



# Truro Board of Health

Tuesday February 15, 2022

Remote Meeting- 4:30 PM

## 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>**

Please note that 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](mailto: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*

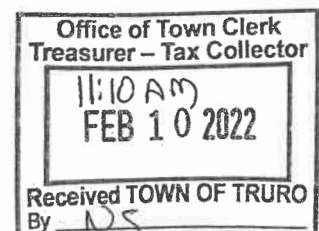
## II. AGENDA ITEMS

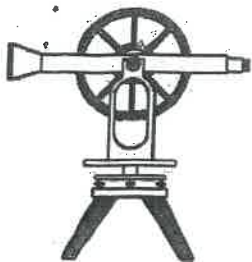
1. **Variance Request/Local Upgrade Approval:** 45 Corn Hill Road
2. **Variance Request/Local Upgrade Approval:** 6 Francis Road
3. **Discussion:** Upgrade process for business establishments for the 2022 licensing year
4. **Discussion:** Current COVID-19 guidance and review of the "rule and order requiring the use of masks and other protective measures" dated 12-21-2021.
5. **Groundwater Resources Discussion**
6. **Local Board of Health Regulation Review**
  - a. Section IIX - Well Water Testing (proposed amendment to Rental Registration water test validity schedule)
  - b. Section VI – local title 5

## III. MINUTES: October, November

## IV. REPORTS

- Report of the Chair
- Health Agent's Report- TMI update;





# J.C. ELLIS DESIGN COMPANY, INC.

SEPTIC SYSTEM DESIGN & ENGINEERING – SEPTIC INSPECTION –  
SITE PLANNING – WETLAND CONSULTATION & PERMITTING  
P.O. BOX 81, NORTH EASTHAM, MA 02651 PHONE 508-240-2220 FAX 508-240-2221  
EMAIL [jcellisdesign@verizon.net](mailto:jcellisdesign@verizon.net)

February 2, 2022

Truro Board of Health  
24 Town Hall Road  
P.O. Box 2030  
Truro, MA 02666

HEALTH DEPARTMENT  
TOWN OF TRURO

FEB 02 2022

RECEIVED BY

**Re: Variance Requests – Septic System Upgrade  
Rose Investment Trust  
45 Corn Hill Road, Truro, MA  
Assessor's Map 45 Parcel 116**

Dear Board,

The Rose Investment Trust is proposing an upgrade of the existing cesspool at 45 Corn Hill Road. Due to the proximity to wetland resource areas, variances are required to install the new septic system:

Specifically, the following 1 variance is sought to install the new septic system.

Truro Board of Health Regulations – Section VI, Article 9

Leach field, septic tank and pump chamber to be installed in “Wetland” as defined in Truro Board of Health Regulations. (Land Subject to Coastal Storm Flowage and Barrier Beach).

Thank you for your attention to this matter.  
Sincerely,

  
Jason C. Ellis, R.S., L.S.I.T.  
J.C. Ellis Design Co., Inc.

Cc: file

**Fee: \$75.00**

#V2022-03



**APPLICATION FOR BOARD OF HEALTH VARIANCES**

Date: February 2, 2022

Property Owner's Name: Rose Investment Trust c/o Mary Rose

Mailing Address: PO Box 776 Truro MA 02666-0776

Address of Property: 45 Corn Hill Road

Map and Parcel Number: Map # 45 Parcel # 116

Design Engineer/Sanitarian Jason C. Ellis R.S.

Firm/Company Name: J.C. Ellis Design Co Inc Phone #: 508-240-2220

Address: PO Box 81 North Eastham, MA 02651

Please check type of variance requested:

Title 5 Variance Request: Section \_\_\_\_\_

Board of Health Variance Request: Section/Article Section VI Article 9

[Signature]  
Signature (Representative )

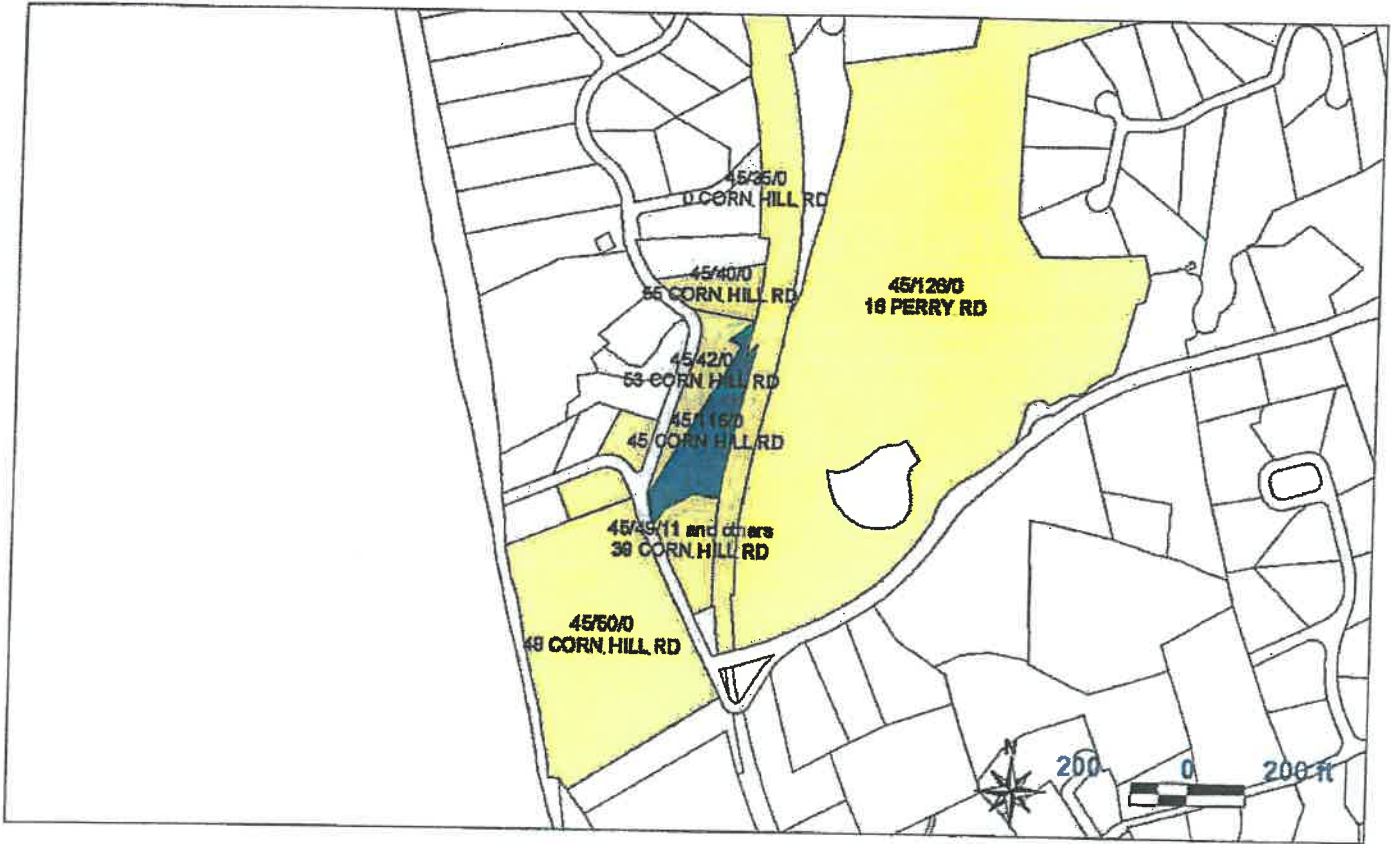
2/2/22  
Date

[Signature]  
Signature (Property Owner)

45 Corn Hill Road  
 Map 45 Parcel 116  
 Board of Health

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

Custom Abutters List

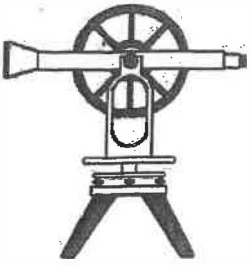


Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2121	45-35-0-R	ROSE INVESTMENT TRUST TRS: ROSE AUSTIN L JR & MARY L	0 CORN HILL RD	PO BOX 925	TRURO	MA	02666
2138	45-40-0-E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	65 CORN HILL RD	PO BOX 327	NO TRURO	MA	02652-0327
2140	45-42-0-R	CONDIT POLLY	53 CORN HILL RD	27 DOGWOOD LN	POMONA	NY	10970
2144	45-46-0-R	DONALD M MUSZYNSKI REVOC. TRUST TRSTEEES: MUSZYNSKI DONALD M &	54 CORN HILL RD	PO BOX 374	SIMSBURY	CT	06070-0374
2146	45-48-0-R	PERRY CLAIRE A LIVING TRUST TRS: PERRY CLAIRE A	52 CORN HILL RD	PO BOX 1016	TRURO	MA	02666-1016
2147	45-49-1-R	RUMBLE JUDY M	39 CORN HILL RD	518 EAST BROADWAY	SOUTH BOSTON	MA	02127
2148	45-49-2-R	MCGIRR RICHARD H & LIDA BANDER	39 CORN HILL RD	50 CHURCH ST	CONCORD	MA	01742
2149	45-49-3-R	CORN HILL REALTY TRUST TRS: ONEIL THOMAS J III ET AL	39 CORN HILL RD	731 UNION ST	ROCKLAND BEACH	MA	02370
2150	45-49-4-R	MACIASZEK SARAH A	39 CORN HILL RD	57 BRIGHAM RD	SOUTH HADLEY	MA	01075
2151	45-49-5-R	BOOTH APRIL N REVOCABLE TRUST TRS: BOOTH APRIL N	39 CORN HILL RD	957 ROUTE 80	GUILFORD	CT	06437
2152	45-49-6-R	TENNYSON LINDA E	39 CORN HILL RD	505 MAIN ST	ACTON	MA	01720
2153	45-49-7-R	MAGUIRE MICHELLE & JOHN F	39 CORN HILL RD	5 LAUREL HILL LN	WINCHESTER	MA	01890
2154	45-49-8-R	ENTICE ENTERPRISES LLC	39 CORN HILL RD	633 ARROWHEAD DR	ORANGE	CT	06477-2305
2155	45-49-9-R	IVES DAVID & ALLISON	39 CORN HILL RD	186 MOSS HILL ROAD	JAMAICA PLAIN	MA	02130
2156	45-49-10-R	KULL DONNA M	39 CORN HILL RD	313 PARTRIDGE RUN	MOUTAINSIDE	NJ	07092

1/5/2022 LG

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2157	45-49-11-R	CORN HILL ELEVEN LLC MGRS: RICH. CASILLI & C. AVERSA	39 CORN HILL RD	41 OCEAN ST, UNIT 2	LYNN	MA	01902
2158	45-49-12-R	MASTROBATTISTA AMY J	39 CORN HILL RD	34 CROCKER AVE	FRANKLIN	MA	02038
6959	45-49-13-E	ROSEVILLE CONDO TRUST	39 CORN HILL RD	39 CORN HILL RD	TRURO	MA	02666
2159	45-50-0-E	TOWN OF TRURO	48 CORN HILL RD	PO BOX 2030	TRURO	MA	02666-2030
5599	45-128-0-R	PERRY LTD PARTNERSHIP ET AL	16 PERRY RD	PO BOX 127	TRURO	MA	02686

1/5/2022 LG



# J.C. ELLIS DESIGN COMPANY, INC.

SEPTIC SYSTEM DESIGN & ENGINEERING – SEPTIC INSPECTION –  
SITE PLANNING – WETLAND CONSULTATION & PERMITTING  
P.O. BOX 81, NORTH EASTHAM, MA 02651 PHONE 508-240-2220 FAX 508-240-2221  
EMAIL jcellisdesign@verizon.net

February 2, 2022

**Re: Variance Requests – Septic System Upgrade  
Rose Investment Trust  
45 Corn Hill Road, Truro, MA  
Assessor's Map 45 Parcel 116**

Dear Abutter,

The Rose Investment Trust is proposing an upgrade of the existing cesspool at 45 Corn Hill Road. Due to the proximity to wetland resource areas, variances are required to install the new septic system:

Specifically, the following 1 variance is sought to install the new septic system.

Truro Board of Health Regulations – Section VI. Article 9

Leach field, septic tank and pump chamber to be installed in “Wetland” as defined in Truro Board of Health Regulations. (Land Subject to Coastal Storm Flowage and Barrier Beach).

The Truro Board of Health will hold a public hearing to consider these variance requests on Tuesday, February 15, 2022, at 4:30 p.m. in the Selectmen's meeting room in Truro Town Hall, located at 24 Town Hall Road. If you are interested in attending the hearing, please confirm the hearing date, time and location with the Truro Health Department at 508-349-7004, ext. 32.

Thank you for your attention to this matter.

