

TOWN OF TRURO
9:10 AM
JUL 20 2022

Minutes of the Truro Board of Health, Tuesday June 7, 2022

This was a remote meeting. Board members in attendance:

Chair Tracey Rose, Vice Chair Jason Silva, Board Members: Helen Grimm, Brian Koll; Absent: Tim Rose, Candida Monteith. Also Present: Health and Conservation Agent Emily Beebe.

The meeting was called to order at 4:30 PM by the Chair, Tracey Rose; she transferred her duties to the meeting to Vice Chair Jason Silva and he announced the remote meeting procedures and described the process for public participation.

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PUBLIC COMMENT:

Resident Karen Ruymann expressed gratitude on behalf of the Pond Village neighborhood about the Horsley Witten Stormwater Mitigation Plan and suggested a ban on lawn fertilizers be considered.

Board member Jason Silva suggested adding a topic on the next agenda for discussing cesspool upgrade enforcement.

Water Resources Discussion:

Scott Horsley was on the call to discuss the recent announcement by the DEP about regulatory changes to address nutrient loading on Cape Cod. Mr. Horsley is the Town's Groundwater Resources consultant and is a member of the DEP Title V Advisory Committee; he has worked with several communities to address nitrogen sensitive areas, including Wellfleet. The Health Agent began the conversation recapping the recent work by the Board of Health to make regulation changes to trigger use of nitrogen reducing Innovative/Alternative (I/A) septic systems where there is an imbalance of nitrogen loading. The current local regulation standards for I/A systems require the finished effluent to have no more than 19 milligrams per liter (mg/l) of nitrate nitrogen. Scott Horsley explained that a new generation of I/A systems septic system is being developed to produce effluent with 6-7 mg/l nitrate nitrogen.

Chair Tracey Rose asked why Truro did not have a Nitrogen TMDL. (A TMDL is total maximum daily load) Mr. Horsley stated that TMDL's have been issued for water bodies that have been studied and found to have too much of a particular pollutant. The TMDL then is a tool to identify opportunities to reduce the amount of pollutant detectable in the water body. The Pamet has a TMDL for pathogens but not for nitrogen, which is what the title 5 regulation changes would address. The Health Agent described the Massachusetts Estuaries Project (MEP) work that was conducted in 2007- 2009 with Provincetown. The initial report indicated moderate to poor water quality at Pamet and East Harbor, yet it did not lead to immediate or further study; new discussions on completing the MEP work would have to be scheduled. Scott Horsley agreed and suggested that all the embayment's in Truro are sensitive to nitrogen and therefore the Town should be protecting and studying these areas more intensely to come up with regulatory changes to start mitigating the issue and avoid nitrogen loading and water impairment.

The Health Agent described the stormwater management project that currently included a small staff team working with Scott Horsley to develop recommendations for the Select Board that will describe a process for adoption and implementation of regulations to address stormwater. Scott Horsley shared a short PowerPoint presentation on stormwater management.

Minutes compiled by Nina Richey

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He explained that stormwater run-off is not only a source for nitrogen but also a source for pathogens and other contaminants. The project will need to include an assessment existing conditions; a strategy for implementation of mitigations, and development of regulations to target sensitive areas such as pond watersheds, zone II's, and wetland resource areas. Mr. Horsley will meet with the Select Board on June 28th. Regulatory Boards and the public are invited to attend. This meeting will likely be posted as a joint session of the Board of Health with the Select Board.

Waiver of time: 9 Moses Way:

The owner of the property is requesting that the responsibility for the septic upgrade be transferred to the buyers for installation post-transfer. The Health Agent stated she was aware that the plan was close to being completed and was confident that the upgrade would occur in a timely fashion. Chair Tracey Rose stated that the application indicates that the property in question is due to transfer on June 15th, 2022. The owner, Marjorie Childs was on the call to represent the request for the waiver; 60 to 90 days was requested. The Chair informed the buyers that there would be no occupancy of the property allowed until the upgrade is completed. The buyers have agreed that the current owner, Marjorie Childs, may occupy the space until June 24th, otherwise there would be no occupancy of the property until the cesspool upgrade is completed. **Motion: Board member Brian Koll moved to approve a 90-day waiver of time; Second: Board member Jason Silva; Vote: 3-0-1; Chair Tracey Rose abstained, and the motion carried.**

Farmers Market: New Applicant – NAHUI Foods, Laura Espinoza:

Laura Espinoza was on the call to represent the application. She explained that her plan is to sell vegan cheeses. She also stated she has sold at other Farmer Markets including Wellfleet's farmer's market. She is working out of Pure Joy Farms.

