**CH I L M A R K B O A R D O F H E A L T H**

**Minutes**

**December 20, 2023**

**5:00 pm / in-person meeting**

**Chilmark Town Hall**

1. **Middle Road**

**Present:** Katherine L. Carroll, Matt Poole, Jan Buhrman, Anna McCaffrey, Junior DeOliveria, Bradley Myers, Reid Silva, Robert Nixon, Carolyn Stoeber, Candy Shweder, Sandy Broyard, Adam Turner (MVC), Sheri Caseau (MVC), Rachel Sorrentino – online presenter (MVC), Daniel Greenman

**11/15/23 Draft Minutes were approved.**

**157 North Road C, D (4-22.2)** **(IWS)** – The Board approved the proposed well replacement but requested additional information on the distance from the new proposed well to the property line. The Board also expressed concern about IWS not following the correct protocol, i.e., not attaching scaled plans when well applications are submitted, although multiple conversations were had with Jaqueline Noel. Matt Poole will speak with former IWS owner John Clarke and schedule a call during one of BOH’s meetings in January to see if he can join to brainstorm on the issue.

**37 Welles Way (25-6.3) (VLS) –**The Board approved a revision of the proposed Septic System for a proposed 4-bedroom dwelling**.**The proposed location of the leaching field changed slightly in an attempt to save a tree. The previously proposed well is no longer needed, as it turned out there is a well on a shared land; a well easement was submitted with this septic application.

**Public Hearing** **144 Beach Plum Ln. (21-80) (VLS)** – Leaching facility to leaching facility and leaching facility to property line variances request for a proposed septic for a proposed 3-bedroom dwelling

Reid Silva presented the revised plan to the Board; the changes included increased distance from the leaching field to the property line from 18` to 30` to 6 DH’s Hill Rd. (27.1 -178) and an increased distance from the leaching area to the leaching area in the Coastal District from 204` to 208`, switch from the micro FAST to standard title 5 tank. The above changes were reached because the owner decided to replace the existing septic system at 86 Beach Plum Lane (21-79), neighboring 144 Beach Plum Ln. The septic application for the septic replacement at 86 Beach Plum Lane has not yet been filed, as it will also require a hearing, but Reid presented what is going to be coming to the Board. The Board asked Reid to keep the proposed 200` separation between these two neighboring systems and the existing 85` separation to 80 Beach Plum Ln. (21-72).

The Board **approved** this application contingent on the approval of the system at 86 Beach Plum Lane (21-79) with conditions to maintain not less than 200` septic to septic separation to this lot and septic to septic separation to 80 Beach Plum Ln. (21-72)

**BOH, Conservation Commission Members, MVC joint meeting. Adam Turner, Sheri Caseau and Rachel Sorrentino (MVC) to present the Potential Solutions Up-island Watershed Management plan**

Adam Turner presented some background information on what proceeded with the MVC work on the nitrogen issue and the 208-watershed management plan. The MVC started working on the 208 plan two years ago. First, an existing conditions report was produced. The next report completed was a potential solutions report detailing all the ways to get Chilmark’s nitrogen levels down to acceptable levels. The Implementation will be the last step in the planning process, which we are moving towards.

The State passed the Cape and Island Water trust fund in 2018; MV was originally in the legislation, which would allow the collection of a 2.75% excise tax on short-term rentals and put it towards wastewater improvements. However, the towns must have completed the 208-wastewater management plan to get the money out. Later, the legislation language changed for the better, allowing the towns to opt in upon completion of the 208 plan. The State provided MVC funds to develop a 208 plan or equivalent for the three up-island towns.

The regulatory process was initiated after the Conservation Law Foundation, a New England-based legal advocacy group, filed a lawsuit against the DEP in 2021, alleging their failure to regulate septic systems sufficiently damaged aquatic ecosystems on the Cape. DEP promulgated specific Title 5 improvements in response to that. In DEP’s initial proposal, the regulations would be immediately implemented in most Cape towns, with plans for them to go into effect in areas of Martha’s Vineyard, Nantucket, and the South Coast afterward. MVC has argued that MV has begun working on this project and should be allowed to propose its solutions. The finalized version, however, removes plans for anywhere outside of Cape Cod to be designated as a nitrogen-sensitive area.

MVC is helping to encourage policy discussions and the resulting regulations, is committed to finding money to help implement solutions, and will be instrumental in creating a regional management entity to ensure compliance in all six Island towns.

Mr. Turner then introduced Rachel Sorrentino, who began her presentation of the 208 Project/Watershed Management/Potential Solutions Report with the updated nitrogen load estimates and reduction goals and the current portion of the project in the works: a “Solutions Matrix” indicating the estimated impact of each solution. The scenarios on how to clean up the ponds will be based on the application of the nitrogen reduction estimated metrics to the current conditions.

