

Minutes of the Truro Board of Health, Tuesday August 15, 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 and alternate member Candida Monteith

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.

Request for approval of nitrogen aggregate: 25 South Highland Road (40/169) Town of Truro. Representing the project were Truro DPW Director Jarrod Cabral with Weston and Sampson engineers John Comeau and Michael Paulen. The Director presented an overview of the Town's project to develop 25 South Highland as employee housing (both short term and transitional) by relocating 2 cottages from other properties. A Town-owned cottage from Walsh Way, and a donated studio cottage from 127 South Pamet Road will be moved to the site in late September/early October. The subject property has had an environmental evaluation completed, including soil screening in numerous test pits and well water testing. Monitoring wells at the adjacent burn dump at 27 South Highland Road were tested, and a domestic well on the subject site were tested and there were no significant findings in either the soil or water testing. They determined the direction of groundwater flow at the site. The proposed septic system will be shared by the 2 cottages and will accommodate 5 bedrooms. Because the parcel at 25 South Highland Road is $\frac{3}{4}$ acre, therefore this exceeds nitrogen loading an I/A system is proposed. Additionally, the Town gained approval from the DEP to use the un-disturbed portion (16,000 sf) of the abutting Town owned property at 27 South Highland Road as nitrogen credit land. The appearance before the Board was to approve this proposal. The Health Agent pointed out that the matter had been improperly listed on the agenda as a local upgrade approval, which it is not- as it is not a variance, but a simple approval process for the Board of Health. The Director provided a courtesy notice to abutters in the area with an overview of the project, notice to abutters is not required.

The Chair asked about the presence of the domestic well and referenced a previous application for some housing on the property back in 2006. There were a couple of typos called out by the Agent in discussion with the engineer, and they had recently compiled the changes and not added all of the notes to a revised plan. They would submit the revisions, which held no variances to the Department for normal permitting review.

Alternate Candida Monteith asked if this was no longer affordable housing, who would be living at the new housing and would they live there for free? She also wanted to know who would decide these matters. The Chair asked the DPW director if he had any information about these matters, and reminded the Board members to stay within the topic that required their approval. The DPW director responded that the matter had been in discussion at the Select Board meetings for months, and the Board Chair felt it was likely a matter under the Select Board or Town Managers discretion. Mrs. Monteith felt that the Board would be voting on a matter that was not clear. The Health Agent responded that the Town had great difficulty filling seasonal positions,

such as a director for summer recreation, or lifeguards, to the degree that the Town cannot offer services, and this made employee housing a priority, and also pointed out that the price point on any housing is a policy decision from the Town Manager or Select Board and that specific question could be directed to them in an email. The Chair asked if there would be a shared well, and there would be. She also asked if there could be a second septic tank, and the answer was that this was to be included in the design.

The Chair pointed out that a motion to approve this should include language about the easement being in perpetuity. **Motion:** Board member Jason Silva moved to approve the proposed development with nitrogen aggregate gained by an easement for the property on 27 South Highland that cannot be used for any future development; **Second:** Tim Rose.

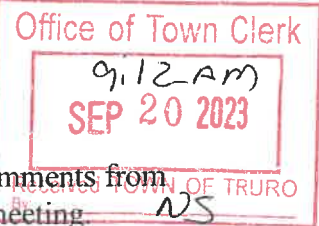
There was discussion on the motion, and Tim Rose suggested adding the requirement for a revised plan to the motion. This was added to the motion, and seconded.

VOTE: 5-0 in favor.

Local Variance Request for 5 Valentina Way, Estate of Marguerite Yannetty This matter was continued from the 8/1/2023 meeting to allow the H. Agent to discuss wastewater management planning with Scott Horsley. Laura Schofield was present to discuss the changes to the project. The property is located in the Wellfleet Harbor watershed, and a Nitroe system will be required under Wellfleet's targeted plan within the next 10 years. The property owner has opted to put in the system now, and a revised plan is in progress. Laura Schofield asked the Board if they foresaw any issues with the upgrade design going forward as described. **Motion:** Board member Jason Silva moved to continue the discussion to the September 5 meeting. **Second:** Tim Rose. There was discussion on the motion, and Tim Rose suggested adding the requirement for a revised plan to the motion. This was added to the motion, and seconded. **VOTE:** 5-0 in favor.

