



Truro Board of Health

Tuesday September 6, 2022

Remote 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. **Change of Manager:** Beach Point Pagodas, 169 Shore Road
2. **Variance Request/Local Upgrade Approval:** 32 Cooper Road, 32 Cooper Road LLC; Sarah Lutz, Mgr.
3. **Board of Health Regulation revisions:** final draft- review and discussion

III. MINUTES: July, August

IV. REPORTS

- Report of the Chair
- Health Agent's Report; Public hearing on September 20 for revised regulations



TOWN OF TRURO

Health Department

P.O. Box 2030, Truro, MA 02666

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

Email: _____ or _____

HEALTH DEPARTMENT
TOWN OF TRURO

AUG 18 2022

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: 8/10/22

Print Name of Applicant: JOHN G. FLORES

Business Name or DBA to be managed: BEACH POINT PAGODAS Number of Units: 24

Street Address of Business: 169 SHORE RD Business Email: INFO@pagodas.com

Mailing Address of Business: (Check if New Address) PO BOX 371 N. TRURO MA 02666

Section 2 - Manager Information

Name of ^{PRIMARY} Previous Manager: FRANK MITA On-Site Manager Unit #: 344

Name of New ^{CO} Onsite Manager: JOHN G. FLORES On-Site Manager Unit #: 2

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

Mailing Address of New Manager and/or Property Management Company: PO BOX 371 N. TRURO MA

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

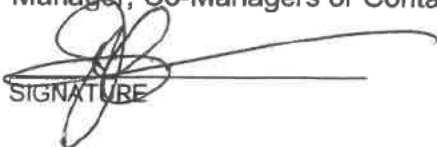
Name of Co-Managers:

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

JOHN G. FLORES Unit # 2 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.


SIGNATURE

JOHN G. FLORES
PRINT NAME

8/10/22
DATE

SIGNATURE

PRINT NAME

DATE

SIGNATURE

PRINT NAME

DATE

Section 3 - **Office Use Only**

Team Inspection
(If over 3yrs since last one)

Scheduled Date _____

Fee \$45.00

Paid

Board of Health Hearing

9/6/22

\$75.00

PAID
129

LEGEND

- 52-- EXISTING CONTOUR
- PROPOSED MICROFAST 0.5 TANK
- PROPOSED DISTRIBUTION BOX
- CULTEC RECHARGER 180HD ABSORPTION TRENCH
- CB CONCRETE BOUND
- FND
- C.O. CLEANOUT TO GRADE
- FABRIC SILTFENCE

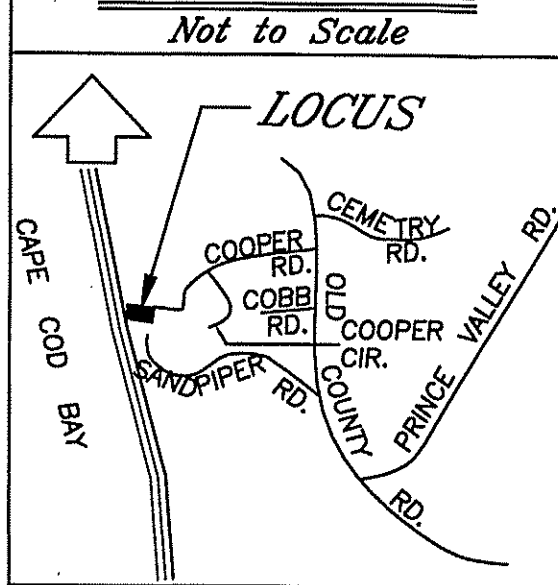
CONSTRUCTION NOTES:

1. EQUIPMENT ACCESS TO THE SITE SHALL BE BY WAY OF ADJOINING PROPERTY AT 30 COOPER ROAD. CONTRACTOR SHALL VERIFY LOCATION OF EXISTING SEPTIC SYSTEM COMPONENTS AND SHALL ADEQUATELY PROTECT TO PREVENT DAMAGE.
2. NO HERBICIDES TO BE USED ON SUBJECT LOT.
3. LIMITS OF CONSTRUCTION AND/OR GRADING TO BE AS SHOWN ON PLAN AND SHALL BE VISIBLY MARKED, PRIOR TO, AND DURING CONSTRUCTION.
4. FABRIC SILTFENCE TO BE SECURELY STAKED IN PLACE PRIOR TO CONSTRUCTION AND SHALL REMAIN IN PLACE UNTIL DISTURBED AREAS HAVE BEEN REVEGETATED.
5. DISTURBED AREAS SHALL BE STABILIZED AND REVEGETATED WITH NATIVE PLANTS AS SOON AS PRACTICABLE UPON COMPLETION OF GRADING.
6. ALL EXCESS EXCAVATED MATERIAL SHALL BE STOCKPILED WITHIN THE DESIGNATED WORK AREA AND SHALL BE REMOVED FROM THE SITE UPON COMPLETION OF CONSTRUCTION.
7. ANY ADDITIONAL WORK BEYOND THE SCOPE OF THAT WHICH IS SHOWN HEREON, AND WHICH IS WITHIN 100' OF THE WETLAND, WILL REQUIRE CONSERVATION COMMISSION APPROVAL.
8. SEE "SKETCH SHOWING PROPOSED TREE REMOVAL" FOR ADDITIONAL TREE REMOVAL.

GENERAL NOTES:

1. SYSTEM IS DESIGNED IN ACCORDANCE WITH "COMMONWEALTH OF MASS., DEPT. OF ENVIRONMENTAL PROTECTION, 310 CMR 15.00; 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 THE TOWN OF TRURO REGULATIONS, EXCEPT AS NOTED.
2. ALL WELLS KNOWN TO EXIST WITHIN 150 FT. OF THE SYSTEM ARE SHOWN.
3. PRIOR TO BACKFILLING COMPLETED SYSTEM, NOTIFY THE ENGINEER AND THE HEALTH DEPARTMENT FOR INSPECTION. PROVIDE 24 HOURS (MIN.) NOTICE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO EXCAVATION.
5. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE BOARD OF HEALTH.
6. SOIL TESTING TO BE PERFORMED AT TIME OF INSTALLATION. CONTACT ENGINEER AND HEALTH DEPARTMENT. PROVIDE 72 HOURS (MIN.) NOTICE.
7. NO RESERVE AREA IS PROVIDED. A REPLACEMENT SYSTEM SHALL BE INSTALLED IN PLACE (REFERENCE DEP POLICY DATED 1/3/96).

