



Truro Board of Health

Tuesday April 16, 2024 at 4:30 PM

Truro Board of Health Notice of Regular (hybrid) Meeting

Meeting will open at 4:30 PM in the Select Board Chambers at Truro Town Hall on the 2nd floor.
The Truro Town Hall is located at 24 Town Hall Road

This will be a hybrid meeting (in-person and remote access). Citizens in Truro can view the meeting on Channel 8 and on the homepage of the Town of Truro website on the "Truro TV Channel 8" button found under "Helpful Links". Once the meeting has started, click on the green "Watch" button in the upper right of the page. **To join the meeting by phone or to provide comment during the meeting, please call-in toll free at 1-305-224-1968 and enter the following Meeting ID when prompted: Meeting ID: 884 7580 5887** To join this Zoom meeting from your computer, tablet or smartphone enter <https://us02web.zoom.us/j/88475805887> Please note that there may be a slight delay between the meeting and the live-stream (and television broadcast).

If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in; citizens may also provide public comment for this meeting by emailing the Health Agent at ebeebe@truro-ma.gov with your comments.

I. 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*

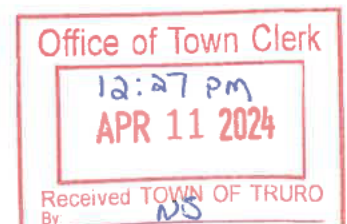
II. AGENDA ITEMS

1. **Local Variance Request:** 18 Phat's Valley Road, John Field Revocable Trust
2. **Title 5 Variance request for Administrative Consent Order:** 398 Shore Road, Judith McDermott Powers, Trustee
3. **Discussion:** Salty Market Farm-Stand, 2 Highland Road, NT
4. **Discussion:** Annual Town Meeting- Senior Perks article
5. **Draft BoH Regulation amendment:** Section 6, Articles 3 & 10
6. **Water Resources report**

III. MINUTES

IV. REPORTS

Report of the Chair
Health Agent's Report



SCHOFIELD BROTHERS OF CAPE COD
Land Surveying and Environmental Permitting
161 Cranberry Highway
P.O. Box 101
Orleans, MA 02653-0101
508-255-2098 - 508-240-1215 (fax)
E-mail: schobro@capecod.net

March 26, 2024

Truro Board of Health
24 Town Hill Road
Truro, MA 02666

HEALTH DEPARTMENT
TOWN OF TRURO

MAR 27 2024

RECEIVED BY:

RE: 18 Phats Valley Road

Dear Members of the Board:

Enclosed for your review please find the following:

- A filing fee in the amount of \$75.00 and an Application for Board of Health Variances
- 7 Copies of the Floor Plan of the Existing Dwelling with rooms labeled.
- 7 Copies of the Plan entitled "Proposed Sewage Disposal System for An Existing Four Bedroom Dwelling at 18 Phats Valley Road Truro, Massachusetts" dated 3/25/24.
- A copy of the Certified abutter list and a copy of the notification sent to the abutters

The subject property is a 43,560± square foot lot with an existing 4 bedroom house built in 1830 with associated appurtenances. The house is currently served by three cesspools and a private well. The property is located within an environmentally sensitive area with limited access to the site and numerous site constraints impact the septic system design.

The proposed septic system is designed to serve the 4 bedroom dwelling; a 1,500 gallon polyethylene septic tank is provided along with a soil absorption system comprised of Cultec chambers in a trench configuration. The design takes advantage of the reduction of leaching area allowed pursuant to a local upgrade approval and in anticipation of a future enhanced innovative/alternative technology being installed at a later date. Currently all three cesspools fall within the 100 foot protective radius of the existing private water supply well; the new soil absorption system will provide the required setback to the private well, providing over a 100 foot separation.

Two local upgrade approvals from Title 5 are requested as well as several variances from the Truro Board of Health Regulations governing septic system design as follows:

Local upgrade approval requested pursuant to Title V, the State Environmental Code:

15.405(1)(b) An increase in the maximum allowable depth of system components required by 310 CMR 15.221(7) from 36" to 65" max for the distribution box and soil absorption system.

15.405(1)(c) to allow a 25% reduction in the required subsurface disposal area design requirements.

To comply with the Title 5 conditions applicable to this request, the soil absorption system components and d-box are rated for H-20 loading. The leaching area will be vented. An inspection port will be brought to within 6 inches of final grade to provide access to the soil absorption system for inspection.

SCHOFIELD BROTHERS OF CAPE COD
Land Surveying and Environmental Permitting

Variances Requested from Town of Truro Board of Health Regulations

Section VI- Local Regulations to Supplement Title 5, State Environmental Code:

Relief is requested temporarily from Article 8 – Innovative Alternative Technology (1) *Applicability (d) for upgrades of previously approved systems that exceed current nitrogen loading standards of 110 gpd/10,000 sf of lot area* and from Article 13 – Nitrogen Loading Limitations (2) *Upgrades for systems that exceed current nitrogen loading shall include the use of I/A technology.*

Due to the proximity of numerous wetland resource areas, variances from the Town of Truro Board of Health Regulations Section VI, Article 9 are required for the minimum setback distances for the septic tank and soil absorption system as follows:

Minimum setback distance between a septic tank and wetlands: 100 feet required.
0' provided between proposed septic tank and Riverfront Area. (within Riverfront Area)
70' provided between proposed septic tank and Land Subject to Coastal Storm Flowage.
63' provided between proposed septic tank and top of Coastal Bank.
67' provided between septic tank and isolated shrub swamp

Minimum setback distance between a soil absorption system (SAS) and a wetlands: 150 feet required.
0' provided between proposed SAS and Riverfront Area. (within Riverfront Area)
65' provided between proposed SAS and Land Subject to Coastal Storm Flowage
102' provided between proposed SAS and Salt Marsh.
55' provided between proposed SAS and Top of Coastal Bank.
75' provided between SAS and isolated shrub swamp

The property owners would like to comply with the Board of Health's requirement to upgrade their existing cesspool to a Title 5 system. The septic system shown on the design plan is a substantial improvement with respect to public health and protecting the environment than the existing cesspools the system will replace.

The existing dwelling is a seasonal dwelling that is not winterized and therefore not possible to utilize for most of the year. The property owners would like to phase in the requirement for providing an innovative/alternative technology to such a time that the house is winterized, the house is sold, or an enhanced innovative/alternative technology becomes available pursuant to a general use permit.

Please don't hesitate to contact our office if you have questions or require additional information.

Sincerely,

Schofield Brothers of Cape Cod



Laura Schofield, RS
Project Manager

enc

cc: John Field Revocable Trust c/o Peter Field

Fee: \$75.00



TRURO HEALTH & CONSERVATION DEPARTMENT
24 Town Hall Road, Truro 02666

APPLICATION FOR BOARD OF HEALTH VARIANCES

Date: March 5, 2024

Property Owner's Name: John Field Revocable Trust

Mailing Address: c/o Peter Field 371 Madison Street, Apt. 508, New York, NY 10002

Address of Property: 18 Phats Valley Road

Map and Parcel Number: Map # 54 Parcel # 8

Design Engineer/Sanitarian Laura Schofield, RS

Firm/Company Name: Schofield Brothers Phone #: 508.255.2098

Address: PO Box 101 Orleans, MA 02653

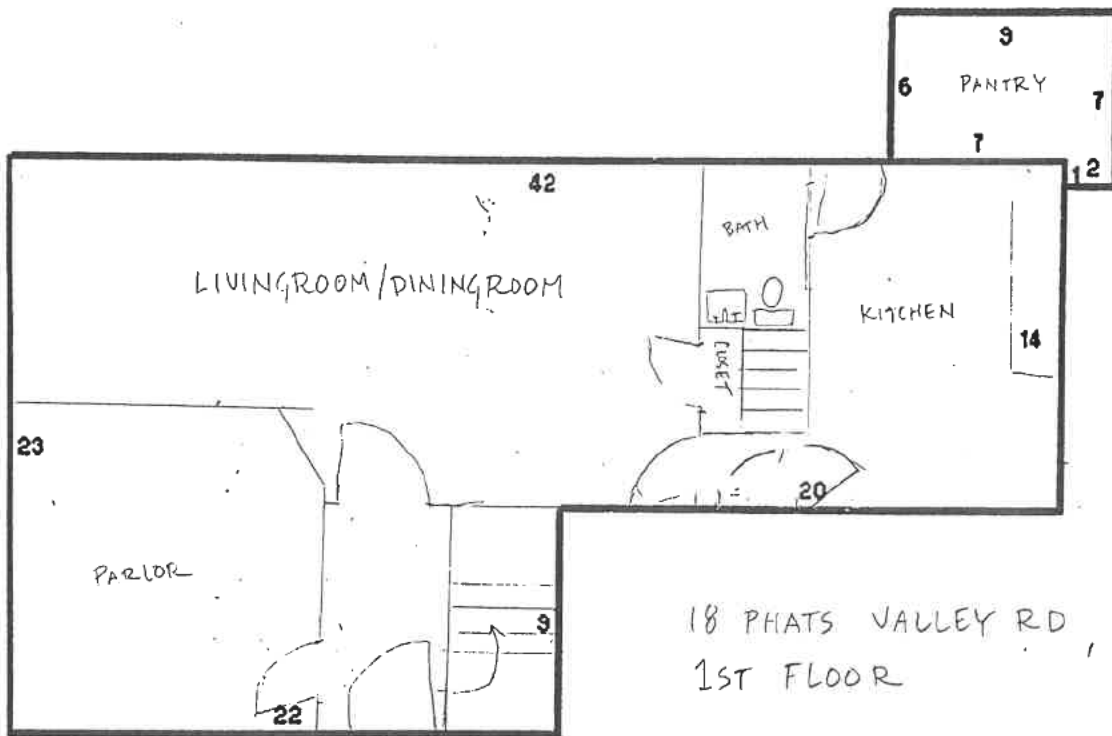
Please check type of variance requested:

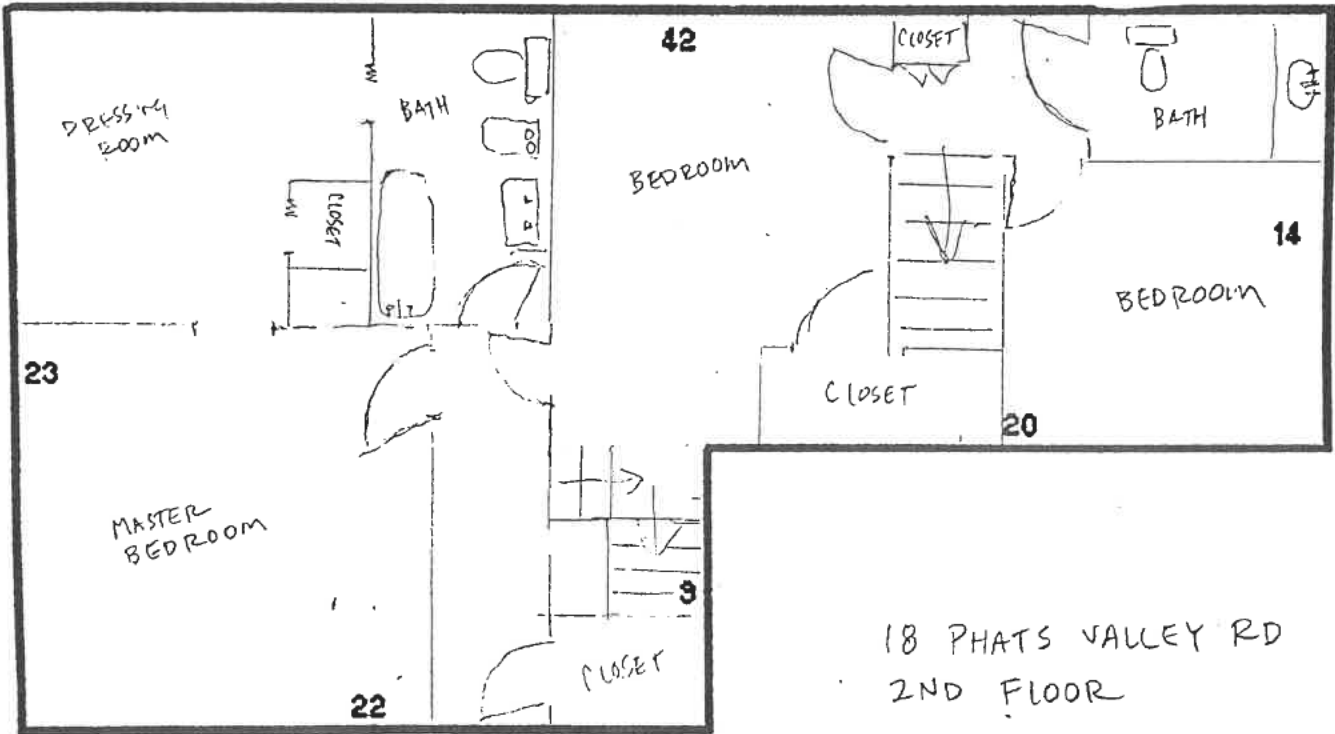
Title 5 Variance Request: Section Please refer to attached sheet

