

## **Minutes of the Truro Board of Health, Tuesday July 20, 2021**

This was a remote meeting. Board members in attendance: Chair Tracey Rose; Vice Chair, Jason Silva, Board members Brian Koll, Tim Rose and alternate Candida Monteith. Also Present: Health and Conservation Agent Emily Beebe; The meeting was called order at 4:37 by the Chair, Tracey Rose. The Chair announced the remote meeting procedures and described the process for public participation.

**Public Comment:** there was no public comment.

### **AGENDA ITEMS**

Non-Compliance with BOH Regulation: Article 6.4(3): 6 Heather Lane. This property is under agreement, and the septic inspection that was completed for the real estate transfer did not pass, but “required further evaluation”. That evaluation determined that the system failed for con-compliance with local regulations section 6, article 4.3 as the facility capacity did not match the approved design flow. The owner was served with an “order to correct” by the Health Department and was now in front of the Board upon request to resolve the matter. **FACTS OF RECORD ARE AS FOLLOWS:**

- The property is 32,485 square feet in area. Title 5 capacity is 3 BR
  - Building permit for a main dwelling and garage issued and built in 1998.
  - The garage permit described garage construction as a second phase, and it was subsequently built in 1999 under benefit of a permit for a garage at grade with “unfinished storage” above. No permit to alter the space was requested after the initial building permit was applied for or issued.
  - A permit for a roof deck was issued in 2003.
  - In 2012 a building permit was issued to repair water damage in the basement. The Health Agent (Pat Pajaron) noted that the finished basement in the dwelling was not created under a permit, and that development was being used as a bedroom and exceeded the 3 bedroom design of the septic system. The building permit for repairs was finally approved with a revised plan from Mr. Webb to use the finished basement as a TV room not a bedroom.
  - In 2021 the inspector of the septic system noted a bedroom in the finished space above the garage (finished without permits) .
  - The garage plumbing was not tied into the septic tank, but into the riser.
- The Health Department review of the 3D walkthrough of the house (provided by the realtor) showed an additional 2 bedrooms in the finished basement, created by the use of floor-to-ceiling storage units that clearly created the privacy for bedrooms, as beds were in each of the spaces created. The final determination by the Health Department that the owner was appealing, was a count of 6 bedrooms in 2 buildings on this 3 Bedroom property served by a 3 bedroom septic system.
- The property owners argument was that the basement remodeling was done by permit, and that the garage was already built-out when they purchased the property 18 years previously. He argued that furniture (storage units) in the basement does not provide complete privacy because there were no doors, and there is some space between the top of the storage units and the ceiling.

Board member Tim Rose suggested that the owner could be required to “un-finish the basement” , and that the apartment over the garage could be accommodated as a 4<sup>th</sup> bedroom by adding I/A to the system. The Agent responded that the finished basement area was approved, just not as a bedroom, and to “un-finish” the space would move contrary to that previous approval. It was suggested by the owner that this could be addressed with a deed restriction.

Tim Rose suggested that the Health Department should make an inspection of the facility to evaluate its use. Alternate Board member Candida Monteith pointed out that the property was in non-compliance and the garage living space had not been approved, she suggested that removing the plumbing from the garage would be appropriate, she also felt it was not right that the owner had 6 bedrooms with out paying taxes on them. The Chair expressed concern that the work had been doen without permits, raising the question -what if there had been a fire? To the owner. Vice- Chair Jason Silva acknowledged the difficulty of a house for sale advertised as a 3 Bedroom, but has 6 bedrooms-but he could not support destroying a finished structure (re: garage apartment). Instead he suggested that the water source could be removed, and the plumbing from the apartment

abandoned, then require an inspection in 2 years to verify that the apartment is still not plumbed. The basement has been and might continue to be used as a bedroom, but a deed restriction would put new owners on notice that it was not allowed and that the garage apartment was not habitable space.

