

Truro Board of Health Minutes
February 6, 2018
4:30 PM-Truro Town Hall

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

Others Present: Health Agent Emily Beebe

Chair Tracey Rose called the meeting to order at 4:30PM. Ms. Rose requested that everyone speak clearly for the video recorder. She asked if anyone in the audience was recording. No one replied in the affirmative.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

1. Variance Request: 155 Old County Rd

Jason Ellis, of J.C. Ellis Design Co., approached the Board on behalf of the homeowner. The project consists of two proposed additions (porch/master bedroom) cited on the lot based upon topography restrictions. The variances requested are as follows: 1.) 15' variance from foundation of the proposed addition to the leaching area, and 2.) 3' variance from the foundation of the proposed addition to the existing septic tank. A 40ml polyethylene barrier will be installed around the proposed foundation. Mr. Ellis informed the Board that the Conservation Commission approved the project the previous night and that the septic passed a Title 5 inspection as well. Ms. Beebe added that the existing dwelling is a 3 bedroom and the additions would not change that number and that the poly-barrier addressed any health concerns the Board may have.

Mr. Peters moved to approve the two variances as requested.

Mr. Silva seconded.

Vote: 5-0-0, motion carries.

2. Variance Request: 42 Corn Hill Rd

Jason Ellis, of J.C. Elis Design Co., approached the Board on behalf of the homeowner. The existing cottage falls within the flood zone and the riverfront area and currently operates off a cesspool that is in groundwater. The property is for sale, so the septic will have to be upgrade. Mr. Ellis went before the Conservation Commission on the previous night and talked about moving the cottage seaward on to the higher portion of lot. The Conservation did not feel comfortable with the idea, so instead they discussed putting the cottage up on pilings in the current location. Mr. Ellis is going to re-design the plan and go back before the Commission on March 5, 2018. He also informed the Board that the first floor of the cottage contains two bedrooms in addition to a loft space for sleeping purposes, making it a 3 bedroom cottage. The proposed septic is designed for 3 bedrooms and the leach facility is to be located on the highest part of the lot, as to maintain the 5' separation from groundwater. Ms. Rose expressed her concern with future expansion. Ms. Beebe stated that there is no buildable upland on the lot, therefore no expansion can happen. She also suggested doing a walkthrough of the cottage and added that the Conservation talked about shrinking the leach field, as to lessen the amount of

disturbance on the site. Ms. Rose asked hypothetically, if the site would benefit from an I/A system. Ms. Beebe replied in the negative based upon the seasonality of the cottage. The Board argued that the cottage could be use year-round. Mr. Ellis asked to continue the hearing to the March 6, 2018 meeting.

Mr. Peters moved to continue the hearing to the March 6, 2018 meeting.

Mr. Rose seconded.

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

3. Variance Request: 449 Shore Rd (continued from 12/20/2017)

The Applicant was not present and requested a continuance to the April 3, 2018 meeting via a memo sent to the Health Department.

Mr. Peters moved to continue the hearing to the April 3, 2018 meeting.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

LICENSING RENEWALS

1. Topside Cottages Condominiums, 3 Knowles Heights/150 Shore Rd

2. Sunset Bluff Condominium Trust, 1 Knowles Heights Rd

3. Shoreline Beach Condominiums, 556 Shore Rd

4. Cape Breeze Condominiums, 307 & 314 Shore Rd

5. Sutton Place Condominiums, 503 & 522 Shore Rd

6. Stones Throw Condominiums, 6 Shore Rd

Ms. Rose had a question regarding the CO detectors at Sutton Place and the omission of Michael Locke as manager for Stones Throw Condominiums. The Sutton Place issue was resolved and Ms. Beebe left the meeting to get the licensing file for Stones Throw Condos.

Mr. Peters moved to approve items #1-5.

Mr. Van Stratum seconded.

Vote: 5-0-0, motion carries.

Ms. Beebe returned with the file and confirmed that everything was all set as far as the manager question.

Mr. Peters moved to approve item #6.

Mr. Silva seconded.

Vote: 5-0-0, motion carries.

AGENDA ITEMS

1. Discussion on Transfer Station Fees

Mr. Cabral, DPW Director, came to the table. Ms. Beebe reminded the Board of the discussion she and Mr. Cabral (DPW Director) had with local landscaping contractors regarding their concern with the newly instituted fees. Ms. Beebe stated that Rae Ann, Town Manager, decided that they should stick with the fees that the Board of Health voted on and approved. Ms. Beebe then advised the contractors to not

attend the meeting, until the Board could discuss it further. A question that one of the local contractors had was why there is a charge for them and not for residents who can bring in their yard waste at no cost. The answer was because the local contractors are a for-profit business. Mr. Cabral went over the fees for yard waste in surrounding Towns.

