

Truro Board of Health Minutes  
August 20, 2019  
4:30 PM-Truro Town Hall

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

**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**

**55 Fishermans Road, Emily Kethler (42/132); request to extend waiver to section 6, article 4.1.a.**

Attorney Ben Zehnder came to the table on behalf of the applicant. The previous owner of the property had a new septic system designed, but the leach field is located up the hill near the railroad. The applicant recently purchased the property and would like to re-design the system so the affluent doesn't have to be pumped so far up the hill. The applicant has engaged David Lajoie of FELCO, Inc.; Mr. Lajoie is unable to assist the applicant immediately. An extension for the installation of the septic system is currently in place through August 21<sup>st</sup>. The applicant lives out-of-state and is also requesting to occupy the house once per month for no more than three days in a row. Discussion occurred regarding the current septic system, which is a failed system. Mr. Rose suggested the inspection and pumping of the system to allow for the owner to temporarily occupy the property. The Agent asked that the applicant to notify the Agent by email when she will be occupying the property. Attorney Zehnder suggested having Ken Rose check the septic tank and pump the system prior to the applicant taking temporary occupancy. **Motion by Mr. Peters to approve the request to extend the time frame for installation of the new septic system to November 30, 2019; and to allow for the owner to live in the property for three consecutive days once per month with the condition that the applicant notify the Agent via email prior to occupying the property and that the system is pumped; seconded by Mr. Van Stratum; Vote: 4-0-0, motion carries.**

**587 Shore Road, John and Karen Perrachio (5/2); request to extend waiver to section 6, article 4.1.a**

Tim Brady of East Cape Engineering came to the table representing the applicant. One dwelling exists on the property and three cottages will be constructed; all buildings will tie into one septic system. A building permit has been issued for the construction of the cottages; the pilings for the three buildings have been installed. A septic permit was also issued, but the

variances expired on July 30, 2019. The applicant seeks to extend the previously granted variances. Mr. Brady requested a six-month extension.

**Motion by Mr. Peters to grant an extension to February 20, 2020; seconded by Mr. Rose;**

**Vote: 4-0-0, motion carries.**

**33 South Pamet Road, Sharon Ormsby (51/43); Variance to title 5**

Beth Kittila of the Horsely Witten Group came to the table on behalf of the applicant and Indian Health Services. Indian Health Services is a federally funded agency that provides assistance to tribal members for sanitation. The property has a four-bedroom house on 1.65 acres, which has an existing cesspool. The cesspool will be replaced with a septic system. The well is located in the basement of the home. A walk-through of the property was completed by staff; the well does not need to be removed or relocated until such time as it fails. Ms. Rose asked Ms. Kittila about the assistance provided by Indian Health Services. Ms. Kittila explained that the program assists tribal members with sanitation upgrades.

**Motion by Mr. Peters to approve the variance request as presented; seconded by Mr. Rose;**

**Vote: 4-0-0, motion carries.**

**III. AGENDA ITEMS**

**Change of Manager: 566 Shore Road; Ocean Breeze Condominiums**

Russ Heamer of RKM came to the table to represent the application. John Redihan, the new owner of RKM Property Management also approached to introduce himself to the Board. Mr. Peters asked Mr. Heamer if there is an on-site manager. Mr. Heamer responded that there is no on-site manager. Mr. Heamer receives all emergency calls. Mr. Peters expressed concern that Mr. Heamer is located in Brewster and the lack of an on-site manager. Mr. Heamer responded that some of the units are occupied by the owners, who are also trustees, and live on-site. Mr. Heamer has technicians that live closer to Truro who are able to quickly respond to any emergencies. The Agent added that she has frequent, positive communication with the condo association. The Agent suggested obtaining the information of an on-site trustee to have on file.

**Motion by Mr. Rose to approve the change of manager with the condition that the names of two on-site trustees are added to the application; seconded by Mr. Van Stratum; Vote: 3-0-1, motion carries.**

**Change of Manager: 618 Shore Road; East Harbor Condominiums**

Russ Heamer of RKM Property Management and the proposed manager, Rick Smith came to the table representing the application. Mr. Smith worked in property management for 12 years. Ms. Rose asked Mr. Smith if he was familiar with the concerns of public health and safety that are important to the Board; Mr. Smith replied in the affirmative.

**Motion by Mr. Peters to approve the change of manager; seconded by Mr. Rose; Vote: 4-0-0, motion carries.**

**296 Route 6, Truro Motor Inn: Update**

The Agent reported that she has not received any recent updates from Mrs. DelGizzi in response to emails, and she has been trying to arrange for an on-site meeting with Mrs.

DelGizzi and the engineer. There has been no update as to the septic plan, the perc test has not been scheduled. Mr. Van Stratum asked about arranging a meeting between all parties involved. Ms. Rose understood and agreed with Mr. Van Stratum's point but stressed that a timeline has already been set for adhering to the Board's requirements. The Board discussed the communication gap between the Agent, the property owner and the engineer. Mr. Rose suggested a show-cause hearing. Mr. Peters spoke about the continued lack of response by the DelGizzi's; he stated that to not take proactive action is not productive. Mr. Peters also expressed concern about the residents of the Truro Motor Inn. Mr. Van Stratum added that he finds it offensive that the engineer, Jason Ellis, hasn't taken the Board's request for communication seriously and it sets a bad precedent. The Agent acknowledged that Mr. Ellis works for the DelGizzi's, and ultimately, he is beholden to his client; however, the Agent expects to receive communication from the DelGizzi's as they are the applicants/property and business owners.

**Motion by Ms. Rose that the Truro Motor Inn be placed on the agenda for the September 3, 2019 meeting, requiring Mrs. DelGizzi to appear to provide an update on the process for the Title 5 installation and if possible, to bring the engineer to help alleviate the Board's concerns regarding the timeline; seconded by Mr. Rose; Vote: 4-0-0, motion carries.**

**Water Resource Protection Regulations: proposed amendments (Continued from August 6 meeting)**

The Board agreed to move this matter to the next agenda.

#### **IV. REPORTS**

**Health Agent's Report**

The Agent requested the input from the Board about local regulations relative to the Waiver of Time variance. Local regulations require that property owners record variances with the Barnstable Registry of Deeds. A Waiver of Time for upgrading a system is a local variance; historically, Title 5 variances, and not local conditions, are recorded with the Registry of Deeds. The Agent suggested that local conditions/variances not be recorded with the Registry of Deeds, or that each case be presented to the Board for their input. Discussion occurred regarding the upgrade requirements upon sale of property.

The Agent informed the Board that the Phase II Wastewater Management study has been received.

**Report of the Chair**

Ms. Rose asked the Board if anyone has signed up to be on the Walsh property committee; Mr. Peters responded that he has applied. Ms. Rose also noted that the Walsh property is located near the well field and the Board of Health should stay updated as to the discussions about the use of the property.

Ms. Rose asked the Agent to place an update regarding the mosquito tests on the Town website.

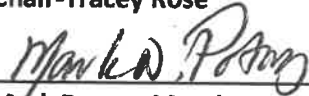
Motion by Mr. Rose to adjourn the meeting; seconded by Mr. Van Stratum; Vote; 4-0-0, motion carries.

Respectfully Submitted,

Michelle Fogarty



Chair-Tracey Rose



Mark Peters, Member

Vice-Chair, Jason Silva



Tim Rose, Member

Peter Van Stratum, Clerk