Board of Health Variance Request: Section/Article Please refer to attached sheet

Laura Schofield 3/8/24
Signature (Representative) Date

John Field 3/6/24
Signature (Property Owner) Date



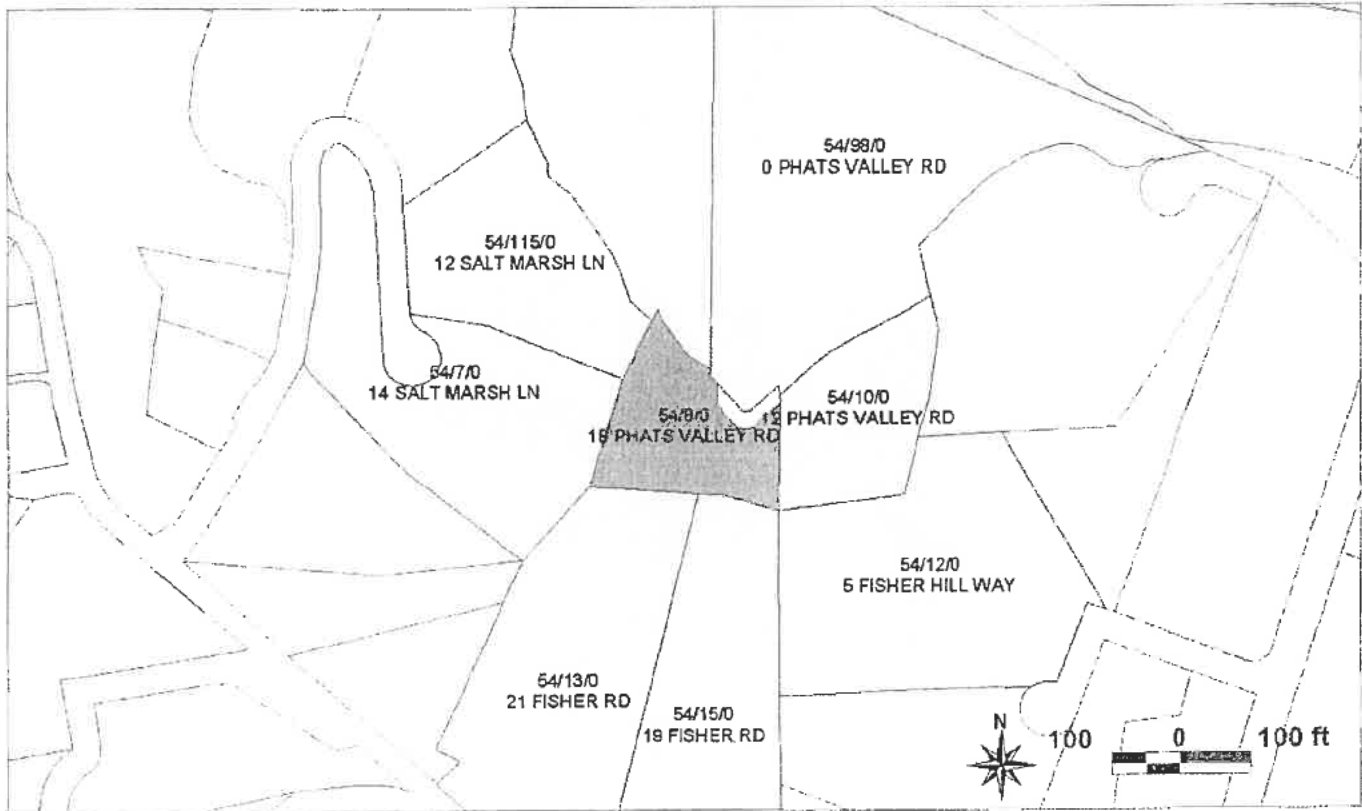


18 PHATS VALLEY RD
2ND FLOOR

18 Phats Valley Road
 Map 54, Parcel 8
 Board of Health

TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3239	54-2-0-R	OWNER UNKNOWN	20-D MILL POND RD	20 D MILL POND RD	TRURO	MA	02666
3244	54-7-0-R	POOR ANNA MARIA & POOR GRAHAM V	14 SALT MARSH LN	46 ATHERTON ST	BOSTON	MA	02119
3246	54-10-0-R	JOHN FIELD REVOC TRUST & JANE KATZ FIELD REVOC TRUST	12 PHATS VALLEY RD	644 WEST HILL RD	PUTNEY	VT	05346
3248	54-12-0-R	ROSS D AIN REVOCABLE TRUST TRS: ROSS D & JUDITH STONE AIN	5 FISHER HILL WAY	3512 NEWARK ST NW	WASHINGTON	DC	20016
3249	54-13-0-R	ROBERT L JACKSON FAMILY TRUST TRS: KATHY E JACKSON ET AL	21 FISHER RD	PO BOX 62	TRURO	MA	02666
3251	54-15-0-R	FULOP JOHN	19 FISHER RD	103 EAST ALFORD RD	WEST STOCKBRIDGE	MA	02166
3329	54-98-0-E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	0 PHATS VALLEY RD	PO BOX 327	NO TRURO	MA	02652-0327
5940	54-115-0-R	POOR ANNA MARIA	12 SALT MARSH LN	46 ATHERTON ST	BOSTON	MA	02119

[Handwritten Signature]
 2/20/2024 Page 1

SCHOFIELD BROTHERS OF CAPE COD
Land Surveying & Environmental Permitting
161 Cranberry Highway
P.O. Box 101
Orleans, MA 02653-0101
508-255-2098 - 508-240-1215 (fax)
E-mail: schobro@capecod.net

March 26, 2024

RE: 18 Phats Valley Road Septic System Upgrade

Dear Abutter;

You are being notified pursuant to Title 5, the Massachusetts State Environmental Code, and the Truro Board of Health Regulations that the Truro Board of Health will hold a public hearing to hear a request for local upgrade approvals from Title 5 and variances from the applicable local Board of Health Regulations for a septic system upgrade at the above referenced address. The local upgrade approvals and variances requested are as follows:

Local upgrade approval requested pursuant to Title 5, the State Environmental Code:

15.405(1)(b) An increase in the maximum allowable depth of system components required by 310 CMR 15.221(7) from 36" to 65" max for the distribution box and soil absorption system.

15.405(1)(c) to allow a 25% reduction in the required subsurface disposal area design requirements.

Variances Requested from Town of Truro Board of Health Regulations

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0' provided between proposed septic tank and Riverfront Area. (within Riverfront Area)

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63' provided between proposed septic tank and top of Coastal Bank.

67' provided between septic tank and isolated shrub swamp

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0' provided between proposed SAS and Riverfront Area. (within Riverfront Area)

65' provided between proposed SAS and Land Subject to Coastal Storm Flowage

102' provided between proposed SAS and Salt Marsh.

55' provided between proposed SAS and Top of Coastal Bank.

75' provided between SAS and isolated shrub swamp

SCHOFIELD BROTHERS OF CAPE COD
Land Surveying & Environmental Permitting

Copies of the site plan are on file at the Board of Health and may be viewed prior to the public hearing to be held on April 16, 2024. The variance hearing begins at 4:30 pm and will be a hybrid meeting (in person and remote access).

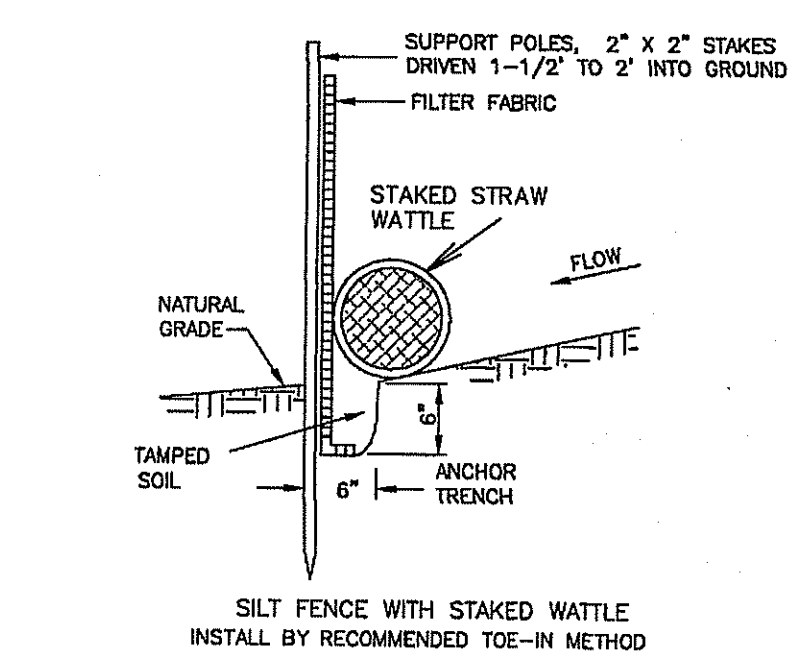
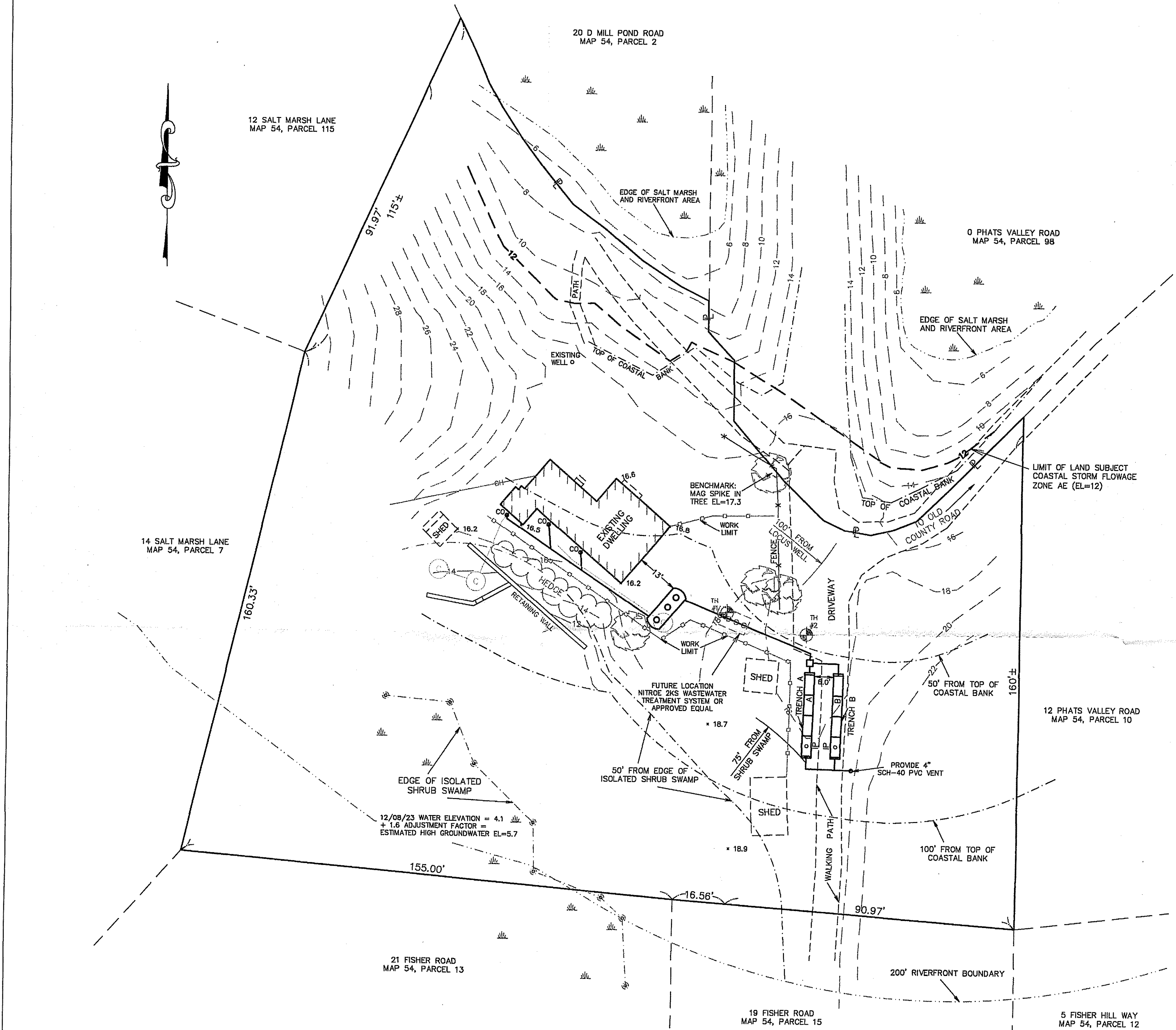
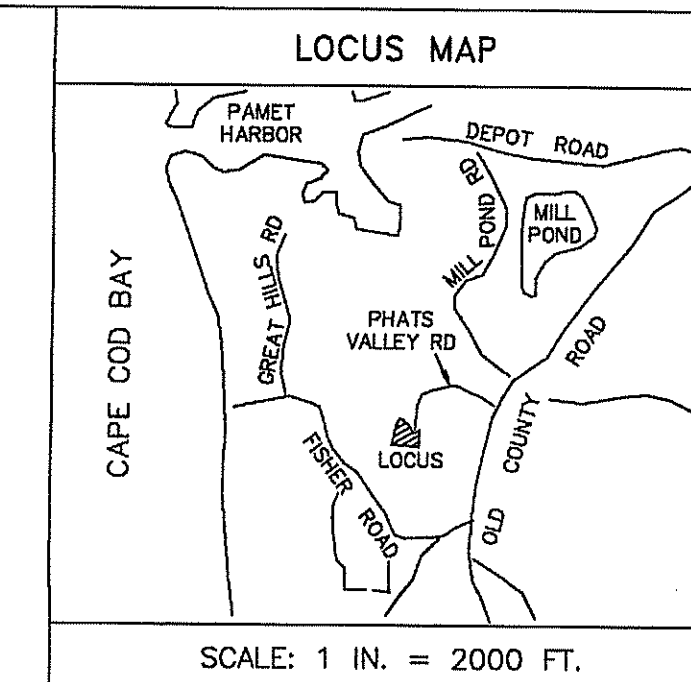
Remote Meeting Access Instructions: For citizens in Truro the meeting may be viewed on Channel 8. It may also be found at the Town web-site home page at www.Truro-ma.gov. Please refer to the published meeting agenda at the Town of Truro website for access codes and further information.