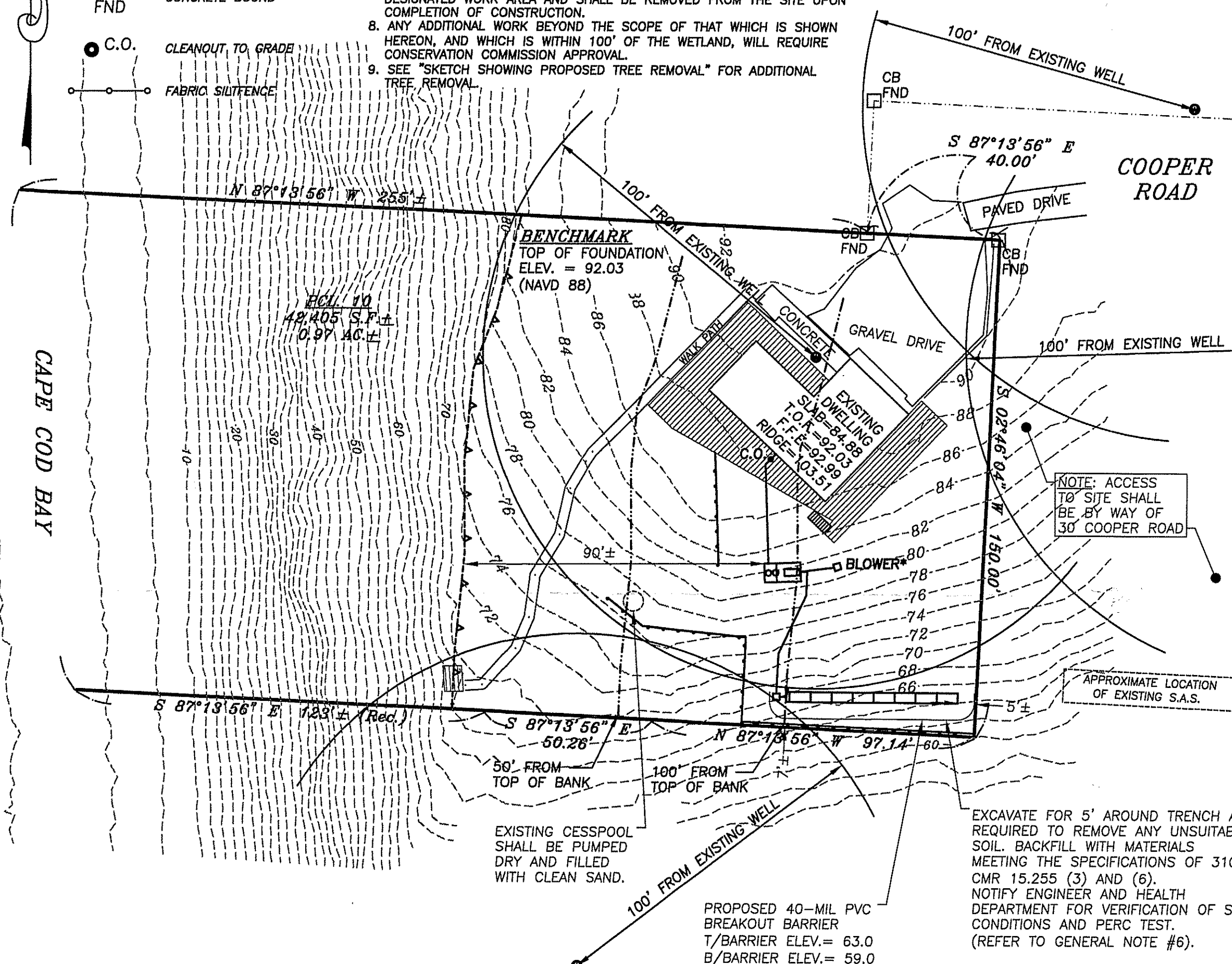
LOCATION MAP



Reference
Assr's Map 58, Pcl. 10
Pl. Bk. 445, Pg. 28

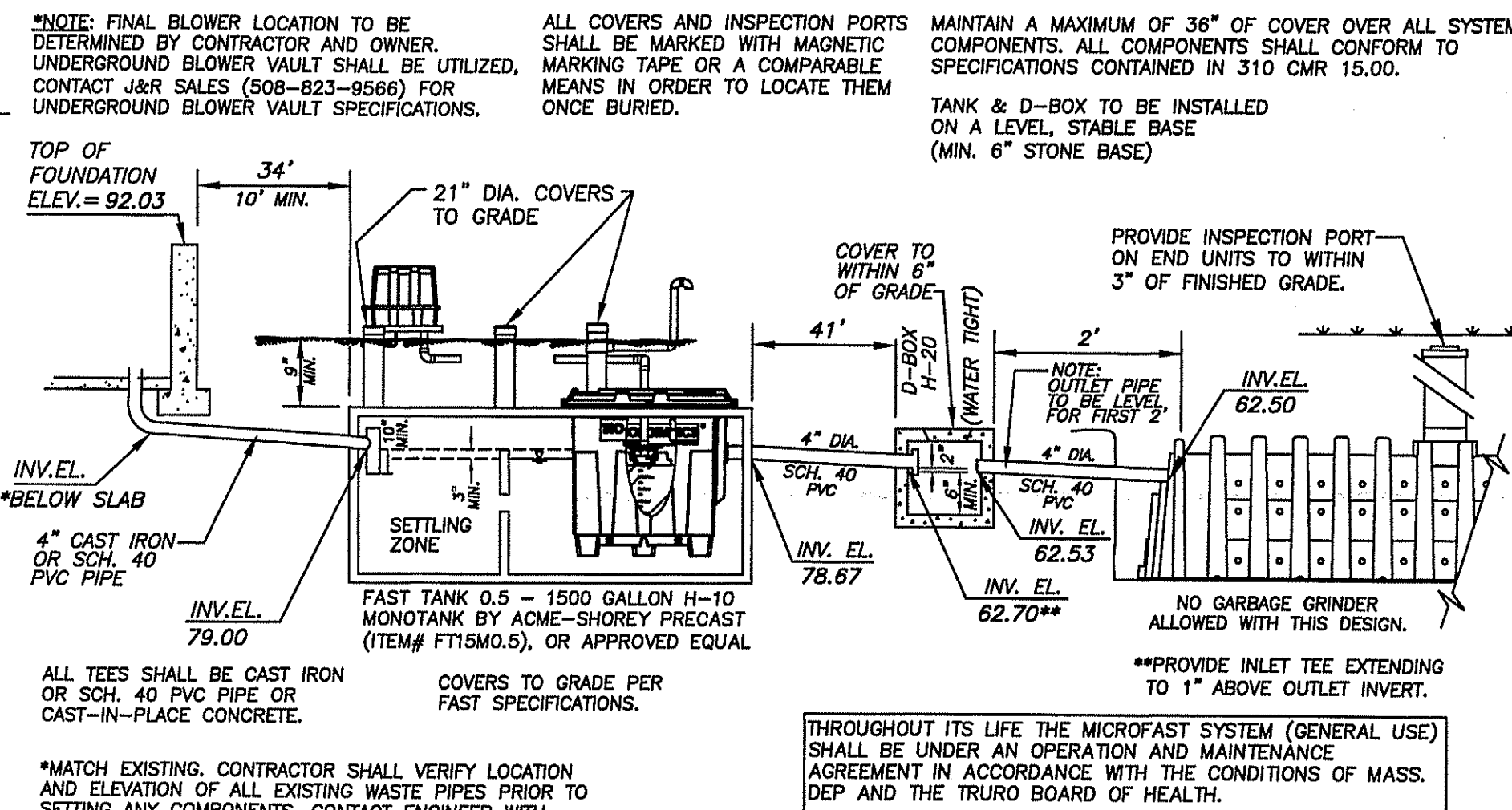
SITE PLAN

1" = 30'



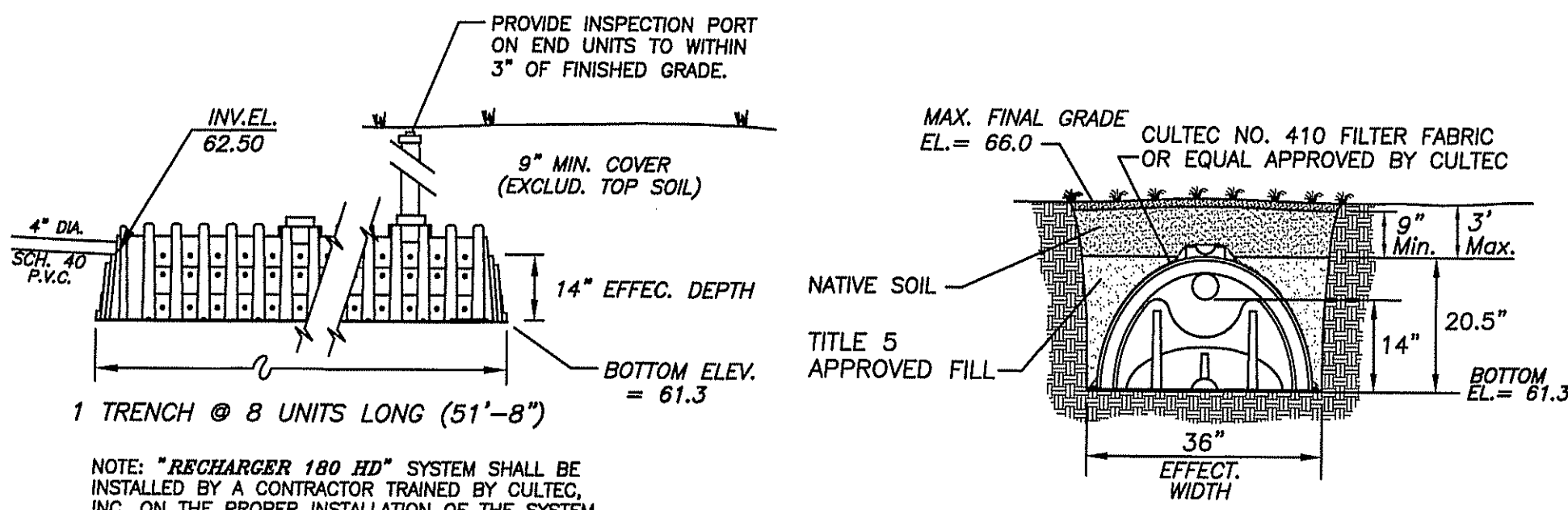
TYPICAL SYSTEM PROFILE

NOT TO SCALE



CULTEC RECHARGER 180 HD® TRENCH DETAIL

NOT TO SCALE



LOCAL UPGRADE APPROVAL IS REQUIRED TO ALLOW:

1. PROPOSED SOIL ABSORPTION SYSTEM TO BE 5' AND 7' FROM PROPERTY LINE (5' AND 3' REDUCTION, RESPECTIVELY, FROM 310 CMR 15.211(1)).
2. PROPOSED LEACHING CAPACITY PROVIDED IS 340 GPD WHERE 440 GPD IS REQUIRED (23% REDUCTION).
3. TOP OF PROPOSED SOIL ABSORPTION SYSTEM TO BE GREATER THAN 3' BELOW FINISHED GRADE (LESS THAN 3' BELOW FINISHED GRADE REQUIRED PER 310 CMR 15.221(7)).
4. PROPOSED SEPTIC TANK TO BE 90' FROM COASTAL BANK (10' REDUCTION FROM TRURO BOH REGULATIONS SECTION 6, ARTICLE 9).
5. PROPOSED SOIL ABSORPTION SYSTEM TO BE 100' FROM COASTAL BANK (50' REDUCTION FROM TRURO BOH REGULATIONS SECTION 6, ARTICLE 9).

