

Edgartown Board of Health  
Minutes of July 14, 2015

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. The Minutes of June 23, 2015 were approved as written.

**At 6:05PM** Donald & Jennifer Benefit were before the board as a request to keep chickens on their property located at 11 Llewellyn Way. Photographs were displayed to the Board for the location of the shed yard area. Mention was made to the removal of a rooster from the property based upon the noise to an abutting property owner. At this time a motion was made and duly second all in favor of the request to house chickens, no rooster is allowed. Mr. & Mrs. Benefit thanked the Board and left the meeting at 6:08PM.

**Correspondence**

The Board reviewed a letter received from Mass/DPH granting the BOH a variance to test beaches once every 30 days based upon all satisfactory prior test results.

A copy of a June 29<sup>th</sup> well water quality report was received for the Chappy Beach Club as part of Mass DEP's requirement for their well designated as a public water supply. The annual VOC report indicated all results as meeting state water quality standards.

**Agent Poole** updated the Board on the recent grease fire and re-inspection of Atlantic restaurant on July 4, 2015. They were permitted to serve a limited food menu of which a majority of the items will be cold served with very limited of cooking allowed at this time. Some food items will be prepared at The Field Club kitchen and transported to the Main Street location. On July 11<sup>th</sup> Agent Poole was called to a fire at Rockfish Restaurant due to grease build up in an outside wall. The fire was contained with minimal damage to the food prep area. An inspection was conducted on Monday, July 13<sup>th</sup>. Mention was made to a joint effort with the BOH staff and the fire chief to have all vent hoods inspected with dates of service provided by the establishment operators. No further action was taken by the Board at this time.

**At 6:15PM George Sourati, PE** was before the Board as a variance request for property located at # 19 Mullen Way, Robert & Lisa Drew, Map 29A, Lot # 57.1. Others in attendance were Maggie Littlejohn, M. Cassavant, I. Andrade, G. Greenough, and Mr. & Mrs. Michael Kidder, David Young and Chris Alley. The public hearing was opened for DWP # 22/2015 submitted as a four bedroom on-site septic system requesting to vary Section 2.32 and allow the fourth bedroom with a MicroFast unit proposed. Mr. Sourati displayed plans to the Board indicating the pre-subdivided lot area and the total number of bedrooms allowed. An abutting lot (known now as APLOT 57) held by MVKP, LLC would be a three bedroom lot on a standard Title V system. Ms. Littlejohn requested to see the location of the proposed septic system in relationship to her property. She had concerns with any noise association with the operation of equipment associated with the MicroFast Unit. Mr. Sourati stated the system would be located 40 feet from her property line. Agent Poole added the blower portion of the unit could generate some noise on the level of an A/C unit. Mention was made to the use of a vault to contain the MicroFast in an effort to reduce noise. After a brief discussion a motion was made and duly second all in favor of the variance with conditions for the maintenance and monitoring of the advance treatment technology which will include installation of the unit in a vault below grade. Mr. Sourati thanked the Board and left the meeting at **6:35PM**.

**At 6:38PM** the public hearing from 6/23 for MRK Realty was continued. Chris Alley briefly detailed the HOA covenant proposed for each lot in the sub division which would include language outlining the operation, maintenance and monitoring of the MicroFast units installed. Agent Poole has reviewed the document and provided the Board and others present with a copy of his edits outlined in red. A discussion took place regarding the amount of funds to be set aside exclusively for use to maintain the operation of the MicroFast Units and not commingled with any other HOA fees such as snow plowing or road repairs. Also discussed was the term of the covenant which under state law would have to be renewed prior to the thirty year expiration date. G. Greenough added there is a document that can be filed with the Comm. of Mass as a petition to maintain the covenants beyond the thirty year expiration date. David Young expressed his concerns for safety issues on the road and the increase in traffic associated with the new development. Mr. Kidder added he has gone to the fire dept., police department and they have a Planning Board approved plan. Agent Poole suggested that a document be created by the BOH in conjunction with the HOA agreement which would include both local BOH regulations and the Com. of Mass DEP language regarding the advance treatment technology. This document would be recorded at the Registry of Deeds and could not be altered or changed without BOH and/or DEP approval. At this time Chair. Zadeh directed Agent Poole to put the document together listing the requirements as a covenant between the property owners and the BOH. M. Cassavant spoke to a possible approval tonight based upon the conditions discussed and a document written by Agent Poole. Chris Alley mentioned permits for Lot # 1 and Lot # 9 are ready to be submitted and if an approval would be considered within the 45 day approval period. Further discussion centered on returning to the Board mid-August to review the final conditions once both the HOA covenant and the BOH agreement has been drafted. At this time a motion was made and duly second to approve the variance request with conditions for the maintenance and monitoring agreement of the MicroFast Units and that HOA covenant meets all of the local and state requirements, with final approval set for the August 11<sup>th</sup> meeting. The group thanked the Board and left the meeting **at 7:05PM.**

**Recent food inspections** conducted by Agent Poole were discussed. New Lane Sundries will share a space with MV Clambake Company at the MVY Business Park to produce some of her flavored jellies. Local Smoke will also share a small portion of the Clambake area on limited bases to prepare some of the side dishes he has on his menu. Both operators are knowledgeable and meet all of the food code requirements. New food business also inspected included Rosewater Market located on So. Summer Street and Smooth Move a smoothie shop on Winter Street. Both businesses passed inspection and were authorized to open at will. Assistant food inspector B. Jordal was hired and will conduct inspection town wide thru the late fall.

### **New Business**

Agent Poole displayed a set of house plans to the Board which he thought needed their review. The 6000 sq. foot lot is located the OH/Arbutus Park Wastewater Disposal Regulation area and has a limited septic capacity of two bedrooms, with town water and advance treatment nitrogen reduction. A proposed deed restriction was provided by the prospective new owner indicating two non-sleeping spaces be approved as a second floor loft and a recreation/media room in the finished basement. Board members expressed their concerns to allow the two deed restricted areas on a lot that is just above the lot size minimum for the area.

They directed Agent Poole to discuss their concerns with the prospective owners to try and open up the loft area and reconsider the finished basement.

**There being no further business before the Board, the meeting was adjourned at 7:45PM.**

Respectfully submitted,  
Janet A. Hathaway, Assistant

Approved on: \_\_\_\_\_ 8/18/2015

Harold T. Zadeh

Kathie N. Case

E. Garrett Orazem, DMD

Chairman