



Truro Board of Health

Tuesday May 3, 2022

Regular Meeting- 4:30 PM

- AMENDED -

REGULAR MEETING

Remote Meeting Access Instructions

This will be a remote meeting. Citizens in Truro can view the meeting on Channel 18 and on the homepage of the Town of Truro website on the "Truro TV Channel 18" button found under "Helpful Links". To view, click on the green "Watch" button in the upper right of the page. **To provide comment during the meeting, please call in toll free at 1-866-899-4679 and enter the following access code when prompted: 972-302-709; or access the meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/972302709>** There may be a slight delay (15-30 seconds) 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 to help us manage multiple callers effectively. Citizens may also provide public comment for this meeting by emailing the Health Agent Emily Beebe 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

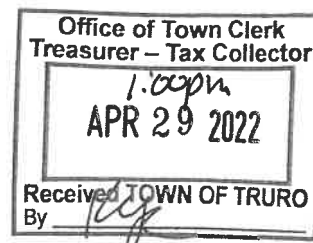
II. AGENDA ITEMS

1. **Change of Manager**: Whitman House Condominiums, 7 Great Hollow Road
2. **New Food Service Permit**: Jams, 14 Truro Center Road, Garrison Cloud, manager
3. **Waiver of Time Extension Request**: 20 Great Hollow Rd, Iskren Georgiev & Tanya Noteva
4. **Variance Requests/Local Upgrade Approval**: 127 & 133 South Pamet Road; Dennis
(continued from the 4/19/2022 meeting)
5. **Local Board of Health Regulation Review**
 - a. **Section VI – local title 5**
 - i. **ACO regulation-draft**
 - ii. **Control of placement of septic systems in relation to drinking water wells**

III. MINUTES:

IV. REPORTS

- o Report of the Chair
- o Health Agent's Report





TOWN OF TRURO

Health Department

P.O. Box 2030, Truro, MA 02666

PH: 508-349-7004, Ext. 131 Fax: 508-349-5508

Email: ebeebe@truro-ma.gov or adavis@truro-ma.gov

HEALTH DEPARTMENT
TOWN OF TRURO

APR 16 2022

RECEIVED BY:

1

APPLICATION TO NAME A MANAGER

This application is used for a Change of Manager, Add Co-Managers or to Name a Property Management Company as Manager with the Board of Health

Section 1 - Business Information

Date: March 18, 2022

Print Name of Applicant: David B. Frennesson

Business Name or DBA to be managed: Whitman House Condominium Assoc. Number of Units: 18

Street Address of Business: 7 Great Hollow Rd, Truro, MA 02666 Business Email: [REDACTED]

Mailing Address of Business: (Check if New Address) P.O. Box 125, Truro, MA 02666-0125

Section 2 - Manager Information

Name of Previous Manager: Robert Rice On-Site Manager Unit #: NA

Name of New Onsite Manager: David B. Frennesson On-Site Manager Unit #: 49

Name of Property Management (10 Units or less): NA

Mailing Address of New Manager and/or Property Management Company: RKM Property Mgmt

Phone (24 hours/day): 508-487-1621 Email: info@rkmpropertymanagement.com

Name of Co-Managers:

David B. Frennesson Unit # 49 Phone (24hrs/day): [REDACTED]

Tom Makuen Unit # 48 Phone (24hrs/day): [REDACTED]

Gavin Black Unit # 42 Phone (24hrs/day): [REDACTED]

I have read & understand the Board of Health Manager Regulation, Section III, Article 4. Signature of New Manager, Co-Managers or Contact Person for Property Management is required.

[Signature]
SIGNATURE

David B. Frennesson
PRINT NAME

3/18/2022
DATE

[Signature]
SIGNATURE

Tom Makuen
PRINT NAME

3-26-2022
DATE

[Signature]
SIGNATURE

Gavin Black
PRINT NAME

3/20/2022
DATE

Section 3 - **Office Use Only**

Team Inspection
(If over 3yrs since last one)

Scheduled

Date 4/20/22

Fee \$45.00

Paid

Board of Health Hearing

Date 5/13/22

Fee \$75.00

PAID
239



TOWN OF TRURO

Health Department

P.O. Box 2030, Truro, MA 02666

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Phone (24 hours/day): _____ Email: _____

Name of Co-Managers: Lea Donovan Unit # 43 Phone (24hrs/day): [REDACTED]

Kristine Brown Donovan Unit # 43 Phone (24hrs/day): [REDACTED]

Sharon Mandeli Unit # 38 Phone (24hrs/day): [REDACTED]

I have read & understand the Board of Health Manager Regulation, Section III, Article 4. Signature of New Manager, Co-Managers or Contact Person for Property Management is required.

[Signature]
SIGNATURE

Lea Donovan
PRINT NAME

3/19/2022
DATE

[Signature]
SIGNATURE

Kristine Brown Donovan
PRINT NAME

3/19/2022
DATE

SIGNATURE

Sharon Mandeli
PRINT NAME

DATE

Section 3 - **Office Use Only**

	Scheduled	Date	Fee	Paid
Team Inspection <i>(If over 3yrs since last one)</i>	<input type="checkbox"/>	_____	\$45.00	<input type="checkbox"/>
Board of Health Hearing	<input type="checkbox"/>	_____		

1

TOWN OF TRURO

Health Department

P.O. Box 2030, Truro, MA 02666

PH: 508-349-7004, Ext. 131 Fax: 508-349-5508

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SIGNATURE

Lea Donovan
PRINT NAME

DATE

SIGNATURE

Kristine Brown Donovan
PRINT NAME

DATE

[Signature]
SIGNATURE

Sharon Mandeli
PRINT NAME

3-18-2022
DATE

Section 3 - **Office Use Only**

	Scheduled	Date	Fee	Paid
Team Inspection (If over 3yrs since last one)	<input type="checkbox"/>	_____	\$45.00	<input type="checkbox"/>

Board of Health Hearing	<input type="checkbox"/>	_____		
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2



Town of Truro Board of Health

RCUD 2022APR7 041207 ADMINISTRATIVE OFFICE TOWN OF TRURO

24 Town Hall Road, P.O. Box 2030, Truro, MA 02666 Tel: 508-349-7004, Extension: 131 Fax: 508-349-5508 Email: ebeebe@truro-ma.gov or adavis@truro-ma.gov

APPLICATION FOR FOOD SERVICE - COMMON VICTUALER

[X] New [] Renewal

Section 1 - License Type

Type of License: [X] Food Service [X] Common Victualer \$50

Type of Food Service Establishment:

- [X] Food Service (restaurant or take out) [X] Catering \$50 2022-123B [] Retail Food (commercially prepared foods) [] Manufacturer of Ice Cream/Frozen Dessert [] Residential Kitchen [] Bakery \$10 2022-123A [] Bed & Breakfast w/Continental Breakfast

Section 2 - Business/Owner/Manager Information

Federal Employers Identification Number (FEIN/SS) [REDACTED]

Business Name: JAMS

Owner Name: Cape Provisions LLC Email Address: [REDACTED]

Mailing Address:

Phone No: [REDACTED]

Person Directly Responsible for Daily Operations: (Owner, Person in Charge, Supervisor, Manager)

Name: Garrison Scott Cloud Email Address: [REDACTED]

Mailing Address: 157 Noah's Mill Rd, Georgetown, SC 29440

Phone No: [REDACTED] 24 Hour Emergency: [REDACTED]

Section 3 - Business Operation Details

Number of Seats: 14 Inside: Outside: Number of Employees:

Length of Permit: [] Annual [X] Seasonal Operation

Hours of Operation: 7am To 10pm

Days Closed Excluding Holidays:

If Seasonal: Approximate Dates of Operation: 5/1/22 To 10/31/22

HEALTH DEPARTMENT TOWN OF TRURO

APR 07 2022

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2

Certified Food Manager(s) (attach copy): (at least 1 full-time equivalent PER SHIFT required)

Allergen Awareness Certification (attach copy):

Has your menu changed from last year? Yes No

If yes please attach copy of menu or provide description of food to be prepared and sold:

Section 4 - Attestation

Attestation

I, the undersigned, attest to the accuracy of the information provided in this application and further agree to allow the regulatory authority access to the food service establishment as specified under § 8-402.11. I affirm that the food establishment operation will comply with 105 CMR 590.000, Truro Board of Health Regulation Section X, Food Service Regulations and all other applicable laws. Pursuant to MGL Ch. 62C § 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid state and local taxes required by law.