DESIGN DATA

NUMBER OF EXISTING BEDROOMS: 4
ESTIMATED DAILY EFFLUENT: 440 GPD
TOTAL LEACHING AREA AS PROPOSED:
8 UNITS = 51.6 LF
51.6 LF x 8.9 SF/LF = 459.2 SF
LEACHING CAPACITY AS PROPOSED:
(EFFLUENT LOADING RATE = 0.74 GPD/SF)
459.2 SF x 0.74 GPD/SF = 339.8 GPD
TOTAL = 340 GPD
(23% REDUCTION)

PROPOSED ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM

Prepared for: Sarah Lutz and John Van Rens
Location: 32 Cooper Road - Truro, MA

Ryder & Wilcox, Inc., P.E. & P.L.S.
3 Giddiah Hill Rd.
P.O. Box 439
So. Orleans, MA, 02662
Tel. (508) 255-8312
Fax. (508) 240-2306

HEALTH DEPARTMENT
TOWN OF TRURO

Scale: 1" = 30'
Drawn by - NMA
Date - August 18, 2022

AUG 26 2022

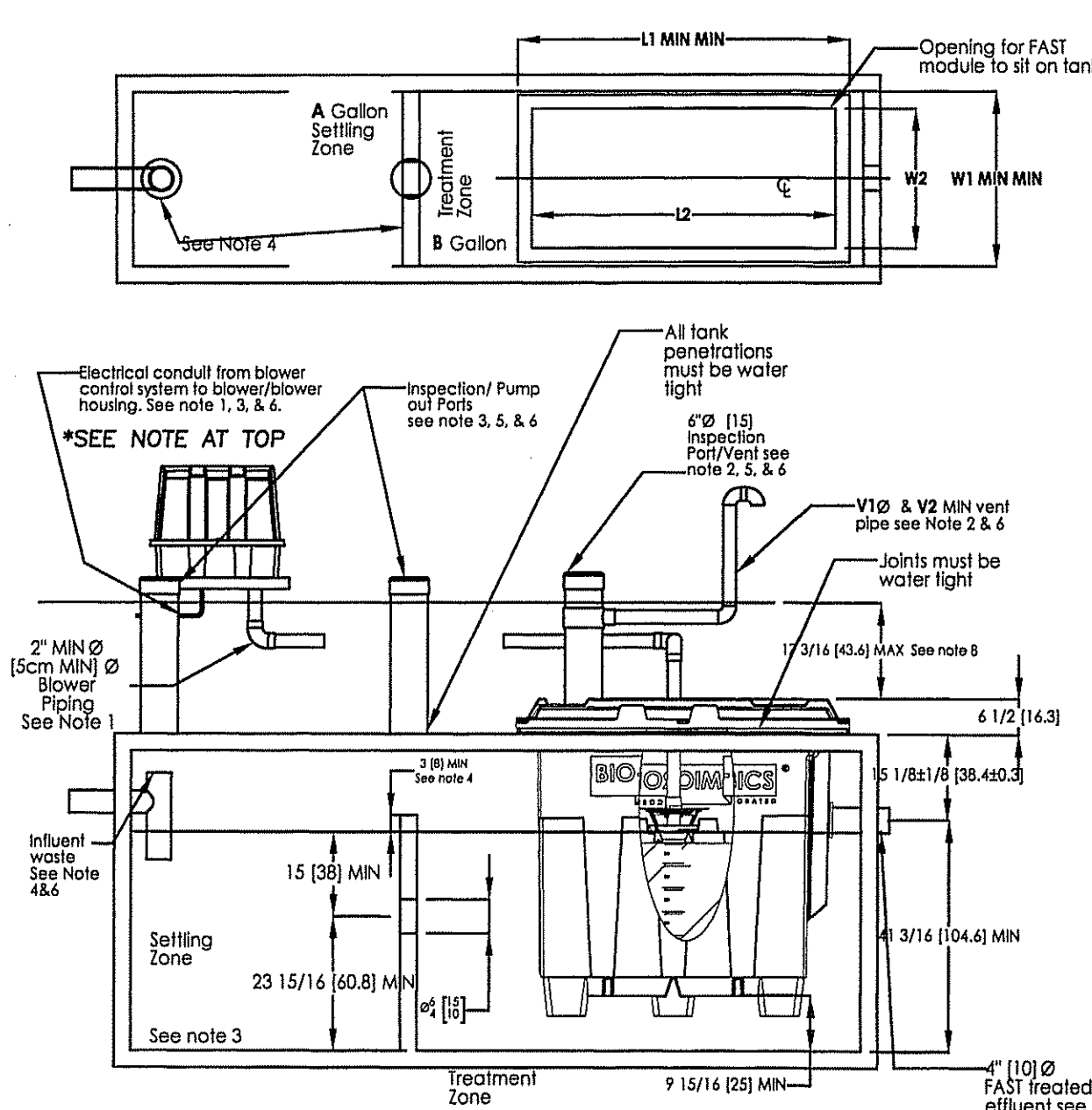
RECEIVED BY:

Sh. 1 of 2

Job No. 12841



Stephanie Segura
8/18/22



- NOTES**
- Blower piping to FAST@ may not exceed 100 FT [30.5m] total length and use 4 elbows maximum. For distances greater than 100 FT [30.5m] - consult factory. Blower must be located above flood/standing water levels on a concrete base.
 - Vent to be located above finish grade or higher to avoid infiltration. Cap with vent grate with at least V2 sq in. of open surface area. Secure with stainless steel screws [see sheet 3 of 3 FAST Details.]
or
Run vent to desired location and cover opening with vent grate with at least V2 sq in. of open surface area. Secure with stainless steel screws. Vent piping must not allow excess moisture build up or back pressure.
 - All appurtenances to FAST@ (e.g. tank pump outs, etc.) must conform to all country, state, province, and local plumbing and electrical codes. The blower control system is provided by Bio-Microbics, Inc.
 - Either the influent pipe tee shall be fitted with a pipe cap or the baffle separating the two zones shall be extended to the top of the tank. If choosing to use the pipe cap; drill a 1/4" [0.6cm] vent hole in the cap and the baffle shall be at least 3" [8] higher than the water level as shown on the drawing.
 - All inspection, viewing and pump out ports must be secured to prevent accidental or unauthorized access
 - Tank, anchors, piping, conduit, blower housing pad and vents are provided by others.
 - All piping and ancillary equipment installed after FAST@ must not impede or restrict free flow of effluent.
 - No more than 4 FT [1.2 m] of fill may be placed over unit lid. Refer to installation manual for more details.
 - See sheet 3 of 4 for required dimensions.

DO NOT SCALE
UNLESS NOTED DIMENSIONS ARE IN INCHES [CENTIMETERS] TOLERANCES ± 0.02 IN/IN [± 0.05 CM/CM]

BIO-MICROBICS INCORPORATED

MA 0.5-1.5 FAST Units

WEIGHT	lb	kg	SIZE	DRAWING NUMBER
NAME	DATE	DATE	A	FAST@ with lid
DRAWN	CIC	2/18/2006		
CHECKED	PF	4/19/2011	REVISED	4/19/2011
			REV.	INI-04-D

THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF BIO-MICROBICS INC. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF BIO-MICROBICS INC. IS PROHIBITED. DESIGN AND INVENTION RIGHTS ARE RESERVED. IN THE INTEREST OF TECHNOLOGICAL ADVANCEMENT, ALL PRODUCTS ARE SUBJECT TO DESIGN AND OR MATERIAL CHANGE WITHOUT NOTICE.

BIO-MICROBICS © 2011

Unit Size	A MIN	B MIN	V1 MIN	V2 MIN	L1	L2	L3	W1 MIN	W2	W3	H1 MIN
0.5	500	1000	3"	7.1 in sq	59.5"	54"	29.75"	31.25"	25"	15.125"	16.375"
0.75	500	1000	3"	7.1 in sq	60"	54"	31.5"	44.25"	37"	21.5	16.375"
0.9	500	1000	3"	7.1 in sq	59"	54"	31.25"	54.5"	49"	26.625	16.375"
1.0	500	1000	4"	9 in sq	59"	54"	31.25"	54.5"	49"	26.625	16.375"
1.5	750	2000	4"	9 in sq	83.5"	75.75"	42.875"	55.75"	49"	27.625	16.25"

A MIN	Settling Zone (MIN Liquid Capacity)
B MIN	FAST@ Chamber (MIN Liquid Capacity)
V1 MIN	Vent Diameter (MIN)
V2 MIN	Vent grate open area (MIN).
L1	FAST@ Length and MIN Tank Length
L2	Length of tank opening for hanging FAST@
L3	FAST@ Length from edge of liner to center of airline.
W1 MIN	FAST@ MIN Tank Width.
W2	Width of tank opening for hanging FAST@.
W3	FAST@ Width from edge of liner to center of airline.
H1 MIN	Clearance from center of outlet to inside top of tank (for feet inst all only)

