

Truro Board of Health Minutes
February 27, 2019
4:30 PM-Truro Town Hall

Members Present: Chair Tracey 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.

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 on behalf of Kenneth Shapiro. Attorney Zehnder stated that he and his client were unaware that the installation of the septic system required a Board of Health variance. Zoning relief was obtained in the form of a Special Permit for the construction project. Ms. Rose asked why the applicant assumed that a variance wasn't required. Attorney Zehnder answered that as a result of a meeting with the Agent in Jan 2018, he was under the impression that a variance wasn't required. Attorney Zehnder reviewed the variance requirements and opined that the system meets Title 5 requirements. Ms. Rose asked when the current owner purchased the property; Attorney Zehnder stated that the owner purchased the property in 2011. Attorney Zehnder reviewed the timeline of the applicant's process relative to going to the Zoning Board and Conservation Commission; the Board of Health passed a nutrient management regulation that altered the requirements for the applicant. The Agent stated that applicant filed for Conservation Commission approval in December 2017 but withdrew the application in March 2018 to pursue Zoning approval. The Agent suggested that if the board would consider granting the variance, mitigation could be proposed to address concerns relative to nutrient management. Attorney Zehnder provided the Board with a copy of an email sent to Mr. Shapiro on February 10, 2018, which was sent after his meeting with the Agent, reflecting Attorney Zehnder's understanding of what occurred during the January 2018 meeting with the Agent. Attorney Zehnder also provided the Board with copies of the Conservation Commission meeting minutes from March 5, 2018, wherein Commissioner McCutcheon encouraged the applicant to re-approach the Commission after the zoning matters had been resolved. Mr. Peters inquired about the buildability of the lot. Attorney Zehnder stated that at the Conservation Commission meeting, the question of buildability was posed as a zoning question. The Conservation Commission did not want to proceed until buildability was determined. The applicant applied to the Zoning Enforcement Officer, who determined that it was a buildable lot because it had already been developed, but that it required a Special Permit from the Zoning Board of Appeals to convert the garage

building to a residential building. Mr. Peters asked if the garage was going to remain; Attorney Zehnder stated that the garage will be removed. Mr. Silva suggested an IA system due to the small lot size. Mr. Silva stated he would also like to hear from the abutters. David & Annie Ditacchio of 412 Shore Road approached. Mrs. Ditacchio expressed concern over the square footage of the lot and preserving the view of East Harbor; Mrs. Ditacchio stated that she is in opposition to the building. The Agent suggested, in a broad way, that perhaps a finding by the Board could be reviewed by town counsel. Attorney Zehnder re-approached. Attorney Zehnder stated that the applicant would coordinate with the engineer to address mitigation options. **Motion by Mr. Peters to continue to March 19, 2019; the Agent added that the mitigation should include the lot size and bringing the system as close as possible to the nitrogen loading requirements, including a possible reduction in the bedroom count; seconded by Mr. Silva; Vote: 3-0-0, motion carries.**

II. AGENDA ITEMS

AGENDA ITEM: 1. 1 Maria Rose Path David Drinkwater;(map 50, parcel 292): Request for disposal works construction permit extension; unvarianced system.

The Board discussed a letter provided by the applicant requesting extension. The extension would eliminate the need for the applicant to pay another permit fee. Ms. Rose noted that the expiration of the permit is not the concern of the Board. Chris Lucy of 16 Glacier Drive approached and spoke on behalf of the property owner, Mr. Drinkwater. Mr. Lucy informed the board that Mr. Drinkwater had plans for a home designed, but prior to commencing work the building code changed. Further, the house By-Law changed, and the home did not meet the new requirements, therefore, Mr. Drinkwater had to revise his plans again. Mr. Drinkwater is requesting a one-year extension.

Mr. Peters pointed out that the septic plan may need to be changed based on the re-design of the home. The agent stated that the impact of the permit extension was the permit fee.

Motion by Mr. Peters to decline the requested extension; seconded by Mr. Silva; Vote: 3-0-0, motion carries.

Ms. Rose requested to move 14 Truro Center Road, Unit D to Agenda Item 2.

AGENDA ITEM: 4. Discussion: 14 Truro Center Road-change proposed location from Unit D to Unit C

Ave Rosenthal of 34 Sandpiper Road approached. Ms. Rosenthal requested to change the unit designation in her initial application for "Avenue D" a new wine bar, from Unit D to Unit C. Ms. Rosenthal originally planned to construct a deck at Unit D, but after discussions with the Agent, decided to utilize Unit C, which has an existing deck. The Agent stated that she requested that the applicant and her engineer revise all previously submitted documents to reflect the change from Unit D to Unit C.

