

Minutes of the Truro Board of Health, Tuesday March 7, 2023

This was a remote meeting.

Board members in attendance:

Chair Tracey Rose, Vice Chair Jason Silva; Board Members: Brian Koll, Helen Grimm, Tim Rose; Alternate Candida Monteith; Also Present: Health Agent Emily Beebe, Assistant Health Agent Courtney Warren.

The meeting was called to order at 4:47 PM by the Chair, who described the remote meeting procedures and the process for public participation.

PUBLIC COMMENT: There was no public comment for topics not on the agenda.

The call was well populated (144 participants), and resident Jan Worthington asked the chair if the Agenda item about the Dog Leash Bylaw could be brought to the front of the agenda for the benefit of the public on the call. The Chair polled the board, and it was agreed to move the item forward.

Discussion of Proposed amendments to Truro general by-laws:

Dog Leash bylaw; a proposed amendment to existing bylaw would require dogs to be leashed in public. The Health Agent described the proposal to amend the leashing bylaws. Chair Tracy Rose added that the Board of Health received and read 25 emails that were submitted on the agenda item. The Chair clarified that the proposed dog by-law is not a Board of Health regulation but that the Board is interested due to public health concerns.

Fred Goldsmith is a Truro homeowner, taxpayer, and owner of a Visla. He stated that he has been walking his dog off leash for a long time and does not agree with the proposed leash law amendment.

Sandy Silva agreed with what Fred Goldsmith said.

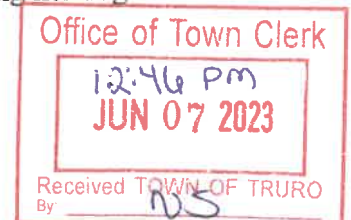
Ben Coleman commented that the proposed bylaw appears to stipulate that dogs should be always on leash.

Heather Murray brought up fertilizer and how it affects wildlife and the general public, and asked why there should be a strict leash law if there are no regulations in place for fertilizer and gardening.

Christopher Affleck from 74 Depot Road commented that she opposes the proposed leash law and agrees with the previous speakers.

Leah Kamhein, stated that she adheres to all the rules on the beach when walking her dog. She also opposes the amended leash law proposal.

Board of Health minutes from March 7, 2023



Eugenia Porges also opposed the leash law amendment. She adheres to all the beach laws and voice control rules.

Suzanne Kurtzman stated that the Town of Truro has a small population and she does not understand why she cannot walk her dog off leash when nobody supports this. She echoes the other callers and opposed the proposed amended leash law.

Louise Briggs stated that she is a responsible dog owner and proposes that those people who are not responsible should be held accountable but doesn't agree that every dog owner should have to leash their dog at all times.

David Goldman from 17 Bay View Drive stated that he and his partner love the town of Truro and opposes the proposed dog leash law.

Brit Pratt stated that she is a responsible dog owner and would like to retain the ability to keep dogs off leash. She also mentioned she scoops the poop.

Anya Kristoff stated that she trained her dog off leash, and asked what the enforcement of the leash law would be if the leash law was violated. Will there be someone policing the dogs and their owners?

Suzanne Salem Schatz doesn't understand what triggered the proposed amendments to the leash law. What are the goals of amending it? She opposes the amendment to the leash law.

Chair Tracey Rose added that there have been wildlife and homeowner complaints about dogs off leash.

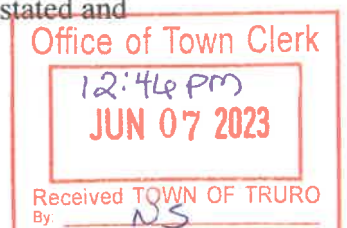
Kathleen Hull added she opposes the proposed amendments to the leash law. She also added that data would be important. There is a dangerous margin of error in the current proposed amendment to the leash by law because the language suggests that dogs should be always on the leash.

