



Town of Oak Bluffs  
Board of Health  
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William White  
Chairman

James Butterick  
Thomas Zinno  
Board Members

Meegan Lancaster  
Health Agent

**BOARD OF HEALTH  
June 22, 2021 – MINUTES**

**Members Present:** William White, James Butterick, Thomas Zinno

**Others Present:** Meegan Lancaster, Garrett Albiston, Lorna Welch, Ewell Hopkins

Chairman White called the meeting to order at 10:00 am.

**APPOINTMENTS:**

- None

**APPROVAL OF MINUTES:**

- **March 9, 2021** - Approved
- **March 23, 2021** - Approved

**BOARD MEMBER DISCUSSION:**

- **Letter from the Planning Board re: Artificial turf at MVRHS**

Mr. Hopkins, Chairman of the Oak Bluffs Planning Board spoke about the letter he submitted to the BOH. Mr. Hopkins explained that in terms of this project they are challenged by what authority they have under the zoning exemption status of a public educational institution therefore the application has been referred to the MV Commission. They were assured that the project was PFAS free and therefore did not spend much time on toxicology due diligence and since then the Commission has sponsored a toxicology study. As they are about to embark on the town level review they are asking that the BOH review and get up to speed on the application. They have determined that a special permit under 8.2 of the water protection district overlay will be a part of their application and have sent a letter to applicant stating as such. The applicant has acknowledged receipt and our attorneys have spoken to each other and agreed that this issue must be addressed. They have not conceded to the applicability of 8.2 so that it is my position and that of the Chair, that the application is incomplete without a special permit request. The applicant has invoked what is commonly referred to as the Dover amendment which would give them extreme exemption status over the review of this project under a site plan review and under a site plan review we would have very defined and limited authority to review this application and that has been documented in a letter that he commissioned with their attorney and we've reviewed it with the applicant. He thinks there's no disagreement on what the aspects of Dover are. This latest piece, prompted by the commission's toxicology reports as it pertains to health and safety would trump a zoning exemption under Dover. Under the 8.2 special permit there would be no constraints of authority and oversight by the town. The Commonwealth of Massachusetts has the defined six specific PFAS that are being regulated. Two of those six were identified in the toxicology report by the Commission so we're not talking about the general classification of PFAS.

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The toxicology report that was done supplemental to the assurance that there were no PFAS in what was proposed has identified those regulated PFAS in the materials that are proposed, so you have regulated elements by the Commonwealth of Massachusetts that are clearly in their proposal. The water department has proactively and now mandated the requirement to test for PFAS and in two of our four wells has identified elevated levels of those same molecules in our water currently. They are not at a level where the state requires those wells to be shut down but scientific points of view indicate that they are higher than recommend it for pregnant women.

Ms. Lancaster stated that in October of 2020 the State actually imposed the PFAS regulation across the State and that regulation didn't exist prior to this application so that's part of why things have changed. When the zoning regulation was written for 8.2 they were not specifically enumerating PFAS. There are critical dates and deadline that follow that with water testing requirements for different public water supplies. Oak Bluffs had been proactive in terms of testing but is not required to test for the State until October of this year because we are serving fewer than 10,000 people. The maximum content for PFAS is measured in parts per trillion which is a very low threshold. There have been communities with private wells that have been affected by PFAS. There are mitigation measures that can be put in to remove it from the water supply. This is an island wide issue because we have a sole source aquifer.

After further discussion Mr. Butterick made a motion that we have received the letter from the Planning Board, discussed with the chairman and share the concerns and want to be involved in the process going forward. All in favor.

- **Southern Woodlands Septic Management Program – Proposed Regulation**

Mr. Albiston stated that the Planning Board decided that they have to have enhanced nitrogen systems in the Southern Woodlands to ensure that nitrogen was never over 19 milligrams per liter but then there was no testing requirement involved or anything to actually be sure that they are keeping them below 19 milligrams per liter. By doing this testing and requiring them to seasonally test once a year and if it's a year round home to test twice per year will allow their operators to find and tweak certain things to make the systems work properly. When the MVC turned this area into a DCPC the town was supposed to come up with the management plan, which would have had all these testing requirements in it. The town never did it so we're basically coming in to do that and follow up with what should have happened 10 years ago.

Ms. Lancaster stated that we have to have a public hearing to ratify this regulation. There was further discussion about possible fines to impose for this regulation.

**AGENTS UPDATE:**

- **Proposed revision to septic fees**

Ms. Lancaster presented the proposed fees for septic applications, etc. and explained the workflow that each application triggers. Mr. Butterick made a motion to approve the changes excluding the fees for additional septic inspections and the reduction in testing request (to be approved at a later date). All in favor.

- **SAPHE Grant – job descriptions**

Ms. Lancaster stated that they have been meeting weekly about the public health excellence grant that we have and it's \$300,000 per year right now. Job descriptions are pretty much done with just two more to go over this week. We also may have more grant money coming in for community health workers.

Mr. Zinno made a motion to adjourn. All in favor.

Respectfully submitted by Lorna Welch, Administrative Assistant