

BOARD OF HEALTH MEETING

March 28, 2017: Minutes

Members Present: James Butterick, William White Patricia Bergeron

Others Present: John Powers – Acting Health Agent, Meegan Lancaster, Alexandra Kral, Reid Silva, Woody Mitchel, Bill Howell, Tom and Karen Doyle, Andy Farresey, Steve Doyle

APPOINTMENTS:

10:00: Minute approval for 2/28/2017 meeting

Member White motioned to approve the minutes for 2/28/17 BOH meeting.

Motion was unanimously approved.

10:02: 99 Ocean Avenue M10 P17

- **Health Agent:** On February 8, 2017 an application for a 4- bedroom septic system Disposal System Construction Permit was submitted. Due to the dimensional constraints of the lot it is not feasible to fully comply with Title V requirements. Therefore, the applicant requested following variances

1. 15:211(1) To reduce the required separation distance from a leaching field to a property line from 10' down to 5'

Member White motioned to approve variance as presented.

Member Butterick 2nd it. Motion was unanimously approved.

10:05: 14 Pocasset Avenue M11 P 117

- **Reid Silva:** It is an upgrade from cesspool to a 5- bedroom Disposal System. Due to the size of the lot we requesting following variances:

1. Leaching facility to a property line 10' required: 5' & 7' proposed
2. Leaching facility to foundation 20' required: 18' proposed.

- **Health Agent:** Plan looks good. I don't have any issues with requested variances.

Member White motioned to approve variance as presented.

Member Butterick 2nd it. Motion was unanimously approved.

10:10: 10 Pond View Circle M 28 P 2.33

- **Health Agent:** This issue was presented in front of BOH during previous meeting. Since then George Sourati and I walked through the existing dwelling to confirm the bedroom count. Five bedrooms were observed. To move forward with the process Mr. Sourati and I agreed that he will submit an application for a 4- bedroom disposal system construction permit, a building application to remove one of the bedrooms and deed restriction for the.

Members White motioned to require a deed restriction & building application to remove extra bedroom to be submitted to the BOH office prior issuing a disposal system construction permit.

Member Bergeron 2nd it. Motion was unanimously approved.

10:20: 26 Franklin Avenue M11 P251

- **Health Agent:** Original disposal system plans were missing couple infiltrators. Previous Health Agent requested revised plan with addition of infiltrators to be submitted. Instead engineer presented a plan with alternative type of infiltrators. I had prior experience with those types of infiltrators and assure you they work just as well as standard ones. Plan also requires a variance from Title V to reduce setback of the proposed system to less than 20' from a foundation or crawl space. Variance was previously approved by the board.

Members White motioned to approve the use of alternative infiltrators.

Member Butterick 2nd it. Motion was unanimously approved.

10:30: Isaac Avenue M 22 P 59.3

- **Woody Mitchel:** We submitted a Building Application for 2304 sq. f. 1-bedroom house. Building application was denied by Health Agent based on the policy that limits the maximum building area for a proposed one bedroom single family dwelling being served by an approved one bedroom septic system to 750 S.F. The 10,000 sq. f. lot is deed restricted to 1-bedroom and located in Zone II. Disposal System Application was approved for a 1-bedroom septic system.
- **Bill Howell:** The septic application for this lot was approved prior the adoption of the stated above policy. House has a lot of square footage but its only 1- bedroom house.
- **Member Bergeron:** Policy was created to prevent possibility of adding illegal bedrooms for the lots served by 1-bedroom septic systems.
- **Bill Howell:** We would like to ask Board of Health to waive 750 sq.f policy and allow the construction of 2304 sq.f.

Members White motioned to approve requested waiver and allow the construction of 2304 sq.f 1-bedroom house.

10:40: 2 Garvin Street M11 P 281

- **Health Agent:** On February 27, 2017 an application for a 2- bedroom septic system Disposal System Construction Permit was submitted. Due to the size of the lot the applicant requested following variance:
 1. To allow proposed reserve area at 16' from existing basement and proposed leaching trench at 18' from existing basement.

I have no issues with submitted plan.

Member Bergeron motioned to approve variance as presented with a condition of recorded deed restriction to 2-bedrooms.

Member Butterick 2nd it. Motion was unanimously approved.

