

## **Minutes of the Truro Board of Health, Tuesday September 5, 2023**

This was a remote meeting.

### **Board members in attendance:**

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

The meeting was called to order at 4:35 PM by the Chair, who described the remote meeting procedures and the process for public participation.

**PUBLIC COMMENT** There was no public comment.

### **Temporary Food Service Permit: Truro Treasures, Meghan O'Leary**

Megan O'Leary represented the application submitted for a temporary food service permit. Truro Treasures, will be held on September 16-17, 2023, and the application specifies serving food at this annual event, the same food offerings as in previous year are proposed. The Agent has discussed the ServSafe requirements for this event with Meghan, as well as time/temperature control. The Chair asked that the names of the ServSafe trained employees be added to the permit. Board member Brian Koll asked about the hot holding section of the application. The Agent responded that she would fill that section out with the applicant.

**Motion:** Board member Brian Koll moved to approve the Temporary Food Service Permit;  
**Second:** Board member Jason Silva; **Vote:** 5-0; the motion carried.

### **Local Variance Request for 34 Sandpiper Road, Ave Rosenthal**

John Schnaible represented the variance request, and explained that the septic system was in failure when inspected last year in preparation for sale. They are requesting a variance to the wetland setbacks and are proposing to mitigate this variance by use of a MicroFAST I/A system. There is no increase in flow proposed with the bedroom count remaining at four. Chair Tracey Rose reminded the Board remember the standards of review that is asked of them when reviewing a site plan with a variance request. The Board discussed reducing nitrogen loading by conditioning their approval. **Motion:** Board member Jason Silva moved to approve the variances as requested with the condition that nitrogen loading shall not be increased by the installation of a lawn or any other work that would increase nitrogen loading; **Second:** Board member Brian Koll; **Vote:** 4-0-1 with Chair Tracey Rose abstaining; the motion carried.

### **Local Variance Request for 19 Knowles Heights Road, E. Hope MacEwen Trust**

Jason Ellis represented request. He described the lot and the 29-foot variance from the wetland that is being requested. They are proposing to install an Advantex I/A system. The Health Agent added that the proposed project meets the standard of review. Alternate Candida Monteith was curious why the system wasn't moved farther back on the property. Jason Ellis explained that the 100-foot well set back takes precedence in determining septic locations. **Motion:** Board member Jason Silva moved to approve the variance as requested with the condition that nitrogen loading shall not be increased by the installation of a lawn or any work that would increase nitrogen loading. **Second:** Helen Grimm. **Vote:** 5-0; the motion carried.

**Local Variance Request for 5 Valentina Way, Estate of Marguerite Yannety**

Laura Schofield represented the local variance request and explained that the homeowners have decided to upgrade now to an enhanced I/A system rather than pushing it off until a regulation change requires it. These changes are reflected in the amended plan. There was brief discussion about runoff from the upland area of the property into the pond. Laura Schofield described the land restoration and stabilization plan that would be implemented after the system was installed. The Health Agent reminded the Board of the abutter's letters that were submitted into the record.

**Motion: Board member Jason Silva moved to approve the variances as requested.; Second: Board member Brian Koll.; Vote: 5-0; the motion carried.**

**Local Upgrade Approval& Local Variance Request for 7 Amity Lane, Irene Selver.**

Laura Schofield represented the local variance request. The homeowners are asking to upgrade now to a conventional Title 5 system but to leave room in the design to add enhanced I/A when regulations require it. The variances were explained and include the request for temporary relief from installing I/A. Laura Schofield also explained that the homeowner is amenable to a deed restriction limiting the dwelling to seasonal use only. Chair Tracey Rose asked whether the property was for sale. Laura Schofield answered that the property is a family property that will not be up for sale any time soon. Board member Jason Silva added that the cesspool upgrade proposal provides improvement to the area.

