



Truro Board of Health

Tuesday September 19, 2023
Remote Meeting- 4:00 to 5:00 PM
AMENDED AGENDA

Remote Meeting Access Instructions

This will be a remote meeting. Citizens in Truro can view the meeting on Channel 18 and on the web on the "Truro TV Channel 18" button found under "Helpful Links" on the homepage of the Town of Truro website. 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>**

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

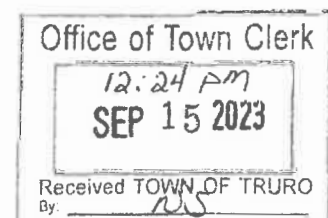
1. **Transfer Station off-season schedule-** discussion with DPW Director Jarrod Cabral
2. **Proposed change of on-site manager-Local Variance Request:** Colonial Village Condominium, Pamela Beshold, new on-site Manager; Josh Weinbaum, new co-onsite manager
3. **Discussion on proposed Administrative Consent Order (ACO)-** 47 Pond Road, Owner, Eric Varty

III. Water Resources Update

IV. MINUTES

V. REPORTS

1. Report of the Chair
2. Health Agent's Report





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

Memo to: Truro Board of Health
From: Emily Beebe, Truro Health & Conservation Agent
Date: September 19, 2023
Re: Transfer Station – Seasonal Schedule

Annually, the Transfer Station reduces its operational schedule from 7 to 5 days.

This year due to some staffing shortfalls, the DPW Director proposes to move the operational shift back, to commence in the first week of October. Effective October 4, the transfer station would close two days each week, on Wednesdays and Thursdays.

This proposal will alleviate tasking shortfalls throughout the Department while also managing vacation time, personal days and unexpected issues such as sick-time requests.

The DPW director will be available for questions at our meeting of September 19th, and will also present his proposal to the Select Board, also on September 19th.



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

SEP 12 2023

RECEIVED BY:

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: 8/26/2023

Print Name of Applicant: Gary W. Margolin

Business Name or DBA to be managed: Colonial Village Condominium Number of Units: 10

Street Address of Business: 630 Shore Road N. Truro Business Email: [REDACTED]

Mailing Address of Business: (Check if New Address [REDACTED])

Section 2 - Manager Information

Name of Previous Manager: GARY W. Margolin On-Site Manager Unit #: 6

Name of New Onsite Manager: Pamela Beshold (Primary) On-Site Manager Unit #: 5

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

Mailing Address of New Manager and/or Property Management Company: Pamela Beshold

[REDACTED] Phone (24 hours/day) [REDACTED] Email: [REDACTED]

Name of Co-Managers: Pam Beshold Unit # 5 Phone (24hrs/day): [REDACTED]

Josh Weinbaum Unit # 9 Phone (24hrs/day): [REDACTED]

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.

[Signature]
SIGNATURE

Pam Beshold
PRINT NAME

9/3/23
DATE

[Signature]
SIGNATURE

Josh Weinbaum
PRINT NAME

9/3/23
DATE

SIGNATURE

PRINT NAME

DATE

Section 3 - **Office Use Only**

Team Inspection
(If over 3yrs since last one)

Scheduled Date 9/20/22 yr round insp

Fee \$45.00

Paid

Board of Health Hearing

\$75.00

**47 POND ROAD
ERIC VARTY, OWNER**



TOWN OF TRURO
BOARD OF HEALTH

In the matter of:

Property belonging to:
Eric Varty

Regarding:

47 Pond Road, [Truro, Massachusetts](#)
Assrs. Map: 38 Parcel: 4
Deed Book: 10796 Page: 002

**ADMINISTRATIVE CONSENT
ORDER**
Future Septic Upgrade

PARTIES

1. The Town of Truro (the "Town"), acting by and through its Board of Health ("Board"), is a municipal corporation within the Commonwealth of Massachusetts with offices at 24 Town Hall Road, Truro, MA, 02666.
2. Eric Varty, (the "Respondent") is the owner of property located at 47 Pond Road in the Town (the "Property"). Respondent's mailing address is: [REDACTED]

