



TOWN OF TRURO

BOARD OF HEALTH

P.O. Box 2030

Truro MA 02666-0630

Board of Health Meeting Minutes: March 18, 2025

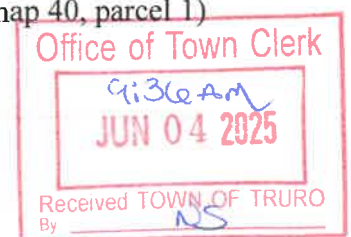
This was a hybrid meeting held in person at Truro Town Hall in the Select Board chambers and via Zoom. **Board members present:** Chair Tracey Rose, Vice Chair Brian Koll, Board Members Jason Silva and Helen Grimm, Alternate Member John Dundas; **Absent:** Board Member Tim Rose; **Also Present in person:** Health Agent Emily Beebe, Assistant Health Agent Courtney Warren, Select Board Member Susan Girard-Irwin (present virtually)

The meeting was called to order at 4:31 pm by the Chair, who described the remote meeting procedures and the process for public participation.

Public Comment: There was no public comment.

Transfer Station Senior Permit Discount Discussion: Jarrod Cabral, DPW Director, Kelly Clark, Assistant Town Manager, and Jon Nahas, Principal Assessor, presented the Senior Perks program, a pilot project aimed at offering discounted beach and transfer station permits to seniors aged 65 and above. Kelly Clark explained the program with a slideshow and noted that various articles about this were approved at last year's Annual and Special Town Meetings. Anne Greenbaum's Article 41 became the basis for this program. She described the eligibility criteria, which include having a car registered in the senior's name and registered to a Truro address, only one permit per household, and the permit cannot be transferred to a different person. Funding for the program will come from a free cash transfer. Jarrod Cabral discussed the potential revenue loss if a 50% discount was applied to the annual permit fee, which is the largest discount considered. If approved, the pilot program is set to run from May 15, 2025, to May 14, 2026. Assessor Jon Nahas presented a table of potential lost revenue by age eligibility. Alternate member John Dundas noted that he had been part of the Select Board discussion and wanted to remind folks of the value versus the cost of the program. Jon Nahas stated that people can choose to pay the full fee and are not required to take the discount. Board member Helen Grimm said that she wanted to uphold what the voters wanted and liked that this a pilot program. The Agent suggested polling the Board as to what percentage discount they would support. The Chair asked the team how they arrived at a 50% discount and Kelly Clark replied that it was based on the needs of the transfer station versus those of the Beach Office. **Motion:** Vice Chair Brian Koll moved to support the pilot program with a 50% discount as presented; **Second:** Board Member John Dundas; **Vote:** 5-0, the motion carried.

Discussion: Definitive Subdivision Application, 38 South Highland Road (map 40, parcel 1)

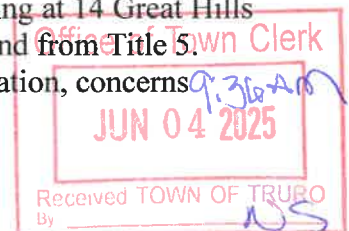


Attorney Ben Zehnder represented the property owners and noted that this was a preliminary discussion. The lot owners are seeking to divide a 5-acre parcel into 4 lots, each over an acre. He submitted some proposed conditions and wanted to know whether groundwater testing would be necessary. The property is located within a Zone 2 wellhead protection area. Chair Tracey Rose read aloud a letter dated August 2024 from the Provincetown Water and Sewer Board to the Planning Board regarding this subdivision plan. The Provincetown Water Department was notified of the plan as an abutter and recommended a cautious approach because, "Although the preliminary plan indicates a relatively small subdivision, any increased density surrounding the active well field can pose risks of contaminants entering the public water supply." The Agent noted that an enhanced treatment system is recommended which would reduce nitrates but not address PFAS. Ben Zehnder added that other precautions include no impervious driveways, and using gutters/downspouts to direct roof runoff to pervious areas. The Agent recommended that the Board require a preliminary well and septic layout plan showing systems located as far east as possible, along with measures to handle stormwater. The Agent noted that the Board of Health is not the approving body but provides comments to the Planning Board. She agreed that the recommendations from Ben Zehnder were good and also recommended a septic system inspection report and a walk through be done for the existing home. She agreed that not much more could be learned from a hydrogeologic study since the area has been thoroughly modeled due to its proximity to the well field. Board member Helen Grimm asked if the proposed road into the subdivision would be paved and Ben Zehnder replied that it could be pervious. The Board discussed whether the septic systems should be I/A, enhanced I/A, or potentially a cluster system. The Chair requested that the Agent draft a memo of this discussion for the record.

