



Truro Board of Health

Tuesday May 17, 2022

Regular Meeting- 4:30 PM

REGULAR MEETING

Remote Meeting Access Instructions

This will be a remote meeting. Citizens in Truro can view the meeting on Channel 18 and on the homepage of the Town of Truro website on the "Truro TV Channel 18" button found under "Helpful Links". To view, click on the green "Watch" button in the upper right of the page. **To provide comment during the meeting, please call in toll free at 1-866-899-4679 and enter the following access code when prompted: 972-302-709; or access the meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/972302709>** There may be a slight delay (15-30 seconds) between the meeting and the live-stream and television broadcast. If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in to help us manage multiple callers effectively. Citizens may also provide public comment for this meeting by emailing the Health Agent Emily Beebe at ebeebe@truro-ma.gov with your comments.

I. PUBLIC COMMENT

Please note that the Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda

II. AGENDA ITEMS

1. **Change of Manager:** Sladeville Cottages; 2 Meetinghouse Road
2. **Change of Manager:** Lexvest 104 LLC; 104 Shore Road (*formerly Prince of Whales*)
3. **New Farmers Market Permits:**
 - *NAHUI Foods, Laura Espinoza*
 - *Sea & Soil Medicinals, Sarah Naciri*
4. **Sampling Variance Extension:** 105 CMR 445.000 MA bathing beach regulations
5. **Variance request/Local Upgrade Approval:** 127 & 133 South Pamet Road; Dennis
(*continued from the 5/3/2022 meeting*)
6. **Local Board of Health Regulation Review**
 - a. **Section VI – local title 5**
 - i. **ACO regulation-draft**
 - ii. **Control of placement of septic systems in relation to drinking water wells**

III. Water Resources Discussion

IV. MINUTES:

V. REPORTS

- Report of the Chair
- Health Agent's Report





TOWN OF TRURO

Health Department
P.O. Box 2030, Truro, MA 02666
PH: 508-349-7004, Ext. 131 Fax: 508-349-5508
Email: ebeebe@truro-ma.gov or adavis@truro-ma.gov

HEALTH DEPARTMENT
TOWN OF TRURO

MAR 23 2022

RECEIVED BY:

PAID
300

APPLICATION TO NAME A MANAGER

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

Section 1 - Business Information

Date: _____
Print Name of Applicant: Sladeville Cottages Condominium Trust
Business Name or DBA to be managed: _____ Number of Units: 9
Street Address of Business: 2 Meetinghouse Rd, Truro Business Email: info@rkmpropertymanagement.com
Mailing Address of Business: (Check if New Address) c/o RKM, 74 Shank Painter Rd, Provincetown, MA 02657

Section 2 - Manager Information

Name of Previous Manager: Breon Dunnigan On-Site Manager Unit #: _____
Name of New Onsite Manager: _____ On-Site Manager Unit #: _____
Name of Property Management (10 Units or less): RKM Property Management
Mailing Address of New Manager and/or Property Management Company: 74 Shank Painter Rd
Provincetown, MA 02657 Phone (24 hours/day): [REDACTED] Email: info@rkmpropertymanagement.com
Name of Co-Managers: _____
_____ Unit # _____ Phone (24hrs/day): _____
_____ Unit # _____ Phone (24hrs/day): _____
_____ Unit # _____ Phone (24hrs/day): _____

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

Priscilla Silva
SIGNATURE

Priscilla Silva
PRINT NAME

3/10/22
DATE

SIGNATURE

PRINT NAME

DATE

SIGNATURE

PRINT NAME

DATE

Section 3 - **Office Use Only**

Team Inspection (if over 3yrs since last one)	<input checked="" type="checkbox"/> Scheduled	Date <u>4/19/22 12:30pm</u>	Fee <u>\$45.00</u>	<input checked="" type="checkbox"/> Paid
Board of Health Hearing	<input checked="" type="checkbox"/>	_____	<u>\$75.00</u>	<input checked="" type="checkbox"/>

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



TOWN OF TRURO

Health Department
P.O. Box 2030, Truro, MA 02666
PH: 508-349-7004, Ext. 131 Fax: 508-349-5508
Email: eebee@truro-ma.gov or adavis@truro-ma.gov

HEALTH DEPARTMENT
TOWN OF TRURO

APR 12 2022

RECEIVED BY:

APPLICATION TO NAME A MANAGER

PAID
10/2

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

Section 1 - Business Information

Date: 3/10/2022
Print Name of Applicant: Lexvest 104 Shore, LLC
Business Name or DBA to be managed: Prince Of Whales
Street Address of Business: 104 Shore Rd, Truro, MA 02652 Business Email: [Redacted]
Number of Units: 25
Mailing Address of Business: (Check if New Address) [Redacted]

Section 2 - Manager Information

Name of Previous Manager: [Redacted] On-Site Manager Unit #: [Redacted]
Name of New Onsite Manager: John Paul Jordan On-Site Manager Unit #: 20
Name of Property Management (10 Units or less): The Lexvest Group
Mailing Address of New Manager and/or Property Management Company: [Redacted]
Phone (24 hours/day): [Redacted] Email: [Redacted]

Name of Co-Managers:

<u>Matthew Blackham</u>	Unit #	Phone (24hrs/day):	[Redacted]
<u>John Paul Jordan</u>	Unit #	Phone (24hrs/day):	[Redacted]
<u>Susan Casper</u>	Unit #	Phone (24hrs/day):	[Redacted]

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

[Signature] SIGNATURE Matthew Blackham PRINT NAME 3/8/22 DATE

[Signature] SIGNATURE JOHN PAUL FELICIANO JORDAN PRINT NAME 04/09/22 DATE

[Signature] SIGNATURE Susan B Casper PRINT NAME 4/11/22 DATE

Section 3 - **Office Use Only**

	Scheduled	Date	Fee	Paid
Team Inspection (If over 3yrs since last one)	<input checked="" type="checkbox"/>	<u>5/17/22</u>	\$45.00	<input checked="" type="checkbox"/>
Board of Health Hearing	<input checked="" type="checkbox"/>	<u>5/17/22</u>	\$75.00	<input checked="" type="checkbox"/>

Section 3 - MANAGER INFORMATION

Check if New Manager (if checked, MUST submit Application to Name a Manager)

APR 05 2022

RECEIVED BY: _____

Name of Onsite Manager:

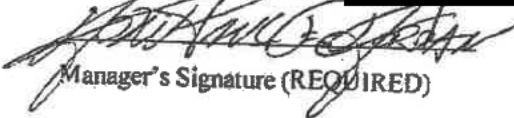
Name: John Paul Jordan

Unit Number: 20

Mailing Address: #04 Shore Road, Unit 20, Truro, MA 02652

Phone: (24 Hour Contact): _____

Email Address: _____


Manager's Signature (REQUIRED)

Name of Offsite Manager:

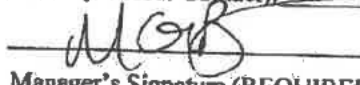
Name: Matthew Blackham

Business Name: The Lexvest Group

Business Address: _____

Phone: (24 Hour Contact): _____

Email Address: _____


Manager's Signature (REQUIRED)

Name of Co-Manager:

Name: Susan Casper

Business Name: The Lexvest Group

Business Address: _____

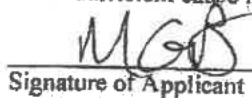
Phone: (24 Hour Contact): _____

Email Address: _____


Co-Manager's Signature (REQUIRED)

Section 4 - ATTESTATION

Pursuant to M.G. L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all local state taxes required under law and the information I have provided is true and accurate. Any misstatement in this application, or violation of state or applicable town bylaws or regulations, shall be considered sufficient cause for refusal, suspension or revocation of the license.


Signature of Applicant

Matthew Blackham
Print Name

3/31/22
Date

Additional Applications & Documentation

REQUIRED FOR ALL MOTELS, COTTAGE COLONIES, CONDOMINIUMS & CAMPGROUNDS

- Smoke detector/CO detector/fire protection certification
- IF YOU HAVE EMPLOYEES- Workers Compensation Affidavit & Certificate of Insurance
- IF YOU DO NOT HAVE EMPLOYEES- Workers Compensation Affidavit

ADDITIONAL (SEPARATE) APPLICATIONS THAT MAY PERTAIN TO YOUR OPERATION

- Application for Pool or Hot Tub Permit
- Application to Name a Manager
- Entertainment License
- Application to sell Tobacco
- Application for Food Service Permit
- Business certificate with the clerk's office
- Septic System Inspection Report (submitted every 3 years)



FM
2022-006

HEALTH DEPARTMENT
TOWN OF TRURO

MAY 06 2022

SUBMIT COMPLETED FORM TO THE HEALTH DEPARTMENT

RECEIVED BY:

Town of Truro
Farmers Market/Ag Fair/Temporary Food Service Permit

PAID
T92

Applicant (check one) private individual, organization or business non-profit organization
[must attach copy of Form 501(3)(c)]

Name of Business/Organization: NAHUI Foods

Address: [REDACTED]

Authorized Representative or Contact:

Name: Laura Elisa Olvera Espinoza Email: [REDACTED]

Address: [REDACTED]

Telephone Days: [REDACTED] Evenings: () Fax [REDACTED]

Requested Location/Facility Farmers Market

Requested Dates Mondays June 6th-Sept. 12 2022

Requested Times 7am-12pm Rain Dates/Times (Must be completed) 7am-12pm

Before completing this application, read the temporary food service "Are You Ready?" Checklist. Have you read this material?
 YES NO

FARMERS MARKET FOODS TO BE SOLD/SERVED

Foods to be Sold/Served

- Packaged Baked Goods (breads, pies, cookies, cakes and confectionaries). Cream filled pastries, cheese cake or custard type pastries prohibited.
- Seed sprouts
- Jams or Jellies
- Shellfish: Lobster, Crab, Oysters, Clams
- Finfish
- Vinegar with or without herbs
- Dairy: Milk or milk products such as cheese.
- Meat or Poultry(processed in a federal/state licensed inspected facility)
- Other: Almond-Based non-dairy Cheese wheels and sauce

Food Sampling: or N If yes, attach sampling protocol.