Mr. Peters moved to endorse and support the Town Manager's and the DPW Director's decision to stick with the \$50 fee.

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

Mr. Silva moved to take the agenda out of order and discuss item #4.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

4. 402 & 408 Shore Rd – Signing of Definitive Subdivision Plan (with notes)

Mr. Rogers of William N. Rogers, came before the Board with the subdivision plan for 402 & 408 Shore Rd reflecting additional notes required by the Planning Board. Mr. Rogers discussed some of the property history. Ms. Beebe confirmed her review of the plan and that everything was in good order.

Mr. Peters moved to approve the definitive subdivision plan for 402 and 408 Shore Rd

Mr. Rose seconded.

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

Mr. Silva moved to Agenda items 2 & 3 into the Health Agents Report and hear the DPW Director Report under Agenda Items.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

DPW Director

- Yard waste collection will re-open on Saturday, February 10, 2018.
- DEP has ordered the installation of a monitoring well next to the scale location at the Transfer Station to make sure that there is no migration of methane gas through the foundation of the scale. The installation of the well will occur on February 13, 2018 and the installation of the scale will take place on February 28, 2018.
- DEP informed Mr. Cabral that toilets are considered Construction Demolition and that the Town will have to obtain a permit before they can accept such items and also include it on the Town's waste ban permit once they start accepting them.
- Recycling Committee had its first meeting. Mr. Peters requested to receive copies of the Committees minutes.
- After analyzing the data, Mr. Cabral foresees no commercial waste fee changes.
- Solid waste tonnage has decreased. Recycling has increase.
- Trips to SEMASS have lessened which reflects in fuel costs and hopefully will keep resulting in a reduction in the budget.
- Discussion on the road to the cell tower at the Transfer Station and ways to limit the amount of usage.
- The cell tower was constructed without DEP approval.

2. Discussion on Tobacco Regulations Amendments

Ms. Beebe confirmed the legal procedure for changing any of the Board of Health regulations, **with the exception of Title 5 Regulations**. That procedure is as follows: 1.) Hold a regular public hearing (that was legally advertised), 2.) Make a vote at said meeting, and 3.) Publish the regulation changes in the newspaper.

Ms. Beebe then discussed the banning of the sale of tobacco, which the Board had discussed at their January 16 meeting. She spoke with Bob Collette from Barnstable County Health Department and he made her aware of the Town of Westminister and the tobacco ban they tried to adopt in 2014. The proposal was met with a lot of resistance and resulted in the withdrawal of the proposed regulation. Mr. Collette felt that the Town of Truro is in a good position to try a ban based upon the fact that the Town does not contain any big name stores that sell tobacco. The four locations in the Town of Truro that currently sell Tobacco are: Fullers Package Store, Salty Market, Citgo Station, and Pamet Valley Liquors. Ms. Beebe felt that the Board would need good science in order to back the ban. The Board discussed having a public forum with the four businesses that sell Tobacco in Town. The Board then asked Ms. Beebe to draft a questionnaire to the four businesses asking them their opinion of the ban and to bring it back before the Board for their review before sending it out in the mail.

3. Discussion on the Process for Changing and Adding Managers

Ms. Beebe requested more guidance from the Board on how they wanted to process Change of Manager situations. Currently, the process is as follows: 1.) Submit Change of Manager form with a \$75 fee for the public hearing and \$45 fee for the Team Inspection, 2.) Team Inspection, 3.) Two week publication in the newspaper, and 4.) Board of Health hearing. This process is not specifically stated within the Board of Health Regulations. The Board expressed the need for the process so that they can hold the managers accountable. Ms. Rose explained that the co-manager avenue came about when a lot of the condominiums wanted an off-site manager to help with some of the managerial duties. The Board agreed upon waiving the Team Inspection if there has been one done in the past three years and waiving the Public Hearing advertisement all together. The Change of Manager will be placed on the agenda as an agenda item. Mr. Peters brought up the idea of conducting CORI checks on the managers.

Health Agents Report

- Michelle Fogarty has been hired as the part time assistant in the Building, Health & Conservation office. She brings experience in deed research/title examination.

Report of the Chair

Ms. Rose deferred her report to the February 20, 2018 meeting.

REVIEW/APPROVE MINUTES

January 16, 2018

Mr. Peters moved to approve as submitted.

Mr. Rose seconded.

Vote: 5-0-0 motion carries.

Submitted by

Mr. Rose motioned to adjourn. Mr. Peters seconded. Vote: 5-0-0, motion carries. Arozana Davis

Chair-Tracey Rose

Vice Chair-Jason Silva

Mark Peters, Member

Clerk-Peter Van Stratum

Tim Rose, Member