Signature of Applicant: 

Date: 1/8/2022

Application Checklist:

- Food Service Permit Application**
- Smoke Detector/Fire Protection Certification**
- Workers Compensation Affidavit/Certificate of Insurance**
- Copy of Inspection of Kitchen Equipment: Commercial Hood and Ventilation System Report**
- Copy of Service report of mechanical washing equipment (Dishwasher)**
- Copy of ServSafe Certification and Allergy Awareness**
- Copy of Choke Saver (for food service establishment w/seating capacity of 25 or more)**

FOR HEALTH DEPARTMENT USE ONLY

Comments: _____

Review by _____

Date _____

HEALTH DEPARTMENT
TOWN OF TRURO

APR 07 2022

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JAMS SANDWICH MENU

508.349.1616

1 Ballston	\$8.75
honeycup mustard, smoked turkey, muenster cheese, onion	
2 Bikini	\$7.95
provolone cheese, lettuce, tomato, onion, Italian dressing	
4 Coast Guard	\$8.75
guacamole, turkey, tomato, lettuce	
5 Corn Hill	\$9.25
Russian dressing, smoked turkey, coleslaw	
6 Duck Harbor	\$11.25
mozzarella, prosciutto, tomato, basil, balsamic	
7 Dune	\$8.75
mozzarella, tomato, basil, balsamic	
8 Lobster Roll	\$18.95
lobster salad, lettuce on French	
10 Head of the Meadows	\$9.50
horseradish dressing, roast beef, lettuce, tomato	
12 Lighthouse	\$9.75
honeycup mustard, tuna, swiss, tomato, lettuce	
13 Long Nook	\$9.25
tarragon chicken salad, tomato, lettuce	
16 P-town	\$8.25
pesto, tomato, goat cheese, lettuce	
20 Shrink	\$10.25
cream cheese, smoked salmon, onion	
21 Italian	\$10.25
mortadella, salami, ham, pepperoni, provolone, tomato, pickles, onion, lettuce, Italian dressing	
22 Surfer	\$8.50
mayo, turkey, cranberry, lettuce, onion	
24 Truro	\$7.95
hummus, tomato, lettuce, onion	
29 Tide	\$8.75
mayo, turkey, bacon, lettuce, tomato	

32 BLT	\$7.95
mayo, bacon, lettuce, tomato	
33 Sunrise	\$8.50
egg salad, bacon, lettuce	
37 Rt. 6 PANINI	\$9.75
pesto, turkey, baby spinach, chipotle cheese	
38 Caprese PANINI	\$8.75
mozzarella, tomato, basil, balsamic	
46 Depot PANINI	\$8.75
honeycup mustard, ham, swiss cheese	
47 Town Hall PANINI	\$9.75
spicy mayo, roast beef, cheddar cheese	
55 Hopper	\$8.75
ham, swiss, lettuce, tomato, Dijon mustard	
56 1987 PANINI	\$7.50
cheddar cheese, tomato	

PLAIN & SIMPLE	
40 HAM	\$7.75
42 ROAST BEEF	\$8.75
43 SALAMI	\$8.25
44 EGG SALAD	\$7.50
49 TURKEY	\$8.25
52 TUNA	\$8.50

KIDS	
WHITE OR WHEAT BREAD ONLY	
35 cheese	\$5.25
35 peanut butter & jelly	\$5.25
35 ham	\$5.25
35 turkey	\$5.25

BREADS	
french, sourdough french, white, wheat, rye, pumpernickel, gluten free white, tortilla	

BREAKFAST SANDWICHES

bagel, toast, English muffin (1 egg, 1 slice bacon or ham)	
70 egg	\$3.50
71 egg & cheese	\$4.00
72 egg & bacon or ham	\$4.50
73 egg, cheese, bacon or ham	\$5.00
Croissant (1 egg, 1 slice bacon or ham)	
74 egg	\$5.00
75 egg & cheese	\$5.50
76 egg & bacon or ham	\$6.00
77 egg, cheese, bacon or ham	\$6.50
Panini (2 eggs, 2 slices bacon or ham)	
78 2 eggs, cheese, bacon or ham	\$5.95
80 2 eggs, spinach, bacon, goat cheese	\$6.25
81 2 eggs, goat cheese, ham, tomato	\$6.25

bagel, toast, English Muffin (plain)	\$1.39
muffins (plain)	\$1.99
cinnamon roll	\$2.95
croissant	\$2.95
raspberry croissant	\$3.50
chocolate croissant	\$3.50
scone	\$3.95

bagel, toast, English Muffin	
150 with cream cheese	\$2.99
151 with butter or jelly	\$1.95
152 with smoked salmon & cream ch	\$6.25
Muffin	
153 with butter or jelly	\$2.65
Croissant	
154 with butter or jelly	\$3.50

PRICES SUBJECT TO CHANGE WITHOUT NOTICE

5/3 Mtg

Arozana Davis

From: Iskren Georgiev <[REDACTED]>
Sent: Thursday, April 14, 2022 7:51 AM
To: Emily Beebe; Arozana Davis
Cc: Tanya Noteva
Subject: 20 Great Hollow Rd.: Request for Extension of Time for Septic Installation

3

Good morning Emily & Arozana,

May this email please serve as an official request to extend the current deadline of 5/12/22 for the above system installation by 3 additional months. Originally, we had requested 9 months as per engineers' and contractors' advice on wait times. We were granted 6 months when we closed on the property in November, 2021. Our engineer Billy Rogers finished working on the design and documentation/ testing part in early March, 2022. Currently, installer's wait times are a at least few months long and that is why we are asking for another 3 months extension after 5/12/2022 to finish the process.

Thank you for your consideration.

Best,
Iskren

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

4



V2021-19

TOWN OF TRURO

Board of Health

P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004 x-32 Fax: (508) 349-5508

HEALTH DEPARTMENT
TOWN OF TRURO

NOV 18 2021

RECEIVED BY:

PAID \$75.00 Cash

APPLICATION FOR BOARD OF HEALTH VARIANCES

Date Submitted: 11/24/21 Board of Health Hearing Date: 12/7/21
Property Owner's Name: Thomas P. Dennis, Jr. & Kathleen C. Dennis & Cape Rental LLC
Mailing Address: *See Attached Owners List*
Address of Property: 127 & 133 South Pamet Road
Map and Parcel Number: Map # 48 Parcel # 12 & 8
Design Engineer/Sanitarian John G. Schnaible
Firm/Company Name: Coastal Engineering Co., Inc. Phone #: [Redacted]
Address: 260 Cranberry Highway, Orleans, MA 02653
Real Estate Broker Contact:

Anticipated Date of Property Transfer: Length of Time Requested to Complete Upgrade:

*NOTE: The abutter's notification letter must be sent to each abutter by certified mail, return receipt requested, at the expense of the applicant. The green cards must be submitted at the hearing.

Please check type of variance requested:

- Title 5 Variance Request Section 15.211 Distances
Board of Health Variance Request Section/Article Section VI Article 10 & Article 8
Board of Health Variance Request from Section VI, Article 3(1)a. Required Upgrade Upon Property Transfer. Please include Buyer's Information below:

Buyer's Name:

Mailing Address:

Phone #: Fax: Email:

Signature (Property Owner) For owners Signature (Buyer)

Date 11/18/21 Date

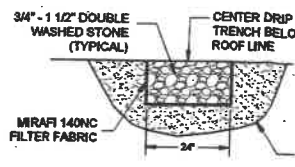
Please return this application to:
Truro Health Agent, 24 Town Hall Road, P.O. Box 2030, Truro, MA 02666
With a \$75.00 application fee made payable to the Town of Truro

DEEP OBSERVATION HOLES

Table with 6 columns: ELEVATION, SOIL HORIZON, SOIL TEXTURE, SOIL COLOR (MUNSELL), SOIL MOTTLING, OTHER. Data for DEEP OBSERVATION HOLE 1.

Table with 6 columns: ELEVATION, SOIL HORIZON, SOIL TEXTURE, SOIL COLOR (MUNSELL), SOIL MOTTLING, OTHER. Data for DEEP OBSERVATION HOLE 2.

DATE OF TESTS: 02-17-06
PERCOLATION RATE: LESS THAN 2 MINUTES PER INCH
WITNESSED BY: D. QUINN, RYDER & WILCOX, INC. P. PAJARON, TRURO BOH

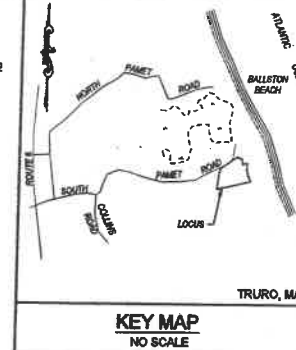


INFILTRATION TRENCHES AT ROOF DRIP LINES
(2\"/>

HEALTH DEPARTMENT
TOWN OF TRURO
APR 27 2022
RECEIVED BY:

REFERENCE:

ASSESSORS MAP: 48, PARCEL 8 & 12
LAND COURT PLAN 16182-E
LAND COURT PLAN 16182-F
LAND COURT DOC. #1287146
OWNER OF RECORD:
PARCEL 8
THOMAS P. DENNIS, JR. &
KATHLEEN C. DENNIS
DEED BOOK 28048, PAGE 220
PARCEL 12
THOMAS P. DENNIS, JR. &
KATHLEEN C. DENNIS
CERTIFICATE 226904
PROPOSED ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM PLAN DATED 06-09-2006 BY RYDER AND WILCOX, INC.