Base of Operations

- Foods prepared/processed at a Truro licensed facility. Name of licensed facility: Pure Joy Farm
- Foods prepared/processed outside Truro. Please attach a copy of your state or local food processing facility license, food establishment permit, food manufacturing license or residential kitchen permit and copy of your most recent inspection report.

I agree to any conditions specified by the Board of Health, Board of Health Farmer's Market Policy, 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments - Chapter X, and the Federal 1999 Food Code.

PLEASE ATTACH COPY OF YOUR FOOD MANAGER CERTIFICATION AND ALLERGY AWARENESS TRAINING CERTIFICATE WITH THIS APPLICATION

Laura
APPLICANT'S SIGNATURE

05/04/2022
DATE

Market Manager Approval

As the Market Manager for the Truro Farmer's Market, I have authorized the applicant to participate as a vendor.

Anna Cole 05/06/2022
Market Manager Signature Date

AGRICULTURAL FAIR/TEMPORARY FOOD SERVICE

Menu: Attach or list all items. Any changes must be submitted and approved by the Health Department prior to the event.

Organizations Conducting Food Preparation:

List Names of all staff with a Food Manager Certification: (non-profit organizations, school events, church suppers and fairs exempt).

- 1. Laura Elisa Olvera Espinoza Exp. Date: 04 / 30 / 2027
- 2. _____ Exp. Date: ____ / ____ / ____

List Names of all staff with an Allergen Awareness Certification: (non-profit organizations, school events, church suppers and fairs exempt).

- 1. Laura Elisa Olvera Espinoza Exp. Date: 05 / 02 / 2027
- 2. Kevin Coakley Exp. Date: 03 / 19 / 2025

Base of Operation: (licensed fixed food establishment): Pure Joy Farm

List each potentially hazardous food item, and for each item check which preparation procedure will occur.

Menu Items	Thaw	Cut/ Assemble	Cook	Cool	Cold Holding	Reheat	Hot Holding	Portion Package
1. Cheese wheels		✓			✓			✓
2. Cheese sauce		✓	✓		✓			✓
3.								
4.								
5.								

SECTION B: At the booth:

Menu Items	Thaw	Cut/ Assemble	Cook	Cool	Cold Holding	Reheat	Hot Holding	Portion Package
1. Cheese wheels					✓			
2.								
3. Cheese sauce					✓			
4.								
5.								

Note: If your food preparation procedures cannot fit these charts, please list all of the steps in preparing each menu item on an attached sheet.

Food Sampling: or N If yes, attach sampling protocol.

I agree to any conditions specified by the Board of Health, 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments - Chapter X, and the Federal 1999 Food Code. The above described establishment will be operated and maintained in accordance with the regulations.

Laura
APPLICANT'S SIGNATURE

05/04/2022
DATE

HEALTH DEPARTMENT APPROVAL

Board of Health Comments or Conditions:

Approved _____ Not Approved _____

BOH or Health Agent

Date

ServSafe® CERTIFICATION

LAURA OLVERA

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI) - Conference for Food Protection (CFP).

22050176

CERTIFICATE NUMBER

10776

EXAM FORM NUMBER

4/30/2022

DATE OF EXAMINATION

4/30/2027

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



#0655

A handwritten signature in black ink, appearing to read "Sheri L. Brown".

Sheri L. Brown, Vice President, National Restaurant Association Solutions



CERTIFICATE OF ALLERGEN AWARENESS TRAINING

Name of Recipient: LAURA OLVERA

Certificate Number: 5608378

Date of Completion: 5/2/2022

Date of Expiration: 5/2/2027



The above-named person is hereby issued this certificate for completing an allergen awareness training program recognized by the Massachusetts Department of Public Health in accordance with 105 CMR 590.009(G)(3)(a).

This certificate will be valid for five (5) years from date of completion.

Issued By:



Massachusetts Restaurant Association
333 Turnpike Road, Suite 102
Southborough, MA 01772
508-303-9905
www.marestaurantassoc.org

NATIONAL
RESTAURANT
ASSOCIATION
800.765.2122
www.restaurant.org



Sarah Naciri

FM#2022-010

HEALTH DEPARTMENT
TOWN OF TRURO

SUBMIT COMPLETED FORM TO THE HEALTH DEPARTMENT

Town of Truro

MAY 11 2022

Farmers Market/Ag Fair/Temporary Food Service Permit

RECEIVED BY
PAID
375

Applicant (check one) private individual, organization or business non-profit organization

Name of Business/Organization: Sea & Soil Medicinals [must attach copy of Form 501(3)(c)]
(Sarah Naciri)

Address: _____

Authorized Representative or Contact:

Name: Sarah Naciri Email: _____

Address: _____

Telephone _____ Days: _____ Evenings: () _____ Fax _____

Requested Location/Facility Farmers Market - used Wellfleet Pres Hall
Kitchen

Requested Dates _____

Requested Times _____ Rain Dates/Times (Must be completed) _____

Before completing this application, read the temporary food service "Are You Ready?" Checklist. Have you read this material?
 YES NO

FARMERS MARKET FOODS TO BE SOLD/SERVED

Foods to be Sold/Served

- Packaged Baked Goods (breads, pies, cookies, cakes and confectionaries). Cream filled pastries, cheese cake or custard type pastries prohibited.
- Seed sprouts
- Jams or Jellies
- Shellfish: Lobster, Crab, Oysters, Clams
- Finfish
- Vinegar with or without herbs
- Dairy: Milk or milk products such as cheese.
- Meat or Poultry(processed in a federal/state licensed inspected facility)
- Other: tea blends, spice blends, syrups, + salves

Food Sampling: Y or N If yes, attach sampling protocol.

Base of Operations

- Foods prepared/processed at a Truro licensed facility. Name of licensed facility: _____
- Foods prepared/processed outside Truro. Please attach a copy of your state or local food processing facility license, food establishment permit, food manufacturing license or residential kitchen permit and copy of your most recent inspection report. Wellfleet Pres Hall

I agree to any conditions specified by the Board of Health, Board of Health Farmer's Market Policy, 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments - Chapter X, and the Federal 1999 Food Code.

PLEASE ATTACH COPY OF YOUR FOOD MANAGER CERTIFICATION AND ALLERGY AWARENESS TRAINING CERTIFICATE WITH THIS APPLICATION

HEALTH DEPARTMENT APPROVAL

Board of Health Comments or Conditions:

Approved _____ Not Approved _____

BOH or Health Agent

Date

2022

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WELLFLEET

Board of Health

HEALTH DEPARTMENT
TOWN OF TRURO

MAY 11 2022 #3422

RECEIVED BY: _____

In accordance with Regulations promulgated under authority of Chapter 111, Section 5 of the General Laws a permit is hereby granted to: _____

Whose place of business is: _____
Wellfleet Preservation Hall
335 Main Street

Type of business and any restrictions: _____
Food Service

To operate a food establishment in Wellfleet. Permit Expires _____
December 31, 2022

DATE December 1, 2021 _____
Shirley A. Campbell - James

Board of Health

**Application for Extension of Sampling Variance for a
Massachusetts Tier 3 Beach**

City/Town: Truro _____ Beach name: **Cold Storage** _____

Original variance granted on: 05/06/2014 _____

Expiration of most recent variance or variance extension: 05/01/2022 _____

Water Quality Over the Past Four Years:

Year	Number of Samples Collected	Average Sample Result	Highest Sample Result
2021	4	6.25	10
2020	4	8.75	20
2019	4	2.25	6
2018	4	6.25	22

Over the past four years, have there been any changes to the beach or surrounding area that could impact the water quality, either positively or negatively? (Examples: construction of a wastewater treatment plant in the area or a recent bylaw that prohibits dogs on the beach [positive], or construction of a marina lacking pump out facilities or a suspected failing septic system in the area [negative].)

The undersigned hereby believes that reduced testing at this beach does not constitute a greater risk to public health than swimming at beaches sampled on a weekly basis under Massachusetts regulations 105 CMR 445.000.

Extension granted by: TRURO BOARD OF HEALTH _____
Name Dept.

Recommended sampling frequency: 4x SEASON _____

Variance extension granted by the Board of Health on _____ and ends on _____, pending a recertification of the survey.

MDPH approval: _____
Name Date

Reviewed 2017



260 Cranberry Highway
 Orleans, MA 02653
 508.255.6511 P 508.255.6700 F
 Orleans | Sandwich | Nantucket
 coastalengineeringcompany.com

TRANSMITTAL

To: Truro Board of Health
 Attn: Emily Beebe, Agent
 24 Town Hall Road
 Truro, MA 02666

Date: 5/10/22 **Project No.** C17338.01
Via: 1st Class Mail Pick up Delivery Fed Ex
Phone:
Fax:

Subject: **Board of Health Variance Application Filing Package**
 Proposed Sewage Disposal System Upgrade
 Thomas Dennis
 127 & 133 South Pamet Road
 Truro, MA
 Map 48 Parcels 12 & 8

No. of pages to follow:

HEALTH DEPARTMENT
 TOWN OF TRURO
 MAY 10 2022
 RECEIVED BY

Plans Copy of Letter Specifications Other

We are sending the following items:

Copies	Date	No.	Description
8	Rev. 5/10/22		Coastal Engineering Co, Inc., Site Plan Showing Building Relocation & Site Improvements

These are transmitted as checked below:

for approval for your use as requested for review & comment

Remarks: Enclosed please find copies of the revised plans for the referenced project.

