



# TOWN OF EDGARTOWN

Office of

## THE BOARD OF HEALTH

70 Main Street, PO Box 5158, Edgartown, MA 02539

MEETING MINUTES – Tuesday November 08<sup>th</sup>, 2022 – 4:03 PM

The Board of Health met via Zoom and the meeting was recorded.

Board members present: Candace Nichols, Chris Edwards, Gretchen Regan,

Other attendants were:

Matt Poole: Health Agent

Celena Guimaraes: Assistant to the BOH

Chris Alley

Reid Silva

Tracey Smith

Casey Deck

Points discussed: Chris Edwards introduced the meeting.

- Reviewed meeting minutes from September 13<sup>th</sup> and September 27<sup>th</sup> 2022. Matt suggested that the meeting needed one more revision in order to refine and confirm them. Bold Meadow and the Monahan hearing are included in those, and it is important to get the record as clear as possible. Matt suggests that they should be revisited in the next meeting, and he welcomed comments if there were any to be integrated on the minutes. Chris pointed out the fact that the minutes are on Google docs and it would be easy to add any comments on those. It was agreed that this would be an acceptable course of action regarding the minutes.
- Health agent report: On COVID, the VAX bus was at the High School with the Booster shots, and Celena was present for the good part of the day. There was a good turn out from Local Health Staff, some volunteers, CAP was there as well. 560 doses were delivered, mostly adults and a few children. Stop & Shop with collaboration of DPH offered \$75 dollar gift cards to anyone who got vaccinated. Strong turnout overall! There is going to be another clinic on Sunday December 11<sup>th</sup> 2022. Caseload numbers are still not accurate considering the fact that the

community is still not reporting properly. The demand for test kits seems to be down. Schools are still notifying.

FLU VACCINE: 28<sup>th</sup> at the West Tisbury Fire Station, 29<sup>th</sup> at the Tisbury Fire Station, 30<sup>th</sup> will be in Edgartown. OB is discussing the possibility for a small clinic 2.5 to 3 hours maximum. The Color Scheduling platform will be used, just like COVID's.

#### **Variance hearings:**

1- 04:10 PM - 10 Fowler Lane – Assessor parcel 12B-133 – 4 bedrooms with no below ground construction - Presented by Casey Decker and Tracey Smith.

Tracey mentioned that it had been approved in 2019, and she also mentioned that there had been some minor modifications to the layout in which the tanks shifted about 3 feet. Matt said that the 2019 permit was still valid. Casey presented the existing site plan, located at the end of the Boulevard, with an existing main house and dwelling, permitted in mid 90s for a detached cottage; it was never built with a kitchen. The proposal is to combine these 2 buildings into 1 and they are both to be demolished and rebuilt identical. The proposed plan from Scofield, shows a shift 8.5 feet West and about 2.5 feet North West. The septic system is advanced, it is the same system that was approved in 2019, and the only factor that has changed is the tank location. Matt suggested that the blower NOT be placed below grade. It will be a single-story building, the building is being lifted to meet the flood zone criteria, it is pretty much the same building but in a modernized version. Matt suggested that a new permit should be issued and that a \$350 dollar credit was issued to be used in their next project.

[The revisions were accepted.](#)

2- 04:30 PM - 234 The Boulevard – MAP 6 PARCEL 80 – Seeking relief from Coastal District regulations, all of which are in Zoning. The reductions are... 200 ft is required, and they are proposing 63' / 86' and 145'ft to neighboring leaching facilities, there is also a well in the neighborhood, the Coastal District requires 200ft, and this proposal is based on a 45 foot set back, and the last reduction is Edgartown Board of Health pools and regulations, non-coastal, where 100 feet is required – wet land to leaching facility – and 82 feet is being proposed. Reid explained that there is a marsh across from the Boulevard, eking towards Sengekontacket Pond. The current system has a cesspool, it is a 3-bedroom house, and an addition with a driving ground garage, and another addition to the other side which is a crawl space. There is an existing well that is going to be abandoned, for the ocean heights regulations, since there is town water in the Boulevard. There is also an abutting system which is part of a waiver for septic-to-septic systems, and it is supposed to be 200 feet. There is a septic which is 63 feet away, and another one 80 feet away. A trench was designed with an infiltrator system, since there is not much room to work with the marsh located close to the property. The trench goes along the edge of the clearing on the plan, and the enhanced component is a MicroFast tank. What is being proposed is a simplistic camp type house, and the alternative is to keep the plumbing where it is and have a gravity system. They are hoping that the BOH will agree not to require the pump for this project. It is basically a system that is backed up and it needs to be addressed and implement a more reliable septic system. If modifications to the property were to be done in the future, the owners would need to refer to the BOH for approval.

Candace made the motion to accept the application, being subjected to coming back to

the BOH if there are any modifications in the structure in the future with no deed restriction.

**Final decision: Approved**

3- 04:52 PM - 44 Turkeyland – This hearing is a request for relief from the Katama District Regulation, in Section 2.33 where septic systems cannot be designed or installed, to exceed the capacity greater than 4 bedrooms. This application was in front of the board in the early summer, it came through as a NitROE-based design for 5 bedrooms on 5 acres of land, which is consistent with the 1 bedroom per acre, with the exception from the Katama District Regulations. The architects had improvements in the basement that triggered the likelihood of the need to deed restrict or qualify as a bedroom, but that option was not available. The currently presented plan is for a 6 bedroom upgrade from the current valid permit for 5 bedrooms.

