



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleet-ma.gov

Request for Variance or Exemption from Wellfleet Board of Health (BOH) regulation 603 and related provisions of the state sanitary code.

Wellfleet BOH regulations, section 603 provides, in part, that:

- Unless inspected previously within two years under the terms of this regulation, the on-site sewage disposal system shall be inspected by a licensed inspector approved by the Board of Health whenever a property containing such a system is transferred by sale, exchange, gift, or bequest to a new ownership, or placed into or taken out of a form of trust ownership. A copy of the report of such inspection is to be furnished to the Health Department by the prospective new owner prior to the closing, and where an upgrade is required, an agreement specifying the timeframe shall be signed.
- Under these local regulations, a cesspool system serving any property shall be defined as “failed” and must be upgraded to meet Title 5 standards within 6 months of property transfers of any device, and within two years of the issuance of a building permit, or any self-identification associated with a septic inspection.
- The upgrade must take place within 30 days of property transfer.

The Wellfleet Selectboard, as the purchaser to the premises located at 80 State Highway, Wellfleet, commonly known as “Maurice’s Campground,” hereby requests variances and/or exemptions from Wellfleet BOH and related state sanitary code provisions sufficient to allow the continued operation of the improvements presently on the premises, consisting of a single family dwelling, cottages, a retail store, trailer and tent campsites, and related facilities without inspection of or upgrade of the sewage disposal systems on the premises for a **period ending on October 31, 2028.**

BOH’s authority for granting the requested waivers and/or exemptions is found in Wellfleet BOH regulations, section 201 which provides:

The Board of Health will make determinations in accordance with these and other regulations, but reserves the right in special circumstances, as determined in its judgment, to be more restrictive, to issue variances, or to grant exemptions. The rationale for such departures shall be documented in written minutes of the Board of Health meeting in question.

In support of this request, the Selectboard relies on the existing condition, the hardship that would be incurred, our objectives with this purchase, and the justification provided with this application.

Sincerely

(Selectboard Chair)

Variance Rationale

The Wellfleet Selectboard offer the following rationale for approval of the request for a variance from the Board of Health regulations to allow continued operation of the cesspools and associated septic works at Maurice's Campground, until October 31, 2028. A decision from the Board of Health will further inform voters at the upcoming Special Town Meeting in September and does have a material financial impact.

Under section 201:

201 The Board of Health will make determinations in accordance with these and other regulations, but reserves the right **in special circumstances**, as determined in its judgment, to be more restrictive, **to issue variances, or to grant exemptions**. The rationale for such departures shall be documented in written minutes of the Board of Health meeting in question.

Special Circumstances

The complexity of purchasing a long-standing Campground with an intention of converting a private seasonal camping use to a public, year-round, affordable housing project, using taxpayer funding, is clearly a special circumstance. It is also a unique opportunity to add desperately needed affordable housing units on the Outer Cape. In fact, an affordable housing assessment by the Cape Cod Commission singled out this location as "highly desirable" for that purpose.

For the purposes of appreciating the time frame requested, the 95 Lawrence Road development is a local example. After the Town decided to move forward with an affordable housing development in 2018, it took approximately 3 years to prepare and award the bid for the project. Construction is not expected to be complete until 2026, or essentially 8 years from inception to completion. It is not at all unusual for public affordable housing developments to take even 4-6 years under best case scenarios.

Therefore, both the nature of the request due to the "special circumstances" and the timeframe requested are reasonable for a project of this nature and this timeframe is consistent with the Town's experience in developing a similar project.

Under the terms of the purchase and sale agreement with the Gauthier's, the facility would be operated "as is" until October 21, 2028. This means that the current use is not expected to change during the time of developing an affordable housing solution and that period of time should be sufficient to develop and execute a preferred solution.

No Evidence of Septic Impact on Drinking Water or the Environment

The current cesspools and septic facilities on the property are maintained with annual pump-out at the end of the season (see Appendix A Site Map). With regards to concerns about the cesspools and drinking water on the property, since 1990, the DEP required, public water supply testing shows no degradation over 20 years of monthly testing in season. (see appendices B&C). If anything, there has been a slight improvement in both wells as indicated by the trend lines. Well 1 shows an average nitrate level of 3.04 mg/l. There were two outlier maximum values in 2019 of 7.7 mg/l and 9.7 mg/l but the levels returned to below 2 mg/l in 2020 and 2021.