Discussion: 95 Shore Rd, Cape Truro Cottages

Attorney Robin Reid represented Cape Truro Cottages. The property has nine units and is currently licensed as transient accommodation but provides year-round housing. The property is served by three Title 5 septic systems, two of which have now failed. A draft septic plan to upgrade the entire property to I/A has been provided. Due to financial hardship, the applicant is requesting support from the Board of Health for condo conversion, a process which will require approval by the Zoning Board of Appeals. They are also asking to upgrade the two failed systems to an I/A system but to allow the functioning Title 5 system to remain until that system fails. When that system fails, the two units would be connected to the I/A system. The Agent suggested that an Administrative Consent Order (ACO) would ensure enforceability and transparency in the process. The Board members expressed support for the ACO approach but sought clarification on various aspects, including the property's current status, zoning implications, and the schedule for upgrading the failed septic systems. They agreed to postpone a decision until the April 1, 2025 meeting; this would allow for an ACO to be drafted to provide more clarity on the proposed changes. **Motion:** Board Member John Dundas moved to continue to the April 1, 2025, meeting; **Second:** Board Member Helen Grimm; **Vote:** 5-0, the motion carried.

Variance Request: 14 Great Hills Road & 3 Great Hills Lane, Dalsheimer Family Trust, Dalsheimer Family Trust (*continued from 3/4/2025*) Attorney Ben Zehnder and engineer Tarja McGrail from Tighe and Bond represented the Dalsheimer family's proposal to upgrade the septic system at 3 Great Hills Ln to serve both that property and a new dwelling at 14 Great Hills Road which requires variances from the Truro Board of Health regulations, and from Title 5. Chair Tracey Rose made opening remarks about the complexity of the application, concerns



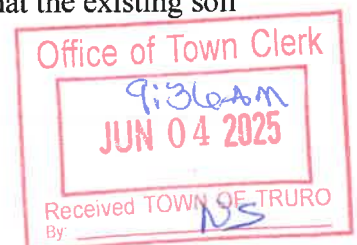
about the changing climate, and she pointed out that this was important particularly in low-lying areas in the floodplain. She referenced projects that the Town was working on, in Pamet Harbor, little Pamet, and Mill Pond Road that would address some of the problems associated with sea-level rise. The Chair mentioned the Duck Harbor area in Wellfleet that has experienced significant overwash and also emphasized the importance of protecting public health, safety, and the environment, particularly our groundwater. She highlighted the need for fairness and parity in their deliberations and encouraged the Board to consider the broad implications of their decisions. She referenced a memo from the Health Agent that was in the packet for the meeting. She indicated that she wanted to hear from Mr. Zehnder and then would entertain questions from the Board.

Attorney Ben Zehnder made his opening argument in support of granting the variance requests based on the family's history of conservation, the minimal environmental impact, and the unique circumstances of the proposed project. He asked that the Board balance protection of groundwater with property owners' rights and needs. Engineer Tarja McGrail described the benefit of upgrading the existing 5-bedroom septic system at 3 Great Hills Lane (also owned by the Dalsheimers) to an enhanced I/A system that would accommodate the proposed new flow from 14 Great Hills Road. Board Member Helen Grimm asked if the nitrogen loading calculations prepared by Tighe and Bond and submitted with the application account for what could be expected from a seasonal property. The Board expressed concerns about both the seasonal performance of the proposed septic system and the interpretation of Article 7 in the regulations.

