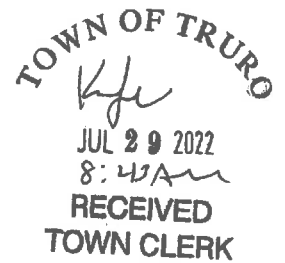




Truro Board of Health

Tuesday August 2, 2022
Regular Meeting- 4:30 PM



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. **Update from the Director of Public Works**
2. **Change of Manager:** Sladeville Condominiums, 2 Meetinghouse Rd
3. **Change of Manager:** Seaside Inn, 482 Shore Rd *(continued from 7/19/2022)*
4. **Variance Request/Local Upgrade Approval:** 627 Shore Rd, Nearen & Cubberly Nominee Trust *(continued from 7/19/2022)*
5. **Variance Request/Local Upgrade Approval:** 15 Fishermans Rd, Robert Johnson
6. **Board of Health Regulations-** proposed amendments to Article 6, local title 5 regulations

III. MINUTES:

IV. REPORTS

- o Health Agent's Report



TOWN OF TRURO

Health Department

HEALTH DEPARTMENT
TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

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

MAR 23 2022

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

RECEIVED BY:

APPLICATION TO NAME A MANAGER

PAID
300

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: _____

Print Name of Applicant: Sladeville Cottages Condominium Trust

Business Name or DBA to be managed: _____ Number of Units: 9

Street Address of Business: 2 Meetinghouse Rd, Truro Business Email: info@rkmpropertymanagement.com

Mailing Address of Business: (Check if New Address) c/o RKM, 74 Shank Painter Rd, Provincetown, MA 02657

Section 2 - Manager Information

Name of Previous Manager: Breon Dunnigan On-Site Manager Unit #: _____

Name of New Onsite Manager: _____ On-Site Manager Unit #: _____

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

Mailing Address of New Manager and/or Property Management Company: 74 Shank Painter Rd Provincetown, MA 02657

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

Name of Co-Managers: _____ info@rkmpropertymanagement.com

Unit # _____ Phone (24hrs/day): _____

Unit # _____ Phone (24hrs/day): _____

Unit # _____ Phone (24hrs/day): _____

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.

Priscilla Silva
SIGNATURE

Priscilla Silva
PRINT NAME

3/10/22
DATE

SIGNATURE

PRINT NAME

DATE

SIGNATURE

PRINT NAME

DATE

Section 3 - **Office Use Only**

Team Inspection
(if over 3yrs since last one)

Scheduled

Date 4/19/22 12:30pm Fee \$45.00

Paid

Board of Health Hearing

875.00

BOTH MTG 4/19/2022 ; CONTD TO 5/3/2022



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

RECEIVED BY:
JUN 8 0 2022

TOWN OF TRURO
HEALTH DEPARTMENT

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: 6.29.2022

Print Name of Applicant: TYLER TEAGUE

Business Name or DBA to be managed: SEASIDE INN CONDOS Number of Units: 27

Street Address of Business: 471.473.475.482 SHORE RD. Business Email: info@peterspropertymgmt.com

Mailing Address of Business: (Check if New Address) P.O. BOX 542 / PRINCETON, MA 02657

Section 2 - Manager Information

Name of Previous Manager: LEROY PERRIN

On-Site Manager Unit #: 24B

* Name of New Onsite Manager: TYLER TEAGUE

On-Site Manager Unit #: 24B

Name of Property Management (10 Units or less): PETERS PROPERTY MGT.

Mailing Address of New Manager and/or Property Management Company: PETERS PROPERTY MGT

43 RACE PT. RD # D • P.O. 542 Phone (24 hours/day): 508-481-0399 mail: info@peterspropertymgmt.com

Name of Co-Managers:

Unit # _____ Phone (24hrs/day): _____
Unit # _____ Phone (24hrs/day): _____
Unit # _____ Phone (24hrs/day): _____

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.

