

**Truro Board of Health Minutes
August 19, 2014
4:30 PM-Truro Town Hall**

Members Present: Chair-Dianne Eib, Vice Chair-Tracey Rose, Tim Rose, Alternate-Ansel Chaplin, Clerk-Jason Silva

Members Absent: Mark Peters

Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, Tim Brady, Don Bliss, Stephanie Sequin, William Breneman, Prudence Lawton

REVIEW/APPROVE MINUTES

August 5, 2014 minutes

Dianne called the meeting to order at 4:30PM. She stated that the meeting was being taped, and asked if anyone else was making a recording. Hearing no response in the affirmative, she continued by asking that all people coming up to speak need to state their name for the recording secretary.

Dianne asked Tracey to handle the review/approval of the minutes as she was not present at the August 5th meeting.

Tim Rose made a motion to accept the minutes as presented.

Ansel Chaplin seconded.

Vote: 4-0, (*Dianne Eib abstained*), motion carries.

REPORTS

Water Resources Oversight Committee

Pat stated that there were no meetings scheduled until after the season. Tracey asked how the last meeting was left. Pat said that the draft report, with comments by the Town Planner on the build-out, was the only piece that's left. It will come back to the committee again, for review.

Health Agent's Report

Pat had a couple of updates to give to the Board. At the last meeting, the Board had asked White Village Condominiums to provide a list of trustees who would be available to handle issues/emergencies. The trustees gave Pat a copy of said list with contact information.

At their last meeting there was a discussion regarding the timeframe to upgrade to Title V for 586 Shore Road. Pat has received a site and sewage plan, and that will be heard at the Board of Health's September 2nd meeting for variances. The owners are seeking bids for installation as well.

The KI distribution has started, and they are about halfway completed. Approximately 40 establishments have received their pills (7,000 to date).

Dianne asked about 25 Meetinghouse Road. Pat stated that the electrician came in today, and informed her that there is an issue with the panel. She had asked that they come to the meeting, and explain to the Board that the panel does not fit. Their timeframe had expired yesterday. Dianne asked Pat to follow up tomorrow, to see how long it will take to special order the panel. She feels that if the order is going to take months, the Board may need to take some sort of action.

**Board of Health Meeting
August 19, 2014
Page 2**

At 5:18PM William Breneman and Prudence Lawton approached the Board to give an update, per Pat's request. An electrical panel cover was ordered, however it's not big enough. They need to send it back and reorder a new cover. They are at the ten day extension which the Board of Health granted them, so they wanted to make sure that the Board is aware. Prudence is concerned that this is an old house, and wonders if she is going to be able to order a panel cover which will fit. Dianne wanted to know what would happen if Prudence is unable to obtain a correct panel cover. Prudence explained that in that case, she would have to change out the entire panel. Dianne directed Prudence to call Pat tomorrow and inform her as to whether she can get the panel cover or not. Pat, in turn, will let the Board know what is going on.

Tracey stated that due to the fact that this issue is an unanticipated agenda item, the Board should acknowledge that there was a discussion, and there should be some follow through. Tracey suggested giving William Breneman 10 days to order/install the new panel cover. Should there be a problem, Prudence can call Pat tomorrow and let Pat know if it's on order, or if there is going to be a problem. Tim added that regardless of whether it's just a cover, or a new panel, it should be all set within five days. Tracey discussed how they have had ongoing issues with this location, and she is personally more comfortable putting a timeline on the installation so that it does not fall through the cracks. Dianne agreed with Tracey's comment. Ansel wanted to know why a phone call was not made to Pat yesterday (the official end date of the extension of time). Prudence explained that she just went to install the cover today, so she was not aware that it was not going to fit. Ansel pointed out that there was an order of "no continuance" which Prudence stated she was not aware of. She also said that she was not aware of the timeframe. William explained that he was aware of the timeframe, and has been doing his best to find someone to do the necessary work. Pat let Ansel know that she had spoken with Will's brother Emerson, so she was aware of the issue with the panel cover. Jason suggested that Prudence also look on eBay if she has a problem obtaining that cover.