AUTHORITY/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 requires the upgrade of cesspool systems to meet the minimum standards of 310 CMR 15.000 Title 5 and the Truro Board of Health regulations by December 31, 2023.
5. The Respondents' Property is served by a cesspool, and-is not compliant with Title 5, and the Board has determined that the cesspool requires an upgrade pursuant to 310 CMR 15.000 (Title 5).
6. Deeded access to the Respondents' Property is the subject of pending litigation in the case of XXXXXXXXXX, Barnstable Superior Court, C.A. No. XXXXXXXXXX court action. Based on the current configuration of the Property, without it the property it is landlocked; that is, it has no frontage on any way, public or private, and the only access to it is made by a footpath which traverses across Town property (49 Pond Road). The parcel area is approximately 4,200 square feet, 3,300 of which is located within the FEMA V(velocity) zone. The single-family structure on the Property is served by a

private well. Due to the restricted access to the Property and the presence of wetland resource areas, the owner is seeking redress from the Massachusetts land Superior Court and has engaged in the services of professional engineers at Coastal Engineering in Orleans to prepare the necessary documents, and by Janine P. Burke Esq., a specialist in title work to work with the land-Court to resolve the access issues, a process that is estimated to take 2 years to resolve address the boundary issues. Due to the protracted timeframe for action by the court, the property owner needs relief from the December 31, 2023 deadline for completion of the design and installation work for the upgraded septic system.

7. Given the unique circumstances concerning the Property, the Board of Health is willing to extend the deadline for the completion of the design and installation work to replace the existing cesspool, subject to the Respondent's compliance with the terms and conditions of this Administrative Consent Order.

Alternate 6- AND 6a (suggested by the owner)

Since 2016 Respondents efforts to initiate replacement of antiquated cesspool has revealed the need to cure the title and acquire deeded access to the property. Toward this end the owner has engaged the professional services of Coastal Engineering in Orleans to prepare a land court survey, and by Janine P. Burke esq. a specialist in title work. After consultation with the town a complaint to acquire title by adverse possession (under MGL Ch. 240) and to acquire a prescriptive easement (under C.L. c 187) is being filed with the Commonwealth of Massachusetts department of the Trial Court a process that is estimated to take 2 years. Without these cures the property bounds are not clearly defined and is landlocked; that is, it has no frontage on any way, public or private, and the only access to it is made by a footpath which traverses Town property (49 Pond Road). The parcel area is approximately 4200 square feet, 3300 of which is located within the FEMA V(velocity) zone. The single family structure on the property is served by a private well. Due to the protracted timeframe for action by the court, the property owner needs relief from the December 31, 2023 deadline for completion of the design and installation work for the upgraded septic system.

6a. The Respondent is requesting that he may continue to lease the property seasonally as the complaint works its way through the system. Rental income has been banked and has and will be used to defraying and future construction expenses totaling more than \$25,000 to date.

CONSENT ORDER

7. The Respondents isare not required to undertake design or 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 commencing December 31, 2023 and any repairs deemed necessary.
8. When the Respondent has had remedy provided by the court, the Respondent shall notify the Town, and the Respondent shall immediately commence with design work for an upgraded subsurface sewage disposal system to be approved by the Board of Health within 90 (ninety) days of said notice and commence with installation of a Title 5 compliant septic system on the Property in accordance with the approved engineered plan. Such approval shall be obtained at a duly noticed Board of Health meeting. The Respondents shall abandon the existing cesspool 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 within one hundred twenty (120) days from said notice. This extension shall not extend beyond Whether or not the litigation has been resolved, a

Title 5 compliant system shall be installed by January 1, 2028. Notwithstanding the requirements of this Paragraph, the Board may, in its sole discretion, elect to extend the time for completion of the upgrade to an on-site title 5 septic system by renewal of this Consent Order for such additional period as it sees fit, with all other requirements of this Consent Order remaining in full force and effect.