Laurie Ferrari
SIGNATURE

LAURIE FERRARI
PRINT NAME

6.29.2022
DATE

* Tyler Teague
SIGNATURE

Tyler Teague
PRINT NAME

6.29.2022
DATE

SIGNATURE

PRINT NAME

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 checked="" type="checkbox"/>	<u>7-19-22</u>	\$75.00	<input type="checkbox"/>

Fee: \$75.00

V# 2022-011



APPLICATION FOR BOARD OF HEALTH VARIANCES

Date: JUNE 27, 2022

HEALTH DEPARTMENT
TOWN OF TRURO

Property Owner's Name: NEAREN & Cobberly Nominee TRUST
40 Christopher J. Swan, Trustee

JUL 01 2022
RECEIVED BY:

Mailing Address: [REDACTED]

Address of Property: 627 Shore Road, North Truro

Map and Parcel Number: Map # 3 Parcel # 2

Design Engineer/Sanitarian William N. Rogers II, PE, PLS

Firm/Company Name: William N. Rogers II, PE, PLS Phone #: 1-508-487-1565

Address: 41 OFF COBBERLY ROAD, P.O. Box 631
Truroctawo, MA 02657

Please check type of variance requested:

Title 5 Variance Request: Section SEE ATTACHED VARIANCE SHEET WITH
Accompanying Plans

Board of Health Variance Request: Section/Article

[Signature]
Signature (Representative)

JUNE 27, 2022
Date

* [Signature]
Signature (Property Owner)

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

July 15, 2022

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

HEALTH DEPARTMENT
TOWN OF TRURO

JUL 21 2022

RECEIVED BY:

RE: 15 Fishermans Road

Dear Members of the Board;

Enclosed please find the following with respect to a septic system upgrade requesting a local variance at the above referenced address:

- Town of Truro *Application for Board of Health Variances* Form
- Filing Fee in the amount of \$75.00
- Certified Abutters List from Truro Assessors Office
- Copy of Abutter Notification Letter sent by Certified Mail to abutters
- Floor Plan of Existing Dwelling
- Septic System Design Plan entitled "Proposed Sewage Disposal System for an Existing Four Bedroom Dwelling at 15 Fishermans Road in Truro, Massachusetts"

The subject property is a 33,533+/- square foot lot. A four bedroom dwelling built in 1971 exists on the site. The dwelling is currently served by a cesspool and so the septic system is being upgraded in compliance with the recent revisions to the Truro Board of Health Rules and Regulations.

The proposed septic system shown on the enclosed design plan includes a 1500 gallon septic tank, a distribution box and a soil absorption system comprised of leaching galleys in a trench configuration. The proposed septic system fully complies with the upgrade requirements of Title 5, the State Environmental Code.

Pursuant to the Truro Board of Health Rules and Regulations "*the use of I/A technology is required...for upgrades of previously approved systems that exceed current nitrogen loading standards of 110gpd/10,000 square feet of lot area.*" A four bedroom septic system design will necessitate 40,000 square feet of buildable upland in the Town of Truro to comply with the nitrogen loading requirements. The subject lot provides only 33,533 square feet.

Temporary relief is requested from the Town of Truro Board of Health Regulations, Section VI – Local Septic Regulations to Supplement Title 5, State Environmental Code, Article 13: Nitrogen Loading Limitations (2) *Upgrades for systems that exceed current nitrogen loading shall include the use of I/A technology.* The existing dwelling is used only seasonally. The upgrade of the cesspool to a compliant Title 5 septic system represents a significant cost to the property owner. The added cost of an I/A technology, the associated on-going Operation and Maintenance cost, the testing requirements and the electrical costs is substantial.