If you have any questions, please contact our office.

cc: Thomas Dennis
 David J. Michniewicz, Project Manager

By: Sarah Cole

D:\DOC\C17300\17338.01\Permitting\BOH\Revised Plan Submission 5-10-22\Transmittal Template.doc

DEEP OBSERVATION HOLES

DEEP OBSERVATION HOLE 1 NO SCALE

ELEVATION	SOIL HORIZON	SOIL TEXTURE	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
16.4' - 13.4'	FILL				
13.4' - 12.4'	B	LOAMY SAND			
12.4' - 5.4'	C	MEDIUM TO FINE SAND			

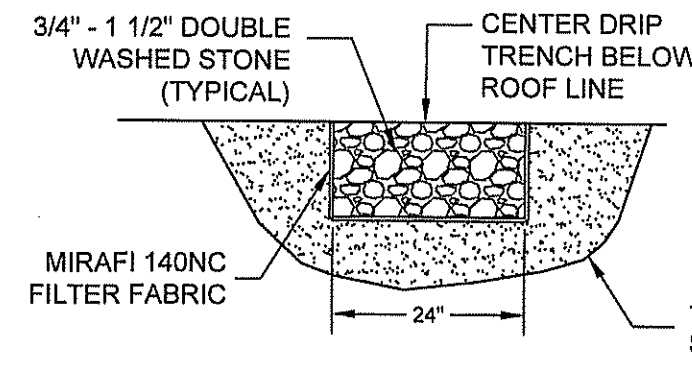
NO GROUNDWATER ENCOUNTERED

DEEP OBSERVATION HOLE 2 NO SCALE

ELEVATION	SOIL HORIZON	SOIL TEXTURE	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
19.2' - 15.2'	FILL				
15.2' - 14.6'	A	LOAMY SAND			
14.6' - 13.2'	B	LOAMY SAND			
13.2' - 8.2'	C	MEDIUM SAND			

NO GROUNDWATER ENCOUNTERED

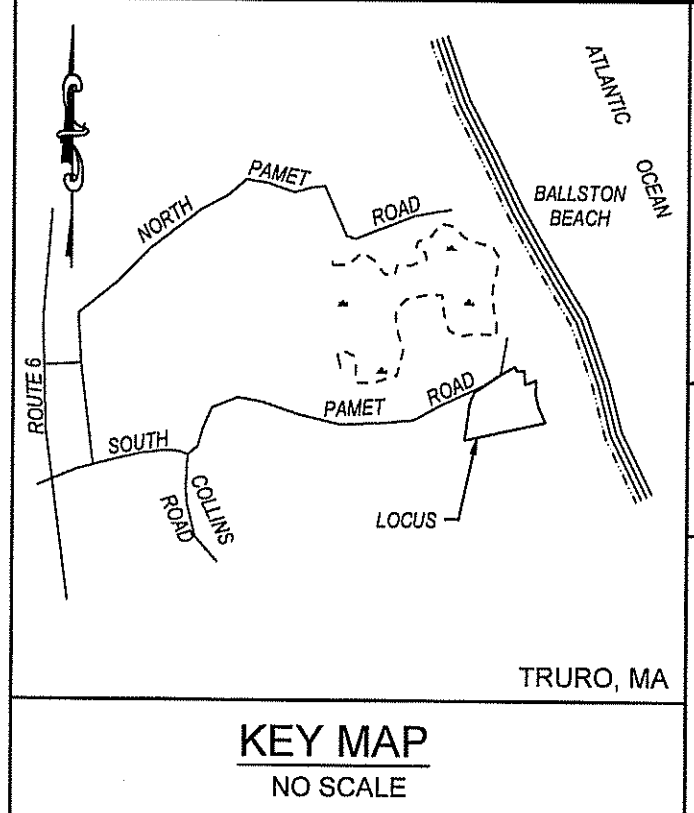
DATE OF TESTS: 02-17-06
 PERCOLATION RATE: LESS THAN 2 MINUTES PER INCH
 WITNESSED BY: D. QUINN, RYDER & WILCOX, INC.
 P. PAJARON, TRURO BOH



- NOTES:**
1. FILTER FABRIC & TURF REINFORCEMENT SHALL BE INSTALLED IN STRICT CONFORMANCE WITH MANUFACTURERS SPECIFICATIONS.
 2. THE INSTALLER SHALL ASCERTAIN THE LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO EXCAVATION, AND SHALL PROTECT UTILITIES WITHIN THE WORK AREA DURING CONSTRUCTION.

REFERENCE:

ASSESSORS MAP: 48, PARCEL: 8 & 12
 LAND COURT PLAN 16182-E
 LAND COURT PLAN 16182-F
 LAND COURT DOC. #1287149
 OWNER OF RECORD:
 PARCEL 8
 THOMAS P. DENNIS JR. &
 KATHLEEN C. DENNIS
 DEED BOOK 28049, PAGE 220
 PARCEL 12
 THOMAS P. DENNIS, JR. &
 KATHLEEN C. DENNIS
 CERTIFICATE 228604
 "PROPOSED ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM" PLAN DATED 08-09-2006 BY RYDER AND WILCOX, INC.



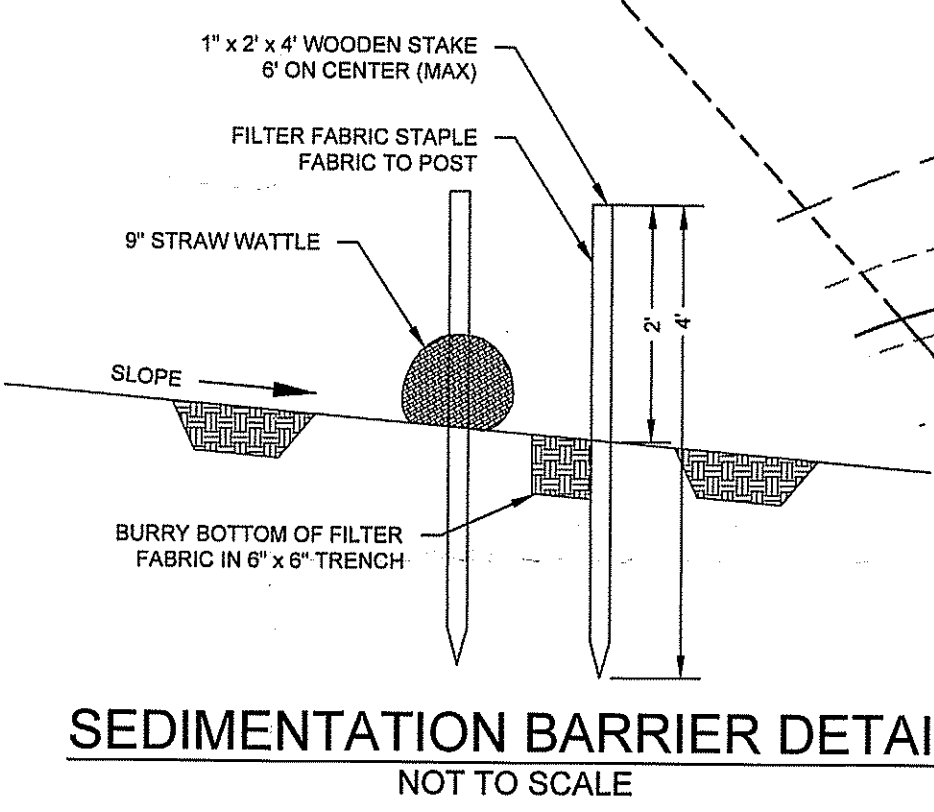
COASTAL engineering co.
 260 Cranberry Hwy, Orleans, MA 02653
 508.255.6551 P 508.255.6700 F

DESIGN CALCULATIONS

EXISTING DESIGN FLOW: [4 BR DWELLING + 1 BR COTTAGE] x 110 GPD/BR = 550 GPD
PROPOSED DESIGN FLOW: [4 BR DWELLING + 1 BR "BOAT HOUSE"] x 110 GPD/BR = 550 GPD [NO CHANGE]
RETAIN: EXISTING 5 BEDROOM SEWAGE DISPOSAL SYSTEM