In Person: The public hearing will open at 4:30 pm in the Select Board Chambers at the Truro Town Hall on the 2nd floor. The Truro Town Hall is located at 24 Town Hall Road.

SCALE: 1 in. = 20 ft.
 PLOT PLAN
 ASSESSOR'S MAP 54 PARCEL 8
 LOT AREA: 4,356.0 SQ. FT. ±

DEEP TEST HOLE OBSERVATION LOG #1							
DATE: MAY 6, 2022				JOB: O-12591			
PERFORMED BY: LAURA SCHOFIELD, RS SE				WITNESSED BY: AROZANA DAVIS, TRURO BOH			
ELEVATION (FT)	DEPTH FROM SURFACE (IN)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER	
18.0-17.4	0-7	A	SANDY LOAM	10YR2/4	-	MASSIVE, FRABLE	
17.4-17.1	7-11	Bw	LOAMY SAND	10YR6/4	-	SOIL, LOOSE	
17.1-8.0	11-120	C	SAND	10YR6/4	-	SOIL, LOOSE	
PARENT GEOLOGICAL MATERIAL: GLACIAL OUTWASH				STANDING WATER IN HOLE: NO			
KEEPING FROM FACE: NO				DEPTH TO BEDROCK:			
ESTIMATED SEASONAL HIGH GROUNDWATER AT EL. = 5.7 (INCLUDES A 1.6 ADJUSTMENT)							
PERCOLATION TEST: TOP OF PERC. AT 31", 24 GAL. ABSORBED IN 3:11 MIN., PERC. RATE < 2 MPI							

DEEP TEST HOLE OBSERVATION LOG #2							
DATE: MAY 6, 2022				JOB: O-12591			
PERFORMED BY: LAURA SCHOFIELD, RS SE				WITNESSED BY: AROZANA DAVIS, TRURO BOH			
ELEVATION (FT)	DEPTH FROM SURFACE (IN)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER	
17.7-17.0	0-125	A	SANDY LOAM	10YR2/4	-	MASSIVE, FRABLE	
17.0-7.3	8-125	C	SAND	10YR6/4	-	SOIL, LOOSE	
PARENT GEOLOGICAL MATERIAL: GLACIAL OUTWASH				STANDING WATER IN HOLE: NO			
KEEPING FROM FACE: NO				DEPTH TO BEDROCK:			
ESTIMATED SEASONAL HIGH GROUNDWATER AT EL. = 5.7 (INCLUDES A 1.6 ADJUSTMENT FACTOR)							
PERCOLATION TEST:							



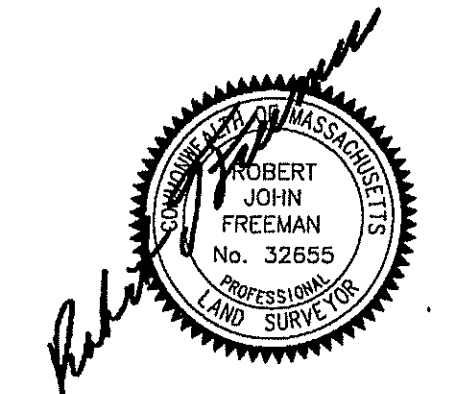
- EROSION CONTROL NOTES:**
- THE FOLLOWING ARE GENERAL EROSION CONTROL SPECIFICATIONS TO BE EMPLOYED WHEN CONSTRUCTION WORK IS TO TAKE PLACE ON SITE:
- PRIOR TO ANY DISTURBANCE OR ALTERATIONS OF ANY AREA ON THE SITE A STAKED SILT FENCE OR SILT FENCE WITH STAKED STRAW WATTLE SEDIMENT BARRIER SHALL BE INSTALLED AT THE LOCATION SHOWN.
 - ONCE INSTALLED, THE SEDIMENT BARRIER SHALL BE MAINTAINED IN PLACE UNTIL ALL AREAS UPGRADIENT FROM THE BARRIER HAVE BEEN STABILIZED AS SPECIFIED HEREIN.
 - ALL DISTURBED AREAS NOT OTHERWISE DEVELOPED OR WHERE SPECIAL STABILIZATION MEASURES OR LANDSCAPE PLANTINGS ARE NOT PROPOSED SHALL BE LOAMED AND SEEDED WITH A RYE/FESCUE MIX, FOUR INCHES OF TOPSOIL (LOAM) SHALL BE APPLIED UNLESS OTHERWISE SPECIFIED.
 - ALL AREAS OUTSIDE OF THE LIMIT OF WORK ARE TO BE LEFT UNDISTURBED, DURING THE SITE WORK ALL PERSONS AND EQUIPMENT SHALL STAY OUT OF THESE AREAS AND PRESERVE THE EXISTING VEGETATION.

- GENERAL NOTES**
- ELEVATIONS REFER TO NAVD88. SEE BENCHMARK ON PLAN.
 - ALL CONSTRUCTION AND MATERIALS TO CONFORM TO TITLE 5 OF THE MASSACHUSETTS STATE ENVIRONMENTAL CODE AND THE BOARD OF HEALTH REQUIREMENTS FOR THE TOWN OF TRURO.
 - ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE BOARD OF HEALTH AND SCHOFIELD BROTHERS OF CAPE COD.
 - FOR PROPER PERFORMANCE, THE SEPTIC TANK SHOULD BE INSPECTED AT LEAST ONCE PER YEAR. THE TANK SHOULD BE PUMPED WHEN THE TOTAL DEPTH OF SCUM AND SOLIDS EXCEEDS 1/3 OF ITS LIQUID DEPTH.
 - SCHOFIELD BROTHERS OF CAPE COD DOES NOT ASSUME RESPONSIBILITY FOR MATERIALS ENCOUNTERED DURING EXCAVATION.
 - ANY UNSUITABLE OR DELETERIOUS MATERIAL ENCOUNTERED MUST BE EXCAVATED AND REMOVED TO A DISTANCE OF 5 FEET FROM ALL SIDES OF THE SOIL ABSORPTION SYSTEM (S.A.S.) AND TO A DEPTH AT WHICH THE C HORIZON IS ENCOUNTERED. BACKFILL WITH CLEAN SAND MATERIAL MEETING TITLE 5 SPECIFICATIONS TO APPROX. ELEVATION 13.0. CONTACT SCHOFIELD BROTHERS IF ANY DOUBT OR QUESTIONS ARISE REGARDING SOIL QUALITY.
 - INSTALLATION CONTRACTOR SHALL CONTACT SCHOFIELD BROTHERS PRIOR TO BACKFILLING FOR SYSTEM CERTIFICATION.
 - EXISTING CESSPOOLS ARE TO BE PUMPED, ABANDONED AND COLLAPSED OR FILLED WITH CLEAN SAND.
 - EXISTING BUILDING SEWER INVERTS SHALL BE VERIFIED IN FIELD PRIOR TO COMPONENT INSTALLATION. CONTACT SCHOFIELD BROTHERS IF SIGNIFICANT DISCREPANCIES EXIST.
 - SITE RESTORATION REQUIRES ALL STRIPPED TOPSOIL AND SUBSOIL TO BE STOCKPILED AND REUSED AT OWNERS OPTION. RE-SPREAD OVER DISTURBED AREAS TO PROMOTE OPTIMAL GROWTH.
 - ANY COMPONENT THAT WILL BE SUBJECT TO VEHICLE OR OTHER HEAVY EQUIPMENT TRAFFIC SHALL BE INSTALLED WITH H-20 LOADING CAPACITY.
 - UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.
 - NO KNOWN WELLS EXIST WITHIN 200' OF THE PROPOSED LEACHING AREA EXCEPT THOSE THAT ARE SHOWN.

DESIGN CALCULATIONS

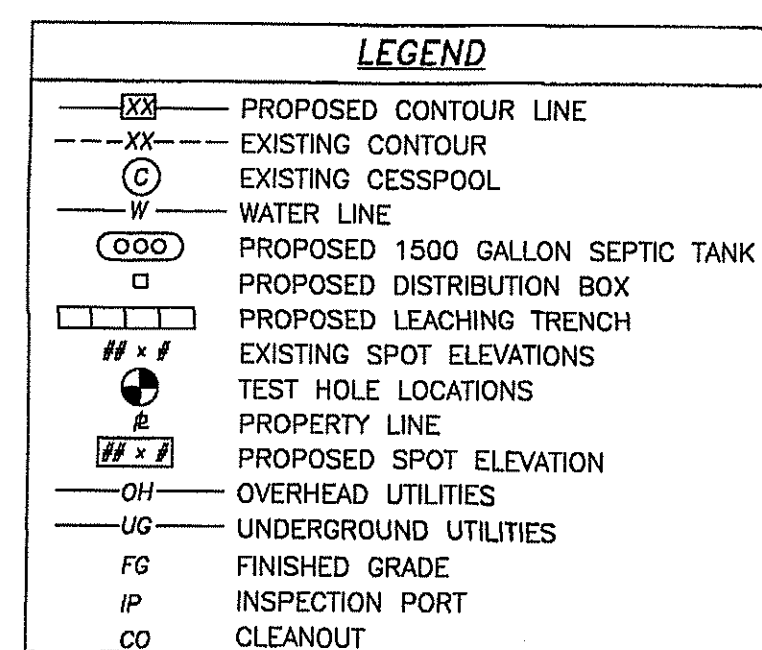
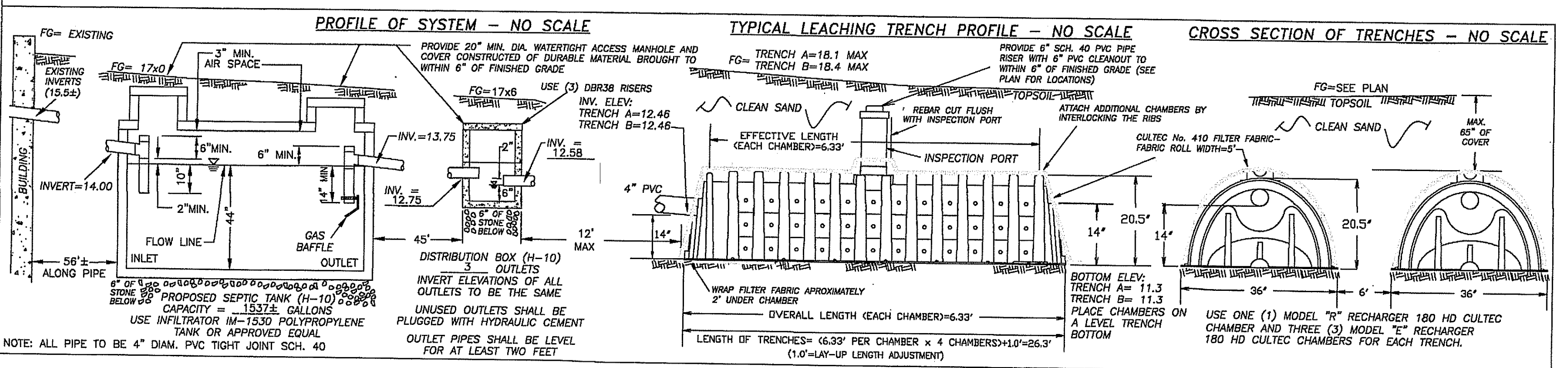
- ESTIMATED HYDRAULIC LOADING:
 $\frac{4 \text{ BEDROOMS AT } 110 \text{ GPD PER BEDROOM}}{4 \text{ GARBAGE GRINDER IS NOT ALLOWED WITH THIS DESIGN}} = 440 \text{ GPD}$
- SEPTIC TANK SIZE:
 $\text{AVERAGE DAILY FLOW} = 440 \text{ GPD} \times 2 \text{ DAYS} = 880 \text{ GALLONS}$
 $\text{SEPTIC TANK PROVIDED} = 1500 \text{ GALLONS}$
- DESIGN PERCOLATION RATE = < 2 MINUTES PER INCH
 $310 \text{ CMR } 15.242 \text{ EFFLUENT LOADING RATE} = 0.74 \text{ GPD/SF}$
- SUBSURFACE DISPOSAL AREA REQUIREMENTS:
 $\text{TOTAL LEACHING AREA SQUARE FOOTAGE REQUIRED BY TITLE 5} = 440 \text{ GPD} \div 74 \text{ GPD/SF} = 595 \text{ SF MINIMUM REQUIRED}$
 * 25% REDUCTION OF THE REQUIRED SUBSURFACE DISPOSAL AREA REQUIREMENTS IS REQUESTED
 LEACHING AREA PROVIDED:
 CULTEC SYSTEM: RECHARGER 180 HD (8) CHAMBERS PROVIDED
 MASSACHUSETTS ALLOWABLE EFFECTIVE LEACHING AREA = 8.9 SF/LF (FOR TRENCH CONFIGURATION)
 8 CHAMBERS $\times 6.3 \text{ LF/CHAMBER} \times 8.9 \text{ SF/LF} = 448.6 \text{ SF PROVIDED}$
 *(75% OF REQUIRED LEACHING AREA)

HEALTH DEPARTMENT
 TOWN OF TRURO
 MAR 27 2024
 RECEIVED BY:



LOCAL UPGRADE APPROVAL REQUESTED PURSUANT TO TITLE 5, THE STATE ENVIRONMENTAL CODE:
 15.405(1)(B) AN INCREASE IN THE MAXIMUM ALLOWABLE DEPTH OF SYSTEM COMPONENTS REQUIRED BY 310 CMR 15.221(7) FROM 36" TO 65" MAX FOR THE DISTRIBUTION BOX AND SOIL ABSORPTION SYSTEM.
 15.405(1)(C) TO ALLOW A 25% REDUCTION IN THE REQUIRED SUBSURFACE DISPOSAL AREA DESIGN REQUIREMENTS.

