

## **Minutes of the Truro Board of Health, Tuesday August 17, 2021**

This was a remote meeting. Board members in attendance: Chair Tracey Rose; Vice Chair, Jason Silva; Board members Helen Grimm, Brian Koll 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**

Karen Ruyhman made comment about COVID-19 and her concerns about the vulnerable populations of unvaccinated children and adults with immune issues.

### **AGENDA ITEMS**

**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 to replace Karen Perachio. After a brief interview, the Board was satisfied.

**Motion:** Jason Silva moved to approve the new manager;

**Second:** Helen Grimm; Vote: 5-0, motion carries.

### **Title 5- Local upgrade approval request: 538 Shore Road**

This was continued from August 3, 2021 to discuss inclusion of I/A or pressure distribution to the upgrade plans. The chair recapped the previous hearing, stating that there was not a failed system at this location that requires upgrade, but at such time as they make renovations, they will relocate/upgrade the system.

The Agent made a suggestion to the Board, that their votes on title 5 variances be conditioned uniformly to allow the Board to commence a process to review wastewater management alternatives and options for Beach Point.

Alternate member Candida Monteith commented that it appeared that the new structures would be larger than what is existing. She stated that that Beach Point is overbuilt and that adding additional space would not be appropriate, and because a building has to be moved back, its because the property is eroding and getting smaller. Its not the right moment to make things bigger. She also stated that the Board must require I/A.

Engineer William Rogers stated that he required a determination from the Board about the design, and if I/A would be required. He also asked for clear direction that was consistent for all properties on Beach Point, as he had other projects that he was working on there.

Board member Brian Koll asked about the variance requested to allow for a reduction to the size of the leaching area, to which the Agent responded that 25% was the cap for such a reduction without I/A treatment being the required mitigation.

Attorney for the abutters Ben Zehnder commented that the property had a design flow that was more than 7 x what would be allowed for new construction, and that he would hope to see a conditional approval specifying that there would be no increase to the interior square footage, as more living area would contribute to the capacity of the buildings and how they would be used. Board member Jason Silva agreed that I/A would be used here, but because they were not increasing the bedroom count, the Board's role was about the wastewater treatment, not the size of the structure. The Chair agreed and added that the Board needed to stay in their lane, and focus on wastewater. Board member Helen Grimm also agreed, and felt that I/A was appropriate, although more costly.

There were comments from the public: Chris Lucy supported the use of I/A for groundwater protection.

Alternate Board member Candida Monteith added her suggestion that since these buildings will be torn down, they should be required to come into compliance, as it happens for handicapped access in other renovation scenarios. Karen Ruyman asked if the Condominium associations were able to put in small treatment plants could they then opt out of connecting to a sewer, if that is where the Town goes.

The Agent responded that an I/A for Ebb Tide would be a package plant, and that the Board needed to pursue an analysis of the wastewater disposal options for this area before setting a path that prescribed a certain option.

Karen Ruyman added that there are clustered systems for housing in Plymouth, and that may be a solution for Beach Point. Through the Chair, the Agent agreed that that would be an option that the Board and the public would review as part of the analysis.

**Motion:** Jason Silva moved to approve the initial plan with the variances requested, along with an I/A- nitrogen reducing system with conditions, and the plan brought back to the Board for approval before it is permitted.

The Agent read the Condition, which was included in the Motion:

***The approval of these variances is conditional and Board of Health in approving these variances reserves the right to require or order the owners to participate in or connect to an alternative treatment option. The Board also reserves the right to enter into an administrative consent order with the property owner regarding future wastewater treatment options for this property***

There was discussion on the motion.

**Second:** by Brian Koll **Vote:** 5-0, vote was unanimously in favor, the motion carries.

William Rogers asked if this meant that all systems on Beach Point would need an I/A system; The Chair responded that the Board would take it on a case-by-case basis, and that it was not a blanket Order at this time.

**Title 5- Local upgrade approval request: 627 Shore Road**

The Chair asked the Agent to provide a brief technical review of the project. The Agent described that the packet included 3 plans. The first showed existing conditions. The property has cesspools and is being sold. The plans show the very challenging site that has a significant amount of built space on the ¼- acre lot. There is a 4 bedroom house and 1 bedroom cottage. The topography of the lot and location of the buildings presents significant issues for both designing a system, and designing so that the area of installation can be accessed for the installation and for on-going maintenance. A wetland covers almost 1/3 of the property.

The second sheet shows an I/A system with 2 tanks to accommodate the 2 residential units; the 3<sup>rd</sup> sheet shows 2 tight tanks, one for each structure.

The Chair asked the Agent to describe “tight tanks” and how they function- for the Board and the Public. The Agent described that a tight tank has no outlet to a leach area, and all wastewater flow from the house goes into the tank. Approval of a tight tank was for rare instances, such as when there are extremely poor soils, OR, due to extreme elevation issues and lot constraints such as shape/ size, OR wetlands. There are 2 out of 3 scenarios checked off in this case. The advantage to a tight tank is 100 % removal, which is ideal for environmentally sensitive solutions. The Chair asked how often a tight tank is maintained. The Agent replied that it is designed with an alarm set to a capacity with extra storage, this provides time for the pump truck to get to the site.

