

Edgartown Board of Health
Minutes of July 24, 2018

Harold T. Zadeh, Chair.

Kathie N. Case

E. Garrett Orazem, DMD

The meeting was called to order at 6:00PM. Payrolls and permits were signed. Bills listed for payment were approved.

Correspondence

The Board approved a letter addressed to Aids Support Group of Cape Cod as an effort to include the Dukes County Alliance Group in their program.

Planning Board public hearing notice posted for Sophia's special permit was withdrawn by the applicant.

Conservation Commission public hearing notice for a request from A. Floyd at # 8 Toms Neck Farm was discussed.

The Board was in receipt of a letter addressed to James Hegarty as town administrator from Atty. J. Carter concerning the ongoing issues in the judgment case against David M. Viera property owner of # 39 Jernegan Ave. No action was taken by the Board at this time.

A letter sent to Stop N Shop Corporate office by Vineyard Conservation Society addressing the new plastic bags they are now using Island wide was reviewed by the Board. The letter outlined the "intent" of the plastic bag ban by-law with mention made to the fact local waste handlers do not accept these bags for recycling. Vineyard Conservation director Brendan O'Neill suggested Stop N Shop work with the Island community to support the true bag ban.

At 6:20PM Doug Cooper, RS along with his clients Nicole & Jonathan Buchman were before the Board to request to vary one of the conditions for DWP # 91/2004 at # 94 Edgartown Bay Rd. The request is to modify the condition to maintain a lawn area of no greater than 2,500 square feet. The Buchman's are proposing to increase the area of managed lawn to approximately 5,800 square feet. Mr. Cooper briefly updated the Board to the conditions placed on the property in 2004. He added, the property is now served by town water as the well is only used for irrigation and the home has seasonal use (less those 6 months). A map of the area was displayed with pictures detailing the manicured lawn and the grassless area. What they would like the Board to consider is to add 12 feet around the existing lawn area which would equal a total of 5,800 sq. feet of lawn. Chair. Zadeh inquired to the manner in which the lawn is fertilized, how many times a year it is fertilized and what company does the landscaping. Mr. Buchman added he would like to start the lawn work in September and he has Teles Landscaping who is licensed in Edgartown to apply fertilizer who will do the work proposed. At this time a motion was made all in favor for the lawn area to be increase to no greater than 5800 sq. feet with the condition the owner submit a plan detailing the areas to be developed and for Agent Poole to monitor the conditions. **The group thanked the Board and left the meeting at 6:40PM.**

At this time Reid Silva, PE and his client Maggie Littlejohn along with Dudley Canada were before the Board to request to vary EBOH regulations: to reduce the separations from leaching area to foundation, leaching area to property line, septic tank to property line separation and Title V 15.28 reserve area not shown, DWP #38/2018 for 3 bedrooms at 11 Mullen Way, Map 29A, Lot 49. Mr. Silva displayed the site plans to the Board detailing the location of the system for the two bedrooms home. The Board briefly discussed the need for a third bedroom and if the listed variances would be necessary if the home remained as two bedrooms. Mr. Silva stated there is no change to the variances either way as the lot is less than 5,000 sq. feet and is located on the edge of town with no ground water issues. An email letter was received from one abutter, Mr. Hall who indicated his concerns for the proposed location of the leaching field to his foundation as being 10 feet. Mr. Hall suggested that the separations between the leaching filed and foundation be equal. Mention was made to the plans as not having a reserve area based upon the lot size and house foot print taking up most of the land area. If the system were to fail it would become an "excavate and fill." At this time Mr. Silva requested to withdraw the

application for three bedrooms and indicated they would like the Board to consider the variance based upon existing conditions two beds. After a brief discussion a motion was made and duly second to grant the variance request based upon a two bedroom plan. **The group thanked the Board and left the meeting at 7:05PM.**

Agent Poole briefed the Board on upcoming meeting agendas. There will be only one August meeting to be posted for **Tuesday, August 14, 23018 at 6PM.**

There being no further business before the Board the meeting was adjourned at 7:15PM.

Respectfully submitted,

Janet Anthony-Hathaway
Assistant

Approved on: 9/11/2018

Harold T. Zadeh, Chair.

Kathie N. Case

E. Garret Orazem, DMD