

Truro Board of Health Minutes
March 19, 2019
4:30 PM-Truro Town Hall

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

I. PUBLIC COMMENTS:

There were no public comments.

II. PUBLIC HEARING:

405 Shore Rd- Kenneth Shapiro; (map 10, parcel 5): Variance request from Truro Board of Health Regulations, Section VI Articles 10 (system location in wetland resource area), and 14 (proposal does not meet nitrogen loading limitations)

Attorney Benjamin Zehnder approached. Based on feedback from the Board at the previous meeting, Attorney Zehnder submitted two different plans for septic systems, one with IA treatment and one without, as well as floor plans for the house reducing the bedrooms from three to two. Attorney Zehnder also responded to questions the Board had posed to the property owner: Mr. Shapiro plans to utilize the property seasonally and does not intend to sell the property, nor does he intend to rent the property. The Agent summarized the property: the lot is 8,722 square feet, which is less than the 10,000 square feet required per bedroom under the new regulations. The first option presented by the applicant is a reduction in bedrooms without any treatment, and the second option is the same but applying an IA system to two bedrooms. The nitrogen loading standards are not met, but the IA option is better in terms of nitrogen reduction. Further, the seasonal use will also be beneficial. The Agent would hope to look toward an option that allows the nitrogen loading requirement to be met. Mr. Peters asked for clarification regarding the bedrooms. The Agent confirmed that a one-bedroom system using IA might comply with the standard, but a two-bedroom system would not reduce enough nitrogen because of the size of the lot to fully comply. Attorney Zehnder stated that if the property was reduced to a one bedroom it would still be used in the same manner as a two-bedroom, and further, that the applicant did not want to go through the zoning process again. Mr. Van Stratum asked if a two-bedroom IA system was available; the Agent responded that a two-bedroom IA system would not be available due to the size of the lot. Mr. Rose inquired about the possibility of bedrooms being added in the future. Ms. Rose stated that a deed restriction could be a condition of an approval. The Agent stated that a pressure dose system with the IA technology is the best option and is superior to a standard Title 5 system; also, to be factored in is the seasonal use, which could act as nutrient reduction. Mr. Silva expressed support for a pressure dosed system. Abutters Annie Ditacchio and David Ditacchio of 412 Shore Road approached. Mrs. Ditacchio expressed concern about the size of the lot and stated

her opposition of the applicant's proposal. Mr. Silva stated that the property has been through the Zoning Board of Appeals and that it is not the purview of the Board of Health to determine if the property constitutes a buildable lot. Mr. Silva discussed the time and money the applicant has dedicated to the proposed house and felt their intentions relative to the use thereof seemed forthcoming. The Agent suggested the Board might consider a finding that the applicant was in the application process prior to the change of regulations and had submitted a Conservation filing prior to the change; the filing was subsequently withdrawn to effectuate the zoning process. In response to the concerns of the Board that a precedent was being set, Ms. Rose summarized the unusual nature of the application process and the regulation change mid-application that makes this application unique. Attorney Zehnder requested that the Board take a vote on the matter. Mr. Silva was concerned about requiring the home to be reduced to a one-bedroom as the same amount of people would be using the property but with a much smaller system and less treatment.

Motion by Mr. Rose to approve and accept the IA with pressure dose system, with a deed restriction of one bedroom, and for the applicant to return with a revised floor plan; seconded by Mr. Peters. Discussion occurred on the motion. Mr. Van Stratum asked if the square footage of the house would be reduced; Ms. Rose clarified that the size of the house was not within the purview of the Board of Health. Vote: 3-1-1, motion carries.

II. AGENDA ITEMS

AGENDA ITEM: 1. Discussion on Pesticide/Fertilizer Use – Policy

Mr. Peters thought it would be beneficial to have a restriction on record in the event any use is proposed in the future. Ms. Rose agreed that it would be a good idea to have a restriction in place. The proposed restrictions would involve municipal properties. The Agent provided the Board with a copy of the Town of Eastham's policy as a potential guide for implementing restrictions. A future discussion will occur involving the DPW Director and the Town Administrator. Ms. Rose suggested the Board of Health provide information to the public to encourage the use of appropriate products on private property. The Board will continue discussions at the next meeting.

AGENDA ITEM: 2. Discussion on Water Resource Protection Draft Regulations

The Agent provided the Board with revised regulations. The revisions reflect the discussions of the Board at the previous meeting. The Agent has provided a copy of the draft to the Water Resources Oversight Committee (WROC) for their review and input. Discussion occurred regarding the regulations and will be continued at the next meeting.

AGENDA ITEM: 3. Following MVP Discussion

The Agent apprised the Board about the MVP (Municipal Vulnerability Preparedness) workshop. All four towns on the Outer Cape have completed their workshops. The Agent attended the full-day session that was facilitated by the Cape Cod Commission. The workshop focused on hazard mitigation plans relative to weather and climate related events.

Approximately 40 people attended the workshop on behalf of the towns of Truro and Wellfleet, as well as representatives from the National Park. The Agent and attendees discussed their mutual vulnerabilities and strategized actions for how to implement and address the issues. MVP action grants will be issued by the state for the next phase.

IV. REPORTS

Health Agent Report

- The Agent provided the Board with an updated list of licenses issued.

Mr. Van Stratum inquired about the Truro Motor Inn. The Agent will provide an update at the next meeting. Mr. Van Stratum also inquired about the White Sands Beach Club. The Agent stated that a team inspection is required prior to issuance of a license for the White Sands Beach Club.

Report of the Chair

- Ms. Rose informed the Board that the property at 3 Stoney Hill Road, which was previously before the Board of Health, is now for sale.

V. MINUTES: February 27, 2019

Motion by Mr. Peters to approve as presented; seconded by Mr. Rose; Vote: 3-0-1, motion carries.

Motion by Mr. Rose to adjourn; seconded by Mr. Silva. The meeting was adjourned at 6:15pm.

Respectfully Submitted,

Michelle Fogarty

Tracey Rose

Chair-Tracey Rose

Mark Peters

Mark Peters, Member

Tim Rose

Tim Rose, Member

Jason Silva
Michael Goff

Vice Chair-Jason Silva

Clerk-Peter Van Stratum

