

FINAL
Wellfleet Board of Health
Hybrid Meeting: Zoom/ 715 Old Kings Highway
Wednesday, March 13, 2024, at 5:30 pm

Members Present: Nick Picariello (chair), Janet Drohan, Katy Cushman

Others Present: Assistant Agent Gary Locke, John O'Reilly

Regrets: Deborah Freeman and Ken Granlund.

Chair Picariello called the meeting to order at 5:33 pm. A quorum was present.

Public Comments

No public comments were made at this time.

Meeting Minutes:

Approval of minutes for February 14, 2024

It was not possible to approve the minutes due to the fact that not enough Board members who attended the February 14 meeting were present to vote.

Old Business:

New Business:

Hearings:

Danner, 31 Samoset Avenue, Map 28, Parcel 119: Variance request for installation of a new septic system

John O'Reilly was present to represent the project. This property was purchased by the homeowner two or three years ago with a Title 5 septic system, which had passed inspection, in place. A reconstruction of the five bedroom dwelling occurred, at which time O'Reilly was not involved with the project. A septic upgrade was part of the plan, but a permit was never obtained, and the system was never installed. The homeowner preferred to keep the Title 5 in place, but when reviewed by the Conservation Commission, was told that a NitROE unit should be placed in the existing system. This decision was made based on the size of the lot, the numbers of bedrooms in place, and the proximity to the wetland. O'Reilly is requesting variances for the septic tank and the NitROE treatment tank. Chair Picariello asked Assistant Agent Gary Locke whether the soil would need to be re-tested. Locke replied that soil test results do not expire. O'Reilly added that when the test was done at the time of the construction of the original dwelling, the bulk of the material was sand, and that additional testing was not required. When asked his opinion, Locke expressed that O'Reilly's proposal was excellent and was the best that could be done in that situation.

Locke created a motion to approve the J.M. O'Reilly plan #JMO-9091 for the upgrade of a septic system to serve a five bedroom structure, subject to the following conditions: design flow to be limited to 576 GPD 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 septic tank to be removed; 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 certificate of compliance; I/A monitoring per DEP provisional requirements. Janet Drohan made the motion. Katy Cushman seconded the motion. A roll call vote was taken, and the motion was approved 3-0.

Update from Health Agent

Assistant Agent Gary Locke offered an update on the efforts of the Health Department. Agent Heith Martinez, Locke and Elsensohn have been working together on reading the revised (red mark-up copy) of the Board of Health regulations that had been edited under the supervision of previous Health Agent Hillary Lemos-Greenburg. When Martinez, Locke, and Elsensohn have finished reviewing the regulations, the Board of Health members will each receive a copy for their review. When comments from the Board members have been compiled, including amendments with an eye toward spelling out clearly what will be required within nitrogen sensitive areas when the new regulations trigger attention, and to make Wellfleet regulations compliant with the new State regulations, the revised, proposed regulations will be sent to the Conservation Commission for comment. The revised regulations will then be advertised and published for public review. A public hearing will be held to give the community the opportunity to discuss any proposed changes. Janet Drohan inquired about whether the regulations can be made without the adoption of the Targeted Watershed Management Plan (TWMP). Locke explained that we can make changes now because the TWMP application is in place and the only revisions to occur will include more sewerage. Drohan noted that she would like the regulations to enumerate the number of Enhanced Innovative and Alternative (EIA) systems will need to be in the ground according to the TWMP. Locke reported that that number had been relaxed due to the increase in sewerage planned. Locke further stated that the Board will not be requiring all properties to be upgraded at once, and be reasonable about what can be done, what homeowners can afford, to consider Septic Relief Fund (SRF) for those who have a septic failure and cannot afford to upgrade. Drohan asked what relief would be presented to homeowners who replace their failed systems with EIA systems and are also slated for sewerage when it becomes available. Locke stated that the Board of Health can give people in that situation a waiver to not hook up to the sewer. All properties with Title 5 systems that are variance without and Innovative and Alternative (I/A) technology that are presented with sewerage must hook up, but those with I/A's will require a waiver with Board of Health review. Drohan recommended a financial incentive/relief for those with EIA's to hook up to the septic. Chair Picariello noted that septic financing is currently in the State House. Drohan asserted the need for clear, transparent communication with the public that will foster buy in for the sewerage effort. Cushman noted that the public hearings should help with that. Drohan stated that the whole Town will be paying for the sewerage, not just the households that will have to pay the hook up fee. Picariello observed that the Board needs the TWMP to give authority to the Board of Health and Conservation Commission to require EIA systems and that we all need to work as a team. Locke

offered assistance in case any of the Board members should have any questions as they review the regulations.

Drohan made a motion to adjourn the meeting. Cushman seconded the motion. A roll call vote was taken, and the motion was approved 3-0. The meeting adjourned at 5:52 pm.

Minutes respectfully submitted by,

A handwritten signature in black ink, appearing to read "Jen Elsensohn". The signature is fluid and cursive, with the first name "Jen" and last name "Elsensohn" clearly distinguishable.

Jennifer Elsensohn, Committee Secretary

Documents:

Meeting meetings: February 14, 2024

Danner: Septic Variance letter and plans