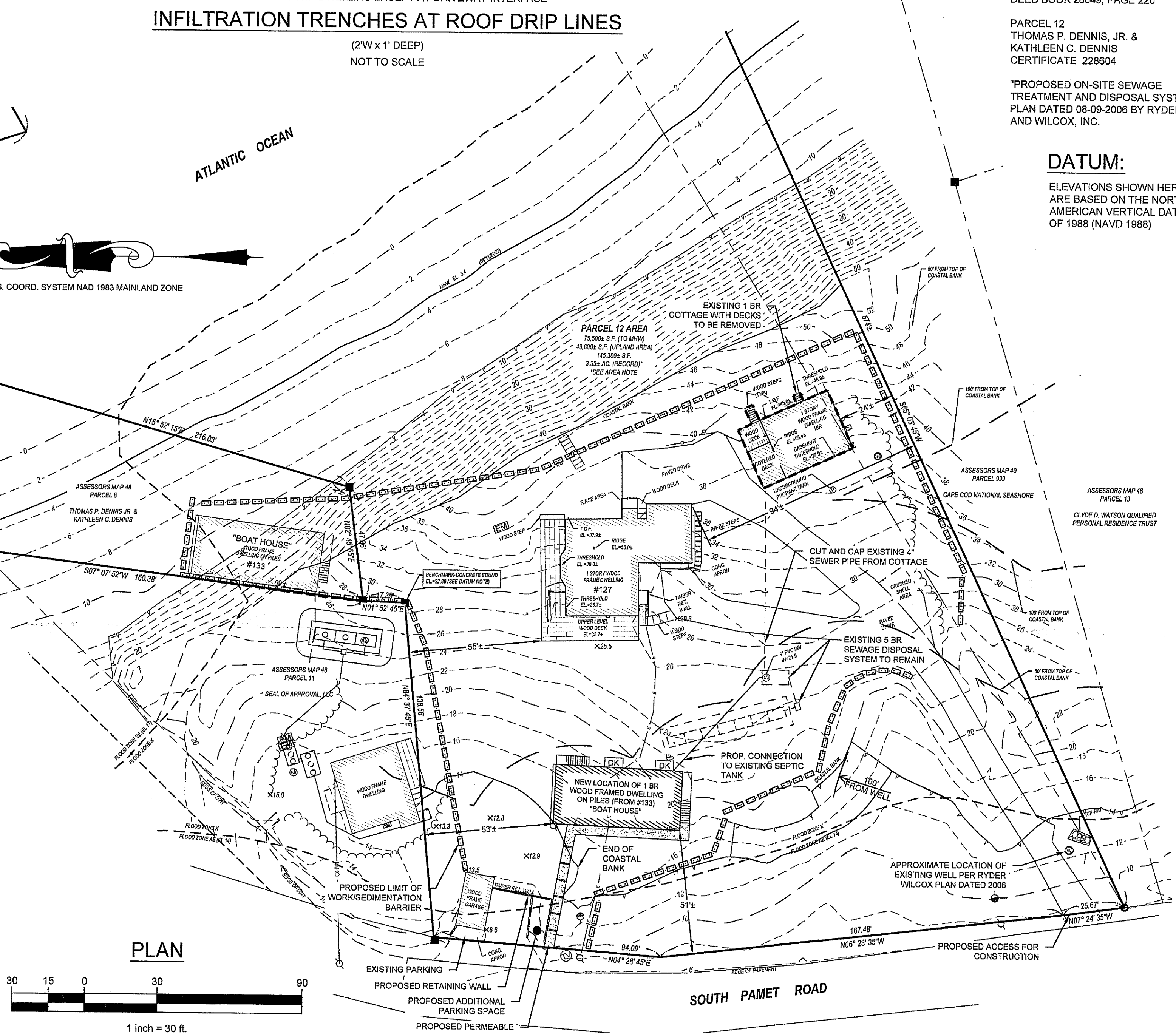
NOTES

1. GARBAGE GRINDERS ARE NOT ALLOWED WITH THIS DESIGN.
2. ALL WATER FIXTURES TO BE WATER TESTED BY CONTRACTOR TO VERIFY ALL SEWER EXIT LOCATIONS PRIOR TO INSTALLATION OF ANY SYSTEM COMPONENTS.
3. THE INSTALLER IS RESPONSIBLE FOR ASSURING THAT COMPONENTS OF THE SEWAGE DISPOSAL SYSTEM ARE DESIGNED WITH SUFFICIENT STRENGTH TO SUSTAIN ALL LOADS TO BE IMPOSED ON THEM. ANY COMPONENT OF THE SYSTEM SUBJECT TO VEHICULAR TRAFFIC SHALL COMPLY WITH A MINIMUM STANDARD OF A.A.S.H.T.O. H-20 WHEEL LOADS.
4. PRIOR TO HITTING ANY SEWAGE DISPOSAL SYSTEM COMPONENT, INSTALLER SHALL VERIFY EXISTING CONDITIONS, INCLUDING ELEVATIONS OF EXIST INVERTS, AND REPORT ANY DISCREPANCIES TO THE DESIGN ENGINEER. THE INSTALLER SHALL COORDINATE WITH THE PLUMBING SUBCONTRACTOR TO VERIFY THE COMPATIBILITY OF THE PROPOSED BUILDING SEWER EXIT ELEVATION WITH THE BUILDING'S EXISTING PLUMBING PRIOR TO CONSTRUCTION. ANY CONFLICTS SHALL BE REPORTED TO THE DESIGN ENGINEER.
5. ALL GRAVITY SEWER PIPE SHALL BE 4" DIA. SCH 40 PVC UNLESS OTHERWISE NOTED. THE MINIMUM SLOPE OF 4" DIA. SCH 40 PVC SHALL BE 0.01 FT/FT.
6. NO PART OF THIS DESIGN SHALL BE ALTERED WITHOUT PRIOR APPROVAL FROM THE DESIGN ENGINEER AND THE AGENT OF THE LOCAL BOARD OF HEALTH. ALL REQUESTS FOR CHANGES SHALL BE MADE IN WRITING PRIOR TO CONSTRUCTION.
7. THE USE OF ALTERNATE MANUFACTURERS FOR SYSTEM COMPONENTS SHALL NOT BE APPROVED IF THE USE OF THEIR EQUIPMENT REQUIRES CHANGES IN DESIGN.
8. THE INSTALLER SHALL ASCERTAIN THE LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO EXCAVATION, AND SHALL PROTECT UTILITIES WITHIN THE WORK AREA DURING CONSTRUCTION.
9. ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC MARKING TAPE OR A COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.

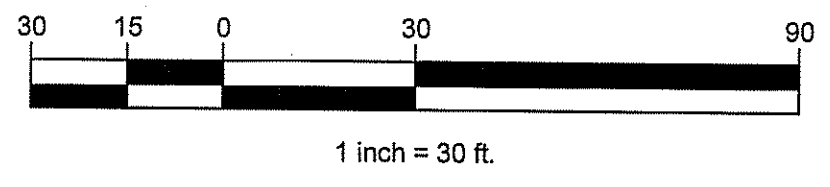


SEDIMENTATION BARRIER DETAIL
 NOT TO SCALE

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



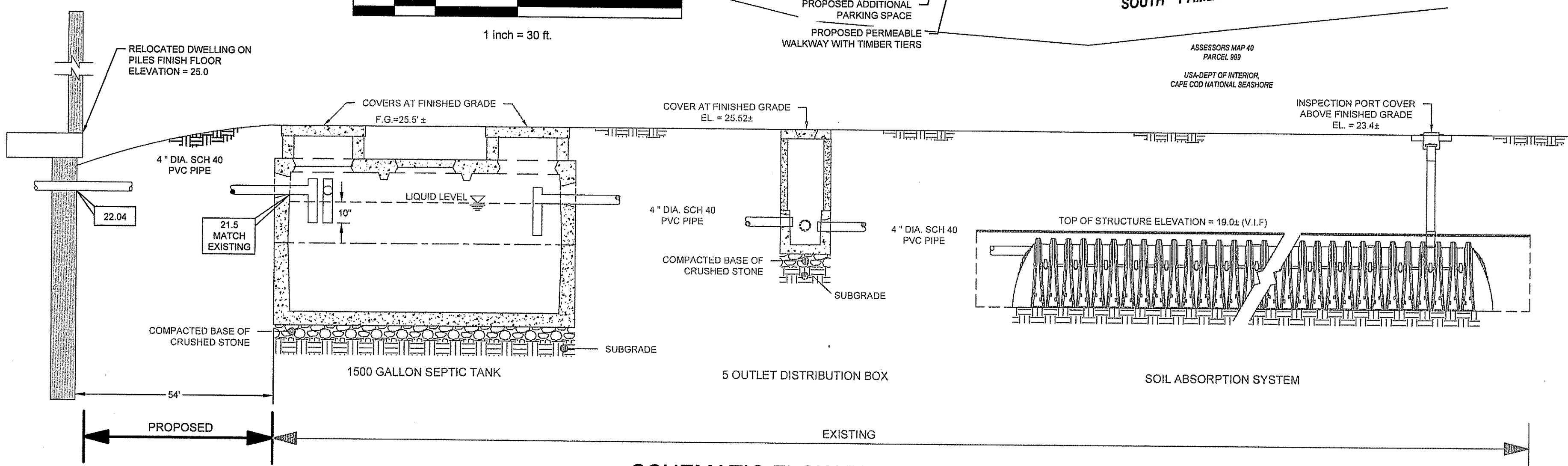
PLAN



SIEVE SIZE	PERCENT PASSING
# 4	100%
# 50	10%-100%
# 100	0%-20%
# 200	0%-5%

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

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



SCHEMATIC FLOW PROFILE

DATUM:

ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

FLOOD ZONE:

FLOOD ZONE AE EL. 14 AND ZONE VE EL. 17 SHOWN ON THIS DRAWING ARE A DIRECT REPRESENTATION OF THE GRAPHIC FLOOD ZONE BOUNDARIES SHOWN ON FEMA FIRM PANEL #25001C0232J EFFECTIVE JULY 16, 2014. PLEASE NOTE THAT SITE SPECIFIC FLOODPLAIN BOUNDARIES MAY VARY DUE TO DIFFERENT INTERPRETATIONS OF THESE BOUNDARIES. USERS ARE ADVISED TO VERIFY LOCATION OF THESE BOUNDARIES WITH THE DESIGNATED COMMUNITY FLOODPLAIN MANAGERS AND/OR FEMA PRIOR TO SITING ANY PROPOSED STRUCTURES.

