

Board of Health Meeting
Tuesday September 12th, 2023

2:00 PM

Meeting attendance by remote Zoom participation

2:05 PM: Open Meeting

Bills: AT&T, FedEx, Eversource, DaRosas, Spaying of Cats

Made a motion to approve the bills. **Bills approved.**

Minutes: 8/22/2023 minutes.

Everyone agrees to approve at next meeting.

Participants: Board: Gretchen Regan, Candace Nichols, Chris Edwards, Connor Downing (Agent), Emily Godfrey (BoH Assistant), Chris Alley, Richard Eisenberg, Ed Pearlman, Michael and Merri Walkenstein, John Leo, Amanda Trayes, Kathleen, Lisa Guidi.

Agent's Report

Old/New Business: A car drove through the Edgartown Meat and Fish market but they knew the drill, threw out food, and opened up a few days later. There have been a lot of septic installs going on (10 or so in past couple of weeks). Emily, Drew and Connor went out to soil test last week. The Fishing has derby started. We help oversee fish donation and ensuring the fish are safe to eat. Hospital project - Connor walked that project with Steve and Reade. The hospital is about to start the new septic for a small duplex but waiting for DEP approval for the large systems. Covid has been on the rise. We still have tests to give out. The Edgartown school is having a health fair at 5:45. BoH will have a booth set up by Fernando Lana to promote vaccinations and make sure students are good to go for the school year.

Variance Hearings:

2:09 PM 9 Suttons Way (AP 36-16.1) DWP #89/2022

Chris E. made a motion to continue discussion on 9 Suttons Way. Waiting on floor plans.

Motion approved.

2:10 PM 15 Katama Point Road (AP 46-34) DWP #86/2023

The presented plan proposed the installation of a new Title V septic system and leaching field to serve an existing 4-bedroom dwelling at 15 Katama Point Rd in Edgartown which had a cesspool collapse in the driveway over the summer.

Chris Alley specified this is older neighborhood where lots are generally undersized for zoning. This is one of the few areas you can be well more than 500 ft away from water and below elevation 10. Because this property is in the coastal district, the separation requirements from well to septic is 200 ft. Chris mentioned the current house is served by a cesspool in the back yard and a cesspool in the driveway. A couple of months ago Mr. Sabatini woke up to the back half of his car falling in to driveway. The main cesspool in the driveway had caved in. That cesspool abandoned as safety concern and hence the new Title V upgrade is here.

The presented plan proposed the installation of a new Title V septic system and leaching field to serve the existing 4-bedroom dwelling at 15 Katama Point Rd in Edgartown.

Neighboring septic systems are all long skinny systems. Because this property sits below elevation 10, it is required to meet the 200' septic to well separation guideline. The plumbing would be brought around the house using a 96 foot run. Chris explained that the second old cesspool serving the house would be pumped and filled in as part of the upgrade.

The Board of Health questioned if the new septic system could be placed in the back yard to avoid variances. It was determined there would be the same number of variances even if the location of the new title V septic system was located elsewhere on the property.

Candace made a motion to approve the variance with no new deed restricted spaces. The board then voted to **approve** the permit.

Discussions

2:05 21 Oakdale Drive – Well placement/reserve area placement

There was a short discussion regarding 21 Oakdale and whether or not the existing well will need to be moved in advance of a new leaching field and reserve area. The backup reserve area is too close to the existing well, though the proposed leaching area meets proper setbacks. Chris Alley asked the BOH “does a well that meets proper separation from the leaching field but

not proper separation from the reserve area, continue to be used if you pre-designate a relocation of that well if and when the reserve area gets used?"

Candace questioned what would happen if the proposed well is not potable. The home owner also questioned if some type of test or study could be performed at the reserve location to check it.

The Board agreed an answer cannot be concluded until detailed plans have been brought before them.

2:30 Gerts Way – Turkeys

Connor gave a brief overview of where the BOH stands with the Turkey issue present at Gerts Way. After the last meeting, letters were sent to the Walkenstein's and Guidi's reminding property owners of the no feeding of non-domestic animal regulation. Mrs. Walkenstein allowed Connor to examine the bird feeders on their property to which he noticed both feeders have catch basins below them. Connor circled back and spoke to the goose company on Island who spray for geese. It was concluded the company has an organic spray to deter the geese which might work to deter turkeys but there is no guarantee. Simon from Morning Glory Farm was willing to share what they have done in the past for turkeys but the farm is also able to get after the turkeys pretty easily due to protections for crops and farms.

Candy suggested there might be an application with the wildlife agency where you can poison the turkey eggs. She has heard that the state wildlife agency has the ability to remove one or two aggressive turkeys so maybe they have the authority to do that? At this point, the homeowners may want to address the state.

Chris Edwards also heard from Jason Zimmer, who is the southeast supervisor for Mass Fish and Wildlife, that a non-domestic animal feeding ordinance is the usual way to address these issues.

Mr. Pearlman questioned if the Health Agent also visited the Guidis house to see if they were providing a food source to the turkeys? Connor was able to see apples on the porch about three weeks ago but did not yet speak to the Guidis.

Mr. Pearlman expressed the Town of Edgartown has the duty to examine all nuisances and an obligation to issue regulations for public health and safety. Ed expressed his gratitude to the Board for doing such with the non-domestic animal regulation. Mr. Pearlman questioned why the BOH cannot remove the turkeys.

Candy reinforced that the turkeys are regulated by the state and therefore the BOH is not allowed to molest them in any way. Candy also suggested “maybe the neighborhood needs to call the state and see what they can do. Maybe they have experts they can recommend. As far as the food source, we haven’t found one yet besides some apples on a deck”.

Merri Walkenstein conveyed to the Board “I am the one who walks the furthest or longest with my dog so I can tell you where those turkeys go. They go down Sutton Way, they stay in wooded areas and then they go Edgartown estates. There are large numbers on Vickers, Court Street, Ocean Pines, OB and east chop. They walk through my yard, and actually congregate on numbers 9, 10, and 11 Gerts way. Those are properties that don’t have any bird feeders but there is one garden at 10 Gerts and then Morning Glory Farm down the street.” Michael Walkenstein suggested him and his wife have met the town regulations before there were any regulations in effect.

The Walkensteins also communicated to the BOH they do not feed any birds between October-June and have noticed the turkey population is the same.

Lisa Guidi spoke up and stated her property has two apple trees and that the apples are picked in the month of August. The Guidis do not believe they are providing a food source for the turkeys. Lisa would like to go on record saying “I do not want to ever kill turkey eggs. it’s horrible, cruel, and inhuman. We need to live among them because they are animals.”

Ed Pearlman noted the problem with the turkeys is much more severe than what is on Gerts way. There are no natural predators on the island, “I think we need to expand and focus on how the town of Edgartown is going to address that”.

BOH member Chris Edwards voices “it’s everywhere, it’s not just Edgartown. Its OB its Falmouth.

Gretchen recognized this is a bigger issue and there may be some further strategies to explore.

Michael Walkenstein requested everyone on Gert’s way be notified with an informal notice if this issue is brought up again.

Next meeting Tuesday 9/26. No variances.

Adjourned 3:08