Tracey Rose made a motion to grant an extension of time to complete the electrical work to August 31, 2014.

Tim Rose seconded.

Vote: 3-1-1, (*Dianne Eib opposed, Ansel Chaplin abstained*) motion carries.

PUBLIC HEARINGS

- 1. Ellen Sheil, Walsh Cottages, 7 Walsh Way, Failure to Obtain a License to Operate in Accordance with Truro Board of Health Regulation, Section III, Article 3, License Required (continued from 8/5/14).**

No one was present to talk about this item.

Tim Rose made a motion to move this public hearing to the end of the agenda.

Ansel Chaplin seconded.

Vote: 5-0, motion carries.

The Board revisited public hearing number 1 at 5:15PM.

**Board of Health Meeting
August 19, 2014
Page 3**

No one was present to talk about this item. Tim felt the item should be removed from the agenda, and the applicants would have to start over. Pat noted that they had to continue the meeting due to the scheduling of the two week advertisement period. The business is not open.

Tim Rose made a motion to have Pat send a notice stating that they must appear at the next scheduled meeting (September 2, 2014), or it will be taken off of the agenda.

Ansel Chaplin seconded.

Vote: 4-0, (*Tracey Rose abstained*), motion carries.

- 2. Walsh Cottages, 7 Walsh Way, Approval of Change of Manager from Joseph Walsh to Elizabeth Walsh Carver.**

Applicant did not appear, hearing has been continued to September 2, 2014 meeting.

- 3. Maria Leitao-Pina, Bay Point Condominiums, 660 Shore Rd, Failure to Obtain a License to Operate in Accordance with Truro Board of Health Regulation, Section III, Article 3, License Required (continued from 8/5/14).**

Pat explained that at the last meeting the new manager, Judy Wimer, appeared before the Board. It was decided by the Board that she did not need to come to this meeting since she appeared at the 8/5/14 meeting. Pat recommended that the Board dismiss the show cause. The proper licensing application was submitted, and now the Board can approve the change of manager.

Tim Rose made a motion to dismiss the show cause hearing against Bay Point Condominiums, 660 Shore Road.

Tracey Rose seconded.

Vote: 5-0, motion carries.

- 4. Bay Point Condominiums, 660 Shore Rd, Approval of Change of Manager from Maria Leitao-Pina to Judy Wimer.**

Ansel Chaplin made a motion to approve the change of manager from Maria Leitao-Pina to Judy Wimer, at Bay Point Condominiums, 660 Shore Road.

Tim Rose seconded.

Vote: 4-0, (*Dianne Eib abstained*), motion carries.

5. East Cape Engineering Inc., For Jay J. Derenzo, 11 Coast Guard Terrace, Reductions Requested Under 310 CMR 15.405 (a)(b)(c)(f)(g) Contents of Local Upgrade Approval and Request for Variance to Truro Board of Health Regulation, Section VI, Article 8, Required Setbacks for System Components.

(Tracey Rose recused herself)

Tim Brady approached the Board. This is a request for approval under "local upgrade approval". The Board required that the septic system be upgraded before any real estate transfer could take place. They have made a design for this site. This is a small site, directly adjacent to the Atlantic Ocean. In preparing the septic design, it's necessary to request several setback reductions:

Title V:

- 3+ reduction (7' ± provided, 10' required) from the SAS to the property line.
- 8' ± reduction (2' ± provided, 10' required) from the SAS to the road property line.
- 2' ± to the 3' maximum soil cover allowed over proposed SAS. (5 ± ft. proposed).
- 25% reduction in the required subsurface disposal area design requirement.
- 12' ± reduction (38' ± provided, 50' required) from the SAS to the top of the coastal bank.
- 15' + reduction (85' ± provided, 100' required) from the proposed SAS to the existing locus well.

Truro BoH Regulation, Section VI, Article 8

55' ± variance (45' provided, 100' required) from the existing septic tank to the top of the coastal bank.