Reid explained that the basis for the request is that previously they had come in with a 5-bedroom system request with a lot of 5 acres. A floor plan had been submitted, which is a large project. By increasing the land area to 6 acres or more, a 6-bedroom permit could be requested with an enhanced system installed. Matt pointed out the concern that an exercise room could be turned into a bedroom for future owners. There are no additional variances to this project.

Candace made the motion that the project be approved with no more deed restricted spaces and that the additional land that was added has no impervious surfaces other than their road way to the house.

**Final decision: Approved**

4- MV Hospital project for the Navigator homes – Meeting is being continued. The property is located along Edgartown Vineyard Haven Road, on the Edgartown side of Teaberry Lane. There are 3 designs in 1 parcel – 1 to be owned by MVH, 1 to be owned by Navigator Homes. The parcel from MVH is a property that will have staff housing. 4 structures, 8 units, 16 bedrooms. 8 bedroom NitROE Denitrification systems between the buildings are planned, which are larger than the residential types. There are no concerns regarding soils but there are some regarding the topography, and existing grades relative to finished grades. It will require a good eye as to where the leaching facilities will fall. Grading will be required but being sensitive as to the population that will occupy the facilities. These are aspects that will have an impact on the leaching facilities.

Chris Alley represented both the applicants. Due to the nitrogen load generated by these project(s), the applicants are providing a mitigation proposal to both the Martha's Vineyard Commission and the Board of Health. The Water Quality Policy at the Commission recognizes three contributors to the nitrogen load generated to the project. The contributing factors are landscaping (including fertilizer), nitrogen from run off (from roofs, pavements) and nitrogen generated from wastewater. The applicant is anticipating that the benefit of the mitigating systems by the addition of privately owned nitrogen removing NitROE septic systems serving single family residences within the Sengkontacket Pond watershed will offset the total amount of nitrogen generated from the proposal(s) and bring the combination of new project generated nitrogen along with the removed mitigated nitrogen into compliance with the Commission's Nitrogen policy for the Sengkontacket watershed.

Ed Pesce, another Agent for the project shared the mitigation memorandum that was shared with the Martha's Vineyard Commission for the approval of the project. The Commission has calculated a total of 14 NitROE mitigation systems could potentially need to be added in order to conform to their allowable nitrogen Policy. The applicants believe that because of how well the NitROE system works, 14 systems will not be needed and the balance between new Nitrogen from the project and Nitrogen removed through the mitigation systems will be met by less than 14 system upgrades. Agent Matt Poole brought up that the 6,600 and 9,900 gallon systems have not yet been added to DEP's provisional use approval list. Meaning that these large systems are still in need of piloting approval. Matthew Poole, Ed Pesce, John Smith and Chris Alley were able to schedule a meeting with Massachusetts Department of Environmental Protection (Mass DEP) that morning and get informed on what is needed to enter into the DEP Piloting review process.

Ed Pesce explained that all NitROE systems under 2,000 gallons have received piloting and provisional approvals, but that the large systems, greater than 2,000 gallons per day, are site by site approvals. In order to obtain a MassDEP approval for the systems the applicants have to first receive a written approval from the local Board of Health. Mass DEP has required the applicants to submit the design of the cast-in-place concrete tanks with the Board of Health approval. Mr. Pesce asked the Board to use Health Agent Matt Poole to help finalize the mitigation plan. He shared that after talking with Matt Poole, the applicants will pay three years of testing, quarterly for the mitigation systems instead of two years. The piloting systems will be tested monthly for the first year. Candace Nichols stated that she isn't ready to vote for or against this project. Chris Edwards explained that the applicant isn't asking for a vote at the moment, but instead asking for guidance with mitigation and the Mass DEP process. Upon giving approval for the project the applicant will send out the approval to MassDEP which will then either approve or deny the piloting application(s). The DEP approval then will be sent back to the Board of Health for review and the final approval will be sent to the Martha's Vineyard Commission.

The Board Chair, Chris Edwards shared that he believes there should be a total of 9 mitigation systems added to the mitigation plan instead of 7. Ed Pesce and Chris Edwards came to a compromise to fund a total of 8 mitigation systems with the potential for as many as 14, depending on actual system performance. Matt Poole read correspondence from John Murray, an abutter of Teaberry Lane and a Hospital Employee who is supporting the project, and a letter from Dan Sulcus who is concerned that this project is too close to his home and believes the project should be on municipal sewer. Mr. Poole then read a correspondence from Marjorie Wolf who was also in opposition of the project. Ed Pesce asked if this project will be approved in order to move forward concrete design plans for the septic tanks to accompany the application to DEP. Candace Nichols answered that she is not ready to approve this project until she gets to review the mitigation plans. Edward Olivier explained that the applicants are asking for 166 bedrooms because 66 bedrooms are being used for the Green House Home which uses 150 gallons per day according to the Title V requirements. One hundred and twenty-one bedrooms would be accepted by right, with a 25% increase and a treatment system the bedroom counts would be brought up to 150 bedrooms.

Final decision: Board voted to continue the variance hearing to November 22nd.

The meeting was adjourned at 7:47 PM.