VARIANCES REQUESTED FROM THE TOWN OF TRURO BOARD OF HEALTH REGULATIONS SECTION VI - LOCAL REGULATIONS TO SUPPLEMENT TITLE 5, STATE ENVIRONMENTAL CODE: RELIEF IS REQUESTED TEMPORARILY FROM ARTICLE 8 - INNOVATIVE ALTERNATIVE TECHNOLOGY (1) APPLICABILITY (D) FOR UPGRADES OF PREVIOUSLY APPROVED SYSTEMS THAT EXCEED CURRENT NITROGEN LOADING STANDARDS OF 110 GPD/10000 SF OF LOT AREA AND FROM ARTICLE 13 - NITROGEN LOADING LIMITATIONS (2) UPGRADES FOR SYSTEMS THAT EXCEED CURRENT NITROGEN LOADING SHALL INCLUDE THE USE OF I/A TECHNOLOGY.
 VARIANCES FROM THE TOWN OF TRURO BOARD OF HEALTH REGULATIONS SECTION VI, ARTICLE 9 ARE REQUIRED FOR THE MINIMUM SETBACK DISTANCES FOR THE SEPTIC TANK AND SOIL ABSORPTION SYSTEM AS FOLLOWS:
 MINIMUM SETBACK DISTANCE BETWEEN A SEPTIC TANK AND WETLANDS: 100 FEET REQUIRED
 65' PROVIDED BETWEEN PROPOSED SEPTIC TANK AND RIVERFRONT AREA. (WITHIN RIVERFRONT AREA)
 70' PROVIDED BETWEEN PROPOSED SEPTIC TANK AND LAND SUBJECT TO COASTAL STORM FLOWAGE.
 63' PROVIDED BETWEEN PROPOSED SEPTIC TANK AND TOP OF COASTAL BANK.
 67' PROVIDED BETWEEN SEPTIC TANK AND ISOLATED SHRUB SWAMP.
 MINIMUM SETBACK DISTANCE BETWEEN A SOIL ABSORPTION SYSTEM (SAS) AND A WETLAND:
 150' REQUIRED
 0' PROVIDED BETWEEN PROPOSED SAS AND RIVERFRONT AREA. (WITHIN RIVERFRONT AREA)
 65' PROVIDED BETWEEN PROPOSED SAS AND LAND SUBJECT TO COASTAL STORM FLOWAGE.
 102' PROVIDED BETWEEN PROPOSED SAS AND SALT MARSH.
 55' PROVIDED BETWEEN PROPOSED SAS AND TOP OF COASTAL BANK.
 75' PROVIDED BETWEEN SAS AND ISOLATED SHRUB SWAMP.



PROPOSED SEWAGE DISPOSAL SYSTEM

FOR: AN EXISTING 4 BEDROOM DWELLING
 AT: 18 PHATS VALLEY ROAD
 TRURO, MA

ASSESSOR'S MAP: 54 PARCEL: 8
 APPLICANT: PETER FIELD
 371 MADISON STREET, APT 508
 NEW YORK, NY 10002

DATE: MARCH 26, 2024

DESIGNED BY: LAS
 DRAWN BY: LAS
 CHECKED BY: LAS

JOB #: O-12591

SCHOFIELD BROTHERS OF CAPE COD
 LAND SURVEYING - ENVIRONMENTAL PERMITTING
 P.O. BOX 101, 161 CRANBERRY HIGHWAY ORLEANS, MA
 (508) 255-2098

Fee: \$75.00

#2024-06



APPLICATION FOR BOARD OF HEALTH VARIANCES

Date: April 2, 2024

HEALTH DEPARTMENT
TOWN OF TRURO

APR 03 2024

RECEIVED BY:

Property Owner's Name: Judith McDermott Powers, Designated Trustee, Cottage Realty Trust

Mailing Address: 10 Halsey Way, Natick, MA 01760-2919

Address of Property: 398 Shore Rd, Truro, MA

HEALTH DEPARTMENT
TOWN OF TRURO

Map and Parcel Number: Map # 10 Parcel # 23

MAR 29 2024

RECEIVED BY:

Design Engineer/Sanitarian _____

Firm/Company Name: _____ **Phone #:** _____

Address: _____

Please check type of variance requested:

Title 5 Variance Request: Section _____

Board of Health Variance Request: Section/Article _____
Section VI, Article 3.f. 1-7 See Narrative

Judith McDermott Powers, Designated Trustee April 2, 2024
Signature (Representative) Date

Judith McDermott Powers, Designated Trustee, Cottage Realty Trust

Signature (Property Owner)



TRURO ASSESSORS OFFICE
PO Box 2012 Truro, MA 02666
Telephone: (508) 214-0921
Fax: (508) 349-5506

Date: February 27, 2024

To: Cottage Realty Trust, Judith M. Powers, Trustee

From: Assessors Department

Certified Abutters List: 398 Shore Road (Map 10, Parcel 23)

Board of Health

Attached is a combined list of abutters for 398 Shore Road.

The current owner is Cottage Realty Trust, James E. McDermott et al, Trustees.

The names and addresses of the abutters are as of February 23, 2024 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

Olga Farrell
Assessing Clerk

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
317	10-22-0-R	SHEA KEVIN R & RICHLAND JUDITH	402 SHORE RD	357 HARVARD ST APT 1	CAMBRIDGE	MA	02138
318	10-24-0-R	MORSE MARJORIE J REV TR ETAL TRS: MORSE MARJORIE J	396 SHORE RD	4 SUFFOLK PARK	NASHUA	NH	03063-7018
332	10-39-0-R	STEPHEN BERNARDI TRUST 2013 & DIANE M BERNARDI TRUST 2013	389 SHORE RD	250 GROVE ST	FRAMINGHAM	MA	01701

WR 2/27/2024
 2/27/2024 Page 1

10-22-0-R

SHEA KEVIN R & RICHLAND JUDITH
357 HARVARD ST APT 1
CAMBRIDGE, MA 02138

10-24-0-R

MORSE MARJORIE J REV TR ETAL
TRS: MORSE MARJORIE J
4 SUFFOLK PARK
NASHUA, NH 03063-7018

10-39-0-R

STEPHEN BERNARDI TRUST 2013 &
DIANE M BERNARDI TRUST 2013
250 GROVE ST
FRAMINGHAM, MA 01701

9589 0710 5270 1026 0710 95

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Nashua, NH 03063

Certified Mail Fee	\$4.40
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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
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Postage	\$0.68
Total Postage and Fees	\$8.73

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4 Suffolk Park
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Cambridge, MA 02138

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$3.65
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
Total Postage and Fees	\$8.73

0210
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Postmark
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03/25/2024

Sent To
Kevin Shea + Judith Richland
Street and Apt. No., or PO Box No.
357 Harvard St. Apt. 1
City, State, ZIP+4®
Cambridge, MA 02138
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1026 0710 01

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Framingham, MA 01701

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$3.65
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
Total Postage and Fees	\$8.73

0210
9
Postmark
Here
03/25/2024

Sent To
Stephen + Diane Bernardi
Street and Apt. No., or PO Box No.
250 Grove St.
City, State, ZIP+4®
Framingham, MA 01701
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Judith McDermott Powers
Cottage Realty Trust
10 Halsey Way
Natick, MA 01760

March 26, 2024

To: Abutters

RE: Board of Health Variance Request
398 Shore Road, Truro, MA

Map: 10/ Parcel 23

To The Abutters of 398 Shore Road, Truro, MA

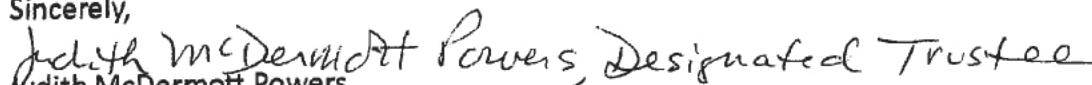
Judith McDermott Powers, Designated Trustee of Cottage Realty Trust, is requesting the Truro Board of Health to review and grant the following variance from the Truro Board of Health regulations for the proposed sewage system upgrade at the above captioned property.

Due to the possibility of the property connecting to the public sewer system that is currently being designed by the Towns of Provincetown and Truro, we are seeking a variance from 310 CMR Section 15.303 (1) (b) (Deadlines for Completion of Upgrades) and Truro Board of Health Regulations, Section 6, Article 3.f.1-7 to extend the date of the installation of a subsurface sewage disposal system as follows:

- 1 The Sewage Disposal System Site Plan, as approved by the Truro Board of Health and Conservation Commission would be placed on file with the Town of Truro,
- 2 Pending the design, approval, and installation of the Town Sewage System, the installation of the Sewage Disposal System Plan be delayed for a period of five years (January 1, 2029) as provided in CMR Section 15.305 (1) (b).

A Hybrid meeting has been scheduled with the Board of Health at Truro Town Hall located at 24 Town Hall Road in the Selectboard Chambers on April 16, 2024 at 4:30 PM to discuss the request in greater detail. If you plan to attend or if you wish to attend via ZOOM, please contact the Truro Health Department web page, www.Truro-ma.gov for further details.

Sincerely,


Judith McDermott Powers

Designated Trustee
Cottage Realty Trust

Judith McDermott Powers
Cottage Realty Trust
10 Halsey Way
Natick, MA 01760

April 2, 2024

Truro Board of Health
24 Town Hall Rd
Truro, MA 02535

RE: Board of Health Variance Request
398 Shore Road, Truro, MA

Map: 10/ Parcel 23

To The Board of Health Members,

Judith McDermott Powers, Designated Trustee of Cottage Realty Trust, is filing a request for a variance from Truro Board of Health Regulations for the proposed sewage system upgrade at the above captioned property. The property is currently served by a cesspool.

The project proposes to connect to the public sewer system that is currently being designed by the Towns of Provincetown and Truro. The existing building contains a total of 3 bedrooms, with 330 GPD of design flow as determined by a plan prepared by John O'Reilly of J.M. O'Reilly & Associates, Inc. of Brewster. This design plan was presented to Truro Board of Health and approved at a public meeting held on July 18, 2023. At this meeting the approval was conditioned that the approval would be reviewed in one year pending an application for an Administrative Consent Order ("ACO").

We are seeking a variance as provided and described in CMR Section 15.305 (1) (b) (Deadlines for Completion of Upgrades), and in the Truro Board of Health Regulations, Section 6, Article , 3.f.1-7; as follows:

1. This requests that the Board will allow and approve the following sequence of events:
 - a. The Sewage Disposal System Site Plan, as approved by the Truro Board of Health, July 18, 2023, would be placed on file with the Town of Truro,
 - b. Pending the design, approval, and installation of the Provincetown Sewage System, the installation of the Sewage Disposal System Plan be delayed for a period of five years, January 1, 2029, as provided in CMR Section 15.305 (1) (b),
 - c. Inspection of the existing cesspool will be performed as necessary, (to coincide with any request for extension of the ACO),

- d. If an inspection of the existing system results in a failure, the Sewage Disposal System Site Plan may be "taken off the shelf" and utilized to install the system within 90 days, or as soon as a contractor can be available, or the option under this ACO could also include an old school simple repair to the cesspool,
- e. When the Provincetown Sewage System is available, connection to that system would be completed within 90 days, or as soon as a contractor is available,
- f. An escrow account would be established with the Town to pay for the connection to the Town System,
- g. Deposits to the escrow account will be made in 20 annual equal installments of \$1,078.00 on a date to be specified by the Town,
- h. In either event, the connection to the Provincetown sewer or the onsite septic system, the existing cesspool will be properly abandoned and filled with the proper material,
- i. Installation of either system will be done by a local certified installer with all necessary permits, inspections and certifications,
- j. This ACO and any other documents required by the TOWN will be recorded at the Barnstable Registry of Deeds.

Judith McDermott Powers, Designated Trustee of the Cottage Realty Trust, will be present at the next available public hearing to review the request and answer any questions the Board may have.

Sincerely,

Judith McDermott Powers, Designated Trustee

Judith McDermott Powers

Designated Trustee

Cottage Realty Trust

Encl: Application for Board of Health Variance

398 Shore Road, Truro MA
Water Usage

One of the concerns expressed is the number of gallons generated by the existing cesspool.

This property is a 3 bedroom seasonal use cottage which, by the proposed town calculations, is allocated 330 gallons per day (GPD).