LEGEND

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

I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE LOCATED AS THEY EXISTED ON THE GROUND AS OF 04-11-2022.
 DATE: 04-26-2022
 HEALTH DEPARTMENT
 TOWN OF TRURO
 MAY 10 2022
 RECEIVED BY:

DAP	DAP	DAP	DAP	BY
SHOW PROPOSED CONNECTION TO EXISTING SEPTIC TANK	SHOW DIMENSION OF 1 BEDROOM COTTAGE; REDUCE "BOAT HOUSE" TO 1 BEDROOM; AND REUSE SEWAGE DISPOSAL SYSTEM	SUBSTITUTION OF MicroFAST SYSTEM FOR NIROE SYSTEM	ADJUSTMENTS TO SEWAGE DISPOSAL SYSTEM AND SITE PLAN	
05-10-2022	04-28-2022	03-24-2022	03-09-2022	
NO.	NO.	NO.	NO.	DATE



THOMAS DENNIS
 127 & 133 SOUTH PAMET ROAD
 TRURO, MA
SITE PLAN SHOWING BUILDING RELOCATION AND SITE IMPROVEMENTS

PROJECT: 127 & 133 SOUTH PAMET ROAD
 SHEET TITLE: SITE PLAN SHOWING BUILDING RELOCATION AND SITE IMPROVEMENTS
 SCALE: AS NOTED
 DRAWING FILE: C17338-C.dwg
 DATE: 07-14-2022
 DRAWN BY: DAP/JJB
 CHECKED BY: JGS

C2.1.2

F:\NSK\PROJECTS\17000\C17338-C17338-01-CIV.dwg 06/02/22 4:39 PM

Coastal Engineering Co., Inc. © 2021

FOR BOARD OF HEALTH REVIEW

SECTION VI - LOCAL SEPTIC REGULATIONS TO SUPPLEMENT
TITLE 5, STATE ENVIRONMENTAL CODE
Amended February 2, 2010; June 5, 2012; October 2, 2018, December 4, 2018, May 18, 2021

Commented [EB1]: Revisions for April 5 2022

Commented [EB2]: some additions and grammatical changes are highlighted in yellow- the rest are tracked changes

Article 1 - General Provisions

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

Formatted: Not Highlight

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

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

Bedroom

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

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

Formatted: Not Highlight

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

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

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

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

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

Commented [EB3]: these elements were relocated here from article 4

Formatted: Font:

Formatted: Font:

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

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

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

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

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

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

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

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

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

TN: Means Total Nitrogen

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

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

Article 2 - Variances

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

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

Article 3 - Triggers for uUpgrading Sseptic Ssystems

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

- a) Prior to any sale or transfer of title to the facility served by the system in all circumstances described in 310 CMR 15.301.
- ~~a) b)~~ Notwithstanding any exceptions set forth in 310 CMR 15.301(2), upgrade of Nonconforming Systems shall occur prior to transfers by inheritance, between parents and their children, between full siblings, and where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor; and including creation of an LLC;
- c) Prior to any change of use or increase in design flow of the facility served by a system;
- ~~b) d)~~ Prior to the subdivision or partitioning of a parcel on which a nonconforming septic system is located;
- ~~e) e)~~ If the Any system demonstrates any of the characteristics of a failed system as defined in this Section VI;
- f) If the Any septic system that was not constructed according to the approved plan;
- ~~e) g)~~ Any system with a or if the soil absorption system is not designed to meet the design flow of the facility it serves; or, with inadequate design capacity to serve the facility;

Formatted: No underline

- e) h) If a Any facility served by a 1978-code system that is replaced, relocated or demolished, except when the building was destroyed by fire. A ~~nonconforming~~ compliant system serving a facility destroyed by fire does not need to be upgraded to serve a new facility if the new facility is built in the same footprint as the original ~~and~~ 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 at least~~ 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 1/2 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) k) Cesspools in Truro are herein defined as failed systems and shall be upgraded to meet the requirements of Title 5 prior to December 31, 2023. All new systems replacing cesspools shall be installed and certified by that date.

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

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

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
 Formatted: Font: Times New Roman
 Formatted: Font: Times New Roman

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

PURPOSE: *To allow the Town to pursue w/w plans that may provide viable solutions for private property*

DEFINITIONS:

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

owners who need to upgrade...

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

Formatted: Font: Times New Roman

Formatted: Font: Times New Roman

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

TIME FOR UPGRADES

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

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

ADMINISTRATIVE CONSENT ORDER

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

All Administrative Consent Orders shall have the following minimum terms:

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

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

Formatted: Font: Times New Roman

IF required by the Board

What conditions can we ask for?
— a plan!
What is this to be?
What if we don't have

How would it be calculated*?

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

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

Formatted: Font: (Default) +Body (Calibri)

Article 4– Required Septic System Inspections

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

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

Formatted: Font: Not Bold

Commented [EB4]: it was suggested that the Board consider setting a threshold value for the building permit, such as greater than \$10,000.

Commented [EB5]: This does not seem appropriate

Formatted: Highlight

Formatted: Highlight

2. Inspection Criteria:

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

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

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

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

Commented [EB6]: Gregg Corbo suggests to shorten this and reference "as defined in article 1"

Article 5- Subdivision Plans

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

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

Article 6 - Bedroom Count

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

~~(4)~~(5)

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

Article 7 - Regulation of Separate Site Systems

Formatted: Indent: Left: 0.5", No bullets or numbering

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

Commented [EB7]: This would be in conflict with a future where shared- cluster systems may be prescribed

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

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

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

Article 8- Innovative/Alternative Technology

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

1). **Applicability:** The use of I/A technology is required in the following circumstances:

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

2. Standards:

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

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

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

~~b)~~

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

Formatted: Font: Bold

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 requiring for I/A approval shall be in accordance with the provisions of the

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

5)Monitoring and Reporting.

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

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

6) Record Notice at Barnstable Registry of Deeds.

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

Article 9 - Required Setbacks for System Components

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

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

Article 10 - Existing Systems Serving New Construction

Commented [EB8]: This section needs discussion

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

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

Article 11 - Buildable Upland Calculations for Nitrogen Loading Limitations

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

Article 12 - Deed Restrictions

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

Formatted: List Paragraph, No bullets or numbering

Article 13 - Nitrogen Loading Limitations

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

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

Article 14 - Septage Haulers and Septic Installers Licenses

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

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

Article 15- Maintenance requirements

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

Formatted: Font: Not Bold, No underline, English (United States)

Article 165- Miscellaneous Provisions

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

Formatted: Indent: Left: 1", No bullets or numbering

5ai

SAMPLE FROM PROVINCETOWN

TOWN OF PROVINCETOWN
BOARD OF HEALTH

In the matter of:

Property belonging to:

Property Owner
Mailing Address

Regarding:

Street Address, Provincetown
Assrs. Map: X-X Pcl.: XX-X
Deed Book: XXXXX Page: XXX OR
Land Court Doc: XXXXXX CTF: XXXXXX
Lot and Plan# XXXXXX

**ADMINISTRATIVE CONSENT
ORDER**

Future Extensions
Of the Provincetown
Municipal Sewer System

PARTIES

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

PURPOSE

3. This Administrative Consent Order ("Consent Order") is entered into under the authority of M.G. L. c.111, §§ 31 and 122, and M.G.L. c.21A, §13, and 310 CMR 15.305(1)(b).

STATEMENT OF FACTS

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

CONSENT ORDER

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

107

8. If the Town has commenced construction of an extension of the municipal sewer collection system which will serve the Property by **January 1, 2027**, the Respondents shall abandon the existing subsurface sewage disposal system and connect to the Town sewer within thirty (30) days of notice from the Town of the availability of sewer service to Respondents' Property. Or, at Respondents' option, Respondent shall immediately commence with an upgraded subsurface sewage disposal system design plan to be approved by the Board of Health within sixty (60) days of said notice, and commence with installation of an upgraded subsurface sewage disposal facility. Such approval shall be obtained at a duly noticed Board of Health meeting. The Respondents shall abandon the existing subsurface sewage disposal system by one hundred twenty (120) days from said notice, and complete construction of an upgraded sewage disposal facility in accordance with the approved engineered plan.
9. If the Town has not commenced construction of an extension of the municipal sewer collection system which will serve the Property by **January 1, 2027**, the Town shall notify the Respondents. Respondent shall immediately commence with an upgraded subsurface sewage disposal system design plan to be approved by the Board of Health within sixty (60) days of said notice, and commence with installation on the Property in accordance with the engineered plan approved by the Board. Such approval shall be obtained at a duly noticed Board of Health meeting. The Respondents shall abandon the existing subsurface sewage disposal system by one hundred twenty (120) days from said notice, and complete construction of an upgraded sewage disposal facility in accordance with the approved engineered plan. Notwithstanding the requirements of this Paragraph, the Board may, in its sole discretion, elect to extend the time for connection to the sewer collection system by renewal of this Consent Order for such additional period as it sees fit, or require upgrade of the on-site septic system, with all other requirements of this Consent Order remaining in full force and effect.
10. At the time of the execution of this Consent Order, the Respondents shall deposit **\$XXXX.XX [Payment Schedule total estimated betterment calculation]** into an insured and interest-bearing account of the Town established and maintained by the Town Treasurer pursuant to G.L. c .44, §53G 1/2 for the purposes stated herein. In the alternative to depositing the full amount as set forth in the preceding sentence, the Respondents shall pay into the fund in 20 yearly installments, with the first installment of **\$XXX.XX [Payment Schedule installment calculation]** being due upon execution of this Agreement and subsequent installments of **\$XXX.XX** being due on or before October 1st of each subsequent calendar year beginning on October 1, **2022**, and ending when the amount set forth herein is paid in full. Respondent may request a statement of account from the Treasurer at any time, and there shall be no penalty for early prepayment.
11. The Respondents agree that such funds shall be applied by the Town to defray or satisfy any assessments or charges levied against the Respondents or the Property to connect to the municipal sewer system extension as determined by the Town, in accordance with G.L. c.80 and 83.
12. If the Town does not proceed with the construction of a municipal sewer system extension by **January 1, 2027** or such extended time frame established by the Board, and upon proof that Respondents have entered into a binding contract to construct an upgraded subsurface sewage disposal system conforming to Title 5 or any successor environmental code, all funds in the account shall be provided to the Respondents who shall use said funds to defray all or a portion of the costs of the installation on the Property in accordance with the engineered plan approved by the Board. Such approval shall be obtained at a duly noticed Board of Health meeting.
13. In the event that the Respondents elect to install an upgraded subsurface sewage disposal system in accordance with an approved engineered plan at any time prior to the expiration of this Consent Order, regardless of whether the system has failed or not failed, and upon proof that Respondents have entered into a binding contract to construct an upgraded subsurface sewage disposal system conforming to Title

5 or any successor environmental code, all funds in the account shall be provided to the Respondents who shall use said funds to defray all or a portion of the costs of the installation on the Property in accordance with the engineered plan approved by the Board. Such approval shall be obtained at a duly noticed Board of Health meeting.