**Motion** by Jason Silva - to issue a deed restriction stating that the basement is not being permitted as a bedroom and shall not be used as one, and that the property is a 3-bedroom property. In addition, the plumbing in the garage shall be disconnected and the building sewer to the septic tank shall be removed. All of this work shall be done by benefit of a permit and inspection.

**Second:** Brian Koll; Discussion on the motion included questions from the owner.

**Amendment to motion :** Within two years after verification that the plumbing and septic have been abandoned, the Health Agent will conduct an inspection to verify that this work has not been re-established and if it has been, that it was done by benefit of a permit. This amendment was offered by the mover, and accepted by Board Member Brian Koll who offered the second. **Vote: 4-0-1** in favor, with Chair Tracey Rose abstaining; the motion carried.

7 Whale Watch Drive - Nitrogen Credit Request for an ADU: Eric Martin submitted this request to the Board of Health to address creation of the ADU at his approved 4 -bedroom property served by a title 5 system with an I/A (advantex AX 20) treatment unit already in place. The use of nitrogen credit for the addition of a BR to create an ADU is allowed by the Board of Health with their approval, and is subject to a deed restriction.

**Motion:** Tim Rose moved to approve the nitrogen credit request for an Accessory Dwelling Unit.

**Second:** Helen Grimm Vote: 5-0, motion carries.

#### Discussion- Masking Order for Public buildings

At the time the agenda for this meeting was developed, the thought was that the Board might consider pulling back the masking requirement for public buildings, however in the intervening days it became apparent that a significant increase in COVID-19 transmission had occurred in Provincetown following the Fourth of July festivities. The Agent stated that no action was recommended at this time, and that the order should stay in place.

Board member Brian Koll cautioned that the situation with COVID will be like a roller coaster for a while, and that we are learning what the best ways will be to mitigate transmission. He asked the public to be patient as we won't have answers for all the questions about COVID for quite a while, and that the most significant risks right now are for those who are not vaccinated or fully vaccinated, as the vaccine provides significant protection against severe illness and death.

Water Resources Discussion- The Chair briefly announced the action taken by the Select Board to assign the tasks of the former water resources oversight committee to the Board of Health. There will be a report on water resource issues during regular Board of Health meetings, and in the future, information on water resource issues and projects will be a part of the Board of Health and Health department web pages.

The Minutes of April 6, 2021 were discussed briefly.

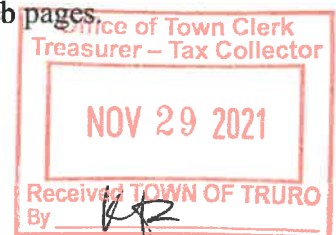
**Motion:** by Tracey Rose- to approve the minutes of April 6 as amended.

**Second :** Brian Koll; Vote was 4-0 in favor, the motion carried

#### Health Agent's Report :

-Update on Covid-19- The Agent offered a reminder that when you are vaccinated you are not bullet-proof and that we have to continue to mask up and respect others' space. Brian Koll commented that human behavior is an important factor, and that during the busy season, establishments must be mindful of their capacity to keep people safe.

-Cesspool upgrade report : The Agent informed the Board that individuals have been responding to the letter sent to property owners who are still on cesspools apprising them of their need to upgrade and to pursue that



process in a timely fashion. The letter asked the property owners to make contact with our office and ask questions, which they have been doing.

-The Highland and Pond Road stormwater improvements and Public Water Supply line expansion projects have proceeded in recent months. The water line for the cloverleaf property has been installed, and the new main on Highland Road has been stubbed at each property for possible future connections. The repaving of this area will be completed as part of a larger project to make stormwater improvements in this area, as stormwater has long been an issue, and not one that has been addressed by the State. The stormwater planning is being done by Environmental Partners Group and are working with the Town

**Motion** to adjourn Helen Grimm; **Seconded** by Brian Koll; Meeting adjourned at 6:19 PM

Approved 11-18-2021

Minutes prepared by E.Beebe 