This chart shows the GPD for three different scenarios

- 1 The number of days for the entire possible usable season of 214 days.
- 2 The number of days of typical usage for this cottage is 122 days.
It should be noted that June and Sept are rarely occupied the entire month. Typically we open mid June to clean and prepare for the season, and in Sept mid/late we close for the season.
- 3 The number of days most likely to be used to determine the impact of the density of occupancy during the "high Season" months is 62 days.

It is clear that this cottage generates far less than 330 GPD, even under the highest density scenario. Leaving the existing cesspool in place during the ACO extension period will not have a major impact on the nitrogen load.

Period	Meter Reading (Gallons)	Note	<u>1</u> April thru Oct GPD	<u>2</u> June thru Sept GPD	<u>3</u> July and Aug GPD
Number of Days			214	122	62
April 2020 - October 2020	10,000		46.73	81.97	161.29
October 2020 - April 2021	1,000	minimum ?	4.67		
April 2021 - October 2021	12,000		56.07	98.36	193.55
October 2021 - April 2022	0		-		
April 2022 - October 2022	13,000		60.75	106.56	209.68
October 2022 - April 2023	1,000	minimum ?	4.67		
April 2023 - October 2023	11,242	new meter in the spring	52.53	92.15	181.32
			225.43	379.03	745.84
April	30				
May	31	Average	32.20	94.76	186.46
June	30				
July	31				
August	31				
September	30				
October	<u>31</u>				
	214				

In the matter of:

Property belonging to:

Cottage Realty Trust, Judith McDermott Powers,
Designated Trustee
398 Shore Road
Truro, MA 02666

Regarding:

398 Shore Road, North Truro
Assessors Map: 10 Parcel: 23
Deed Book: 16139 Page: 1, et seq

**ADMINISTRATIVE CONSENT
ORDER**

*Future Septic Upgrade, or future
connection to the Provincetown Municipal
Sewer System*

PARTIES

1. The Town of Truro (the "Town"), acting by and through its Board of Health ("BOH") and Conservation Commission ("CC"), is a municipal corporation within the Commonwealth of Massachusetts with offices at 24 Town Hall Road, Truro, MA, 02666.
2. The Town of Provincetown (Provincetown) is a municipal corporation within the Commonwealth of Massachusetts with offices at 260 Commercial Street, Provincetown, MA 02657.
3. Judith McDermott Powers, Designated Trustee of Cottage Realty Trust, (the "Respondent") is a Trustee of a property located at 398 Shore Road, in Truro, Massachusetts (the "Property"). Respondent's mailing address: Cottage Realty Trust, C/O Judith McDermott Powers, Designated Trustee, 10 Halsey Way, Natick, MA 01760-2919.

PURPOSE

4. This Administrative Consent Order ("Consent Order") is entered into under the authority of M.G. L. c.111, §§ 31 and 122, and M.G.L. c.21A, §13, and 310 CMR 15.305(1)(b).

STATEMENT OF FACTS

5. The Town requires the upgrade of cesspool systems to meet the minimum standards of 310 CMR 15.000 Title 5, and the Town BOH regulations.
6. The Respondent(s) Property is served by a cesspool and not compliant with Title 5, and the Town BOH has determined that the cesspool requires an upgrade pursuant to 310 CMR 15.303(2), and the Town BOH regulations Section 6, Article 3.1.h
7. The Property is located at 398 Shore Road, Truro, MA, approximately 1.4 miles from the Provincetown town line. The parcel area is 5,539 +/- square feet and located within the FEMA AE zone. There is one cottage on the Property which has 3 bedrooms served by a cesspool. The Respondent(s) have engaged the professional engineering services of J.M. O'Reilly & Associates, Inc in Brewster to prepare the necessary design documents to connect the cottage located on the Property to a Title 5 System. An

original Sewage Disposal System Site Plan ("PLAN") dated May 12, 2023, and subsequently revised on July 5, 2023, as requested by the CC, showing the adjusted design and details accordingly, was reviewed and approved by the CC on June 5, 2023 and approved by the BOH at a meeting on July 18, 2023.

CONSENT ORDER

8. The Property is close enough to the Provincetown municipal sewer main, and connection of the Property to the sewer system during its next phase of expansion is feasible. Additionally, development of the Town's municipal wastewater management plan ("TOWN PLAN") is in progress. This TOWN PLAN may offer the Property a connection to the sewer as an alternative to an upgrade to Title 5. Therefore, the Respondent(s) are not required to undertake construction of a new Title 5 subsurface sewage disposal system at this time, provided that temporary remedial measures shall be undertaken by the Respondent(s). These temporary measures will include an inspection as needed.
9. At the time of the execution of this Consent Order, the Respondent(s) shall make a deposit of \$21,450* into an insured and interest-bearing account of the Town, established and maintained by the Town Treasurer pursuant to G.L. c. 44, §53G 1/2 for the purposes stated herein. In the alternative to depositing the full amount as set forth in the preceding sentence, the Respondent(s) shall pay into the Town fund in 20 annual installments, with the first installment of \$1,078 being due upon execution of this agreement and subsequent installments of \$1,078 being due on or before October 1st of each subsequent calendar year, ending when the amount set forth herein is paid in full. Respondent(s) may request a statement of account from the Town Treasurer at any time, and there shall be no penalty for early prepayment. (**this amount has been developed using title 5 design flows at \$65/gallon; this multiplier may be modified at a future date to reflect actual betterment/construction costs.*)
10. The Respondent(s) agree that such funds shall be applied by the Town to defray or satisfy any assessments or charges levied against the Respondent(s) or the Property to connect to the municipal sewer system extension as determined by the Town, in accordance with G.L. c.80 and 83. Should another alternative become available, the escrow may be used to implement that alternative if approved to do so by the Town.
11. If Provincetown has not commenced construction of an extension of the municipal sewer collection system, which will serve the Property, by January 1, 2029, the Town shall notify the Respondent(s). Unless an extension has been granted to the Respondent(s), they shall immediately commence within 90 (ninety) days of said notice, with installation of the upgraded subsurface sewage system on the property in accordance with the approved engineered PLAN. The Respondent(s) shall abandon the existing subsurface sewage disposal system by one hundred twenty (120) days from said notice. Notwithstanding the requirements of this Paragraph, the BOH may, in its sole discretion, elect to extend the time for completion of the upgrade to an on-site title 5 septic system by renewal of this Consent Order for such additional period as it sees fit, with all other requirements of this Consent Order remaining in full force and effect.
12. In the event that the Respondent(s) elect to install an upgraded subsurface sewage disposal system in accordance with an approved engineered PLAN at any time prior to the expiration of this Consent Order, regardless of whether the system has failed or not failed, and upon proof that Respondent(s) have entered into a binding contract to construct an upgraded subsurface sewage disposal system conforming to Title 5 or any successor environmental code, all funds in the account shall be provided to the Respondent(s) who shall use said funds to defray all or a portion of the costs of the installation on the Property in accordance with the engineered PLAN approved by the BOH. Such approval shall be obtained at a duly noticed BOH meeting.

13. In the event the Respondent(s) transfer title to or an interest in the Property to another person or entity at any time during the life of this Consent Order, the new owner(s) shall become subject to the terms and conditions of this Consent Order. Foreclosing mortgagees shall be entitled to all rights and benefits set forth in this Consent Order. The Consent Order shall be recorded in the chain of title to the Property upon execution thereof and shall remain on the title and run with the title to the Property until such time as the Town acting by and through its BOH, certifies compliance with the terms and conditions herein.
14. Within five (5) days of the execution of this Consent Order, the Respondent(s) shall provide to the BOH, proof of recording of the Consent Order at the Barnstable Registry of Deeds or Registry District of the Land Court, as appropriate. The Town may record the Consent Order at the Respondent(s)'s expense in the event the Respondent(s) fail to do so.

STIPULATED PENALTIES

15. If any action required by this Consent Order is not completed by the prescribed deadline, including but not limited to any deadlines associated with required septic system installation, the Respondent(s) shall pay to the Town without demand a stipulated penalty of \$500 per day unless said deadline is delayed on account of matters beyond the reasonable control of the Respondent(s) or on account of the Respondent(s)'s contractor's inability to meet said deadline. Each day of non-compliance shall constitute a separate violation. Payment of the penalty shall be made by certified check, cashier's check or money Consent Order payable to the Town and such payment shall be mailed to the BOH, 24 Town Hall Road, Truro, MA 02666. Nothing herein shall limit the authority of the BOH or Town to pursue additional enforcement measures, whether legal or equitable, including fines and injunctive relief, to enforce this Consent Order or G.L. c.111, §§31 and 122, G.L. c.21A, §13 and 310 CMR 15.00.

TERMINATION

16. Nothing in this Consent Order is intended to limit or restrict the authority of BOH, or any other board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction, including but not limited to G.L. c.111, §§31 and 122, G.L. c.21A, §13 and 310 CMR 15.00, and nothing contained herein shall be construed as limiting in any way the authority of the BOH to issue such other Consent Orders or require such remedial measures as may be necessary, including but not limited to terminating this Consent Order and requiring immediate repair, or replacement of the system or connection to the sewer, to abate a threat to public health, safety or the environment caused by the sewage disposal system located on the Property.

OTHER PROVISIONS

- 17. This Consent Order shall apply to and bind the parties, their officers, employees, agents, successors, heirs, assigns, and all other persons and entities acting under them.
- 18. The Respondent(s) voluntarily agree to the terms of this Consent Order.
- 19. This Consent Order may be modified only upon the written agreement of the BOH and Respondent(s).
- 20. If any term or provisions of this Consent Order or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of the Consent Order or the application thereof shall be valid and enforceable to the fullest extent permitted by law.
- 21. Each undersigned representative hereby certifies that they are fully authorized to enter into the terms by signing.

Entered into on this _____ day of _____, 2024.

Respondent(s) _____
Judith McDermott Powers, as Designated Trustee and not individually

On Behalf of Town of Truro
Board of Health

Emily Beebe, Health Agent
Truro Board of Health

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this ____ day of _____, 2024, before me, the undersigned notary public personally appeared **Emily Beebe, Health Agent**, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this ____ day of _____, 2024, before me, the undersigned notary public personally appeared **Judith McDermott Powers, Designated Trustee and Respondent**, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this ____ day of _____, 2024, before me, the undersigned notary public personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:



TOWN OF TRURO

HEALTH DEPARTMENT

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004 x119 or x132 Fax: 508-349-5508

July 26, 2023

J.M. O'Reilly & Associates, Inc
PO Box 1773
Brewster, MA 02631

RE: 398 Shore Road (map 10 / parcel 23) Variance Request to 310 CMR 15.000 & Local BOH Regulations Sect. 6 Art. 9; plan titled "Sewage Disposal System Site Plan," revised 7-5-2023.

Dear Mr. O'Reilly:

Please be advised that the Truro Board of Health at their regularly scheduled meeting on July 18, 2023 made a motion regarding the above-referenced variance requests.

FOR YOUR INFORMATION THE MOTION STATED:

Mr. Silva moved to approve the variances as requested with the condition that the situation be reviewed within one year.

Seconded by Mr. Rose.

Vote: 5-0-0, motion carries.

310 CMR 15.211(1)

1. SAS to property line (10' required, 6.5' provided)
2. Septic tank to the property line (10' required, 6' provided)

Truro BOH Section VI. Article 9

3. Septic Tank to wetlands (100' required, proposed septic tank within Coastal Dune and Barrier Beach)
4. SAS to wetlands (150' required, proposed SAS within Coastal Dune and Barrier Beach)

Should you have any questions, please feel free to contact me at 774-383-3393 or at cwarren@truro-ma.gov.

Sincerely,

Courtney Warren, Assistant Health Agent



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP
 SE# 075-1177
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

Important:
 When filling
 out forms on
 the
 computer,
 use only the
 tab key to
 move your
 cursor - do
 not use the
 return key.



1. From: Truro
Conservation Commission
2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
- Judy
 a. First Name
 Cottage Realty Trust
 c. Organization
 10 Halsey Way
 d. Mailing Address
 Natick
 e. City/Town
- Powers
 b. Last Name
- MA
 f. State
- 01760
 g. Zip Code

4. Property Owner (if different from applicant):
- a. First Name
 b. Last Name
- c. Organization
- d. Mailing Address
- e. City/Town
 f. State
 g. Zip Code

5. Project Location:
- 398 Shore Road
 a. Street Address
 10
 c. Assessors Map/Plat Number
- Truro
 b. City/Town
 23
 d. Parcel/Lot Number
- Latitude and Longitude, if known:
 d. Latitude
 e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 075-1177
 MassDEP File #
 eDEP Transaction #
 Truro
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Barnstable
 a. County
 16139
 c. Book
 b. Certificate Number (if registered land)
 1
 d. Page
 May 15, 2023
 a. Date Notice of Intent Filed
 June 5, 2023
 b. Date Public Hearing Closed
 6/26/2023
 c. Date of Issuance
7. Dates:
 a. Date Notice of Intent Filed
 b. Date Public Hearing Closed
 c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Sewage Disposal System Site Plan
 a. Plan Title
 J.M. O'Reilly & Associates Inc
 b. Prepared By
 May 12, 2023
 d. Final Revision Date
 Site Photos
 f. Additional Plan or Document Title
 John M. O'Reilly
 c. Signed and Stamped by
 1"=20'
 e. Scale
 g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SB# 075-1177
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet	e. cubic feet	f. cubic feet
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 075-1177
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input checked="" type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input checked="" type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP
 SE# 075-1177
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement **

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(1)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 6/26/2026 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE#075-1177 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Truro Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:
 1. Municipal Ordinance or Bylaw
 2. Citation
 - Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
 - b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
 1. Municipal Ordinance or Bylaw
 2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See page 10A & 10B.