Sincerely,

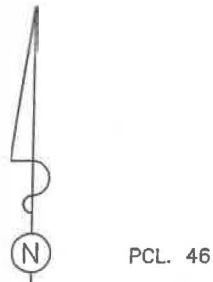
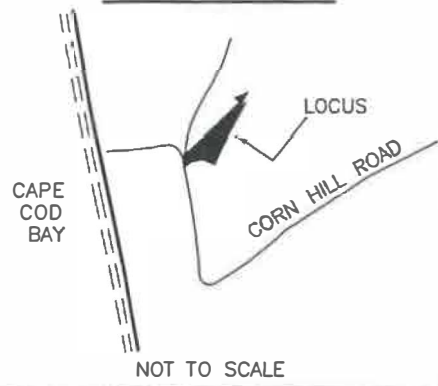


Jason C. Ellis, R.S., L.S.I.T.  
J.C. Ellis Design Co., Inc.

Cc: file



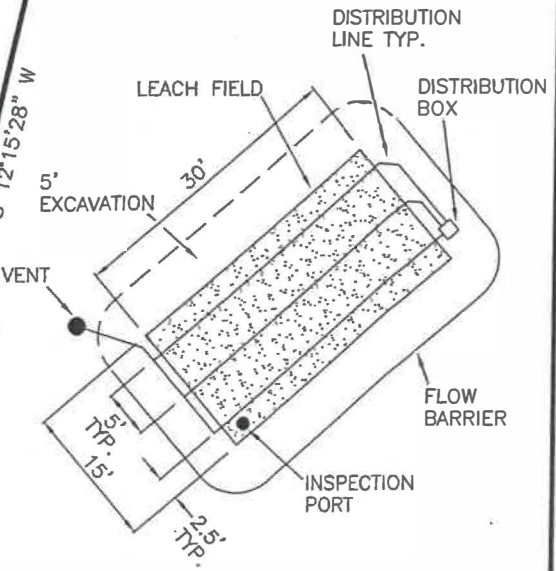
**LOCUS MAP**



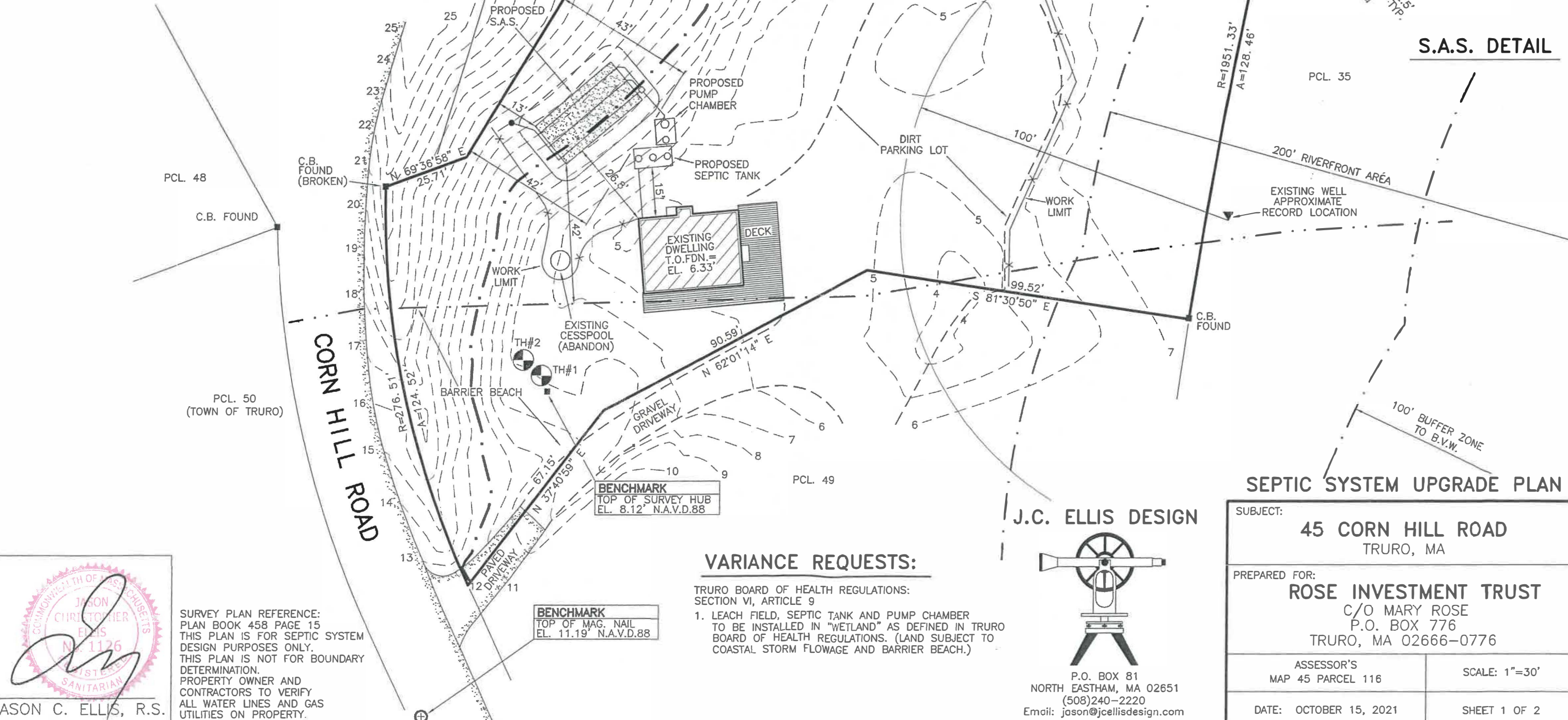
**DESIGN CALCULATIONS**

THIS PLAN REQUIRES CONSERVATION COMMISSION APPROVAL. WORK LIMIT TO BE STAKED SILT FENCE AND STRAW WADDLE. ALL SLOPES IN EXCAVATED AREA TO BE STABILIZED WITH EROSION CONTROL FABRIC. ALL DISTURBED AREAS TO BE REVEGETATED WITH AMERICAN BERACH GRASS.

**LOT 1**  
81,203 S.F.±



**S.A.S. DETAIL**



PCL. 48  
C.B. FOUND  
PCL. 50 (TOWN OF TRURO)

**CORN HILL ROAD**

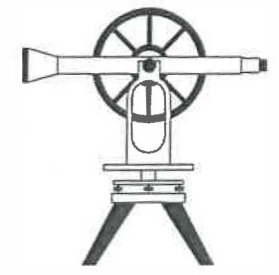
**BENCHMARK**  
TOP OF SURVEY HUB  
EL. 8.12' N.A.V.D.88

**BENCHMARK**  
TOP OF MAG. NAIL  
EL. 11.19' N.A.V.D.88

**VARIANCE REQUESTS:**

- TRURO BOARD OF HEALTH REGULATIONS:  
SECTION VI, ARTICLE 9
1. LEACH FIELD, SEPTIC TANK AND PUMP CHAMBER TO BE INSTALLED IN "WETLAND" AS DEFINED IN TRURO BOARD OF HEALTH REGULATIONS. (LAND SUBJECT TO COASTAL STORM FLOWAGE AND BARRIER BEACH.)

**J.C. ELLIS DESIGN**



P.O. BOX 81  
NORTH EASTHAM, MA 02651  
(508)240-2220  
Email: jason@jcellisdesign.com

**SEPTIC SYSTEM UPGRADE PLAN**

SUBJECT: <b>45 CORN HILL ROAD</b> TRURO, MA	
PREPARED FOR: <b>ROSE INVESTMENT TRUST</b> C/O MARY ROSE P.O. BOX 776 TRURO, MA 02666-0776	
ASSESSOR'S MAP 45 PARCEL 116	SCALE: 1"=30'
DATE: OCTOBER 15, 2021	SHEET 1 OF 2

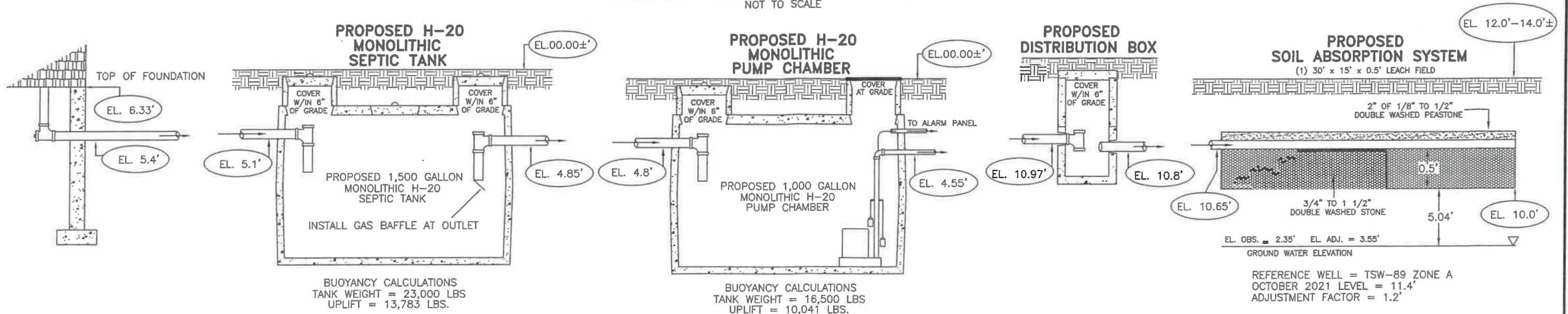
**JASON CHRISTOPHER ELLIS**  
REGISTERED SANITARIAN  
No. 1126  
ASON C. ELLIS, R.S.

SURVEY PLAN REFERENCE:  
PLAN BOOK 458 PAGE 15  
THIS PLAN IS FOR SEPTIC SYSTEM DESIGN PURPOSES ONLY. THIS PLAN IS NOT FOR BOUNDARY DETERMINATION. PROPERTY OWNER AND CONTRACTORS TO VERIFY ALL WATER LINES AND GAS UTILITIES ON PROPERTY.



# SECTION DETAIL - COMPONENTS

NOT TO SCALE



## DESIGN CALCULATIONS

### FLOW RATE:

2 BEDROOM DWELLING = 220 G/P/D REQUIRED  
 (110 G/P/D PER BEDROOM x 2 BEDROOMS)  
 NO GARBAGE GRINDER ALLOWED

### PROPOSED SEPTIC TANK:

220 G/P/D x 2 = 440 G/P/D REQUIRED  
 USE 1500 GALLON SEPTIC TANK

### PROPOSED SOIL ABSORPTION SYSTEM:

PERC RATE = <2 MIN/IN - CLASS I SOIL  
 BOTTOM: (30)(15) = 450 S.F.

(450)(0.74) = 333 G/P/D PROVIDED

USE: (1) 30' LONG X 15' WIDE X 0.5' DEEP  
 LEACH FIELD AS SHOWN IN DETAIL.

### PROPOSED PUMP CHAMBER:

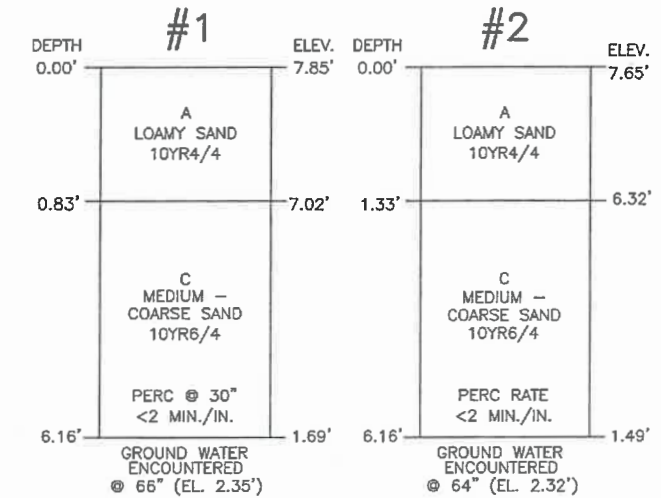
USE (1) 1,000 GALLON PUMP CHAMBER  
 USE LIBERTY PUMP 1/2 HP OR EQUIVALENT  
 FLOAT SETTINGS: PUMP ON = 14" PUMP OFF = 12"  
 ALARM ON = 16"  
 STORAGE CAPACITY PROVIDED = 790 GALLONS  
 MINIMUM 4 CYCLES REQUIRED PER DAY  
 MAXIMUM VOLUME REQUIRED PER DOSE CYCLE: 55 GALLONS  
 VOLUME PROVIDED PER DOSE CYCLE: 41.6 GALLONS