Motion by Mr. Peters to accept and acknowledge the change from Unit D to Unit C as presented; seconded by Mr. Silva; Vote: 3-0-0, motion carries.

AGENDA ITEM: 2. Discussion: POCCA presentation about reducing use of chemicals/glyphosate
Laura Kelley, President of POCCA (Protect Our Cape Cod Aquifer) approached. Ms. Kelley made a presentation on glyphosate and discussed the use thereof on Town owned land. Ms. Kelley wants the Board to support policy restricting the use of glyphosate on Town property. Ms. Kelley provided the Board with the opportunity to comment on legislation and requested to return after the Board has read the information she provided.

IV. REPORTS

DPW Directors report
See attached

Health Agent Report

- The Board of Health is processing licenses for 2019

Report of the Chair

- The Board has three applications for the Board of Health alternate position. All three applicants are on the Board of Selectmen's agenda for March 12th. One applicant is Clinton Kershaw. Mr. Kershaw recently appeared before the BOH regarding his property. The second applicant is Meredith Goff. Ms. Goff is a Truro resident and a retired physician's assistant. The third applicant is Heidi Merlini, and she is a Truro resident.

The Agent provided the Board with a draft of the Water Resources Protection District regulations. The Agent reviewed examples of regulations in place for several other towns prior to preparing the draft. The draft regulations include potential restrictions on activities and uses of land, mitigating factors for conditions and a variance process. The Board will continue discussions on this matter.

Motion by Mr. Peters to adjourn; seconded by Mr. Silva. The meeting adjourned at 6:10pm.

Respectfully Submitted, _Michelle Fogarty



Chair-Tracey Rose



Vice Chair-Jason Silva

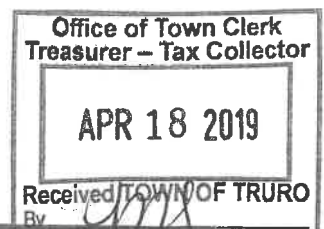


Mark Peters, Member

Clerk-Peter Van Stratum



Tim Rose, Member





TOWN OF TRURO

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Memorandum

To: Rae Ann Palmer, Town Manager
Emily Beebe, Health & Conservation Agent
Members of the Truro Board of Health
From: Jarrod J. Cabral, Department of Public Works Director
Date: February 19, 2019
Subject: Transfer Station Update

The Swap Shop replacement project is scheduled to be complete no later than May 1, 2019. An as built plan indicating the location of the Landfill liner and location of the new Swap Shop has been submitted to DEP. DEP has indicated that they need no further information regarding documentation for Issuing the Post Closure Certification for the Landfill.

- All quarterly required DEP gas monitoring reports for the Landfill dating back to 2016 have been submitted to DEP.
- Our updated Waste Ban Compliance Plan is still under review. We will have presumptive approval from DEP if we do not hear back from them within thirty days.
- The DEP required Third Party Inspection has been completed for the Landfill area and for the Transfer Station. A total of three discrepancies were noted between the two inspections and corrective actions have been completed.
 - A) For the Landfill - Locks were installed on all the gas monitoring vents.
 - B) For the Transfer Station - Accumulation charts have been posted with the universal waste collection area, and the waste oil area.
- The Recycling Committee has been actively working on an informational flyer, the flyer will address all operation aspects of the Transfer Station. With the Swap Shop scheduled to open May 1, 2019 the Committee has been committed to finding volunteer staff for the three eight hour shifts on Saturday Sunday Monday.

This fall the Town was awarded a grant from DEP for free recycling of box springs and mattresses. The grant will provide funding for recycling of both items, as well as funding for an enclosed water tight container. It is important to note that not all mattresses, and box springs will be accepted. Both items will be evaluated by the vender upon delivery/acceptance. We have partnered with Provincetown, Wellfleet, Eastham, and Chatham to form a regional collection point for mattresses and box springs. After the grant contracts have been signed the five participating Towns will be dropping off in Eastham. The DEP approved vender will travel to the Eastham Transfer Station to evaluate and collect the mattresses.

Office of Town Clerk
Treasurer – Tax Collector

APR 18 2019

Received TOWN OF TRURO
By