14. If the Respondent elects to install a new septic system prior to making the final payment due pursuant to section 10 of this Agreement, no further payments shall be due or payable once the conditions in Paragraph 13 have been met. Upon the Respondents' fulfillment of the terms of this Consent Order, all remaining funds shall be returned to Respondents forthwith, together with any interest which has accrued thereon.
15. In the event that the Respondents transfer title to or an interest in the Property to another person at any time during the life of this Consent Order, the new owner(s) shall become subject to the terms and conditions of this Consent Order. Foreclosing mortgagees shall be entitled to all rights and benefits set forth in this Consent Order. The Consent Order shall be recorded in the chain of title to the Property upon execution thereof and shall remain on the title and run with the title to the Property until such time as the Town, acting by and through its Board of Health, certifies compliance with the terms and conditions herein.
16. Within five (5) days of the execution of this Consent Order, the Respondents shall provide to the Board, proof of recording of the Consent Order at the Registry of Deeds or Registry District of the Land Court, as appropriate. The Town may record the Order at the Respondents' expense in the event the Respondents fail to do so.

STIPULATED PENALTIES

17. If any action required by this Consent Order is not completed by the prescribed deadline, including but not limited to any deadlines associated with required septic system installation or sewer connection, the Respondents shall pay to the Town without demand a stipulated penalty of \$500 per day unless said deadline is delayed on account of matters beyond the reasonable control of the Respondents or on account of the Respondents' contractor's inability to meet said deadline. Each day of non-compliance shall constitute a separate violation. Payment of the penalty shall be made by certified check, cashier's check or money order payable to the Town of Provincetown and such payment shall be mailed to the Board of Health, 260 Commercial Street, Provincetown, MA 02657. Nothing herein shall limit the authority of the Board of Health or Town to pursue additional enforcement measures, whether legal or equitable, including fines and injunctive relief, to enforce this Consent Order or G.L. c.111, §§31 and 122, G.L. c.21A, §13 and 310 CMR 15.00.

TERMINATION

18. Nothing in this Consent Order is intended to limit or restrict the authority of Board of Health, or any other board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction, including but not limited to G.L. c.111, §§31 and 122, G.L. c.21A, §13 and 310 CMR 15.00, and nothing contained herein shall be construed as limiting in any way the authority of the Board of Health to issue such other orders or require such remedial measures as may be necessary, including but not limited to terminating this Consent Order and requiring immediate repair, or replacement of the system or connection to the sewer, to abate a threat to public health, safety or the environment caused by the sewage disposal system located on the Property.
19. In the event that this Consent Order is terminated by the Board, the Town shall release any funds held by the Town pursuant to this Consent Order to the Respondents, to defray all or a portion of the costs of

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

OTHER PROVISIONS

- 20. This Consent Order shall apply to and bind the parties, their officers, employees, agents, successors, heirs, assigns, and all other persons and entities acting under them.
- 21. The Respondents voluntarily agree to the terms of this Consent Order.
- 22. This Consent Order may be modified only upon the written agreement of the Board of Health and Respondents.
- 23. If any term or provisions of this Consent Order or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of the Consent Order or the application thereof shall be valid and enforceable to the fullest extent permitted by law.
- 24. Each undersigned representative hereby certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf such representative is signing.

Entered into on this _____ day of _____, 2022.

Respondent(s)

Town of Provincetown Board of Health

Property Owner

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

2nd Owner

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

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

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this ____ day of _____, 20__, before me, the undersigned notary public personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this ____ day of _____, 20__, before me, the undersigned notary public personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

4a ii

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

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

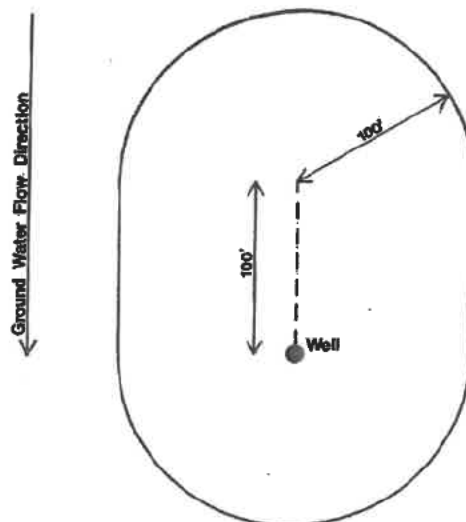
Regulation to control the placement of wells and septic system soil absorption systems (SAS)

Whereas the Board of Health finds that elevated concentrations of Nitrate nitrogen in drinking water wells is caused by upgradient septic systems; and

Whereas the Board of Health finds that Nitrate nitrogen and other components of wastewater from septic systems are highly mobile in the groundwater and may contaminate a downgradient well;

Therefore, the following regulation is adopted:

1. No on-site septic system leaching facility shall be sited directly upgradient from a drinking water well but shall conform to the requirement of the "Truro well protection zone" that is determined based on both the minimum 100-foot lateral separation between the well and SAS and the direction of groundwater flow.
2. The Truro well protection zone is shown herein. The zone includes the area of 100-foot in radius from a private well and 100-feet upgradient beyond the line of the radius.



PRIVATE WELL PROTECTION ZONE

3. No new or replacement well may be installed downgradient from an SAS, or in a location where an SAS is within a well protection zone as described herein.
4. No disposal works construction permit shall be issued to install an on-site septic system leaching facility without inclusion of the Truro well protection zone as determined by the direction of groundwater flow shown on a site and sewage plan approved by the Local Approving Authority or its Agent.

Minutes of the Truro Board of Health, Tuesday January 4, 2022

This was a remote meeting. Board members in attendance: Vice Chair, Jason Silva; Board members: Helen Grimm, Brian Koll; Also Present: Health and Conservation Agent Emily Beebe.

The meeting was called to order at 4:37 PM by the Vice Chair, Jason Silva and he announced the remote meeting procedures and described the process for public participation.

AGENDA ITEMS

Variance Requests/Local Upgrade Approval: 127 & 133 South Pamet Rd: The Agent stated that she had received a request to continue the matter to February 1st.

Motion: Board Member Helen Grimm moved to continue the variance hearing to the Board's February 1st, 2022, meeting;

Second: Board Member Brian Koll; **Vote:** 3-0-0 ; the motion passed

Discussion on COVID-19: The Agent discussed the need for test kit availability for the Outer Cape residents, as kits were sold-out at retail settings. Eastham had received kits from DPH as a social justice community; the Outer Cape towns were also discussing forming a purchasing coalition to buy kits in bulk for their citizens. Barnstable County is offering many different vaccine clinics across the Outer Cape for children and adults; more information is available through www.BarnstableCountyhealth.org. The Agent reviewed the new quarantine and isolation protocols for vaccinated and unvaccinated people. There was a request by Karen Ruyman for the Town to issue a press release or other communication to educate the public about home how to properly use the COVID-19 antigen tests.

Section 6 revisions- Vice Chair Jason Silva suggested moving the section 6 amendments to the January 18th Board of Health meeting due to Board Members being absent.

Motion: Board Member Brian Koll moved to continue the Section 6 revisions to the January 18th, 2022, Board of Health meeting;

Second: Board Member Helen Grimm seconded; **Vote:** 3-0-0 ; the motion passed.

Re-Organization of the Board:

Chair Jason Silva suggested continuing the discussion to the January 18th meeting when more Board members are available.

Motion: Board Member Brian Koll moved to continue the discussion till the January 18, 2022 Board of Health meeting;

Second: Board Member Helen Grimm; **Vote:** 3-0-0; the motion passed.

Minutes:

September, October 2021: Consideration of the minutes was moved to the January 18, 2022 Board of health meeting.

Motion: Board Member Brian Koll moved that the minutes be discussed at the January 18, 2022 meeting of the Board Of Health;

Second: Board Member Helen Grimm ; **Vote:**3-0-0 ; the motion passed.

The Health Agent's Report – wastewater and planning update :

The Agent shared that Scott Horsley, who is a water consultant, works with the Town of Wellfleet on their comprehensive watershed management plan has also been working with Truro to address their contribution to the Chequessett lens, which discharges water into the Wellfleet Harbor. Mr. Horsley has also contracted with the Town of

Truro to create the framework for a Groundwater Resources master plan. There was brief discussion on the MEP(Massachusetts Estuaries Project)

Board Member Helen Grimm asked whether the Health Agent or the Board Members had any information on the effectiveness of the home tests for testing the Omicron variant accurately. Board Member Brian Koll described that serial testing is suggested for accurate results. PCR tests are more sensitive and specific statistically, but that serial testing with an antigen test will likely be 90% accurate.; he suggested going straight to the FDA site for information about the specific type of test.

**Motion: Board Member Helen Grimm moved to adjourn the meeting;
Seconded by Board Member Brian Koll Vote: 3-0-0 ; the motion passed.**

Meeting adjourned at 5:34 PM

Respectfully Submitted by: Nina Richey

Minutes of the Truro Board of Health, Tuesday February 1, 2022

This was a remote meeting. Board members in attendance:

Chair Tracey Rose, Vice Chair, Jason Silva Board members: Candida Monteith, Brian Koll. Also Present: Health and Conservation Agent Emily Beebe.