## NOTES

1. PRECAST SEPTIC TANK AND PUMP CHAMBER TO BE H-20 RATED. ALL OTHER COMPONENTS WITH ANY ANTICIPATED VEHICULAR TRAFFIC TO BE H-20 RATED.
2. ELEVATION DATUM IS N.A.V.D. 1988
3. MUNICIPAL WATER IS NOT AVAILABLE.
4. ALL CONSTRUCTION TO CONFORM WITH 310 CMR 15.000 AND ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL CODES AND REGULATIONS.
5. INSTALLER/CONTRACTOR TO REVIEW & VERIFY ALL ELEVATIONS AND DETAILS AND REPORT ANY DISCREPANCIES TO DESIGNER PRIOR TO CONSTRUCTION OR ASSUME ALL RESPONSIBILITY.
6. INSTALLER/CONTRACTOR IS RESPONSIBLE FOR MAINTAINING SAFE WORK AREA, VERIFYING ALL UTILITIES AND NOTIFYING DIG SAFE PRIOR TO CONSTRUCTION.
7. ANY CHANGES TO OR DEVIATIONS FROM THIS PLAN MUST BE APPROVED IN WRITING BY J.C. ELLIS DESIGN CO. AND BOARD OF HEALTH.
8. FINISH COVER OVER COMPONENTS IS NOT TO EXCEED 3' PER 310 CMR 15.000.
9. ALL ABANDONED SEPTIC SYSTEM COMPONENTS TO BE PUMPED DRY AND REMOVED AND REPLACED WITH CLEAN MEDIUM SAND.
10. ALL COMPONENTS TO BE PROVIDED WITH WATERTIGHT ACCESS PORTS WITHIN 6" OF FINISH GRADE.
11. ALL SEPTIC TANKS, DISTRIBUTION BOXES AND PIPING TO BE INSTALLED WATERTIGHT.
12. NO KNOWN WELLS EXIST WITHIN 100' OF PROPOSED LEACH AREA.
13. THIS IS NOT A CERTIFIED PLOT PLAN AND UNDER NO CIRCUMSTANCES IS THIS PLAN TO BE USED FOR BUILDING OR ZONING PURPOSES.
14. LEACH AREA TO BE PROVIDED WITH AT LEAST ONE INSPECTION PORT CONSISTING OF A PERFORATED FOUR INCH PIPE PLACED VERTICALLY DOWN INTO THE STONE TO THE NATURALLY OCCURRING SOIL OR SAND FILL BELOW THE STONE. THE PIPE SHALL BE CAPPED WITH A SCREW TYPE CAP AND ACCESSIBLE WITHIN 3" OF GRADE.
15. EXCAVATE ALL UNSUITABLE SOIL, ONLY AS NECESSARY, 5' AROUND AND UNDER S.A.S. DOWN TO C LAYER AND REPLACE WITH CLEAN MEDIUM SAND.
16. INSTALL 40 MIL POLY FLOW BARRIER AS SHOWN AROUND PROPOSED LEACH FIELD FROM EL. 11.5' DOWN TO EL. 6.0'.
17. INSTALL VENT WITH CHARCOAL FILTER ON LEACH FIELD.
18. SEPTIC TANK AND PUMP CHAMBER TO BE INSTALLED WATER TIGHT AND WATER PROOFED. SEPTIC TANK AND PUMP CHAMBER TO BE INSTALLED WITH RUBBER BOOTS AT ALL PIPE INVERTS.
19. ALL EXISTING BUILDING SEWER LINES TO BE CHANGED AS NECESSARY TO LOCATION AND ELEVATION SPECIFIED.
20. SOIL CONDITIONS TO BE VERIFIED IN AREA OF PROPOSED LEACH FIELD AT TIME OF INSTALLATION.

## DEEP HOLE DATA

PERFORMED BY: JASON C. ELLIS, R.S., S.E.  
 WITNESSED BY: AROZANA DAVIS, TRURO BOH  
 TEST DATE: OCTOBER 7, 2021



## SEPTIC SYSTEM UPGRADE PLAN

J.C. ELLIS DESIGN



P.O. BOX 81  
 NORTH EASTHAM, MA 02651  
 (508)240-2220  
 Email: jason@jcellisdesign.com

SUBJECT: 45 CORN HILL ROAD  
 TRURO, MA

PREPARED FOR:  
**ROSE INVESTMENT TRUST**  
 C/O MARY ROSE  
 P.O. BOX 776  
 TRURO, MA 02666-0776

ASSESSOR'S  
 MAP 45 PARCEL 1 16

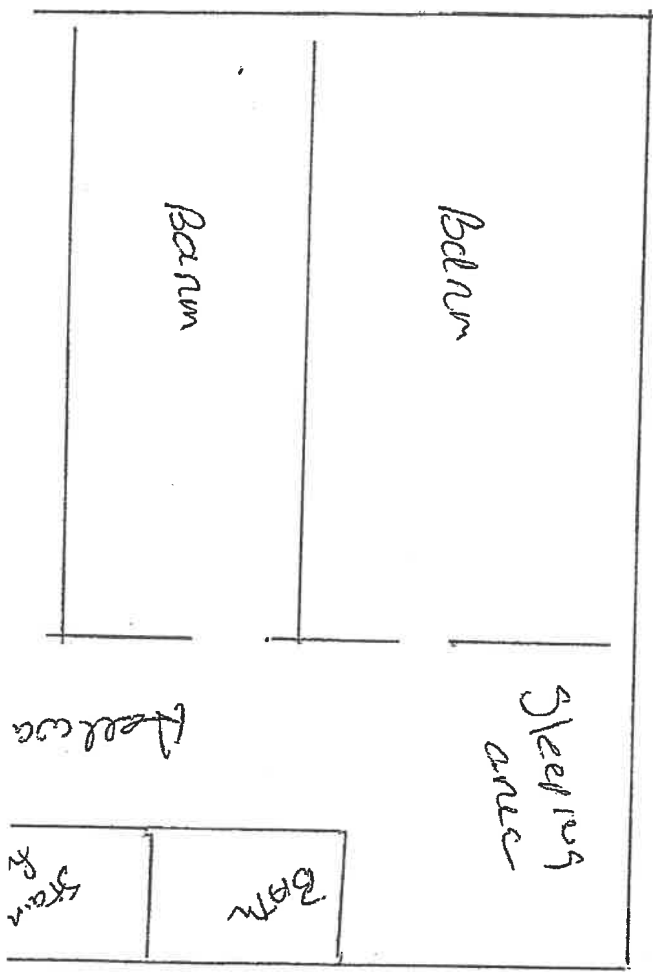
DATE: OCTOBER 15, 2021

SHEET 2 OF 2



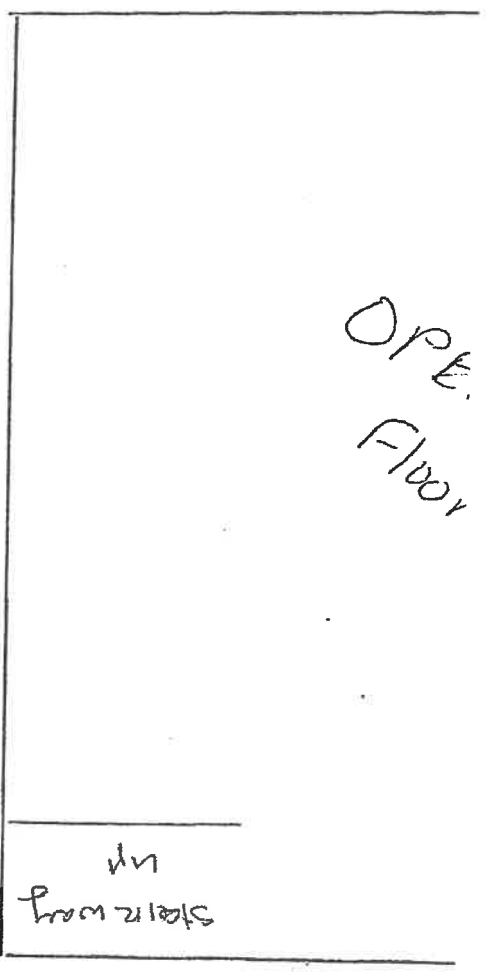
JASON C. ELLIS, R.S.

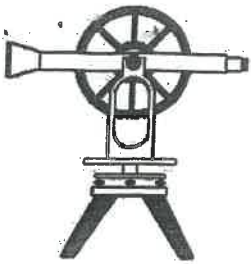




DECK

DOOR





# J.C. ELLIS DESIGN COMPANY, INC.

SEPTIC SYSTEM DESIGN & ENGINEERING – SEPTIC INSPECTION –  
SITE PLANNING – WETLAND CONSULTATION & PERMITTING  
P.O. BOX 81, NORTH EASTHAM, MA 02651 PHONE 508-240-2220 FAX 508-240-2221  
EMAIL jcellisdesign@verizon.net

February 2, 2022

Truro Board of Health  
24 Town Hall Road  
P.O. Box 2030  
Truro, MA 02666

HEALTH DEPARTMENT  
TOWN OF TRURO

FEB 02 2022

RECEIVED BY:

**Re: Variance Requests – Septic System Upgrade  
Charles Hutchings  
6 Francis Road, Truro, MA  
Assessor's Map 39 Parcel 84**

Dear Board,

Charles Hutchings is proposing an upgrade of the existing cesspool at 6 Francis Road. Due to the proximity to wetland resource areas, variances are required to install the new septic system:

Specifically, the following 2 variances are sought to install the new septic system.

Truro Board of Health Regulations – Section VI, Article 9

1. 48' from proposed septic tank to Isolated Vegetated Wetland (100' required, 52' provided, 48' variance requested)
2. 41' from proposed pump chamber to Isolated Vegetated Wetland (100' required, 59' provided, 41' variance requested)

Thank you for your attention to this matter.

Sincerely,

  
Jason C. Ellis, R.S., L.S.I.T.  
J.C. Ellis Design Co., Inc.

Cc: file

**Fee: \$75.00**



**APPLICATION FOR BOARD OF HEALTH VARIANCES**

Date: 2-2-2022

Property Owner's Name: Charles Hutchings

Mailing Address: 181 Eric Lane Lamdsdale PA 19446

Address of Property: 6 Francis Road

Map and Parcel Number: Map # 39 Parcel # 84

Design Engineer/Sanitarian: Jason C. Ellis R.S.

Firm/Company Name: JC Ellis Design Co Inc Phone #: 508-240-2220

Address: PO Box 81 North Eastham, MA 02651

Please check type of variance requested:

Title 5 Variance Request: Section \_\_\_\_\_

Board of Health Variance Request: Section/Article Section VI, Article 9

\_\_\_\_\_  
Signature (Representative )

2-2-2022  
\_\_\_\_\_  
Date

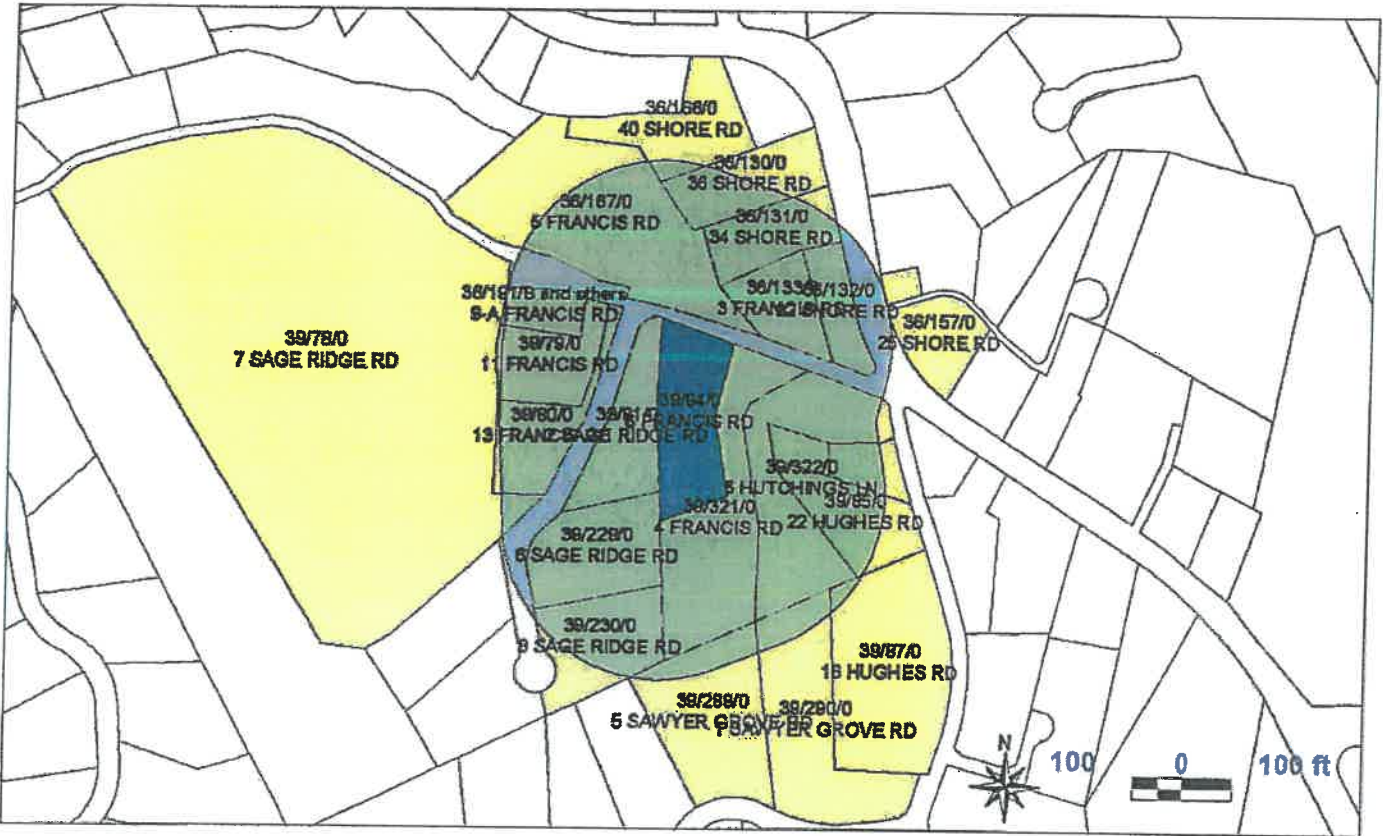
\_\_\_\_\_  
Signature (Property Owner)