The minimum value for the entire time period was 0.15 mg/l and a similar reading of 0.61 mg/l was just recently recorded in September 2021. Well 2 showed lower levels of nitrates with a maximum value of 1.75 mg/l, minimum of non-detect, an average of 0.3 mg/l and below 1 mg/l since 2003.

These readings are well below any public health thresholds for nitrates and indicative of the cesspools and septic facilities likely having little to no impact on the wells.

No Change of Use

Based on the current operation, granting a variance would not appear to adversely impact public health or the environment given this well documented history. During the interim period the Town does not plan to change, in any way, the current operation. So, it would seem reasonable to expect little to no change in the impact. Moreover, continued operation while a housing plan is being developed, will help defray some of the costs to taxpayers, another “special circumstance”, that would provide significant benefit to the Town and help reduce the cost of adding affordable housing.

Planned Upgrade to “Best Available Technology”/Regional Development of Affordable Housing

Assuming the voters approve the purchase, and after completing the public process of an affordable housing development, the location of water and septic connections will most likely not resemble what is there today. Moreover, at the time of construction, it is expected that property use will be changing from seasonal to year-round. It will comprise wholly different structures, locations and density meaning any investment now, in the existing infrastructure, would have little to no benefit in the future.

Massachusetts Department of Environmental Protection (DEP) is in the process of promulgating new Title 5 regulations that are anticipated to require “best available technology”. DEP expects these regulations to be adopted early next year, so they will most likely be in place by 2028. However, since public hearings will only begin in January of next year, this is currently an unknown for the project.

For the 95 Lawrence Road project, a consultant study was undertaken by Boehler Engineering, with a grant from the Cape Cod Commission, to determine the best alternative in the watershed. The result was a treatment system coupled with neighboring parcels that will ultimately reduce nitrogen in the watershed. It also looks like the public works associated with the project will be awarded a MassWorks Grant. We would anticipate undertaking a similar process with Maurice’s Campground. Once a thoroughly vetted housing plan is finalized, the appropriate best available technology can be selected with a goal of overall reductions in the watershed. In other words, housing development that actually reduces watershed impacts. This outcome is more likely with a municipal project than with a private developer and further supports the request for a variance.

During the interim period, should a water quality problem develop, while continuing to follow DEP public water supply testing requirements, the Town of Eastham has offered to serve the location, a new well could be drilled or supply shifted to the other well. While the data do not

support the likelihood of a problem, these alternatives provide significant insurance for protecting public health in the event of something unforeseen.

Due to the overriding public interest in affordable housing, lack of data supporting a public health concern and extraordinarily special circumstances, we would hope you would consider granting the variance for the time period requested.

MAURICE'S CAMPGROUND, INC.