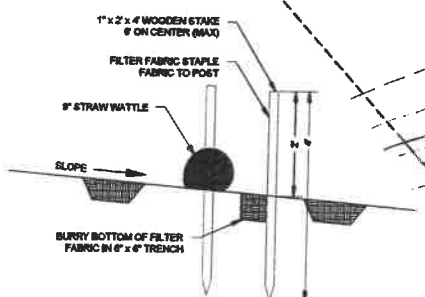


DESIGN CALCULATIONS

EXISTING DESIGN FLOW: (4 BR DWELLING + 1 BR COTTAGE) x 110 GPD/BR = 550 GPD
PROPOSED DESIGN FLOW: (4 BR DWELLING + 1 BR "BOAT HOUSE") x 110 GPD/BR = 550 GPD (NO CHANGE)
REMAIN (FOR EXISTING 4BR DWELLING): EXISTING 5 BEDROOM SEWAGE DISPOSAL SYSTEM
INSTALL (FOR 1 BR "BOAT HOUSE"): ONE (1) - 1500 GALLON SEPTIC TANK, MINIMUM ALLOWED ONE (1) - 5-OUTLET DISTRIBUTION BOX

NOTES

- 1. GARBAGE GRINDERS ARE NOT ALLOWED WITH THIS DESIGN.
2. ALL WATER FIXTURES TO BE WATER TESTED BY CONTRACTOR TO VERIFY ALL SEWER EXIT LOCATIONS PRIOR TO INSTALLATION OF ANY SYSTEM COMPONENTS.
3. THE INSTALLER IS RESPONSIBLE FOR ASSURING THAT COMPONENTS OF THE SEWAGE DISPOSAL SYSTEM ARE DESIGNED WITH SUFFICIENT STRENGTH TO SUSTAIN ALL LOADS TO BE IMPOSED ON THEM.
4. PRIOR TO SETTING ANY SEWAGE DISPOSAL SYSTEM COMPONENT, INSTALLER SHALL VERIFY EXISTING CONDITIONS, INCLUDING ELEVATIONS OF EXIST INVERTS, AND REPORT ANY DISCREPANCIES TO THE DESIGN ENGINEER.
5. ALL GRAVITY SEWER PIPE SHALL BE 4" DIA. SCH 40 PVC UNLESS OTHERWISE NOTED.
6. NO PART OF THIS DESIGN SHALL BE ALTERED WITHOUT PRIOR APPROVAL FROM THE DESIGN ENGINEER AND THE AGENT OF THE LOCAL BOARD OF HEALTH.
7. THE USE OF ALTERNATE MANUFACTURERS FOR SYSTEM COMPONENTS SHALL NOT BE APPROVED IF THE USE OF THEIR EQUIPMENT REQUIRES CHANGES IN DESIGN.
8. THE INSTALLER SHALL ASCERTAIN THE LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO EXCAVATION, AND SHALL PROTECT UTILITIES WITHIN THE WORK AREA DURING CONSTRUCTION.
9. ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC MARKING TAPE OR A COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.
10. FILL MATERIAL FOR SYSTEMS CONSTRUCTED IN FILL SHALL BE CLEAN GRANULAR SAND, FREE OF ORGANIC MATTER AND OTHER DELETERIOUS MATERIALS.



SEDIMENTATION BARRIER DETAIL NOT TO SCALE

- EROSION & SEDIMENTATION CONTROL NOTES:
1. THE SEDIMENT CONTROL BARRIER SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED UNTIL STABILIZATION AND REVEGETATION OF DISTURBED AREAS.
2. DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION CONTROL AND SHALL PROTECT THE CONSTRUCTION SITE FROM EROSION UNTIL COMPLETION OF SITE WORK AND ESTABLISHMENT OF VEGETATIVE GROUND COVER.
3. AFTER GRAZING, EXPOSED SLOPES SHALL BE COVERED WITH NORTH AMERICAN GREEN SC150 EROSION CONTROL BLANKET, OR APPROVED EQUAL.
4. THE CONTRACTOR SHALL PRACTICE GOOD HOUSEKEEPING MEASURES DURING THE DAY TO DAY OPERATION AT THE SITE.
5. MATERIAL STOCKPILES THAT ARE IN PLACE FOR AN EXTENDED PERIOD OF TIME SHALL BE STABILIZED WITH VEGETATION MULCHING, EROSION CONTROL BLANKETS, AND OTHER MEASURES THAT ARE NECESSARY TO PREVENT THE DISCHARGE OF SEDIMENT FROM PROJECT SITE.

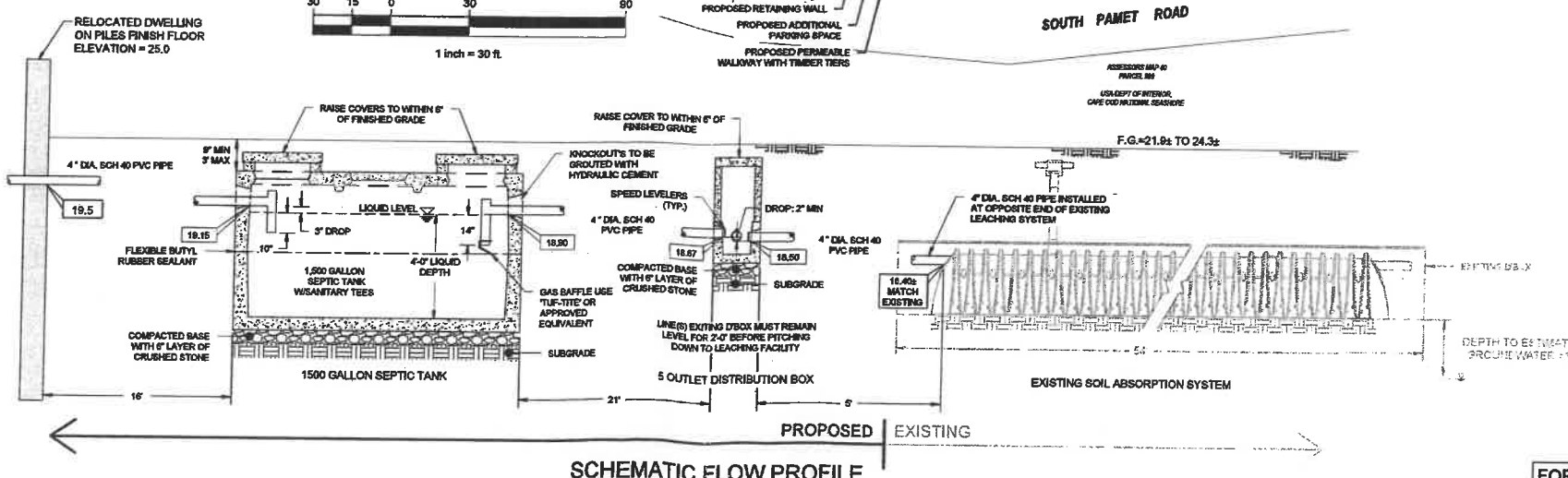
Table with 2 columns: SIEVE SIZE, PERCENT PASSING. Values for #4, #10, #20 sieves.

LOCAL UPGRADE APPROVALS AND VARIANCES

TOWN OF TRURO BOARD OF HEALTH REGULATIONS
SECTION VI, ARTICLE 10 REQUIRED SETBACKS FOR SYSTEM COMPONENTS
-SEPTIC TANK LESS THAN 100 FEET FROM WETLANDS (53 FEET VARIANCE REQUESTED)

INSPECTION NOTE
THE STATE ENVIRONMENTAL CODE, TITLE 5, REQUIRES INSPECTION(S) OF THE SEWAGE DISPOSAL SYSTEM BY THE DESIGN ENGINEER.
INSTALLATION CONTRACTOR MUST NOTIFY THE DESIGN ENGINEER PRIOR TO THE START OF INSTALLATION FOR DISCUSSION ON REQUIRED INSPECTIONS.

NOTE: THE INFORMATION HEREON HAS BEEN PREPARED ACCORDING TO THE REQUIREMENTS OF TITLE 5 OF THE STATE ENVIRONMENTAL CODE FOR SUBSURFACE DISPOSAL OF SANITARY SEWAGE AND LOCAL BOARD OF HEALTH REGULATIONS WITH NOTED REGULATIONS



DATUM: ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)
FLOOD ZONE: FLOOD ZONE AE, 14 AND ZONE VE, 17 SHOWN ON THIS DRAWING ARE A DIRECT REPRESENTATION OF THE GRAPHIC FLOOD ZONE BOUNDARIES SHOWN ON FEMA FIRM PANEL #25001C022J EFFECTIVE JULY 16, 2014. PLEASE NOTE THAT SITE SPECIFIC FLOODPLAIN BOUNDARIES MAY VARY DUE TO DIFFERENT INTERPRETATIONS OF THESE BOUNDARIES. USERS ARE ADVISED TO VERIFY LOCATION OF THESE BOUNDARIES WITH THE DESIGNATED COMMUNITY FLOODPLAIN MANAGERS AND/OR FEMA PRIOR TO SITING ANY PROPOSED STRUCTURES.

