

Truro Board of Health Minutes
May 15, 2018
4:30 PM-Truro Town Hall

Members Present: Chair Tracey Rose, Member Mark Peters, Member Tim Rose, Clerk Peter Van Stratum

Absent: Vice-Chair Jason Silva.

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.

AGENDA ITEMS

1. 40 Cliff Rd – Variance Request (cont'd from 2/6/18)

Benjamin Zehnder of Lantazi & Spaulding, and Jason Ellis of J.C. Ellis Design, approached the Board. Health Agent Beebe stated that the Applicants were back before the Board with a nitrogen aggregate plan which encompasses the installation of septic system on small lot. The septic design is based upon the small lot itself, along with two other lots within same subdivision (aggregate of the 3 lots = 16,897 sq. ft.). The Applicants were also requesting an approval for the installation of an Innovative/Alternative septic system (I/A). Mr. Zehnder further elaborated on the nitrogen aggregate process, stating that the two additional lots would stay as open space in perpetuity with development restrictions placed upon them. Mr. Peters asked why they haven't been before the Planning Board; Mr. Zehnder stated that it was not required because they were not physically combining the lots. The 16,897 sq. ft. allows the installation of a 1 bedroom septic system, but the Applicant's requested the provisional use of an I/A system in order to have 2 bedrooms on the property. Ms. Rose reminded her fellow Board members that the Board does not allow the use of I/A systems for new construction (remedial use only).

Mr. Silva moved to approve the nitrogen aggregate plan.

Mr. Peters seconded.

Vote: 4-0-0, motion carries.

Mr. Rose felt it could only benefit the site to have the extra treatment that the I/A would provide. Ms. Rose made the argument that it shouldn't be a regulation if the Board isn't going to enforce it. Mr. Peters stated for the record that he would be open to approving a second bedroom in the future once the I/A system has been installed and operating for 1-2 years and that the operating reports from that time period reflect positive results.

Mr. Peters moved to approve a one bedroom dwelling served by an innovative/alternative (I/A) system (Advantex AX20 1 POD MODE 3B).

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

Additional note: The Board stated for the record that they would be open to approving a second bedroom once the I/A system has been installed and operating for 1-2 years and that they operating reports from that time period reflect positive results.

2. 42 Corn Hill – variance request (cont'd from 2/6/18)

Jason Ellis, J.C. Ellis Design, approached the Board. He stated that the Conservation issues had been resolved (5/7/18 mtg) and a walk through had been done, determining that the existing dwelling was a 1 bedroom. He designed the leach area into gravel-less chamber system, to result in minimal ground disturbance. The 5' separation to ground water will be met and the dwelling will stay in its existing location, but it will be moved on to a pile foundation. The well will also be relocated as far away from the leach field as possible. The variances requested were to the Truro Board of Health Regulations: Article 8

1. Proposed SAS to be constructed in a wetland (Coastal Dune)
2. Proposed septic tank to be installed in a wetland (Coastal Dune)
3. Proposed pump chamber to be installed in a wetland (Coastal Dune)

Health Agent Beebe felt comfortable with the plan.

Mr. Van Stratum approved the variances as requested.

Mr. Peters seconded.

Vote: 3-0-1, motion carries with Ms. Rose abstaining.

3. 131 South Pamet Rd – variance request

Mr. Hyland, property owner, came before the Board to request a variance (waiver of time) to allow the upgrade of the septic system to occur after the transfer of the property. The Applicant had been before the Board in 2016 for the initial septic design which included variances. Health Agent Beebe stated that the 2016 variances approvals were still valid since a disposal works installer permit had not been filed. She mentioned that once a permit has been submitted, it starts the clock. Mr. Peters asked if there was a financial hardship. Mr. Hyland replied in the affirmative and explained that the system that was designed had a higher cost than he originally thought. He went on to explain that the new buyers were requesting 42 days from the transfer of property to get the septic in the ground.

Mr. Peters moved to give the Applicant until September 1, 2018 to install the septic system with the condition that there shall be no occupancy until the installation is completed and inspected.

Mr. Rose seconded.

Vote: 3-0-1, motion carries with Ms. Rose abstaining.

4. Change of Manager, 17 Shore Rd, Shore Rd Condominiums

Rich Mills of RKM Property Management came before the Board. Health Agent Beebe said the paperwork was in order.