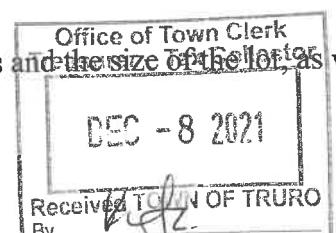
Mr Rogers described the upgrade project as one of the most challenging sites he had worked on in 50 years. The plans before the Board were not for construction, and are not for approval at this time. He has filed to seek the opinion of the Board. He further stated that in the back of the property where the leaching area must go the groundwater is high, so the leaching facility will be 4’ out of the ground in order to provide separation to Ground-Water. His opinion is that the tight tank is the better option, but he needs direction from the Board.

Board member Jason Silva commented that above ground leaching areas and I/A are things we’ve seen and approved but Tight Tanks are for extreme cases,. He recalled a case that was approved for a location where there was no land, and the system would be almost in Village Pond.

When asked, Mr Rogers commented that the property was being approved for the sale of the property.

Attorney Chris Snow was on the call and commented on behalf of the estate. When asked if it was occupied, he stated that the property was occupied by one of the beneficiaries of the estate.

Alternate Board member Candida Monteith felt that the environmental conditions and the size of the lot, as well as the comments by the Engineer and Agent warranted use of a tight tank.



Board member Jason Silva pointed out that frequency of pumping would be about once a week during the season would likely be an issue for the neighbors, and if this became the goto option on Beach Point because there are difficult lots, it's not the most equitable solution. The Chair agreed that they needed to be careful about setting precedence.

Karen Ruyman commented that members of Pond Village applaud the owner of the tight tank in their neighborhood, and they do not at all mind the pump truck because it protects the pond and their drinking water, and she thought the Board should consider the option.

Alternate Board member Candida Monteith commented that not all properties on Beach point would require a tight tank, only the exceptional ones. Board member Helen Grimm pointed out that the tight tank is the most extreme solution, but that it is A solution, and not necessarily the best solution and thought that there should be other options to consider. The Agent suggested that the Board could develop findings to support the rationale for their decision to avoid setting precedence for other properties.

Board member Jason Silva suggested that the I/A can mitigate what the environmental issues are, and that he sees I/A as a huge huge improvement over a regular title 5.

The Chair asked if pumping records were kept. The Agent replied that the pump trucks are required to describe their loads on a form submitted to the wastewater treatment plants and that copies of those slips were submitted to the Health department. It's a condition of their licensure..

Chris Snow pointed out that the Board's charge was to protect the water table and prevent contamination from septage, and that a tight tank would be the best solution. If use of Tight Tanks spread to other properties on Shore Road it might give rise to Truro accelerating a plan to implement a way to deal with the septic systems on Beach Point.

**Motion:** Jason Silva moved to direct the engineer to prepare plans for an I/A system for this lot.

**Second:** Helen Grimm;

Alternate Board member Candida Monteith wanted a different motion and felt it was politics and the Board needs to be mindful of the groundwater, and that as far as business goes nobody wants to live where there is polluted water -and the waters are rising. The Chair agreed that both scenarios were an improvement to what was in place on the site.

The Vote was 4-1, motion carries. The Engineer will return with an I/A plan for approval.

## **DISCUSSION ON WATER RESOURCES**

The Agent updated the Board about the progress made on the consulting contract with Scott Horsely for development of a Water Resources management framework.

The Health Department has issued a letter to about 60 property owners that were within the recharge area of the Village Pond requesting access to collect water sampling or water testing of private wells, the water analysis costs would be carried by the town

## **REPORTS: Report of the Chair**

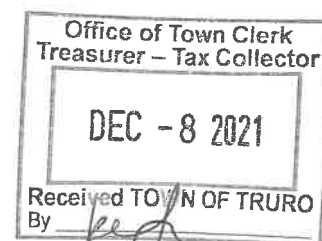
Regarding the APCC newsletter and the work on Highland Road, and the conversations with the State to address stormwater runoff from Route 6 that enters Pilgrim (Village) Pond.

**Health Agent's Report:** The Agent will send the Board the Recharge area Letter and the text of the Beach Point condition which will be sent to Town Counsel.

**Motion** to adjourn Jason Silva

**Second** by Helen Grimm; Vote was 5-0 unanimously in favor. Meeting adjourned at 6:30 PM

Minutes prepared by Emily Beebe 12-5-2021







**Memorandum of Understanding**  
**Cyanobacteria Monitoring in Village Pond**  
**In Truro, Massachusetts for 2021**  
**Prepared for Town of Truro**  
**Association to Preserve Cape Cod**  
**June 22, 2021**

**Parties.** This Memorandum of Understanding (MOU) is made and entered into by and between the Association to Preserve Cape Cod (APCC), located at 482 Main Street, Dennis MA 02638, and the Town of Truro, (hereinafter referred to as “the Client”) with the mailing address 24 Town Hall Road, Truro Ma 02666. Point of contact for this agreement with the Client is Emily Beebe, email [ebeebe@truro-ma.gov](mailto:ebeebe@truro-ma.gov).