- LEGEND
EXISTING:
BOUND
PROPERTY LINE
MAJOR CONTOUR
MINOR CONTOUR
FENCE
UNDERGROUND ELECTRICAL
WATER SERVICE
SEPTIC PIPE
OVERHEAD WIRES
GUY WIRE
UTILITY POLE
MONITORING WELL
SEWER MANHOLE
CESSPOOL
ELECTRIC MANHOLE
TELECOMMUNICATION
PULL BOX
SPOT ELEVATION
ELECTRIC METER
CABLE TV BOX
DRAIN MANHOLE
CATCH BASIN
DEEP OBSERVATION HOLE
TOP OF COASTAL BANK
PROPOSED:
WORK LIMIT & SILT BARRIER
UTILITY POLE
CLEANOUT

I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE LOCATED AS THEY EXISTED ON THE GROUND AS OF 04-11-2022.
DATE: 04-28-2022



THOMAS DENNIS
127 & 133 SOUTH PAMET ROAD
SITE PLAN SHOWING BUILDING RELOCATION AND SITE IMPROVEMENTS
SCALE: AS NOTED
DRAWING FILE: C17338-C.dwg
DATE: 07-14-2022
DRAWN BY: DAPI/JJB
CHECKED BY: JGS
PROJECT NO. 17338.01

FOR BOARD OF HEALTH REVIEW

C2.1.2



SECTION VI - LOCAL SEPTIC REGULATIONS TO SUPPLEMENT
TITLE 5, STATE ENVIRONMENTAL CODE

Amended February 2, 2010; June 5, 2012; October 2, 2018, December 4, 2018, May 18, 2021

Article 1 - General Provisions

- 1) **Authority.** In accordance with Massachusetts General Laws, Chapter 111, Sections 31 and 127A, the Truro Board of Health hereby adopts the following regulations to supplement the provisions of the State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage (hereinafter, "Title 5"), and shall take effect upon passage.
- 2) **Purpose.** The purpose of this article is to ~~provide a greater degree of~~ provide protection to the environmental and public health, prevent the spread of disease, and provide greater clarification of the definitions used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems. Of specific concern is the need to protect the groundwater, which is the sole source of drinking water for Truro, Wellfleet and Provincetown.
- 3) **Enforcement.** Enforcement of the provisions contained in this Section VI will be carried out in accordance with the provisions of Title 5 of the State Environmental Code set forth at 310 C.M.R. 15.000, et seq. and all enforcement methods outlined in Section I of these Board of Health Regulations.
- 4) **Definitions.** With the exceptions listed below, the definitions provided in the State Building and Sanitary Codes, Title 5 and the Wetland Protection regulations shall apply. All time frames referenced herein shall be counted as calendar days. The following terms used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems, shall be defined as follows:

Accessory Dwelling Unit (ADU): A complete, separate housekeeping unit containing both a kitchen and sanitary facilities, as defined by the Truro Zoning Bylaws section 40.2.

Alter or Alteration: To make different by changing, adding and/or subtracting components, piping or location.

Bedroom

- a) Any room that meets the definition of a bedroom under Title 5 or any room or enclosed addition with at least 70 square feet of floor area and a building code conforming egress window, that provides minimum isolation necessary for use as a sleeping area. Rooms such as a finished basement with building code conforming egress may be considered a bedroom if it meets the definition. The definition does not apply to a bathroom, kitchen, hall, unfinished cellar, unfinished basement, unfinished attic, garage, unfinished area above a garage, unheated porch and open deck.

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- b) Notwithstanding the foregoing, any existing dwelling with six (6) rooms shall be construed to have at least three (3) bedrooms. Any dwelling with seven (7) rooms shall be construed to have at least four (4) bedrooms. Any dwelling with eight (8) or nine (9) rooms shall be construed to have at least five (5) bedrooms. Any dwelling with ten (10) or eleven (11) rooms shall be construed to have at least six (6) bedrooms. Each additional room beyond eleven (11) shall be construed as an additional bedroom and the number of bedrooms for the purpose of sizing a subsurface sewage disposal system (proposed and existing) shall be adjusted accordingly.
- c) All lofts that do not meet the criteria above, finished basements that do not have a building code conforming egress, and rooms and with cased openings at least 60 inches wide shall be considered rooms for the purposes of this definition.
- d) Dwellings built before the 1978 Building Code will have their bedrooms determined on a case-by-case basis.

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Buildable Upland: The area of contiguous upland on a lot exclusive of Wetland as defined herein.

Change of Use: With respect to properties with existing systems, a change in use will result when the use of the structure or the land is changed from one use group to another use groups as described in the Table of Uses in the Town's Zoning Bylaws, as may be amended from time-to-time; an alteration of the structure or the land within the same use group that changes the intensity of the use, i.e. a business use changing from retail to office space or a residential use changing from single-family or multi-family; or any change or alteration to the land or structure that results in an increase in actual or design flow to the system.

Design Flow: The quantity of sanitary sewage, expressed in gallons per day (gpd), for which a system shall be designed in accordance with 310 CMR 15.203.

Failed System: Any Septic System which fails to protect the public health, safety and environment as determined by the Truro Board of Health, including but not limited to:

- a) any system which must be pumped in excess of two (2) times in a twelve-month period;
- b) any system which includes a component that the Board of Health determines is structurally unsound;
- c) any system which discharges effluent directly or indirectly to the surface of the ground through ponding, surface breakout or damp soils above the disposal area or to a wetland;
- d) any system which meets any of the failure criteria itemized on the Title 5 Official Inspection form as described in 310 CMR 15.303 or 310 CMR 15.304;
- e) any system with a leaching area with less than 4-feet (for 1978-code systems) or 5-feet (for 1995-code systems) of vertical separation to ground water; this distance shall be measured in the field (not "per plan") by the inspector.
- f) any cesspool as defined in title 5 shall be deemed failed and shall be replaced with a title 5 compliant system no later than December 31, 2023.
- g) any systems with leaching areas/pits that are essentially at capacity, as defined herein;
- h) any systems that were not designed to accommodate the use;
- i) any system deemed as failing to protect public health, safety and the environment.

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To the extent such a waiver would be consistent with the provisions of Title 5, the Board of Health may waive a finding that any of the foregoing systems have failed if the Board determines, at its sole discretion, that the system will continue to protect the public health, safety and environment.

Innovative/Alternative (I/A) Technology: Technology that is certified for enhanced nutrient removal that is described in 310 C.M.R. 15.202 and 15.217, and which is approved by the Massachusetts Department of Environmental Protection pursuant to 310 CMR 15.280 through 15.289.

Living space: excludes screened in porches and sunrooms...(needs more work)

Remedial Use: Use of I/A systems for the upgrade of a Failed or Nonconforming Septic System and there shall be no increase in the design flow served by the proposed I/A systems and no increase in habitable space or change use that, in the Board's judgement has the potential to increase sewage flow. The Board may consider a variance to this provision to allow the increase in flow from an "accessory dwelling unit" as defined herein and compliant with the Town of Truro conditions for the unit.

Nitrogen Credit is the use of I/A technology for development of a property beyond the standard of 110 gpd of wastewater flow per 10,000 sf of area. Nitrogen credit shall not be allowed for new construction, unless an ADU is being created.

Nitrogen Loading limitations: The 440 gpd per acre of land requirement for septic system design as described in title 5.

Non-conforming Septic System: Any system which, when installed did not comply with provisions of either the 1978 or 1995 iterations of Title 5, including cesspools and all similar systems in use prior to the adoption of the 1978 Code.

Title 5: Refers to Title 5 of the Massachusetts State Environmental Code, 310 CMR 15.000, et seq.

Title 5 Septic System: Includes any system installed in compliance with the 1978 or 1995 iterations of Title 5 but shall not mean cesspools or any similar system in use prior to the adoption of the 1978 Code.

TN: Means Total Nitrogen

Watersheds of Special Concern: Mapped watersheds designated by the Truro Board of Health and the Zone I and Zone II of public water supplies.

Wetlands: Any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayment's, rivers, ponds, lakes, streams, inland banks, coastal banks, and coastal dunes, or any other area subject to the jurisdiction of the Conservation Commission as defined in G.L. c. 131, §40, 310 CMR 10.00, the Town of Truro Conservation Bylaw and/or regulations of the Conservation Commission, but not including buffer zones abutting such resources.

Article 2 - Variances

1. In addition to the variance criteria set forth in Section I of the Board of Health Regulations, an applicant may apply, and the Board of Health may grant a variance from this Section VI provided all of the following minimum criteria for said variance are also met:
 - a) A satisfactory inspection by a licensed system inspector of all system components if the variance sought pertains to an existing system.
 - b) The proposed or existing leaching facility has a minimum of five (5) feet of separation between the bottom of the leaching facility and the highest groundwater level as determined in 310 CMR 15.103(3); and,

- c) The proposed or existing leaching facility meets the minimum Title 5 requirements regarding setback distances for Soil Absorption Systems (SAS) as set forth in 310 C.M.R. 15.211; ~~and,~~
 - d) The existing system does not allowing surface breakout of the wastewater; and,
 - e) The existing system ~~does is not requiring~~ pump-outs in excess of two (2) times in a twelve-month period; ~~and,~~
 - f) The Board of Health determines that the grant of the variance will not pose a risk to the public health, safety or the environment and, ~~further,~~ meets all the variance requirements contained in Section I of the Truro Board of Health Regulations.
2. All applications for variance must be accompanied by plans prepared by a qualified Professional Engineer or Registered Sanitarian and include all information required under 310 C.M.R. 15.220.
 3. Expiration of variances shall occur after 24 months if the approved septic design has not been installed, or, at such time as determined by the Board of Health.