6 Francis Road  
 Map 39 Parcel 84  
 Conservation Commission

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

Abutters List Within 300 feet of Parcel 39/84/0

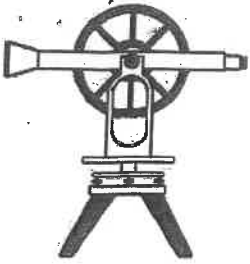


Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1017	36-130-0-E	TOWN OF TRURO	36 SHORE RD	PO BOX 2030	TRURO	MA	02666-2030
1018	36-131-0-R	THOLEN GRETCHEN M	34 SHORE RD	2031 RYANS RUN	LANDSDALE	PA	19446
1019	36-132-0-R	CHRISTIAN UNION CHURCH	32 SHORE RD	PO BOX 187	NO TRURO	MA	02652-0187
1020	36-133-0-R	HIGGINS CHRISTMAS	3 FRANCIS RD	C/O MADDEN JOAN 25 CLIFF STREET	WESTON	MA	02493
1042	36-156-0-E	CHRISTIAN UNION CHURCH	27 SHORE RD	PO BOX 187	NO TRURO	MA	02652-0187
1043	36-157-0-R	SOUZA CRAIG M & DEBRA S	25 SHORE RD	PO BOX 81	NO TRURO	MA	02652-0081
1052	36-166-0-R	HOLWAY CHARLES & MARGUERITE (LE) RMNDR: HOLWAY RUSSELL T ET AL	40 SHORE RD	5 LEAF LN	EASTHAM	MA	02642-1790
1053	36-167-0-R	PETERS THOMAS HARRISON	5 FRANCIS RD	PO BOX 910	SO WELLFLEET	MA	02663-0910
1077	36-191-0-E	FRANCIS ROAD CONDO TRUST	9 FRANCIS RD	9 FRANCIS RD	N TRURO	MA	02652
7265	36-191-A-R	COWIE ANNE D & GRAVES AMY K	9 FRANCIS RD	PO BOX 672	NORTH TRURO	MA	02652
7267	36-191-B-R	GRASSO BARBARA & JAFFE MICHELLE E	9-A FRANCIS RD	PO BOX 839	PROVINCETOWN	MA	02652
1207	39-78-0-R	PETERS DEVELOPMENT NOMINEE TR TRS: PETERS THOMAS H & ERIK A	7 SAGE RIDGE RD	PO BOX 910	SO WELLFLEET	MA	02663
1208	39-79-0-R	BYRNE JAMES M & LAUREN T	11 FRANCIS RD	PO BOX 659	N TRURO	MA	02652
1209	39-80-0-R	PERRY ANDREW KNUBEL, ET AL	13 FRANCIS RD	PO BOX 320424230	SIoux FALLS	SD	57186
1210	39-81-0-R	HUTCHINGS CHARLES S & HUTCHINGS CAROLYN C	2 SAGE RIDGE RD	PO BOX 1062	NO TRURO	MA	02652

1/5/2022 LG

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1211	39-82-0-R	SIMMONS BRYAN E & VETTERS RALPH G	4 HUTCHINGS LN	67 WALNUT ST	SOMERVILLE	MA	02143
1212	39-83-0-R	CAGWIN BRUCE & PARKY JANICE LE AS LIFE ESTATE	24 HUGHES RD	PO BOX 104	NO TRURO	MA	02652
1213	39-84-0-R	HUTCHINGS CHARLES S & HUTCHINGS JON R ET AL	6 FRANCIS RD	c/o JOAN HUTCHINGS 10 PINE ISLAND ROAD	MATTAPOISETT	MA	02739
1214	39-85-0-R	QUINN FAMILY REALTY TRUST TRS: QUINN DONALD R & ELLEN M	22 HUGHES RD	220 LANGLEY RD	NEWTON	MA	02459
1215	39-87-0-R	LABERGE RICHARD F & KERRY A	16 HUGHES RD	3 GRAYSTONE ROAD	LOUDONVILLE	NY	12211
1349	39-229-0-R	VERDE CARLOS	6 SAGE RIDGE RD	PO BOX 124	PROVINCETOWN	MA	02657
1350	39-230-0-R	REIS ARTHUR F & HEATHER	8 SAGE RIDGE RD	PO BOX 1557	PROVINCETOWN	MA	02657
1408	39-289-0-R	PORTER NANCY E	5 SAWYER GROVE RD	7 CERINA RD	JAMAICA PLAIN	MA	02130
1409	39-290-0-R	PORTER NANCY E	1 SAWYER GROVE RD	7 CERINA RD	JAMAICA PLAIN	MA	02130
6308	39-321-0-R	DAREZZO ROBERT & ROSE LE	4 FRANCIS RD	PO BOX 849	NO TRURO	MA	02652
6309	39-322-0-R	HUTCHINGS CHARLES S & HUTCHINGS JON R ET AL	6 HUTCHINGS LN	c/o JOAN HUTCHINGS 10 PINE ISLAND ROAD	MATTAPOISETT	MA	02739

1/5/2022 LG



# J.C. ELLIS DESIGN COMPANY, INC.

SEPTIC SYSTEM DESIGN & ENGINEERING – SEPTIC INSPECTION –  
SITE PLANNING – WETLAND CONSULTATION & PERMITTING  
P.O. BOX 81, NORTH EASTHAM, MA 02651 PHONE 508-240-2220 FAX 508-240-2221  
EMAIL jcellisdesign@verizon.net

February 2, 2022

**Re: Variance Requests – Septic System Upgrade  
Charles Hutchings  
6 Francis Road, Truro, MA  
Assessor's Map 39 Parcel 84**

Dear Abutter,

Charles Hutchings is proposing an upgrade of the existing cesspool at 6 Francis Road. Due to the proximity to wetland resource areas, variances are required to install the new septic system:

Specifically, the following 2 variances are sought to install the new septic system.

Truro Board of Health Regulations – Section VI, Article 9

1. 48' from proposed septic tank to Isolated Vegetated Wetland  
(100' required, 52' provided, 48' variance requested)
2. 41' from proposed pump chamber to Isolated Vegetated Wetland  
(100' required, 59' provided, 41' variance requested)

The Truro Board of Health will hold a public hearing to consider these variance requests on Tuesday, February 15, 2022, at 4:30 p.m. in the Selectmen's meeting room in Truro Town Hall, located at 24 Town Hall Road. If you are interested in attending the hearing, please confirm the hearing date, time and location with the Truro Health Department at 508-349-7004, ext. 32.

Thank you for your attention to this matter.  
Sincerely,

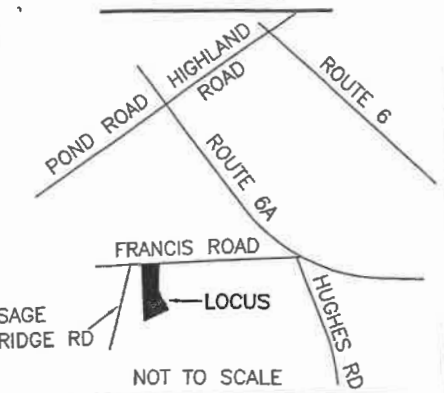


Jason C. Ellis, R.S., L.S.I.T.  
J.C. Ellis Design Co., Inc.

Cc: file



LOCUS MAP



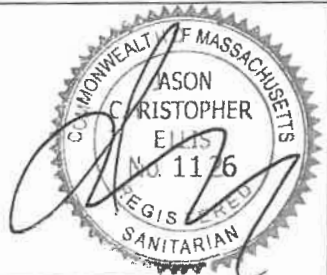
VARIANCE REQUESTS:

- TRURO BOARD OF HEALTH REGULATIONS: SECTION VI: ARTICLE 9:
- 48' FROM PROPOSED SEPTIC TANK TO ISOLATED VEGETATED WETLAND. (100' REQUIRED, 52' PROVIDED, 48' VARIANCE REQUESTED)
  - 41' FROM PROPOSED PUMP CHAMBER TO ISOLATED VEGETATED WETLAND. (100' REQUIRED, 59' PROVIDED, 41' VARIANCE REQUESTED)

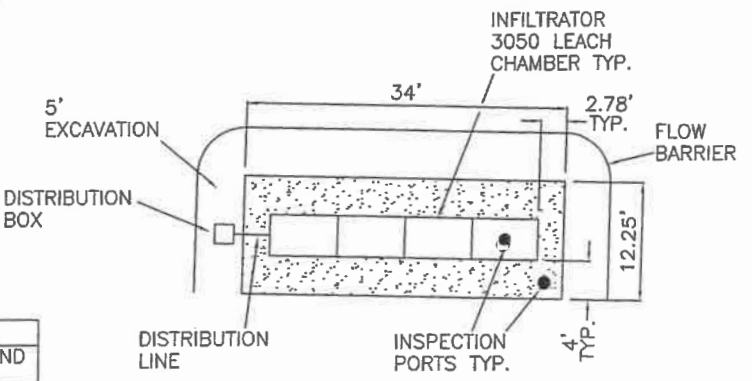
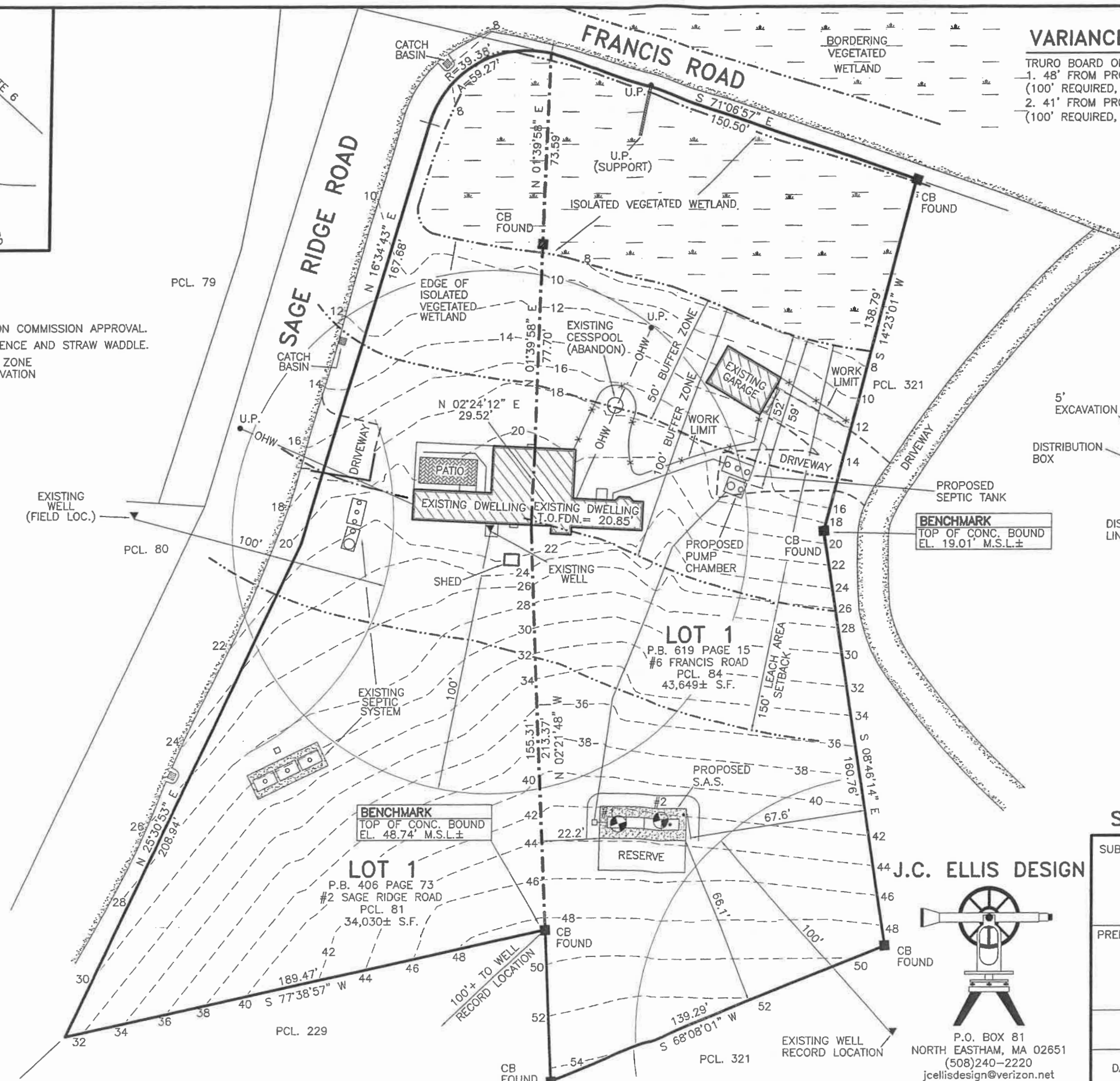
SURVEY PLAN REFERENCE:  
 PLAN BOOK 619 PAGE 15  
 PLAN BOOK 406 PAGE 73

THIS PLAN REQUIRES CONSERVATION COMMISSION APPROVAL.  
 WORK LIMIT TO BE STAKED SILT FENCE AND STRAW WADDLE.  
 ALL DISTURBED AREAS IN BUFFER ZONE  
 TO BE REVEGETATED WITH CONSERVATION  
 GRASS SEED MIX.

