BOARD OF HEALTH MEETING CORRECTED MINUTES
February 25, 2019
6:30 p.m.
THIS MEETING WILL BE HELD IN THE TOWN HALL LOWER LEVEL MEETING ROOM
TIMES INDICATED FOR THE AGENDA TOPICS ARE APPROXIMATE

Present: Diana Molloy, Benjamin Van Mooy, Stephen Rafferty, George Heufelder, Kevin Kroeger
Scott McGann, Mallory Langler

6:30 - Opening Remarks and public comment: At 6:30 Diana Molloy called the meeting to order.
Benjamin Van Mooy read the mission statement:
The mission of the Falmouth Board of Health is to protect and promote the health, safety and well-being of residents and visitors of the Town of Falmouth. The primary functions of the Board of Health to achieve our mission are to: prevent and control disease, enforce state and local regulations, promulgate local health regulations, identify and protect from environmental hazards, and advocate for a healthy community.

SEPTIC SYSTEM RELATED TOPICS
6:32 – 836 Palmer Ave – Sippewissett Campground proposed improvements under new ownership
Requesting the following:
Septic system approval request -
☐ To install an Amphidrome Innovative/Alternative nitrogen reduction wastewater treatment system and Presby Enviro-Septic soil absorption system.
☐ Local Upgrade Approval from 310 CMR 15.221(7) - depth of system components below finished grade. The anoxic / flow equalization tank is proposed at a maximum depth 6 feet below the proposed finish grade.

Also seeking variances from the following two sections in the Falmouth Health Regulations regarding “Trailer Camps”:
☐ FHR 9.0 (2)(A) “An incinerator or incinerators sufficient to take care of all waste material, which can and may properly be burned”.
☐ FHR 9.0 (3) “Placement. In no case shall the number or placement of inhabited trailers, or any particular parcel of land, be such as to constitute crowding or congestion, and no owner or lessee of land used for trailer camps or for overnight parking of inhabited trailers or for camping as aforesaid, shall permit the placement or location of such trailers within thirty (30) feet of each other”

Cover letter, I/A treatment system assessment document, I/A technology operation and maintenance program document, plans dated February 14, 2019 by Bracken Engineering and FHR 9.0 regulation provided.
Representatives explained that they have appeared before the Planning Board and Zoning Board of Appeals. They revealed a plan calling for 108 sites with 98 Airstream units and 10 tents. An Amphidrome Innovative/Alternative nitrogen reduction wastewater treatment system and Presby Enviro-Septic soil absorption system were proposed. Should this not achieve 12 mg/l nitrogen reduction, room for a backup installation is provided in the plan.

Representatives noted that an operator would be there monthly. Additionally, the system would be monitored remotely. The facility planned to be open year round but anticipated much reduced occupancy in the winter. To keep the system functional, it would not be pumped dry, and could be fed with discharge or seeded with bacteria.

The Board of Health noted that if flow exceeded 10,000 gallons, it would require a MassDEP groundwater discharge permit.

The Board of Health wondered if an annual inspection by an independent professional would be a good idea.

Scott McGann noted that soils are variable in this area and requested that the health department be present when the site is being excavated.

Stephen Rafferty moved to approve the wastewater treatment system plan with the provision that monthly inspections be sent to the Board of Health and the Barnstable County Department of Health and Environment and an annual inspection be done by an independent engineer, noting conditions of the facility and any maintenance required.

George Heufelder seconded. All in favor; motion passed.

The requested variances were addressed next.

George Heufelder moved to approve the proposed depth, finding it allows for a gravity collection system which is optimal and H20 loading will be used.

Kevin Kroeger seconded.

All in favor; motion passed.

Regarding the incinerator bylaw:

Stephen Rafferty moved to waive compliance. George Heufelder seconded. All in favor; motion passed.

Regarding the site placement bylaw:

George Heufelder moved to approve the request to waive, finding that sites are presently 15-20’ apart, the proposal reduces the number of sites, and the Board of Health’s opinion is that this does not constitute crowding.