**Motion: Board member Jason Silva moved to approve the variances as requested with the following conditions: No additional lawn area will be created; A deed restriction will be recorded stating that the system will be updated to I/A upon change to year-round use, deed transfer, or when required by regulation.; Second: Board member Helen Grimm; Vote: 5-0; the motion carried.**

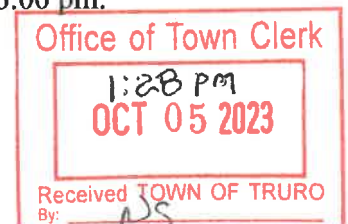
**Local Variance Requests: 1 Mill Pond Road, owner Mill Pond Road Investment Trust**

Bob Rego, the engineer for the project, described the changes to the plan since the last meeting. The bedroom count for the proposed structure is now clearly three , a Nitroe enhanced I/A system is included in the design. **Motion: Board member Helen Grimm moved to approve the variances as requested with the condition that no lawn shall be established on the property; Second: Board member Brian Koll; vote: 4-0-1 with Chair Tracey Rose abstaining; the motion carried.**

**Discussion on Occupancy and Rental Registration Violations at 522 Shore Road**

Eric Shapiro and Priscilla Silva were on the call. The Health Agent reviewed the violations that were reported, including over-occupancy of two units and a lack of rental certificates by numerous condominium owners who rented their property. There had been some misunderstandings, but Trustee Eric Shapiro explained that all unit owners impacted by the 2012 variance were contacted and all unit owners have confirmed compliance. Priscilla Silva explained that all unit owners have been informed that they must comply with town rental regulations. Thirteen of the units do not rent at all and the other 16 have all completed the rental registration process. The Board thanked Eric Shapiro and Priscilla Silva for their prompt responses.

Board Member Brian Koll and Alternate Candida Monteith left the meeting at 6:00 pm.



**Discussion on proposed Administrative Consent Order for 398 Shore Road, Mike and Judy Powers**

The Health Agent briefly described the purpose of issuing Administrative Consent Orders, and the status of these discussions. The Board was presented with a draft ACO and Mike and Judy Powers were on the call to discuss the matter with the Board. The Health Agent described the document as a “bridge” while the feasibility of a sewer extension into Truro’s Beach point area is determined. The Town of Provincetown and Truro will need to discuss the escrow amounts and where the money will be held. Chair Tracey Rose thanked the Powers. The Powers were concerned with the timing of the process and offered to submit interim inspection reports; they were concerned about evolving nitrogen loading regulations and want to avoid additional engineering expenses. Judy Powers added that the property is seasonal. Board member Jason Silva added that the financials should stay in Truro to simplify things. Mike Powers asked about expiration dates for their variances that have already been granted. The Health Agent will be in contact with the Powers and Town Counsel to answer some of their questions. The Powers would like some written documentation about the December 31, 2023, deadline for upgrading their cesspool and how the ACO process impacts that. The Chair and the Health Agent agreed to continue the discussion to better assist the Powers in officially filing a variance for the Board to review.

**Minutes:** August 1, 2023.

**Motion:** Chair Tracey Rose moved to approve the August 1 minutes as amended; **Second:** Board member Jason Silva; **Vote:** 3-0; the motion carried

**Report of the Chair-**

The Chair had no report.

**Health Agent's Report -**

The Health Agent reported that:

- Flu Shot clinic is on Tuesday September 26, 2023, from 2:00 PM – 4:00 PM at the Community Center.
- Council on Aging has a Health Fair scheduled for October 26, 2023.
- There was a discussion about where in Town Nalox boxes should be placed, and Narcan training.
- In Eastham, West Nile Virus positive mosquitos have been detected in the Fort Hill Area.

**Board member Helen Grimm moved to adjourn the meeting; Second: Board member Jason Silva; Vote: 3-0-0, the motion passed.**

The meeting was adjourned at 6:31 P.M.

*Respectfully submitted by Nina Richey.*

