

**BOARD OF HEALTH MEETING CORRECTED MINUTES
July 29, 2019 at 6:30 p.m.**

This meeting was held in the Town Hall lower level meeting room
59 Town Hall Square, Falmouth, MA 02540

Times indicated for the agenda topics are approximate

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

At 6:30 Diana Molloy called the meeting to order.

George Heufelder 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.

6:30 - Opening Remarks and public comment:

Diana Molloy recognized the Health Department staff for their remarkable work and flexibility.

SEPTIC SYSTEMS

6:31 – 56 Edgewater Drive East (Parcel ID: 32 11 000B 093) - Local Upgrade Approval request

Request for the following Title 5 divergence to *310 CMR 15.211: Minimum Setback Distances*
Property line to the soil absorption system reduction to 3' (10' required)

Request for the following Title 5 divergence to *310 CMR 15.221 (7) General Construction Requirements for All System Components*

Request to increase the maximum depth over a soil absorption system from finish grade to 57" (36" max allowed).

- No increase in flow proposed (existing 3 bedroom dwelling).
- Letter outlining the project and the need for the divergence.
- Septic design plan by John Doyle/ Carmen Shay dated July 14, 2019

John Doyle appeared with the request.

George Heufelder moved to approve finding the plan is a vast improvement over the existing system and there is a vent proposed to compensate for the extra depth of the components. Kevin Kroeger seconded. All in favor; motion passed.

6:35 – 292 Edgewater Drive West (Parcel ID: 41 06 000 190) - Local Upgrade Approval request

Request for the following Title 5 divergences to *310 CMR 15.211: Minimum Setback Distances*

- Basement/ cellar wall to the soil absorption system reduction to 18.6' (20' required)
- Property line to the soil absorption system reduction to 5.2' (10' required)
- Bordering Vegetated Wetland to the soil absorption system reduction to 96.4' (100', required)
- o No increase in flow proposed (existing 3 bedroom dwelling).
- o Letter outlining the project and the need for the divergence.
- o Septic design plan by J.E. Landers-Cauley, P.E. dated July 15, 2019, revised July 22, 2019
Ken Breivogel appeared with the request.

Kevin Kroeger moved to approve finding the system is properly sized in accordance with Title 5, an improvement over the existing system, , the maximum distance to resources and utilizes a poly barrier to compensate for lack of distance to the foundation and the property is deed restricted to 3 bedrooms Benjamin Van Mooy seconded. All in favor; motion passed.

6:45 - Lot 4 Winslow Road (Parcel ID: 05 10 022 004) - Innovative/ Alternative septic system approval request

- Cover letter outlining the proposed project
 - DEP Approval letter
 - Plan of project by J.C. Engineering dated July 25, 2019
- Brian Wallace appeared with the request, explaining that the Planning Board has required I/A systems in this development.

Stephen Rafferty moved approve finding that the Planning Board has required the use of a denitrifying system for the property and given that the Board of Health has certain requirements for the approval of all I/A systems in town and provided that prior to issuance of a Disposal Works Permit, the applicant shall provide evidence of registration with the property's 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 and 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 8 consecutive samples demonstrate that the discharge meets the Board of Health regulations for system performance, 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 relative thereto. George Heufelder seconded. All in favor; motion passed.

6:50 – 19 Narragansett Street – Property owner's request to reduce/eliminate fines and conditions imposed by a decision of the Board of Health on July 15, 2019 for failure to comply with a previous decision of the Board of Health and violating both Chapter 2 of the State Housing Code 105 CMR 410.00 and Title 5- 310 CMR 15.000.

- Updates since previous July 15, 2019 decision.
 - Property has been tied to sewer as of July 24, 2019.
- Home owner Shane Quigley appeared seeking to reduce fines accrued.
Scott McGann reported that the property is now in compliance.

Mr. Quigley explained that he knew of the need to hook up to the sewer when he and his wife purchased the property in 2017 and had tried to do so by hiring a friend to do the work. The friend was not able to successfully complete the job.

Mr. Quigley accrued fines from both the Wastewater Department and the Board of Health. Noting that \$4,200 seemed like a lot for the fine and that the owner has made some effort to remedy the public health threat, **Benjamin Van Mooy moved to reduce the fine from \$300 per day to \$100 per day for a total of \$1400.**

There was no second.

Diana Molloy moved to reduce the fine to \$2400, counting 8 days of fines total at \$300 per day, considering that the public health issue had been mitigated. Kevin Kroeger seconded. All in favor except George Heufelder opposed; motion passed.

7:25 – 1 Beech Plum Drive – Request to reduce the total nitrogen testing requirements on the Innovative/ Alternative (I/A) septic system (Omni system) - continued from July 15, 2019

Letter from property owner outlining the request

- Test results
- Board of Health approval letter from the December 6, 2010 decision
George Heufelder is working with the homeowner.

George Heufelder moved to continue. Benjamin Van Mooy seconded. All in favor; motion passed.

GENERAL BUSINESS AND CORRESPONDENCE

7:26 – The Falmouth Litter Reduction Team – Presentation from the team on their current activities

Representative Alan Robinson appeared to discuss litter reduction in Falmouth. He reviewed the Power Point Presentation given to the Board of Selectmen outlining several recommendations. Nips bottles have been discussed by the group but there is presently no recommendation to ban them.

7:54 –Board of Health Support for Wastewater Treatment Plant Upgrades

The draft of a letter of support was presented.

George Heufelder moved to accept and forward the letter. Stephen Rafferty seconded. All in favor; motion passed.

8:01 – Health Department updates and discussion of projects

Research continues on companies to help staff with rental issues. Companies have been found to have different priorities than the health department.

The pesticide working group held a second meeting.

8:38 – Approval of meeting minutes

Review of meeting minutes from July 15, 2019

Kevin Kroeger moved to approve with corrections. George Heufelder seconded. All in favor; motion passed.

At 8:46 George Heufelder moved to adjourn. Kevin Kroeger seconded.

Relevant Documents

Letter outlining the project and the need for the divergence.

Septic design plan by John Doyle/ Carmen Shay dated July 14, 2019

Letter outlining the project and the need for the divergence.

Septic design plan by J.E. Landers-Cauley, P.E. dated July 15, 2019, revised July 22, 2019

Cover letter outlining the proposed project

DEP Approval letter

Plan of project by J.C. Engineering dated July 25, 2019

Letter from property owner of 1 Beach Plum Drive outlining the request

Power Point of Alan Robinson

Draft letter of support Wastewater Treatment