DO NOT SCALE
UNLESS NOTED DIMENSIONS ARE IN INCHES [CENTIMETERS] TOLERANCES ± 0.02 IN/IN [± 0.05 CM/CM]

BIO-MICROBICS INCORPORATED

MA 0.5-1.5 FAST Units

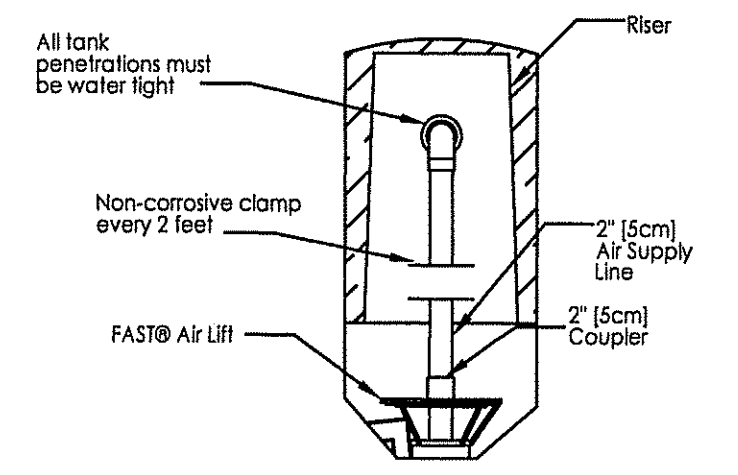
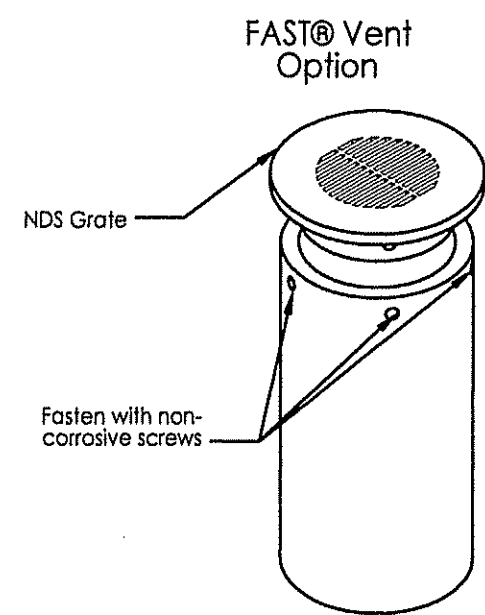
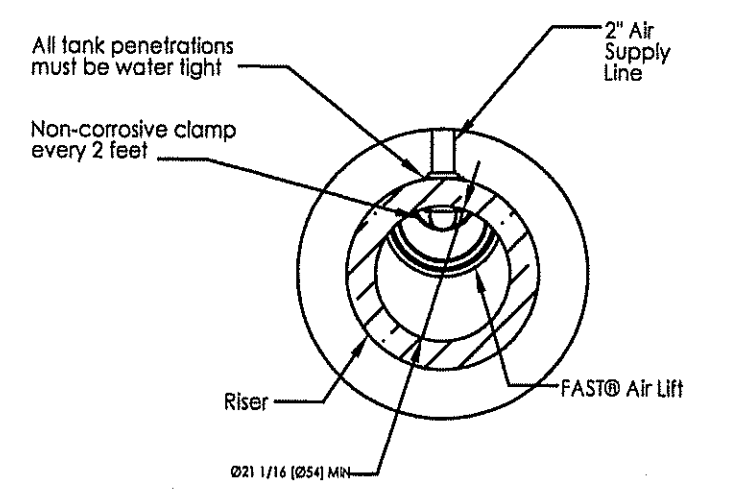
WEIGHT	lb	kg	SIZE	DRAWING NUMBER
NAME	DATE	DATE	A	Chart
DRAWN	CIC	2/18/2006		
CHECKED	PF	4/19/2011	REVISED	4/19/2011
			REV.	INI-04-D

BIO-MICROBICS © 2011

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Notes

- The air supply line into the FAST@ unit must be secured to prevent vibration induced damage. The air supply line should be secured with a non-corrosive clamp every 2' MIN.
- Tank, anchors, piping conduit, blower housing pad, and tank vents are provided by others.



Alternate Air Supply Option

DO NOT SCALE
UNLESS NOTED DIMENSIONS ARE IN INCHES [CENTIMETERS] TOLERANCES ± 0.02 IN/IN [± 0.05 CM/CM]

BIO-MICROBICS INCORPORATED

MA 0.5-1.5 FAST Units

WEIGHT	lb	kg	SIZE	DRAWING NUMBER
NAME	DATE	DATE	A	FAST@ Details
DRAWN	CIC	2/18/2006		
CHECKED	PF	4/19/2011	REVISED	4/19/2011
			REV.	INI-04-D

BIO-MICROBICS © 2011

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PROPOSED MicroFAST 0.5

Prepared for: Sarah Lutz and John Van Rens
Location: 32 Cooper Road - Truro, MA

Ryder & Wilcox, Inc., P.E. & P.L.S.
3 Ciddiah Hill Rd.
P.O. Box 439
So. Orleans, MA., 02662
Tel. (508) 255-8312
Fax. (508) 240-2306

Drawn by - NMA
Date - August 19, 2022

Fee: \$75.00

V 2022-15



APPLICATION FOR BOARD OF HEALTH VARIANCES

Date: August 16, 2022

Property Owner's Name: 32 Cooper Road LLC; Sarah L. Lutz, Mgr.

Mailing Address: Box 515 Germantown, NY 12526

Address of Property: 32 Cooper Road

Map and Parcel Number: Map # 58 Parcel # 10

Design Engineer/Sanitarian Stephanie J. Sequin, P.E.

Firm/Company Name: Ryder & Wilcox, Inc. Phone #: 508-255-8312

Address: Box 439 S. Orleans, MA 02662

Please check type of variance requested:

Title 5 Variance Request: Section See attached

Board of Health Variance Request: Section/Article See attached

Stephanie J. Sequin
Signature (Representative)

8/22/2022
Date

Sarah Lutz
Signature (Property Owner)

August 16, 2022

HEALTH DEPARTMENT
TOWN OF TRURO

AUG 26 2022

RECEIVED BY:

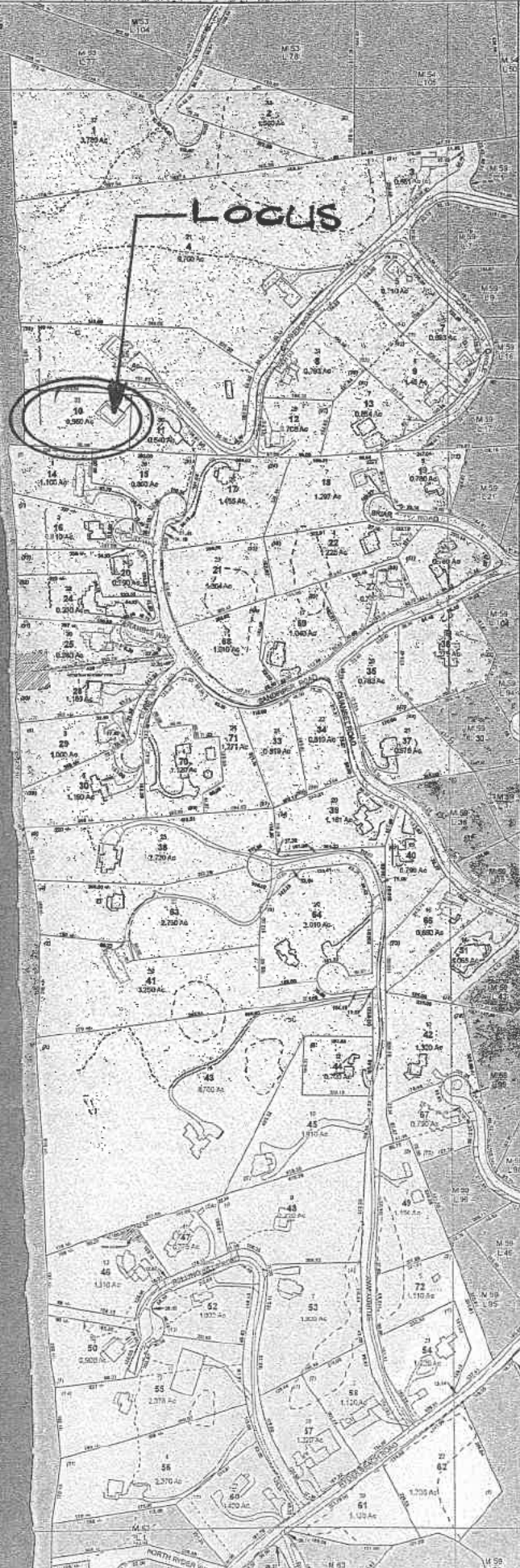
Tax Map
58
TRURO

MASSACHUSETTS

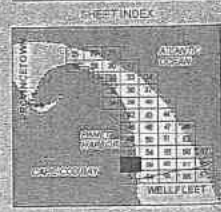
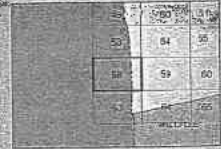


LEGEND

- Easement
- Utility ROW
- Conservation Restriction
- Hydrography
- Original Parcel
- National Seashore Boundary
- Parcel
- Condominium
- Public Right of Way
- Private Right of Way
- Water
- War Area
- Other
- Parcel Number
- Dissected Parcel Number
- Survey Dimension
- Eased Dimension
- Survey Lot Number
- 1.23 Ac. Acreage Text
- 1.23 Ac. (c) Calculated Coverage Text



INTENDED FOR ADDRESS ONLY PURPOSES ONLY.
 COMPILED FROM TAX MAPS, DIGITAL PHOTOGRAPHY,
 AND OTHER PUBLIC RECORDS AND DATA SOURCES.
 SHOULD CONSULT THE PUBLIC PRIMARY SOURCE
 DOCUMENTS FOR DETERMINATION OF THE INFORMATION
 APPEARING IN THIS MAP.