TOWN OF TRURO—ORDER OF CONDITIONS
398 Shore Road; Map 10, Parcel 23
DEP file # SE 75-1177
APPLICANT: Judy Powers

DOCUMENTS

1. Notice of Intent application; wetland fee transmittal sheet; locus map; abutters list; abutter notification
2. Letter from J.M. O'Reilly, dated 5/15/2023.
3. DEP notice of file number
4. Sewage Disposal System Site Plan by J.M. O'Reilly & Associates, dated 5/12/2023.
5. Site photos

PROJECT DESCRIPTION

1. The subject lot is 5,539 square feet with an existing three-bedroom single-family dwelling.
2. The resource areas include Land Subject to Coastal Storm Flowage, Barrier Beach, and Coastal Dune
3. The project is a cesspool upgrade to an Innovative/Alternative septic system.

The Commission determined that the project could be permitted subject to the following special conditions. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

CONDITIONS

A. Pre-construction

1. Notice of a work start date shall be given to the Commission in writing at least 48 hours prior to the commencement of work. The applicant or contractor shall provide the name and contact information of the person responsible on site for compliance with this Order.
2. Prior to the commencement of work the following activities shall be completed:
 - The Order of Conditions shall be recorded at the Barnstable County registry of deeds and a stamped copy shall be submitted to the Conservation office.
 - A sign shall be conspicuously displayed at the site showing the DEP file number assigned to this project. The sign shall be 2-3 square feet in size, separately staked and read only: MA DEP file # SE 75-1177. Lettering/numbering shall be clearly and permanently printed, and at least 2" in height.
 - A pre-construction site visit shall be scheduled by the applicant's representative and include the project Contractor, and the Conservation Agent. During this site visit the Order of Conditions, construction protocols, work limit, access plans and site plan details shall be reviewed.
3. Members of the Commission, its Agent or the Department of Environmental Protection (DEP) reserve the right to enter and inspect the property at all reasonable times, until a Certificate of Compliance is issued, to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and Town regulations, and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.

B. Construction & Revegetation

1. The notes on the site plan are specifically incorporated into this Order.
2. Every attempt shall be made to relocate the SAS closer to the dwelling to minimize impacts to the coastal dune. These changes shall be submitted as a field change to this order.
3. A detailed dune restoration plan shall be submitted.

4. The existing deck may be replaced one-for-one following the system installation.

C. General Conditions

1. Prior to the commencement of work or pre-construction site meeting, the form provided at the end of this Order (part G. "Recording Information") shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection.
2. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. It is the responsibility of the Applicant, Owner, General Contractor and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. A copy of this Order shall be available at the work site, during normal work hours, or posted, until the work is complete.
3. Work shall be halted on the site if the Commission, Conservation Agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply and has so notified the applicant in writing.
4. Any changes in the work described in the Notice of Intent or in the plans and specifications submitted to the Commission shall be submitted to the Commission in writing for a determination of whether the change is significant enough to the interests of the Act to require a new Notice of Intent. No changes shall be made or implemented in the field prior to the Commission's determination. Should issuance of additional permits result in a change in the project, the applicant shall promptly submit such changes to the Commission for evaluation under this provision.
5. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.
6. Upon completion of this project the applicant shall submit a request to the Conservation Commission to receive a Certificate of Compliance. The Applicant or Owner shall certify in writing that the work was completed as shown on the plans and documents referenced above. The applicant is required to submit an as-built plan from a registered professional Engineer, Land surveyor or Sanitarian certifying that the work has been conducted as shown on the plan(s) and documents referenced above and as conditioned by the Commission for the public record.



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

6/26/2023
 1. Date of Issuance

4
 2. Number of Signers

Signature [Handwritten Signature]

Printed Name Luca Novato

Signature [Handwritten Signature]

Printed Name Giunta Kerhan

Signature [Handwritten Signature]

Printed Name Robert M. White

Signature [Handwritten Signature]

Printed Name Carol Ann - [unclear]

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

6/26/2023
 Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Truro
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Truro
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

398 Shore Road
 Project Location

SE# 75-1177
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable
 County

Book

Page

for: Judy Powers
 Property Owner

and has been noted in the chain of title of the affected property in:

16139
 Book

1
 Page

In accordance with the Order of Conditions issued on:

Date 6/20/2023

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

BENCHMARK
TOP OF CONCRETE BOUND
EL=15.4± (ASSUMED DATUM)

WETLAND RESOURCES:
COASTAL BEACH- 310 CMR 10.27
COASTAL DUNE- 310 CMR 10.28
BARRIER BEACH- 310 CMR 10.29
LAND SUBJECT TO COASTAL STORM FLOWAGE, ZONE VE- EL=14

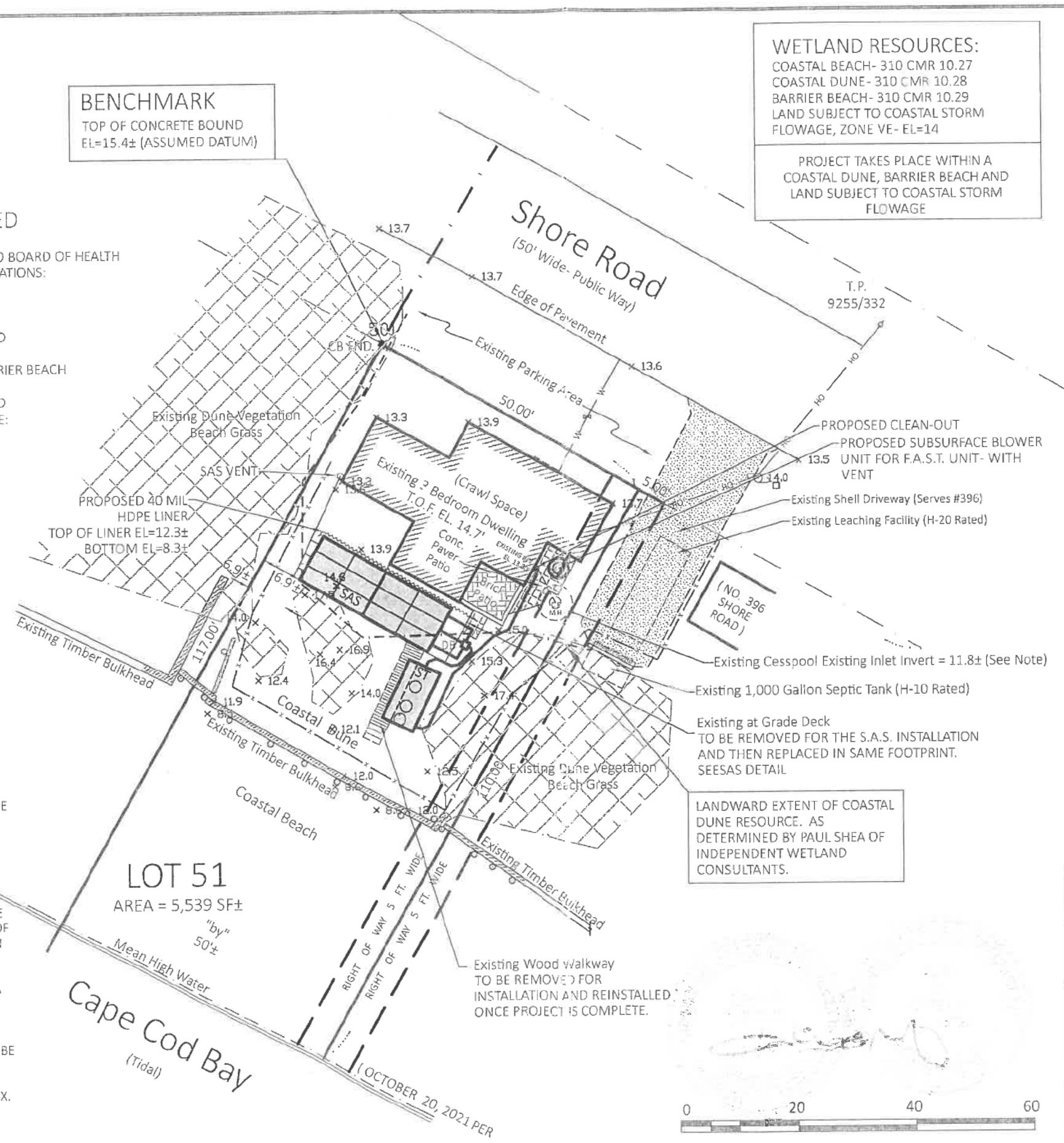
PROJECT TAKES PLACE WITHIN A COASTAL DUNE, BARRIER BEACH AND LAND SUBJECT TO COASTAL STORM FLOWAGE

VARIANCES REQUESTED

STATE AND LOCAL:
MA STATE SANITARY CODE AND THE TOWN OF TRURO BOARD OF HEALTH REGULATIONS SEWAGE DISPOSAL REGULATIONS:

- 310 CMR 15.211 MIN. SETBACK DISTANCES:
- 1.) SAS NOT 10 FEET TO PROPERTY LINE:
6.5 FEET PROVIDED; 3.5 FOOT VARIANCE REQUESTED
 - 2.) SAS NOT 150 FEET FROM WETLAND RESOURCE:
SAS IS PROPOSED WITHIN COASTAL DUNE AND BARRIER BEACH
 - 3.) SAS NOT 10 FEET TO FOUNDATION (CRAWL SPACE):
1.5 FEET PROVIDED; 8.5 FOOT VARIANCE REQUESTED
 - 4.) SEPTIC TANK NOT 100 FEET FROM WETLAND RESOURCE:
SEPTIC TANK IS PROPOSED WITHIN COASTAL DUNE AND BARRIER BEACH.

- CONSERVATION NOTES:**
- 1.) THE LIMIT OF WORK SHALL BE LOCATED AS SHOWN ON THE PLAN VIEW. THE WORK LIMIT SHALL BE A ROW OF 9-INCH STRAW WATTLES, STAKED IN PLACE. WORK LIMIT SHALL BE INSTALLED PRIOR TO ANY EXCAVATION.
 - 2.) INSTALLER SHALL PLACE STEEL PLATES ON THE ABUTTING DRIVEWAY TO PROTECT THE DRIVEWAY AND EXISTING H-20 LEACHING FACILITY FOR 396 SHORE RD.
 - 3.) ONCE ACCESS AND LIMIT OF WORK LINE IS INSTALLED, THE INSTALLER SHALL CAREFULLY EXCAVATE THE LARGE CLUMPS OF BEACH GRASS, ROOTS AND ALL AND STOCKPILE THE GRASS ON THE ROAD SIDE OF THE DWELLING, FOR PLANTING AFTER THE SYSTEM IS INSTALLED.
 - 4.) UPON THE COMPLETION OF THE INSTALLATION, THE AREA SHALL BE GRADED TO MINIMIZE ANY SHARP BREAKS IN SLOPE AND TO CLOSELY MATCH THE CURRENT TOPOGRAPHY IN THE PROJECT AREA (PRE-CONSTRUCTION).
 - 5.) THE STOCKPILED GRASS SHALL BE REINSTALLED. AREA TO BE IRRIGATED TO ALLOW THE GRASSES TO REESTABLISH.
 - 6.) ADDITIONAL BEACH GRASS SHALL BE ADDED AS NEEDED. NEW BEACH GRASS SHALL BE PLANTED ON A 12-INCH MATRIX.
 - 7.) THE WOOD DECK ATTACHED TO THE COTTAGE SHALL BE REPAIRED AS NEEDED ONCE INSTALLATION IS COMPLETED. FOOTPRINT OF DECK SHALL NOT CHANGE.



PLAN BOOK 482 PAGE 43
DEED BOOK 16139 PAGE 1
ASSESSORS' MAP 10 PARCEL 23

LEGEND

— 32 —	EXISTING CONTOUR
— 32 —	PROPOSED CONTOUR
x12.34	EXISTING SPOT GRADE
24x5	PROPOSED SPOT GRADE
— W —	WATER SERVICE LINE
— OH —	OVERHEAD UTILITY SERVICE
— E —	ELECTRIC / COMM. SERVICE LINE
— G —	GAS SERVICE LINE
TP	TEST HOLE / BORING LOCATION
ST	SEPTIC TANK
DB	DISTRIBUTION BOX
SAS	SOIL ABSORPTION SYSTEM
Reserve	RESERVED FOR FUTURE
UP	UTILITY POLE
CB	CATCH BASIN
FH	FIRE HYDRANT
W	WELL
DM	DRAINAGE MANHOLE
■	CONCRETE BOUND, FOUND
x	LIMIT OF WORK
—	FENCE
~	EDGE OF CLEARING

SHEET 1 OF 2

REVISED 7-5-2023: REVISED LOCATION OF THE SEWAGE AS REQUESTED BY THE BOARD OF HEALTH. ADJUSTED DESIGN AND DETAILS ACCORDINGLY.

