



TOWN OF EASTHAM

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MINUTES
EASTHAM BOARD OF HEALTH MEETING
THURSDAY FEBRUARY 23, 2023 AT 3PM
EARLE MOUNTAIN ROOM AT TOWN HALL

Present: Adele Blong, Dr. Fredric Leary, Lois Bryant (virtual), Hope Plavin, Jane Crowley, Susan Barker,
Karen Chimwaza

I. NOTIFICATION OF VIDEO/AUDIO RECORDING
II. OPENING STATEMENTS

Mrs. Crowley provided an update on environmental projects:

- Discussions continue with the Town of Orleans on wastewater management in the areas of joint responsibility.
- Stormwater improvements that drain into Schoolhouse Ministers Pond are being brought to the stakeholders. Educational components will follow completion of the projects.
- Rabies Clinic will be held on 4/22 at the Eastham Vet on State Hwy.
- Household Hazardous Waste days in Eastham and Orleans are being planned. The Eastham date will be 5/13 from 9-12 at the Eastham DPW.

III. REVIEW - VOTE MAY BE TAKEN

1. DAVID FLEMING 2 WHIDAH LN M8 P110T

Jason Ellis of JC Ellis Design presented a plan to install a three bedroom septic system including I/A treatment on a 20, 523 sq. ft. lot for a new dwelling. The proposed septic system will include a 1500 gallon septic tank with Advantex AX20 treatment unit, pump station, distribution box, and 30'x10'x2' soil absorption system.

Carol Daniels, owner of 15 Eldia Way, spoke about the project, including the monitoring of the I/A system and size of the dwelling.

Dr. Leary moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under provisional use approval conditions DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results to Barnstable County Health or directly to the Eastham Health Department if not available.

4. Deed restriction for 3 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Municipal water to be provided.

Ms. Plavin seconded the motion.

Approved By Roll Call Vote 4-0 (Blong, Plavin, Leary, Bryant)

2. HOME REHABIT LLC 3 NANS WAY M7 P516

Jason Ellis of JC Ellis Design presented a plan to upgrade the existing septic to include secondary treatment in conjunction with a proposed addition on the 7,500 sq. ft. environmentally sensitive lot. The existing two bedroom dwelling will be demolished and rebuilt resulting in additional habitable square footage but no increase in flow. The plan was approved in September 2021, but there were construction delays resulting in the previous approval expiring.

Ms. Plavin moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment with Advantex AX20 with monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After a two year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
4. Deed restriction for use alternative technology requirement to be recorded on deed and 2 Bedroom deed restriction to be recorded.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Connection to municipal water be provided.
7. Previous deed restriction that no expansion of the footprint or shadow of the house be rescinded.

Dr. Leary seconded the motion.

Approved By Roll Call Vote 4-0 (Blong, Plavin, Leary, Bryant)

3. DAVID & JUDITH DEMOS 105 COLE RD M13 P234B

Jason Ellis of JC Ellis Design presented a plan to install a septic system including I/A treatment on a 50, 488 sq. ft. lot. The proposed septic system will include a 3000 gallon septic tank with Advantex AX20 treatment unit, 1500 gallon pump chamber, distribution box, and 59'x12.83'x2' soil

absorption system. Additional capacity is provided in the design plan, but only a three bedroom dwelling and garage with one bedroom apartment was presented.

The floor plans of the dwelling were discussed, including the number of floors and basement. The ramification of using the I/A system less than the design capacity was discussed. Mr. Ellis explaining the systems do not work as well when there is little flow, but the excess design capacity is in the leaching facility. The excess capacity in the design was discussed. Mr. Ellis asked for an approval of a surplus capacity in addition to the presented plan.

Les Loomis of 25 Clayton Rd spoke about the project, including the monitoring of the I/A system and size of the dwelling. Mr. Loomis requested the Board not approve anything beyond the 4 presented bedrooms.

Steve Gulrich of 55 Pilgrim's Path expressed concern about the seven bedroom capacity of the system.

Roger Dumas of 105 Cole Rd also expressed concern regarding the seven bedroom capacity and the amount of traffic that would be generate by the additional bedrooms. He additionally spoke about a restriction on the deed only allowing for one single family residence on the property.

Liz Smith of 40 Clayton Rd, Nancy Munger of 85 Pilgrim's Path, and Judy Bernstein of 55 Cole Rd all spoke expressing concern on the seven bedroom design.

Ms. Blong moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under provisional use approval conditions DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results to Barnstable County Health or directly to the Eastham Health Department if not available.
4. Deed restriction for 4 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Existing private well water to be provided.

Ms. Bryant seconded the motion.

Approved By Roll Call Vote 4-0 (Blong, Plavin, Leary, Bryant)

4. BREAKWATER HOLDINGS LLC 4715 STATE HWY & 15 BRITTANYS WAY
M5 P129A

John O'Reilly of JM O'Reilly & Associates presented a plan to install a septic system with Innovative/Alternative treatment on two combined lots with 82, 939 sq. ft. The septic system will

consist of a 2500 gallon septic tank, 1500 gallon septic tank, 2000 gallon septic tank, 1500 gallon pump chamber, a 4000 gallon tank with a Starr 1.5 denitrification treatment unit, distribution box and a 65' x 30' x 1' leach field. The proposed system will serve 4 proposed buildings: a 3454 sq. ft. retail space, a 3183 sq. ft. office with (4) 1 bedroom apartments above and two warehouse buildings with a total of 8 bays.

Ms. Plavin moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage or change in use would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under provisional use approval conditions DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results to Barnstable County Health or directly to the Eastham Health Department if not available.
4. Deed restriction for 1092 gallon per day use and use of alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Connection to MWS to be provided.
7. DPW to approve stormwater plan.

Ms. Blong seconded the motion.

Approved By Roll Call Vote 4-0 (Blong, Plavin, Leary, Bryant)

IV. COVID UPDATES

Mrs. Crowley provided an update on COVID numbers in Eastham:

	Probable	Confirmed
Total	164	685
Last two weeks	0	7

V. DISCUSSION ON BOH REGULATIONS – DEFINITION OF A BEDROOM – VOTE MAY BE TAKEN

Proposed updates to the bedroom definition were submitted and discussed. The proposed location of the updated language was discussed.

Ms. Plavin moved to adopt the changes discussed to the definition of a bedroom.

Ms. Blong seconded the motion.

Approved By Roll Call Vote 4-0 (Blong, Plavin, Leary, Bryant)

VI. PROPOSED WORKSHOP DATES

A workshop for updating the transfer station regulations was scheduled for April 25, 2023.

VII. OTHER BUSINESS - VOTE MAY BE TAKEN

Ms. Plavin updated the Board on her tour of the Eastham Elementary School as the school will be the Town's emergency shelter when needed.

Ms. Pat Lariviere, former Board Member, thanked Jane Crowley for her years of service.

VIII. MINUTES - VOTE MAY BE TAKEN

Ms. Blong accepted the minutes from the 1.26.23 workshop and meeting.

IX. ADJOURNMENT

Dr. Leary moved to adjourn the meeting.

Ms. Plavin seconded the motion.

Approved By Roll Call Vote 4-0 (Blong, Plavin, Leary, Bryant)