Article 3 - Triggers for uUpgrading Sseptic Svstems

1. **Required Upgrades:** In order to improve the quality of water for the Town of Truro by elimination of septic systems which do not comply with Title 5 and the more protective regulations adopted by the Truro Board of Health, ~~persons who own property with non-conforming septic systems shall bring those systems into compliance by upgrading them to meet the standards of this Section VI and/or Title 5 in the following situations trigger an upgrade:~~
 - a) Prior to any sale or transfer of title to the facility served by the system in all circumstances described in 310 CMR 15.301.
 - a)b) Notwithstanding any exceptions set forth in 310 CMR 15.301(2), upgrade of Nonconforming Systems shall occur prior to transfers by inheritance, between parents and their children, between full siblings, and where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor; and including creation of an LLC;
 - c) Prior to any change of use or increase in design flow of the facility served by a system;
 - b)d) Prior to the subdivision or partitioning of a parcel on which a nonconforming septic system is located;
 - e)e) If the Any system demonstrates any of the characteristics of a failed system as defined in this Section VI;
 - f) If the Any septic system that was not constructed according to the approved plan;
 - d)g) Any system with aer if the soil absorption system is not designed to meet the design flow of the facility it serves; or, with inadequate design capacity to serve the facility;

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- e)h) ~~If a~~ Any facility served by a 1978-code system that is replaced, relocated or demolished, except when the building was destroyed by fire. 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; or
- f)i) The liquid depth in a leach pit is less at least than six inches from the inlet pipe invert or the remaining available volume within a leach pit above the liquid depth is less than 1/2 of one day's design flow.
- g)j) All non-conforming septic systems in the Beach Point and Pamet River Protection District or located within two hundred (200') feet of any Wetland or within the floodplain as mapped by FEMA shall be considered failing to protect public health, safety, welfare and the environment and shall be upgraded to meet the requirements of this Section VI and/or Title 5.
- h)k) Cesspools in Truro are herein defined as failed systems and shall be upgraded to meet the requirements of Title 5 prior to December 31, 2023. All new systems replacing cesspools shall be installed and certified by that date.

2. **Multiple Systems on One Lot.**

- a) ~~In the event of the failure of one septic system on a lot that has. On a parcel with more than one non-conforming septic system, and a total design flow on the parcel is less than 2000 gallons,~~ the failing system shall be ~~immediately~~ upgraded and the remaining non-conforming septic systems shall be inspected by a ~~Department of Environmental Protection system licensed~~ Inspector pursuant to ~~Section 15.340 of Title 5 (hereinafter, "DEP System Inspector"), except where the total cumulative flow is over 2000 gallons per day, then all systems shall be upgraded with pressure distribution in accordance with Title 5.~~ If any of the remaining non-conforming septic systems shall fail inspection as defined in the Title 5 ~~Official Inspection Form, and the Truro "addendum to MA title 5 inspection form"~~ or if the inspection shall reveal that the system is a "Failed System" as defined in ~~Article (3) set forth above,~~ the non-conforming septic system shall be ~~immediately that system must be upgraded to a fully conforming Title 5 septic system.~~
- b) If the design flow on a parcel is over 2000 gallons per day, then all systems shall be upgraded with pressure distribution in accordance with Title 5.

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3. **Time for Upgrades and Administrative Consent Orders**

PURPOSE:

DEFINITIONS:

ADMINISTRATIVE CONSENT ORDER (ACO) is a duly executed and recorded document that affords a property owner in Truro an opportunity to defer major repair, replacement and /or upgrade of a failed on-site wastewater treatment system until a municipal plan is available to

direct the course of action for that owner or until a time frame specified and requires funds for a septic upgrade be placed in an escrow account.

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SYSTEM INSPECTION REPORTS: Inspections of septic systems shall report on the functioning and condition of the system, and a description of the components. This report will be the basis to determine whether a property is eligible for an Administrative Consent Order (ACO) or will be required to upgrade immediately. If an inspection is required by Order of the Board of Health, or by the Truro Board of Health regulations, those properties with a cesspool system will not be required to submit a title 5 inspection form; however, a licensed inspector must provide the Board of Health with a letter describing the condition of the cesspool system and a description of its components.

TIME FOR UPGRADES

All onsite septic systems shall be upgraded within one hundred and eighty (180) days from completion of an inspection of the system whenever an inspection determines that the system requires upgrade due to a condition identified in Section VI, Article 3 of the Truro Board of Health Regulation or Title 5.

The Board of Health may grant a variance extending the time for completing the required upgrade, subject to the property owner entering into an Administrative Consent Order within thirty (30) days from completion of the inspection.

ADMINISTRATIVE CONSENT ORDER

Administrative Consent Orders shall be on such terms and conditions as the Board determines are in the best interests of protecting public health and the environment until such time as the system is upgraded.

All Administrative Consent Orders shall have the following minimum terms:

1. The Board of Health agrees to extend the time for upgrading the system for a specified period of time, provided that there is compliance with the terms of the ACO;
2. The Property owner agrees to deposit a predetermined sum of money into an interest-bearing escrow account in an amount sufficient to complete the required upgrade; said sum may be paid in installments;
3. The Property owner agrees to upgrade the system upon expiration of the stay;
4. The Property owner agrees to periodic inspections and pumping of the system as needed;
5. The Property owner agrees to abate any imminent health hazards arising prior to upgrade of the system, which may require earlier repairs or upgrade; and
6. The Property owner agrees to record the ACO in the chain of title to the property and that the ACO will be binding on any successors in interest.

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Notwithstanding the terms of this Regulation or an ACO issued pursuant thereto, the Board

reserves the right to issue any such order as may be deemed necessary to protect public health and the environment from an imminent hazard caused by any onsite septic system, including requiring pumping, repairs, or immediate upgrades.

All requests for an ACO shall be processed in accordance with Article I of the Truro Board of Health Regulations and Title 5 and shall be within the sole discretion of the Board.

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Article 4– Required Septic System Inspections

1. A current Inspection Report completed by a MA licensed Septic System Inspector shall be filed in the following circumstances:

- a. At or within two years prior to the time of sale or transfer of title to the facility as defined in Article 4 of this Section VI and title 5, 310 CMR 15.301;
- b. With an application for a building permit that proposes an increase in living space as determined by the Truro Health Agent, if an applicant or a direct abutter is aggrieved by the determination of “increase of living space” by the Health Agent, the applicant may appeal this determination to the Truro Board of Health;
- c. With an application for a special permit that allows uses not otherwise permitted by the Truro Zoning Bylaw;
- d. With and Aapplication for a new license or transfer of an existing license,;
- ~~e. or Every three years at the~~ renewal of the annual operating permit for the operation of a motel, cottage colony, cabin, campgrounds, lodging house or restaurant. (see also 2.h in this article)
- e. Prior to renewal of permits for a facility served by a shared system. Inspections for all shared systems are required once every 3 years. Shared systems include condominiums, motels and camps and cabins.
- e.g. Prior to any change in use as defined in these regulations.
- f.h. At such time as a property owner/business owner is so ordered by the Board of Health.

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2. Inspection Criteria:

All system inspections shall be documented in an official Title 5 inspection form and a Town of Truro Septic “addendum to MA title 5 inspection form”. An inspection shall not be considered complete unless all information required on both forms is provided. In addition to the inspection criteria set forth in Title 5, the following criteria shall be observed in conducting system inspections:

- a) An open inspection of all components of the system is required. If a component cannot be found or uncovered after a reasonable search, the inspector must provide evidence for the system’s success or failure. Replacement or installation of the component is required in this instance.
- b) The septic tank shall be pumped at the time of inspection if it has not been pumped within the past 3years.
- c) Leach pits must have at least 6 inches of leaching capacity below the outlet invert in

order to pass the inspection. The 6 inches of leaching capacity is determined by clean sidewall absent of staining or evidence of high water. The Inspector must clearly indicate on the inspection form the height of standing liquid in any leaching component, the level of staining in any leaching component, and the description of both sanitary tees in any inspected tank. In the case of missing sanitary tees, no passing report shall be issued unless there is proof (copy of permit) of the correction of the deficiency.