112' ± variance (38' provided, 150' required) from the proposed SAS to the top of the coastal bank.

These reductions keep the septic system as far away from the well as possible. It is a small lot, which is continuing to erode. There are no other wells or septic systems nearby. All other adjacent land belongs to the park. It is a three bedroom house. The interior is being remodeled. It will require Conservation Commission approval to construct the septic system. They have filed for that, but have not had the hearing yet.

Pat told the Board that it is a tight lot. She had discussions with Tim regarding the well, and whether it was located on seashore property. Tim has confirmed that it is actually in the road layout.

Dianne noted that Pat had recommended approval with no increase in design flow to the subsurface sewage disposal system due to the 25% reduction the SAS design, and no increase in square footage of the existing dwelling served by this system.

Tim Brady wanted to make a comment regarding the size of the building. He is not anticipating anything with this building, however, there are times when you can remodel a building, and not increase the sewage flow. He asked if, in the case of the restriction to no increase in square footage of the dwelling, they could instead say no increase in the size of the building, without review from the Board of Health.

Dianne stated he could always come back for a variance. Pat stated that in her recommendations it says there is no increase in square footage of the existing dwelling served by the system that results in an increased design flow.

Tim Brady stated that he had an unusual question to ask the Board. He said that the property currently has a perfectly well functioning old code Title V septic system. It was approved by the Board of Health. It failed the inspection report simply because it did not have a design plan. They are going to replace the septic system because of that reason. If the Board of Health would waive construction of that leaching system, in his mind, you would be getting just as good of a septic system as you have now, and the

system would be further from the top of the bank, than what will be with the new system. He does not think that with this new system there will be any better treatment, or environmental protection, than what is in place right now. Pat looked at their definition of “non-conforming system”, and it does fall under that definition. Tim Brady added that it is on a piece of property which is eroding, and he believes that the house only has ten or twenty years to go. It has already been moved back once. Pat said that if the Board decided to waive construction, they could require an annual inspection. Tim Rose feels that once the house is remodeled, there will be more use to the system, and that it should be replaced. Dianne agrees with Tim.

Tim Rose made a motion to approve the variances as requested with the following conditions:

- 1. No increases in design flow to the subsurface sewage disposal system due to the 25% reduction in the SAS design and;**
- 2. No increase in square footage of the existing dwelling served by the subsurface sewage disposal system that results in an increased design flow and;**
- 3. Require that the system be installed.**

Ansel Chaplin seconded.

Vote: 4-0, (*Tracey Rose recused*), motion carries.

- 6. East Cape Engineering Inc., for Horseshoe Realty Trust, 1 Bluff Terrace, Request for Variance to Truro Board of Health Regulation, Section VI, Article 8, Required Setbacks for System Components.**

Tim Brady and Don Bliss approached the Board. The Board has looked at this property in the past. There were three vacant lots where the Seascope Motor Inn used to be. #1 Bluff Terrace is the southernmost lot, where the motel was. In December 2012, Tim appeared before the Board regarding setbacks to the top of the coastal bank for the proposed leaching system. The Board, at that time, approved a reduction to the setback to the coastal bank. They now have a more definitive footprint for the house, and because of that, they have rearranged the location of the septic system. They are requesting a revision to the variance that was granted earlier to the setback to the coastal bank, to those that are now shown on the plan. They show a reserve area, and an active area. They have also made a note about including the area on the coastal bank in the calculation of the lot area for the nitrogen loading. Discussion on the coastal bank back in December 2012 was regarding that it was stable, and not eroding. Tim Brady believes that the setback proposed for the coastal bank is appropriate for the area. He would like the Board to consider the 101 foot setback to the primary leaching area, and the 125 foot setback to the reserve area. They could build the septic system in the reserve area, in order to have it set back further from the coastal bank however he likes the way they have it now. The leaching area would be set up using concrete chambers with stone around them. What those concrete chambers do is give you a big hole in which you can put water, and store water as the system operates. As it starts to fail at some point in the future, you will have a lot of storage capacity. In the long, narrow, leaching trench, that's simply made of stone with pipes on top of it. It meets the requirements, but it doesn't have the physical capacity to store water that the leaching

chambers do. From an engineering point of view, the Board would be better off using the leaching system proposed in the plan, rather than placing it in the reserve area.

