

Edgartown Board of Health
Minutes of February 11, 2014

Harold T. Zadeh, Chair.

Kathie N. Case

Kevin L. Searle

The meeting was called to order at 5:30PM. Payrolls and permits were signed by the Board. The Minutes of January 28, 2014 were approved as written. William Veno of the MV Commission and Jeff Carlson were present along with R. Barbini and Ted Rosbeck.

Mr. Barbini & Mr. Rosbeck were before the Board to discuss a plan change for Boulevard Realty Trust, located at 189 The Blvd, Map # 11A, Lot # 481. Permit # 111/2011 was issued by the Board with conditions for a 6 bedroom shared on-site septic system to serve an existing four bedroom home and a proposed one bedroom dwelling with advance treatment technology. Condition # 4 of the covenant states "the owner may apply to the BOH to increase the number of bedrooms from one to two if after test results for a five year period indicate that the total nitrogen has been reduced by at least 40 %." Mr. Rosbeck displayed a revised plan which would combine the two lots into one 6.2 acre parcel. He added he would like the Board to consider a change to condition # 4 and to allow construction of the new onsite system for 6 bedrooms without the five year time line. As part of the proposal to combine the lots they would like to renovate the exiting four bedroom home adding a fifth and to construct a one bedroom guest house/pool house. He added the guest house first floor would serve as a "pool cabana" with finished living space above. He indicated it would be used seasonally but could not guarantee that condition at this time. He stated the property would be used as a single family residence as opposed to two single families and the impact to the environment would be reduced. Chair. Zadeh stated the original permit was not considered lightly and the condition for the five year testing prior to the sixth bedroom was to insure all testing requirements are consistent with satisfactory results. Mr. Rosbeck responded that he considered the five year requirement excessive and by reducing the use of the property he can maintain satisfactory results. Agent Poole suggested renovating the existing house to five bedrooms now and after a period of testing adding the one bedroom guest house with consideration to a shortened time frame. The discussion continued on the number of occupants for the home. If the home is approved for six bedrooms, there could possibly be up to 12 occupants. Mr. Rosbeck is the occupant of the existing home with the renovations proposed it would remain as a family of five. Mr. Barbini inquired to the Board's consideration to limit the number of occupants to below what Title V would allow in the form of a deed restriction. Mr. Rosbeck inquired to a time line for the limited number of bedrooms and if after adequate testing the Title V number could be allowed. At this time the Board indicated they would consider further discussion of the number of occupants and suggested Mr. Rosbeck return with additional information. Mr. Rosbeck thanked the Board and left the meet at 6:15PM.

Mr. Barbini remained at the meeting to discuss a variance for his clients M/M Carlucci property owners at # 17 Faulkner Drive. DWPermit # 5/2014 was submitted as a four bedroom upgrade at the 2.3 acre parcel. The lot is located within the Katama area and lies within the Coastal District. A variance from the Coastal District is necessary to allow the proposed leaching area to be placed 95 feet from an existing leaching field. Abutter notice is not required for the request for the reduction. Town water will be used and the existing structure will be demolished. The Board reviewed the building plans and stated a deed restriction would be necessary labeling the pool house and finished basement areas as non-sleeping space. All voting in favor of the variance request as this is the best possible solution. Mr. Barbini thanked the Board and left the meeting at 6:20PM.

At this time the **public hearing** was opened to discuss and review a draft copy of regulations concerning a DCPC nomination as the **Island Wide Lawn Fertilizer Control District**. Bill Venno, senior planner for the MV Commission was in attendance along with Jeff Carlson, Vineyard Golf Club superintendent as a member of the fertilizer regulation working group. Agent Poole outlined what was presented as **Section 17/ BOH Rules and Regulations**: MV Lawn Fertilizer Control District. A short narrative was given which included purpose, authority, definitions, turf performance, buffer zone, golf courses and exemptions. A DCPC application was provided which included education, licensure, liability, enforcement, amendments, severability with an effective date of January 1, 2015. Mr. Carlson added a majority of the document is what he considers common sense and it will greatly improve the property locations where fertilizer is applied up to the edge if marshland. It will spread out the time frame for application which will prohibit product deposit that could enter into any storm drain or other channels. Mr. Venno added the state requirement is based upon the same science and it will restrict the time of year amount, allow exemptions for farmers and prevent an overload to the environment. Additional information was provided for the licensing of landscape professionals which includes an application fee, educational participation and an annual renewable process. After a brief discussion, a motion was made to accept the nomination of the DCPC and to proceed with the process by adopting the regulation. Mr. Venno and Mr. Carlson thanked the Board and left the meeting.

New Business: A letter was received from the Edg. Shellfish Committee dated 2/11/2014 asking the Board to endorse a required oyster handling class for all restaurants who plan on serving oysters. This will become part of a Vibrio Ordinance for the 2014 oyster season, with support from the Edg. Growers Association to provide a safe product from harvest to customer consumption. The Board unanimously approved the recommendation.

There being no further business before the Board the meeting was adjourned at 6:35PM.

Respectfully submitted,
Janet A. Hathaway, Assistant

Approved on: _____
BY:

Harold T. Zadeh, Chair.

Kathie N. Case

Kevin L. Searle