mr. Van Stratum asked Mrs. DelGizzi about the \$16,000.00 in outstanding property taxes. Mrs. DelGizzi said that she is in the process of taking over the books from her father-in-law and would pay the outstanding taxes. Mr. Peters spoke about the decline of the property, the over-populating of the rooms and the lack of payment of property taxes. Mr. Peters also noted the absence of Mrs. DelGizzi's husband, who declined to appear at the meeting, but has been present at recent Planning Board meetings to object to a neighboring project. Mrs. Rose asked Ms. DelGizzi why there is a constant disregard for the Board of Health regulations. Mrs. Rose noted that the property has

been operating for 60 years, so there should be no misunderstanding as to the Town's health and licensing requirements. Mrs. DelGizzi discussed her desire to resolve the issues and to avoid issues going forward. Mrs. Rose said that she needs to have confidence in Mrs. DelGizzi's ability to follow-through, because emails, calls and certified letter are disregarded. The Agent asked to confirm how Mrs. DelGizzi will communicate with the Health Department. The Agent stated that she needs to know that if she reaches out to Mrs. DelGizzi, or an on-site manager, she will receive a response within 24-hours. Mrs. DelGizzi confirmed that she will cooperate with that request. Mr. Van Stratum stated that he has a very hard time grasping that Mrs. DelGizzi's father-in-law will allow her to take over the operation. Mr. Van Stratum also stated that the goodwill of the Board will be extinguished should Mrs. DelGizzi not follow-through with her promises. Ms. Goff asked Mrs. DelGizzi if she has the legal responsibility to sign checks and make decisions for the company. Mrs. DelGizzi stated that she has the authority of her father-in-law to deal with the Town and to bring the property up to code. Ms. Goff asked if that authority is in writing; Mrs. DelGizzi stated that she does not have that. Ms. Goff said she would like to see something in writing. Ms. Goff then asked Mrs. DelGizzi what percentage of the rooms are rented by the night. Mrs. DelGizzi said that it varies, and they have approximately 3 rooms and the remainder are rented year-round. Mr. Silva thanked Mrs. DelGizzi for appearing, and discussed his experience as a business owner, and the enormous effort it requires to comply with regulations and to keep up with the maintenance. Mr. Silva also discussed that, regardless of personal circumstances, the business still must be run, and the owners have an obligation to the tenants and for the upkeep of the property. Mr. Silva stated that a minimal amount of effort would make a big difference in the quality of the property. Mr. Silva also discussed the amount of time spent by Town office staff, and the volume of paperwork generated by the Health Department, trying to contact the DelGizzi's. Mr. Silva also acknowledged the simplicity of the application process, and that it's baffling that the DelGizzi's continually refuse to follow-through. Ms. Rose asked if Mrs. DelGizzi's husband and father-in-law will watch the video of the meeting. Mrs. DelGizzi stated that she would ask them to view the meeting. Mr. Peters informed Ms. DelGizzi that he is also aware of the other problematic properties in town that are under their ownership. Mr. Peters asked Mrs. DelGizzi not to cloak herself in providing public housing because it is exploitive. Mrs. Rose spoke about the children of the tenants at the property and the obligation to provide them with safe housing she also noted that the proposed project at the Tradesmen's Park, which the DelGizzi's have opposed, has been a model of compliance, and that the DelGizzi family should be so cognizant as the proponents of that project.

Motion by Mr. Peters to address the change of manager application at the July 2nd meeting and it is recommended that a written letter authorizing Ms. DelGizzi to act on behalf of the property owner be provided to the Board; seconded by Mr. Rose; The vote carried unanimously. Mr. Silva reminded Ms. DelGizzi that the outstanding tax bill is minimal in comparison to the monthly revenue the owners receive; *Discussion concluded.*

II. PUBLIC HEARING

2 Amanda Lane; Sateriale: Variance request to TBoH regulations Section VI, article 3(1)a.
Request for waiver of time to install approved upgrade

Motion by Mr. Peters to extend the waiver to August 1, 2019; seconded by Mr. Rose; Vote: 5-0-0, motion carries. The Agent will speak with the property owner regarding the delays and will update the Board at the July 2nd meeting.

IV. REPORTS

Health Agent's Report

The Agent apprised the Board of the ongoing work relative to the Truro Motor Inn; the year-round condominium conversions; and the increased volume of property sales. Mr. Van Stratum asked the Agent about the plans for the septic system at the Truro Motor Inn. The Agent confirmed that there are no plans on file for the system.

Report of the Chair

The Chair did not have a report.

V. MINUTES

May 21, 2019

Motion by Mr. Peters to approve the 5/21 minutes; seconded by Mr. Rose; Vote: 5-0-0, motion carries.

Motion to adjourn by Mr. Rose; seconded by Mr. Silva; Vote: 5-0-0, motion carries.

Respectfully Submitted,

Michelle Fogarty



Chair-Tracey Rose



Meredith Goff, Member

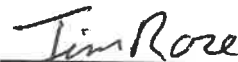


Mark Peters, Member



Peter Van Stratum, Clerk

Vice-Chair, Jason Silva



Tim Rose, Member

