

**Wellfleet Board of Health
220 West Main Street
Wellfleet, MA 02667
June 10, 2020; 1:00PM
Virtual Public Hearing Meeting Minutes**

Members Present: Ken Granlund, Chair; Janet Drohan, Nick Picariello, Jed Foley

Members Absent: Gary Locke

Others Present: Hillary Lemos, Health Agent; Rebekah Eldridge, Committee Secretary; 196 town members of Wellfleet

Chair called the meeting to order at 1:05pm

PUBLIC HEARING ~ Proposed Rental Registration Regulations ~ Application for certificate to rent

- The hearing began with Hillary asking the participants to read the letters that they sent in regarding short term rentals. She stated that the documents have been on the website for a few weeks and along with the board welcomed the feedback from the public.
- The first to read a letter was Matt Rosenburg, he thanked the board for the ability to speak. He stated that he is a homeowner who rents his home for income. He stated that it was unclear what problem these rules and regulations are going to solve. Are they rules made from concerns of public safety? He stated that the time of year right now is when guests are scheduled to arrive these protocols are difficult to put into place right now. He questioned the applications at this time because the season has already started. He questioned that in the rules it states that no registration will be accepted until a certificate was received, he asked how what the waiting period is from the registration to receiving the certificate. Could the submitted application form be posted as a provisional certificate during the waiting period. He stated the Lemos listed that there will be some revisions pending he asked what those were. Rosenburg went on to state there are many questions on who this will affect and how, he gave an example that he believes it is unknown how many homes are made available for rentals each year how those homes will be sorted into various categories. How many homeowners will be deemed noncompliant if they were to be inspected and whether those homeowners are disproportionality in a certain age, income, or resident status. He stated that he feels right now who these regulations will help and who they hurt are not part of the deliberations he asked if they would be? He also stated that most rule making has a phase in approach that would allow a smooth transition into the new rules and regulations; he stated that the proposed draft doesn't include a proposed date. He asked if there was a phase in date or an effective date. He stated his concern about section 9, it is stated that if a certificate is suspended or revoked it is the owner's responsibilities to find alternative housing, he asked how would that be possible if this were to happen at the end of July? He asked if this was a section for just long-term rentals or for both long- and short-term rentals.

He asked about how much notice needed to be given for inspections. He asked if the board considered that these rules appeared to favor wealthy homeowners with larger newer homes that more easily apply. It appears to be a disadvantage for those homeowners that need the income to survive. Rosenberg asked if the board considered the consequences to the business community, has a cost benefit analysis been done. He went on to state some other concerns.

- Hillary stated at this point there is no effective date, she explained that there needs to be more discussion with the board and detailing the regulations so that all the health and safety protocols can be fulfilled. She said more than likely this would go into effect for summer of 2021. Drohan addressed some of the issues, with this letter stating she would hopefully address other people's concerns. She said it is very important to look at the health and safety of the community is very important. She stated the information on their draft regulations was gathered by surrounding towns. The boards major concern is basing decisions on the Aquaphor of Wellfleet. Picariello spoke and stated that Wellfleet is late to the table with setting forth regulations as most of the towns on the cape already have set guidelines and restrictions for short term rentals.
- John Wolf spoke to the board stating his issues with the draft regulations. He explained to the board that he is self employed in the town of Wellfleet, but he also rents out a small seasonal efficiency cabin to help with the high expenses of living in Wellfleet. He stated that he feels the board of health is giving regulations that even some residents may be hard to pass. He went on to state some of the issues he has with the regulations. He stated the thought of "overloading" the septic system is ridiculous as anyone with a septic system knows the cost of overloading the septic. He also stated other towns have such regulations, he feels because other towns are doing something doesn't mean Wellfleet has to do it. He stated Wellfleet once prided itself on standing out on its own is now blending in. Wolf also went on that more employees would need to be hired to keep track and records of all these rentals which would mean more pensions and more money from the taxpayers. He stated he doesn't believe these regulations will benefit anyone. It is an unnecessary expense to homeowners. There was continued discussion that there need to be guidelines that need to be put forth and fair. Chair Granlund stated that this was just a hearing to see where to go from here and get ideas and feedback from the community. Drohan stated the basis of the guidelines come from surrounding towns and not a social media page. The board is looking for better data on how to keep the water safe, the community safe and to keep the renters coming back again and again. She explained these are up for discussion because this is a draft copy, the board is taking all the information they can get to make better decisions.
- Michael Devasto, a selectboard member commented that he feels statistics and gathering information is important, he stated he was apprehensive with the reality of rentals and what the fallout could be. He stated the short term and long-term rentals are different but there could be a situation that there is a seasonal renter that needs year-round and could be displaced. He feels it would be appropriate to look at short term rentals instead of long term. He asked the board what the capacity was for a four-bedroom house, the board answered that due to the septic system only eight people be allowed in the home. He

