

Truro Board of Health Minutes
December 16, 2015
4:30 PM-Truro Town Hall

Members Present: Chair-Tracy Rose, Vice Chair-Jason Silva, Member Tim Rose, Member Ansel Chaplin & Member Mark Peters

Others Present: Agent Patricia Pajaron

Chair Tracy Rose called the meeting to order at 4:30PM. Ms. Rose stated that the meeting was being recorded and asked if anyone from the public was recording as well. No one replied in the affirmative.

REVIEW/APPROVE MINUTES

December 2, 2015

Mr. Rose moved to approve the minutes as submitted.

Mr. Chaplin seconded.

Vote: 4-0-1, motion carries with Mr. Peters abstaining.

REPORTS

Water Resources Oversight Committee

Mr. Peters directed the topic to Ms. Rose. Ms. Rose said that Weston & Sampson was present at the meeting and they discussed the tasks for Phase 2. Ms. Pajaron stated that they still have to finish up the sampling analysis before they do some public outreach. A working session will be held in January. Mr. Peters requested that Ms. Pajaron send him the data as soon as it's in.

Health Agent's Report

Cape View Motel has submitted their list of employees on the premise 24/7.

5 Old Firehouse Rd: septic has been installed & inspected.

101 Shore Rd: permit and plans have been submitted, but minor revisions needed.

Article in Cape Cod Times: Wellfleet shell fisherman conducting illegal sales. Whitman House was accused of mislabeling Striped Bass as Pollock, along with buying oysters from this shell fisherman. Ms. Pajaron has spoken with Bob Rice about this issue. Mr. Rice claimed he was unaware. Ms. Pajaron continued to explain how the labeling of shell fish works. Mr. Peters expressed support for the Whitman House.

MTBE: Ms. Pajaron was contacted by homeowner who had water tested which had high levels of MTBE. There were 321 parts per billion; EPA's advisory is 20-40 parts per billion, with 70 parts or more being a health advisory. Home is off of Aldrich Rd, but homeowner requested confidentiality. Homeowners have tested twice. Letters & information going out to property owners within 500ft of subject property suggestion they have their well tested. A fee for a sample is \$75.00. Ms. Rose suggested putting some MTBE information on the Town's website. Ms. Pajaron advised homeowners not to drink their water unless a filtration system has been installed. Existing well is over had to be drilled over 135' down, so the thought of drilling another well isn't an easy solution. MTBE could still be present as well. The

Board discussed some ideas on where they think this must be coming from. Ms. Rose mentioned that the WROC committee has been conducting voluntary testing for 6-9 years, but unfortunately it is only nitrates. Mr. Peters noted that downhill from that location, there is a Public Water Supply.

PUBLIC HEARINGS

1. **Irving Ziller, Approval of Definitive Subdivision Plan, 1 and 1A Quail Ridge Rd, Map 43, Parcels 27 & 28**

Mr. Lay approached the Board. For clarification purposes, the address should be Quail Ridge WAY. The homeowner's plan is to create a 40' way. The subdivision is only creating one lot. Parcel F is unbuildable. If he ever wishes to make that buildable, he would have to obtain rights from the homeowner's association to extend the road.

Mr. Peters motioned to approve the definitive subdivision plan.

Mr. Silva seconded.

Vote: 5-0, motion carries.

2. **Attorney Lester J. Murphy for Carol and Richard Pesiri, Approval of Existing Septic Systems for Condominium Conversion, 124 and 126 Castle Road**

Mr. Murphy approached the Board. He wanted to clarify that these are two separate properties. 124 Castle Road having 4 units and 126 Castle Road having 3 units. Each cottage contain 2 bedrooms. Both properties were determined by DEP to be under the threshold in order to not trigger a Public Water Supply Well. Ms. Rose asked for Ms. Pajaron's opinion. She stated that the septic systems are in working, installed under the 1995 code, and that she recommends approval. Ms. Rose questioned if there would be two separate condo associations; Mr. Murphy confirmed.