80 Route 6, Unit 1

Wellfleet, MA 02667

Phone 508 349-2029 Fax 508 349-6704

Email: stay@mauricescampground.com

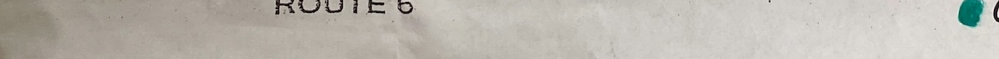
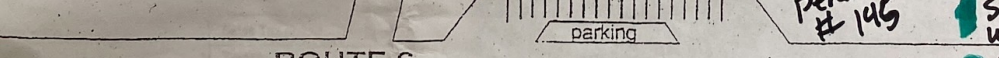
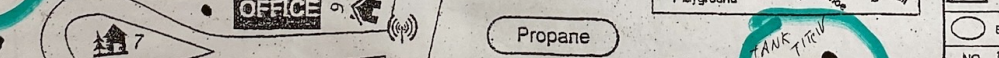
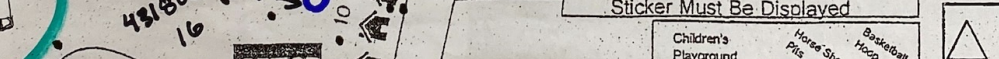
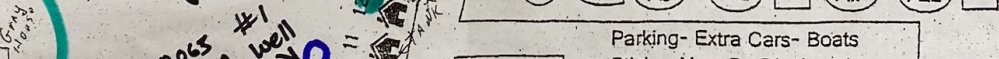
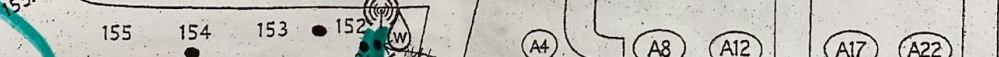
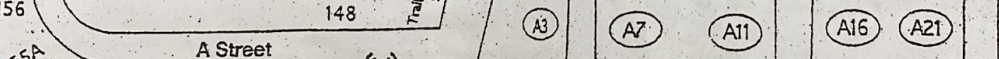
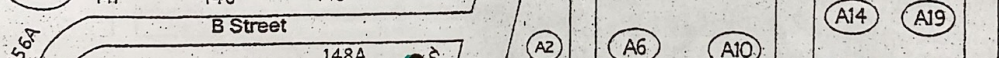
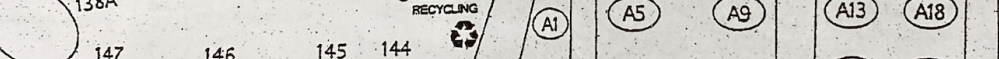
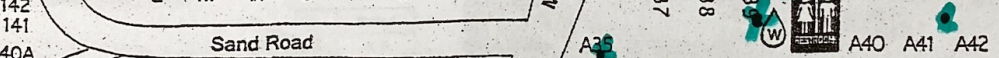
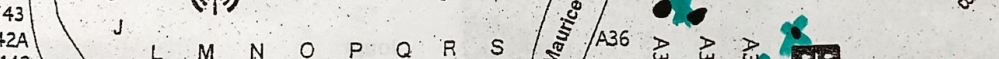
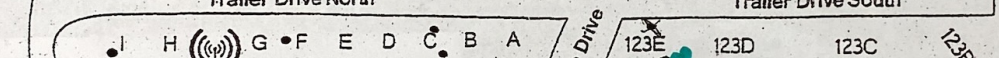
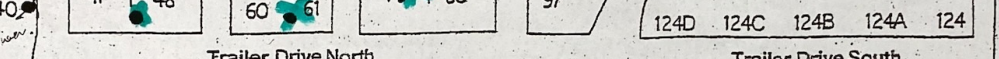
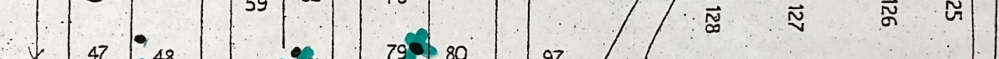
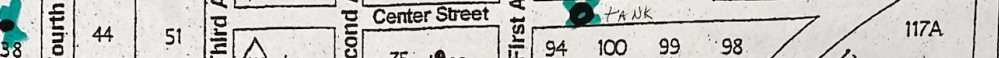
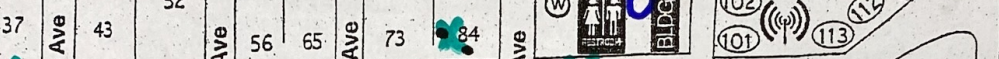
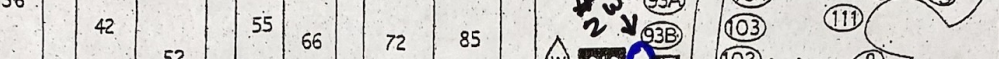
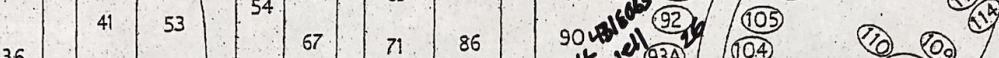
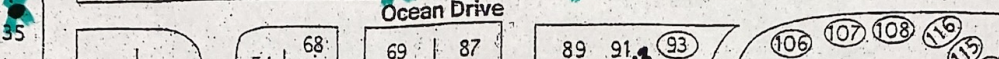
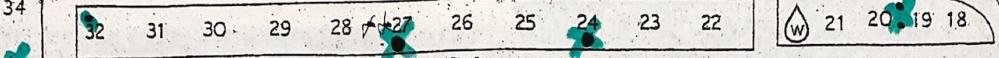
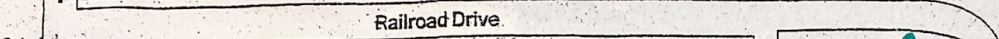
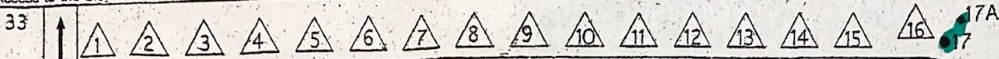
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Wellfleet Beaches
Marconi Beach

