

Edgartown Board of Health
Minutes of December 12, 2017

Harold T. Zadeh, Chair.

Kathie N. Case

E. Garrett Orazem, DMD

The meeting was called to order at 6:00PM. Payrolls, permits and bills submitted were approved.

Property owners **Karen & Steven Sissleman** along with their architect **Chuck Sullivan** were before the Board to discuss changes to the floor plan of their home located at # 19 Mattakesett Way, Map 51, and Lot # 19. The home was purchased by them in 2010 from K. Monahan with the original building plans listed for the first floor was approved as a “work station and laundry” and not considered a bedroom. The space was modified without any permits from the town prior to the Sisselaman’s ownership and can now be considered a bedroom. The Board was sympathetic to their issue and discussed their need to legitimize the area and request a permit from the Board to enlarge the front entry way. Agent Poole briefly explained the manner in which the property was developed including a 17 point condition placed on the lot at that time. Mr. Sullivan inquired on how they could modify the area so it will become non-bedroom like as it adjoins the living room. Mention was made to enlarging the opening, the use of an archway or to reduce the wall height to less than eight feet. At this time the Board stated they would be able to permit the renovation to the entry way once a plan was in place to modify the room to meet BOH standards. The group thanked the Board and left the meeting at 6:27PM.

At this time **Marilyn Vukota** was before the Board to discuss her property located at # **5 Baileys Way, Map 28, and Lot # 250.1**. Ms. Vukota briefly stated her reason before the Board today is based upon the bedroom limits for the lot located south/west of the ground water divide as listed in BOH rules & regulations. She added the regulation allows a three bedroom home on a standard Title V system. A map of the area was displayed to the Board detailing the location of a sewer line that Ms. Vukota was granted access to which can only serve her lot and would allow her up to seven bedrooms based upon wastewater regulations. Her needs are for a maximum of four bedrooms and she would like the Board to consider a request to “gift “one of the three remaining bedrooms from her lot to the owners of **lot 250.2 Dayton Nominee Trust**, her direct abutter. Ms. Vukota added she would suggest to the Board the remaining two bedrooms could not be assigned further without the permission of the BOH. The Board discussed the impact to the plant capacity for bedrooms in the subdivision. Agent Poole added, this will reduce the number of bedrooms in the great pond watershed and provide her and the abutter with a nitrogen “credit.” After further discussion which outlined the manner in which an agreement would be drawn up a motion was made and duly seconded all in favor to grant the bedroom right exchange and allow a third bedroom on lot # 250.2, Dayton Nominee Trust. It was indicated by the Board Agent Poole would sign the legal documents on behalf of the BOH. **Ms. Vukota thanked the members and left the meeting at 6:45PM.**

Norman Rankow was present as a request to discuss a vacant lot located at 20th Street, Arbutus Park, Map 11, lots 14.12 purchased in 1996 by M. Rankow and permitted in 1998 for 3 bedrooms on 24,468 sq. feet. Mr. Rankow provided the Board with information regarding the lot and the septic permit which was approved in 1998 with only the on-site well installed. He was recently made aware, that in **2008 the BOH adopted the Ocean Heights/Arbutus Park** wastewater disposal area, which requires all vacant lots in the area be served by town water. Mr. Rankow added, after a discussion with the water dept. superintendent there is a requirement based upon the distance of the water line that a hydrant would be necessary. Mr. Rankow would like the Board to consider his use of the existing on-site well which pre-dates the OH/AP requirements and to grant a new permit for the lot with three bedrooms and the on-site well. Mention was made to the “process” of requesting a **variance** where Rankow would have to provide the same degree of environmental protection can be achieved, there is an emergency and in the Board’s opinion the enforcement of the regulation would do manifest injustice

of the particular provision. **Agent Poole** indicated the intent of that portion of the regulation was to provide town water to an area of town which has become highly developed with older homes on small lots served by on-site wells. There is a provision which could allow continued use of an on-site drinking water supply well serving a single family dwelling. At this time Mr. Rankow thanked the Board and left the meeting **at 7:10PM.**

Correspondence

DEP sent written notice the Katama Airfield is in compliance and has completed all required actions described in the MassDEP NON relating to the underground storage tank regulations.

A letter was received from AIDS Support Group of Cape Cod which outlined a proposal to fund a program of prevention, screening and harm reduction to the growing number of opiate related overdoses deaths and the transmission of HIV/HCV. Hopefully the Cape Cod group can integrate their Vineyard proposal with current and future addition treatment services provided by other Island originations.

The Board approved a request from Tim Connelly to extend DWP # 93/2014 until 12/2018 which is allowed by CMR 15.000 Title V.

Information was received from MHOA and the Tobacco Prevention Program that twice Wharf Wine and Spirits failed retail inspection/compliance checks conducted by the FDA in 2017. The first on 6/29/2017 with only a warning letter sent and again on July 6, 2017 which warranted a civil monetary penalty. It was also noted; Depot Market failed the check on June 29, 2017 with a warning letter written. No further action was taken by the Board at this time.

Agents Report

Mention was made to the progress made with the food inspector who is conducting inspection on a weekly basis. She will also deliver all 2018 food permits to each establishment currently open in an effort to familiarize herself with each location.

The Board reviewed the FY19 budget which will be level funded except for the food inspector's salary. This will be the first full year of employment after the job description was placed on the wage and salary scale by the personnel board. Agent Poole urged the Board to attend the January 16th meeting at 3:25PM with FinCom as there may be questions regarding the increase in salary.

The Board was updated on two failed septic system currently under construction in the AP/OH area, both funded thru TRI.

There being no further business before the Board, the meeting was adjourned at 7:35PM.

Respectfully submitted,
Janet Anthony-Hathaway, Assistant

Approved on: 2/13/2018

Harold T. Zadeh, Chair

Kathie N. Case

E. Garrett Orazem, DMD