

Truro Board of Health Minutes  
December 3, 2019  
4:30 PM-Truro Town Hall

**Members Present:** Chair Tracey Rose, Vice-Chair Jason Silva, Member Mark Peters, Member Tim Rose, Alternate Member Meredith Goff  
**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**

Mr. Eric Parker of 2 Waterview Heights Road approached the podium regarding the public hearing for 22 Highland Road. Ms. Rose informed Mr. Parker that he would be able to speak again once the agenda item is called.

## **II. PUBLIC HEARING**

**154 Shore Road, Title V Variance request; KELKIM Realty Trust (21/9); Variance requested to 310 CMR 15.211 and Truro Board of Health Regulations, Section 1, Article 2**

David Lajoie of FELCO, Inc. came to the table representing the application. The property is located in the Knowles Heights Zone 2 area. Mr. Lajoie inquired about the pressure dosing treatment and the variance request. The Agent clarified that Mr. Lajoie submitted a plan reflecting pressure distribution as the Board requested. Mr. Lajoie asked if there is a Board of Health regulation requiring special treatment in the zone of contribution to the town well. Mr. Lajoie thought the previous design change request by the Board was due to a requirement; Mr. Lajoie felt it was difficult to explain to the applicant why the additional treatment was required. The Agent responded that it is the Board's discretion, in a Zone 2 under local upgrade approval. Ms. Rose asked the Agent about the abutter notification that came into question at the previous meeting. The Agent confirmed that the abutters needed to be re-notified due to the variance request; Mr. Lajoie submitted proof of the notification. Mr. Lajoie reviewed the proposed plans and the requested variances with the Board. The Agent suggested that an annual inspection of the pressure distribution be included under the operation and maintenance plan.

**Motion by Mr. Peters to approve the variance request with the condition that an annual inspection of the pressure distribution be included under the operation and maintenance plan; seconded by Mr. Silva; Vote: 4-0-0, motion carries.**

**22 Highland Road -Review for Comment: Community Housing Resource Inc. (36/238); Application for a Comprehensive permit filed under MGL chapter 40 B, sections 20-23 for the "Cloverleaf Truro Rental Housing" development, 22 Highland Road. This application will be reviewed by the ZBA at their public hearing on December 5, 2019**

Eric Parker of 2 Waterview Heights Road approached the table to comment on the matter. Mr. Parker read from a prepared statement, which expressed his concern regarding the November 21<sup>st</sup> Zoning Board of Appeals meeting and discussed his disappointment in the lack of

consideration of environmental impact in the Cloverleaf Development proposal by the developer. Mr. Parker would like the developer and the Town to consider our fragile ecosystem and the future ability for the existing residents to have access to clean water. Mr. Parker expressed further concern that the land is currently a blank slate and the developer could have presented a plan that complied with the town's By-Laws and Regulations but did not. Mr. Parker provided a copy of his statement to the Board.

Peter Herridge of Whitmanville approached the table to comment on the matter. Mr. Herridge is a member of the Planning Board but was speaking as a citizen. Mr. Herridge consulted Kevin Kuechler, former Chairman of the Water Resource Oversight Board regarding the Cloverleaf proposal. Mr. Kuechler was unable to attend the meeting but submitted a letter to Mr. Herridge to be read. Mr. Herridge expressed his concern as a physician and lawyer that the town may have serious liability relative to the Cloverleaf Development. Mr. Herridge provided a copy of Mr. Kuechler's letter to the Board.

Debbie Best-Parker of 2 Waterview Heights Road approached the table comment on the matter. Ms. Best-Parker was very concerned about the proposed project and supported minimizing the number of proposed units at the development.

Steve Sollog of 13 Fisherman's Road approached the table to comment on the matter. Mr. Sollog commented that the plan has not been presented to the Planning Board, and the Planning Board has not been involved in any way regarding the development. *[Mr. Sollog is the Chair of the Planning Board.]* Mr. Sollog voiced his concerns regarding the groundwater flow, the use of Title 5 septic systems for a large density development and the lack of a town definition for apartment buildings. Mr. Sollog was also concerned about the push to approve a plan that may be detrimental.

John Slater of 13 Tryworks Road approached the table to comment on the matter. Mr. Slater was concerned about the density and use of the property. Mr. Slater presented a map to the Board reflecting the wellhead protection areas, which he obtained from the Cape Cod Commission website. Mr. Slater was concerned about the water from the development leaching into the protected areas.

Jack Reamer of 7 Fisher Road approached the table to comment on the matter. Mr. Reamer is a member of the Planning Board but was speaking as a citizen. Mr. Reamer made a statement about the nitrate sampling from the Water Resources Oversight Committee dated June 1, 2010, and said the study indicated that the Pond Village area contains the highest amounts of nitrates within the town average. Mr. Reamer said the engineer representing the project at the Zoning Board of Appeals meeting stated that the flow of water is toward the bay, which will directly flow toward Pond Village. Mr. Reamer reviewed the Board of Health's criteria for granting a variance and also discussed the role of the Board of Health in protecting public health and the environment. Mr. Reamer opposed allowing a waiver to the Board's regulations. Mr. Reamer encouraged the Board to emphasize their regulations to the Zoning Board of Appeals.

