

Edgartown Board of Health
Minutes of October 22, 2013

Harold T. Zadeh, Chair.

Kevin L. Searle

The meeting was called to order at 5:30PM. The Minutes of October 8, 2013 were approved as written. Payrolls and permits were signed.

At 5:35pm Kevin Selby and Bonnie Pierce, real estate agent were before the Board to discuss the Selby property located at APMAP 12B, Lot # 98, 15 Twenty-first St., North. A plan for a one bedroom guest house was approved by Agent Poole on November 10, 2010. A recent inspection of the guesthouse revealed a second floor room which was permitted as storage was now finished space with a full bath. Agent Poole and BI Jason did meet with Mr. Selby to determine how the space was converted and what process he would take to keep the space or revert it to its original use. Mr. Selby stated to the Board he thought the space could be called an office and would be allowed. Chair. Zadeh stated the Board could not approve a full bath with the office and indicated he would have to remove the shower unit. Mr. Selby added, after further discussion he stated he would cap off the shower drain and is requesting the Board consider allowing the room to remain with conditions. He added, a new on-site septic system with advance treatment will be submitted, he will connect the main house to town water and he would sign a deed restriction calling out the second floor space as non-sleeping. At this time a motion was made to accept the plan with conditions listed, all voting in favor. Mr. Selby and Ms. Pierce thanked the Board and left the meeting at 5:40PM.

Correspondence

A Form C subdivision plan on behalf of TCI/Martha's Vineyard Trust was reviewed by the Board. The properties will be served by town sewer, no action taken by the Board at this time.

Planning Board public hearing notices were reviewed by the Board. A modification to the special permit issued to the Winnetu Resort will take place to allow a one day exemption to hold the annual Possible Dreams auction. A meeting will take place on October 29, 2013 to amend Planning Board rules and regulations governing the subdivision of land. Key elements in the revision will include update zoning maps, increase filing fees; increase the number of days for Planning Bd. Review and a revision to update added unpaved roads and schematic for paved road requirements. No action was taken by the Board at this time.

The Board reviewed a covenant for property owners Leonard of #9 Fowler Ave concerning DWPermit # 56/2013 approved by the Board on 8/27/2013. The covenant states the owners shall retain the properties in common ownership until such time that all necessary documents for a shared septic system under Title V have been approved by the Board. A motion was made all in favor of the agreement as presented, signatures were witnessed.

A letter sent by Fred Dumont, Water Dept. superintendent to MASS. State Pesticide Bureau and NSTAR arborist Hayes was discussed by the Board. The letter detailed Mr. Dumont's continually ignored objections of NStar's herbicide spraying within the vicinity of public water supplies. No action was taken by the Board at this time.

At 5:45 PM the public hearing posted for Tobacco Regulations was opened by Chair. Zadeh. Robert Collett, Cape & Island Tobacco program director, Atty. DJ Wilson, director at Mass Municipal Assoc. and Theresa Manning, MV Youth Task Force coordinator were present. A letter was received from NATO's (National Assoc. of Tobacco Outlets, Inc.) executive director and legal counsel Thomas Briant regarding the proposed regulations. He detailed the regulations as limiting the sale of tobacco products, cigar package size, blunt wrap sales, a ban of tobacco coupons and self service displays. NATO represents tobacco retailer who have expressed their concerns about the restrictions that the Board is considering to adopt.

Agent Poole provided the group with a handout of the new regulation and a review was conducted for each section. Atty. Wilson added information state wide from the municipalities who have adopted local policies regarding E-cigarettes and nicotine delivery products (NDP). A majority of the towns have banned the use of E-cigarettes that the State's smoke free workplace law extends to. Over 30 towns have banned minimum pricing for cigars, 39 have banned the sale of blunt wraps and over 70 towns have banned the sale of tobacco products in pharmacies. He pointed out over 400 companies affected by the regulations include CVS, Stop n Shop, Target, Kmart, Shaws, Star Market, Wal-Mart, Rite Aid, Costco and Walgreens. Mention was made to the requirements for the proper placement of signs which must be conspicuously posted and placed in a manner so the customer standing at or approaching the cash register directly faces the purchaser. The discussion continued concerning the maximum number of tobacco and nicotine delivery products sales permits to be issued annually. Ms. Manning stated, she was impressed by the actions taken by the Board to draft the proposed regulations and her group would support their efforts. She added they would like to have an Island wide effort which the Task Force will pursue with the other towns BOH. At this time a motion was made, duly seconded all voting in favor of restricting the sale of tobacco & nicotine delivery products. The group thanked the Board and left the meeting at 6:50PM.

The Board discussed the recent inspection of the food vendors for the MV Food and Wine Festival held on Saturday, October 19th. Agent Poole and Chair. Zadeh stated their concerns for the lack of hair restrains by staff members and the manner in which the temporary sinks were utilized. Agent Poole will address the concerns with the event coordinator as a follow up.

There being no further business before the Board, the meeting was adjourned at 7:00 PM.

Respectfully submitted,

Janet A. Hathaway, Assistant

Approved on: _____

Harold T. Zadeh, Chair.

Kevin L. Searle