**Purpose.** The purpose of this MOU is to establish the terms and conditions for APCC to provide services to the Client to assist with management of a cyanobacteria monitoring program in Village Pond for the 2021 monitoring season. The scope of work will include APCC staff coordinating with the Barnstable County Department of Health and Environment to collect biweekly samples, processing and analyzing pond water samples, communication of results to the Client and the public via biweekly email reports and an online map on APCC’s website ([www.apcc.org/cyano](http://www.apcc.org/cyano)), and providing an end of season report to summarize findings.

**Term of MOU.** This MOU is effective on the date signed and executed by the duly authorized representatives of the parties to this MOU and shall remain in effect until the completion of a final report by APCC, due by December 31, 2021. This MOU may be terminated, without cause, by either party upon one-week written notice. Time spent and work completed by APCC up to that termination date shall be fully funded and paid for by the Client. The period of performance may be extended by mutual written agreement of the parties.

**Program Responsibilities.**

**Task 1. Sample collection and field observations.** Staff from the Barnstable County Department of Health and Environment will collect 6 samples at Village Pond between June 14, 2021 and September 3, 2021. The staff will then bring the samples on the day of collection to a designated drop-off site before 10 am, or otherwise a set agreed upon time, so APCC staff can collect and take them to APCC’s lab in Dennis for analysis. At each sampling event two samples will be



collected from shore, one using a 50-micron (um) mesh plankton net and one using a 1-meter tube. Field observations will include completion of a field data sheet with information on weather, visual appearance of pond surface, water temperature, etc. Photographs will be taken of the pond's shoreline, which will be then sent to APCC staff via email. The parties agree that sampling will be conducted on a regular schedule, every other week, for the 6 sampling events throughout the monitoring season to allow tracking of cyanobacteria over time.

**Task 2. Sample analysis, data management and interpretation of results.** On the same day as sample collection, APCC will process and analyze samples following our cyanobacteria screening protocol. On the day of sample collection APCC will identify cyanobacteria types (genera) and percent dominance of each type of cyanobacteria. After freezing samples for the purposes of lysing cells, samples will be thawed and analyzed for cyanobacteria pigments (phycocyanin) and non-cyanobacteria algal pigments (chlorophyll-a) using a fluorometer. Measurement of chlorophyll-a is done in order to express cyanobacteria results as a ratio of cyanobacteria pigments to algal pigments, an indicator of the progression of overall algal growth over time. All resulting data will be recorded and stored on APCC's online server and findings will be interpreted by APCC cyanobacteria program staff.

**Task 3. Communication of results.** Following the completion of sample processing, APCC will promptly share findings with the Client via a biweekly report to share findings and, if deemed necessary, to recommend public advisory notices. All results will also be stored on APCC's server and communicated back to the Client in an end of season summary report. All results will also be posted to APCC's online cyanobacteria monitoring map ([www.apcc.org/cyano](http://www.apcc.org/cyano)) to allow the Client and the public to access the most current monitoring results.

5. **Budget.** APCC will complete the above tasks for the 2021 season at a rate of \$80 per sample for 6 samples collected from Village pond for a budget not to exceed \$480. If complications arise due to COVID-19 or other reasons which affect APCC's ability to sample, APCC will promptly notify the Client and will not charge the Client for these missed dates.

6. **Terms of Payment.** APCC will send the invoice for \$480 for this work on or after July 1, 2021. Additionally, if any amount is owed to the Client due to missed sampling events by the end of the season which exceed the amount of the final invoice, this amount will be refunded to the Client by December 31, 2021. Payment is due within 30 days of each invoice. Checks should be written to "The Association to Preserve Cape Cod" and mailed to 482 Main Street, Dennis, MA 02638.

7. **Notices and Invoices.** Invoices will be sent by mail to the Client at the mailing address 24 Town Hall Road, Truro Ma 02666. Invoices will be sent with the schedule described above.



8. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.

9. **Signatures.** In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the last signature on this page.

**Association to Preserve Cape Cod**

\_\_\_\_\_  \_\_\_\_\_ 10/7/21

[Andrew Gottlieb, APCC Executive Director] Date

**The Town of Truro**

\_\_\_\_\_  9/29/2021

[Emily Beebe, Health and Conservation Agent] Date







**Cyanobacteria Monitoring in Village Pond, Truro MA for 2021**  
**Association to Preserve Cape Cod – Town of Truro**

Invoice # 1 for work completed by APCC in the 2021 season.

Invoice Date: December 3, 2021

Bill to:  
24 Town Hall rd.  
Truro, MA, 02666  
Emily Beebe

Please remit payment to:  
Association to Preserve Cape Cod  
482 Main Street  
Dennis, MA. 02638

Please remit payment within 30 days of receipt of this invoice.

Task Description	Bill Amount
Task 1. Sample collection and field observations.	APCC sampled the agreed upon original schedule of samples for the agreed upon price.
Task 2. Sample analysis, data management and interpretation of results.	
Task 3. Communication of results.	
Total	\$480.00

Andrew Gottlieb, Executive Director  
Association to Preserve Cape Cod

