

## **Minutes of the Truro Board of Health, Tuesday August 3, 2021**

This was a remote meeting. Board members in attendance: Chair Tracey Rose; Vice Chair, Jason Silva, Board members Tim Rose and alternate Candida Monteith. Also Present: Health and Conservation Agent Emily Beebe; The meeting was called order at 4:33 by the Chair, Tracey Rose. The Chair announced the remote meeting procedures and described the process for public participation.

**Public Comment:** Jack Reimer asked for public view of the packet for Board meetings, for public airing of appendix c of the IWWMP and for a meeting of the Board to discuss water resources.

Brian Boyle had a question about the procedure for checking COVID information on the website.

538 Shore Rd – proposed Title 5 Local upgrade approval request. William Rogers was present with Gary Locke to present the project. Mr. Rogers notified the Board that the proof of notice to abutters had been delivered to the Health Department that day. Gary described the project as replacement of the existing structures closer to the road and elevated on piles. The septic system was 2 tanks in series, H2O tanks to a low profile pump chamber discharging to a distribution box. All three structures were tied together with a common building sewer. The variances include reduction to the setbacks required between the components and the property lines, to reduce the leaching field size by 25%, and also from local Board of Health regulations specifying setbacks to wetland resources.

The Agent provided background for the Board about the project history. The proposal is a response to constant storm damage to the building foundations, as they are located so far seaward. The movement of the buildings will make them FEMA compliant and the septic system will need to shift to accommodate the new building locations. The project is such an improvement that the variances are quite tame in context. There was brief discussion on breakout. Jason Silva asked about abutting foundations; Gary Locke responded that there was no concern about breakout

Candida asked whether there was discretion by the engineers about what variances to request. The agent explained the variance process being a place for negotiations, and that the standards are tightly adhered to for new construction. Candida continued her questions about this project, as in her view, this appear to be new construction, and should comply with the requirements. It prompted a discussion about the requirements of construction in the flood plain, and that these property owners were responding to changing conditions and the requirements of several regulatory Boards. Board member Tim Rose asked if there was a seawall, and felt the storm damage would continue without it. There is a regulatory hurdle for a seawall on a Coastal Dune. The Chair suggested that I/A should be discussed as this is 11 bedrooms on a 14,000 sf parcel, and should be considered under our new regulations. The groundwater does move toward East Harbor and Cape Cod Bay. Board member Jason Silva expressed concern that I/A be used in this seasonal situation where it would not perform.

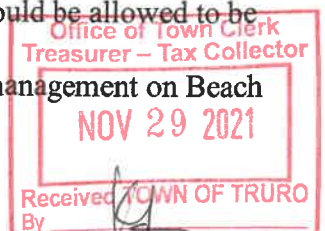
**Motion** – Jason Silva moved to approve the plan as presented with 5 variances

**Second:** Tim Rose;

Discussion on the motion ensued.

Ben Zehnder representing the abutters at 542 Shore road, and he expressed surprise that the Board would consider this proposal without secondary treatment, located within 3 resource areas. He asked if any components were above ground (answer-No), he then asked the Board to do all it can to protect the resources and the neighbors property. There was a question by Abutter Marie Belding about their basement, and her concerns about wastewater flowing into her house. Gary Locke responded that there would be no wastewater from this system that would impact their basement. Pat Callinan asked why the houses would be allowed to be bigger?

The Agent suggested that the Board was having the first conversation about wastewater management on Beach Point.



Ben Zehnder suggested that it is common for Boards to condition approval and asked our Board to consider a condition that no increase in habitable floor area be allowed upon approval of the variance.

The Chair asked Jason if he intended his motion to include pressure distribution. He responded he did. There was discussion on what would need to change if it were added. Gary Locke suggested that it would be a change in the design because the components they used for the leaching system would need to be swapped out.

Candida proposed that we continue this to another meeting.

Tim Rose offered to rescind his second. Jason Silva rescinded his motion to approve.

