



## **Minutes of the Truro Board of Health, Tuesday August 1, 2023**

This was a remote meeting.

### **Board members in attendance:**

Chair Tracey Rose, Vice Chair Jason Silva; Board Members: Helen Grimm, Brian Koll, Tim Rose; Absent: Alternate Candida Monteith.

Also Present: Health Agent Emily Beebe, Assistant Health Agent Courtney Warren.

The meeting was called to order at 4:38 PM by the Chair, who described the remote meeting procedures and the process for public participation.

### **AGENDA ITEMS**

#### **Local Upgrade Approval & Local Variance Request: 24 Cliff Road, Blair & Paul Resika**

*(continued from the 7/18/2023 meeting)* John O'Reilly was representing the variance request for a cesspool upgrade to an innovative alternative system because the lot is undersized for the number of bedrooms. The Agent asked whether this was I/A or enhanced I/A and asked for more clarity concerning the bedroom count. John O'Reilly stated that this was a standard FAST I/A system and shared his screen to clarify the bedroom count. There was a discussion about the actual number of bedrooms on the property. Chair Tracey Rose read the Agent's memo into the record. Board member Helen Grimm asked a clarifying question about why one room was considered an office and not a bedroom. John O'Reilly explained that the office was a walk through and therefore does not count as a bedroom.

**Motion: Board member Tim Rose moved to approve the variances as requested; Second: Board member Brian Koll; Vote: 5-0-0; Motion carries.**

**Local Variance Request: 5 Valentina Way, Estate of Marguerite Yannetty** *(continued from 7/18/2023)* Laura Schofield was representing the project. She described the property overlooking Ryder Pond, and located in the Wellfleet Harbor watershed, an area that will soon be designated as a Nitrogen Sensitive Area. The property has two seasonal cottages on the property, one served by a cesspool and the other by an older Title 5 system. Both cottages would connect to one innovative/alternative septic system. There was discussion about the timing and the likelihood of this property being required to upgrade to enhanced I/A in the future. The Agent asked whether the system as designed could be retrofitted in the future. Laura Schofield asked if it would make more sense to upgrade to a Title 5 system now and wait to see what the regulations will require and wondered if more clarification could be gotten from DEP. The Agent suggested that they get some perspective on the timing from Scott Horsley, based on his experience with other municipalities. Laura Schofield requested a continuance until the August 15, 2023, Board of Health meeting. Abutter Judith Hogan expressed her concerns with the placement of the septic in relation to Ryder Pond. **Motion: Board member Tim Rose moved to continue the variance request until the August 15, 2023, meeting; Second: Board member Helen Grimm; Vote: 5-0-0; Motion carries.**

**Local Upgrade Approval & Local Variance Request: 7 Amity Lane, Irene Selver** *(continued from 7/18/2023)* Laura Schofield presented the cesspool upgrade project. She described the property as surrounded by wetland resources, and she outlined the requested variances. This application was similar to the previous property with the question of whether it is better to put in

a standard Title 5 system and wait for a regulation change to upgrade or install an Advantex I/A system now. The Agent explained that this property was in the Pamet watershed and will likely have a nitrogen target in the future. She suggested pausing to discuss with Scott Horsley. Laura Schofield added that this is a seasonal home. Chair Tracey Rose expressed that the use of the home, seasonal or not, shouldn't be a consideration. Laura Schofield requested a continuance to the 8/15/2023 meeting. **Motion: Board member Tim Rose moved to continue the variance request until the August 15, 2023, meeting; Second: Board member Jason Silva; Vote: 5-0-0; Motion carries.**

**Local Upgrade Approval & Local Variance Request: 38 Toms Hill Road, Tina Ryman et al. (continued from 7/18/2023)** Laura Schofield presented the cesspool upgrade project. The homeowner would like to install a Title 5 for now and hold off on upgrading to I/A. She described the property and stated that the cottages are not heated and therefore are completely seasonal. The Agent suggested continuing the request, in similar fashion to the previous application. **Motion: Board member Helen Grimm moved to continue the variance request until the August 15, 2023 meeting; Second: Board member Jason Silva; Vote: 5-0-0; Motion carries.**