PROPERTY OWNER AND  
 CONTRACTORS TO VERIFY  
 ALL WATER LINES AND GAS  
 UTILITIES ON PROPERTY.



ASON C. ELLIS, R.S.



S.A.S. DETAIL

SEPTIC SYSTEM UPGRADE PLAN

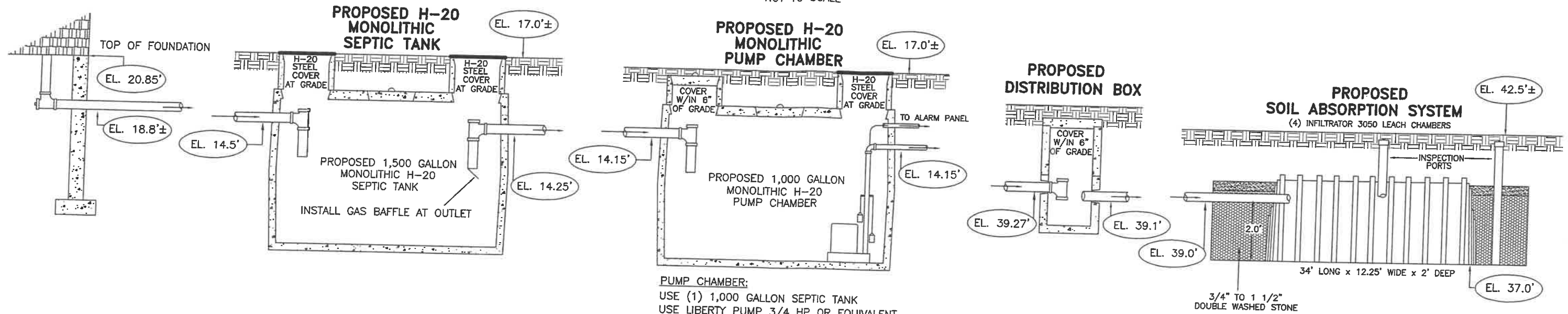
SUBJECT:	
<b>6 FRANCIS ROAD</b> TRURO, MA	
PREPARED FOR:	
<b>CHARLES HUTCHINGS</b> 181 ERIC LANE LANDSDALE, PA 19446	
ASSESSOR'S MAP 39 PARCEL 84	SCALE: 1"=40'
DATE: DECEMBER 20, 2021	SHEET 1 OF 2

**J.C. ELLIS DESIGN**

P.O. BOX 81  
 NORTH EASTHAM, MA 02651  
 (508)240-2220  
 jcellisdesign@verizon.net

## SECTION DETAIL – COMPONENTS

NOT TO SCALE



**PUMP CHAMBER:**  
 USE (1) 1,000 GALLON SEPTIC TANK  
 USE LIBERTY PUMP 3/4 HP OR EQUIVALENT  
 FLOAT SETTINGS: PUMP ON = 14" PUMP OFF = 10"  
 ALARM ON = 16"  
 STORAGE CAPACITY PROVIDED = 707 GALLONS  
 MINIMUM 4 CYCLES REQUIRED PER DAY  
 MAXIMUM VOLUME REQUIRED PER DOSE CYCLE: 82.5 GALLONS  
 VOLUME PROVIDED PER DOSE CYCLE: 53.2 GALLONS  
 TRANSPORT PIPE VOLUME = 30 GALLONS

### DESIGN CALCULATIONS

**FLOW RATE:**  
 3 BEDROOM DWELLING = 330 G/P/D REQUIRED  
 (110 G/P/D PER BEDROOM x 3 BEDROOMS)  
 NO GARBAGE GRINDER ALLOWED

**PROPOSED SEPTIC TANK:**  
 330 G/P/D x 2 = 660 G/P/D REQUIRED  
 USE 1500 GALLON SEPTIC TANK

**PROPOSED SOIL ABSORPTION SYSTEM:**  
 PERC RATE = <2 MIN/IN - CLASS I SOIL  
 SIDEWALL = (34 + 12.25)(2)(2) = 185 S.F.  
 BOTTOM: (34)(12.25) = 416.5 S.F.  
 (185 + 416.5)(0.74) = 445.11 G/P/D PROVIDED  
 USE: (4) INFILTRATOR 3050 LEACH CHAMBERS W/ STONE  
 AS SHOWN IN DETAIL.

### NOTES

1. PRECAST SEPTIC TANK AND PUMP CHAMBER TO BE H-20 RATED. ANY OTHER COMPONENTS WITH ANY ANTICIPATED VEHICULAR TRAFFIC TO BE H-20 RATED.
2. ELEVATION DATUM IS FROM USGS QUAD MAP.
3. MUNICIPAL WATER IS NOT AVAILABLE.
4. ALL CONSTRUCTION TO CONFORM WITH 310 CMR 15.000 AND ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL CODES AND REGULATIONS.
5. INSTALLER/CONTRACTOR TO REVIEW & VERIFY ALL ELEVATIONS AND DETAILS AND REPORT ANY DISCREPANCIES TO DESIGNER PRIOR TO CONSTRUCTION OR ASSUME ALL RESPONSIBILITY.
6. INSTALLER/CONTRACTOR IS RESPONSIBLE FOR MAINTAINING SAFE WORK AREA, VERIFYING ALL UTILITIES AND NOTIFYING DIG SAFE PRIOR TO CONSTRUCTION.
7. ANY CHANGES TO OR DEVIATIONS FROM THIS PLAN MUST BE APPROVED IN WRITING BY J.C. ELLIS DESIGN CO. AND BOARD OF HEALTH.
8. FINISH COVER OVER COMPONENTS IS NOT TO EXCEED 3' PER 310 CMR 15.000.
9. ALL ABANDONED SEPTIC SYSTEM COMPONENTS TO BE PUMPED DRY AND FILLED WITH CLEAN SAND OR REMOVED AND REPLACED WITH CLEAN SAND.
10. ALL COMPONENTS TO BE PROVIDED WITH WATERTIGHT ACCESS PORTS WITHIN 6" OF FINISH GRADE.
11. ALL SEPTIC TANKS, DISTRIBUTION BOXES AND PIPING TO BE INSTALLED WATERTIGHT.
12. NO KNOWN WELLS EXIST WITHIN 100' OF PROPOSED LEACH AREA.
13. EXCAVATE ALL UNSUITABLE SOIL, ONLY AS NECESSARY, 5' AROUND AND UNDER S.A.S. DOWN TO C LAYER AND REPLACE WITH CLEAN MEDIUM SAND.
14. CONTRACTOR TO LOCATE ALL BUILDING SEWER LOCATIONS PRIOR TO CONSTRUCTION. ALL BUILDING SEWERS TO BE CHANGED ONLY IF NECESSARY TO LOCATIONS AND ELEVATIONS SPECIFIED.
15. CONTRACTOR TO INSTALL CLEANOUTS ALONG SEWER LINES AT ALL BENDS, INTERSECTIONS AND 50' INCREMENTS.
16. WORK LIMIT TO BE STAKED SILT FENCE AND STRAW WADDLE.
17. ALL DISTURBED AREAS IN BUFFER ZONE TO BE REVEGETATED.
18. INSTALL 40 MIL POLY FLOW BARRIER AS SHOWN AROUND S.A.S. FROM EL. 40.0' DOWN TO EL. 38.0'.

### DEEP HOLE DATA

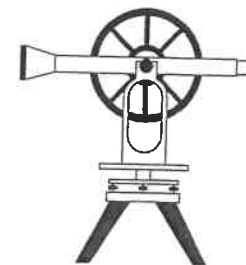
PERFORMED BY: JASON C. ELLIS, R.S., S.E.  
 WITNESSED BY: AROZANA DAVIS, TRURO BOH  
 TEST DATE: DECEMBER 17, 2021

#1		#2	
DEPTH	ELEV.	DEPTH	ELEV.
0.00'	42.96'	0.00'	42.08'
0.75'	42.21'	0.83'	41.25'
2.66'	40.3'	2.66'	39.42'
10.16'	32.8'	10.33'	31.75'
NO WATER ENCOUNTERED		NO WATER ENCOUNTERED	

### SEPTIC SYSTEM UPGRADE PLAN

SUBJECT:	
<b>6 FRANCIS ROAD TRURO, MA</b>	
PREPARED FOR:	
<b>CHARLES HUTCHINGS 181 ERIC LANE LANDSDALE, PA 19446</b>	
ASSESSOR'S MAP 39 PARCEL 84	
DATE: DECEMBER 20, 2021 REV: FEBRUARY 9, 2022	SHEET 2 OF 2

J.C. ELLIS DESIGN

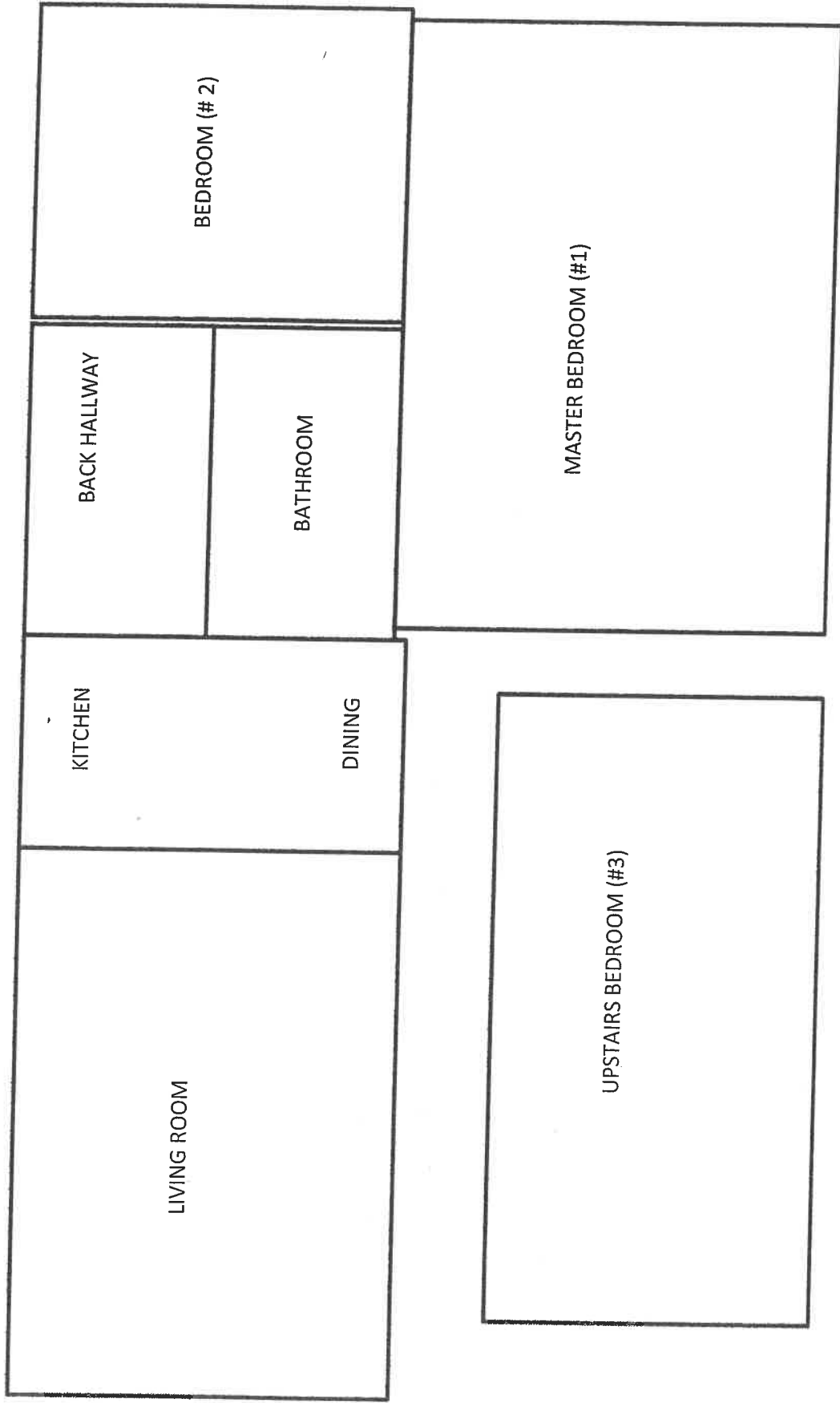


P.O. BOX 81  
 NORTH EASTHAM, MA 02651  
 (508)240-2220  
 jcellisdesign@verizon.net



JASON C. ELLIS, R.S.

