

Truro Board of Health Minutes
February 5, 2019
4:30 PM-Truro Town Hall

Members Present: Chair Tracey Rose, Vice-Chair Jason Silva, Member Tim Rose, Member Mark Peters, 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

14 D Truro Center Road, "Avenue D": Proposed new Food Service permit

Attorney Lester J. Murphy, Jr. and John Schneibel of Coastal Engineering approached. Ave Rosenthal, the property owner, was present in the audience. The applicant seeks to install a seventeen-seat wine bar in the former location of Mac's Seafood. The property is served by the public water supply well; it also is served by an IA septic system, both of which are monitored. Attorney Murphy discussed the proposed Title 5 flow. The flow for the entire property would be below the maximum threshold for the well. Attorney Murphy provided the Board with the readings for the water flow. Ms. Rosenthal intends to install water-saving devices in all the plumbing fixtures. Attorney Murphy referenced the proposed menu provided to the Board of wine, beer and small food items such as cheese and meat. Mr. Schneibel provided an overview of the property, which has a deli, the post office and a one-bedroom apartment. Mr. Schneibel calculated the seating capacity for the proposed wine bar based on the GPD flow of the other businesses on the premises. The septic system was updated in 2002; the components were relocated outside of the Zone 1. Mr. Schneibel provided the Board with the septic inspection report from 2016, along with water test results. A floor plan was also provided to the Board. Mr. Van Stratum inquired about the liquor license; Attorney Murphy noted that the food service license must be issued prior to a hearing by the Selectmen. The seating on the deck is still in question and shall be determined by the liquor license authority. The Agent discussed the process involved in exploring the true capacity for any business on the premises relative to the public water supply and the micro fast septic system. The Agent informed the Board that the property is in good standing with the DEP water supply. The Agent reviewed the menu and Ms. Rosenthal's food service certifications with the Board. Ms. Rose inquired about the other units at the property; Attorney Murphy indicated the units are currently rented.

Motion by Mr. Peters to approve the food service permit as presented; seconded by Mr. Rose; Vote: 5-0-0, motion carries.

III. AGENDA ITEMS

AGENDA ITEM: 1. 9 Highland Ave. (continued) Variance Request from 310 CRM 15.223 Septic Tanks (1)(b).

Attorney Robin Reid of Provincetown and Clinton Kershaw, the property owner, approached. Attorney Reid confirmed for the Board that the deed restriction was recorded with the Barnstable Registry of Deeds and a copy was provided to The Attorney informed the Board that Mr. Kershaw has applied for the ADU permit with the Planning Board. Attorney Reid spoke about the bedroom count. The Agent determined that a third bedroom existed at the property; Attorney Reid stated that Mr. Kershaw will modify the room to create a large opening and eliminate any usage as a bedroom. Ms. Rose stated that the septic system was designed for a two-bedroom property; Mr. Kershaw asserted it was a 3 bedroom design; the Agent confirmed the design criteria is a two-bedroom system on a two-bedroom lot. Attorney Reid argued that the existing system is sufficient for two bedrooms but is lacking a second tank or a baffle. The Agent discussed the Title 5 designation of flow and design criteria for properties that are not solely used as single-family residences. The regulations clearly state that the system needs to have either two tanks in series or a two-compartment tank. The Agent noted that for any property that has a second dwelling unit the 2- tank requirement applies. Mr. Peters requested to defer action on the application until the Title 5 requirements are acted upon and to deny the variance. Mr. Van Stratum requested an engineered drawing. The Agent indicated that an engineered plan would not be necessary at this stage; but instead the addition of a second tank. Mr. Peters expressed concern regarding how the buildings will be made legal and stated that the matter should be postponed until the Board receives an ADU protocol or input from the Town Administrator or Town Counsel. Attorney Reid requested a continuation until further input is received.

Motion by Mr. Peters to continue the matter until March 5, 2019; seconded by Mr. Rose;

Vote: 5-0-0, motion carries.

AGENDA ITEM: 2. 7 Yacht Club Rd: (continued) Variance Request from 310 CMR 15.211 Minimum Setback Distances and Truro Board of Health Regulations, Section VI, Articles 2 (Variances) and 8 (Required Setbacks)

David Lajoie of FELCO, Inc. and Mark Wisotsky of the Pamet Harbor Yacht Club approached. The proposed septic system is a 1500 gallon two-compartment tank with a pump chamber that send the wastewater to an elevated leach field adjacent to the tennis court. Approval was obtained from the Conservation Commission for the installation of the system. Mr. Lajoie discussed alternative treatment. Mr. Lajoie spoke with George Heufelder from the Barnstable County Health Department, who indicated that the alternative treatment (discussed at the prior meeting) is still in the pilot phase. Mr. Lajoie stated that alternative treatment would not be suitable for a solution in this instance. The Agent discussed the system design as it relates to the water usage figures and the siting of the system. The Agent then presented correspondence from an abutter who expressed concerns regarding water use, design flow and the wetland delineation. In response to the abutters concerns, the Board discussed the benefit of the elimination of the two cesspools at the property and how prior thereto the cesspools shall be pumped and filled. Mr. Van Stratum stated that he would like to see an IA system installed after the tanks. Ms. Rose added that the inconsistent/seasonal use of the property would prevent an

