

**FINAL**  
**Wellfleet Board of Health**

Hybrid Meeting: Zoom/ 715 Old Kings Highway  
Wednesday, February 14, 2024, at 5:30 pm

**Members Present:** Nick Picariello (chair), Janet Drohan, Ken Granlund, Deborah Freeman

**Others Present:** Agent Heith Martinez, John O'Reilly, Lauren Schofield, John Wallace, Steve Oliver

**Regrets:** Katy Cushman

Chair Picariello called the meeting to order at 5:31 pm. A quorum was present.

**Public Comments**

No public comments were made at this time.

**Meeting Minutes:**

Approval of minutes for January 10, 2024

Freeman abstained from the vote as she was not present at the January 10 public hearings. Drohan then made a motion to accept the amended minutes of January 10, 2024. Granlund seconded, a roll call vote was taken, and the motion was approved 4-0-1.

**Old Business:**

**New Business:**

**Hearings:**

**Farnsworth, 135 Pine Point Road, Map 21, Parcel 54: Upgrade of septic system**

Laura Schofield was present to represent the project. The property is being prepared for sale, and the owner wanted to upgrade the septic system from a couple of cesspools to a Title 5 before placing it on the market. This five-bedroom house was built in 1730 and might be the oldest house in Wellfleet. There is no crawl space or foundation, just a beehive cellar in the center of the house. There are concerns with well setbacks throughout the property. This plan proposes to abandon the current well, and relocating it to the southerly portion of the property. An area near the house is just big enough to support the leaching area. The new system leaves room for a future upgrade to a NitROE system, will be vented, and have covers for easy maintenance and monitoring. The leaching area will need to be deeper than regulations require, but retain a height of seven feet above ground water. If a future owner were to add a basement to the dwelling, the components that currently require variances could potentially be altered to remove the variances. Freeman inquired whether the cesspools would be removed or filled, and whether there are only two cesspools. Schofield responded that one would be removed to make space for the new system, and one will be filled, and that they are only aware of two. Schofield commented further

that whenever cesspools are not in resource areas and do not need to be removed their common practice is to fill and abandon them. Chair Picariello noted that new septic regulations are on the horizon and that renovations will likely trigger an upgrade to an Innovative and Alternative (I/A) or Enhanced Innovative and Alternative (EIA) system. The Town currently offers a \$12,000 subsidy for septic upgrades that utilize I/A and EIA technology, but we don't know how long these funds will be available. Schofield said that she would mention it to the realtor so that she may let the new owner know.

Martinez created a motion to approve the Schofield Brothers of Cape Cod plan #0-12651 for the upgrade of a septic system to serve a five bedroom structure, subject to the following conditions: design flow to be limited to 560 FPD to serve five bedrooms; no increase in habitable space without Board of Health approval; no conversion of use without Board of Health approval; well water to be tested and found to be potable and annually thereafter; existing cesspools to be pumped, filled, and abandoned; five bedroom maximum restriction in design flow and all conditions shall be recorded against the deed for the property at the Registry in Barnstable and proof of deed recording shall be submitted to the Health Department prior to the issuance of the disposal works permit. Granlund made the motion. Freeman seconded the motion. A roll call vote was taken, and the motion was approved 4-0.

**Cape Cod 5, Pearce Residence, 290 Old Wharf Road, Map 36, Parcel 74: Upgrade of septic system**

John O'Reilly was present to represent the project. The owner is getting the property ready for sale and wanted to upgrade the cesspool to a NitROE Treatment System. The two-bedroom dwelling is located on a small, triangle-shaped lot with no wetland consideration. Some portion of the dwelling is located within the right of way, and there are two other private right-of-ways on the property, of which the fee ownership extends to the centerline of each. The current cesspool is located just off the property in the private right of way. Two abutting wells and the locus well all need to be taken into account for this project. The project proposes relocation of the locus well, and the project will improve the location of the septic system from 70' from existing abutting wells to 80'. Ground water flows to the south, away from the wells which will also offer more protection. Chair Picariello asked whether a flow barrier would be installed. O'Reilly responded that the plan does not currently call for one as there is no basement or crawlspace, but he is willing to add one. Freeman asked why the plan intends the filling and abandonment of the cesspool rather than removal. O'Reilly answered that it was basically for the same reason that Schofield offered. If it was within a buffer zone he would remove it, but this is close to the neighboring property and removal might do more harm than letting it be. The home was built in the 1960's, is very small and holds only one cesspool. Freeman asked whether there were any comments from abutters. O'Reilly reported that he had received a phone call from one abutter who was concerned about his well, and O'Reilly explained to him that he was improving the distance of the system to his well and using EIA technology which would be an overall improvement in treating nitrogen. Picariello noted that the enhanced system satisfies the Board's regulations and homeowners ought to test their water yearly anyway. O'Reilly said that he would place a 4' tall, 40 milliliter HDRE liner inside the septic trench line while work was being done, and would submit revised plans to reflect the change.