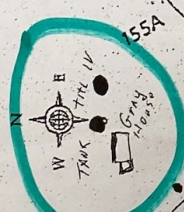
Eastham
Nauset Light Beach

Access to the Bicycle Trail

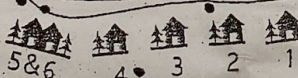
Bicycle Trail



25¢ = 6min
shower
RESTROOM



Title V
Permit # 112



4318065 #1 well

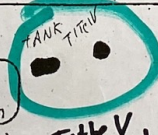
OFFICE

Propane

Maurice's Market
open 7:30am-10pm
508-349-9245

Parking- Extra Cars- Boats
Sticker Must Be Displayed

Children's Playground
Horse Shoe
Basketball Hoop



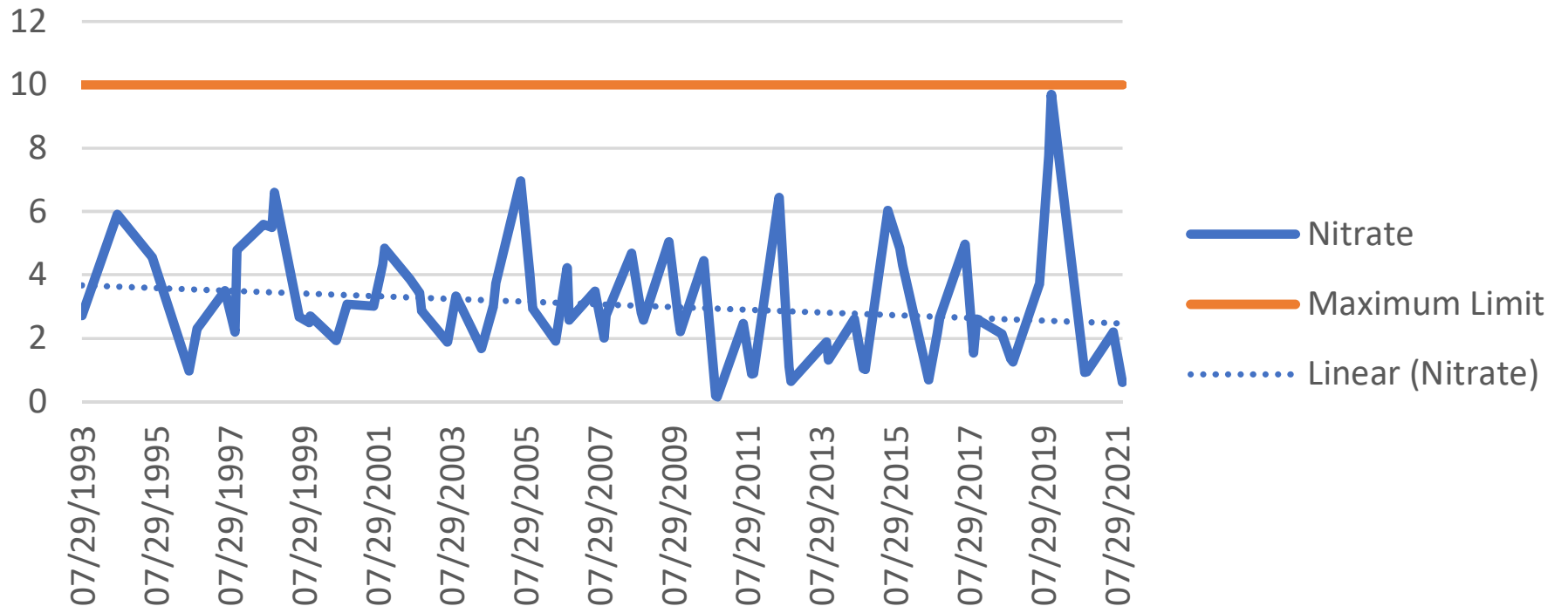
Title V
Permit # 145

△	TENT SITE NO HOOK UP
○	ELECTRIC & WATER
NO SYMBOL	ELECTRIC, WATER, SEWAGE, AND CABLE
Ⓜ	WATER FAUCET
Ⓜ	WIRELESS ANTENNA

Septic TANKS
with cesspools
cesspools

ROUTE 6

Maurice's Campground Nitrate (Well 1)



Marurice's Campground Nitrate (Well 2)