6 FRANCIS RD, NORTH TRURO, MA 02652







# TOWN OF TRURO

## HEALTH DEPARTMENT

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004 Fax: 508-349-5508

February 9, 2022

CERTIFIED MAIL:  
AND BY FIRST CLASS MAIL

[REDACTED]

RE: [REDACTED]

### **ORDER TO CORRECT: UPGRADE TO AN IA SYSTEM**

To Whom It May Concern,

Upon review of the Septic System Inspection Report submitted to our offices by [REDACTED], we were made aware of the fact that (2) of your septic systems have failed (system 1 and system 2), due to lack of leaching capacity within the leaching pits.

You are hereby ordered within **6 months (180) days** receipt of this letter to complete the upgrade of your septic system. This process includes the submission of the following documents:

- (1) Site and sewage plan prepared by a registered professional engineer or registered sanitarian for the upgrade of the system in conformance with Title 5.
- (2) Application for the installation of the system submitted by a licensed installer.
- (3) A set of stamped floor plans or you can schedule a walk through so that our department can confirm the bedroom count of the existing dwelling.

During the time before the system is upgraded, the existing system shall be pumped as needed in order to prevent it from overflowing.

*Please contact our office upon receipt of this notice (a period not to exceed 10 days from receipt) to discuss the requirements and your timeframe for implementing these requirements.*

Should you be aggrieved by this order, you have a right to request a hearing before the Board of Health. A request must be received in writing to the Office of the Board of Health within seven (7) days receipt of this order.

Sincerely,  
Emily Beebe, Health Agent

Truro Board of Health  
Condition of Variance Approval

August 17, 2021

“Approval of these variances is conditional and in approving these variances the Truro Board of Health reserves the right to require or order, the owner of the property served by the grant of these variances, to participate in or connect to an alternative wastewater treatment option. The Board of Health also reserves the right to issue an administrative consent order to the owner of this property regarding other future wastewater treatment options for this property. “

*At this time, it is anticipated that this condition (or, a version of it ) would be used by the BoH when granting variances to septic upgrades on Beach Point, that is Shore Road, from about Arrowhead Road to the Provincetown Line.  
(E.Beebe, 8/17/2021)*



**RULE AND ORDER REQUIRING THE USE OF MASKS AND OTHER PROTECTIVE MEASURES: AMENDED 12-21-2021**

Pursuant to the Massachusetts General Laws, Chapter 111, Sections 31 and 122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, we, the members of the Truro Board of Health hereby order the following:

1. In addition to physical distancing and in an effort to protect the Public Health, all members of the public entering any public building or place of business open to the public, including but not limited to restaurants, grocery and retail stores and the like must wear a cloth face covering that covers their nose and mouth, such as a fabric or surgical mask. Wearing a mask is not a substitute for maintaining 6 feet of physical distancing.
2. The face covering requirements of this Order shall be in place until it is rescinded by the Board of Health. It shall be reconsidered on January 25, 2022.
3. Notwithstanding any provision in this Order, pursuant to guidance issued by the CDC face coverings should not be placed on young children under 2-years-old, anyone who has trouble breathing, anyone who is unconscious, incapacitated or otherwise unable to remove the mask without assistance, or anyone who due to disability is unable to wear a mask.
4. To the extent necessary, this Order shall be enforced by the Truro Health Agent, assistant Health Agent and Truro Police Officers.
5. Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law.
6. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to: for a first offense, a written warning; for a second offense, a penalty in the amount of one hundred dollars (\$100), for a third offense, a penalty of two hundred dollars (\$200); and for a fourth or subsequent offense, a penalty in the amount of three hundred dollars (\$300.00). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

This Order, as amended shall be effective beginning December 21, 2021 and remain in effect until notice is given, pursuant to the Truro Board of Health's judgement that the Public Health Emergency no longer exists.

---

**Tracey Rose, Chair**  
**Truro Board of Health**

\*\*\*\*\*

**SECTION VIII WATER WELLS**

**Article 1 Purpose and Authority**

Under the authority of Massachusetts General Laws, Chapter 111, Section 31 and Chapter 21, Section 16, to better protect the public health of the inhabitants of the Town of Truro by ensuring that private wells are constructed in a manner that will protect the quality of the groundwater, the Truro Board of Health hereby adopts the following regulations.

**Article 2 Definitions**

**Certified Laboratory:** any laboratory which has full certification by the Department of Environmental Protection and is included in the most recent edition of "Certification Status of Commercial Environmental Laboratories."

**Potable Well:** Wells to be used as drinking water source.

**Registered Well Driller:** an individual authorized by registration with the Department of Environmental Protection to engage in the business and supervise the drilling, altering, or decommissioning of wells in Massachusetts, and who signs and submits the well completion report to the Department and the Truro Board of Health.

**Replacement Well:** any well which is being constructed to replace or repair a well currently existing and in use.

**Well or Water Well:** any hole or shaft constructed into the ground for the purpose of injecting or extracting water and other fluids, or to monitor groundwater levels and water quality.

**Article 3 Registered Well Drillers**

1. Water wells may only be constructed and/or replaced by a Registered Well Driller.
2. Before a water well is drilled within the Town of Truro, the well driller shall furnish to the Board of Health the well driller's name, trade name (if different), and address, shall furnish a copy of the driller's current State Registration Certificate, and shall comply with the regulations listed below.
3. The well driller shall submit to the Board of Health a copy of each driller's report submitted to the State containing the well owner's name, well 's location and depth, drilling log, description of casing and screen, static water level, method used to test well yield, length of time well was pumped, draw down, and well yield.

**Article 4 Well Construction Permit**

1. No well shall be installed, altered, replaced or repaired until a Well Construction Permit has been obtained from the Board of Health.
  - a. A fee (subject to change) per well installed shall accompany the application for

- permit.
- b. An application for a Well Construction permit shall be submitted by the well driller or his agent on forms furnished by the Board. The well driller is responsible for obtaining said permit prior to well construction and for informing the Health Agent at the time of installation and covering.
  - c. For new construction, application for a Well Construction Permit shall be made prior to the application for a building permit.
  - d. For new construction the well shall be drilled prior to the installation of the septic system.
2. Water Quality Testing
- a. The well driller shall have a water sample tested by a Certified Laboratory for:
    - Coliform
    - pH
    - Conductivity
    - Iron
    - Nitrates
    - Sodium
    - Volatile Organic Compounds (VOCs)
    - Or any other parameters the Board of Health deems necessary.
  - b. The results of this test shall be provided to the well owner and the Truro Board of Health.
  - c. No building permit shall be issued until the report of this test has been returned to the Truro Town Hall and the Health Agent has determined the well water is potable.
  - d. An acceptable sample of well water shall be of raw (untreated) water from the facility, using the approved water sampling bottles provided by a certified lab. The sample must be taken in accordance with standard methods and the protocol of a certified lab relative to chain-of-custody.
3. Plans
- a. For new construction: Site and Sewage Plans, stamped by a Professional Engineer and/or Registered Land Surveyor and/or a Registered Sanitarian, showing the location of the proposed well and septic system must be submitted to ensure that adequate setbacks between well and septic are being provided.
  - b. For all other construction: the well driller must submit a plan of the land, accurately depicting the location of all septic system components and the location of the proposed well. The well driller must also sign a statement on the well permit application attesting to the fact that the well as installed will meet the required setbacks to the septic tank and soil absorption system defined in 310 CMR 15.211.

#### **Article 5 Well Completion Report**

New wells shall not be placed into use for human consumption until the Health Agent has approved the potability and quantity of the water provided and the well driller has filed a Well Completion Report with the Truro Health Department.



**Article 6 - Required Water Quality Testing**

**1. Upon Transfer of Real Estate**

Prior to selling, conveying, or transferring title to real property (a “transfer” of real property is defined in these Board of Health regulations section 6.5) in the Town of Truro, the owner thereof shall:

- a. Test the water of every private potable well serving that property. A water sample from each well shall be submitted to a certified laboratory for testing for the parameters outlined above in Article 4. This water quality test shall be performed not more than one year prior to transfer of the property.
- b. the owner shall provide copies of all water test results of which they have knowledge (regardless of age of results) for the private potable well in question to any buyer and/or broker identified with the transfer. In the event that there is no buyer at the time the water is tested, a copy of all water test results must be given by the owner to the buyer before the property is put under agreement.

**2. Upon applying for a building permit, other than an express permit.**

A water quality analysis result from sampling completed within one calendar year of the date of submitted application for a building permit shall be provided with the application. The analysis must be of a water sample taken from the private well serving the facility and shall be submitted to a certified laboratory to analyze the following parameters: Sodium, Nitrate N, pH, iron, conductivity, coliform bacteria) and sampled as described in Article 4.2.d.

**3. Upon applying for a disposal works construction permit.**

- a. A water quality analysis result from sampling completed within one calendar year of the date of submitted application for a disposal works construction permit shall be provided with the application. The analysis must be of a water sample taken from the private well serving the facility and shall be submitted to a certified laboratory to analyze the following parameters: Sodium, Nitrate N, pH, iron, conductivity, coliform bacteria), and sampled as described in Article 4.2.d.
- b. This applies to construction, upgrade and replacement of tanks, pump-chambers and leaching facilities. The replacement of the building sewer, tees, pumps, and distribution boxes, and the sealing of tanks are exempt from this requirement.

**4. Upon applying for or renewing a rental registration certificate from the Town of Truro.**

- a. A water quality analysis result from sampling completed within 4 months of the application shall be submitted with the application for a rental registration renewal. The analysis must be of a water sample taken from the private well serving the facility and shall be submitted to a certified laboratory to analyze the following parameters: Sodium, Nitrate N, pH, iron, conductivity, coliform bacteria), and sampled as described in Article 4.2.d.
- b. This analysis result must be provided prior to issuance of an annual rental registration certificate (as described in the Truro general bylaws Chapter 2 section 1).

Commented [EB1]: 1-25-2022: Proposal to change language to within 1 calendar year

5. Upon submitting a septic inspection report to the Town of Truro for a facility served by a private well.

#### **Article 7 Decommissioning of Water Wells**

1. Abandoned wells, test holes and borings shall be decommissioned so as to prevent the well, including the annular space outside the casing, from being a channel allowing the vertical movement of water. Test holes to be filled and packed prior to completion of a finished well and done during location search do not require a "decommissioning."
2. The property owner shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged. Only registered well drillers may plug abandoned wells, test holes and borings.
3. In the case of new well construction, all test holes and borings shall be plugged before the well driller completes work at the site.
4. The owner of a private well shall decommission the well if the well meets any of the following criteria:
  - a. construction of the well is terminated prior to completion of the well;
  - b. the well owner notifies the Board that the use of the well is to be permanently discontinued;
  - c. the well is a potential hazard to the public health or safety and the situation cannot be corrected;
  - d. the well is in such a state of disrepair that its continued use is impractical.
5. The Department of Environmental Protection Private Well Guidelines for Decommissioning Abandoned Wells, Test Holes and Dry or Inadequate Borings shall be followed by registered well drillers.
6. A well decommissioning report shall be submitted to the Board of Health by the registered well driller within thirty (30) days of the completion of the decommissioning.

#### **Article 8 Enforcement and Penalties**

The Board shall have the authority to enforce these regulations and permits issued thereunder via all procedure set forth in Section I of these regulations.

