

## **BOARD OF HEALTH MEETING VOTED MINUTES**

**March 9, 2020 at 6:30 p.m.**

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, George Heufelder, Kevin Kroeger  
Scott McGann

### **6:29 - Opening Remarks and public comment:**

At 6:29 Diana Molloy called the meeting to order.

Kevin Kroeger 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 SYSTEMS**

#### **6:30 – 152/160 Penzance Road – Shared septic system 2015 approval modification request**

Applicant requesting to modify the Board's June 15, 2015 decision to allow the shared system. The previous recorded decision referred to a one bedroom dwelling at #152. Applicant would like to keep the 3 existing bedrooms currently located on the property

Documents:

- 2015 recorded Board decision
- Letter from Holmes and McGrath outlining the request
- Plan by Holmes and McGrath

Michael McGrath appeared with the request. He reported that the 2006 installed RUCK system was approved under a piloting program, was a voluntary upgrade and designed for 9 bedrooms. The house is used seasonally for 5 months of the year and sporadically the rest of the year. Two different entities own the 2 properties. The system is presently inspected twice a year but is not monitored.

The Board of Health noted that there was a reduction in the leach field and was concerned whether the field could support the system. It would want monitoring if the plan was approved as well as legal documents regarding the properties' ownership. The system was presently approved for 9 bedrooms and the total number of bedrooms on the two properties is less than 9, the Board of Health noted.

**George Heufelder moved to allow the increase in flow provided there is quarterly monitoring for at least 2 years for total nitrogen and BOD and that legal documents are provided outlining the relationship between the 2 properties. Kevin Kroeger seconded. All in favor; motion passed.**

**6:55 – 185 Bayfront Way Falmouthport Condominiums – Innovative/Alternative approval request.**

Applicant requesting to install a SoilAir system to remediate and existing leaching system

Documents:

- Letter requesting the approval and plan of the project by D.H. Martin Engineering, Inc. dated March 5, 2020.
- Evaluation of Leachfield Aeration Technology for Improvement of Water Quality and Hydraulic Functions in Onsite Wastewater Treatment Systems
- MADEP Certificate for General Use for SoilAir dated Oct. 24, 2018

David Martin appeared explaining that the property owners hope to extend the life of this highly stressed but not failed system until they can hook up to the proposed sewer.

George Heufelder noted that he would recuse himself from a vote since he had tested SoilAir systems.

**Kevin Kroeger moved to approve the request finding the system is stressed but not failed and there is the expectation that the property will be connected to the sewer, but if after 5 years the property is not connected to the sewer, the homeowners must return to the Board of Health, and provided there is monitoring and reporting to the county. Benjamin Van Mooy seconded. All in favor except George Heufelder abstained; motion passed.**

**7:09 – 248 Club Valley Drive – request to reduce testing on their Innovative/ Alternative septic system**

Currently testing 4x/year

Documents: testing results since 2017

The homeowner appeared with test results but it was determined that requirements of the regulations were not yet met. He withdrew his request.

**PESTICIDES**

**6:45– Continued discussion from February 24, 2020 - The current Glyphosate moratorium is set to expire March 31, 2020. The Board plans to discuss the existing moratorium and whether to alter or expand it to include all pesticides use on town-owned land.**

The Board will also consider whether to go to the Board of Selectmen to discuss a pesticide ban or moratorium on all pesticides on town-owned property and whether to ask the Selectmen to form a committee for the implementation of the moratorium or ban on pesticides on town owned land.

Additional document since the 2/24 continuance: Letter from Charles Rader, 44 Elvira Ave, regarding Glyphosate and pesticides

A discussion included the following:

- The trend in public health is to move away from banning specific chemicals and move towards more general regulations.
- Individuals on the Board of Health have struggled with what to ban but did not want that construed to mean that there should be no bans.
- A committee would have a hard but important job: there is endless reading on each compound.
- It was recognized that there was uncertainty when the glyphosate ban was instituted but it was hoped that the town would take the lead on restricting pesticide usage and educating the citizenry.
- A panel could collect data and keep records.
- Alex Zollo of the The 300 Committee informed that three invasives are the main target of herbicides: phragmites, black swallowwort, knotweed. She expressed concern that a more persistent chemical is now being used because of the glyphosate ban. Wilkinson Ecological had neglected to inform her that variances for glyphosate had been granted by the Board of Health.
- The Board of Health reiterated that there was a process whereby variances to use glyphosate may be sought.
- Landscape and golf course representatives offered comments including a history of pesticide use, use of chemicals is needed on town fields, liability is a concern considering the terrible condition of town fields, the Board of Health should look at the science, there are plenty of regulations in place already and this problem will work itself out.
- The Board of Health acknowledged that resources to support alternatives need to be part of the conversation moving forward.
- Industry is not likely to change without regulations.

**George Heufelder moved to continue and forgo any decision at this time. Benjamin Van Mooy seconded. All in favor; motion passed.**

## **PUBLIC HEALTH**

### **8:15- Coronavirus updates, discussion and planning**

Scott McGann reported that there are no cases reported in Falmouth. He receives daily updates from the Massachusetts DPH and will follow their recommendations.

## **GENERAL BUSINESS AND CORRESPONDENCE**

### **8:23 – Board of Health goals discussion**

Documents - goals discussion document

Diana Molloy has updated. To be reviewed at the next meeting.

### **8:25– Health Department updates and discussion of projects**

Scott McGann reported that the department is busy with Covid-19

### **8:27 – Approval of meeting minutes from February 24, 2020**

**Benjamin Van Mooy moved to approve as written. Kevin Kroeger seconded. All in favor; motion passed.**

At 8:28 Kevin Kroeger moved to adjourn to the Select Board meeting. Benjamin Van Mooy seconded. All in favor; motion passed.

### Relevant Documents

- 2015 recorded Board decision
  - Letter from Holmes and McGrath outlining the request
  - Plan by Holmes and McGrath
  - Letter requesting the approval and plan of the project by D.H. Martin Engineering, Inc. dated March 5, 2020.
  - Evaluation of Leachfield Aeration Technology for Improvement of Water Quality and Hydraulic Functions in Onsite Wastewater Treatment Systems
  - MADEP Certificate for General Use for SoilAir dated Oct. 24, 2018
- Club Valley Drive- testing results since 2017  
Letter from Charles Rader, 44 Elvira Ave, regarding Glyphosate and pesticides  
Goals discussion document