SCHOFIELD BROTHERS OF CAPE COD
Land Surveying and Environmental Permitting


Currently the dwelling is vacant for most of the year; during these periods there is no nitrogen entering the environment via the septic system at this property. Further, the property is relatively large and provides 83% of the required lot area to comply with the nitrogen loading requirement. A large portion of the property is naturally vegetated; there are no lawn areas on the property contributing nitrogen in terms of fertilizer. Due to the infrequent use of the house, it may be challenging to achieve the 19mg/L nitrogen standard required of I/A technologies. Finally, installing an I/A technology that will require constant daily electricity usage throughout the year to address a mostly non-existent wastewater flow seems to be at odds with protecting the environment. For these reasons, we are requesting temporary relief from the requirement of providing an I/A technology and offer to install an I/A upon selling the property or when the property becomes utilized year round.

In our opinion, the proposed septic system is a vast improvement over the current cesspool and approval of the requested variance is respectfully requested on behalf of our client.

Please do not hesitate to contact our office if you have questions or concerns. Thank you.

Sincerely,

Schofield Brothers of Cape Cod



Laura Schofield, RS, SE
Project Manager

cc: Robert Johnson

enc

Fee: \$75.00



APPLICATION FOR BOARD OF HEALTH VARIANCES

Date: 7/5/22

Property Owner's Name: Kenneth B + Florence Johnson
C/O Robert Johnson

Mailing Address: 25 Charles St. Ammonk, NY 10504-1230

Address of Property: 15 Fishermans Rd

Map and Parcel Number: Map # 42 Parcel # 69

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 _____

Board of Health Variance Request: Section/Article Section VI - Local Septic
Supplement Title 5 / Article 13 - Nitrogen Loading Limitations Regulations to

Laura Schofield
Signature (Representative)

July 5, 2022
Date

x Robert Johnson
Signature (Property Owner)

6/6/22



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

Date: July 6, 2022

To: Laura Schofield, Schofield Brothers

From: Assessors Department

Certified Abutters List: 15 Fishermans Road (Map 42 Parcel 69)

Board of Health

Attached is a combined list of abutters for 15 Fishermans Road (Map 42 Parcel 69).
The current owners are Kenneth & Florence Johnson.

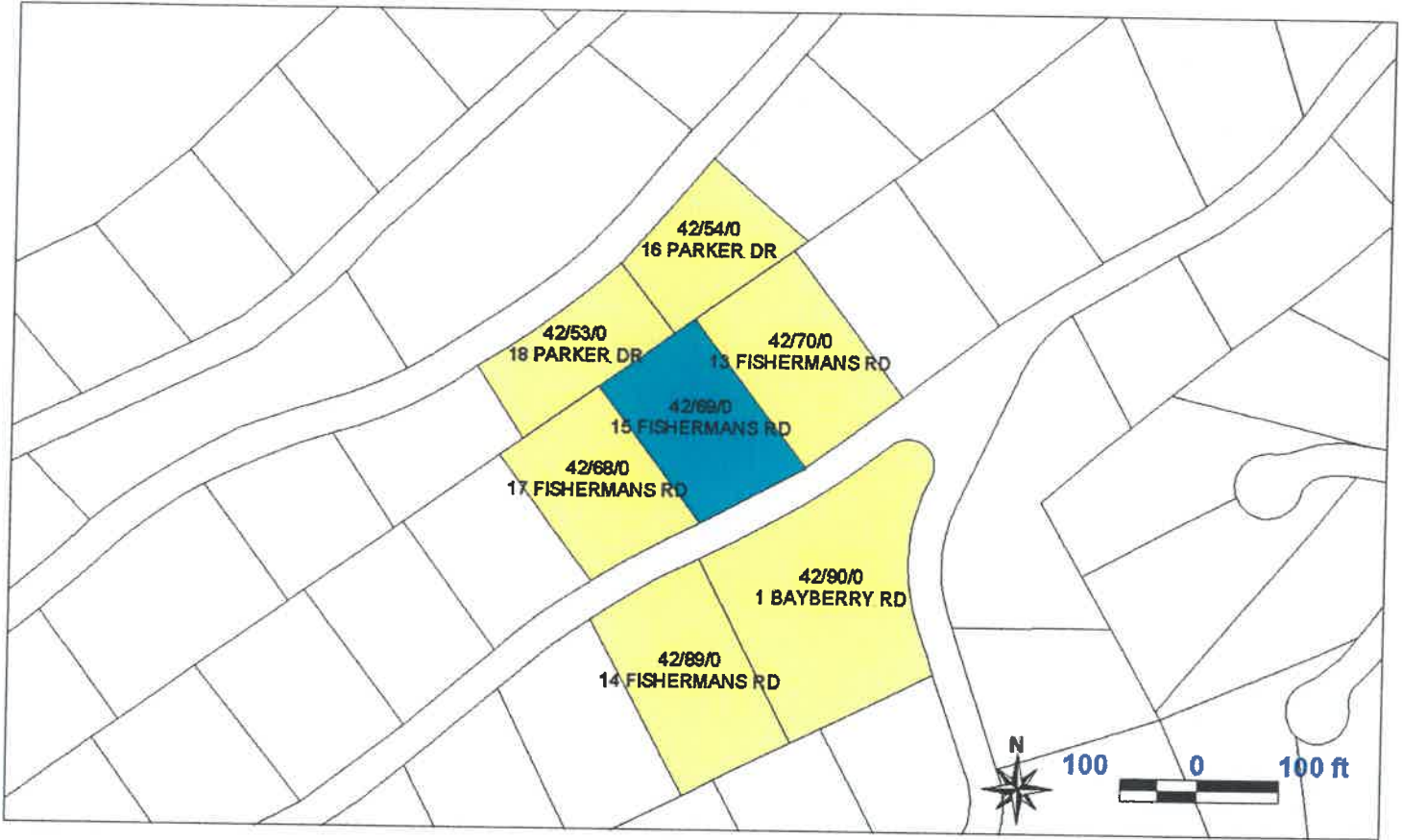
The names and addresses of the abutters are as of July 1, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: 