\*\*\*\*\*  
**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 [EB2]: Recommended additions and grammatical changes are highlighted in yellow

**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 protection to the environmental~~ and public health, prevent the spread of disease, and provide ~~greater~~ clarification of the definitions used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems. Of specific concern is the need to protect the groundwater, which is the sole source of drinking water for Truro, Wellfleet and Provincetown.
- 3) **Enforcement.** Enforcement of the provisions contained in this Section VI will be carried out in accordance with the provisions of Title 5 of the State Environmental Code set forth at 310 C.M.R. 15.000, et seq. and all enforcement methods outlined in Section I of these Board of Health Regulations.
- 4) **Definitions.** With the exceptions listed below, the definitions provided in the State Building and Sanitary Codes, Title 5 and the Wetland Protection regulations shall apply. All time frames referenced herein shall be counted as calendar days. The following terms used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems, shall be defined as follows:

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

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

**Bedroom**

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

- b) Notwithstanding the foregoing, any 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.

Commented [EB3]: Using plans of record and walk-through inspections as needed

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

**Innovative/Alternative (I/A) Technology:** Technology that is certified for enhanced nutrient removal that is described in 310 C.M.R. 15.202 and 15.217, and which is approved by the

Massachusetts Department of Environmental Protection pursuant to 310 CMR 15.280 through 15.289.

**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,~~
  - e) The proposed or existing leaching facility meets the minimum Title 5 requirements regarding setback distances for Soil Absorption Systems (SAS) as set forth in 310 C.M.R. 15.211; ~~and,~~
  - d) The existing system **does** not allowing surface breakout of the wastewater; ~~and,~~



- e) The existing system **does not require** pump-outs in excess of two (2) times in a twelve-month period; ~~and,~~
  - f) The Board of Health determines that the grant of the variance will not pose a risk to the public health, safety or the environment and, ~~further,~~ meets all the variance requirements contained in Section I of the Truro Board of Health Regulations.
- 2) All applications for variance must be accompanied by plans prepared by a qualified Professional Engineer or Registered Sanitarian and include all information required under 310 C.M.R. 15.220.
  - 3) Expiration of variances shall occur after 24 months if the approved septic design has not been installed, or, at such time as determined by the Board of Health.

### Article 3 - Upgrading Septic Systems

**1) Required Upgrades:** In order to improve the quality of water for the Town of Truro by elimination of septic systems which do not comply with Title 5 and the more protective regulations adopted by the Truro Board of Health, ~~persons who own property with non-conforming septic systems shall bring those systems into compliance by upgrading them to meet the standards of this Section VI and/or Title 5 in the following situations trigger an upgrade:~~

- a) Prior to any sale or transfer of title to the facility served by the system in all circumstances described in 310 CMR 15.301. Notwithstanding any exceptions set forth in 310 CMR 15.301(2), upgrade of Nonconforming Systems shall occur prior to transfers by inheritance, between parents and their children, between full siblings, and where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor; and including creation of an LLC;
- b) **Prior to any change of use or increase in design flow of the facility served by a system;** Prior to the subdivision or partitioning of a parcel on which a nonconforming septic system is located;
- c) If the system demonstrates any of the characteristics of a **failed system** as defined in this Section VI;
- d) If the septic system was not constructed according to the approved plan; or if the soil absorption system is not designed to meet the design flow of the facility it serves; ~~or,~~
- e) **If a facility is replaced,** relocated or demolished, **or torn-down** except when the building was destroyed by fire. A nonconforming system serving a facility destroyed by fire does not need to be upgraded to serve a new facility if the new facility is built in the same footprint as the original ~~and~~ provided that there is no change in use or increase in design flow of the facility and the system is not a failed system; ~~or~~
- f) 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) **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) **Cesspools** in Truro are herein defined as failed systems and shall be upgraded to meet the requirements of Title 5 prior to December 31, 2023. All new systems replacing cesspools shall be installed and certified by that date.

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

In the event of the failure of one septic system on a lot that has more than one non-conforming septic system, the failing system shall be immediately upgraded and the remaining non-conforming septic systems shall be inspected by a Department of Environmental Protection system 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, or if the inspection ~~shall~~ **reveals** that the system is a "Failed System" as defined in Article (3) set forth above, the non-conforming septic system shall be immediately upgraded to a fully conforming Title 5 septic system.

**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; and Application for a new license or transfer of an existing license, or 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) 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) Prior to any change in use as defined in these regulations.
- f) At such time as a property owner/business owner is so ordered by the Board of Health.

**2) Inspection Criteria:**

All system inspections shall be documented in an official Title 5 inspection form and a Town of Truro Septic Inspection Form. An inspection shall not be considered complete unless all information required on both forms is provided. In addition to the inspection

criteria set forth in Title 5, the following criteria shall be observed in conducting system inspections:

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

### **3) Difficulty in Locating Components:**

- a) 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."

- b) The Local Approving Authority shall evaluate all "Needs Further Evaluation" entries on the inspection form and determine whether further investigation is required to adequately evaluate the system.

#### **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 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 regulation, a floor plan must be filed with the Truro Board of Health at the time of submission of an inspection report for 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. In the absence of permission from the owner and without a witnessed confirmatory bedroom count, the bedroom count will be based on what is allowed under nitrogen loading standards, or Town records, whichever is lower.

Commented [EB4]: In response to a Q from Brian about an applicant not granting permission

- 5) Assessors' records, old 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.

Commented [EB5]: ??

#### 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.

#### Article 8 - Innovative/Alternative Technology

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

- 1). **Applicability:** The use of I/A technology is required in the following circumstances:
  - a) for flows greater than 600 GPD;



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

## 2. Standards:

- a) In 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.
- c) I/A Systems shall be tested and reported on a quarterly basis 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.

## 3) Non-Performance.

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

**4) Applications and Hearings.**

- a) Any application for a system proposing the use of I/A technology shall be submitted to the Truro Board of Health which shall hold a public hearing to consider its approval.
- b) 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).
- c) All applications for Pilot Approval shall include performance data from piloting sites where the I/A technology has been similarly configured and utilized.
- d) Notice of the public hearing of the Board of Health for the consideration of applications 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.

Commented [EB6]: It is recommended that this process be completed by staff

**5) Monitoring and Reporting.**

- a) If an I/A system is approved, the applicant will be required to submit a proposed monitoring and reporting plan to evaluate the performance of the system to the Board of Health for approval. This plan shall include a description of any long-term operational or maintenance requirements needed to keep the system operational, and any educational, financial assurance or other mechanism proposed to ensure effective long-term operation and maintenance.
- b) Owners and operators of all I/A systems shall report the results of all operation, maintenance, and monitoring activities required by the foregoing provision or by the Department of Environmental Protection to the Truro Board of Health and to the Barnstable County Department of Health and Environment. Such Reporting must be performed in the manner specified by the Board of Health or in the form approved by the Barnstable County Department of Health and Environment and must occur within forty-eight hours after each maintenance or monitoring event.
- c) The Board of Health hereby further requires that when a system operator performs a system inspection and finds that a sewage treatment technology has malfunctioning components which have compromised the system's ability to treat sewage as designed, the operator shall report on the system's status and any planned corrective action, including a proposed deadline for said corrective action, to the Truro Board of Health and the Barnstable County Department of Health and Environment within 48 hours of inspection.
- d) If at any time a monitoring or maintenance report indicates that an I/A system needs corrective action, the Truro Board of Health may hold a hearing to ~~inquire as to~~ determine whether 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

Commented [EB7]: Brian asked about the timeframe here

failure or an unresolved alarm event, or components that are not functioning as designed, or components that are not functioning in accordance with the manufacturers specifications, or a system that is in violation of the terms of its approval by the Truro Board of Health; or a system that is not achieving the total nitrogen standard in these regulations.

- g) Non-performance requires written notification to the Truro Health Department within 48 hours receipt of lab test, along with a statement describing what corrective actions will be taken.
- h) Corrective actions must be taken immediately (within 48 hours of a lab report or field test) to address performance that does not meet the standards as defined herein.
- i) Lab tests showing exceedance of TN standard triggers a re-test immediately following corrective actions taken to address the exceedance, until the corrective measures are shown to have improved performance to meet the standards.
- j) Failure to comply with the process as described may result in a written warning from the Truro Health Department, followed by possible fines, and a hearing with the Truro Board of Health that must be attended by the property owner and the licensed inspector.

**6) Record Notice at Barnstable Registry of Deeds.**

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

**Article 9 - Required Setbacks for System Components**

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

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

**Article 10 - Existing Systems Serving New Construction**

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

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

**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 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 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 Agent shall be recorded prior to the issuance of the Disposal Works Construction permit, or 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.

**Article 13 - Nitrogen Loading Limitations**

- 1) The Truro Board of Health ~~herby~~ 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~~ All systems designed to serve said facilities **must** meet the same restrictions and requirements contained in Title 5 as the "Nitrogen Sensitive Areas" defined in 310 CMR 15.215 irrespective of whether the properties are located within "Nitrogen Sensitive Areas" as so defined.
- 2) Upgrades for systems that exceed current nitrogen loading shall include the use of I/A technology. **The** use of pressure distribution may be required when indicated and

determined by the Board, to satisfy the ~~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.
- 2) **Septage Haulers License Application:** The Board of Health will **only** 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) A 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.
- 4) **Septage Coupons:** Septage coupons must be **properly and 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.
- 5) **Chemicals and Acids.** Use of chemicals and acids for cleaning cesspools and septic systems is prohibited.
- 6) **Failing Systems.** As a condition of their License, all Licensees shall accurately report all malfunctioning systems to the Board of Health, including but not limited to, the address of the malfunctioning system, the nature of the problem and the repairs,
- 7) Septage haulers are required to supply **accurate/legible** information to the Board of Health as a condition of their License.
- 8) **Licenses.** Licenses go into effect January 1<sup>st</sup> of each year. The annual fee for Licenses shall be determined by the Board of Health each year.
- 9) **Violations.** Failure to comply with any of these regulations shall constitute a violation which may result in a show cause hearing before the Board of Health to determine whether the License should be revoked. Violations may also result in the imposition of fines and/or any necessary legal action to be undertaken by the Board.



**Article 15- 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.

## **Minutes of the Truro Board of Health, Tuesday October 5, 2021**

This was a remote meeting

Board members in attendance: Chair Tracey Rose; Vice Chair, Jason Silva, members Helen Grimm, Tim Rose, and alternate Board member Candida Monteith. Also Present: Health and Conservation Agent Emily Beebe; The Public meeting was opened at 4:36 by the Chair. The Chair announced the procedures for remote participation by the public and the Board.

Public Comment Period: The Agent read a letter from resident Jack Reimer dated 9/24.

The Chair provided comment at the beginning of the meeting relative to the recent waiver requests from Truro Board of Health regulations section 6, article 3.1.a requiring upgrade prior to transfer of deed.

She stated that the Board was aware that new owners wanted to rehab their "new" homes, and these were large projects; she further acknowledged that local engineering firms were very busy and backed-up for months. She suggested that for future waiver requests the Board require a written letter of commitment from an engineering firm indicating that they had been hired by the applicant to develop upgrade plans. She also suggested that the Board maintain their conditional approach to approving these waivers to keep the properties vacant until the upgrade was complete. The time line for this requirement was discussed, as something that the Board should revisit and review. Board member Jason Silva asked if this would become a Health Agent process in future. There was agreement that there would be future discussion on this topic.

Request for waiver of time for property transfer and upgrade: 69 Old County Road (map 54, parcel 43) 69 Old County Road 2019 Realty Trust. This was continued from 9-21-2021, and revised plans had been submitted, dated 9/27/2021 showing a 4 BR design with I/A treatment. The buyer, Paul Berman, requested a 6 month extension for the upgrade.

**Motion: Jason Silva moved to approve the waiver for 6 months with the condition of no occupancy until the system is installed.**

**Second from Tim Rose;**

There was discussion, and a question from resident Jack Reimer about whether there were 2 residences on the property. The Agent responded that there were not 2 kitchens, so no, only 1 residence. Mr. Reimer also asked how many bedrooms would be built after the extensive renovations.

**The vote was 4-0-1 with the Chair abstaining.**

Change of Manager: Seasong Condominiums, 525 Shore Road; (map 6 parcel 5)

The new manager Cheryl Silvernail was on the call to discuss her application to be the new manager of the Seasong Condominiums. The Silvernails just purchased the unit from the former managers, and their family. She described her familiarity with the position.

**Motion: Jason Silva moved to approve the new manager.**

**Second from Helen Grimm; The Vote was 5-0 and the motion carries.**

Discussion on water resources

There was discussion about shifting this topic to every other Board of Health meeting, and holding an update on the second meeting of the month to allow for a more comprehensive report.

Title 5 – Discussion on section 6 updates- The Agent recommended that the Board be looking at adjusting their regulations annually, in order to meet their goals for nutrient reduction. To do this, the Board needs to review this section, and look at making the changes in the spring, for enactment in 2022.

The stormwater management planning process for Pond Road with the Horsely Witten group has progressed to the formulation of a draft plan of collection and of proposed sites where stormwater can dissipate.

