

## **Board of Health Meeting**

**Tuesday August 8, 2023**

**2:00 PM**

Meeting attendance by remote ZOOM participation due to COVID 19.

### **2:00 PM Open Meeting**

**Meeting Attendees: Chris Edwards, Gretchen Regan, Connor Downing, Emily Godfrey**

**Bills: None**

### **Agents Report**

Old/New Business

Will meet with other departments regarding hospital project and the leaching field that Chris Alley brought forth to the Board during July 25<sup>th</sup> meeting. ARPA funding is finalized but still waiting on a document from the commission with a list of engineers that have been "OK'd" to do the work. Fernando has been here working as the public health educator and is working on getting a vaccine clinic together before the school year starts. Good way to get kids up to date, particularly Portuguese/ Brazilian kids. Fernando is working to further tick education, he made a video with MVTV on tick safety.

### **Variance Hearing:**

**2:10 PM** 9 Suttons Way (AP 36-16.1) DWP #89/2022

Chris made motion to continue 9 Suttons way discussion to the next meeting. Gretchen seconded and motion was passed.

### **Discussions:**

**2:15 PM** 60 Twentieth St South (AP 11-14.12) DWP #75/23

**Attendees: Chris Edwards, Gretchen Regan, Connor Downing, Emily Godfrey, Geraldine Moriarty and husband, Ed Perlman, Norman Rankow.**

Norman Rankow installed a well on his property at 60 twentieth St South back in 1998. He also applied for a septic system permit in 1998 which was approved. The septic system was not installed and his permit since expired. He has now come to the BOH with a written request asking to avoid a variance hearing and be able to use the pre-existing well that was installed.

The Town of Edgartown regulations implemented back in 2007 for Ocean Heights state that, for any new development or installations, these newly developed lots need to connect to town water. If the edge of the lot is greater than 100 feet of the nearest town water main, the resident of that property can ask for an exception to that rule. The BOH holds the right to grant, on case by case basis, to continue the use of an existing onsite drinking water supply well serving a single family dwelling.

Mr. Rankow is requesting the Board allow him to use the onsite well as it was intended under Title V. Mr. Rankow believes that the well should be grandfathered. Chris Edwards questioned if there was an existing structure on the property. Mr. Rankow declined and expressed the property does not have to hold an existing structure for the septic system to qualify as a grandfathered utility. "The well is part of the system; you don't just grant the septic itself. You don't have to have a structure to qualify and make that well valid. Just as the system would not need a structure or have flow going to it."

Gretchen clarified the BOH may consider written request on a case by case basis to continue use of an existing on site drinking water supply while serving a single family dwelling. She is not sure it applies in this case. Mr. Rankow asked the Board "If you're telling me that you would deny this, the use of my existing well, that you passed a law that basically made that well non usable and made this land un buildable, would that be a fair statement?" Chris Edwards explained the Board is not going to give a yes or no answer now, that would be for a variance hearing.

From the BOH's understanding a resident can ask for written request to continue use of an onsite drinking water well for an existing single family dwelling. If there is no single family dwelling existing on the parcel, then that written request can't be asked. In this case, Mr. Rankow would need to request a variance asking to use his well instead of tying in to town water. According to Mr. Rankow, he could not get town water even if the BOH deemed it necessary "because of the very fact that the water company requires me to get approval from everyone on the street to sign off on it. That is a hurdle I cannot leap. To me, that manifests injustice".

The Board voiced that is above the scope of what needs to be considered here. Those may be valid points but the Board can really only consider the application and what the regulations say. The Board agrees the path of a written request to avoid a variance hearing that Mr. Rankow is choosing, is going to be denied. If Mr. Rankow wants to apply for a variance, he can go ahead and do so. The Board is not approving nor denying what the letter is saying, the letter cannot be considered here since it does not apply and serve an existing dwelling.

Mr. Rankow requests the decision from the Board be put in writing for his records and denial of his construction permit be clearly stated.

**2:30 PM** 10 Gerts Way, Non Domestic Feeding Regulation

**Attendees: Chris Edwards, Gretchen Regan, Connor Downing, Emily Godfrey, Geraldine Moriarty and husband, Ed Perlman.**

In Late March or early April, Gerry spoke with Matt Poole about a recurring turkey issue she was having at her property on Gerts Way. Gerry was hospitalized for four days from Rotavirus which her doctor explained could be from the turkeys. A non-domestic animal feeding

regulation was passed back at the beginning of the year. Today, Gerry is asking the Board to have the turkeys removed from the area.

Gerry contacted animal control, and the animal control assistant walked through Gerry's yard on July 27, 2023 and conducted a drive by of Gerts Way. The assistant reported there was a presence of turkeys but no obvious evidence of intentional feeding from the neighbors to fine them for feeding turkeys.

Along with Gerry, abutters suspect the neighbors at 4 Gerts Way are still feeding the turkeys even after the non-domestic animal feeding has been enacted. When confronted by Gerry, the residents of the property denied feeding the animals and suggested apples from the apple trees had just fallen down. Concerned neighbors expressed the turkeys are not changing their habits. "They know there is food here, they feed over in the morning at 4 Gerts Way and then walk over to Gerry's property and roost up in to the trees or on the fence."

Multiple residents of Gerts Way are concerned over the dangers the turkey poop has had on not only their own health, but the health to their families and grandchildren. Residents collectively agreed they are being deprived of their backyard. Animal Control said they would continue to monitor the area. The report from animal control also suggested purchasing motion censored sprinklers that have seemed to work for other residents with similar issues.

The Board summarized they are aware of the scope of the problem and need to discuss how to handle the situation going forward. A letter and attached photos were sent to Chris Edwards on July 31, 2023 by Gerry Moriarty. Chris later thought relocating the turkeys could be a possibility but after speaking with the Health Agent discovered turkeys are protected by the state. Removal would be out of the BOH's jurisdiction. Connor suggested he could contact the state but it is ultimately not the decision of the BOH. It was suggested the BOH hold a meeting with the residents of 4 Gerts Way and animal control.

Geraldine is requesting the letter she sent to Chris be added to the minutes of today's meeting and sent a copy of the animal control assistant report.

Meeting adjourned at 3:08 PM