Local Upgrade Approval& Local Variance Request for 7 Amity Lane, owner Irene Selver. This matter was continued from the 8/1/2023 meeting to allow the Health Agent to discuss wastewater management planning with Scott Horsley. Laura Schofield was present to discuss the changes to the project. This seasonal property is in the Pamet River watershed but is not affected by recent title 5 changes at this time, however, a future nitrogen target for this area is anticipated and would probably have the requirement for N at 10 mg/l or less. The original proposal filed in July asked for a variance to the I/A system requirements as it is a seasonal property. The current variance request is to delay an I/A installation, and to design the plan for a conventional system with the freeboard to allow easy future installation of a Nitroe system when ordered by the Board, when it ceases to be seasonal, or when it is sold. The overall plan is to wait to install the better technology in the future when our nitrogen target has been established. Meanwhile, the nitrogen load will be reduced by virtue of the seasonal use. Board Member Helen Grimm felt that this was a reasonable approach. Board Member Tim Rose agreed. The Chair asked if an endpoint for the delay should be specified in the Board's approval; the Health Agent responded that conditioning their approval with a deed restriction would be an alternative to a date certain. The deed restriction could establish the requirement for the system to be upgraded with the nitrogen reducing technology at such time as ordered by the Board of Health rather than set an arbitrary date. The deed restriction would also include language triggering upgrade when the property ceases to be seasonal or is sold. **Motion:** Board member Brian Koll moved to continue the discussion to the September 5 meeting.





Second: Jason Silva; **VOTE:** 5-0 in favor. The Agent let the Board know that comments from the Abutter at the Hogan property would be included in the packet for that next meeting.

Local Upgrade Approval & Local Variance Request for 38 Toms Hill Road, owners Tina Ryman et al. This proposal to upgrade from a cesspool was continued from the 8/1/2023 meeting to allow the Health Agent to discuss wastewater management planning with Scott Horsley. Laura Schofield was present to discuss the proposal, which has not changed since originally submitted in July. The original proposal (plan dated July 5) did not include an I/A system, although they trigger the requirements because the property does not meet nitrogen loading requirements. A variance to this local requirement is requested. The property owner has consented to a deed restriction to defer I/A for now.

This seasonal property is in the Pamet River watershed and not affected by recent title 5 changes at this time, however a future nitrogen target for this area is anticipated and would probably have the requirement for N at 10 mg/l or less. **Motion:** Board member Tim Rose moved to continue the discussion to the September 5 meeting; **Second:** Jason Silva; discussion on the motion ensued. The Agent suggested that this proposal was ready for a vote. Laura Scofield read the local upgrade approval requests, and the local variance requests into the record. The approval of these variances could be issued under the condition that a deed restriction be recorded, that included language triggering upgrade to include the nitrogen reducing technology when the property ceased to be seasonal or is sold, and/or at such time as ordered by the Board of Health.

Tim Rose rescinded his first motion and offered a second motion.

Motion: Board member Tim Rose moved to accept the plan as presented with the deed restriction stating the conditions; **Second:** Brian Koll; **VOTE:** 5-0 in favor.

Local Variance Requests: 1 Mill Pond Road, owner Mill Pond Road Investment Trust (continued from the 8/1/2023 meeting) Bob Rego, from River Hawk environmental was on the call with the property owner, Thomas Littauer to present their revisions to the proposal submitted in July. They seek approval of local variance requests to construct a 3-BR dwelling on a 51,000 SF lot that has a 30,000 SF resource area reduction to the buildable lot area. They originally offered a nitrogen reducing FAST system for reduction to 19 mg/l N. The proposal now includes a Nitroe system instead of the FAST for an improvement to nitrogen reduction to less than 10 mg/l N.

They had not received the technical specifications from Nitroe as of the meeting date but wanted to review the proposal concept with the Board. When asked for comments the Health Agent reminded the Board that their consideration of the variances needed to be within their standard of review, and mitigation offered (nutrient reduction) should be considered as a counter-balance to the proposal.

The Chair found the latest revision much improved. Board Member Helen Grimm stated that this was on the right track. **Motion:** Board member Brian Koll, moved to continue the discussion to the September 5 meeting; **Second:** Tim Rose; **vote:** 5-0 in favor.