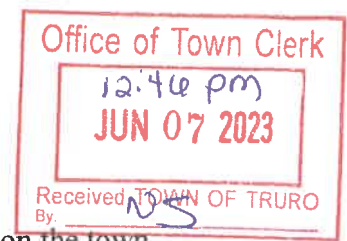
Ethan Herschenfeld at 20 Gospel Path. He stated that people need to scoop the poop and carry the bag not dump it on the side of the road. Having dogs off leash is a main attraction of living in Truro.

Carol Reinhart asked whether the chat would be on record.

The Health Agent stated that the dog leash law would move forward to be presented to the Selectboard and would be voted on at Town Meeting. There is currently no animal control officer for the Town of Truro. There is a citizen petition by law which is essentially a stand your ground by law and the proposal to amend the leash law is to find a middle ground.

John Eisenburg from 8 Town Hall Road. He echoes what the commenters have stated and opposes the amendments to the dog leash by law.





Susan Aereson added that this is a new item and cannot say whether it will be on the town warrant or not.

Chair Tracey Rose provided the Health Agents email and directed people to the Town of Truro Webpage for any further questions or comments they had on the discussion.

Variance request/ Local upgrade approval: 492 Shore Road

There was no one on the call to represent the matter. **Motion: Board member Helen Grimm moved to continue the variance request until March 21, 2023, Board of Health meeting. Second: Board member Brian Koll; Vote: 5-0-0; the vote was unanimous, and the motion passed.**

Note: Board member Tim Rose left the meeting.

Variance request/ Local upgrade approval: 18 Bay View Drive

Jane Peterson was on the call to speak on the request and stated that the property owner is back in Truro. Her husband recently passed. There had been a discrepancy on the plan about the actual bedroom count in the building. The Health Agent stated that the septic design should be for 4 bedrooms. The homeowner has agreed to add building code conforming windows to the basement and will record a deed restriction about the bedroom count. The variance request has been pending since October 2022. The property is served by cesspools. The homeowner wants a variance to the upgrade requirement of the cesspool upgrade regulation. Jane stated that the property is not currently for sale. Board member Jason Silva added that he would like to view a plan. Chair Tracey Rose added that she is not in favor of approving this variance.

Motion: Chair Tracey Rose denied the request for a waiver of time.

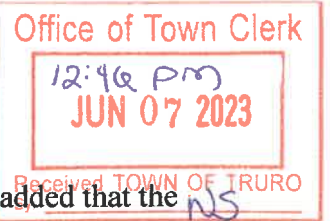
Second: Board member Helen Grimm; Vote: 5-0-0; the vote was unanimous, and the motion to deny the variance was approved.

Variance request/ Local upgrade approval: 38 Fisher Road

Engineer William Rogers was on the call representing the request. Mr. Rogers stated that a walk-through and an investigation was conducted, and the bedroom count was not increased. Gary Locke was also on the call and described the property as 4,371 square feet with a cesspool and existing variances to wells. They propose installing an Advantex AX20 nitrogen reducing system but will require variances to abutter's wells in addition to the locus well. They will also need to gain approval from the Conservation Commission. The Health Agent added comments on the lot size and variances regarding the proximity of the locus and abutter wells to the leaching area; it was suggested that there be ongoing water testing by the homeowner at this property to monitor nitrate nitrogen levels. **Motion: Board member Helen Grimm moved to approve the variances as requested with the condition of annual water testing. If the test shows an increase in nitrate level, testing shall increase in frequency. Second: Board member Brian Koll; Vote: 5-0-0 with alternate Candida Monteith voting; the vote was unanimous, and the motion passed.**

Variance request/ Local upgrade approval: 392 Shore Road

Gary Locke represented the project and gave a brief description of the property and lot. They will be installing a Micro FAST system. The waterline will need to be relocated. This is a small lot, and the plan is to have a Micro FAST system designed to be installed under the parking area.