Martinez created a motion to approve the J.M. O'Reilly & Associates, Inc. plan #JMO-9473 for the upgrade of a septic system to serve a two bedroom structure, subject to the following conditions: design flow to be limited to 244.5 FPD to serve two bedrooms; no increase in habitable space without Board of Health approval; no conversion of use without Board of Health approval; well water to be tested and found to be potable and annually thereafter; new well

standard testing; existing cesspool to be pumped, filled, and abandoned; two bedroom maximum restriction in design flow and all conditions shall be recorded against the deed for the property at the Registry in Barnstable and proof of deed recording shall be submitted to the Health Department prior to the issuance of the disposal works permit; I/A monitoring per provisional approval requirements; installation of a 4' tall, 40 mil HDPE liner along trench of the septic. Freeman made the motion. Drohan seconded the motion. A roll call vote was taken, and the motion was approved 4-0.

### **Update from Health Agent**

Agent Martinez reported that Town has begun a soft launch of the Open.gov online permitting program. Conservation, Health, Town Administration, and Town Clerk departments are all ready to receive applications. A slow roll-out was chosen to give staff the opportunity to work out any issues. This system will enable Gary Locke, Assistant Health Agent, to renew licenses in a much more streamlined process next year.

As we draw nearer to the acceptance of the Town 208 Plan, the Board of Health needs to review and revamp the regulations to be prepared for the adoption of the Plan, incorporating the new State regulations into them. The office staff has had a few preliminary meetings to discuss strategies and take an initial look at what already is, what has been proposed as updates by work done by Hillary Lemos-Greenberg, and what other Towns best practices have been. Agent Martinez believes that we may be able to be ready to implement new regulations by early fall. Agent Martinez shared copies of the aforementioned documents for Board of Health review in preparation for future working group meetings to discuss the regulations. Freeman noted that the working group meetings must be open to the public, and Drohan added that education and transparency are crucial to the process. Drohan further expressed the Boards need to advertise the range of cost among I/A and EIA systems, as well as a timetable of how long the \$12,500 subsidy for upgrades will last. Furthermore, clear information on how any changes made will affect the residents must be offered, including other sources of aid for upgrades. Agent Martinez assured the Board that our preliminary conversations have all been about how we can be proactive and transparent, and the staff has been working with Scott Horsely and the staff of MASSTC to discuss the cost of new systems, and the possibility of offering an RME to those who would like to participate. Drohan added that she would like to see what nearby towns have implemented regarding the immediate need for upgrades while sewerage is slated for years down the road. Agent Martinez reported that this has been part of the consideration and will be a major part of the discussion. Drohan suggested that anyone who upgrades to an I/A or EIA system who is later presented with a Town sewerage opportunity could have the connection fee waived, and that the cost of hookup must be disclosed as part of the new regulation presentations. Chair Picariello asked if there was any information about when the 208 Plan would be passed. Agent Martinez responded that we do not, but that the changes required by the State were minor, and we can at least be ready for when they are. Drohan asked whether the Wastewater Committee was still active, but no one knew. Agent Martinez stated that the Department of Public Works would need to be part of the sewerage conversation. Agent Martinez reported that the staff is currently meeting weekly with the agencies that have been contributing to the 208 Plan.

Agent Martinez further reported that he is now the Town Animal Inspector, which is not Animal Control. He will be inspecting stables and coops to ensure the wellness, disease control, overall health and welfare of the farm animals in Town. Members of the Board alerted Martinez to a few large operations and assistance he could utilize if he has questions.

At this time, two residents asked to be recognized for public comment.

John Wallace had questions about the regulation changes that are coming, and whether a justification will be offered for any changes made. Agent Martinez responded that all of the research, State Laws and mandates, and all information will be shared extensively. Martinez and Board members noted that different approaches will be taken in different locations, but the overall requirement from the State is that we reduce nitrogen in the harbor and other water sources by 85% and that we will not be in compliance with State regulations until we do. A variety of solutions will be employed. It was explained that, even when the regulations are put into effect, decisions will be made on a case by case basis.

Steve Oliver noted that his living situation does not seem to be in a crucial area of concern. He further asserted that 315 properties will be directly impacted by the Herring River project, and that three of six properties that would be flooded have not been addressed. Freeman, who serves on the Herring River Executive Committee, reported that all of the six properties in question have been resolved. Freeman also noted that the new culvert system will be opened very slowly, and will be managed closely. Oliver expressed concerns that there will be many lawsuits for which the Town will be solely responsible, and that his taxes might be increased so much that he will lose his house.

Granlund made a motion to adjourn the meeting. Drohan seconded the motion. A roll call vote was taken, and the motion was approved 4-0. The meeting adjourned at 6:20 pm.

Minutes respectfully submitted by,



Jennifer Elsensohn, Committee Secretary

**Documents:**

**Meeting meetings:** January 10, 2024

**Farnsworth:** Septic Variance letter and plans

**Pearce:** Septic Variance letter and plans