

FINAL
Wellfleet Board of Health
Hybrid Meeting: Zoom/ 715 Old Kings Highway
Wednesday, December 13, 2023, at 5:30 pm

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

Others Present: Health Agent Heith Martinez, Brian Uy (Zoom), Matt Farrell, Jason Ellis (Zoom)

Chair Picariello called the meeting to order at 5:35 pm. A quorum was present.

Public Comments:

No public comments were made.

Meeting Minutes:

Approval of minutes for November 8, 2023

Freeman then made a motion to accept the amended minutes of November 8, 2023. Drohan seconded, a roll call vote was taken, and the motion was approved 4-0-1. Ken Granlund abstained as he was not present at that meeting.

Old Business:

New Business:

Alex Emmons: Disposal Works Installer Permit

The permit was signed by Ken Granlund, as the applicant is a member of Chair Picariello's family.

Brian Uy, 130 School Street: Increase in habitable space

Brian Uy represented himself. The goal of this application is to seek approval to have the historic barn considered living space. The house has been lifted and replaced on the same foundation after a basement was installed one and a half years ago. Uy has been careful to preserve the historic nature of the building, and has been working with the Historical Commission to do so. Uy informed the Board that pictures pre-dating his ownership of the building showed usage of the barn as living space and it was included in the floorplan when the septic system was installed. It appears that when Uy was applying for a building permit to work on the structure, the individual who made the drawings for him incorrectly listed the barn as unfinished. It had already been in use as a studio, bedroom, and bathroom, but was not insulated. He has since installed panels to provide insulation and rigidity. The Board agreed that there was no problem with considering this as living space. Members of the Board asked about the placement of the septic system before the house had been lifted. Uy explained that the location of the house did not change, and the placement of the septic remained unaltered as well. The only difference in the original footprint of the house is that an unpermitted deck has since been removed. The Board also questioned why the septic had previously been for a six bedroom house and is now

listed for only five bedrooms. Uy said that one of the bedrooms in the house was approximately the size of a closet, so it had been combined with another room, making the room count five. The original septic plan was located in the Board's file by Agent Heith Martinez, confirming the location. Ken Granlund noted that the septic system had been approved by the Board in 2016, so there was no concern about cesspools. The property had originally been utilizing a well, but has recently attached to Town water. Debrah Freeman made a motion to approve the use of the barn as living space. Janet Drohan seconded the motion. A roll call vote was taken, and the motion was approved 5-0.

Hearings:

Falk/Marques-Pascual, 117 Samoset Ave, Map 28, Parcel 107: Septic Variance

A site visit was made by Board Members and the Agent. Matt Farrell was present representing the project on behalf of J.M. O'Reilly. This is his fourth or fifth appearance before the Board regarding this project due to its complexity. Farrell appeared before the Conservation Commission seeking approval to install a previously approved Fast septic system in order to reduce the number of variances required, as well as seeking to keep the system as far from the 50' buffer zone and coastal bank as possible. The Commission did not approve the Fast system, but approved a previously approved NitROE system, even though it would place part of the system in the buffer zone. Farrell reported that an identical system installed at 107 Samoset had its first water test and indicated that the NitROEgen levels were well below recommended limits at effluent reading 7 millionths per liter. Only two variances differ from the initial application approved by the Board for this system. Board Members asked if any abutters had been spoken to regarding the placement of the system in relation to their wells. Farrell indicated that he was able to speak to the southern abutters, but not the northern. The distance to the wells has not changed since the last application. There has been no conversation about a shared well among the properties. Chair Picariello asked if there has been any talk of urinary diversion, which is the separation of liquids and solids. Farrell had not heard anything. Deborah Freeman asked what the estimated cost of this system would be. Farrell reported that it would likely be between \$50-60 thousand dollars.

Martinez made a motion to approve J.M. O'Reilly plan #JMO-8808 dated 9/10/21 and revised 11/16/23 and grant the eleven variances requested in the letter of 11/29/23 for the construction of a septic system to serve a three bedroom structure, using NitROEE 2KS denitrification technology under the provisional use approval category with floor plans to be reviewed by the Health Agent, subject to the following conditions: design flow to be limited to 330 GPD, to serve three bedrooms; reduce leach area variance 24% reduction requested; 251.6 GPD; no increase of habitable area without Board of Health review; no conversion of use; annual well water testing; deed recording reflecting three bedroom maximum and restrictive covenants; I/A monitoring per provisional use approval; annual inspection of pumps; alarms, and other equipment; monolithic tanks required; and cesspool to be removed from site. Freeman seconded the motion. A roll call vote was taken, and the motion was approved 5-0.

Drohan asked if surrounding wells would be tested annually. It is the recommendation of the Board that every well be tested annually, but the Board cannot require surrounding homeowners

to test their wells because of a project done outside their property. Freeman asked if it was appropriate to ask Jen Elsensohn to look back in the minutes or meeting videos for a year to discover what the projected costs I/A system installations would be. Freeman requested that Elsensohn record the name of the system and its cost. The Board agreed that, going forward, engineers should be asked the cost estimate of the I/A systems. Farrell informed the Board that his estimate was a “guesstimate” because every property is different, and every installer charges different fees. Farrell also noted that NitROE components are approximately \$25 thousand, the other components are approximately the same, and then installation and landscaping will be something additional.