- d) Any work for the correction of component failures, such as, but not limited to, eroded distribution-boxes, new piping, sealing a tank or installing new tees will require a valid disposal works construction permit, inspection and issuance of a certificate of compliance.
 - e) If the inspector finds that the access port covers of the septic tank inlet and outlet, distribution box and soil absorption system are not within 6 inches to grade, risers shall be provided as needed and the installation of risers shall be indicated in the septic system report.
3. **Failed systems shall include:** cesspools; non-conforming systems as defined in Article 2; systems without adequate separation to groundwater; systems with leaching areas/pits that are essentially at capacity, as defined herein; systems that were not designed to accommodate the use; any system deemed as failing to protect public health, safety and the environment.
 4. **All Inspections** shall be conducted by a MA licensed Title 5 inspector, using both the local and state inspection forms; the local form and required water test results shall be attached to the State form when filed in accordance with, and addition to, the requirements of Title 5 for septic inspection reporting.
 5. **The septic inspector** must verify that the use of the facility (ie; # of bedrooms) matches the design flow of the system (ie; a 4 bedroom dwelling should have at least 440 gpd design flow). Design flow shall be based on the records on file at the office of the Board of Health and use of the facility, including the number of bedrooms, shall be based on a visual inspection at the time of inspection.
 6. **Difficulty in Locating Components:** If a complete inspection cannot be performed, the inspector must provide adequate documentation of the specific conditions which prevented a complete inspection and should indicate on the inspection form how the inspector attempted to locate components; in this instance the report shall indicate that the system "Needs Further Evaluation from the Local Approving Authority." The Local Approving Authority shall evaluate all "Needs Further Evaluation" entries on the inspection form and determine whether further investigation is required to adequately evaluate the system.

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Article 5- Subdivision Plans

- 1) All new subdivision plans shall have the proposed well location and septic system on each lot. These locations shall meet all sideline and other setback and distance requirements.
- 2) The Plan shall be on file with the Building Commissioner and Health Agent.

- 3) Applications for septic and well permits shall adhere to the plan unless sufficient data ~~is~~are presented to the Board of Health to justify the change.

Article 6 - Bedroom Count

- (1) **Bedroom Count Determination.** Notwithstanding the general provisions of Section 15.002 of Chapter 310 of the Code of Massachusetts Regulations, there shall be no presumption that single-family dwellings have at least three bedrooms in the Town of Truro. In each instance, a specific determination relative to bedroom count must be made without reliance upon any presumptions. The Health Agent shall have the authority to make the initial bedroom count determination. If the Health Agent finds the determination in a specific instance should be made by the Board of Health, the Agent may, in their sole discretion, refer the matter to the Board of Health for a final determination. The Agent may also, in their sole discretion, refer the bedroom count determination to the Board of Health upon request of the applicant.
- (2) **Deed Restriction.** A deed restriction may be required by the Board of Health to ensure that use of the septic system as proposed will not negatively impact the public health, safety, welfare or the environment.
- (3) **Building Permits.** No building permit, ~~foundation permit, plumbing permit, special permit or variance~~ shall be issued until a Disposal Works Construction Permit has been issued for installation of a subsurface sewage disposal system designed to accommodate the bedroom count or the Board of Health has issued a written determination that the existing system is adequate for what is proposed.
- (4) **Floor Plans and Inspections.** For existing facilities, in order to determine compliance with any provision of the foregoing regulations, a floor plan ~~must be filed with the Truro Board of Health at the time of submission of an inspection report~~ may be requested by the Health Agent to make a determination as to bedroom count. If the Health Agent deems it necessary, they may refer the determination of the bedroom count to the Board of Health for a vote. ~~If the Board of Health, by a majority vote of its members, deems that an inspection of an existing residence is necessary to confirm the bedroom count, the Health Agent, with the applicant's permission, shall inspect the premises and report their findings to the Board.~~

~~(4)(5)~~

- ~~(5)(6)~~ **Assessors' records, and old unstamped plans and the like** will not be considered as sufficient evidence of the size of the facility for purposes of determining design flow. In the event of a discrepancy between the results of the visual inspection and existing records, an in-person inspection by the Health Agent will be required and the Health Agent's determination of the size of the facility will be final.

Article 7 - Regulation of Separate Site Systems

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1) Septic systems shall be constructed on the same lot as the facility to be served.

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2) Variances from this Article may be granted by the Truro Board of Health for structures in existence prior to March 31, 1995, provided all of the following conditions are met:

- a. The system can be installed on a contiguous property owned by the same person and title to the lots is merged by virtue of a deed recorded at the Barnstable County Registry of Deeds;
- b. The system is not being installed for the purpose of increasing the size or use of the existing structure; and,
- c. The system will replace or repair a pre-existing, non-conforming septic system or components.

3) Any grant of variance pursuant to this Article must also be made in accordance with Article 2 of this Section VI and Section I of the Truro Board of Health Regulations.

Article 8- Innovative/Alternative Technology

Preamble: In considering the permitting and use of various alternative septic treatment technologies in the Town of Truro, the Board of Health of the Town of Truro recognizes that there may be specific local circumstances which warrant the Board to require more stringent conditions for the installation and monitoring of these alternative systems than may be required by the Massachusetts Department of Environmental Protection. As allowed under Massachusetts General Laws Chapter 111, Section 31 and as required by the revised 310 CMR Section 15.285 (2d), 15.286 (5) and 15.288 (4), the Board of Health of the Town of Truro hereby reserves the right to impose any additional conditions or monitoring requirements it views as necessary to ensure the safe performance of any alternative onsite septic system which the Board agrees to permit in the Town of Truro.

- 1). **Applicability:** The use of I/A technology is required in the following circumstances:
- a) for flows greater than 600 GPD;
 - b) for nitrogen credit applications (these are only allowed by request in limited circumstances in Truro);
 - c) for upgrade of certain non-conforming systems as determined by the Board of Health;
 - d) for upgrades of previously approved systems that exceed current nitrogen loading standards of 110 gpd/10,000sf of lot area;
 - e) in certain cases where a variance is required and circumstances support the use of I/A to mitigate the environmental impact of the proposed system, as determined by the Board of Health.

2. Standards:

- a) In all of the circumstances described above, the I/A System shall be designed to achieve/produce no greater than 19 mg/l total nitrogen (TN) concentration in the effluent by using the secondary treatment achieved with an approved innovative/alternative (I/A)

septic system. At least 1 lab test showing TN shall be submitted annually to the Health department.

- b) ~~Any existing facility with a design flow greater than 600 gpd shall be designed to achieve/produce no greater than 19 mg/l total nitrogen concentration in the effluent by using secondary treatment achieved with an approved innovative/alternative (I/A) septic system that complies with the requirements of this Section VI. At least 1 lab test showing TN shall be submitted annually to the Health department.~~

b)

- c) I/A Systems shall be tested and reported on a quarterly basis, ~~unless approved for reduced testing~~ in accordance with O&M requirements, by means of obtaining an effluent sample from the distribution box or pump chamber to determine if the system meets the post-treatment standard of less than 19 mg/l total nitrogen. The results of such evaluations shall be submitted to the Board of Health within forty-eight hours of receipt thereof.

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3) Non-Performance.

- a) Non-performance includes any I/A system that has been determined to be failing to protect public health and safety, and the environment, ~~or~~ an I/A system with equipment failure or an unresolved alarm event, or components that are not functioning as designed, or components that are not functioning in accordance with the manufacturers specifications, or a system that is in violation of the terms of its approval by the Truro Board of Health.
- b) Non-performance requires written notification by the operator to the Truro Health Department within 48 hours receipt of lab test, along with a statement describing what corrective actions will be taken.
- c) Corrective actions must be taken ~~immediately~~ (within 48 hours of a lab report or field test) to address performance that does not meet the standards as defined herein, or specific to the approval by the Truro Board of Health.
- d) Lab tests showing exceedance of TN triggers a re-test immediately following corrective actions taken to address the exceedance, until the corrective measures are shown to have improved performance to meet the standards.
- e) Failure to comply with the process as described may result in a written warning from the Truro Health Department, followed by possible fines and a hearing with the Truro Board of Health that must be attended by the property owner and the licensed inspector.

4) Applications and Hearings.

- a) ~~Any application for a system proposing the use of I/A technology shall be submitted to the Truro Board of Health which shall hold a public hearing to consider its approval.~~
- b)a) All applications shall include a copy of the Massachusetts Department of Environmental Protection approval letter appropriate to the I/A technology being used and the level of approval (i.e., General Use, Provisional Use, Remedial Use, Piloting Use, or site-specific Pilot Approval).
- e)b) All applications for Pilot Approval shall include performance data from piloting sites where the I/A technology has been similarly configured and utilized.
- d)c) Notice of the public hearing of the Board of Health for the consideration of applications requiring ~~for~~ I/A approval shall be in accordance with the provisions of the

Open Meeting Laws in Massachusetts. Abutter notification will not be required unless mandated by Title 5.

5) Monitoring and Reporting.