Completion Date

Date of Revisions

11/26/2016
10/30/2019
10/30/2020
9/22/2021

Ryder & Wilcox

SURVEYING · ENGINEERING
HOME PLANNING & DESIGN

3 GIDDIAH HILL ROAD · P.O. BOX 439
SO. ORLEANS, MASSACHUSETTS 02662-0439
TEL: 508.255.8312 FAX: 508.240.2306
EMAIL: info@ryder-wilcox.com

August 22, 2022

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

Re: 32 Cooper Road (Map 58, Parcel 10)

Dear Board Members,

On behalf of our clients, Sarah Lutz and John van Rens, please reserve time at your next hearing to consider a request for variances from 310 CMR 15.00 The State Environmental Code Title 5 and the Truro Board of Health Regulations. The variances are being requested in order to allow the installation of a new Title 5 subsurface sewage disposal system (SDS) to serve the existing four-bedroom dwelling located at the above referenced property.

A new Title 5 SDS is proposed for the existing 42,405 ft.² parcel. The parcel is located directly adjacent to Cape Cod Bay and is predominantly composed of steep coastal bank and the adjacent buffer zone. The system is being installed as required by the Truro Board of Health Regulations Section 6, Article 3, Part 1h which defines cesspools as failed systems and requires the installation and certification of an upgraded Title 5 system by December 31, 2023. The proposed system will also implement Innovative/Alternative Technology for Nitrogen reduction in order to improve the quality of effluent being discharged. The existing system, which is composed of a single cesspool, will be abandoned.

In order to optimize compliance with setbacks contained within both state and local regulations, the major components of the proposed system were placed as close to the eastern and southern property boundaries as practically possible. The 100 ft. setback of a soil absorption system (SAS) from wells was maintained. The steepness of the native slope necessitated the placement of the SAS deeper than 3 ft. below finished grade, in conjunction with the use of an impermeable barrier, in order to prevent the breakout of sewage. The majority of construction will take place outside of the 100 ft. buffer zone and sedimentation controls will be in place. Given the circumstances described above, the installation of the aforementioned system, as proposed, will provide an improvement to both public health and safety and the environment.

The following variances are requested:

310 CMR 15.00 The State Environmental Code Title 5

310 CMR 15.211(1)

- The proposed SAS is to be 5 ft. and 7 ft. from a property line (5 ft. and 3 ft. reduction, respectively).

310 CMR 15.203(2)

- The proposed leaching capacity of the SAS is 340 GPD where 440 GPD is required (23% reduction).

Ryder & Wilcox

SURVEYING · ENGINEERING
HOME PLANNING & DESIGN

3 GIDDIAH HILL ROAD · P.O. BOX 439
SO. ORLEANS, MASSACHUSETTS 02662-0439
TEL: 508.255.8312 · FAX: 508.240.2306
EMAIL: info@ryder-wilcox.com

310 CMR 15.221(7)

- The top of the proposed SAS is to be greater than 3 ft. below finished grade (2 ft. variance).

Town of Truro Board of Health Regulations

Section 6, Article 9

- The proposed septic tank is to be 90 ft. from a coastal bank (10 ft. reduction).
- The proposed SAS is to be 100 ft. from a coastal bank (50 ft. reduction).

I have included nine (9) sets of the following: Application for Board of Health Variances, an engineered site plan, a Certified List of Abutters, the Abutter's Notice, floor plans, and a check for \$75.00. Please feel free to contact this office if you require any additional information.

Sincerely,



Stephanie J. Sequin, P.E.

cc: Lutz/van Rens
Job #12841

Ryder & Wilcox

SURVEYING · ENGINEERING
HOME PLANNING & DESIGN

3 GIDDIAH HILL ROAD · P.O. BOX 439
SO. ORLEANS, MASSACHUSETTS 02662-0439
TEL: 508.255.8312 FAX: 508.240.2306
EMAIL: info@ryder-wilcox.com

August 22, 2022

Re: Proposed septic system upgrade
32 Cooper Road - Truro, Mass. (Assrs. Map 58 Pcl. 10)

Dear Abutter:

You are being notified pursuant to the State Environmental Code Title 5 and the Truro Board of Health Regulations that the Board of Health will hold a public hearing to hear requests for variances from applicable State and/or Local regulations. The variances are being requested to allow the installation of a sewage disposal system to replace an existing cesspool serving an existing dwelling.

A copy of the letter requesting a hearing is enclosed. Copies of the Site Plan will be on file with the Board of Health by August 26th and may be viewed prior to the public hearing to be held on September 6, 2022. Variance hearings begin at 4:30 P.M. The estimated time of the hearing for this project may be obtained by contacting the Health Department at 508-214-0920.

The meeting will be held remotely. The meeting can be viewed on Channel 18 and on the homepage of the Town of Truro website. Instructions for remote participation will be made available on the Town of Truro website, or by contacting the Health Department.

Sincerely,



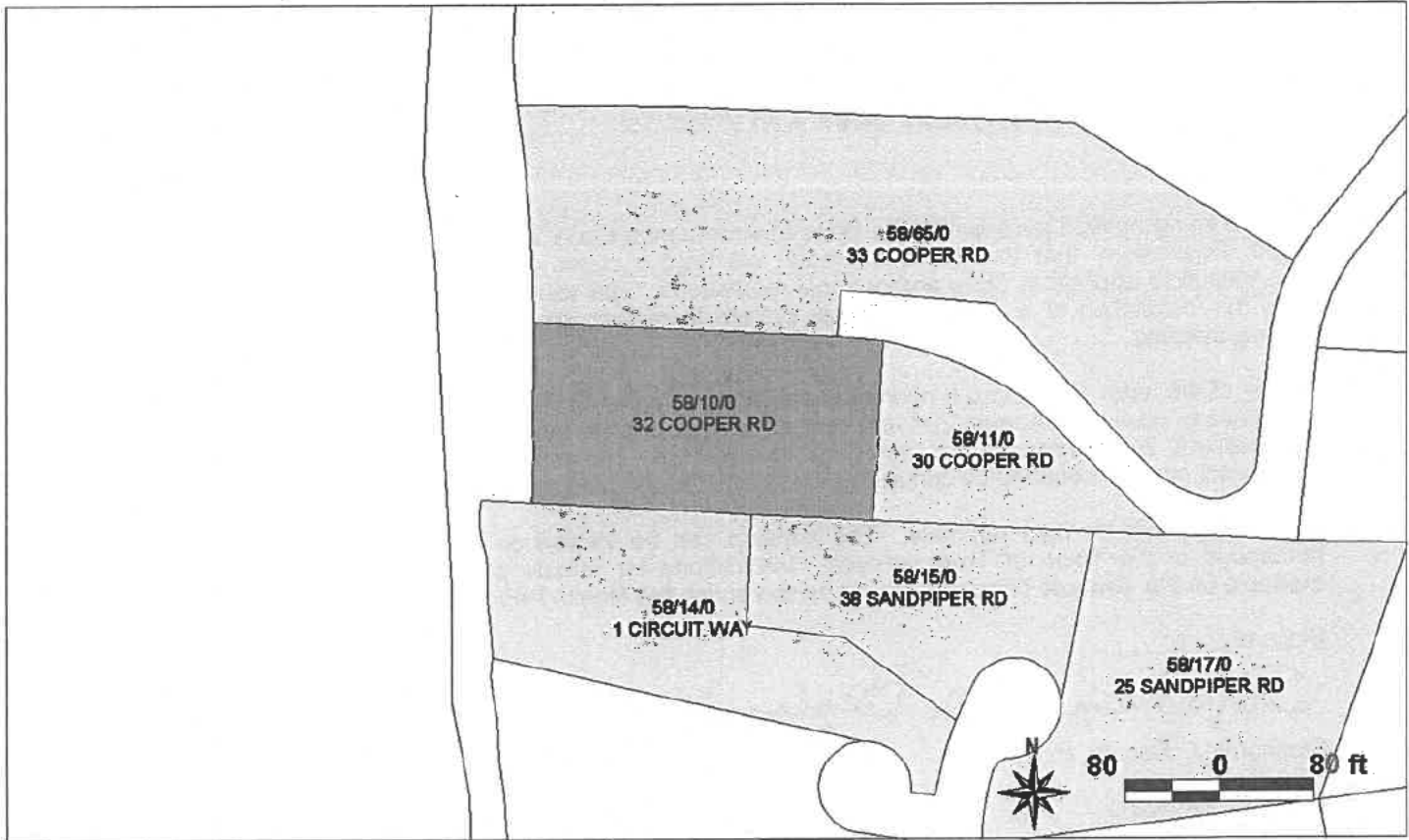
Stephanie J. Sequin, P. E.

