

Edgartown Board of Health

Minutes

September 27, 2022 at 4:00 PM Via Zoom

In Attendance

Chris Edwards: Chairperson

Charles Holmes: Homeowner of 15 Bold Meadow

Candace A. Nichols: Board Member

Chris Alley: Engineer for 2 Teaberry Lane & 6 Armstrong Lane

Gretchen Regan: Board Member

Matt Poole: Health Agent

William Herr

Celena Guimaraes: Assistant to the BOH

Bill Ogden

Reid Silva: Engineer for 15 Bold Meadow Lane

Virginia Ogden

Darran Rubens: Architect for 15 Bold Meadow

Meeting called to order at 4:04 PM

Payroll for September 14th – September 27, 2022 were approved.

Agents Report:

Covid Update: Vineyard was coded Medium Risk last Thursday according to the CDC.

Mask Advisory: Matt Poole recommends the Board to suspend the mask advisory mandate for Edgartown. The Board voted to suspend the mask advisory, effective immediately.

Variance Hearings:

15 Bold Meadow Lane: Reid Silva represented the application for the owners. Owner, Charles Holmes was also present on the Zoom hearing. The property is currently permitted for four bedrooms and served by a septic system installed at the time of the original house construction. Reid is asking for a 5th bedroom supported by a MicroFAST enhanced treatment unit and new leaching field. The proposal falls within the 25% limit of recognized benefit for enhanced treatment as written in the Board of Health Rules and Regulations, Section 1.8.10. Candace Nicholas asked if the detached bedroom shown on the plans needs a special permit from Zoning. Darran Rubens, also representing the home owners as the architect, answered that a detached bedroom does not need a special permit, if it was a guest house it would. Matt shared that neither the Planning nor the Martha's Vineyard Commission (as part of the DRI approval of the Bold Meadow Subdivision in 1986) has a maximum bedroom count, per lot, for the Bold Meadow properties. The Edgartown Board of Health did write a letter to the Planning Board at the time of the subdivision approval, noting a 4BR maximum number of bedrooms per lot, based on the Board

of Health Regulations that were in effect at the time. This 4 BR maximum per lot limits was prior to enhanced treatment septic system being recognized by DEP as an allowable nitrogen reduction process thereby potentially allowing homeowners additional bedrooms.

Candace Nichols asked about the covenant for the homeowners association and if it has a limit on the numbers of bedroom per dwelling. If there is a private covenant in place for the subdivision, what would the process be for the homeowners to pursue the fifth bedroom with the homeowners association? Reid answered that the homeowners in Bold Meadow do have a private covenant that doesn't address bedroom count but he also doesn't know how to handle the mechanics of having the association review the proposed floor plans depicting the 5th bedroom. Candace explained her concerns of approving this project if the homeowners have a signed covenant that requires review within the subdivision. Darran Rubens asked for an approval by the Board of Health with a condition that the applicant gain permission from the Homeowners association for the project, including the 5th bedroom.

William Herr, shared his concerns with the project and how the other homeowners in Bold Meadow are against this project and are willing to take action against it.

Charles Holmes, the Owner of 15 Bold Meadow, shared that he wanted to gain approval from the Board of Health before asking the Homeowners Association. Matt Poole shared the options that the Homeowner and his agents could take, either continue the hearing to another meeting after the homeowners receive written agreement from the Bold Meadow Homeowners Association for the addition, or the Board can vote and if the variance is approved it will be a conditional approval until they receive the Homeowners Association approval.

The Board then voted to approve the project with an enhanced system with a condition of approval that no new deed restricted spaces are allowed in the new construction but that the permit is issued and released contingent until written approval by the Bold Meadow Homeowners Association.

2 Teaberry Lane: Chris Alley represented the homeowners, asking for a 21% increase in bedroom allowance with a MicroFAST Treatment, from three bedrooms to four. Candace asked for a building floor plan. Chris Alley commented that he hasn't seen one yet but Matt Poole will be provided with it in order to sign off on building application. The Board made a motion and voted to accept the enhanced treatment under the condition of approval that there be no deed restricted spaces.

6 Armstrong Lane: Chris Alley proposed to remove two existing dwellings from the property and reconstruct a new dwelling with four bedrooms with a garage with no plumbing. A MicroFAST treatment unit would be added to handle the proposed design flow and balance against the Coastal District horizontal setback distance variances necessary to site the new septic system. The variances that are being sought are for: the proposed leaching field to existing wells, proposed leaching field to existing systems on abutting properties and proposed leaching field to property lines (all as shown on the design plans accompanying the application and variance request). Candace asked the difference of square footage in the footprint of the original dwelling to the proposed dwelling. Chris Alley answered that the proposed dwelling is around 2500 square feet while the original dwelling is around 1550 square feet. Bill Ogden, the abutter of Armstrong Lane stated that he is in support of the application. The Board made a motion and voted to approve the variances being requested for the project under the circumstances of no new deed restricted spaces while noting that one restriction was recorded prior to the hearing but

noting that specific restriction for an office would be allowed to remain based on the floor plans for the new building.

Agents Report:

The Board decided to cancel the meeting for October 11th due to Matt Poole not being able to attend the meeting.

Matt Poole briefed the Board on upcoming variance hearings.

Meeting adjourned at 5:45 PM