9. In the event that the Respondents elects 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, _____ 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.
10. In the event that the Respondents transfers 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, the Respondent shall pay to the Town without demand a stipulated penalty of \$500 per day unless said deadline is delayed on account of matters beyond the reasonable control of the Respondent 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 Truro and such payment shall be mailed to the Board of Health, 24 Town Hall Road, TRURO MA 02666. 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.

OTHER PROVISIONS

- 19. 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.
- 20. The Respondents voluntarily agree to the terms of this Consent Order.
- 21. This Consent Order may be modified only upon the written agreement of the Board of Health and Respondents.
- 22. 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.
- 23. Nothing in this Consent Order shall be deemed an admission of any facts or liability as to boundaries of the Property, including but not limited to any facts or liability which may be at issue in the litigation referenced herein, with any such liability being expressly denied.
- 23. Each undersigned representative hereby certifies that they are fully authorized to enter into the terms signing.

Entered into on this _____ day of _____, 2022.

Respondent(s) On Behalf of Town of TRURO
Board of Health

Eric W. Varty Emily Beebe, Health Agent
24 Town Hall Road
Truro, MA 02666

_____, SS.

On this ____ day of _____, 2022, before me, the undersigned notary public personally appeared **Emily Beebe, Health Agent**, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this ____ day of _____, 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:

DRAFT

July 1,2023

Truro Board of Health

47 POND ROAD, NORTH TRURO MA TIMELINE:

Summer 2016: Discussions with Mr. Chet Lay, Slade Surveyors indicate potential title issues.

11/15/2016: title issues discussed with Lester J. Murphy, ,Jr, Attorney at Law. He referred me to former Town Council Jamie Veara.

07/16/ 2018: Mr. Jamie Veara, Esq. was hired. Subsequently Mr. Veara was suspended from the Bar mid-September thus ending our association.

08/07/2018: Ordered "Data Accumulation Plan", and " Conditions Survey".

Coastal Engineering Co.,
Mr. Bradford P Malo
Senior project Manager
260 Cranberry Highway
Orleans MA 02653
508.255.6511

10/31/2018: Coastal Engineering Services completed and invoiced as follows:

- Obtain current plans and deeds of locus and adjoining parcels from Registry of Deeds.
- Research applicable FEMA flood Map information.
- Field work to establish survey control; establish a NAVD 88 vertical datum; locate existing site features, location of existing cottage, edge of wetland resource areas, site improvements, and lot topography as required for plan preparation.
- Office computations and plotting of field data.
- Professional review.
- Prepare existing conditions plan dated 10/26/2018 showing site features, flood zone boundaries (from existing FEMA maps to extent possible) and lot topography at 2 foot contour intervals for use by client [and FUTURE DESIGN PURPOSES RELATING TO SEWAGE DISPOSAL SYSTEM](#)

August 2020: Hired Ms. Bonnie-Jean A. Nunheimer, Esq. with La Tanzi, Spaulding and Landreth of Orleans to do title search and recommend course of action. The review was inadequate and was billed 80 % more than agreed. I severed relationship with the Firm.

03/09/2021: Contacted Realtor concerning potential listing of property for sale:

Stephen M. Briscoe
Principal Broker,
SeasCape Realty, Inc.
508.487.6111

05/17/2021; Met with Realtor. Property value established and Agreement on terms reached pending resolution of Septic and Title issues before listing. Mr. Briscoe recommended Ms. Janine P. Burke, Esq. a title specialist.

05/18/2021: Presented case to Lawyer who agreed to take on case.;

Janine P. Burke
Attorney at Law
5 Ridge Cove Lane
Chatham, MA 02633
508.735.6065.

05/20/2021: Contracted with Coastal Engineering to upgrade 2018 Survey to Land Court Specs.;

Mr. John McElwee
Senior Project Manager
Coastal Engineering Co.
260 Cranberry Highway
Orleans MA 02653
508.255.6511

06/23/2021; Received Board of Health Memo RE; Required Cesspool Upgrades by 12/31/2023.