Laura Geiges
Assistant Assessor / Data Collector

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
1624	42-53-0-R	18 PARKER DRIVE REALTY TRUST TRS: POSNER MARJORIE E	18 PARKER DR	68 JAMAICA RD	BROOKLINE	MA	02445
1625	42-54-0-R	JANOPLIS MICHAEL & WENDY W	16 PARKER DR	PO BOX 895	TRURO	MA	02666-0895
1639	42-68-0-R	URSIN HOUSE LLC MGR: ABBY REICHARDT	17 FISHERMANS RD	83 JACQUES LANE	SOUTH WINDSOR	CT	06074
1641	42-70-0-R	SOLLOG STEVEN J & BONNIE J	13 FISHERMANS RD	PO BOX 389	NO TRURO	MA	02652
1660	42-89-0-R	VAN ARSDALE MARIE F	14 FISHERMANS RD	PO BOX 409	NO TRURO	MA	02652-0409
1661	42-90-0-R	WEILBURG JEFFREY B & BARBARA R	1 BAYBERRY RD	177 PARK ST	NEWTON	MA	02458

LG 7/6/2022

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

July 18, 2022

RE: 15 Fishermans Road Septic System Upgrade

Dear Abutter;

You are being notified pursuant to the Truro Board of Health Regulations that the Board of Health will hold a public hearing to hear a request for a variance from the Town of Truro Board of Health Regulations for a septic system upgrade at the above referenced address. The variance requested is as follows:

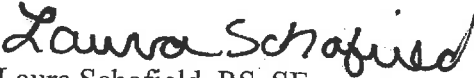
Relief is requested from Section VI – Local Septic Regulations to Supplement Title 5, State Environmental Code, Article 13: Nitrogen Loading Limitations (2) *Upgrades for systems that exceed current nitrogen loading shall include the use of I/A technology.*

The existing cesspool currently serving the dwelling is proposed to be upgraded to a Title 5 septic system; relief from the Truro Board of Health requirement to utilize an Innovative Alternative Technology at this time is requested.

