

Edgartown Board of Health
Minutes of August 27, 2013

Harold T. Zadeh, Chair.

Kathie N. Case

The meeting was called to order at 6:00PM. Payrolls and permits were signed. The Minutes of July 9, 2013 were approved as written.

Correspondence

The Board reviewed the nitrogen loading aggregation plan approved by Mass/DEP for Coastal Estates formerly submitted as BAGRCH, LLC, Map 29A, Lot # 63.11 and 63.12. The approval was granted with conditions to be placed on the property which will be recorded at the Dukes County Registry of Deeds. The documents presented as part of the approval were signed by Chairman Zadeh.

Notice was provided that the fine assessed to Sophia's One Stop Mart, Inc. for the sale of tobacco products to a minor was paid. The \$ 250.00 payment was received by the Town Clerk on August 16, 2013. No further action was taken by the Board at this time.

A report received from Cashins & Associates, Inc. regarding the asbestos monitoring & air sampling conducted at the former Edg. School site was discussed. The analysis showed that fiber levels in all containments were below the standards set by Mass. Dept. of Labor and Workforce Development (DOS). Richard Pomroy, principal of Pomroy Associates, LLC who is overseeing the project is in contact with Agent Poole on a regular basis.

At 6:10PM Richard Barbini, PE and contractor Cliff Meehan were before the Board for the public hearing as a variance request for William & Michelle Leonard property owners at # 9 The Blvd and # 6 Fowler Lane. DWPermit # 56/2013 was submitted as an upgrade to an existing cesspool to serve an existing three bedroom dwelling and an existing one bedroom dwelling. Mr. Barbini listed the variances necessary as part of the request to: Section 1.1 e, 5 to allow a sanitary disposal system to be constructed less than 200 feet from a saltwater body (172); Section 14.1 e, 6 to allow a sanitary disposal system to be constructed less than 200 feet from an existing disposal system, 20 feet and 114 feet; Section 14 1 e ,8 to allow a sanitary disposal system to be constructed less than 200 feet and existing wells, 100 feet, 107 feet, 111 feet, 116 feet 130 feet and 158 feet. Plans were displayed to the Board detailing the shared septic field to be located on lot # 130 with each dwelling to have separate tanks and both served by advance treatment technology (MicroFast Unit). A local upgrade variance is also required from Title V to place the leaching field less than 10 feet from the property line setback (8 feet). Chair. Zadeh inquired to the current number of number of bedrooms in the two structures and if the properties are held in separate ownership. Mr. Barbini added they are held in separate ownership by the same family members. He added, lot # 131 was purchased in 1996 while lot 131 was purchased in 1999. Agent Poole mentioned the need for an agreement necessary in the form of a covenant regarding the maintainance and monitoring of the Micro Fast and the shared leaching field.

Mr. Barbini provided a draft copy of covenant stating the properties are to remain in common ownership until such time that all necessary documents for a shared system in Title V is approved by the Board. At this time a motion was made and duly second all in favor of the variance requests with the condition the continued use of the on-site well shall require an initial well test drawn in the presence of a representative of the BOH. Continued use of the well will be allowed if it produces sample results with ammonia nitrogen and nitrate nitrogen together totaling no greater than 5.0 mg/l. Mr. Barbini & Mr. Meehan thanked the Board and left the meeting at 6:25PM.

Agents Report

Information was provided to the Board regarding recent housing inspection conducted at # 9 Puwal Lane, Katama Farms South, 36 Chase Rd. and Twentieth Street, North. # 36 Chase Road is currently being occupied as a transient resident facility without the proper permits. The absentee property owner has been notified of the violations and a site visit was conducted by Agent Poole and Lenny Jason. The Board took no action at this time.

Mention was made to a set of draft regulations to restrict the sale of tobacco and nicotine delivery products. This document was adopted by the US Dept. of Health & Human Services stating that nicotine is as addictive as cocaine or heroin; and despite state laws prohibiting sale to minors, access by minors to the products is a major problem. Also under consideration is a tobacco sale ban for pharmacies because they are incompatible with the mission of health care and the risks and harm to a younger population.

Agent Poole provided the Board with information concerning an all island fertilizer regulation that is being considered by the Island BOH.

At 6:30PM George Sourati, PE was before the Board for a public hearing request to vary Coastal Zoning By-Laws and a Title V upgrade. DWP # 59/2013 for # 35 Pocha Rd. ext and DWPermit # 58/2013 for # 33 Pocha Rd. ext were displayed to the Board. Section 14.1 e 6 to allow a sanitary disposal facility to be constructed less than 200 feet from another proposed system (119) and Title V; Section 15.221 (7) to allow the depth below finish graded of the soil absorption system to be greater than 36' (56") for Map 48, Lot # 1.6, # 35 Pocha Rd. extension. The variances are required due to the height of the existing buildings. Section 14.1.e 6 is to allow a sanitary disposal facility to be constructed less than 200 feet from another proposed system for the property located at # 33 Pocha Rd. Extension, DWP # 58/2013. Mr. Sourati provided a brief update to the conditions at the Shifter/Wasque Partners property and the recent purchase of the abutting lot. The variances are necessary based upon relocation of the main house, guest house and garage there will be no increase in the number of bedrooms. Agent Poole added the two septic systems for the lots could possibly be served with one shared septic field. He suggested consideration be made for the shared use, which would remove the need for the variance requests for the two lots as the language is not clear if relief can be granted under the by-law. Chair. Zadeh suggested the matter be taken under advisement and possibly continue the public hearing. At this time Mr. Sourati stated his client would like to occupy one of the structures for the next few weeks starting on or about September 15th and by contuting the hearing until the end of the month may make that difficult.

A discussion followed which outlined use of the property if the Board were to allow installation of a septic tank and two trenches on a temporary basis. There is an existing on-site well which would require a well water quality report submittal. At this time a motion was made and duly second to approve the request for a temporary on-site system which the Board indicated Agent Poole could approve once the proper paper work is received. Mr. Sourati added, he will discuss the shared system option with his client and return to the Board on September 24th at 6:15pm.

There being no further business before the Board the meeting was adjourned at 7:05PM.

Respectfully submitted,

Janet A. Hathaway, Assistant

Approved on: _____

Harold T. Zadeh, Chair.

Kathie N. Case