Motion: Board member Brian Koll moved to approve the application; Second: Board member Helen Grimm; Vote: 4-0-0; the vote was unanimous, and the motion passed.

Change of Manager: Lexvest 104, LLC:

(continued from the 5/17/2022 meeting)

Matthew Blackham of Lexvest, LLC was on the call to represent the application. He explained that repairs have been done on the property and that half the property would be designated for weekly rentals and the other half for work force housing. John Paul Jordon is the proposed new manager for the association and was on the call to answer questions. The managers unit will be designated as Unit number 20. There are 25 units total. Mr. Paul mentioned that this will be his first-time managing properties. Chair Tracey Rose familiarized Mr. Paul with some of the issues and tasks he would be responsible for. She also highlighted the importance of making essential contact information available to the occupants.

Motion: Board member Helen Grimm moved to approve the application; Second: Board Member Brian Koll; Vote: 4-0-0; the vote was unanimous, and the motion passed.

Change of Manager: Harborview Condos:

Jack Peak was on the call to represent the project and has been chairman of the trustees and manager for the past 11 years. He is currently transitioning out of the manager's position and

orienting the new manager and co-managers as he phases out. The new offsite manager will be Randall Floyd who is the current owner of unit 6 which he rents out.

Motion: Board member Jason Silva moved to approve the application; **Second:** Board Member Brian Koll; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

Variance Requests/Local Upgrade Approval: 121 Slough Pond Road:

Jason Ellis was on the call to represent the variance request. He explained that the property includes a main dwelling which is determined to be a 3 bedroom and two studios that are 1 bedroom each. The new leaching area has been sited as far from the bordering vegetated wetland as possible. I/A treatment is required for this property. He requested a 5-foot variance from the leach area to the lot line; a 9-foot variance from the proposed septic tank to the well; a 9-foot variance from the proposed pump chamber to the well; a 17-foot variance from the proposed Orenco treatment pods to the well; no reserve area is provided; 31-foot from the proposed leach field to the wetland; 60-foot variance from the proposed septic tank to the wetland, and 61-foot variance from the proposed pump chamber to the wetland. The Health Agent stated that the plan design located components much further away from the wetland; additional treatment would be a benefit to the environment and the variances that were being requested did not result in a design that would not provide the same degree of environmental protection as would meeting the code setbacks. The Chair asked whether there was a water analysis available to reference for the property; there was a result dated 2005 that indicated high iron, and no detectable nitrogen levels. An updated analysis is required prior to installation of the new system.

Motion: Board Member Brian Koll moved to approve the variance; **Second:** Jason Silva; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

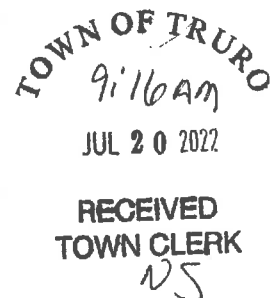
Local Board of Health Regulation Review: ACO regulation draft/ Control of placement of septic systems in relation to drinking wells. The Chair asked the Health Agent for an update; the Agent suggested that the 19 mg/l nitrate nitrogen standard for I/A in the local regulations should be discussed, and the Board should determine the characteristics of a nitrogen sensitive area where those I/A systems producing less than 12 mg/l nitrate N would be used. Scott Horsley explained that most towns require the same 19 mg/l nitrate N standard for I/A systems in their regulations for nitrogen sensitive areas, but that N standard would have to be reduced to open a market to incorporate the newer, more advanced I/A systems. He recommended that Municipalities with nitrogen or other water quality issues should require a higher performing I/A systems. Tisbury and Mattapoisett have already incorporated regulations to require these higher quality I/A systems and all towns that are dealing with nitrogen sensitive areas should incorporate similar regulations. Chair Tracey Rose asked about I/A system requirements for properties that are seasonal. Scott Horsley suggested focusing on the annual data indicating the average instead of focusing on the utilization of the property.

Minutes:

April 19, 2022 -

Motion: Board Member Brian Koll moved approve the minutes;

Second: Board member Helen Grimm; **Vote:** 4-0-0; The vote was unanimous, and the motion passed.



May 3, 2022-

Motion: Board Member Helen Grimm moved approve the minutes;

Second: Board member Brian Koll; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

Motion: Board Member Helen Grimm Moved to adjourn the meeting;

Second: Board Member Jason Silva; **Vote:** 5-0-0; the vote was unanimous, and the meeting was adjourned at 6:47 PM.

Respectfully submitted by Nina Richey

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9:16 AM

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