

# Edgartown Board of Health

## Minutes

October 25, 2022, 4:00 PM Via Zoom

### In Attendance

Chris Edwards: Chairperson	John Smith: Representing NiTROE system for all applicants	Marty Lillis
Candace A. Nichols: Board Member	Ed Pesce: Representing applicants (Navigator Homes and MV Hospital)	Tracy Smith
Gretchen Regan: Board Member	John Prego	Jan Larson
Matt Poole: Health Agent	James Riehl	Rick Lindequist
Celena Guimaraes: Assistant to the BOH	David McDonough	Teresa Prego
Doug Cooper: representing applicant (Monahan)	John Murray	Marc Nicotera
Chris Alley; Representing all applicants	Marjorie Gillettewolfe	Juliet Mulinare
	Judy Gaylord	Edward Olivier
	Robert Ianelli	Paul Bagnall
		Gian Coogan
		Margaret Ianel

### Meeting Called to order at 4:08 PM

**Bills:** Island Healthcare Second Quarter invoice of \$5,858.03 was approved. MV Refuse Disposal invoice for Second Quarter of \$19,564.39 was approved. Invoice of \$30.00 for beach water testing for August 2022 was approved. Invoices for training and certifications for the Assistant BOH was approved.

Payroll: October 12<sup>th</sup>- October 25<sup>th</sup> was approved

### Variance Hearings:

**Continuance of 19 Haystack Lane and 20,22 & 24 Haystack Lane:**

Matt Poole opened up the variance hearing by reading the variances being sought that were omitted during the previous variance hearing on September 13<sup>th</sup>. The missing variance was; Edgartown Board of Health Regulation 15.211- Minimum Setback Distances, leaching field to wetland setback of 100 ft. The application for 20,22 & 24 is asking for a reduction of the 100 ft. required in the Board of Health regulations to 58 ft. and 94 ft., the application for 19 Haystack lane is asking for a reduction to 51 ft.

Doug Cooper, RS, shared the history of the property, while Tracy Smith explained the proposal for two separate septic systems for the two properties. Currently, a four-bedroom house is located at 19 Haystack Lane and is serviced by a leaching field at 20,22 and 24 Haystack Lane. The present 4-bedroom house will be converted to a 2-bedroom dwelling in order to build a new 2-bedroom dwelling across the street at 20,22 and 24 Haystack Lane.

John Smith, who is the inventor/designer of the NitROE system explained how, in his view, the property will benefit the environment with a NitROE system when compared to existing conditions. The current system is a standard Title V for a 4-bedroom dwelling, the proposed system will be two NitROEs servicing two separate 2-bedroom dwellings in the two lots.

Tracy Smith read the variances that are being requested by Pamela Monahan to the audience; reserve area to existing reserve area from 200 ft. to 53 ft., reserve area to existing leach field from 200ft to 96ft, leach field to existing leach field from 200 ft. to 110 ft. and lastly, reducing property line to leaching field from 10ft (which is a Title 5 minimum) to 6 ft.

Candace Nichols brought up that the wetlands aren't staked and approved by the Conservation Commission. Doug Cooper explained that he staked and flagged the property at the most proximate points of each wetland; the vegetation wetland, salt marsh and mosquito ditch title water. Matt Poole shared that the Conservation Commission agent, Jane Varkonda had sent him an email about her concerns due to the history of repeated mowing in the buffer and salt marsh without proper permitting.

Chris Edwards questioned why the applicants didn't file to share one NitROE system between both houses, in order to reduce the amount of variances being sought out. Doug Cooper answered that with two different systems the load would be lighter on each system and the leaching fields. Mr. Cooper said that he talked the Monahan's into two separate systems because of all the interlocking complications there would be having two households that are serviced by only one system. He also stated that as long as the two properties have a treatment system, there will be no effect on the wetlands.

John Prego asked questions about the NitROE, how effective it is and how it compares to the MicroFAST unit. Agent, Matt Poole explained that the FAST system is seen as a first generation treatment system while the NitROE is now considered the second generation. The State has assigned the MicroFAST a performance value of 19kg/L total nitrogen and the NitROE has a DEP acknowledged performance value of 11kg/L total nitrogen. John Smith added to Mr. Poole's statement saying that he is in the process of altering the NitROE system, and believes that it will be rated under 10kg/L by the State within the next year.

Jan Larson spoke against the proposed project due to the system being in the coastal district. The Board is being asked to give the applicant nine different variances and that he believes it is not appropriate for the Board to approve the applications under these conditions.

Matt Poole read two letters from Patrick Mellow opposing both applications.

Chris Edwards stated he would like to hear from the Conservation Commission about the wetland delineations that the plans are built around before any decisions are made.

The Board voted to close the hearing to further public comment and continue the hearing to November 22<sup>nd</sup>.

Matt Poole asked for an extension to the November 22<sup>nd</sup> meeting from the applicant.