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 August 2, 2022. The variance hearing begins at 4:30 pm and will be held remotely.

Remote Meeting Access Instructions: For citizens in Truro the meeting may be viewed on Channel 18. It may also be found at the Town web-site home page at www.Truro-ma.gov. “Truro Channel 18” is found under “Helpful Links”. To view, click on the green “Watch” button. To provide comment remotely during the meeting, call 1-866-899-4679. Or you may access the meeting from your computer, tablet, or smartphone at <https://global.gotomeeting.com>. Please refer to the published meeting agenda at the Town of Truro website for access codes and further information.

Sincerely,
Schofield Brothers of Cape Cod



Laura Schofield, RS, SE
Project Manager

enc

Garage

12

Sun Room

12

Door

Sliding

52

DR

Kit

3 P.H.S

10

S

BR

10

10

2

2

2

2

2

2

2

closet

Down

4

4

4

4

4

4

4

4

4

4

4

4

4

#

L R

18

Door

40

Back

4

BR

4

26

26

15 Fishermans Rd

First Floor

Front

40

6' Over

EAVE

EAVE



BR

STAIRS

BR

20

16

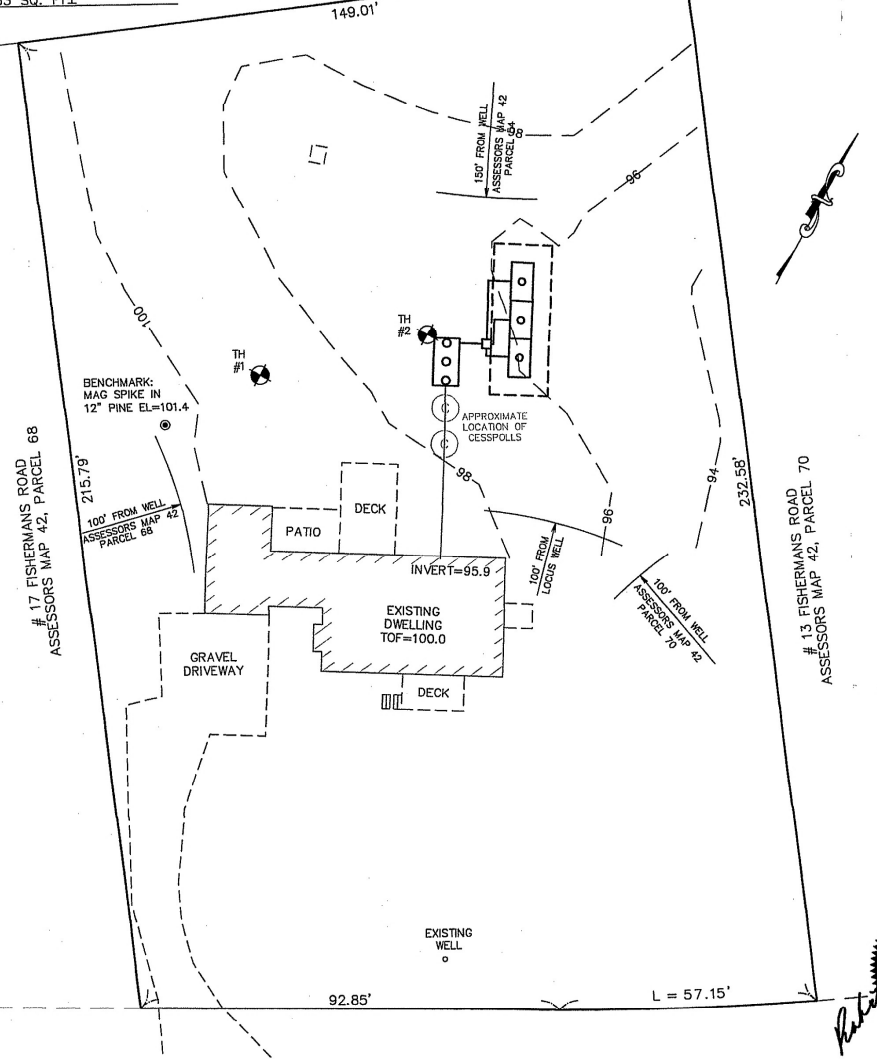
EAVE

15 First floor
026522

Second Floor

PLOT PLAN
 SCALE: 1 in. = 20 ft.
 ASSESSOR'S MAP 42 PARCEL 69
 LOT AREA: 33,533 SQ. FT.