The Agent also reported that wellwater sampling in the neighborhood were continuing. The staff had also sampled the Village Pond; this will become an annual sampling program. The APCC is under contract with the Town to monitor the Village or Standish, or Pilgrim Pond for cyanobacteria.

The Agent reported on detection of a cyanobacteria bloom in Ryder Pond on the weekend of September 23; there was a closure of the pond by the Seashore until the bloom cleared.

#### REPORTS

Report of the Chair- The chair encouraged the Board members to respond to the Walsh property survey, which was available on line. She also asked the members to review section 6.

Health Agent's Report –

The Agent asked the Board to extend the ability of a private hauler from Provincetown to tip at the transfer station from 10/10 to 10/19 during the shutdown of the Provincetown station, to mirror the agreement between the 2 towns. The members had no trouble with this, as the hauler would pay the Town tipping fees, and it was for a short period of time.

**Motion: Jason Silva moved to approve the use for the period described.**

**Second from Helen Grimm; The Vote was 5-0 and the motion carries.**

**Motion: Tim Rose moved to adjourn the meeting.**

**Second from Helen Grimm; The Vote was 5-0 and the motion carries.**

Minutes submitted by E. Beebe  
1-27-2022

## Minutes of the Truro Board of Health, Tuesday October 19, 2021

This was a remote meeting. Board members in attendance:

Chair Tracey Rose; Vice Chair, Jason Silva, Board members Helen Grimm, Brian Koll and Tim Rose. Also Present: Health and Conservation Agent Emily Beebe, DPW Director Jarrod Cabral, and Town Counsel from KL Law, Attorney Gregg Corbo. The meeting was called order at 4:39 by the Chair, Tracey Rose. The Chair announced the remote meeting procedures and described the process for public participation.

PUBLIC COMMENT- there were no public comments

Local Upgrade Approval for the Truro Motor Inn, 296 Route 6, (map 43, parcel 116) was filed by Jason Ellis of JC Ellis Design. Mr. Ellis was on the call to represent the owners, as was Attorney Dina Browne from Bletzer and Bletzer Law office, legal counsel for the owner of the property. The applicants were requesting two variances for the septic system design plan. Attorney Browne provided the Board with an overview of the variance requests and stated that the design was based on 44 bedrooms, which she recognized was an issue with the town. She stated that the property always had 36 units and 44 bedrooms, and had been licensed as a motel for approximately 30 years, with the exception of the last 2 years. There had been no new construction to add new bedrooms. She referenced a document from 1980 shared it on screen with the Board. She described the document, titled water survey, dated 8-18 1980 as showing the number of people served as 80. She also referenced an email that the Board received from the DEP regarding a 2003 water survey with a different population served. She stated that the presence of many inspectors in the establishment over time never resulted in another bedroom count.

The Chair thanked Attorney Browne, and asked Mr. Ellis for his presentation. Mr. Ellis described the proposed system: an Orenco AX 100, with 2-10,000 gallon tanks in series, followed by 2-separate recirculating tanks, the waste water would be pressure dosed into 8 trenches dosed at different times. He stated the design maximized the size of the system outside of the zone-I of the public water supply wells, and that currently there were 2-septic systems inside the zone-I of the wells. The application requested a 9-foot variance (10-foot separation required and 1-foot provided) for the leaching area in proximity to the lot line at Castle Road and an 8-foot variance (10-foot separation required, with 2-foot provided) from the leaching area to the closest portion of the motel building foundation; there also was no reserve area provided.

Attorney Corbo asked Mr. Ellis what the wells zone-I radius were, and Mr. Ellis responded that they were shown on the plan and were 160 feet. When asked how the radius was determined Mr. Ellis said it was based on people, not bedrooms and said that he prepared the plan from Public water supply information provided by the DEP on the State information page for the well. Attorney Corbo stated that the 2003 survey DEP found the zone-I radius was 160-feet, the IWPA radius 488 feet based on 3960 gallons per day calculated from title 5 design flow of 36 bedrooms x 110 gallons per bedroom, from the 1979 chart. Mr. Ellis said he used the zone-1 radius provided by the DEP.

Attorney Browne raised an objection to Mr. Corbo handling questions like a trial.

The Chair asked Mr. Ellis about the variance request letter, regarding what distances were provided and what were requested. She framed the information discussed thus far, about the discrepancy of the design flow, the confusion about the zone-1 radius, and that the revisions to the plans before the Board were dated January 2021, but the variance request did not come until October 6, 2021.

The Chair asked the Agent to provide a review of the issues for the Board. The Agent described the non-community public water supply well; described the previous variance hearing for the septic upgrade; and described the current proposal filed under remedial use.

Board member Jason Silva thanked Mr. Ellis for the plans, and commented that he felt the review of variances for the septic system could not easily be separated from the other issues on the property.

Attorney Browne disagreed with Mr. Silva about the records of the town, and stated that the town has always known there were 44 bedrooms at the property, that the Agent knew this and had personally inspected them, and that now, to say there was a discrepancy was outrageous, and very disingenuous. She stated that there was no failure of the septic at the property, that the owners had not refused to have the system inspected, but that they chose to upgrade instead because it would have failed upon inspection.

Attorney Corbo responded, stating that the claim that this Board was disingenuous was absolutely false, defamatory and inappropriate for the hearing. He reminded the Board that the owners were in violation of a Court order, and had only just applied for variances for the revised upgrade plan when they were 2-weeks away from a pre-trial conference.

Attorney Corbo asked the Health Agent about the well radius that was shown on the plan and how it was calculated; he also asked about the requirement for a certified operator and if they had one for the water system. The Agent stated there had not been an operator for many months, and was unclear if one had been hired.

Attorney Corbo asked if the Agent had found any reference to there being 44 bedrooms on the property. The Agent had not. Board member Brian Koll asked a question about the application that was submitted, as it indicated "not applicable" to the length of time to complete upgrade; and further asked how long would it take for an upgrade such as this. The Chair commented that this was a point to be discussed when looking for conditions for approval.

Board member Jason Silva made a statement that he felt it was outrageous for a business not to submit their paperwork on time to run the Motel. As someone who ran a business he stated that it was outrageous that the occupants of the motel had to rely upon others such as himself to support their work to clean up the property because they knew the owners would not and the occupants did not want to get kicked out.

Attorney Corbo reminded the Board that they need to act on the application requesting variances from title 5, and consider if the plan was in compliance with title 5. He said that the bedroom count was significant as the proposed system was only approved for remedial use and can only be used when there is no increase in actual or design flow; that the approved design flow appears to be 36 bedrooms based on DEP records and there was no other apparent information in the record to support what was proposed; and that the system cannot be approved, based on the increase in design flow. He stated that the Board would be reasonable to find that the application proposed an increase in design flow, and the application could be denied for that reason. He also offered that as the Motel had been unlawfully converted from a seasonal, transient use to a yearround use, it had an increase in actual flow, and the proposed use of the system was prohibited. Attorney Corbo pointed out that as the septic system must have a certified wastewater operator, and, that it was apparent that the property owners have a poor record of keeping a certified water operator employed, it was therefore not likely that they would keep a certified wastewater operator reliably in place.

He stated that when reviewing the merits of the variance, to remember that the applicant was required to show that denial of the variance would result in manifest injustice and that they can offer a degree of environmental protection at least equivalent to what was required by title 5.

He suggested the Board deliberate and discuss, then move to approve or disapprove the application.

The Chair issued a brief statement of support for Board member Jason Silva's comment, stating that there were many businesses of Truro that follow the rules and keep people safe, and that it was not fair that some don't. She commented that the Board has regulations and they uphold them and the process to protect public health and the environment.

Attorney Browne made a closing statement about how the design flow was based on people per day; she also reminded the Board that she had asked them not to circle back and look at history, but rather look at the application in front of them; and last, that the 36 bedroom count was based on a mistake of 36 units versus 36 bedrooms. She referenced a conversation with the DEP legal counsel about documents from the DEP that they did not have at their disposal. They will share the 1980 document with the DEP.

Board Member Tim Rose asked Mr. Ellis if the system was designed for 36 bedrooms; Mr. Ellis responded it was designed for 44 bedrooms.



**Motion:** Board Member Tim Rose moved to accept the variances as presented; and give the applicant 6 months to put the system in from this date.

The Chair asked for a second; none was forthcoming; the motion died.

**Motion:** Chair Tracey Rose moved to deny the application due to the increase in flow for the proposed title 5, there was also not a certified water operator for the property;

**Second:** Board member Helen Grimm; **vote:** 3-0-2 with Tim Rose and Jason Silva abstaining. The motion carried.

Attorney Corbo suggested the hearing be closed by a vote.

**Motion:** Board Member Helen Grimm moved to close the public hearing;

**Second:** Board member Brian Koll; **Vote:** 5-0.

Request for waiver of time for property transfer and upgrade: filed by the Magna View Realty Trust, 139 Shore Road Rd, map 22, parcel 13; this matter had been continued from October 5. The Chair suggested that due to the high volume of real estate transactions, and delay for engineering services the Board of Health could accept a letter of contract if from an engineer stating that they had been retained. This could be in lieu of a full design plan at the time of waiver request.

The homeowner said that they had submitted a letter of retainer, and that a walk-through had been completed the previous day, along with the perc test. There was a question from Board member Tim Rose about whether the house was occupied. The homeowner said that they were staying in the house until the closing; the buyer offered clarity that there was no intention to live in the house until all the work on the septic was done.

**Motion:** Board member Jason Silva moved to accept the waiver of time with no occupancy until upgrade, and with 6 months from closing for installation;

**Second:** Board member Tim Rose; **Vote** was 4-0-1 with Tracey Rose abstaining; the motion carries.

Proposed Board of Health Regulation Amendments: A proposed amendment to Section 5, Article 6 would add "Bundled" Solid Waste/Recycling as a requirement for Commercial haulers. This request came from DPW Director Jarrod Cabral to increase recycling. The language in the proposed regulation amendment will require that Commercial Haulers change their offerings to their customers, with a bundled price. Homeowners would no longer have a choice to purchase only trash disposal, and could only be offered both trash disposal and recycling. Board member Helen Grimm felt that there was widespread apathy about recycling as it appeared that some folks believed that what they recycled was just being added to the waste stream and not actually recycled. The Agent asked the DPW director to describe how they police recycling through the Commercial haulers. Mr. Cabral described what happened when the commercial haulers came in to tip, and what they can tell based on the tonnage and when they view the tip. The Director has a number of tools that he uses to manage the requirements of the solid waste contracts and regulations.

**Motion:** Board member Brian Koll moved to accept the proposal from the DPW director;

**Second:** Board member Helen Grimm; **Vote:** 5-0.

## DISCUSSION ON WATER RESOURCES

- 1) The Agent reported about the cesspool-upgrade program, as they were about to issue a second wave of letters, with 32% of properties having made progress toward the upgrade including having hired engineers, or schedule perc tests. The first round of letters went out in August, not certified, the second round will be the same but will ask engineers to inform the office when they were retained for a cesspool upgrade. Third round will be a certified mailing to a smaller group.

The Agent also reported that they had sent a request to Town Counsel for formal language to address extenuating circumstances; only 3 right now.

- 2) Cyanobacteria: Ryder Pond cleared after 2-rounds of sampling that showed reduction of the concentration of cyanobacteria. As this had been a first encounter with Cyanobacteria, much was learned about the need for a communication plan to educate the public and any direct users of a water body for the future; this will be a project with CCNS and with Wellfleet Health & Conservation. Cyanobacteria blooms can signal a nutrient imbalance in the water body, and because of the imbalance, and increased temperatures, certain species of plants and animals will change. These blooms, know as HABs – harmful algal blooms – will likely become more prevalent. Truro is fortunate to have less development around ponds than other Towns.
- 3) The Agent reported on a discussion with DEP about a possible alternatives analysis for Beach Point wastewater planning; the message from DEP was to scope alternatives for wastewater coupled with hydrologic investigations of various sites across Town. The present goal was to have a funding request for the next budget year for wastewater planning.

#### Health Agent's Report

The Agent has invited Gaby Sakolski, the lead entomologist with the Cape Cod Mosquito Control program, to attend the next meeting and present some slides about the program and the 2021 mosquito season, including the Duck Harbor overwash. There was discussion about the new malaria vaccine, and annual mortality, and also about Zika virus. Board member Brian Koll is an infectious disease Physician, and also handles bio-terrorism and emerging pathogens, and commented on the efficacy of the new vaccine.

The Agent informed the Board about a shift in the travel policy at Truro central school, and that following travels, families should conduct antigen testing and monitor family members for symptoms. Best practices were also reviewed for the upcoming holiday season, and it was suggested that the public should buy tests now in anticipation.

**Motion:** Board member Tim Rose moved to adjourn the meeting;  
**Second:** Brian Koll, **Vote:** unanimously in favor