

Edgartown Board of Health
Minutes of July 15, 2014

Harold T. Zadeh, Chair.

Kathie N. Case

The meeting was called to order at 6:10PM. Payrolls and permits were signed. The Minutes of June 10, 2014 were approved as written.

At 6:15PM the public hearing posted for 5:45Pm on July 8th was opened. Richard Barbini, PE was present along with his client Kathryn Farrell. Also attending were; Donna, William and William Bishop, IV with their attorney M. Cassavant. Evelyn Macomber, Kenneth & Laura Lavigne, Warren Agard and his attorney Daniel Larkosh were in attendance for the hearing. Other members of the public included Ron Monterosso, Robert Robinson and Christopher Bonner.

Mr. Barbini displayed the plans to the Board. The request is to vary CMR 15.211 (Title V) which would allow construction of a new leaching trench 8 ft. from Fourth Street, N and the designation of a reserve area 6 ft. from Fourth St, North; a ten foot separation is required on the 9,000 square foot lot. A covenant/deed restriction was provided that the owner would agree the premises shall contain no more than two bedrooms. Mr. Barbini added the reason the request is sought is there is not adequate separations between an abutting well which without being moved or having town water installed requires the variance request to the Fourth Street property line. He stated his client will have to get approval to the ZBA in order to build on the lot and suggested to Ms. Farrell that they request the BOH variance first. Mention was made regarding the application be considered "an affordable lot" with resale restriction that could be part of the ZBA approval. Agent Poole added there is no relationship between affordable waste disposal and market rate. The Board has to consider the site conditions and the impact to the abutting lots. (At this time Mr. Montrosso requested his agenda listed item be postponed until the next meeting date of July 22, 2014, which was granted).

Chari Zadeh asked if any one present who would like to speak on behalf of the application. Ms. L. Macomber spoke in favor of the request along with Mr. Chris Bonner. Those in opposition included Atty. M. Cassavant stating her concerns for a precedent by granting a variance for new construction on a vacant lot. She added the area is a series of small lots with water flow towards Sengakontacket Pond in a sensitive area. The request should not be related to housing. The non-conforming lot will need a variance from the Zoning Board of Appeals and a possible special permit. Mrs. Bishop, Bill and William, IV spoke to the request in opposition based upon the impact the septic system will have on their on-site well and the fact the lot had been labeled as non-buildable. Atty. Larkosh did not speak against the proposal but did reserve his comments for a ZBA application.

At this time Mr. Barbini made a request to continue the hearing to the next available meeting day and time. A motion was made all in favor of the request to continue the hearing until Tuesday, August 12 at 6:40PM. The group thanked the Board for their time and left the meeting at 6:35PM.

Correspondence

The Board reviewed a request for a determination regarding Enos lots located at Map # 34, Lots 128.1 & 128.3. The owners would like to jointly sell them as one property for a total of 15,000 square feet the requirement for Chappy. The Board directed Agent Poole to forward the review to town council.

The Board discussed a letter of support made to the Juvenile Probation program which recently had the on-island officer's hours reduced. A motion was made all in favor of the letter requesting the Commissioner of Probation re-consider the reduced hours and the relocation of the office to Falmouth, MA.

Agents Report

An update was provided to the Board concerning the most recent food inspections conducted by both G. deBettencourt and M. Costonis. The board was impressed with the reports and the detail provided by the inspectors for each establishment.

A review of DWP # 43/2014 for R. McNulty, at # 15 Meadow Ave. Map 34, Lot # 241 was made to the Board concerning a Title V compliant system. Currently the home is served by an outhouse. The lot was originally part of a larger parcel which Ms. McNulty had recently sold. There are minor repairs currently under way to include a bathroom. The plans will include a 1500 gallon tank and a leaching field to serve the existing three bedroom home. The existing on-site well is located up against the house and will be moved 102 feet from the leaching area. A local upgrade variance will be necessary to allow the leaching field to be located five feet from the property line (10 feet required). After further discussion a motion was made to approve the plan with conditions there is no additional footprint change and the home will continue to be used "seasonally" (no heat). If the property is sold, transferred or renovated a Micro Fast advance treatment unit will be required based upon the lot square footage and the number of current bedrooms.

The Board discussed a proposal to change the manner in which the Vineyard Smiles program is paid. As of the most recent invoice, all payments made for the clinic will be submitted and paid to Vineyard Health Care Access Program. No additional action was necessary.

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

Respectfully submitted,

Janet A. Hathaway, Assistant

Approved on: ___8/12/2014

Harold T. Zadeh, Chair.

Kathie N. Case