97 Castle Road – Discussion on CP upgrade, with property owner Frank (Clark) DeCiantis, and Laurie DeCiantis. The Chair reminded the Board that this had been discussed previously, and hopefully they had visited the site of this very seasonal camp. The previous discussions had led the Board to request a water test be submitted, as well as an evaluation of the cesspool. The

Board received an email from Noons excavating which indicated that the top of the CP should be rebuilt because a few of the blocks were missing, but the CP was essentially dry and would last for many more years. A water test had been submitted.

The Health Agent recounted the history of discussion of this issue. Because the property is used as a seasonal camp, with a very small built space the owner submitted an application for a variance to the upgrade requirement, sans notice to abutters. The Agent stated that the property owner is aware that they must request a certified abutters list from the Truro Assessors office and send a letter to each abutter specifying date and time of the meeting, 10 days prior to the meeting. The hope was that the Board consider what the DeCiantis family wished to do, and that the Family understand what the Town was trying to accomplish.

Clark re-capped their position. He asked if the Board members had visited the site, the Chair thanked him for the opportunity. Clark asked for what other option was available to them. They don't want to change the property for a project that would be overkill in comparison to how little use the property has. He wanted to hear thoughts from the Board.

The Chair thought that it was up to the family to determine what their ultimate goal was and present a plan to the Board. The Health Agent responded that a tight tank was a non-traditional system allowed for seasonal use. The original variance application could be used for this and notice to abutters would need to be made by the owners.

Board member Jason Silva suggested the Board try to understand what made sense for the owners. Looking at a tight tank is simple, easy and quick but you are still hiring an engineer, developing a plan, having an excavator come to install it. Then it must be pumped out each summer. He suggested having a simple title 5, by adding a trench with a pipe and stone, which would be less expense over time. Board member Helen Grimm appreciated that the property owners were working so hard to preserve the property, and she described it as very special. She further pointed out that the system upgrade was needed and that it was an honor to take care of the land. She thought a composter system could work there, but it does not take care of the gray water and thus ultimately agrees with Jason's position about the project.

Clark said that he has been speaking with Engineers about the property, but really did not want to spend \$20,000 on a septic tank. He agreed to reach out to the Health Department with questions.

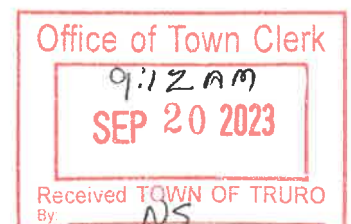
Board member Brian Koll stepped away from the meeting as scheduled.

Discussion on, and pending locations for Administrative Consent Order- The Health Agent briefly described the pending ACO discussions, and the status of these ACO's. The Board will be presented with a draft ACO at the next meeting.

AUGUST Water Resources Report- presented by the Health Agent. There was discussion on planning for enforcement of the cesspool upgrade program, it was suggested that Town Counsel sit with the Board to discuss how enforcement would move forward. There was also discussion about improving relationships with Provincetown, and how staff was working together.

MINUTES- the minutes from July 18 were presented. **Motion:** Board member Jason Silva, moved to approve the July 18 minutes; **Second:** Tim Rose; **vote:** 5-0 in favor.

Board of Health minutes: August 15, 2023



Report of the Chair-At a previous meeting a citizen asked for an agenda item for advanced treatment systems, and another regarding the Truro Motor Inn. The Chair suggested that the resources of Town Staff and the Barnstable County Health Department be explored. She also commented that since the Town was still in Court with the Truro Motor Inn it was not something the Board could discuss yet.

The Chair also reported out about the last meeting of the Provincetown Water and Sewer Board. Lastly, the APCC made a statement about Holtec's proposed release of radioactive water into CC Bay. The DEP was issuing a denial to Holtec pursuant to their application for this action. She asked if the Board was in support of DEP's decision and if so, would they be willing to send a statement letter to that effect.

Health Agent's Report

COVID Vax and Flu Vax clinic- September 26

Positive Rabies test for a dead bat found in the Cobb Farm area.

Board member Tim Rose moved to adjourn the meeting; Second: Board member Helen Grimm.
Vote: 5-0-0, the motion passed

The meeting was adjourned at 6:45 P.M.

Respectfully submitted by Emily Beebe.

