

Edgartown Board of Health
Minutes of November 12, 2013

Harold T. Zadeh, Chair.

Kathie N. Case

Kevin L. Searle

The Meeting was called to order at 5:30PM. Payrolls and permit were signed. The Minutes of October 22, 2013 were approved as written.

New business before the Board was a recent inspection conducted by Agent Poole of a property on Twentieth Street, North. A large amount of abandoned yard waste was discovered and the building was found to be un-secured. Agent Poole will contact the owner to schedule removal of the waste and address the unsecured structure. A visit by Agent Poole and BI Jason was conducted of an occupied residence on Bettencourt Way where large amounts of household items are stored in the yard. A neighbor did come forward and offered to assist the owner in removal of the items. No action was taken by the Board at this time.

A discussion took place regarding a real estate agent's inquiry for finished space constructed at # 5 Meetinghouse Village. An inspection of the area was made by Agent Poole based on a lack of permits issued to the property owner at the time of construction. After a brief discussion concerning "private space" a motion was made and duly second to approve the area with the condition a deed restriction is placed on the property. Agent Poole added the current owner will be responsible for obtaining all current permits from the building department.

Agent Poole provided the Board with information concerning a third floor finished area for home owner D. Nachbar/IHM Partners, LLC 1, Inc. located at # 1Town Lot Rd. The original permit was issued to the former owner with plans approved with conditions. The 3,000 + sq. foot home constructed by Mr. Nachbar was not approved with a finished loft area and a full bath. The location of the loft on the third floor is accessed by a rail stairway with full ceiling height and could be considered sleeping space. The property is lacking a certificate of occupancy due to the completion of the third floor. Mention was made to the removal of the shower unit in the bathroom and to allow use of a half bath. A motion was made and duly second to approve the "loft" space with a deed restriction placed on the property for the area as non-sleeping and to allow the half bath.

At 5:45PM George Sourati, PE and Atty. Eric Hammarlund were before the Board on behalf of Richard & Jennifer Shifter to discuss the escrow & septic system easement for their properties located at # 33 & 35 Old Pocha Rd., Ext. The agreement is to allow the use of a shared on-site septic system as defined in 310 CMR 15.002 Title V to serve all of the habitable structures on the property. The two lots are both held in common ownership and a cash escrow will not be required until such time as the properties are transferred or sold to an individual other than what is defined a "qualified owner". After a brief discussion concerning the time line for construction of the system a motion was made and duly second all in favor. Mr. Sourati and Mr. Hammarlund thanked the Board and left the meeting at 6:05PM.

At 6:06PM the public hearing was opened to amend the regulation for prohibition on smoking in public places. Section: 12. 1.10 is drafted to read: No person shall smoke or use an E-Cigarette, as defined in the EBOH Rules & Regulations Section 12.5.c, in any public place except that smoking shall be permitted in specifically designated smoking area as hereinafter provided. It was also drafted to insert the words “ and using E-Cigarettes in 1.100 Restaurants; 1.130 Public Transit Facilities; 1.140 Retail Stores; 1.150 Enclosed shopping mall; 1.170 Implementation.

Sub-section 2.000 Workplace drafted to read: 2.100 it shall be unlawful for any person to smoke or use an E-Cigarette in any workplace except in specifically designated area as described in 2.200.

3.000 Enforcement; drafted to read 3.100 any person who smokes or uses E-Cigarettes in a non-smoking area shall be subject to a fine of not less than twenty-dollars (\$ 20.00) nor more than fifty dollars (\$50.00) for each violation. A brief discussion took place regarding the proposed amended regulations which included enforcement by public officials and any member of the community. At this time a motion was made and duly seconded all voting in favor.

Correspondence

Public hearing notices were received for: Planning Board for the Shifter’s site work. Zoning Board of Appeals: D. Kelly’s request to operate a landscape business at # 46 East Cape Poge Ave. No action was taken by the Board at this time.

A review was conducted of the FY2015 Budget which will be level funded. All budgets must be submitted to the Town administrator no later than December 2 at 4PM.

The Board discussed a proposal to share in the purchase of a town owned car for use by Agent Poole and the Assessor’s office. Currently a vehicle is shared between the two departments which has mechanical issues that may not be worth the funds to repair.

Agents Report

Information was proved to the Board regarding the annual Flu Clinic held October 26, 2013. The two locations provided drive-thru services and administered over 700 doses. The West Tisbury School location had a few traffic issues which will be discussed at the next scheduled Agent’s meeting.

An update was provided to the Board concerning the on-going proposed fertilizer regulations.

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

Respectfully submitted,

Janet A. Hathaway, Assistant

Approved on: _____

Harold T. Zadeh

Kathie N. Case

Kevin L. Searle