Benjamin Van Mooy seconded. All in favor; motion passed.

7:06 – Lot 7 Hank’s Way – Innovative/Alternative septic system approval request

Request to install a Microfast model 0.5 system to serve a proposed 3 bedroom dwelling.

Cover letter from John Doyle, P.L.S. outlining the proposal and a Site and Sewage plan by John Doyle/ Carmen Shay dated February 10, 2019.

John Doyle appeared with the request, noting that the Planning Board requires I/A systems in this development.

Stephen Rafferty moved to approve the installation of an I/A system sized for a three bedroom structure as shown on a plan dated February 10, 2019 by J. Doyle Associates for David and Michele Lino for a 0.5 MocroFast System that has DEP general use approval, finding that he Planning Board requires the use of a denitrifying septic system for this
property and given that the Board of Health has certain requirements for the approval of all innovative/alternative septic systems in the town and provided that prior the issuance of a Disposal Works Permit, the applicant shall provide evidence of registration with the deed regarding the existence of an I/A system on the property and the need for a maintenance contract for the unit in perpetuity. Maintenance shall as a minimum, be provided in accordance with the technology general use approval of the I/A system as issued by the DEP on December 29, 2010 and revised on March 20, 2015, and Board of Health standard conditions whichever is more strict, and subject to owner acknowledgement that the system requires quarterly monitoring and sampling for total nitrogen and that the system shall be operated to achieve a system discharge concentration that does not exceed 19 mg/l of total nitrogen and that further should eight consecutive samples demonstrate that the discharge exceeds 19mg/l that a remediation plan will be prepared, submitted and implemented and that further if eight consecutive samples demonstrate that the discharge does not exceed 19 mg/l the owner may request in writing a reduction of the frequency of sampling from the Board of Health and that the system is registered with and the results of monitoring and maintenance are reported to the Barnstable County Department of Health and Environment and that the system conforms to all of the standard conditions of the Board of Health and the DEP general use approval relative thereto. Benjamin Van Mooy seconded. All in favor; motion passed.

7:10 –78 Oakwood Ave - Local Upgrade Approval request
Request for the following Title 5 divergence - 310 CMR 15.221(7) components of a septic system deeper than 36” (3’). Final grade over the proposed components will have in excess of 36” (3’) of cover.
- septic tank - 3.2’ / distribution box - 4.5’/ soil absorption system - 6.7’
- No increase in flow proposed (4 bedrooms per July 2018 Health Agent walk-through).
- Letter outlining the project (accessory apartment) and the need for the divergence.
- Septic design plan by Holmes and McGrath dated July 11, 2018/ February 12, 2019.

George Heufelder recused himself since he was the applicant.
George Heufelder explained that he has gone through the process for accessory apartments. Rather than retrofit an older septic system he decided to pursue replacement of the entire system. He noted that he would have no oversite during installation, the engineer doing all oversite. He reported that the state ethics agency advised that there was no conflict as long as the applicant did not vote. There would be no increase in flow.
Scott McGann confirmed 4 bedrooms.
Anthony Rafferty moved to approve, subject to obtaining all other Town of Falmouth permits and permissions relative to creation of a one bedroom accessory apartment in a separate structure on an existing lot located at 78 Oakwood Avenue, the proposed Title 5 septic system with a two compartment septic tank as shown on a plan prepared by Holmes and McGrath, dated July 11, 2018 with revisions through February 12, 2019 sized for a total of four bedrooms that the septic tank is pumped out at least once every three years and that the property is deed restricted to four bedrooms. Benjamin Van Mooy seconded. All in favor; motion passed.
George Heufelder resumed his seat on the Board of Health.
7:18 – Discussion of proposed regulation changes to FHR 15.0 Falmouth’s supplement to 310 CMR 590.00 (Title 5)
Working document of proposed changes to FHR 15.0
The Board of Health edited the document.
Scott McGann noted that he has been compiling responses to the document.