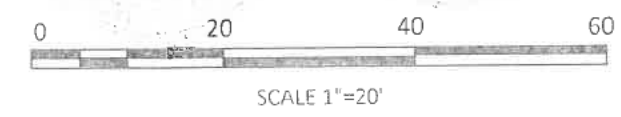
Cottage Realty Trust
603 Sugar Mill Road, Greer, SC 29650

SEWAGE DISPOSAL SYSTEM SITE PLAN
398 SHORE ROAD, TRURO, MA

J.M. O'REILLY & ASSOCIATES, INC.
Professional Engineering & Land Surveying Services

1573 Main Street - Route 6A
P.O. Box 1773
Brewster, MA 02631
(508)898-8801 Office (508)898-8802 Fax

DATE:	SCALE:	BY:	CHECK:	JOB NUMBER:
5-12-2023	As Noted	jmo	JMO	JMO-9436



G:\AAJobs\9436.Powers\DWG\9436.Site Plan.dwg

GENERAL NOTES:

- A.) NEITHER DRIVEWAYS NOR PARKING AREAS ARE ALLOWED OVER SEPTIC SYSTEM UNLESS H-20 COMPONENTS ARE USED.
- B.) THE DESIGNER WILL NOT BE RESPONSIBLE FOR THE SYSTEM AS DESIGNED UNLESS CONSTRUCTED AS SHOWN. ANY CHANGES SHALL BE APPROVED IN WRITING.
- C.) CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.

CONSTRUCTION NOTES:

- 1.) ALL CONSTRUCTION SHALL CONFORM TO THE STATE ENVIRONMENTAL CODE, TITLE 5, AND THE REQUIREMENTS OF THE LOCAL BOARD OF HEALTH.
- 2.) SEPTIC TANK(S), GREASE TRAP(S), DOSING CHAMBER(S) AND DISTRIBUTION BOX(S) SHALL BE SET ON A LEVEL STABLE BASE WHICH HAS BEEN MECHANICALLY COMPACTED, OR ON A 6 INCH CRUSHED STONE BASE.
- 3.) SEPTIC TANK(S) SHALL MEET ASTM STANDARD C1127-93 AND SHALL HAVE AT LEAST THREE 20" DIAMETER MANHOLES. THE MINIMUM DEPTH FROM THE BOTTOM OF THE SEPTIC TANK TO THE FLOW LINE SHALL BE 48".
- 4.) SCHEDULE 40 PVC INLET AND OUTLET TEES SHALL EXTEND A MINIMUM OF 6" ABOVE THE FLOW LINE OF THE SEPTIC TANK AND SHALL BE INSTALLED ON THE CENTERLINE OF THE TANK DIRECTLY UNDER THE CLEANOUT MANHOLE.
- 5.) RAISE COVERS OF THE SEPTIC TANK AND DISTRIBUTION BOX WITH PRECAST CONCRETE WATER TIGHT RISERS OVER INLET AND OUTLET TEES TO WITHIN 6" OF FINISH GRADE, OR AS APPROVED BY THE LOCAL BOARD OF HEALTH AGENT.
- 6.) PIPING SHALL CONSIST OF 4" SCHEDULE 40 PVC OR EQUIVALENT. PIPE SHALL BE LAID ON A MINIMUM CONTINUOUS GRADE OF NOT LESS THAN 1%.
- 7.) DISTRIBUTION LINES FOR SOIL ABSORPTION SYSTEM (AS REQUIRED) SHALL BE 4" DIAMETER SCHEDULE 40 PVC LAID AT 0.005 FT/FT. LINE SHALL BE CAPPED AT END OR AS NOTED.
- 8.) OUTLET PIPES FROM DISTRIBUTION BOX SHALL REMAIN LEVEL FOR AT LEAST 2' BEFORE PITCHING TO SOIL ABSORPTION SYSTEM. WATER TEST DISTRIBUTION BOX TO ENSURE EVEN DISTRIBUTION.
- 9.) DISTRIBUTION BOX SHALL HAVE A MINIMUM SUMP OF 6" MEASURED BELOW THE OUTLET INVERT.
- 10.) BASE AGGREGATE FOR THE LEACHING FACILITY SHALL CONSIST OF 3/4" TO 1-1/2" DOUBLE WASHED NATIVE STONE FREE OF IRON, FINES AND DUST AND SHALL BE INSTALLED BELOW THE CROWN OF THE DISTRIBUTION LINE TO THE BOTTOM OF THE SOIL ABSORPTION SYSTEM. BASE AGGREGATE SHALL BE COVERED WITH A LAYER OF FILTER FABRIC OR APPROVED EQUIVALENT.
- 11.) VENT SOIL ABSORPTION SYSTEM WHEN DISTRIBUTION LINES EXCEED 50 FEET; WHEN LOCATED EITHER IN WHOLE OR IN PART UNDER DRIVEWAYS, PARKING AREAS, TURNING AREAS OR OTHER IMPERVIOUS MATERIAL; OR WHEN PRESSURE DOSED.
- 12.) SOIL ABSORPTION SYSTEM SHALL BE COVERED WITH A MINIMUM OF 9" OF CLEAN MEDIUM SAND (EXCLUDING TOPSOIL).
- 13.) FINISH GRADE SHALL BE A MAXIMUM OF 36" OVER THE TOP OF ALL SYSTEM COMPONENTS, INCLUDING THE SEPTIC TANK, DISTRIBUTION BOX, DOSING CHAMBER AND SOIL ABSORPTION SYSTEM. SEPTIC TANKS SHALL HAVE A MINIMUM COVER OF 9".
- 14.) FROM THE DATE OF INSTALLATION OF THE SOIL ABSORPTION SYSTEM UNTIL RECEIPT OF A CERTIFICATE OF COMPLIANCE, THE PERIMETER OF THE SOIL ABSORPTION SYSTEM SHALL BE STAKED AND FLAGGED TO PREVENT THE USE OF SUCH AREA FOR ALL ACTIVITIES THAT MIGHT DAMAGE THE SYSTEM.
- 15.) SUBSURFACE COMPONENTS OF A SYSTEM SHALL NOT BE BACKFILLED OR OTHERWISE CONCEALED FROM VIEW UNTIL A FINAL INSPECTION HAS BEEN CONDUCTED BY THE APPROVING AUTHORITY AND PERMISSION HAS BEEN GRANTED BY THE APPROVING AUTHORITY TO BACKFILL THE SYSTEM. THE DESIGNER SHALL INSPECT THE CONSTRUCTION AFTER THE INITIAL EXCAVATION, PRIOR TO BACKFILLING, AND DURING BACKFILLING. IN ADDITION, THE FINAL INSPECTION OF THE SYSTEM SHALL BE CONDUCTED BY THE APPROVING AUTHORITY, THE SYSTEM INSTALLER AND DESIGNER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE PURSUANT TO 310 CMR 15.021(3). ANY COMPONENT OF THE SYSTEM WHICH HAS BEEN COVERED WITHOUT SUCH PERMISSION SHALL BE UNCOVERED UPON REQUEST OF THE APPROVING AUTHORITY OR THE DEPARTMENT.
- 16.) INSTALLER SHALL VERIFY INVERT ELEVATIONS PRIOR TO INSTALLATION OF ANY SEPTIC SYSTEM COMPONENTS.
- 17.) EXISTING CESSPOOL TO BE PUMPED DRY, FILLED WITH CLEAN SAND, AND ABANDONED IN PLACE.
- 18.) ALL 4" PVC CLEANOUTS SHALL BE WITHIN 3" OF FINISH GRADE. CLEANOUTS SHALL BE MARKED WITH A PIECE OF #5 REBAR FOR FUTURE LOCATION.
- 19.) SITE ACCESS: THE ACCESS FOR THE INSTALLATION OF THE PROPOSED SEWAGE SYSTEM SHALL BE THROUGH THE EXISTING SHELL DRIVEWAY FOR 396 SHORE ROAD. INSTALLER SHALL PLACE STEEL PLATES OVER THE SHELL DRIVE AND LEACHING FACILITY (H-20 RATED SYSTEM), PRIOR TO STARTING THE INSTALLATION. DRIVEWAY SHALL BE RETURNED TO PRE-CONSTRUCTION CONDITION (SHELL).
- 20.) ACCESS COVERS: DUE TO THE EXISTING CONDITIONS, THE ACCESS MANHOLE COVERS SHALL BE CAST IRON AND GASKETED. ALL PVC ACCESS PORTS SHALL BE SCREW CAPPED.

SYSTEM DESIGN CALCULATIONS:

SEWAGE DESIGN FLOW:
3 BEDROOM DWELLING @ 110 GPD = 330 GPD

LEACHING CAPACITY REQUIRED:
3 BEDROOMS (MAX.) @ 110 GPD = 330 GPD REQUIRED

SEPTIC TANK CAPACITY REQUIRED:
DAILY FLOW = 330 GPD @ 200% = 660 GAL

SEPTIC TANK CAPACITY PROVIDED:
1500 GALLON SEPTIC TANK WITH F.A.S.T. TREATMENT UNIT 0.5

LEACHING CAPACITY PROVIDED:
ARC 36-HC PROVIDES 4.75 SF/LF AND AT 5 FEET LONG PROVIDES 23.65 GPD/UNIT
Vt=[12 UNITS AT 23.65 GPD/UNIT] x 0.74 GPD/SF = 210.0 GPD (36% REDUCTION)
280 GPD < 330 GPD REQUIRED- 36% REDUCTION ALLOWED WITH F.A.S.T. UNIT

NOTE: A GARBAGE DISPOSAL IS NOT PERMITTED WITH THIS DESIGN.

INSTALL:
ONE (1)- 1500 GALLON SEPTIC TANK WITH MICRO F.A.S.T. 0.5 TREATMENT UNIT.
ONE (1)- 3 OUTLET DISTRIBUTION BOX (H-20 RATED)
TWELVE (12)- ARC 36-HC CHAMBER BY INFILTRATOR- **NO GRAVEL**

SOIL TEST LOGS:

TEST HOLE 1: EL=13.5±

DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-13"	C	Loamy Sand	10YR4/6	NONE	
13-154"	C2	Coarse Sand	10YR7/2	NONE	Ground Water @ 154" BG

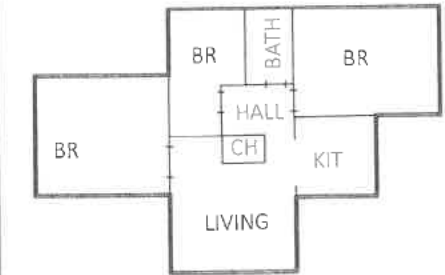
TEST HOLE 2: EL=13.5±

DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-10"	C	Loamy Sand	10YR4/6	NONE	
10-154"	C2	Coarse Sand	10YR7/2	NONE	PERC @ 34" GRY IN 3:20 Ground Water @ 154" BG

DATE OF TESTING: 3/10/23
PERCOLATION RATE: LESS THAN 2 MIN/INCH IN C2 LAYERS.
WITNESSED BY: ROBERT REEDY, P.E., J.M. O'REILLY & ASSOCIATES, INC.
ARIZANA DAVIS, HEALTH AGENT, TRURO HEALTH DEPARTMENT
WATER ENCOUNTERED @ 154"