cc: Lutz/ van Rens

12841

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	Zip-Cd/Country
3400	58-10-0-R	32 COOPER ROAD, LLC MGR: SARAH L LUTZ	32 COOPER RD	PO BOX 515	GERMANTOWN	NY	12526-0515
3401	58-11-0-R	COOPERHOUSE LLC MGRS: PAUL & SUSAN SCHEUFELE	30 COOPER RD	PO BOX 352	TRURO	MA	02666
3404	58-14-0-R	MICHAEL S GROSSMAN REV TRST & ABIGAIL L FIERMAN REV TRS 2009	1 CIRCUIT WAY	1 RINGGOLD ST	BOSTON	MA	02118
3405	58-15-0-R	PAUL G SCHEUFELE REVOC TRUST TRS: PAUL & SUSAN SCHEUFELE	38 SANDPIPER RD	PO BOX 352	TRURO	MA	02666
3407	58-17-0-R	SUSAN E SCHEUFELE REVOC TRST TRS: PAUL & SUSAN SCHEUFELE	25 SANDPIPER RD	PO BOX 352	TRURO	MA	06883
3452	58-65-0-R	MCDONAGH EILEEN & DAVOLI ROBERT E	33 COOPER RD	C/O SIGMA PRIME VENTURES 50 MILK ST. 16TH FL	BOSTON	MA	02109



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: August 16, 2022

To: Stephanie Sequin, P.E. Ryder & Wilcox, Inc.

From: Assessors Department

Certified Abutters List: 32 Cooper Road (Map 58 Parcel 10)

Board of Health

Attached is a combined list of abutters for 32 Cooper Road (Map 58 Parcel 10).

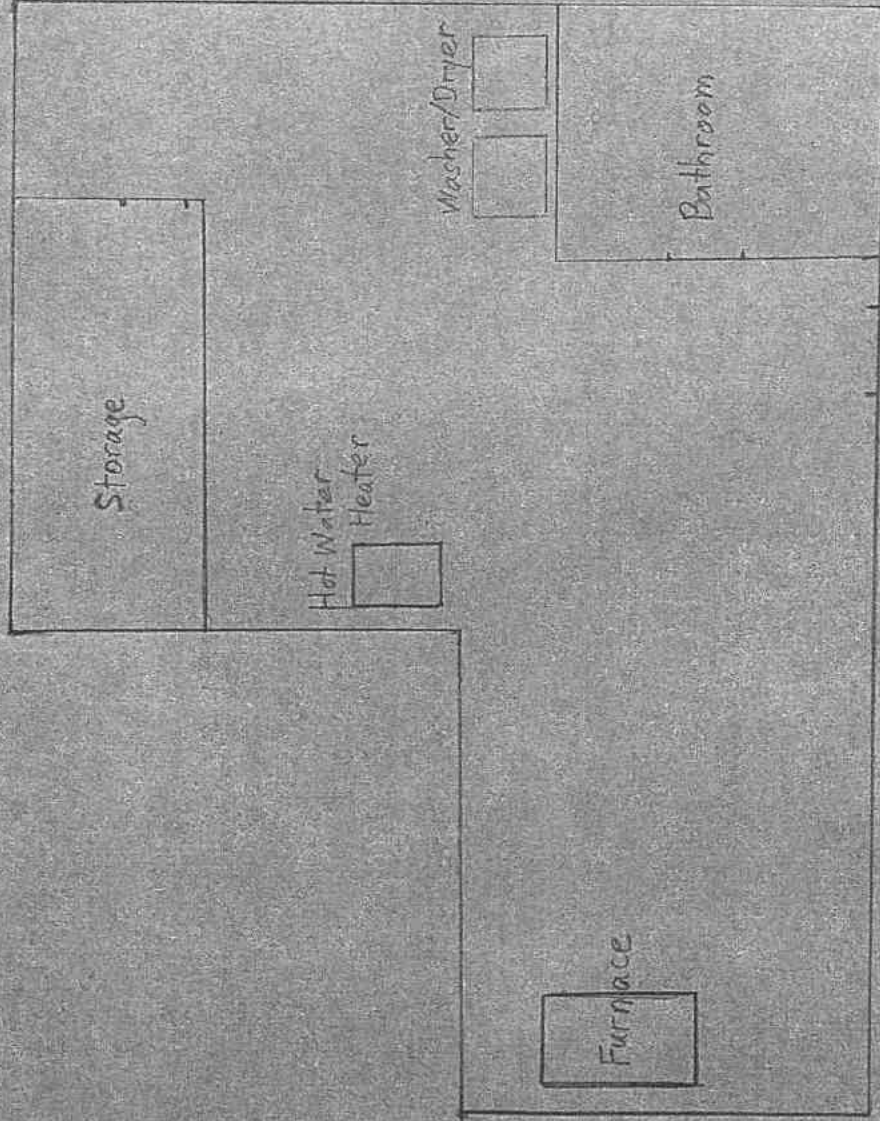
The current owner is 32 Cooper Road LLC, Mgr. Sarah L. Lutz.

The names and addresses of the abutters are as of August 12, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

Laura Geiges

Assistant Assessor / Data Collector



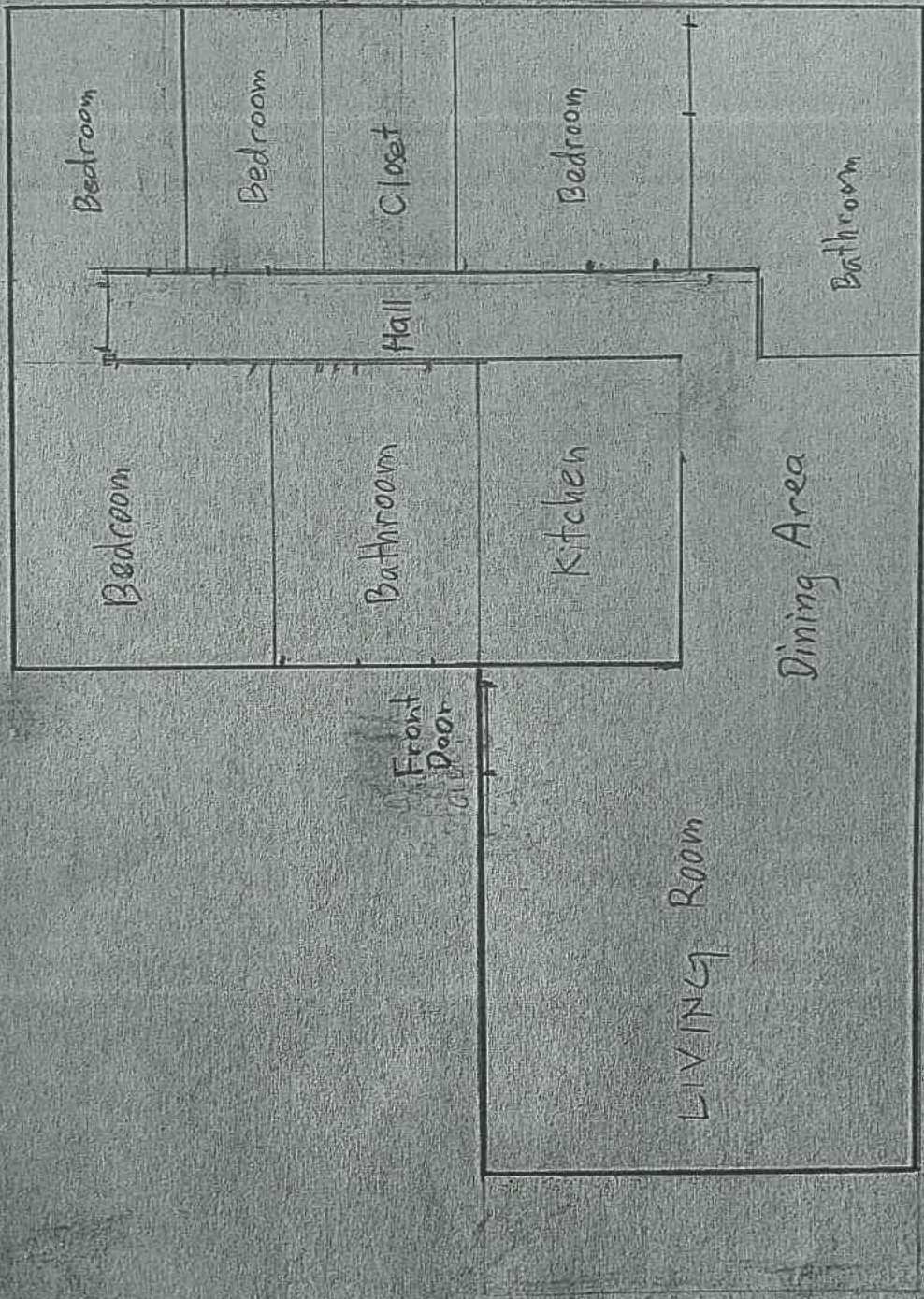
BASEMENT

32 COOPER ROAD

HEALTH DEPARTMENT
TOWN OF TRURO

AUG 26 2022

RECEIVED BY:



