

Truro Board of Health Minutes
April 20, 2016
4:30 PM-Truro Town Hall

Members Present: Member Ansel Chaplin, Member Mark Peters, Vice Chair Jason Silva, Member Tim Rose (arrived late)

Absent: Chair Tracey Rose

Others Present: Agent Pat Pajaron

Vice Chair Jason Silva called the meeting to order at 4:30PM. Mr. Silva 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

April 6, 2016

Mr. Chaplin was not present at the April 6th hearing, therefore the Board lacked a quorum and the minutes were continued to the May 3, 2016 meeting. (*see vote on page 4*)

REPORTS

Water Resources Oversight Committee

Mr. Peters had nothing new to report.

Health Agent's Report

Ms. Pajaron had nothing new to report.

PUBLIC HEARINGS

Mr. Peters motioned to move items 6 & 7 on the agenda to be heard first and second.

Mr. Chaplin seconded.

Vote: 3-0-0, motion passes.

- 1. Steven Hirschboeck, Anchorage on the Bay, 596 Shore Rd, Change of Manager
(continued from 4/6/16)**

Laurie Ferrari from Peters Property Management approached the Board and reported that the items listed in the License Inspection Form in need of correcting have been completed. Ms. Pajaron confirmed.

Mr. Peters moved to approve the Change of Manager for Anchorage on the Bay.

Mr. Chaplin seconded.

Vote: 3-0-0, motion carries.

2. Robert and Joseph Fanelli, 24 Pond Rd., Request for Title 5 Variances, 310 CMR 15.212(1)(b), 15.104, 15.223(1)(a), 15.211(1), 15.255(5), 15.227(5) and Truro Board of Health Regulation Section VI, Article (1)b and Article 8 (continued from 4/6/16)

Stephanie Sequin from Ryder & Wilcox and Chris Nagle, Real Estate Agent, approached the Board and submitted revised plans. The new plans reflected a 2000 gallon tight tank that will have an alarm to alert the homeowner when it is time to pump. Variances that are still needed are as follows: 1.) 5' from northerly property line (5' variance from 15.211 (1) of Title5, and 6 from the westerly property line (4' variance from 15.211(1) of Title 5) , 2) proposed tight tank itself is 25' from water body (25' variance needed from Truro BOH Regulation, Section VI, Article 8), 2.) inlet invert of the proposed tight tank is 1.5' below estimated high ground water (2.5' variance). Mr. Silva read the Health Agent's recommendation in to the record. Ms. Sequin questioned the restriction of seasonal use AND one bedroom and posed the request of a 2 bedroom seasonal use, since there is no effect on the ground water with the tight tank. Ms. Pajaron stated that it was new construction and would need to comply with Title5. She also stated that this request would also require an Innovative Alternative system for nitrogen credits, which the Board does not allow under the current BOH regulations. Mr. Nagle questioned what qualified it as new construction. Ms. Pajaron answered that the increase of flow from a 1 bedroom to a 2 bedroom creates the new construction under Title5. The existing one bedroom determination resulted from a walk through conducted by the Health Department. Ms. Sequin wanted to point out that a tight tank can be used for year round use.

Mr. Peters made a motion to approve the tight tank with the variances as requested, with the following conditions: 1.) prior to issuance of the Disposal System Construction Permit a deed restriction shall be recorded at the Barnstable Registry of Deeds limiting the dwelling to a seasonal residential use for 6 months or less within calendar year with an approved design flow of 110 gallons per day, 2.) Any proposed changes to the plan shall be approved by the Board of Health.

Mr. Chaplin seconded.

Vote: 3-0-0, motion carries.

3. Amy Smith Costa and Molly Hayman, Cape Cod Kombucha, 316 Route 6, Approval of New Business and Food Service Permit and variance pursuant to Section 3-502.11, Specialized Processing, in accordance with the 2011 Merged Food Code (The FDA 1999 Food Code and the State Food Code – Chapter 10 of the State Sanitary Code, 105 CMR 590.000 adopted by the Mass. Dept. of Public Health on 10/13/2000 to amend 1999 Food Code)

(Mr. Rose arrived) Ms. Costa & Ms. Hayman approached the Board and Ms. Pajaron confirmed that all the paperwork was in working order and recommended approval of the Food Service Permit and variance pursuant to Section 3-502.11, Specialized Processing, in accordance with the 2011 Merged Food Code (The FDA 1999 Food Code and the State Food Code – Chapter 10 of the State Sanitary Code, 105 CMR 590.000 adopted by the Mass. Dept. of Public Health on 10/13/2000 to amend 1999 Food Code).