16 PARKER DRIVE
 ASSESSORS MAP 42, PARCEL 54
 # 18 PARKER DRIVE
 ASSESSORS MAP 42, PARCEL 53
 149.01'



DEEP TEST HOLE OBSERVATION LOG #1

DATE: APRIL 28, 2022 JOB: 0-12575
 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
98.8-98.6	2-3	G	ORGANIC SAND	10YR5/1	-	LEAF LITER
98.6-98.4	0-2	F	LOAMY SAND	10YR6/4	-	SR, LOOSE
98.4-97.8	2-10	Bw	LOAMY SAND	10YR5/6	-	SR, LOOSE
97.8-96.3	10-28	C	SAND, COARSE	10YR5/6	-	SR, LOOSE
96.3-97.1	28-138	C	SAND, COARSE	10YR5/6	-	SR, LOOSE

PARENT GEOLOGICAL MATERIAL: GLACIAL OUTWASH
 STANDING WATER IN HOLE: NO
 WEEPING FROM FACE: NO DEPTH TO BEDROCK:
 ESTIMATED SEASONAL HIGH GROUNDWATER AT EL. = BELOW ELEV 95.7
 PERCOLATION TEST: TOP OF PERC. AT 36", 24 GAL. ABSORBED IN 5:04 MIN. PERC. RATE < 2 MPI

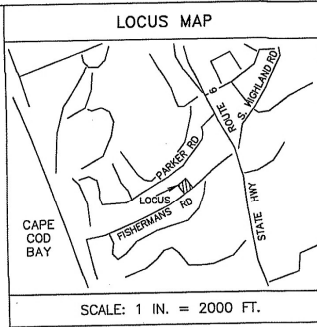
DEEP TEST HOLE OBSERVATION LOG #2

DATE: APRIL 28, 2022 JOB: 0-12575
 PERFORMED BY: LAURA SCHOFIELD, RS, SE WITNESSED BY: AROZANA DAVIS, TRURO BOH

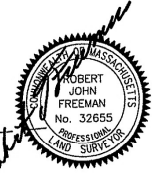
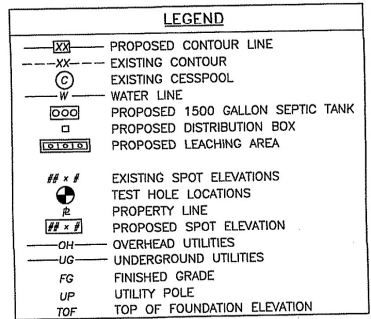
ELEVATION (FT)	DEPTH FROM SURFACE (IN)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
97.1-96.2	0-11	A	SANDY LOAM	10YR4/4	-	MASSIVE, FRABLE
96.2-95.1	11-24	Bw	S. LOAM / SAND	10YR5/6	-	MASSIVE, V. FRABLE
95.1-90.1	24-93	C1	SAND, MED. C	10YR5/3	-	SR, LOOSE
90.1-85.7	84-137	C2	SAND, MED	10YR5/3	-	SR, LOOSE

PARENT GEOLOGICAL MATERIAL: GLACIAL OUTWASH
 STANDING WATER IN HOLE: NO
 WEEPING FROM FACE: NO DEPTH TO BEDROCK:
 ESTIMATED SEASONAL HIGH GROUNDWATER EL. = BELOW ELEV 85.7
 PERCOLATION TEST:

RELIEF IS REQUESTED FROM THE TOWN OF TRURO BOARD OF HEALTH REGULATIONS, SECTION VI - LOCAL SEPTIC REGULATIONS TO SUPPLEMENT TITLE 5, STATE ENVIRONMENTAL CODE, ARTICLE 13: NITROGEN LOADING LIMITATIONS (2) UPGRADES FOR SYSTEMS THAT EXCEED CURRENT NITROGEN LOADING SHALL INCLUDE THE USE OF 1/A TECHNOLOGY.