Dianne asked what the difference was in the layout of the footprint of the house from when he first visited the Board. Don Bliss explained that when they first came before the Board, they were just subdividing the property into three lots. Now they have a buyer for one lot, and that lot has been sold. They are now designing a house for this buyer. It is not a bigger house, just a different configuration. The footprint is smaller, and reconfigured. Dianne noted that they added a garage, which Tim Brady confirmed. Don added that the original plan did have a garage, but that they changed it to make it feel more like its own entity.

Tim Rose made a motion to approve the new variances as requested.

Jason Silva seconded.

Vote: 4-0, (Tracey Rose abstained), motion carries.

7. Ryder & Wilcox, Inc. for Cynthia Clark Woodward, 5 Windigo Lane, Request for Title 5 Variance, 310 CMR 15.221(7), General Construction Requirements for All System Components.

Stephanie Sequin approached the Board. They are requesting local upgrade approval to allow the installation of a new septic system at 5 Windigo Lane. It is a 33,000 square foot lot with an existing five bedroom home on it. The property is for sale and it has a single cesspool, so they are replacing that with a new Title V system. They have located all the existing wells on the property, and surrounding properties. The only area left for a new leaching system is in the easterly corner of the property, which is where the existing driveway is. This house was originally built in the late 1800's-early 1900's. A portion of the building has a crawlspace. The waste pipe goes out of the full basement, and then goes under the crawlspace. It ends up in the existing cesspool. They were able to get an elevation on the existing pipe going into the cesspool. Working from that point, by gravity to the area where the new leaching system has to go, they end up with just about six feet of cover over the proposed leaching system. There will be about four and a half feet of cover over the proposed distribution box. That is why they are requesting variances to allow an excess of three feet of cover over those two components. The leaching system is being proposed partially within the existing driveway. Under Title V, if you are putting a leaching system in a driveway it has to be heavy duty, and the leaching system has to be vented to provide additional aeration. The system will be vented as required, and the components will be heavy duty H-20 rated.

Dianne noted that Pat recommended approval along with the condition that the existing garbage grinder be removed. Pat added that it's already been removed.

Tracey asked, for the record, if the property was under contract. Stephanie replied, "Yes." (*Tracey Rose recused herself*).

Ansel Chaplin made a motion to approve the variance as requested with the caveat that no garbage grinder be installed in the building.

Tim Rose seconded.

Vote: 4-0, (*Tracey Rose recused herself*) motion carries.

AGENDA ITEMS:

Discussion: Truro Board of Health Regulation Section III, Article 3, Manager Regulation

Dianne would like to postpone this agenda item, in the interest of time, to their next meeting.

Tracey Rose made a motion to continue this item to their next meeting, scheduled for September 2, 2014.

Tim Rose seconded.

Vote: 5-0, motion carries.

LICENSING RENEWAL APPROVALS

1. Elizabeth Walsh Carver, Walsh Cottages, 7 Walsh Way, Motel License.

It has been decided that Pat is going to send a letter to Elizabeth regarding appearing at the next Board of Health meeting on September 2, 2014.

Tim Rose made a motion to continue this item until the September 2, 2014 meeting.

Ansel Chaplin seconded.

Vote: 5-0, motion carries.

2. Judy Wimer, Bay Point Condominiums, 660 Shore Rd, Motel License.

Tim Rose made a motion to approve the license for Bay Point Condominiums.

Jason Silva seconded.

Vote: 5-0, motion carries.

Tim Rose made a motion to adjourn the meeting at 5:28PM.

Ansel Chaplin seconded.

Vote: 5-0, motion carries.

Chair-Dianne Eib

Vice Chair-Tracey Rose

Clerk-Jason Silva

Mark Peters

Tim Rose

Alternate-Ansel Chaplin