Cook, 26 Tecumseh Road, Map 28, Parcel 163: Septic Variance

A site visit was made by Board Members and the Agent. Jason Ellis was present on Zoom to represent the project. The plan is to upgrade the existing cesspools on a property with a four bedroom house and increase the leach field prioritizing distance away from the buffer zone and wells. This is being done with the future plan of installing an accessory dwelling unit. Two septic tanks are required because there will be two dwelling buildings. The septic system on the plan is a Title 5. Freeman asked whether the homeowner would consider installing an Orenco Advantix two tank system which could later be retrofitted with Enhanced Innovative and Alternative technology (EIA). Ellis agreed to this plan and will make the change. Picariello asked whether Ellis intended to install a barrier by the foundation of the dwelling. Ellis responded that, while it is not in the notes, he will install one, and will revise that aspect of the plan when he revises it to include the Orenco technology.

Martinez made a motion to approve the J.C. Ellis plan dated 11/22/23 and grant the four variances requested in the letter of 12/1/23 for the upgrade of a septic system to serve a four bedroom structure, a grandfathered non-conforming dwelling subject to the following conditions: design flow to be limited to 440 GPD to serve four bedrooms; no increase in flow without Board of Health review; no conversion of use; well water testing annually; existing cesspools to be removed; deed recording reflecting a four bedroom maximum; installation of a two compartment Orenco Advantix; and a 40 milliliter poly flow barrier six inches above stone and below the floor of the basement. Freeman seconded the motion. A roll call vote was taken, and the motion was approved 5-0.

Wasserman, 29 D Street, Map 40, Parcel 23: Septic Variance

Jason Ellis was present on Zoom to represent this project. This property is on Lt. Island. It is an existing four bedroom dwelling with a Title 5 septic system that has failed. The system is root-bound. Ellis proposes a new leach area with Orenco Advantix technology and discharge chamber with a 50% reduction in leach area and reduction in hydrometer level. An isolated wetland is present across the street, the project is outside the buffer zone, but within the flood plain. There is no room for a reserve area. The Conservation Commission approved this plan on August 16, 2023. Freeman asked what the anticipated cost of this project would be. Ellis responded that it would cost between \$50-70 thousand. There are many logistical issues in the installation. Ellis reported that the difference in installation quotes varies significantly. Ellis reported that he finds

a typical Orenco system to cost approximately \$30 thousand for just the components. In Truro, Ellis has received labor quotes from \$58 thousand to \$90 thousand. The Board asked Ellis if he could obtain a quote from the installer and report back to the Board. Ellis agreed. The unit alone for an EIA system can be from \$20-40 thousand. A 50% reduction in leach area is allowed by right with this system.

Martinez made a motion to approve the J.C. Ellis plan dated 7/15/23 and grant the five variances requested in the letter of 12/1/23 for the upgrade of a septic system to serve a four bedroom structure, grandfathered non-conforming dwelling using Advantex AX20 denitrification technology under general use approval category subject to the following conditions: design flow to be limited to 220 GPD to serve four bedrooms; 50% leach area reduction; no habitable area increase without Board of Health review; no conversion of use; annual well water testing; all abandoned septic system components to be pumped dry and filled with clean sand or flowable fill or removed and replaced with clean sand; deed recording reflecting four bedroom maximum and restrictive covenants; I/A monitoring per general use approval; and annual inspection of pumps; alarms, and other equipment. Granlund seconded the motion. A roll call vote was taken, and the motion was approved 5-0.

Update from Health Agent

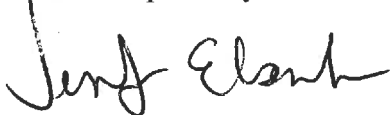
Agent Martinez asked the Board what they would like to hear about. Would the Board like to receive updates via email as they come in, or save information for a meeting? The Board reported that Agent Lemos was in the habit of bringing a file folder filled with information for the Board to look over at the end of each meeting. If something specific arises, the Board recommended that Martinez place the item on a future agenda.

Chair Picariello offered the question of procedures for closing beaches to swimming if a bacterial bloom should occur. Should the beaches be closed if shellfishing is closed due to bacteria? What is the procedure? Should they speak to Suzanne Thomas? Martinez informed the Board that he is now receiving updates on well water, beaches and pond water testing. The Division of Marine Fisheries does a lot of the monitoring and shutting down of the shellfishing.

Janet Drohan suggested to the Board that they set up some lunch and learn sessions with septic engineers to share information. Martinez added that members of the Board had been discussing a field trip to Barnstable County to see the water testing facility. Martinez will speak to Gary Locke about setting up a meeting with engineers. Chair Picariello would like to talk more about urinary diversion. Drohan added that the engineers are the salespeople for our future.

Picariello made a motion to adjourn the meeting. Granlund seconded the motion. A roll call vote was taken, and the motion was approved 5-0. The meeting adjourned at 6:33 pm.

Minutes respectfully submitted by,



Jennifer Elsensohn, Committee Secretary

Documents:

Meeting meetings: November 8, 2023

Falk/Marques-Pascual variance request and supporting materials

Cook variance request and supporting materials

Wasserman variance request and supporting materials