08/25/2021: Telephoned Truro Health and Conservation Agent to inform her that the process leading to compliance is under way, and that, likely, I would not be able to meet the prescribed deadline; follow-up letter sent 08/31/2021.

12/07/2021: Coastal Engineering completed and invoiced for Land Court Survey:

- Phase 1 – Land Registration Plan
- Research at Barnstable County Registry of Deeds and Land Court to obtain deeds and Plans of locus and abutting parcels
- Field survey to Massachusetts Land Court Engineering Standards of the 2006 Manual of Instructions
- Computation of survey working plan and compliant plan showing the land claimed
- Prepare draft plan and worksheet for client and attorney review

08/31/2022: Coastal Engineering Invoiced.

- Provide survey plan and in-house research to Attorney Burke (3/7/2022)
- consultation with Attorney regarding next steps for project (8/5/2022)
- in-house review related to [FUTURE SEWAGE DESIGN OPTIONS](#)
- prepare boundary exhibit sketch with proposed access to Pond Road

Summer 2021 through mid-September 2022: Affidavits and supporting documentation prepared to file Complaint in the Superior Court of Barnstable County.

09/12/2022: Lawyer opened discussions with Town Planner, Barbara Carbone concerning this matter. Subsequent numerous calls, a meeting was scheduled with Town Planner to review relevant plans, draft complaint, and exhibits on November 14,2022.

11/14/2022: Issue referred to Planning Board for further consideration. Issue referred to Town Council for review.

04/18/2023; Finally, after repeated calls to ascertain the status of the Town Council review my lawyer was informed that there would be no action on the part of the Town until we file the complaint.

05/01/2023 to present: Final draft of Complaint prepared for submission to the Superior Court of Barnstable County.

06/19/2023: Follow-up Letter sent to Health Agent updating the circumstance of my issue and requesting procedure for requesting a hardship waiver.

Pending: Complaint to Acquire Title by Adverse Possession Under G.L.c. 240 and Acquire A Prescriptive Easement Under G.L.c. 187 to be filed week of July 17-21, 2023, or soon thereafter. Filing Information and case number to follow.

N.B.: The Legal process to define property bounds is likely to take two more years before engineering can be ordered for a new septic system

19 June 2023

Eric W. Varty

██████████
47 Pond Road
North Truro, MA 02652

Ms. Emily Beebe
Health and Conservation Agent
24 Town Hall Road
Truro, MA 02666

Re: 47 Pond Road Septic System

Dear Ms. Beebe

Please allow me to update you on my efforts to comply with the requirement to upgrade my non-conforming septic system. My last correspondence with you, dated August 31, 2021, illuminated Title issues that will delay compliance.

We have finished preparing our case to 1) Acquire Title by Adverse Possession and 2) Acquire a Prescriptive Easement in order to cure the title and permit moving forward with the process of design, bid and construction of a new septic system. To keep all parties informed and, in an attempt, to expedite the process and avoid unnecessary expense we made our position known to Ms. Carbone who in turn who in turn requested a meeting with numerous Town departments. The meeting was finally many months later scheduled and our case was laid out which was then referred to Town Council for review. This process took more months.

After many months delay waiting for the Town to review to we are filing our Complaint with the Superior Court of Barnstable County, Commonwealth of Massachusetts with the Town of Truro listed as Defendant among others. As of this writing we have not been assigned a Docket Number.

This process is expected to take 2 years or more to work its way through the System before I can proceed with designing and installing a new septic system. Come years end my property will be in non-compliance with the State/Town mandate. Is there a process in place for obtaining a waiver while the process plays out (thus avoiding penalty fees that are sure to be imposed)?

Please take these concerns under advisement. I look forward to hearing from you and I will keep you informed as the case progresses.

Sincerely,


Eric W. Varty

CC: Ms. Janine P. Burke, Esq.,

Minutes of the Truro Board of Health, Tuesday August 15, 2023

This was a remote meeting.