- a) If an I/A system is approved, the applicant will be required to submit a proposed monitoring and reporting plan to evaluate the performance of the system to the Board of Health for approval; This plan shall include a description of any long-term operational or maintenance requirements needed to keep the system operational, and any educational, financial assurance or other mechanism proposed to ensure effective long-term operation and maintenance.
- b) Owners and operators of all I/A systems shall report the results of all operation, maintenance, and monitoring activities required by the foregoing provision or by the Department of Environmental Protection to the Truro Board of Health and to the Barnstable County Department of Health and Environment. Such Reporting must be performed in the manner specified by the Board of Health or in the form approved by the Barnstable County Department of Health and Environment and must occur within forty-eight hours after each maintenance or monitoring event.
- c) The Board of Health hereby further requires that when a system operator performs a system inspection and finds that a sewage treatment technology has malfunctioning components which have compromised the system's ability to treat sewage as designed, the operator shall report on the system's status and any planned corrective action, including a proposed deadline for said corrective action, to the Truro Board of Health and the Barnstable County Department of Health and Environment within 48 hours of inspection.
- d) If at any time a monitoring or maintenance report indicates that an I/A system needs corrective action, the Truro Board of Health may hold a hearing to inquire as to whether determine corrective action is needed. If at such hearing, the Truro Board of Health determines that such system needs corrective action, it may take enforcement action, including but not limited to, an order to cease operation of said system or any other action otherwise necessary to protect public health, safety, welfare, and the environment.
- e) I/A Systems that do not perform are required to be immediately evaluated by the licensed operator for the purpose of the inspector forming a diagnostic opinion of what corrective actions would address the non-performance.
- ~~f) Non-performance includes any I/A system that has been determined to be failing to protect public health and safety, and the environment, or an I/A system with equipment failure or an unresolved alarm event, or components that are not functioning as designed, or components that are not functioning in accordance with the manufacturers specifications, or a system that is in violation of the terms of its approval by the Truro Board of Health; or a system that is not achieving the total nitrogen standard in these regulations.~~
- ~~g) Non-performance requires written notification to the Truro Health Department within 48 hours receipt of lab test, along with a statement describing what corrective actions will be taken.~~
- ~~h) Corrective actions must be taken immediately (within 48 hours of a lab report or field test) to address performance that does not meet the standards as defined herein.~~

- ~~i) Lab tests showing exceedance of TN standard triggers a re-test immediately following corrective actions taken to address the exceedance, until the corrective measures are shown to have improved performance to meet the standards.~~
- ~~j) Failure to comply with the process as described may result in a written warning from the Truro Health Department, followed by possible fines, and a hearing with the Truro Board of Health that must be attended by the property owner and the licensed inspector.~~

6) Record Notice at Barnstable Registry of Deeds.

- a) All applicants gaining Board of Health approval for the installation of any I/A systems shall be required to record at the Barnstable County Registry of Deeds a Notice that the property is served by an I/A system, ~~together with an explanation of the Inspection, Monitoring and Reporting requirements, including the requirement of a service contract for the life of the system.~~
- b) **No Certificate of Compliance** for the installation of an I/A system will be issued until proof of recording is filed with the Health Department.

Article 9 - Required Setbacks for System Components

Notwithstanding the provisions of Title 5, 310 C.M.R. 2.11, all systems shall conform to the following minimum setback distances for septic tanks and soil absorption systems (SAS), including reserve areas, as measured in feet and set forth below:

	<u>Septic Tank or Pump Chamber</u>	<u>SAS</u>
Surface Water (except Wetlands)	50'	100'
Wetlands	100'	150'

Article 10 - Existing Systems Serving New Construction

Commented [EB8]: This section needs discussion

For systems designed and approved prior to March 31, 1995, the size of the existing system shall not be considered in determining whether a change in use or new construction in the facility served by the system will result in an increase in design flow, i.e. an increase in the number of bedrooms, restaurant seats, retail space, office space etc. for facilities listed in 310 CMR 15.203(2) through (5), rather review of the existing use of the facility (i.e., existing bedroom count; existing restaurant seats; existing retail space, etc.) at the time of the change, as determined by the Truro Health Agent, will be used to make such determination.

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 for new construction.

Article 11 - Buildable Upland Calculations for Nitrogen Loading Limitations

When applying the nitrogen loading limitations set forth in Title 5 and this Section VI of the Truro Board of Health Regulations (see Article 14), only Buildable Uplands shall be included in the lot area calculations.

Article 12 - Deed Restrictions

- 1) Any deed restrictions required under this Section VI or under Title 5 shall be submitted to the Health Agent for review before they are finalized and executed.
- 2) Each deed restriction shall ~~adequately~~ describe the property and all restrictions placed thereon (i.e., bedroom count limitations shall include the number and location of approved bedrooms; monitoring agreements shall describe the specific monitoring and maintenance requirements, etc.).
- 3) All deed restrictions ~~may~~ shall contain a provision permitting the Truro Health Agent to inspect the premises to ensure compliance with the provisions of the deed restriction at reasonable intervals and upon reasonable prior notice.
- 4) ~~All deed restrictions~~ A deed restriction required by the Board of Health, or their Agent shall be recorded at the Barnstable County Registry of Deeds, and Proof of recording shall be submitted to the Health Department prior to the issuance of the Certificate of Compliance for the system.
- 5) A deed restriction required by the Board of Health, or its ~~their~~ Agent shall be recorded prior to the ~~issuance of the Disposal Works Construction permit, or approval/sign-off~~ on any building permit, as determined to be required for compliance with these local regulations and Title 5 by the Board of Health or its Agent.
- 5) A deed restriction is required by the Board of Health or their Agent prior to sign-off on all ADU specifying it's approval and the requirement for year-round rental in perpetuity.

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Article 13 - Nitrogen Loading Limitations

- 1) The Truro Board of Health ~~hereby~~ requires that all properties within the Town of Truro meet the loading restrictions set forth in 310 CMR 15.214 and contain at least ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1 hereunder) for every 110 gallons per day of design flow, ~~and that a~~ All systems designed to serve said facilities must meet the same restrictions and requirements contained in Title 5 as the "Nitrogen Sensitive Areas" defined in 310 CMR 15.215 irrespective of whether the properties are located within "Nitrogen Sensitive Areas" as so defined.
- 2) Upgrades for systems that exceed current nitrogen loading shall include the use of I/A technology, ~~the use of p~~ Pressure distribution may be required when indicated and

determined by the Board, ~~to mitigate such as a need for~~ certain variances such as depth to groundwater, lateral separation to marine water bodies or private wells.

Article 14 - Septage Haulers and Septic Installers Licenses

1. A **Septic Installers license** is required in the Town of Truro for any work done to alter a septic system or its components, such as piping, tee replacement, tank and d-box replacement and tank sealing.
2. **Septage Haulers License Application:** The Board of Health will issue Septage Haulers Licenses only upon written application that includes the following information:
 - a) name and address of applicant and business name under which applicant will operate.
 - b) written description of all equipment utilized in the business, including the capacity of any tanks; and an emergency contact name and number of a person available for contact 24 hours a day in cases of emergency.
- ~~3. **Inspection:** Prior to the issuance of the Septage Haulers License and annually thereafter, all equipment of the business must be inspected by the Health Agent. All equipment must be clearly marked and identified with markings indicating the capacity of the tank. Truck tanks must be cleaned and made free of sand and sludge for every inspection. Gauges must be cleaned and calibrated so that exact volume is easily determined.~~
- ~~3. **Septage Coupons:** Septage coupons must be completely and properly filled out. The name, date, location and volume for each system serviced must be provided. The signature of the hauler and the customer must be executed on each coupon in order to validate the origin of the waste in the Town of Truro. Septage haulers are required to supply accurate/legible information to the Board of Health as a condition of their License.~~
- ~~5.4 **Chemicals and Acids.** Use of chemicals and acids for cleaning cesspools and septic systems is prohibited.~~
- ~~6.5 **Failing Systems.** As a condition of their License, all Licensees shall accurately report all malfunctioning systems to the Board of Health, including but not limited to, the address of the malfunctioning system, the nature of the problem and the repairs,~~
- ~~7.1 Septage haulers are required to supply accurate/legible information to the Board of Health as a condition of their License.~~
- 8.6 **Licenses.** Licenses go into effect January 1st of each year. The annual fee for Licenses shall be determined by the Board of Health each year.

9.7 Violations. Failure to comply with any of these regulations shall constitute a violation which may result in a show cause hearing before the Board of Health to determine whether the License should be revoked. Violations may also result in the imposition of fines and/or any necessary legal action to be undertaken by the Board.

Article 15- Maintenance requirements

1. Leach areas with pressure distribution must be inspected annually, by a PE per Title 5;
2. Maintenance of a septic tank must be completed when ordered by the Board of Health. If a septic tank has not been pumped within 3 years of a transfer of deed, the tank must be pumped as part of the septic inspection.
3. Maintenance by pumping septic tanks is recommended every 3- 5 years for residential systems, depending on the amount of use.
4. Maintenance of Grease traps includes quarterly pumping as required by Title 5.

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Article 16- Miscellaneous Provisions

1. **As-Built Cards.** The measured location of all components of each septic system shall be recorded on a septic "As Built" card and filed with the Health Agent prior to the issuance of a Certificate of Compliance. The installer shall verify on said "As Built" card that the components are installed in accordance with the locations shown on the approved septic plan.
2. **Severability.** If any Article, section, paragraph, sentence, clause or phrase of these regulations should be declared invalid for any reason, such declaration shall not affect the remainder of these regulations which shall remain in full force and effect.