**Local Variance Request: 6 Toms Hill Path, Thomas D. France et al. (continued from 7/18/2023)** Stephanie Sequin presented the cesspool upgrade project. She described the seasonal property and the lot, and their request for a temporary reprieve from the requirement of I/A. The septic design leaves room for a future upgrade. In exchange, the property owners suggest a deed restriction to ensure seasonal use. The Agent explained that since it is a large lot and is seasonal, it could meet the standard of review for the variance that is being requested. Chair Tracey Rose asked about accountability to DEP, but the Agent replied that the local Board of Health regulations were more stringent than Title 5. **Motion: Board member Jason Silva moved to approve the variance as requested; Second: Board member Tim Rose.**

There was discussion on the motion, and Mr. Silva asked to amend his motion, this was agreed to by Tim Silva who had provided the second;

**Motion: Board member Jason Silva moved to approve the variance as requested, with the condition that upon transfer and/or subdivision/ANR of the property, the system shall be upgraded to an I/A system; Second: Board member Tim Rose.; Vote: 5-0-0, motion carries.**

**Local Variance Request: 1 Mill Pond Road, Mill Pond Road Investment Trust**

Thomas W. Littaur, property owner, described the proposed project and introduced his engineer, Bob Rego, who shared his screen to show the plan. No Title 5 variances are needed, but variances are being requested to the local requirement for separation to wetland resource areas and for the use of the outer riverfront area as upland in the nitrogen loading calculations. The plan showed the initial 4-bedroom proposal and had not been amended to three bedrooms. Chair Tracey Rose stated that an accurate plan would need to be submitted. The Agent reviewed the local regulations with the board and discussed the complicated nature of the request since it is new construction. She asked Bob Rego if this could be good candidate for a Nitroe system. He was unfamiliar with that technology but could look into it. Mr. Littauer told the Board that this home will not have lawn area, another source of nitrogen. The Board wanted to be clear that there was a higher standard for new construction and the proposal needed to include mitigation.



Chair Tracey Rose suggested continuing the request until the engineer had looked into the Nitro system and updated the plan.

**Motion: Chair Tracey Rose moved to continue the request until August 15, 2023;**

**Second: Tim Rose; Vote: 5-0-0, motion carries.**

**Request for a waiver of time: 45 Corn Hill Road, Rose Investment Trust c/o Mary Rose**

Board member Tim Rose recused himself from the Board to speak on the request as the owner of the property. Chair Tracey Rose also recused herself. This waiver of time request would allow installation of the new septic (I/A) system after the transfer of the property. The closing date is August 19, 2023 and the request is for a 90-day waiver. Tim Rose stated that the property will not be occupied until the system is installed and has not been rented this year. **Motion: Board member Brian Koll moved to approve the waiver of time request; Second: Board member Helen Grimm; Vote: 3-0-2; Motion carries with Tracey Rose and Tim Rose abstaining.**

**Minutes: June 20, 2023**

**Motion: Board member Helen Grimm moved to approve the minutes as presented.**

**Second: Board member Tim Rose; Vote: 3-0-2 with Jason Silva and Brian Koll abstaining, motion carries.**

**PUBLIC COMMENT Please note that the Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.**

Jack Reimer made a comment about the Truro Motor Inn and suggested it could be used for housing. After reviewing the June 7, 2022, Board of Health meeting with Scott Horsely, he suggested a Board of Health agenda item in the future to discuss how the TMDL and nitrogen sensitive areas are being addressed and also find an affordable way to incorporate enhanced I/A systems.

**Report of the Chair-** The Chair commented that today is the One Cape Summit hosted by the Cape Cod Commission.

**Health Agent's Report-** The Health Agent stated that she has had productive conversations with the Local Comprehensive Planning Committee. They have discussed various topics and priorities pertaining to environmental protection and wastewater management. Chair Tracey Rose also added that there is an upcoming meeting for local citizens to understand how local government operates. The meeting will be in September and the Town Manager has requested that a member of each board be present to answer any questions the public may have for them.

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

**The meeting was adjourned at 7:20 P.M.**

Respectfully submitted by Nina Richey.

Board of Health minutes: August 1, 2023