The variances include reduction in setbacks to property lines. The Health Agent added that the property is in the A-zone but not in the velocity flood zone, that the I/A system would offer an increased degree of protection for the environment, but that this property might be a candidate for an ACO in the future if they wish to connect to the Provincetown Sewer. **Motion: Board member Brian Koll moved to approve the variance requests. Second: Board member Helen Grimm; Vote: 5-0-0; the vote was unanimous, and the motion passed.**

Discussion on regulations regarding Manager Regulations- Truro BoH regulations section 3, articles 2,3,4 The Health Agent reviewed the regulations of the Board of Health manager regulations and the responsibilities that are required: The manager is a contact person, not just for the town, but for the residents and utilizers of the boarding facilities. Most of the places that require managers have semi-public beaches. They are required to be in contact with the public and the Health Department if there are exceedances to water quality standards. Board member Jason Silva reviewed the different reasons why having a manager is important. Board member Helen Grimm felt it was important to discuss these reasons why the Town requires a manager. Chair Tracey Rose added that it would be important to develop a clear distinction between an off-site and on-site manager.

Matthew Tucker, general counsel member of Beech Tree property holdings, was on the call and offered his feedback on the discussion. He stated clarification on certain parts of the regulations was needed.

Board member Brian Koll noted that Section 3 currently describes different types of establishments requiring managers and wondered if there could be different requirements for each type. Alternate Candida Monteith stated that management should be based on the number of people living in a facility.

Change of Manager: 104 Shore Rd- Prince of Whales /Lexvest (35/68)

Susan Casper, Lexvest group member, was representing the change of manager request. Susan Casper lives at 640 Shore Road and is on both properties many times a day. 8 staff members will be living on property this year. There is a lot of support available at the property. For guests, they have QR codes that can be scanned to contact a staff member. There are people onsite and offsite overseeing the property. They also employ RKM for management services. The staff will evolve every year and Susan Casper is asking the Board to waive the requirement for the annual change of manager request due to this unique situation. The Health Agent compared the situation to the Pagodas and suggested a 3-year change of manager request. This approval should be conditioned with the requirement of inspection every few years.

Motion: Board member Brian Koll moved to approve the general manager concept with interchangeable on-site staff for this unique situation. Inspections normally triggered by the change of manager process will occur every 3-5 years.

Second: Board member Jason Silva; Vote: 5-0-0; the vote was unanimous, and the motion passed.

Variance request/ Local upgrade approval: 570 Shore Road- Vacasa- Variance request from on-site manager requirement- Matthew Tucker was on the call to represent the request. They seek a variance from the onsite manager regulation because they had an issue with

retaining employment of the onsite manager last year. The variance they requested, if approved, would allow them to operate without an onsite manager. Vacasa, their offsite manager, is aware of the 30-minute response requirement. They operated without an onsite manager for some of the summer last year. Chair Tracey Rose expressed her disappointment about not having an on-site manager, reflecting that this shows disregard for the local Board of Health Regulations. There are 16 units on the property. Chair Tracey Rose asked where Vacasa was located. Matthew Tucker responded that they work remotely. Chair Tracey Rose asked where Brian Henler lived. Matthew Tucker responded that he lived in Dennis. Board member Jason Silva added that according to the on-line reviews their past business model of not having an onsite manager was unsuccessful. **Motion: Chair Tracey Rose moved to deny the variance request.**

Second: Board member Brian Koll; Vote: 4-0-1, with Board member Jason Silva abstaining; the motion carried.

The Health Agent stated that a representative for 492 Shore Road was on the call and asked whether the Board wanted to reopen the agenda item and entertain it. The Board agreed to hear the agenda item.

Variance request/ Local upgrade approval: 492 Shore Road

Rob Carleson from Grady Consulting was on the call and described the project. This is a cesspool upgrade with variances to sideline setback requirements and setback to wetlands. This is a 6000 square foot lot. The Health Agent stated that the size of the property does not leave many options for septic locations, and the design plan shows use of I/A, and has been approved by the Conservation Commission. **Motion: Board member Brian Koll moved to approve the request. Second: Board member Helen Grimm; Vote: 5-0-0; the vote was unanimous, and the motion passed.**

Chair Tracey moved to continue the balance of the agenda to the next Board of Health meeting on March 21, 2023, and adjourn the meeting. Second: Board member Helen Grimm; Vote: 5-0-0, the motion passed.

The meeting was adjourned at 8:04 P.M.

Respectfully submitted by Nina Richey