The Agent presented the memo which outlined the specific questions in each of the variance requests, and their context. The variances are required to build a new house in the proposed location. In particular she referred to Section 1 of the Truro Board of Health Regulations, that states: the Board may consider granting a variance from any regulation in any situation wherein *"the denial would substantially deny the property of its economic value to the extent that an unconstitutional taking would result,"* and described the proposal was a context that was unusual for the Board as they rarely viewed variance requests for new construction. She said that Section 1 -administration, circles with the standard of review found in Section 6 - the local Title 5 regulations. That standard states that the Board needed to determine if granting the variance would pose a risk to public health, safety and the environment, and vote on that determination. She suggested that section 7 had some interpretive challenge that could be constructively reviewed by Town Counsel, to deepen their review of the application.

Dr. Koll asked a question of the Tighe and Bond representative, Tarja McGrail, about the way their narrative described the proposals and the variance requests. His question was why there was only discussion about the Coastal Dune, and there was no mention of the FEMA Flood zone.

Engineer Tarja McGrail responded that the proposed septic system for 3 Great Hills Lane was designed to comply with flood zone regulations and mitigate future flood risks. The proposed house at 14 Great Hills Road would be sited largely outside of the flood zone, at the highest elevation on the lot and in the X zone; and a pile foundation was proposed. When asked by Dr. Koll, Ms. McGrail addressed the question of erosion and overwash noting that the existing soil



absorption area was 95 feet from the active dune area. She stated that the proposed system meets Title 5 requirements for health, safety, and environmental protection.

Board Member Helen Grimm asked how the Board could consider the project at a site without any buildable upland, and framing it as stable upland.

Board Member John Dundas raised a question about the transition from Tighe & Bond's statement to the discussion, which was clarified by the Agent. Attorney Ben Zehnder discussed the interpretation of regulations regarding shared septic systems and variances, arguing that the Board of Health could approve shared or cluster systems without requiring a variance. He brought up the potential impact of coastal erosion on the proposed system and noted that the property would still benefit from reduced nitrogen loading until any erosion occurs, and the homeowners would bear the risk. Vice Chair Brian Koll asked for clarification on nitrogen loading calculations and seasonal use impacts. The engineer explained the system design and its benefits for environmental protection. Board Member Jason Silva expressed confidence in the project's longevity based on historical maps and discussed the advantages of a shared system in minimizing dune disturbance. **Motion:** Vice Chair Brian Koll moved to continue the matter to the May 6, 2025 meeting; **Second:** Board Member John Dundas; **Vote:** 5-0; the motion carried.

Water Resources Report: The Agent noted that the ACO process is delayed to wait for the GHD report on the feasibility of sewerage Beach Point, and the CWMP draft has been delayed due to the need to do more water quality monitoring with the draft now targeted for completion in late fall.

Truro is working with Stantec on site alternatives/analysis for a water tower which would improve pressures to water system customers in North Truro. Work is ongoing with GHD to develop options for wastewater options for the Walsh property.

The Agent reported that there has been additional detection of PFAS near the DPW and that impacted properties have been supplied with drinking water by the town and whole house carbon filtration systems (POET systems) will be installed. DEP has required another round of sampling which will likely occur in April.

Minutes: January 21, 2025 minutes; **Motion:** Board Member Jason Silva moved to approve the minutes as presented; **Second:** Vice Chair Brian Koll; **Vote:** 5-0, the motion carried.; **February 4, 2025; Motion:** Board Member Helen Grimm moved to approve the minutes as presented; **Second:** Board Member Jason Silva; **Vote:** 5-0, the motion carried.

Report of the Chair:

Chair Tracey Rose chose to defer to the Agent.

Health Agent's Report:

The Agent had nothing further to report.

Board member Jason Silva moved to adjourn the meeting; Second: Board member Helen Grimm; Vote: 5-0-0, the motion carried.

The meeting was adjourned at 7:36 PM.

Respectfully submitted by Nora Bates