Mr. Peters moved to approve the existing septic systems for Condominium Conversion.

Mr. Rose seconded.

Vote: 5-0, motion carries.

3. **Claudia Goldstein, 38 Parker Drive, Plan Review and Approval of Workshop Studio Addition to Existing Garage/Studio (continued from 12/2/15)**

Ms. Goldstein approached the Board. The Board took a moment to review the plan that was submitted at the meeting. Ms. Pajaron felt that the plan met the requirements so that it was not considered a bedroom.

Mr. Peters moved to approve the plan dated December 2015, with a date stamp of December 16, 2015.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

4. **Luther Bumps, 10 Bayview Drive, Update on Compliance to the September 4, 2015 Order to Correct for violation of 105CMR State Sanitary Code Chapter II, Minimum Standards of Fitness for**

**Human Habitation, Section 410.000 & Truro Board of Health Regulation, Section XIV, Nuisances
(continued from 12/2/15)**

Mr. Bumps approached the Board. He has made progress since the last meeting but he felt that he needed a bit more time.

Mr. Peters moved to approve the extension of time, giving the Applicant until December 30th, 2015 to complete the clean-up. If Ms. Pajaron approves the site, she will report to the Board of Health at their next meeting, January 5th, 2016, and Mr. Bumps is not required to be present. If Ms. Pajaron feels it does not meet her approval, then Mr. Bumps will be required to be present at the January 5th meeting.

Mr. Chaplin seconded.

Vote: 5-0-0, motion carries.

AGENDA ITEMS

1. Nathaniel McKean & Braunwyn Jackett, Discussion on Number of Bedrooms and Rooms at 61 Shore Rd

Ms. Jackett and Mr. McKean approached the Board and explain their situation. They purchased the home 8 years ago as a 5 bedroom, with 2 kitchens and a cottage. No permits in the property file for the conversion of the property and Mr. McKean stated that the work was done prior to their ownership. The Building/Health Department wants walls to be taken down and the bedroom count to be what's allowed via septic capacity. Mr. McKean & Ms. Jackett request the ability to keep the property as is. Ms. Pajaron stated that the septic was upgraded back in 1997 by previous owner, with a total design flow of 4 bedrooms. The floor plan that was submitted with the septic permit shows 4 bedrooms. In 2009, the Building Commissioner had brought to her attention that there was a finished off studio space, which was deemed unsafe. In 2015, the new Building Commissioner, brought to her attention a structure that was built without permits, plus habitable space in garage. Walkthrough was conducted, revealing 7 bedrooms (5 bedrooms in main house, cottage = 1, basement room = 1). In order to bring the property in to compliance, bedrooms will need to be eliminated. Applicants would like to keep the studio, which would mean they would need to eliminate bedrooms in the house. Property is on Town water and is .69 acres. Ms. Pajaron stated that the property fell in to the Water Protection Corridor District. Mr. Peter felt he would like to see the property himself. Mr. Silva felt that the Board could work with the Applicants. Mr. Rose requested to continue the discussion. Mr. Silva mentioned to the Applicants to look into a barn door for the studio and some 5' cased openings in the home.

Mr. Peters motioned to move the discussion to the next meeting, January 5th, 2016, with a site visit conducted beforehand by members of the Board of Health.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

2. Discussion with the Board of Directors, Beach Point Co-Operative Recreational Housing Association on the Septic Upgrade at 169 Shore Rd & 2016 License to Operate