IA system from working effectively. Mr. Van Stratum asked Mr. Lajoie if, other than an IA system, any alternative treatment exists. Mr. Lajoie discussed a gravity fed vs pressure dosed system and other possibilities. Mr. Tim Brady, of East Cape Engineering, spoke from the audience and offered the opinion that the adjacent marsh would assist in additional treatment. **Motion by Mr. Peters to approve the variance request as presented; seconded by Mr. Rose; Vote: 5-0-0, motion carries.**

AGENDA ITEM: 3. 449 Shore Rd: (Continued) Request for variances for new construction

A continuance was requested to March 5, 2019.

Motion by Mr. Peters to approve the continuance; seconded by Mr. Silva; Vote: 5-0-0, motion carries.

AGENDA ITEM: 4. 402 Shore Rd: Request for public water service connection

Mr. Kevin Shea, the property owner, approached. The water connection has been approved by the Conservation Commission.

Motion by Mr. Peters to approve the public water service connection; seconded by Mr. Rose; Vote: 5-0-0, motion carries.

AGENDA ITEM: 5. 587 Shore Rd: Request for extension of septic system installation date, pursuant to waiver.

Tim Brady of East Cape Engineering approached. Three new buildings will be built on the property; one septic system will serve all three buildings. Mr. Brady requested a continuance. The Agent discussed the expiration of the variances. If the work does not commence within six months, the variances will expire and will be re-visited.

Motion by Mr. Peters to approve the request for a six-month extension for the installation of the septic system with the condition that there shall be no occupancy; seconded by Mr. Rose; Vote: 5-0-0, motion carries.

AGENDA ITEM: 6. Discussion: Water Resources Protection District Regulations- DRAFT

The Agent requested that the discussion be continued.

Motion by Mr. Peters to continue; seconded by Mr. Rose; Vote: 5-0-0, motion carries.

IV. REPORTS:

Health Agent's Report

- The Agent directed the Board to the list provided of licenses issued
- The DPW director's report will be presented at the February 19th meeting
- The Agent will address the Select Board about the MVP (Municipal Vulnerability Preparedness) process. MVP is a planning process that involves looking at extreme weather events, climate related hazards and looking at how our local communities manage these events. A workshop will be held on March 12th at the Wellfleet Preservation Hall.

It was requested by the Board that a team inspection be conducted at White Sands prior to their operation this year.

Report of the Chair

- Ms. Rose acknowledged a File of Life Mr. Van Stratum brought in. Anyone unfamiliar with the program can inquire with the police department. Mr. Van Stratum added that the file should be attached to the refrigerator in your home.
- Ms. Rose requested that the Agent confirm quarterly testing for the Box Lunch.

Re-organization of Board Officers

Motion by Mr. Peters to nominate Ms. Rose as Chair, Mr. Silva as Vice-Chair and Peter Van Stratum as Clerk; seconded by Mr. Rose; Ms. Rose, Mr. Silva and Mr. Van Stratum accepted their positions; Vote: 5-0-0, motion carries.

V. MINUTES: December 18, 2018 and January 8, 2019

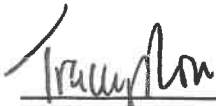
Motion by Mr. Van Stratum to approve the December 18, 2018 minutes as presented; seconded by Mr. Peters; Vote: 5-0-0, motion carries.

Motion by Mr. Van Stratum to approve the January 8, 2019 minutes as presented; seconded by Mr. Peters; Vote: 5-0-0, motion carries.

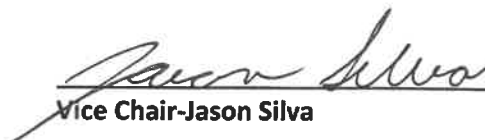
Discussion: Mr. Van Stratum inquired about the materials provided by The Agent regarding the Truro Motor Inn and requested the matter be placed on a future agenda. The Agent previously conducted an inspection at the property and discussed the ongoing issues with the Board. The Agent has not had any further communication from the property owners following the issuance of a correction notice. Mr. Peters requested that the property owners be required to appear before the Board. Further discussion occurred regarding zoning and licensing issues.

Motion by Mr. Rose to adjourn the meeting; seconded by Mr. Silva; Vote: 5-0-0, motion carries.

Respectfully Submitted,
Michelle Fogarty



Chair-Tracey Rose



Vice Chair-Jason Silva



Mark Peters, Member



Tim Rose, Member



Clerk-Peter Van Stratum

