

CHILMARK BOARD OF HEALTH

Minutes

January 18th, 2023

5:00 pm / in-person meeting

Chilmark Town Hall

401 Middle Road

Present: Katherine L. Carroll, Matthew Poole, Janet L. Buhrman, Reid Silva, Deborah Hancock, Judith Flanders, Graeme Flanders, Aleta Bezanson, Joe Mulinare, Greg Craig, Maggie Craig, Dan Karnovsky, Kate Shands, Fred Noyes.

1. **Draft Minutes**, December 21st, 2022 minutes approved and January 4th, 2023 minutes need to have a minor amendment.

Public Hearing 5:15 pm Quitsa Nominee Trust, Off Chockers Lane (33-8) Reid Silva presented the septic plan for a proposed septic system for a proposed 4-bedroom dwelling, adding that it meets the state Title 5 Regulations; however, the waivers were requested due to the old system not meeting the foot size changes and design requirements that have changed a lot over the years.

The public hearing was needed for the following requested variances to the Chilmark Board of Health Regulations:

- Leaching facility to salt water body separation marsh grass); 200' required – 165' & 190'.
- Leaching facility to well separation (Coastal District); 200' required – 155' proposed.
- Leaching facility to leaching facility separation (Coastal District); 300' required – 46' proposed.
- Leaching facility to property line separation; 30' required – 10' proposed.

Reid Silva started with VLS proposal letter explaining that in the spring of 2022, VLS requested the informal opinion of the Board on whether the use of the existing system, could be used for a septic tie-in and planned four-bedroom dwelling on the property. For more information, see the BOH meeting minutes, dated May 4th, 2022, and correspondence with the Town Legal Counsel from May 12th, 2022.

VLS letter had a mentioning of the similarity of separations with the waiver to the existing 4-bedroom system on the referenced locus property requested by 23 Chockers Lane (Bezanson) back in 1990, with the plan designed by VLS. The Bezanson septic system was approved with

66' separation to locus septic, and the well was approved for 150' separation to the locus septic and the applicant is asking for reciprocal waivers for the locus property.

The letter also implied the idea that the land is a large residential lot, with plenty of uplands, not a low line with vertical separation largely outside any conservation buffer zones, meets Title 5, and denial of a residential use will strip the land of any beneficial use. Reid stated that there is no environmental or health impact being in a coastal district versus being in the general area of the town. The presented septic design incorporates a nitROE-enhanced septic system component that will treat the septic effluent to a nutrient level approximately 3 times lower than that of a conventional septic system.

The Board asked if the wetlands were delineated, and Reid explained that it was originally delineated back in the 1980s, and the areas around the site that were of impact to the septic were re-delineated by Doug Cooper in July 2022. The Board asked to note all delineation lines on the plan and requested to confirm the established lines with the Conservation Commission. The Board requested a little more topography to be added north of the leach field (near the steep slope area and standing water) to be shown on the plan. The Board also asked Reid Silva to provide the upland area calculations in relation to the 15000 sq. feet rule per bedroom, as it was not indicated on the plan.

Public comments:

Deborah Hancock stated that the Board did not recognize the septic system approved and installed in the 1980-s and offered the opinion that around $\frac{3}{4}$ of the town did not provide the certificate of compliance to the Board of Health at that time.

Aleta Bezanson expressed concern about the leaching field being so close to the water that and could potentially contaminate it in the future.

Kate Shands then presented the letter on behalf of all the neighbors living on Chockers Lane. The letter mainly emphasized “the delicacy of the environment of the site,” urging the Board to deny all the variances requested.

Greg Craig then went back to the history of the property, which included these main bullet points:

- In 1982, the previous owner Lawrence Austin applied for a septic permit and was denied; the reason for the denial implied that “the setbacks proposed could not make this unbuildable lot buildable.”
- In 1983, Lawrence Austin filed a motion to reconsider, and the Board rejected the application again.
- In 1984, the septic permit was granted without any notice to abutters or a public hearing. *The current Board members then explained that there was no need for a public hearing as there were no variances requested.*
- In 1982 and 1983, abutters were notified of the public hearings held, and the septic permit was eventually granted in 1984.
- In 1985, the property was sold to Quitsa Nominee Trust.

