

Edgartown Board of Health/BOS @ 4PM

Minutes of October 13, 2020

E. Garrett Orazem, DMD

Meegan M. Lancaster

At 4:00PM the Board of Health joined the BOS meeting posted for 4PM ZOOM # 83149652581 (Matt Poole, J. Hathaway, M. Serpa, M. Donaroma, A. Smadbeck, Chief McNamee, TA J. Hagerty & Taco MV owner Zared Shai).

Arthur Smadbeck called the meeting to order and TA Hagerty opened the session by stating Gov Baker's notice for meetings held by ZOOM. Mr. Hagerty stated the purposed for the first agenda item listed was to review action to be taken regarding COVID-19 violations at Taco MV on three separate occasions documented by police reports which included photographs taken. Agent Poole provided detail to the issues which were first identified by a customer with notice sent to Mr. Shai on July 12th. The notice outlined the lack of social distancing, face coverings and liquor being served without food as required. At the time of the July 12 incident, Agent Poole contact the Police Dept. and indicated there were issues and if an officer could inform him of any other violations. Chief McNamee stated there were three reports made by his staff recently on 9/18, 9/24 and 9/27 with similar violations with the July 12 report. Member Donaroma inquired to what the BOH has in place for violations, to which the reply from Agent Poole the BOH rules allow a fine structure based upon the severity and the dollar amount calculated by percentages of the annual fees and listed as a surcharge. Mr. Shai spoke to the group and extended sincere apologies for the lack of compliance at his Winter Street location. He added it has been a very difficult season at both his locations with staffing. He did institus the changes Agent Poole had outlined in July and admitted he was not on the property the when violations took place. At this time TA Hegarty stated the meeting was not a public hearing to consider revocation of the establishment's liquor license as that could be the next step for the Board of Selectman. Mr. Smadbeck suggested at this point in the season and the limited time remaining he felt if Mr. Shai could guarantee no further incidents will happen a public hearing is not necessary. Mr. Donaroma interjected if there is another violation there will be a hearing to revoke their license. Mr. Shai added he might have to close for the season or reduce the service to just take out. At this point Member Smadbeck stated the BOH could and should consider any ramifications of the violations and for them to deal directly with Mr. Shai. At 4:20PM the BOS members and staff left the meeting.

BOARD OF HEALTH ZOOM MEETING # 7477067621

The Board approved the payroll submitted thru 10/20/2020. Minutes of 3/23, 4/5, and 4/17/2020 were approved by the Board. Bills listed for payment were authorized. **At this time S. Wallo**, RE Agent, Bonnie Pierce RE Agent and her clients Mr. & Mrs. Pew. Mr. & Mrs. Fuller the secondary owners along with engineer Reid Silva were present for the public hearing posted for 4:45PM. Agent Poole opened the public hearing as a request to vary Katama District Regs. As leaching area to well from 200 feet to 124 feet (locus) 150 feet, 173 feet and 179 feet proposed. The plans were displaced on the screen for the group. Mr. Silva detailed the plans as being an existing two family duplex each with three bedrooms constructed in the late 1970's. A sale and transfer inspection indicated the system as being failed and is located outside the Coastal District. Mr. Silva added this is the best fit under the circumstance as they made an effort to save a tree and determine how many of the existing wells were deemed active. It appears the existing tank under the drive way is not H-20 and should be replaced as part of the repair. Ms. Pierce stated the dwelling is served by town water and it might be possible the wells are either not active or used for irrigation. Mr. Fuller confirmed that information and is almost sure the wells are not active. Member Lancaster mentioned both units will have to be connected to the alarm system, to which Mr. Silva agreed. At this time a motion was made by Member Lancaster to approve the request with conditions an H-20 tank will be installed with risers added and confirmation

that the wells are no longer in service and have been de-commissioned. G. Orazem seconded the motion to approve all in favor. The group thanked the Board and left the meeting at 5:10PM.

At this time G. Sourati, PE was before the Board as a variance request at # 44 Caleb's Pond Rd., Map # 30, and Lot # 53.211 DWP # 65/2020. Agent Poole opened the meeting and displayed the plans for the group. Mr. Sourati listed the variances requested for R. McCarron, Trs. Coastal District regulations are: 14.1.e.5, 14.1.e.6 and 14.1.e.8: septic to salt water body, septic to septic separation and septic proposed to water supply well. There will be no increase in bedroom count but there will be a footprint change. Mention was made to the location as being the best possible considering the renovation and the Coastal District regulations. After a brief discussion a motion was made to approved the variances all voting in favor. Agent Poole reminded Mr. Sourati, no deed restricted spaces are allowed. Mr. Sourati thanked the Board and left the meeting at 5:25PM

In attendance at this time were K. Donahue, RE Agent and her client's Mr. & Mrs. Greg Smith owners of # 14 Craft Field Way. Ms. Donahue had inquired with the office to determine the number of bedrooms issued to the Smith's home. Records show a two bedroom septic permit, with the floor plans showing a first floor den and second floor two bedrooms was permitted. When the Smith's purchased the home the first floor room was considered a bedroom. The most recent Tile V inspection called the den a bedroom done by D. Cooper who also provided a letter dated 10/12/20 the maximum allowable design would allow 364 gallons per day of flow. Agent Poole added if this was a vacant lot today a three bedroom septic would be allowed with IAT as part of the plan. Mr. Smith added they were looking to market the property and were made aware of the discrepancy in the bedroom count. Ms. Donahue suggested to the group that a document could be prepared stating in the future if there was a septic issue or change of use an IAT unit would be required for the septic system upgrade. Member Lancaster also indicated a percent of construction costs could be assigned along with a building permit for the work would require and upgrade to include IAT system. At this time it was determined by the Board that Agent Poole will review the files further and draft a proposal for reorganization of the three bedrooms. **The group thanks the Board for their time and left the meeting at 5:45PM.**

Agents Report

Mention was made to the increase or spike in Covid 19 cases recently with both Test MV and MV Hospital report active cases. The Town of Nantucket has recorded two deaths for COVID and is considered a red zone by DPH.

The Board was informed one applicant had submitted a letter of interest in the one year term as advertised. Agent Poole will make contact with the individual and will ask them to attend the meeting to be posted for 10/27/2020.

There being no further business before the Board, the meeting was adjourned at 6:00PM.

Respectfully submitted,

Janet Anthony-Hathaway, Assistant

Approved on: 11/10/2020

EGO
E. Garrett Orazem, DMD

MML
Meegan M. Lancaster