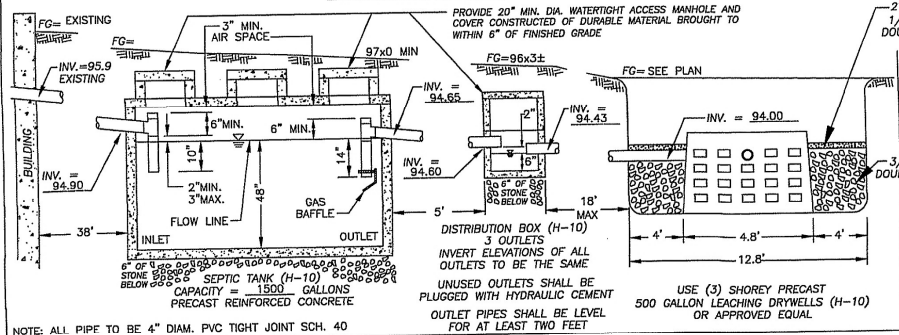
- GENERAL NOTES**
- ELEVATIONS REFER TO AN ASSUMED DATUM. SEE BENCHMARK ON PLAN
 - ALL CONSTRUCTION AND MATERIALS TO CONFORM TO TITLE 5 OF THE MASSACHUSETTS STATE ENVIRONMENTAL CODE AND THE BOARD OF HEALTH REQUIREMENTS FOR THE TOWN OF TRURO.
 - ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE BOARD OF 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 94x5. 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.
 - ALL SEPTIC SYSTEM COMPONENTS ARE DESIGNED FOR A MINIMUM H-10 LOADING. ANY COMPONENT THAT WILL BE SUBJECT TO VEHICLE OR OTHER HEAVY EQUIPMENT TRAFFIC SHALL BE INSTALLED WITH H-20 LOADING CAPACITY.
 - CONTRACTOR SHALL VERIFY THE LOCATION-ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.
 - NO KNOWN WELLS EXIST WITHIN 200' OF THE PROPOSED LEACHING AREA EXCEPT THOSE THAT ARE SHOWN.



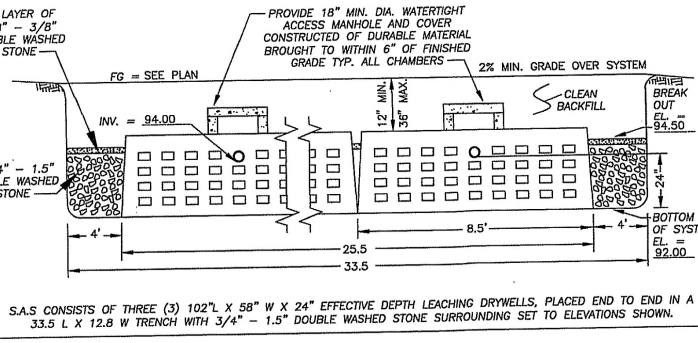
- DESIGN CALCULATIONS**
- ESTIMATED HYDRAULIC LOADING:
 4 BEDROOMS AT 110 GPD PER BEDROOM = 440 GPD
 GARBAGE GRINDER IS NOT ALLOWED WITH THIS DESIGN
 - SEPTIC TANK SIZE:
 AVERAGE DAILY FLOW = 440 GPD X 2 DAYS = 880 GALLONS
 SEPTIC TANK PROVIDED = 1500 GALLONS
 - DESIGN PERCOLATION RATE = <2 MINUTES PER INCH
 SOIL TEXTURE SANDS, CLASS I
 310 CMR 15.242 EFFLUENT LOADING RATE = 0.74 GPD/SF
 - LEACHING AREA:
 TOTAL SIDEWALL AREA PROVIDED = 185.2 SF X 0.74 GPD/SF = 137 GPD
 TOTAL BOTTOM AREA PROVIDED = 428.8 SF X 0.74 GPD/SF = 317 GPD
 MAXIMUM ALLOWABLE LOADING UNDER TITLE 5 = 454 GPD
 ACTUAL HYDRAULIC LOADING = 440 GPD (SEE T)
 DESIGNED LEACHING AREA EXCEEDS LEACHING AREA REQUIRED UNDER BOTH TITLE 5 AND THE TOWN OF TRURO BOARD OF HEALTH REGULATIONS
 - NITROGEN SENSITIVE AREA LOADING CALCULATION:
 LOT SIZE REQUIRED = 440 GPD X 10000 SF/110 GPD = 40,000 SF
 LOT SIZE PROVIDED = 33,533 SF* (VARIANCE REQUESTED)