Mr. Peters moved to approve the Food Service Permit and variance pursuant to Section 3-502.11, Specialized Processing, in accordance with the 2011 Merged Food Code (The FDA 1999 Food Code and the State Food Code – Chapter 10 of the State Sanitary Code, 105 CMR 590.000 adopted by the Mass. Dept. of Public Health on 10/13/2000 to amend 1999 Food Code) for Cape Cod Kombucha.

Mr. Chaplin seconded.

Vote: 3-0-1, motion carries with Mr. Rose not voting.

4. Julie Grande, Box Lunch 300 Route 6, Unit 4, Approval of New Business License and Food Service Permit

Ms. Grande approached the Board. All paperwork was in working order except for a few items. Mr. Silva recommended to Ms. Grande that she has a hood inspection conducted and he also felt that the letter from the water bottle company was sufficient enough to meet the Board's water bottle contract requirement.

Mr. Peters moved to approve the New Business License and Food Service Permit for Julie Grande, Box Lunch.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

5. Jennifer Edgar, Kindred Baking Co., 1 Meetinghouse Rd., Approval of Food Service Permit for Residential Kitchen, Farmers Market Retail Food Permit Application and Use of Bottled Water, Truro Board of Health Regulation, Section X, Article 7

Ms. Edgar approached the Board. Ms. Pajaron informed the Board that a water sample is required prior to operation and once during the season and that a bottled water contract needs to be provided.

Mr. Peters moved to approve the Food Service Permit for a Residential Kitchen & Farmers Market Retail Permit for Kindred Baking Co., contingent upon a water test be conducted prior to operation and once during the operating season and a copy of a bottled water contract.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

6. Dyer Realty Trust, Nancy A. Dyer, Trustee, 8 Sam's Way, Request for Title 5 Variance 15.211, Minimum Setback Distances and Truro Board of Health Regulation Section VI, Article 10, Buildable Upland Calculations for Nitrogen Loading Limitations

Attorney Jay Murphy and David Lajoie of FELCO, Inc. on behalf of Dyer Realty Trust, approached the Board and gave some background on the property. The property contains 24,382 sq. ft. of upland area. For the purpose of Title 5 calculations for nitrogen loading, the Applicant's would like to be able to include the land down to the 30' contour of the lot which would give them just under 31,000 sq. ft. so the septic could be designed for 3 bedrooms. The cul-de-sac shown on the plan is required by the Planning Board for frontage requirements but a driveway will be what's actually developed on site. The Applicant's second request is a setback variance from the leaching area to lot line of the cul-de-sac. They propose this variance in order to make the leaching field as far from the resource area as possible. The Applicant would be able to meet the required setbacks but they felt that protecting the resource area was more important. Ms. Pajaron stated that the Truro Board of Health Regulation, Section VI, Article 2(1)c. states that Board

of Health may grant a variance from Section VI provided that the proposed leaching facility meets the minimum criteria including setbacks per 15.211 of Title 5 and that the request did not meet the criteria for approval. Mr. Silva felt that protecting the resource area was more important than enforcing a lot line setback. Ms. Pajaron informed the Board that if they were going to approve the requested variances, then the Application would need to request an additional variance to Section –VI, Article 2(C) of the Truro Board of Health Regulations. This would require a revised plan and an additional variance request filing.

Mr. Peters moved to continue the hearing to the May 3, 2016 hearing pending a new variance request and revised plans.

Mr. Rose seconded.

Vote: 4-0-0, motion passes.

7. Jim Denietolis, Stones Throw Condominiums, 6 Shore Rd, Change of Manager (continued from 4/6/16)

No one was able to make the meeting but Ms. Pajaron had an email from Theresa Moran, one of the Trustees. The email stated that some of the dryer vents have corrected but there are others that still need to be done within units that are not occupied until later in the season. The Board of Trustees stated that all corrections shall be done by May 15th. The Temporary License expired today.