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32 COOPER ROAD



CERTIFICATE OF ANALYSIS

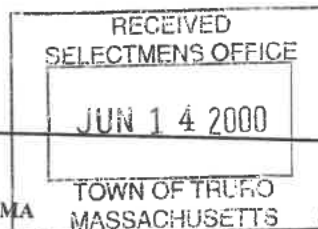
Barnstable County Health Laboratory

Report Prepared For:

Report Dated: 06/09/2000

Order Number: G0006024

Robert Waters
P O Box 719
South Wellfleet, MA 02663



Laboratory ID #: 0006024-01

Description: Water - Drinking Water

Sample #: 06024 U994 996

Sampling Location: 82 Cooper Road Truro MA

Collected by: R Waters

Collected: 05/24/2000

Received: 05/24/2000

Routine + Ammonia

ITEM	RESULT	UNITS	MDL	MCL	Method #	Tested
<i>LAB: IC Lab</i>						
Ammonia	<0.1	mg/L	0.1		EPA 350.1	05/25/2000
Nitrates	<0.1	mg/L	0.1	10	EPA 300.0	05/25/2000
<i>LAB: Metals</i>						
Copper	0.1	mg/L	0.1	1.3	SM 3111B	05/26/2000
Iron	0.2	mg/L	0.1	0.3	SM 3111B	05/26/2000
Sodium	16	mg/L	1.0	20	SM 3111B	05/26/2000
<i>LAB: Microbiology</i>						
Total Coliform	Absent	P/A	0	Absent	P/A	05/24/2000
<i>LAB: Physical Chemistry</i>						
Conductance	154	umohs/cm	1		EPA 120.1	05/25/2000
pH	6.4	pH-units	0		EPA 150.1	05/25/2000

EPA 502.2 - Volatile Organics by PID/ECLD

ITEM	RESULT	UNITS	MDL	MCL	Method #	Tested
<i>LAB: GC LAB</i>						
1,1,1,2-Tetrachloroethane	BRL	ug/L	0.5		EPA 502.2	06/05/2000
1,1,1-Trichloroethane	BRL	ug/L	0.5	200	EPA 502.2	06/05/2000
1,1,2,2-Tetrachloroethane	BRL	ug/L	0.5		EPA 502.2	06/05/2000
1,1,2-Trichloroethane	BRL	ug/L	0.5	5.0	EPA 502.2	06/05/2000
1,1-Dichloroethane	BRL	ug/L	0.5		EPA 502.2	06/05/2000
1,1-Dichloroethene	BRL	ug/L	0.5	7.0	EPA 502.2	06/05/2000
1,1-Dichloropropene	BRL	ug/L	0.5		EPA 502.2	06/05/2000
1,2,3-Trichlorobenzene	BRL	ug/L	0.5		EPA 502.2	06/05/2000
1,2,3-Trichloropropane	BRL	ug/L	0.5		EPA 502.2	06/05/2000

**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]: Last Edits September 1, 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 1 of these Board of Health Regulations.
- 4) **Definitions.** With the exceptions listed below, the definitions provided in the State Building and Sanitary Codes, Title 5 and the Wetland Protection regulations shall apply. All time frames referenced herein shall be counted as calendar days. The following terms used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems, shall be defined as follows:

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

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

Bedroom

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

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

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 in this section 6 article 3.1.i;
- 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.

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;

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- 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.

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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. ~~All application for variance shall include current routine water quality analysis results from the on-site well at the locus property.~~

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3.4. 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 u~~ppgrading ~~S~~septic ~~S~~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) ~~Any system inspected p~~Prior to any sale or transfer of title to the facility served by the system in all circumstances described in 310 CMR 15.301.

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b) ~~Notwithstanding any exceptions set forth in 310 CMR 15.301(2), inspection prior to transfer of deed and upgrade of n~~Nonconforming or failed ~~s~~systems shall occur prior to: transfers by inheritance, ~~transfers~~ 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 ~~transfer shall~~ includ~~ing~~ creation of an LLC;

c) Prior to any change of use or increase in design flow of the facility served by a system;

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d) Prior to the subdivision or partitioning of a parcel on which a nonconforming or failed septic system is located;

e) ~~If the~~Any system demonstrat~~ing~~es 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;

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- ~~d)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;~~
- ~~h)~~ ~~If a~~ **When a facility served by a 1978-code system that is replaced**, relocated or demolished, except when ~~the building was~~
 - ~~e)~~ 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 than six inches from the inlet pipe invert or the remaining available volume within a leach pit above the liquid depth is less than ½ 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.

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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 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.~~
- ~~a)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 an agreement with private property owners who need to upgrade or repair their cesspools or septic systems during the Municipal wastewater planning process.

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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.

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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.

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All Administrative Consent Orders shall have the following minimum terms:

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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 (TASK=complete the required upgrade/have design plans developed/have a sewer connection plan developed/satisfy the sewer connection fees); said sum may be paid in installments;
3. (This sum will be based on estimated costs for plans, estimated costs for I/A system installation or cost to connect to a wastewater sewer)
- 4.

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5. The Property owner agrees to upgrade the system upon expiration of the stay;
6. The Property owner agrees to periodic inspections and pumping of the system as needed;
7. 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
8. 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.

Notwithstanding the terms of this Regulation or an ACO issued pursuant thereto, the Board reserves the right to issue any such order as may be deemed necessary to protect public health and the environment from an imminent hazard caused by any onsite septic system, including requiring pumping, repairs, or immediate upgrades.

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

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Article 4– Required Septic System Inspections

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

- a. At or within two years prior to the time of sale or transfer of title to the facility as defined in Article 4 of this Section VI and title 5, 310 CMR 15.301;
- b. With an application for a building permit that proposes an increase in living space as determined by the Truro Health Agent. ~~;~~ If an applicant or a direct abutter is aggrieved by the determination of “increase of living space” by the Health Agent, the applicant may appeal this determination to the Truro Board of Health;
- c. With an application for a *special permit* that allows uses not otherwise permitted by the Truro Zoning Bylaw;
- d. With an 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. ~~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)
- 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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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

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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

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evaluate the system.

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)

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

Article 7 - Regulation of Separate Site Systems

- 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.

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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;

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- 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.~~

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- 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. ~~T~~his 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 r~~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~~

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~~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

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increase in design flow be allowed, the system shall be upgraded in full compliance with Title 5 for new construction.

Article 11 - Buildable Upland Calculations for Nitrogen Loading Limitations

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

Article 12 - Deed Restrictions

- 1) Any deed restrictions required under this Section VI or under Title 5 shall be submitted to the Health Agent for review before they are finalized and executed.
- 2) Each deed restriction shall ~~adequately~~ describe the property and all restrictions placed thereon (i.e., bedroom count limitations shall include the number and location of approved bedrooms; monitoring agreements shall describe the specific monitoring and maintenance requirements, etc.).
- 3) All deed restrictions ~~may-shall~~ contain a provision permitting the Truro Health Agent to inspect the premises to ensure compliance with the provisions of the deed restriction at reasonable intervals and upon reasonable prior notice.
- 4) ~~All deed restrictions~~ A deed restriction required by the Board of Health, or their Agent shall be recorded at the Barnstable County Registry of Deeds ~~and proof~~ of recording shall be submitted to the Health Department prior to the issuance of the Certificate of Compliance for the system.
- 5) A deed restriction required by the Board of Health, or ~~its~~ their Agent shall be recorded prior to the ~~issuance of the Disposal Works Construction permit, or approval/sign-off on~~ any building permit, as determined to be required for compliance with these local regulations and Title 5 by the Board of Health or its Agent.
- 5)6) A deed restriction is required by the Board of Health or their Agent prior to sign-off on all ADU specifying 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

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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 replacement of or connection to a building sewer, 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,

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~~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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Minutes of the Truro Board of Health, Tuesday July 19, 2022

This was a remote meeting. Board members in attendance:

Chair Tracy Rose, Vice Chair Jason Silva, Board Members: Helen Grimm, Candida Monteith, Brian Koll, and Tim Rose. Also Present: Health Agent Emily Beebe, Assistant Health Agent Courtney Warren

The meeting was called to order at 4:32 PM by the Chair, Tracey Rose. She announced the remote meeting procedures and described the process for public participation.