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SAMPLE
FROM
PROVINCETOWN

5ai

TOWN OF PROVINCETOWN
BOARD OF HEALTH

In the matter of:

Property belonging to:

Property Owner

Mailing Address

Regarding:

Street Address, Provincetown

Assrs. Map: X-X Pcl.: XX-X

Deed Book: XXXXX Page: XXX OR

Land Court Doc: XXXXXX CTF: XXXXXX

Lot and Plan# XXXXXX

**ADMINISTRATIVE CONSENT
ORDER**

Future Extensions
Of the Provincetown
Municipal Sewer System

PARTIES

1. The Town of Provincetown (the "Town"), acting by and through its Board of Health ("Board"), is a municipal corporation within the Commonwealth of Massachusetts with offices at 260 Commercial Street, Provincetown, MA, 02657.
2. Property Owner (the "Respondent(s)") is/are the owner(s) of property located at Street Address in the Town (the "Property"). Respondent's mailing address is: Mailing Address.

PURPOSE

3. 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

4. The Town is currently engaged in facilities planning for future phases of a municipal wastewater management plan, which includes provisions for ~~additional~~ sewerage of a portion of the Town.
5. The Respondents' Property is located in a future identified proposed sewer service area.
6. The Respondents currently owns and/or operates a subsurface sewage disposal system on the Property, which the Board has determined requires an upgrade pursuant to 310 CMR 15.000 (Title 5).

CONSENT ORDER

7. The Respondents are not required to undertake construction of a subsurface sewage disposal system at this time, provided that the following temporary remedial measures shall be undertaken by the Respondent: Certified Title 5 Inspections every year/every three years and any repairs deemed necessary.

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8. If the Town has commenced construction of an extension of the municipal sewer collection system which will serve the Property by **January 1, 2027**, the Respondents shall abandon the existing subsurface sewage disposal system and connect to the Town sewer within thirty (30) days of notice from the Town of the availability of sewer service to Respondents' Property. Or, at Respondents' option, Respondent shall immediately commence with an upgraded subsurface sewage disposal system design plan to be approved by the Board of Health within sixty (60) days of said notice, and commence with installation of an upgraded subsurface sewage disposal facility. Such approval shall be obtained at a duly noticed Board of Health meeting. The Respondents shall abandon the existing subsurface sewage disposal system by one hundred twenty (120) days from said notice, and complete construction of an upgraded sewage disposal facility in accordance with the approved engineered plan.
9. If the Town has not commenced construction of an extension of the municipal sewer collection system which will serve the Property by **January 1, 2027**, the Town shall notify the Respondents. Respondent shall immediately commence with an upgraded subsurface sewage disposal system design plan to be approved by the Board of Health within sixty (60) days of said notice, and commence with installation on the Property in accordance with the engineered plan approved by the Board. Such approval shall be obtained at a duly noticed Board of Health meeting. The Respondents shall abandon the existing subsurface sewage disposal system by one hundred twenty (120) days from said notice, and complete construction of an upgraded sewage disposal facility in accordance with the approved engineered plan. Notwithstanding the requirements of this Paragraph, the Board may, in its sole discretion, elect to extend the time for connection to the sewer collection system by renewal of this Consent Order for such additional period as it sees fit, or require upgrade of the on-site septic system, with all other requirements of this Consent Order remaining in full force and effect.
10. At the time of the execution of this Consent Order, the Respondents shall deposit **\$XXXX.XX [Payment Schedule total estimated betterment calculation]** 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 Respondents shall pay into the fund in 20 yearly installments, with the first installment of **\$XXX.XX [Payment Schedule installment calculation]** being due upon execution of this Agreement and subsequent installments of **\$XXX.XX** being due on or before October 1st of each subsequent calendar year beginning on October 1, 2022, and ending when the amount set forth herein is paid in full. Respondent may request a statement of account from the Treasurer at any time, and there shall be no penalty for early prepayment.
11. The Respondents agree that such funds shall be applied by the Town to defray or satisfy any assessments or charges levied against the Respondents 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.
12. If the Town does not proceed with the construction of a municipal sewer system extension by **January 1, 2027** or such extended time frame established by the Board, and upon proof that Respondents 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 Respondents 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 Board. Such approval shall be obtained at a duly noticed Board of Health meeting.
13. In the event that the Respondents 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 Respondents 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 Respondents 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 Board. Such approval shall be obtained at a duly noticed Board of Health meeting.

14. If the Respondent elects to install a new septic system prior to making the final payment due pursuant to section 10 of this Agreement, no further payments shall be due or payable once the conditions in Paragraph 13 have been met. Upon the Respondents' fulfillment of the terms of this Consent Order, all remaining funds shall be returned to Respondents forthwith, together with any interest which has accrued thereon.
15. In the event that the Respondents transfer title to or an interest in the Property to another person 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 Board of Health, certifies compliance with the terms and conditions herein.
16. Within five (5) days of the execution of this Consent Order, the Respondents shall provide to the Board, proof of recording of the Consent Order at the Registry of Deeds or Registry District of the Land Court, as appropriate. The Town may record the Order at the Respondents' expense in the event the Respondents fail to do so.

STIPULATED PENALTIES

17. 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 or sewer connection, the Respondents 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 Respondents or on account of the Respondents' 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 order payable to the Town of Provincetown and such payment shall be mailed to the Board of Health, 260 Commercial Street, Provincetown, MA 02657. Nothing herein shall limit the authority of the Board of Health 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

18. Nothing in this Consent Order is intended to limit or restrict the authority of Board of Health, 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 Board of Health to issue such other 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.
19. In the event that this Consent Order is terminated by the Board, the Town shall release any funds held by the Town pursuant to this Consent Order to the Respondents, to defray all or a portion of the costs of

installation on the Property of a an upgraded subsurface sewage disposal system conforming to Title 5 or any successor environmental code, in accordance with the engineered plan as approved by the Board, or connection to the sewer. Said funds shall be released upon proof that Respondents have entered into a binding contract to construct an approved sewage disposal system or sewer connection.

OTHER PROVISIONS

- 20. 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.
- 21. The Respondents voluntarily agree to the terms of this Consent Order.
- 22. This Consent Order may be modified only upon the written agreement of the Board of Health and Respondents.
- 23. 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.
- 24. Each undersigned representative hereby certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf such representative is signing.

Entered into on this _____ day of _____, 2022.

Respondent(s)

Town of Provincetown Board of Health

Property Owner

Lezli Rowell, Health Agent, on behalf of
Provincetown Board of Health
260 Commercial Street
Provincetown, MA 02657

2nd Owner

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

On this _____ day of _____, 2022, before me, the undersigned notary public personally appeared Lezli Rowell 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 _____, 20 __, 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:

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this ____ day of _____, 20 __, 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:



**Administrative Consent Order Payment Schedule
Between Town of Provincetown and LOCUS ADDRESS**

Property Address		Year	Beg Bal	Principal	Interest	Total Pmt	End Balance
Assessors' Map		1	\$ 12,100.00	(\$605.00)	\$0.00	(\$605.00)	\$ 11,495.00
Flow	220	2	\$ 11,495.00	(\$605.00)	\$0.00	(\$605.00)	\$ 10,890.00
Surcharge Rate	55.00	3	\$ 10,890.00	(\$605.00)	\$0.00	(\$605.00)	\$ 10,285.00
Principal	\$ 12,100.00	4	\$ 10,285.00	(\$605.00)	\$0.00	(\$605.00)	\$ 9,680.00
Amortization Period	20	5	\$ 9,680.00	(\$605.00)	\$0.00	(\$605.00)	\$ 9,075.00
Interest Rate		6	\$ 9,075.00	(\$605.00)	\$0.00	(\$605.00)	\$ 8,470.00
		7	\$ 8,470.00	(\$605.00)	\$0.00	(\$605.00)	\$ 7,865.00
Use:	Title 5 Flow Rate (gpd)	8	\$ 7,865.00	(\$605.00)	\$0.00	(\$605.00)	\$ 7,260.00
2 Bedroom unit	220	9	\$ 7,260.00	(\$605.00)	\$0.00	(\$605.00)	\$ 6,655.00
		10	\$ 6,655.00	(\$605.00)	\$0.00	(\$605.00)	\$ 6,050.00
		11	\$ 6,050.00	(\$605.00)	\$0.00	(\$605.00)	\$ 5,445.00
Date before the Board of Health:		12	\$ 5,445.00	(\$605.00)	\$0.00	(\$605.00)	\$ 4,840.00
		13	\$ 4,840.00	(\$605.00)	\$0.00	(\$605.00)	\$ 4,235.00
		14	\$ 4,235.00	(\$605.00)	\$0.00	(\$605.00)	\$ 3,630.00
		15	\$ 3,630.00	(\$605.00)	\$0.00	(\$605.00)	\$ 3,025.00
		16	\$ 3,025.00	(\$605.00)	\$0.00	(\$605.00)	\$ 2,420.00
		17	\$ 2,420.00	(\$605.00)	\$0.00	(\$605.00)	\$ 1,815.00
		18	\$ 1,815.00	(\$605.00)	\$0.00	(\$605.00)	\$ 1,210.00
		19	\$ 1,210.00	(\$605.00)	\$0.00	(\$605.00)	\$ 605.00
		20	\$ 605.00	(\$605.00)	\$0.00	(\$605.00)	\$ -
		Total Pmts		(\$12,100.00)	\$0.00	(\$12,100.00)	