**Motion:** – Tim Rose moved to continue the project discussion until August 17.

**Seconded:** Candida Monteith; Vote: 5-0, motion carried.

2 Ryder Hollow Road -Title 5 upgrade waiver of time, request was for 3 months. Tracey Oringer was on the call as the Real Estate agent for the owner. The property is a 3 bedroom house on .83 acres.

The closing is scheduled for 9/24/2021.

**Motion:** – Jason Silva moved to grant a waiver of 3-months from transfer (12/24/2021) with no occupancy until the septic system is installed and approved.

**Seconded:** Tim Rose; Vote: 3-0-1, Chair Tracey Rose abstained, motion carried.

Bayview Village Condominiums, 658 Shore Road - A request for change of manager was filed for David Garrett to be the new on-site manager at this location. There was no one on the call representing the request, and an email from the association came during the meeting. The Agent asked that the matter be pushed to the end of the meeting, in case the representative appeared during the meeting.

#### **PUBLIC HEARING Proposed amendments to :**

##### **Rule and Order requiring the use of Masks and other protective measures**

There was discussion on proposed amendments of the current order to include requiring public and staff to wear masks inside all public/licensed establishments, whenever outdoors in a gathering on public space in numbers more than X participants.

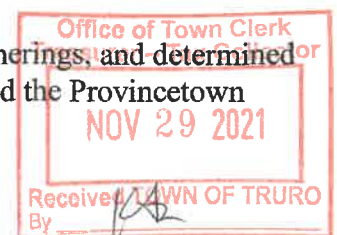
This had been reviewed by Town Counsel. The Chair recapped that this would return a mask mandate to Truro for the public in Public places and some outdoor gatherings. The Agent asked to link the July 30 paper printed in the MMWR that discusses “the transmission of the delta variant following multiple large public events in a Barnstable County Town” to this conversation. This article had been emailed to the Board prior to the meeting. The Agent stated that basis for making a shift in the masking order is found in the cited document, and that the Board could act with confidence to take the step to make the changes to the Order. Further, in the act of distributing antigen tests to businesses, there was no opposition to a mask mandate, and the Agent felt that local businesses would support it.

Jason Silva described his efforts to keep his staff and guests protected, and asked what the metric and the time frame would be for action to release the mandate.

The Agent agreed that the Board would revisit the Order, but that summer was ending and folks would be returning to the indoors. Because there are people who are not protected, who have immune issues and because there are children who cannot be vaccinated so that we should continue to act on their behalf. This was not to be overreactive, but to be cautious.

Ron Fichtner commented on the cases in Provincetown. He was concerned that the rate of infection seemed to be doubling over the last 2 weeks and the current case count of 30 persons was high and suggested that Truro mirror what Provincetown was mandating as far as masking.

The Board discussed setting a threshold number for requiring masking at outdoor gatherings, and determined that an event with greater than 100 persons would be the trigger. The Agent referenced the Provincetown



Order, which did offer additional detail that the Board should consider, and the Chair suggested that they would review Wellfleet's Order and add to this draft at another hearing in a couple of days..

**Motion:** Tracey Rose moved to approve the amendments to the Order requiring the use of masks and other protective measures, dated 7-30-2021 as discussed and shall be effective August 4 and remain in effect until revised further by the Truro Board of Health

**Second:** Jason Silva; Vote: 3-0, the motion carried

There was discussion on the date for the next Board of Health which would be Friday August 6 at 1PM.

### **DISCUSSION ON WATER RESOURCES**

The Agent discussed developing a scope of work with Scott Horsely to help us develop a Master plan outlining how we can move forward on our water resource issues such as the Protection of the Zone II's; protection of the Pamet watershed and Protection of groundwater resources for private drinking water.

Health Agent's report was deferred to the next meeting.

**Bayview Village Condominiums, 658 Shore Road** - A request for change of manager

**Motion:** Jason Silva moved to continue this matter until August 17.

**Second:** Tim Rose; Vote: 3-0, the motion carried.

**Motion** to adjourn Tim Rose; **Seconded** by Jason Silva; Meeting adjourned at 7:02

Approved 11-18-2021

Minutes prepared by E.Beebe 