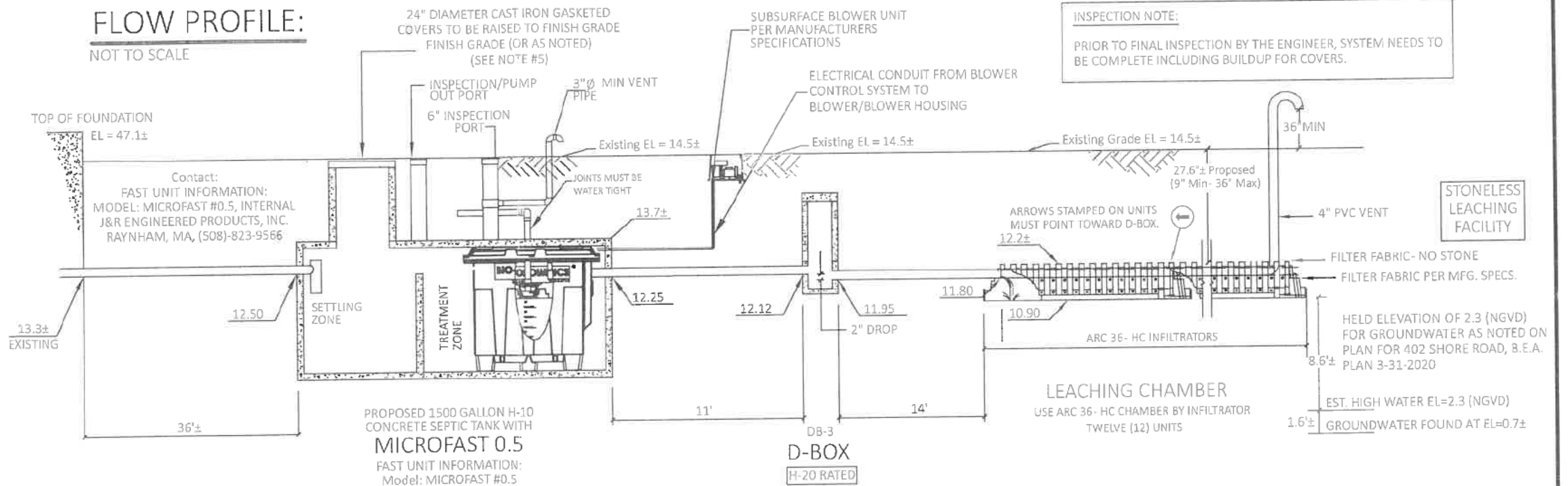
FLOOR PLAN

NOT TO SCALE



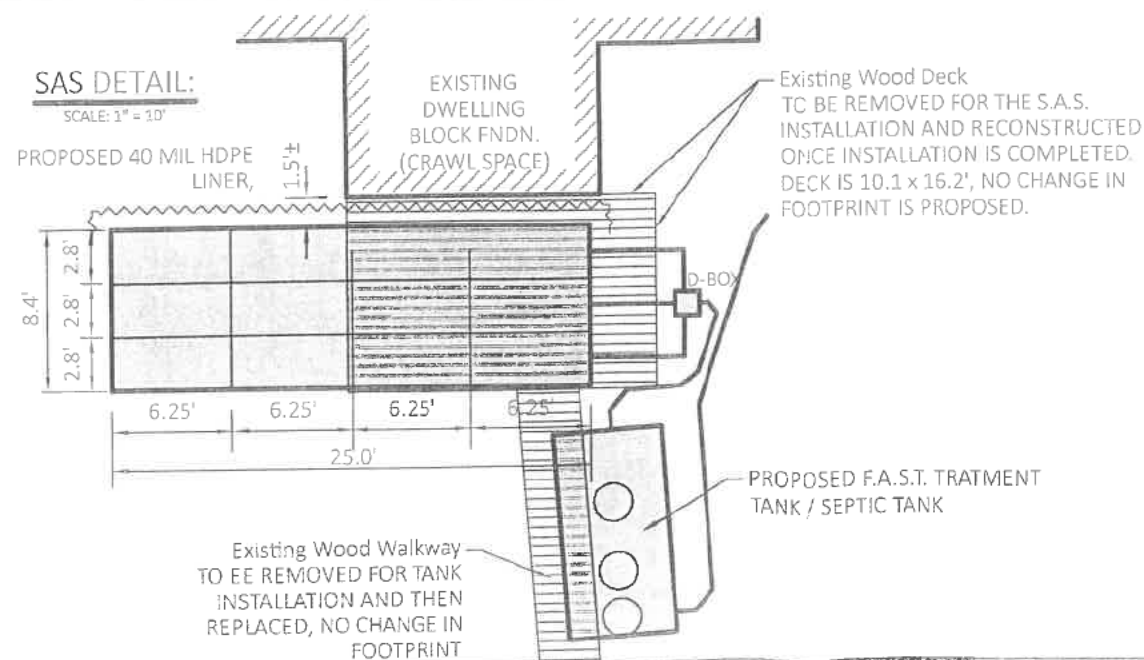
FLOW PROFILE:

NOT TO SCALE



SAS DETAIL:

SCALE: 1" = 20'



SHEET 2 OF 2

REVISED 7-5-2023: REVISED LOCATION OF THE SEWAGE AS REQUESTED BY THE BOARD OF HEALTH. ADJUSTED DESIGN AND DETAILS ACCORDINGLY.

Cottage Realty Trust

603 Sugar Mill Road, Greer, SC 29650

SEWAGE DISPOSAL SYSTEM SITE PLAN
398 SHORE ROAD, TRURO, MA



J.M. O'REILLY & ASSOCIATES, INC.

Professional Engineering & Land Surveying Services

1573 Main Street -- Route 6A

P.O. Box 1773

(508)898-8601 Office Brewster, MA 02831 (508)898-8602 Fax

DATE:	SCALE:	BY:	CHECK:	JOB NUMBER:
5-12-2023	As Noted	jmo	JMO	JMO-9436

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Salty Market Farm_Stand
2 Highland Rd, North Truro
Chef Liam Luttrell Rowland

March 29, 2024

Dear members of the Truro Board of Health.

In the weeks following my initial meeting with you, I obtained my water use records for 2 Highland Rd from the Provincetown Water Department. I also met with Town Planner, Barbara Carboni, and with Head Health & Conservation Agent, Emily Beebe, to discuss what the regulatory process would be for me to make changes to how I run the Market. Currently, there is no zoning/planning board review if I am not making changes to the building or site. Instead, what I am proposing is an operational shift that allows the business to remain open and sustainable year-round while being fully compliant with water usage guidelines. The proposed change would be seasonal, with only one operation during a season. Over the past 2 years of operation, we have used an average of 312 GPD of water. That is in keeping with our septic design plans, which show 334 GPD design flow and 362 GPD installed leaching capacity.

Our plan for the balance of 2024 includes:

- Operation 1. From April 1- December 1 operate a 6 or 7 day/week Market. I would offer pop-up style specially featured foods- that are hand-held and do not require flatware – and the same great quality specialty meals in a take-out format (no seats), placing an emphasis on recyclable containers and trying to reduce use of plastics. I would also offer wine tastings periodically, as my current license allows.
- Operation 2. From Oct – April 1 operate a Ramen Shop, only on Thursday/Friday/Saturday with 8 seats for the public without running the summer retail operation. This would be a quick service establishment where folks can sit down and enjoy a light scratch made hot meal (mostly ramen) or pickup to-go orders. Again, an emphasis would be on preserving water, using recyclable and reusable containers, and trying to reduce the use of plastics in the takeout and stay-in environment. Upon approval by the Board of Health for this change of the use, we would pursue our pouring license with the MA ABCC and seek a full license to operate on site /pour in the winter.

Thanks in advance for your consideration,
Kind regards,
Liam Luttrell Rowland



TOWN OF TRURO
HEALTH & CONSERVATION DEPARTMENT
24 Town Hall Road, Truro 02666
508-349-7004 x119

To: Truro Board of Health
From: Emily Beebe, Health & Conservation Agent
Date: April 11, 2024
Re: April 16- Agenda Item re: proposed amendment to BoH regulations, Section 6, Article 10

- 1) On April 2, the Board agreed to move forward with an amendment to Board of Health Regulations Section 6, article 10, and proposed changes to the current regulation are shown below:

Article 10 -Existing Systems Serving New Construction

For ~~all~~ systems designed and approved prior to 2001 that do not meet the nitrogen loading limitations of the Truro Board of Health regulations Section 6, articles 11&13, the size of the existing, installed system shall no longer be considered and any ~~all~~ previous approvals for "future use" are hereby expired.

No increase in design flow to any system shall be allowed unless the lot meets the requirements of 15.214, Nitrogen Loading Limitations, and Article 11 and Article 13 below. Should an increase in design flow be allowed, the system shall be upgraded in full compliance with Title 5 and the regulations of the Truro Board of Health for new construction.

- 2) The Board did not discuss considering the following amendment, which is a relic from edits made in 2021. Proposed changes for Regulations Section 6, article 3, were inadvertently omitted from the current version (effective Feb 2022).

Article 3 – Triggers for Upgrading Septic Systems and ACOs

1(e): If a facility is replaced, relocated or demolished, except when the building was destroyed by fire. A nonconforming system serving a facility destroyed by fire does not need to be upgraded to serve a new facility if the new facility is built in the same footprint as the original and provided that there is no change in use or increase in design flow of the facility and the system is not a failed system; or

The Proposed changes:

If a Any facility served by a 1978-code system that is replaced, relocated or demolished, except when the building was destroyed by fire (shall be upgraded). A nonconforming compliant system serving a facility destroyed by fire does not need to be upgraded to serve a new facility if the new facility is built in the same footprint as the original and provided that there is no change in use or increase in design flow of the facility and the system is not a failed system;

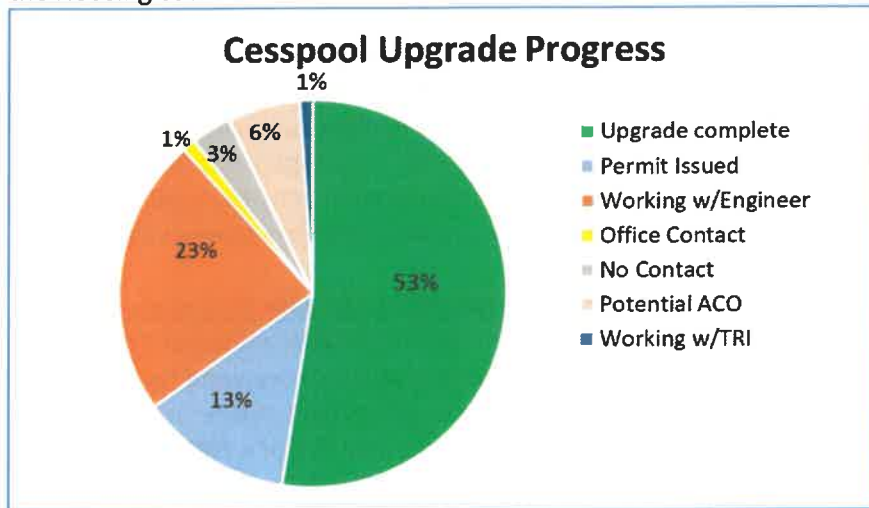
Memo to: Truro Board of Health
 From: Emily Beebe, Truro Health & Conservation Agent
 Date: April 16, 2024
 Re: **Water Resources Update April 2024**




TOWN OF TRURO
HEALTH & CONSERVATION DEPARTMENT
 24 Town Hall Road, Truro 02666
 508-349-7004 x119

Regarding cesspool upgrades to Title 5

To date, 66% of the properties with cesspools have either completed the upgrade process or have permits issued to do so. 24% are working with engineers. Many of these have completed plans and are in the process of hiring an installer. Letters have been sent to these homeowners, so they are aware of the deadline for plans and installation permits. 6% are eligible to enter into an ACO (described below). The remaining 4% of properties that have made no progress will be issued notices of violation filed with the Housing court.



Bucket	Count	Deadline
1	23	Installation by 9/1/2024 or 9 months from date of permit issuance
2	11	Completion of ACO by 6/1/2024
3	44	Plan complete by 5/1/2024, install within 9 months
4	8	12/31/2023



Regarding Administrative Consent Orders (ACOs). An ACO is the legal agreement between the Board of Health and a property owner regarding the timing of upgrades or connection to sewer facilities. Draft ACO's must be finalized by June 1, 2024, by BoH approval of a variance to allow the agreement, using GPD value placeholder until the actual cost/gallon multiplier is determined by GHD. The Town and Engineers from GHD were scheduled to meet with the DEP on March 15, and the meeting was rescheduled by the DEP to April 4. At that time, we will review the use of the ACO process, and our Comprehensive Wastewater Management planning strategy.

Regarding stormwater management- The proposed Stormwater and Sediment control Bylaw that is on the Special Town Meeting warrant will be indefinitely postponed at the meeting. Further work on a stormwater control bylaw will resume after we have recommendations from the CWMP process.

Regarding changes to Title 5, and TMDL NSAs – (no new update, April 2024)

Changes to Title 5 became effective on July 7, 2023 and a new include watershed permit regulations, and new Nitrogen Sensitive Areas (NSA). Watersheds on Cape Cod with an EPA-approved Total Maximum Daily Load (TMDL) are now designated NSAs with timeframes for compliance with approved watershed plans.

It is important to note that Truro does not have a TMDL for nitrogen so the change in regulation has minimal impact on most of Truro. However, a portion of South Truro is in the Wellfleet Harbor Watershed. In October the Massachusetts Department of Environmental Protection (MassDEP), Watershed Planning Program (WPP), announced the approval of the Final Wellfleet Harbor Embayment System Total Maximum Daily Loads (TMDL) For Total Nitrogen by the U.S. Environmental Protection Agency (EPA). You can find a copy of the permit at:

<https://www.mass.gov/doc/final-total-nitrogen-tmdl-for-wellfleet-harbor/download>

East Harbor and the Pamet River are both impaired water bodies, but neither have a TMDL for nitrogen, however, to protect these resources the Town is working proactively, to align our planning process with the new regulations. We have contracted with the engineering firm GHD to prepare our Comprehensive wastewater management plan which will guide our wastewater management activities across town. It is likely that we will be moving into a watershed permit application process within several years.

Regarding Wastewater Management Planning/ Water Resources discussion with Provincetown:

Last week I met with GHD staff and officials from the DEP's southeast regional Wastewater office to introduce them to our planning process and familiarize them with the approach we were taking relative to nitrogen reduction. We wanted their feedback about the scope of our project. We reviewed the guidance assumption we have been working under, which is that in the absence of a TMDL for nitrogen, we should be using 25% reduction as our target, as per EPA, and as specified in the Section 208 Area Wide Water Quality Management plan. The DEP supports this as we are not on the docket for a nitrogen TMDL. We described the feasibility study with Provincetown, and our use of the ACO process to bridge possible implementation of the Sewer extension option. The DEP does want us to file an NOI for the section of Truro that is in the Wellfleet Harbor watershed. As far as the Pamet River watershed, the DEP suggested that we could apply for a 604B grant to identify data gaps in the past study work that's been done. They did not think it would be practical to begin modeling of the watershed before the Pamet River restoration work was completed. This information will all be documented in the final CWMP report.

Wastewater Management planning- feasibility discussions with Provincetown are moving toward completion of this phase, and we hope for more information following our 4/25 meeting with the 2-town team.

Work on the water resource plans (Watershed plan and Master Plan) includes development of a planning process. I have been working on that process with Provincetown DPW director Jim Vincent, and we are creating a planning schedule that will include staff meetings with and without consultants, larger meetings that will include the Water and Sewer Board, and at least 2 joint Truro/Provincetown Selectboard meetings with the Water and Sewer Board within 2024. Public outreach will be a significant part of the planning process.