There are three potential solution target areas:

* Reduction (nutrients addressed at the source)
  + Manage and/or Limit Development
  + Manage Household Waste
  + Manage Other Waste
* Remediation (groundwater nutrients)
  + Stormwater Management
  + Permeable Reactive Barrier
  + Green Infrastructure
* Restoration (surface water nutrients)
  + Aquaculture
  + Habitat Alteration and Restoration

MVC will continue working on linking the existing conditions and potential solutions reports using the solutions matrix to build if/then scenarios that will inform Implementation and identify funding sources for the cost of implementations. MVC hopes to engage town officials and pond groups in the Implementation. A Responsible Management Entity will be developed with ongoing monitoring and evaluation plans.

Katherine Carroll suggested that everyone review all the information presented while the solutions matrix is being built and meet again after digesting the information and formulating relevant questions. A tentative date for further discussion is scheduled during the regularly scheduled Board of Health meeting on February 7, 2024.

Documents provided related to the presentation:

1. Chilmark Board of Health Watershed Planning slides from the 12/20/23 presentation
2. Potential Solutions Report

**99 Hammett Rd. (8-9) (Sourati)**– The Board approved the disposal works application to relocate and replace the existing septic tank with a new one.

**245 North Rd. (13-8)** **(Fenner)** – The Board approved the septic pump replacement application was approved. Keith Fenner contacted the Board of Health office a week before regarding this property's septic pump issues. The ½ HP sewage/grinder septic pump was installed in 2019. It wore out quickly as it was not the correct pump for this location. Keith intends to replace it with an effluent ½ HP effluent septic pump, which is more appropriate for this site.

The Health Administrator will write a short memo to local engineers about the importance of including pump specs in the plan.

**Board of Health Inspector/Administrator job description review –** TheBoard looked at the job descriptions of the West Tisbury, Edgartown, and Tisbury Health Agents and suggested changes to the current job description. The Office Administrator will work on the final draft for the Board to review on 1/03/24.

**BOH FY25 Budget draft budget review –** The Board discussed the budget briefly and asked the office Administrator to pencil in preliminary numbers. It is expected that the professional development office supplies budget lines will be less in the next fiscal year as most of the mandatory training was completed and all the necessary items for the new administrator were purchased.

**10/25/23 Menemsha Recap meeting outcomes –**The Board will discuss this at a later time.

**Items not reasonably anticipated by the Chair at the time of posting**

**11 High Meadow (7-21.4) –**The owner, Emily Parr, contacted the BOH office on the day of the meeting to let the inspector know that two additional rooms, a home office and a gym, were being added in the basement. A 4-bedroom septic was approved by the Board on 10/19/2022. Bradley Myers, Emily's husband, attended the meeting and asked the Board to review the possibility of deed restriction for the basement. As the septic system was in the process of installation, the Board suggested expanding the leaching field instead, but the owner declined. The Board approved the request to deed restrict both a home office and gym in order to continue going on the construction. The office administrator will send the template to the owner and proofread the draft when complete.

**12 Welles Way (25-7.6) –**The office received the plan of land and a Note C from the Planning Board about the proposed subdivision of the lot for the Board to sign off on the proposed lines. This subdivision will create three independent lots. The Board did not sign off on it as it determined that there was not sufficient information to secure adequate provision for drinking water and septic system disposal. Additional information should include suitable soil testing results and potential septic system layouts.

Jan Buhrman requested to discuss the topics below at the next BOH meeting:

1. Having one Public Water Systems Operator for all municipal buildings and perhaps making a recommendation to the Select Board about it

2. Allowing an option for Jan to Zoom into an in-person BOH meeting on 02/17/23, 02/21/24, and 03/06/24 while she is away

**Menemsha Deli** – Anything Buck Martin proposes as a change for the Deli space must be submitted in writing. The Board must permit any digging around the septic.

**26 Kennasoome Way (11-55.5) – The Board received a**confirmation that a small structure next to the pool will only have a toilet and a sink; the Board signed the septic application, reviewed on 11/15/23.

**Approved Invoices:**

Bennett Environmental Associates (Chilmark Community Center /Library) – 4th Quarter Services - $1,240.83

**Approved Applications:**

1. **Menemsha Texaco –** Food establishment and Tabaco(renewals)
2. **Vineyard Engineering Inc., Maciel and Sons, LB Incorporated, John Keene Excavation Inc., Daniel Rogers Hauling LLC -** Installers’ (renewals)

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Katherine L. Carroll, Chair Matthew Poole Janet L. Buhrman

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