

Truro Board of Health Minutes
March 7, 2017
4:30 PM-Truro Town Hall

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

Others Present: Agent Pat Pajaron

Chair Tracey Rose called the meeting to order at 4:30PM. Ms. Rose stated that the meeting was being recorded and asked that everyone speak clearly and questioned if anyone else in the audience was recording. No one replied in the affirmative.

PUBLIC COMMENTS

None.

REVIEW/APPROVE MINUTES

February 21, 2017
(minutes were not in Board members packets)

Mr. Rose moved to defer the approval of the minutes to the March 21, 2017 meeting.

Mr. Silva seconded.

Vote: 5-0-0, motion carries

REPORTS

Water Resources Oversight Committee

Mr. Peters was not present at the most recent WROC meeting so he deferred the report to Ms. Pajaron. Ms. Pajaron reported that Weston & Sampson gave a presentation to the Board of Selectmen at their February 28, 2017 meeting on the Collected Water Flow Data from Beach Point. The data shows the majority of water flow is going towards East Harbor. A copy of this report will be sent to the Cape Cod Commission and the National Seashore. Weston and Sampson want to conduct some additional sampling. Ms. Pajaron will get a copy of the summary for the Board members.

Health Agent's Report

March 25, 2017 from 2PM-4PM, Truro Beach Clean-Up. Meet at the Corn Hill Parking lot. The Town hopes to make this a quarterly event.

169 Shore Rd, Beach Point Pagodas: septic install is in progress and almost complete. Ms. Pajaron will hold their license until they receive the Certificate of Compliance for the septic system.

PUBLIC HEARINGS

- 1. Kathleen & Richard Sullivan, 2 Sandpiper Ave, Appeal of the Health Agent's Decision
(continued from 2/21/17)**

The Applicants were not present.

Mr. Peters moved to push the hearing to the last Public Hearing on the Agenda to give the Applicant's more time in case they were running late.

Mr. Van Stratum seconded.

Vote: 5-0-0, motion carries.

2. John L. Abbiuso for Jim & Teresa Eggers, 14 N. Union Field Road, Request for Approval to Use Existing Septic System for a New Dwelling

Ms. Rose recused herself.

Mr. Abbiuso approached the Board as the potential buyer. The lot is vacant but there is a 6 bedroom septic system in the ground that was installed in 1998 but designed under the 1978 Title 5 code. The lot consisting of 34, 214 square feet and under current Title 5 regulations , is restricting to 3 bedrooms. Since the dwelling was never built and therefore the sewer was never connected to the system, the construction of the system was never completed.

Mr. Peters made a motion to approve the request to use the existing septic system with an approved capacity for 3 bedrooms based on the following findings of facts:

a. the septic passed inspection

b. the system is oversized for the number of bedrooms that are allowed for this property.

with the following conditions:

1. Require that the risers be installed to bring the lid within 6' of grade on all septic components and that regrading over the leach pit so that the top of the component is no more than 36" below grade.

Mr. Rose seconded.

Vote 4-0-0, motion carries with Ms. Rose not voting.

Ms. Rose returned.

3. Alan Kerr, Snark Realty Trust, 4 Rolling Hills Road, Request for Variance to Truro Board of Health Regulation Section VI, Article 8 Required Setbacks for System Components

Alan Cabral from FELCO Engineering approached the Board. The property contains a cesspool and the Applicant's would like to upgrade to a Title 5 with a 28' variance requests under Truro Board of Health Regulation, Section VI, Article 8- Required Setbacks for System Components.

Mr. Peters made a motion to approve the variance to Truro Board of Health Regulation, Section VI, Article 8- Required Setbacks for System Components, (28' feet from leach area to isolated wetland, 122' provided, 150' required). In addition, a walkthrough of the property be conducted or a floor plan that meets the BOH Floor Plan Policy be submitted prior to the issuance of a septic permit.

Mr. Rose seconded.

Vote 5-0-0, motion carries.

4. Peter Allner, 5 Slade Hill Road, Variance Request to Truro Board of Health Regulation, Section VI, Article 3(1)a. Required Upgrade Upon Transfer of Property

Attorney Benjamin Zehnder approached the Board on behalf of the property owner Peter Allner. The septic system already has Conservation and Board of Health approval but the buyer requested a 60 day waiver, with no reasons given. The Board informed Mr. Zehnder that they usually only give 30 days. Discussion ensued on whether to grant 30 or 60 days.

Mr. Peters moved to grant the variance for 30 days from the date of closing with the condition that there be no occupancy until Certificate of Compliance is issued by the Health Agent.

Ms. Rose second.

Vote: 2-0-3, with Mr. Silva, Mr. Rose and Mr. Van Stratum abstaining.

Mr. Rose motioned to reopen the hearing for further discussion and re-vote.

Mr. Van Stratum seconded.

Vote: 3-2-0 with Ms. Rose and Mr. Peters voting not in favor.

Mr. Rose questioned where the potential buyers live and questioned whether or not the Board could issue a 30 day waiver to the **seller** and then if the buyers could not get the install done within those 30 days, then the **buyer** could get a 30 day extension.

Mr. Rose made a motion to grant the variance for Peter Allner, 5 Slade Hill Road and that the upgrade occur no later than 30 days from the closing date of April 14, 2017 with the condition no occupancy until the septic has been installed and a Certificate of Compliance is issued by the Health Agent.

Mr. Peters seconded.

Vote 5-0-0, motion carries.

- 1. (Item 1 Continued from Above) Kathleen & Richard Sullivan, 2 Sandpiper Ave, Appeal of the Health Agent's Decision (continued from 2/21/17)**

The Applicant was still not present.

Mr. Rose moved to continue the hearing to the March 21, 2017 meeting.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

Mr. Peters moved to move VII: Licensing Renewals before V: Video Presentation.

LICENSING RENEWAL APPROVALS

1. Daniel Delgizzi, Manager, Truro Motor Inn, 296 Route 6, Motel License (continued from 2/21/17)
2. Robert Cameron, Manager, Braemar Condominiums, 132 Shore Rd., Motel License
3. Alan Dinsfriend, Manager, Beach Shore LLC, 124 Shore Rd., Motel License
4. Beth Goldstein, Manager, 17 Shore Road Condominiums, 17 Shore Rd, Motel License

With regards to Item #1, the Board decided to place the license for Truro Motor Inn on hold due to lack of tax payments to the Town.

Mr. Peters moved to hold a public hearing on April 5, 2017 to consider denying the license to operate for Daniel Delgizzi, Manager, Truro Motor Inn, 296 Route 6 pursuant to MGL ch.40 section 57 and the Truro General By-Law Section 3 Licenses and Permits.

Mr. Rose seconded

Vote: 5-0-0, motion carries.

Mr. Peters moved to approve licenses 2-4.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

V. VIDEO PRESENTATION

1. Town of Eastham Landfill 1,4 Dioxane Update and Emerging Contaminants in Cape Cod Groundwater

Mr. Peters moved to continue the video presentation to the March 21, 2017 meeting.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

AGENDA ITEMS

1. Discussion on Proposed Amendments to Truro Board of Health Regulations (continued from 2/21/2017)

2. Discussion on Proposed Fertilizer Regulations (continued from 2/21/2017)

3. Discussion on Proposed Zone II Regulations (continued from 2/21/2017)

Mr. Silva motioned to continue the Agenda items to the March 21, 2017 meeting.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

Mr. Rose motioned to adjourn.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

Respectfully submitted,

Arozana Davis, BOH Secretary

Chair-Tracey Rose

Vice Chair-Jason Silva

Clerk-Mark Peters

Peter Van Stratum, Alternate

Tim Rose