

Minutes of the Truro Board of Health, Tuesday January 16, 2024

This was a hybrid meeting held in person at Truro Town Hall in the Select Board chambers and via Zoom.

Board members in attendance: In person: Chair Tracey Rose, Vice Chair Jason Silva; Board Member Helen Grimm; Remote: Board Member: Brian Koll, Absent: Member Tim Rose and Alternate Member Candida Monteith

Also Present in person: Health Agent Emily Beebe, Assistant Health Agent Courtney Warren.

The meeting was called to order at 4:34 pm by the Chair, who described the remote meeting procedures and the process for public participation.

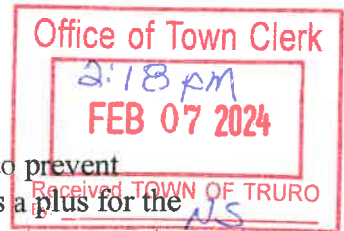
Public Comment: There was no public comment.

Proposed Change of Manager: 148 Shore Road, Big Fisherman, Joe McKay new manager. Mr. McKay is now a full-time resident at Big Fisherman and has agreed to serve as the on-site manager for the facility. Chair Tracey Rose confirmed that Mr. McKay understood the expectations of the Board of Health for a manager. **Motion:** Board member Helen Grimm moved to approve the change of manager; **Second:** Jason Silva; **Vote:** 4-0; the motion carried.

Proposed addition of Manager- Harborview Village, Peter DeAndrade. There was no representative at the meeting either in person or virtually.

Discussion on proposal for Change of Use at 2 Highland Road, Salty Market. Civil Engineer William Rogers and Salty Market owner Liam Rowland were on the call to discuss Mr. Rowland's proposal to add seats to his establishment. The proposal included combining the existing retail Deli and food sales use with the new use of 8 "tavern" seats during the day (8AM-4PM), and at 4 PM they would close the retail section and increase the number of tavern seats to 12. To accomplish this within the existing wastewater capacity at the property, they propose eliminating a bedroom.

Mr. Rowland described his interest in expanding his business by adding a hospitality element to his retail business. He said he was willing to rearrange the flow and feels this natural evolution will help his business. Chair Tracey Rose commended Mr. Rowland for his enthusiasm and asked the Agent to speak to the points in her memo. The Agent suggested that this should be a preliminary conversation, to allow Mr. Rowland and his Engineer the opportunity to review the memo. The Agent reported that the existing septic system was inspected and functioning properly. It was originally designed for a retail establishment with two bedrooms above the market. There was not much "excess" flow (the actual capacity minus the design flow), due to the small size of the lot. Mr. Rogers has prepared a floor plan to depict the retail space, and the flow associated with that area. The result is 1850 sq ft. of retail space. The approved flow is 334 gpd but the actual capacity of the leaching area is 362 gpd. After removal of one bedroom and accounting for the area of retail space and prep room for the retail space there is 160 gpd remaining for seating. Title 5 has two categories for seats: restaurant at 35 gpd per seat and lounge/tavern at 20 gpd per seat. The Agent described a DEP opinion that defined a lounge/tavern as the equivalent of a bar where alcoholic drinks and possibly light appetizers, snacks, or "bar food" are served, but not full dinner entrees. Classifying the seats as tavern seats



will provide more flexibility, but there need to be clear constraints to the use to prevent exceeding the capacity of the system. There is an existing grease trap which is a plus for the system. The Agent stated that the concept of closing retail at 4 PM to add more tavern seats in the evening does not appear consistent with Title 5. Title 5 specifies flows *per day* and does not include a provision for partial days; and the opinion of the Agent was that the proposal would allow “double dipping” as described. She agrees that the numbers work for eight seats if the Board of Health conditionally approved and agreed to certain regulatory assumptions.

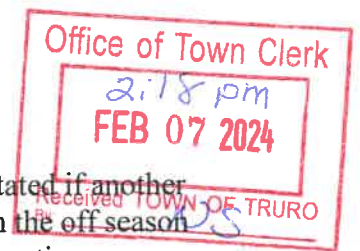
Mr. Rogers stated that they were aware that the restroom on-site would need to be open to the public.