stated he would like the fees waived for the homeowners, and that inspections be done on a complaint basis and random inspections. Chair Granlund explained that the fees can be up for discussion, but believes it needs to be certified as a rental property. Lemos stated that it was important to the board that they didn't differentiate between year-round and short-term rentals. She discussed waiving fees for affordable housing and workforce rentals. The board continued to discuss the regulations and septic overload. The occupancy and the state of the harbor.

- Kathleen Bacon, member of the selectboard stated she was in favor of rental regulations and the draft they have she stated could be tailor made to Wellfleet. She thanked the board for their work on this. She stated it was a regulation that if it was done correctly the town would be closer to a water shed permit. She recognized the angst and fear that it was causing but the Aquaphor needs to be protected and it benefits the renter who is renting a unit that doesn't have a smoke detector or a carbon monoxide detector.
- Jeff Vecchio commented next on the email he sent into the board. Stating the extreme opposition to the drafted regulations and restrictions. He doesn't feel the board needs to put more regulations on the homeowners than the state already has. He feels that many people commenting might not have rentals and aren't relying on the income as he is. He also stated that he didn't feel homeowners needed to be babysat, and Boston didn't have the regulations that Wellfleet is trying to put into effect. He stated that rental fees are already paying the state for their rentals and feels that Wellfleet is double dipping to get more money. He believes that homeowners are already taking care of their septic systems and don't feel they need to be monitored. Chair Granlund stated that they are a business and they should have proper licenses with the state and the town. Lemos stated a valuable aspect of these registrations is that there would be contact information, for complaints that come in and they would be able to address the complaints when they come in and not after the fact. Picariello commented that it's not that the board doesn't trust the homeowner's they just need to have updated information.
- Erica Wagner, the Inn at Duck Creek owner; She stated that she doesn't agree that this is something that is in every town. She stated that if the board is seriously concerned about the quality of water then why aren't all homeowners required to do these regulations. Lemos explained that water testing is required for homeowners every two years and any time a new septic system is installed
- Taylor Brickman commented next stating that he would like to nominate John Wolf to be on the Board of Health. He has been summering in Wellfleet for a long time and now a resident, adding regulations would make it more difficult to live, rent, and work there. He would like to keep this a free country and feels that if the residents are behaving then there was no need to call in the "feds". He stated that from the water quality standpoint he believes it is in a good place.
- Jamie commented that he does rent and would like the board to not take any actions this year so that the renters he has coming in aren't displaced and he doesn't have to cancel their reservations that have already been made.

- Curt Felix joined the conversation explaining his view on registrations. He went on to talk about wastewater and water impact of this. He stated that part of the tax from short-term rentals could equal a million dollars a year. Which equals to be about five percent
- Helen Miranda Wilson, selectboard member; stated that the reason the DEP doesn't allow store credits for time unused on septic systems. The digestive area around the septic system going a little all year round, she went on to say that Septic's are a delicate situation.
- Chair Granlund stated to everyone listening that the board hasn't decided on anything yet including fees. They are looking at all the options that will best fit the town. This meeting was called just to get ideas and information from other board members and feedback from the community.
- Maria was called on next, she stated adding additional regulations is ridiculous and continued to give objections to having a renter application. She feels it is an invasion of her privacy. She asked for Residents to vote on this at town meeting.
- Jeff Vecchio was called on next and stated that he feels that Chair Granlund should recuse himself because he used to own a hotel and feels he has an axe to grind against rental property owners.
- Curt Felix discussed water quality with the board stating that there is data on water, and water tests have been done. Drohan stated that the proposed regulation is for every three years that the water test and septic.
- Hillary stated that the three years was based on the time that the septic system report is valid for. She stated water tests can change day to day and month to month. She stated every three years isn't often enough. Picariello commented to Felix that septic systems should be pumped every three-years according to state guidelines.
- Curt, Deborah and Matthew Limbach were next to speak, Matthew spoke on behalf of his parents. He stated he feels they should be getting all the facts in order before they make any decisions. They expressed their concern that they need the income to rent their home so they can afford to pay taxes for the home. Curt stated he pumps his septic every three years. He also stated that the meetings are very difficult to participate in. The family went to state their concern for these regulations.
- Devasto spoke again saying it seems the regulations being put into effect makes sense if there is a self-certification with no fees, a septic and water test one every three-years.
- The board continued to have discussions with community members about the regulations and fees. Some were objections, others were questions about putting this in effect for the year of 2021 so that they are able to have the renters that have already been booked for this season. Chair Granlund stated to all listening that the board is getting information, this has been in discussions for a few months at this point. He expressed to all listening that nothing will be put into effect until at least 2021. He went on to tell the community there will be a few more meetings before they come to any decisions. Hillary weighed in stating that it wasn't realistic to set up these regulations for this summer, but they could set up the beginning process of registering rental properties.

