

Minutes of the Truro Board of Health, Tuesday February 7, 2023

This was a remote meeting.

Board members in attendance:

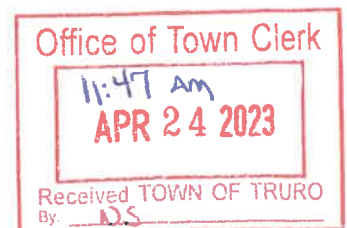
Chair Tracey Rose, Vice Chair Jason Silva; Board Members: Brian Koll, Helen Grimm, Tim Rose; Alternate Candida Monteith; Also Present: Health Agent Emily Beebe, Assistant Health Agent Courtney Warren.

The meeting was called to order at 4:33 PM by the Chair, who described the remote meeting procedures and the process for public participation.

PUBLIC COMMENT:

Kevin Kuechler made a public comment regarding the nitrate data that was presented in the January water resources report. Carol Reichelm added a public comment regarding the Mill Pond Restoration Project and wanted to understand the Board of Health's role in the project.

Mill Pond Road Discussion: Jarrod Cabral, DPW Director summarized the Mill Pond Project and the alternatives being considered. He described the goal of the proposed project as the replacement of an undersized culvert leading to Mill Pond to restore the ecological function of the salt marsh. He described four different alternatives including two culvert options and two breach options. Water resources consultant Scott Horsley's comments were read into the record supporting the breach approach. When asked why the matter was before the Board, Mr. Cabral stated that it was in the purview of the Board of Health because of the impacts to water quality. He read the Select Board goals and objectives that were directly related to this project. He addressed safety issues raised about Depot Road by describing different traffic calming options to deter speeding and stated that raising the road would require a wider roadbed base which would add more fill to the salt marsh. Because Pamet Harbor is considered historic, the Historic Commission will be a part of the planning process. The Health Agent described the importance of salt marsh ecological health to address sea-level rise and it provides habitat for shellfish and finfish. Salt marsh filters nutrients from runoff, and sequesters carbon, all of which is why the project was before the Board of Health. Mitchell Buck from the Woods Hole Group described the NOAA projections for sea-level rise. He said that many factors need to be considered in the planning process; however, a restoration project was always a win-win. Board member Candida Monteith was concerned with access to Mill Pond Road after the breach occurred, and suggested a wooden bridge be considered. Board member Tim Rose did not think the road should be removed and suggested shoring it up instead of creating a side slope. Board member Jason Silva suggested that there were 2 parts of the discussion- engineering, and water quality. Improving the water quality addresses the overall health and safety of the public and increasing tidal flow would be great. Carole Reichelm asked if equal water quality outcomes resulted from the restoration alternatives. Mitchell Buck responded that they only looked at restoration described as flushing levels, based on the size of the opening; the improvements *from flushing* were equivalent. Jarrod Cabral added that the removal of the impervious surface and vehicle travel would reduce stormwater inputs and was only a benefit with the breach design. He concluded stating that there would be a public hearing on March 8 about the project and that the Mill Pond Project data is on the Truro webpage.