FISHERMANS ROAD

PROFILE OF SYSTEM - NO SCALE



TYPICAL LEACHING TRENCH CROSS SECTION - NO SCALE



PROPOSED SEWAGE DISPOSAL SYSTEM

FOR: AN EXISTING 4 BEDROOM DWELLING
 AT: 15 FISHERMANS ROAD
 TRURO, MASSACHUSETTS

ASSESSOR'S MAP: 42 PARCEL: 69
 APPLICANT: ROBERT JOHNSON
 25 SARLES STREET
 ARMONK, NY 10504

DATE: JULY 18, 2022

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

LABOUR SCHOFIELD BROTHERS OF CAPE COD
 ENGINEERING - SURVEYING - PERMITTING
 P.O. BOX 101, 161 CRANBURY HIGHWAY ORLEANS, MA
 (508) 255-2098

**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

Commented [EB1]: Revisions for June 7, 2022

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.

- 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.

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.~~

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.

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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

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.

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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 allow ~~ing~~ surface breakout of the wastewater; and,
 - e) The existing system ~~does is~~ not require ~~ing~~ 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 upgrading Septic Systems

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.
 - 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;
 - d) Prior to the subdivision or partitioning of a parcel on which a nonconforming septic system is located;
 - 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;
 - g) Any system with or 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;

- 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.~~
- e)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.

3. Time for Upgrades and Administrative Consent Orders

PURPOSE: To allow the Town to execute and agreement with private property owners who need to upgrade or repair their cesspools or septic systems during the Municipal wastewater planning process.

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.

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.

Commented [EB4]: What are the criteria for entering into an ACO?

Commented [EB5]: Can the Board require that a site plan be completed by the property owner while the planning process moves forward?

Commented [EB6]: How would this be calculated?

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 1 of the Truro Board of Health Regulations and Title 5 and shall be within the sole discretion of the Board.

Article 4— Required Septic System Inspections

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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 A~~ application 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. ~~d.f.~~ 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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Commented [EB7]: it was suggested that the Board consider setting a threshold value for the building permit, such as greater than \$10,000.

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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 3 years.

- 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.

Commented [EB9]: Gregg Corbo suggests to shorten this and reference "as defined in article 1"

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 form~~ 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.

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Article 7 - Regulation of Separate Site Systems

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

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.

Commented [EB10]: This would be in conflict with a future where shared-cluster systems may be prescribed

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.

e)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

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.

Commented [EB11]: This section needs discussion

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)6) 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.
4. **Chemicals and Acids.** Use of chemicals and acids for cleaning cesspools and septic systems is prohibited.
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,
- ~~6.1. Septage haulers are required to supply accurate/legible information to the Board of Health as a condition of their License.~~
- ~~7.6.~~ **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.

8.7 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.

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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 165- 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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