**Navigator Homes, 490 Edgartown Vineyard Haven Road variance hearing was opened at 5:30 PM.**

Chris Edwards opened the hearing and recognized Chris Alley as the representative for the applicant.

Mr. Alley explained that the Navigator Homes and the MV Hospital projects are interlinked. The Navigator Homes will be the construction of the Greenhouse Home, which will be the relocation of the Windemere Nursing & Rehabilitation Center, while the Hospital project will be workforce housing for the Martha's Vineyard Hospital and Greenhouse Home employees. These projects will take place at 490 Edgartown Vineyard Haven Road which is the lot adjacent to Teaberry Lane. The applicant is asking for three separate NitROE systems for the entire project encompassing the two lots being created as part of the project. Each application seeks a 35.7% increase of daily flow in the North and East Groundwater Divide regulations (2.32).

The design of the two projects are being proposed to have the Greenhouse Homes in the middle and have the employee housing surrounding the homes. The Greenhouse Home consists of 5 buildings with a total of 66 bedrooms (at 150 gpd/bedroom). Green House Homes 1-4 will each have 13 bedrooms while Green House 5 will have 14. Employee housing consists of four, four bedroom duplexes, two apartment buildings with 20 bedrooms each and 8 town house units with a total of 20 bedrooms. The employee housing design flow is 110 gpd/bedroom.

A mitigation effort funded by the applicant(s) will be administered by TRI. The applicants proposed seven mitigation NitROE systems in the Sengekontacket watershed along with five years of operation and maintenance costs funded on behalf of the applicants upon approval of the variance being requested.

Agent Matt Poole, stated that two correspondences were sent to the Board of Health opposing the projects. One of the Authors, Robert Ianelli was present in the meeting and given the chance to state his concerns.

Robert Ianelli, an abutter of Teaberry Lane, provided his thoughts about how this project, especially the nursing home will affect the surrounding areas. Mr. Ianelli stated that he is opposed to this project and that according to MASS DEP a NitROE system has not been determined to provide the same level of environmental protection as the municipal sewer.

Mr. Poole then read out the second correspondence, an email by Ben Hall Jr on behalf of the Trust.

Chris Edwards made a motion to continue the hearing. The variance hearing was moved to November 8<sup>th</sup> at 5:20 PM.

**Martha's Vineyard Hospital variance hearing was opened at 6:43 PM.**

Candace Nichols stated her concerns on the amount of bedrooms being asked for, stating that it was extremely dense. Ed Pesce, Chris Alley and David McDonough broke down the bedroom counts, 76 bedrooms are being proposed for the MV Hospital while 66 are being proposed for the Navigator Homes project. Ed Pesce stated that 30 of the 76 bedrooms are going to be dedicated for workers of the Navigator Homes of Martha's Vineyard for the Green House Homes.

Chris Alley heard Candace's concerns and shared that the Teaberry Lane subdivision and 490 Edgartown Vineyard Haven Road are half an acre difference in total land area. There are 41 lots in Teaberry Lane which averages 3 1/3 bedrooms per lot, which equals the same amount of bedrooms that the applicant is asking for, all served by NitROE enhanced treatment units. Matt Poole also shared that Teaberry Lane is now mostly 4 bedroom lots with a standard Title V system as a result of town water being extended into the subdivision.

Ed Pesce shared the mapped habitat by the Massachusetts Natural Heritage. The mapped habitat is a total of 17.64 acres. Of those 17.34 acres 5 acres will be developed in. The rest of the mapped habitat will be undisturbed.

Board member, Gretchen Regan raised a question if landscaping and light pollution impacts were factored into the applicant's plans. Ed Pesce shared that those impacts are factored in, and the lightings are all required to be dark sky compliant, meaning they will all be down facing LED lights. The landscaping plans will be reviewed by Martha's Vineyard Commission and the Planning Board.

Margaret Ianneli, an abutter of Teaberry Lane asked questions with regards to the number of bathrooms and laundry loads concerning Hospital workers. Ed Olivier, MV Hospital employee addressed the issue of increased laundry loads for hospital workers. He shared that the Hospital provides scrubs to their employees and they send the scrubs to an off island service provider to get them washed. He also stated that each unit will have their own washer and dryer. Ed Pesce, addressed that each Green House Home will have its own bathroom and each unit for the employee housing will have 1-2 bathrooms, depending on the amount of bedrooms in the unit. Matt Poole jumped in to explain that the Title V design flows are determined by amount of bedrooms in a household and not by bathrooms because the flow is made by people, meaning that the flow is determined by each individual cooking, showering, brushing their teeth and the amount of waste they produce. The amount of bedrooms determines the amount of people who can live in the property.

Matt Poole asked the Board Chair, Chris Edwards to receive authority to work with the applicants to set details of the mitigation program. Chris Edwards made a motion to give Matt Poole permission to work with the applicants.

Meeting variance was continued to November 8<sup>th</sup> at 5:40 PM with an open record.

**Agents Report:**

Matt Poole briefed the board of upcoming calendar events.

Meeting was adjourned at 7:30 PM.