Board members in attendance:

Chair Tracey Rose, Vice Chair Jason Silva; Board Members: Brian Koll, Helen Grimm, Tim Rose and alternate member Candida Monteith

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

The meeting was called to order at 4:35 PM by the Chair, who described the remote meeting procedures and the process for public participation.

PUBLIC COMMENT There was no public comment.

Request for approval of nitrogen aggregate: 25 South Highland Road (40/169) Town of

Truro. Representing the project were Truro DPW Director Jarrod Cabral with Weston and Sampson engineers John Comeau and Michael Paulen. The Director presented an overview of the Town's project to develop 25 South Highland as employee housing (both short term and transitional) by relocating 2 cottages from other properties. A Town-owned cottage from Walsh Way, and a donated studio cottage from 127 South Pamet Road will be moved to the site in late September/early October. The subject property has had an environmental evaluation completed, including soil screening in numerous test pits and well water testing. Monitoring wells at the adjacent burn dump at 27 South Highland Road were tested, and a domestic well on the subject site were tested and there were no significant findings in either the soil or water testing. They determined the direction of groundwater flow at the site. The proposed septic system will be shared by the 2 cottages and will accommodate 5 bedrooms. Because the parcel at 25 South Highland Road is $\frac{3}{4}$ acre, therefore this exceeds nitrogen loading an I/A system is proposed. Additionally, the Town gained approval from the DEP to use the un-disturbed portion (16,000 sf) of the abutting Town owned property at 27 South Highland Road as nitrogen credit land. The appearance before the Board was to approve this proposal. The Health Agent pointed out that the matter had been improperly listed on the agenda as a local upgrade approval, which it is not- as it is not a variance, but a simple approval process for the Board of Health.

The Director provided a courtesy notice to abutters in the area with an overview of the project, notice to abutters is not required.

The Chair asked about the presence of the domestic well and referenced a previous application for some housing on the property back in 2006. There were a couple of typos called out by the Agent in discussion with

Alternate Candida Monteith asked if this was no longer affordable housing, who would be living at the new housing and would they live there for free? She also wanted to know who would decide these matters. The Chair asked the DPW director if he had any information about these matters, and reminded the Board members to stay within the topic that required their approval. The DPW director responded that the matter had been in discussion at the Select Board meetings for months, and the Board Chair felt it was likely a matter under the Select Board or Town Managers discretion. Mrs. Monteith felt that the Board would be voting on a matter that was not clear. The Health Agent responded that the Town had great difficulty filling seasonal positions, such as a director for summer recreation, or lifeguards, to the degree that the Town cannot offer services, and this made employee housing a priority, and also pointed out that the price point on

any housing is a policy decision from the Town Manager or Select Board and that specific question could be directed to them in an email. The Chair asked if there would be a shared well, and there would be. She also asked if there could be a second septic tank, and the answer was that this was to be included in the design.

The Chair pointed out that a motion to approve this should include language about the easement being in perpetuity. **Motion:** Board member Jason Silva moved to approve the proposed development with nitrogen aggregate gained by an easement for the property on 27 South Highland that cannot be used for any future development; **Second:** Tim Rose.

There was discussion on the motion, and Tim Rose suggested adding the requirement for a revised plan to the motion. This was added to the motion, and seconded.

VOTE: 5-0 in favor.

Local Variance Request for 5 Valentina Way, Estate of Marguerite Yannetty This matter was continued from the 8/1/2023 meeting to allow the H. Agent to discuss wastewater management planning with Scott Horsley. Laura Schofield was present to discuss the changes to the project. The property is located in the Wellfleet Harbor watershed, and a Nitroe system will be required under Wellfleet's targeted plan within the next 10 years. The property owner has opted to put in the system now, and a revised plan is in progress. Laura Schofield asked the Board if they foresaw any issues with the upgrade design going forward as described. **Motion:** Board member Jason Silva moved to continue the discussion to the September 5 meeting. **Second:** Tim Rose. There was discussion on the motion, and Tim Rose suggested adding the requirement for a revised plan to the motion. This was added to the motion, and seconded.

VOTE: 5-0 in favor.