Board member Jason Silva stated that it was nice to see a business that was interested in expanding. He also noted that even if allowed, juggling closure times would be complicated from both a business and a regulatory perspective. Board member Helen Grimm stated that it was great to see Mr. Rowland thinking out of the box and they want to support him, they just need to make sure the land can support what is being requested. Board member Brian Koll agreed with both members and stated that he would like to see a revised plan to understand how best to help the applicant achieve his goals while remaining within the regulations. Chair Tracey Rose added that the Board was happy to help, but their job was ultimately to protect the groundwater. She noted that the site is in the Pond Village watershed and that proposals have implications. Engineer William Rogers confirmed that the Board was comfortable with the concept of retail space and eight seats for the entire day and asked what else the Board needed to see.

The Board stated that they need a plan showing how a bedroom will be eliminated, a plan for making the current employee restroom into a public restroom, and a revised proposal. The Board prefers to approve everything at one meeting as opposed to a piece meal approval approach. Board member Helen Grimm acknowledged the time and money that Mr. Rowland has spent and wants to make sure he is comfortable with the eight-seat concept. Chair Tracey Rose asked about the menu. The Agent went over some proposed conditions including take out only, no table service, no full entrees, no outdoor seating (not referring to the existing picnic tables), and single use preferably compostable cutlery/glasses. Helen Grimm asked a clarifying question about the cutlery and the Agent responded that she would supply supporting information.

Neighbor Karen Ruymann from the Pond Village neighborhood spoke in support of Mr. Rowland’s efforts.

Mr. Rowland spoke of his business, saying he wants his business to be a beacon for the Town and someone that the Town can rely on as a community leader. He questioned the Board’s role in his menu and cutlery and argued that the general premise of his plan fits within the regulation. He wants to feel that the town is supportive. He asked if it was possible to have 12 seats in the off-season when the retail store is not operating. He also wanted to have a guarantee that he could put the bedroom back if he wanted to return to just a retail operation in the future. The Chair thanked him for his comments but assured him that everything we discussed today including cutlery/paper plates, bathrooms, seats, menus, etc. are completely within jurisdiction of the Board of Health. The regulations are existing and were in place when he purchased the property. She clarified that a partial use scenario where the retail store would be closed at certain times would be impossible to enforce. The Agent confirmed that a change of use can be reversed.



The fact that the two bedrooms existed is part of the record and could be reinstated if another change in use were proposed. She also noted that the idea of having 12 seats in the off season would need to be made as part of a proposal; nothing in the current proposal mentions seasonality. The Agent emphasized the need for good communication from all restaurants and that communication is a two-way street. The Board thanked the applicant for the conversation and hopes that Mr. Rowland will come back with a strong proposal.

Water Resources Report

The Agent discussed the continuing progress in the cesspool upgrade project. The stormwater management section of the report has been updated to reflect what has happened with Special Town Meeting and she emphasized that the proposed by-law would establish performance standards for the entire town. The Wellfleet Harbor watershed management plan has been approved by DEP. A link to the map that shows the impacted area of Truro is in the report. The Town of Truro will align our wastewater management project with the DEP. The report also summarized wastewater management and water resources discussions with Provincetown. A meeting with staff, engineers, and consultants will convene at the end of the month to discuss both the master plan and the watershed plan.

Minutes: December 5, 2023; **Motion:** Board member Helen Grimm moved to approve the December 5, 2023 meeting minutes.; **Second:** Jason Silva; **Vote:** 3-0-1 with Board member Brian Koll abstaining.; December 19, 2023; **Motion:** Board member Helen Grimm moved to approve the December 19, 2023 meeting minutes; **Second:** Jason Silva; **Vote:** 4-0.; January 2, 2024; **Motion:** Board member Jason Silva moved to approve the January 2, 2024 meeting minutes; **Second:** Helen Grimm; **Vote:** 4-0.

Report of the Chair:

The chair is working on a draft of goals and objectives for the year and will bring them to the next meeting. She also gave an update on the most recent Provincetown Water and Sewer Board meeting and noted that rate increases for sewer were approved by that Board.

Health Agent's Report:

The Agent reminded the Board that DPW Director Jarrod Cabral would be giving a presentation entitled "Talking Trash" about transfer station operations on Thursday January 18, 2024 at the library as part of the Climate Action Committee's informational presentations.

Board member Jason Silva brought up the storms of this past week and noted that they were particularly bad in terms of both intensity and timing (multiple storms back-to-back). He worries about long term goals and protection of infrastructure.

Board member Jason Silva moved to adjourn the meeting; Second: Board member Helen Grimm; Vote: 4-0-0, the motion carried.

The meeting was adjourned at 6:14 p.m.

Respectfully submitted by Courtney Warren 