PUBLIC COMMENT:

None

Change of Manager; Big Fisherman Condominiums, 148 Shore Rd:

Deb Kanetz and Joe McKay were on the call to represent the change of manager request. Joe McKay explained that the former manager has sold her unit thus necessitating a change of manager. Deb Kanetz will be the offsite manager. No one lives in the condo units year-round. Deb Kanetz explained that she is not a property management company but runs a small business that provides property monitoring services. Board member Jason Silva iterated the importance of having all emergency numbers posted and available to residents.

Motion: Board Member Jason Silva moved to approve the change of manager request.

Second: Board Member Tim Rose Vote: 5-0-0; the motion passed.

Change of Manager: Seaside Inn, 482 Shore Rd:

There was no one on the call to represent the request. The board members postponed the matter until the end of the meeting and was eventually continued until the next meeting.

Variance Request/Local Upgrade Approval: 627 Shore Rd, Nearen & Cubberly Nominee Trust:

Attorney Christopher Snow was on the call to represent the matter, along with the engineer Bill Rogers. There was an email from an abutter requesting that the matter be continued as she was unable to attend the meeting. Another abutter, Lorna Messier, had called in to speak on the project. Jason Silva suggested allowing the abutter who was present to express their concerns as well as allowing the applicant's representative to speak on behalf of the matter. Abutter Lorna Messier expressed concern over the 3-inch air vent located on the east side of the property. Gary Locke of William & Rogers stated that they could accommodate the abutter's request by relocating the vent and would send an amended plan to the town. The Health Agent inquired about a filter for the air vent- which Gary Locke addressed by stating a carbon filter has been incorporated in the plan. Board member Jason Silva stated that after reviewing the plan, he felt that the plan was an improvement to the area because it eliminated the existing cesspools.

Motion: Board Member Brian Koll moved to continue the variance request until the August 2nd, 2022 meeting.

Second: Board Member Helen Grimm; Vote: 4-0-1 with Board member Tracy Rose abstaining; the motion carried.

Water Resources Discussion: Cesspool Enforcement Plan; Staff update on stormwater management process and wastewater planning:

The Health Agent presented the July 19th memo and explained that a letter that will be sent to property owners who still need to upgrade their cesspools. The letter details helpful information about the upgrade process as well as outlines enforcement policies that will be implemented for non-compliance. There will be two letters sent – one to those who have contacted the Health Department that will provide supplemental information and remind them of the due date. The second letter will be sent to those who have not responded to the previous correspondence. It will be sent via certified mail, will outline the upgrade process, and will issue an order to correct by December 31, 2022.

Reorganization of the Board

Jason Silva nominated Tracey Rose to continue as chair. Tim Rose seconded. Tracey Rose accepted the nomination. Tracey Rose nominated Jason Silva to continue as vice chair. Tim Rose seconded. Jason Silva accepted the nomination.

**Motion: Helen Grimm moved to approve the slate of nominations. Second: Tim Rose
Vote: 5-0; Motion carried.**

Minutes:

May 17

Motion: Board Member Tim Rose moved to approve the minutes.

Second: Board Member Helen Grimm; 5-0-0; The motion passed.

June 7

Motion: Board Member Helen Grimm moved to approve the minutes.

Second: Board Member Brian Koll; 4-0-1; The motion carried.

Health Agent Report: The Agent gave an update on the local covid status with contribution from Board Member Dr. Brian Koll.

Respectfully submitted by Nina Richey

Minutes of the Truro Board of Health, Tuesday August 2, 2022

This was a remote meeting. Board members in attendance:

Chair Tracey Rose, Vice Chair Jason Silva, Board Members: Helen Grimm, Brian Koll and alternate member Candida Monteith Also Present: Health Agent Emily Beebe, and Assistant Agent Courtney Warren Absent: Tim Rose

The meeting was called to order at 4:32 PM by the Chair, Tracey Rose. She announced the remote meeting procedures and described the process for public participation.

PUBLIC COMMENT: None

Discussion with Director of Public Works Jarrod Cabral

The Director presented tonnage #'s on both solid waste and recycling and compared the numbers to fiscal year 2021 He stated that the refuse stream volume reflected changes in the patterns of living due to COVID-19 and suggested that the volume may be reverting to pre-Covid numbers. Commercial tonnage had increased while permits (of all types) went down in number; however, revenue increased as the Commercial tonnage increased. Prices that the Town pays for metal recycling have increased. He stated that there had not been increases to permit fees since 2015, and it was on the list for review this fall in preparation for the budget submittals.

Mr. Cabral reported briefly on the swap shop operation, including that neighboring towns were still participating and dropping off items that the Town does not accept, per our waste-ban; He commented that this was not good for the budget.

Change of manager: Sladeville Condominiums, 2 Meetinghouse Road The condominium association requested that RKM be their offsite manager. **Motion: Board Member Brian Koll moved to approve the change; Second: Board member Jason Silva; Vote 4-0-1, Motion approved.**

Change of manager: Seaside Inn, 482 Shore Rd There was no representative from the condominium association, and no action or discussion.

Motion: Board Member Jason Silva moved to approve the temporary food service permit and renewal of the recreational camp's permit.

Second: Board Member Tracey Rose; Vote: 3-0-0; the vote was unanimous, and the motion was passed.

Motion: Board Member Jason Silva moved to approve the request.

Second: Board Member Tim Rose; Vote: 3-0-0; the vote was unanimous, and the motion passed.

Title 5 upgrade-extension request for waiver of time: 69 Old County Road:

The applicant requested a 30-day extension for the Title 5 upgrade, bringing the installation deadline to July 21, 2022. The home will remain vacant until the time of installation.

Motion: Board Member Jason Silva approved the request.

Second: Board Member Tim Rose; Vote: 3-0-0; the vote was unanimous, and the motion passed.

Title 5 Variance Request/Local Upgrade Approval - 627 Shore Road, Nearen & Cubberly Nominee Trust: This matter was continued from July 19, 2022

Attorney Chris Snow was representing the owners, with William Rogers and Gary Locke presenting the engineered plans to upgrade cesspools to a nitrogen reducing title 5 septic system. Attorney Snow reminded the Board that this matter was continued at the request of the abutter Christine D'Ambrose. Gary Locke spoke for William Rogers Engineering and described the variance requests and local upgrade approvals needed for the project. The abutter, Christine D'Ambrose was present, and asked what impact the proposed project would be present to any future project at her property, which is directly adjacent to the locus. Board Member Jason Silva suggested that if she had a project in mind to complete at a later date, he could see nothing that would preclude the project going forward because of what was proposed to upgrade the septic system at 627 Shore Road. Christine D'Ambrose asked if there were any limitations on the use of 627 Shore Road, because the property had been vacant for many years. The response provided was that there were not. There was discussion by an abutter about moving the blower vent. There was also discussion on whether an administrative consent order should be included as a condition of approval with this local upgrade request. Both Attorney Snow and William Rogers hesitated to accept this without understanding the terms of an ACO.

Motion: Board member Jason Silva moved to approve the variances and local upgrade approval requests, conditioned upon relocating the vent; Second: Board member Brian Koll; Vote 4-0-1 (Chair Tracey Rose abstained)

Title 5 Variance Request/Local Upgrade Approval request-15 Fisherman's Road, Robert Johnson

Laura Schofield from Schofield Brothers Engineering in Orleans represented the property owners. The property includes a four-bedroom single-family dwelling on a 33,000 square-foot lot.

The septic design is for the four bedrooms with a variance requested from local Board of Health regulations that a nitrogen removing I/a treatment system not be included as required due to the lot size. Laura Schofield explained that this variance would provide temporary relief as the homeowners only used the property for five weeks of the year and are considering moving here to Truro full-time at which point, they would install the advanced treatment septic system.

The Chair commented that protecting the ground water with extra treatment remained a priority, and that she did not feel comfortable with the variance request as enforcing it would be difficult. Laura Schofield commented that it was a low use situation with low/minimal nitrogen now, but for them to be able to afford the septic I/A the property owners may need to rent the property which would add more flow just to pay for the I/A.

Motion: Board member Helen Grimm moved to deny the variance request to the requirement of I/A; Second: Chair Tracey Rose; Vote 5-0 Motion carries

Board of Health Regulations: There was discussion on the public hearing schedule for proposed amendments to the Board of Health local title 5 regulations. The Agent will check with Town Council for their availability to attend the public hearing September 6.

MINUTES: The board decided to move the approval of the minutes until the August 16th meeting. **Motion: Board Member Brian Koll moved to review minutes at the August 16th 2022 meeting. Second: Board Member Helen Grimm; Vote: 5-0 the motion passed.**

The Health Agent's report included brief discussion on Covid-19 and MPX (Monkeypox) Board member Brian Koll provided updated information on the SARS CoV-2 vaccine that would become available in September 2022.

The Chair suggested there would need to be conversations with applicants about the administrative consent order process This would be discussed at a future meeting

Motion: Board Member Helen Grimm moved to adjourn the meeting.

Second: Board Member Brian Koll; Vote: 5-0 the meeting was adjourned at 6:34 PM.

Respectfully submitted by Emily Beebe