Local Upgrade Approval& Local Variance Request for 7 Amity Lane, owner Irene Selver. This matter was continued from the 8/1/2023 meeting to allow the Health Agent to discuss wastewater management planning with Scott Horsley. Laura Schofield was present to discuss the changes to the project. This seasonal property is in the Pamet River watershed but is not affected by recent title 5 changes at this time, however, a future nitrogen target for this area is anticipated and would probably have the requirement for N at 10 mg/l or less. The original proposal filed in July asked for a variance to the I/A system requirements as it is a seasonal property.

The current variance request is to delay an I/A installation, and to design the plan for a conventional system with the freeboard to allow easy future installation of a Nitroe system when ordered by the Board, when it ceases to be seasonal, or when it is sold.

The overall plan is to wait to install the better technology in the future when our nitrogen target has been established. Meanwhile, the nitrogen load will be reduced by virtue of the seasonal use. Board Member Helen Grimm felt that this was a reasonable approach. Board Member Tim Rose agreed. The Chair asked if an endpoint for the delay should be specified in the Board's approval; the Health Agent responded that conditioning their approval with a deed restriction would be an alternative to a date certain. The deed restriction could establish the requirement for the system to be upgraded with the nitrogen reducing technology at such time as ordered by the Board of Health rather than set an arbitrary date. The deed restriction would also include language triggering upgrade when the property ceases to be seasonal or is sold. **Motion:** Board member Brian Koll moved to continue the discussion to the September 5 meeting.

Second: Jason Silva; **VOTE:** 5-0 in favor. The Agent let the Board know that comments from the Abutter at the Hogan property would be included in the packet for that next meeting.

Local Upgrade Approval & Local Variance Request for 38 Toms Hill Road, owners Tina Ryman et al. This proposal to upgrade from a cesspool was continued from the 8/1/2023 meeting to allow the Health Agent to discuss wastewater management planning with Scott Horsley. Laura Schofield was present to discuss the proposal, which has not changed since originally submitted in July. The original proposal (plan dated July 5) did not include an I/A system, although they trigger the requirements because the property does not meet nitrogen loading requirements. A variance to this local requirement is requested. The property owner has consented to a deed restriction to defer I/A for now.

This seasonal property is in the Pamet River watershed and not affected by recent title 5 changes at this time, however a future nitrogen target for this area is anticipated and would probably have the requirement for N at 10 mg/l or less. **Motion:** Board member Tim Rose moved to continue the discussion to the September 5 meeting; **Second:** Jason Silva; discussion on the motion ensued. The Agent suggested that this proposal was ready for a vote. Laura Scofield read the local upgrade approval requests, and the local variance requests into the record. The approval of these variances could be issued under the condition that a deed restriction be recorded, that included language triggering upgrade to include the nitrogen reducing technology when the property ceased to be seasonal or is sold, and/or at such time as ordered by the Board of Health.

Tim Rose rescinded his first motion and offered a second motion.

Motion: Board member Tim Rose moved to accept the plan as presented with the deed restriction stating the conditions; **Second:** Brian Koll; **VOTE:** 5-0 in favor.

Board member Brian Koll stepped away from the meeting as scheduled.

Local Variance Requests: 1 Mill Pond Road, owner Mill Pond Road Investment Trust (continued from the 8/1/2023 meeting) Bob Rego, from River Hawk environmental was on the call with the property owner, Thomas Littauer to present their revisions to the proposal submitted in July. They seek approval of local variance requests to construct a 3-BR dwelling on a 51,000 SF lot that has a 30,000 SF resource area reduction to the buildable lot area. They originally offered a nitrogen reducing FAST system for reduction to 19 mg/l N. The proposal now includes a Nitroe system instead of the FAST for an improvement to nitrogen reduction to less than 10 mg/l N.

They had not received the technical specifications from Nitroe as of the meeting date but wanted to review the proposal concept with the Board. When asked for comments the Health Agent reminded the Board that their consideration of the variances needed to be within their standard of review, and mitigation offered (nutrient reduction) should be considered as a counter-balance to the proposal.