The bottom line of Mr. Craig’s comment is that the owner had access to the approved septic system and has done nothing with it in a 38-year opportunity. He felt that denying this application will not take anything away from the owner and will not “manifest injustice,” as

mentioned in Reid’s statement; “it will just take away the ability to transform the property into investment.”

Dan Karnovsky shared the photographs (dated on 06/20/20) of the high tide of the salt marsh line on the property overlooking west-northwest, raising a point that the distance measured between from Menemsha pond to the property is a lot less than 190’ at the high tide. Reid responded that the distances were not measured to the pond proper and measured to the salt marsh – the saltwater body. The water from the pond flows into the marsh and over the grass at the high tide. He commented on concern about not seeing the short bathing beach on the plan and the fact that the grass is receding from the beach.

Maggie Craig expressed concern about the Menemsha pond being one of two “healthy ponds” on the island, which should not be taken for granted, as it is important to our health, and the economy of the community.

The public hearing adjourned at 6:20 pm, to be continued on March 16th, 2023, at 5:15 pm.

2. **29 Young’s Way (29-20&22)** – The Board reviewed VLS’s request of the possibility of expanding the existing leaching field as opposed to installing a completely new system. The new septic plan was designed in August 2021 for an existing 4 and 2-bedroom house and a proposed 1-bedroom addition approved by BOH (09/15/2021) without any waivers or variances. The existing 4-bedroom system, with a total capacity of 1500 gallons, which could support 6 bedrooms, does not meet the 300 ft. coastal district regulations for septic-to-septic separation. The Public Hearing needed to review the variance requested is scheduled for March 1st, 2023, at 5:15 pm.
3. **16 Shepherd’s Path (24-1) –16 Shepherd’s Path (24-1)** – Reid Silva explained the proposed renovation plans for two existing outbuildings and one demo for BOH to sign off. Outbuilding 1– renovation of the existing studio into a pool shed with no change to building footprint; outbuilding 2 (what was to be the yoga studio) will be demoed; outbuilding 3 – renovation of the existing shed with plumbing into a pool house with the addition of 1.5 baths. Reid Silva to confirm/include the identification of the buildings discussed on the plan and email the health inspector to sign off on the building application. The building numbers are matched with the numbers in the building plan.
4. **22 Trustees Ln (14-22-1)** – The Board reviewed Sign-off request from the building department on proposed plans for the addition of a sunroom, and a horse barn. The Board approved the sunroom and did not count it as a bedroom. The Board requested clarification on whether the barn will be “dry” and asked the health inspector to let the applicant know that the second well needs an application. The Board does not typically permit second wells; exceptions are generally agricultural.
5. **57 Mememsha Crossroad (26 -108)** – Mr. Wattenberg’s response to BOH’s request to provide more information on plans for improvement to the bunkhouse was discussed by the Board. The Board approved the proposed renovations to the main house but not the bunkhouse

(loft addition) and recognized the bunkhouse “as is”. The renovation of the bunkhouse/loft addition will trigger the need for the septic upgrade.

- **Updates & FYI:**

- **Permit application renewals:**

1. Jay’s Septage Hauler Renewal application -approved
2. JJ Mendez sewage treatment and disposal system installer application –need insurance certificate
3. Farland Corporation sewage treatment and disposal system installer application- approved
4. Menemsha Fish Market Food Establishment Permit Renewal application -approved

- TRI Grant letter renewal signed by the Board.

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

458 North Rd. (26-55) – Building department sign-off request on proposed plans or addition of a two-car garage and 1.5 bath on the first floor and Gym, rec. room on the second floor was reviewed and approved by the Board, and it complies with the 5-bedroom septic system installed: 3 bedrooms in the main house, 1 detached bedroom, and 1 in the garage.

207 Middle Rd. (19-19) – Replacement well plan (VLS) was reviewed and approved by the Board, with the existing well to be abandoned. Conditions on the permit: the new well must be staked, and the existing one must be properly decommissioned according to Title 5 regulations.

34 Brickyard Rd. (9-2.13) – Reid Silva updated the Board that the location of the septic, previously approved by BOH, changed slightly within 10 ft. The change will be identified on the as-built submitted plan.

Katherine L. Carroll, Chair
Chilmark Board of Health

Matthew Poole
Chilmark Board of Health

Janet L. Buhrman
Chilmark Board of Health