Mr. Peters move to approve the Change of Manager for Shore Rd Condominiums, 17 Shore Rd.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

5. Change of Manager & License Renewal, 121 Shore Rd, South Wind Court Condominiums

Charlene Priolo approached the Board as the new manager. A TEAM Inspection was done and resulted in corrections. The Health Agent stated that there were still corrections needed but that Fred Sateriale had been on top of it. Besides the plumbing leak and lack of corresponding permits, the items listed on the inspection report were minor. Fred Sateriale and Michael Roderick came to the table; both were listed as the prior managers. Mr. Sateriale stated that he and Mr. Roderick still owned 5 of the units, so they would still be helping Charlene with some of the management duties. A discussion ensued on ethics and Mr. Van Stratum took over to Chair the meeting. Mr. Van Stratum asked the parties if they were clear on their responsibilities. Both parties replied in the affirmative. A discussion ensued on management duties.

Mr. Rose moved to approve the Change of Manager.

Mr. Peters seconded.

Vote: 3-0-1, with Ms. Rose abstaining.

Mr. Rose moved to approve the license renewal upon completion of the correction notice with the condition that only the managers can occupy their unit while the corrections take place. Once all items have been corrected, the license can be renewed and all units can be occupied.

Mr. Peters seconded.

Vote: 3-0-1, with Ms. Rose abstaining.

Ms. Rose returned as Chair.

LICENSING RENEWALS

1. White Sands Beach Club; 706 Shore Rd

2. Little Skipper Condominiums; 642 Shore Road

1. White Sands Beach Club had requested a license renewal. Last year they only operated with 33 of their 47 units since the fire damaged building had not been re-constructed. Ms. Rose wanted to know how many units they wanted to operate this year.

Mr. Van Stratum moved to approve the license pending a walkthrough conducted by the Health Agent to inspect the property for any public health issues and to get a confirmed count on units that will be in operation and pending a complete application.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

2. Little Skipper Condominiums: The Health Agent had no concerns with the application.

Mr. Peters moved to approve the renewal for Little Skipper Condominiums.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

The Board discussed an inspection program for licensed establishments.

AGENDA ITEMS

1. Discussion on Amendment to local Title 5 regulations, re: I/A variance to local regulations for ADU

The Health Agent and the Board discussed some potential pros and cons of I/A systems. Mr. Peters stated his need for data on the systems. The Board discussed whether or not they wanted to just allow them for ADUs or if they wanted to create a regulation allowing I/A systems on a case by case basis town wide. Mr. Van Stratum felt approvals could be based upon hardships. The functionality of I/A systems was conversed.

2. Discussion on Amendment to Tobacco regulations –marijuana licensing

The Health Agent stated two (2) new CMRs have been instated; one for medical and one for adult use. Currently the State oversees the licensing procedure with regards to marijuana. The Mass Association of Health Boards has put out information as guidance for potential local regulations. The Town is currently discussing a host agreement with an organization called the High Dune Cooperative. The Health Agent stated that marijuana needs to be regulated locally to protect the public. The group continued to discuss the issue and placed it on their next agenda (June 5, 2018).

REPORTS

Health Agents Report

- Days Condos order to correct is still open. All plumbing and gas permits have been received and inspected. The heat issue is almost complete.
- Health Fair on May 17, 2018 from 11-2.
- East Harbour has not submitted licensing paperwork and they will have full occupancy for Memorial Day weekend. The attorney for the property requested a special meeting so they could obtain a license before the weekend. The Health Agent suggested the idea of a tiered fee system to help eliminate these types of situations. Mr. Rose thought that they should be assessed a fine. Mr. Peters was open to a special meeting because East Harbour has a good operating history with the Town.
 - **The Board moved to hold a special meeting on May 22, 2018 at 4:00PM to hear the matter, Vote: 4-0-0.**

Report of the Chair

- Ms. Rose asked the Health Agent to place the Town policies (ethics/behavior) on the June 5, 2018 agenda.
- Mr. Peters requested the procedure for setting the agenda be placed on the June 5, 2018 agenda as well.

REVIEW/APPROVE MINUTES

May 1, 2018

Mr. Peters moved to approve as submitted.

Mr. Rose seconded.

Vote: 4-0-0, motion carries.

Mr. Rose moved to adjourn.

Mr. Peters seconded.

Vote: 4-0-0, motion carries.

Respectfully Submitted, Arozana Davis

Chair-Tracey Rose

Vice Chair-Jason Silva

Mark Peters, Member

Clerk-Peter Van Stratum

Tim Rose, Member