

Edgartown Board of Health Meeting Minutes

Tuesday, May 10th, 2016 at 6:00 PM

Edgartown Town Hall – 1st Floor Selectmen's Meeting Room

In Attendance: Harold Zadeh, Kathie Case, Dr. Garrett Orazem (entered 6:30 PM), Matt Poole

The meeting was called to order at 6:00 PM.

Agent Poole reviewed the upcoming ZBA hearings on May 11th:

M. Brown and Z. Shai, MV Taco Shack, 32 Winter Street (former Humphreys): Mr. Poole explained that the location was vacant last summer, and that the applicants also own the adjacent smoothie shop. The proposal for the taco shack includes four outdoor tables in the back of the building, one unisex handicapped accessible bathroom, and a new interior layout. There will be a narrow menu, mostly consisting of tacos. The applicants have applied for a liquor license, and Mr. Poole believed that the Selectmen ruled favorably. The Board reviewed the proposed layout. Mr. Zadeh commented a new food establishment with a patron's bathroom will serve the public well.

Gina Helm and Dana Campbell, 479 Edgartown-Vineyard Haven Rd: The application will be to connect the garage to the system, and change the use to a detached bedroom. A bedroom inside the dwelling will be deactivated.

Michele Cassavant, 42 Enos Ave: to upgrade to a new septic system. There will be no increase in bedrooms.

Mr. Poole reviewed the upcoming Conservation Commission hearing for M. Lillis to rebuild the septic on his lot. The application was already approved by the Board of Health.

Agent's report: Mr. Poole reviewed the update on the Edgartown Lofts project that was heard at the Selectmen's meeting on May 9th. The contractor hired Dr. William Vaughn as a mold specialist who determined that steps prior to construction were mishandled. In his report, Dr. Vaughn concluded that mold counts were acceptable for a construction site. He noted that the site was not free of spores, but that demolition disturbs the area and increases counts. The contractor opted to skip any mold remediation without giving the Town the option to participate in that decision. Mr. Poole commented that the spray would have had an arguably minimal effect. In general, the mold inspection addressed concerns, and it was determined that no further action was necessary, and that the project could proceed without further mold remediation. Dr. Vaughn did ask that the contractors take steps to clean the space more carefully as the construction is completed. Mr. Poole stated that the project is no longer a concern of the Board of Health; but if the community is worried about mold exposure, there is an official report completed by a credentialed expert available for review. Mr. Poole stated that a timeline for the reopening has not been finalized.

6:12 PM: BD Billingham/D. Cooper, RS DWP #/34/16 Variance request R. Caruso # 5 & 7 Dunes Rd

Matt Poole opened the hearing for Ralph and Andrea Caruso at 6:12 PM.

Mr. Billingham explained that the site is the second lot on Dunes Rd, and that there are two existing systems on the property. He roughly located the two 1,000 gallon tanks on the site plans. The leaching areas are at the end of the water table. The locations of the new systems are restricted due to the mound. A four-bedroom system will be installed on the west side of the property, and a three-bedroom system on the east side. Both systems will be slightly raised over the leaching fields, and both houses will be equipped with pumps to lift the effluent to the necessary elevation. Mr. Billingham stated that the current system has not yet failed, but has been found to be grossly inadequate. The proposal attempts to put the new systems in locations they will best serve the property. Mr. Poole commented that the design is good, and believes the applicants have found the best fit location.

Mr. Poole stated that it has been difficult to chart the evolution of the property, and it is not known when the garage was built. It was determined to have predated 1987. Mr. Billingham stated that the garage came with the house. There is currently no plumbing in the garage. Mr. Poole stated that one neighbor wrote moderately in favor. No one was opposed to the application. Mr. Zadeh stated that he was comfortable granting approval to install an upgrade for the two houses, but asked that the applicant return to the Board to connect the detached bedroom in the garage. Mr. Zadeh moved to approve the upgrade to the two structures. Ms. Case seconded.

Agent report cont:

Mr. Poole updated the Board on 95 Whalers Walk property. The occupant will be selling, and the closing appears to be on track for May 12th. Mr. Poole stated that the new buyer is realistic, and is aware that the property will be a giant renovation job.

Mr. Poole is in the process of writing a letter concerning Old Squaw Circle. There was a simple mechanical defect with the kitchen and bathroom fans, and some cracked floor tiles. Mr. Poole also noticed green patches in backyard, which indicate a failed septic system, which was added to list of violations. A failed septic deems the premises unfit for human habitation.

Mr. Poole stated that the Habitat house is being fixed, and the insurance is funding the repairs. The occupant also happens to work for a contractor. Dr. Vaughn was hired to inspect the house for mold. Mr. Poole stated that some sort of solution has been worked out.

Mr. Poole mentioned the community-wide grassroots forum at the Performing Art Center on the heroin problem. There will be another event on June 6th, where the speaker will talk with stakeholders on how to organize a community to address the heroin epidemic. Mr. Poole stated that the Health Departments have a role, and suggested that the Board provide assistance in organizing and advertising for events.

For the next meeting, Katama General Store will be filing an application to demolish their current building, and rebuild it with a better system. The contractors will be from the same company that built the Bad Martha's Farmer Brewery. The upgraded system will allow for more flow for residential use, food production, office space, and retail.

6:38 PM: R. Barbini, PE
43/2016

Cont. Haystack Lane/Monahan

New application #

Kathie was not present at last hearing.

Mr. Poole explained the purpose of the application was to connect a four-bedroom house to a system with an agreement to deactivate the house on the south side of the property.

Mr. Barbini explained that document was written assuring that the house will be deactivated. The Board commented that the agreement needs clarification, and that there are potential loopholes.

Mr. Barbini stated that the new house will be constructed on the north side of the property. The new house will have four bedrooms, same as the old house. The applicants plan to live in the old house until such time that an occupancy permit is obtained for the new house. The agreement stipulates that the existing house will be removed. Mr. Barbini clarified that the applicants would like to have the option to put a septic system on the lot with the existing house if situations change. He stated that they do not want to deem the lot forever unbuildable, and are willing to place some sort of covenant on the property that a house could be built if all requirements are met. Mr. Barbini suggested that the Board have Ron Rappaport accept a phone call from the applicant's attorneys to work out the details. Mr. Zadeh stated that in the original application, once an occupancy permit for the new house was obtained, the old house would be removed. He stated that he agreed with intent behind Mr. Barbini's explanation of the situation, but would prefer to have Town Counsel review the approval to prevent any loopholes. Mr. Barbini stated that he understood the concerns of the Board and was comfortable with a review by Town Council. Mr. Zadeh suggested that instead of having the old house disconnected at the time of occupancy certificate, it be changed to when the new house is connected. Mr. Zadeh moved to approve the application contingent upon review by Town Counsel. Dr. Orazem seconded, and the motion passed unanimously.

Matt Poole reminded the Board that the Taste of the Vineyard will be on June 16th, and that there is about one month left to prepare.

Approved 7-13-16

The meeting was adjourned at 7:08 PM.

Respectfully Submitted,

Lucy Morrison

Walter T. Johnson *Kathie* *E. Bennett Orazem DMD*