HOUSING
7:10 – 373 Palmer Ave unit 6 - Variance request from 105 CMR 410.250 (Natural Lighting) and 105 CMR 410.450 (Means of Egress)
Original housing inspection performed on July 18, 2017 determined insufficient natural lighting and egress in unit 6 among other violations. Agreement at District Court between the Health Department and the property owner not to rent dwelling (unit 6) occurred at that time. Owner requesting a variance from one or more of the violations listed in the enforcement letter. Copies of the variance request, enforcement letters, correspondence, Assessor’s information, relevant sections of the 105 CMR 410.000 provided.
The applicant was not present.
Benjamin Van Mooy moved to table. Stephen Rafferty seconded.
It was determined that the applicant would not rent the house until the matter was resolved.
All in favor; motion passed.

7:49 – Review rental regulations from surrounding communities:
The Health Agents presented three examples for review. Scott McGann noted that Falmouth has a bylaw and the Board of Health could add regulations to enhance. The Board of Health requested that he draft regulations.

GENERAL BUSINESS AND CORRESPONDENCE
7:57 – Correspondence (emails) from Protect Our Cape Cod Aquifer (POCCA) for the Town to cease using glyphosate (a.k.a. Round-up) and other chemicals on Town owned land.
The POCCA team is asking that the Board of Selectmen (on the 2-25-19 BoS agenda) to adopt a NO Glyphosate and chemicals policy for those properties they directly control and for the BoS to encourage their Board of Health to write/adopt a health regulation, using their powers, prohibiting the use of Glyphosate and chemicals on all town owned properties.
☐ Email correspondences to the Town
☐ Cape wide review of what other towns have/are doing (from emails)
7:57 - Eversource communications regarding herbicide application on right-of-ways
☐ Letter from Eversource regarding their intention to selectively apply herbicide along the power line right-of-way in Falmouth.
☐ Approval letter from the Massachusetts Department of Agricultural Resources regarding the Eversource, Eastern MA Five Year Vegetation Management Plan for Cape Cod and Martha’s Vineyard 2018-2022.

A discussion, attended by Jared Goldstone, former Board of Health chair and toxicologist included the following:
• The 'no glyphosate and chemicals’ is not clear, helpful language but the issue of pesticide use should be considered.
The decline in insect and other populations is alarming.

Regarding ticks: it appears that only pest populations are increasing.

The approach to pest control needs to be more nuanced, perhaps for only the most noxious pests such as phragmites or knotweed.

Glyphosate itself is relatively benign but Roundup and other herbicides are combined with other substances to enhance effectiveness. 2, 4-D is often combined with glyphosate. This affects the toxicology but is not required to be disclosed; because glyphosate is combined with other substances it makes study of and conclusions about health effects difficult to determine. Some formulations do seem to increase occurrences of Non Hodgkin’s Lymphoma with exposure; it may be estrogenic. Some health agencies have labeled it a probable human carcinogen.

Resistance develops to some formulations used on Roundup Ready crops.

Use by homeowners is concerning.

Decreased and more targeted use makes sense. This may help with resistance.

The issue of pesticide use was added to the goals list.

8:25- Board of Health Goals discussion and update

☐ Board of Health goals discussion document

☐ Review suggestions regarding local upgrade approval authority that can be delegated to the Health Agent.

Stephen Rafferty moved to delegate the discussed authority to the Health Agent. Benjamin Van Mooy seconded. All in favor; motion passed.

Effective immediately.

8:39 – Approval of meeting minutes

Review of meeting minutes from:

February 11, 2019: Benjamin Van Mooy moved to approve with correction. George Heufelder seconded. All in favor except Diana Molloy abstained; motion passed.

February 13, 2019: George Heufelder moved to approve with corrections. Kevin Kroeger seconded. All in favor; motion passed.

At 8:44 George Heufelder moved to adjourn. Benjamin Van Mooy seconded.

Relevant Documents

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☐ Working document of proposed changes to FHR 15.0.
☐ Copies of the variance request, enforcement letters, correspondence, Assessor’s information, relevant sections of the 105 CMR 410.000 provided ☐ Board of Health goals discussion document
☐ Email correspondences to the Town
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