Paul Kiernan of 10 Benson Road approached the table to comment on the matter. Mr. Kiernan is a member of the Planning Board but was speaking as a citizen. Mr. Kiernan thanked the

Board for their efforts in keeping the town safe. Mr. Kiernan discussed the Cloverleaf proposal, which would not include additional water treatment due to the cost. Mr. Kiernan would like to know what the additional cost is, and if affordable housing is important to the town, the town should come up with the money to be proactive in avoiding potential issues, instead of treating them retroactively.

Ms. Rose commented that the Board is in a listening phase at the moment regarding the Cloverleaf project. The Board shares the same goal and concerns regarding town water and the need for affordable housing. Ms. Rose wanted the residents in the Pond Village area to not be alarmed hearing the information regarding the Water Resources Oversight Committee report. The state regulation for nitrates is 10 parts per million. Ms. Rose acknowledged that the data collected reflects elevated nitrates; the Board has been discussing water quality in the Pond Village area and it is a top concern for the Board.

Mr. Sollog re-approached the table to provide an additional comment. Mr. Sollog wanted to address the suggestion of nitrogen aggregation to acknowledge and account for the fact that the Cloverleaf property is not entirely vacant as roadways and runoff exist.

Mr. Silva thanked everyone for their comments. Mr. Silva was disappointed that no one involved in preparing the plan, the design phase or the financial planning was present. Mr. Silva then discussed the calculations of the acreage and use of the land; in his opinion, the plan is not close to acceptable and much more information is needed.

Mr. Peters discussed the drainage issues on Route 6 and the runoff into the Pond Village area.

The Agent reviewed the approval process for the project with the Board. The Agent reminded the Board that because the project falls under M.G.L. c. 40(B), the local Board of Health regulations are eligible to be waived by the Zoning Board of Appeals. The project does not require approval by the Board of Health, but the Board will provide comments. The Agent discussed preparing a letter on behalf of the Board to submit to the Zoning Board of Appeals. The Agent spoke about the development process and the proposed Title 5 plans. The Agent reviewed material to be submitted to the Zoning Board of Appeals for comment. *[Mr. Tim Rose joined the meeting at 5:35pm]* Ms. Rose requested information about the Sally's Way development, which is similar in nature to the Cloverleaf development. The Agent noted for the record that prior to this meeting, the engineer, Mr. John O'Reilly, did ask if he should attend the meeting and the Agent told him it was not necessary at this time.

Mr. Herridge re-approached the table to provide an additional comment. Stating his familiarity with M.G.L. c. 40(b), he affirmed that the Town can insist on significant changes; the only thing the Town can't do is make it too expensive. He further stated that the court will allow the process to be stopped because of safety issues.

The Agent read a letter into the record, dated December 3<sup>rd</sup>, from Truro resident Naomi Robbins.

### **III. AGENDA ITEMS**

#### **Truro Motor Inn (296 Route 6): update on compliance with order to correct**

The Agent reported on a meeting held with Carolyn DelGizzi to review draft floor plans. Based upon that review, the plans are not yet ready to present to the Board. Mrs. DelGizzi might have plans ready for the December 17<sup>th</sup> meeting. Mr. Peters asked if any debris has been cleaned up at the property. The Agent replied that outstanding compliance items were discussed with Mrs. DelGizzi during their meeting, including to clean up. The Agent confirmed that the building permit applications have not been properly filed.

#### **Water Resource Protection Regulations: proposed amendments (Continued)**

The Board reviewed and discussed the proposed amendments to the regulations.

### **IV. REPORTS**

#### **Health Agent's Report:**

- The Health Department is processing licenses for 2020.
- The Agent has received plans for the consolidation of rooms at White Sands. The Board was previously in receipt of plans but had not approved or endorsed them at that time. The Agent will add the matter to the next agenda and will request the presence of the applicant.

#### **Report of the Chair**

- Ms. Rose asked if the Agent was in receipt of a letter from Mr. Joseph Days regarding the removal of his name from the Days Market license. The Agent will check and follow-up with the Board.
- Ms. Rose noted that in 2020 the Board will need to reorganize the officers.

### **V. MINUTES**

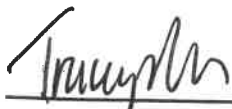
October 3, 2019

**Motion by Mr. Peters to defer the minutes to the December 17<sup>th</sup> meeting; seconded by Mr. Rose; Vote: 5-0-0, motion carries.**

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

**Respectfully Submitted,**

**Michelle Fogarty**



Chair-Tracey Rose



Meredith Goff, Alternate Member



Mark Peters, Member



Tim Rose, Member



Vice-Chair Jason Silva

