



TOWN OF EASTHAM

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4/28/2022
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MINUTES EASTHAM BOARD OF HEALTH MEETING THURSDAY, FEBRUARY 24, 2022 AT 3PM EARLE MOUNTAIN ROOM AT TOWN HALL

Present: Dr. Joanna Buffington (Chair), Adele Blong, Francie Williamson, Hope Plavin, Jane Crowley,
Susan Barker, Karen Chimwaza
Present remotely: Catherine Mondon

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

Mrs. Crowley provided an update on the month's activities:

- Wastewater projects, such as the monitoring of the permeable reactive barrier at Salt Pond, are ongoing. A finalized draft of the Targeted Wastewater Management Plan is expected this spring for public discussion.
- A stormwater improvement project behind Eastham Elementary School has completed the design phase and construction is expected to start soon.
- Design work has also been completed on a stormwater project on Route 6 near Schoolhouse Ministers Pond. The next phase will be more complicated as a number of different parties (MA DOT, DCR, etc.) will be involved. This stormwater project is designed to augment the pond remediation by the Town at Schoolhouse Ministers Pond. The State is supportive of the project, but has no upcoming funding available.
- An updated State of the Ponds report is in process for 2022.

III. DISCUSSION ON FACE MASK REQUIREMENT – VOTE MAY BE TAKEN

The Department of Elementary & Secondary Education (DESE) has lifted the mask mandate in public schools effective 2/28/22.

An update on case numbers (not including home tests):

Date	Number of Cases
Total (from start of pandemic)	557
12/29/21 – 1/26/22	107
1/26/22 – 2/23/22	24
2/9/22 – 2/23/22	12
Last 7 days	5

The positivity and incidence rate from 1/30 – 2/12/22 were 3.8% and 12.4/100,000 respectively.

Vaccination rates at schools:

	Students	Staff
NRHS	84%	73%
EES	45%	98%

Each Board Member provided their opinions on rescinding the mask mandate.

Greta Gilson (resident of 460 South Eastham Street), Kathy Bunnell (owner of 450 State Hwy), Rheana Hastings (Brewster resident with a child at NRHS) spoke against the mandate. Fire Chief Dan Keane and Principal William Crosby also provided input.

Ms. Blong moved to rescind the mask mandate as of 2/28/22 standing at the ready to reinstate the mandate if the metrics deem it necessary.

Ms. Williamson seconded the motion.

Approved 5-0

Ms. Mondon left the meeting after the mask mandate discussion to complete an open meeting law training. The training should be offered again and available to other board members.

IV. VARIANCES – VOTE MAY BE TAKEN

1. MAHALA BUSSELLE BISHOP TRUST 145 GOODY HALLET DR M20 P57

Tom McLellan of Bass River Engineering presented a plan to replace the failed leach trenches on a 38, 236 sq. ft. environmentally sensitive lot. The following variance was requested:

1. Eastham Board of Health Regulations E-3-a-iv: Leach area to be installed in an environmentally sensitive lot without the use of nitrogen reduction technology.

Mr. McLellan stated the new leach area conforms to Title V and the Eastham Board of Health Regulations (except for the I/A requirement) and therefore protects the environment. Ms. Blong explained that under the Eastham Board of Health regulations I/A treatment is required and for a variance to be issued the applicant must demonstrate the same level protection as I/A treatment.

Ms. Williamson moved to approve with the addition of I/A treatment and 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 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 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 via Carmody Data Base provided through 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 as confirmed by previous site visit.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
6. Existing well to be tested for routine parameters.

Ms. Plavin seconded the motion.

Approved 4-0

2. JOHN STANKIEWICZ & MARIA BRUGNOLI 16 GILE RD M7 P539

Stephanie Sequin of Ryder & Wilcox presented a plan to upgrade the septic system as part of a renovation with increase in habitable square footage. The proposed septic system includes a 1500 gallon septic tank with MicroFast 0.5 treatment unit, H-20 distribution box, and a 29' x 10' x 2' soil absorption system.

The following variances were requested:

1. 310 CMR 15.211 – proposed SAS shall be 75' from existing well on Parcel 540 where 100' is required (25' variance requested).
2. 310 CMR 15.211 – proposed SAS shall be 83' from existing well on Parcel 544 where 100' is required (17' variance requested).
3. 310 CMR 15.248 – No reserve area is provided.

The distance between the soil absorption system and the abutting wells was discussed. Although the soil absorption system will be closer, the addition of I/A treatment and the upgraded soil absorption system should reduce impact on the wells.

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 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 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 via Carmody Data Base provided through 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 4-0

3. TOWN OF EASTHAM

4550 STATE HWY

M8 193B

John O'Reilly of JM O'Reilly and Associates presented a plan to upgrade the septic system on the 154, 011 sq. ft. commercial lot with a non community public water supply well. The mixed use lot is currently served by multiple septic systems and cesspools. The existing septic tanks and grease traps will be reused. The proposed septic system will include the existing 2500 gallon septic tank, existing 4500 gallon septic tank, proposed 2000 gallon septic tank, two existing grease traps, proposed H2O distribution box, two H2O 12000 gallon Bio-Barrier sewage treatment units, 10000 gallon H2O pump chamber, and 67.5' x 100' x 1' pressure dosed leach field. An request to extend the installation deadline to 10/15/22 was made. The following depth variances were requested:

1. 310 CMR 15.211 – Treatment units (8' provided, 5' variance requested).
2. 310 CMR 15.211 - Pump Chamber (8.5' provided, 5.5' variance requested).

A discussion of provisional vs. piloting approval occurred. The I/A treatment type has provisional use approval. The testing schedule was discussed. The need for clean outs along the forced main was agreed upon and clean outs will be added to the plan. Additionally, the need for Zabel filters was discussed. Mr. Reilly is waiting for feedback from the manufacturer on the Zabel filters and will add if needed.

Dr. Buffington 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 per DEP regulations including testing quarterly 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 via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
4. Deed restriction for 4341 GPD 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 will be provided in the future. Current NCPWS wells will require certified operator and testing as required by DEP until municipal water is provided.
7. Add clean outs to force main.
8. Installation extension to October 15, 2022.

Ms. Williamson seconded the motion.

Approved 4-0

V. REVIEWS – VOTE MAY BE TAKEN

4. CAPE COD CODDAGE REALTY TRUST
P288

5 SANDY HILL LN

M4

John O'Reilly of JM O'Reilly & Associates presented a plan to upgrade the septic system of the 3 bedroom dwelling on the 16, 553 sq. ft. environmentally sensitive lot. The proposed septic system includes a 1500 gallon septic tank with MicroFast 0.5 treatment unit, H2O distribution box, and a 25' x 12.83' x 2' leaching chamber.

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 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 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 via Carmody Data Base provided through 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. Existing well to remain.

Ms. Plavin seconded the motion.

Approved 4-0

VI. REDUCTION REQUEST

5. PETER & MARYBETH SMAILS

80 SEAWARD WAYM9 P237

Peter Smails, owner of 80 seaward, requested a reduction in testing to 2x a year.

Ms. Blong moved to approve the reduction.

Ms. Plavin seconded the motion.

Approved 4-0

VII. UPDATE ON NON COMMERCIAL FARM ANIMAL REGULATIONS

The Animal Control Officer was unable to make the meeting. Update will be rescheduled to the next meeting.

VIII. OTHER BUSINESS - VOTE MAY BE TAKEN

Dr. Buffington met with the chairs of the other regulatory boards. A June target date for a joint meeting of all the regulatory boards. A work group of Dr. Buffington, Ms. Mondon, and Mrs. Crowley was established