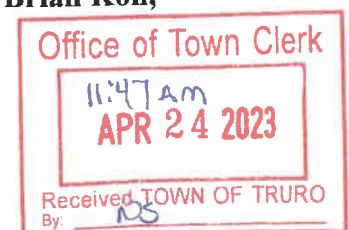


Local Variance Request: 2 Ryder Hollow Rd, Map 63, Parcel 14; Chair Tracy Rose introduced the agenda item and reminded the Board about the importance of the Title 5 regulations and that towns could also adopt more stringent regulations to adapt to the conditions of that town. Laura Schofield, RS from Schofield Brothers Engineering, was on the call to represent the project. The owners are requesting a variance to the Truro Board of Health regulations for nitrogen credit in order to add a third bedroom as well as a variance to the local setbacks to wetland resource. By Title 5 regulations the lot is large enough for three bedrooms but because the local regulations allow only upland in the calculation of lot area, it falls short. To counter this, they propose to install an enhanced Innovative/Alternative septic system. Because the Nitroe system is under provisional approval, the design needed to show complete compliance with Title 5. Laura Schofield presented calculations of the nitrogen load scenarios using the Brewster Nitrogen Loading spreadsheet. This spreadsheet included nitrogen loading inputs from the site other than just the septic system. Based on her calculations the concentration of nitrogen at the site property line is 4.64 ppm nitrogen existing, but would be 1.16 ppm with the enhanced treatment. This is a 75% reduction of the nitrogen load. Laura Schofield believes that the proposed project complies with the intent of the Board of Health regulations. She also described the Nitroe system, and the Agent explained the “provisional” use approval. The former cesspool on this property was updated in 2021 and the property transferred in 2022. Chair Tracy Rose reminded the board that the definitions in section 6, article 1 of the regulations was created to prevent this type of request for nitrogen credit through I/A installation with the exception of an Accessory Dwelling Unit (ADU) being created. Board member Jason Silva can see both sides of this argument but stated that water quality should be the number one factor when deciding nitrogen credit. Chair Tracy Rose stated they might revisit the Article 1 regulation; however, the overall objective and big picture needs to be considered when factoring the intent behind the regulation. She added that the nitrogen numbers for this specific project are impressive, but it is important to consider the long-term consequences of approving a project like this one. Board member Helen Grimm added that although the nitrogen numbers are impressive, approval may set a precedent. Board member Tim Rose suggested a deed restriction. The Health Agent added that the variance process is in place so that the board can review projects that fall in their purview and may affect the overall health of the public leaving the approval or denial to their discretion. Each case is unique, and this project is complicated because it does offer an overall health benefit to the area. Laura Schofield added that while planning for the project she reviewed the regulations and expressed that the regulations stated intent is to protect groundwater and improve existing conditions, not to prevent development. She also added that the provisional permit stipulates constant evaluation of the system on-site. The system will continuously be monitored and not just installed and forgotten. Helen Grimm added that this project will allow the board to gather more information and agrees that there is concern about the precedent it might set.

Motion: Board Member Tim Rose moved to approve the variance request with a deed restriction limiting the property to three bedrooms and that the standard I/A system testing be in place; Second: Jason Silva; Vote: 4-0-1; Tracy Rose abstained; the motion passed.

The Board then went on to approve a finding that this approval was largely based on the presentation by the engineer which included unique nitrogen loading calculations regarding lot size and characteristics, size of structure, and the amount of development on the site.

Motion: Board Member Tim Rose moved to approve the finding; Second: Brian Koll; Vote: 5-0-0; The motion passed.



Discussion on DEP changes to Title 5: The Health Agent reviewed her memo to the Board and Town Manager about the impact of the proposed changes to Title 5 with nitrogen reduction as a primary objective. Currently Truro only has a TMDL for pathogens in the Pamet Harbor but no nitrogen TMDL as of yet. The town is working to develop a Comprehensive Wastewater Management Plan and that will eventually be used to create a targeted watershed plan. Since Truro and Wellfleet share a watershed, some of south Truro is impacted by Wellfleet's targeted watershed plan for their harbor. Laura Schofield noted that it is difficult to advise the seven property owners she is working with to upgrade their cesspools due to the uncertainty in the Title 5 regulations.

Karen Ruymann expressed concern about Scott Horsley's suggestion that we did not have a TMDL for Pamet Harbor- yet.. She asked if the board could discuss fertilizer use at a future meeting. She also suggested more educational outreach. Kevin Kuechler asked about sources of funding for enhanced I/A systems from the County/State/Town and if that could also extend to sewer projects.

Re-Organization of the Board

Motion: Tracy Rose nominated Jason Silva to be vice chair and Jason Silva accepted the nomination. Vote: 5-0-0; the motion passed.

Motion: Tracy Rose nominated Tim Rose to be the clerk of the Board. Second: Brian Koll Second: Brian Koll; Vote: 5-0-0; the motion passed.

Motion: Jason Silva nominated Tracy Rose to be chair and Tracy Rose accepted the nomination; Vote: 5-0-0; the motion passed.

Minutes: December 20, 2022 **Motion: Board Member Helen Grimm moved to approve the minutes from December 20, 2022; Second: Brian Koll; Vote: 4-0-1; Tim Rose abstained because he was absent from that meeting; the motion passed.**

Report of the Chair:

Chair Tracy Rose had two topics to bring to the Board's attention and add to a future agenda: A dog leash by-law discussion and a fertilizer discussion.

Report of the Health Agent:

The Health Agent will investigate the dog leash by-law discussion in Falmouth. She reported that a draft stormwater by-law is being discussed. A discussion about fertilizer will also take place and a potential by-law could be included at a future town meeting. The Town is also discussing the means for disbursement of the Opioid settlement funds. The Outer Cape Agents are working together on the process and how this money may be spent.

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

The meeting was adjourned at 7:19 P.M.
Respectfully submitted by Nina Rich

Board of Health minutes from February 7, 2023