- Picariello asked when the board was going to address covid-19 in relation to rentals. Drohan stated that as of right now they are following Governor Baker's guidelines for the state of Massachusetts. Picariello stated that he feels they are putting themselves at risk if they open to quickly.
- Pam Grandon was called on next. She stated that she was a part time resident and chose not to rent for personal reasons. She thanked the board for allowing the community to come and discuss their concerns. She stated she was concerned with the fact that Hillary said in a select board meeting that she wasn't ready to set up regulations and then a week later there was a public meeting being planned. She asked Hillary if there was a way to use the state registry to help the board contact rental homeowners. Chair Granlund explained that this registration has been years in the making. He stated the playing field should be fair across the board. Lemos explained they haven't received any information from the state
- Susanne Gray was the next to talk to the board. She explained her concerns for affordable rentals and workforce housing house these regulations would be affected. She asked the board to work with the other committees in the town before making any decisions
- Tommy Jacobs Ziobro was the next to be recognized by the board, she asked the board how much income the town has received from the taxes that were assessed last year. Hillary stated she doesn't have any information from the state. She asked how many complaints from renters the board of health receives. Lemos told her that it's different from week to week and month to month but she said in a bout a year they have at least three handfuls of housing complaints. Ziobro asked if there will be future meetings on this topic. Lemos stated every meeting the board of health has is always public and publicized on the town calendar.
- Lemos read a few letters that she received from town members. Artie Parker wrote with concerns and asking the board not to put any regulations in affect. Robert Airosoes was another letter read by Lemos in objection to the regulations by the Board of Health. She read a letter from Pan Grandon who spoke earlier to the board. Mary Ann Thomas' letter was read next again in objection to the regulations asking for the board to delay any decisions until at least the fall of 2020. Allison Flynn sent a letter in asking the board to also delay any decisions being made.
- Lynn of VIP real estate, asking the board to please not make any decisions as renters and landlords already have many new rules and regulations from the state for renting. She stated in her letter they don't need any more rules at this time. Terry Galvin's letter was the next to be read, she stated this was too much for year-round homeowners to have to be put through during the pandemic.
- Susanne Gray spoke again and stated all that has been discussed in this meeting addressed her concerns and stressed the importance of involving all the other communities.
- Lemos read one last letter from the chair of the selectboard Janet Reinhart, she stated that she was in favor of these regulations.
- The board heard from a few more people that had previously spoken. Listening to objections, ideas, and answering questions from community members.

- Drohan stated that the board's plan is to keep the town safe and follow all state guidelines. It is not to stress out the residents and cause frustration.
- There were a few community members that stressed clarification when the regulations come out so there aren't too many questions moving forward with the rentals. It was also asked that for the initial registration if there has been a septic inspection within the three years and a water test within the three years that it be accepted.
- Taylor Burkhead was the last to speak to the board, he stated that if the fees for this were reduced then this could be a better transition for the residents.
- **Minutes – Continued to the July 8, 2020 Meeting**
 - May 13, 2020
 - May 19, 2020
 - May 27, 2020

Topics for future concern

- Continued discussion on rental regulations
- Minutes to be approved from previous meetings

**Drohan motioned to adjourn, Picariello seconded the motion, motion carried 4-0
Meeting adjourned at 3:35pm**

**public documents: draft rental application
draft short term rental regulations*