The Chair found the latest revision much improved. Board Member Helen Grimm stated that this was on the right track. **Motion:** Board member Brian Koll, moved to continue the discussion to the September 5 meeting; **Second:** Tim Rose; **vote:** 5-0 in favor.

97 Castle Road – Discussion on CP upgrade, with property owner Frank (Clark) DeCiantis, and Laurie DeCiantis. The Chair reminded the Board that this had been discussed previously, and hopefully they had visited the site of this very seasonal camp. The previous discussions had led the Board to request a water test be submitted, as well as an evaluation of the cesspool. The Board received an email from Noons excavating which indicated that the top of the CP should be

rebuilt because a few of the blocks were missing, but the CP was essentially dry and would last for many more years. A water test had been submitted.

The Health Agent recounted the history of discussion of this issue. Because the property is used as a seasonal camp, with a very small built space the owner submitted an application for a variance to the upgrade requirement, sans notice to abutters. The Agent stated that the property owner is aware that they must request a certified abutters list from the Truro Assessors office and send a letter to each abutter specifying date and time of the meeting, 10 days prior to the meeting. The hope was that the Board consider what the DeCiantis family wished to do, and that the Family understand what the Town was trying to accomplish.

Clark re-capped their position. He asked if the Board members had visited the site, the Chair thanked him for the opportunity. Clark asked for what other option was available to them. They don't want to change the property for a project that would be overkill in comparison to how little use the property has. He wanted to hear thoughts from the Board.

The Chair thought that it was up to the family to determine what their ultimate goal was and present a plan to the Board. The Health Agent responded that a tight tank was a non-traditional system allowed for seasonal use. The original variance application could be used for this and notice to abutters would need to be made by the owners.

Board member Jason Silva suggested the Board try to understand what made sense for the owners. Looking at a tight tank is simple, easy and quick but you are still hiring an engineer, developing a plan, having an excavator come to install it. Then it must be pumped out each summer. He suggested having a simple title 5, by adding a trench with a pipe and stone, which would be less expense over time. Board member Helen Grimm appreciated that the property owners were working so hard to preserve the property, and she described it as very special. She further pointed out that the system upgrade was needed and that it was an honor to take care of the land. She thought a composter system could work there, but it does not take care of the gray water and thus ultimately agrees with Jason's position about the project.

Clark said that he has been speaking with Engineers about the property, but really did not want to spend \$20,000 on a septic tank. He agreed to reach out to the Health Department with questions.

Discussion on, and pending locations for Administrative Consent Order-The Health Agent briefly described the pending ACO discussions, and the status of these ACO's. The Board will be presented with a draft ACO at the next meeting.

AUGUST Water Resources Report- presented by the Health Agent. There was discussion on planning for enforcement of the cesspool upgrade program, it was suggested that Town Counsel sit with the Board to discuss how enforcement would move forward. There was also discussion about improving relationships with Provincetown, and how staff was working together.

MINUTES- the minutes from July 18 were presented. **Motion:** Board member Jason Silva, moved to approve the July 18 minutes; **Second:** Tim Rose; **vote:** 5-0 in favor.

Report of the Chair-At a previous meeting a citizen asked for an agenda item for advanced treatment systems, and another regarding the Truro Motor Inn. The Chair suggested that the resources of Town Staff and the Barnstable County Health Department be explored. She also commented that since the Town was still in Court with the Truro Motor Inn it was not something the Board could discuss yet.

The Chair also reported out about the last meeting of the Provincetown Water and Sewer Board. Lastly, the APCC made a statement about Holtec's proposed release of radioactive water into CC Bay. The DEP was issuing a denial to Holtec pursuant to their application for this action. She asked if the Board was in support of DEP's decision and if so, would they be willing to send a statement letter to that effect.

Health Agent's Report

COVID Vax and Flu Vax clinic- September 26

Positive Rabies test for a dead bat found in the Cobb Farm area.

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

The meeting was adjourned at 6:45 P.M.

Respectfully submitted by Emily Beebe.