

Edgartown Board of Health  
Minutes of December 10, 2013

Harold T. Zadeh, Chair.

Kathie N. Case

Kevin L. Searle

The meeting was called to order at 5:30PM. The Minutes of November 12, 2013 were approved as written. Payrolls and permits were signed.

### **Agents Report**

Agent Poole introduced a section of the local by-law Chapter # 153-1 enclosure of outdoor, in-ground swimming pools and what is required. Part of the requirement states the enclosure can be some other effective alternative devise (s) acceptable to the BOH, which impedes access to persons less than eight years of age. He added the word "alternative devises" is a topic of discussion by pool companies to define and to determine what the Board could deem acceptable. The Board discussed the use of an automatic pool cover in place of the direct access door alarms. After further discussion, a motion was made and duly second all in favor NOT to consider an automatic pool cover as an "alternative devise" in place of pool door alarms.

The Board discussed BOH regulation Section 15 concerning Body Art Establishment and Practitioners. It was determined the fee for an establishment does not cover a single practitioner who may work at an establishment other than the owner/operator. A recent inquiry to permit a new location in Edgartown has been made, which would not include an additional operator. At this time a motion was made and duly seconds all in favor of adding the individual practitioner fee as \$ 100.00 annually.

Information was provided to the Board regarding a review of the rules and regulations and a request to codify the rules with amendments. Mention was made to recent smoking regulation public hearings held and the adoption of new regulations. After a short review of the updated rules a motion was made and duly seconded all in favor to codify the regulations with an effect date of December 10, 2013.

**DWP # 11/2013** issued by the Board as a variance approval was discussed. The home was recently demolished with a new single family building permit issued. The owners would like to request the installation of an in-ground pool which would require modification of the location of the permitted septic system. The new location would place the system 166 feet from an abutting neighbor's well and would increase the distances between the two septic systems. Agent Poole added if the Board would consider the adjustments as a plan revision, there would be no additional hearings necessary. At this time the Board directed the Agent to discuss the revisions as a hearing process with the owners engineer and provide information at a later date.

**DWP# 83/2013** listed for owners M. Landew & James Warren received as part of a purchase and sale transfer inspection failure was reviewed by the Board. Agent Poole detailed the plan for an upgrade to the six bedroom two family condo unit. The requirements for a perc test time of year were detailed for 21; 000 sq. foot lot located in the Katama district and must be conducted between the months of April to March. The test was done in November of this year and ground water was encountered at a depth of 102" or (elevation 2.6 feet). Inquiry was made by the Board to the mutual agreement for use and responsibility of the shared system from the two property owners. The properties are managed by the Mattakesett Condo Association and there is reference to the septic system in the section of the deed listed under common areas. Agent Poole will provide information regarding the document at a later date. No action was taken by the Board at this time.

Mention was made by Agent Poole to the lack of cooperation from some of the septic pumping companies in providing accurate pump out records for disposal. It was suggested an invitation be extended to those in violation to appear before the Board at a duly posted meeting.

### **Correspondence**

The Board was in receipt of a thank you letter received from Edg. Board of Trade regarding the support and assistance by the BOH staff for the Grand Tasting event held for the MV Food and Wine Festival which took place in the Mayhew Lane lot.

ZBA public hearing notices were reviewed for R. Knight for an addition to his single family residence located at # 15 Knight Lane. Pamela Findley's special permit request to construct a second floor addition at # 6 Cummings Way was discussed by the Board. Agent Poole will sign off on the permits as necessary.

The Board was in receipt of a MV Commission approval of subdivision of land for Houlahan/Bayside off Katama Rd. An approval was granted by the Board in early November.

A letter was received from NSTAR Electric & Gas regarding their 45 day yearly operational plan public notice, review and comment for Barnstable and Dukes County. The 5 Year Vegetation Management Plan (2013-2017) details specific information pertaining to the intended 2013 program. Maps were enclosed which will be updated with any new information that is received by NSTAR and posted on their website. No Board action was taken at this time.

The Board discussed the MVRD FY 2015 budget. A spread sheet was provided with breakdowns of cost with assessments and LDO contract plus transportation fees listed for each member town.

**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  
Chairman

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