

January 5, 2021  
4:30 PM-Remote Meeting

**Members Present:** Chair Tracey Rose, Vice-Chair Jason Silva, Member Tim Rose, Member Meredith Goff

**Staff Present:** Health Agent Emily Beebe

Chair Tracey Rose called the meeting to order at 4:30 PM.

**AGENDA ITEMS**

**Variance Request to 310 CMR 15.406: 118 North Pamet Road**

Tim Brady of East Cape Engineering summarized the project.

Relocation of the existing building due to its proximity to the coastal bank; removal of the existing septic tank; 3) installation of a comb. septic tank/pump chamber in a location lower than the current one. The new location for the septic tank/pump chamber will be 10 feet from the property line and 50 feet from the well.

The Agent suggested that the Board approve the request for the new septic tank and pump chamber without the need of a variance to wetlands, as the existing system did not meet the requirement, and was presumed previously approved; further, it was suggested that this is notated in the record. The Chair asked Mr. Brady if the tank would be pumped and filled. Mr. Brady stated that it would be removed; he requested the Board approve the plan submitted for with the condition of removal of the tank, and he would supply a new set of plans with the notation included.

**Motion:** Mr. Rose moved to accept the existing plan except to change that the existing septic tank will be removed. Seconded by Mr. Silva; Vote: 4-0-0

**Vote: 4-0-1.** The motion carries.

The Chair asked for a brief explanation of the Conservation proposal. Mr. Brady gave a brief overview of the proposal which included (1) re-staking of the property, (2) potential relocation of the parking area, (3) approval from NHESP.

**Waiver Request -Oil Tank Removal: 39 Fisherman's Road**

Ms. Nagle gave a summary of the buyers request to replace the current heating system with a propane system with the waiver to not have the seller remove the tank prior to the sale.

Mr. Rose expressed his concerns over the oil tank leaking and asked Ms. Nagle the age of the tank. Ms. Nagle informed that Board that the house was built in 1972.

The Chair asked if the residence was going to be a second home. Ms. Nagle indicated that currently it will be a second home with the intent of becoming a primary home .

A lengthy discussion occurred which brought out three key points: (1) the age of the tank, (2) the sensitive area of town where the tank is located, and (3) convenience versus necessity.

The Chair recapped the waiver request and gave the members several options to consider.

**Motion:** Mr. Silva moved to deny the Waiver request for leaving the oil tank in past the date of the closing; seconded by Mr. Rose; Vote: 3-0-1 with the Chair abstaining. The motion carries.

**Discussion on proposed regulations regarding: Upgrade triggers, septic inspections and reporting form, maintenance pumping, well testing requirements**

The Board discussed possible upgrade triggers suggested by Mr. Lucy in an email. Mr. Lucy is a licensed Septic Inspector and Truro Resident. The email suggestions identified definitive triggers and major areas of concern. The Agent reviewed the concept of "Nitrogen Credit" which has been allowed under title 5, but not under Truro regulations unless it involved an ADU. There is a loophole that allows the credit for new construction, the Agent suggested the Board determine what they wanted to do with the loophole.

Setting a date for removal of Cesspools was thoroughly discussed by the Board. The Chair proposed a date of December 31, 2022. Ms. Goff expressed her concern that the date might be too soon for property owners to obtain financial assistance if they needed it. She asked for more information on financial assistance. There was discussion on the details of the Barnstable County Assistance program for septic system upgrade. Mr. Rose asked whether the Health Department had a database that reflected cesspool replacement since 2017. The Agent confirmed that the database starts in 2018 and that data was available to the Board.

The Chair requested a motion. **Motion: Mr. Silva moved that since any cesspools is a failed system and must be upgraded to Title V by December 31, 2023, seconded by Mr. Rose.**

There was further discussion after the motion regarding public assistance, education and a clarification of what upgrade defines.

Ms. Areson of the Select Board asked for the motion to be repeated with amendments.

The Chair confirmed that the motion was just for the sunseting date. Mr. Boyle suggested two different dates - (1) two years to get an approved plan and; (2) two additional years to get the septic installed.

**Mr. Silva rescinded his previous motion. Mr. Rose rescinded his second of the previous motion. A new motion followed.**

**Motion: Mr. Silva moved that all cesspools are failed systems, and upgrades shall be installed, inspected, and signed off by the Board of Health Agent by 12/31/2023: seconded by Mr. Rose; Vote: 4-0-0.**

The Agent suggested to defer upgrade triggers for IA systems to the next Board meeting. All members agreed.

The Board discussed septic inspections and the local reporting form. The Agent agreed with adding the "failed" category to the local form as suggested by Mr. Lucy. The Chair asked if a category of Other could be added to the form for specific comments or situational criteria to be notated.

Mr. Nagel asked if there was a percentage of liquid on a passing inspection that would trigger the recommendation for pumping. The Agent stated that under Title V it is recommended that the system be pumped every 3 – 5 years. At the time of inspection local regulations require pumping every three years.

The Chair proposed to continue the discussion on regulations to the next meeting.

**Motion: Mr. Silva moved to continue the proposed regulations to the next meeting; seconded by Mr. Rose; Vote: 4-0-0.**

**PUBLIC COMMENT** – There were no public comments.

**Health Agent's Report:**

- COVID testing next Tuesday, January 8 for staff – third round of assurance testing
- The Agent met with the school nurse, who reported that all of the children are vaccinated for seasonal flu in accordance with the State requirements. They have been working to refine communication to staff and the parents to characterize risks for exposure to the SARS CoV-2 virus, and to help them understand how to minimize their risk; they also message reminding them to be vigilant using the mitigations of masking, distancing, and mindful of hand and respiratory hygiene.

**Report of the Chair:**

- Next meeting will include the Election of Officers.
- Board of Selectmen's office has notified the Chair that they are actively reviewing and interviewing several applicants for the Board of Health on their Agenda. Several applicants have applied.

**Motion: Mr. Rose to adjourn the meeting; seconded by Mr. Silva; Vote: 4-0-0.**

Respectfully Submitted,

Lynne Budnick *LB*