Jason Ellis & Bill Dunn approached the Board. Ms. Rose confirmed that they were open in 2014 but not in 2015. Mr. Ellis said he is currently designing the plan for the upgrade of the septic system. There are

two systems on the property, both with a 1000 septic tank and a 6x6 leach pit. He felt the current systems are still functioning properly. Mr. Dunn requested that they be allowed to open up for 2016, pending the septic upgrade, which they hope will occur at the end of the 2016 season. As a realtor, Ms. Rose had heard that they pushed for cash sales because of the failed system. Mr. Dunn explained that because it's a co-op and not a condo that is why they pushed for cash sales. Ms. Pajaron is happy that it's a quasi-Title V and not cesspools, so she feels they would get through the 2016 season with no problems. She suggested to inspect it 2 or 3 times through the season to make it does not need to be pumped and is functioning ok. Mr. Silva asked if all the other shareholders are aware of this upgrade; Mr. Dunn confirmed that they are. Mr. Dunn stated that they have created a new Board of Directors, so things are running better.

Mr. Peters motioned to endorse the plan of action requested which will allow the Applicant's to be licensed and open for the 2016 season, conditioned upon the following: 1.) Leach pits be built up prior to opening, 2.) The systems be checked and pumped as needed at the beginning of the season, the end of June and at the beginning of August.

Mr. Rose seconded.

Vote: 4-0-1, motion carries with Ms. Rose abstaining.

Ms. Rose requested to hear the change around the Agenda by hearing item V. License Renewals before Agenda Item #3.

Mr. Peters moved.

Mr. Chaplin seconded.

Vote: 5-0, motion carries.

LICENSING RENEWAL APPROVALS

1. Fred E. Sateriale III & Thomas Galvin, Mgrs., Bengal Tiger Inn, 2 Amanda Lane, Motel License
2. Fred E. Sateriale III & Caryn Silva, Mgrs., White Tiger Inn, 1 Amanda Lane, Motel License
3. Fred E. Sateriale III, Mgr., Prince of Whales Motel and Cottages, 104 Shore Rd., Motel License
4. Evan Evans, Mgr., Outer Reach Resort, 535 RT6, Motel License
5. Michael Roderick, South Wind Court Cottages, 121 Shore Rd., Motel License

Ms. Rose questioned the date on one of Mr. Sateriale's cottage applications; Ms. Pajaron stated it was not an issue. Ms. Rose questioned South Wind Court Cottages and how she thought they were condominiums. Ms. Pajaron stated that they have not recorded the Condo documents.

Ms. Pajaron stated that all applications were in good standing order.

Mr. Peters moved to approve licensing renewals 1-5.

Mr. Chaplin seconded.

Vote: 5-0, motion carries.

AGENDA ITEM

3. **Presentation to the Board of Health on the SMART/PAYT Program, Presenter; Tracey Rose, Chair SMART Committee**

Ms. Pajaron reported that the Selectmen did not vote yes or no at this point in time. They want more information on how the program will be instituted and would like the Board to provide an operation & implementation plan. Ms. Rose conducted her presentation. Some key points were: Communities with

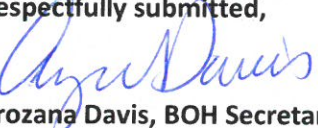
PAYT Transfer Stations generate 53% less waste per capita than non PAYT communities; 143 municipalities out of 351 (40%) have SMART/PAYT programs; 40 of the 50 highest municipal recycling rates are in PAYT communities; Wellfleet saw a 24% increase in recycling; Brewster had a 47% reduction in their solid waste, Truro could spend 111,000 in tipping fees at the current rate, if PAYT program was implemented the Town could spend up to 62,000; SEMASS tonnage rates go up 2% every year; Truro's options: keep it the same, increase sticker fee to \$130, implement PAYT; "you pay for what you use"; SMART Committee vote: 4 in favor, 3 opposed.

Mr. Peters motioned to adjourn.

Mr. Rose seconded.

Vote: 5-0, motion carries.

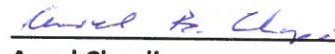
Respectfully submitted,


Arozana Davis, BOH Secretary


Chair-Tracey Rose


Vice Chair-Jason Silva

Clerk-Mark Peters


Ansel Chaplin


Tim Rose