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

Public Comments: Karen Ruymann expressed thanks for Town of Truro Covid-19 test distribution efforts on January 13, 2022 and inquired about the water resources projects being conducted by the Town; she suggested that information about this be available on the website for the public.

Jack Riemer asked if the Board was working on a stormwater by-law.

AGENDA ITEMS

Change of Manager: Beach Point Co-Op, 169 Shore Rd:

Kathryn Buck was on call presenting her request to be added as a co-manager for Beach Point Co-Op to help the primary current manager. Chair Tracey Rose requested that the address be amended on the application because the original application did not have a number provided for the P.O. Box. Board Member Jason Silva offered his support for the addition of the co-manager. Chair Tracey Rose inquired about Ms. Buck's knowledge of the process of property ownership and management. Ms. Buck responded by stating that she has owned her unit at Beach Point Co-Op since 1994 and is also president and secretary of the Board of the Co-op.

Motion: Board Member Jason Silva moved to approve the Beach Point Co-Op additional co-manager request;

Second: Board Member Brian Koll vote: 4-0-0, vote was unanimously in favor, the motion carries.

Local Approval of I/A system: 122 Castle Road, JM O'Reilly:

Robert Reedy, an engineer with JM O'Reilly represented the project on behalf of the homeowners. The current project is a required septic upgrade to comply with the Town of Truro's new cesspool regulation. It is a 4-bedroom septic on a 2300 plus square foot lot and therefore does not comply with the 1 bedroom per 10,000 square foot rule. There are no variances being sought; the well will have to be relocated per setback requirements. **Motion:**

Board Member Brian Koll moved to approve the I/A system at 122 Castle Road;

Second: Board Member Jason Silva seconded; Vote 4-0-0; the vote was unanimous, and the motion passed.

Local Approval of I/A system: 6 Alden Circle:

Jason Ellis represented the request and described the cesspool upgrade for a 3-bedroom dwelling on a 26,000 square foot lot which does not meet the nitrogen loading standard. Mr. Ellis explained that the proposal is for a 1500-gallon, 3-bedroom septic sewage system. Board Member Jason Silva inquired about what the timeframe would be estimated to be for installing the system; Mr. Ellis replied that they were still getting estimates. **Motion:** Board Member Jason Silva moved to approve the request

Second: Board Member Brian Koll; Vote: 3-0-1 in favor, with Board Member Tracey Rose abstaining, the motion carried.

Discussion on IA approval process: The Chair read the proposed amended I/A approval process, as proposed by staff. The new approval process waives the requirements for a public hearing for I/A system requests that are not seeking any variances and allows Health Department staff to grant approval as they do for all other septic system designs. This would save time and cost for all involved.

Motion: Board Member Candida Monteith moved to approve the process.

Second: Board Member Jason Silva; Vote 4-0-0; the vote was unanimous, and the motion passed.

Variance Requests/Local Upgrade Approval: 127 & 133 South Pamet Rd:

The Agent stated that Coastal Engineering requested a continuance of the variance request on behalf of their client until the March 1st, 2022, Board of Health, meeting. Board Member Candida Monteith expressed concern about the septic tank that was reported to be on the beach after a recent winter storm. The Agent explained that the winter storm had eroded the coastal bank and the septic tank had ended up on the beach, but the septic tank had been pumped out before the storm to prevent a wastewater spill; further, permits had been filed to allow the house to be rescued to prevent it from ending up on the beach.

Motion: Board Member Candida Monteith moved to continue the matter to the March 1, 2022, Board of Health meeting.

Second: Board Member Jason Silva; Vote 4-0-0; the vote was unanimous, and the motion passed.

Variance Requests/Local Upgrade Approval: 6 River View Road:

David Lajoie from Felco engineering was on call to represent the applicant. He provided a summary of the wetland resources at the property, which is dominated by the coastal bank, and overlapping riverfront area. The applicant proposes a 5-bedroom septic system for new construction with a Micro-fast alternative treatment component and is requesting three variances for the setback distance between components and the local wetland resources and a variance to allow nitrogen credit. The credit request proposes use of I/A treatment in exchange for use of the riverfront area that extends landward from the coastal bank to be counted as upland, and therefore counts as a nitrogen credit. Board member Jason Silva voiced his support for the I/A system as it is helping to reduce nitrogen to a higher degree than a Title V.

Motion: Board Member Brian Koll moved to approve the variance request

Second: Board Member Jason Silva; Vote: 3-0-1 in favor, with Board Member Tracey Rose abstaining, the motion carried.

Variance Requests/Local Upgrade Approval: 5 Prince Valley Way:

Robert Reedy, an engineer for JM O'Reilly, explained that the lot is 165,000 square feet, (3.8 ac) there are no wells within 100 feet of the property, and there are 6 bedrooms across the property in dwelling units currently being served by cesspools. The cesspool upgrade is required to bring the property into compliance with the Truro Board of Health Regulations. The design flow of 6 bedrooms requires installation of an I/A system under Board of Health regulations Section VI, Article 8. Mr. Reedy stated that they requested a variance to this regulation because this property would be a prime candidate for exception due to the surrounding environment, seasonal flow and

nitrogen loading calculations. The Chair Tracey Rose indicated that the field card only referenced 3 bedrooms for the property. Mr. Reedy explained that, although some of the rooms didn't meet the Truro requirements for a bedroom, they were being utilized as bedrooms and therefore were being added to the septic flow considerations. A walk-through by Town staff had been conducted. Board Member Jason Silva was in support for granting the variance due to the environmental and groundwater conditions. The Agent suggested adding a deed restriction as a condition of granting the variance, to state that if the property changed its use and/or added living space, the variance would have to be reviewed again.

Motion: Board Member Jason Silva moved to approve the variance request with the condition that a deed restriction be made outlining that the variance was approved if the property didn't change its use and/or add living space

Second: Board Member Candida Monteith Vote: 4-0-0; the vote was unanimous, and the motion passed.

Discussion: Upgrade process for business establishments for the 2022 licensing year

The Agent explained the process for business licensing is to have the systems inspected and allow them to remain operating if an issue is found, provided that it does not create an imminent health hazard. The timeframe for corrections was discussed, and within 6 months was suggested by the Agent. Board Member Candida Monteith felt that 6 months was too random and should be connected to the business cycle. The Chair was in support of the 6-month time frame and felt it was important to be vigilant with regulations to protect groundwater resources and that extensions could be granted in certain circumstances. **Chair Tracey Rose suggested they continue the matter for the next meeting.**

Groundwater Resources Discussion

The Agent summarized the recommendations from the Cape Cod Commission's study on the Village Pond watershed. Some of the recommendations included implementing a 300-foot setback for septic system leach fields; monetary incentives to aid homeowners in upgrading their septic systems; and stormwater management. They made recommendations for management of the Pond and the watershed; local education and outreach programs discussing groundwater resources. They also recommend development of a management plan for the pond. The Chair said that she feels these are important issues that need to be addressed and is excited that work in this area has commenced. The Agent suggested that they develop a village pond work plan to address the recommendations.

Local Board of Health Regulation Review

Section IIX- Well Water Testing (proposed amendment to Rental Registration water test validity schedule)

Section VI- local title 5

Motion: Board Member Brian Koll moved to continue the discussion until the February 18, 2022, Board of Health meeting.

Second: Board Member Jason Silva seconded: Vote: 4-0-0; the vote was unanimous, and the motion passed.

Re-Organization of the Board

Motion: Board Member Tracey Rose made a motion to continue the re-organization of the board till June 2022.

Second: Board Member Jason Silva; Vote: 4-0-0; the vote was unanimous, and the motion passed.

Minutes:

September 7, 2021:

Motion: Board Member Jason Silva moved to approve the minutes;

Second: Board Member Candida Monteith; Vote: 3-0-1, Board Member Brian Koll abstained, the motion passed.

September 14, 2021:

Motion: Board Member Jason Silva moved to approve the minutes

Second: Board Member Candida Monteith; Vote: 4-0-0; the vote was unanimous, and the motion passed.

September 21, 2021:

Motion: Board Member Jason Silva moved to approve the minutes

Second: Board Member Candida Monteith; Vote: 4-0-0; the vote was unanimous, and the motion passed.

September 19, 2021:

Motion: Board Member Jason Silva moved to approve the minutes

Second: Board Member Candida Monteith; Vote: 4-0-0; the vote was unanimous, and the motion passed.

Report of the Chair- Staffing

The office assistant position has been filled.

Motion to adjourn was made by Chair Tracey Rose

Second by Candida Monteith; Vote was 4-0-0; the vote was unanimous, and the motion passed.

Meeting adjourned at 6:30 PM

Minutes compiled by Nina Richey

Minutes of the Truro Board of Health, Tuesday February 15, 2022

This was a remote meeting. Board members in attendance:

Chair Tracey Rose, Vice Chair, Jason Silva, Board members: Helen Grimm, Brian Koll, Candida Monteith. Also Present: Health and Conservation Agent Emily Beebe.

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

Public Comments: Karen Ruyman expressed concern about the Board of Health meeting link stating she couldn't find it on the calendar. Jack Riemer also expressed difficulty logging on, and questioned whether it was a legally posted meeting under the Open Meeting Law. It was confirmed that the citizens could enter the meeting and that the towns had met its legal obligations of the open meeting law. It appeared that the deficiency was a link that was not "live".