10:42: 10:42: 6 Laurel Avenue M8 P 58

- **Steve Doyle:** The issue was before the Board of Health before. Mr.&Mrs. Doyle would like to obtain their certificate of compliance. Oak Bluffs Board of Health requires submission of Engineers Letter and an as-build prior issuance the certificate of compliance. My clients were not able to coordinate with engineer4r for this project Mr. Sourati. We would like to ask Board of Health to issue a certificate of compliance based on Title V inspection performed by independent licensed septic inspector as a substitute for an engineer's letter.
- **Member Bergeron:** This issue was in front of us before and it was referred to DEP. Brian Dudley advised us to not get involved in this situation. It's developed into a legal matter between Mr. Doyle and George Sourati. We unfortunately, can't issue the compliance until we receive engineer's letter.
- **Health Agent:** I would like to discuss this issue with Brian Dudley again.
- **Member Bergeron:** According to the previous letter that Brian Dudley we cannot issue a certificate of compliance without engineer's letter. We are willing to address this issue with Mr. Dudley again to see if there is anything that could substitute for engineer's letter.

HEALTH AGENT:

10:45: Innovative/ Alternative Septic System Tracking Availability

Health Agent introduced Innovative/ Alternative Septic System Tracking Program provided by Barnstable County Department of Health and Environment (BCDHE). Program designed to assist our town to bring local

I/A system in compliance. BCDHE will track I/A system located in Oak Bluffs for contract compliance, O&M agreement and sampling compliance. There is no charge for the Town to use this program. Homeowners would be charged \$50/ year. Board of Health Members agreed to review and possibly adopt policy to enroll into Innovative/ Alternative Septic System Tracking Program during next meeting.

10:50: Oak Bluffs Landfill Post-Closure Compliance

Oak Bluffs Board of Health Members reviewed letter of Post-Closure Compliance for Oak Bluffs Landfill.

10:55: Food Inspections Update

Meegan Lancaster filled the Board Members in on results of Food Inspections. All most each year-round food establishment got inspected. As season approaches main priority is to perform all pre-opening inspection and follow up inspections on time. Ms. Lancaster expressed that one of her main goal is to build trusting and long-lasting relations between BOH and Food Establishment.

11:00: Plastic Bag Ban FAQ's

There are two different warrants on the ballot for the Town Meeting on April 11th. One of them presented by Martha's Vineyard Commission is in support of Plastic Bag Ban. Oak Bluffs is the only town on Island that did not switch to the paper bags yet. In opposition, Oak Bluffs Business such as Giordano's and Reliable Market will present another warrant. In their opinion complete plastic bag ban would have negative effect on local business. They ask to allow them more time to finish their research for alternative solution to a plastic bag issue.

11:05: Tobacco 21

During previous Health Agents Meeting the idea of increasing legal age to 21 to purchase tobacco products was presented. Oak Bluffs Board of Health tobacco permit currently cost \$100. Tisbury Board of Health raised their fee to \$500 which they found to be ineffective. Member Bergeron and Member White agreed that increasing legal age to purchase tobacco would be ineffective and in the long run would not solve the problem. Member Butterick is in favor of Tobacco 21 proposal.

11:10: Lyme/Tick Consortium Representative

Dick Johnson proposed his candidacy to represent Martha's Vineyards at the Lyme/Tick Consortium in Boston. Board of Health Members expressed their support for Mr. Johnson and agreed he would be a good candidate to represent our Island.

11:05: Eversource Herbicide Program

Health Agent presented a notice from the Eversource Energy informing Oak Bluffs BOH of companies' intent to selectively apply herbicides to target vegetation by licensed applicators. Notice was accompanied by a map showing effected location (off Edgartown- Vineyard Haven Road, across from County Rd.). According to presented map no sensitive areas of Oak Bluffs will be affected by presented herbicide program.

11:10: Water Fluoridation

Administrative Assistant informed the Board that office received another letter from Morgan Douglas with a request to stop fluoridation of Town Water. Board Member was presented with a letter in response to his request stating that during previous Town Election majority of votes were casted in support of adding fluoride to the drinking water.

Member White Motioned to adjourn

Respectfully submitted by,
Alexandra Kral, Administrative Assistant

DRAFT