Mr. Peters moved to extend the Temporary License to May 17th at which time the Board expects the property to be in compliance.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

8. Robert and Elena Rice, 5 Great Hollow Road, Unit 3, Request for Title 5 Variance 310 CMR 15.211 (continued from 4/6/16)

Jason Ellis from JC Ellis Design represented the homeowners and described the proposed project consisting of an addition to an existing dwelling. The Applicants are looking for a 6' variance from the proposed foundation to the existing pump chamber (10' required, 4' provided). Ms. Pajaron discussed reported to the Board that an abutter had called whether a 10 day notification was required. Ms. Pajaron contacted MassDEP for clarification on the abutter notification per Title 5. Mr. Ellis stated that abutter notification is only required for variances to property line or wells. The Board did not seem to think it was an issue after discussing it further with Mr. Ellis. Ms. Pajaron stated that if she received further calls from an abutter or that the 10 day abutter notification is required as determined by MassDEP, the variance is null and void and a new hearing must be conducted.

Mr. Peters moved to approve the Title 5 variance request for 5 Great Hollow Rd, Unit 3 with the following conditions: 1.) the septic system shall be inspection, 1.) an effluent tee filter shall be installed prior to or within the pump chamber, and 3.) that the final proposed floor plans for the addition shall comply with the Truro BOH Floor Plan Policy.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

REVIEW/APPROVE MINUTES

April 6, 2016

Since Mr. Rose joined the meeting, the Board had a quorum and could vote on the previously continued minutes.

Mr. Peters moved to approve the minutes as submitted.

Mr. Rose seconded.

Vote: 3-0-1, motion carries with Mr. Chaplin abstaining.

AGENDA ITEMS

1. **Discussion: Proposed Amendments to the Truro Board of Health Regulation, Section V, Transfer Station Rules and Regulations, Article 9 Fee Schedule (continued from 4/6/16)**

Mr. Peters moved to continue the discussion to the May 3, 2016 meeting.

Mr. Chaplin seconded.

Vote: 4-0-0, motion carries.

2. **Discussion: Preparation of a BOH Opinion for Annual Town Meeting Regarding the Issue of Condominiums Going from Seasonal to Year Round Use**
- 3.

Ms. Pajaron reported that there is no warrant article proposed for the April 26, 2016 Annual Town Meeting regarding Condominiums going from seasonal to year round use, therefore no discussion is needed.

Mr. Peters moved to take the discussion off the Agenda.

Mr. Chaplin seconded.

Vote: 4-0-0, motion carries.

LICENSING RENEWAL APPROVALS

1. **Thomas Alexander, On-Site Mgr., and Jim Rodricks of Dunes Realty Property Management, Off-Site Mgr., Terrace Dunes Condominiums, 179 Shore Rd., Motel License**

Mr. Peters moved to approve.

Mr. Chaplin seconded.

Vote: 4-0-0, motion carries.

2. **Thomas Alexander, On-Site Mgr., and Jim Rodricks of Dunes Realty Property Management, Off-Site Mgr., Horizons Beach Resort, 190 Shore Rd., Motel License**

Mr. Peters moved to approve.

Mr. Chaplin seconded.

Vote: 4-0-0, motion carries.

3. **Steven Hirschboeck, Anchorage on the Bay, 596 Shore Rd, Motel License**

Mr. Peters moved to approve.

Mr. Chaplin seconded.

Vote: 4-0-0, motion carries.

4. Jim Denietolis, Stones Throw Condominiums, 6 Shore Rd, Motel License
(Temporary License issued earlier on in the meeting.)

5. Karen Kirby, Mgr., Colonial Village Condominiums, 630 Shore Rd., Motel License

Mr. Peters moved to approve.

Mr. Chaplin seconded.

Vote: 4-0-0, motion carries.

6. Joaquim Bento, Mgr., White Village Nominee Realty Trust, Motel License

Mr. Peters moved to approve.

Mr. Chaplin seconded.

Vote: 4-0-0, motion carries.

7. Richard Burhoe, Mgr., Sunset Bluff Cottages, Motel License

Mr. Peters moved to approve.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

All applications are in good standing. Ms. Pajaron reminded the Board that previously in the meeting they issued a Temporary License to Item #4, Stones Throw Condominiums.

Mr. Rose motioned to adjourn.

Mr. Peters seconded.

Vote: 4-0-0, motion carries.

Respectfully submitted,

Arozana Davis, BOH Secretary

Chair-Tracey Rose

Vice Chair-Jason Silva

Clerk-Mark Peters

Ansel Chaplin

Tim Rose