AGENDA ITEMS

Variance Requests/Local Upgrade Approval: 45 Corn Hill Road

Jason Ellis was available to represent the project. Jason Ellis requested a continuance on the project but had a question concerning the water supply. The property is being served by the Roseville Cottages public water supply well. It appeared that there is an easement for the water supply across this property that is not shown on the plan. Jason Ellis suggested installing a new well and disconnecting the property from the public water supply it is currently on. The Agent expressed concern that the public water supply well is located to ensure that the proposed septic system is sited outside of the PWS Zone 1. Jason Ellis stated that the septic was about 700 feet from the public water supply. Mr. Ellis also asked if this property would need an I/A system. The proposed septic tank is a 3-bedroom septic; however, the property is currently only utilizing 2 bedrooms. Board Member Jason Silva stated that if the property is a 2-bedroom dwelling, then he would only need to see what the upland is on the property to determine whether I/A system is required. Board Member Candida Montheith expressed that because of the parcels location, and I/A system should be suggested. Jason Ellis explained that the septic tank would be in the 100-foot buffer zone to a coastal bank and the leach field would be in the 150-foot buffer zone, the proposed area of installation is all subject to coastal storm flooding.

Motion: Board Member Brian Koll moved to continue the matter to the next Board of Health meeting on March 1, 2022; Second: Board Member Helen Grimm; vote: 4-0-1 with Tracey Rose abstaining; the motion was approved

Variance Requests/Local Upgrade Approval: 6 Francis Road

Jason Ellis representing the property which is a duplex with a lot line through the middle, and owned by family members. The eastside of the property upgraded to a title V in recent years and the current project will upgrade the cesspool located on the lot. The variance requested pertains to the 100-foot set-back requirement for the septic tank and the pump chamber to the isolated vegetative wetlands on the northside of the property. Jason Ellis stated that he is seeking a 48-foot variance for the tank and a 41-foot variance for the pump chamber. The proposed location of the septic tank would create the least disturbance on the site. The Agent did suggest, due to the duplex sharing a well, that an easement stating that the well is shared would be important to address responsibilities for costs. The Chair inquired whether there was anything recorded with the Barnstable Registry on the shared well. Jason Ellis suggested that a condition for an easement be part of an approval by the Board of Health, it would state that if either side of the property is sold an easement would be developed recorded stating that the well is shared.

Motion: Board Member Jason Silva moved to approve the septic upgrade with the condition that prior to transfer of either side of the property is transferred, an easement be created to protect both properties regarding the shared well.

Second: Board Member Brian Koll vote: 5-0-0: The vote was unanimous, and the motion was approved.

Discussion: Upgrade process for business establishments for the 2022 licensing year The Health Agent stated that she had discussed the issue with Attorney Corbo and is in the process of drafting and codifying an outline for the upgrade process for businesses but will need to be worked on in congruence with the town counsel. The Agent requested a continuance.

Discussion: Current COVID-19 guidance and review of the “Rule and Order requiring use of masks and other protective measures” dated 12-21-2021. Chair Tracey Rose suggested that the public commented that the public were chomping at the bit to be free of masks, and that the State and the school would relax mask mandates. The Agent suggested the Board discuss both the Rule and Order, and the State lifting the mask mandate on February 28th. Board Member Jason Silva expressed that we have gone through various stages from recommendations to requirements to mandates since the pandemic started and believes that Truro should not be out of step with relaxing the mask mandates. Board Member Helen Grimm supported the idea of relaxing mask mandates and stated that if needed things could be reevaluated, but at this point giving businesses and people the choice to enforce masking requirements would be desirable. Chair Tracey Rose affirmed her fellow Board Members thoughts and stated that if cases were to increase in the future, the Board could reassess and enforce mandates again. Board Member Brian Koll stated that Barnstable is still considered a high-risk county, and also suggested finding a harmony between neighboring towns to avoid confusion and to support businesses. The Agent stated that Wellfleet recently lifted mask mandates and Provincetown is still enforcing indoor mask mandates. The Agent offered that the current case number had remained at zero in Truro for the past few days, which is lower than that of our neighboring towns which would support the relaxation of mask mandates going forward.

There was brief discussion about masking at Truro Central School; the school COVID team had suggested that they would likely wait until after the return to February vacation to relax masking. Board Member Helen Grimm stated that putting out a survey to the parents to gauge their comfort level and preferences for mask requirements would be ideal. Board Member Brian Koll supported this suggestion for a survey. The Chair suggested that the Board could provide a recommendation concerning town buildings and the school. Chair Tracey Rose suggested keeping the mandate as is and then revisiting the subject on the next Board of Health meeting on March 1, 2022. Board Member Candida Montheith expressed that given the current state of Covid-19 in Truro and its low infection rate, it would make most sense to follow the States timetable which would lift mask mandates on February 28th. The Chair asked to amend number 1, to remove language Brian Koll suggested that the language sent from Assistant director of

DPH, Marylou Sudders should be pulled into the Order to provide recommendations to those individuals who are immunocompromised and unvaccinated. (see language below)

There was agreement by the Board members about amending number 1 by removing the requirements for businesses to mask and to keep public buildings as status quo for now. Board Member Helen Grimm suggested that the language from DPH be added as a new #2; Board Member Jason Silva agreed and suggested that the language about this would become effective immediately. The new language would state, “in concurrence with MA DPH, the BoH advises a fully vaccinated individual should wear a mask when indoors and not in your own home if you have a weakened immune system or you are at increased risk for severe disease, or if someone in your household has a weakened immune system or is at increased risk for severe disease

Board Member Brian Koll reminded the Board that the State was scheduled to relax the mask mandate February 28, and that we needed to make a recommendation prior to that time. There was discussion about waiting until March 1 to address the School and Town Buildings, but to address businesses at this meeting. **Motion: Board Member Helen Grimm moved to approve the proposed changes to the mask requirements for the Town noting that those changes don’t include changes for public buildings at this time, and to reevaluate the public buildings and the school masking requirements with results from any survey information at the March 1, 2022, Board of Health meeting.**

Second: Jason Silva Vote: 5-0-0; the vote was unanimous, and the motion was approved.

Groundwater Resources Discussion

The Agent provided a brief overview of the DEP private well PFAS sampling program. Thirty-two Truro applicants were approved for the program and have had their wells tested. Four residents out of the thirty-two tested positive for PFAS, and those levels were all below maximum contaminant levels. The DEP and UMASS sought out applicants for the program in locations with private wells within proximity to DEP sites. The Agent stated that she looked forward to filling the assistant Health Agent position that has been advertised on the town webpage to focus more resources on educating the public about our groundwater resources.

Local Board of Health Regulation Review

Section IIX- Well Water Testing (proposed amendment to Rental Registration water test validity schedule): Proposed amendment to article 6 states that rental registration testing will be accepted if it taken within the previous calendar year. **Motion: The Chair moved to approve the change as recommended; Second: Board Member Brian Koll Vote: 5-0-0: the vote was unanimous, and the motion was approved.**

Section VI- local title 5: There was discussion about maintenance requirements. The Agent described the language about maintenance as written in title 5, and that there was no regulated

interval for required septic maintenance. Jack Riemer stated that the current septic inspection trigger is limited. The Agent stated that regular septic maintenance does not specifically reduce the concentration nitrates in the groundwater, but it does improve the degree of treatment within the septic system. The Agent explained that regular maintenance within the recommended 3–5-year timeframe is a great tool for detecting any issues that are happening and improving the water quality. Chair Tracey Rose mentioned that there are efforts to educate the public on septic maintenance and tools that homeowners can implement to contribute to cleaner ground water in the real estate world. Board Member Jason Silva stated that casting a broad net requiring everyone to pump their tanks every 3 years would most likely not protect the groundwater accurately, rather the worst offenders need to be inspected and fix their tanks and continue pumping to ensure cleaner groundwater. Chair Tracey Rose stated that the Board Members and the Health Agent will continue to review and clarify section VI local title 5 Board of Health regulation at the March 1, 2022, Board of Health meeting.

Minutes: October, November:

October 5, 2021: Motion: Jason Silva moved to approve the minutes.

Second: Helen Grimm seconded Vote: 3-0-1: Brian Koll abstained due to his absence at that meeting, the motion was approved.

October 19, 2021: Motion: Board Member Brian Koll moved to approve the minutes

Second: Board Member Helen Grimm Vote: 4-0: the vote was unanimous, and the motion was approved.

Report of the Health Agent- The Agent reported on 127 South Pamet Road, and that the septic tank had ended up on the beach but had been pumped before the storm, and now was removed from the beach. The engineer is drafting plans about the existing system and the system that will be installed. The house has been relocated.

The Agent briefly noted that the Town of Truro had recently attended a contempt hearing regarding the Truro Motor Inn on February 9th, 2022. The hearing went longer than expected and it was continued for March 2nd, 2022. Greg Corbo scheduled an executive session with the Town Counsel, The Select Board, and the Health Agent March 1st, at 4:30. The Chair reiterated the importance of keeping confidentiality during an active litigation.

Motion: Board Member Jason Silva moved to adjourn the meeting

Second: Board Member Helen Grimm vote: 4-0; the meeting adjourned at 6:35 PM

Respectfully Submitted by: Nina Richey



**PROVINCETOWN, TRURO AND
WELLFLEET RESIDENTS**

PUBLIC HEALTH NEEDS ASSESSMENT

RESIDENTS ARE ENCOURAGED TO PARTICIPATE
IN A NEEDS ASSESSMENT ON ECONOMIC, SOCIAL,
AND HEALTH ISSUES POST-COVID.



<https://forms.office.com/g/7tmFEH6iCO>

QUESTIONS TO PATRICE BARRETT MPH AT BARNSTABLE COUNTY DEPT OF HEALTH
PATRICE.BARRETT@BARNSTABLECOUNTY.ORG (508) 443-2697